

# WANGARATTA RURAL CITY COUNCIL



BUSINESS PAPER FOR THE ORDINARY MEETING  
OF THE WANGARATTA RURAL CITY COUNCIL, TO BE HELD  
IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES,  
62-68 OVENS STREET, WANGARATTA  
ON **TUESDAY, 17 FEBRUARY 2015** COMMENCING AT 6.00PM

Brendan McGrath  
**CHIEF EXECUTIVE OFFICER**

As at 18/02/15 4:33 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**

4. **ABSENT**

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

**ORDER OF BUSINESS**

6. **CITIZENSHIP CEREMONY**

Nil.

7. **CONFIRMATION OF MINUTES**

**RECOMMENDATION:**

***That Council read and confirm the Minutes of the Ordinary Meeting of 9 December 2014 and Special Council meeting on 22 December 2014 as a true and accurate record of the proceedings of the meeting.***

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

### 9.1.1.1 PETITION – PLANNING PERMIT 14/134 ON LAND AT 13-15 GARFISH COURT, WANGARATTA

File No 14/134

#### Background

Council received on the 6 January 2015 a petition regarding a recently issued Planning Permit ref: 14/134 on land at 13-15 Garfish Court, Wangaratta.

Nineteen signatures are listed on the petition which is described as being in support of two letters of objection to this recently issued planning permit.

Planning application 14/134 was for the development of the land for four dwellings and an associated four lot subdivision. This application was advertised and received three letters of objection.

The application was decided under delegation and a Notice of Decision to Grant a Permit was issued on the 2 December 2014 with 21 days provided to any objectors to appeal Councils Decision to the Victorian Civil and Administrative Tribunal (VCAT).

The time for appeal by any objectors has expired, and on the basis of checking VCAT records which indicated that no appeal was lodged, the Permit was issued on 6 January, 2014.

#### Issues

In accordance with Local Law No.2 of 2009 – Meeting Procedures a petition presented to the Council must lay on the table until the next ordinary meeting of the Council and no motion, other than to receive the petition, may be accepted by the Chairperson, unless Council agrees to deal with it earlier.

#### **RECOMMENDATION:**

- 1. That the petition regarding Planning Application 14-134 relating to the development of four dwellings and subdivision of the land into four lots on land known as 13-15 Garfish Court, Wangaratta be received.***

#### Communication

The first named signatory on the petition will be advised that the Petition is acknowledged and also that the time-frame for appeals to VCAT has expired and therefore the Permit has been issued.

**10. HEARING OF DEPUTATIONS**

**11. PRESENTATION OF REPORTS**

**11.1 ADMINISTRATORS' REPORTS**

Nil.

## 11.2 OFFICER'S REPORTS

### 11.2.1 EXECUTIVE SERVICES

#### 11.2.1.1 COUNCIL PLAN PROGRESS REPORT – 30 SEPTEMBER – 31 DECEMBER 2014

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 17 February 2015  
**Author (name and title):** Executive Assistant Corporate Services  
**File Name:** Council Plan  
**File No.:** 20.030.01

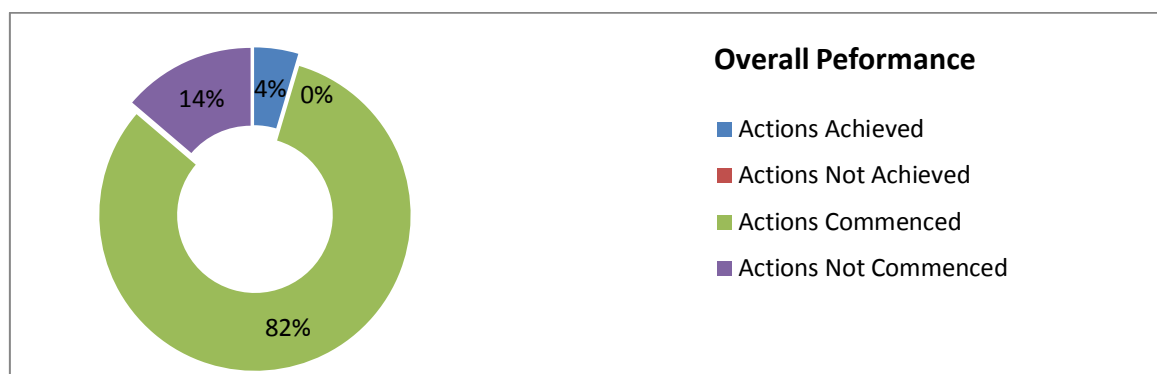
No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

#### **Executive Summary**

This report is provided to Council to communicate Council's performance against the Council Plan for the period 30 September – 31 December 2014.

The following table provides a summary of achievement against the Council Plan actions:

Target Date	Number of actions	Achieved	Commenced	Not Achieved	Not Commenced
2014	6	2	5	0	0
2015	73	3	65	0	5
2016	19	0	13	0	6
2017	6	0	4	0	2
Annual	4	0	2	0	2
Total	109	5	89	0	15



#### **RECOMMENDATION:**

***That Council receive the Council Plan 2013-2017 Progress Report for the period 30 September – 31 December 2014.***

## **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 have been identified as actions in the Council Plan 2013-2017. For example,

Actions:

- 2.1.1.3 Facilitate the undertaking of a Wangaratta CBD Master Plan that will comprehensively plan for the future use, growth and development of the CBD
- 3.7.1.1 Prepare an Environmental Sustainability Strategy for Council consideration and commence approved actions

**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 30 September – 31 December 2014 against the 2013-2017 Council Plan.

**Conclusion**

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

**Attachments**

- 1. Council Plan Progress Report.

## 11.2.2 CORPORATE SERVICES

### 11.2.2.1 DELEGATIONS

<b>Meeting Type:</b>	<b>Ordinary Council Meeting</b>
<b>Date of Meeting:</b>	<b>17 February 2015</b>
<b>Author (name and title):</b>	<b>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 the Chief Executive Officer and members of Council staff pursuant to section 98(6) of the *Local Government Act 1989*.

#### **RECOMMENDATION:**

***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. Council affix the common seal to the instrument of delegation and the Instrument comes into force immediately the common seal of Council is affixed to the instrument.***
- 3. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer are revoked).***
- 4. 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.***

## **Background**

The *Local Government Act 1989* (the Act) provides in Section 98(1) 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 are:

- (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 by Council 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 “The 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.

Section 98(6) of the Act provides that “A Council must review within the period of 12 months after a general election all delegations which are in force and have been made by the Council under subsection (1)”.

It is prudent to regularly review instruments of delegation from time-to-time as legislation is amended. This review is undertaken to reflect 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 important to ensure that legislation can be enacted by appropriately delegated Council officer.



This review incorporates the following amendments to each instrument:

### **Changes to the S6 Instrument of Delegation from Council to Staff**

In relation to the S6 Instrument of Delegation, we note the following in particular:

2. the new duty to keep a copy of levy certificates, contained in section 96Z of the Planning and Environment Act 1987 has been inserted. This provision will come into force on 1 July 2015, or upon proclamation of the amending legislation;
3. the Planning and Environment(Fees) Further Interim Regulations 2013 have been replaced by the Planning and Environment (Fees) Further Interim Regulations 2014. The powers and duties contained in the new regulations, which expire on 16 October 2015, remain the same; and
4. for clarity, the power to refuse to renew a registration, under regulation 13(2) of the Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010 has been added. While the S6 Instrument previously included regulation 13(2) of the Regulations, the narrative for this provision only referred to the duty to renew a registration if satisfied of certain things. Implicit in this provision is the power to refuse to renew a registration if not satisfied of certain things and so we have also added this description to the S6 Instrument.

### **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 includes Governance Objective:

'1.1 to provide accessible, open and consultative government'.

### **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 of the subject of this report.

### **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 formalise the delegations.

### **Attachments**

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

#### 11.2.2.2 FINANCE REPORT

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 17 February 2015  
**Author (name and title):** Donald Mace, Manager – Finance  
**File Name:** Council Budget 2014/ 15  
**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 provide an update of Council's year-to-date 2014/15 financial performance compared to Revised Budget.

#### **RECOMMENDATION:**

***That Council note the report.***

#### **Background**

Council has completed its second quarter financial reporting process in order to manage and monitor its financial position against revised budget. The revised budget was adopted at the Special Council Meeting on 22 December 2014.

#### **Implications**

#### **Policy Considerations**

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

#### **Financial Implications**

#### **Year to Date December 2014 Summary**

	Year to date Revised Budget \$'000	Year to date Actuals \$'000	Variance (unfav) \$'000
Income	27,558	26,465	(1,093)
Expenses	25,064	23,944	1,120
Surplus (Deficit)	2,494	2,521	27
Capital Works Expenses	4,375	3,983	392

### Income Statement

Council has received \$1.09M less income than budgeted at 31 December 2014, however this is offset by reduced expenses of \$1.12M, leaving a small favourable variance for operating surplus of \$26K.

Council has experienced reduced year-to-date grant income, interest earnings and proceeds on sale of assets. It is anticipated that this income will be generated in coming months.

Reduced year-to-date expenditure has occurred in materials and contracts and employee benefits. A detailed explanation of Income Statement variances follows:

#### ***Favourable Income Statement variances***

Income:

- Saleyard user fees up \$17k due to higher than expected holding paddock fees
- Wangaratta Childcare user fees up \$16k due to high patronage
- Child care benefit recurrent grant received earlier than budgeted \$89k
- Project funding received in advance for Youth inclusion \$24k and Greta Netball and Umpire Change rooms \$45K

Expenses:

- Employee benefits savings of \$50K due to vacancies
- \$140K software licence payment held off until January to enable review of requirements
- Licence fee for Co-Store Car park invoiced later than anticipated \$54K
- Timing difference for Insurance \$32K, Meal Delivery \$34K and Packaged Care bills \$130K
- Waiting on results and approval of phytocap trial before work can commence on landfill rehabilitation \$50K
- Environmental Protection Authority (EPA) levee Bowser Landfill for December quarter to be paid in January \$130K
- Field Services works occurring later in financial year \$123K
- Phasing of the dispersal of community grants - to be caught up in January and Feb \$19K
- Materials spend on operational projects anticipated to occur later in financial year \$300K

#### ***Unfavourable Income Statement variances***

Income:

- Building fees & permits down \$33K due to focus on building compliance matters
- Cemetery fees reduced by \$13K
- Private road works income reduced by \$26K
- Landfill fees \$39K down against revised budget but in line with prior year's performance
- Outstanding Packaged Care recurrent grant \$414K

- Grant contingent upon (Department of Environment, Land, Water and Planning) DELWP for resolution on Levee Bank Responsibility \$100K
- Heritage Advisor funding from DELWP not yet received \$19K
- Timing of other capital project grants not received \$125K
- Interest income timing difference \$107K
- Proceeds from sale of plant and equipment will occur later than anticipated \$167K

#### Expenses:

- December fires expenditure of \$30K unbudgeted
- North West & South Wangaratta Precinct Structure Plans \$46K part payment made earlier than expected
- Energy efficient street light changeover finished earlier than expected \$134K

#### Capital Works Achievement Result

Reduced spending on Capital Works is considered to be an unfavourable circumstance. The year-to-date variance of \$392K is predominately due to the delay in EPA approvals for Landfill Cell 7 and local road reseals offset by earlier than anticipated plant and equipment purchases. It is anticipated that these variances will diminish as the year progresses.

A detailed explanation of Capital Works variances follows:

#### ***Delayed capital works projects***

- Bowser Landfill - Design and Construction of Cell 7 - Design documentation completed, currently undergoing EPA approval process \$752K expenditure yet to occur
- Local Roads reseals delay on project due to recent fires and rain, works recommencing later in February \$230k. Preparation for reseals delay due to Combination of Field Services and Contractors availability \$88K
- Eldorado shared path and toilet block underway \$95K
- Bicycle path renewal underway \$116K with expenditure yet to be processed
- Bullawah Project - Indigenous Interpretive Signage no expenditure to date \$90K
- Phasing of Merriwa Park infrastructure renewals \$52K
- Kerb and channel contractor on site, invoice anticipated \$89K

#### ***Capital works ahead of schedule***

- Plant and Equipment purchases occurred earlier than anticipated \$430K for elevated works platform, wood chipper truck and mini digger
- Ovens River - Ovens Street \$314K expenditure occurred earlier than anticipated
- Ovens Street Sealed road \$102K and Road Street reconstruction \$215K ahead of schedule
- Country Roads & Bridges \$54K, Vincent Road \$50K and Drainage \$77K ahead of schedule
- Shared pathway - Warby Range Rd extension complete \$109K

For a further detailed analysis of the Income Statement and Capital Works Achievement Result (***Refer attachment***).

## **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**

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

## **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
Poor performance against budget	M	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**

December year-to-date Income Statement overall is on track with a number of timing differences across income and expense items. Capital Works expenditure is \$392K below revised budget with the remaining expenditure expected to be realised by the end of the financial year.

## **Attachments**

1. Financial Report Year to Date December 2014-15

### 11.2.2.3 OPERATION OF MOBILE FOOD VANS POLICY

<b>Meeting Type:</b>	<b>Ordinary Council Meeting</b>
<b>Date of Meeting:</b>	<b>17 February 2015</b>
<b>Author (name and title):</b>	<b>Tony Raven, Manager Business &amp; Governance</b>
<b>File Name:</b>	<b>Council Policy Review</b>
<b>File No.:</b>	<b>10.005.003</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 consider rescission of a policy, related to the operation of mobile food vans that is obsolete and duplicated.

#### **RECOMMENDATION:**

***That Council rescind the Operation of Mobile Food Vans Policy adopted on 16 September 1997.***

#### **Background**

The current policy environment has been heavily influenced by the policy development practices of previous administrations. This legacy has, in some cases, created an inconsistent approach to policy development. As a consequence, there is a risk that Council's policy register contains obsolete policies.

Council officers have identified an obsolete, superseded and out of date policy governing the operation of mobile food vans. The Operation of Mobile Food Vans Policy (the policy) was adopted on 16 September 1997 (refer attachment) and therefore is over 17 years old. It has not been applied to food van operations for over 11 years and has since been superseded by provisions contained in Council's Community Amenity (Amendment) Local Law No. 1 of 2014.

#### **Implications**

Should the policy register contain out of date policies there is a risk that a policy is not relevant, useable or accurate resulting in the application of inappropriate conditions to activities or uses. There is also an increased risk of legal challenge to related Council decisions.

The duplication of provisions in both a Council policy and the Community Amenity (Amendment) Local Law No. 1 of 2014 could call into question the legality of Council's delegation to the Chief Executive Officer to administer permits and conditions relating to an activity or use.



Rescission of this obsolete document will mitigate any operational and legal risks.

### **Policy Considerations**

This report relates to the rescission of Council's Operation of Mobile Food Vans Policy, adopted 16 September 1997

### **Financial Implications**

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

### **Legal/Statutory**

The duplication of provisions in both a Council policy and the Community Amenity (Amendment) Local Law No. 1 of 2014 could call into question the legality of Council's delegation to the Chief Executive Officer to administer permits and conditions relating to an activity or use.

### **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.

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

Council's Plan 2013-2017 contains an Action to *'Ensure key business processes of Council are documented and documentation is updated regularly.'*

### **Risk Management**

There are no significant risks regarding implementation of the recommendation of this report. Risk is reduced through removal of any confusion where the policy has been superseded, duplicated or expired.

### **Consultation/Communication**

Council's Community Amenity (Amendment) Local Law No. 1 of 2014 will continue to be applied to the operation of mobile food vans. The Local Law was the subject of significant community consultation in 2014.

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

### **Options for Consideration**

In order to minimise risk and reduce confusion in the application process for mobile food van, the Operation of Mobile Food Van policy should be rescinded by Council.

### **Conclusion**

Rescission of the obsolete Operation of Mobile Food Vans Policy will mitigate any confusion as it has been superseded by provisions in the Community Amenity (Amendment) Local Law No. 1 of 2014.

### **Attachments**

1. Operation of Mobile Food Van Policy adopted 16 September 1997.

#### 11.2.2.4 ADVISORY COMMITTEE APPOINTMENTS

<b>Meeting Type:</b>	<b>Ordinary Council Meeting</b>
<b>Date of Meeting:</b>	<b>15 July 2014</b>
<b>Author (name and title):</b>	<b>Rebecca Golia, Executive Assistant Corporate Services</b>
<b>File Name:</b>	<b>Council's Committees</b>
<b>File No.:</b>	<b>10.020.008</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 provide the outcome of the process to invite Expressions of Interest for members of Council's Audit Advisory Committee.

#### **RECOMMENDATION:**

***That Council appoint Gayle Lee as representative on the Rural City of Wangaratta Audit Advisory Committee, for a term ending August 2018.***

#### **Background**

Due to the resignation of an external member of the Audit Advisory Committee, expressions of interest for appointment to this committee have been publicly advertised.

The resulting Expressions of Interest for appointment to the committee have been received and assessed against a skills matrix. In doing so, the existing skills set of the incumbent committee members were taken into consideration.

#### **Implications**

##### **Policy Considerations**

The Audit Advisory Committee Charter sets out the terms and key dates for appointment on an annual basis.

##### **Financial Implications**

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

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

The Audit Advisory Committee is a statutory committee established under S139 of the *Local Government Act 1989*. The Audit Advisory Committee requires an interview process, which has been finalised.

## **Social**

Advisory committees provide the opportunity for 2-way engagement between Council and Community members.

## **Environmental/Sustainability Impacts**

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

## **Economic Impacts**

Advisory Committees provide a positive outcome for the sustainability of the local community

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

Council has an objective to provide community leadership through the provision of an accessible, open and consultative government.

## **Strategic Links**

a) Rural City of Wangaratta 2030 Community Vision

N/A

b) Other strategic links

N/A

## **Risk Management**

Risks	Likelihood	Consequence	Rating	Mitigation Action
The recommended candidate is not appointed by Council	Unlikely	Insignificant	Low	Re-advertise

## **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>• Letters to advisory committee member</li></ul>

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

All applicant will be notified of Council's decision and thanked for her interest.

### **Conclusion**

Following consideration of the Expression of Interest applications for Council's Audit Advisory Committee, the new appointment will assist the committee in continuing to provide Council with advice, feedback and guidance.

### **Attachments**

Nil.

#### 11.2.2.5 VCAT DECISION – REVIEW OF COUNCILLOR CONDUCT PANEL DECISION

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 17 February 2015  
**Author (name and title):** Tony Raven Manager Business & Governance  
**File Name:** Councillor Conduct Panel  
**File No.:** 96.005.004

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 table the decision of the Victorian Civil and Administrative Tribunal (VCAT), made in respect of the review of the decision of the Councillor Conduct Panel (CCP) of 19 March 2013 to 28 May 2013.

#### **RECOMMENDATION:**

***That Council table a copy of the decision of the Victorian Civil and Administrative Tribunal, made in respect of the review of the decision of the Councillor Conduct Panel of 19 March 2013 to 28 May 2013, and record this action in the minutes in accordance with Section 81M(5) of the Local Government Act 1989.***

#### **Background**

Section 81M (Notice of Determination and Tabling of Decisions) of the *Local Government Act 1989* (the Act) deals with the legal provisions related to CCP decisions and VCAT decisions.

A CCP decision was determined, tabled and minuted at the 10 August 2013 Ordinary Meeting of Council. Subsequently, an application to VCAT for review of that decision was made by a party who was affected by the decision.

#### **Implications**

In respect of the review by VCAT, initiated under section 81Q(2) of the Act, of the CCP decision made in 2013, Council is required, under section 81M(5) of the Act, to table and minute VCAT's decision.

The complete report of VCAT's determinations, findings and reasons in this case is available for public viewing at the Australasian Legal Information Institute website (AustLii) at <http://www.austlii.edu.au/au/cases/vic/VCAT/>.

## **Conclusion**

VCAT's decision in the case of Fidge v Councillor Conduct Panel (Review and Regulation) [2014] VCAT 1477 must be minuted. The decision is contained in the following orders made by the Senior member presiding:

1. *The Tribunal sets aside the Respondent's decision under review and, in substitution, makes findings of misconduct under s81J(1)(a) of the Local Government Act 1989, against the Applicant in relation to allegations 1, 2, 5, 7, 8, 10, 11, 12, 14, 16, 17, 18, 19 and 20 in this proceeding, as described in the Reasons for Decision in this proceeding.*
2. *The Tribunal makes no findings against the Applicant concerning allegations 3, 4, 6, 9, 13, 15, 21, 22 and 23.*
3. *A further hearing is scheduled to hear submissions on further orders under s81J of the Local Government Act 1989 at 2.00 pm on 16 December 2014 at 55 King Street Melbourne, before me.*
4. *Liberty is granted to apply for that hearing to be adjourned.*

## **Attachments**

1. The decision of VCAT, made in respect of Fidge v Councillor Conduct Panel (Review and Regulation) [2014] VCAT 1477

### 11.2.3 COMMUNITY WELLBEING

#### 11.2.3.1 WANGARATTA SHOWGROUND'S STRATEGIC PLAN

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 17 February 2015  
**Author:** Marcus Forster, Acting Manager Community and Recreation  
**File Name:** Wangaratta Showground's Strategic Plan  
**File No.:** 61.030.007

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 consider the endorsement of the draft Wangaratta Showgrounds Strategic Plan (WSSP). In May 2014, Council developed a strategic plan for the Wangaratta Showgrounds. The brief for this plan included options for the:

- management
- administration and
- short and long-term future development of the showground precinct.

All structures and facilities within the confines of the Showground perimeter were addressed.

The final WSSP highlights five issues, comprising:

1. use of the Norm Minns oval
2. condition and functionality of buildings
3. access, traffic and parking
4. management structures, roles and processes and
5. the viability of the Wangaratta Show.

The consultants have met with user groups who have provided feedback into the development of the WSSP. The consultant has examined each of the above issues and provided priority actions for the consideration of future development and management of the Showgrounds precinct.

#### **RECOMMENDATION:**

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

1. ***endorse the draft Wangaratta Showgrounds Strategic Plan; and***
2. ***place the draft Wangaratta Showgrounds Strategic Plan on public exhibition for a period of 28 days for public comment in consideration for final adoption.***



## **Background**

Management of the Showgrounds is currently administered by a Section 86 Committee of Management. The Wangaratta Showground's Special Committee (WSSC) is made up of members from individual user groups currently active within the precinct as per the WSSC Charter:

- Wangaratta Junior Football League
- Wangaratta Sports Club
- Wangaratta Cycling Club
- Wangaratta Football/Netball Club
- Murray Bushrangers
- Wangaratta District Cricket Association
- Wangaratta Kennel and Obedience Dog Club
- Ovens and Murray Bridge Club
- Wangaratta Umpires Board
- Wangaratta Players
- Wangaratta Lions Club
- Wangaratta Agricultural and Industrial Society
- 2 x Community Representatives
- Rural City of Wangaratta (Ex-Officio – Community and Recreation Officer)

Not included in the above are a number of user groups who currently lease premises from the Wangaratta Agricultural and Industrial Society. These are the:

- Wangaratta Woodworkers
- Wangaratta Table Tennis Club
- Wangaratta Poultry Club
- Wangaratta Pigeon Club
- Wangaratta Bicycle User Group
- Wangaratta Magpies Cricket Club

The development of a Strategic Plan will enhance opportunities to promote the Showgrounds precinct as a regional sporting and outdoor events venue that is:

- well utilised and managed for local and regional sports competitions and events
- preserves and reflect its local heritage and
- is managed in an equitable and fiscally responsible manner to cater to the needs of all users and the community.

As previously stated the Strategic Plan has highlighted five issue areas around which recommendations have been identified:

### **1. Use of the Norm Minns oval**

Priority recommendations:

- Introduce a process to prioritise allocation and use of the oval (provided)

- Introduce a combined booking system for sport, recreation and major events and prepare a Wangaratta Parklands calendar of events, that is coordinated with other venues
  - Identify appropriate locations where nominated clubs and organisations can be relocated, reducing use on the oval
  - Investigate the feasibility of constructing a velodrome/cycle track at another location, and develop the Barr 2 ground to provide for users that need to be moved from the Showgrounds Oval.
2. Condition and functionality of buildings
- Priority recommendations:
- Develop an architectural code for the design and siting of buildings and structures in the Showground and include in the planning scheme
  - Rationalise and redevelop select facilities that are in poor condition and functionally obsolete. Promote local heritage and attract sporting, local usage and other special events year round
  - Prepare an asset management plan for all facilities at the Showgrounds.
3. Access, traffic and parking
- Priority recommendations:
- Endorse an event parking and general traffic management plan for the Parklands that provides for orderly movement of vehicles, and protects and promotes pedestrian and cycle access to and through the precinct
  - Construct a new gateway to the Showgrounds including gate, signage and lighting that builds on local heritage and character.
4. Management structures, roles and processes
- Priority recommendations:
- Migrate the committee of management to an advisory committee representing all user groups, for a finite transitional period while facility allocation, policy and procedures, finance and infrastructure redevelopment priorities are completed, and the long-term management structure is determined.
  - Introduce a relatively standard license agreement for all facilities direct to Council, to encourage sharing and equitable access to facilities at the ground, and accommodate club headquarters.
  - Actively market the Showgrounds and its facilities, prepare good quality and consistent branded information and signage on-site and off-site.
  - Adopt a strong financial and business plan with new and non-sporting revenue streams identified, and clear appointment of all costs.
  - Actively seek funding for the redevelopment and restoration of key buildings and planned capital works, and ongoing maintenance.
  - Review the availability of other sports grounds close by and put in place arrangements for club games etc. when events are on in the Showgrounds.

## 5. The viability of the Wangaratta Show

### Priority recommendations:

- Attract additional sponsorship, events and parallel activities that could be developed in conjunction with the Show that market Wangaratta to a younger audience, as a food bowl, and as a sporting and recreational centre.
- Enhance marketing and information about the Show
- Enhance users' experience of the Showgrounds (including: availability of information, interaction with management, booking/payment, travel to and from, orientation, the on-site activity and the final service).

Additional recommendations pertaining to the five issue areas can be reviewed in the draft Strategic Plan (see attachment).

## **Implications**

### **Policy Considerations**

The existing Council Plan, Municipal Public Health and Wellbeing Plan, Recreation and Open Space Strategies, Parklands Masterplan and the Asset Management Policy are all relevant to this report.

### **Financial Implications**

There are elements that exist within the draft Strategic Plan that, if formally adopted by Council, would have financial implications for Council's operational and maintenance budgets. It is also expected that an increase in income from user fees would be associated with the implementation of the draft Strategic Plan recommendations.

Initial assessments of the draft recommendations indicate an increase in financial contributions required by Council towards the Showground's administration of approximately \$10,000 to \$20,000.

### **Legal/Statutory**

The Showground's site is located on Crown Land which was vested in perpetuity to the City of Wangaratta in 1986. There are a number of buildings and infrastructure which were constructed over the past 150 years by various user groups (refer to page 7 of the plan) within the site.

User groups of the infrastructure are subject to licence agreements between the Rural City of Wangaratta and the respective licensees. The current licence agreements are all due to expire in 2019 and are limited to a term of 21 years.

### **Social**

The Wangaratta Showgrounds has been an epicentre of social activity for Wangaratta since its establishment in 1860 when the first Agricultural and

Industrial Society show was held on 10 acres of land fronting the Ovens River, granted by the Crown Lands Department.

Over the years numerous clubs and sporting activities have developed, especially around the main arena the Norm Minns Oval which incorporates the Football/Netball Club; Cricket Club, Sports Club and Cycling Club.

### **Environmental/Sustainability Impacts**

The 2007 Parklands Masterplan envisioned four individually managed precincts as one large piece of open space. In practical terms the Parklands (H.P. Barr Reserve, City Oval-Tennis Precinct, Wangaratta Indoor Sports and Aquatic Centre (WISAC) and the Showgrounds) form Wangaratta's largest and most central parcel of public open space and are managed by four separate and distinct entities, as follows:

<b>Facility</b>	<b>Managing Entity</b>
Showgrounds	Wangaratta Showgrounds Special COM
HP Barr Reserve	Individual licence agreements
WJ Findley (City Oval)	Rovers Football/Netball club
WISAC	YMCA under contract from RCoW

As urban Wangaratta's growth extends further out along Yarrawonga Road, this parcel becomes even more significant as a recreational hub.

### **Economic Impacts**

Unlike other Sections 86 Committees financial management for the WSSC is handled by Council's Finance Department - invoicing, payments and the provision of monthly reports with the WSSC Treasurer regularly liaising with Council's Financial Accountant and Technical Officer – Facilities.

Council carries the majority of the cost for the ongoing maintenance of the Showgrounds precinct. These costs have seen a 47% increase over the last five financial years.

An outline of Council's expenditure relating to the Showgrounds:

<b>Financial Year</b>	<b>Expenditure</b>
2009/10	\$68,425
2010/11	\$84,700
2011/12	\$95,188
2012/13	\$110,687
2013/14	\$109,808

Partly in consideration of this fact the draft WSSP recommends the introduction of a management structure driven by Council with representation by all community user groups.

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

2.6 – To improve access to both local and regional sport and recreation opportunities to improve health and wellbeing

2.6.1.3 Implement the priority projects and actions identified in the Recreation Strategy.

2.7 – To provide high quality passive and active recreational opportunities together with significant sporting events.

2.7.1.1 Assist with the review of strategic plans for recreation reserve Committees of Management and development of Master Plans as required.

### **Strategic Links**

**Rural City of Wangaratta 2030 Community Vision – Theme - A Compact and thriving regional centre**

Action 7 – Implement Place Management program to develop the Wangaratta CBD

- Complete implementation of the recommendations in the Parklands Masterplan

### **Municipal Public Health and Wellbeing Plan 2013-2017**

Strategy 4.2.8 Continue to collaboratively plan and deliver integrated, high quality community facilities that meet a range of health, cultural and community needs.

- 4.2.8.1 – Support an assessment of existing relevant local infrastructure to ascertain gaps
- 4.2.8.2 – Encourage multi use and multi-purpose approaches to the planning, development and management of community facilities

### **Recreation and Open Space Strategy**

Strategy 8.1.1 The Wangaratta Parklands Masterplan determined a number of priorities yet to be implemented

- Implement the Wangaratta Recreation Parklands Master Plan that applies to the Showgrounds

## **Risk Management**

Risks	Likelihood	Consequence	Rating	Mitigation Action
No adoption of the WSSP	2	Lack of direction for future development and management of facilities	M	Consultation and engagement process
Public concern over the WSSP	3	Reaction to WSSP	H	Consider submissions received with regard to WSSP
Inability to implement actions	3	Continued development and management challenges	H	Commitment to the WSSP by WSSC and stakeholders to priority Action Plan

## **Consultation/Communication**

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	Make the WSSP available for public exhibition for 28 days	Publication on Council website, with media release and copies to stakeholders
Consult	Promote comment from all user groups	Provide copies via email to the WSSC and other stakeholders
Involve and collaborate	Continue to listen and consult	WSSC and stakeholders
Empower	Acknowledge all parties	WSSP

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

## **Conclusion**

The development of the Wangaratta Showgrounds Strategic Plan will provide a strategic guide for the development and sustainable management of this important recreational and event focussed space, for the future of and changing needs of the Wangaratta community.

## **Attachments**

1. Draft Wangaratta Showgrounds Strategic Plan

### **11.2.4 INFRASTRUCTURE SERVICES**

Nil.

## **11.2.5 DEVELOPMENT SERVICES**

### **11.2.5.1 CONTRACT 1314/070 SUPPLY & INSTALLATION OF MULTI-BAY PARKING MACHINES TENDER**

C1314/070 Supply & Installation of Multi-Bay Parking Machines

30.076.070

#### **Contract Details**

The total cost of the tender to supply and install multi-bay parking machines is within the delegated authority of the CEO to approve. This tender is being presented to Council for consideration, recognising public interest, and also due to its relationship to another report presented at the Council meeting in February 2014.

#### **RECOMMENDATION:**

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

- 1. award Contract C1314-070 for the Supply & Installation of 55 Multi-Bay Parking Machines to Duncan Solutions for a total payment of \$303,070 excluding GST, paid in three instalments.***
- 2. Sign and Seal Contract C11314-070 for the Supply & Installation of 55 Multi-Bay Parking Machines.***

#### **Advertised Contract Dates**

Tenders for the supply and installation of multi-bay parking machines were invited through advertisements on Tenderlink, closing on 19 September 2014.

#### **Tender Evaluation Panel**

<b>Mrs B Chapman</b>	Manager – Environment and Community Safety	Rural City of Wangaratta
<b>Mr P Hansen</b>	Team Leader - Enforcement	Rural City of Wangaratta
<b>Ms D Meierott</b>	Senior Engineer – Projects Coordinator	Rural City of Wangaratta

## **Tenders Received**

Three tenders were received as follows:

<b>Tenderer</b>	<b>BASE EVALUATION PRICE (ex GST) Supply and install 55 machines including 2 cashboxes and backup battery, plus remove current machines</b>
Duncan Solutions	<b>\$288,200</b>
CDS Worldwide	<b>\$358,270</b>
Global Integrated Solutions (GIS)	<b>\$373,395</b>

For comparison purposes, the quoted costs above are to supply and install the machines in one year. The budget funds are provided over three years which would require a staged installation. However a payment plan option is available which is discussed later in this report.

The submitted tenders included:

- Multi-bay operation which will require numbering of car spaces to allow identification by the user
- Backlit display of the bay used, time of parking and time that paid parking ceases
- Paperless operation (no tickets issued)
- 'Intelligent' cash box in each machine which displays the cash contained in the cashbox
- Wireless operation to allow communication and monitoring using a remote management system
- Audit of the cash boxes in each machine to allow reconciliation when cash is counted, through the wireless management system.

The wireless operation was not a requirement of the tender, however it was standard in the CDS and GIS machines. Duncan offered a machine without wireless. Wireless management is conducted by the installation company and incurs annual fees. Submitted fees ranged from \$7,000 to \$38,000 per annum. It is judged that the extra service and expense is not needed for the number of machines operated in Wangaratta. Duncan Solutions also offers a cashbox reader for \$4,200 (ex GST) that will allow each cashbox to be read separately for reconciliation when cash is counted.

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

## **Tender Evaluation**

### **4.1 Evaluation Method**

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:



Criteria	Description	Weighting
Tender Price	Total price of the work	60%
Operation	Performance of the equipment	20%
Post installation	After sales service/support	20%
	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.

P	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.

## 4.2 Evaluation Scores

The Weighted Attribution Method Score calculation is contained in Appendix 1.

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

Tenderer	Score
<b>Duncan Solutions</b>	<b>67</b>
CDS Worldwide	55
Global Integrated Solutions (GIS)	59

The higher value reflects the more favourable assessment. From this method of assessment, Duncan Solutions was deemed to be the preferred tenderer. Duncan Solutions has provided very good service for the existing multi-bay ticket machines used in the CBD.

### **Budget Comparison**

A budget of \$100,000 per year has been allocated for three years. The machines could be installed in stages over three years. However, this would result in different machines throughout the paid parking area. Duncan Solutions offers supply and installation in year one, and payment over three years, at a rate of \$91,890 per year (ex GST). The resulting cost of supply and installation of \$275,670 includes a competitive 5% interest rate.

Additional costs during installation and to maintain battery performance of the Duncan machines are:

- 1) removal of existing ticket machines \$13,200 and a cash box reader \$4,200 in year 1
- 2) maintenance / battery changeovers in years 2/3 (approximately \$5,000 per year)

The resulting total payment to Duncan Solutions over three years is as follows:

	2014/15	2015/16	2016/17	Total (ex GST)
Supply and Install 55 machines	\$91,890	\$91,890	\$91,890	\$275,670
Additional Items	\$17,400 <sup>(1)</sup>	\$5,000 <sup>(2)</sup>	\$5,000 <sup>(2)</sup>	\$27,400
Total Payments to Duncan Solutions	\$109,290	\$96,890	\$96,890	<b>\$303,070</b>

The budget to supply and install 55 parking machines is:

Financial Year	2014/15	2015/16	2016/17	Total
Allocated budget	\$ 100,000	\$ 100,000	\$ 100,000	\$300,000

### **Conclusion**

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

It is recommended that the tender from Duncan Solutions be accepted with a three year payment plan, with a total project payment to Duncan Solutions of \$303,070 ex GST. This allows the 55 machines to be installed this financial year. The advantages are reduced maintenance and better service for customers from a more reliable machine.

### **Attachments**

1. Confidential – Tender Assessment Report

#### 11.2.5.2 REPLACEMENT OF PARKING MACHINES IN ALL PAID PARKING AREAS

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 18 February 2015  
**Author (name and title):** Bronwyn Chapman, Manager Environment and Community Safety  
**File Name:** Parking Areas  
**File No.:** 83.130.002

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**

This report is presented to Council to consider options for standardisation and replacement of parking meters in the CBD of Wangaratta.

#### **RECOMMENDATION:**

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

- 1. Enter into an agreement to allow purchase and installation of 20-21 multi-bay parking machines to replace existing outmoded meters, as follows:***

<b><i>Financial Year</i></b>	<b><i>Allocation</i></b>
<b><i>2014/15</i></b>	<b><i>\$65,000</i></b>
<b><i>2015/16</i></b>	<b><i>\$40,000</i></b>
<b><i>2016/17</i></b>	<b><i>\$40,000</i></b>

- 2. Proceed with purchase and installation of multi-bay parking machines to replace existing machines in all paid parking areas in 2015.***

#### **Background**

The existing ticket parking machines were installed in the central CBD in 2003 as shown in the attached plan (*refer attachment*).

Parking on the fringe of the CBD uses 80 'lollipop' meters. These meters are approximately 40 years old. They are prone to faults and so unreliable that often people do not pay a fee as they know the meters are often broken and can appeal fines on that basis. For this reason it has been difficult to enforce illegal parking in these areas. The present lollipop meters are in very urgent need of replacement to allow reliable paid parking to resume.

The Wangaratta Parking Strategy included financial modelling to demonstrate the viability of construction of 270-300 additional parking spaces in a multi-deck car

park. Income from existing paid parking areas is an essential component of the adopted model.

As parking is a key element and area of community complaint and frustration, it is proposed that Council adopt a consistent approach in the metering of paid parking to lessen confusion in the community. Modern multi-bay machines do not issue tickets and display information on a viewscreen. This will streamline Council's enforcement processes through both active enforcement of reliable infrastructure and fewer appeals. These machines also have 'intelligent cashbox' systems that will improve financial auditing and reconciliation.

### **Implications**

To update all paid parking areas in the CBD requires 55 multi-bay machines for the existing ticket machine areas, and a further 20-21 multi-bay machines for the lollipop meter areas. That is, to replace all outdated equipment in the CBD, approximately 75 multi-bay machines are required.

Currently a project is approved for purchase of 55 multi-bay machines in 2015. It is recommended to upgrade all paid parking areas with the same multi-bay machines. The advantage of this approach is that there will be one consistent form of paid parking in the CBD, leading to less confusion in the community. The proposed machines are easy to operate and maintain, have financial audit facilities built in for ease of reconciliation and will facilitate more efficient compliance as officers will check the meters only not every car. The upgrading of all current paid parking areas to reliable modern machines will allow a consistent approach for users and reduce appeals resulting from faulty facilities.

The current budget allocation allows for purchase of 55 machines in 2015, to be paid over 3 years, with a budget of \$100,000 per year.

Complete upgrade in paid parking areas requires a further budget allocation of \$136,000. This includes \$111,000 for supply and installation (21 machines), and an estimated year one cost of \$25,000 for meter removal (\$10,000) and bay numbering (\$15,000).

Through a separate tender process, a preferred supplier has been recommended for the current project. This supplier is able to add the additional machines to this project and install the machines in 2015. A three year payment plan has been offered for the additional machines with a payment of \$40,000 per year. This would require a revised budget adjustment in 2014/15 and a commitment to additional budget in 2014/16 and 2016/17.

### **Policy Considerations**

The agreement in place for public parking in the multi-deck car park retains the current areas of paid parking.

## **Financial Implications**

	Approved Budget for 55 machines	Additional budget required for extra 20-21 machines	Comments
2014/15	\$100,000	65,000	Includes removal \$10,000, bay marking \$15,000
2015/16	\$100,000	40,000	
2016/17	\$100,000	40,000	

## **Legal/Statutory**

There are no legal/statutory implications identified for the subject of this report.

## **Social**

Provision of standardised parking machines in all paid parking areas will offer a consistent and reliable approach for users in all these areas.

## **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.

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

N/A

## **Strategic Links**

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

N/A

## **Consultation/communication**

There has been no specific consultation, however, user complaints have been received about the poor operation of the lollipop meters.

## **Options for Consideration**

Two alternative options were considered in this matter, other than the one recommended:

Option One: Use the 55 machines to replace lollipop meters and 35 ticket parking meters.

This will allow reliable operation in the lollipop parking bays, but will leave 20 ticket meters in service, to be considered for replacement next financial year. To supply parts, all 35 ticket meters removed will need to be stored undercover at the depot to supply the increasing maintenance needs of these meters. It will also be confusing to users to have some meters that issue a ticket and some that do not. Confusion may lead to users not displaying tickets on dashboards with a result of difficulties in enforcement and increased customer complaint. Also Council would retain meters that do not have a reliable audit option.

Option Two: Replace the 55 ticket machines. Remove the lollipop meters to allow these areas to revert to timed parking.

Include purchase of the 20-21 extra machines needed in the 2015/16 budget process. Sign the areas to show that parking machines will be installed in the future.

Removal of paid parking areas reduces budget revenue and later replacement will lead to a level of confusion in the community as areas change from being paid, to not paid and then paid again. Delay in purchasing new machines may also mean that any new machines will be different to the ones installed as part of the 2014/2015 purchases and thus create confusion in the community.

Consideration will be given to the application of themed parking machines as part of the CBD Master Plan.

### **Conclusion**

A budget allocation to allow replacement of all parking machines in Wangaratta with modern multi-bay machines will provide consistency for users, and streamline monitoring and enforcement of parking.

### **Attachments**

1. Plan showing location of paid parking in Wangaratta

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

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 17 February 2015  
**Author:** Justin Britt – Principal Statutory Planner  
**Reviewed by:** Harj Singh – Manager Planning and Building  
**Approved by:** Barry Green – Director Development Services  
**File No:** PInApp14/104

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.

**Background**

**Applicant:** North East Survey Design  
**Owner:** CJ Knibbs & KE Knibbs  
**Subject Land:** Lot 5 LP 137239 Vol 9513 Fol 035  
43 Usshers Drive WALDARA VIC 3678

**Zone/s:** Low Density Residential Zone (LDRZ)  
**Overlay/s:** N/A

**Executive Summary**

This report is presented to Council for a decision following its deferral from Councils October (2014) Meeting.

Following this deferral the applicant has subsequently applied to Council to amend the proposal from a Three Lot Subdivision to a Two Lot Subdivision. This amendment has been referred and advertised and is now reported to Council for a Decision.

The alteration to the proposal to a Two Lot Subdivision is in-line with the proposed interim controls within the Draft DPO for the Waldara LDRZ (Amendment C59), which is currently under active consideration by the Minister for Planning.

**RECOMMENDATION:**

***That Council issue a Notice of Decision to Grant a Planning Permit with respect to Planning Application 14/104 for the Subdivision of Land into Two Lots and the removal of Native Vegetation on land at 43 Usshers Drive, Waldara subject to the conditions outlined in Attachment 1 to this report.***

## 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 4000sqm.

## Proposal

The current proposal before Council for consideration is for a Two Lot Subdivision, as demonstrated within the plan contained below:



The proposed lot sizes are listed below:

Lot Number	Area (sqm)
1 (Existing Dwelling)	4,005m2
2	1.108ha



### **Planning Permit Trigger**

- Clause 32.03 – Subdivision of Land – Low Density Residential Zone
- Clause 52.17 – Removal of Native Vegetation

### **Relevant Planning Provisions**

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	Removal of Native Vegetation; And Residential Subdivision
	56.00	
Other Relevant Provisions	Sec 4 and 60 P&E Act	

### **Referrals**

The application was referred to the following referral authorities:

Authority	Section	Response
North East Water	External Section 52 Notice	No objection – subject to conditions.
Ausnet Services	External Section 52 Referral	No objection to original three lot subdivision. No comment received to date on the revised two lot subdivision.

### **Internal Departmental Advice**

Department	Response
Technical Services Department	No objection – Subject to Conditions

## **Advertising**

The amended application was advertised to adjoining landowners and original objectors to the Three Lot proposal.

In addition to the Eight letters of objection previously received, Two letters of objection were received re-iterating their original objections and providing comment that the amended subdivision plan did not alleviate their concerns.

No conciliation meeting was held for the amended proposal as there was one for the previous proposal and it was considered that no suitable agreement would have been possible. The objections can be summarised as follows;

<b>Issue</b>	<b>Concerns Raised</b>	<b>Comments/Response</b>
<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 2000sqm where reticulated subdivision can be provided. In the absence of this 1 ha is the default minimum.</p> <p>Amendment C59 (Interim Controls) apply a minimum lot size of 4000sqm for each lot, which the proposal meets.</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.</p> <p>It is considered that the two lot proposal has struck a balance with a lot layout and lot sizes which are between the existing large allotments and the lots created recently through subdivision. The lot layout presents two allotments with clear street frontage to Usshers Drive, which will assist in the integration of any new dwelling within the existing streetscape.</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 some issues do exist with some of the existing infrastructure, however it is considered that through the implementation of appropriate drainage conditions that the proposal will not exacerbate the existing situation.</p>
<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.

Issue	Concerns Raised	Comments/Response
<b>Traffic Concerns</b>	<p>Existing Road network is narrow and designed for the original level of Dwellings / Lots as planned.</p> <p>Increased Traffic and Impact on Intersection of Usshers Drive and Wangaratta – Yarrawonga Road. Is there an ability to require an upgrade (Turning Lane etc)</p>	<p>Councils Technical Services Department have not advised of any concerns with regards to issues of Traffic.</p> <p>It is not considered that an addition of one lot will adversely impact on the traffic related condition of the surrounding area.</p>
<b>Precedent and future amenity Impacts</b>	<i>Application will set a precedent for future development / subdivision.</i>	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>	<p>Recent Inundation Events demonstrate that Lot 3 will be fully inundated.</p> <p>Hydrological Assessment should be undertaken in response to Drainage Concerns.</p>	<p>There is no flood or inundation related overlays which exist within the planning scheme. However, Council recognises the drainage pressures within the Waldara area.</p> <p>Councils Technical Services Department have offered no objection to the revised proposal subject to conditions, which would require any outfall from the property to be at the pre-development rate.</p>
<b>Sewerage.</b>	<p>Septic Overflow – associated odours</p> <p>Can the reticulated sewerage line service all of Usshers Drive</p>	<p>The application proposes the use of Reticulated Sewerage, which no objection has been provided by North East Water as relevant Referral Authority.</p> <p>The existing dwelling is to be converted from using a septic system to reticulated sewerage as part of the subdivision and this is considered of further benefit.</p>
<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.

Issue	Concerns Raised	Comments/Response
<b>Rights of Property Owners</b>	Existing Lots run as small Rural Living Farms and have associated offsite impacts from burning off and keeping of livestock. Residents of new lots could object to these activities.	<p>The land and surrounding area is zoned Low Density Residential and therefore is recognised as Residential land.</p> <p>A permit from 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>
<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'*

The design of the subdivision is considered appropriate in the context of the site and the surrounding area. The lot layout provides direct and appropriate street frontage for both of the allotments to Usshers Drive.

## **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 within the development.

The site contains an existing drainage easement along the eastern and northern site boundaries. These easements are proposed to be retained and when combined with additional internal easements will provide adequate drainage opportunities for the land.

In particular the retention of the drainage easement on the eastern property boundary allows for any future upgrade of drainage infrastructure for the Usshers Drive Estate based on Councils proposed Development Plan Overlay.

## **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.*

A Two Lot subdivision is normally exempt from the requirements of 52.01, however if Council is of the opinion that the lots can be further subdivided public open space contributions can be required.

However, a search of Council records including Council Minutes from the Shire of Wangaratta held on 18 March 1981, indicates that public open space reservations were provided at the time of the original subdivision of the land now known as Usshers Drive. On this basis Council can not require any additional provision of open space.

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

### **Purpose**

*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 can be seen to comply with the requirements of the Low Density Residential Zone.

The lot layout and the ability to connect to reticulated services assists the subdivision in integrating into the surrounding area.

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 for both lots.

**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 2. The applicant submits that all reasonable measures have been taken to avoid the removal of the tree.

The removal of this vegetation is classified under the 'Low Risk' pathway at Clause 52.17. The applicant has completed the Biodiversity Report which has supplied a strategic biodiversity score and also a strategic biodiversity score. The applicant submits that they do not wish to remove the tree, however due to its location along the driveway and the proposed boundary, the tree will be impacted upon and therefore must be offset.

On balance, it is considered that the vegetation can be removed and the appropriate offset should be included as a condition of permit.

## **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 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.

Council as part of its assessment of a proposal can consider any adopted position of Council which in this case is the proposed Interim Controls currently before the Minister.

The proposal has been amended originally from a four lot subdivision to a three lot proposal to the current two lot subdivision with both lots over 4000sqm in area. Provision has also been made along the eastern side of the boundary where there is an existing drainage easement for adequate setbacks to facilitate possible future vehicle access in accordance with the draft Development Plan Overlay.

### **Requirement before a permit is granted (in the proposed provisions)**

*"A permit may be granted for a two lot subdivision or buildings and works prior to the approval of the development plan provided that the responsible authority is satisfied that:*



- *The grant of a permit will not prejudice the outcomes for the land set out in the requirements to the Schedule;*
- *The proposal is consistent with the “Waldara Low Density Residential Zone Draft Development Plan, June 2014”*
- *The permit includes any conditions or requirements set out in this schedule.*

### **Minimum Subdivision Area (M2)**

*“Minimum lot size 4000 m2 for any land in this precinct.”*

It is considered that the proposal meets the requirements of the Draft DPO and proposed Interim controls, and the current two lot layout will not prejudice the overall outcome and implementation of the proposed DPO.

### **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*.

#### **Social**

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. The proposal does not prejudice the outcome of the proposed DPO.

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

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'. The proposed vegetation is Low risk and appropriate offsets are provided as discussed previously.

## **Economic Impacts**

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

## **Strategic Links**

### **a) Rural City of Wangaratta – Council Plan 2013 – 2017.**

Section 3.4 makes reference to land use planning and the outcomes sought for Rural City of Wangaratta, as outlined below:

*‘To ensure land use planning provides balanced outcomes for community, growth, existing land use, environment and heritage.’*

It is considered that the two lot subdivision is consistent with this objective and provides a balanced outcome with further strategic links and development opportunities in line with the future DPO for the Waldara area.

## **Risk Management**

Risks	Likelihood	Consequence	Rating	Mitigation Action
Notice of Decision to Grant a Permit by Council and Appeal lodged at VCAT	Med	Low	Low	Representation of Council at VCAT.

## **Consultation/Communication**

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	Yes	Notice of amended proposal to adjoining landowners and original objectors regarding revised 2 lot application
Consult	Yes	Conciliation meeting to discuss issues previously undertaken with the 3 Lot proposal.
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. Approve the application, through the issue of a Notice of Decision to Grant a Permit, subject to conditions of permit (refer to attachment 1).
2. Refuse the Application.

### **Conclusion**

On assessment the proposed subdivision is considered to meet the technical requirements of the Planning Scheme and also the objectives of the Low Density Residential Zone.

It is acknowledged that the subdivision was originally submitted for four lots and has now been revised to a two lot subdivision.

The two lot subdivision is consistent with the intent of Amendment C59 (Interim DPO Controls), due to the restriction of lot numbers to a maximum of two lots which are both of a size greater than 4000sqm.

The proposal also provides opportunities for the use of the eastern side of Lot 2 for the provision of future infrastructure as required for the provision of both drainage, road and vehicle access as part of the overall Waldara Development Plan Overlay (Amendment C60).

Many of the points raised within the letters of objection can be managed through the imposition of conditions on a permit, with respect to drainage and infrastructure as detailed within this submission.

It is therefore considered that the proposal should be supported subject to appropriate conditions.

### **Attachments**

1. Draft Planning Permit Conditions

11.3 SPECIAL COMMITTEE REPORTS

11.4 ADVISORY COMMITTEE REPORTS

## 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 a 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.

Date	Meeting details	Refer
20-01-2015	Administrators Briefing Forum	Attachment
03-02-2015	Administrators Briefing Forum	Attachment
10-02-2015	Administrators Briefing Forum	Attachment

### **RECOMMENDATION:**

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

## 13. NOTICE OF MOTION

## 14. URGENT BUSINESS

15. **PUBLIC QUESTION TIME**

Public Question Time

10.020.004

16. **CONFIDENTIAL BUSINESS**

16.1.1.1 **CONTRACTUAL MATTERS**

**RECOMMENDATION:**

***That the meeting be closed to the public for the consideration of confidential business pursuant to Section 89(2)(d) of the Local Government Act 1989 regarding contractual matters.***

17. **CLOSURE OF MEETING**

**18. ATTACHMENTS**

18.1.1.1 (11.2.1.1) COUNCIL PLAN PROGRESS REPORT 30 SEPTEMBER –  
31 DECEMBER 2014



# Council Plan Quarterly Report

## (2015 Second Quarter)

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RURAL CITY OF  
**WANGARATTA**

Period: December 2014



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## 01 Executive Services

1.1 To ensure we consult and engage effectively with the community in our decision making.

1.1.1 Engage the community in decision-making for the development of the Rural City of Wangaratta.

**1.1.1.1 Review the 2030 Community Vision.**

Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2017

**Quarter 2 Comment**

Planned for after 2016 Council Election

**1.1.1.2 Review the Community Engagement Strategy and Communication Strategy incorporating social media opportunities.**

Overall Rating Average:  Percentage Complete: 75.00 Target Date: 31/12/2014

**Quarter 2 Comment**

Project to improve and strengthen customer experience is under way. This work will see a broader Customer experience document which incorporates the existing documents completed. Anticipate completion January 2015.

**1.1.1.3 Hold four Council meetings in rural townships and eight in the Wangaratta Government Centre.**

Overall Rating Average:  Percentage Complete: 25.00 Target Date: 30/06/2015

**Quarter 2 Comment**

In the first half of FY14/15 two Council meetings have been held in rural townships (Whitfield & Tarrawingee). The schedule for the second half of FY14/15 adopted at the Ordinary Meeting of Council on 18 November 2014 shows two meetings planned to be held in rural townships at Edi Upper and Oxley. All other meetings for second half will be held at the Wangaratta Government Centre.

**1.1.1.4 Review the most appropriate electoral structure for the Rural City of Wangaratta.**

Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2016

**Quarter 2 Comment**

The electoral representation review process has been agreed with representatives from the Victorian Electoral Commission. The review process commences on 25 February 2015.

**1.1.2 Take a whole-of-government approach to the development and wellbeing of the Rural City of Wangaratta.**

**1.1.2.1 Participate in Regional Cities Victoria to represent the community's needs and opportunities to other levels of Government.**

Overall Rating Average:  Percentage Complete: 50.00 Target Date: 30/06/2015

**Quarter 2 Comment**

Have participated in all RCV activities in 14/15 year

**1.1.2.2 Maintain strong external links with all spheres of Government and respective Departments and authorities.**

Overall Rating Average:  Percentage Complete: 50.00 Target Date: 30/06/2015

**Quarter 2 Comment**

Participating in Hume Region Local Government Network, Hume Region Managers forum, LGPro and MAV CEOs forums, and meeting regularly on key issues with Regional and Melbourne Government Staff.

**1.1.2.3 Advance the implementation of the "Water Security for Wangaratta" project.**

Overall Rating Average: # Percentage Complete: Target Date:

**Quarter 2 Comment**

**1.1.2.4 Actively participate in the implementation of the Hume Strategy for Sustainable Communities and pursue the opportunities arising from it.**

Overall Rating Average:  Percentage Complete: 50.00 Target Date: 30/06/2015

**Quarter 2 Comment**

Through 4Hume, and the Hume Region Local Government network, key issues have been identified and are being actioned, and advocated for. CEO is also the Co-Chair of the Hume Region Land Use group.

**1.1.2.5 Advocate for continued investment into hospitals, government services, education, recreation facilities, children's services, arts and culture, and public transport.**

Overall Rating Average:  Percentage Complete: 0.00 Target Date: 31/08/2014

**Quarter 2 Comment**

Activity is ongoing and support for investment into hospitals, government services, education, recreation facilities, children's services, arts and culture and public transport are supported at every possible opportunity.

**1.1.2.6 Investigate opportunities to provide improved telecommunications, incorporating broadband and mobile telephone coverage.**

Overall Rating Average:  Percentage Complete: 0.00 Target Date: 31/08/2014

***Quarter 2 Comment***

Project is continuing however no recent meetings have been held. Three black spots have been prioritised in the Hume Region through this program and they are: Mansfield Shire (Bunstons Road Tolmie); Alpine Shire (Kancoona); and Murrindindi Shire (Skyline Road). Other black spots have been identified in the region with one each in Wangaratta, Benalla, Towong, Indigo and Alpine Council areas, but not making the priority list. It has been confirmed that Mansfield Shire Council is the only local regional Council to commit to any funding for the program at this point. The Rural City of Wangaratta Manager, Economic Development & Tourism, is meeting with representatives from both Telstra and Optus in the week commencing 9 February to discuss the program further.

**1.1.2.7 Advocate for a fast train passenger service between Melbourne and Sydney following the Hume corridor.**

Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2015

***Quarter 2 Comment***

Council has limited influence at present during the very early stages of this significant project but will, at every opportunity, cooperate fully and advocate for this initiative to be undertaken.

**1.1.2.8 Advocate for a reliable train service for Wangaratta.**

Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2015

***Quarter 2 Comment***

Rural City of Wangaratta recognises the importance of a reliable train service to and from the area and at every opportunity, supports the push to achieve this at the earliest possible time.

## 02 Community Wellbeing

2.1 To focus on key issues affecting our unique communities.

2.1.1 Undertake Community Planning that enhances the strength and liveability of our townships.

**2.1.1.1 Review and advance our Community Planning program to achieve more strategic and high level outcomes throughout our communities.**

Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2015

### **Quarter 2 Comment**

Review of strategic models within other LG organisations (nationally and internationally) underway. Whole of organisational focus on community planning being facilitated.

**2.1.1.2 Program township works based on community planning and strategic priorities.**

Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2015

### **Quarter 2 Comment**

Opportunities to support improved township planning and project delivery through improved community planning processes a key consideration in the review of community engagement practices.

**2.1.1.3 Facilitate the undertaking of a Wangaratta CBD Master Plan that will comprehensively plan for the future use, growth and development of the CBD.**

Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2015

### **Quarter 2 Comment**

Tract Consultants engaged for the project. Project underway and scheduled for June 2015 completion.

2.2 To improve community wellbeing.

2.2.1 Support our community to be resilient.

**2.2.1.1 Work with other agencies to develop and implement approaches to enhance and strengthen community resilience and safety.**

Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2015

### **Quarter 2 Comment**

Current project to upgrade and install street lighting inside the H.P. Barr Reserve and the Wangaratta Showgrounds is near completion. The project was funded under the Department of Justice's Public Safety Infrastructure Fund.

**2.2.1.2 Develop a policy position that details Council's commitment to the facilitation of community multi-use facilities throughout the shire that ensure communities have access to facilities that support their social, recreational and learning ne**

Overall Rating Average:  Percentage Complete: 20.00 Target Date: 30/06/2015

**Quarter 2 Comment**

Capacity for multiuse is a consideration for all community focused projects. Addressing multiuse is a requirement on all State Government funding applications.

**2.2.1.3 Support initiatives that support the opportunity for community groups, committees and organisations to be self-reliant.**

Overall Rating Average:  Percentage Complete: 50.00 Target Date: 30/06/2015

**Quarter 2 Comment**

Partnership with The Centre-CARN in the delivery of training opportunities for the community.

Biannual forums are being expanded to address the needs of community groups and organisations outside of the sport and recreation field.

**2.2.1.4 Identify and support potential community leaders and continue to develop and recognise them within the community.**

Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2015

**Quarter 2 Comment**





Community Projects Officer developing a database of community leaders, both rural and urban. Capacity building and leadership opportunities being sought on a case by case basis.

**2.2.1.5 Support community volunteering throughout the municipality.**

Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2015

**Quarter 2 Comment**

Volunteer Appreciation Event undertaken annually in partnership with local organisations. Council officers work collaboratively with the Skills-bank at The Centre to recognise and celebrate local volunteers. Volunteer opportunities throughout Council's programs, services and events continue to be publicised and supported.

2.3	To provide inclusive, accessible and high quality community services.
2.3.1	Provide affordable, accessible and high quality children's services.
2.3.1.1	<b>Work with service providers to enhance and improve integrated early years' service delivery that meets the needs of the community.</b>
Overall Rating Average:  Percentage Complete: 50.00 Target Date: 30/06/2015	
<b>Quarter 2 Comment</b> Approximately 241 families and 293 children attend the Wangaratta Children's Centre. The Centre operated at 97.54% of capacity. Maternal Child Health Services, NERPSA, SCOPE and Noah's Ark are co-located at the Centre.	
2.3.1.2	<b>Explore local service gaps and opportunities to provide a flexible and responsive early years' service that meets the needs of the community.</b>
Overall Rating Average:  Percentage Complete: 60.00 Target Date: 31/08/2014	
<b>Quarter 2 Comment</b> Review of Family & Early Years Service management is complete. Reviewing provision of Maternal & Child Health Services. Preliminary work undertaken for the development of the Municipal Early Years Plan.	
2.3.2	Support the development of integrated health provision.
2.3.2.1	<b>Work with service providers to enhance and improve delivery of aged care and community support services.</b>
Overall Rating Average:  Percentage Complete: 50.00 Target Date: 30/06/2015	
<b>Quarter 2 Comment</b> Working with Gateway Health and North East Health and other relevant services providers to develop an integrated approach for service provision.	
2.3.2.2	<b>Maintain involvement in local and regional youth networks, in health, education and other interventional service areas.</b>
Overall Rating Average:  Percentage Complete: 50.00 Target Date: 30/06/2015	
<b>Quarter 2 Comment</b> Continue to participate in relevant networks such as Borinya Board Meetings, Youth Providers Network, Municipal Public Health & Wellbeing Partnership, Department of Justice Hume Region Forum	



### 2.3.2.3 Review Council's Access and Inclusion Plan.

Overall Rating Average:  Percentage Complete: 60.00 Target Date: 31/08/2014

#### **Quarter 2 Comment**

Council's Rural Access Worker has commenced community and council consultation to review the 2009 - 2012 Access and Inclusion Plan.

Draft Plan anticipated to Council meeting in May 2015 for public consultation.

Plan anticipated to be endorsed by Council in June 2015.

2.4 To improve opportunities for all residents to participate in a range of community and cultural activities and access a range of learning opportunities throughout life.

2.4.1 Provide the opportunity for everyone to participate fully and contribute to the social, economic and cultural life.

2.4.1.1 **Strengthen the partnerships with the local Indigenous community by identifying joint activities and inclusion opportunities.**

Overall Rating Average:  Percentage Complete: 25.00 Target Date: 30/06/2015

#### **Quarter 2 Comment**

Bullawah Cultural Trail has received funding and awaiting government announcements. There has been close consultation with the local Indigenous community. This involvement and consultation will be ongoing for the duration of the project which is expected to be completed by June 2016.

Preparation for NAIDOC Week 2016 have commenced and both the Cultural Development Officer and WPAC Team Leader have been working closely with the committee to value add to the event

2.4.1.2 **Work in partnership with key stakeholders to implement a Multicultural Strategic Plan.**

Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2015

#### **Quarter 2 Comment**

Endorsed Multicultural Strategy distributed to key stakeholders and letter of thanks for their contribution.

Initial meetings held with internal Council units and partners/stakeholders to progress actions outlined in the Multicultural Strategy.

**2.4.2 Continue to actively participate in networks and partnerships to increase and improve young people's access to community life.**

**2.4.2.1 Actively advocate for and support the development of young people in the areas of civic participation, leadership and community involvement.**

Overall Rating Average:  Percentage Complete: 50.00 Target Date: 30/06/2015

**Quarter 2 Comment**

Youth Council is a group of up to 12 young people aged between 14 – 18 years which meets regularly to discuss youth issues, help organise youth & community events and take part in leadership forums and self development activities. The 2014/2015 Youth Council is active in events, consultation and leadership development.

Youth councillors participate on relevant council and community committees such as Sport & Recreation Advisory Committee, Arts Culture & Heritage Advisory Committee, Community Pride Committee. Youth councillors are involved in civic activities such as Australia Day Celebrations and community activities such as youth week activities and senior's festival.

**2.4.2.2 Work with identified strategic networks and partnerships to achieve outcomes for young people.**

Overall Rating Average:  Percentage Complete: 50.00 Target Date: 30/06/2015

**Quarter 2 Comment**

A number of support agencies and government bodies work with young people within the Rural City of Wangaratta including:




- North East Support and Action for Youth (NESAY)
- North East Health
- Gateway Health
- Rural Housing Network
- Department of Human Services (DHS)
- Employment & Training Agencies
- Victoria Police
- North East Tracks Local Learning Employment Network (LLEN)
- RoadSafe North East
- Mind Australia – North East Integrated Group Project (NEIGP)
- Workways – Youth Connections

Council officers regularly work with these organisations to support strategic outcomes for young

- Centre for Active Recreation Network (CARN)
- The Centre
- Goulburn Ovens Institute of Tafe (GOTAFE)
- Department of Justice
- Women's Health Goulburn North East
- High County Library
- School - Wangaratta High School, Galen Catholic College, Cathedral College and

Borinya Community Partnership

- Anglicare;
- North East Regional Youth Affairs Network
- Wangaratta Blue Light Youth Club Steering Committee
- Wangaratta Youth Service Providers Network

<b>2.5</b>	<b>Ensure participation and access for all.</b>
<b>2.5.1</b>	<b>Deliver high quality and diverse community and professional arts, cultural and heritage projects and programs across a range of locations/sites.</b>
<b>2.5.1.1</b>	<b>Develop a Wangaratta Cultural Precinct Master Plan to assess and plan for the long term cultural facility and program needs of the city.</b>
Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2016	
<p><b>Quarter 2 Comment</b></p> <p>As this is part of the CBD Master Plan this plan will progress alongside the CBD Master Plan. Tenders currently out for CBD Master Plan.</p> <p>However, in the meantime have organised workshops with Arts Culture &amp; Events (ACE) team to determine the ACE Strategy which will feed into the Cultural Precinct Plan. These will take place in October 2014, January 2015 and conclude in June 2015.</p> <p>Have also started planning for Community Conversations to understand community's wants, desires and needs around cultural facilities, activities and future plans.</p>	
<b>2.5.1.2</b>	<b>Explore opportunities to support the upgrade and growth of the Wangaratta Art Gallery, in line with the concepts developed in the Wangaratta Cultural Precinct Master Plan.</b>
Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2016	
<p><b>Quarter 2 Comment</b></p> <p>See comments for 2.5.1.1. Concept plans for the Wangaratta Art Gallery upgrade will be finalised in line with the findings of the Cultural Precinct Plan which will draw from actions and strategies in the CBD Master Plan.</p>	
<b>2.5.1.3</b>	<b>Ensure the Wangaratta Performing Arts Centre and the Wangaratta Art Gallery provide high quality and accessible programs and are promoted as regional arts, culture, conference and events venues.</b>
Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2015	
<p><b>Quarter 2 Comment</b></p> <p>Planning workshops undertaken in October 2014 to commence the work on preparing Business Plans for both WAG and WPAC.</p>	

**2.5.1.4 Develop a Cultural Services Plan to inform the future direction of Councils cultural events, facilities and programs within the municipality.**

Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2015

**Quarter 2 Comment**

Training completed on developing a Cultural Services Plan.  
Working with a facilitator to scope up the plan.  
Arts, Culture and Heritage Advisory Committee including in planning phase  
Main themes developed  
Community Conversation planning underway.

**2.5.1.5 Implement the Public Art Strategic Plan for capital works projects and identify priority projects for public art commissions.**

Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2016

**Quarter 2 Comment**

1st public art commission has been identified as being installed at the Wangaratta Showgrounds. The project has been put on hold until the Showgrounds Master Plan is completed in order to ensure that the revised location is compatible with the recommendations coming from the master plan.

**2.6 To improve access to both local and regional sport and recreation opportunities to improve health and wellbeing.**

**2.6.1 Undertake a planned approach to maintaining and improving quality and accessible recreation and sporting facilities and programs.**

**2.6.1.1 Continue to plan and develop high quality, accessible pathways that build local and regional connections.**

Overall Rating Average:  Percentage Complete: 20.00 Target Date: 30/06/2015

**Quarter 2 Comment**

Informal Recreation Project funded through Sport and Recreation Victoria's Community Facilities Funding Program. Project will add value to urban Wangaratta's existing shared pathway network

**2.6.1.2 Develop a Play Space Strategy which examines the distribution and diversity of the play network, play and recreation opportunities for young people and the development of a 'regional' play space.**

Overall Rating Average:  Percentage Complete: 20.00 Target Date: 30/06/2015

**Quarter 2 Comment**

Internal resource limitations have impacted on ability to complete detailed strategy. Focus will be directed to project in 2015.

**2.6.1.3 Implement the priority projects and actions identified in the Recreation Strategy.**

Overall Rating Average:  Percentage Complete: 50.00 Target Date: 30/06/2015

**Quarter 2 Comment**

Recommendations continue to be progressed/actioned. Regular review of progress undertaken by the Sport and Recreation Advisory Committee.

**2.7** To provide high quality passive and active recreational opportunities, together with significant sporting events.

**2.7.1** Encourage the greater use of recreation facilities including formal sports facilities, open spaces, shared paths and aquatic centres.

**2.7.1.1 Assist with the review of strategic plans for recreation reserve Committees of Management and development of Master Plans as required.**

Overall Rating Average:  Percentage Complete: 30.00 Target Date: 30/06/2015

**Quarter 2 Comment**

Draft Master Plan for the Wangaratta Showgrounds presented to Council officers, anticipated completion in April 2015.

Rural recreation reserves identified for future development.

**2.7.1.2 Review Aquatic Strategy, taking into consideration population demand, visitation trends and budgetary requirements to enable the development of a scope of works to assist in pursuing funding.**

Overall Rating Average:  Percentage Complete: 100.00 Target Date: 30/06/2015

**Quarter 2 Comment**

This item is complete.

**2.7.1.3 Implement the priority projects and actions identified in the Open Space Strategy.**

Overall Rating Average:  Percentage Complete: 50.00 Target Date: 30/06/2017

**Quarter 2 Comment**

Recommendations continue to be progressed/actioned. Regular review of progress undertaken by the Sport and Recreation Advisory Committee.

**2.7.1.4 Develop a long term strategy for enhancing the passive recreational use of waterways, including the Ovens and King Rivers as a major attraction and focus with a minimal impact on the natural environment.**

Overall Rating Average:  Percentage Complete: 30.00 Target Date: 30/06/2016

**Quarter 2 Comment**

Support for Council's Bullawah Cultural Trail along the Ovens River. Partnership with North East Catchment Management Authority on the development of a 'Fishing Trail' throughout the municipality.

## 03 Development Services

**3.1 To consolidate Wangaratta's position as a regional centre.**

**3.1.1 Further progress Wangaratta as the leading retail and service centre in north east Victoria.**

**3.1.1.1 Attract further bulky goods and large retail outlets in appropriate locations.**

Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2017

**Quarter 2 Comment**

A site has been identified and the project has been included as a component of the South Wangaratta Urban Renewal Masterplan. Activities are expected to commence in the first half of 2015.

**3.1.1.2 Support our retail sector by: \* Developing a Retail Attraction Strategy which protects the concept of a compact central business district (CBD); and \* Delivering, or facilitating the delivery of, workshops and information to local business**

Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2015

**Quarter 2 Comment**

A significant range of activities will again be delivered in 2015 following a very successful program in 2014. Initial planning for program has been completed.

**3.1.1.3 Market the Rural City of Wangaratta as a great place to live.**

Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2015

**Quarter 2 Comment**

Officers from the Economic Development & Tourism Unit of the Rural City of Wangaratta have completed planning for participation in the Regional Living Expo to be held in Melbourne, again this year.

#### 3.1.1.4 Market Wangaratta as a regional retail centre.

Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2016

##### **Quarter 2 Comment**

Active marketing of the Rural City of Wangaratta via E-Newsletter to the database created through the Regional Living Victoria Expo. A new promotional video has been developed promoting the Wangaratta CBD and is available on social media.

#### 3.1.2 Enhance liveability attributes through urban renewal and transport connectivity.

##### **3.1.2.1 Implement the South Wangaratta Urban Renewal Masterplan as a staged approach: \*the former Ovens College site; and \*Newman Street, including Avian Park.**

Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2015

##### **Quarter 2 Comment**

The RCoW held positive negotiations with State Government regarding possible uses for the site, which will result in discussions with interested parties regarding the future development of the site. These discussions will commence in early February.

#### 3.2 To create an environment which encourages new and existing businesses to achieve their aspirations for growth, job opportunities and increased investment in our region.

##### **3.2.1 Take a lead role in encouraging the uptake of and investment in new industries and initiatives.**

##### **3.2.1.1 Maintain a stock of investment-ready industrial land to assist in the attraction of new industry.**

Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2015

##### **Quarter 2 Comment**


Council has an available supply of industrial land.


##### **3.2.1.2 Implement a manufacturing sector support strategy.**


Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2015


##### **Quarter 2 Comment**

The process of planning the next forum is at an early stage. Invitations have been drafted

<b>3.2.2</b>	Maintain an environment which is supportive of business growth and workforce sustainability.
<b>3.2.2.1</b>	Participate in appropriate regional workforce development initiatives and assist education and training providers to provide workforce training and up skilling which matches industry needs.
Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2015	
<b>Quarter 2 Comment</b> Hume Workforce Strategy in draft has been received for review.	

<b>3.2.2.2</b>	Assist with the development and implementation of regional strategies which assist key industry sectors to prosper in times of change.
Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2015	
<b>Quarter 2 Comment</b> Officers from the Rural City of Wangaratta's Economic Development and tourism Unit continue to work collaboratively with surrounding Councils to develop and implement the Hume Workforce Development Strategy.	

<b>3.2.2.3</b>	Undertake the role of the Regional Certification body for the region on an ongoing basis and continue to implement the Regional Skilled Migration Scheme.
Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2015	
<b>Quarter 2 Comment</b> Regional Certification duties are being implemented with no issues.	

<b>3.2.2.4</b>	Work with relevant agencies to support new residents and migrants in the municipality.
Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2015	
<b>Quarter 2 Comment</b> Meeting schedule established with NEMA, MAV Multicultural Committee and Victorian Local Government Multicultural Issues Network	



### 3.2.3 Support an innovative and sustainable agricultural sector.

#### 3.2.3.1 Review the Alpine Valleys Agrifood Strategy.

Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2015

##### **Quarter 2 Comment**

A three stage strategy plan is being developed by stakeholders in the Hume Region. A draft Stage 1 document was distributed in early January 2015 for comment. Officers from The Rural City of Wangaratta's Economic Development & Tourism Unit are actively involved in the development of the strategy.

#### 3.2.3.2 Develop an action plan for the Alpine Valleys Agrifood Communication Strategy.

Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2017

##### **Quarter 2 Comment**

Officers from the Rural City of Wangaratta's Economic Development & Tourism Unit are working with regional stakeholders on the development of a 3 Stage Agri/Food Strategy and this communication strategy will be delivered as Stage 3 of the overarching strategy.

#### 3.2.3.3 Advocate for higher education opportunities for the rural agricultural sector through Charles Sturt University, Goulburn Ovens Institute of TAFE and other providers.

Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2015

##### **Quarter 2 Comment**


Officers from the Economic Development and Tourism Unit of the Rural City of Wangaratta continue to participate in discussion groups and working collaboratively with representatives from Charles Sturt University, The University of Melbourne and Gotafe, in the development of relevant education programs for the rural agriculture sector.


#### 3.2.3.4 Support the development of partnerships and initiatives that promote innovation in the agricultural sector.


Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2015


##### **Quarter 2 Comment**

Economic Development officers from the Rural City of Wangaratta have been collaborating with representatives from organisations such as Charles Stuart University, University of Melbourne and Gotafe to develop relevant education programs for the agricultural sector. Also, collaborative work has commenced to develop the Hume Agri/Food Strategy.

<b>3.3</b>	To support and encourage a sustainable, innovative and resilient tourism sector.
<b>3.3.1</b>	Facilitate the promotion of visitor attraction.
<b>3.3.1.1</b>	<b>Develop product and experiences in line with the current brand strengths of:</b> * Cycling; * Food, wine and beer; * Nature, outdoor and adventure; * Culture and Heritage; * Ned Kelly; * Jazz; * Business and events; * You're Welcome in Wangara
Overall Rating Average:	 Percentage Complete: 45.00 Target Date: 30/06/2015
<b>Quarter 2 Comment</b> No comment provided.	

<b>3.3.1.2</b>	<b>Work in collaboration with regional, state and federal tourism agencies to leverage marketing which will showcase the region.</b>
Overall Rating Average:	 Percentage Complete: 0.00 Target Date: 30/06/2015
<b>Quarter 2 Comment</b> Ongoing marketing and promotion of the region is working as Wangaratta has secured two Rotary conferences, one in 2015 and the other in 2016 which will attract a total of 2000, who will stay three to four days in the area. These events are expected to generate an economic impact around \$1M for the Rural City of Wangaratta.	

<b>3.3.1.3</b>	<b>Review Council's Cycle Tourism Strategy, taking into consideration the:</b> * Warby Range Road and opportunities with the Warby Ranges; and * Oxley to Whitfield Rail Trail.
Overall Rating Average:	 Percentage Complete: 10.00 Target Date: 30/06/2015
<b>Quarter 2 Comment</b> No comment provided.	

<b>3.3.1.4</b>	<b>Participate in the North East Region Cycle Tourism Strategy.</b>
Overall Rating Average:	 Percentage Complete: 50.00 Target Date: Ongoing
<b>Quarter 2 Comment</b> Council Officers have actively partnered with Tourism North East, Indigo and Alpine Shires to secure a component of the Great Victorian Bike Ride in December 2014. A collaborative approach to developing a marketing plan for the Murray to Mountains Rail Trail has been undertaken and finalised.	

#### **3.3.1.5 Develop a Visiting Friends and Relatives Marketing Strategy.**

Overall Rating Average:  Percentage Complete: 0.00 Target Date: Ongoing

##### ***Quarter 2 Comment***

No action has been undertaken on this project. Council Officers anticipate developing this strategy in early 2015.

#### **3.3.1.6 Collaborate with the Board of the Wangaratta Festival of Jazz to ensure the longevity and continued success of the event.**

Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2015

##### ***Quarter 2 Comment***

No comment provided.

#### **3.3.1.7 Facilitate industry standard e-commerce uptake by tourism operators.**

Overall Rating Average:  Percentage Complete: 0.00 Target Date: Ongoing

##### ***Quarter 2 Comment***

No comment provided.

#### **3.3.1.8 Develop the opportunities for economic benefit from outdoor, nature based and recreational activities.**

Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2015

##### ***Quarter 2 Comment***




Officers from the Economic Development and Tourism Unit of the Rural City of Wangaratta are working collaboratively with Local Tourism Associations, Tourism North East, Victorian State Government representatives and other regional stakeholders to continue the growth and development of experiences for locals and visitors in the area of outdoor, nature based recreational activities.





#### **3.3.1.9 Increase tourism opportunities through participation in the North East Regional Tourism Board.**

Overall Rating Average:  Percentage Complete: 0.00 Target Date: Ongoing

##### ***Quarter 2 Comment***

Rural City of Wangaratta CEO has a position on the Board of Tourism North East and officers from the Economic Development and Tourism unit work closely with Tourism North East on projects and events in the region.

3.4	To ensure land use planning provides balanced outcomes for community, growth, existing land use, environment and heritage.
3.4.1	Review updated 2013 State Planning and zoning guidelines and ensure that the Wangaratta Planning Scheme and Municipal Strategic Statement are consistent with state regulations and reflect local planning strategies.
3.4.1.1	<b>Update the Planning Scheme and the Municipal Strategic Statement to reflect the revised State Planning Policy Framework, Rural City of Wangaratta 2030 Community Vision and 2013 - 2017 Council Plan.</b>
Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2015	
<p><b>Quarter 2 Comment</b></p> <p>This project is proposed to be funded by the Department of Environment, Land Water and Planning (DELWP) under its Rural Flying Squad program. Expressions of Interest being sought by the DELWP. Likely to be started in March/April 2015</p>	
3.4.1.2	<b>Review the Rural Land Use Strategy.</b>
Overall Rating Average:  Percentage Complete: 10.00 Target Date: 30/06/2015	
<p><b>Quarter 2 Comment</b></p> <p>The adopted Rural Land Strategy (Version 2) is currently being reviewed in the light of recent changes to planning provisions at the State level. A draft strategy report is likely to be presented at Council meeting for its consideration in March 2015.</p>	
3.4.1.3	<b>Develop structure/development plans for identified future development areas for consideration as amendments to the planning scheme including contributions by developers.</b>
Overall Rating Average:  Percentage Complete: 20.00 Target Date: 30/06/2016	
<p><b>Quarter 2 Comment</b></p> <p>Draft Precinct Structure Plans report and DPO documents received by Council from Aurecon for comment. Under review. Four supplementary studies - Cultural Heritage, Transport, Bushfire Risk Assessment and Biodiversity completed.</p> <p>Expressions of Interest sought from consultants for preparing Development Contribution Plans to support development of both the growth areas.</p>	

<b>3.4.2</b>	Maintain and improve local planning strategies to meet community needs.
<b>3.4.2.1</b>	<b>Undertake a place based approach to the development of the Wangaratta Central Activities Area incorporating: * Review of existing planning arrangements; and * Review the Wangaratta Urban Design Framework to enhance the Wangaratta Central Ac</b>
Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2016	
<b>Quarter 2 Comment</b> This project in part will be assisted by the outcomes of the Master Plan for CBD of Wangaratta. Some residential components of this project will need to be considered following the completion of the CBD Master Plan as any outcomes would inform these components. This project will be undertaken during 2015-16 financial year.	
<b>3.4.2.2</b>	<b>Investigate a strategic approach to developing a precinct maximising the benefits of the new Rural Industries campus including: * Equine; * Agrifood; * Livestock; * Racing; and * Accommodation.</b>
Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2016	
<b>Quarter 2 Comment</b> Precinct development progressing and Rural City of Wangaratta Officers continue to work collaboratively with regional stakeholders to progress the precinct.	
<b>3.5</b>	To protect and enhance the natural landscape, treescapes and waterways.
<b>3.5.1</b>	Responsibly manage the local environment.
<b>3.5.1.1</b>	<b>Identify and develop vegetation corridors for environmental, pedestrian and aesthetic benefits.</b>
Overall Rating Average:  Percentage Complete: 30.00 Target Date: 30/06/2015	
<b>Quarter 2 Comment</b> In the first quarter, trees have been planted by Council staff along riparian reserves. Community members and schools also participated in tree planting at National Tree Day, Remembering Tree Day, and the North Wangaratta conservation project.	
<b>3.5.1.2</b>	<b>Develop and commence implementation of the Domestic Waste Water Management Plan.</b>
Overall Rating Average:  Percentage Complete: 50.00 Target Date: 30/06/2015	
<b>Quarter 2 Comment</b> A draft Domestic Wastewater Management Plan has been developed but will need review. This review will be related to the recommendations from a State government pilot and also related to government policy that is yet to be developed.	

**3.5.1.3 Review Council's Storm Water Management Plan and recommend a broader framework for a future Plan, including water reuse opportunities.**

Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2015

**Quarter 2 Comment**

Yet to be commenced

**3.5.1.4 Support the community to use firewood sustainably with information on options and the operation of firewood depots.**

Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2015

**Quarter 2 Comment**

Information displayed at both firewood depots and on Council's website.

**3.5.1.5 Complete the review of the Merriwa and Kaluna Parks Masterplan and consider pathway connections with other areas of the Central Business District and Riverside.**

Overall Rating Average:  Percentage Complete: 50.00 Target Date: 30/06/2016

**Quarter 2 Comment**

Kaluna Management Plan was adopted at the December 2014 Council meeting.

**3.5.1.6 Liaise with the North East Catchment Management Authority to implement actions in the Regional Catchment Strategy that enhance the natural environment in the Rural City of Wangaratta.**

Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2015

**Quarter 2 Comment**

Council officers provided input into the review of Regional Catchment Strategy.

**3.6 To support our community to experience and appreciate a healthy, diverse and exciting natural environment.**

**3.6.1 Enhance community understanding of conservation values and provide opportunities to experience and contribute to the environment.**

**3.6.1.1 Improve access to and enjoyment of Council's bushland and waterway reserves through improved infrastructure and signage.**

Overall Rating Average:  Percentage Complete: 50.00 Target Date: 30/06/2015

**Quarter 2 Comment**

Key projects completed include a path and interpretive signage at Wareena wetlands, replacement of a boardwalk at North Beaches and seating and interpretive signage for a community led conservation project near Reedy Creek in North Wangaratta.

**3.6.1.2 Promote understanding of conservation through education and public events and assist community groups that undertake conservation projects.**

Overall Rating Average: # Percentage Complete: Target Date:

**Quarter 2 Comment**

**3.7 To establish Council leadership to assist the community to live sustainably.**

**3.7.1 Reduce impact of Council's activities and provide leadership in sustainability by demonstrating best practice.**

**3.7.1.1 Prepare an Environment Sustainability Strategy for Council consideration and commence approved actions.**

Overall Rating Average:  Percentage Complete: 100.00 Target Date: 30/06/2015

**Quarter 2 Comment**

The Environmental Sustainability Strategy was endorsed by Council at the December 2014 meeting.

**3.7.1.2 Establish a Corporate Sustainability Strategy to achieve Council targets in greenhouse gas reduction, water use reduction and other corporate environment indicators and thereby promote environmental sustainability in all operational areas o**

Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2016

**Quarter 2 Comment**

Preliminary discussions on the strategy have taken place and will be guided by the ESS

**3.7.1.3 Convert Council owned streetlights to energy efficient lights.**

Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2016

**Quarter 2 Comment**

Street light change over will begin in late November 2014.

**3.7.2 Develop initiatives for the community to reduce resource use and waste to achieve sustainable living.**

**3.7.2.1 Provide information and active education on sustainable building and living, waste disposal, energy and water use within the community via the EcoLiving project, public events and Council's website.**

Overall Rating Average:  Percentage Complete: 25.00 Target Date: 30/06/2015

**Quarter 2 Comment**

Education displays and activities created for Sustainable House Day, Eco Living Trailer events and schools. Material developed throughout the year and as events and opportunities arise.

**3.7.2.2 Engage with regional authorities and neighbouring Councils to develop a regional approach to waste management to complement Council's Waste Management Strategy.**

Overall Rating Average:  Percentage Complete: 30.00 Target Date: 30/06/2015

**Quarter 2 Comment**

The North East Region Future Landfills Options Study Main Report and the Bowser Landfill Preliminary Assessment Report have been finalised - these reports will be used as primary source documents for the development of the North East Waste and Recovery Group's - Waste Resource Recovery Implementation Plan (WRRIP). This plan will set the direction of waste for the region for the next 10 years.

**3.7.2.3 Advocate for appropriate support and assist the response to the social needs related to a variable climate.**

Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2016

**Quarter 2 Comment**

An advocacy plan is dependent on finalisation of the Environmental Sustainability Strategy, expected by the end of 2014.

**3.7.2.4 Investigate options to maximise the use of environmentally sustainable design in new and retro fitted residential, industrial and commercial developments.**

Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2016

**Quarter 2 Comment**

Project not yet commenced

**3.7.2.5 Assist the community to reduce litter and recycle away from home in public places and at events – through appropriate infrastructure, information and education.**

Overall Rating Average:  Percentage Complete: 60.00 Target Date: 30/06/2015

**Quarter 2 Comment**

Received grant funding from Keep Australia Beautiful to install 10 Public Place Recycling (PPR) systems at Moyhu Reserves, now completed. Installation of another PPR systems at Merriwa Park as part of Council Operations. New event hood top bin have been purchased as part of the Keep Australia Beautiful funding. Additional funding from Sustainability Victoria to implement a further 10 street-scape recycling bins within the CBD is scheduled for March. As part of this grant 10 existing street-scape bins have been modified to accepted co-mingled recycling.



## 04 Infrastructure Services

4.1 To plan for and provide infrastructure appropriate to the community's needs.

4.1.1 Implement asset management systems that ensure the sustainability of our community assets.

**4.1.1.1 Refine the management of Council's infrastructure assets through participation in the Municipal Association of Victoria's STEP program and through improved modelling and supporting data.**

Overall Rating Average:  Percentage Complete: 94.00 Target Date: 30/06/2015

### **Quarter 2 Comment**

Our Asset Management practices are at a core standard in accordance with the NAMAFA (National Asset Management Assessment Framework), however, there is still some work to be done on service planning and asset management plans.

**4.1.1.2 Develop and implement management plans; incorporating rolling capital works and cyclic maintenance programs for Council's infrastructure.**

Overall Rating Average:  Percentage Complete: 53.00 Target Date: 30/06/2015

### **Quarter 2 Comment**

According to the results from the NAMAFA (National Asset Management Assessment Framework) self assessment questionnaire, Asset Management Plans are 65% complete.

**4.1.1.3 Develop landscape strategies for main roads, key township entrances.**

Overall Rating Average:  Percentage Complete: 25.00 Target Date: 30/06/2017

### **Quarter 2 Comment**

Plans and designs completed for Tone Road and Yarrawonga/Edward Street Entrance.

**4.1.1.4 Develop options for overcoming drainage deficiencies within rural and urban areas.**

Overall Rating Average:  Percentage Complete: 10.00 Target Date: 30/06/2015

### **Quarter 2 Comment**

Drainage Strategy currently being developed/finalised for Council consideration. Administrators and CMT have already been briefed.

**4.1.1.5 Negotiate with the State Government regarding responsibilities and obligations associated with the management and maintenance of the urban levee system in Wangaratta.**

Overall Rating Average:  Percentage Complete: 20.00 Target Date: 30/06/2016

**Quarter 2 Comment**

A submission was made on the draft Flood Plain Management Policy which deals with levee ownership. A legal opinion has been sought on the liability issues around levee ownership and still awaiting feedback on the strategy submission.

**4.1.1.6 Resolve a course of action for addressing traffic and pedestrian issues within the Wangaratta Central Activities Area.**

Overall Rating Average:  Percentage Complete: 50.00 Target Date: 30/06/2015

**Quarter 2 Comment**

Investigation, planning and conceptual proposals finalised and report with request for approval sent to VicRoads.

**4.1.1.7 Continue to work with regional partners to identify and address public and community transport gaps.**

Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2015

**Quarter 2 Comment**

Continue to provide representation on the Hume Regional Freight Strategy Forums. Developing Freight Strategy for RCoW in this current financial year.

**4.1.1.8 Implement the Wangaratta Central Activities Area Car Parking Strategy.**

Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2016

**Quarter 2 Comment**

Strategy completed. Extensive Implementation on the recommendation of the Strategy already occurred, in particular meeting future demands with the introduction of the Multi-Deck Carpark.

**4.1.1.9 Complete budgeted annual capital works program.**

Overall Rating Average:  Percentage Complete: 40.00 Target Date: 30/06/2015

**Quarter 2 Comment**

Planning, Design and some of the works well on the way.

**4.1.1.10      Develop a freight strategy that considers: \* Larger and heavier vehicles being used to carry freight; \* Freight bypass on the western side of Wangaratta; \* Freight impacted local roads including first and last mile issues; and \*Establishmen**

Overall Rating Average:  Percentage Complete: 25.00      Target Date: 30/06/2016

***Quarter 2 Comment***

Development of Freight Strategy to commence in current financial year.

**4.1.1.11      Commence the development of the Wangaratta Saleyards upgrade.**

Overall Rating Average:  Percentage Complete: 20.00      Target Date: 30/06/2015

***Quarter 2 Comment***

The tender for construction of the roof over the saleyards was awarded to Browns Wangaratta. Construction to commence in February 2015. Interim building permit issues 28 January 2015.

**4.1.1.12      Implement the Rural City of Wangaratta Waste Management Strategy.**

Overall Rating Average:  Percentage Complete: 20.00      Target Date: 30/06/2017

***Quarter 2 Comment***

360 litre recycling bins implemented.

Tender for the waste services including the third bin on track for release in October

Tender for Waste Services including organics bins and recycling closed Thursday 29 January 2015

Tender currently in evaluation.

## 05 Corporate Services

5.1 To ensure that Council's plans and budgets are responsible and sustainable.

5.1.1 Provide responsible financial practices ensuring Council's annual financial viability.

**5.1.1.1 Maintain a Long Term Financial Plan predicated on the following: \* Maintaining service delivery at agreed standards;  
\* Rate income at rate property value growth plus MAV cost index factor; \* Efficient and effective resource management (ass**

Overall Rating Average:  Percentage Complete: 5.00 Target Date: 30/06/2015

### **Quarter 2 Comment**

Council currently has a Long Term Financial Plan. This plan will be updated from the completed Revised Budget 2014/15 process in Feb 2015. The Plan will then be updated as part of the 2015/16 budget process due to start in Feb 2015. Currently evaluating external software providers to replace the existing excel model. Councils Service Planning project currently being undertaken.

5.1.2 Apply a triple bottom line approach to the assessment of new initiatives.

**5.1.2.1 Undertake a rating review to ensure that the rating strategy is consistent with Council Plan objectives and Ministerial Guidelines.**

Overall Rating Average: # Percentage Complete: Target Date:

### **Quarter 2 Comment**

5.2 To deliver Best Value Services

5.2.1 Support specific undertakings on a business basis to meet agreed community benefit.

**5.2.1.1 Identify Council's contribution for the following business units: \* Waste Management; \* Wangaratta Public Cemetery;  
\* Wangaratta Childcare Service; \* Wangaratta Saleyards;  
\* Wangaratta Performing Arts Centre; \* Wangaratta Aquatic Faciliti**

Overall Rating Average:  Percentage Complete: 80.00 Target Date: 30/06/2015

### **Quarter 2 Comment**

Work under-way on Service Planning with CT Management. The objective of service planning is to ensure that our services are financially sustainable in the long term, that they are efficient and effective and that they are provided to the community at an acceptable standard and provide good value for money.

## 5.2.2 Minimise risk as a way of providing a safe public and work place environment.

### 5.2.2.1 Review corporate planning and enterprise risk management systems.

Overall Rating Average:  Percentage Complete: 90.00 Target Date: 30/06/2015

#### **Quarter 2 Comment**

Council's performance planning and risk management system implementation has commenced and is expected to be finalised by the end of the year.

### 5.2.2.2 Review the Business Continuity Plan.

Overall Rating Average:  Percentage Complete: 60.00 Target Date: 30/06/2015

#### **Quarter 2 Comment**

The review has been completed to the extent that updated policy and procedures have been adopted or endorsed as appropriate.

Implementation of the plan has commenced and includes making the plan accessible under all circumstances, preparing specific business unit plans, training key staff, updating IT disaster recovery protocols and testing the updated arrangements.

## 5.2.3 Invest in and deploy proven Information Management Systems to ensure effective access to information and services.

### 5.2.3.1 Upgrade the electronic data management system.

Overall Rating Average:  Percentage Complete: 2.00 Target Date: 30/06/2016

#### **Quarter 2 Comment**

Some preliminary project planning has been undertaken.

Specialist engaged and initial investigation has been undertaken. January 2015 will see the formal kick off of this project with the outcome by June 2015 to have product selected and implementation project plan developed.

### 5.2.3.2 Review Council's information technology strategy to ensure organisational efficiencies are maximised and the community's expectations are met.

Overall Rating Average:  Percentage Complete: 0.00 Target Date: 30/06/2016

#### **Quarter 2 Comment**

Since starting in October the Manager Information Services has been collating the current state of technology and software used throughout the RCoW. The next phase is to understand what the future demands are both internally and within our community in which a strategy will be created to support.

**5.3 To provide accessible, open and transparent governance**

**5.3.1 Monitor key business processes of Council to ensure compliance.**

**5.3.1.1 Complete internal audits on time and implement findings as appropriate.**

Overall Rating Average:  Percentage Complete: 20.00 Target Date: 30/06/2015

***Quarter 2 Comment***

Implementation of the FY14/15 audit plan has commenced.  
Three more audits are planned for completion before financial year end.

**5.3.1.2 Ensure key business processes of Council are subject to regular audit to ensure compliance**

Overall Rating Average:  Percentage Complete: 90.00 Target Date: 30/06/2015

***Quarter 2 Comment***

An Internal Audit Plan - 2015 / 2018 has been prepared and endorsed by the Audit Advisory Committee, following a thorough risk review and with considerable senior management input. It ensures key business processes are audited.

**5.3.1.3 Ensure key business processes of Council are documented and documentation is updated regularly.**

Overall Rating Average:  Percentage Complete: 25.00 Target Date: 30/06/2015

***Quarter 2 Comment***

A third party review of Council's governance documentation acknowledged that Council has developed a wide range of policies which form a sound basis for a good governance policy framework. Significant policies have already been updated and adopted by Council, including, Business Continuity Management & Risk Management.

18.1.1.2 (11.2.2.1) S6. INSTRUMENT OF DELEGATION – MEMBERS OF COUNCIL STAFF

***S6. Instrument of Delegation – Members of Staff***



**Wangaratta Rural City Council**

**Instrument of Delegation**

**to**

**Members of Council Staff**

**(17 February 2015)**



## Instrument of Delegation

In exercise of the power conferred by section 98(1) of the *Local Government Act 1989* and the other legislation referred to in the attached Schedule, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. records that a reference in the Schedule to:

CEO	Chief Executive Officer
DCW	Director – Community Wellbeing
DDS	Director – Development Services
DIS	Director – Infrastructure Services
MF	Manager – Finance
ME&CS	Manager – Environment and Community Safety
MA	Manager -Assets
MP&B	Manager – Planning and Building
MTS	Manager – Technical Services
MFS	Manager – Field Services
SPC	Statutory Planning Coordinator
SPC1	Strategic Planning Coordinator
PSP	Principal Statutory Planner
PSP1	Principal Strategic Planner
SSP	Senior Statutory Planner
PEO	Planning Enforcement Officer
SP	Statutory Planner
TP	Town Planner
TLC	Team Leader – Cemetery
EHC	Environmental Health Coordinator
EHO	Environmental Health Officer
SED&D	Senior Engineer Design and Development

declares that:

- 2.1 this Instrument of Delegation is authorised by a **resolution** of Council passed on 17 February 2015; and
- 2.2 the delegation:
  - 2.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - 2.2.2 remains in force until varied or revoked;
  - 2.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, of the Schedule; and

- 2.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
- 2.3 the delegate must not determine the issue, take the action or do the act or thing:
  - 2.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or
  - 2.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
    - (a) policy; or
    - (b) strategy
 adopted by Council; or
  - 2.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
  - 2.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

THE COMMON SEAL OF THE WANGARATTA )  
 RURAL CITY COUNCIL was hereunto affixed on )  
 17 February 2015 in the presence of: )

..... ADMINISTRATOR

..... CHIEF EXECUTIVE OFFICER

## **SCHEDULE**

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<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)]			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.8(1)(a)(ii)	power to manage one or more public cemeteries	CEO	where appointed to manage cemetery by Governor in Council
s.12(1)	function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act	CEO	where council is a Class B cemetery trust
s.12(2)	duty to have regard to the matters set out in paragraphs (a)-(c) in exercising its functions	CEO	where council is a Class B cemetery trust
s.12A(1)	function to do the activities set out in paragraphs (a) – (n)	N/A	where council is a Class A cemetery trust
s.12A(2)	duty to have regard to matters set out in paragraphs (a)-(e) in exercising its functions	N/A	where council is a Class A cemetery trust
s.13	duty to do anything necessary or convenient to enable it to carry out its functions	CEO	
s.14	power to manage multiple public cemeteries as if they are one cemetery	CEO	
s.15(1) and (2)	power to delegate powers or functions other than those listed	CEO	
s.15(4)	duty to keep records of delegations	MFS	
s.17(1)	power to employ any persons necessary	CEO	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.17(2)	power to engage any professional, technical or other assistance considered necessary	CEO	
s. 17(3)	power to determine the terms and conditions of employment or engagement	CEO	subject to the any guidelines or directions of the Secretary
s.18(3)	duty to comply with a direction from the Secretary	MCS	
s.18B(1) & (2)	duty to establish governance committees within 12 months of becoming a Class A cemetery trust and power to establish other governance committees from time to time	N/A	where council is a Class A cemetery trust
s.18C	power to determine the membership of the governance committee	N/A	where council is a Class A cemetery trust
s.18D	power to determine procedure of governance committee	N/A	where council is a Class A cemetery trust
s.18D(1)(a)	duty to appoint community advisory committee for the purpose of liaising with communities	N/A	where council is a Class A cemetery trust
s.18D(1)(b)	power to appoint any additional community advisory committees	N/A	where council is a Class A cemetery trust
s.18D(2)	duty to establish a community advisory committee under section 18D(1)(a) within 12 months of becoming a Class A cemetery trust.	N/A	where council is a Class A cemetery trust
s.18D(3)	duty to include a report on the activities of the community advisory committees in its report of operations under Part 7 of the <i>Financial Management Act 1994</i>	N/A	where council is a Class A cemetery trust

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.18F(2)	duty to give preference to a person who is not a funeral director of a stonemason (or a similar position) when appointing a person to a community advisory committee	N/A	where council is a Class A cemetery trust
s.18H(1)	duty to hold an annual meeting before 30 December in each calendar year, in accordance with section	N/A	where council is a Class A cemetery trust
s.18I	duty to publish a public notice of annual meeting in a newspaper, a reasonable time before the date of the annual meeting	N/A	where council is a Class A cemetery trust
s.18J	duty to provide leadership, assistance and advice in relation to operational and governance matters relating to cemeteries (including the matters set out in section 18J(2))	N/A	where council is a Class A cemetery trust
s.18L(1)	duty to employ a person as the chief executive officer (by whatever title called) of the Class A cemetery trust	N/A	where council is a Class A cemetery trust
s.18N(1)	duty to prepare an annual plan for each financial year that specifies the items set out in paragraphs (a)-(d)	N/A	where council is a Class A cemetery trust
s.18N(3)	duty to give a copy of the proposed annual plan to the Secretary on or before 30 September each year for the Secretary's approval	N/A	where council is a Class A cemetery trust
s.18N(5)	duty to make amendments as required by the Secretary and deliver the completed plan to the Secretary within 3 months	N/A	where council is a Class A cemetery trust

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.18N(7)	duty to ensure that an approved annual plan is available to members of the public on request	N/A	where council is a Class A cemetery trust
s.18O(1)	duty to prepare a strategic plan and submit the plan to the Secretary for approval	N/A	where council is a Class A cemetery trust
s.18O(4)	duty to advise the Secretary if the trust wishes to exercise its functions in a manner inconsistent with its approved strategic plan	N/A	where council is a Class A cemetery trust
s.18O(5)	duty to ensure that an approved strategic plan is available to members of the public on request	N/A	where council is a Class A cemetery trust
s.18Q(1)	duty to pay an annual levy on gross earnings as reported in the annual financial statements for the previous financial year.	N/A	where council is a Class A cemetery trust
s.19	power to carry out or permit the carrying out of works	MFS	
s.20(1)	duty to set aside areas for the interment of human remains	MFS	
s.20(2)	power to set aside areas for the purposes of managing a public cemetery	CEO	
s.20(3)	power to set aside areas for those things in paragraphs (a) – (e)	CEO	
s.21(1)	power to establish and operate a crematorium in a public cemetery	CEO	council must not establish or operate a crematorium set aside for particular religious or community groups.



<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.22	power to establish mausolea facilities	CEO	subject to the prior written approval of the Secretary
s.24(2)	power to apply to the Secretary for approval to alter the existing distribution of land	CEO	
s.26(1)	power to make rules for or with respect to the general care, protection and management of a public cemetery	CEO	
s.36	power to grant licences to enter and use part of the land or building in a public cemetery in accordance with this section	CEO	subject to the approval of the Minister
s.37	power to grant leases over land in a public cemetery in accordance with this section	CEO	subject to the Minister approving the purpose
s.39(1)	power to fix fees and charges or a scale of fees and charges for its services in accordance with this section	MFS	subject to the approval of the Secretary under section 40 unless exempt under section 40A
s.39(3)	power to fix different fees and charges for different cases or classes of cases	MFS	
s.40	duty to notify Secretary of fees and charges fixed under section 39	MFS	

<b>CEMETERIES AND CREMATORIA ACT 2003</b> [##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)]			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.45	power to invest money	MF	subject to any direction of the Minister  This provision does not apply if the management of the public cemetery is a municipal council, not a cemetery trust. In this case, the borrowing & investment powers are governed by the Local Government Act 1989.
s.46	power to borrow money to enable it to perform its functions and exercise its powers	CEO	subject to the approval and conditions of the Treasurer  This provision does not apply if the management of the public cemetery is a municipal council, not a cemetery trust. In this case, the borrowing & investment powers are governed by the Local Government Act 1989.
s.47	power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	MFS	provided the street was constructed pursuant to the Local Government Act 1989
s.57(1)	duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	MFS	applies only to municipal councils, not cemetery trusts  report must contain the particulars listed in s.57(2)
s.59	duty to keep records for each public cemetery	DIS, MFS	
s.60(1)	duty to make information in records available to the public for historical or research purposes	TLC	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)]			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.60(2)	power to charge fees for providing information	TLC	
s.64(4)	duty to comply with a direction from the Secretary under section 64(3)	DIS	
s.64B(d)	power to permit interments at a reopened cemetery	DIS	
s.66(1)	power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	DIS	the application must include the requirements listed in s.66(2)(a)–(d)
s.69	duty to take reasonable steps to notify of conversion to historic cemetery park	DIS	
s.70(1)	duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	TLC	
s.70(2)	duty to make plans of existing place of interment available to the public	TLC	
s.71(1)	power to remove any memorials or other structures in an area to which an approval to convert applies	TLC	
s.71(2)	power to dispose of any memorial or other structure removed	TLC	
s.72(2)	duty to comply with request received under section 72	TLC	
s.73(1)	power to grant a right of interment	TLC	

**CEMETERIES AND CREMATORIA ACT 2003**

###The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.73(2)	power to impose conditions on the right of interment	MFS	
s.75	power to grant the rights of interment set out in subsections (a) and (b)	MFS	
s.76(3)	duty to allocate a piece of interment if an unallocated right is granted	MFS	
s.77(4)	power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application	MFS	
s.80(1)	function of receiving notification and payment of transfer of right of interment	TLC	
s.80(2)	function of recording transfer of right of interment	TLC	
s.82(2)	duty to pay refund on the surrender of an unexercised right of interment	TLC	
s.83(2)	duty to pay refund on the surrender of an unexercised right of interment (sole holder)	TLC	
s.83(3)	power to remove any memorial and grant another right of interment for a surrendered right of interment	TLC	
s.84(1)	function of receiving notice of surrendering an entitlement to a right of interment	TLC	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)]			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.85(1)	duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	TLC	the notice must be in writing and contain the requirements listed in s.85(2)
s.86	power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	TLC	
s.87(3)	duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	TLC	
s.88	function to receive applications to carry out a lift and re-position procedure at a place of interment	MFS	
s.89(1)	power to approve or refuse an application for a lift and re-position procedure in accordance with subsection (2) & (3)	MFS	can only be delegated to members of a committee established under section 86 of the <i>Local Government Act 1989</i>
s.90	power to authorise a person without an exhumation licence to carry out a lift and re-position procedure as set out in section 90(1)(a)-(d)	CEO	can only be delegated to members of a committee established under section 86 of the <i>Local Government Act 1989</i>
s.91(1)	power to cancel a right of interment in accordance with this section	MFS	
s.91(3)	duty to publish notice of intention to cancel right of interment	MFS	
s.92	power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	MFS	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.98(1)	function of receiving application to establish or alter a memorial or a place of interment	TLC	
s.99	power to approve or refuse an application made under section 98, or to cancel an approval	MFS	
s.99(4)	duty to make a decision on an application under section 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	MFS	
s.100(1)	power to require a person to remove memorials or places of interment	MFS	
s.100(2)	power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with section 100(1)	TLC, MFS	
s.100(3)	power to recover costs of taking action under section 100(2)	MFS	
s.101	function of receiving applications to establish or alter a building for ceremonies in the cemetery	MFS	
s.102(1)	power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	MFS	
s.102(2) & (3)	power to set terms and conditions in respect of, or to cancel, an approval granted under section 102(1)	MFS	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.103(1)	power to require a person to remove a building for ceremonies	MFS	
s.103(2)	power to remove and dispose of a building for ceremonies or remedy the failure to comply with section 103(1)	MFS	
s.103(3)	power to recover costs of taking action under section 103(2)	MFS	
s.106(1)	power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	MFS	
s.106(2)	power to require the holder of the right of interment to provide for an examination	MFS	
s.106(3)	power to open and examine the place of interment if section 106(2) not complied with	MFS	
s.106(4)	power to repair or – with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under section 106(1) is not complied with	MFS	
s.107(1)	power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	MFS	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.107(2)	power to repair or take down, remove and dispose any building for ceremonies if notice under section 107(1) is not complied with	TLC	
s.108	power to recover costs and expenses	MFS	
s.109(1)(a)	power to open, examine and repair a place of interment	MFS	where the holder of right of interment or responsible person cannot be found
s.109(1)(b)	power to repaid a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	MFS	where the holder of right of interment or responsible person cannot be found
s.109(2)	power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	MFS	where the holder of right of interment or responsible person cannot be found
s.110(1)	power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder. with consent of the Secretary	MFS	
s.110(2)	power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	MFS	
s.111	power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	MFS	
s.112	power to sell and supply memorials	TLC	



<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.116(4)	duty to notify the Secretary of an interment authorisation granted	MFS	
s.116(5)	power to require an applicant to produce evidence of the right of interment holder's consent to application	MFS	
s.118	power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	MFS	
s.119	power to set terms and conditions for interment authorisations	MFS	
s.131	function of receiving an application for cremation authorisation	TLC	Not Applicable – No Crematorium
s.133(1)	duty not to grant a cremation authorisation unless satisfied that requirements of section 133 have been complied with	MFS	Not Applicable – No Crematorium
s.145	duty to comply with an order made by the Magistrates' Court or a coroner	MFS	
s.146	power to dispose of bodily remains by a method other than interment or cremation	DIS	subject to the approval of the Secretary
s.147	power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	DIS	
s.149	duty to cease using method of disposal if approval revoked by the Secretary	MFS	

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.150 & 152(1)	power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met	MFS	
s.151	function of receiving applications to inter or cremate body parts	TLC	
s.152(2)	power to impose terms and conditions on authorisation granted under section 150.	MFS	
Schedule 1 clause 8(3)	power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	MFS	where council is a Class B cemetery trust
Schedule 1 clause 8(8)	power to regulate own proceedings	DIS	where council is a Class B cemetery trust subject to clause 8
Schedule 1A clause 8(3)	power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	N/A	where council is a Class A cemetery trust
Schedule 1A clause 8(8)	power to regulate own proceedings	N/A	where council is a Class A cemetery trust subject to clause 8

<b>DOMESTIC ANIMALS ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
s.41A(1)	power to declare a dog to be a menacing dog	ME&CS	Council may delegate this power to an authorised officer

<b>ENVIRONMENT PROTECTION ACT 1970</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.53M(3)	power to require further information	EHC	
s.53M(4)	duty to advise applicant that application is not to be dealt with	EHC	
s.53M(5)	duty to approve plans, issue permit or refuse permit	EHC	refusal must be ratified by council or it is of no effect
s.53M(6)	power to refuse to issue septic tank permit	EHC	refusal must be ratified by council or it is of no effect
s.53M(7)	duty to refuse to issue a permit in circumstances in (a)-(c)	EHC	refusal must be ratified by council or it is of no effect

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.19(2)(a)	power to direct by written order that the food premises be put into a clean and sanitary condition	EHO, EHC	If section 19(1) applies
s.19(2)(b)	power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	EHO, EHC	If section 19(1) applies
s.19(4)(a)	power to direct that an order made under section 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	EHC	If section 19(1) applies
s.19(6)(a)	duty to revoke any order under section 19 if satisfied that an order has been complied with	EHC	If section 19(1) applies
s.19(6)(b)	duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	EHC	If section 19(1) applies
s.19AA(2)	power to direct, by written order, that a person must take any of the actions described in (a)-(c).	EHC	where council is the registration authority
s.19AA(4)(c)	power to direct, in an order made under s.19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	EHC	Note: the power to direct the matters under s.19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s.19AA(7)	duty to revoke order issued under s.19AA and give written notice of revocation, if satisfied that that order has been complied with	EHC	where council is the registration authority
s.19CB(4)(b)	power to request copy of records	EHO, EHC	where council is the registration authority

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.19E(1)(d)	power to request a copy of the food safety program	EHO, EHC	where council is the registration authority
s.19GB	power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	EHO, EHC	where council is the registration authority
s.19M(4)(a) & (5)	power to conduct a food safety audit and take actions where deficiencies are identified	EHO, EHC	where council is the registration authority
s.19NA(1)	power to request food safety audit reports	EHO, EHC	where council is the registration authority
s.19U(3)	power to waive and vary the costs of a food safety audit if there are special circumstances	DDS, ME&CS	
s.19UA	power to charge fees for conducting a food safety assessment or inspection	EHC	except for an assessment required by a declaration under section 19C or an inspection under sections 38B(1)(c) or 39.
s.19W	power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	EHO, EHC	where council is the registration authority
s.19W(3)(a)	power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	EHC	where council is the registration authority
s.19W(3)(b)	power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	EHC	where council is the registration authority
---	power to register, renew or transfer registration	EHC	where council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see section 58A(2))

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.38AA(5)	power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	EHO, EHC	where council is the registration authority
s.38AB(4)	power to fix a fee for the receipt of a notification under section 38AA in accordance with a declaration under subsection (1)	EHO, EHC	where council is the registration authority
s.38A(4)	power to request a copy of a completed food safety program template	EHO, EHC	where council is the registration authority
s.38B(1)(a)	duty to assess the application and determine which class of food premises under section 19C the food premises belongs	EHO, EHC	where council is the registration authority
s.38B(1)(b)	duty to ensure proprietor has complied with requirements of section 38A	EHO, EHC	where council is the registration authority
s.38B(2)	duty to be satisfied of the matters in section 38B(2)(a)-(b)	EHO, EHC	where council is the registration authority
s.38D(1)	duty to ensure compliance with the applicable provisions of section 38C and inspect the premises if required by section 39	EHO, EHC	where council is the registration authority
s.38D(2)	duty to be satisfied of the matters in section 38D(2)(a)-(d)	EHO, EHC	where council is the registration authority
s.38D(3)	power to request copies of any audit reports	EHO, EHC	where council is the registration authority
s.38E(2)	power to register the food premises on a conditional basis	EHO, EHC	where council is the registration authority; not exceeding the prescribed time limit defined under subsection (5).

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.38E(4)	duty to register the food premises when conditions are satisfied	EHO, EHC	where council is the registration authority
s.38F(3)(b)	power to require proprietor to comply with requirements of this Act	EHO, EHC	where council is the registration authority
s.39A	power to register, renew or transfer food premises despite minor defects	EHC	where council is the registration authority only if satisfied of matters in subsections (2)(a)-(c)
s.40(2)	power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	EHC	
s.40C(2)	power to grant or renew the registration of food premises for a period of less than 1 year	EHC	where council is the registration authority
s.40D(1)	power to suspend or revoke the registration of food premises	EHC	where council is the registration authority
s.43F(6)	duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	EHC	where council is the registration authority
s.43F(7)	power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	EHC	where council is the registration authority
s.46(5)	power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	EHC	where council is the registration authority



HERITAGE ACT 1995			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.84(2)	power to sub-delegate Executive Director's functions	DDS	must obtain Executive Director's written consent first.

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.4B	power to prepare an amendment to the Victoria Planning Provisions	MP&B, DDS	if authorised by the Minister
s.4G	function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	MP&B, DDS	
s.4H	duty to make amendment to Victoria Planning Provisions available	MP&B, DDS	
s.4I	duty to keep Victoria Planning Provisions and other documents available	MP&B, DDS	
s.8A(2)	power to prepare amendment to the planning scheme where the Minister has given consent under s.8A	MP&B, SPC1; PSP1, DDS	
s. 8A(3)	power to apply to Minister to prepare an amendment to the planning scheme	MP&B, DDS	
s.8A(5)	function of receiving notice of the Minister's decision	MP&B, SPC1, PSP1, DDS	
s.8A(7)	power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	MP&B, DDS	
s.8B(2)	power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	MP&B, SPC1, PSP1, DDS	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.12(3)	power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	MP&B, SPC1, PSP1, DDS	
s 12A(1)	duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under section 19 of the <i>Planning and Environment (Planning Schemes) Act 1996</i> )	MP&B, DDS	
s.12B(1)	duty to review planning scheme	MP&B, DDS	
s.12B(2)	duty to review planning scheme at direction of Minister	MP&B, DDS	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	MP&B, DDS	
s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	MP&B, DDS	
s.17(1)	duty of giving copy amendment to the planning scheme	MP&B, DDS	
s.17(2)	duty of giving copy s.173 agreement	MP&B, DDS	
s.17(3)	duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	MP&B, DDS	
s.18	duty to make amendment etc. available	MP&B, DDS	
s.19	power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under section 19 to a planning scheme	MP&B, SPC1, PSP1, DDS	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.19	function of receiving notice of preparation of an amendment to a planning scheme	N/A	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s.20(1)	power to apply to Minister for exemption from the requirements of section 19	MP&B, DDS	
s.21(2)	duty to make submissions available	MP&B, SPC1, PSP1, DDS	
s.21A(4)	duty to publish notice in accordance with section	MP&B, SPC1, PSP1, DDS	
s.22	duty to consider all submissions	MP&B, SPC1, PSP1, DDS	
s.23(1)(b)	duty to refer submissions which request a change to the amendment to a panel	MP&B, SPC1, PSP1, DDS	
s.23(2)	power to refer to a panel submissions which do not require a change to the amendment	MP&B, SPC1, PSP1, DDS	
s.24	function to represent council and present a submission at a panel hearing (including a hearing referred to in section 96D)	MP&B, SPC1, PSP1, DDS	
s.26(1)	power to make report available for inspection	MP&B, SPC1, PSP1, DDS	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.26(2)	duty to keep report of panel available for inspection	MP&B, SPC1, PSP1, DDS	
s.27(2)	power to apply for exemption if panel's report not received	MP&B, SPC1, PSP1, DDS	
s.28	duty to notify the Minister if abandoning an amendment	MP&B, SPC1, DDS	Note: the power to make a decision to abandon an amendment cannot be delegated
s.30(4)(a)	duty to say if amendment has lapsed	MP&B, SPC1, PSP1, DDS	
s.30(4)(b)	duty to provide information in writing upon request	MP&B, SPC1, PSP1, DDS	
s.32(2)	duty to give more notice if required	MP&B, SPC1, PSP1, DDS	
s.33(1)	duty to give more notice of changes to an amendment	MP&B, SPC1, PSP1, DDS	
s.36(2)	duty to give notice of approval of amendment	MP&B, SPC1, PSP1, DDS	
s.38(5)	duty to give notice of revocation of an amendment	MP&B, SPC1, PSP1, DDS	
s.39	function of being a party to a proceeding commenced under section 39 and duty to comply with determination by VCAT	MP&B, SPC1, PSP1, DDS	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.40(1)	function of lodging copy of approved amendment	MP&B, SPC1, PSP1, DDS	
s.41	duty to make approved amendment available	MP&B, SPC1, PSP1, DDS	
s.42	duty to make copy of planning scheme available	MP&B, SPC1, PSP1, DDS	
s.46AS(ac)	power to request the Growth Areas Authority to provide advice on any matter relating to land in Victoria or an objective of planning in Victoria	MP&B, DDS	
s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	MP&B, SPC, DDS	
s.46N(2)(c)	function of determining time and manner for receipt of development contributions levy	MP&B, SPC, DDS	
s.46N(2)(d)	power to enter into an agreement with the applicant regarding payment of development infrastructure levy	DDS, MP&B	
s.46O(1)(a) & (2)(a)	power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	DDS, MP&B	
s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	DDS, MP&B	
s.46P(1)	power to require payment of amount of levy under section 46N or section 46O to be satisfactorily secured	DDS, MP&B	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	DDS, MP&B	
s.46Q(1)	duty to keep proper accounts of levies paid	MF	
s.46Q(1A)	duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency	DDS, MP&B, MF	
s.46Q(2)	duty to apply levy only for a purpose relating to the provision of the works, services and facilities in respect of which the levy was paid etc.	DDS, MP&B	
s.46Q(3)	power to refund any amount of levy paid if it is satisfied the development is not to proceed	MTS, MP&B	only applies when levy is paid to Council as a 'development agency'
s.46Q(4)(c)	duty to pay amount to current owners of land in the area	MTS, MP&B	must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
s.46Q(4)(d)	duty to submit to the Minister an amendment to the approved development contributions plan	DDS, MP&B	must be done in accordance with Part 3
s.46Q(4)(e)	duty to expend that amount on other works etc.	DDS, MP&B, MTS	with the consent of, and in the manner approved by, the Minister
s.46QC	power to recover any amount of levy payable under Part 3B	MTS	
s.46V(3)	duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	N/A	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.46Y	duty to carry out works in conformity with the approved strategy plan	N/A	
s.47	power to decide that an application for a planning permit does not comply with that Act	DDS, MP&B	
s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	MP&B, PSP, SPC, DDS, SSP	
s.49(2)	duty to make register available for inspection	MP&B, PSP, SPC, DDS, SSP, SP	
s.50(4)	duty to amend application	MP&B, SPC, DDS, PSP, SSP, SP	
s.50(5)	power to refuse to amend application	MP&B, DDS	
s.50(6)	duty to make note of amendment to application in register	MP&B, PSP, SPC, DDS, SSP, SP	
s.50A(1)	power to make amendment to application	MP&B, PSP, SPC, DDS	
s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	MP&B, PSP, SPC, DDS, SSP, SP	



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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.50A(4)	duty to note amendment to application in register	MP&B, PSP, SPC, DDS, SSP, SP	
s.51	duty to make copy of application available for inspection	MP&B, PSP, SPC, DDS, SSP, SP	
s.52(1)(a)	duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	MP&B, PSP, SPC, DDS, SSP, SP	
s.52(1)(b)	duty to give notice of the application to other municipal councils where appropriate	MP&B, PSP, SPC, DDS, SSP, SP	
s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	MP&B, PSP, SPC, DDS, SSP, SP	
s.52(1)(ca)	duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	MP&B, PSP, SPC, DDS, SSP, SP	
s.52(1)(cb)	duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	MP&B, PSP, SPC, DDS, SSP, SP	
s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	MP&B, PSP, SPC, DDS, SSP, SP	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	MP&B, PSP, SPC, DDS, SSP, SP	
s.52(3)	power to give any further notice of an application where appropriate	MP&B, PSP, SPC, DDS, SSP, SP	
s.53(1)	power to require the applicant to give notice under section 52(1) to persons specified by it	MP&B, PSP, SPC, DDS, SSP, SP	
s.53(1A)	power to require the applicant to give the notice under section 52(1AA)	MP&B, PSP, SPC, DDS, SSP, SP	
s.54(1)	power to require the applicant to provide more information	MP&B, PSP, SPC, DDS, SSP, SP	
s.54(1A)	duty to give notice in writing of information required under section 54(1)	MP&B, PSP, SPC, DDS, SSP, SP	
s.54(1B)	duty to specify the lapse date for an application	MP&B, PSP, SPC, DDS, SSP, SP	
s.54A(3)	power to decide to extend time or refuse to extend time to give required information	MP&B, PSP, SPC, DDS	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.54A(4)	duty to give written notice of decision to extend or refuse to extend time und section 54A(3)	MP&B, PSP, SPC, DDS, SSP, SP	
s.55(1)	duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	MP&B, PSP, SPC, DDS, SSP, SP	
s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	MP&B, PSP, SPC, DDS	
s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	MP&B, PSP, SPC, DDS	
s.57(5)	duty to make available for inspection copy of all objections	MP&B, PSP, SPC, DDS, SSP, SP	
s.57A(4)	duty to amend application in accordance with applicant's request, subject to section 57A(5)	MP&B, PSP, SPC, DDS, SSP, SP	
s.57A(5)	power to refuse to amend application	MP&B, PSP, SPC, DDS	
s.57A(6)	duty to note amendments to application in register	MP&B, PSP, SPC, DDS, SSP, SP	
s.57B(1)	duty to determine whether and to whom notice should be given	MP&B, SPC, DDS, PSP	

PLANNING AND ENVIRONMENT ACT 1987			
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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.57B(2)	duty to consider certain matters in determining whether notice should be given	MP&B, PSP, SPC, DDS	
s.57C(1)	duty to give copy of amended application to referral authority	MP&B, PSP, SPC, DDS, SSP, SP	
s.58	duty to consider every application for a permit	MP&B, PSP, SPC, DDS, SSP, SP	
s.58A	power to request advice from the Planning Application Committee	DDS, MP&B	
s.60	duty to consider certain matters	MP&B, PSP, SPC, DDS	
s60(1A)	power to consider certain matters before deciding on application	MP&B, PSP, SPC, DDS	
s.61(1)(a)	power to decide to grant a permit	TP, PSP, SPC, MP&B, DDS	<p>the permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i></p> <p>Limitations.</p> <p>SP, PSP, SSP, CSP For developments &lt;\$1M</p> <p>MP&amp;B For developments \$1M to &lt;\$5M</p> <p>DDS For developments &gt;\$5M</p>

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.61(1)(b)	power to decide to grant a permit with conditions	TP, PSP, SPC, MP&B, DDS, SSP	the permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006  Limitations. TP, PSP, SSP, SPC, For developments <\$1M MP&B; For developments \$1M to <\$5M DDS; For developments >\$5M
s.61(1)(c)	power to refuse a permit application	MP&B, DDS	where the number of objections does not exceed three(3)
s.61(2)	duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	MP&B, SPC, DDS	
s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	MP&B, SPC, DDS	
s.61(3)(a)	duty not to decide to grant a permit to use coastal Crown land without Minister's consent	N/A	
s.61(3)(b)	duty to refuse to grant the permit without the Minister's consent	N/A	
s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	MP&B, SPC, DDS	
s.62(1)	duty to include certain conditions in deciding to grant a permit	MP&B, SPC, DDS, SSP, SP, PSP	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.62(2)	power to include other conditions	MP&B, SPC, DDS, SSP, SP, PSP	
s.62(4)	duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	MP&B, SPC, DDS, SSP, SP, PSP	
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	MP&B, SPC, DDS, SSP, SP, PSP	
s.62(5)(b)	power to include a permit condition that specified works be provided on or to the land or paid for in accordance with section 173 agreement	MP&B, SPC, DDS, SSP, SP, PSP	
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	MP&B, SPC, DDS, SSP, SP, PSP	
s.62(6)(a)	duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with section 62(5) or section 46N	MP&B, SPC, DDS, SSP, SP, PSP	
s.62(6)(b)	duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in section 62(1)(a)	MP&B, SPC, DDS, SSP, SP, PSP	
s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	MP&B, SPC, DDS, SSP, SP, PSP	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	MP&B, SPC, DDS	this provision applies also to a decision to grant an amendment to a permit - see section 75
s.64(3)	duty not to issue a permit until after the specified period	MP&B, SPC, DDS	this provision applies also to a decision to grant an amendment to a permit - see section 75
s.64(5)	duty to give each objector a copy of an exempt decision	MP&B, SPC, DDS	this provision applies also to a decision to grant an amendment to a permit - see section 75
s.64A	duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	MP&B, SPC, DDS, PSP, TP, SSP, SP	this provision applies also to a decision to grant an amendment to a permit - see section 75A
s.65(1)	duty to give notice of refusal to grant permit to applicant and person who objected under section 57	MP&B, SPC, DDS, SSP, SP, PSP	
s.66(1)	duty to give notice under section 64 or section 65 and copy permit to relevant determining referral authorities	MP&B, SPC, DDS, PSP, TP, SSP, SP	
s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	MP&B, SPC, DDS, PSP, TP, SSP, SP	if the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.66(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	MP&B, SPC, DDS, PSP, TP, SSP, SP	if the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s.66(6)	duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under section 64 or 65	MP&B, SPC, DDS, PSP, TP, SSP, SP	if the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s.69(1)	function of receiving application for extension of time of permit	MP&B, SPC, DDS, SSP, SP, PSP	
s.69(1A)	function of receiving application for extension of time to complete development	MP&B, SPC, DDS, SSP, SP, PSP	
s.69(2)	power to extend time	MP&B, SPC, DDS	
s.70	duty to make copy permit available for inspection	MP&B, SPC, DDS, SSP, SP, PSP	
s.71(1)	power to correct certain mistakes	MP&B, SPC, DDS, PSP, SPC	



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s.71(2)	duty to note corrections in register	MP&B, SPC, DDS, SSP, SP, PSP	
s.73	power to decide to grant amendment subject to conditions	MP&B, SPC, DDS, PSP	
s.74	duty to issue amended permit to applicant if no objectors	MP&B, SPC, DDS, SSP, SP, PSP	
s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	MP&B, SPC, DDS, SSP, SP, PSP	
s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	MP&B, SPC, DDS	
s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	MP&B, SPC, DDS, SSP, SP, PSP	if the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s.76A(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	MP&B, SPC, DDS, SSP, SP, PSP	if the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s.76A(6)	duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under section 64 or 76	MP&B, SPC, DDS, SSP, SP, PSP	if the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.76D	duty to comply with direction of Minister to issue amended permit	MP&B, SPC, DDS, SSP, SP, PSP	
s.83	function of being respondent to an appeal	MP&B, SPC, DDS	
s.83B	duty to give or publish notice of application for review	MP&B, SPC, DDS	
s.84(1)	power to decide on an application at any time after an appeal is lodged against failure to grant a permit	MP&B, DDS	
s.84(2)	duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	MP&B, SPC, DDS, SSP, SP, PSP	
s.84(3)	duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	MP&B, SPC, DDS, SSP, SP, PSP	
s.84(6)	duty to issue permit on receipt of advice within 3 working days	MP&B, SPC, DDS, SSP, SP, PSP	
s.86	duty to issue a permit at order of Tribunal within 3 working days	MP&B, SPC, DDS, SSP, SP, PSP	
s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	MP&B, DDS	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	MP&B, DDS	
s.91(2)	duty to comply with the directions of VCAT	MP&B, SPC, DDS	
s.91(2A)	duty to issue amended permit to owner if Tribunal so directs	MP&B, SPC, DDS	
s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under section 90	MP&B, SPC, DDS	
s.93(2)	duty to give notice of VCAT order to stop development	MP&B, SPC, DDS	
s.95(3)	function of referring certain applications to the Minister	MP&B, DDS	
s.95(4)	duty to comply with an order or direction	MP&B, DDS	
s.96(1)	duty to obtain a permit from the Minister to use and develop its land	MP&B, DDS	
s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	MP&B, DDS	
s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	MP&B; SPC, SPC1	
s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under section 96C	MP&B, DDS, SPC1, PSP1	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.96F	duty to consider the panel's report under section 96E	MP&B, SPC, SPC, SPC1, PSP1	
s.96G(1)	power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under section 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i> )	DDS, MP&B, SPC, SPC1	
s.96H(3)	power to give notice in compliance with Minister's direction	MP&B, SPC, SPC1	
s.96J	power to issue permit as directed by the Minister	MP&B, SPC, SPC1	
s.96K	duty to comply with direction of the Minister to give notice of refusal	MP&B, SPC, SPC1	
s.97C	power to request Minister to decide the application	DDS, MP&B	
s.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	MP&B, DDS, SPC	
s.97G(3)	function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	MP&B, SPC, DDS	
s.97G(6)	duty to make a copy of permits issued under section 97F available for inspection	MP&B, SPC, DDS	
s.97L	duty to include Ministerial decisions in a register kept under section 49	MP&B, SPC, DDS	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.97MH	duty to provide information or assistance to the Planning Application Committee	MP&B, DDS	
s.97MI	duty to contribute to the costs of the Planning Application Committee or subcommittee	MP&B, DDS	
s.97O	duty to consider application and issue or refuse to issue certificate of compliance	MP&B, SPC, DDS	
s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	MP&B, SPC, DDS	
s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	MP&B, SPC, DDS	
s.97Q(4)	duty to comply with directions of VCAT	MP&B, SPC, DDS	
s.97R	duty to keep register of all applications for certificate of compliance and related decisions	MP&B, SPC, DDS	
s.98(1)&(2)	function of receiving claim for compensation in certain circumstances	MP&B, DDS	
s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	MP&B, DDS	
s.101	function of receiving claim for expenses in conjunction with claim	MP&B, DDS	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.103	power to reject a claim for compensation in certain circumstances	DDS	
s.107(1)	function of receiving claim for compensation	MP&B, DDS	
s.107(3)	power to agree to extend time for making claim	MP&B, DDS	
s.114(1)	power to apply to the VCAT for an enforcement order	MP&B, DDS, SPC	
s.117(1)(a)	function of making a submission to the VCAT where objections are received	MP&B, DDS, SPC	
s.120(1)	power to apply for an interim enforcement order where section 114 application has been made	MP&B, DDS, SPC	
s.123(1)	power to carry out work required by enforcement order and recover costs	MP&B, DDS, SPC	
s.123(2)	power to sell buildings, materials, etc salvaged in carrying out work under section 123(1)	DDS	except Crown Land
s.129	function of recovering penalties	MP&B, DDS	
s.130(5)	power to allow person served with an infringement notice further time	MP&B, DDS	
s.149A(1)	power to refer a matter to the VCAT for determination	MP&B, DDS	
s.149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	MP&B, DDS	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.156	duty to pay fees and allowances (including a payment to the Crown under subsection (2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under subsection (2B) power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4)	DDS, MP&B	where council is the relevant planning authority
s.171(2)(f)	power to carry out studies and commission reports	MP&B, DDS	
s.171(2)(g)	power to grant and reserve easements	MP&B, DDS	
s.173	power to enter into agreement covering matters set out in section 174	MP&B, PSP, SPC, DDS, SPC1	
---	power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the <i>Planning and Environment Act</i> 1987 requires something to be to the satisfaction of Council or Responsible Authority	MP&B, SPC, DDS, SPC1	
---	power to give consent on behalf of Council, where an agreement made under section 173 of the <i>Planning and Environment Act</i> 1987 requires that something may not be done without the consent of Council or Responsible Authority	MP&B, SPC, DDS, SPC1	
s.177(2)	power to end a section 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	MP&B, DDS	
s.178	power to amend a s.173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	MP&B, DDS	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.178A(1)	function of receiving application to amend or end an agreement	MP&B, SPC, SPC1	
s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	MP&B, DDS	
s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	MP&B, DDS	
s.178A(5)	power to propose to amend or end an agreement	MP&B, DDS	
s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	MP&B, SPC, DDS, SPC1	
s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	MP&B, SPC, DDS, SPC1	
s.178C(2)	duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	MP&B, SPC, DDS, SPC1	
s.178C(4)	function of determining how to give notice under s.178C(2)	MP&B, SPC, DDS, SPC1	
s.178E(1)	duty not to make decision until after 14 days after notice has been given	MP&B, SPC, DDS, SPC1	
s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	MP&B, DDS	If no objections are made under s.178D Must consider matters in s.178B



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.178E(2)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	MP&B, DDS	If no objections are made under s.178D Must consider matters in s.178B
s.178E(2)(c)	power to refuse to amend or end the agreement	MP&B, DDS	If no objections are made under s.178D Must consider matters in s.178B
s.178E(3)(a)	power to amend or end the agreement in accordance with the proposal	MP&B, DDS	After considering objections, submissions and matters in s.148B
s.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	MP&B, DDS	After considering objections, submissions and matters in s.148B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	MP&B, DDS	After considering objections, submissions and matters in s.148B
s.178E(3)(d)	power to refuse to amend or end the agreement	MP&B, DDS	After considering objections, submissions and matters in s.148B
s.178F(1)	duty to give notice of its decision under s.178E(3)(a) or (b)	MP&B, DDS	
s.178F(2)	duty to give notice of its decision under s.178E(2)(c) or (3)(d)	MP&B, DDS	
s.178F(4)	duty not to proceed to amend or end an agreement under s.178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	MP&B, DDS	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.178G	duty to sign amended agreement and give copy to each other party to the agreement	MP&B, DDS	
s.178H	power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	MP&B, DDS	
s.178I(3)	duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	MP&B, DDS	
s.179(2)	duty to make available for inspection copy agreement	MP&B	
s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	MP&B, DDS	
s.181(1A)(a)	power to apply to the Registrar of Titles to record the agreement	MP&B, DDS	
s.181(1A)(b)	duty to apply to the Registrar of Titles, without delay, to record the agreement	MP&B	
s.182	power to enforce an agreement	MP&B, SPC, DDS	
s.183	duty to tell Registrar of Titles of ending/amendment of agreement	MP&B, DDS	
s.184F(1)	power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	MP&B, DDS	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.184F(2)	duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	MP&B, DDS	
s.184F(3)	duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	MP&B, DDS	
s.184F(5)	function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	MP&B, DDS	
s.184G(2)	duty to comply with a direction of the Tribunal	MP&B, DDS, SPC	
s.184G(3)	duty to give notice as directed by the Tribunal	MP&B, DDS, CSP	
s.198(1)	function to receive application for planning certificate	MP&B, CSP	Council is no more the authority to receive and issue planning certificates as Amendment C60 had been gazetted on 25 September 2014.
s.199(1)	duty to give planning certificate to applicant	MP&B, CSP	Council is no more the authority to receive and issue planning certificates as Amendment C60 had been gazetted on 25 September 2014.
s.201(1)	function of receiving application for declaration of underlying zoning	MP&B, DDS	
s.201(3)	duty to make declaration	MP&B, DDS	
-	power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	MP&B, DDS	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	MP&B, DDS	
	power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	MP&B, DDS	
-	power to give written authorisation in accordance with a provision of a planning scheme	MP&B, DDS	
s.201UAB(1)	function of providing the Growth Areas Authority with information relating to any land within municipal district	MP&B, DDS	
s.201UAB(2)	duty to provide the Growth Areas Authority with information requested under subsection (1) as soon as possible	MP&B, DDS	

RAIL SAFETY ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.33	duty to comply with a direction of the Safety Director under this section	DIS	where council is a utility under section 3
s.33A	duty to comply with a direction of the Safety Director to give effect to arrangements under this section	DIS	duty of council as a road authority under the <i>Road Management Act 2004</i>
s.34	duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under section 33(1)	DIS	where council is a utility under section 3
s.34C(2)	function of entering into safety interface agreements with rail infrastructure manager	DIS	where council is the relevant road authority
s.34D(1)	function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed	MTS	where council is the relevant road authority
s.34D(2)	function of receiving written notice of opinion	DIS, MTS	where council is the relevant road authority
s.34D(4)	function of entering into safety interface agreement with infrastructure manager	DIS	where council is the relevant road authority
s.34E(1)(a)	duty to identify and assess risks to safety	DIS, MTS	where council is the relevant road authority
s.34E(1)(b)	duty to determine measures to manage any risks identified and assessed having regard to items set out in section 34E(2)(a)-(c)	MTS	where council is the relevant road authority
s.34E(3)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	DIS	where council is the relevant road authority

<b>RAIL SAFETY ACT 2006</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
s.34F(1)(a)	duty to identify and assess risks to safety, if written notice has been received under section 34D(2)(a)	MTS, DIS	where council is the relevant road authority
s.34F(1)(b)	duty to determine measures to manage any risks identified and assessed, if written notice has been received under section 34D(2)(a)	MTS, DIS	where council is the relevant road authority
s.34F(2)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	DIS	where council is the relevant road authority
s.34H	power to identify and assess risks to safety as required under sections 34B, 34C, 34D, 34E or 34F in accordance with subsections (a)-(c)	MTS	where council is the relevant road authority
s.34I	function of entering into safety interface agreements	DIS	where council is the relevant road authority
s.34J(2)	function of receiving notice from Safety Director	MTS	where council is the relevant road authority
s.34J(7)	duty to comply with a direction of the Safety Director given under section 34J(5)	DIS	where council is the relevant road authority
s.34K(2)	duty to maintain a register of items set out in subsections (a)-(b)	MTS	where council is the relevant road authority

<b>RESIDENTIAL TENANCIES ACT 1997</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.142D	function of receiving notice regarding an unregistered rooming house	DDS, ME&CS	
s.142G(1)	duty to enter required information in Rooming House Register for each rooming house in municipal district	EHC	
s. 142G(2)	power to enter certain information in the Rooming House Register	EHC	
s.142I(2)	power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	EHC	
s.252	power to give tenant a notice to vacate rented premises if subsection (1) applies	DDS	where council is the landlord
s.262(1)	power to give tenant a notice to vacate rented premises	DDS	where council is the landlord
s.262(3)	power to publish its criteria for eligibility for the provision of housing by council	DDS	
s.518F	power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	DDS	
s.522(1)	power to give a compliance notice to a person	ME&CS	
s.525(2)	power to authorise an officer to exercise powers in section 526 (either generally or in a particular case)	DDS	
s.525(4)	duty to issue identity card to authorised officers	DDS, ME&CS	

<b>RESIDENTIAL TENANCIES ACT 1997</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.526(5)	duty to keep record of entry by authorised officer under section 526	DDS, ME&CS	
s.526A(3)	function of receiving report of inspection	DDS, ME&CS	
s.527	power to authorise a person to institute proceedings (either generally or in a particular case)	DDS, ME&CS	



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.11(1)	power to declare a road by publishing a notice in the Government Gazette	DIS	obtain consent in circumstances specified in section 11(2)
s.11(8)	power to name a road or change the name of a road by publishing notice in Government Gazette	DIS	
s.11(9)(b)	duty to advise Registrar	DIS	
s.11(10)	duty to inform Secretary to Department of Sustainability and Environment of declaration etc.	DIS	clause subject to section 11(10A)
s.11(10A)	duty to inform Secretary to Department of Sustainability and Environment or nominated person	DIS	where council is the coordinating road authority
s.12(2)	power to discontinue road or part of a road	DIS	where council is the coordinating road authority
s.12(4)	power to publish, and provide copy, notice of proposed discontinuance	DIS	power of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(5)	duty to consider written submissions received within 28 days of notice	DIS	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(6)	function of hearing a person in support of their written submission	DIS	function of coordinating road authority where it is the discontinuing body unless subsection (11) applies

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.12(7)	duty to fix day, time and place of meeting under subsection (6) and to give notice	DIS	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(10)	duty to notify of decision made	DIS	duty of coordinating road authority where it is the discontinuing body  does not apply where an exemption is specified by the regulations or given by the Minister
s.13(1)	power to fix a boundary of a road by publishing notice in Government Gazette	DIS	power of coordinating road authority and obtain consent under section 13(3) and section 13(4) as appropriate
s.14(4)	function of receiving notice from VicRoads	DIS	
s.14(7)	power to appeal against decision of VicRoads	DIS	
s.15(1)	power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	DIS	
s.15(1A)	power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	DIS	
s.15(2)	duty to include details of arrangement in public roads register	DIS	
s.16(7)	power to enter into an arrangement under section 15	DIS	
s.16(8)	duty to enter details of determination in public roads register	DIS	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.17(2)	duty to register public road in public roads register	DIS	where council is the coordinating road authority
s.17(3)	power to decide that a road is reasonably required for general public use	DIS	where council is the coordinating road authority
s.17(3)	duty to register a road reasonably required for general public use in public roads register	DIS	where council is the coordinating road authority
s.17(4)	power to decide that a road is no longer reasonably required for general public use	DIS	where council is the coordinating road authority
s.17(4)	duty to remove road no longer reasonably required for general public use from public roads register	DIS	where council is the coordinating road authority
s.18(1)	power to designate ancillary area	DIS	where council is the coordinating road authority, and obtain consent in circumstances specified in section 18(2)
s.18(3)	duty to record designation in public roads register	DIS	where council is the coordinating road authority
s.19(1)	duty to keep register of public roads in respect of which it is the coordinating road authority	DIS	
s.19(4)	duty to specify details of discontinuance in public roads register	DIS	
s.19(5)	duty to ensure public roads register is available for public inspection	DIS	
s.21	function of replying to request for information or advice	DIS	obtain consent in circumstances specified in section 11(2)

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.22(2)	function of commenting on proposed direction	DIS	
s.22(4)	duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report.	DIS	
s.22(5)	duty to give effect to a direction under this section.	DIS	
s.40(1)	duty to inspect, maintain and repair a public road.	DIS	
s.40(5)	power to inspect, maintain and repair a road which is not a public road	DIS, MTS, MFS	
s.41(1)	power to determine the standard of construction, inspection, maintenance and repair	DIS, MTS, MFS	
s.42(1)	power to declare a public road as a controlled access road	DIS	power of coordinating road authority and Schedule 2 also applies
s.42(2)	power to amend or revoke declaration by notice published in Government Gazette	DIS	power of coordinating road authority and Schedule 2 also applies
s.42A(3)	duty to consult with VicRoads before road is specified	DIS	where council is the coordinating road authority if road is a municipal road or part thereof
s.42A(4)	power to approve Minister's decision to specify a road as a specified freight road	DIS	where council is the coordinating road authority if road is a municipal road or part thereof and where road is to be specified a freight road

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.48EA	duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	DIS	where council is the responsible road authority, infrastructure manager or works manager
s.48M(3)	function of consulting with the Secretary for purposes of developing guidelines under section 48M	DIS	
s.48N	duty to notify the Secretary of the location of the bus stopping point and the action taken by council	DIS, MTS	
s.49	power to develop and publish a road management plan	DIS	
s.51	power to determine standards by incorporating the standards in a road management plan	DIS	
s.53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	DIS	
s.54(2)	duty to give notice of proposal to make a road management plan	DIS	
s.54(5)	duty to conduct a review of road management plan at prescribed intervals	DIS	
s.54(6)	power to amend road management plan	DIS	
s.54(7)	duty to incorporate the amendments into the road management plan	DIS	
s.55(1)	duty to cause notice of road management plan to be published in Government Gazette and newspaper	DIS	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.63(1)	power to consent to conduct of works on road	DIS, MTS, SED&D, MFS	where council is the coordinating road authority
s.63(2)(e)	power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	DIS, MTS, MFS, MA	where council is the infrastructure manager
s.64(1)	duty to comply with clause 13 of Schedule 7	DIS, MTS, MFS	where council is the infrastructure manager or works manager
s.66(1)	power to consent to structure etc	DIS, MTS	where council is the coordinating road authority
s.67(2)	function of receiving the name & address of the person responsible for distributing the sign or bill	DIS	where council is the coordinating road authority
s.67(3)	power to request information	DIS	where council is the coordinating road authority
s.68(2)	power to request information	DIS	where council is the coordinating road authority
s.71(3)	power to appoint an authorised officer	DIS	
s.72	duty to issue an identity card to each authorised officer	DIS	
s.85	function of receiving report from authorised officer	DIS	
s.86	duty to keep register re section 85 matters	DIS	
s.87(1)	function of receiving complaints	DIS	
s.87(2)	duty to investigate complaint and provide report	DIS	
s.112(2)	power to recover damages in court	DIS	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.116	power to cause or carry out inspection	DIS, MTS, MFS	
s.119(2)	function of consulting with VicRoads	DIS	
s.120(1)	power to exercise road management functions on an arterial road (with the consent of VicRoads)	DIS	
s.120(2)	duty to seek consent of VicRoads to exercise road management functions before exercising power in section 120(1)	DIS	
s.121(1)	power to enter into an agreement in respect of works	DIS, MTS, MFS, MF&O	
s.122(1)	power to charge and recover fees	DIS	
s.123(1)	power to charge for any service	DIS, MTS, MFS, MF&O	
Schedule 2 Clause 2(1)	power to make a decision in respect of controlled access roads	DIS, MTS	
Schedule 2 Clause 3(1)	duty to make policy about controlled access roads	DIS	
Schedule 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	DIS	
Schedule 2 Clause 4	function of receiving details of proposal from VicRoads	DIS	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 2 Clause 5	duty to publish notice of declaration	DIS	
Schedule 7, Clause 7(1)	duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	DIS, MTS, MFS	where council is the infrastructure manager or works manager
Schedule 7, Clause 8(1)	duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	DIS, MTS, MFS	where council is the infrastructure manager or works manager
Schedule 7, Clause 9(1)	duty to coMP&Bly with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	DIS, MTS, MFS	where council is the infrastructure manager or works manager responsible for non-road infrastructure
Schedule 7, Clause 9(2)	duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	DIS, MTS, MFS	where council is the infrastructure manager or works manager
Schedule 7, Clause 10(2)	where Schedule 7 Clause 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	DIS	where council is the infrastructure manager or works manager
Schedule 7 Clause 12(2)	power to direct infrastructure manager or works manager to conduct reinstatement works	MTS, MFS	where council is the coordinating road authority



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 7 Clause 12(3)	power to take measures to ensure reinstatement works are completed	MTS, MFS	where council is the coordinating road authority
Schedule 7 Clause 12(4)	duty to ensure that works are conducted by an appropriately qualified person	MTS, MFS	where council is the coordinating road authority
Schedule 7 Clause 12(5)	power to recover costs	DIS, MTS	where council is the coordinating road authority
Schedule 7, Clause 13(1)	duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to Schedule 7, Clause 13(2)	DIS, MTS	where council is the works manager
Schedule 7 Clause 13(2)	power to vary notice period	MTS	where council is the coordinating road authority
Schedule 7, Clause 13(3)	duty to ensure works manager has complied with obligation to give notice under Schedule 7, Clause 13(1)	MTS	where council is the infrastructure manager
Schedule 7 Clause 16(1)	power to consent to proposed works	MTS	where council is the coordinating road authority
Schedule 7 Clause 16(4)	duty to consult	DIS	where council is the coordinating road authority, responsible authority or infrastructure manager
Schedule 7 Clause 16(5)	power to consent to proposed works	DIS, MTS	where council is the coordinating road authority
Schedule 7 Clause 16(6)	power to set reasonable conditions on consent	MTS	where council is the coordinating road authority

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 7 Clause 16(8)	power to include consents and conditions	MTS	where council is the coordinating road authority
Schedule 7 Clause 17(2)	power to refuse to give consent and duty to give reasons for refusal	DIS, MTS	where council is the coordinating road authority
Schedule 7 Clause 18(1)	power to enter into an agreement	DIS, MTS	where council is the coordinating road authority
Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	MTS	where council is the coordinating road authority
Schedule 7 Clause 19(2) & (3)	power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	MTS	where council is the coordinating road authority
Schedule 7 Clause 20(1)	power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	DIS	where council is the coordinating road authority
Schedule 7A Clause 2	power to cause street lights to be installed on roads	DIS	power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
Schedule 7A Clause 3(1)(d)	duty to pay installation and operation costs of street lighting - where road is not an arterial road	DIS	where council is the responsible road authority
Schedule 7A Clause 3(1)(e)	duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas	DIS	where council is the responsible road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7A Clause (3)(1)(f),	duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with clauses 3(2) and 4	DIS	duty of council as responsible road authority that installed the light (re: installation costs) and where council is relevant municipal council (re: operating costs)

CEMETERIES AND CREMATORIA REGULATIONS 2005			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act 2003</i> , and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.17	power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	N/A	
r.18(1)	power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator	N/A	
r.18(2)	duty to ensure any fittings removed of are disposed in an appropriate manner	N/A	
r.19	power to dispose of any metal substance or non-human substance recovered from a cremator	N/A	
r.20(2)	power to release cremated human remains to certain persons	N/A	Subject to any order of a court
r.21(1)	duty to make cremated human remains available for collection within 2 working days after the cremation	N/A	
r.21(2)	duty to hold cremated human remains for at least 12 months from the date of cremation	N/A	
r.21(3)	power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	N/A	

<b>CEMETERIES AND CREMATORIA REGULATIONS 2005</b>			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.21(4)	duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	N/A	
r.22	duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	DIS	
r.26	duty to provide statement that alternative vendors or supplier of monuments exist	MFS	
r.36	power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	CC	
r.38(2)	power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	CC	
Schedule 6, clause 4	power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of Schedule 6	CC	
Schedule 6, clause 5(1)	duty to display the hours during which pedestrian access is available to the cemetery	MFS	
Schedule 6, clause 5(2)	duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	MFS	
Schedule 6, clause 6(1)	power to give directions regarding the manner in which a funeral is to be conducted	CC	

CEMETERIES AND CREMATORIA REGULATIONS 2005			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act 2003</i> , and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 6, clause 7(1)	power to give directions regarding the dressing of places of interment and memorials	CC	
Schedule 6, clause 11(1)	power to remove objects from a memorial or place of interment	CC	
Schedule 6, clause 11(2)	duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	CC	
Schedule 6, clause 12	power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	CC	
Schedule 6, clause 14	power to approve an animal to enter into or remain in a cemetery	CC	

<b>PLANNING AND ENVIRONMENT REGULATIONS 2005</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
r.6	duty of responsible authority to provide copy of matter considered under section 60(1A)(g) for inspection free of charge	MP&B, SPC	
r. 8	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	MP&B, SPC1	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.22	power of responsible authority to require verification of information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in application for permit or to amend a permit or any information provided under section 54 of the Act	MP&B, SPC	
r.40	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of an amendment to a planning scheme	MP&B, SPC1	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.55	duty of responsible authority to tell Registrar of Titles under section 183 of the Act of the cancellation or amendment of an agreement	MP&B SPC1	

PLANNING AND ENVIRONMENT (FEES) FURTHER INTERIM REGULATIONS 2013			
Note: these Regulations expire on 16 October 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r.16	power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	MP&B	
r.17	power to waive or rebate a fee relating to an amendment of a planning scheme	MP&B	
r.18	duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.16 or 17	MP&B	



RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.7	function of entering into a written agreement with a caravan park owner	MP&B, DDS	
r.11	function of receiving application for registration	EHC	
r.13(1)	duty to grant the registration if satisfied that the caravan park coMP&Blies with these regulations	EHC	
r.13(2)	duty to renew the registration if satisfied that the caravan park coMP&Blies with these regulations	EHC	
r.13(2)	power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations		
r.13(4) & (5)	duty to issue certificate of registration	EHC	
r.15(1)	function of receiving notice of transfer of ownership	EHC	
r.15(3)	power to determine where notice of transfer is displayed	EHC	
r.16(1)	duty to transfer registration to new caravan park owner	EHC	
r.16(2)	duty to issue a certificate of transfer of registration	EHC	
r.17(1)	power to determine the fee to accompany applications for registration or applications for renewal of registration	EHC	
r.18	duty to keep register of caravan parks	EHC	

<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.19(4)	power to determine where the emergency contact person's details are displayed	EHC	
r.19(6)	power to determine where certain information is displayed	EHC	
r.22A(1)	duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	EHC	
r.22A(2)	duty to consult with relevant emergency services agencies	EHC	
r.23	power to determine places in which caravan park owner must display a copy of emergency procedures	EHC	
r.24	power to determine places in which caravan park owner must display copy of public emergency warnings	EHC	
r.25(3)	duty to consult with relevant floodplain management authority	EHC	
r.26	duty to have regard to any report of the relevant fire authority	EHC	
r.28(c)	power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	EHC	
r.39	function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	EHC	
r.39(b)	power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	EHC	
r.40(4)	function of receiving installation certificate	EHC	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.42	power to approve use of a non-habitable structure as a dwelling or part of a dwelling	EHC	
Schedule 3 clause 4(3)	power to approve the removal of wheels and axles from unregistrable movable dwelling	EHC	

<b>ROAD MANAGEMENT (GENERAL) REGULATIONS 2005</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.301(1)	duty to conduct reviews of road management plan	DIS, MA	
r.302(2)	duty to give notice of review of road management plan	DIS, MA	
r.302(5)	duty to produce written report of review of road management plan and make report available	DIS, MA	
r.303	duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under section 41 of the Act	DIS	
r.306(2)	duty to record on road management plan the substance and date of effect of amendment	MTS, MA	
r.501(1)	power to issue permit	DIS	where council is the coordinating road authority
r.501(4)	power to charge fee for issuing permit under regulation 501(1)	DIS	where council is the coordinating road authority
r.503(1)	power to give written consent to person to drive on road a vehicle which is likely to cause damage to road	DIS	where council is the coordinating road authority
r.508(3)	power to make submission to Tribunal	DIS	where council is the coordinating road authority
r.509(1)	power to remove objects, refuse, rubbish or other material deposited or left on road	DIS, MTS, MFS, MA	where council is the responsible road authority
r.509(2)	power to sell or destroy things removed from road or part of road (after first coMP&Blying with regulation 509(3))	DIS	where council is the responsible road authority

ROAD MANAGEMENT (GENERAL) REGULATIONS 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.509(4)	power to recover in the Magistrates' Court, expenses from person responsible	DIS, MTS, MA	

ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.10	power to exempt a person from requirement under clause 13(1) of Schedule 7 to the Act to give notice as to the completion of those works	DIS	where council is the coordinating road authority and where consent given under section 63(1) of the Act
r.18(2)	power to waive whole or part of fee in certain circumstances	DIS	where council is the coordinating road authority

18.1.1.1 (11.2.2.2) FINANCE REPORT



# Wangaratta Rural City Council

## FINANCIAL REPORT

December Year to Date  
2014 - 15



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**Rural City of Wangaratta  
Income Statement  
December 2014**

	Year to Date Summary					Full Year 2014/15 Summary			
	YTD Budget	YTD Actual	YTD Revised Budget	YTD Variance	% Var	Full Year Revised Budget	Full Year Budget	Full Year Variance	% Var
INCOME									
Rates and charges	13,032,716	13,152,829	13,153,282	-453	-0%	26,290,566	26,065,428	225,138	1%
Statutory fees and fines	354,432	302,544	339,090	-36,546	-11%	719,100	709,150	9,950	1%
User fees	3,399,210	3,323,370	3,413,299	-89,929	-3%	6,831,349	6,793,136	38,213	1%
Contributions - cash	98,684	173,905	189,799	-15,894	-8%	602,761	445,606	157,155	35%
Grants - recurrent	7,891,134	6,953,399	7,400,288	-446,889	-6%	15,701,990	15,640,970	61,020	0%
Grants - non-recurrent	1,087,320	1,597,207	1,783,286	-186,079	-10%	4,189,086	3,220,110	968,976	30%
Reimbursements	8,202	348,328	362,604	-14,276	-4%	399,606	16,409	383,197	2335%
Other revenue	343,124	181,528	298,814	-117,286	-39%	646,526	687,278	-40,752	-6%
Proceeds on sale of assets	684,248	431,402	617,500	-186,098	-30%	821,982	1,333,800	-511,818	-38%
<b>Total Income</b>	<b>26,899,070</b>	<b>26,464,512</b>	<b>27,557,962</b>	<b>-1,093,450</b>	<b>-4%</b>	<b>56,202,966</b>	<b>54,911,887</b>	<b>1,291,079</b>	<b>2%</b>
EXPENSES									
Employee benefits	10,942,927	10,671,567	10,914,810	243,243	2%	22,711,434	22,483,037	-228,397	-1%
Materials and services	8,063,585	7,151,274	8,014,340	863,066	11%	17,115,902	16,412,528	-703,374	-4%
Depreciation and amortisation	5,567,766	5,900,084	5,897,634	-2,450	-0%	11,800,000	11,140,000	-660,000	-6%
Finance costs	224,692	223,066	222,384	-682	-0%	475,905	514,319	38,414	7%
Other expenses	7,550	227	750	523	70%	10,900	10,900	0	0%
Proceeds on sale of assets	10,773	2,110	13,823	15,933	115%	25,973	20,073	-5,900	-29%
WDV of assets sold	-	-	-	-		200,000	200,000	0	0%
<b>Total Expenses</b>	<b>24,817,293</b>	<b>23,944,108</b>	<b>25,063,741</b>	<b>1,119,633</b>	<b>4%</b>	<b>52,340,114</b>	<b>50,780,857</b>	<b>-1,559,257</b>	<b>-3%</b>
<b>Surplus (Deficit)</b>	<b>2,081,777</b>	<b>2,520,404</b>	<b>2,494,221</b>	<b>26,183</b>	<b>1%</b>	<b>3,862,852</b>	<b>4,131,030</b>	<b>-268,178</b>	<b>-6%</b>

Note: negative variances are unfavourable  
and positive variance favourable

**WANGARATTA RURAL CITY COUNCIL**  
**Statement of Capital Works**  
**December 2014**

	YTD Budget	YTD Actuals	YTD Revised Budget	YTD Variance	% Var	Full Year Adopted Budget	Full Year Revised Budget	Full Year Variance
<b>Capital Works Areas</b>								
Land	-	59,026	59,026	0	-100%	896,850	955,876	59,026
Plant and equipment	1,586,646	637,419	223,395	-414,024	-185%	3,303,400	3,422,617	119,217
Furniture and fittings	161,552	31,653	69,985	38,332	55%	603,125	541,590	-61,535
Artworks	102,750	3,075	95,500	92,425	97%	205,500	205,500	0
WIP Land Improvements	357,286	723,550	597,565	-125,985	-21%	1,090,398	1,498,025	407,627
WIP Landfill	773,490	16,452	782,808	766,356	98%	1,547,594	1,566,233	18,639
WIP Buildings	2,671,403	517,840	556,754	38,914	7%	6,661,651	6,932,259	270,608
WIP Sealed roads and substructure	1,418,962	537,824	499,873	-37,951	-8%	3,059,864	3,515,209	455,345
WIP Gravel Roads and substructure	299,880	431,653	326,093	-105,560	-32%	700,000	676,093	-23,907
WIP Bridges	95,460	107,456	125,916	18,460	15%	473,500	509,417	35,917
WIP Kerbing	237,090	299,120	397,292	98,172	25%	474,375	844,325	369,950
WIP Drainage	239,085	184,543	106,726	-77,817	-73%	720,395	757,839	37,444
WIP Footpaths	98,334	34,462	14,183	-20,279	-143%	200,000	196,340	-3,660
WIP Bikepaths	189,204	374,199	475,801	101,602	21%	378,562	732,279	353,717
WIP Parks and gardens	119,460	24,814	44,262	19,448	44%	224,008	111,500	-112,508
<b>Total capital works</b>	<b>8,350,602</b>	<b>3,983,085</b>	<b>4,375,179</b>	<b>392,094</b>	<b>9%</b>	<b>20,539,222</b>	<b>22,465,102</b>	<b>1,925,880</b>

**Represented by :-**

Maintenance	17,994	15,098	17,994	2,896	16%	36,000	36,000	0
Operations	9,000	960	4,960	4,000	81%	18,000	18,606	606
Renewal	4,129,220	2,156,781	1,934,702	-222,079	-11%	9,097,868	9,957,818	859,950
Upgrade	913,017	641,172	523,632	-117,540	-22%	3,156,878	2,925,059	-231,819
New Assets	3,257,581	1,159,296	1,870,101	710,805	38%	8,182,882	9,480,025	1,297,143
Rehabilitation	23,790	9,779	23,790	14,011	59%	47,594	47,594	0
<b>Total Capital Works</b>	<b>8,350,602</b>	<b>3,983,085</b>	<b>4,375,179</b>	<b>392,094</b>	<b>9%</b>	<b>20,539,222</b>	<b>22,465,102</b>	<b>1,925,880</b>

YTD Actuals as a % of:  
% of Time Complete

48%

100%

91%

19%

18%

50%

**WANGARATTA RURAL CITY COUNCIL**  
**Balance Sheet**  
**As at 31 December 2014**

	Actual 30 June 2013	Actual YTD 2014	Budget 30 June 2015	Variance
<b>ASSETS</b>				
<b>Current Assets</b>				
Cash and cash equivalents	13,102,670	16,683,354	7,829,000	-8,854,354
Rate receivables	1,569,048	907,141	1,250,000	342,859
Other receivables - current	2,699,667	3,180,553	3,000,000	-180,553
Inventories	74,862	88,831	50,000	-38,831
Assets held for sale	494,519	494,519	395,000	-99,519
Other assets - current	515,093	340,583	230,000	-110,583
<b>Total Current Assets</b>	<b>18,455,858</b>	<b>21,694,980</b>	<b>12,754,000</b>	<b>-8,940,980</b>
<b>Non Current Assets</b>				
Receivables non-current	25,100	25,100	25,000	-100
Financial assets non-current	10,000	10,000	10,000	0
Investments in associates	901,042	901,042	864,000	-37,042
Property, plant and equipment and infrastructure	358,605,578	356,499,349	371,673,000	15,173,651
<b>Total Non Current Assets</b>	<b>359,541,720</b>	<b>357,435,492</b>	<b>372,572,000</b>	<b>15,136,508</b>
<b>TOTAL ASSETS</b>	<b>377,997,578</b>	<b>379,130,472</b>	<b>385,326,000</b>	<b>6,195,528</b>
<b>LIABILITIES</b>				
<b>Current Liabilities</b>				
Payables - current	3,470,115	1,229,428	3,900,000	2,670,572
Trust funds and deposits	1,147,563	3,318,415	650,000	-2,668,415
Provisions - current	6,032,529	5,497,625	6,444,000	946,375
Interest bearing loans and borrowings - current	1,482,407	755,141	1,169,000	413,859
<b>Total Current Liabilities</b>	<b>12,132,614</b>	<b>10,800,608</b>	<b>12,163,000</b>	<b>1,362,392</b>
<b>Non Current Liabilities</b>				
Provisions non-current	12,041,832	12,041,832	10,359,000	-1,682,832
Interest bearing loans and borrowings non-current	6,987,353	6,987,353	9,790,000	2,802,647
<b>Total Non Current Liabilities</b>	<b>19,028,659</b>	<b>19,029,185</b>	<b>20,149,000</b>	<b>1,119,815</b>
<b>TOTAL LIABILITIES</b>	<b>31,161,273</b>	<b>29,829,793</b>	<b>32,312,000</b>	<b>2,482,207</b>
<b>NET ASSETS</b>	<b>346,836,306</b>	<b>349,300,678</b>	<b>353,014,000</b>	<b>-3,713,322</b>
<b>EQUITY</b>				
Accumulated Surplus	134,664,609	137,138,982	140,355,000	3,216,018
Other reserves	6,366,311	6,356,311	4,186,000	-2,170,311
Asset revaluation reserve	205,805,386	205,805,386	208,473,000	2,667,614
<b>TOTAL EQUITY</b>	<b>346,836,306</b>	<b>349,300,678</b>	<b>353,014,000</b>	<b>3,713,322</b>

18.1.1.2 (11.2.2.3) OPERATION OF MOBILE FOOD VAN POLICY ADOPTED  
16 SEPTEMBER 1997

# RURAL CITY OF WANGARATTA

64-68 Ovens Street  
P.O. Box 238  
WANGARATTA, VIC 3676  
Telephone: (03) 5722 0888  
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## POLICY AND PROCEDURES MANUAL

Policy No.: 106  
Topic: Operation of Mobile Food Vans  
Approved by: Council  
Date Approved: 16 September 1997  
Version No: 1.0

### 1. Background

A policy on the operation of mobile food vans is required in order to

- Enable food vans to operate in a safe and proper manner within the municipality;
- Protect the existing amenity of the commercial area of Wangaratta.

### 2. Operator Responsibilities

Prior to commencing trade the operator shall:

- Apply for and obtain a Mobile Food Vehicle Registration from Council's Environmental Health Officer;
- Enter into a contractual agreement with the Rural City of Wangaratta for the use of the site for this purpose subject to indemnifying the Council and VicRoads to \$10,000,000 in the case of any claim made in addition to all other clauses relevant to this use;
- Provide for the van to be appropriately lit to ensure its visibility. Flashing, chaser or intermittent lights must not be used on or around the van.

During trading hours the operator must ensure that:

- The van is legally parked;
- All lights are operational and that appropriate lighting is provided for customer benefit; and safety.

Cont...

Policy No. 106 Operation of Mobile Food Vans (Cont)

- Adequate waste disposal units are available;
- Antisocial customer behavior is not tolerated;

After trading hours the operator must:

- Ensure that all litter within a 25 metre radius of the van has been collected;
- Wash down and clean the footpath area within a 5 metre radius of the van;
- Remove all waste disposal units from the site;
- Remove the van from the site;

The mobile food van must not be parked on site prior to the commencement of trade.

### **3. Location(s)**

One van may operate in each of:

- one on road car parking space within the general vicinity of 74 - 80 Murphy Street, Wangaratta;
- one on road car parking space within the general vicinity of 40 - 44 Reid street, Wangaratta;

provided that:

- all parts of the food van are set back 1.0 metre - 2.0 metres from the traffic lane so that pedestrians who walk out from behind the van are not obscured;
- any door or serving window which may be used by patrons faces the footpath;
- the food van is entirely within the confines of the designated marked parking space.

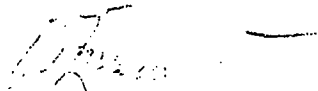
### **4. Services Available**

The sites do not provide toilets, water or power.

The sites are linemarked. Reservation for the approved use is ensured within the time period allotted.

### **5. Means of Obtaining Sites**

The Rural City of Wangaratta will tender out the nominated site(s) for use by one mobile food van each after normal trading hours i.e. after 5.30 p.m. and before 8.30 am. The tender will be advertised in the usual manner and conditions will apply. The tender will be for one year with a one year option.

  
**Graeme J Emonson**  
**CHIEF EXECUTIVE OFFICER**

Dated ..... 15/12/17 .....

18.1.1.3 (11.2.2.5) THE DECISION OF VCAT, MADE IN RESPECT OF FIDGE  
V COUNCILLOR CONDUCT PANEL (REVIEW AND REGULATION)  
[2014] VCAT 1477



VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

ADMINISTRATIVE DIVISION


REVIEW AND REGULATION LIST

VCAT Reference: Z151/2013

APPLICANT	Dr Julian Fidge
RESPONDENT	Councillor Conduct Panel
1 <sup>ST</sup> JOINED PARTY	Ms Rozi Parisotto
2 <sup>ND</sup> JOINED PARTY	Mr Don Joyce
3 <sup>RD</sup> JOINED PARTY	Ms Tammy Atkins
4 <sup>TH</sup> JOINED PARTY	Ms Lisa McInerney
WHERE HELD	Melbourne
BEFORE	Senior Member I. Proctor
HEARING TYPE	Hearing
DATES OF HEARING	11, 12 and 13 August 2014
DATE OF ORDER & REASONS	2 December 2014
CITATION	

ORDERS

- 1 The Tribunal sets aside the Respondent's decision under review and, in substitution, makes findings of misconduct under s81J(1)(a) of the *Local Government Act 1989*, against the Applicant in relation to allegations 1, 2, 5, 7, 8, 10, 11, 12, 14, 16, 17, 18, 19 and 20 in this proceeding, as described in the Reasons for Decision in this proceeding.
- 2 The Tribunal makes no findings against the Applicant concerning allegations 3, 4, 6, 9, 13, 15, 21, 22 and 23.
- 3 A further hearing is scheduled to hear submissions on further orders under s81J of the *Local Government Act 1989* at **2.00 pm on 16 December 2014 at 55 King Street Melbourne**, before me.
- 4 Liberty is granted to apply for that hearing to be adjourned.

  
Ian Proctor  
Senior Member



### **APPEARANCES**

For Dr Julian Fidge: Mr S. R. Senathirajah, of Counsel

For Councillor Conduct Panel: No appearance

For Joined Parties: Mr S. Mukerjea, of Counsel

## REASONS

### Introduction

- 1 On 15 August 2013, Dr Julian Fidge, a general practitioner and then councillor of the Wangaratta Rural City Council (the Council) applied to VCAT under the *Local Government Act 1989* (the Act), seeking review of a decision by a Councillor Conduct Panel (the Panel) dated 12 August 2013; made under the Act.
- 2 The Panel had made misconduct findings against Dr Fidge, primarily related to his critical statements in the public arena while a councillor, about the performance of other councillors and senior council staff. It directed Dr Fidge to take a two-month leave of absence from Council and attend five counselling sessions.
- 3 On 25 September 2013, under the *Local Government (Rural City of Wangaratta) Act 2013*, the Victorian Parliament dismissed the Council due to, “a profound and systemic failure by the council to provide acceptable standards of government to the municipality of Wangaratta”.<sup>1</sup> According to the Joined Parties’ counsel, the conduct relevant to this proceeding was a sub-set of that which gave rise to the dismissal.
- 4 Therefore, the Applicant and Joined Parties are no longer councillors. I refer to them using the terms Dr, Ms and Mr. The context tells who was a councillor at the time.
- 5 I heard the VCAT application from 11 August 2014. All parties were legally represented, as were the Joined Parties. The Joined Parties, Atkins, Joyce, McInerney and Parisotto were the applicants in the Panel proceeding. In this VCAT proceeding, they opposed Dr Fidge’s application.
- 6 The Joined Parties made 23 allegations against Dr Fidge, a subset of the allegations that were before the Panel. With respect to Allegations 1 to 22, Dr Fidge admitted the alleged conduct and denied he had breached the Code. He disputed the validity of Allegation 23 as it was a ‘roll-up’ of many of the other 22 allegations.
- 7 As is appropriate in these types of proceedings, VCAT had agreed that the Panel take a neutral role and be excused from appearing at the hearing.
- 8 Dr Fidge said he made his application because:
  - (a) He believes he exercised his democratic rights of free speech and did not breach the Code;
  - (b) He intends to run for election to Council in the 2016 Victoria wide council elections; and

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<sup>1</sup> Second Reading Speech, *Local Government (Rural City of Wangaratta) Act 2013*, Hansard 19 September 2013, page 3238.

- (c) The Panel findings may be relevant to his registration as a medical practitioner.
- 9 After hearing evidence in submissions, I reserved my decision allowing supplementary written submissions from the parties.

### **Relevant legislation – Local Government Act & VCAT Act**

- 10 In 2008, the Victorian Parliament amended the Act to specify standards of conduct for elected councillors and to provide for processes to support and reinforce good conduct by them.
- 11 It introduced Councillor Conduct Panels and gave VCAT new powers in relation to councillor conduct.
- 12 Division 1A of the Act deals with councillor conduct. It relevantly says:

#### **76B Primary principle of Councillor conduct**

It is a primary principle of Councillor conduct that, in performing the role of a Councillor, a Councillor must—

- (a) act with integrity; and
- (b) impartially exercise his or her responsibilities in the interests of the local community; and
- (c) not improperly seek to confer an advantage or disadvantage on any person.

#### **76BA General Councillor conduct principles**

In addition to acting in accordance with the primary principle of Councillor conduct specified in section 76B, in performing the role of a Councillor, a Councillor must—

- (a) avoid conflicts between his or her public duties as a Councillor and his or her personal interests and obligations;
- (b) act honestly and avoid statements (whether oral or in writing) or actions that will or are likely to mislead or deceive a person;
- (c) treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other Councillors, Council staff and other persons;
- (d) exercise reasonable care and diligence and submit himself or herself to the lawful scrutiny that is appropriate to his or her office;
- (e) endeavour to ensure that public resources are used prudently and solely in the public interest;
- (f) act lawfully and in accordance with the trust placed in him or her as an elected representative; and

- (g) support and promote these principles by leadership and example and act in a way that secures and preserves public confidence in the office of Councillor.

#### **76C Councillor Code of Conduct**

- (1) A Council must develop and approve a Councillor Code of Conduct for the Council within 12 months after [From 19 November 2008].
- (2) A Council must review the Councillor Code of Conduct within the period of 12 months after a general election.
- (3) A Councillor Code of Conduct—
  - (a) must include the Councillor conduct principles;
  - (b) may set out processes for the purpose of resolving an internal dispute between Councillors;
  - \*            \*            \*            \*            \*
  - (d) must include provisions in respect of any matter prescribed for the purpose of this section;
  - (e) may include any other matters relating to the conduct of Councillors which the Council considers appropriate.
- (5) A Councillor Code of Conduct must not be inconsistent with any Act or regulation.
- (5A) A Councillor Code of Conduct is inoperative to the extent that it is inconsistent with any Act or regulation.
- (6) A copy of the current Councillor Code of Conduct must be—
  - (a) given to each Councillor;
  - (b) available for inspection by the public at the Council office and any district offices.
- (7) [From 19 November 2008] a Councillor Code of Conduct is taken to include the Councillor conduct principles.

- 13 Section 81B of the Act allows a council or individual councillors to make an application/s for a Councillor Conduct Panel to be convened which has the power to make a finding of misconduct against a Councillor (of the same council) or to authorise a referral to VCAT on a serious misconduct issue.
- 14 Sections 81C to 81I, govern a Panel's procedures, including the holding of a hearing.

15 Section 81J says:

**81J Determinations by a Councillor Conduct Panel**

- (1) After a Councillor Conduct Panel has conducted a hearing, the Panel may—
  - (a) make a finding of misconduct against a Councillor; or
  - (b) authorise an applicant to make an application to VCAT if the Panel considers that there are reasonable grounds on which VCAT may make a finding of serious misconduct against a Councillor; or
  - (c) whether or not a finding of misconduct against a Councillor has been made, make a finding that remedial action is required; or
  - (d) in addition to any findings made under paragraphs (a) to (c), direct that the Council amend its Councillor Code of Conduct in a particular way or to address a particular issue; or
  - (e) dismiss the application.
- (2) If a Councillor Conduct Panel makes a finding of misconduct against a Councillor, the Panel may—
  - (a) reprimand that Councillor; or
  - (b) direct that Councillor to make an apology in a form or manner determined by the Panel; or
  - (c) direct that Councillor to take leave of absence for a period specified by the Panel not exceeding 2 months, commencing on a date specified by the Panel.
- (3) If a Councillor Conduct Panel makes a finding that remedial action is required under subsection (1)(c), the Panel may—
  - (a) direct the Councillor who is the subject of the application to attend mediation; or
  - (b) direct the Councillor who is the subject of the application to attend training; or
  - (c) direct the Councillor who is the subject of the application to attend counselling.
- (4) For the purposes of subsection (3), a Councillor Conduct Panel may set reasonable conditions in respect of how or when remedial action is to be undertaken.
- (5) Any necessary expenses incurred by Councillors in attending mediation, training or counselling must be paid by the Council.
- (6) If a Councillor Conduct Panel directs the Council to amend its Councillor Code of Conduct, the Council must comply with that direction within 3 months of the direction being made.

- (7) This section does not apply to a Councillor Conduct Panel formed for the purposes of hearing a referral from VCAT under section 81L.
- 16 Section 81Q confers jurisdiction on VCAT to review Panel decisions under s81J.
- 17 Once an application is made, under s51 and s51A of the *Victorian Civil and Administrative Tribunal Act 1998* (the VCAT Act), VCAT stands in the shoes of the Panel which made the original decision. VCAT has all of the Panel's functions and powers. In summary, VCAT may affirm the decision, vary the decision, make another decision in substitution, remit a matter to the Panel for it to reconsider subject to directions or invite the Panel to reconsider its decision.
- 18 VCAT may consider evidence put to it at a hearing. This may include evidence not put to the Panel, including evidence about events up to the end of the VCAT hearing.
- 19 VCAT is obliged to reach what it considers the correct and preferable decision.

### **Structure of these reasons**

- 20 These reasons:
- (a) Summarise the 'general evidence' of each of the witnesses in the order they gave evidence;
    - i. Ms Parisotto, former councillor and Mayor at the times relevant to the allegations;
    - ii. Mr Joyce, former councillor and former Mayor; and
    - iii. Dr Fidge.
  - (b) Insert into Ms Parisotto's evidence, summary references to the chronology of Dr Fidge's conduct which gave rise to the allegations before VCAT. This is to provide a sense of the relevant sequence of events;
  - (c) List each of the 23 allegations and summarise evidence relevant to the allegation. The alleged conduct is not in dispute. What was in dispute was whether the conduct breached the Code. These reasons do not record which of the Joined Parties made each allegation.
  - (d) Discuss how the Code is to be interpreted;
  - (e) Record decisions about each allegation; and
  - (f) Briefly discuss the next step in this proceeding.

## General evidence of the witnesses

### Councillor Parisotto

- 21 In 2000, Ms Parisotto was first elected to Council. Until September 2012, she discharged her duties as a councillor while being employed. From October 2012 to 24 September 2013 when Council was dismissed, she held the position of Mayor. She resigned her employment to do so.
- 22 Ms Parisotto spoke of party politics playing no role in the Council. Decisions were discussed and made based on councillors' personal views and opinions.
- 23 Council meetings were conducted in public, unless there was need to close a meeting to discuss a particular issue, such as personnel matters.
- 24 Council meeting minutes were kept and were available for public inspection. If a division was called requesting councillors to show the way they had voted, the votes for and against were recorded. Any councillor could call for a division.
- 25 The councillors' role was to decide strategic matters. The council staff's role focused on operational matters.
- 26 Before the Council's dismissal, the CEO had held the position for about five years.
- 27 The CEO's contract was subject to an annual review. The councillors would meet and discuss the overall performance. Any issues would be raised. A consultant would meet with the councillors and take them through a review process. The CEO would present what had been achieved in the last year. Councillors would decide whether to continue the CEO's contract.
- 28 No performance review of the CEO took place from late October, when the new council was sworn in, until it was dismissed on 24 September 2013. On a number of occasions, Dr Fidge asked for the review to take place. It was not the time to do it.
- 29 Apart from the performance review process, a councillor could write to the Mayor if he or she had a serious concern about the CEO's performance. The issue would be tabled for confidential discussion at a briefing session.
- 30 A councillor could raise a notice of motion to discipline or dismiss the CEO. However, it would not formally constitute a notice until it was presented to the CEO before a briefing session and whether or not it was appropriate or vexatious was discussed.
- 31 The CEO<sup>2</sup> employed directors who with the CEO formed the corporate management team. Directors headed particular areas such as infrastructure, community services, and economic development and sustainability.

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<sup>2</sup> Ms Parisotto used the term "Council". However, I did not take this literally.



- 32 Councillors and the CEO and Council staff occupied the same building. Councillors could meet with the CEO and rarely had reason to meet with staff.
- 33 An effective working relationship between councillors on one hand and the council staff was vital. The councillors as decision-makers needed to have that strong working relationship with staff as they rely on their expertise.
- 34 I now turn to Ms Parisotto’s evidence about relevant events.
- 35 [Concerning Dr Fidge’s conduct:
- (a) On 31 October and 1 November 2012, Dr Fidge published on Facebook negative comments about the CEO and council staff – **Allegations 1 and 2;**
  - (b) On 14 December, he published on his private Facebook page saying Council not providing him letterhead was dysfunctional – **Allegation 3.]**
- 36 Councillor Parisotto recalled on 15 December 2012, Dr Fidge complained under the Act about the CEO’s conduct relating to the provision of letterhead. The complaint was investigated by an organisation called Work Logic whose investigation was monitored by a probity auditor appointed under the Act.
- 37 [Concerning Dr Fidge’s conduct:
- (a) On 20 December, Dr Fidge was quoted on the letterhead issue in the Border Mail – **Allegation 4;**
  - (b) On 4 January 2012, Dr Fidge emailed councillors about letterhead including criticism of the CEO and speaking of “toxic councillors” – **Allegation 5;**
  - (c) On 9 January 2013, a Yarrawonga Chronicle<sup>3</sup> published a letter by Dr Fidge related to letterhead. It was critical of the Mayor of Moira Council – **Allegation 6;**
  - (d) On 23 January, the Wangaratta Chronicle quoted Dr Fidge criticising the CEO and staff for inaction concerning addressing the proximity of the Everton Cenotaph to the Great Alpine Highway – **Allegation 7;**
  - (e) On 24 January the Border Mail quoted Dr Fidge saying he would be happy to receive the CEO’s resignation – **Allegation 8;** and
  - (f) On the same day, Dr Fidge emailed the CEO, copied to councillors, complaining of inaction about a PA system and projector in the council chamber – **Allegation 9.]**

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<sup>3</sup> While the “Yarrawonga Newspaper” was referred to in the evidence, a web search indicates its name is the Yarrawonga Chronicle.

- 38 Councillor Parisotto recalled, in response to Dr Fidge's statements about not being provided with Council letterhead, Council sought and received legal advice from Maddocks Lawyers dated 4 February 2013<sup>4</sup>, which was provided to all councillors. It in part dealt with the public statements Dr Fidge had made to that stage. The advice included opinion that the Code applied to the new Council, Dr Fidge had breached the Code and Council was at some risk concerning its obligation to the CEO and other employees under the *Occupational Health and Safety Act 2004* (OHS Act).<sup>5</sup>
- 39 [Concerning Dr Fidge's conduct:
- (a) On 5 February 2013, Dr Fidge published a webpost criticising the CEO's action about the Everton Cenotaph – **Allegation 10**;
  - (b) On 13 February, the Wangaratta Chronicle quoted Dr Fidge concerning the release of a letter to him saying it eroded his confidence in the CEO and the management team – **Allegation 11**; and
  - (c) About 15 February Dr Fidge refused to attend an initial meeting with a mediator – **Allegation 22**.]
- 40 About 18 February 2013, Ms Parisotto received a memorandum from the CEO of that date, regarding Dr Fidge's public statements about the CEO and the staff.<sup>6</sup> All councillors received a copy.
- 41 While Ms Parisotto did not give evidence about the content of the memorandum, it concerned Dr Fidge's Facebook comments, a Border Mail article concerning the letterhead, a Wangaratta Chronicle article concerning the Cenotaph and another Border Mail article, reporting Dr Fidge calling on the CEO to resign unless he was prepared to work with the councillors.
- 42 The CEO described the allegations as hurtful, embarrassing and damaging to his reputation. In his view, if Dr Fidge had concerns about his performance, he should raise them in the appropriate forum, not in public. This would give Dr Fidge the opportunity to have his say, the CEO to respond and councillors to decide the issue. He sought a ruling from Ms Parisotto that any performance issue should be dealt with that way. He foreshadowed if hostility toward him did not abate, he had the capacity to take formal action under his contract of employment and under the OHS Act, relating to Council failing in its duty to provide him with a safe workplace.
- 43 Ms Parisotto was very disturbed at the implications for Council.

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<sup>4</sup> Tribunal book, page 346.

<sup>5</sup> Tribunal book, page 346.

<sup>6</sup> Tribunal book, page 85.

- 44 [Concerning Dr Fidge’s conduct:
- (a) On 21 February 2013, the Border Mail quoted Dr Fidge hoping the CEO would resign – **Allegation 12**;
  - (b) On 22 February, the Wangaratta Chronicle quoted Dr Fidge concerning meeting procedure “We can’t have a CEO acting unlawfully” – **Allegation 13**;
  - (c) On 23 February, Dr Fidge emailed the CEO suggesting he resign – **Allegation 14**;
  - (d) On 1 March, the Wangaratta Chronicle quoted Dr Fidge concerning the upcoming special council meeting on 7 March, very critical of council process and of the Council. He would not attend – **Allegation 15**;
  - (e) The same day he emailed journalists criticising (at least the CEO) in rude terms – **Allegation 16**; and
  - (f) On 5 March, the Wangaratta Chronicle again quoted Dr Fidge about the upcoming 7 March special meeting. He would attend. He said he was being bullied and would welcome the CEO’s resignation – **Allegation 17.**]
- 45 On 7 March 2013, a Council special meeting discussed a second Maddocks legal advice. It passed the following motion, moved by Mr O’Brien and seconded by Dr Fidge.<sup>7</sup>
- Although the Council of the Rural City of Wangaratta supports transparency and accountability in decision making, free speech and the use of appropriate, robust processes to debate policy, pursue political objectives and resolve differences, it does not and will not condone personal and public criticisms of Councillors or staff. Any Councillors who engage in such conduct will be doing so without the sanction and authority of the Council.
- 46 After Council had passed the 7 March 2013 motion, Dr Fidge made further negative public statements about council staff.
- 47 [Concerning Dr Fidge’s conduct:
- (a) On 14 March 2013, ABC Radio broadcast Dr Fidge’s critical comments about the CEO and Management Team – **Allegation 21**;
  - (b) On 15 March, the Wangaratta Chronicle quoted Dr Fidge criticising the Management Team over the proposed expense of addressing the Everton Cenotaph issue – **Allegation 18**; and
  - (c) On 22 March, Dr Fidge issued a press release criticising the CEO and councillors and calling for an investigation – **Allegation 19.**]

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<sup>7</sup> Tribunal book, page 708.

- 48 About 28 March, Ms Parisotto received a memorandum from the CEO of that date.<sup>8</sup> All councillors received a copy.
- 49 In large part it concerned Dr Fidge's actions at a Council meeting on 19 February 2013, Dr Fidge proposing a committee to review the CEO's performance (the motion lapsed for want of a seconder), criticism of the CEO's decision to appoint a consultant which reached the press, Dr Fidge's comments on ABC radio on 4 March 2013, and his press release dated 22 March 2013.<sup>9</sup> The CEO discussed issues relating to a proposed meeting between him and councillors and said he considered Council to be in serious breach of his contract of employment in not providing a safe workplace.
- 50 Council sought and received further legal advice from Maddocks Lawyers dated 9 April 2013<sup>10</sup> which was provided to all councillors. While Ms Parisotto did not give evidence on its contents, it concerned strategies available to Council with respect to its obligations to the CEO under the OHS Act. It noted the Panel process had commenced.
- 51 About 22 April 2013, Ms Parisotto received an e-mail from the Management Team, copied to the CEO which all councillors received, concerning the impact on employment by Dr Fidge's conduct.<sup>11</sup> The team gave notice that if steps were not taken to address the issue before 3 May 2013, they would seriously consider their contracts of employment.
- 52 Ms Parisotto was at her wit's end. She asked the Municipal Association of Victoria for help. While the Association tried to assist by meeting with those involved to find a solution, the outcome was a complete breakdown between the Council and council staff. Not long after, the council management team, "went out on sick leave".
- 53 About 5 May 2013, Council received a memorandum from the CEO attaching an investigation report from The ZALT Group and legal advice from HR Legal.<sup>12</sup> The CEO commissioned these documents due to staff complaints about their treatment. Due to the confidential nature of part of the documents and fear those parts would be released into the public arena, councillors were provided with edited versions and given the opportunity to read the complete reports but not to take complete copies.
- 54 I note, the legal advice said there was strong evidence concerning Dr Fidge's towards the CEO and one member of the management team and Council may potentially be prosecuted under the OHS Act for failing to provide a safe workplace and face other potential legal risks. The advice made recommendations to eliminate the risk.

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<sup>8</sup> Tribunal book, page 198.

<sup>9</sup> Tribunal book, page 85.

<sup>10</sup> Tribunal book, page 370.

<sup>11</sup> Tribunal book, page 678.

<sup>12</sup> Tribunal book, page 690.

- 55 About 9 May 2013, the CEO sent a memorandum of that date to all Council staff. He described procedures to limit the contact between Dr Fidge and staff, saying they arose from an investigation report and legal advice.<sup>13</sup>
- 56 Ms Parisotto described the CEO during these times becoming unsettled and withdrawn; he was not coping with a health condition. The Management Team became quite withdrawn and very apprehensive about making comment or providing advice. Staff morale was very low and angry. The relationship between the councillors and the staff was very strained because the directors refused to come to Council meetings. Council was only receiving basic information; not enough to fulfil its duties.
- 57 In early May, the CEO and the Management Team all went on sick leave citing stress. Before going on leave, the CEO put acting directors in place. They started in May. Council regained some momentum.
- 58 [Concerning Dr Fidge's conduct, on 9 May 2013, ABC radio broadcast Dr Fidge saying the Management Team should be ashamed of themselves for going on sick leave. In his view, that was industrial action. – **Allegation 20.**]

#### Mr Joyce

- 59 In 1997, Mr Joyce was first elected to Council. He served six years and retired. In 2005, he was elected again and served three years, serving as Mayor for two years. While he was Mayor, he chaired Regional Cities Victoria. In October 2012, he was elected and served until September 2013, when Council was dismissed.
- 60 Mr Joyce said the 2012 election campaign was different from past campaigns. Dr Fidge's election campaign included personal criticism of him, the CEO and Council staff.
- 61 In Mr Joyce's experience, party politics played no role in the Council's decision making.
- 62 Concerning the differing roles of councillors compared to staff, the CEO and staff maintained the organisational structure and managed day to day operations while councillors made decisions only when sitting as a council at a properly constituted authorised meeting.
- 63 A good relationship between the two is paramount. Councils rely on staff expertise to make good decisions.
- 64 If staff become reluctant to provide frank forthright advice, Council may be hampered in delivering for its community.
- 65 Mr Joyce said following Dr Fidge's publications and statements, the CEO appeared to be under extreme stress and became very reserved in his contact with councillors, as did the management team. Staff morale was

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<sup>13</sup> Tribunal book, page 318.

low. This manifested in Council business papers getting smaller and smaller, Council receiving less advice and a low level of senior staff participation in Council meetings. While Council passed what was before it, Mr Joyce believed its output should have been far greater.

#### Dr Fidge

66 On 27 October 2012, Dr Fidge was elected to Council. He described his campaign as aimed at action and change in Council including lower rates, trimming of dangerous trees on roadsides, tree planting and conservation of heritage, reduced consultant costs, transparent decision making, budget control, improved waste management and recycling and listening to locals and implementing the will of taxpayers.

67 A leaflet attached to his witness statement said:

Wangaratta Council has lost sight of its function and expenditure. The current Council has paralysed investment and development in Wangaratta, and the region is not developing as well as it should in terms of industry and employment, especially given its central location in north-eastern Victoria. Poor Council decisions are costing Wangaratta ratepayers a lot of money that could be easily saved.

68 On 27 October 2012, Council elections were held. They failed to return five of the seven serving councillors. Ms McInerney, and Ms Parisotto (both Joined Parties to this proceeding) were returned from the previous Council. Mr Joyce was elected for his third non-consecutive term.

69 Dr Fidge said on 30 October 2012, a Council employee telephoned him and said two senior Council managers had been directed by the CEO to find grounds to overturn his election to Council. He was told they were searching for information damaging to him.

70 Dr Fidge said while the Act required that each new Council agree on a new Code after an election, Mr Joyce in effect prevented the formulation of a new Code until March 2013, when the Minister for Local Government directed the Council to develop a new Code.

71 Therefore, Dr Fidge was subject to a Code of Conduct he never agreed to and was never able to review or debate. He formed the view his oath of office as a councillor over-rode the Code which contained many elements that were overly restrictive and/or incompatible with the exercise of his duties as a councillor, was unclear and in part ambiguous to the point of not being able to be applied. He also believed that the Code went beyond the steps reasonably necessary and proportionate to achieve the Act's aims.

72 While he appreciated that the legislative aim behind the Code was to increase the level of discourse by councillors and to improve councillor behaviour, in his view strict adherence to it would have left him unable to pursue legitimate concerns in the public interest.

- 73 After he was elected, Dr Fidge found previous councillors and senior Council officers responded with hostility to any initiative or questions by councillors. He believed Council officers had historically adopted this stance, with the CEO refusing to provide appropriate information to councillors.
- 74 Mr Joyce, when the former Mayor, interpreted the Code such that councillors could not voice their opinion outside the Council chamber. It appeared the Joined Parties believed Council could lawfully prevent councillors from communicating about government and political matters outside the Council chamber, and often within the chamber during debate.
- 75 Dr Fidge said he went to considerable lengths to educate his councillor colleagues that the Code could not at law override the implied freedom of political communication afforded by the Commonwealth Constitution.
- 76 Dr Fidge said he was “strongly castigated” at the beginning of every meeting by the Joined Parties, to the point where he considered resigning.
- 77 Although they were elected with no party affiliations, Dr Fidge formed the view Joyce, McInerney and Atkins were a ‘block’ and enjoyed the support of senior Council officers. They had a “special status” with the CEO especially and on occasion effectively overturned Council decisions by themselves.
- 78 For example, after Council had resolved to take urgent action to protect the Everton Cenotaph, Mr Atkins asked the CEO to not take any action and to return to the residents of Everton and survey them about how they wished to proceed. To Dr Fidge’s surprise, the CEO accepted what Dr Fidge said was improper direction from Mr Atkins. Council’s resolution was not implemented.
- 79 Dr Fidge said until after Council’s dismissal, he was not aware Joyce, McInerney and Atkins had, with the assistance of senior Council officers, written directly to the Minister for Local Government on numerous occasions complaining about him and asking for his suspension.
- 80 Dr Fidge believed those complaints formed the basis for the dismissal of the Council and the Minister for Local Government never gave him a chance to address their contents. He believed the complaints were politically motivated and the Joined Parties’ objective was to harass him into resigning.
- 81 In Dr Fidge’s view, the applications to the Panel were politically motivated, petty, nonsensical or motivated by an improper purpose. In his view, the sheer number suggested a campaign by the Joined Parties to undermine his role as a councillor and harass him into resigning rather than seeking to genuinely resolve the issues.

- 82 The councillors concerned did not seek to raise the allegations with him directly, or with the Mayor, before seeking a Panel be convened, even though they were aware of the requirements of the Code's Dispute Resolution Procedure to raise these issues with the Mayor for her to deal with in her role as governance advisor.
- 83 Concerning legal advice received during the relevant time, Dr Fidge accepted the 7 March 2013 Maddocks advice was that there was a basis for concluding his conduct amounted to bullying and harassment in breach of OHS law, he had contravened the Code of Conduct and his criticisms of the CEO were inappropriate.<sup>14</sup>
- 84 Dr Fidge obtained legal advice from Russell Kennedy Lawyers. While he regarded it as preliminary, it did not advise he should disregard the Maddocks advice. Rather it proposed a strategy whereby he would indicate he was willing to be more co-operative.<sup>15</sup> Consistent with that advice, Dr Fidge seconded the 7 March 2013 Council Motion quoted above.
- 85 In an article in the Border Mail on 8 March titled "Enough with the trash talking" Dr Fidge was quoted:
- Cr Fidge said last night he supported the decisions reached at the meeting. "I will be careful what I say to the media and how I say it."
- 86 I return to Dr Fidge's evidence concerning each allegation below. It is convenient to now briefly refer to avenues of complaint open to councillors.

#### Formal avenues of complaint

- 87 A councillor who wishes to raise issues of council or councillor conduct is able to ventilate them under Victorian Law.
- 88 The *Local Government Act 1989* enables applications to Councillor Conduct Panels, referrals to VCAT, referrals to inspectors of municipal administration and probity audits concerning the conduct of council CEOs. It is not necessary here to detail pre-requisites of each of those mechanisms coming into play.
- 89 The *Ombudsman Act 1973* says persons may make a complaint to the Ombudsman about administrative action taken by or in an authority. While "authority" does not include a councillor of a Council, it does include a Council and Council staff. (ss14 and 3)
- 90 The *Independent Broad-Based Anticorruption Commission Act 2011* enables a person to make a complaint to IBAC about conduct the person believes may be corrupt conduct. The term "corrupt conduct" includes conduct within councils. (ss51 and 4)

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<sup>14</sup> Transcript, page 210. Given the evidence concerns privileged legal advice, this is a shorthand description.

<sup>15</sup> Transcript, page 236. Given the evidence concerns privileged legal advice, this is a shorthand description.



- 91 Concerning IBAC, apart from comments about low-level corruption during the election campaign, Dr Fidge did not allege nor complain of corruption at Council.

## **The Allegations**

- 92 I now turn to the allegations. They are a subset of the allegations that were before the Panel, apart from Allegation 23, which was described by the Joined Parties as a ‘roll-up’ of various of the other allegations.

### **Allegation 1 – Facebook page**

- 93 The allegation was Dr Fidge breached clauses 1, 2, 2.2(c), 2.2(g), 3.1, 3.1.3, 3.1.5, 3.2.3, 8.1 and 8.3 of the Code, because on 31 October 2012, he posted material on his public Facebook page with the following remarks:

We have had a couple of meetings with Wangaratta Council Management Team, and they have been quite strained.

One of the recurring complaints from residents was the poor treatment they receive from council officers and my own observations at council meetings confirmed the contempt with which residents are treated by senior council officers and the previous council. It was always made abundantly clear to me while I was campaigning that residents wanted the previous council, and senior council staff, gone.

Hence the almost clean sweep at the election. I polled particularly highly, receiving the second-highest number of first preferences and was the third candidate elected. This is a tremendous result for a novice candidate, and I made it quite clear what my policies were.

When asked this week, Council managers said they were “shocked” at the outcome of the election demonstrating how badly out of touch with the community the CEO and senior council managers are. They honestly think they are doing a great job and the community likes them when in fact they are performing poorly and treating residents like dirt, or worse.

But there may be [a] way back for the CEO and his officers to their previous sycophantic relationship with Wangaratta Council ... my sources in council tell me council officers are desperately digging dirt up on myself in an effort to have me disqualified ... They shouldn't be successful unless they start inventing stories. As a doctor and pharmacist and former army officer, I am used to my conduct being continuously scrutinised by many different bodies ...

It is disgraceful that Wangaratta council officers remain so strongly opposed to the community and are devoting council time and resources to try to overturn my election. If they do not feel they can work for residents under the direction of the new council, they should resign, not try and alter the results of a very clear election.

Wangaratta council officers need to accept the results of the election, or resign. Many of them are so badly out of touch with the community I would prefer they resigned.<sup>16</sup>

#### Oral evidence from the complainants

- 94 Concerning Dr Fidge's posts on his Facebook page, Ms Parisotto met with the CEO, who was very angry about the publication. He was concerned about the impact on staff, who he said felt very uneasy and concerned about job security. She, Dr Fidge and the CEO met. Dr Fidge agreed to remove the posts.

#### Dr Fidge's response

- 95 Dr Fidge made the post on his public Facebook page the day after he was sworn in as a councillor. By then he had experienced about a couple of months of interaction with council staff. The Management Team made him feel unwelcome. His reaction was to advise the community of the situation; consistent with his election campaign.<sup>17</sup>
- 96 He accepted his conduct risked Council staff becoming fearful that any time he disapproved of their conduct, he would publish to the world at large. However, in his view, the Management Team had a history of causing councillors to resign. He was not going to be stood over nor be gagged. Dr Fidge denied making the post intending to induce the CEO to resign.
- 97 He said while the Facebook posts were public, constituents would have to search to find them. Council staff may not have been aware of them.
- 98 When the Mayor asked that he removed the posts, Dr Fidge did so. He described this as an excellent example of the Council process working as it should; an issue was raised directly with him and addressed.
- 99 Turning to the Code, Dr Fidge would have only received a copy of the Code of Conduct (the Code) on or about the day he posted on Facebook.
- 100 Dr Fidge noted the overarching obligation imposed by s 63 of the Act, which requires councillors to swear an oath to act "in the best interests of the people of the municipal district of Wangaratta". He believed this overrode the Code's provisions which conflicted with the Oath.

#### **Allegation 2 - Facebook page**

- 101 The allegation was Dr Fidge breached clauses 1, 2, 2.2(c), 2.2(g), 3.1, 3.1.3, 3.1.5, 3.2.3, 8.1 and 8.3 of the Code because on 1 November 2012 he posted material on his public Facebook page:

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<sup>16</sup> I accepted Dr Fidge's evidence that the following comment on his post was not his, see Transcript, page 92.

<sup>17</sup> Transcript, page 149.

Memo to Wangaratta Council Management Team:

There was an election. That's how things work in Australia. If you don't like it, go live somewhere else.

This council, including myself, are here until 2016. ... is not coming back to save you.

If you don't like the result, resign and stand for Council yourself in 2016.

I will not allow myself or any other Councillor to be undermined by Council staff, senior or not.

Get over it, get on with your job, or get out.

Dr Julian Fidge

#### Dr Fidge's response

102 Dr Fidge repeated his response to Allegation 1.

#### **Allegation 3 - Facebook page**

103 The allegation was Dr Fidge breached clauses 1, 2, 2.2(c), 2.2(g), 3.1, 3.1.3, 3.1.5, 3.2.3, 8.1, 8.3 of the Code, because on 14 December 2012, he posted material on his Facebook page:

OMG! I asked for some council letterhead now I am a councillor, and the CEO won't give me any! How dysfunctional is that!

#### Dr Fidge's response

104 Dr Fidge said this post was on his personal Facebook page, intended for family and friends. He was angry it was included in this proceeding.

105 It was commentary on the refusal to provide letterhead rather than a statement at large that Council was dysfunctional. There was no public denigration of the CEO, nor personal acrimony and insult.

106 Nor was there any failure to work constructively. Dr Fidge made the request directly of the CEO, and that request was denied. He disagreed with the CEO's position in light of the provisions of the Code and other Council policies on the issue.

#### **Allegation 4 - comments to the Border Mail newspaper**

107 The allegation was Dr Fidge breached clauses 1, 2, 2.2(c), 2.2(g), 3.1, 3.1.3, 3.1.5, 3.2.3, 8.1 and 8.3, because he made comments to the Border Mail newspaper, which it published on 20 December 2012:

...

"About a week ago, I was carpeted by the Mayor for submitting notices of motion on my own letterhead," Dr Fidge said.

He asked for rural city of Wangaratta letterhead and didn't hear anything.

Dr Fidge said Cr Parisotto had asked for a template to be provided to him, but it was a PDF file and could not be edited or used.

Another request in writing was made and ignored before Dr Fidge approached executive assistant seeking a letterhead.

His request was rejected and Dr Fidge was told [the CEO] had not decided whether councillors should have access to it.

He described the situation as being, "highly unprofessional, inappropriate, rude and a farce."

So I guess my notices of motion will continue to be submitted on my own letterhead." He said.

Cr Parisotto said no councils in Victoria allowed councillors to use official letterhead and it was the first time any Wangaratta Councillor had asked to use one.

She said the council letterhead was used for official documents such as contractual agreements. She said councillors could request personalised letterheads.

She said Dr Fidge was entitled to his opinion and any councillor had a right to make a complaint.

She could not comment further on Dr Fidge's complaint but said the council was efficient.

"We're here to work with council and council officers and we have many projects before us and we're very keen to achieve these projects and outcomes for our community", she said.

The use of council letterhead comes under its code of conduct. This code of conduct is reviewed every time a new council comes in and Cr Parisotto said this would be done early in the New Year.

#### Oral evidence from the complainants

- 108 Councillor Parisotto was contracted by a journalist for comment as Mayor before the Border Mail published the article. She was not then aware Dr Fidge had made a complaint against the CEO under the Act. He later wrote to her and also advised the councillors of the complaint. This was the complaint Work Logic investigated.

#### Dr Fidge's response

- 109 On about 5 December 2012, Dr Fidge asked the CEO to provide letterhead so he could submit Notices of Motion to Council and write to constituents.
- 110 Clause 7 of the Code provided for councillors to access stationary, photocopying and postage or distribution of correspondence relating to Council business.

- 111 The Mayor had reprimanded him, in front of the CEO, for submitting Notices of Motion on his own letterhead and requested he submit them on Council letterhead.
- 112 The CEO did not provide the letterhead. In Dr Fidge's view, this prevented him from submitting notices of motion as he could not personally attend Council in order to sign them once Council staff prepared them, given his medical practice. Dr Fidge said the CEO refused to communicate with him on the issue.
- 113 Ultimately, Dr Fidge prepared his own letterhead.
- 114 On the issue of writing to constituents, Dr Fidge was aware councillors in Victoria could use personalised Council letterhead with the Council logo. He had seen a letter of that nature from a councillor in another council.
- 115 Dr Fidge raised a complaint in respect of the CEO's failure to provide him with letterhead, and requested a probity auditor be appointed to consider his complaint.
- 116 Dr Fidge spoke with the journalist, which led to the publication after he had made a complaint under the Act about the CEO. He disagreed he was trying to publicise that complaint, to place pressure on the CEO to agree to his request. He was reporting to his constituents.
- 117 Dr Fidge disagreed that by publicising his complaint before the CEO had the opportunity to respond to the formal complaint, he showed no respect for the complaint process. In his mind, the two were not related. The article addressed the issue of why councillors were having trouble submitting notices of motion. He saw his words as mild and moderate reporting.

#### **Allegation 5 - emails to councillors**

- 118 The allegation is Dr Fidge breached clauses 1, 2, 2.2(c), 3.1, 3.1 .2 and 3.1.3 because on 4 January 2012, he sent an email to the councillors about the provision of letterhead to Banyule Council councillors. The email said:

This policy demonstrated how Banyule Council has formulated a specific policy for resources. I think we should do the same.

I refer you to section 7.11 which clearly states that six boxes of individual letterhead paper are supplied to every councillor.

The obstructive actions by the CEO and some Councillors in this matter are causing unnecessary expense and wasting time.

I will be calling for the resignation of the CEO and those Councillors to continue to obstruct Council. Everyone knows that I am correct, and that Councillors should be writing letters on letterhead, individualised or not. I will not accept further obstruction by toxic Councillors who seek to portray the Rural City of Wangaratta Council as a mob of hill-billies run by half-wits who can't be bothered to write a letter to their constituents and seek to stop me from doing so. That

may have been how Council was run in the past, but it is not going to be like that in the future.

#### Oral evidence from the complainants

- 119 In 13 years on Council, Councillor Parisotto had never heard a councillor call another councillor toxic. She found it very disturbing. She said other councillors were very angry and upset.

#### Dr Fidge's response

- 120 Dr Fidge disagreed he used the term “toxic councillors” as gratuitous personal insult. He was protesting about the way some councillors and the council were being treated and what were, in his view, dishonest statements during meetings to the effect that councils in Victoria are not provided with letterhead. In his view, this refusal to provide letterhead made the Council look like country hicks.<sup>18</sup>
- 121 His comments responded to Mr Joyce's comments to Council that official council letterhead was not used by any council in Australia. Dr Fidge told Council this was untrue, and provided copies of other Councils' policies to the Council in this email.
- 122 Dr Fidge was frustrated at the CEO preventing him from carrying out his responsibilities as a councillor and at Council being wrongly advised.

#### **Allegation 6 - Letter to the Editor published in the Yarrawonga Chronicle**

- 123 The allegation was Dr Fidge breached clauses 2.2(c) and 3.1.1 of the Code because on 9 January 2013 his letter was published in the Yarrawonga Chronicle.
- 124 Dr Fidge said in part:

In my opinion the Moira Shire Council does not have the power to obstruct councillors from identifying themselves as councillors when writing on council business and to do so is illegal and obstructive under section 30 of the Local Government Act 1989. ...

And clearly your [Moira Council's] CEO needs a kick in the pants for his or her unprofessional conduct, too, for failing to explain to Council it is beyond the power of any Council to have such a policy.

Dr Julian Fidge, BPharm, Grad  
Dip App Sc (Comp Sc, MBBS,  
FRACGP  
Councillor  
Rural City of Wangaratta

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<sup>18</sup> Transcript, page 173.

### Oral evidence from the complainants

- 125 Councillor Parisotto had never seen a councillor rebuke an officer of another council in a letter to the editor. She contacted Moira Shire's Mayor and apologised.

### Dr Fidge's response

- 126 Dr Fidge researched Council policy to compare other Councils to Wangaratta Council. He learnt Moira Council did not allow councillors to identify themselves as councillors when they wrote to constituents.
- 127 He described the thrust of his letter to be that Council staff do not have the power to do this and the Moira CEO's conduct was reprehensible.<sup>19</sup>
- 128 Dr Fidge agreed he had no knowledge of Moira Council's affairs, did not know the people involved and did not understand how the policy came to be.
- 129 Dr Fidge was championing the cause of the provision of letterhead to councillors in order to promote the proper exercise of councillors' functions and duties. In his view, his colloquial language in his letter was appropriate for a country town newspaper.
- 130 Dr Fidge denied his letter damaged the Council in any way; it promoted representative government.

### **Allegation 7 - Comments in Wangaratta Chronicle**

- 131 The allegation is Dr Fidge breached clauses 1, 2, 2.2(c), 2.2(g), 3.1, 3.1.5, 3.2.3, 8.1 and 8.3 of the Code because he made the following comments, which on 23 January 2013 were published in the Wangaratta Chronicle:

A lack of physical progress in protecting the Everton cenotaph has left Councillor Julian Fidge frustrated.

Rural city of Wangaratta councillors voted to protect the cenotaph, which sits less than a metre from the great Alpine Road is a matter of urgency last November.

Council has began assessing its options for protecting the cenotaph but Cr Fidge said not enough had been done. ...

[The article describes a response from a council officer about the process underway]

Cr Fidge said he would have expected to see some interim protection erected.

"I would have expected half a dozen star pickets in some high visibility fencing to be placed around the cenotaph by the end of that week in November", he said.

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<sup>19</sup> Transcript, page 175.

“Not only has nothing been done, nothing has been said for three months. We have had no explanation from the CEO or council staff of why they have allowed the cenotaph to remain [at] risk and at risk from passing traffic.

“I believe the lack of action or explanation from the CEO and council staff is a sterling example of their unwillingness to work with the new council and their contempt for residents.”

“If council staff cannot accept a war memorial is important to the community, deserves preservation and take reasonable steps to protect it after being specifically directed to take such action by council, we need to find a new CEO who will obey the law and respect residents and council.”

### Oral evidence from the complainants

- 132 The CEO had told Ms Parisotto he was concerned at the comments that the process had been stalled. The project was not funded, needed to be costed and VicRoads needed to be engaged before a report could be provided to Council about progressing the issue.

### Dr Fidge's response

- 133 The Everton Township requested the Council to protect the Cenotaph.
- 134 Dr Fidge amended a notice of motion on the topic to include an additional motion that Council do something to urgently protect the Cenotaph from passing traffic, given the Cenotaph's proximity to the road.
- 135 The amendment was carried, and so the CEO was obliged to carry out Council's resolution without undue delay and to provide timely advice to Council. This did not happen. The CEO and other councillors appeared angered by Dr Fidge's amendment.
- 136 At one point, Dr Fidge contacted VicRoads directly, about placing guide posts at a much lower cost. He said VicRoads indicated that would be acceptable.
- 137 In his view, the CEO's refusal to carry out Council's resolution meant the Everton Cenotaph remained a risk to passing traffic and at risk itself. There was not even a warning sign indicating how close the stone structure was located to the road.
- 138 Dr Fidge disagreed that his comments showed a lack of respect and courtesy to the CEO and his position. His duty was to communicate to the citizens of Everton that Council had acted but Council staff were obstructing.<sup>20</sup>

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<sup>20</sup> Transcript, page 187.



## **Allegation 8 - Comments in the Border Mail newspaper**

139 The allegation is Dr Fidge breached clauses 1, 2, 2.2(c), 2.2(g), 3.1, 3.1.5, 3.2.3, 8.1 and 8.3 of the Code because on 24 January 2014, he made the comments which led to the Border Mail publishing:

Cr Fidge succeeded with a notice of motion on Tuesday night to strip the power of the council executive led by [the CEO] to appoint consultants for the next 12 months.

The councillor, who has already accused [the CEO] of trying to gag councillors, said his notice of motion is designed to save on the \$1.2 million spent on consultants last year.

But in another swipe, Cr Fidge said yesterday unless [the CEO] was prepared to work with the other new council he should quit.

“I am very dissatisfied with the CEO’s attitude and behaviour toward the new council.” Cr Fidge said.

“I value his corporate knowledge and hoped he would work with us, but it hasn’t happened. It is obvious he is not committed to the new council and he is being needlessly obstructive. As such, I would be very happy to receive his resignation.”

[The article went on to discuss Cr Fidge obtaining a majority to pass the motion being “another slap in the face of the CEO”. It noted the CEO had support from some Councillors.]

“Council has a duty to be frugal with ratepayers money”, Cr Fidge said. ...

An investigation is already being conducted into claims Cr Fidge felt he was being inhibited by [the CEO] in carrying out his councillor roles.

### **Dr Fidge’s response**

140 Dr Fidge made these comments in response to questions from a Border Mail journalist about Dr Fidge’s notice of motion to remove the CEO’s power to appoint consultants as he saw fit. His comments arose from the following events and from his general frustration in dealing with the CEO.

141 The notice of motion was based on Dr Fidge’s election platform to reduce Council expenditure on consultants.

142 The CEO was very annoyed and informed Council at a pre-meeting (on the first occasion when it was moved) that it was “illegal”, “ultra vires” and “in conflict with his contract as CEO”. The motion did not pass.

143 The CEO sought legal advice on the motion, at Council’s cost and without authorisation to do so. The advice was the motion was legal.

144 In January 2013, Dr Fidge amended the motion reducing its trial period and exempting emergencies. The motion passed four votes to three, the three opposing votes being councillors Joyce, McInerney and Atkins.

- 145 As a result, Mr Joyce complained against Dr Fidge to the Minister for Local Government, the Panel and Local Government Victoria (the inspectorate) that there should be criminal and financial consequences for his “obstructing Council”.
- 146 The morning after the motion passed, the CEO incorrectly told council employees that Dr Fidge had said during the Council meeting they were incompetent and could not manage budgets or run expenditure. These comments were recorded in the All Staff Meeting minutes on 23 January 2013. Dr Fidge denied the comments. He said his words were, “I am dissatisfied with the inability of council staff to manage what is a large expense”
- 147 Dr Fidge said he genuinely valued the CEO’s corporate knowledge and had wanted to develop a working relationship with him. However, the CEO did not cooperate.
- 148 Dr Fidge said by this stage he had sought his legal advice from Russell Kennedy Lawyers and was advised it was open to him to express disappointment with the performance of the CEO publicly.<sup>21</sup>
- 149 Dr Fidge disagreed that by publicly criticising the CEO without having sought to invoke any disciplinary process or review process in his contract of employment, his comments carried a risk of damaging a constructive working relationship between the council and the CEO. He had noticed there was often strong public criticism of CEOs, yet those people continued to carry out their duties.<sup>22</sup>

#### **Allegation 9 - Email to CEO copied to all councillors**

- 150 The allegation was Dr Fidge breached clause 8.3 of the Code because on 24 January 2013, he sent an email to the council CEO and each other councillor:

Dear [the CEO],

Council have directed you to provide a PA system for our chamber to be used in public meetings.

Can you please advise when this will be installed.

Further, the projector in the chamber has been installed under an air vent, so it shakes the projected image. Please have it moved to a more suitable site.

I would appreciate it if I did not have to chase you about matters like this.

Regards,

Dr Julian Fidge ...

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<sup>21</sup> Transcript, page 182.

<sup>22</sup> Transcript, page 183.

### Dr Fidge's response

- 151 On 4 December 2012 in a closed meeting, Council and the CEO agreed to install a PA system so that constituents could hear Council debate. Residents had complained debate during Council meetings was inaudible. The CEO had failed to act.
- 152 Dr Fidge considered his email to be entirely proper, particularly given nearly two months had elapsed without action. He did not intend to be condescending. He was saying this was a very small operational matter and not his job as an individual councillor to pursue.<sup>23</sup>
- 153 The PA system was later installed and used.

### **Allegation 10 - Webpost**

- 154 The allegation is Dr Fidge breached clauses 1, 2, and 8.3 because he published on two websites:

I do sincerely value [the CEO's] knowledge and experience in local government. I just wish he would start working with us, because he is making Council's job much harder than it needs to be. And I think it is becoming obvious to other members of the Council Management Team, because some recent obstructions have just melted away. Let me give you an example:

The four page report of how hard it would be to protect the Everton Cenotaph at a cost of at least \$50,000 became a single paragraph report that they will pop some frangible guide posts in as soon as Vic Roads gives them permission.. I would far prefer they just did as we asked, without all the posturing (including mine) in between direction and action.

The real losers here are the ratepayers. We have no control over staff numbers, only the budget. Despite our constant nagging about starting to save money, every week there are adverts, often multiple, for new employees. As we have no control over operations, I suspect services will be stripped in an effort to make the new Council look incompetent. A very frustrating position for Council when we would like to take a balanced approach to spending cuts.

### Dr Fidge's response

- 155 Dr Fidge repeated his response to Allegation 7.
- 156 He denied intending to place pressure on the CEO and humiliate him in a public forum, when he had not found support on Council for a performance review of the CEO. Dr Fidge said he was communicating with his constituents.<sup>24</sup>

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<sup>23</sup> Transcript, page 188.

<sup>24</sup> Transcript, page 190.

### **Allegation 11 - Comments in the Wangaratta Chronicle**

157 The allegation is Dr Fidge breached clauses 1, 2, 2.2(c), 2.2(g), 3.1, 3.1.5, 3.2.3, 8.1 and 8.3 because he made the following comments, which on 13 February 2013 the Wangaratta Chronicle published:

Cr Fidge raised questions about why the correspondence was released.

...

"These letters came to us through councils electronic document management system", he said.

"I know council keeps a log of all user activity.

"It has further eroded my confidence in the CEO and council's management team.

It's not helpful when our personal correspondence is released to the media."

Dr Fidge said he did not receive assistance from Mrs Mirabella during the election campaign.

"I did it all myself", he said.

158 This was in the context of the Chronicle reporting the release under the *Freedom of Information Act 1982* of congratulation letters to councillors by the then Ms Mirabella MP. She had included a handwritten note, "fabulous effort – now for the clean up". Two other councillors commented to the Chronicle that the release of letters from Ms Mirabella to them with similar handwritten notes did not concern them.

### **Oral evidence from the complainants**

159 While some councillors, including Dr Fidge, were concerned about council staff and the personal mail of councillors, Ms Parisotto was not. In her view, all mail received by a councillor at Council was by nature not private. The exception would be obviously private mail sent by mistake to Council. Apart from that exception, her understanding was mail was opened, registered in the Council mail system as having been received and placed in a tray for councillors to collect.

160 In her view, it was debateable whether Ms Mirabella's letter was private correspondence. Ms Parisotto agreed it should not have been disclosed to a third party without Dr Fidge's permission. She understood why Dr Fidge and other councillors were upset.

### **Dr Fidge's response**

161 Dr Fidge presumed Council staff who opened what he considered his personal mail had tipped off two councillors, who made the FOI request.

- 162 He considered his comments to be accurate, moderate and proper. The reality was that Dr Fidge's experience in dealing with the CEO and the Management Team had been difficult.
- 163 Dr Fidge agreed he publicly blamed the CEO for the release of the correspondence when he was not aware of the CEO's role, if any, in the process.
- 164 He had expected the CEO would communicate with the councillors about this. It was local front page news. The CEO was silent. This eroded Dr Fidge's confidence in him and the Management Team.<sup>25</sup>

### **Allegation 12 – Comments in the Border Mail**

- 165 The allegation is Dr Fidge breached clauses 1, 2, 2.2(c), 2.2(g), 3.1.5, 3.2.3 and 8.3 of the Code, because he made comments, which on 21 February 2013 the Border Mail published.
- 166 The article reported an inquiry under the Act into Council. Dr Fidge was quoted concerning his role in the events leading to the enquiry. He was quoted as hoping the enquiry would lead to a Council administrator being appointed. He was in part quoted:
- “I am in the very comfortable position of not giving a shit”, he said. I am just trying to do the best I can for the community here.”
- Cr Fidge has been highly critical of [the CEO] since being elected last October.
- “I am hoping he [the CEO] has the courtesy to resign. He has worked this way in the past with other councils. But this is a new council.”

### **Dr Fidge's response**

- 167 Dr Fidge made comments in response to a journalist's questions about a special meeting the CEO called.
- 168 The meeting was called to vote on a car park project that was to consume 40% (\$14M) of Council's budget.
- 169 Under s 84 of the Act, only the Mayor, three councillors acting together or Council by resolution may call a Special Meeting.
- 170 At the meeting, Dr Fidge challenged whether the Special Meeting was validly convened, at which point the Mayor signed a request for a Special Meeting to be called.
- 171 Dr Fidge considered the special meeting and the project were “rushed through”.

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<sup>25</sup> Transcript, page 198.

- 172 The CEO had sought and obtained legal advice (after the event) on whether the meeting was validly called and then refused to produce this advice to Council. The legal advice confirmed that the CEO likely did not have power to call a Special Meeting.
- 173 Dr Fidge considered the CEO's actions were obstructive behaviour and an example of the CEO acting beyond his power. He disagreed he made the comments with wilful disregard for Council's potential legal exposure, having received the Maddocks advice.
- 174 Dr Fidge said Russell Kennedy Lawyers' advice of 7 March 2013 (the day of the special meeting) to him, "advised the Maddocks advice was plainly partisan in that it was unbalanced".<sup>26</sup>
- 175 I comment here that I take the initial advice to be more of the nature that it was reasonable for Dr Fidge to express to the meeting, his view that the Maddocks advice was plainly partisan. However, Dr Fidge's view of the advice was understandable.

### **Allegation 13 – Comments in the Wangaratta Chronicle**

- 176 The allegation is Dr Fidge breached clauses 1, 2, 2.2(g), 3.1.5, 3.2.3 and 8.3 of the Code because he made comments, which on 22 February 2013 the Wangaratta Chronicle published.
- 177 In an article titled "Council Cracks" concerning the views of former Wangaratta councillors that given the conflict within Council, it may end up in the hands of an administrator, Dr Fidge was quoted, "I don't see this as a crisis for anyone but the CEO and council management."
- 178 In an article in the same edition titled "Special Meeting Goes On, Legal Advice Says It's Not 'Unlawful'" Dr Fidge was quoted, "We can't have a CEO acting unlawfully."

### **Dr Fidge's response**

- 179 Dr Fidge made the comments in respect of an inquiry into Council by the Local Government Inspectorate. He had made several complaints to the Inspectorate about Council actions. He genuinely held opinions that he had proper bases for his complaints.
- 180 Adding to Dr Fidge's concerns was the car park issue. It would not be owned by Council and Dr Fidge considered it unnecessary.

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<sup>26</sup> While Dr Fidge first gave evidence he received the advice before making statement (Transcript, page 215) once he produced the advice, it became clear and he agreed he sought and obtained the advice after making the statement (Transcript, page 229).

- 181 His first comment was to being asked whether the Council was in a crisis. His comment that “we can’t have a CEO acting unlawfully” was a statement of fact, supported by legal advice. He was referring to how the car park special meeting was called.
- 182 Dr Fidge did not consider that the inquiry would result in a problem for anyone except for the CEO or the Management Team given their involvement in planning matters.
- 183 He disagreed he commented with wilful disregard for the health and safety concerns which the CEO had expressed. He did not believe the CEO’s protestations about his health.<sup>27</sup> Dr Fidge said he bore the CEO no personal ill will. He was concerned with his work.<sup>28</sup>
- 184 In his view, he was acting in the best interests of the electorate.

#### **Allegation 14 - e-mail to all councillors and Council management team**

- 185 The allegation is Dr Fidge breached clauses 1, 2, 2.2(c), 2.2(g), 3.1.5, 3.2.3 and 8.3 of the Code because he sent an email dated 23 February 2013, in which he directed the following comment to the CEO:

Dear [the CEO],

I have great concerns about your handling of legal advice.

You are to table all legal advice you receive about Council business.

You can begin by tabling the advice which you say you received about the recent special meeting.

If this is not acceptable to you, I strongly suggest you resign as our moral compasses seem to be pointing in different directions.

I will also be raising your handling of legal advice with the Probity Auditor and the Inspectorate Investigation.

Regards,

Dr Julian Fidge

#### **Dr Fidge’s response**

- 186 While Dr Fidge said he was not saying the CEO’s moral compass was pointing in the direction of immorality, he was saying they had different views of what was moral in the situation. In cross-examination, Dr Fidge accepted here he strayed into a personal remark.<sup>29</sup>

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<sup>27</sup> Transcript, page 216, 217.

<sup>28</sup> Transcript, page 217, 218.

<sup>29</sup> Transcript, page 221, 223.

## **Allegation 15 - comments on websites**

187 The allegation was Dr Fidge breached clauses 1, 2, 2.2(g), 3.1.5, 3.2.3 and 8.3 of the Code because on 1 March 2013 he published on [www.wangarattacity.com](http://www.wangarattacity.com) and Wangaratta Online:

Dear Editor,

I refer to the Special Meeting of Council next Thursday called, this time, by the Mayor in accordance with the Local Government Act.

It is passing strange that legal advice about the previous Special Meeting that the CEO does not like is “privileged” and never sees the light of day, but legal advice he does like gets its own Special Meeting to be discussed and digested at length.

Readers could be forgiven for thinking that Wangaratta Council is just a puppet, dancing to the CEO’s tune. I certainly think that, and I’m a Councillor!

The meeting is to consider some legal advice provided to Council on behalf of the CEO outlining how to stop Councillors (usually me) talking to the media. The CEO has suggested that reports of his performance constitute bullying, and could cost Council up to \$990,000 in fines. Of course, the advice is from a law firm the CEO has been using for decades, and the advice’s bias reflects this. Council hasn’t bothered to get the other side of the story, and have shown no interest when suggested this might be a sensible thing for Council to do.

Council was also very closed to the idea that if they or the CEO are embarrassed by publicity, they may be doing something wrong. The very clear message was that it is okay for Council or the CEO to act poorly, or even unlawfully, make poor decisions and show poor judgement, as long as no-one talks to the media about it.

Wangaratta Council must think they’re in China, where the government controls the media and everyone toes the party line. The Ten Network has just changed CEOs, and that was reported on the front page of The Australian on the weekend. I have read dozens of stories about CEOs not performing and losing their jobs. So it is clearly normal, and I am quite confident the CEO has no right to stop councillors talking to the media about his performance, or lack of it. This is Australia. We are supposed to have democratic government, not dictators and free speech. Anyone, including councils, could talk to the media without fear of reprisal.

This is just like the demolition of the Soldier’s Memorial Town Hall all over again. Close ranks, harass and intimidate anyone who has a different opinion or speaks publicly against Council, and force them to resign.

Wangaratta Council is not a democratic institution. It’s a dictatorship with a thin veneer of faux democracy, and it just keeps getting worse.



We'll probably have to have another Special Meeting to discuss this letter.

I won't be attending the Special Meeting, as I cannot be a party to this kind of serious misbehaviour. And I doubt the Mayor would let me speak anyway; as she has been quick to follow the CEO's advice to gag me. Your readers will know from your reports of Council meetings that I am not allowed to speak to "personal opinions", and that speaking about the Local Government Act is, according to the Mayor, a "personal comment". So good luck in finding out what Council is doing on your behalf, in your name, and with your money.

Dr Julian Dr Fidge  
Councillor  
Rural City of Wangaratta

#### Dr Fidge's response

188 Dr Fidge:

- (a) Said his comments related to the CEO's refusal to provide Council with legal advice he had obtained about the car park special meeting and the issue of what Dr Fidge considered the CEO's improper use of Council funds to obtain legal advice for himself concerning Dr Fidge's public criticisms of his work;
- (b) Considered that the CEO should use his own funds to obtain his own personal legal advice; and
- (c) Said his comments were made against a backdrop of the CEO's obstructive behaviour and sought only to inform the community of what was occurring.

#### **Allegation 16 - e-mail to a list of unknown people including journalists in North East Victoria and Edge FM Radio station**

189 The allegation was Dr Fidge breached clauses 1, 2, 2.2(c), 2.2(g), 3.1, 3.1.3, 3.1.5, 3.2.3, 8.1 and 8.3, because on 1 March 2013 he sent an email to journalists, including Edge FM Radio station, titled "It's an emergency. Yawn.":

None of these people have any role to play in these investigations, except for covering their asses. If these pricks had been in Rwanda with me in 1994, they'd understand the term 'emergency'.

#### Dr Fidge's response

190 Dr Fidge was commenting on the CEO engaging a consultant to provide high level executive support to the CEO and the Director of Sustainability for two months. The CEO had invoked an emergency provision to provide relief in dealing with the various lines of investigation associated with

governance, code of conduct and inspectorate matters. Dr Fidge considered there were more than enough Council personnel to deal with these issues.

- 191 Dr Fidge's position before giving evidence concerning Allegation 16 was he did not intend for this email to become publicly available. Under cross-examination, he was provided with a copy of the email which caused him to agree he had sent it to more than one journalist. He apologised to the Tribunal for his mistake.
- 192 Dr Fidge accepted when he described the CEO and his staff as "pricks" in the email, that was personal abuse and insult and that he intended to cause journalists to publish.<sup>30</sup>
- 193 During cross-examination, an e-mail from the general manager of the radio station to the Council's communications manager was produced. It spoke of Dr Fidge calling the journalist at the radio station demanding she put to air his comments and to a breakfast announcer demanding to do talkback. Dr Fidge agreed he made calls but disagreed he made demands. He commented that as one generally wants journalists to be on your side, it would be unwise to be demanding.<sup>31</sup>

#### **Allegation 17 - Comments in the Wangaratta Chronicle**

- 194 The allegation was Dr Fidge breached clauses 1, 2, 2.2(c), 2.2(g), 3.1, 3.1.3 and 3.2.3 of the Code because he made comments, which were on 5 March 2013 the Wangaratta Chronicle published under the headline, "I May Have to Resign":

Originally Cr Fidge said he would not attend the meeting but yesterday told the Wangaratta Chronicle he had reluctantly changed his mind.

"I don't want to attend because it is childish nonsense", he said.

I am frustrated by the obvious bullying and toxic behaviour of some councillors and the council's management team.

"This meeting is to try and stand over me and I'm not going to be allowed to protest, but as an elected representative I can't not go to a council meeting."

Suggestions he has been bullying [the CEO] in the media were refuted by Dr Fidge.

"I didn't ask him to resign", he said.

I said I expected or would welcome his resignation. They are both truthful responses to public interest questions.

This is not bullying.

The only person who is being bullied is me. ...

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<sup>30</sup> Transcript, page 246.

<sup>31</sup> Transcript, page 247.

"I will not be changing anything and I doubt that council can force me to be silent", he said.

I would go as far to suggest that for council to debate silencing a councillor is unlawful.

I think that the special meeting on Thursday night is so childish, bullying, inappropriate and such an abuse of power by the mayor that the Minister for Local Government would be forced to consider sacking council and appointing an administrator".

#### Dr Fidge's response

- 195 A special meeting had been called by the Mayor to discuss Dr Fidge's media comments and legal advice that Council could be fined by WorkSafe for failing to provide a safe workplace for the CEO.
- 196 Dr Fidge considered the meeting inappropriate. The published comments were intended to let constituents know what was going on within Council, not to personally attack or denigrate the CEO.
- 197 He described his comments about the activities of the councillors and the council staff as toxic and damaging to council, playing a part in the Council's eventual dismissal.<sup>32</sup>

#### **Allegation 18 - letter to the editor in Wangaratta Chronicle**

- 198 The allegation was Dr Fidge breached clauses 1, 2, 2.2(g), 3.2.3, 8.1 and 8.3 of the Code because he wrote a letter to the Wangaratta Chronicle about the Everton Cenotaph, which was published on 15 March 2013:

It is truly amazing that all the options put to the Rural City of Wangaratta to protect the Everton cenotaph are so expensive.

It is like an episode of *Yes Minister* ...

Nothing is done and the minister is cleverly managed by his staff.

We already know what the community wants, because they told us in a deputation. ...

To go from none to 20 bollards is completely unreasonable.

What next?

A meteorite shelter?

From the lack of enquiry from the council management team, the lack of action, the unacceptable nature of the options provided and the repeating of a survey to try and change the request, I have been forced to conclude the council management team are trying to dissuade council from ever asking them for anything ever again.

And wasn't this request described as "urgent" by Council quite some time ago?

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<sup>32</sup> Transcript, page 256.

Yes, Minister.

### Dr Fidge's response

- 199 Dr Fidge considered his comments to be accurate and reasonable, made in response to the CEO's continued failure to implement Council's resolution to do something urgently to protect the Everton Cenotaph (see Dr Fidge's responses to Allegations 7 and 10).

### **Allegation 19 - press release**

- 200 The allegation was Dr Fidge breached clauses 1, 2, 2.2(c), 2.2(g), 3.2.3, 8.1 and 8.3 of the Code, because on 22 March 2013, he issued a press release.
- 201 He attached to the press release copies of letters written by McInerney, Atkins and Joyce who had requested the convening of a Councillor Conduct Panel, without obtaining their consent.
- 202 The press release said:

The [CEO] and the Director of Sustainability ... Have been deliberately exaggerating the normal tensions of newly elected council to the Minister for Local Government for some time in order to force me to resign, as they did [named councillor] in 2007.

[Draws attention to attached letters.] These letters prove that [the CEO] and [the Director of Sustainability] have deliberately and repeatedly mishandled complaints by sending them directly to the Minister for Local Government for action instead of following the procedures in our Code of Conduct.

Councillors Joyce, Atkins and McInerney have colluded with [the CEO] and [the Director of Sustainability] to mislead the Minister by specifically requesting this course of action. ...

The mishandling of the complaints by [the CEO], [the Director of Sustainability] and Councillors Joyce, Atkins and McInerney has been deliberately designed to exaggerate the current tensions in Council to the Minister by sending her every complaint that comes to hand, whether or not it is appropriate or required.

The actions of these Councillors and staff are politically motivated, bullying to me and damaging to the region. I call on [the CEO], [the Director of Sustainability] and Councillors Joyce, Atkins and McInerney to resign from their positions before they inflict more damage on the reputation of Wangaratta.

I further asked the minister to appoint an investigator as provided for in the Local Government Act to investigate the handling of these complaints. It is clear from the attached documents that the Code of Conduct is not the problem, as it has been comprehensively ignored and abused by these people.

### Dr Fidge's response

- 203 Dr Fidge said his statements were true, identified as coming from Dr Fidge and did not purport to be representative of the Council.
- 204 The Joined Parties had made numerous complaints directly to the Minister for Local Government rather than following the dispute resolution procedure designated under the Code. These complaints were not provided to him first to allow him to reply or to consider the issue and attempt to resolve it. Dr Fidge considered there was no genuine attempt by the Joined Parties to resolve their grievances with him. They were politically motivated. He considered Council officers and certain councillors attempted to apply maximum pressure to him to resign.
- 205 He agreed he made very serious criticisms about the CEO and others, accused the CEO of misleading the Minister for Local Government and of pursuing a political agenda and called for his resignation, which he described as an escalation of what he was saying. He disagreed that his conduct demonstrated a complete lack of respect for the CEO and for his health concerns.<sup>33</sup>

### **Allegation 20 - comments on ABC radio**

#### The complaint

- 206 The allegation was Dr Fidge breached clauses 1, 2, 2.2(c), 2.2(d), 2.2(g), 3.1, 3.1.5, 3.2.3 and 8.1 of the Code because he made the following comment in relation to councillors and council staff who had taken stress leave, which on 9 May 2013 was broadcast by ABC Radio:

I'm not surprised that they've gone off sick, they must be terribly ashamed of themselves.

#### Oral evidence from the complainants

- 207 Concerning the Management Team and the executive officer going on stress leave at the same time, with reference to an interview with the executive published in the Wangaratta Chronicle on 20 September 2013 concerning dismissal of the Council,<sup>34</sup> Ms Parisotto agreed this was part of industrial action. In her view, "there was also a component of stress".<sup>35</sup>

### Dr Fidge's response

- 208 Dr Fidge provided these comments in response to five members of the Council Management Team going on sick leave simultaneously. It was

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<sup>33</sup> Transcript, page 166.

<sup>34</sup> Tribunal book, page 710.

<sup>35</sup> Transcript, page 68.

claimed this was sick leave due to stress. In fact it amounted to industrial action. This cost Council enormously.

- 209 Dr Fidge also noted a news article dated 20 September 2013 in which a member of the Council Management Team, confirmed they went on sick leave to prove a point:

In the early stages we went on leave because the system supposed to support local government had failed Wangaratta... We needed to get the minister's attention to resolve what we believed was an untenable position (of workplace bullying by elected councillors and constant attacks on senior staffs' integrity).

### **Allegation 21 - comments to ABC radio**

- 210 The allegation was Dr Fidge breached Conduct clauses 1, 2, 2.2(g), 3.1.5, 3.2.3 and 8.3 of the Code because he made the following comments, which on 14 March 2013 were broadcast by ABC Radio:

I've been very disappointed with the Council's management team and the CEO specifically and I've made no secret of that. I think that they've failed to accept the results of the election and accept the wishes of the residents and it's been a hard slog in Council trying to get information and support from the Council management team.

### **Dr Fidge's response**

- 211 Dr Fidge referred to his responses above in respect of the numerous issues he had faced with the CEO and Council Management Team. He considered his comments were an understandable reaction to the CEO's and the Council Management Team's ongoing obstructive behaviour.

### **Allegation 22 - Refusal to participate in pre-mediation interviews**

- 212 The allegation was Dr Fidge breached clause 14 of the Code because between 15 February 2013 and 21 February 2013 he refused on three separate occasions to participate in pre-mediation interviews with Ms Cynthia Logan, a mediator appointed under clause 14 of the Code.

### **Documentary Evidence**

- 213 Dr Fidge gave evidence that the mediator provided him with an "Agreement to Mediate". The two-page document described a pre-mediation interview where "the mediator will explain the process, then understanding of the persons issues and agree on the logistics."

- 214 The letter also said:

The process is voluntary and the parties and the mediator have the right to withdraw at any time. The mediator requires that parties speak to the mediator if they wished to withdraw from the process. The

mediator also has authority to terminate the session if deemed to be necessary.

#### Dr Fidge's response

- 215 Dr Fidge admitted he refused to attend one pre-mediation interview (not three), the purpose of which was to outline mediation practice and procedure only. He denied the alleged breach.
- 216 He said at all times he remained ready, willing and able to participate in the mediation process and to provide assistance to the mediator if requested.
- 217 Dr Fidge said he was intimately familiar with mediation processes, and did not consider it necessary to attend pre-mediation interviews in order to have the mediation process explained to him. He had recently completed a Department of Justice mediation course, and literature received from the mediator made it clear that the purpose of the pre-mediation meeting was simply to explain the process. Dr Fidge explained to the mediator he did not consider it was necessary for him to attend such a meeting.
- 218 Dr Fidge noted that by this point, the decision had already been made to convene a Panel, and the Joined Parties had made it clear that they would not participate in mediation.
- 219 In cross-examination, he agreed the content of an e-mail from him to the mediator was, "a bit grandiose and was unhelpful"<sup>36</sup>.

### **Allegation 23 - Public campaign of denigration of Council's CEO**

#### The allegation

- 220 The allegation is Dr Fidge breached clauses 1, 2, 2.2(c), 2.2(g), 3.1, 3.1.2, 3.1.3, 3.1.5, 3.2.3, 8.1 and 8.3 of the Code on the basis of the conduct referred to in allegations 1- 4, 7, 8, 10 - 13, 15, 16, 18, 19, and 21 taken in their totality.
- 221 As I decided allegations 1 to 22, it was not necessary to address this allegation.

### **DECISION**

- 222 As the Panel did, I have found misconduct proven. However, with a sub-set of the allegations that were before the Panel before me, and taking a somewhat different approach, I set aside the Panel's decisions as made the following decision in substitution.
- 223 Under s81J(1)(a) of the Act I make findings of misconduct against Dr Fidge in relation to allegations 1, 2, 5, 7, 8, 10, 11, 12, 14, 16, 17, 18, 19 and 20.

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<sup>36</sup> Transcript, page 296.

224 I make no findings against Dr Fidge concerning allegations 3, 4, 6, 9, 13, 15, 21, 22 and 23.

### Interpreting the Code

#### *The Code itself*

225 For the purposes of deciding whether to make findings of misconduct, under s3 of the Act, “misconduct” by a councillor means conduct by a councillor that is in breach of the Code.

226 Under s 76C of the Act, in November 2009 the Council adopted a code of conduct (the Code), which was in force until Council was dismissed. The clauses of the Code cited in the allegations are at Appendix A and to an extent set out below. I also considered the balance of the Code.

227 I now discuss:

- (a) The literal meaning of the Code, focusing on the clauses it is alleged Dr Fidge breached; and
- (b) Whether it should be read down consistent with the *Charter of Human Rights and Responsibilities Act 2006* (Vic) (the Charter) and/or the implied freedom of political communication under the Australian Constitution.

228 The Code comprises 15 clauses over 18 pages.

229 While Dr Fidge is alleged to have breached all of clauses 1 and 2, clause 1 provided a general introduction and clause 2 in part continued that introduction via 19 “principles” set out in the first two paragraphs of clause 2. This introduction is of a general nature, difficult to apply with any certainty and largely duplicated by the clauses that follow. Therefore, I have not relied on it.

230 Clauses 2.1 and 2.2 are central to the Code. They import the Councillor Conduct Principles at s76B and s76BA of the Act, which the Act requires each Council to include in its Code.

231 Clause 2.1 says:

2.1 In carrying out our role as councillors, we will:

- (a) act with integrity; and
- (b) impartially exercise responsibilities in the interests of the local community; and
- (c) not improperly seek to confer an advantage or disadvantage on any person. .

232 Dr Fidge is alleged to have breached:

2.2 In addition, in performing our role as councillors we will ...



- (c) treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other councillors, council officers and other persons;
- (d) exercise reasonable care and diligence and submit to the lawful scrutiny that is appropriate to his or her office; ...
- (g) support and promote these principles by leadership and example and act in a way that secures and preserves public confidence in the office of councillor.

233 Returning to clauses drafted by the former Council, clause 3 deals with “Councillor Behaviours”. Dr Fidge is alleged to have breached:

- 3.1 Treating all people with courtesy and respect, recognising that there are legitimate differences in opinions, race, culture, religion, language, gender and abilities. This includes:
  - 3.1.1 Treating members of the community with dignity and ensuring that neither offence nor embarrassment are caused
  - 3.1.2 Treating fellow councillors with respect, even when disagreeing with their views or decisions
  - 3.1.3 Debating contentious issues without resorting to personae acrimony or insult
  - ...
  - 3.1.5 Acting with courtesy towards Council staff and avoiding intimidatory behaviour.
- 3.2 Always acting with integrity and honesty:
  - ...
  - 3.2.3 Not acting in ways that may damage the Council or its ability to exercise good government

234 Clause 8 deals with “Relationships with Staff”. Dr Fidge is alleged to have breached:

- 8.1 As councillors we will work as part of the Council team with the Chief Executive Officer and other members of staff. There must be mutual respect and understanding between councillors and officers in relationship to their respective roles, functions and responsibilities. ...
- 8.3 As councillors, we will be aware of the requirements. of Section 76E of Local Government Act 1989 and must not seek to improperly direct or influence members of Council staff in the exercise of their duties. It is appropriate to notify either the relevant Director or Manager when specific issues or particular functions are required to be undertaken.

235 Clause 14 deals with “Dispute Resolution Procedures”. Dr Fidge is alleged to have breached:

If a mediator or conciliator is appointed, all councillors will cooperate with the dispute resolution process and provide reasonable assistance to the mediator or conciliator when requested.

- 236 It is evident that the clauses of the Code which Dr Fidge is alleged to have breached concern the manner of communication by a councillor with Council, council staff, the Council electorate and others.
- 237 Balanced against the Code's requirements as to conduct is the necessity for councillors to have the opportunity to keep constituents informed of affairs and for the Code of any Council to not disproportionately fetter political debate.
- 238 Section 63 of the Act requires councillors to swear an oath to undertake the duties of the office of Councillor in the best interests of the people in the municipal district and faithfully and impartially carry out relevant duties under the Act to the best of their skill and judgment.
- 239 At clause 10, the Code balances freedom of political expression and working together in an effective Council. It commences on the theme of working together in an effective Council:
- As representatives of the community, we have a primary responsibility to be responsive to community views and to adequately communicate the attitudes and decisions of Council.
- We will endeavour to ensure that the messages communicated are clear and consistent, and positively portray the Council as a decisive and responsible governing body.
- 240 It sets out communication roles for the Mayor, the CEO, councillors within their portfolio areas with the approval of the Mayor or Chief Executive (authorised beforehand or not) and the issuing of press releases. See Appendix A.
- 241 Clause 10.5 recognises the issue of councillor dissent from the majority view:

There may be times when a Councillor as an individual disagrees with a majority decision of the Council and wants the community to know that. Obviously Councillors are entitled to present their own views, particularly at election time, but in doing so Councillors should acknowledge that:

- as a member of the Council there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council;
- an overriding concern ought to be in achieving a balance in the matters that are communicated and strive to achieve an outcome that presents the Council as effective and cohesive;
- the Mayor or some other specifically designated person is authorised to speak to the media and others on behalf of the Council;

- information of a confidential nature must not be communicated until it is no longer treated as confidential;
- information relating to decisions of the Council on approvals, permits and so on must only be communicated in an official capacity by a designated officer of the Council; and
- information concerning adopted policies, procedures and decisions of the Council is conveyed accurately.

*The Charter of Human Rights and Responsibilities*

242 Moving beyond the Act and the Code, in deciding the issues before me, the *Charter of Human Rights and Responsibilities Act 2006* (Vic) (the Charter) is to be considered.

243 Section 32 of the Charter relevantly says:

**32 Interpretation**

- (1) So far as it is possible to do so consistently with their purpose, all statutory provisions must be interpreted in a way that is compatible with human rights.

...

- (3) This section does not affect the validity of—
- (a) an Act or provision of an Act that is incompatible with a human right; or
  - (b) a subordinate instrument or provision of a subordinate instrument that is incompatible with a human right and is empowered to be so by the Act under which it is made.

244 Section 3 of the Charter defines “statutory provision” to mean an Act or a provision of an Act or a subordinate instrument of either. In my view the Code is a subordinate instrument and so subject to the Charter.<sup>37</sup>

245 Section 7 of the Charter says:

**7 Human rights—what they are and when they may be limited**

- (1) This Part sets out the human rights that Parliament specifically seeks to protect and promote.
- (2) A human right may be subject under law only to such reasonable limits as can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom, and taking into account all relevant factors including—
- (a) the nature of the right; and
  - (b) the importance of the purpose of the limitation; and
  - (c) the nature and extent of the limitation; and
  - (d) the relationship between the limitation and its purpose; and

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<sup>37</sup> See s18, *Interpretation of Legislation Act 1984*.

- (e) any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve.
- (3) Nothing in this Charter gives a person, entity or public authority a right to limit (to a greater extent than is provided for in this Charter) or destroy the human rights of any person.

246 Sections 15 and 18 set out the two most directly relevant rights in this case:

**15 Freedom of expression**

- (1) Every person has the right to hold an opinion without interference.
- (2) Every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside Victoria and whether—
  - (a) orally; or
  - (b) in writing; or
  - (c) in print; or
  - (d) by way of art; or
  - (e) in another medium chosen by him or her.
- (3) Special duties and responsibilities are attached to the right of freedom of expression and the right may be subject to lawful restrictions reasonably necessary—
  - (a) to respect the rights and reputation of other persons; or
  - (b) for the protection of national security, public order, public health or public morality.

**18 Taking part in public life**

- (1) Every person in Victoria has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives.
- (2) Every eligible person has the right, and is to have the opportunity, without discrimination—
  - (a) to vote and be elected at periodic State and municipal elections that guarantee the free expression of the will of the electors; and
  - (b) to have access, on general terms of equality, to the Victorian public service and public office.

247 In *Nigro & Ors v Secretary to the Dept of Justice* [2013] VSCA 213, the Victorian Court of Appeal with reference to the High Court's decision in usefully summarised the proper approach to applying the Charter.

Section 32(1) is not to be viewed as establishing a new paradigm of interpretation which requires courts, in the pursuit of human rights

compatibility, to depart from the ordinary meaning of the statutory provision and hence from the intention of the parliament which enacted the statute. Accordingly, as was observed in *Slaveski v Smith*, the court must discern the purpose of the provision in question in accordance with the ordinary techniques of statutory construction essayed in *Project Blue Sky*. The statute is to be construed against the background of human rights and freedoms set out in the Charter in the same way as the principle of legality is applied. The human rights and freedoms set out in the Charter incorporate or enhance rights and freedoms at common law. Section 32(1) thus applies to the interpretation of statutes in the same way as the principle of legality but with a wider field of application.

### *The Australian Constitution*

- 248 Turning to the Australian Constitution, it implies citizens to have a right to express their opinions on political and governmental matters.
- 249 Dr Fidge submitted his conduct involved him exercising his right of expression on political and governmental matters and discharging his responsibilities as a democratically elected representative of the local citizens of Wangaratta.
- 250 During his term of office at Council, before the Panel and in this proceeding Dr Fidge relied on this right to justify his statements. His counsel submitted the Code should be read down to only prohibit a councillor publicly criticising councillors or Council staff, when the criticism was not genuinely held by the Councillor. It would not be breached when a councillor criticised councillors or senior Council staff about the performance of their duties.<sup>38</sup> He submitted Dr Fidge's conduct could only constitute a breach of the Code if it could be classified as going culpably beyond the robust discharge of his role as a democratically elected representative of the local citizens of Wangaratta or if Dr Fidge acted without honesty and integrity.
- 251 I rejected that submission. Having considered detailed helpful submissions on behalf of the parties, relevant authorities, the Panel's views on this and learned commentary as discussed below, I agree with the Panel's statement in its reasons:

In order to ascertain whether Councillor Fidge has had his implied freedom of political communication breached, as he claims, by the Councillor Conduct Code, the High Court in *Lange's case* has provided a two limb test to assess whether the legislation is valid. The first limb of the test asks whether the law effectively burdens the freedom of political communication, while the second asks that where there has been such a breach, whether the law is reasonably adapted and appropriate to achieving the aim of effective representative and responsible government.

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<sup>38</sup> Transcript, page 311.

As Kirby J noted in *Coleman v Power*, the inquiry must begin by construing the relevant provisions. In the present scenario, using the Code to prevent Mr Fidge from using intimidating and insulting words when referring to other Councillors may be considered to be a limitation on his implied right to political communication given that, the nature of the topic, the character and ability of people in public office, is inherently political. However, the second step is to ask whether the Code is a reasonable instrument to facilitate the aim of representative government. In this regard, the Code should be construed as proportionate as it simply requires Councillors to carry out their duties with decorum and respect, which is integral to the effective function of governmental office and to the confidence of the public in the political system of Local Government. ...

The Councillor Conduct Code, insofar as the referrals before the Panel are concerned, does not prohibit the free speech of a Councillor, but requires it to be expressed with respect to other individuals and the processes and public reputation of the Council. The thrust of most of the complaints in the referrals is the lack of respect, intimidation and bullying in the comments of Cr Fidge. A restraint on such comments is a legitimate objective for the maintenance of representative government and is reasonably appropriate and proportionate to achieve that end.

- 252 I summarise various passages from *Freedom of Speech in Australian Law: a Delicate Plant* by M. Chesterman in the context of more recent authorities.<sup>39</sup>
- 253 In 1997, the High Court in *Lange v Australian Broadcasting Corporation* 189 CLR 520 decided the Constitution contained an implied freedom of communication so that electors have freedom to receive information about government and political matters in order that they may make informed political choices relating to the Commonwealth Parliament. This has not been limited to communications during election periods and has extended to matters of state territory and local government (eg. *Levy v Victoria* (1997) 189 CLR 579).
- 254 That said, the extent to which the implied freedom extends in the State sphere remains open to debate. The Court has made clear that there must be some nexus between the communication for which protection is claimed and the making of informed choices by voters in Commonwealth Parliament elections or renderenda.
- 255 In *Levy*, a case concerning duck hunting protests in Victoria and Victorian regulations, the Court focused on and decided regulations limiting access to land reserved for duck hunting were reasonably appropriate and adapted to a legitimate legislative purpose. However, Brennan CJ and McHugh J doubted the connection between the message protestors wished to send to

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<sup>39</sup> 2000, Ashgate Publishing Ltd.

the people of Victoria concerning ducks and electing members to the Senate or the House of Representatives or the conduct of Federal Government.

256 That said, given the issue debated here is in part communications by a councillor, in most part in public, and all relevant to the operation of Council, given the cases in which the High Court has not rejected that such a nexus existed, I regard as appropriate to here apply the implied freedom.

257 In *Lange*, the Court said the implied freedom operates to prevent a law in Australia effectively burdening communication about government or political matters either in its terms or affect. A State or Territory law found to contravene the implied freedom would be invalid, at least to the extent of inconsistency. In *Lange* the Court found a pre-existing defamation law did not meet the requirements of the implied freedom because it did not sufficiently enable the people to communicate with each other concerning matters which could affect the choice when voting at the Commonwealth level. The Court extended the scope of common law defence of qualified privilege concerning defamation.

258 However, as decided in *Lange* as modified by *Coleman v Power* (2004) 220 CLR 1, the implied freedom was not to have effect if the relevant law was:

reasonably appropriate and adapted to serve to a legitimate end in a manner which is compatible with the constitutionally prescribed system of representative and responsible government in the procedure prescribed by section 128 for submitting a proposed amendment to the Constitution to the informed decision of the people.<sup>40</sup>

259 In 2014, in *Tajjour v New South Wales; Hawthorne v New South Wales; Forster v New South Wales* [2014] HCA 35 French CJ said:

The implied freedom of communication on governmental or political matters defines a limit on the legislative power of the Commonwealth, State and Territory Parliaments and informs the common law of Australia. The questions to be asked in determining whether an impugned law exceeds that limit were settled in *Lange v Australian Broadcasting Corporation*, and modified in *Coleman v Power*. They were recently restated in *Unions NSW v New South Wales* (2013) 88 ALJR 227; They are:

1. Does the impugned law effectively burden the freedom of political communication either in its terms, operation or effect?
2. If the provision effectively burdens the freedom, is the provision reasonably appropriate and adapted, or proportionate, to serve a legitimate end in a manner which is compatible with the

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<sup>40</sup> (*Lange* at 567 as modified by *Coleman*, see McHugh J at 50 with whom Gummow, Kirby and Hayne JJ agreed).

maintenance of the constitutionally prescribed system of representative government? ...

[His honour further discussed the first question. Turning to the second question he noted the language of "legitimate ends" and laws "reasonably and appropriately adapted" in the second question may be traced back to the Supreme Court of the United States] ...

The criterion of validity to which the second question gives rise first requires that the impugned law serve a "legitimate end". That is a purposive standard, which must be satisfied by any law which effectively burdens the freedom. Satisfaction of that standard attracts to consideration of the law's validity the criterion which has long been applied to laws purportedly made pursuant to grants of purposive law-making powers and, as a subset of that category, express or implied grants of incidental law-making powers. That criterion, that the law be "reasonably appropriate and adapted, or proportionate" to serve the legitimate end, is a species of the genus of proportionality tests. Such tests apply to constitutional grants of purposive powers and to statutory grants of power to make delegated legislation, but not to non-purposive powers. They apply to what might broadly be called "public interest qualifications" on other constitutional guarantees, particularly s 92. The term "proportionality" in this context is classificatory. It does not designate a doctrine. Some of the proportionality criteria apply a high threshold test for invalidity, asking whether the impugned law is "capable" or "reasonably capable" of being appropriate and adapted to the relevant purpose. That kind of formulation has sometimes been used in relation to the implied freedom of political communication. A negative answer to the question, so framed, would be sufficient for invalidity. However, a positive answer is not sufficient for validity. The second question, as recently restated in *Unions NSW*, requires the low threshold proportionality test for invalidity to be applied in cases involving the implied freedom.

In the joint judgment in *Unions NSW* 2013 88 ALJR 227, it was said that:

"The inquiry whether a statutory provision is proportionate in the means it employs to achieve its object may involve consideration of whether there are alternative, reasonably practicable and less restrictive means of doing so."

[With reference to the joint judgment of Crennan, Kiefel and Bell JJ in *Monis v The Queen* [(2013) 249 CLR 92] at 214, French CJ said]:

The cautionary qualification that alternative means be "obvious and compelling" ensures that consideration of the alternatives remains a tool of analysis in applying the required proportionality criterion. Courts must not exceed their constitutional competence by substituting their own legislative judgments for those of parliaments.

260 In *Tajjour*, while the other judges used different words, the restated version of *Lange* continues to be the law.



- 261 I regard the Code, relevant to the allegations made against Dr Fidge, to be for the most part:
- (a) Relevant to the Charter, set reasonable limits demonstrably justified in a free and democratic society based on human dignity, equality and freedom; and
  - (b) Relevant to the constitutionally implied freedom, to be reasonably appropriate and adapted, or proportionate, to serve a legitimate end in a manner which is compatible with the maintenance of the constitutionally prescribed system of representative government;
- apart from an element of clauses 10.5 as discussed below.
- 262 This is so because the Code, as relevant to the allegations, address the mode of communication by councillors (eg. clauses 3.1) and the balancing of councillors' rights to express political views with competing rights of others (eg. clauses 2.2(c) in part). I do not regard the Code as overly restricting councillors in making public statements concerning issues before Council or Council's operations, where that is done with respect, courtesy and without individual attack.
- 263 Also, the Code applies in the unique circumstances of local government. Those circumstances were described in the Victorian Government's, 'Better Local Governments Consultation Paper November 2007', a precursor to the Code's creation.
- 264 In his preface to the publication, the Minister for Local Government said
- One part of this better local government reform is the government's commitment to address issues of council conduct. This responds to concerns raised within local government and in the wider community.
- ...
- While I believe that the overwhelming majority of councils behave ethically and professionally, there are occasions when the actions of individual councillors can instruct effective local governments. It is essential to address such matters. In doing so however, it is important to ensure proper balance between the democratic nature of local government and the need to support effective governance.
- 265 The paper went on to say (page 3):
- The office of councillor, while having its own rewards, is a demanding role. It requires a person to consider and decide on many, often contentious, issues that directly affect the way people live, work or conduct business in the municipality.
- From time to time, the conduct of individual councillor may become a cause for concern. The seriousness and nature of such conduct can vary substantially.
- At a very basic level, council may fail to act appropriately in meetings and making properly disrupt statutory decision-making processes.

(This should not be confused with legitimate debate, where an individual councillor expresses opinions different from majority). ...

- 266 I rejected the submission that the Code should be applied through the prism of the types of strident criticism of politicians found during question time in the Federal Parliament and the other Parliamentary arenas. Several of Paul Keating's more colourful descriptions of his opponents were cited as illustrative of that submission. However, a local Council with volunteer part-time councillors is a world away from parliamentary question time and similar arenas.
- 267 I return to the (rejected) submission on behalf of Dr Fidge that only culpable conduct beyond the robust discharge of his role as a democratically elected councillor would breach the Code. I disagree that the High Court's decisions in *Coleman* and in *Monis v R* lead to that conclusion.
- 268 *Coleman* concerned the conduct required to breach provisions of the *Vagrants, Gaming and Other Offences Act 1931* (Qld) and the *Police Powers and Responsibilities Act 1997* (Qld). A man distributed pamphlets charging police corruption. In judging proportionality of restriction of the implied right, as each case should be judged on its circumstances and circumstances in *Coleman* are far removed from those here, it does not persuade me to the submitted position.
- 269 *Monis* concerned a provision of the *Criminal Code* (Cth) and letters sent to parents and relatives of soldiers killed on active duty in Afghanistan which are critical of the involvement of the Australian military forces and reflect upon the part played in it by the deceased soldiers in a derogatory and insulting fashion. In *Monis*, the High Court was equally divided and so the decision on appeal from the Supreme Court of New South Wales (Court of Criminal Appeal) was affirmed. Therefore, this decision is of little precedent value.
- 270 I have read clauses 10.5 down so far as it may be taken to at all times require councillors to, unreasonably in a given context, present Council as effective and cohesive, when disagreeing with a decision or on an issue. I refer to:
- an overriding concern ought to be in achieving a balance in the matters that are communicated and strive to achieve an outcome that presents the Council as effective and cohesive.
- 271 While I agree that is in many cases a reasonable approach, consistent with disagreeing on an issue while respecting Council processes, there will be times that respectful disagreement with both issue and process is required.
- 272 Apart from that, clause 10.5 makes it clear councillors may present their individual views to the community. Consistent with the clauses Dr Fidge is alleged to have breached, 10.5 requires respect, forbids communication of confidential information and accuracy. I have viewed clauses 10.5 for the

most part supporting the requirement that councillors play the ball, not the person.

### Applying the Code to the allegations

- 273 Dr Fidge is an honest person with strong beliefs. I accept, as submitted on his behalf, his point has always been about his fundamental right to express his opinions to the public on matters to do with the Council and its work. I accept he genuinely believes he was elected on a reform platform, faced resistance in his role as a councillor, took strong but appropriate action to discharge his obligations and did not engage in misconduct.
- 274 The allegations do not challenge his honesty. I rejected submissions that I should be sceptical of his evidence because in giving oral evidence it became necessary for him to change earlier evidence. While this happened, I accept this was a result of Dr Fidge being mistaken in his earlier evidence and he did not intend to mislead.
- 275 However, I find Dr Fidge breached the Code on 14 occasions. Speaking broadly, under the Code it is not open to a councillor to continuously and relentlessly, ‘play the person, not the ball’.
- 276 Also, in the context of local government, where councillors are unpaid volunteers performing a critical role for their communities, Parliament via the Act requiring codes of conduct, intended that ‘the ball’ be played with respect, courtesy in the context of other’s rights. This is critical to the good governance and functioning of Council.
- 277 Under s81J(1)(a) of the Act I made findings of misconduct against Dr Fidge in relation to allegations 1, 2, 5, 7, 8, 10, 11, 12, 14, 16, 17, 18, 19 and 20.
- 278 I made no finding against Dr Fidge concerning allegations 3, 4, 6, 9, 13, 15, 21, 22 and 23.
- 279 I now address each of the allegations, to be read in the context provided above.

### **Allegation 1**

- 280 I find Dr Fidge breached clauses 2.2(c), 2.2(g), 3.1, 3.2.3 and 8.1 in publishing on Facebook allegations that senior Council officers treated residents with contempt, that the CEO and senior Council managers performed poorly, treated residents “like dirt or worse” and were conspiring to replace him. He said he would prefer they resigned.
- 281 I find Dr Fidge breached clauses 2.2(c) because he failed to treat at least the CEO and probably senior staff with respect to their contractual and legislative rights arising under their employment. If they were facing a complaint under formal avenues, their right to natural justice would be afforded.

- 282 The evidence before me includes evidence as to the process within Council, by which Dr Fidge could have sought to agitate against the CEO via review of his employment contract or formal complaint mechanisms. Perhaps formal mechanisms could also be employed against senior staff. However, as there is no evidence concerning the employment contracts of senior staff, I make no finding on that issue.
- 283 Concerning the CEO, I rejected the submission that Dr Fidge's criticism of him did not breach the Code as it should be read down, given his role is in some sense equivalent to that of the Prime Minister in a parliamentary sphere. That is not so. He is the employee of Council, and responsible to Council as an employee. I similarly reject the submission that given high-profile CEOs are often criticised in the press that Dr Fidge's criticism fails to breach the Code. For example, Mr Joyce, the Qantas CEO was heavily criticised when he grounded the Qantas air fleet during an industrial dispute. While such criticisms are made of CEOs, I cannot recall the criticism coming from the Board of the company in public.
- 284 I find Dr Fidge breached clauses 2.2(g) in that he failed to provide leadership as a councillor by not acting in a way that secured public confidence in the office of councillor. To do so, rather than resorting to public attack, he had the option of pursuing formal channels.
- 285 I find Dr Fidge breached clauses 3.1 in that he resorted to insult of the CEO and senior staff in saying as Council employees they treated residents like dirt.
- 286 I find Dr Fidge breached clauses 3.2.3. His broad public attack, insofar as it incorporated direct allegations against those concerned risked damaging Council's ability to exercise good government, particularly when the new Council had barely started its real work.
- 287 I find Dr Fidge breached clauses 8.1. His broad public attack the day after he took office constitutes a failure to work as a team member. I repeat my above observations about their being formal avenues to pursue his concerns.
- 288 I find no breach of clauses 3.1.3 (I do not regard his conduct as part of a debate) and 3.1.5 (I do not regard his conduct as intimidatory).
- 289 It is convenient to state here I also find no breach of clauses 8.3 with respect to Allegation 1, nor with respect to any of the allegations. Clause 8.3 prohibits, consistent with s 76E of the Act the improper directing or influencing members of council staff in the exercise of their duties. I do not accept the reach clauses 8.3 extends to broad statements made in a newspaper article. To the extent Dr Fidge was seeking resignations, the clause does not apply, given its focus relates to how people carry out the duties, not on ceasing to perform any duties.

## **Allegation 2**

- 290 I find Dr Fidge breached clauses 2.2(g), 3.1.5, 3.2.3 and 8.1 in publishing on Facebook an aggressive call for co-operation or resignation.
- 291 I repeat my reasons concerning Allegation 1, concerning his comments about the CEO resigning.
- 292 The text was unacceptably aggressive in tone and breached the Code as it required maintenance of the office of councillor, courtesy, avoiding damage to Council and its ability to exercise good government and respect and understanding between councillors and officers.

## **Allegation 3**

- 293 Allegation 3 was not proven.
- 294 I accept this publication was on Dr Fidge's private Facebook, available to family and friends. Contents Dr Fidge intended to remain in the private arena should not provide a basis for a finding of misconduct. No doubt all councillors say things to those in their circles which they do not say in public.

## **Allegation 4**

- 295 Allegation 4 was not proven.
- 296 Dr Fidge gave evidence that he made these comments when he said he had decided to make a formal complaint. Ms Parisotto gave evidence that the first she knew of the complaint was when the media called her for comment.
- 297 While it would have been polite to advise Ms Parisotto before she found out in the media, I regard this as Dr Fidge playing the ball, not the person, including expressing his view that the situation was "highly unprofessional, inappropriate, rude and a farce."

## **Allegation 5**

- 298 I find Dr Fidge breached clauses 2.2(c), 3.1 and 3.1.2.
- 299 His email to each other councillor, about the provision of letterhead, which they could well interpret as him describing them as "toxic" and "half-wits" was highly discourteous and personally insulting the councillors.
- 300 I note Ms Parisotto's evidence that in 13 years on Council she had never heard a councillor call another councillor "toxic". She found it very disturbing and said other councillors were very angry and very upset.
- 301 In sending the email, he failed to have due regard to the opinions, beliefs, rights and responsibilities of other councillors and council staff and failed to treat his fellow councillors with respect.

## **Allegation 6**

- 302 Allegation 6 was not proven.
- 303 I agree Dr Fidge's letter to the Yarrawonga Chronicle saying the Mayor of Moira Council needed a "kick in the pants" for his unprofessional conduct, failed to demonstrate respect from a councillor to the mayor of another Council.
- 304 Dr Fidge had no direct knowledge of and no responsibility concerning the affairs of Yarrawonga Council. He relied on his position as a councillor to lend credence to his opinions.
- 305 However, I reject that the Code should be interpreted such that clause 2.2(c) should be interpreted to, by including the words "other persons", extend its reach to this conduct not directly connected to the good governance of the Wangaratta Council.
- 306 While it would be open to a Council to address the issue in a code of conduct, that was not done here.

## **Allegation 7**

- 307 I find Dr Fidge breached clauses 2.2(c), 2.2(g), 3.1, 3.1.5, 3.2.3 and 8.1.
- 308 I take no issue with Dr Fidge reporting via the newspaper to his constituents that Council had called for the protection of the Everton Cenotaph and to date no protection had been provided.
- 309 However, a reasonable reader of the newspaper article reading about claimed non-action concerning the Cenotaph, would have understood Dr Fidge alleged Council staff could not accept the war memorial was important and deserved preservation and would not take reasonable steps to protect it. He could also be understood to say a new CEO was needed as the current CEO would not obey the law and did not respect residents and Council.
- 310 These 'allegations' by Dr Fidge fell well short of the respect and courtesy a councillor should extend to Council staff (and here he referred to all council staff) including the CEO, preservation of public confidence of the office of councillor, courtesy and respect. He risked damaging Council and its ability to exercise good government and failed to work as part of the Council team.
- 311 His call for a new CEO and his allegations about the CEO's conduct had no place in the public arena. If he wished to pursue that, he could have done it within Council. If at that relatively early stage he knew or suspected he would not find support at Council, that did not justify his action.

## **Allegation 8**

- 312 Dr Fidge breached clauses 2.2(c), 2.2(g), 3.1, 3.1.5, 3.2.3 and 8.1.

- 313 He was entitled to be quoted in the Border Mail article concerning his victory in having the motion passed to restrict the engagement of consultants.
- 314 He breached the Code by saying he would be very happy to receive the CEO's resignation. I repeat my reasons concerning his comments about the CEO resigning.

### **Allegation 9**

- 315 Allegation 9 was not proven. See my comment about clause 8.3 above (Allegation 1).
- 316 Also, in my view this email about the PA and projector sent only to the CEO and councillors, while abrupt and somewhat high-handed, did not breach the Code either in content or style.

### **Allegation 10**

- 317 Dr Fidge breached clauses 2.2(c).
- 318 Again, I take no issue with Dr Fidge reporting the Cenotaph issue.
- 319 Here, in my view he overstepped the mark in his criticism of the CEO and his claim that the Management Team were realising the CEO was making Council's job much harder. There is no evidence before me to support such a claim. Rather, it appears until they went on leave the Management Team supported the CEO.
- 320 In my view, he failed to accord the CEO and the Management Team appropriate respect.
- 321 Dr Fidge in part justified his actions with reference to clauses 10.5 of the Code. I am not satisfied Dr Fidge was accurate in his statement, as the clause says is appropriate.

### **Allegation 11**

- 322 Dr Fidge breached clauses 2.2(c), 3.1, 3.1.5, 3.2.3 and 8.1, only with respect to him saying the incident further eroded his confidence in the CEO and Management Team.
- 323 It is understandable Dr Fidge was annoyed by the public release of Ms Mirabella's letter. However, his criticism of the CEO and Council management lacked respect and courtesy, risked damage to the Council or its ability to exercise good government, and constituted failure to work as part of the team.
- 324 There was no evidence the CEO or team were at fault. I agree with Ms Parisotto's view that it was unremarkable that a congratulatory letter would be regarded as official correspondence. Once in Council's possession it would be subject to release under the *Freedom of Information Act 1982*,

unless exempt on some basis. A basis for exemption is not immediately apparent. While a person or persons employed by Council may have breached duties as an employee, there is no proof the CEO or management team were in any way involved.

### **Allegation 12**

- 325 Dr Fidge breached clauses 2.2(c), 2.2(g), 3.1.5 and 3.2.3.
- 326 In my view, in his public response on the important issue of an upcoming enquiry about Council's performance, saying he "was in the very comfortable position of not giving a shit", he did not act in a way that treated relevant persons with respect, failed to secure and preserve public confidence in the office of councillor, failed to act with courtesy and risked damage to Council and its ability to exercise good government.
- 327 I repeat my earlier reasons relating to Dr Fidge's comments concerning the CEO resigning.

### **Allegation 13**

- 328 Allegation 13 was not proven.
- 329 Dr Fidge's statement that the risk of an administrator being appointed was only a crisis for the CEO and Council management is within the realm of political comment.
- 330 While he criticised the CEO's actions with respect to the special Council meeting, his remarks were temperate in the context of the balance of the article where Ms Parisotto disagreed with him. While Dr Fidge is quoted as alleging the CEO had acted unlawfully, in context it is clear this comment relates to meeting procedure, not corruption or criminality.

### **Allegation 14**

- 331 Dr Fidge breached clauses 2.2(c), 2.2(g), 3.1.5 and 3.2.3 of the Code.
- 332 Dr Fidge criticised the CEO's handling of legal advice and said, "our moral compasses seem to be pointing in different directions". He has conceded he made a critical personal remark. A reasonable recipient of the email would have concluded he was being called on to resign as his morality was questioned.
- 333 Dr Fidge failed to act with respect, courtesy and risked damaging Council's ability to exercise good government. I repeat my reasons concerning Dr Fidge's comments about the CEO resigning.

### **Allegation 15**

- 334 Allegation 15 was not proven.



335 Dr Fidge's very strong letter to the editor is in my view an example of him engaging in political discussion. While he had contributed to what was being described as a crisis at Council, the reality was the situation was in the public arena.

336 It was clear he was expressing his opinions, not Council's.

### **Allegation 16**

337 Dr Fidge breached clauses 2.2(c), 2.2(g), 3.1, 3.1.3, 3.1.5, 3.2.3 and 8.1 of the Code.

338 As described above, in the course of giving evidence Dr Fidge accepted when he described the CEO and his staff as "pricks" in the email, that was personal abuse and insult and he intended to cause the journalists to publish. In context of my views in this proceeding, nothing else need be said about the allegation.

339 I note I accept Dr Fidge did not with respect to this allegation attempt to mislead VCAT. I have accepted his apology for an inadvertent mistake.

### **Allegation 17**

340 Dr Fidge breached clauses 2.2(c), 2.2(g), 3.1, 3.1.3 and 3.2.3 of the Code.

341 For the reasons given above, Dr Fidge speaking of obvious bullying and toxic behaviour of some councillors and the Council's management team and calling for the CEO's resignation breached the Code.

### **Allegation 18**

342 Dr Fidge breached clauses 2.2(g), 3.2.3 and 8.1 of the Code.

343 I have no difficulty with Dr Fidge's comments about the expense of protecting the Cenotaph, or his references to Yes Minister. However, in my view he breached the Code with this paragraph accusing the Council Management Team of a lack of action. That was an issue properly raised within Council.

### **Allegation 19**

344 Dr Fidge breached clauses 2.2(c), 2.2(g), 3.2.3 and 8.1 of the Code.

345 In his press release, he was attacking the applications to the Panel which in part led to this proceeding. He went beyond political comment in accusing the CEO and others of serious misconduct, bullying and of damaging the Wangaratta region.

346 He concluded by asking the Minister to appoint an investigator to investigate the handling of applications to the Panel. That was a request to be made, using the proper procedures, not via the media.

## **Allegation 20**

- 347 Dr Fidge breached clauses 2.2(c), 2.2(g), 3.1, 3.1.5, 3.2.3 and 8.1 of the Code.
- 348 His comment about the Management Team, “I’m not surprised that they’ve gone off sick, they must be terribly ashamed of themselves.”, showed lack of respect and courtesy, failed to support the Councillor Conduct Principles by way of example, risked damaging Council and its ability to exercise good government and was a failure to act as a member of the team.
- 349 While I accept the evidence that in part the management teams going on leave was an industrial action, I also accept Ms Parisotto’s evidence that it was also in part a product of at least some of the individuals genuinely suffering ill health as a result of workplace stress.

## **Allegation 21**

- 350 Allegation 21 was not proven.
- 351 Dr Fidge described on ABC radio his disappointment with Council’s management team and the CEO specifically, with them in his view having failed to have accepted the election result.
- 352 That was general political comment.

## **Allegation 22**

- 353 Allegation 22 was not proven.
- 354 Dr Fidge failed to appropriately cooperate with the mediator. It is clear from the documentation he received that as well as discussing the mediation process, part of the meeting's purpose was for the mediator to understand in private Dr Fidge’s position.
- 355 It appears his somewhat grandiose e-mail to the mediator led her to conclude, I assume not lightly and probably having regard to the context, that the mediation should be abandoned.
- 356 However, clause 14 of the Code must be read in context of the mediation process. The mediator had written to Dr Fidge saying the mediation process was voluntary. Given it was voluntary, he cannot have breached the Code by exercising his right as to the extent of his participation in the process. I have no reason to conclude he expected his action to result in the cancellation.

## **Allegation 23**

- 357 This allegation, which is some form of ‘roll-up’ of previous allegations which I have dealt with individually does not serve a useful process. I have not addressed it.

## **NEXT STEPS**

- 358 I have scheduled a further hearing in this proceeding in mid December to hear submissions concerning further orders under s81J of the Act. Having found misconduct, the Panel decided to reprimand him and suspended him from Council for two months.
- 359 The question before me is given I have found misconduct, what is now the correct and preferable decision with respect to that aspect of this proceeding? Dr Fidge must be accorded natural justice before I decide that.
- 360 If practicable, this proceeding should end this year.
- 361 However, with Dr Fidge probably busy at his general practice in Wangaratta, it may be that one or both parties will seek to have the further hearing adjourned into the new year.

**Ian Proctor**  
**Senior Member**

## **APPENDIX A**

### **COUNCILLOR CODE OF CONDUCT**

(Text relevant to this proceeding)

This Code, which incorporates the statutory requirements specified for a Code of Conduct in accordance with section 76C of the Local Government Act 1989, was adopted by resolution of the Rural City of Wangaratta on 17 November 2009.

#### **1. Introduction**

As councillors of the Rural City of Wangaratta we are committed to working together in the best interests of the people within our municipality and to discharging our responsibilities to the best of our skill and judgment.

We acknowledge our responsibilities as custodians of the assets of the municipal district. We understand our role is part of the corporate team in which the community has placed its trust and to make decisions on its behalf. The community is entitled to expect high standards of conduct from its elected representatives.

Our commitment to working together constructively will enable us to achieve “the ultimate in liveability” in a manner that is consistent with our values:

##### **Excellence:**

We aim to achieve the highest standard in everything we do.

##### **Trust:**

We have confidence in the ability and commitment of others and ourselves.

##### **Respect:**

We see all people as being valuable acknowledging individuality, opinions, needs and abilities.

##### **Openness:**

We foster community engagement in our decision making process and encourage honest communication in all dealings.

##### **Fairness:**

We treat all colleagues and customers fairly and consistently. We promote equality and ensure resources are allocated according to need.

##### **Enjoyment:**

We promote a harmonious and productive workplace by celebrating achievement in an environment where everyone feels they belong.

The primary role of the Council is to provide leadership for the good governance of the Rural City of Wangaratta. The role of the Council also includes:

- 1.1 actions a representative government by taking into account the diverse needs of the local community in decision making;
- 1.2 providing leadership by establishing strategic objectives and monitoring their achievement;
- 1.3 maintaining the viability of the Council by ensuring that resources are managed in a responsible and accountable manner;
- 1.4 advocating the interests of the local community to other communities and governments;
- 1.5 acting as a responsible partner in government by taking into account the needs of other communities; and
- 1.6 fostering community cohesion and encouraging active participation in civic life.

Specifically councillors are responsible for

- (a) achieving a balance in the diversity of community views to develop an overall strategy for the future of the municipal district;
- (b) setting the objectives and determining strategies to achieve the Council's corporate objectives identified in the corporate plan;
- (c) achieving sound financial management and accountability in relation to the Council's finances;
- (d) ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents' concerns;
- (e) promoting economic and social development in the best interests of the municipal district;
- (f) working with other governments and organisations to achieve benefits for the community at both a local and regional level;
- (g) monitoring the performance of the corporate plan and that of the Council's Chief Executive Officer; and
- (h) having an awareness of the statutory obligations imposed on Councillors and Councils.

## **2. Councillor Conduct Principles**

We have agreed that the following principles will guide us in the carrying out of our responsibilities and working as a team over the next four years:

We will—

1. Freely share the information and knowledge that we have available
2. Respect each other as Councillors, between Councillors and staff and vice versa

3. Won't play favourites
4. Encourage healthy debate
5. Support each other
6. Remain loyal to our vision
7. Be tolerant to each other's views
8. Focus on our shared vision
9. Be disciplined in how we come to decisions
10. Show solidarity once a decision is made
11. Work on the basis of "No surprises"
12. Not allow the trivial to dominate the important
13. Not undermine each other.
14. Regularly review how we are working as a team and work to continually improve
15. Focus on the big picture
16. Respect the roles of the individual, the Council and the organisation
17. Work for the best interests of the community
18. Demonstrate pride in the organisation
19. Be efficient in the way we approach Council business

We also endorse and agree to the following Councillor Conduct Principles specified in sections 76B and 76BA of the Act:

2.1 In carrying out our role as councillors, we will:

- (a) act with integrity; and
- (b) impartially exercise responsibilities in the interests of the local community; and
- (c) not improperly seek to confer an advantage or disadvantage on any person.

2.2 In addition, in performing our role as councillors we will:

- (a) avoid conflicts between public duties as a council for and personal interests and obligations;
- (b) act honestly and avoid statements (whether oral or in writing) or actions that will or are likely to mislead or deceive a person;
- (c) treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other councillors, council officers and other persons;

- (d) exercise reasonable care and diligence and submit to the lawful scrutiny that is appropriate to his or her office;
- (e) endeavour to ensure that public resources are used prudently and solely in the public interest;
- (f) act lawfully and in accordance with the trust placed in us as an elected representative;
- (g) support and promote these principles by leadership and example and act in a way that secures and preserves public confidence in the office of councillor.

### 3. Councillor Behaviours

We confirm that we will adhere to the following principles of behaviour in our general conduct as councillors:

- 3.1 Treating all people with **courtesy and respect**, recognising that there are legitimate differences in opinions, race, culture, religion, language, gender and abilities. This includes:
  - 3.1.1 Treating members of the community with dignity and ensuring that either offence nor embarrassment are caused
  - 3.1.2 Treating fellow councillors with respect, even when disagreeing with their views or decisions
  - 3.1.3 Debating contentious issues without resorting to personal acrimony or insult
  - 3.1.4 Ensuring their punctual attendance at Council and committee meetings
  - 3.1.5 Acting with courtesy towards Council staff and avoiding intimidatory behaviour.
- 3.2 Always acting with **integrity and honesty**:
  - 3.2.1 Being honest in all dealings with the community, with other councillors and with Council staff
  - 3.2.2 Always acting with impartiality and in the best interests of the community as a whole
  - 3.2.3 Not acting in ways that may damage the Council or its ability to exercise good government
  - 3.2.4 Exercising reasonable care and diligence in performing their functions as councillors
  - 3.2.5 Complying with all relevant laws, be they Federal, State or Local Laws.

3.3 Recognising that we hold a **position of trust** which we will not misuse or derive undue benefit from our positions:

3.3.1 We will avoid conflicts of interest and comply with the relevant provisions of the Act and this Code of Governance relating to interests and conflicts of interest

3.3.2 We will not exercise undue influence on other councillors, members of Council staff or members of the public to gain or attempt to gain an advantage for ourselves.

#### **4. Council decision making and meetings**

4.1 We are committed to making all decisions impartially and in the best interests of the whole community and acknowledge that effective decision-making is vital the democratic process and an essential component of good governance. Accordingly:

4.1.1 We will actively and openly participate in the decision making process, striving to be informed to achieve the best outcome for the community.

...

#### **7. Use of council resources (including funds and property)**

...

##### **7.4 Council Facilities**

Councillors will be provided with a general meeting room at the municipal offices from which they can conduct their Council business. A telephone will be provided in this room, and each Councillor will be provided with a filing cabinet.

Councillors may access stationery, photocopying and postage or distribution of correspondence relating to Council business through the Executive Secretary.

The Executive Secretary will also provide limited typing support for Councillors on necessary Council business.

No Council support will be provided to Councillors for private purposes, including electioneering purpose

...

##### **7.6. Stationery**

The Council shall, upon request, provide Councillors with standard stationery held or obtained generally for the organisations requirements.

The stationery may include, but not necessarily be limited to, paper, business cards, writing implements, diaries writing pad/books, computer discs and paper envelopes and the like.



## **8. Relationships with Staff**

- 8.1 As councillors we will work as part of the Council team with the Chief Executive Officer and other members of staff. There must be mutual respect and understanding between councillors and officers in relationship to their respective roles, functions and responsibilities.

...

- 8.3 As councillors, we will be aware of the requirements of Section 76E of Local Government Act 1989 and must not seek to improperly direct or influence members of Council staff in the exercise of their duties. It is appropriate to notify either the relevant Director or Manager when specific issues or particular functions are required to be undertaken.

...

## **10. Communication**

...

- 10.5 There may be times when a Council as an individual disagrees with a majority decision of the Council and wants the community to know that. Obviously Councillors are entitled to present their own views, particularly at election time, but in doing so Councillors should acknowledge that:
- as a member of the Council there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council;
  - an overriding concern ought to be in achieving a balance in the matters that are communicated and strive to achieve an outcome that presents the Council as effective and cohesive
  - the Mayor or some other specifically designated person is authorised to speak to the media and others on behalf of the Council;
  - information of a confidential nature must not be communicated until it is no longer treated as confidential;
  - information relating to decisions of the Council on approvals, permits and so on must only be communicated in an official capacity by a designated officer of the Council; and
  - information concerning adopted policies, procedures and decisions of the Council is conveyed accurately.

...

## **14. Dispute Resolution Procedures**

Should a grievance or dispute arise between Councillors of the Rural City of Wangaratta, the parties shall confer in good faith with a view to resolving the matter closest to the source and in an expeditious and dignified manner in accordance with Councillors' Grievance and Dispute Resolution Procedure.

Before commencing any formal dispute resolution process, the councillors who are parties to any disagreement will endeavour to resolve their differences in a courteous and respectful manner, recognising that they have been elected to represent the best interests of the community.

If the Chief Executive Officer receives advice in writing from one or more councillors that they are unable to effectively perform their role because of a dispute between councillors and that attempts to resolve the dispute have not been effective, the Chief Executive Officer will arrange for the Mayor to mediate the dispute.

If the dispute involves the Mayor or mediation by the Mayor has not been successful in resolving the dispute, the Chief Executive Officer will:

1. Arrange the appointment of an independent and suitably qualified mediator or conciliator who is acceptable to the councillors who are the parties in the dispute;
2. Decide to seek advice from the Municipal Association of Victoria, the Victorian Local Governance Association, or another appropriate external organisation, to identify a suitably qualified mediator or conciliator; or

The Chief Executive Officer may only decide that a mediator or conciliator will not be appointed if one of the following applies:

1. The dispute is limited to matters of policy and decision making;
2. An alternative approach, which is demonstrated to be more appropriate to the particular circumstance is approved.

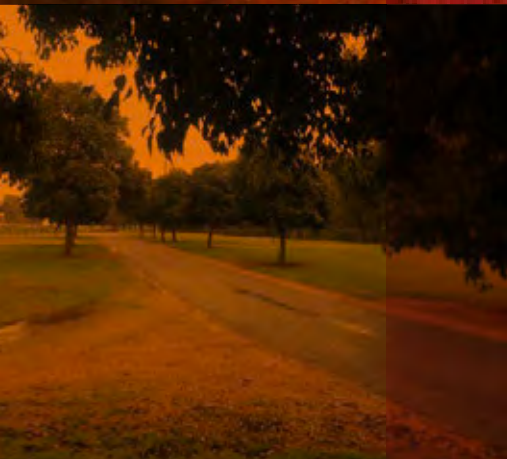
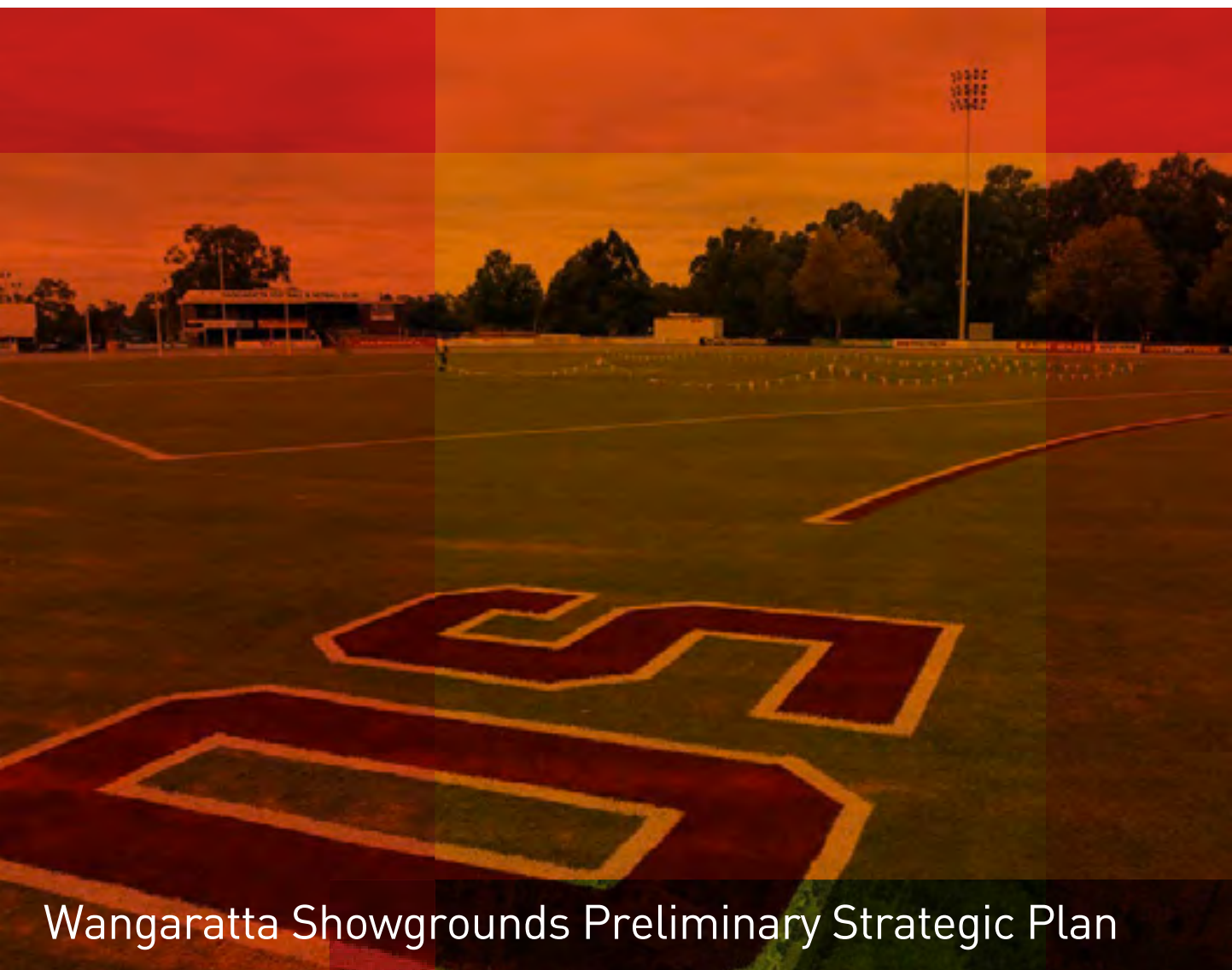
Irrespective of the above, the Council will not undertake a dispute resolution procedure if it appears that the procedure is likely to overlap with an election period for a council election.

If a mediator or conciliator is appointed, all councillors will cooperate with the dispute resolution process and provide reasonable assistance to the mediator or conciliator when requested.

In the event that a dispute cannot be resolved through application of these processes, it may be referred to a Councillor Conduct Panel.

If the dispute relates to an apparent offence under the Local Government Act it should be referred to the Minister for Local Government and not the subject of an application to a Councillor Conduct Panel.

18.1.1.4 (11.2.3.1) DRAFT WANGARATTA SHOWGROUNDS STRATEGIC  
PLAN



## About this document

This document is the DRAFT Strategic Plan prepared for the Wangaratta Showgrounds by @leisure.

## Acknowledgements

@leisure would like to acknowledge the project manager Marcus Forster, Council staff, Etch Architects for their assessment of the buildings and all those stakeholders who were interviewed and came to meetings.

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## 1. EXECUTIVE SUMMARY

### The Project

The aims of the project are to:

- Identify opportunities for future joint and multifunctional use of facilities
- Determine the optimal management structure
- Identify strategies for enhancing and rejuvenating the Wangaratta Show
- Seek to determine which buildings should be retained, restored, redeveloped, relocated or removed
- Assess the existing use and functionality of the facilities
- Prepare a business plan to continue to develop the Norm Minns Oval as the premier venue.

### The Key Issues And Directions

This strategic plan has been structured under the following issues:

1. Condition and functionality of buildings
2. Access, traffic and parking
3. Management roles, structure and processes
4. Use of the Norm Minns Oval
5. Viability of the Wangaratta Show

A summary of each issue and priority actions follows.

#### **Issue 1: Use Of The Norm Minns Oval**

Currently the oval is over utilised. Consideration should be given to relocating some sports that are not at a senior level, this will ensure grounds are maintained in optimum condition for regional games.

The project found that the velodrome should be relocated, preferably within the precinct.

In the long term, club support buildings should be consolidated along the wing between the Sport Development Centre and the grandstand, providing a community function space above. This would enable equitable provision, sharing and fund raising opportunities for existing clubs.

Ensure a visual connection between the ovals within the parklands is maintained.

#### **Priority Actions**

1. Introduce a process to prioritise allocation and use of the oval (provided).
2. Introduce a combined booking system for sport, recreation and major events and prepare a Wangaratta Parklands calendar of events, which is coordinated with other venues.
3. Identify appropriate locations where nominated clubs and organisations can be relocated, reducing use on the oval.
4. Investigate the feasibility of constructing a velodrome/cycle track at another location, and develop the Barr 2 ground to provide for users that need to be moved from the Showgrounds Oval.

#### **Issue 2: Condition and Functionality of Buildings**

Many of the buildings are functionally obsolete, and are in need of repair. The facilities require an asset management plan, a capital works program and a funding strategy for improvements.

The heritage character of the buildings is important to the brand; this is currently being eroded.

The occupancy agreements in place do not contribute to the equitable or effective use and development of the site as a major sports and events venue and home for football and cricket.

Several clusters of buildings with local heritage significance should be restored and repurposed and others (along the Showgrounds frontage) could be redeveloped. All development works need to be visually in keeping with local heritage significance. Buildings should be suitable for local sports that can co-exist with the Show, as well as be used for events and functions.

The future of the Show, and the grounds as an events venue, rely on the major redevelopment of buildings and upgrade of amenities as well as lighting, toilets and storage. Development needs to be guided by a design code to ensure future building works are strategic, flexible and visually cohesive.

#### **Priority Actions**

5. Develop an architectural code for the design and siting of buildings and structures in the Showground and include in the planning scheme.
6. Rationalise and redevelop select facilities that are in poor condition and functionally obsolete, promote local heritage and attract sporting, local usage and other special events year round.
7. Prepare an asset management plan for all facilities at the Showgrounds.



### **Issue 3: Access, Traffic And Parking**

Considerable work has been done to improve traffic and event parking in the Parklands, however these plans are yet to be implemented. A new main entry and gateway to the Showground is required to improve vehicle movement around the parklands, access for large vehicles during major events and improve pedestrian safety. Cycle access should also be improved given the location of the river trail and proximity to the CBD.

#### **Priority Actions**

8. Endorse an event parking, and general traffic management plan for the Parklands that provides for orderly movement of vehicles, and protects and promotes pedestrian and cycle access to and through the precinct.
9. Construct a new gateway to the Showgrounds including, gate, signage and lighting that builds on local character and heritage.

### **Issue 4: Management structure, roles and processes**

The CoM does not have the resources to manage the facilities at the Showground to an acceptable standard. They will require additional resources to manage and market the facilities to attract major events well into the future.

As there are limited income streams at present and due to the small scale of the facility, no other management entity is recommended until processes, governance and facilities are enhanced.

Council, in recent years, has been contributing additional funds and time beyond what other committees receive and processes and roles need to be streamlined. As a priority the ground needs a champion to develop marketing, financial and business systems capabilities, facilitate and project manage development of facilities that are in poor condition and functionally obsolete, and develop partnerships to increase revenue and events.

In the short term the user groups need assistance from: paid staff with a range of competencies, clear policies and procedures, and a clear business plan. The CoM structure should be replaced with an interim management structure driven by Council staff. In the long term a new management entity should be investigated that involves all user groups and the community. This should be determined following investigations that consider the relationship with other facilities in the Parklands and whether to combine with other entities managing Council facilities (such as the manager of the Indoor Sports and Aquatics Centre).

#### **Priority Actions**

10. Migrate the committee of management to an advisory committee representing all user groups, for a finite transitional period while facility allocation, policy and procedures, finance, and infrastructure redevelopment priorities are completed, and the long-term management structure is determined.
11. Introduce a relatively standard license agreement for all facilities direct to Council, to encourage sharing and equitable access to facilities at the ground, and accommodate club headquarters.
12. Actively market the Showgrounds and its facilities, prepare good quality and consistent branded information and signage onsite and off site.
13. Adopt a strong financial and business plan with new and non-sporting revenue streams identified, and clear apportionment of all costs.
14. Actively seek funding for the redevelopment and restoration of key buildings and planned capital works, and ongoing maintenance.
15. Review the availability of other sportsgrounds close by and put in place arrangements for club games etc. when events are on in the Showgrounds.

### **Issue 5: Viability Of The Wangaratta Show**

The Show has considerable potential to grow and develop in partnership with other local groups and events.

Additional resources are needed to develop these partnerships, to actively market the Show to a broader age group, develop new products and create an offer unique to other regional shows. Management of the buildings at the grounds would be better controlled by Council due to their importance for year round and sporting activities.

#### **Priority Actions**

16. Attract additional sponsorship, events and parallel activities that could be developed in conjunction with the Show that market Wangaratta to a younger audience, as a food bowl, and as a sporting and regional centre.
17. Enhance marketing and information about the Show.
18. Enhance users experience of the Showgrounds (including: availability of information, interaction with management, booking / payment, travel to and from, orientation, the onsite activity and the final service).



## 2. INTRODUCTION

### The Project

The aims of the project are:

- Identify opportunities for future joint and multifunctional use of facilities in the Showgrounds by existing and potential users of the Showgrounds.
- Determine the optimal management structure for the Showgrounds precinct to position it as the major local and regional multifunctional venue.
- Establish a process to assist the Wangaratta Agricultural and Industrial Society to identify strategies for enhancing and rejuvenating the Wangaratta Show.
- Review heritage assessments of the Showgrounds buildings, examining which buildings should be retained, restored, redeveloped, relocated or removed in the context of developing the Showgrounds as the major multi-functional venue in Wangaratta.
- Complete an assessment of the existing use and functionality of the facilities within the Showgrounds precinct and identify those groups and/or facilities that could be or should be relocated away from the Showgrounds.
- Prepare a business plan to continue to develop the Norm Minns Oval as the premier venue in Wangaratta for traditional field sports - in the context of developing the Wangaratta Showgrounds as the major multifunctional venue for community events, functions and commercial events.

### Context

The “Wangaratta Showgrounds” is located in The Rural City of Wangaratta, situated in North East Victoria, approximately 230 km from Melbourne along the Hume Highway. It is located at the junction of the Ovens and King Rivers that flow from the Victorian Alps.

There are over 27,100 residents living in the Rural City of Wangaratta, 17,000 of who live in urban Wangaratta.

The “Wangaratta Showgrounds” or Crown Allotment C Township of Wangaratta is temporarily reserved for “Showgrounds and Public Recreation” purposes by Orders in Council dated 8 April 1986.

It is approximately 16ha in size, on the banks of the Ovens River. The showground is fenced off from the river and the greater parklands to enable the conduct of events for which a gate entry fee may be taken. An aerial image of the Showground is provided below.



Aerial Image of the Wangaratta Showgrounds

## Background

The Ovens and Murray Agricultural and Horticultural (later Pastoral) Society was founded in 1859 and granted 10 acres of land on the Ovens River, known as the Wangaratta Showground. The first show was held in 1860.

In 1940 the Defence Department took over the Showgrounds for military purposes as the home of the 2124 Infantry Battalion, during World War 2. It was returned to the Society in 1945.

The Wangaratta show held a 150th anniversary show in 2014. Agricultural shows have an important place in Australian history and have been instrumental in bringing town and country together, introducing the townspeople to the agricultural pursuits which have been the backbone of the town's economy, and bringing the country people from far and wide into the town to meet together in competition and show off their accomplishments to their urban neighbours.

The Showground's main arena is Norm Minns Oval. This has been the centre of many sporting activities in Wangaratta including cricket, Australian Rules football, cycling and athletics. A number of other sports and recreation clubs are housed at the Showgrounds.

The oval was named the 'Norm Minns Oval' in honour of Norm Minns, who played in four consecutive O&MFL premierships with Wangaratta from 1949–52, won another O&MFL flag as captain-coach of Benalla in 1953, and went on to the committees and selection boards for both the Wangaratta and the O&MFL interleague teams.

The first recorded cricket international match on the ground came when Wangaratta played the touring Fijians in 1908. The first turf wicket was laid on the ground in 1928.

The ground held its first first-class match in 1986 when Victoria played Queensland in the Sheffield Shield. Ten years later a second first-class match was played there between Victoria and the West Indies. A "List A" match was played there in the 2005/06 ING Cup between Victoria and New South Wales.

Norm Minns Oval serves as a football ground in the winter. It is the home ground of the Wangaratta Football Club and is one of the Ovens & Murray Football League's main two venues.

The venue secured the rights to host five Australian Football League pre-season games between 2012 and 2021, however the first of those matches to have been played between St Kilda and Essendon in 2012 was cancelled after Essendon's chartered flights were unable to land in or near Wangaratta due to flooding throughout northern Victoria. The venue also hosted two matches in the 2005 Australian Football International Cup.

A heritage assessment of the buildings at the Showground was undertaken in 2004. A number of the buildings are assessed as having local significance. The earliest building to survive was used as a Secretary's office; it probably dates from around the 1870s. See the following illustration with the locations of buildings.

The old horse looseboxes, along the west boundary under the cedar trees, are nearly 100 years old.

Some of the buildings of local significance have been demolished, such as the Scoreboard Pavilion in 2013 (and replaced by a contemporary shed). The Scoreboard Pavilion Former Fire Truck Garage and the New Publican's Booth were demolished to make way for the Sports Development Centre in 2012.

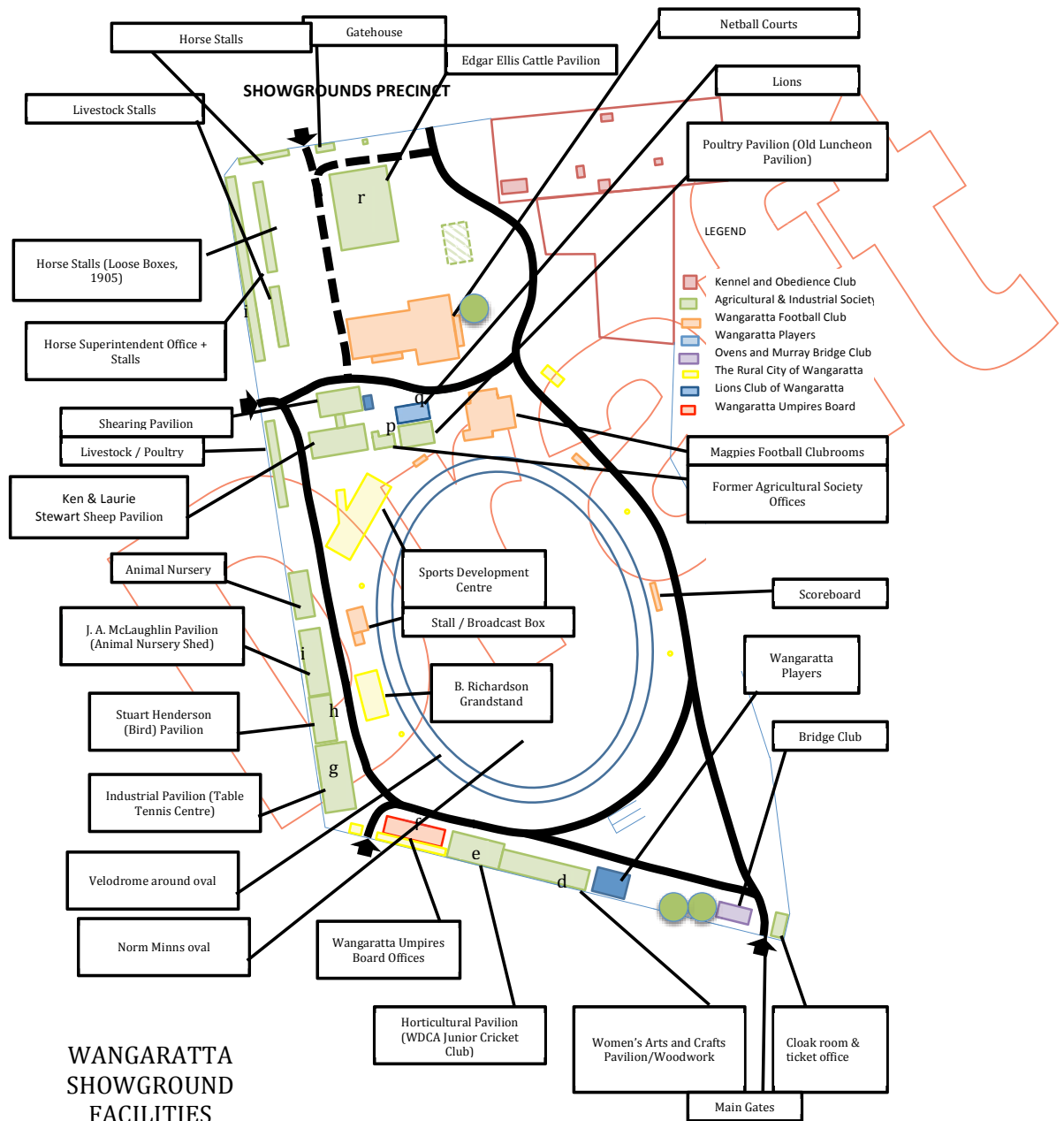
A new grandstand was opened in 1959.

The new WAIS offices were constructed under the second grandstand by a Women-in-Trades class from Wangaratta TAFE, in 1989.

Unlike other reserves in Wangaratta, the site is enclosed.

The Showgrounds includes a number of separate facilities. The following map (Map 1.) outlines the name and locations of facilities on the Showground.

**MAP 1. WANGARATTA SHOWGROUND FACILITIES**



### **Facilities in the Showgrounds**

Facilities in the Showgrounds include the following:

- Norm Minns Oval: A Cricket / AFL ground with a flat velodrome around the oval
- Ken & Laurie Stewart Pavilion Sheep Pavilion
- Edgar Ellis Cattle Pavilion
- JA McLaughlin Pavilion (Animal Nursery Shed)
- Cloak Rooms and ticket office
- Livestock Pavilion
- Horse Stalls 1905 Loose Boxes
- Main gates, Evans Street
- Women's Arts and Crafts Pavilion (woodworkers)
- Industrial Pavilion (Table Tennis Centre)
- Horticultural pavilion (WDCA Junior Cricket Centre)
- Wangaratta Umpires Board Offices
- Stuart Henderson Pavilion (Bird Pavilion (pigeons) etc.
- Horse Superintendent Office and Horse Stalls
- Former Agricultural Society offices
- Bridge Club
- Lions Club Shed
- Avenue of Cedar trees (Cedrus Atlantica), Golf Links Lane
- Outdoor Netball Courts
- Richardson Grandstand, north side of main arena - Recent construction
- A Sports Development Centre that includes change facilities and offices, a community meeting room and viewing area
- Practice cricket nets
- Magpies Football (and Netball Club) Club rooms and pavilion
- Sports flood lights
- Kennel and Obedience Club Shed and yard
- Canteen and time keepers box above
- Area for approximately one hundred car spaces

### **The User Groups**

The key users of the Showground are:

- Wangaratta Agricultural and Industrial Society (WAIS)- celebrating 150 years in 2014
- Wangaratta District Cricket Association (WDCA) (129 years in 2014) Junior cricket
- Wangaratta Football/Netball Club (celebrating 120 years in 2014)
- Wangaratta Sports Club (celebrating 95 years of sports carnivals in 2014)
- AFL North East District
- Wangaratta Cycling Club Inc.
- Junior Cricket
- Wangaratta Junior Football League
- Wangaratta Players
- Wangaratta Kennel & Obedience Club
- Ovens & Murray Bridge Club
- Wangaratta Umpires Board
- Murray Bushrangers Football Club
- Wangaratta Lions Club
- Wangaratta Woodworkers
- Wangaratta Table Tennis club
- Wangaratta Poultry club
- Wangaratta Homing Pigeon Club
- Wangaratta Bicycle Users group
- Wangaratta Magpies Cricket club
- Wangaratta Archery Club
- AFL (preseasons games)

The grounds are used for a number of events. These include: the Wangaratta Show – held in October each year, The Australia Day Sports Carnival (footrace and cycle carnival), The Lions Club White Elephant Sale before the show, and The Swap meet in Jan/Feb of each year.

The Ovens and Murray Footy league final, and three AFL preseason games have been played (Five games to be played over 10 years).

The Wangaratta Kennel and Obedience Club area is used for around six major events every year. Other groups also use their grounds occasionally: RSPCA Millions Paw Walk, Marathon, and Lions Club Swap Meet.

There is a Poultry Show in May of each year.

The woodworkers have had major events such as the National Scroll Saw Exhibition at the grounds.

Use of the oval is six days and nights a week in summer for umpires and cricket, and in winter six days and four nights a week for football (Magpies, reserves, seniors and juniors, and the Murray Bushrangers). The oval is utilised for cycling six days and nights a week in both seasons.

Cyclists use the velodrome on Friday night for competition, and two other nights a week for training. Elderly bike riders use the facility on Thurs/Fri mornings because it is safer than the roads. Cycling Victoria indicates the Sports Carnival is just one of the events that takes place at the velodrome. The timing of the carnival has caused decline in participation. The Wangaratta Christmas (cycling) Carnival, which has seen very good growth over the last few years, has shown the relevance of the track.

The Ovens & King Football League also use the ground for two or three games a year.

The indoor cricket centre is used several times a week during winter.

Woodworkers Clubrooms open to members Tuesday, Thurs, Sat 9am-midday.

Wangaratta High School and Galen College use the venue on occasion for sporting events.

Two Probus groups use the Bridge Club once a month, and the Vintage Car Club use the grounds once a month.

Table Tennis operates out of the Industrial Pavilion three days a week. 1200 school students also use the facilities.

Archery also uses one of the Show pavilions at the grounds.

### ***The Wangaratta Show***

The Wangaratta Agricultural and Industrial Society Incorporated have a long and successful history with the area. The 2014 Show was the show's 150th event.

Each year approximately 10,000 local and interstate people visit the show over two days. The Show offers a range of activities in entertainment, agriculture, horticulture, and the environment.

The aim of the Show is to be bigger and better each year, incorporating innovation, excitement, education and fun.<sup>1</sup>

Wangaratta Show Program includes:

- Dog High Jump on Arena
- Empire FMX on Arena
- Fireworks on Arena
- Cattle and Alpaca Show in Edgar Ellis Pavilion
- Sheep Show in Ken & Laurie Stewart Pavilion
- Highland Dancing
- Junior Showgirl Arts & Crafts Pavilion
- Belly Dancers in the Industrial Pavilion
- Steam Engine Display
- Animals of Oz Display
- Animal Nursery
- Pavilion Exhibits
- Fleece Exhibit Old Shearing Shed
- Eroni's Circus
- Horse Competition on Arena<sup>2</sup>

There are no machinery and car exhibits anymore.

<sup>1</sup> Wangaratta Show Official Website  
<http://wangarattashow.org.au/index.php/history/>

<sup>2</sup> Wangaratta Show Official Website  
<http://wangarattashow.org.au/index.php/attractions/>



### **Current management arrangements**

The Showgrounds is managed by the Wangaratta Showgrounds Special Committee (WSSC) which is a Special Committee of Council under Section 86 of the Local Government Act 1989.

As required under the Act only certain delegations can be provided to the Special Committees by Council. The Act also determines that Council always retains control over what the Special Committee is empowered to do, and Council is responsible for the appointment and removal of members (if required) of Special Committees.

The Wangaratta Showground's Special Committee (WSSC) is made up of members from individual user groups currently active within the precinct as per the WSSC Charter:

- Wangaratta Junior Football League
- Wangaratta Sports Club (celebrated 95 years of sports carnivals in 2014)
- Wangaratta Cycling Club
- Wangaratta Football/Netball Club
- Murray Bushrangers
- Wangaratta District Cricket Association
- Wangaratta Kennel and Obedience Dog Club
- Ovens and Murray Bridge Club
- Wangaratta Umpires Board
- Wangaratta Players
- Wangaratta Lions Club
- Wangaratta Agricultural and Industrial Society (celebrated 150 years in 2014)
- 2 x Community Representative
- Rural City of Wangaratta (Ex-Officio – Community and Recreation Officer)

The Council resolved in accordance with the provision of Section 86(1) of the Local Government Act 1989 that the Special Committee shall consist of: Representatives of the Wangaratta and regional community and user groups (where specified in Section 4 of this Charter).

The Council has set no time limit on the duration of the Committee. It shall remain in existence until such time as the Council resolves to revoke its establishment.

The full charter is provided as Appendix 1.

The bulk of the buildings and grounds are leased to the Wangaratta Agricultural and Industrial Society for a peppercorn rent (\$1 per year) and for a maximum term of 21 years, which expires in 2019. The Society licenses these for times other than show times to the various user groups, and levies a charge to them. The COM levies users based on the following: insurance, ground use, electricity, gate takings, and membership.

Council leases the Sports Development Centre to the AFL at \$10 per year for a 5x5x5 term, which commenced on 1 March 2012.

### 3. VISION, OBJECTIVES AND KEY ISSUES

#### Vision

The vision of the Showgrounds is to provide a regional sporting and outdoor events venue that:

- Is well used and managed for local and regional sports competitions
- Reflects the character of local heritage, and the ground's position adjacent to the Ovens River and in the Parklands as a whole
- Is home to a strong vibrant Show, and other local festivals and events
- Promotes Wangaratta, and local industry, sport, and the broader community

#### Overall Objectives

The key objectives of this plan are to:

1. Continue to develop the Showgrounds as a regional sporting venue and home to senior sporting competitions
2. Manage and develop the assets and buildings in keeping with the vision
3. Divert uses that are not dependant on either: a regional oval, showground, or events space, to other more suitable locations
4. -Market and promote the venue as a major show and events venue
5. Introduce a new management structure for the grounds, that is adequately resourced, cost effective, equitable, and involves community and user input

#### Key Issues

This plan has identified five main issues. These are:

1. Condition and functionality of buildings
2. Access, traffic and parking
3. Role of management, structure and processes
4. Use of the Norm Minns Oval
5. Viability of the Wangaratta Show.

These issues are discussed in turn, and principles, objectives and actions are provided under each issue.

### 3.1 CONDITION AND FUNCTIONALITY OF BUILDINGS



#### **Heritage issues**

A heritage assessment of the building at the Showground was undertaken in 2004. A number of the buildings are assessed as having local significance. The earliest building to survive was used as a Secretary's office; it dates from around the 1870s.

Some buildings of local heritage significance have been removed and replaced with little apparent thought as to the contribution to site aesthetics, functionality or shared use.

The character of the buildings provides considerable opportunities for events and interpreting local history. However many of the buildings have significant issues related to serviceability and many are functionally obsolete. Most have not been maintained to ensure their longevity and issues with white ants or compliance with Building Code Australia (BCA) are common to many.

Some of the buildings provide important accommodation for smaller sports clubs that can also be used as pavilions for events, however others are really only conducive to Show activities, or are not dependent on a showgrounds or event ground location.

There are a number of mature trees on the site, some of which are deemed of local heritage significance. These should be protected and additional canopy trees provided in accordance with Council's Tree Management Strategy.

#### **Building design and replacement**

Building works and replacements have not necessarily been strategic, or respectful of buildings with local heritage significance. Newer buildings have not been designed or placed so that they reinforce the character, regional standing or functionality and the multipurpose nature of the site.

Whilst it would be desirable to retain all the locally significant buildings with character, the siting of other buildings or the lack of maintenance has compromised a number of these.

The cost of retrofitting all of the buildings with local heritage significance so that they are functional and work for the nature of events and activities, as well as be consistent with the nature and standing of this facility, is not likely to be achievable given the cost.

There are some buildings that do not contribute to the collective value of the site for sport or regional events, or to the aesthetics of the site. These appear to have been provided primarily for the Show, one weekend a year, or opportunistically because of space available.

A strategic approach to replacement and retrofitting buildings is required, and this must be done for the whole site at the one time – not by user groups. An architectural design guideline is also required to ensure future buildings and the retrofitting of existing buildings is in keeping with local heritage significance, and good design principles. This guide could be brought into the Planning Scheme.



Some of the contemporary buildings and infrastructure is not in keeping with the Showground's character and regional significance should be removed. This includes those that don't relate directly to the function of the showground. Relocating some user groups to other locations is desirable.

Several nodes of historic buildings could be protected and repurposed. Two other clusters of buildings with less significance, and in poorer condition may be more cost effective to replace with contemporary buildings that better meet the needs of the indoor sport users first, and can be designed to also serve the show.

For example: indoor cricket training, archery and table tennis).

Etch Architectural Solutions undertook a desktop assessment of information provided about the condition of the buildings and inspected the site to make external observations about current infrastructure. This is provided in Appendix 5. A summary of findings about each facility is provided in Appendix 4.

An extensive investigation into the state of the underground drainage assets is required.

### **Comments by users**

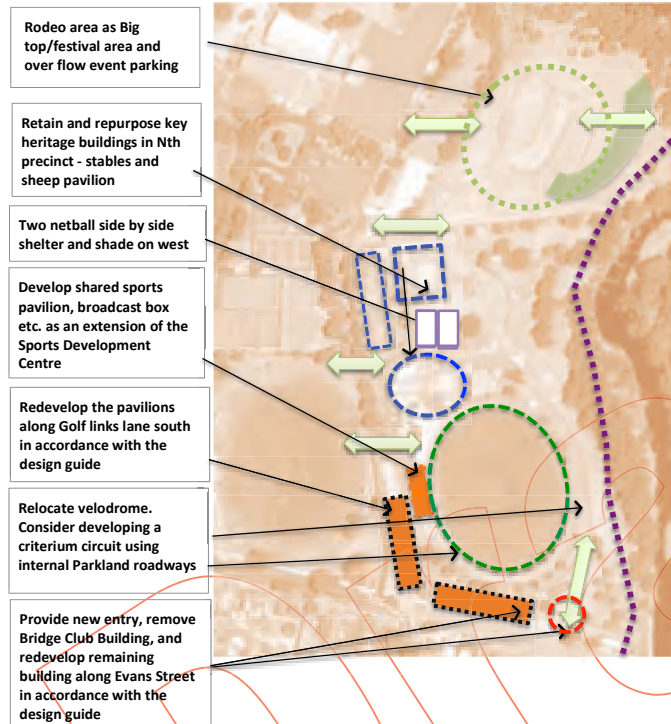
Some of the comments received from stakeholders about the buildings were as follows:

- Significant character and charm of buildings can be used for marketing advantage
- They are part of Wangaratta's history and identity
- Many buildings are not functional or attractive. Asbestos and white ants are an issue. Embarrassing. Not attractive. Hotchpotch
- Most users have insufficient storage available to meet their needs. There is insufficient storage at the Showgrounds, especially because groups need to move out over the Show week
- There is a lack of toilets and women's change / toilets
- Some are without sealed floors (Cattle pavilion) or running water (Table Tennis)

- Some newer buildings are not visually cohesive, and not useful for anything else except the Show
- The Show is reluctant to encourage movable/ flexible or shared facilities. They have not used the new Sports Development Centre, as they have no sense of ownership of it
- The Sports Development Centre was designed with three stages. Only one was built, and the roof was left off to cut cost. This needs to be addressed. It is too small for the number staff they have
- What has been called the community centre in the building is just a small meeting room. It might be better to give this over to staff and build another level as a community multi purpose / function room
- The stables don't give a lot of security for horses, and this is stopping people with horses coming to the Show
- One of the problems is that the Show Society has control over most of the buildings, but they only need them once a year. They are not interested in them being functional for other purposes, and they don't have the funds to maintain them
- Both cricket and archery would like longer buildings (cricket for run ups –and archery a longer range (have 18m would like 25m). Archery also would like to a year round facility, as they currently share with cycling
- There is a need for an additional practice cricket wicket to serve Norn Minns Oval.

The following image illustrates proposed developments in the Showgrounds.

# WANGARATTA SHOWGROUNDS PROPOSED DEVELOPMENTS



- Rodeo area as Big top/festival area and over flow event parking
- Retain and repurpose key heritage buildings in Nth precinct - stables and sheep pavilion
- Two netball side by side shelter and shade on west
- Develop shared sports pavilion, broadcast box etc. as an extension of the Sports Development Centre
- Redevelop the pavilions along Golf links lane south in accordance with the design guide
- Relocate velodrome. Consider developing a criterium circuit using internal Parkland roadways
- Provide new entry, remove Bridge Club Building, and redevelop remaining building along Evans Street in accordance with the design guide

## Objectives

- Capitalise on the character and local heritage significance of the buildings, and Parkland and River setting, to develop and market the Showgrounds as a unique and functional setting for major events and local sports activity.
- Rationalise the buildings on the site, selectively redeveloping those with historic value and character, where they also provide strategic benefits and contribute to the future of the Show and the sporting precinct. Selectively remove buildings which cannot be maintained cost effectively, are not dependent on the Showground location, and do not contribute to local character and the activation of the precinct.
- Ensure that buildings on the site can accommodate more than one purpose; including exhibitions, functions, the Show and festivals, and sporting or recreational activity, and are in keeping with the site's local heritage significance and the Parkland and River setting.
- Encourage community organisations at the Showgrounds that are dependent on a showgrounds or a regional sporting facility, and that can contribute to the Show or major events there, do not conflict with other users of the ground, and can be accommodated in buildings strategically important for the conduct of major events at the grounds.
- Introduce an asset management program for the buildings and structures on the reserve including lights to make facilities compliant to BCA and ensure buildings and assets are maintained to maximise their life and usability.
- Enhance the usability of the Showgrounds and safety of users by addressing distribution and accessibility of toilets, lighting, as well as shade and accessibility to all buildings.

### Objectives (cont'd)

- Provide a suite of wayfinding, interpretative and informational signs across the site with a unified brand.
- Develop the “rodeo ground” for three functions:
  - as a site for events such as circuses, festivals and marshalling areas for fitness, fun run and sporting events
  - for over flow car parking to serve the Parkland and the Showground, and
  - as Riverside recreation space for families, picnics, walking etc.

### Actions

- |   |  |
|---|--|
| 1. Prepare an architectural design guideline/code for the Showground that can be included in the planning scheme to ensure all buildings are in keeping with the significance and context of the site. This should include: a materials, and colour palette, and code to guide the placement, character and design of buildings and structures in the Showground. | 7. Prepare an asset management plan for all facilities at the Showgrounds, with buildings as a priority.   |
| 2. Ensure no structures or buildings are constructed before this guideline, and broad facility development plans for the whole showground are in place.   | 8. Assess existing trees and prepare a plan for the protection, management and further planting of trees in the Showgrounds.   |
| 3. Relocate users that are not dependent on a Showground and a regional sporting facility, to equivalent facilities elsewhere.  | 9. Prepare a design for additional sports support buildings (extension of the Sports Development Centre and the redevelopment key buildings in poor conditions (on Golf links lane and Evans Street boundaries).   |
| 4. Rationalise and redevelop select facilities (that are in poor condition and are functionally obsolete), to promote local heritage, attract sporting and local usage and other special events year round.   | 10. Redesign a new main entry gateway, in conjunction with an architect and artists and rationalise and improve current signage.   |
| 5. Review access to toilets, amenity lighting and drainage assets across the ground in conjunction with potential building redevelopments and provide a selection of accessible toilets to service all areas of the grounds.  | 11. Consider developing the Parkland or Showground's internal road circuit as a criterium circuit.   |
| 6. Investigate the drainage issues on the site and behind the Show Society office, and plan for the changes in long-term alignment of the River.  | 12. Investigate the feasibility of further developing Barr 2 Oval to accommodate some of the uses off Norm Minns Oval permanently and during special events  |
|   | 13. Consider developing the Rodeo ground for social family recreation, festival use, overflow car parking, and consider relocating the canine club further into this space.  |
|   | 14. Investigate the most feasible site and design for a relocated cycling track including: <ul style="list-style-type: none"> <li>• Appin Park Athletics Complex</li> <li>• South Wangaratta Reserve</li> <li>• South Wangaratta Saleyards (near cycle club rooms)</li> <li>• Avian Park Trotting Track</li> </ul> |
|   | 15. Plan for the rationalisation and redevelopment of select facilities that are designed to be sympathetic to local heritage and can attract sporting or other special events, as well as house indoor sporting and recreation groups.  |
|   | 16. Protect existing and plant and additional canopy trees within the grounds and the adjacent streets.  |

## 3.2 ACCESS, TRAFFIC AND PARKING



A number of comments were made during the consultation for this project about parking and traffic management. These included the following themes:

- Lack of parking, traffic flow for major events (Show, NAB Cup), and organisation of parking and access
- No major car park at the Showgrounds
- Absence of clear access and car parking arrangements
- Poor legibility of road network, hierarchy of entries etc.
- Poorly defined and designed entrance to the Showgrounds. The need for one clear sign posted entry
- Unsightly fencing
- No unified branding of signs etc., at the Showgrounds
- The internal road system of the Showgrounds been progressively spray-sealed with the intention of creating a safe access and circulation route at low cost. Some people suggested the intent was to create a criterium circuit, however the standard of seal desirably would have been higher for this purpose. The seal creates water ponding and drainage issues down the back at Kennel Club

- The entry to the Showgrounds for other users for example the wood workers and Players etc. during events (e.g. the footy) can be troublesome
- The old main entry gates have local heritage significance
- During events pedestrians are at risk when crossing the roads to parking

Members of user groups have prepared “unofficial” designs for a new entry at the Showgrounds (see example in following image 1.) including a collective user group sign. This has not been progressed, as the Committee of Management understood that Council was preparing a traffic management plan for the precinct following the Parkland Master Plan. Determining the safest and most appropriate and entry location, following determination of future building layouts would be desirable.

The most suitable location for the resiting of the main Showgrounds entry in Evans Street, and a new gateway is that identified by the Parklands Master Plan (see image over). Note: Not all traffic related recommendations of the Parklands Master Plan are endorsed.

Where possible a new gateway should seek to retain the two pepper corn trees in this vicinity.

Local artists could design a new gateway.





**Image 1. The relocation of the main entry to the Showgrounds as shown in the Parklands Master Plan**



**Image 2. Capacity of local parks for events in the Parklands**

Several options concerning traffic management in the Parklands have been investigated since the master plan, since in 2012. These include: special events access through the showgrounds exiting at Evans Street, several options related to Golf Links Lane (including upgrading as a two way or one way options for entry/ exit to the Parklands and shared and pedestrian access). These have not been fully progressed.

An internal memo in 2013 on the subject of major events car parking concluded that there is capacity locally for 3000 car spaces, (See map of locations: Image 2. Above) and " Given good weather conditions, there should be adequate parking available in and around the Barr Reserve to cater for a capacity crowd. If we experience 25 mm of rain in the preceding 48 hours, the total local capacity would drop to 1495 spaces (900 of which would be at Galen College)".

Also " Sealing the initial 25m of the northern access road from the intersection with College Street would facilitate vehicular access and egress in adverse conditions, thus mobilising up to 500 reasonably well-drained spaces that might otherwise be inaccessible".

These traffic management investigations don't relate to Showgrounds (other than for major events) or other aspects of the conduct of the Wangaratta Show, or specific options in relation to the designation of a Main Entry, and gate design.

There are currently three exits to the Showground: Two off Evans Street and one from Golf Links Lane. A fourth is possible to the rear at the Rodeo ground, but this is not formalised.

The entry off Evans Street beside the River has a cloakroom / gatehouse building that is not presently used. The other entry off Evans Street adjacent to the Golf Links Lane has ticket boxes and gates. They have local heritage significance. The original gates appear to have been cut down to make the existing gates. The original gates were hung from moulded concrete posts, two of which are still in place.

The ticket boxes are not Disability Discrimination Act (DDA) compliant and the gateway has numerous sponsorship and other signs that detract from the entry. The entry lacks good wayfinding and information signage, as well as a sense of arrival. The associated barbed wire security mesh is not welcoming or aesthetically pleasing.

There is no direct access from the bike path into the Showgrounds, other than at the road entry off Evans Street. It is unfortunate that the bike path along the River has been positioned very close to the fence, without a landscape buffer on either side, and no formal connections between the two have been made.

It may be necessary in the long term to realign the shared pathway along the River and boundary of the Showgrounds in view of continued erosion of the River bank.

Similarly, the integrity of the gatehouse on Evans Street may also be compromised by further erosion of the River bank.

### Principles

- Some special event format and arrangements for parking and vehicle movement and pedestrian and cycle access are required, in addition to every day access and parking
- Special event format and arrangements should be developed in conjunction with Showgrounds and Parkland user groups, and promoted with ticketing advice and generally well in advance of any major event
- A combined calendar of events for the Parklands and the Showgrounds should be prepared to minimise conflict between events
- The significant cedar trees along Golf Links lane and the two peppercorn trees on Evans Street need to be protected.
- The design and development of access and car parks in the precinct should:
  - Minimise the separation between Norm Minns Oval and Barr Reserve (and between other adjacent sports fields for that matter) and enhance pedestrian and cycle access to the precinct

- Minimise through-traffic in the precinct and within the Showground
- Respect the need to enclose the showgrounds for regular sports competitions
- Restrict the number of vehicles parked within the Showground during events
- Provide (through design) one primary, clear symbolic gateway to, and sense of arrival at the Showground with associated welcome, way finding and club and event information at the entry
- Ensure that traffic entering and leaving the precinct has clear sight lines and priorities
- Manage internal traffic flows so as to minimise conflict and limit closing speeds
- Secure ready access by emergency service vehicles at all times
- Facilitate a rapid and orderly evacuation of the area after events.

### Objectives

- To construct one main entry for the showgrounds as a gateway that respects the local heritage of the site and provides: a sense of arrival, wayfinding and other information signage, and facilitates ticket collection
- Implement agreed and effective plans for access, parking and traffic management in and around the precinct, catering both for major events and for the operation of the Showground.

### Actions

17. Adopt a traffic management plan for the Parklands and Showground, and the event parking plan to provide for the orderly movement of vehicles and protect and promote pedestrian and cycle access to and through the precinct.
18. Design and construct a new main gateway for the Showgrounds in the location shown on the Parklands Master Plan. This design should include signage and lighting and build on local character and heritage.

### 3.3 MANAGEMENT: ROLES, STRUCTURE AND PROCESSES



A number of issues concerning management roles, structure and processes were raised in the stakeholder consultation. These included:

- The current structure is not the most responsive customer driven or efficient structure reflective of the potential standing of the venue
- Everyone has a say but the tenants of buildings make decisions about a regional facility, and those not concerned with the oval, for example make decisions affecting the oval
- Sometimes the COM is sidestepped, and groups go directly to Council to have issues resolved
- Council has taken on responsibilities usually undertaken by a COM (i.e. developments)
- Sometimes the bigger clubs dominate
- Different ownership and management agreements exist for multiple, separate facilities, and this creates conflict
- There is no asset management plan or a planned approach to capital works priorities
- There are increasing costs to Council of the venue, but it has a lack of control over assets, revenue and expenditure
- Decisions about events that impact on home sports are often made in isolation of the sport, or each other

#### ***Representation on the Committee of Management***

Currently the COM represents user groups. Members are not selected to represent specific areas of expertise for example: management, business or strategic or financial planning, marketing, and events management.<sup>3</sup>

Not all user groups of the grounds are represented on the committee of management. This may be as those on the COM have contributed capital to developments in some way, whereas the others are simply licensees.

The following groups, who have ongoing licences for use of the facilities, are not on the COM:

- Wangaratta Woodworkers Inc.
- Wangaratta Table Tennis Association
- Wangaratta Poultry Club
- Wangaratta Pigeon Club
- Wangaratta Magpies Cricket Club
- Bicycle User Group

During the consultation with user groups it was suggested that several members of the Showground's COM are no longer principal decision makers within the organisations that they represent, "putting them out of touch with the needs of their respective groups".

<sup>3</sup> Note: Event management may not typically be a committee of management's role. However in this instance if the management model retains such a committee, this expertise will be required as the reserve is an events venue.

If the showground is to be considered a major events space, then the committee needs to have representatives on it that have a suite of competencies, and have marketing, events and tourism expertise.

The reduced number of volunteers willing to participate in the committee will be an ongoing issue. The COM needs to prepare a succession plan.

### ***The process of booking the venue***

Overall a number of people said that the complexity of roles, and the booking system-provide frustration, some mistrust and confusion, and there is duplication in handling bookings.

To reserve the ground for use a prospective group must first book through the WSSC but the lights are booked separately through Council. The use of buildings is through licences with each individual user group.

A prospective event organiser must seek contracts from at least three different representative bodies.

A subcommittee of the WSSC (comprised only of members who utilise the oval) was been formed in 2013 to handle ground bookings but this has yet to meet.

Council officers are approached directly by user groups, due to the perceived ineffectiveness of this current model.

The Wangaratta Sports Development Centre was completed in February 2012 and bookings are currently managed separately by the Murray Bushrangers, on behalf of the Council. This created some ill feeling in other user groups and whilst the intent of the arrangement and provision of the building was to encourage community use – the committee suggests that there is very little if any community use, other than use by casual cyclists using the velodrome.

Council have experience and the capability in managing bookings for facilities. Council's maintenance team have a greater visibility of bookings for other sports grounds. On a number of occasions grounds maintenance has been interrupted by use that they did not know about in advance.

Council has a booking system for multiple sportsgrounds in the surrounding Parklands and for buildings. Currently Council's booking system doesn't include the Showgrounds or the Wangaratta Rovers Football/Netball club grounds.

### ***Financial management***

Unlike other Sections 86 Committees, financial management for the WSSC is handled by Council's Finance Department. This includes: invoicing, payments and the provision of monthly reports, with the WSSC Treasurer regularly liaising with Council's Financial Accountant and Technical Officer.

The COM has no major source of income other than user charges. The COM sets annual user fees and charges based on insurance, size of membership and gate takings, electricity and ground usage and signage. However there appears to be irregularities in how these charges are applied.

The oval appears to be very well maintained by Council at Council's cost, although users are levied a proportion of that cost.

Those user groups who have developed their own facilities and who have liquor licenses are able to raise revenue from hire arrangements. Other groups who license WAIS facilities or don't have a liquor license, do not have the same opportunities to raise revenue.

Participants of the consultation workshops suggested that the COM does not receive income from major events or games etc. except for a proportion of catering etc. However neither are they responsible for all of the costs.

There have been unofficial reports that user groups on-sell their lighting allocation "at a premium price".

There were several different views expressed about who receives what revenue. It has been suggested funds that have been raised from events have been returned to the Committee of Management not Council, and yet Council takes on many of the costs. The Committee suggests that they receive no money from the Ovens Murray Football League final. The lack of transparency in financial matters has created tensions and need to be clarified.



A review of the income and expenditure of the showgrounds found that:

- From existing documentation it is not possible to identify a clear relationship between all costs associated with the Showground and all revenue, or how these are distributed.
- Council takes most of the financial control for the Showgrounds, and additionally seeks funding for major facility upgrades through state government and other grants, or has provided community grants for small capital improvement projects. For example, Community Grants provided minor improvements to the Table Tennis building and the Umpires building.
- The COM work within the budget generated by the users fees, levies and charges, (which are collected by Council on the COM's behalf). This budget is estimated to be approximately \$28,180 in 2014/15 and the majority is associated with user electricity, waste and water charges and an \$11,000 'Arena Maintenance Levy'. As a result the Committee has limited revenue sources to use for maintenance of facilities.

- As the table following shows, Council's expenditure has increased by over 45% since 2008-2009 (excluding community grants). The expenditure did not increase last year from a peak in 2012-2013.

**Table 1. Council's expenditure related to the Showgrounds**

Year	Expenditure
08/09	\$59,149
09/10	\$68,425
10/11	\$84,700
11/12	\$95,188
12/13	\$110,687
13/14	\$109,808

- In this past financial year over 50% of Council's operating costs were spent on turf management of the oval.
- The only revenue from the Showgrounds to Council is \$18,350 from hire of facilities (lights and ground usage).
- There appears to be very limited funds expended on asset improvement or renewal- and what has been spent has largely been through Council grants.
- Some payments for use are made directly to Council because Council has provided some facilities. Some other facilities (such as the new shed on Golf Links Lane) have been provided directly by the Show Society.
- The consultants were informed that instigation of a regular contribution to capital works and maintenance fund is in the process of being established.

### ***Ability to maintain the grounds, buildings and the oval in good condition***

- From a review of the financial reports available it appears that there is little contribution being made toward asset renewal and maintenance of the existing facilities at the showgrounds, and the result is that many facilities are functionally obsolete and in relative poor condition. Many are not likely to be compliant with the building code.
  - There are currently insufficient funds allocated to maintain facilities in an acceptable condition, let alone strategically renew them.
  - There does not appear to be significant revenue generated from the facility to be able to maintain buildings in accordance with current standards. Council doesn't currently include the Showground assets in its asset renewal modelling.
  - It will be important to examine other revenue streams, given the amount of funds required to address the condition of many buildings at the Wangaratta Showground.
  - There are a number of examples elsewhere, where showgrounds have undertaken commercial and residential developments to enable the injection of capital to upgrade facilities or provide ongoing income. One example of this is Melbourne Showgrounds. Few such developments have been able to get a good balance in retaining fit-for-purpose facilities for sport and recreation, as well as meeting commercial objectives.
- The location of the Wangaratta Showgrounds within a sporting and Parkland precinct on the banks of the Ovens River does not support its development for other purposes.

### ***Management roles and overlap with Council***

Council currently undertakes financial management roles for the committee that it does not undertake for other Section 86 COMs.

Some stakeholders interviewed for this project said, "If the COM makes a decision that a club doesn't like, they sidestep the COM and go straight to Council, which results in poor communication", and "Sometimes the bigger clubs dominate".

Whilst theoretically it is the COM's responsibility to maintain and develop their assets, Council appears to fund some building maintenance and improvements through community grants. At least one facility (the Sports Development Centre) is directly licenced to Council, rather than the COM.

There is currently no specific guide as to how and who makes decisions about activities in the Showground Precinct. A number of people raised the lack of clear communication channels between the COM and Council, and that there was a lack of clear division and consistency related to roles and responsibilities.

Council had communication directly with the AFL for the NAB Cup games without COM consultation. COM was not happy with that. In the development of lighting on the Showgrounds, some said, "the COM had no input. "Council would not let them see the contract".

The community engagement conducted for this project indicated that some sports users resent the influence that the other users (not associated with the oval itself) have over projects concerning the oval.

The Show Society is the landlord for most buildings on the site, and effectively control development on the site. Given that these buildings are only required once a year for this purpose, this level of control appears inappropriate.

A number of Council officer positions engage in varying degrees with the WSSC. These include:

- Chief Executive Officer
- Manager Community and Recreation
- Manager Facilities and Open Spaces
- Customer Service Coordinator
- Turf Management Team Leader
- Financial Accountant
- Technical Officer - Facilities
- Events Officer
- Community and Recreation Officer
- Recreation Planner
- Director – Community Wellbeing
- Manager – Assets
- Buildings Management Coordinator

### **Alternative models of management**

There are four relevant management models that are suitable to the scale and context of the Wangaratta Showgrounds, (as well as some other possible combinations).

#### **Option 1: Retain a similar committee of management approach – but make the Committee an Advisory Committee**

The Parklands Master Plan called for Council to “Establish an Advisory Committee for the whole of the Wangaratta Recreation Parklands. The Advisory Committee would be accountable to the Rural City of Wangaratta and provide advice only to Council on the use and development of the Parklands (including the Showgrounds).”

The role of the Advisory Committee, which would meet twice a year, (as outlined in the Parklands Master plan) would be to:

*“Carefully monitor the works of individual groups located in the Parklands to ensure any development plans are consistent with the Master Plan and approved by Council.*

*Advise Council about whether development and use proposals by groups using the Parklands are appropriate and consistent with the Master Plan, and Conduct an annual public forum for the Wangaratta community, to discuss the implementation of the Master Plan and provide an opportunity for the general community to*

*give feedback about the operation of the Parklands”.*

This model would make constructive use of the significant emotional investment that user groups have towards the Showground’s precinct while allowing residents to continue being consulted and informed.

For this model to work the asset management, bookings, financial role, and tenure responsibilities would be returned to Council.

This model still has disadvantages in that whilst it provides for user group input, it does not provide for appropriate expertise on the committee to reflect the key role of the showgrounds in sports and other events, and some representatives may have less incentive to be involved if they do not have the power to make decisions.

#### **Option 2: Direct Council management**

Direct Council management of showgrounds and sporting precinct is a model that has been adopted by other Local Government areas in an effort to rationalise showground’s facilities and encourage broader and shared use options. An example of this model is Shepparton Showgrounds, managed by Department of Arts, Events & Tourism at Greater Shepparton City Council.

If the Showground’s bottom line is a measure of success, the disadvantage of direct Council management is the high cost of internal services required (as compared to a not for profit, or a commercial entity), if costs are to be accounted for as part of the Showground business.

Another disadvantage of direct Council management is that the community development benefits of the COM would be diminished. However given the difficulty of their tasks, if the COM was transferred to an advisory committee some benefits of user group and community involvement would remain.

The advantage of this model is that Council has the required expertise in relation to financial management, asset management, tourism and events management that should be the precursor to effective management.

The other advantage of direct Council management is that there are economies of scale if Council manages these facilities such as the Norm Minns Oval and the buildings, in conjunction with other similar assets such as other sporting facilities.

### **Option 3: Management by a separate “controlled business entity”**

This option is one that some Councils have pursued in the management of Council businesses such as aquatics centres.

For example: Ripples Leisure Centre and Penrith Memorial Swimming Pool, in Penrith LGA are managed by a “Controlled Entity”, governed by a Board, including community and Council representatives. This entity operates the facilities as a business, free from the time delays typically associated with Council financial and decision making processes (i.e. raising purchase orders and taking decisions to monthly Council meetings etc.) and it can remove itself from staffing structures, and processes typically required by Council that may introduce operational inefficiencies.

The disadvantage of this type of model is that it may not be eligible for government grants, if it is not seen as purely not for profit, and it may have to account for the many resources currently provided “in-kind”.

It would have to be determined if the facilities, under this model, would need to be leased to a new entity. If it needed to be leased to the entity, as crown land, a business case would need to be prepared and approval given by the Minister.

### **Option 4. Lease to / Operation by not-for-profit association**

The example of this model is the Royal Melbourne Show, managed by the Royal Agricultural Society of Victoria (RASV). The Royal Agricultural Society is a member based, not for profit organisation that is dedicated to supporting excellence in Victorian agriculture.

It may be possible to operate under a membership based organisation that provides the benefits to members of access to multiple events. However with the condition of the existing buildings, the real costs of developing and running events at the Showgrounds, the lack of a strong brand and multiple large scale events that will attract investment, there are limited opportunities for such an organisation to break even at this point.

In this model the association would typically have a lease over the facility, which would be exclusive. The maximum term for which a lease may be granted under section 17D of the Crown Land Reserves Act is 21 years.

The difficulties that this model will have in Wangaratta are:

- That there is no such entity that exists to run special events, the Show, as well as govern the conduct of sporting competitions
- The small population means such an organisation is likely to be small
- There will need to be a new organisation established to fulfil this role – and volunteers are in short supply
- Such an organisation would need significant investment (as any other entity) to deliver high quality infrastructure and fund asset management, before it could derive a reasonable income
- There may not be ownership of such an organisation, unless members of the existing user groups form such an entity
- Sharing facilities with other users may not be encouraged
- There are some processes required in order to lease the facilities (i.e. approval by the Minister)

Before the trustees or a committee of management may grant a lease over crown land the Minister must approve both the grant of the lease and the purpose of the lease.

The Minister must also ensure that consultation is conducted with the trustees or committee of management prior to the grant of the lease.

The Leasing Policy for Crown Land in Victoria provides that in order for the Minister to assess any proposal to grant a lease under this section, a business case must be prepared.

#### **Option 5. Management by an entity who manages other Council facilities**

Typically this arrangement would require a specification of the service to be prepared and then the service tendered for a fee.

Licences could be issued for any separate entities such as facilities provided by others (such as clubs and organisations) who operate separate facilities within the grounds.

The advantage of this model is that such a management entity could operate more than one Council facility, (for example the Indoor Sports and Aquatics Centre as well as the Showground within the same precinct) and hence there may be some economies of scale in managing the Showgrounds in this way.

The disadvantages of this model are:

- That it introduces a new entity with slightly different objectives and core businesses to the Showgrounds, that may not have the expertise in Showgrounds or special events, especially tourism related activities
- As with the other models, such a management entity would not typically want to manage or fund capital improvements and asset renewal
- A management fee would need to be paid
- The cost to run the facilities is unlikely to be substantially less than if it were to be run by Council

The advantage of this option is that it may help build further relationships with other Parklands users and facilities, and if it was the same the organization responsible for managing the Indoor Sports and Aquatics Centre it may be possible to achieve the greater activation of the Showgrounds and a cross over of between the two facilities.

#### **The Most Practical Option**

Before any other management model is introduced a number of key policies and processes need to be documented.

Should Council elect to introduce a new management entity for the showgrounds a transition period will be required, during which time funds need to be secured, critical issues addressed and decisions/policies and documentation put in place about the Showgrounds. These would be prepared separate to and before there would be benefits of any independent organisation or management entity being involved.

First and foremost Council needs one co-ordinated approach and a “champion” and “place manager” to facilitate the implementation of this plan. Council would be the most logical body to employ such a person, which could reduce the need to involve so many separate officers.

This “manager of the showgrounds” could be a senior staff member who works for Council and with an advisory committee or Showground user group, to co-ordinate the implementation of the priorities of this plan. See Chapter 3. Priorities.

In the long term the most likely management model will be either:

- A Controlled Business Entity
- Direct Council Management or
- Management of some or all components by a management entity managing other Council facilities such as the Indoor Sports and Aquatics Centre.

The relationship with other facilities in the Parklands should also be investigated as part of determining the most appropriate management of the Showgrounds.

The principles, which should be embraced in future management, are outlined on the following page.



### **Principles re management**

- Retain community and user involvement in the management of the showgrounds
- Tasks not suited to voluntary management committees should be allocated to other entities e.g. asset management, development of facilities, or additional expertise brought on board
- The management of the Showgrounds should involve Wangaratta's business, arts/crafts farming and tourism, and sporting community
- Specific sports business, financial management event management and marketing expertise is required to manage the Showgrounds and to contribute to the process of bidding and managing events
- Under the Crown lands Act all buildings on the site leased revert to the crown at the end of the first lease period. They are public facilities that should be shared equitably and be retained as public assets
- Rental for buildings used for commercial purposes should attract commercial rent that returns to the Showgrounds
- A funding strategy for whole Parklands is crucial to the implementation of the strategic plan
- Funds raised from the Showgrounds should return to the venue
- The priority of use schedule for all facilities should be in favour of: the in-season club (except for regional / state events). Representative and senior competition games should take priority over training and junior competitions. For buildings the priority of use should be: those dependent on the parklands, the river and a showground location, those attracting more visitors from a larger catchment (i.e. regional rather than local market) and the priority events would be: agricultural themed activities, shows or events, and sporting activities
- Council will seek to accommodate clubs that are not dependent on Showgrounds/ location or a regional sporting facility to facilities suitable to their requirements close by
- Sharing will be required of all facilities and this will be facilitated through license arrangements

- Capital contributions to facilities could be encouraged by offering naming rights, rental rebates and other benefits, rather than exclusive use and perceived equity
- Facilities should be licensed to community groups and clubs to activate the site and provide additional opportunities throughout the year, where these:
  - fit with the target audience
  - are dependent on the standards of facilities available / the location
  - can bring something to the show or other events
  - encourage use at non peak times
  - have needs that can be met by design as well as minimize the conflict with other users
  - enhance the ability to grow sustainable clubs, and participation, and improve the standard of facilities and club's ability to maintain them
- There should be a transparency and clear and relationship between user fees and costs.

### **Objectives**

#### **Role**

- Elevate the facility's management to become more cost effective, providing a more co-ordinated approach to decision making and roles, future development, asset and turf management, maintenance, marketing, booking and programming.
- Enhance the relationship and integration of the showground and other facilities that are regional in focus in the precinct, including the river.
- Separate out tasks not suited to voluntary management committees e.g. asset management and development of facilities, from operational tasks.

### **Marketing and information**

- Develop a centralised source for information about the showground, as a sports and show precinct, and a venue to hire.
- Actively market the site and recommend marketing initiatives for the facilities.
- Prepare good quality information and signage onsite and off site.
- Develop and heavily publicise an annual calendar of events for the Showground and Parklands.
- Enhance users experience of the Showgrounds, (from information about, contact with management, booking/ payment, travel to and from, orientation, the onsite activity and finalising service).

### **Management structure**

- Streamline the management structure and decision making processes related to the Showgrounds.
- Introduce key competencies to the management entity responsible for the management of the Showgrounds, and encourage continued community and user group involvement in decision-making.

### **Financial management**

- Develop a financial plan for the grounds and identify new income streams.
- Introduce a consistent set of fees and charges for Showgrounds facilities that are equitable, and achievable, and differentiate commercial uses from not for profit sport and recreation.
- Enhance the return from events at the Showground to the City and community.

### **Occupancy and use**

- Provide consistent occupancy agreements for all user groups, that are shared license agreements with Council, rather than the Agricultural and Industrial Society.
- Seek to provide a better equity between summer and winter users in access to facilities, the ground, storage, and fund raising opportunities.

- Enhance the management of built facilities at the Showground and their contribution to the showground as a local and regional events venue.

### **Actions**

#### **MANAGEMENT ROLE, STRUCTURE AND PROCESSES**

19. Migrate the committee of management to an advisory committee representing all user groups, for a finite transitional period while facility allocation, policy, finance, and infrastructure plans and redevelopment priorities are completed, and long-term management is determined.
20. Introduce a combined booking system for sport, recreation and major events, and prepare a Wangaratta Parklands calendar of events, coordinated with other venues.
21. Actively market the Showgrounds and its facilities, prepare good quality and consistent branded information and signage onsite and off site.
22. Adopt criteria to assess priority projects for funding.
23. Review the availability of other sportsgrounds close by and put in place arrangements for club games that are displaced from the Showgrounds when events are on.
24. Work with local tourism operators and organisations to package up events and meetings that could be held at the Showgrounds.
25. Introduce a new pricing structure that balances current needs of users against long term financial needs.
26. Introduce a relatively standard license agreement for all users directly to Council, to encourage sharing and equitable access for all facilities at the ground, and accommodate club headquarters.
27. Adopt a strong financial plan with identified new, and non-sporting revenue streams and apportion all costs.

## MANAGEMENT ROLE, STRUCTURE AND PROCESSES (cont'd)

28. Actively seek funding for the redevelopment and restoration of key buildings and planned capital works, and ongoing maintenance.
29. Attract additional sponsorship, events and parallel activities that could be developed in conjunction with the Show that market Wangaratta to a younger audience, as a food-bowl, sporting and regional centre.
30. Introduce more formal communication between all users of the Showground and the Parklands as a whole.
31. Adopt a policy that assumes all facilities are public facilities, that home sporting teams have an equitable access to facilities necessary to play the game, and if components are used for commercial purpose these should attract commercial rents that are returned to the ground.
32. Introduce specific business, event management and marketing expertise to the process of bidding and managing events at the Showgrounds.
33. Appoint a senior Showgrounds manager for an interim period to: work closely with user groups to put in place the key policies and plans identified in this plan, as a champion and place manager, to project manage capital works and the relocation of uses off the oval, and initiate new revenue streams.
34. Investigate management relationships with other facilities in the Parklands and potentially the Indoor Sports and Aquatics Facility.
35. Following the refinement of policies and procedures, Infrastructure plans, and a financial and business plan, determine the preferred ongoing management entity. Consider either a controlled business entity; direct council management or elements of existing entities.



### 3.4 USE OF THE NORM MINNS OVAL



Norm Minns oval is over utilised and this needs to be addressed before the ground quality is jeopardised. User groups said that providing an additional green space is the priority for the Showgrounds, as no other grounds are available for users to move to.

There are some uses of the ground that are deserving for historic and community reasons – but not all are dependent on the high standard of facilities constructed at the Showground.

There is some seasonal conflict between regional and local sports, between codes, and between the show and sports. There have been constraints on constructing the netball courts with the correct orientation because of potential impact on show activities. Cricket would like another practice wicket however this is also considered inappropriate due to show activities.

The oval can't sustain horse and motorbike events as well as sport, nor can it sustain the hours it currently attracts in winter, or the combination of cycling with a football/ cricket venue.

The large amount of local use of the Oval is limiting options for additional regional use i.e. holding the Ovens and Murray Football Grand Final. The balance between local and regional issue needs to be struck.

There are opportunities for additional regional cricket events and activities e.g. T20, however there is some conflict between cricket and the preparation of the ground for the AFL preseason match.

The Australia Day Sports Carnival has been going 95 years. This is an Australian Athletics League event, and whilst highly valued it has been difficult to maintain its prestige, some said - because of dwindling prize money.

Other clubs/events are chasing the date the carnival is held. The Committee feels it is important that it remains an athletics carnival, and not become "a circus with rides etc." Cycling Victoria indicate the sport carnival is just one of the events that takes place at the velodrome. They believe the timing of the carnival has caused decline in participation. The Wangaratta Christmas (cycling) Carnival, which has seen very good growth over the last few years, shows the relevance of the track.

There is a need to relocate the velodrome or cycle track off the oval and move it to somewhere suitable where the Sports Carnival can still be held. Some stakeholders suggested somewhere else in the precinct, on the Western side of the precinct, Barr 2, or the north area of the Showgrounds, or the old rodeo area (however this area was an old tip site).

As a first step it would be beneficial to establish an agreement to use one of the existing ovals in the precinct for club games when events are on in the Showgrounds, and to be able to accommodate umpires, training and junior matches else where, such as at Barr 2.

Clubs say they would be happy to be moved off the oval, and away from the Showgrounds, but alternatives are not available. Partnerships with schools may be an option for taking the activities off the oval.

The Wangaratta Football Club said that they wish to progress the construction of a shelter on the edge of the field (past player pavilion) and this is now likely with sponsorship – possibly over the Christmas period. This structure may however be another example of a facility not in keeping with the local heritage character of the site and other buildings, and this should be delayed until a

design guideline for the site and future buildings is prepared.

If the Sports Development Centre was extended to the south and toilets and change rooms were provided, cricket and football could share contemporary and code compliant facilities. A community function room could provide some income for the ground and a number of the small facilities could be integrated.

A new broadcast box could serve major events and future AFL preseason games.

Relocating the football club to this new facility space would have the advantage of opening up the views to the north and a potential velodrome and festival space, if this were feasible.

### Objectives

- Maintain a quality ground and associated support facilities suitable for, and to attract regional and higher levels of sports competition and events
- Market the whole precinct in conjunction with oval, for events such as masters games / university games etc.
- Program and develop Norm Minns and the CJ Findlay ovals as complimentary grounds
- Protect the existing oval from over utilisation and create a sustainable balance between major events and other sporting competitions, across both seasons
- Introduce an agreed allocation system that prioritizes use and aligns ground use with maintenance requirements and oval carrying capacity
- Create one centralised booking process (for lights, ground and development centre)
- Reduce conflicts between codes and levels of sport
- Retain oval as regional standard and manage use accordingly
- Consider extending the Sports Development Centre along the western wing to replace functionally obsolete facilities, consolidate and provide contemporary and accessible shared facilities for home sports clubs, events, the Show and the community.
- Maximise the value of the ground for regional sports events

- Ensure all facilities are shared, and alternative venues provided for local clubs when major events are on the Oval.

### Key actions

36. Agree on the carrying capacity of the oval and introduce the process to prioritise allocation and use of the ground.
37. Adopt the priority use of the ground as follows:
  - Regional events take precedence, regardless of the season
  - Use to accommodate scheduled maintenance (or by agreement with grounds person)
  - In season code precedence for all local events
  - Preseason local only on approval of in season code i.e. by moving to other day etc.
  - Games/ competition priority over training
  - Scheduled activities over unscheduled.
  - Local sports/ activities with the greatest participation
  - Public interest must prevail (Crown Lands Act 1978).
38. Provide an option for the umpires, juniors and training to use an adjacent oval to reduce the use of Norm Minns Oval.
39. Develop a velodrome/cycling track on an alternative site in the precinct to enable cycling to grow, and minimise conflicts of use on the Oval.
40. Consider running the Sports Carnival at a more suitable time during the year.
41. Consider developing the internal road network in the Parklands for a criterium circuit.
42. Control the use of motor bikes and horse riding events on the oval.
43. Incrementally develop new shared football and cricket facilities, and expanded development centre on the western side of the oval to enhance equity of use in both seasons.
44. Identify appropriate locations where nominated clubs and organisations can be relocated, to reduce oval use, when facilities are redeveloped.
45. Provide an additional practice wicket at the ground.

### 3.5 VIABILITY OF THE WANGARATTA SHOW



The Show – whether or not it is called that, has considerable potential in Wangaratta. However the event needs: additional resources, management and marketing (in conjunction with stakeholders); to reflect a broader cross section of the community including youth, and a wider range of agricultural, entertainment and arts craft and cultural organisations, to keep it relevant.

#### ***Role of the showgrounds generally***

From the literature reviewed the typical role of showgrounds generally can be summarised under the following themes:

- Focus for voluntary contributions by community
- Affordable accommodation for voluntary organisations
- Education: learn, exchange ideas, and identify new opportunities within rural industries
- Raising the confidence of, and marketing of local and regional producers and manufacturers
- An expression of community, providing range of social, networking, sporting and entertainment opportunities
- Competition / outlet for arts/craft /animal husbandry and sports, competition not part of a club
- Employment of local people and businesses

The role of the Wangaratta Showground can be summarised as to:

- Stage the Wangaratta Show
- Stage City wide and regional level AFL and cricket games and events
- Attract premium level sporting events to the City

A very large investment would be required to compete as a non-sport major events/Show destination. In recent years examples of developments at regional showgrounds – ie large pavilions include: Sheepeatment (Hamilton), Farm world- Landon Park (Gippsland), and Shepparton etc.

Regional shows have significant value. Traditionally they highlight agricultural achievements, showcase the rural way of life and were provided to assist with agricultural learning, exchange ideas; and as an expression of community, providing social, networking, sporting and entertainment.

The Wangaratta Show reportedly generates some \$10,000 annually, and attracts about the same number of people. This appears is average for an Australian Show. The COM makes approximately \$4500 (10%) from gate takings<sup>4</sup>.

<sup>4</sup> Showground special committee income and expenditure estimates 2013/14

From the stakeholder engagement process the following themes about the Show arose:

- There is a need for more young people to be involved and major events marketing expertise.
- The age and the reduction in the number of volunteers willing to participating in the Society and the COM is a major issue.
- There isn't the importance in showing of crafts, or animals anymore. However elsewhere there does appear to be a high demand and resurgence of crafts etc.
- There are no machinery and car exhibits at the Show anymore.
- There are too many alternatives and the Show is too expensive.
- It ticks all the boxes. It has all the making of a successful show, and the key attractants i.e. fireworks and actions sports.
- The Boating and Camping Show is on at the same time at Apex Park. Consideration should be given to either running this at a different time to the Show or potentially running this event at the Showgrounds. There is reluctance from Rotary to relocate this event to the Showgrounds.
- There is a lack of storage and toilets. (There is only one toilet for people with a disability and people have to walk a long way to go to toilets).
- The Show Society got a \$5,000 grant to make it alcohol free. This attracted more crowds, and turned everything around.
- Well represented with locals, but the Show itself is a bit out of date e.g. cakes, poultry.
- The Show is on at the same time as the Shepparton Show. How can it compete with this?

### **Key elements of a show**

From the literature there are some key roles and elements of agricultural shows.

The symbolic importance of showgrounds and shows in establishing a community's identity and sense of place is significant. This is seen in the popularity of local shows and local attachment to showgrounds despite the evolution of many communities away from their original agricultural base.

Showgrounds are places where agricultural and rural traditions evolve to have contemporary relevance and meaning for their communities.

Both the instrumental and symbolic value of showgrounds is likely to play a role in the sustainability and resilience of rural and regional communities when faced with change and stress.<sup>5</sup>

Other key elements and roles of show identified in the literature include:

- Provide communities with an opportunity to celebrate achievements
- Enjoy a break from day-to-day routine
- A combination of serious competition and light entertainment (camp drafting and wood chopping are often held in Australia)
- A venue for rural families to socialise
- Provide opportunities for all ages, and competitions in: agriculture, arts and crafts, photography, cooking, art, beer and wine and horticulture
- Provide commercial attractions including rides, show bags and commercial stands
- Fireworks at the end
- Sponsors to fund all these events<sup>6</sup>

It is important to get the balance right between big events (main annual show etc.) and the user group activities in order to avoid damaging the social fabric of the community.

Consider working with local tourism operators and organisations to package up events and meetings that can use the Showgrounds.

### **Options**

Other studies suggest that to enhance the viability of local shows there are some common objectives:

- Building the capacity of show societies
- Increasing financial management skills and revenue-raising strategies
- Increasing community engagement
- Promoting and enhancing youth participation and

<sup>5</sup> Economic and Social Value of Victoria's Regional Showgrounds, RDV, Oct 2012

<sup>6</sup> Findings based on Economic and Social Value of Victoria's Regional Showgrounds, RDV 2012

- Increasing strategic planning to ensure the popularity and sustainability of the show.

These appear to be relevant to Wangaratta. Options for additional events if warranted include the following:

- Garden show/ expo
- Caravan and camping, Collectarma
- Concerts
- Pet expo
- Relay for Life (4-5 Oct)
- Christmas Carols (14<sup>th</sup> December)
- Festival of Sport
- Jazz festival (Oct 30-Nov 2)
- Circuses
- Agriculture exhibitions
- Food and Wine and
- Conferences, Expos

In this instance there may also be opportunities to combine some existing Wangaratta events such as the Sports Carnival with the Show, or to market and bring the Showground into the broader sports precinct for major multi-sporting events such as Masters games / university games etc.

Opportunities also exist to focus on the competitive strengths of Wangaratta as a food bowl to refocus the show, and the encourage Farmers markets; night markets, food and wine events, and associated cottage industries development activities to the site.

### Objectives

- To enhance users experience of the Showgrounds, (from information about, contact with management, booking / payment, travel to and from, orientation, the onsite activity and finalising service).
- Make better use of the rodeo grounds and the canine area for events – or as part of the Show.
- Seek to attract additional regional events to the Show or as an adjunct to it i.e. Food and wine festival.
- Enhance the marketing and promotion of the Show.
- Provide a greater focus on agriculture, food and wine, sporting and craft, and music to invigorate the Show as the local festival to go to, for business, residents and participants.

Build the capacity of the Agricultural and and Industrial society, assisting with: increasing financial management skills and revenue-raising, increasing community engagement, promote and enhancing youth participation, and increasing strategic planning, to ensure the popularity and sustainability of the Show.



## Actions

### VIABILITY OF THE SHOW

46. Significantly improve marketing and information about the Show.
47. Enhance users experience of the Showgrounds, (from availability of information about, interaction with management, booking/ payment, travel to and from, orientation, the onsite activity and the final service).
48. Work with local tourism operators and organisations to package up events and meetings to be held at the showground and /or in conjunction with the Show.
49. Attract additional sponsorship, events and parallel activities and package additional events with the Show that: encourage greater participation in agricultural, craft and sports activities, target more young people and promote Wangaratta as a food bowl, sporting and regional center.
50. Consider reviewing the date of the Show so it does not compete with local and larger regional shows such as Shepparton, and so as to fit with other complementary events etc.
51. Provide additional marketing, tourism and fundraising resources to the WAI Society
52. Create a balance between big events (main annual show etc.) and the user group activities in order to avoid damaging the social fabric of the community
53. Consider allowing for camping to the north of the Showgrounds to support festivals and sports carnivals.

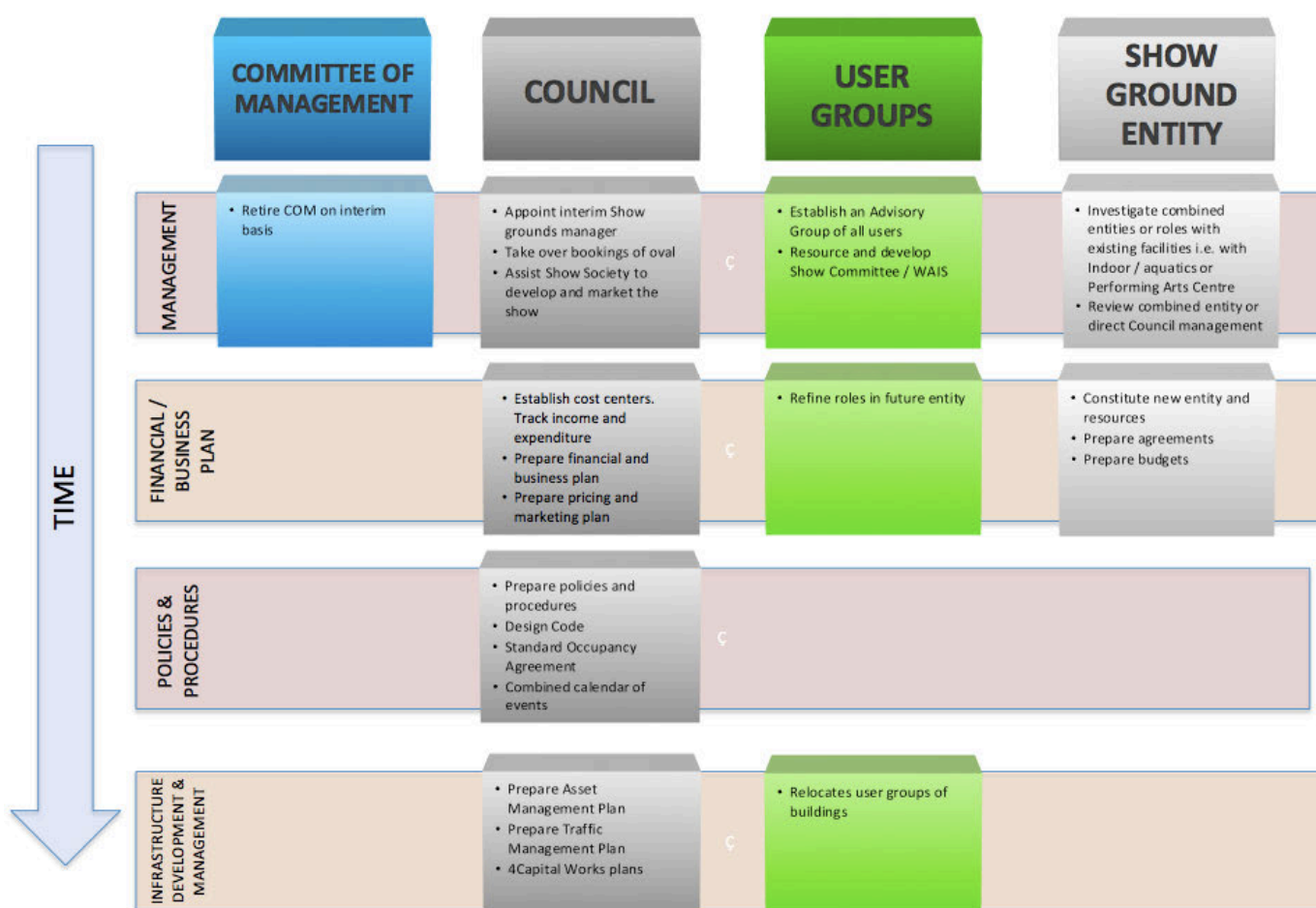
## 4. IMPLEMENTATION

The following flow chart illustrates the process for addressing the issues identified in this strategic plan.

An action plan with priorities is provided in the following pages. Priorities are identified as either 1, the most important and urgent to 3 least important or urgent.

A mechanism for monitoring the status of action and implementation will be important. The interdepartmental Open Space and Facilities group could over see the plan's implementation.

### 4.1 Implementation Flow chart



## 4.2 Action Plan

Actions	Priority	Lead Department	Probable Cost
<b>CONDITION AND FUNCTIONALITY OF THE BUILDINGS</b>			
1. Prepare an architectural design guideline/ code for the Showground that can be included in the planning scheme to ensure all buildings are in keeping with the significance and context of the site. This should include: a materials, and colour palette, and code to guide the placement, character and design of buildings and structures in the Showground.	1		
2. Ensure no structures or buildings are constructed before this guideline, and broad facility development plans for the whole showground are in place.	1		NA
3. Relocate users that are not dependent on a Showground and a regional sporting facility, to equivalent facilities elsewhere.	2		
4. Rationalise and redevelop select facilities (that are in poor condition and are functionally obsolete), to promote local heritage, attract sporting and local usage and other special events year round.	1		
5. Review access to toilets and amenity lighting across the ground in conjunction with potential building redevelopments and provide a selection of accessible toilets to serve all areas of the grounds.	1		
6. Investigate the drainage issues on the site and behind the WAIS office, and plan for the changes in long-term alignment of the River.	3		
7. Prepare an asset management plan for all facilities at the Showgrounds, with buildings as a priority.	1		
8. Assess existing trees and prepare a plan for the protection, management and further planting of trees in the Showgrounds.	3		
9. Prepare a design for additional sports support buildings (extension of the Sports Development Centre and the redevelopment key buildings in poor conditions) (on Golf Links Lane and Evans Street boundaries).	3		
10. Redesign a new main entry gateway, in conjunction with an architect and artists and rationalise and improve current signage.	2		
11. Consider developing the Parkland or Showground's internal road circuit as a criterium circuit.	3		
12. Further develop Barr 2 Oval to accommodate some of the uses off Morn Minns Oval permanently and during special events.	1		



Actions	Priority	Lead Department	Probable Cost
13. Consider developing the Rodeo ground for social family recreation, festival use, overflow car parking, and consider relocating the canine club further into this space.	3		
14. Investigate the feasibility and design of a relocated cycling track to the following sites: <ul style="list-style-type: none"> <li>• Appin Park Athletics Complex</li> <li>• South Wangaratta Reserve</li> <li>• South Wangaratta Saleyards (near cycle club rooms)</li> <li>• Avian Park Trotting Track</li> </ul>	1		
15. Plan for the rationalisation and redevelopment of select facilities that are designed to be sympathetic to local heritage and can attract sporting or other special events, as well as house indoor sporting and recreation groups.	1		
16. Protect existing and plant and additional canopy trees within the grounds and the adjacent streets.	2		
<b>TRAFFIC AND PARKING</b>			
17. Adopt a traffic management plan for the Parklands and Showground, and the event parking plan to provide for the orderly movement of vehicles, and protect and promote pedestrian and cycle access to and through the precinct.	1		
18. Design and construct a new main gateway for the Showgrounds in the location shown on the Parklands Master Plan. This design should include signage and lighting and build on local character and heritage.	2		
<b>ROLE AND MANAGEMENT STRUCTURE AND PROCESSES</b>			
19. Migrate the committee of management to an advisory committee representing all user groups, for a finite transitional period while facility allocation, policy, finance, and redevelopment priorities are completed, and long term management is determined.	1		
20. Introduce a combined booking system for sport, recreation and major events, and prepare a Wangaratta Parklands calendar of events, coordinated with other venues.	1		
21. Actively market the Showgrounds and its facilities, prepare good quality and consistent branded information and signage onsite and off site.	3		
22. Adopt criteria to assess priority projects for funding.	2		
23. Review the availability of other sportsgrounds close by and put in place arrangements for club games that are displaced from the Showgrounds when events are on.	1		

Actions	Priority	Lead Department	Probable Cost
24. Work with local tourism operators and organisations to package up events and meetings that could be held at the Showgrounds.	1		
25. Introduce a new pricing structure that balances current needs of users against long term financial needs.	2		
26. Introduce a relatively standard license agreement for all users -directly to Council, to encourage sharing and equitable access for all facilities at the ground, and accommodate club headquarters.	2		
27. Adopt a strong financial plan with identified new, and non-sporting revenue streams and apportion all costs.	1		
28. Actively seek funding for the redevelopment and restoration of key buildings and planned capital works, and ongoing maintenance.	1		
29. Attract additional sponsorship, events and parallel activities that could be developed in conjunction with the Show that market Wangaratta: to a younger audience, as a food-bowl, sporting and regional centre.	2		
30. Introduce more formal communication between all users of the Showground and the Parklands as whole.			
31. Adopt a policy that assumes all facilities are public facilities, that home sporting teams have an equitable access to facilities necessary to play the game, and if components are used for commercial purpose these should attract commercial rents that are returned to the ground.	3		
32. Introduce specific business, event management and marketing expertise to the process of bidding and managing events at the Showgrounds.	2		
33. Appoint a senior Showgrounds manager for an interim period to: work closely with user groups to put in place the key policies and plans identified in this plan, as a champion and place manager, to project manage capital works and the relocation of uses off the oval, and initiate new revenue streams.	1		
34. Investigate management relationships with other facilities in the Parklands and potentially the Indoor Sports and Aquatics Facility and the Performing Arts Centre.			
35. Following the refinement of policies and procedures, Infrastructure plans, and a financial and business plan, determine the preferred ongoing management entity. Consider either a controlled business entity; direct council management or elements of existing entities.			

Actions	Priority	Lead Department	Probable Cost
<b>NORM MINS OVAL</b>			
36. Agree on the carrying capacity of the oval and introduce the process to prioritise allocation and use of the ground.	1		
37. Adopt the priority use of the ground as follows: <ul style="list-style-type: none"> <li>Regional events over any regardless of season</li> <li>Use to accommodate scheduled maintenance (or by agreement with grounds person)</li> <li>In season code for all local events</li> <li>Preseason local only on approval of in season code- ie by moving to other day etc.</li> <li>Games/ competition priority over training</li> <li>Scheduled activities over unscheduled.</li> <li>Local sports/ activities with the greatest participation</li> <li>Public interest must prevail (Crown Lands Act 1978).</li> </ul>	1		
38. Provide an option for the umpires, juniors and training to use an adjacent oval to reduce the use of Norm Minns Oval.	1		
39. Develop a velodrome/cycling track on an alternative site to enable cycling to grow.	1		
40. Consider running the Sports Carnival at a more suitable time during the year.	3		
41. Consider developing the internal road network in the Parklands for a criterium circuit.	3		
42. Restrict motorbikes and equestrian use of oval.	3		
43. Incrementally develop new shared football and cricket facilities, and expanded development centre on the western side of the oval to enhance equity of use in both seasons.	3		
44. Identify appropriate locations where nominated clubs and organisations can be relocated to, to reduce oval use, when facilities are redeveloped.	1		
45. Provide an additional practice wicket at the ground.	3		
<b>VIABILITY OF THE SHOW</b>			
46. Significantly improve marketing and information about the Show.	1		
47. Enhance users experience of the Showgrounds, (from availability of information about, interaction with management, booking/ payment, travel to and from, orientation, the onsite activity and the final service).	1		
48. Work with local tourism operators and organisations to package up events and meetings to be held at the showground and /or in conjunction with the Show.	1		

Actions	Priority	Lead Department	Probable Cost
49. Attract additional sponsorship, events and parallel activities and package additional events with the Show that: encourage greater participation in agricultural, craft and sports activities, target more young people and promote Wangaratta as a food bowl, sporting and regional centre.	2		
50. Consider reviewing the date of the Show so it does not compete with local and larger regional shows such as Shepparton, and so as to fit with other complementary events etc.	3		
51. Provide additional marketing, tourism and fundraising resources to the WAI Society.	2		
52. Create a balance between big events (main annual show etc.) and the user group activities in order to avoid damaging the social fabric of the community.	2		
53. Consider allowing for camping to the north of the Showgrounds to support festivals and sports carnivals.	2		

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## 6. Appendices

### Appendix 1. SWOT ANALYSIS for the Showgrounds

#### **Strengths:**

- Central locality of the Showground, walking distance from CBD and accessible from the river path
- Location in a precinct with other sporting facilities
- Wangaratta a very central location regionally for regional footy/cricket
- Character created by the historic buildings and setting (the adjacent sporting facilities and river environs)
- Affordable community hub /accommodation for voluntary organisations
- The cycle track: Home of the Wangaratta Wheel race –very important to cycle sport in Victoria, and to Wangaratta’s history, Offers elderly and other bike riders opportunity off road training and No carrying capacity issues for track.
- Good quality ground and lights suitable for regional sports
- Range of facilities: sports development centre, footy club function room
- Heritage character
- The show includes some key staples of what a good rural show should have – fireworks, animal shows, crafts and competitions
- User groups and volunteers take lot of pride in their facilities. Clubs do a lot of fund raising to raise capital
- Some good sharing arrangements- between users such between the Umpires and Cricket
- Some great collective fundraising such as the Lions Swap Meet
- Unlike other reserves in Wangaratta, the site is enclosed

#### **Weaknesses:**

- General condition and functionality of facilities.
- The Sports Development Centre doesn't have a roof/ sun protection
- Lack of unified design development code for buildings and infrastructure in the precinct
- Not specifically marketed and managed as a whole venue
- Not dedicated for events – ie this means local users have to move out
- Not responsive customer driven or efficient management structure reflective of the potential standing of the venue
- Not all showgrounds tenants (licensees and lessees) are on the C of M
- Minimal communication between clubs and users in different seasons
- Traffic and organisation of parking and access. Parking and traffic flow for major events (Show, NAB Cup), no major car park – poor legibility of road network hierarchy of entries etc, poorly defined entrance, and lack of willingness to walk
- Unsightly fencing, and absence of clear access and car parking arrangements
- Lack of one centralised booking processes (ie lights, ground and development centre need to be booked separately) and lack of centre events handling ticketing system etc. and no centralised information about the showground as a venue
- Multiple entities involved in management: ie Council ground management, booking lights, events and major events and sports development, COM: booking ground, occupancy agreements, fundraising, maintenance, and user groups: own events and minor maintenance of hired/ leased rooms

- The management entity (COM) has no major source of income: (does not receive income from major games etc. except proportion of catering etc.)
- Inconsistency in what users are charged -some of the most regular users don't pay anything
- No agreed allocation priorities or system which aligns ground use with maintenance requirements or carrying capacity
- Inequity between summer and winter users: some clubs have access to income generating space – but most do not.
- Those that have constructed or contributed to their own buildings have greater management control than others
- Lack of storage for user groups
- Lack of public, accessible toilets to serve the show and all users – given not all open
- Entry for other users during events (footy) etc. can be troublesome.
- New building 'off limits' – has anyone ever rented it??
- No unified branding of signs etc. at the showgrounds

### **Threats**

- The large investment required to compete as non-sport major events destination – ie large pavilions etc. Sheepevention (Hamilton), Farmworld- Landon Park, Shepparton etc.
- The Show is on at the same time as other regional shows such as Shepparton, and the boat show at Apex Park
- Over use of the ground means become less attractive for regional and larger sporting events
- Some conflicts between show events and oval sports
- Development projects on hold due to lack of agreed and united strategic direction and priorities
- Growth and rationalisation of community organisations on the site is constrained due to condition of buildings and as some clubs have revenue raising opportunities and others don't
- Some users of the ground not dependent on a ground of this quality – likely to damage the ground through over use
- The Sports Development Centre has divided users– it is not perceived as a community facility and has limited use by show or community
- Most of the nicest and most valuable heritage buildings have been demolished.
- The age and the reduction in the number of volunteers willing to participating in the committee of management
- The poor condition of facilities such as the horse stalls is threatening the viability of the Show
- Lack of an asset management plan for infrastructure and a code for the design and placement of buildings in the Showground
- Increasing costs to Council but lack of control over assets

### **Opportunities**

- Elevate the facility's management to become more cost effective, and deliver a coordinated approach to decision-making and roles, future development, asset and turf management, maintenance, marketing, booking and programming
- Relocate the cycle track to another venue to minimise conflict with ovals users and maximise its use
- Additional regional events utilising the showground (not necessarily the ground) – ie Food and wine festival.
- Better use and development of the rodeo ground space (and potentially canine club area)
- Centralised management, booking and occupancy agreements (to include all areas include dog obedience)
- Greater connection and relationship with adjacent ovals and other sport facilities
- Capitalise on the significant character and history and use for a marketing advantage
- Combine Sports Carnival and Show to enhance viability of both
- Marketing the whole precinct together for events such as Masters games / university games etc.
- Relocate some ground users not dependent on a high quality ground to adjacent ovals.

### **11.2.3 COMMUNITY WELLBEING**

#### **11.2.3.1 SPECIAL COMMITTEES DRAFT CHARTER**

Committees Review

10.020.005.

##### **Introduction**

To implement the recently endorsed Council Policy 'Appointment to Council Committees', a draft charter has been developed for Special Committees of Council (Special Committees). The Charter will assist with compliance and ensure a consistent approach to the operation of these Committees. This report also outlines steps required of specific Special Committees to comply with the revised policy.

##### **Background**

Council has 16 Special Committees established under Section 86 of the Local Government Act 1989 for the purpose of managing and controlling activities at Council owned/managed facilities and a further one Special Committee being the Friends of Lacluta Committee. Section 86 (3) of the Local Government Act 1989 provides that councils may delegate certain functions, duties or powers to a Special Committee.

Delegations to Special Committees of Council under the above provisions were first made in 1992 and have since that time been reviewed and updated. Uniform Charters in support of these delegations have been developed providing guidance to the committees in fulfilling their obligations.

Council has previously resolved to exempt members of its Special Committees who are not Councillors from the obligation to submit returns of interest as prescribed in Section 81 (2A).

##### **Issues**

The Local Government Act requires that councils:

1. review any delegations to special committees within the period of 12 months after a general election; and
2. review any exemptions in force under subsection (2A) within 12 months after a general election.

Council also received an Information Bulletin from the Local Government Investigations and Compliance Inspectorate November 2011. This information bulletin followed a number of audits by the Inspectorate of Victorian council operations including special committee processes in accordance with the Local Government Act 1989.

The bulletin highlighted the need for councils to ensure they are compliant and a subsequent internal review was conducted of the Rural City of Wangaratta's



Council's Special Committees. The review highlighted a number of areas of non-compliance.

Accordingly Council Officers have worked closely with the committees to work towards full compliance and have subsequently recommended changes to the committee charters.

With the exception of the Friends of Lacluta Special Committee who continue to have an independent charter, it is proposed that the 16 remaining committees have a generic charter. All charters will have two major changes:

- All committees have a 3 year term; and
- All committee members are appointed by Council through a streamlined process.

In order to implement the new policy, 'Appointment to Council Committees', all current committee members will need to have their current appointments extended or reduced to terminate on the 31 July 2013. After this time a 'staggered' system will be implemented whereby some Committees for the first year only will have a term of one year, others two years and the remaining three years (*refer attachment*). All future years each Committee will have a term of three years.

Two revised charters have been developed:

- A Friends of Lacluta charter; and
- A generic charter applicable to the remaining 16 Council committees

The generic Charter has been completed with individual details relevant to each of the 16 Special Committees responsible for Council owned or managed facilities (*refer attachment*) and the Friends of Lacluta Committee.

In addition the name of the Oxley Shire Hall Special Committee was previously recorded as being the Oxley Public Hall Committee. To change the name a resolution of Council is required.

### Implications

#### Council Plan Outcomes

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

These responsibilities are consistent with Council's Council Plan Objective of providing infrastructure appropriate to the community's needs, managed in a sustainable way.

#### Policies

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

### Sustainability

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 Special Committees facilitates increased community use.

### Community Engagement

The proposed draft charters were provided to existing Special Committees for comment and subsequent feedback. Further reviews and meetings were held with some Special Committees upon request to explain the changes in more detail.

### Conclusion:

The Community Liaison Officer will continue to work with the Special Committees of Council to ensure that compliance and best practise is achieved.

If Council resolves to endorse the draft Charters and delegations, nominations for Committee membership will open on 17 April 2013 and close on 17 May 2013. It is proposed that the nominations will be provided to Council in July 2013 for endorsement.

**(Moved: Councillor T Atkins/Councillor N Amery)**

### Recommendation:

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

- 1. Change the name of the 'Oxley Public Hall' to the 'Oxley Shire Hall';***
- 2. approve the revised Instruments of Delegations and Charters for Council's Special Committees as listed and they be signed and sealed by the Council:***
  - Bowmans-Murmungee Memorial Hall and Tennis Reserve Special Committee;***
  - Carboor Soldiers Memorial Hall & Recreation Reserve Special Committee;***
  - Edi Upper Hall & Recreation Reserve Special Committee;***
  - Eldorado Memorial Hall Special Committee;***
  - Everton Hall & Sports Complex Special Committee;***
  - Milawa Public Hall and Park Special Committee;***
  - Moyhu Soldiers Memorial Hall Special Committee;***
  - Myrree Soldiers Memorial Hall Special Committee;***
  - North Wangaratta Sports Reserve Special Committee;***
  - Old Murmungee Hall Special Committee;***
  - Oxley Shire Hall Special Committee;***
  - Wangaratta Showgrounds Special Committee;***
  - Whitfield Recreation Reserve Special Committee;***

- **Whorouly Public Hall Special Committee;**
  - **Whorouly Memorial Park Special Committee;**
  - **Whorouly South Community Centre Special Committee; and**
  - **Friends of Lacluta Special Committee.**
3. ***in accordance with the provisions of Section 51 (2A) of the Local Government Act 1989, Council exempt all members of its Special Committees who are not Councillors from the obligations to submit returns of interest.***

**Carried**

### **Communication**

All Special Committees of Council will be advised of Council's decision and provided with updated Instruments of Delegation and Charters.

#### **11.2.3.2 THE PREVENT ALCOHOL AND RISK RELATED TRAUMA IN YOUTH PROGRAM (P.A.R.T.Y) WANGARATTA**

Youth Services

63.010.001

### **Introduction**

The purpose of this report is to inform Council about the Prevent Alcohol and Risk Related Trauma in Youth Program (P.A.R.T.Y) which will be running in Wangaratta on 15 and 16 May 2013 by the Alfred Hospital Trauma Unit. P.A.R.T.Y will be running the Outreach Program for year 11 students from Wangaratta and surrounding areas.

### **Background**

P.A.R.T.Y. is an international program that has been running at The Alfred Hospital and the Royal Melbourne Hospital in Melbourne for many years. P.A.R.T.Y. is a trauma prevention initiative aimed at senior school students and young offenders. Trauma is defined as an injury that has been caused by physical force such as motor vehicle crash, falls and assaults. P.A.R.T.Y. seeks to give participants a snapshot of the possible traumatic and often preventable consequences of risk-related behaviour that can lead to these injuries occurring.

At the Royal Melbourne Hospital and The Alfred Hospital in Melbourne, the P.A.R.T.Y. program participants spend time with staff in the Emergency/Trauma Centre, the Intensive Care Unit, Trauma Wards, and Rehab units of the hospital getting an up front, true to life experience of the impact of trauma on young lives.

As the P.A.R.T.Y. program is located in Melbourne there are limitations around young people from rural and regional areas attending due to location, cost, transport and availability of the schools to send support staff along with students.

Due to the overwhelming success of the Warrambool P.A.R.T.Y. Outreach program 2012 The Alfred Hospital has decided to bring the program to

### Appendix 3. Other Agricultural shows in Victoria and Australia

Show in Victoria/Proximity to the region	Date 2013
Finley	Sept 1
Yarrawonga	Oct 4-5
Nathalia	Oct 5
Seymour	Oct 5
Berrigan	Oct 6
Shepparton	Oct 11
Corowa	Oct 13
Benalla	Oct 18-19
Kyabram	Oct 19
Rutherglen	Oct 20
Numurkah	Oct 23
Myrtleford	Oct 26
Cobram	Oct 26-27
Euroa	Oct 26-27
Dookie	Nov 2,
Tatura	Mar. 22-23,
Wodonga	Mar 14-15,

#### **Large national shows in Australia**

- Royal Launceston Show
- Royal Hobart Show
- Royal Geelong Show
- Royal Melbourne Show
- Perth Royal Show
- Sydney Royal Easter Show
- Royal Canberra Show
- Royal Adelaide Show
- Royal Queensland Show
- The Campbelltown Show
- Wanneroo Agricultural Show
- Wee Waa Show
- Newcastle Regional Show
- Camden Show<sup>7</sup>

<sup>7</sup> Country Shows Listing at <http://countryshows.com.au/CountryShows/PublicShowListing.aspx>

## **Other Showgrounds in Australia**

### **Nambour Showgrounds**

- 4 shows a year – garden expo the most popular – high attendance rates and expenditure at this event - The major events on the site report a collective attendance number of around 109,000 visits per annum.
- Revenue comes from accommodation, meals, food and drinks along with other
- It is the major events that make the most money and not the weekly user groups – hence more major events means more economic benefits to the region
- Events such as the Sunshine Coast Show and Queensland Home Garden Expo promote the local produce, businesses and community groups and provide the opportunity to participate in friendly competition. Events also attract outsiders to Nambour and promote the local area through experience with accommodation, food and services in town. Money raised by fundraising at the events goes back into the showgrounds or into the community.
- The Situational Analysis also highlight opportunities for increased use of the site through better coordination of user groups leasing arrangements, storage requirements and alternative leasing fees, While this would take a strong commitment from both Council and the user groups, there is an opportunity to put forward the potential improved facilities as a selling point when negotiating flexibility in the use of the grounds by multiple users and uses.
- The challenge of prioritising events over smaller regular uses is accommodating those uses in alternative locations that are both affordable and accessible. Without a detailed plan for their future sustainability at a club/organisational level, there is a danger of damaging the important social fabric of the community.<sup>8</sup>

### **Mullumbimby Showground**

#### **Opportunities**

- Recreational Camping
- There is an existing opportunity to establish an approved “primitive camping ground” at Mullumbimby Showground:
- Under current arrangements lawful camping on the Showground is associated with events only or with special approval of the Trust
- Current Showground facilities could meet the regulatory provisions for “Primitive Camping Ground”
- Demand for camping at the Showground is increasing
- Camping represents a significant income stream for the Trust
- Camping would increase access to the site to a broader community sector
- Multi-purpose Community Facility
- There are limited community facilities in Mullumbimby
- Opportunities to adapt the site’s current infrastructure and capitalise on existing usage and future demand for Mullumbimby Showground
- Potential activities/uses identified include:
- Meetings/conferences/social gatherings
- Education & training programs
- Arts studio, education, industry development (i.e. Arts industry hub)
- Youth and general community programs & activities
- Sport & Recreation
- Dance & Performance Space
- More diversified markets
- Exhibition and showing space

<sup>8</sup>

URBIS, Social & Economic Benefits Assessment, Nambour Showgrounds, March 2013

- Other Facility Development Opportunities
- Temporary events staging
- Complementary facilities to improve the product offering and support growth of tourism activities onsite.
- Playground
- BBQ and picnic amenities
- Camp kitchen
- Improved amenities, including disabled facilities
- Improved lighting and pathways
- Improved road and parking infrastructure 9

### **Bellingen Showground**

Several key issues including:

- Increasing demand & user conflict
- Aging & declining infrastructure
- Increasing complex management & operating environment
- Unsustainable volunteer based management model
- Identified site & infrastructure capacity constraints
- Safety & Risk management issues

### **Opportunities**

- Investigate options & feasibility of a direct operational role at key events &/or increasing % of event/activity takings.
- Work with tourism organisations & local operators to package meetings/conference & events (i.e. Coffs Coast Marketing)
- Support & encourage more viable operations of user groups/client base. Consider range of initiatives identified such as:
- Sourcing industry development materials (ie Events Management & Staging)
- Advocate for industry development resourcing & coordination (ie events coordinator role)
- Inclusion in Volunteer Attraction & Management Strategies
- Cross Promotions & Marketing where appropriate
- Assistance with sourcing funding
- Events staging and equipment hiring services
- Assistance with managing risk
- Work with events organisers to develop Events/User carbon footprint minimisation policies. Consider – point of sale initiatives, packaging, recycling, business practices such as goods sourcing & distribution channels etc.<sup>10</sup>

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<sup>9</sup> R&S Muller Enterprise Mullumbimby Showground Trust Draft Plan of Management 2013

<sup>10</sup> Bellingen Showground, Plan of Management, 2010

### ***Rural Showgrounds Infrastructure Renewal Program-Victoria***

- Between 2006 and 2011, Major Program grant funding of \$5.385 million contributed to infrastructure upgrades totalling \$12.7 million at six showgrounds – Lardner Park, Bendigo Prince of Wales Showgrounds, Shepparton Showgrounds, Elmore Events Centre, Hamilton Showgrounds and Sale Showgrounds. The six showgrounds were large regional facilities where show societies were aiming to diversify and enhance their operations and contribution to the local economy. The economic model estimated that in 2011 these six showgrounds supported \$400.2 million in output, \$189.4 million in gross value added, \$112 million in income and 1,911 full time equivalent jobs within the Victorian economy. In general, the impacts of the Major Program projects have been similar across all six showgrounds.

### ***Improved diversity and sustainability***

- The new facilities have improved the diversity and sustainability of the showgrounds, increasing the range of events, activities and uses, and sources of revenue, while reducing the traditional reliance on one major event (such as the annual show or field day). In some cases, the new buildings have been critical in attracting new events (such as conferences) or in retaining existing events (such as World Cup Show jumping at Sale Showgrounds). The improved facilities have also led to an increase in visitors and exhibitors at existing events.

### ***Impacts across several industry sectors***

- Economic impacts have occurred across regional industry sectors. The modelling results showed that increases in output occurred primarily in the accommodation and food services, retail and recreational services sectors, with flows on to many other industries such as manufacturing.

### ***Local employment impacts***

- There have been positive impacts on local employment opportunities depending on the uses of the new facilities and the time they have been in operation. While many of the jobs generated are casual jobs (e.g. catering for events), these can be important opportunities in small and regional communities. At Lardner Park for instance, 'return to work' mothers appreciated casual catering jobs with few other work opportunities in the local area. Catering at the new facilities has also provided opportunities for student training.

### ***Venues with wide market appeal***

- The new event centres constructed under the program offer cost-effective venues and are attracting some events that have previously been held in Melbourne. As multipurpose, all-weather facilities with improved space and amenities, the new buildings contribute to the sustainability of existing events and are attracting new events to showgrounds.

### ***Improved venues for local community use***

- A latent demand for large private function venues is being met in some regions where the new showground multipurpose building has become the largest regional venue for functions such as club and school graduation dinners and balls, weddings and local events.

### ***Improvements in management***

- While the different showgrounds are at different stages in developing their operations, the professionalism of showground operations and understanding of development needs is increasing. This is seen in show society committees who have gained experience through supervising development of a major facility and in the employment of staff to manage new uses in some showgrounds.<sup>11</sup>

<sup>11</sup> Economic and Social Value of Victoria's Regional Showgrounds, RDV, Oct 2012

## Appendix 4. Overview of Condition and Usability of Facilities at the Showground<sup>12</sup>

Name of Facility	General Description	Heritage Information <sup>13</sup>	Condition / Essential services/DDA/Architectural Assessment	Functionality/Useability Issues/Potential	Usage	Key directions
Ken & Laurie Stewart Pavilion Sheep Pavilion	Highly decorative and intact roofed sheep pavilion. A large open-sided pavilion, 14m x 34 m in area, with a central gable roofed section and eyebrow skillions on each side, all supported on rows of square-section timber posts.	1887 or before. Local significance.	<ul style="list-style-type: none"> <li>For the age of the pavilion it is in very good condition</li> <li>Roof and timber louvres in need of repair</li> <li>Pens in fair condition</li> <li>Access is restricted due to security fencing</li> <li>Building should be re-conditioned</li> <li>No fall arrest system</li> </ul>	Many small pens inside.	Wangaratta Show	Refurbish to show off the 'glory days' of Agricultural Field Shows, and remove permanent pens to allow use for functions etc.
Edgar Ellis Cattle Pavilion	Large enclosed pavilion (45m x 34m) timber framed building with wide skillion veranda across the front, a gable roof with slender simple trusses. Timber shutters have multi-paned timber-framed windows. Has a good-sized green space in front that could be used in association with functions.	1970's Contributes to Local significance.	<ul style="list-style-type: none"> <li>Metal clad building in a reasonable condition</li> <li>External lighting damaged</li> <li>Inside not inspected</li> <li>No fall arrest system</li> </ul>	Has good potential for event/ market – this would require the floor concreted/covered. Then it could multiuse, rather than a dusty floor space. Drainage needed on riverside of cattle pavilion, along the road (affects the Kennel Club). All the drainage runs back into the cattle rings.	Wangaratta Show	Assess any structural issues and refurbish with concrete the floor.

<sup>12</sup> Note this information was prepared from a visual inspection and review of Council's building audit information in order to determine functionality. It is not intended as suitable for a condition audit or grading required for the purposes of an asset management plan.

<sup>13</sup> Based on Heritage Overlay 2004



Name of Facility	General Description	Heritage Information <sup>13</sup>	Condition / Essential services/DDA/Architectural Assessment	Functionality/Useability Issues/Potential	Usage	Key directions
Back Gate-Gatehouse			<ul style="list-style-type: none"> <li>Recommend to be demolished</li> <li>Metal roof and cladding evident of corrosion and poor maintenance / repair</li> </ul>		Not sure if used.	Recommend for demolition
Shearing Shed		Local significance	<ul style="list-style-type: none"> <li>A steel frame structure with metal sheet cladding in a fair to reasonable condition</li> <li>Open area fenced off</li> <li>No roof safety system (fall arrest) on ladder points</li> </ul>	<p>"So wired up (barbwire) it's an eyesore". Possible use as a market/ function or exhibition space.</p>	Wangaratta Show??	Sheep shearers shed to be used/ redeveloped for function space??
Cloak Rooms and Ticket Office	1920s brick entrance building on the street edge the showgrounds, adjacent to the river. The two cloakrooms were originally filled with racks on three sides.	Local Significance.	<ul style="list-style-type: none"> <li>No internal access at time of inspection</li> <li>External doorways appear too narrow (under 850mm clear opening) to be DDA/BCA complaint</li> <li>Tiled roof in reasonable condition – no roof fall arrest system</li> </ul>	Building not currently used. Right on the river trail. Potential for coffee shop?	No current use	Retain and repurpose
Main gates, Evans Street	The original gates appear to have been cut down to make the existing gates. There are currently three exits to the ground. Two off Evans Street and one from Golf Links Lane. A fourth is possible to the rear at the Rodeo ground.	Local significance. The original gates were hung from moulded concrete posts, two of which are still in place.	<ul style="list-style-type: none"> <li>Masonry construction – appears in a fair to reasonable condition</li> <li>Ticket boxes to side of main entry – passage too narrow. Not DDA/ BCA compliant – needs to be a minimum of 1500mm wide – ideally 1800mm wide for 2 way flow</li> <li>Barb wire – security mesh, not aesthetically pleasing.</li> <li>Signage – does this need to be a selection of multiple signs or one large 'distinct' sign</li> </ul>	Several traffic management studies have been undertaken to resite the entry, as it is very difficult to get into off the main road. But also the entry need to be designed as a major gateways – destination. Suggested knock down ladies pavilion and have an entry there.	Most users go down Golf Link Lane. Green St is only pedestrian traffic during events. Grey St is used for Footy Games, but they do open at Green St to, and vehicles could go left right etc. A traffic study was undertaken, but nothing happened.	Review Councils traffic management plan, and whether will be retained as main gate.  If retained as main entry replace – rectify ticket boxes and provide main entry sign with next show and user group names.

Name of Facility	General Description	Heritage Information <sup>13</sup>	Condition / Essential services/DDA/Architectural Assessment	Functionality/Useability Issues/Potential	Usage	Key directions
Women's Arts and Crafts Pavilion (woodworkers) (1)	A timber-framed pavilion, 165 feet long x 30 feet wide, with walls 16 feet high. The roof is hipped, with small ventilators along the ridge and some skylights. The cladding is the main decorative feature, with fibrous cement sheets interspersed with vertically and horizontally set corrugated iron, vertical boarded sliding doors and high-set fixed window sashes with horizontal glazing bars. The boxed eaves use spaced slats on the underside to provide the principal ventilation for the building	Circa 1938. Local Significance. Woodworkers believe their building was an old flax building from Myrtleford.	<ul style="list-style-type: none"> <li>No internal access at time of inspection</li> <li>No roof fall arrest system</li> <li>Not sure if asbestos sheet is present on this building</li> <li>Building appears in a fair to reasonable condition</li> <li>Structure settlement evident at door</li> </ul>	The Woodworkers currently use the building. Has White Ant problem. Have recently put in a new floor, 3-phase electricity. In the 2nd half of the shed the old floors are a bit soft.	Had a national scroll saw exhibition - entrants from all over Australia.	Consider replacing in long term
Horticultural Pavilion  WDCA Junior Indoor Cricket Centre (2)	A steel & timber framed, clad pavilion, with a hipped steel-truss roof, 80 feet long x 30 feet wide. The roof has small skylights, ventilators in the ridgeline and extra ventilation through slats in the boxed eaves, similar to the Women's Arts & Crafts pavilion next to it. Vertically boarded sliding doors at each end of the north elevation and louvered windows. Wall and verandas roof cladding material is indicative of the extended post-war shortages of Australian corrugated iron.	1954 Local Significance.	<ul style="list-style-type: none"> <li>Structure condition of veranda's - poor</li> <li>Building condition is poor.</li> <li>Indoor cricket facility is in poor condition, sub-standard netting and pitch (fixed?)</li> <li>Major structural issues evident on roof and veranda</li> </ul>	This centre is an indoor cricket centre. Valuable to retain indoor cricket centre in Wangaratta.	Cricket Vic use several times a week during winter. The facility needs redevelopment. Cricket Vic put money into matting (netting unsafe) – but issue with investing money when unsure about tenancy agreements.	Consider replacing building

Name of Facility	General Description	Heritage Information <sup>13</sup>	Condition / Essential services/DDA/Architectural Assessment	Functionality/Useability Issues/Potential	Usage	Key directions
Wangaratta Umpires Board Offices (3)	Timber-framed gable roofed building with roof cladding and bullnose weatherboards on the walls (except where some have been replaced with "Hardiplank").	1952. Local Significance.	<ul style="list-style-type: none"> <li>Roof sagging</li> <li>Adjoining public amenity not DDA/BCA compliant due to number of fittings, no dedicated ambulant and accessible amenities</li> <li>Roof structure appears to have 'sagged' in areas, further investigation is recommended</li> <li>Doors and steps not DDA compliant for access</li> <li>Evidence of corrosion to roof sheeting</li> <li>No fall arrest system on roof</li> </ul>	<p>Considered dangerous/unhygienic" by some. The building is in really poor condition. No facilities for women. It is in bad repair and in need of significant refurbishment. Dilapidated and termite ridden. Poor structural condition. "Some walls you can put your hand through".</p> <p>It lack suitable changing facilities for the male members and does not have any changing facilities for female umpires. Toilets are available only through accessing the public toilets outside.</p>	Wangaratta District & Cricket Association use Umpires Room (Magpies based) - Oct-March Sat 9am - 8pm, occasional Sunday for finals (umpires use the rest of the year). Share the liquor licence.	Investigate structural integrity of roof, white ants and presence of hazardous materials. Consider rebuilding or replacement
Stuart Henderson Pavilion (5)	(No. 5, and Cookery sign on building) Located on the Golf Links roadside of building and next to the table tennis centre.	Contemporary construction corrugated iron building – no heritage significance	<ul style="list-style-type: none"> <li>Handrail and step access not compliant (DDA) /BCA. No ramp access, just step.</li> <li>Overall building in a reasonable condition</li> </ul> <p>No fall arrest system to roof</p>			Consider replacing this building

Name of Facility	General Description	Heritage Information <sup>13</sup>	Condition / Essential services/DDA/Architectural Assessment	Functionality/Useability Issues/Potential	Usage	Key directions
Horse Superintendent Office and Horse Stalls	Several rows of open horse stalls, some with shallow-pitched gable roofs, some with almost flat gable roofs. All timber framed and open-sided except for the Superintendents office on one end of a row, clad in green painted vertical c.g.i. with a cream door & hatch, but no window	Local Significance. 1930.	<ul style="list-style-type: none"> <li>In a general poor condition. Appear tired</li> <li>Several stalls with no gates to enclose stalls</li> <li>Building is generally low (under 2400mm) and restricts general access</li> <li>Is it worth restoration or demolition?</li> </ul>			
WT Vincent Stables (Loose Horse Boxes) (10)	A row of 17 highly decorative and intact iron clad Horse Stalls. The roof cladding is c.g.i., with no gutters. Wall cladding is horizontal ripple-iron. The structure at the north end appears designed to take a later continuation of the building. The boxes are numbered and have stable doors and timber lattice in a top light.	Circa 1905. Local Significance	<ul style="list-style-type: none"> <li>Buildings in original condition with no major repair works undertaken</li> <li>Stalls in a fair to reasonable condition, requiring minor repair to components of each stall</li> <li>Majority of stall doors in need of repair</li> <li>A building worthy of restoration.</li> <li>Could be utilised for other activities, rather than just stalls and storage units.</li> <li>No fall arrest system to roof.</li> </ul>	Not suitable for horses now – due to lack of security for them – especially during the Show when there is fire works.	Security for horses a major issue especially when fireworks on – Less people prepared to bring their horses.	Protect and restore – as in periphery location, local significance and adds character to grounds. May be upgraded or used for storage?

Name of Facility	General Description	Heritage Information <sup>13</sup>	Condition / Essential services/DDA/Architectural Assessment	Functionality/Useability Issues/Potential	Usage	Key directions
Former Agricultural Society offices	Small rectangular (6m x 12m) timber framed building with a hipped gable roof, c.g.i. clad. The double door, shuttered window openings and louvered vents have simple decoration on architraves and sills. The door has a braced, gabled canopy with a ripple iron roof and the remains of a broken off finial. There is vertical boarding under the canopy & above the doorframe. At one time the roof has been painted red.	1880's Local Significance. Part of this appears to have been demolished.	<ul style="list-style-type: none"> <li>Is the building worth restoration?</li> <li>Building is old, tired and prone to termite damage and pigeon damage</li> <li>Recommendation to be demolished</li> <li>RCoW advised building has electrical problem / in need of repair</li> <li>Potential DDA – Access issues</li> <li>No fall arrest system to roof</li> </ul>		Use by Homing Pigeon Club. During the racing season - on a weekly basis Fri / Sat evenings in the early part of the seasons (for 2/3 hours), Thurs and Sat or Sun for 2 or 3 hours	Consider future in line with other building replacements
Poultry Pavilion (Agricultural pavilion)	Original rectangular (9m x 20m) timber framed building with a 3m wide skillion verandah across the front, a gable roof, with slender simple trusses. There is a new addition to the north. The wall cladding is vertical c.g.i. Wooden shutters have multi-paned wood-framed windows. Wooden louver vents in gable ends. An ornamental finial survives at one gable end.	1920s. Local Significance.	<ul style="list-style-type: none"> <li>Electrical / Data damage</li> <li>Termite damage</li> <li>Is it able to be restored?</li> <li>Overall in poor condition, and advised by RCoW of termite damage – should be demolished</li> </ul>	Many small cages inside.		Review future replacement or refurbishment in conjunction with other developments
Four peppercorn trees (Schinus Molle)	Four peppercorn trees (Schinus Molle). Two of the trees are set at the north end of the Show Ring and two are close to the fence on Evans Street. These may be the remnant of a row of trees.	Notable Trees & Gardens				Retain and protect

Name of Facility	General Description	Heritage Information <sup>13</sup>	Condition / Essential services/DDA/Architectural Assessment	Functionality/Useability Issues/Potential	Usage	Key directions
Avenue of Cedar trees (Cedrus Atlantica), Golf Links Lane	Avenue of Cedar trees (Cedrus Atlantica) along East side of Golf Links Lane, north of Evans St, outside the Show Ground fence.	Notable Trees & Gardens				Retain and protect
Netball Courts	Two asphalt courts at right angles to each other, with small corrugated iron play boxes and locked storage cupboard, on one and open block shelters with no seats on the other.	No heritage significance	<ul style="list-style-type: none"> <li>Netball courts in reasonable condition. Both courts should be orientated to the same direction (North + South axis)</li> <li>Safety run-off areas to be confirmed – appear to be under the required 3.05m to all sides</li> <li>Sporting lighting appears insufficient</li> <li>Shelters – good condition but no spectator/team seating</li> </ul>	The courts do not appear to have compliant run out space between them. Was a plan included a clubhouse to act as a storage and administration facility for the courts, a viewing mound and electronic score board – not constructed. No spectator viewing. Surface only reasonable.	No shade??	Review compliance of run out and opportunities to re orient courts the same way ultimately. Consider providing some form of spectator seating viewing.
Electronic Score board	The Scoreboard is suitable for AFL preseason- has super goals etc., - very few other have, as well as cricket scores.	No heritage Significance	<ul style="list-style-type: none"> <li>Overall in reasonable to good condition</li> <li>Any access compliance issues to be reviewed by an accessible / universal design consultant</li> <li>No fall arrest system to roof</li> </ul>	Can't be seen from all areas of the ground. Considering moving?		Consider relocating to a site viewable from all spectator areas?

Name of Facility	General Description	Heritage Information <sup>13</sup>	Condition / Essential services/DDA/Architectural Assessment	Functionality/Useability Issues/Potential	Usage	Key directions
Sports Development Centre	A new administration and player facility constructed in 2011/12 on the western side of the ground. Houses the Bushrangers and AFL regional development staff, as well as a community room for meetings. Has an upstairs viewing area over the ground.	No Heritage significance. Two heritage buildings were demolished to construct this: the New Publicans Booth, and the former Fire-Truck Garage and Water Column,	Recent addition to the showgrounds- supporting the AFL/TAL Murray Bushrangers. Building appears in good condition and compliant with current BCA + DDA items. No fall arrest system to roof.	The centre is too small for AFL and Bushranger operations as well as community use. Community room very small. AFL rents storage elsewhere. Show doesn't use the building, as has no ownership – and building not rented though them. No cover/ shade over spectator area- difficult to rent – expensive to ire as need to provide temporary shade /cover. Also the deck area on top of the Sports Development Centre and the Dog and Kennel Club area are not utilised at all by the show society during the show weekend. Two additional stages of the development were apparently planned.	The AFL intended that this would provide a pathways to elite levels, however it received too greater use to enable this to occur. The Afl intends to move half their regional activities to another office to Lavington to serve the region better. The Sports/Community Development Centre – does not seem to be used by community. Not booked through the COM. Ovens and Murray League should be based here.	Consider providing a shade structure over roof Consider extending the building to the south in the long term to replace other separate small buildings, consolidate shared sports facilities and provide adequate storage, canteen, ref change etc, for both genders in both seasons

Name of Facility	General Description	Heritage Information <sup>13</sup>	Condition / Essential services/DDA/Architectural Assessment	Functionality/Useability Issues/Potential	Usage	Key directions
Richardson Grandstand with (Clem Fisher) Cricket Pavilion below and at rear	Grandstand, west side of main arena. Seating capacity 800 comfortable with 1100 possible. (Clem Fisher Pavilion has social, office and change facilities	Recent construction	<ul style="list-style-type: none"> <li>Handrail + ramp access not DDA/BCA compliant</li> <li>No DDA/ Accessible access to grandstand seating</li> <li>Doorways and landings to sports administration offices spear non-compliant to current BCA + DDA regulations</li> <li>Overall in reasonable condition</li> <li>Ideally centrally located on the wing of the sports oval</li> <li>No internal access to rooms</li> <li>No fall arrest system to roof</li> <li>Step access is restrictive</li> <li>Good visual connection to oval.</li> </ul>	No accessible entry. Had new handrail, new seating, new connection to the scoreboard done recently. Drainage issues behind the Society Offices.	Has Society's office under the grand stand. Sports carnival occupies this for Aust. Day carnival.	
Norm Minns Oval	The playing area is approx. 163m long x 130m wide, ringed by velodrome inside a 1m high perimeter fence with sponsorship signs facing inwards. Has a new state of the art electronic scoreboard. This is all controlled from the timekeepers box on the opposite scores. It does cricket scores and "super goals" for AFL pre season. As well with the control box specially programmed.		<ul style="list-style-type: none"> <li>Actual sports field appears narrow to AFL specifications this needs to be confirmed by RCoW.</li> <li>Goal posts appear not aligned with central cricket wicket area.</li> <li>Slip issues with pedestrian access to and from ground over velodrome track.</li> </ul>	Oval over used. 11,000 capacity to preseason games. The use of the oval by spectators would be enhanced if the bike track was gone and the surrounds ere changes to the slope for spectators. Some suggest that the ground is not used to capacity in Summer Season. State of the art cricket academy- desired, or at least improved cricket clubrooms facilities. With removal of track	Murray King League wants to use the ground for finals. Junior Footy Mon/Weds, Wang Football Club Tues/Thurs, Bushrangers Wed night. Been trying to attract an Ovens and Murray Grand Final. Bush Rangers don't pay anything for the use of the ground. Very high level demand: Wangaratta Football Club, Junior League, Bushrangers, Ovens and	Rationalise usage and relocate uses not dependant on high quality field (to adjacent fields) so as to maintain ground for regional, representative, and senior football and cricket club sides, and sport events. Schedule equestrian and off road vehicle activities at an adjacent site. Consider relocating the velodrome to a more suitable site,



Name of Facility	General Description	Heritage Information <sup>13</sup>	Condition / Essential services/DDA/Architectural Assessment	Functionality/Useability Issues/Potential	Usage	Key directions
				<p>could provide fuller sized dimensions.</p> <p>Good grass cover</p> <p>Conflicts between cycling and footy - e.g. footballs on track, dangerous for riders.</p> <p>Oval 's drainage could be improved.</p> <p>Relocation of scoreboard should be a priority- without clear sightlines from the grandstand around the Magpies building. Because of the competition lights there is demand from other sports such as soccer and baseball.</p> <p>Drainage issues on the western side of the Oval. There is no permanent broadcast box to the grounds. This is brought in for games.</p>	<p>King, Ovens and Murray all involved they were receiving so many requests to hold games and finals Sports Carnival included cycling (on track) and foot running (main oval). Aths 10K prize money likely a deterrent – Albury/Wondonga week later 25K. Used to include wood chopping. Night games not ideal because of temperature - first few weeks of season are good for this but bit cold after that.</p> <p>Needs to have access to an additional ground in the precinct for juniors umpires, training etc, not dependant on the high standard of ground.</p> <p>Junior footy club don't use the facility- use college.</p>	<p>retaining additional run out around field – or providing an option to expand the field size if required.</p>

Name of Facility	General Description	Heritage Information <sup>13</sup>	Condition / Essential services/DDA/Architectural Assessment	Functionality/Useability Issues/Potential	Usage	Key directions
Velodrome around Norm Minns Oval	A flat concrete cycle track. Was the last remaining dirt track in Australia till it was sealed 1982.		<ul style="list-style-type: none"> <li>Slip issues with pedestrian access to and from ground over velodrome.</li> </ul>	<p>The current track distance is too long (someone else said 396m). Distance should be 330m.</p> <p>The Show has done damage to the cycling track (through motorcyclists). Seal was only meant to last 7 years.</p> <p>No asset management plan.</p> <p>Was upgraded recently.</p> <p>Condition still poor – cracking</p>	<p>Club cycling on Friday night for competition, and two other night a week for training.</p> <p>Elderly bike riders use the facility on Thurs/Fri mornings- because off road and roads can get foggy.</p> <p>There used to be a criterium circuit around streets of Wangaratta.</p> <p>Important that the Sports carnival includes cycling and athletic – not just rides. Footrace could remain at Apex parks.</p> <p>Difficult to maintain prestige and prize money etc. Other clubs/events are chasing the date they are on.</p>	Relocate and reconstruct velodrome at another site to be selected.
New poultry shed	New Corrugated iron shed 30m x 8 m, with 4 roller doors, site don the boundary along Golf Links road. Replaced poultry pavilion (building of local heritage significance).	No heritage significance	<ul style="list-style-type: none"> <li></li> </ul>		<p>Planning to have 2 events per year. 6 weekend events a year, monthly meetings for a couple hours a night weekend.</p> <p>4 active members locally, 20 others come and go.</p>	No recommendations

Name of Facility	General Description	Heritage Information <sup>13</sup>	Condition / Essential services/DDA/Architectural Assessment	Functionality/Useability Issues/Potential	Usage	Key directions
Wangaratta Football and Netball Club rooms and pavilion	Includes a clubroom (two dressing rooms downstairs, function room and kitchen upstairs, a medical room drug testing facility, rubdown tables, separate locked property room, shower facilities, toilets and change facilities for umpires which are entered via separate area from the players change rooms, loading facility, air conditioning and refrigeration. This canteen is used by a multitude of ground users through out the year. There are separate change facilities within the ground for curtain raiser games, AusKick and grid games.	No heritage Significance	<ul style="list-style-type: none"> <li>DDA issues of compliance to be considered at all doorway, openings and landings. Several steps require ramp access. Several doors not wide enough</li> <li>Internal area not inspected</li> <li>No fall arrest system to roof</li> <li>Ramp access to be reviewed by an accessible access consultant</li> </ul>	<p>Deb balls are returning, and they taken steps to make their space less like a football clubroom and more like a function Centre by hanging curtains over the memorabilia.</p> <p>Footy Club has liquor license- all year –and sub let– not willing to allow use by cricket in summer season.</p> <p>Change rooms very basic. Past player pavilion planned next door. Covered areas desperately needed for spectators. There was coverage a long time alone but taken away.</p>	<p>AusKick games at certain fixtures through out the football season. Wangaratta Junior Football League uses the clubrooms of the Wangaratta Football Club.</p> <p>Training: Mon and Wed nights, 4pm-5.30pm.</p>	Review plans for additional shelter in view of placement in relation to heritage buildings and their future – and recommended design code for the Showgrounds.
Sports flood lights	4 light poles with 500/600 lux sport lighting serving the oval.				Lighting - each user group has a card to their name that gives them automated use of the lights. Other casual groups go through Council to assess the lights.	No recommendations

Name of Facility	General Description	Heritage Information <sup>13</sup>	Condition / Essential services/DDA/Architectural Assessment	Functionality/Useability Issues/Potential	Usage	Key directions
JA McLaughlin Pav. (Animal Nursery)	Used as the Animal Nursery. Former Poultry Pavilion	None	<ul style="list-style-type: none"> <li>Modern - Metal clad shed in overall reasonable condition</li> <li>No internal access at time of inspection</li> <li>No fall arrest system to roof</li> </ul>			No Immediate actions; Consider long term functional requirements and suitability of form
Brian Kensington Pavilion (Nursery Shed)	Contemporary corrugated iron shed with large sliding door. Next to Henderson pavilion on Golf links Rd side of the grounds.	Significance: Contributes to Local heritage Constructed in 1960's	<ul style="list-style-type: none"> <li>Metal clad building in a fair condition</li> <li>Directly associated with the J.A. McLaughlin Pavilion (Animal Nursery Shed)</li> <li>Internally not inspected</li> <li>The roof appears to be re-conditioned / refurbished recently</li> <li>No fall arrest system to roof</li> </ul>			No Immediate actions; Consider long term functional requirements and suitability of form
Internal road network	Sealed internal roadwork. This is long enough to be able to hold criteriums. Has no hill but some tight corners – and options to put in and out of the showgrounds enclosure. Street lighting throughout the show grounds is an issue. Also lighting at each of the primary entrances is a priority for users.			Has some loose gravel. Would need to be managed or events. Some say internal road leads nowhere?		Consider for off road, road cycle training and events
Lions Club Shed	Large green shed with double roller door. With air conditioner. Used to store equipment for community events etc.	No heritage significance	<ul style="list-style-type: none"> <li>Internally not inspected</li> <li>No fall arrest system to roof</li> <li>External cladding and roofing in a reasonable condition</li> </ul>		Two main events per year: Swap meet and white elephant stall.	Side access to be maintained

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Canteen (below) coaches / time keepers box above	Relatively new corrugated iron building, adjacent to the grand stand.		<ul style="list-style-type: none"> <li>Any access compliance items need to be reviewed by an accessible consultant</li> <li>Fall arrest system to roof to be provided</li> <li>No vertical access (lift) to time keepers / coaches box</li> <li>Canteen area not inspected.</li> </ul>	"Top Shelf" – Only access for football – not for cricket??	Sport Club operates the coaches' boxes (above kiosk) for recording - on carnival day.	
Services / power to the site/Toilets			<ul style="list-style-type: none"> <li>No fire services, other than to the new Sports development Building</li> <li>Large toilet block of brick construction, on the river side of the grounds</li> </ul>	Constraints on addressing demand for toilet facilities due to proximity to the River.		Provide three-phase power to the rear of the site if events are to continue to use the space. Review the provision of toilets in and around pavilions and to service events, and incrementally redevelop to be accessibility and compact.
Wangaratta Kennel & Obedience Dog Club Enclosure and Shed	A fenced enclosure with one main shed and smaller one. Council mow the enclosure.	No heritage Significance		Fenced area is not aesthetically pleasing. Lighting is a priority for the dog club.	Wednesday night obedience training 6-9pm. Club members use the area casually during the rest of week. Occasional competition weekends. Membership around 100. RSPCA Millions Paw Walk, Marathon, Lions Club Swap Meet use grounds.	Consider a future location in conjunction with other development and use of the showgrounds, and fencing and access arrangements in conjunction with the potential development of the "rodeo grounds".

Name of Facility	General Description	Heritage Information <sup>13</sup>	Condition / Essential services/DDA/Architectural Assessment	Functionality/Useability Issues/Potential	Usage	Key directions
Industrial Pavilion, (Table Tennis facility) (4)	Steel-framed pavilion with wall cladding, metal & glass Louvre windows in wood frames. Brick dado wall on south elevation with narrow top lights over large double doors and central brickwork. Steel portal frame with braced open-web girders in the roof plane. Ventilation along roof ridge and under eaves (wire mesh)	Significance: C Contributes to Local heritage Built 1960's.	<ul style="list-style-type: none"> <li>No internal access at time of inspection</li> <li>Overall building is in a fair condition. Several areas on wall cladding show evidence of corrosion</li> <li>Roof appears to have been re-conditioned</li> <li>No fall arrest system on roof</li> <li>Grade entry to main door appears BCA compliant</li> </ul>	Functionally obsolete. No Heating and cooling. No kitchen or catering facilities. No running water. Lack of changing facilities, and toilets. Recently fixed the roof (leaking for 25 years) and insulated the walls. Would this function be best accommodated in conjunction with a sports stadium or would a redevelopment of this building be beneficial to accommodate other show or event activities.	Table tennis use: Mon and Thurs Morning for 3hrs. Weds from 4.30pm to the rest of the evening.  Schools use the facilities (1200 kids use the shed). Inter-school competitions.	Consider best location for table tennis (on this site or with other sports stadium/ or another sport on site ie indoor cricket) and redevelop building accordingly- in keeping with design guidance.
Wangaratta Players	Seats 55-60 Colourbond frontage to Evans St Built circa late 90s	No heritage significance	<ul style="list-style-type: none"> <li>No internal access at time of inspection</li> <li>No roof fall arrest system</li> <li>Not sure if asbestos sheet is present on this building.</li> <li>Electrical switch board appears to be compliant</li> <li>Exit / egress door is blocked by stage – needs to remain clear of all debris at all times.</li> <li>Stage seating area – no area dedicated for wheel chair / or ramp access.</li> <li>Building appears in a reasonable condition.</li> </ul>	Overall happy with condition of building Received recent grant for extensions, insulation, power, interior Not big enough for larger shows and theatre flats/props Would like more storage Also use Cloak Room, Poultry Shed, PAC	20-30 financial members, and up to 150 others involved Average 3 times a week for 4/5 hours a time (days/time vary). Increases for production / rehearsals for performances Junior Youth Group (part of the Players) also use the building once a week for a couple hours	

Name of Facility	General Description	Heritage Information <sup>13</sup>	Condition / Essential services/DDA/Architectural Assessment	Functionality/Useability Issues/Potential	Usage	Key directions
Bridge Club	Built own facilities. Two toilets, kitchenette, rectangular space 15m x 8m, open plan.	No heritage significance	<ul style="list-style-type: none"> <li>Bridge Club building not in context with showground buildings - fibre cement-clad building</li> <li>Security fence not aesthetically pleasing.</li> <li>No roof fall arrest system</li> </ul>	Poor condition and unsightly not in keeping with the general heritage character of the site – nor is its use consistence/ dependent on the Showground facilities. No used in conjunction with event or the Show-addresses street. There is a barbed wire fence around the building which appears unnecessary and detracts significantly detracts the amenity of the area. The facility has recently painted inside, drapes installed.	Use rooms every Tuesday night and 2nd Thursday night in the month 7.30-11pm. Also using the Clubrooms: two pro-bus groups once a month on Fridays. Vintage Car Club 3rd Wed of the month.	Consider removing this building and relocating Club to another more suitable location.
Apex Shed	Small shed next to the Lions	No heritage significance			Apex is no longer in operation.	
Fencing	Oval has a boundary fence as well as the whole site, which is enclosed by fencing. Some buildings also separately fenced.			Suggested some clubs would let people into the Show for free. Very unsightly fencing generally around the site, included fencing of buildings along Evans Street and along the river – very close to the river path. Fenced Kennel Club enclosure not used all that often		Retain enclosure of the ground for events. Consider rationalisation of fencing and ultimately replacement with more aesthetic dark grey fence

Name of Facility	General Description	Heritage Information <sup>13</sup>	Condition / Essential services/DDA/Architectural Assessment	Functionality/Useability Issues/Potential	Usage	Key directions
Old Rodeo Ground	The area known as the rodeo area is the former tip site to the north of the showgrounds. It has been used for Ales on the Ovens 7 Dec 2013.	No heritage significance	Access to this area is difficult. Poor condition – due to reoccurring subsidence as a filled site – also susceptible to flooding – (does it have an overlay??) Rodeo area is not capped (can't put kids under 12 on there?).		There were approximately 800 attendees to the "Ales on Ovens". Could accommodate camping expo, and recreation picnicking etc. Etc. Could be used for circuses, a multi-use, and more passive recreation use, training areas for sports. Big mounds of soil already there could be used to level grounds. Clubs suggest should be named after Graeme Kerr.	Consider potential for car parking, camping when events on, circus ground, festival site, and or social/family recreation, trails head with access to the river.
Car Parking	Approx. 100 spaces			Traffic management is considered an issue. Better vehicle access through Golf Club Lane (needs to be resealed and levelled a bit). Better parking (maybe behind Rovers Grounds). People park on nature strip, but on just a few days a year.	Vehicles of gate attendants and show society members are allowed to park inside the precinct itself during operations creating an undesirable 'car park' feel and restricting opportunities for stall expansion.	Assess in conjunction with scheme to retain/replace buildings. Manage users/Show's vehicles outside the enclosure during events Seek update on Traffic Manage Plan



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River trail	There is a shared trail along the ovals river – separated from the Showgrounds by a fence.	The paths have no heritage significance	Any connectivity along the river is important. Consider gates, and pathways that link Barr Reserve to the main Oval.	Very narrow corridor – de to placement of fencing and no casual access when event not occurring.	Wangaratta Marathon and Fun Runs. Very well used by dog walkers, cyclists and walkers.	
Cricket nets		No heritage significance		Have been there 10-12 years but they are kept in good condition. Need additional bays – but cant expand because Show likes to use this space for something during the show?		Consider providing one additional net in conjunction with the existing

# Attachment 5. Architectural Assessment

## Site Investigation Report

E-01

Site: **001** Date visited: 16 June, 2014  
Project: **Wangaratta Showgrounds Strategic Plan** Project No: EJ\_0892  
Client: **Rural City of Wangaratta** Representative: **Marcus Foster**  
Investigation undertaken by: **Sean Stone** Email: [seanstone@etcharch.com.au](mailto:seanstone@etcharch.com.au)  
Copies to: **Sally Jeavons** Email: [sally@jeavons.com.au](mailto:sally@jeavons.com.au)  
Weather Conditions: **Cold and overcast with showers** Issue: **P5**

Pages **17 (including this page)**

*This Site Investigation Report is based on the Reference material provided from the Client (listed below), and a physical 'visual' inspection only of the nominated site. Any assumptions noted within this report are based on evidence of similar projects – in reference to the Aged of the Facility, its condition, site conditions and nature of its construction. Etch Architectural Solutions Pty Ltd will not make any assumptions to any elements relating to the nominated site which can't be observed (i.e. underground) or relating to any building service which the company is not specialised to undertake (such as any electrical review).*

### Reference documents supplied by the Client

(Which can be read in conjunction to this report)

1. National Construction Code Series – Volume 1. Building Code of Australia 2014- Class 2 to Class 9 buildings
2. Australian Standard 1428.1-2009: Design for access and mobility - General requirements for access - New building work
3. Disability (Access to Premises - Buildings) Standards 2010;
4. Australian Standard AS1428.2 (1992) - 'Design for Access and mobility Part 2: Enhanced and additional requirements—Buildings and facilities

### Site Investigation:

The majority of the pavilions at the time of inspection were not accessible internally. Access was restricted due to poor weather. Rural City of Wangaratta (RCoW) has since provided a photographic library of all internal images of pavilions.

(See site image on next page)




### Definitions:




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Room Name: <b>Evans Street – main entry gates</b>						
General visual condition (see definitions below)	Poor		Fair	X	Reasonable	Good
Comments:						
<ul style="list-style-type: none"> <li>Heritage significance – local.</li> <li>Masonry construction – appears in a fair to reasonable condition</li> <li>Ticket boxes to side of main entry – passage too narrow. Not DDA/ BCA compliant – needs to be a minimum of 1500mm wide – ideally 1800mm wide for 2 way flow</li> <li>Barb wire – security mesh, not aesthetically pleasing.</li> <li>Signage – does this need to be a selection of multiple signs or one large ‘distinct’ sign?</li> </ul>						
Photos						
						
General View from Evans Street		Mixture of signage		Ticket area – not wide enough for DDA.		

Room Name: <b>Sheep Pavilion (Ken + Laurie Stewart)</b>						
General visual condition (see definitions below)	Poor		Fair		Reasonable	X
Comments:						
<ul style="list-style-type: none"> <li>Building has Heritage Significance, built 1887 or before.</li> <li>For the age of the pavilion it is in very good condition</li> <li>Roof and timber louvres in need of repair</li> <li>Access is restricted due to security fencing</li> <li>Building should be re-conditioned, potentially to consider the removal of the internal timber pens so to allow multi-use for this pavilion.</li> <li>No fall arrest system to roof.</li> </ul>						
Photos						
						
Historic pavilion should remain		Roof in need of repair		Louvres in need of repair		

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Pens in fair condition						
Room Name: <b>Live Stock Pavilion</b>						
General visual condition (see definitions below)	Poor		Fair		Reasonable	X
Comments:						
<ul style="list-style-type: none"> <li>Recently constructed – metal clad ‘shed’ structure</li> <li>No internal access</li> <li>No fall arrest system to roof.</li> </ul>						
Photos						
						
Most recent addition to showgrounds						

Room Name: <b>Shearing Pavilion</b>						
General visual condition (see definitions below)	Poor		Fair	X	Reasonable	Good
Comments:						
<ul style="list-style-type: none"> <li>A steel frame structure with metal sheet cladding in a fair to reasonable condition</li> <li>Open area fenced off</li> <li>Barb wire – security mesh, not aesthetically pleasing.</li> <li>No roof safety system (fall arrest) on ladder points</li> </ul>						
Photos						
						
General View of pavilion		Metal sheeting in reasonable condition				

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<b>Room Name: WT Vincent Stables Horse Stables/stalls</b>						
General visual condition (see definitions below)	Poor		Fair	X	Reasonable	Good
<b>Comments:</b> <ul style="list-style-type: none"> <li>Heritage significance – local. Built circa 1905.</li> <li>Buildings in original condition with no major repair works undertaken</li> <li>Stalls in a fair to reasonable condition, requiring minor repair to components of each stall</li> <li>Majority of stall doors in need of repair</li> <li>A building worthy of restoration. Could be utilised for other activities, rather than just stalls and storage units.</li> <li>No fall arrest system to roof.</li> </ul>						
<b>Photos</b> <div>    </div> <div> Overall condition of stalls - fair Stall doors in need of general repair Stall doors and part roof in need of repair </div>						
<b>Room Name: Horse Superintendent Office and Livestock Stalls / Horse Stalls</b>						
General visual condition (see definitions below)	Poor	X	Fair		Reasonable	Good
<b>Comments:</b> <ul style="list-style-type: none"> <li>Heritage significance – local. Built circa 1930.</li> <li>In a general poor condition. Appear tired</li> <li>Several stalls with no gates to enclose stalls</li> <li>Building is generally low (under 2400mm) and restricts general access</li> <li>Is it worth restoration or demolition?</li> </ul>						
<b>Photos</b> <div>    </div> <div> General condition General condition In need of general repair </div>						
<b>Room Name: Edgar Ellis Cattle Pavilion</b>						
General visual condition (see definitions below)	Poor		Fair		Reasonable	X
<b>Comments:</b> <ul style="list-style-type: none"> <li>Heritage significance – local. Built 1970's.</li> <li>Metal clad building in a reasonable condition</li> <li>External lighting damaged</li> <li>Inside not inspected</li> </ul>						

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<ul style="list-style-type: none"> <li>No fall arrest system to roof</li> </ul>						
<b>Photos</b> <div>   </div> <div> Cladding in reasonable condition </div>						
<b>Room Name: Back gate / Gate house</b>						
General visual condition (see definitions below)	Poor	X	Fair		Reasonable	Good
<b>Comments:</b> <ul style="list-style-type: none"> <li>Recommend to be refurbished</li> <li>Metal roof and cladding evident of corrosion and poor maintenance / repair</li> </ul>						
<b>Photos</b> <div>   </div> <div> Metal cladding - poor condition Roof - evidence of corrosion </div>						
<b>Room Name: Netball courts and associated shelters</b>						
General visual condition (see definitions below)	Poor		Fair		Reasonable	X
<b>Comments:</b> <ul style="list-style-type: none"> <li>Heritage significance – local. Built 1970's.</li> <li>Netball courts in reasonable condition. Both courts should be orientated to the same direction (North + South axis)</li> <li>Safety run-off areas to be confirmed – appear to be under the required 3.05m to all sides</li> <li>Sporting lighting appears insufficient</li> <li>Shelters – good condition but no spectator/team seating</li> <li>No shading and seating for spectators</li> </ul>						
<b>Photos</b> <div>    </div> <div> Netball courts Run off zones Shelters - no seating </div>						

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<b>Room Name: Lions Club of Wangaratta - Shed</b>							
General visual condition (see definitions below)	Poor		Fair		Reasonable	X	Good
<b>Comments:</b> <ul style="list-style-type: none"> <li>Heritage significance – none.</li> <li>Internally not inspected</li> <li>No fall arrest system to roof</li> <li>External cladding and roofing in a reasonable condition</li> </ul>							
<b>Photos</b> <div>   </div>							
General condition reasonable		Side access to be maintained					

<b>Room Name: Poultry pavilion (Old luncheon pavilion)</b>							
General visual condition (see definitions below)	Poor	X	Fair		Reasonable		Good
<b>Comments:</b> <ul style="list-style-type: none"> <li>Heritage significance – local. Built 1920's.</li> <li>Is it able to be restored?</li> <li>Overall in poor condition, and advised by RCoW of termite damage – should be demolished</li> </ul>							
<b>Photos</b> <div>   </div>							
		Verandah in poor condition					

<b>Room Name: Former Agricultural Society office</b>							
General visual condition (see definitions below)	Poor	X	Fair		Reasonable		Good
<b>Comments:</b> <ul style="list-style-type: none"> <li>Heritage significance – local. Built 1880's.</li> <li>Is the building worth restoration?</li> <li>Building is old, tired and prone to termite damage and pigeon damage</li> <li>Recommendation to be demolished</li> <li>RCoW advised building has electrical problem / in need of repair</li> <li>Potential DDA – Access issues</li> <li>No fall arrest system to roof</li> </ul>							
<b>Photos</b>							

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	Termite damage	Electrical / Data damage

<b>Room Name: Sports Development Office</b>								
General visual condition (see definitions below)	Poor		Fair		Reasonable		Good	X
<b>Comments:</b> <ul style="list-style-type: none"> <li>Recent addition to the showgrounds- supporting the AFL/TAL Murray Bushrangers</li> <li>Building appears in good condition and compliant with current BCA + DDA items</li> <li>No fall arrest system to roof</li> </ul>								
<b>Photos</b> <div>   </div>								
Sports office in good condition		Direct link to oval - access						

<b>Room Name: Wangaratta Magpies Football Social Room + Clubrooms</b>							
General visual condition (see definitions below)	Poor		Fair	X	Reasonable		Good
<b>Comments:</b> <ul style="list-style-type: none"> <li>Heritage significance – none.</li> <li>DDA issues of compliance to be considered at all doorway, openings and landings. Several steps require ramp access. Several doors not wide enough</li> <li>Internal area not inspected</li> <li>No fall arrest system to roof</li> <li>Ramp access to be reviewed by an accessible access consultant</li> <li>No spectator shelter or existing is restrictive to 'bar / beverage area'.</li> </ul>							
<b>Photos</b>							

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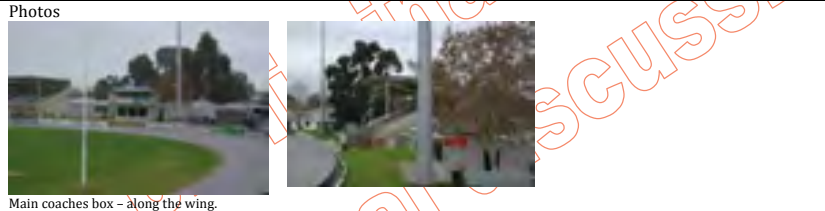
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Room Name: <b>Stall / timekeepers / canteen under building</b>							
General visual condition (see definitions below)	Poor		Fair		Reasonable	Good	X

- Comments:
- Any access compliance items need to be reviewed by an accessible consultant
  - Fall arrest system to roof to be provided
  - No vertical access (lift) to time keepers / coaches box
  - Canteen area not inspected.



Room Name: <b>Main oval – Velodrome (Norm Minns Oval)</b>							
General visual condition (see definitions below)	Poor		Fair		Reasonable	Good	X

- Comments:
- Slip issues with pedestrian access to and from ground over velodrome track
  - Actual sports field appears narrow (in width) to AFL specifications this needs to be confirmed by RCoW
  - Goal posts appear not aligned with central cricket wicket area.
  - No fall arrest system to roof



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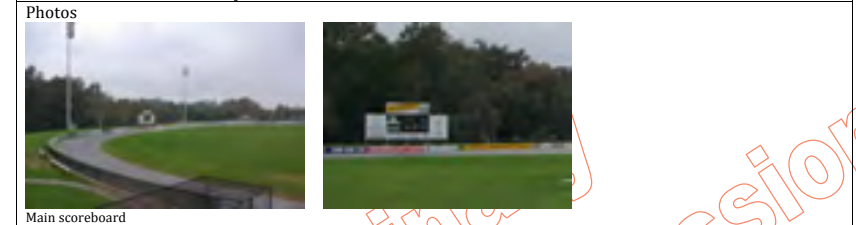
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Room Name: <b>Score board</b>							
General visual condition (see definitions below)	Poor		Fair		Reasonable	Good	X

- Comments:
- Overall in reasonable to good condition
  - Any access compliance issues to be reviewed by an accessible / universal design consultant
  - No fall arrest system to roof



Room Name: <b>B. Richardson Grandstand + associated facilities</b>							
General visual condition (see definitions below)	Poor		Fair		Reasonable	X	Good

- Comments:
- No DDA/ Accessible access to grandstand seating
  - Doorways and landings to sports administration offices appear non-compliant to current BCA + DDA regulations
  - Overall in reasonable condition
  - Ideally centrally located on the wing of the sports oval
  - No internal access to rooms
  - No fall arrest system to roof



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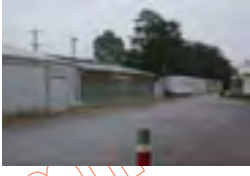
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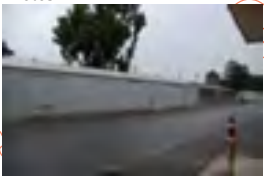
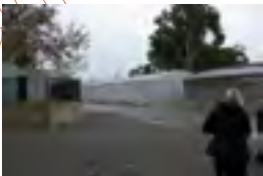
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Room Name: <b>Animal Nursery (Brian Kensington shed)</b>						
General visual condition (see definitions below)	Poor		Fair	X	Reasonable	Good
Comments: <ul style="list-style-type: none"> <li>Heritage significance – none.</li> <li>Metal clad building in a fair condition – recommend to be demolished</li> <li>Directly associated with the J.A. McLaughlin Pavilion (Animal Nursery Shed)</li> <li>Internally not inspected</li> <li>The roof appears to be re-conditioned / refurbished recently</li> <li>No fall arrest system to roof</li> </ul>						
Photos   <p>Damaged louvres</p> <p>Directly associated with the J.A. McLaughlin Pavilion (Animal Nursery Shed)</p>						

Room Name: <b>J.A. McLaughlin Pavilion (Animal Nursery Shed)</b>						
General visual condition (see definitions below)	Poor		Fair		Reasonable	X
Comments: <ul style="list-style-type: none"> <li>Heritage significance – none.</li> <li>Modern - Metal clad shed in overall reasonable condition</li> <li>No internal access at time of inspection</li> <li>No fall arrest system to roof</li> </ul>						
Photos   <p>Relatively new structure</p>						

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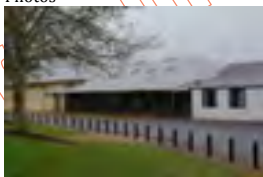


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Room Name: <b>Wangaratta Umpires Board Offices</b>						
General visual condition (see definitions below)	Poor		Fair	X	Reasonable	Good
Comments: <ul style="list-style-type: none"> <li>Heritage significance – local. Built circa 1952. Can this building be re-built?</li> <li>Adjoining public amenity not DDA/BCA compliant due to number of fittings, no dedicated ambulant and accessible amenities</li> <li>No female amenities</li> <li>Roof structure appears to have 'sagged' in areas, further investigation is recommended</li> <li>Doors and steps not DDA compliant for access</li> <li>Evidence of corrosion to roof sheeting</li> <li>Due to the age and condition of building – this building has a high risk of containing hazardous material (including wall lining, electrical wiring &amp; switch boards)</li> <li>Evidence of termite damage.</li> <li>No fall arrest system on roof</li> </ul>						
Photos   <p>Roof 'sagging'</p> <p>Accessible access</p>						

Room Name: <b>Horticultural Pavilion / WDCA Junior Cricket Club / Indoor Cricket Pavilion</b>						
General visual condition (see definitions below)	Poor	X	Fair		Reasonable	Good
Comments: <ul style="list-style-type: none"> <li>Heritage significance – local. Built circa 1954.</li> <li>Building condition is poor. Recommend to be demolished</li> <li>Indoor cricket facility is in poor condition, sub-standard netting and pitch</li> <li>Major structural issues evident on roof and verandah</li> </ul>						
Photos    <p>Structure condition of verandah - poor</p> <p>Sub-standard netting + indoor pitches</p>						

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Room Name: <b>Women's Art and Crafts Pavilion (Woodwork Pavilion)</b>						
General visual condition (see definitions below)	Poor		Fair	X	Reasonable	Good
Comments: <ul style="list-style-type: none"> <li>Heritage significance – local. Built circa 1938.</li> <li>No internal access at time of inspection</li> <li>No roof fall arrest system</li> <li>Not sure if asbestos sheet is present on this building.</li> <li>Electrical switch board and wiring may present hazardous materials.</li> <li>Building appears in a fair to reasonable condition</li> </ul>						
Photos						
						
Structure settlement evident at door		Sheet cladding to be checked				

Room Name: <b>Wangaratta Players</b>						
General visual condition (see definitions below)	Poor		Fair		Reasonable	X
Comments: <ul style="list-style-type: none"> <li>No Heritage significance – local. Built circa 1990's - 2000's</li> <li>No internal access at time of inspection</li> <li>No roof fall arrest system</li> <li>Not sure if asbestos sheet is present on this building.</li> <li>Electrical switch board appears to be compliant</li> <li>Exit / egress door is blocked by stage – needs to remain clear of all debris at all times.</li> <li>Stage seating area – no area dedicated for wheel chair / or ramp access.</li> <li>Building appears in a reasonable condition.</li> </ul>						
Photos						
						
No accessible cross over at road to main entry to building		No parking along street.		Entry door? Door landing not accessible. No signage or door handle?		

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Stage seating area – no area dedicated for wheel chair / or ramp access.	Exit / egress door is blocked by stage – needs to remain clear of all debris at all times.	Building insulated.

Room Name: <b>Cloakroom &amp; Ticket Office</b>						
General visual condition (see definitions below)	Poor		Fair		Reasonable	X
Comments: <ul style="list-style-type: none"> <li>Heritage significance: Local, Built 1920's.</li> <li>No internal access at time of inspection</li> <li>External doorways appear too narrow (under 850mm clear opening) to be DDA/BCA complaint</li> <li>Tiled roof in reasonable condition – no roof fall arrest system</li> <li>May contain hazardous materials internally – electrical wiring/ switch board</li> </ul>						
Photos						
						
Cloak room – reasonable condition.		Main entry view off street.				

#### Definitions:

- ☐ Poor – Item which is damaged, beyond repair and requires replacing. Conditions due to rust, rot, settlement, cracking etc. (requires immediate replacing – approx 1 month to 1 year). Or is not compliant to current Building Code Regulations and / or current Australian standards (such as disability access requirements As1428)
- ☐ Fair – Item which is damaged, and possibly requires replacing / refurbishment within 2- 3 years (at a minimum)
- ☐ Reasonable – Item which can remain and possibly requires remedial 'spot' repairing / conditioning, over the next 2 to 5 years.
- ☐ Good – Item which is in a reasonable condition which does not require any remedial work, over the next 3 years.

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Room Name: <b>Stuart Henderson (Bird) Pavilion</b>							
General visual condition (see definitions below)	Poor		Fair		Reasonable	X	Good
Comments: <ul style="list-style-type: none"> <li>Heritage significance – none.</li> <li>Contemporary metal corrugated (vertical sheet) construction.</li> <li>Access into pavilion is currently not DDA/BCA compliant. No ramp access, just step</li> <li>Overall building in a reasonable condition</li> <li>No fall arrest system to roof</li> </ul>							
Photos  <p>Handrail and step access not compliant (DDA)</p>							

Room Name: <b>Industrial Pavilion (Table tennis centre)</b>							
General visual condition (see definitions below)	Poor		Fair	X	Reasonable		Good
Comments: <ul style="list-style-type: none"> <li>Heritage significance - Local, Built 1960's</li> <li>No internal access at time of inspection</li> <li>Overall building is in a fair condition. Several areas on wall cladding show evidence of corrosion</li> <li>Roof appears to have been re-conditioned</li> <li>No fall arrest system on roof</li> <li>Grade entry to main door appears BCA compliant</li> </ul>							
Photos  <p>Main pavilion</p>							

#### Definitions:

- ☐ Poor – Item which is damaged, beyond repair and requires replacing. Conditions due to rust, rot, settlement, cracking etc. (requires immediate replacing – approx 1 month to 1 year). Or is not compliant to current Building Code Regulations and / or current Australian standards (such as disability access requirements As1428)
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Room Name: <b>Bridge Club</b>							
General visual condition (see definitions below)	Poor		Fair	X	Reasonable		Good
Comments: <ul style="list-style-type: none"> <li>Heritage significance – none.</li> <li>Bridge Club building not in context with showground buildings - fibre cement-clad building</li> <li>Security fence not aesthetically pleasing.</li> <li>No roof fall arrest system</li> <li>Recommend club be provided elsewhere and building removed</li> </ul>							
Photos  <p>Fibre cement lining board construction</p>							

#### Recommendations

- Is a building(s) worth restoring?
- Is local history important to keep for the future?
- When does restoration become replacement?

On the review of all the buildings and there location etch architects would recommend the following items to be considered by Rural City of Wangaratta (but not limited too):

- Ken & Laurie Stewart Pavilion, WT Vincent Stables, and Edgar Ellis Cattle Pavilion should be refurbished to show off the 'glory days' of Agricultural Field Shows
- All corrugated shed/ pavilions in poor condition should be removed and reinstated with new timber frame 'modern' pavilions which are in character to the historic pavilions, however have been designed to reflect the current building codes (including universal design) and to be designed for security and all year multi-purpose use.

The buildings which etch architects would recommend to be replaced with this new construction/ pavilion theming include: (similar to the refurbishment works recently undertaken at the Royal Melbourne Agricultural Show grounds)

- Horticultural pavilion (WDCA junior indoor cricket)
- Wangaratta Umpires board offices
- Stuart Henderson Pavilion
- Wood worker pavilion
- Animal Nursery
- New livestock pavilion
- The Bridge Club building is not in keeping with the site and not dependant on this location and ultimately should be relocated
- Access to Premise requirements need to be considered as a priority. All access to the Norm Minns Oval is restricted, including all facilities directly associated with it.
- Spatial planning needs to be taken into consideration with any future building / extension works for the Wangaratta Football & Netball Club. Is the Norm Minns Oval accessible for Wangaratta or one club? Limit the 'sports organisation' hierarchy on the site, or relocate the club pavilion that it can

#### Definitions:

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*accommodate the show grounds better (being located on the southern wing) and accommodating the services of the canteen, bar, coaches box and media area; and have direct association with the new sports development centre and existing grandstand while minimising the number of small buildings. As well as allowing direct visual access from the main oval to the western end of the show grounds and carnival areas.*

## Document History:

Version – **P5**

First Draft – 22<sup>nd</sup> July 2014

Second Issue – 4<sup>th</sup> September 2014

Third Issue – 5<sup>th</sup> September 2014

Fourth Issue – 8<sup>th</sup> September 2014

**Fifth Issue – 27<sup>th</sup> January 2015**

preliminary  
for internal discussion

## Definitions:

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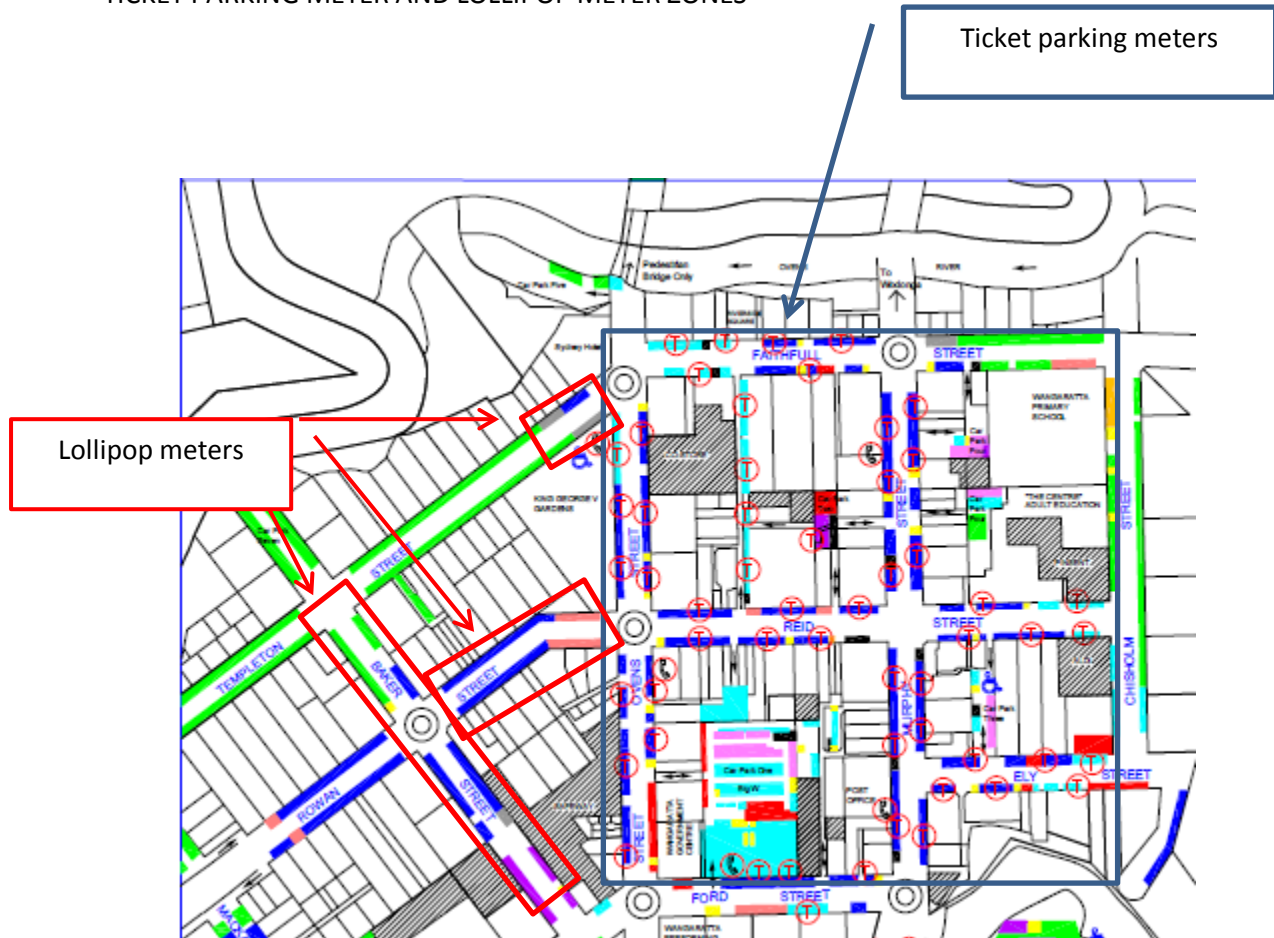
☐ Good – Item which is in a reasonable condition which does not require any remedial work, over the next 3 years.

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18.1.1.5 (11.2.5.1) CONFIDENTIAL – TENDER ASSESSMENT REPORT

18.1.1.6 (11.2.5.2) PLAN SHOWING LOCATION OF PAID PARKING IN  
WANGARATTA

## TICKET PARKING METER AND LOLLIPOP METER ZONES



18.1.1.7 (11.2.5.3) DRAFT PLANNING PERMIT CONDITIONS

**Attachment 1:**  
**Planning Permit Application 14/104**  
**43 Usshers Drive, Drive, Waldara**  
**Two Lot Subdivision and Removal of Native Vegetation**

**RCOW Conditions:**

1. Before the certification of the plan of subdivision, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans advertised with the application but modified to show:
  - a) The creation of an Easement of Way (Road) along the sites eastern property boundary to 10 metres and created in favour of the Rural City of Wangaratta for the purpose of a Road / Drainage;
2. The subdivision permitted by this permit as shown on the endorsed plan(s) and/or described in the endorsed documents must not be altered or modified (for any reason) except with the prior written consent of the Responsible Authority.

**Section 173 Agreement**

3. Prior to the issue of a Statement of Compliance, the owner of the land must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 and confirmation of lodgement of the Agreement pursuant of Section 181 of the Act must be provided to the Responsible Authority. The Agreement must provide for the following:

**General:**

- a) Any dwelling / buildings (including outbuildings) / and works must be contained within the building envelope as shown on the endorsed plan under this permit, unless with the prior written consent of the Responsible Authority.

**Public Open Space Contribution**

- b) The owner/s of Lot 2 agrees that any further subdivision of Lot 2 hereby approved, will result in Council requesting the payment of Public Open Space Contribution of 5% of the land value applicable to the entire area of Lot 1 and 2. This payment of open space will be calculated at the time of any application for subdivision.

## **Existing Shed – Lot 2**

- c) Within 12 months of the issue of a Statement of Compliance the owner / occupier agrees that in the event that no dwelling has been constructed and occupied on the lot or is currently under construction that the shed on the building shall be removed to the satisfaction of the Responsible Authority.

## **Future Development of Lot 2 (Dwelling)**

- d) Prior to the construction of a Dwelling on the land engineering plans and computations must be submitted demonstrating to the satisfaction of the Responsible Authority that sufficient on-site detention has been provided to ensure that the peak outflow from Lot 2 in a 20% AEP event will not exceed 40 litres/second; and
- e) when the legal point of discharge from Lot 2 connects to an open channel, arrangements satisfactory to the Responsible Authority must be made to prevent erosion or obstruction of that channel; and
- f) all works required to comply with the on-site detention and stormwater discharge requirements of this agreement must be completed and maintained to the satisfaction of the Responsible Authority, and must not thereafter be altered in any way, shape or form without prior written consent from the Responsible Authority. A duly appointed officer of the Responsible Authority must be allowed to inspect the works at mutually agreed times to ensure compliance with all terms of this Agreement.

The owner/operator under this permit must pay full costs of the preparation, execution and registration of the Section 173 Agreement.

## **Telecommunications**

- 4. The owner of the land must enter into an agreement with:
  - a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
- 5. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:



- a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
- 6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
  - 7. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
  - 8. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
  - 9. Prior to the issue of a Statement of Compliance, all lots and existing dwellings within the subdivision must be connected reticulated sewerage and the septic system associated with the existing dwelling on Lot 1 must be decommissioned to the satisfaction of the Responsible Authority.

### **Engineering**

- 10. Prior to the issue of a Statement of Compliance, the applicant must construct all infrastructure required to comply with these conditions in accordance with plans and specifications prepared at the expense of the applicant, and approved by the Responsible Authority. Unless otherwise agreed in writing, the Authority will only approve plans and specifications that comply with the *Infrastructure Design Manual (IDM)*, and with the permit conditions.
- 11. Prior to the issue of a Statement of Compliance, all storm-water runoff originating from, Lot 1 in a 20% AEP event must be collected and conveyed by underground pipes and/or constructed open channels to a legal point of discharge identified by the Responsible Authority.
- 12. Prior to the issue of a Statement of Compliance, engineering plans and computations must be submitted demonstrating to the satisfaction of the Responsible Authority that sufficient on-site detention has been provided to ensure that the peak outflow from Lot 1 in a 20% AEP event will not exceed 16 litres/second.

13. Prior to the issue of a Statement of Compliance, all storm-water runoff originating from, or currently flowing through, Lot 1 in a 1% AEP event must be collected and conveyed by secure overland and/or underground flood pathways to a legal point of discharge identified by the Responsible Authority.
14. Prior to the issue of a Statement of Compliance, any easements in favour of Lot 1 over Lot 2 for drainage purposes must be created and appear on the endorsed plan of subdivision. When the legal point of discharge from Lot 1 connects to an open channel, arrangements satisfactory to the Responsible Authority must be made to prevent erosion or obstruction of that channel.
15. Prior to the issue of a Statement of Compliance all storm-water runoff originating from Lot 2 in a 20% AEP event must be collected and conveyed by underground pipes and or constructed channels to a legal point of discharge identified by the Responsible Authority.
16. Prior to the issue of a Statement of Compliance all storm-water runoff originating from, or currently flowing through, Lot 2 in a 1% AEP event must be collected and conveyed by secure overland and/or underground flood pathways to a legal point of discharge identified by the Responsible Authority.

#### **Access**

17. Prior to the issue of a Statement of Compliance, the applicant must construct a sealed vehicle crossing, or upgrade the existing crossing, to provide access to Lot 2. The work must be carried out in accordance with *IDM Standard Drawing SD260 (Fringe Urban Residential Entrance)*, and to the satisfaction of the Responsible Authority.

#### **Construction Site Management Plan**

18. Prior to construction works commencing on the land a construction site management plan must be submitted to and approved by the Responsible Authority. The plan must detail the following:
  - a) Erosion and sediment.
  - b) Vehicle and machinery hygiene, and to avoid the spread of soil-borne pathogens and weed seeds
  - c) Stormwater and silt management.
  - d) Dust
  - e) Litter, concrete and other construction waste
  - f) Construction traffic management and parking areas.
  - g) Vegetation protection.
  - h) Storage of Construction Materials which must occur on the land.
19. Prior to the issue of a Statement of Compliance, all drains and batters, and all areas disturbed in the course of the works, must be topsoiled and seeded to establish grass cover. Reserve areas must be tidied, levelled and trimmed to a standard capable of being maintained by a small tractor and slasher.

## Native Vegetation

20. Prior to the removal of any native vegetation or the commencement of the subdivision works, whichever occurs first, the applicant is to provide a Vegetation Offset Management Plan (VOMP) which includes offset calculation, location of offset site, planting plan, and maintenance plan to the satisfaction of the responsible authority. The offset must:

- a) Contribute gain of **0.008** general biodiversity equivalence units
- b) Be located within the North East Catchment Management Authority (CMA) boundary and/or the Rural City of Wangaratta municipal district
- c) Have a strategic biodiversity score of at least **0.258**

This offset must be protected and maintained for 10 years by the applicant.

21. Prior to the removal of any native vegetation or the commencement of works, whichever occurs first, evidence that the offset required by Condition 20 of this Permit has been secured must be provided to the satisfaction of the responsible authority. The offset must meet the offset requirements set out in this permit and be in accordance with the requirements of the *Permitted clearing of native vegetation - biodiversity assessment guidelines* and the *Native vegetation gain scoring manual*. Offset evidence can be either:

- a) A security agreement, to the required standard, for the offset site or sites, including a 10 year management plan; or
- b) A credit register extract from the Native Vegetation Credit Register

22. During construction works on the site, all remaining remnant vegetation must be protected by an appropriate Tree Retention Zone (TRZ), and kept free of digging, trenching, excavation, stockpiles, chemical or material mixing and storage, parking or any other disturbance, and marked with a physical barrier on site. The TRZ must have a radius from the tree of at least 12 DBH (diameter of the tree at breast height), as per Australian Standards. By default, a tree will be considered lost and require an offset if one of the above activities occurs over more than 10% of the total area of the TRZ.

23. This permit will expire if:

- (a) the subdivision plan or any stage thereof is not certified within 2 years of the date of issue for this permit; and
- (b) a Statement of Compliance for the subdivision plan or any stage thereof is not obtained within 5 years of the certification of the plan;

The Responsible Authority may extend the time if a request is made in writing before the permit expires or within six months afterwards.

## **North East Water**

24. The owner of the subject land (or applicant in anticipation of becoming the owner) is required to enter into a formal agreement with North East Water for the complete construction works necessary for the provision of reticulated water supply to each of the lots within the subdivision, at the owners cost, to the satisfaction of North East Water and in accordance with its current policy and requirements.
25. The owner of the subject land (or applicant in anticipation of becoming the owner) is required to enter into an agreement with North East Water for the complete construction works necessary for the provision of reticulated sewerage services to each of the lots within the subdivision, at the owners cost, to the satisfaction of North East Water and in accordance with its current policy and requirements.
26. Prior to the issue of a Statement of Compliance the applicant must pay a new customer contribution determined in accordance with North East Water's policy for development charges applicable to the water supply system currently servicing the area in which the subject land is located.
27. Prior to the issue of a Statement of Compliance the applicant must pay a new customer contribution determined in accordance with North East Water's policy for development charges applicable to sewers and disposal systems currently servicing the area in which the subject land is located.
28. The applicant must create easements to the satisfaction of and in favour of North East Water, over all existing and proposed sewerage facilities within the proposed subdivision.
29. The applicant must ensure that private water services do not traverse property boundaries and are independently supplied from a point of supply approved by North East Water.
30. The applicant must provide easements through other land, to the satisfaction of North East Water, if such easements are considered necessary for the efficient and economic servicing of the subject land.
31. That the applicant pays a new customer contribution determined in accordance with North East Water's policy for development charges, applicable from time to time towards North East Water's sewers and disposal systems servicing the area to which the permit applies.
32. North East Water's consent must be sought by the Responsible Authority prior to issuing a Statement of Compliance under the Subdivision Act 1988.
33. Where the subject land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.
34. Where an easement created in favour of North East Water is located within a

proposed road reserve in a future stage, prior to the certification of the plan of subdivision for that stage, the applicant must formally remove the easement from the title to the land.

### **Ausnet Services**

35. Enter into an agreement with AusNet Electricity Services Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.
36. Provide electricity easements internal and external to the subdivision in favour of AusNet Electricity Services Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by AusNet Electricity Services Pty Ltd. The provision of reserves for electricity substations may also be required.

18.1.1.8 (12) RECORDS OF ASSEMBLIES OF ADMINISTRATORS



## **ASSEMBLY OF ADMINISTRATORS**

**Date: 20 January 2015**

**Meeting: Administrators Briefing Forum  
Commenced 1:00pm**

### Present:

Administrator: Ailsa Fox, Chair, Irene Grant; Rodney Roscholler

Officers: Brendan McGrath, CEO; Ruth Kneebone, DCS; Barry Green, DDS;  
Jaime Carroll, DCW ; Alan Clark, DI

Apologies: Nil.

In attendance: Donald Mace, MF; Bronwyn Chapman, ME&CS; Louise Minogue,  
EACW.

### Conflict of Interest Disclosures:

Nil.

### Matters Considered:

The following items were discussed:

- 5.1.1.1 PRESENTATION: ADMINISTRATORS STRATEGIC PLAN – DECEMBER 2014 UPDATE
- 5.1.1.2 PRESENTATION: REPLACEMENT OF PUBLIC/STREET PARKING IN THE WANGARATTA  
CENTRAL ACTIVITIES AREA - AGEING INFRASTRUCTURE (STREET PARKING TICKET  
MACHINES), BRONWYN CHAPMAN – MANAGER ENVIRONMENT & COMMUNITY  
SAFETY
- 5.2.1.1 AUDIT ADVISORY COMMITTEE COMMUNITY REPRESENTATIVE RECOMMENDATION
- 5.2.1.2 AUDIT OF CONTRACT MANAGEMENT PROCESSES
- 5.2.2.1 BUILDING FIGURES – DECEMBER 2014

### Meeting Closed:

The meeting closed at 3.35pm.



**ASSEMBLY OF ADMINISTRATORS**  
**Date: 3 February 2015**  
**Meeting: Administrators Briefing Forum**  
**Commenced 1:00pm**

Present:

Administrator: Ailsa Fox, Chair; Irene Grant; Rodney Roscholler.

Officers: Brendan McGrath, CEO; Ruth Kneebone, DCS; Barry Green, DDS;  
Jaime Carroll, DCW; Alan Clark, DI.

Apologies: Nil.

In attendance: Marcus Forster, Community and Recreation Coordinator; Maree Walker, Manager Assets.

Conflict of Interest Disclosures: Nil.

Matters Considered:

The following items were discussed:

- 4.1.1.1 PRESENTATION: LONG TERM FINANCIAL PLAN
- 4.1.1.2 PRESENTATION: FINANCIAL SUSTAINABILITY BENCHMARKING
- 4.1.1.3 PRESENTATION: OUR COMMUNITY PROMISE
- 4.1.1.4 PRESENTATION: RURAL LAND USE STRATEGY– CONTENT AND CONSULTATION PROCESS
- 4.1.1.5 PRESENTATION: PLANNING SCHEME AMENDMENT C47
- 4.1.1.6 PRESENTATION: WASTE MANAGEMENT CONTRACT PROGRESS
- 4.3.1.1 COUNCIL PLAN PROGRESS REPORT
- 4.3.1.2 FINANCE REPORT
- 4.3.1.3 FREEDOM OF INFORMATION STATISTICS – JANUARY 2015

Other Items discussed:

Nil.

Meeting Closed:

The meeting closed at 4.00pm.





**ASSEMBLY OF ADMINISTRATORS**  
**Date: 10 February 2015**  
**Meeting: Administrators Briefing Forum**  
**Commenced 1:00pm**

Present:

Administrator: Ailsa Fox, Chair; Irene Grant; Rodney Roscholler.

Officers: Brendan McGrath, CEO; Andrew Chuck, A/DCS; Barry Green,  
DDS; Jaime Carroll, DCW; Alan Clark, DI.

Apologies: Nil.

In attendance: Marcus Forster, Community and Recreation Coordinator; Maree Walker, Manager Assets.

Conflict of Interest Disclosures: Nil.

Matters Considered:

The following items were discussed:

- 4.1.1.1 PRESENTATION: ASSET MANAGEMENT – MAREE WALKER, MANAGER ASSETS  
(1.00PM – 1.15PM)
- 4.3.1.1 WANGARATTA SHOWGROUND'S STRATEGIC PLAN
- 4.3.2.1 PLANNING & SUBDIVISION REPORTS - JANUARY 2015
- 4.3.2.1 BUILDING FIGURES

Other Items discussed:

Nil.

Meeting Closed:

The meeting closed at 2.45pm.