

WANGARATTA RURAL CITY COUNCIL



MINUTES OF THE ORDINARY MEETING  
OF THE WANGARATTA RURAL CITY COUNCIL, HELD  
AT THE TARRAWINGEE HALL,  
GREAT ALPINE ROAD, TARRAWINGEE  
ON **TUESDAY, 21 OCTOBER 2014** COMMENCING AT 6.00PM

Brendan McGrath  
**CHIEF EXECUTIVE OFFICER**

As at 28/10/14 2:52 PM



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## 1. **ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

*We acknowledge the traditional owners of the land on which we are meeting. We pay our respects to their Elders and to Elders from other communities who may be here today.*

## 2. **OPENING PRAYER**

*Almighty God, we humbly ask thee to bless and guide this council in its deliberations so that we may truly preserve the welfare of the people whom we serve. Amen*

## 3. **PRESENT**

Administrators:

Ms Ailsa Fox, Chair; Irene Grant.

Officers Present:

Mr Brendan McGrath, Chief Executive Officer; Ms Ruth Kneebone, Director Corporate Services; Mr Alan Clark, Director Infrastructure Services; Mr Barry Green, Director Development Services; Ms Jaime Carroll, Director Community Wellbeing.

## 4. **ABSENT**

Administrator Rod Roscholler having previously been granted leave of absence.

## 5. **ACCEPTANCE OF APOLOGIES & GRANTING OF LEAVE OF ABSENCE**

### **ORDER OF BUSINESS**

## 6. **CITIZENSHIP CEREMONY**

Nil

### **PRESENTATION**

Mrs Ailsa Fox, Chair Administrator presented Mr Peter Nolan and Mr Jack Murray with certificates recognising their outstanding contribution to their local community over a great number of years. Mr Murray served for 42 years and Mr Nolan for 39 years on the Tarrawingee Hall Committee.

## 7. CONFIRMATION OF MINUTES

### RECOMMENDATION:

*(Moved: Administrator A Fox/ Administrator I Grant)*

*That Council read and confirm the Minutes of the Ordinary Meeting of 16 September 2014 as a true and accurate record of the proceedings of the meeting.*

**Carried**

## 8. CONFLICT OF INTEREST DISCLOSURE

In accordance with sections 77A, 77B, 78 and 79 of the *Local Government Act 1989* Councillors are required to disclose a 'conflict of interest' in a decision if they would receive, or could reasonably be perceived as receiving, a direct or indirect financial or non-financial benefit or detriment (other than as a voter, resident or ratepayer) from the decision.

**Disclosure must occur immediately before the matter is considered or discussed.**

## 9. RECEPTION OF PETITIONS

Nil

## 10. HEARING OF DEPUTATIONS

Nil

## 11. PRESENTATION OF REPORTS

### 11.1 ADMINISTRATORS' REPORTS

Nil.

## 11.2 OFFICER'S REPORTS

### 11.2.1.1 SUSPENSION OF STANDING ORDERS

**RECOMMENDATION:**

**(Moved: Administrator A Fox/ Administrator I Grant)**

***That Council resolves to suspend Standing Orders and bring forward Item 11.2.5.3 – Planning Permit PlnApp 14/104 – Three Lot Subdivision and Removal of Native Vegetation at 43 Usshers Drive, Waldara Vic 3678***

***Carried***

### 11.2.5.3 - PLANNING PERMIT APPLICATION PLNAPP14/104 - THREE LOT SUBDIVISION AND REMOVAL OF NATIVE VEGETATION AT 43 USSHERS DRIVE WALDARA VIC 3678

**RECOMMENDATION:**

**(Moved: Administrator A Fox/ Administrator I Grant)**

***That Council defer report 11.2.5.3 to the November 2014 Ordinary Council Meeting pending clarification of the process issues raised.***

***Carried***

<b>Meeting Type:</b>	<b>Ordinary Council Meeting</b>
<b>Date of Meeting:</b>	<b>21 October 2014</b>
<b>Author:</b>	<b>Justin Britt – Principal Statutory Planner</b>
<b>File Name:</b>	<b>43 Usshers Drive, Waldara</b>
<b>File No.:</b>	<b>PlnApp14/104</b>

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

### **Executive Summary**

This report is presented to Council to determine a Planning Application to subdivide land into Three (3) Lots and for the associated Removal of Native Vegetation.

A total of 8 objections have been received to the application to date. The application is reported to Council due to the number of objections and the proposed recommendation for refusal.

The application also seeks to subdivide land which is subject to a recent application by Council for a Ministerial Amendment and for the preparation of a Development Plan Overlay relating to the Waldara Low Density Residential Zone estate.

**RECOMMENDATION:**

***That Council resolves to Issue a Refusal to Grant a Planning Permit with respect to Planning Application PlnApp14/104 for the Subdivision of Land into Three Lots and Removal of Native Vegetation on land at 43 Usshers Drive, WANGARATTA, due to the following reasons:***

- 1. The proposal is inconsistent with the objectives of Section 4 of the Planning and Environment Act 1987, specifically:***
  - a) to provide for the fair, orderly, economic and sustainable use, and development of land***
  - b) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria***
  - c) to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community***
  - d) to facilitate development in accordance with the above objectives and***
  - e) to balance the present and future interests of all Victorians.***
- 2. The proposal is inconsistent with Clause 19.03-2 as it does not allow for a strategic approach to the provision of water, sewerage and drainage infrastructure to the overall Waldara Estate as proposed within Councils Amendment C59 and C61.***
- 3. The proposal is inconsistent with Section 60(H) of the Planning and Environment Act 1987, specifically it is considered that the proposed lot layout does not meet the requirements of the Interim Development Plan Overlay outlined in Councils Amendment C59.***
- 4. The proposal would lead to a poor planning outcome and is inconsistent with the form and layout of the surrounding neighbourhood.***

**Property Details**

Land/Address	Lot 5 LP 137239 Vol 9513 Fol 035 43 Usshers Drive WALDARA VIC 3678
Zones and Overlays	Low Density Residential Zone (LDRZ)
Why is a permit required	<ul style="list-style-type: none"> <li>• Clause 32.03 – Subdivision of Land – Low Density Residential Zone</li> <li>• Clause 52.17 – Removal of Native Vegetation</li> </ul>

**Site & Context**

The subject site is located on the northern side of Usshers Drive, approximately 380 metres north-east of the intersection of Usshers Drive and Wangaratta-Yarrowonga Road.



Usshers Drive generally contains large allotments reflective of the previous Rural Living Zone, however recent subdivision in the area including immediately to the west and south of the site have seen a number of smaller lot subdivisions occur within the street.

Immediately to the north of Usshers Drive is the Wonga Park Drive subdivision, which incorporates reticulated sewerage and lots averaging 4,000sqm.

### **Proposal**

The applicant originally applied to Council for a Four Lot subdivision, however the application was revised to a three lot subdivision with all lots above 4,000sqm, following Councils request for further information.

The Three Lot subdivision forms the advertised plan and the plan for the purpose of assessing this application. The plan of the Three (3) Lot Subdivision is contained below:



Lot 1 is proposed to contain the existing dwelling, swimming pool and some associated outbuildings. The existing vehicular access will be utilised for this Lot.

Lot 2 is to be located on the northern eastern side of the lot and contains some of the existing shedding on the land. A new access is to be constructed to Usshers Drive and the existing 6 metre wide drainage reserve is to be located on the north east boundary of the site.

Lot 3 is to located at the rear portion of the site with a central accessway being 6 metres wide between Lot 1 and 2.

Building envelopes are marked on both Lot 2 and 3 by a hashed area with setbacks varying between 3 and 8 metres from the respective boundaries.

The proposed lot sizes are listed below:

Lot Number	Area (sqm)
1 (Existing Dwelling)	4,312
2	5,200
3	5,571

### **Assessment under the Planning and Environment Act**

The following provisions of the Wangaratta Planning Scheme are relevant to this proposal:

Section	Clause	Provision
State Planning Policy Framework	Clause 15.01-3	Neighbourhood and subdivision design
	19.03-2	Water supply, sewerage and drainage
Local Planning Policy Framework -MSS	21.06	Urban Development and Central Activities Area
Local Planning Policy Framework - Local Planning Policy	22.09	Public Open Space Contributions
Zones	32.03	Low Density Residential Zone – Subdivision of Land.
Overlays	N/A	
Particular Provisions	52.17 56.00	Removal of Native Vegetation; And Residential Subdivision
Other Relevant Provisions	Sec 4 and 60 the Act	

### **Referrals**

The application was referred to the following referral authorities:

Authority	Section	Response
North East Water	External Section 55 Notice	No objection – subject to conditions.
Ausnet Services	External Section 55 Referral	No objection - subject to conditions

### Internal Departmental Advice

Department	Response
Technical Services Department	No objection – Subject to Conditions

### Advertising

The application was advertised to adjoining landowners and an advertisement was placed in the Wangaratta Chronicle. Eight letters of objection were received and a conciliation meeting was held on the 17 September 2014. The issues raised within the letters of objection were discussed and no resolutions reached. No letters of objection have been withdrawn.

The objections can be summarised as follows;

Issue	Concerns Raised	Comments/Response
<b>Neighbourhood Character.</b>	Proposed Lot Size is not consistent with the Existing Character	<p>Recent changes within the LDRZ planning controls allow for consideration of the subdivision of land down to a minimum lot size of 2,000sqm where reticulated subdivision can be provided. In the absence of this, 1 ha is the default minimum.</p> <p>This change in the minimum lot size has recently seen some approval in the surrounding area of smaller lots, specifically based on the provision of Sewerage. Based on a numerical analysis and considering the land immediately to the west of the site which is subject to a recent four lot subdivision, it is considered that the subdivision is not out of context with the immediately surrounding area.</p> <p>However given the issues identified by Council and within the letter of objection, it is considered that the work being undertaken by Council should establish the fundamental principles to support sustained growth of the LDRZ area in the Waldara Estate.</p> <p>On this basis whilst it could be argued that the subdivision is not against the immediate neighbourhood, it is considered that the predominant neighbourhood character of the area is for large allotments with single dwellings sited on them in a semi-rural setting.</p>
<b>Drainage / Flooding Concerns</b>	<p>Surface runoff in storm events.</p> <p>Existing Drainage System does not work, proposal will exacerbate this situation</p>	<p>The application has been referred to Council's Technical Services Department who have provided no objection to the application subject to conditions related to drainage infrastructure.</p> <p>However, it is acknowledged on the evidence provided through the photos accompanying the letters of objection that an issue does exist with some of the existing infrastructure.</p>

Issue	Concerns Raised	Comments/Response
<b>Proposed Waldara Estate - LDRZ Development Plan Overlay</b>	The proposal should be held off until this process is finished.	Point of Objection noted – refer to further discussion within this report.
<b>Traffic Concerns</b>	Existing Road network is narrow and designed for the original level of Dwellings / Lots as planned.  Increased Traffic and Impact on Intersection of Usshers Drive and Wangaratta – Yarrowonga Road. Is there an ability to require an upgrade (Turning Lane etc)	Councils Technical Services Department have not advised of any concerns with regards to issues of Traffic. However the point of objection is noted that the road was designed for the original subdivision of Usshers Drive.  It is not considered that an addition of two lots will adversely impact on the traffic related condition of the surrounding area.
<b>Precedent and future amenity Impacts</b>		Each and every application is decided on their own merits and the applications ability to meet the requirement of the Wangaratta Planning Scheme. Therefore, approval of an application does not in principle set a precedent for the Councils decision-making process.
<b>Storm-water Issues</b>	Recent Inundation Events demonstrate that Lot 3 will be fully inundated.  Hydrological Assessment should be undertaken in response to Drainage Concerns.	There is no flood or inundation related overlays which exist within the planning scheme. However, Council recognises the drainage pressures within the Waldara area.  Councils Technical Services Department have offered no objection to the proposal subject to conditions, which would require any outfall from the property to be at the pre-development rate.  Point of objection noted, however reference should be directed to further discussion over the Waldara Development Plan.
<b>Sewerage.</b>	Septic Overflow – associated odours  Can the reticulated sewerage line service all of Usshers Drive	The application proposes the use of Sewerage, which no objection has been provided by North East Water as relevant Referral Authority.  On that basis it is considered that sewerage facilities can be provided to the site.  Council has identified issues with the provision of infrastructure and as a result has decided to undertake work to prepare a Development plan Overlay to outline a road map for the future of subdivision within this LDRZ zoned area.

Issue	Concerns Raised	Comments/Response
<b>Fire Danger:</b>	Additional Dwellings bring additional fuel loads.	<p>The site is not designated within a Bushfire Management Overlay (BMO), which is the point at which the planning scheme recognises susceptibility to Wildfire.</p> <p>However, It is acknowledged that the site is within an area designated as a Bushfire Prone Area (BPA), which is considered under the Building Regulations.</p> <p>It is not expected that the approval of additional lots in the area or the addition of dwelling will heighten the fire danger of the area. The risk to the surrounding properties will still remain from the adjoining farming land directly to the north of the subject site. Point of objection is not supported.</p>
<b>Amenity of the Area</b>	Amenity will be detrimentally affected by the continued subdivision of Usshers Drive	Refer to discussion over proposed DPO.
<b>Clause 16.01 –</b>	Community Infrastructure, lack of provision no provision of street lighting would change the character	There is no community infrastructure proposed as part of this application and no street lighting is proposed or required to be provided by Council.
<b>Rights of Property Owners</b>	<p>Existing Lots run as small Rural Living Farms and have associated offsite impacts from burning off and keeping of livestock.</p> <p>Residents of new lots could object to these activities.</p>	<p>The land and surrounding area is zoned Low Density Residential and therefore is recognised as Residential land.</p> <p>A permit form Councils Environmental Health Department is required for any burning off on Residential Land, which is what Usshers Drive is recognised as.</p> <p>Council issues the permits for burn off outside of the declared Fire Season then the authority resides with the CFA during the declared fire season.</p> <p>It is therefore considered that with regards to burn offs that there are provisions to control burn offs.</p> <p>Point of objection is not supported.</p>
<b>Infrastructure</b>	<p>No Footpaths in Usshers Drive.</p> <p>Drainage Maintenance Road side Swales have not been maintained.</p> <p>Ad-Hoc Subdivision Existing Infrastructure cannot cope</p>	<p>It is acknowledged that no foot paths exist in Usshers Drive, this application does not propose to provide a path.</p> <p>Pressure on the existing drainage system is acknowledged by Council. In deciding on this application consideration must be given to the impacts of approving further subdivision of the land. Refer to further discussion concerning the Waldara Development Plan Overlay.</p>

Issue	Concerns Raised	Comments/Response
<b>Car Parking</b>	Concerns – Parking on street by existing residents	<p>Concern has been raised over residents of the existing dwelling parking on the street and that if the land is subdivided this will become a further issue. Given the size of the land, it is considered that all lots will have sufficient areas available to accommodate car parking on the land.</p> <p>Planning can-not regulate occupiers to use their car parking facilities, however should they illegally park there are Traffic related laws which control on-street car parking.</p> <p><b>Point of objection not supported.</b></p>
<b>Application Information</b>	Inaccurate references within the application.	This point is noted, however Council has undertaken its own assessment of the application against the provisions of the Wangaratta Planning Scheme in the course of deciding on this application.

### **Planning Assessment**

#### **State Planning Policy Framework (SPPF)**

#### **Clause 15.01-3 Neighbourhood and subdivision design**

#### **Objective**

*To ensure the design of subdivisions achieves attractive, liveable, walkable, cycle able, diverse and sustainable neighbourhoods.*

#### **Strategy**

*In the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by:*

The subdivision of the existing residential land is considered to be appropriate in principle, however concern is held with regards to the overall integration within the Low Density Residential Area.

#### **19.03-2 Water supply, sewerage and drainage**

#### **Objective**

*To plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment.*

It is considered that the infrastructure required to meet the needs of this specific development can be accommodated, however, Councils recent DPO amendment to the Waldara LDRZ Estate seeks to take an overall strategic view of the need for infrastructure to ensure that it is integrated and consistent in approach, rather than as hoc. It is not considered that the proposal meets this objective of the Scheme.

**Local Planning Policy Framework (SPPF)****Clause 22.09 Public Open Space Contributions****Objectives**

- *To implement the Wangaratta Recreation Strategy and Open Space Strategy, 2012.*
- *To obtain appropriate and sustainable contributions towards open space and recreation infrastructure at the time of subdivision.*
- *To identify when and where land contributions, financial contributions or a mixture of land and financial contributions are to be sought.*
- *To provide funding towards improving the existing open space network to ensure it is safe, fit for purpose and accommodates various levels of activity in the community.*

The application does not propose the incorporation of public open space within their development, which is an appropriate response considering the small scaled size of the subdivision. However, in the event that a permit was granted the applicant would have to make a financial contribution to Council in order of 5% of the land value under this provision, unless the provision of public open space has been made previously, which is currently unclear. Given the recommendation of this report it is considered that payment of open space is not relevant at this time.

**Zone - Low Density Residential Zone (Clause 32.03)****Purpose**

*“To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

*To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.”*

**Subdivision****Permit requirement**

A permit is required to subdivide land.

*“Each lot must be at least the area specified for the land in a schedule to this zone. Any area specified must be at least:*

- *0.4 hectare for each lot where reticulated sewerage is not connected. If no area is specified each lot must be at least 0.4 hectare.*
- *0.2 hectare for each lot with connected reticulated sewerage. If no area is specified each lot must be at least 0.2 hectare.”*

The proposal will create lots which exceed the minimum lot size of 2000sqm. On this element the proposal could be seen to comply with the requirements of the Low Density Residential Zone, however recent Council actions concerning the Waldara LDRZ Estate have raised concerns over the ad-hoc development of this area and further subdivision pressure. Council has therefore taken action to implement a plan to provide a road map for the overall integrated development of the area. In deciding on the application, Council must have regard to this plan to

ensure that this application does not prejudice the overall outcome of the proposed Development Plan Overlay.

The applicant proposes to connect the Lots to reticulated sewerage and North East Water have provided no objection to the proposal, subject to conditions.

In addition to meeting the minimum lot sizes of the Zone, Consideration must also be given to the following decision guidelines (as applicable):

- *The protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.*
- *The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.*
- *The relevant standards of Clauses 56.07-1 to 56.07-4.*

Evidence shows that the infrastructure can be provided to the land, through the implementation of appropriate conditions. The proposal technically meets this requirement of the Scheme.

### **Clause 56 – Residential Subdivision**

Below is an assessment of the application against the relevant provisions of Clause 56 for subdivision in land-designated Low Density Residential Land.

#### **56.07-1 Drinking water supply objectives**

*To reduce the use of drinking water. To provide an adequate, cost-effective supply of drinking water.*

#### **Standard C22**

*The supply of drinking water must be:*

- *Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority.*
- *Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority.*

The proposal can meet these requirements. North East Water has provided comment to Council with associated conditions which require the provision of appropriate Infrastructure.

#### **56.07-2 Reused and recycled water objective**

*To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.*

#### **Standard C23**

Reused and recycled water supply systems must be:

- *Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Human Services.*



- Provided to the boundary of all lots in the subdivision where required by the relevant water authority.

### **56.07-3 Waste Water management objective**

*To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.*

Not Applicable – All lots are proposed to be connected to reticulated Sewerage and North East Water has provided consent and conditions to enable this to occur.

### **56.07-4 Urban run-off management objectives**

- To minimise damage to properties and inconvenience to residents from urban run-off.
- To ensure that the street operates adequately during major storm events and provides for public safety.
- To minimise increases in stormwater run-off and protect the environmental

The application was referred to Council's Technical Services Department, who have reviewed the proposed and provided no objection subject to the implementation of conditions, which require on-site detention and the provision of appropriate drainage infrastructure.

A high level of concern was raised within the letters of objection to the impacts of Stormwater in the Waldara Subdivision and many photographs were submitted for Council's consideration showing the impact of Storm events on the existing Infrastructure in the area.

These concerns are noted and further discussion will occur within the area relating to the Waldara Development Plan Overlay.

### **Particular Provisions**

#### **Clause 52.17 – Native Vegetation**

The application includes the removal of one tree which is located close to the boundary of Lot 1 and 3. The applicant submits that all reasonable measures have been taken to avoid the removal of the tree.

However, it is considered that there is reasonable ability to retain the tree by altering the boundary configurations of the lots, this might require the removal of the shedding on Lot 2.

Overall it is not considered that the application meets the intent of Clause 52.17, by firstly seeking to avoid the removal of the vegetation.

### **Other Provisions**

#### **Sec 4 & 60 – Planning Environment Act 1987**

#### **Waldara LDRZ Development Plan Overlay – (Amendment C59 and C61)**

In response to issues surrounding the alteration of the Minimum subdivision Lot Size for land zoned LDRZ, and the associated issues known within the Waldara Area, Council resolved at its June Meeting to undertake the following:

1. *Seek support from the Minister for Planning to apply interim controls in the form of a Development Plan Overlay to allow Council time to prepare a development plan for the area to guide the orderly future development.*
2. *Prepare a Development Plan to apply to the Waldara Low Density Residential Precinct to control the future subdivision pattern and provision of Infrastructure.*
3. *Seek authorisation from the Minister for Planning to prepare and exhibit a planning scheme amendment to implement the Development Plan in the Wangaratta Planning Scheme.*

Following this resolution, Council has applied to the Minister for Planning for a Ministerial Amendment to Implement Interim Controls over the Waldara Estate on the 1/7/2014. Council is still waiting on advice from the Ministers Office as to the outcome of Council's application.

The Interim Controls and the Development of the Amendment for the Development Plan Overlay are designed to prevent subdivision occurring in a manner which is not inconsistent with section 4 of the *Planning and Environment Act 1987*, which specifically states:

- *to provide for the fair, orderly, economic and sustainable use, and development of land;*
- *to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
- *to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;*
- *to facilitate development in accordance with the above objectives; and*
- *to balance the present and future interests of all Victorians.*

Council has identified that the continued ad-hoc pattern of subdivision in the Waldara area may prejudice the outcome of the planned Development Plan Overlay, which presently exists only in 'Draft' format and may be subject to further changes.

The continued subdivision of this area in an ad hoc manner will have impacts on the amenity of existing residents, as the lot sizes decrease, the number of houses increase and all the associated impacts such as drainage, native vegetation removal, increased traffic movement and lack of connectivity take effect. Given the pressure for new development in this precinct, and the identified issues with drainage infrastructure and loss of amenity, approval of the subdivision is considered to be premature.

### **Implications**

### **Policy Considerations**

There are no additional specific Council policies or strategies that relate to this proposal other than the proposed Interim Development Plan Overlay Controls detailed above.

### **Financial Implications**

The proposal does not have any impact on Council's financial resources however should the matter be referred for review to the Victorian Civil and Administrative Tribunal then Council may incur some costs in defending a position on the application.

### **Legal/Statutory**

All procedures associated with the lodgement and assessments of this application have been done in accordance with the *Planning and Environment Act 1997*.

### **Cultural Heritage**

The subject site is not designated as an area of Cultural Heritage Significance, therefore the applicant is not required to undertake the preparation of a Cultural Heritage Management Plan.

### **Social**

The loss of amenity from the continued ad hoc subdivision of land within the Waldara Area, is considered to have longer term social impacts.

Councils 2030 Vision seeks as a step forward to 'provide for future residential growth in both Wangaratta and around rural townships'.

It is considered that the strategic approach to the Development Plan Overlay paths the way for the strategic development of this area, which would create liveable environments.

### **Environmental/Sustainability Impacts**

The proposed removal of native vegetation is considered to have a negative environmental impact.

Councils 2030 Vision includes as a key step forward to 'ensure that land management controls are sufficient to protect natural resources, such as native Vegetation'.

It is considered that further attempts could be made to enable the retention of this tree.

### **Economic Impacts**

There are no economic impacts as a result of this proposal.

### **Referrals/Public Notice**

Refer to previous comments within this report.

### **Council Plan-Key Strategic Activity/Action**

There is little reference specifically to subdivision of Low Density Residential Land within the Council Plan.

### **Strategic Links**

#### **a) Rural City of Wangaratta 2030 Community Vision**

There is little reference to subdivision of land within the Communities Vision.

#### **b) Other strategic links**

N/A

### **Risk Management**

Risks	Likelihood	Consequence	Rating	Mitigation Action
Notice of Refusal to Grant a Permit by Council and Appeal lodged at VCAT	Med - High	Low	Low	Defend Appeal at VCAT – Success dependent on Weight provided to Amendments C59 and C61.

### **Consultation/Communication**

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	Yes	Notice in local paper and to adjoining landowners and further notice to objectors regarding revised application
Consult	Yes	Conciliation meeting to discuss issues
Involve	Yes	Opportunity to make submissions
Collaborate	N/A	N/A
Empower	N/A	N/A

Council has complied with notification requirements under the *Act* for advertising planning applications.

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

### **Options for Consideration**

1. Refuse this application (Recommended). The consequences associated with this would be if the applicant lodges an appeal with VCAT against Council's decision, which is considered likely, Council would have to defend its position at VCAT. Or,
2. Approve the application, through the issue of a Notice of Decision to Grant a Permit, subject to conditions.

### **Conclusion**

The proposed subdivision is considered to have the ability to meet many of the technical requirements of the scheme and specifically the zone provisions and also the subdivision requirements.

However, given that Council has identified serious issues surrounding the subdivision of Low Density Residential Land specifically within the Waldara area, it is considered that the current proposal is caught in time where Council must draw a line in the sand concerning future ad hoc subdivision.

Councils Amendment C59 and C61, seek firstly to introduce Interim Development controls to the Waldara Estate, which will allow Council to undertake the development of a comprehensive Development Plan, which addresses issues such as Infrastructure and known drainage issues in a strategic manner rather than an ad-hoc approach which is currently occurring.

Overall whilst the proposed subdivision can meet many of the technical requirements of the Scheme, it is considered that the continued approval of ad hoc subdivision within an area identified for an overall Development Plan Overlay could prejudice the successful long term outcome of the Development Plan. The subject site although not marked for any roads or drainage assets on the draft plan, this plan is only in draft form and will most likely be subject to change in response to the detailed studies which are being undertaken at the present by Council. Therefore it is considered that the proposal is premature and approval in an ad hoc manner will likely prejudice the final outcome of the Development Plan Overlay.

On this basis it is considered that support cannot be recommended for the proposal in its current form, however following finalisation of the Development Plan Overlay the subject site could be re-considered for subdivision.

### **Attachments**

Attachment 1: Scaled Copy of the Plan of the Proposal.

#### 11.2.1.2 RESUMPTION OF STANDING ORDERS

**RECOMMENDATION:**

**(Moved: Administrator A Fox/ Administrator I Grant)**

***That Council resolve that Standing Orders be resumed.***

***Carried***

## 11.2.2 EXECUTIVE SERVICES

Nil.

## 11.2.3 CORPORATE SERVICES

### 11.2.3.1 2013 – 2014 ANNUAL REPORT

<b>Meeting Type:</b>	<b>Ordinary Council Meeting</b>
<b>Date of Meeting:</b>	<b>21 October 2014</b>
<b>Author (name and title):</b>	<b>Andrew Chuck, Manager Communications &amp; Customer Service</b>
<b>File Name:</b>	<b>Annual Report</b>
<b>File No.:</b>	<b>20.060.001</b>

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

### Executive Summary

This report is presented to Council for adoption of the 2013 – 2014 Annual Report. Section 131 of the *Local Government Act 1989* (the Act) requires councils to consider the Annual Report within one month of submission to the Minister for Local Government. The Annual Report must include a report of operations and audited Financial, Standard and Performance Statements. The Annual Report of operations must contain information on the activities of the Council, as well as any other information deemed to be appropriate.

#### **RECOMMENDATION:**

***(Moved: Administrator I Grant/Administrator A Fox)***

***That the 2013 – 2014 Annual Report, as prepared and forwarded to the Minister for Local Government, be adopted.***

***Carried***

### Background

As required by the Act, the Annual Report contains:

- a report of Council's operations during the financial year
- audited standard statements for the financial year
- audited financial statements for the financial year
- a copy of the performance statement prepared under section 132 of the Act
- a copy of the report on the performance statement prepared under section 133 of the Act and
- any other matter required by the regulations.

The report of operations is:

- prepared in a form and contains information determined by the Council to be appropriate and
- contains any other information required by the regulations.

The standard statements and financial statements in the Annual Report have been:

- prepared in the manner and form prescribed by the regulations
- submitted in their finalised form to the auditor for auditing as soon as possible after the end of the financial year and
- certified in the manner prescribed.

The standard statements in the Annual Report show any variations from the budgeted standard statements as prepared under section 127 of the Act and, if the variation is material, explain the reason for the variation.

### **Implications**

#### **Policy Considerations**

There are no specific Council policies or strategies that relate to this report.

#### **Financial Implications**

The cost of printing the Annual Report has been included in Council's budget.

#### **Legal/Statutory**

The production of the Annual Report is required under the Act.

#### **Social**

There are no social impacts identified for the subject of this report.

#### **Environmental/Sustainability Impacts**

There are no environmental/ sustainability impacts identified for the subject of this report.

#### **Economic Impacts**

There are no economic impacts identified for the subject of this report.

#### **Council Plan-Key Strategic Activity/Action**

The outcomes of actions contained in the 2013-2017 Council Plan are reported in the 2013-2014 annual report.

### **Strategic Links**

#### **a) Rural City of Wangaratta 2030 Community Vision**

N/A

#### **b) Other strategic links**

N/A

### **Risk Management**

There are no risks identified for the subject of this report.

### **Consultation/Communication**

Copies of the annual report will be available for inspection at the Wangaratta Government Centre and Council's website.

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

### **Conclusion**

In accordance with the requirements of the Act, the Wangaratta Rural City Council has prepared an Annual Report (*refer attachment*) for the financial year 2013 - 2014 and has submitted the Report to the Minister for Local Government within 3 months of the end of the financial year.

### **Attachments**

Attachment 1: 2013 – 2014 Annual Report



### 11.2.3.2 DELEGATIONS

<b>Meeting Type:</b>	<b>Ordinary Council Meeting</b>
<b>Date of Meeting:</b>	<b>21 October 2014</b>
<b>Author (name and title):</b>	<b>Rebecca Golia, Executive Assistant Corporate Services</b>
<b>File Name:</b>	<b>Deed of Delegation</b>
<b>File No.:</b>	<b>50.010.083</b>

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

#### **Executive Summary**

This report is presented to Council for review of the schedules of delegations of powers, duties and functions delegated to members of Council staff pursuant to section 98(1) of the *Local Government Act 1989* (the Act).

#### **RECOMMENDATION:**

***(Moved: Administrator A Fox/Administrator I Grant)***

***That in the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and other legislation referred to in the attached instrument of delegation, Council resolves that:***

- 1. There be delegated to the members of Council staff holding, acting in or performing duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument***
- 2. The Instrument comes into force immediately the common seal of Council is affixed to the instrument***
- 3. That the Chief Executive Officer be authorised to affix the Common Seal to the attached instrument of delegation***
- 4. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer are revoked) and***
- 5. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.***

***Carried***

## **Background**

Section 98(1) of the Act provides for the Council, by instrument of delegation, to delegate to members of Council staff any power duty or function under the Act or any other Act with some exceptions.

The exemptions area as follows:

- (a) this power of delegation
- (b) the power to declare a rate or charge
- (c) the power to borrow money
- (d) the power to approve any expenditure not contained in a budget approved by the Council
- (e) any power, duty or function of the Council under section 223 and
- (f) any prescribed power.

The instruments of delegation take two forms:

Council to Chief Executive Officer

Council to members of staff (*refer attachment*)

It should be noted that Section 98(2) of the Act provides that “Chief Executive Officer may by instrument of delegation delegate to members of staff any power duty or function of his or her office”. The delegations by the Chief Executive Officer are not subject to Council review.

Conditions and limitations apply to the exercise of delegations which provide for appropriate control and the delegate can use his or her judgement to decide not to exercise a delegation.

It is prudent to regularly review instruments of delegation as legislation is amended and organisational staffing is modified. This review is undertaken to reflect Council’s recent organisational restructure and relevant legislative amendments.

## **Implications**

### **Policy Considerations**

There are no specific Council policies or strategies that relate to this report.

### **Financial Implications**

There are no financial implications identified for the subject of this report.

### **Legal/Statutory**

It is a statutory requirement to delegate appropriate powers to staff, in order to enable the efficient functioning of Council.

## **Social**

There are no social impacts identified for the subject of this report.

## **Environmental/Sustainability Impacts**

The outcomes are positive for the sustainability of the local community and Council's workplace.

## **Economic Impacts**

There are no economic impacts identified for the subject of this report.

## **Council Plan-Key Strategic Activity/Action**

The Council Plan 2013-2017, 2014 Revision contains a Corporate Services Key Strategic Objective to *'monitor key business processes of Council to ensure compliance.'*

## **Strategic Links**

### **a) Rural City of Wangaratta 2030 Community Vision and other strategic links**

N/A

## **Risk Management**

The review of Council delegations will assist in managing risks.

Risks	Likelihood	Consequence	Rating	Mitigation Action
Delegations not reflective of legislation or Council staff structure	Low	High	Moderate	Ensure continued monitoring and updating using templates provided by legal advisors.

## **Consultation/Communication**

Copies of the instruments of Delegation will be placed on Council's website and be available for inspection of the Wangaratta Government Centre. Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

## **Conclusion**

Having considered this report and the associated schedules of delegations, it is appropriate that the Council resolve to approve the delegations therein.

## **Attachments**

Attachment 1: S6. Instrument of Delegation – Members of Council Staff

### 11.2.3.3 COUNCIL PLAN PROGRESS REPORT – 1 JULY – 30 SEPTEMBER 2014

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 21 October 2014  
**Author (name and title):** Ruth Kneebone, Director Corporate Services  
**File Name:** Council Plan  
**File No.:** 20.030.01

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

#### **Executive Summary**

This report is provided to Council to communicate Council's performance against the Council Plan 2013-2017 for the period 1 July 2014 – 30 September 2014.

#### **RECOMMENDATION:**

*(Moved: Administrator I Grant/Administrator A Fox)*

*That Council receive the Council Plan 2013-2017 Progress Report for the period 1 July – 30 September 2014.*

*Carried*

#### **Background**

Part of Council's Mission is to provide the leadership necessary to maintain open communication and community engagement. Providing regular reports to the community on Council's progress in achieving the objectives and strategies of the Council Plan supports this Mission.

#### **Implications**

##### **Policy Considerations**

There are no specific Council policies or strategies that relate to this report.

##### **Financial Implications**

There is no immediate financial impact related to this report; however, resourcing of some actions will require consideration in Council budgets.

##### **Legal/Statutory**

The *Local Government Act 1989* requires Council to prepare and approve a Council Plan within the period of 6 months after each general election or by the next 30 June, whichever is later.

## **Social**

The Council Plan 2013-2017 provides for the achievement of a number of social objectives.

## **Environmental/Sustainability Impacts**

The Council Plan 2013-2017 provides for the achievement of a number of Environmental/Sustainability objectives.

## **Economic Impacts**

There are no economic impacts identified for the subject of this report.

## **Council Plan-Key Strategic Activity/Action**

The Council Plan 2013-2017 contains an objective to *'Ensure we consult and engage effectively with the community in our decision making'*.

## **Strategic Links**

### **a) Rural City of Wangaratta 2030 Community Vision**

The Council Plan supports the aspirations and objectives of the Rural City of Wangaratta 2030 Community Vision.

### **b) Other strategic links**

The development of a number of strategies has been identified as actions in the Council Plan 2013-2017. For example,

Actions:

- 1.1.1.1 Review the Community Engagement Strategy and Communication Strategy incorporating social media opportunities and
- 2.5.1.1 Develop a Wangaratta Cultural Precinct Master Plan to assess and plan for the long-term cultural and program needs of the city.

## **Risk Management**

Risks	Likelihood	Consequence	Rating	Mitigation Action
Council Plan Objectives not achieved	Low	High	Moderate	Ensure continued monitoring and reporting

## **Consultation/Communication**

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

**Options for Consideration**

Council must now consider the progress report for the period 1 July – 30 September 2014 against the Council Plan 2014-2017.

**Conclusion**

This report assists Council to monitor its performance in achieving the actions prescribed within the Council Plan.

**Attachments**

Attachment 1: Council Plan 2013-2017 Progress Report.

#### 11.2.3.4 FINANCE REPORT

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 21 October 2014  
**Author (name and title):** Donald Mace, Manager – Finance  
**File Name:** Council Budget 2013/ 14  
**File No.:** 51.060.021

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

#### Executive Summary

This report is presented to Council to provide an update of Council's year to date 2014/15 financial performance and full year reforecast financial position compared to Budget for 2014/15.

#### **RECOMMENDATION:**

*(Moved: Administrator A Fox/Administrator I Grant)*

***That Council note the Financial Report for the period 1 July to 30 September 2014.***

***Carried***

#### Background

Council has completed its first quarter financial reporting process in order to manage and monitor its financial position against budget.

#### Implications

##### **Policy Considerations**

There are no specific Council policies or strategies that relate to this report.

##### **Financial Implications**

#### Quarter 1 Year To Date Summary

	<b>Year to date Actuals \$'000</b>	<b>Year to date Budget \$'000</b>	<b>Variance \$'000</b>
Income	13,116	13,887	-771
Expenses	11,965	12,731	766
<b>Surplus (Deficit)</b>	<b>1,151</b>	<b>1,156</b>	<b>-5</b>
Capital Works Expenses	1,297	3,841	2,544

Income Statement**Favourable**

Income:

- Cash contributions for North East Local Government Network Hume Strategy Partnership budgeted for in previous year \$105K
- Emergency & Fire Season Work grant received \$120K and FDC - relief fee \$32K received in advance

Expenses:

- Employee benefits savings of \$120K due to vacancies
- Materials spend on operational projects anticipated to occur later in financial year \$600K

**Unfavourable**

Income:

- Landfill user fees less than anticipated \$155K
- Road to Recovery Grant anticipated earlier \$270K and PAC Vic Arts grant to be invoiced \$55K
- Investment Interest income anticipated to be reduced \$120K
- Proceeds from sale of plant and equipment will occur later than anticipated \$180K

Capital Works Result**Unfavourable**

The underachievement of Capital Works is considered to be an unfavourable circumstance. The Year-To-Date variance of \$2,544K is explained by the following major capital projects.

- Plant and Equipment purchases to occur later than anticipated \$720K
- Landfill Cell 7, draft specification issued, construction will occur later than budgeted \$380K
- Livestock Selling Complex roofing project awaiting tender evaluation \$833K
- Everton Hall precinct awaiting grant application result \$95K
- Resealing program scheduled later than budget \$424K
- Road and street construction to commence \$123K.

For a detailed analysis of the Income Statement and Capital Works Result year-to-date variances refer to the Financial Report September Quarter 2014-15 (**refer attachment**).

Full Year 2014/15 Summary

	Full Year Forecast \$'000	Full Year Budget \$'000	Variance \$'000
Income	55,433	54,912	521
Expenses	52,440	50,781	- 1,659
<b>Surplus (Deficit)</b>	<b>2,993</b>	<b>4,131</b>	<b>- 1,138</b>
Capital Works Expenses	23,959	20,539	3,420



## Income Statement

### **Favourable**

Income:

- Rates revenue greater due to large volume of supplementary rates valuations processed \$200K
- Additional Financial Assistance Grants revenue of \$40K
- Emergency and Fire season work grant received \$120K
- Victorian Adaptation and Sustainability Partnership 'Resilient Facilities' project application successful \$240K

### **Unfavourable**

Expenses:

- Operational projects carried forward from 2013/14 \$800K including:
  - Strategic Planning projects \$347K
  - HACC projects \$73K
  - Plume Positive projects \$46K
  - Aquatic Facility strategy \$45K
  - Community chest raffle \$32K
  - Environmental Enhancement projects \$26K
- Council's expenditure continues to be impacted by ongoing governance costs association with matters raised by former Councillors. This expenditure includes the effect of ongoing workcover issues, insurance claims related to defamation allegations and Freedom of Information requests.
- Depreciation recalculation based on 13/14 revaluation of infrastructure assets \$660K

## Capital Works Result

### **Additional Carry-over to Budget**

Expenditure:

- Additional Carry-over of projects from 213/14 of \$3.4M including:
  - Plant replacement \$500K
  - Kerbing renewal \$335K
  - Ovens River / Faithful St Precinct \$330K
  - Road Construction and Major Patching \$260K
  - Eldorado shared path and toilet block \$188K
  - Wangaratta and townships Streetscapes \$160K
  - Apex Park Carpark \$150K
  - Livestock Selling Complex Roofing \$120K

## **Legal/Statutory**

In accordance with s127 of the *Local Government Act 1989* (the Act), Council must prepare a budget for each financial year. Additionally, s136 of the Act requires Council to apply principles of sound Financial Management. S138 of the Act requires the Chief Executive Officer, at least every three months, to prepare a statement comparing the budgeted revenue and expenditure for the financial year

with the actual revenue and expenditure to date and to present this report to Council.

### **Social**

Some of the social benefits of the projects will occur this financial year with the carry forward of the projects into 2014/15.

### **Environmental/Sustainability Impacts**

There are no environmental/ sustainability impacts identified for this subject of this report.

### **Economic Impacts**

The economic impacts associated with sound financial management are positive for Council's ratepayers, the community and future generations.

### **Council Plan-Key Strategic Activity/Action**

Council's Plan 2013-2017 contains a Key Strategic Activity to '*provide responsible financial practices ensuring Council's annual financial viability*'.

### **Strategic Links**

Rural City of Wangaratta 2030 Community Vision  
Council Plan 2013-2017  
2014/15 Annual Budget

### **Risk Management**

Risks	Likelihood	Consequence	Rating	Mitigation Action
Inaccurate 2014/15 Reforecast	L	M	M	Regular monitoring and reporting of budget position

### **Consultation/Communication**

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

### **Conclusion**

Reforecasts for the 2013/14 financial year confirm that Council's operating surplus is predicted to decrease by a margin of \$1,138K to a surplus of \$2,292K. Part of this decrease is due to ongoing governance costs association with matters concerning former Councillors. Capital Works expenditure is expected to increase by \$3.42M to a total of \$23.96M. The reforecast budget figures are the

outcome of a review of all Budget items and take into account grants and projects carried over from the 2013/14 financial year.

**Attachments**

Attachment 1: Financial Report September Quarter 2014-15

## 11.2.4 COMMUNITY WELLBEING

### 11.2.4.1 NOMINATIONS TO SECTION 86 SPECIAL COMMITTEES OF COUNCIL

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 21 October 2014  
**Author:** Wendy Daly, Community and Recreation Officer  
**File Name:** Special Committees  
**File No:** 10.020.008

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

#### **Executive Summary**

The Special Committees of Council are responsible for the management, promotion and maintenance of the facilities under their control.

Appointments to Special Committees of Council require endorsement at a Council meeting. Annual general meetings were advertised by Council and held in July/August 2014 for all of the respective Special Committees of Management (COMs). As a consequence a number of new nominations have now been received.

This report is to seek Council's endorsement of new nominations received to a number of Section 86 Special Committees:

#### **RECOMMENDATION:**

*(Moved: Administrator I Grant/Administrator A Fox)*

#### ***That Council:***

- 1. appoint Anthony Meyer, Ian Mitchell and Jeremy Heywood as members of the Carboor Soldiers Memorial Hall and Recreation Reserve for a period up to 30 June 2017***
- 2. appoint Thomas Moritz as a member of the Whitfield Recreation Reserve for a period up to 31 July 2016 and***
- 3. note the appointment of Frances Waterman as a member of the Whorouly Public Hall Special Committee, representing the Whorouly Primary School, for a period up to 31 July 2016***

***Carried***

## **Background**

Council has 18 Special COMs established under Section 86 of the *Local Government Act 1989* (the Act) for the purpose of managing and controlling activities at Council owned facilities

This report is presented to Council to consider the appointment of new nominations following the annual general meetings to the following Special Committees:

1. Carboor Soldiers Memorial Hall and Recreation Reserve for a period up to 30 June 2017:
  - Anthony Meyer
  - Ian Mitchell and
  - Jeremy Heywood.
2. Whitfield Recreation Reserve for a period up to 31 July 2016
  - Thomas Moritz.
3. To note the appointment of Frances Waterman (representing Whorouly Primary School) to the Whorouly Public Hall for a period up to 31 July 2016.

## **Implications**

### **Policy Considerations**

#### **Council Plan Outcomes**

These responsibilities are consistent with the Rural City of Wangaratta Council Plan 2013-2017 Objective 2.2.1.3: *'Support initiatives that support the opportunity for community groups, committees and organisations to be self-reliant.'*

#### **Policies**

The *Appointment to Council Committees Policy* directly relates to this matter.

### **Financial Implications**

There are no financial implications identified for the subject of this report.

### **Legal/Statutory**

Council must make formal appointments to Section 86 Special Committees as required under the Act.

### **Social**

Council officers have been working closely with Special Committees to formalise memberships and increase participation of committee members and user group representation where appropriate.

## **Environmental/Sustainability Impacts**

The responsibilities delegated to the Special Committees promote the exchange of information between the Committee and Council. Closer links between Council and Section 86 Committees of Council create greater awareness of the needs of the community and of the facilities managed on Council's behalf. Promotion of the facility by the Committee facilitates increased community use.

Committees of Management are responsible for the day-to-day management of any environmental issues relating to the land upon which their facilities are situated.

## **Economic Impacts**

There are no economic impacts identified for the subject of this report.

## **Council Plan-Key Strategic Activity/Action**

The Council Plan 2013-2017 contains a Key Strategic Activity to *'Support our Community to be resilient.'*

## **Strategic Links**

### **a) Rural City of Wangaratta 2030 Community Vision**

The subject of this report supports the objectives contained in the Rural City of Wangaratta 2030 Community Vision.

### **b) Other strategic links**

N/A

## **Risk Management**

Risks	Likelihood	Consequence	Rating	Mitigation Action
Governance risk associated with the delegation of Council powers to a committee	Possible	Major	High	The appointment of members by a formal resolution of the Council reduces governance risks by ensuring that all members appointed to a committee are covered by Council's public liability insurance

### **Consultation/Communication**

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	Keep informed	<ul style="list-style-type: none"> <li>• Newspaper advertisements</li> <li>• Website announcement</li> <li>• Emails to the COM</li> </ul>
Consult	Listen and acknowledge	Council will consult with the COMs prior to making decisions that relate to the facilities
Involve	Work with the respective COMs to obtain feedback	COMs provide an important source of feedback for Council to manage these facilities
Collaborate	Feedback will be incorporated into decisions as far as possible	Council collaborates with its COM prior to making decisions that relate to the facilities
Empower	Implementation in conjunction with the COM	COM have delegated powers to make decisions in relation to the day-to-day management of the facilities

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

The nominees will be notified of the outcome of the appointment process by letter.

The Section 86 Special Committees will receive a letter advising of Council's decision.

The newly appointed members will receive information regarding the responsibilities related to being a Section 86 Special Committee Member.

### **Conclusion**

In order to ensure appropriate local control of Council assets, it is now appropriate for Council to endorse of the appointments as detailed herein.

### **Attachments**

Nil

## 11.2.5 INFRASTRUCTURE SERVICES

### 11.2.5.1 CONTRACT NO. C1415-001– RESEAL OF VARIOUS ROADS WITHIN THE MUNICIPALITY

<b>Meeting Type:</b>	<b>Ordinary Council Meeting</b>
<b>Date of Meeting:</b>	<b>21 October 2014</b>
<b>Author:</b>	<b>Russell Smith, Engineer – Projects</b>
<b>File Name:</b>	<b>Contract No. C1415-001 – Reseal of Various Roads within the Municipality</b>
<b>File No:</b>	<b>30.076.001</b>

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

#### **Executive Summary**

This report details the tender and evaluation process undertaken and recommended tenderer for undertaking the resealing of various roads within the municipality.

#### **RECOMMENDATION:**

***(Moved: Administrator I Grant/Administrator A Fox)***

***That:***

- 1. Council award Contract C1415-001 for the Resealing of Various Roads within the Municipality to Boral Asphalt, based on their schedule of quantities and rates for the adjusted amount of \$1,616,267 (incl GST) (subject to adjustment) and***
- 2. The Chief Executive Officer be authorised to sign and seal Contract C1415-001 for the Resealing of Various Roads within the Municipality.***  
***Carried***

Tenders for the resealing of various roads within the municipality were invited through advertisements as follows:

<u>Newspaper</u>	<u>Date</u>
Chronicle	22 August 2014

Also electronically:  
Tenderlink 22 August 2014

Tenders closed at 2.00pm on Tuesday 16 September 2014. There was a no pre-tender meeting for this contract.



### **Tender Evaluation Panel**

The tender evaluation panel comprised of Council's Manager – Waste & Contracts, Engineer – Projects and Senior Engineer – Projects.

### **Tenders Received**

Six tenders were received as follows:

<b>Tenderer</b>
Sprayline Pty Ltd
Quality Roads Sealing and Asphalt P/L
Boral Asphalt
Downer EDI Works Pty Ltd
Recivil Pty Ltd
GW &BR Cramer Pty Ltd

Pricing schedules submitted by the tenderers were tabulated to allow direct comparisons of scheduled items.

To ensure a fair comparison of tendered prices, the bitumen application rates were standardised and the tendered prices adjusted to reflect this standardisation.

All six tenders were deemed by the evaluation panel to be conforming in accordance with the Conditions of Tendering.

### **Tender Evaluation**

The tender was evaluated in accordance with evaluation criteria set out in the Conditions of Tendering. The evaluation criteria are based upon a Weighted Attribution Method as follows:

<b>Criteria</b>	<b>Description</b>	<b>Weighting</b>
Tender Price	Total price of the work	50%
Capacity to carry out contract works	Contractors capacity to perform contract works and experience and past performance in previous similar works	40%
Materials	Selection of suitable materials and binder/aggregate rates	5%
OHS systems	Contractor's commitment to OHS	5%
	Total	100%

Panel members assigned a score (maximum 100) to each criterion (as shown below) and then weighted the average score to produce a final Weighted Attribution Method Score.

Score	Evaluation Result	Criteria
100	Exceptional	Demonstrated capacity exceeds all required standards and innovations proposed.
90	Excellent	Demonstrated capacity exceeds all required standards.
70	Good	Complies with all required standards and capacity demonstrated.
50	Satisfactory	Complies with relevant standards without qualifications.
30	Marginal	Complies with relevant standards with qualifications.
0	Unsatisfactory	Fails to satisfy required standards.

### **Evaluation Scores**

The Weighted Attribution Method Score calculation is contained in Appendix 1 (*refer attachment*)

The summary of the scores obtained by this method are as follows:

Tenderer	Score
Sprayline Pty Ltd	68
Quality Roads Sealing and Asphalt P/L	58
<b>Boral Asphalt</b>	<b>69</b>
Downer EDI Works Pty Ltd	61
Recivil Pty Ltd	60
CW & BR Cramer Pty Ltd	61

The higher value reflects the more favourable assessment. From this method of assessment, Boral Asphalt was deemed to be the preferred tenderer.

### **Budget Considerations**

The available budget for the contract is \$1,469,334 (excl GST) \$1,616,267 (incl GST).

This tender is based on schedules of quantities and rates and the scope of works will be adjusted to meet the available budget.

Each item in the program is subject to contractor claims based on field measurement and final application rates.

### **Conclusion**

The tender of Boral Asphalt represents the lowest price of all tenders and scored highest under the Weighted Attribution Method.

The tender of quantities and rates submitted by Boral Asphalt is therefore considered to offer the best value of all bids submitted.

It is recommended that the tender from Boral Asphalt be accepted and the works program be limited to the available budget of \$1,469,334 (excl GST), \$1,616,267 (incl GST).

**Attachments**

Attachment 1: Confidential attachment

### 11.2.5.2 PETITION REGARDING THE CONDITION OF ELLIS LANE, GRETA

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 21 October 2014  
**Author (name and title):** Alan Clark, Director – Infrastructure Services  
**File Name:** Council Plan  
**File No.:** 20.030.001

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

#### **Executive Summary**

This report is presented to Council to address the issues raised in a petition/joint letter received by Council containing 13 signatures from 11 properties on Ellis Lane, Greta. The petitioners request that Council address their concerns regarding lack of resheeting of the southern end of Ellis Lane (between Youngers Lane and Moyhu-Hansonville Road).

#### **RECOMMENDATION:**

*(Moved: Administrator A Fox/Administrator I Grant)*

#### ***That Council:***

- 1. continue to provide regular maintenance to Ellis Lane, Greta***
- 2. review the re-sheeting priorities annually and***
- 3. write to Ellis Lane residents inviting them to express their interest in participating in the dust suppression sealing program.***

***Carried***

#### **Background**

Petitioners report that grading was recently done on Ellis Lane; the grading made a short term difference with the existing road surface but it was not long before the surface was again corrugated and potholes forming.

Council staff report that some potholes on Ellis Lane were filled manually to reduce dust from grading.

#### **Discussion**

Ellis Lane, Greta is not listed on the current resheeting program. The roads listed on the current program are in a worse condition than Ellis Lane and have a higher number of vehicles using them daily.

## **Options**

To solve or reduce the concerns of the Ellis Lane residents, a number of options are available. These are:

1. Seal the road with a bitumen spray seal
2. To fully gravel re-sheet the road with a crushed quality controlled gravel and
3. For residents to apply to participate in the dust suppression sealing program.

### **1. Sealing the road**

Generally it becomes cost effective to seal roads when traffic volumes increase to around 150 vehicles per day. Ellis Lane would be well below this figure, whilst many other unsealed roads have considerably higher counts. The cost to seal this section of the road would be in the vicinity of \$240,000.

### **2. Full Gravel re-sheet**

The budget allocation for the recent financial years has allowed approximately 25km of road to be re-sheeted each year with track rolled gravel. The use of crushed gravel would reduce this distance. Roads are prioritised each year based on a physical assessment, volume of traffic and classification of the road. Some additional re-sheeting has occurred as part of flood recovery works. The 2014/15 financial year budget has a 50% increase in funding for re-sheeting however, this still represents a very small part of the 1,000+km of unsealed roads that Council must maintain. The cost to re-sheet this section of the road would be approximately \$40,000.

### **3. Dust Suppression Seals**

Council has budgeted \$100,000 in the 2014/15 financial year budget for dust suppression seals. This amount comprises \$50,000 of Council contribution and \$50,000 resident contribution. The scheme allows for a length of road, generally about 150m in length to be sealed in front of residences to reduce the impact of dust. The scheme is an at-cost scheme with the costs being shared equally between Council and the participating resident. It is anticipated that there will be greater interest in the scheme than the funding will be able to support in the first year, thus it will be a competitive program which will strive to achieve the best results within the allocated budget.

## **Implications**

Road corrugations and potholes are the main concern of the residents of Ellis Lane.

## **Policy Considerations**

There are no specific Council policies or strategies that relate to this report.

## **Financial Implications**

There are no funds allocated to rural road sealing in the coming budget and limited funds for re-sheeting. There is a prioritised list for road re-sheeting which does not include Ellis Lane, Greta. \$50,000 of Council funds are allocated to dust suppression seals in the coming financial year.

## **Legal/Statutory**

Council obligations under the *Road Management Act 2004* are being met as the road is maintained in accordance with Council's Road Management Plan.

## **Social**

Dust and rough roads do have social impacts, however, these impacts are felt by rural residents throughout the Rural City of Wangaratta and need to be addressed in a holistic manner.

## **Environmental/Sustainability Impacts**

Being in a rural location there are minimal environmental/ sustainability impacts identified for the subject of this report.

## **Economic Impacts**

There are no identified economic impacts.

## **Council Plan-Key Strategic Activity/Action**

Council's Plan 2013-2017 contains an objective to *'Plan for and provide infrastructure appropriate to the community's needs.'*

## **Strategic Links**

### **a) Rural City of Wangaratta 2030 Community Vision**

N/A

### **b) Other strategic links**

N/A

## **Risk Management**

N/A

## **Consultation/Communication**

The re-introduced dust suppression program has not yet been widely communicated. Communication will include indicative costs, contributions and

the selection process, should there be more interest than can be met by the budget allocation.

### **Conclusion**

Whilst it is recognised that Ellis Lane residents are unhappy with the road surface there are higher-use roads that also require re-sheeting and it is these higher-use roads that are being re-sheeted this financial year. Re-sheeting priorities will continue to be assessed each year.

### **Attachments**

Nil

### 11.2.5.3 WARBY RANGE ROAD – SHARED PATH

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 21 October 2014  
**Author (name and title):** Adrian Gasperoni – Manager Technical Services  
**File Name:** Warby Range Road  
**File No.:** 17800\*

#### **Conflict of Interest**

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

#### **Executive Summary**

This report is presented to Council to address the shortfall in funding for the construction of the Warby Range Road Shared Path. Due to forced changes of the path alignment, extra works have been identified which will effectively add an extra \$130,000 to the overall project costs.

#### **RECOMMENDATION:**

*(Moved: Administrator I Grant/Administrator A Fox)*

*That Council resolves to:*

- 1. Commit a further \$130,000 to the Warby Range Shared Path, and*
- 2. Fund this amount from the existing capital expenditure budget.*

*Carried*

#### **Background**

The Warby Range Path project has a long history, commencing back in 2005, when Council received a petition from the community requesting the extension of the existing path along Warby Range Road. The original intention was to site the path in the rail reserve on the eastern side of the road. Approval was received for this alignment but was later revoked. This forced the path to be relocated into the road reserve on the western side of the road. This is a relatively narrow roadside and the new siting presented a number of difficult issues, some of which could be improved by minor land acquisition.

#### **Discussion**

Earlier this year, Council Officers met in person with most of the affected land owners from whom Council proposed to acquire land for the construction of the shared path. Most owners were very receptive and eager for the path to be constructed and agreed with Council's offer, however some did not support the land acquisition and in one case the construction of the path itself.



With some of the adjoining land owners not agreeing with the land acquisition, Council has developed a new alignment within the road reserve. This has meant that the path will be located over an existing open drain which will need to be in-filled and piped to ensure the integrity of the drainage along Warby Range Road is not compromised.

A revised estimate has now been prepared and it is estimated to cost an extra \$130,000 over and above the current project budget of \$240,000.

Regional Development Victoria (RDV) has approved an extension of time for their funding, provided that all work is completed by 30 December 2014.

### **Options**

#### **1. Construct 1.6 km with new alignment**

This will require an additional \$130,000 in funds to cover the extra drainage works required for the re-alignment around the properties and will meet the original Scope of Works as presented to RDV as part of the Funding Agreement; or

#### **2. Construct the path to a length to match available funds, with the path to be extended at a later date with availability of funds**

This will not immediately require further funds; however, consent from RDV will be required to alter the original Scope of Works. Given the latest extension and conditions from RDV, any further change is unlikely to be approved and thus this option is not considered viable.

### **Implications**

Safe pedestrian including school children, bicycle and all abilities access into town (Glenrowan) is the main concern from the local residents.

### **Policy Considerations**

There are no specific Council policies or strategies that relate to this report.

### **Financial Implications**

RDV have indicated that there is no further funding available for this project and thus the additional funds need to be provided by Council if the project is to proceed on the latest alignment.

### **Legal/Statutory**

Council have met their legal obligations in relation to the Land Acquisitions and have no statutory issues that cannot be met.

## **Social**

The proposed shared path will improve the general safety of pedestrians including school children, cyclists and all ability capabilities.

## **Environmental/Sustainability Impacts**

No environmental or sustainability impacts are expected through the construction of the shared path.

## **Economic Impacts**

There are no identified economic impacts.

## **Council Plan-Key Strategic Activity/Action**

Plan for and provide infrastructure appropriate to the community's needs.

## **Strategic Links**

### **a) Rural City of Wangaratta 2030 Community Vision**

A safe and accessible community.

In 2030:

- The Rural City of Wangaratta is an accessible community, where anyone, regardless of their age, race, religion or ability is able to access the things they need to fulfil their potential and live a happy and productive life.
- A network of pedestrian and cycle paths cover the Rural City of Wangaratta, providing easy access between townships and key facilities.

### **b) Other strategic links**

N/A

## **Risk Management**

If this project does not commence shortly there is a risk that RDV will withdraw their funding which will end this project and also damage Council's reputation with this funding body. If Council approves these additional funds, this risk will be reduced as work can commence immediately.

## **Consultation/Communication**

Significant consultation over a period of almost ten years has been undertaken with the Glenrowan community, in particular with the local residents along Warby Range Road and the nearby local Hamilton Park community.

**Conclusion**

This project is considered to be a high priority project with significant commitment from RDV and in particular the local community. All alignment possibilities have been explored and narrowed down to this option which is more expensive than originally budgeted. If the project is to proceed as planned, additional funding needs to be committed.

**Attachments**

Nil

## 11.2.6 DEVELOPMENT SERVICES

### 11.2.6.1 WANGARATTA PLANNING SCHEME AMENDMENT C62 – OVENS RIVERSIDE WALK - REMOVAL OF PUBLIC ACQUISITION OVERLAY

<b>Meeting Type:</b>	<b>Ordinary Council Meeting</b>
<b>Date of Meeting:</b>	<b>21 October 2014</b>
<b>Author (name and title):</b>	<b>Victoria Mallinder, Strategic Planning Coordinator</b>
<b>File Name:</b>	<b>Amendment C62 – Removal of Public Acquisition Overlay from rear of Faithfull Street, Wangaratta</b>
<b>File No.:</b>	<b>73.030.079</b>

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

#### **Executive Summary**

This report seeks Council's approval to prepare a request to the Minister for Planning to prepare, adopt and approve Amendment C62 to the Wangaratta Planning Scheme under section 20A of the *Planning and Environment Act 1987* (the Act).

The purpose of Amendment C62 is to remove the existing Public Acquisition Overlay (PAO) from the rear of eight properties on Faithfull Street, Wangaratta. The PAO was applied to facilitate the construction of the Ovens Riverside precinct. Council made a commitment to property owners to remove the overlay once its purpose is served.

Removal of a PAO meets the definition of a 'prescribed amendment', which means it can be fast-tracked by the Minister for Planning without the usual public exhibition requirements.

#### **RECOMMENDATION:**

***(Moved: Administrator A Fox/Administrator I Grant)***

#### ***That Council:***

- 1. request the Minister for Planning to prepare, adopt and approve Amendment C62 to the Wangaratta Planning Scheme under section 20A of the Planning and Environment Act 1987 (a prescribed amendment) and***
- 2. formally lodge the request with the Minister for Planning once all legal requirements relating to the acquisition of the subject properties are finalised to Council's satisfaction.***

***Carried***

## **Background**

In 2012, Council prepared Amendment C36 to the Wangaratta Planning Scheme. The purpose of the amendment was to enable Council to acquire land to implement the Ovens River/Faithfull Street Master Plan (August 2001). Amendment C36 applied the PAO3 to the rear of the properties listed below. PAO3 defines the Acquisition Authority as Rural City of Wangaratta and the purpose of the acquisition for the 'Ovens River bank and promenade' (**refer Attachment 1**):

<b>Item</b>	<b>Property Address</b>	<b>Property Description</b>
1	34-38 Faithfull Street	CA 7 Sec 40 Parish of Wangaratta
2	40 Faithfull Street	Lot 1 TP 239456
3	42 Faithfull Street	Lot 2 PS 614562
4	48 Faithfull Street	Lots 1 & 2 TP119250
5	56-58 Faithfull Street	CA Pt 3 Sec 40 Parish of Wangaratta
6	60-62 Faithfull Street	CA Pt 2 Sec 40 Parish of Wangaratta
7	64 Faithfull Street	CA Pt1 Sec 40 Parish of Wangaratta
8	66-68 Faithfull Street	CA Pt1 Sec 40 Parish of Wangaratta

The application of the PAO has enabled Council to negotiate with landholders between Faithfull Street, Bickerton Street, Murphy Street and the Ovens River to acquire land to further the redevelopment of the Ovens Riverside precinct. During negotiations, it was decided to only acquire land between 56-68 Faithfull Street. The Riverside Walk was then designed to swing out over Crown land behind the remaining properties from 34-48 Faithfull Street. Hence, the PAO was not activated over these properties.

The PAO has successfully served its purpose. Legal requirements relating to the acquisition of the subject land parcels are being finalised between Council and the relevant landowners. Council has committed to lifting the PAO once these requirements are complete.

The removal of a PAO that is no longer required meets the definition of a 'prescribed amendment' under section 20A of the Act. This means it can be prepared, adopted and approved by the Minister for Planning without the need for a public exhibition process.

## **Implications**

### **Policy Considerations**

The application of the PAO under Amendment C36 assisted Council to implement the Ovens River/Faithfull Street Master Plan (August 2001) and the Wangaratta Retail Audit and Development Plan Review /Ovens River, Riverside Precinct Study (October 2008).

## **Financial Implications**

There is a cost to Council of \$1,060.00 to submit a prescribed amendment to the Minister for Planning for approval.

## **Legal/Statutory**

The PAO identifies land that is proposed to be acquired for a public purpose. It has the effect of reserving land under the *Land Acquisition and Compensation Act 1986*. Land which is already acquired by the public authority should be included in an appropriate zone, not in this overlay.

There are a number of outstanding legal and statutory processes to be completed by Council to finalise the land acquisitions. No request should be made to the Minister for Planning until Council's Business and Governance Unit is satisfied these have been completed.

## **Social**

There are no social impacts identified for the subject of this report.

## **Environmental/Sustainability Impacts**

There are no environmental/ sustainability impacts identified for this subject of this report.

## **Economic Impacts**

The lifting of a restriction such as the PAO may have a positive impact on the value of the affected properties on Faithfull Street.

## **Council Plan-Key Strategic Activity/Action**

N/A

## **Strategic Links**

### **a) Rural City of Wangaratta 2030 Community Vision**

N/A

### **b) Other strategic links**

N/A

## **Risk Management**

Once Council is satisfied that all legal and statutory requirements relating to the land acquisitions are complete before lifting the PAO, there should be no significant risk associated with this amendment.

### **Consultation/Communication**

Communication has focussed on negotiations between Council and directly affected land owners. Amendment C36, that applied the PAO to properties, was subject to a full public exhibition process. Submissions were made by land owners and the matter went before an independent Planning Panel. The Panel recommended on 13 February 2012, that the amendment be adopted as exhibited.

Council has committed, in writing, to affected land owners that the PAO will be lifted at the completion of the land acquisition process.

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

### **Options for Consideration**

Option 1 (Recommended): That Council lodge Amendment C62 for approval with the Minister for Planning to remove the PAO from the rear of affected properties on Faithfull Street, Wangaratta, once Council is satisfied all legal and statutory requirements relating to the land acquisition process are complete.

Option 2 (Not recommended): That Council does not remove the PAO. This is contrary to good planning practice, as it continues to reserve land under the *Land Acquisition and Compensation Act 1986* that has been acquired or is no longer required. It also means Council has reneged on its written commitment to landowners.

### **Conclusion**

Amendment C62 proposes the removal of the Public Acquisition Overlay from properties on Faithfull Street, where its purpose to facilitate the construction of the Ovens Riverside Walk has been served. The 'prescribed amendment' process under section 20A of the Act specifically facilitates the removal of PAOs where the land has been acquired or is no longer required. The lodgement of the amendment should be conditional upon all outstanding legal and statutory requirements relating to the land acquisition being complete to Council's satisfaction.

### **Attachments**

Attachment 1: Current Public Acquisition Overlay – Schedule 3

11.2.6.2 NORTHERN BEACHES RESERVE MANAGEMENT PLAN 2014 – 2019

**Date of and Type of Meeting:** 18/11/2014  
**Author (name and title):** Scott Draper, Environment and Sustainability Coordinator  
**File Name:** Environmental Management Issues/Info  
**File No:** 71.010.003

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

**Executive Summary**

This report is presented to Council for consideration of endorsement of the draft Northern Beaches Reserve Management Plan (The Plan). Council is Committee of Management for the Northern Beaches Reserve adjacent to the Ovens River. Maintenance and restoration of this reserve has been conducted by Council for nearly a decade. A management plan has been prepared to coordinate and guide activities at Northern Beaches Reserve that protect and enhance the natural values of the area for passive recreation use.

**RECOMMENDATION:**

*(Moved: Administrator I Grant/Administrator A Fox)*

*That Council endorse the Northern Beaches Reserve Management Plan.*

*Carried*

**Background**

Northern Beaches Reserve, located approximately 320 metres east from the intersection of College Street and Park Lane, Wangaratta, consists of 5.7 hectares of natural environment with 1,250m of Ovens River frontage. The area is formally designated Conservation Reserve, being reserved for conservation of an area of natural interest. Northern Beaches Reserve is part of the Ovens River riparian corridor, which is an important regional habitat link.

Northern Beaches Reserve has been an important destination for recreation for many years. The area contains two popular swimming beaches on the Ovens River.

Council formally commenced conservation management of Northern Beaches Reserve in 2005, when the conservation values of the area were recognised by the awarding of a River Tender grant by the North East Catchment Management Authority (NECMA).



The conservation values of Northern Beaches Reserve have been recognised in the following studies:

- a) In 2008 an investigation by the Victorian Environment Assessment Council (VEAC) produced the River Red Gum Forest Investigation. This report identified Northern Beaches Reserve as a potential Natural Features Reserve, recognising it as an area of conservation significance relating to ecosystems, species and natural bushland. The State Government did not enact this specific recommendation. Nevertheless, VEAC management recommendations for the area still provide expert guidance for the Management Plan.
- b) An assessment of Northern Beaches Reserve was conducted by NECMA for the award of a River Tender grant in 2005.
- c) The North East Regional River Health Strategy, April 2006, lists catchment conditions for the Ovens River management unit 1, Reach 2, which includes Northern Beaches Reserve. This reach of Ovens River was rated as moderate condition in 1999. The Wangaratta Urban Waterway Action Plan contributes to targets in this Strategy by controlling exotic flora and fauna and improving riparian vegetation.

### **Implications**

#### **Policy Considerations**

The conservation significance of the lower section of the Ovens River has been recognised by inclusion in the Warby Ovens National Park. Northern Beaches Reserve is one of a series of remnant reserves of natural significance which form a link to this National Park along the longer corridor of the Ovens River. In the Victorian River Health Strategy, the entire Ovens River is recognised as an Icon River.

#### **Financial Implications**

The operational actions in the Plan use existing resources. Existing operations to manage the reserve are undertaken by Council's Environment and Community Safety unit including the Bush Regeneration team. Further works and asset related actions will be subject to Council's annual budget process. Application for external funds will be made as opportunities arise. In the past Council successfully obtained NECMA River Tender funds for parts of the reserve. NECMA's operational funding has decreased, but NECMA continues to assist with advice and limited work related to its river health program, as funds permit.

#### **Legal/Statutory**

The Plan will assist Council to comply with several pieces of legislation relating to management of natural areas.

Both Commonwealth and State legislation identifies the conservation status of endangered and vulnerable flora and fauna. Several species of flora and fauna listed in the *Victorian Flora and Fauna Guarantee Act 1998* are present at Northern Beaches Reserve.

The *Catchment and Land Protection Act 1994* (Calp Act) outlines the management responsibilities for weeds and pests in the state of Victoria. Council is required to control regionally prohibited weeds, regionally controlled weeds and established pest animals on Council managed land. The Plan sets out methods for weed and pest control.

Council is required to comply with the Victoria Planning Provisions and other legislative provisions relating to native vegetation, which will apply to any vegetation works at Northern Beaches. Other legislative provisions also apply to some asset works.

Northern Beaches Reserve lies within a zone of cultural heritage significance, and any disturbance must comply with the *Aboriginal Heritage Act 2006*. A number of aboriginal scar trees are believed to be in the reserve and the Plan proposes formal identification of such trees on Victoria's Aboriginal Heritage Register.

### **Social**

The 2030 Community Vision recognised the natural environment as an important part of living in the Rural City of Wangaratta. Natural bushland reserves are key contributors to the aesthetics of this area and Northern Beaches Reserve is an important part of a key environmental corridor along the Ovens River. The Plan sets out actions to increase public access and enjoyment of this key bushland reserve within the urban area.

The conservation significance of the reserve is at odds with the current use of the reserve as a designated off-leash area. Roaming dogs are a threat to native fauna and dog faeces are common in the bush in the reserve, presenting a weed and pollution risk as well as an OHS issue for Council staff.

The Plan recognises the significance to the community as a dog walking area and balances this with conservation values through a recommendation to convert Northern Beaches Reserve from an off-leash area to an on-leash area. This change is to be included in an overall examination of Council's off-leash areas, and identification of a suitable substitute off-leash area.

### **Environmental/Sustainability Impacts**

Northern Beaches Reserve contains a high diversity of indigenous flora and significant remnant vegetation. These areas therefore contain high habitat values for fauna. Weed control and the preservation and enhancement of native vegetation are of high importance. Removal of fallen timber is prohibited, allowing natural regeneration and the preservation of habitat. The Plan will build on the years of work completed in the reserve to date and guide management activities at Reserve to protect and enhance the natural values of the site for passive and active recreation use.

## **Economic Impacts**

Control of weeds at Northern Beaches Reserve will assist adjacent and downstream areas by reducing risk of weed spread from these areas. The reserve is a destination point for visitors to the area and further promotion could lead to economic benefits in the area of nature tourism.

## **Council Plan-Key Strategic Activity/Action**

The Plan will contribute to the following actions from the Council Plan:

- 5.3 'To protect and enhance the natural landscape, treescapes and waterways'.
- 5.3.1.1 'Continue to maintain and develop treescapes in streets, parks, reserves and waterways'.
- 5.4.1.1 'Improve access to and enjoyment of Council's bushland and waterway reserves through information, education and improved infrastructure'.
- 7.2.1.6 'Develop a long term strategy for enhancing the passive recreational use of the waterways, including the Ovens and King Rivers as a major attraction and focus with a minimal impact on the natural environment'.

## **Strategic Links**

### **a) Rural City of Wangaratta 2030 Community Vision**

The Plan will complement the following actions from the Rural City of Wangaratta 2030 Community Vision:

- *'The community experiences, interacts and enjoys time in the natural environment'.*
- *'Habitat havens have been strategically created throughout urban areas to support flora and fauna displaced by development'.*

### **b) Other strategic links**

The Plan relates to relevant actions in the Rural City of Wangaratta's Recreation Strategy (RS) & Open Space Strategy (OSS):

- RS 7.1.2 Develop concurrently a Walking and Cycling Strategy for the Rural City of Wangaratta.
- RS 7.1.3 Encourage greater informal use of recreation reserves and facilities.
- RS 7.5.6 Promote walking and cycling throughout the community to increase levels of physical activity and health for all age groups.
- OSS 6.2.1 Management plans will be prepared for all the natural areas managed by Council and the necessary specialist resources will be provided to ensure the sustainable management of these areas.
- OSS 6.2.2 Open space will be established and maintained as Australian landscapes using indigenous species except in circumstances where a flora theme exists for heritage or cultural reasons.

- OSS 6.3.2 In the development and ongoing management of all open spaces consideration will be given to protecting environmental values.

### **Risk Management**

A key function of the Plan is to identify risks and management issues and set out actions to address these risks (section 3 of the Plan).

Without a management plan, there is a risk of inappropriate management and use of these reserves which could degrade their important natural values. Some actions in the Plan are required to comply with legislation applying to Council as noted above.

### **Consultation/Communication**

The Plan draws on consultation with NECMA and the Department of Environment and Primary Industries (DEPI) about management activities in the reserves. Fire risk and planning has been discussed with Regional CFA. Internal consultation has also occurred with relevant units concerning bush regeneration, asset management and recreation opportunities. Given the level of consultation, and that the plan is an internal management document, it is not proposed to exhibit the Plan further.

There will be opportunities for the public, relevant stakeholders and the community to be involved in the ongoing management of Northern Beaches Reserve, as detailed below.

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	Adopted Management Plan made available to the public	Publication on Council website, with media release, articles in Council newsletters. Copies of the Plan to stakeholders - CFA, NECMA, DEPI, and RCOW staff.
Consult, Involve, Collaborate	Active cooperation and involvement in management of Northern Beaches Reserve.	Specific consultation with NECMA and CFA as relevant about management of the reserve and coordination with the River Health program.
Empower	On ground restoration works by interested members of the community	The Plan enables all groups to contribute to restoration of Northern Beaches Reserve in a coordinated way.

### **Options for Consideration**

It is recommended that the Plan be endorsed by Council. If the Plan were not endorsed, conservation actions by Council staff would continue in isolation from other stakeholders. Valuable management experience would not be documented and could be lost. Opportunities would be reduced to improve public access and apply for external funding.

## **Conclusion**

The draft Northern Beaches Reserve Management Plan is required to encourage understanding, planning and practises to continue improvement of the habitat values and recreation opportunities in a key group of bushland reserves. The Plan has taken considerable time to develop taking into account best available knowledge in bush regeneration and riparian vegetation management and consultation with key stakeholders. It is appropriate that Council endorse the draft Northern Beaches Reserve Management Plan to allow coordination of efforts by Council and other stakeholders in this Council managed reserve.

## **Attachments**

Attachment 1: Draft Northern Beaches Management Plan

### **Question:**

Elaine Jacobson requested clarification of the name of Northern Beaches as the sign states 'North Beaches'.

### **Answer:**

Mrs Ruth Kneebone, Director Corporate Services, responded that Council had received advice that it was correct, but would investigate further.

### **11.3 SPECIAL COMMITTEE REPORTS**

Nil

### **11.4 ADVISORY COMMITTEE REPORTS**

#### **11.4.1.1 YOUTH ADVISORY COMMITTEE MEETING REPORT**

**Date of Meeting:** 21/10/2014  
**Author (name and title):** Lauren Glass, Youth Development Officer  
**Report Title:** Youth Council meeting  
**File Name:** Youth Advisory Committee  
**File No:** 63.010.002

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

#### **Executive Summary**

The Youth Advisory Committee held a meeting on 16 September 2014.

Attendees: Youth Councillors Ella Thomas, Michael Groves, Chloe Hancock, Chloe Stokell, Corinne Antonoff, Brianna Archer, Marcel Tonini and Youth Development Officer Lauren Glass

The following items from the meeting are reported to Administrators for information:

Children's Week and Seniors Festival: Youth Council will support Children's Week and the Seniors Festival by facilitating activities on Wednesday 22 October 2014 at Apex Traffic School in the morning and St John's Village in the afternoon.

Relay for Life meeting: Three Youth Councillors attended the Wangaratta Relay for Life committee meeting on Monday 25 August 2014. Youth Council have committed to volunteer at Relay for Life, 4-5 October 2014 by supporting the committee over the weekend.

Bluelight Disco: Seven Youth Councillors volunteered at the Wangaratta Bluelight Disco on Friday 12 September 2014 to support Victoria Police and Party Oz Productions. The event for 10-13 year olds was attended by 130 young people at Wareena Hall.

Environment Sustainability Strategy: Council's Environment team recently presented the draft Environmental Sustainability Strategy to Youth Council. Discussion regarding climate change and community involvement followed with a focus on increasing community awareness of the need for sustainability.

Aquatic Strategy 2014: Was presented by Council's Acting Manager Community and Recreation to Youth Council and discussion followed.

Creative Youth events were held during August and September. The four events attracted over 380 attendees. Events included a heat of the regional Battle of the Bands, Comedy Workshop for young people, Comedy night and a series of the Loddon Mallee Regional Skate Competition.

**RECOMMENDATION:**

*(Moved: Administrator A Fox/Administrator I Grant)*

*That Council note the report.*

***Carried***

## 12. RECORDS OF ASSEMBLIES OF ADMINISTRATORS

An “Assembly of Administrators” is a meeting at which matters are considered that are intended or likely to be the subject of a Council decision and is either of the following:

- a meeting of an advisory committee where at least one Administrator is present; or
- a planned or scheduled meeting that includes at least half the Administrators and at least one Council officer.

At an assembly of Administrators, a written record is kept of:

- a) the names of all Administrators and members of the Council staff attending;
- b) the matters considered;
- c) any conflict of interest disclosures made by an Administrator attending; and
- d) whether an Administrator who has disclosed a conflict of interest leaves the assembly.

The written record of an assembly of Administrators is, as soon as practicable:

- a) reported at an ordinary meeting of the Council; and
- b) incorporated in the Minutes of that Council meeting.

<b>Date</b>	<b>Meeting details</b>	<b>Refer</b>
16-09-2014	Deputation to Administrators regarding Amendment C56 to the Wangaratta Planning Scheme	Attachment
16-09-2014	Prior to Ordinary Council Meeting	Attachment
23-09-2014	Administrators Briefing Forum	Attachment
07-10-2014	Administrators Briefing Forum	Attachment
14-10-2014	Administrators Briefing Forum	Attachment
30-09-2014	Ministerial Announcement: The Hon Tim Bull (Bullawah Indigenous Cultural Trail and Elders Rock Project	Attachment

### **RECOMMENDATION:**

***(Moved: Administrator A Fox/Administrator I Grant)***

***That Council receive the reports of Assemblies of Administrators.***

***Carried***

### **Attachments**

Attachment 1: Records of Assemblies of Administrators.



### 13. NOTICE OF MOTION

### 14. URGENT BUSINESS

#### 14.1.1.1 SALE OF LAND – 9-11 ESMOND STREET, WANGARATTA

<b>Meeting Type:</b>	<b>Ordinary Council Meeting</b>
<b>Date of Meeting:</b>	<b>21 October 2014</b>
<b>Author (name and title):</b>	<b>Wayne Stafford, Governance Officer</b>
<b>File Name:</b>	<b>9-11 Esmond Street, Wangaratta</b>
<b>File No.:</b>	<b>112370.0400</b>

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

#### Executive Summary

This report is presented to Council in order to formalise the sale of Lots 28 and 29 Plan of Subdivision No 22315 Parish of Wangaratta South situated at 9 - 11 Esmond Street, Wangaratta.

#### **RECOMMENDATION:**

*(Moved: Administrator A Fox/Administrator I Grant)*

***That Council resolves to Sign and Seal the Transfer of Land document for the sale of Lots 28 and 29 Plan of Subdivision No 22315 Parish of Wangaratta South situated at 9 - 11 Esmond Street, Wangaratta.***

***Carried***

#### Background

Council's Public Playground Facilities Consolidation Strategy identified lots 28 and 29 LP 22315, situated at 9-11 Esmond Street as being surplus to the needs of the community in terms of open space, particularly as there is another reserve within 300 metres at 40 Esmond Street.

Council, at its 14 December 2004 Ordinary Meeting, resolved to give notice of its intention to sell the Esmond Street land together with other previously identified former playground sites.

## **Implications**

Section 189 of the *Local Government Act 1989* provides that before a Council sells land, it must:

- give public notice at least four (4) weeks prior to selling the land; and
- obtain from a registered Valuer, a valuation of the land which is not made more than six (6) months prior to the sale.
- The public has the right to make a submission on the proposed sale in accordance with Section 223 of the *Local Government Act 1989*.

A search of Council's records did not provide any evidence that the above proposal had been advertised.

Following consideration of a further report Council, at its 21 January 2014 meeting, resolved to proceed with its previous determination to set in train arrangements to sell Lots 28 and 29 situated at 9–11 Esmond Street, Wangaratta.

## **Issues**

Public notice of the proposed sale was given in the Wangaratta Chronicle on the 31 January 2014 and in the Victorian Government Gazette on 30 January 2014.

Submissions in relation to the proposed sale of these parcels of land closed on 4 March 2014 and following closure, no submissions were received.

## **Policy Considerations**

Arrangements for the disposal of this land have been undertaken in accordance with Council's Sale of Council Land Policy.

## **Financial Implications**

Proceeds from the sale of these two properties will be set aside in a reserve for the provision of recreation and sporting facilities and programs

## **Legal/Statutory**

As part of the formalisation of the sale of land a Transfer of Land document is required, requiring the signing and affixing of Council's seal. Such attestation was not formalised in any of the prior Council resolutions and it is now in order for Council to approve this process.

## **Social**

There are no social impacts identified for the subject of this report.

**Environmental/Sustainability Impacts**

There are no environmental/ sustainability impacts identified for this subject of this report.

**Economic Impacts**

There are no economic impacts identified for the subject of this report.

**Consultation**

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

**Conclusion**

Lots 28 and 29 have been sold at valuation and in accordance with Council's policies and statutory requirements. It is now in order to proceed towards settlement.

## 15. PUBLIC QUESTION TIME

Public Question Time

10.020.004

### Kieran Klemm – Londrigan

Mr Klemm referred to a letter received from Council regarding Chilean Needle grass and several Chronicle articles regarding fire risks of roadsides. Mr Klemm asked what Council intends to do to reduce the fire hazards as roadside grazing may conflict with weed management.

Mr Brendan McGrath, Chief Executive Officer responded that Council is conscious of the tension between the need to conserve certain roadsides verses the need to carry out sensible fire prevention. Council supports that through a range of measures. We are happy for roadsides to be mowed and sprayed and happy for burns to take place, particularly in conjunction with local CFA Authority areas and we are also quite happy for people to graze.

There are often traffic management issues using roads managed by VicRoads and people need to obtain consent for that. Council supports grazing providing it can be done safely, conservation checks have been applied and the appropriate approvals have been obtained.

### Elaine Jacobson – Wangaratta

Ms Jacobson repeated a question she had previously asked at the June 2014 Council Meeting querying the progress of the Merriwa Park Masterplan and when it might be presented to Council.

Mr Brendan McGrath, Chief Executive Officer, advised that it is intended for the plan to be presented to the November 2014 Council Meeting.

### Lex Anderson – Moyhu

Mr Anderson referred to Item 11.2.4.3 Warby Range Road – Shared Path, and asked if Council would be responsible for the management of this shared path as he had some concerns about the condition of other paths in the municipality.

Mr Alan Clark, Director Infrastructure responded that he was unsure of the exact location Mr Anderson was referring to but stated that he would inspect the area himself. Mr Clark stated that Council spends considerable time and effort on the bike paths and Council would be maintaining the new shared path with equal diligence.

### Ken Clarke – Wangaratta

Mr Clarke referred to the Special Council Meeting of Friday 8 February 2013 regarding the Co-store Multi-Deck Carpark and asked what provision has Council made to cover the costs of \$332,000 capital costs of the project. He also asked if Council is receiving any income for the multi-deck car park and has there been any significant loss of revenue in overall parking.

Mr Clarke's second question referred to the introduction of a maximum charge of \$5.00 per day to park in the Multi-Deck Carpark and asked what Council intends to do about street parking as we have been told the rates were increased in line with the Multi-Deck Carpark.

Mrs Ailsa Fox, Administrator Chair, replied that she would take the question on notice and Mr Clarke would be advised of the outcome.

#### Gary Nevin – Bobinawarrah

Mr Nevin referred to Item 11.2.2.4 - Finance Report, unfavourable expenses relating to Freedom of Information requests and asked how much this Council has budgeted for this expense.

Mr Brendan McGrath, Chief Executive Officer, responded that Council does not make a specific budget allocation for this expense. The costs associated with Freedom of Information requests include staff time researching the requests, copies made, statutory charges and legal costs.

#### Jenny Hart – Representing Save Yarrunga Pool

Ms Hart presented Council with three questions listed below:

##### Question 1

Have the Wangaratta Indoor Sports and Aquatic Centre (WISAC) attendance figures for 2013-14 (111,660) quoted in the Council Aquatic Plan 2014 been adjusted for equal measure against the Yarrunga and Olympic Pool Figures. That is:

- Adjusted for only counting attendance between
  - 3:30 pm – 6:30 pm weekdays;
  - 1:00 pm – 6:30 pm weekends and School Holidays
- Adjusted for only counting recreational swim visits, i.e. excluding all aquatic education and swim club attendances. (Note: School attendances at Yarrunga Pool are 'free swim' initiatives by the schools attending and do not involve aquatic education provided by WISAC, therefore these visits cannot be subtracted from Yarrunga visitation counts)?

Ms Jaime Carroll, Director Community Wellbeing, responded that the figures used were literal figures of all people through the gate at each facility and school students were included in those figures.

##### Question 2

Has the Council sought 2-3 independent assessments of the structural and infrastructure requirements to upgrade and/or replace the Yarrunga Pool, its facilities and grounds (within its current location)?

Mr Brendan McGrath, Chief Executive Officer, responded that Council had no need to carry out additional inspections as the assessment was quite an extensive and expensive exercise carried out by independent, appropriately qualified specialists in the field. To have this report done more than once would be a waste of Council resources.

### Question 3

Based on requirements ascertained under Question 2, can the Council provide the actual cost estimates obtained for full refurbishment and upgrade and/or replacement of the Yarrunga Pool, its facilities and surrounding grounds?

Mr Brendan McGrath, Chief Executive Officer, replied that replacement costs of comparative pools could be researched and provided. He added that the advice received from the Independent Report was that repairing the Yarrunga pool was not a viable option so no replacement or repair costs were sought.

Ms Hart explained that her concerns were for the lack of an outdoor facility in Wangaratta for younger children to safely explore water play and safety.

Mrs Ailsa Fox, Administrator Chair, responded that this issue had been raised and would be considered, along with all consultation, as part of the planning process.

### Elaine Meyer-Crosher – Wangaratta

Mrs Meyer-Crosher stated that one of the conditions of sale of the land in Brash Avenue and a covenant with the Housing Commission was that nothing was to be built on the land. Mrs Meyer-Crosher asked how Council could legally sell the land.

Mr Brendan McGrath, Chief Executive Officer, replied that he had heard that mentioned before at several conversations –the land was Public Open Space and there is a legal process involved in Council selling Public Open Space which Council must follow.

### Anne Dunstan – Tarrawingee

Ms Dunstan expressed her concern regarding the financial hardship which would be placed on Our Lady's Primary School in transporting students to WISAC for swimming lessons.

Mr Brendan McGrath, Chief Executive Officer, replied that they had met with the principal of Our Lady's today and discussed the concerns of that particular community. Council has the capacity to design policy to respond to the concerns of all members of the municipality.

### Malcolm Albridge – Wangaratta

Mr Albridge asked if there were any Olympic Standard pools in Wangaratta at the moment.

Ms Jaime Carroll, Director Community Wellbeing, responded that currently there is no pool in Wangaratta which meets those requirements.

Lex Anderson – Moyhu

Mr Anderson enquired as to why the previous Council was sacked.

Mrs Ailsa Fox, Administrator Chair, and Mr Brendan McGrath, Chief Executive Officer, explained that it was a bipartisan Act of Parliament and Mr Anderson would need to ask his state representative for more information.

Kieran Klemm – Londrigan

Mr Klemm enquired how much water was lost via evaporation as opposed to the leakage at the Yarrunga Pool.

Mr Alan Clark, Director Infrastructure, replied that the evaporation rate had been taken into account by the independent assessors.

Ken Clarke – Wangaratta

Mr Clarke enquired about the progress of the Minor Community Grants.

Ms Jaime Carroll, Director Community Wellbeing, replied that the Minor Community Grants are intended to be presented to the November 2014 Council Meeting.

Brian Fox – Wangaratta

Mr Fox asked about the economic value comparison of putting the new pool at the Barr Reserve (WISAC) or the Swan Street site.

Mrs Ailsa Fox, Administrator Chair, responded that there were quite a few facilities at the Barr Reserve that would need to be duplicated at Swan Street.

Mr Brendan McGrath, Chief Executive Officer, added that one of the primary considerations for having the pool at the Barr Reserve was to serve a regional purpose for competition swimming, water polo and those sorts of activities. These activities require additional facilities such as warm-up pools and supplementary change room areas and other facilities which already exist at the Barr Reserve and would need to be built as duplications at Swan Street. To combine these facilities and maximise the benefits on a regional basis makes the Barr Reserve a more attractive option.

Anne Dunstan – Tarrawingee

Ms Dunstan inquired if the Olympic Pool in Swan Street is on Crown Land and what was intended for that land.

Mr Brendan McGrath, Chief Executive Officer, responded that Council would work with the Department of Environment and Primary Industry (DEPI) and the Community to achieve the best outcome for all.

Malcolm Albridge – Wangaratta

Mr Albridge inquired if the Barr Reserve was on Crown Land.

Mr Brendan McGrath, Chief Executive Officer, replied that it was.

**16. CONFIDENTIAL BUSINESS**

Nil

**17. CLOSURE OF MEETING**

The meeting closed at 7.18pm.