

# WANGARATTA RURAL CITY COUNCIL



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

Brendan McGrath  
**CHIEF EXECUTIVE OFFICER**

As at 25/02/15 10:59 AM



## TABLE OF CONTENTS

		<b>Page No.</b>
1.	<b>ACKNOWLEDGEMENT OF TRADITIONAL OWNERS.....</b>	<b>5</b>
2.	<b>OPENING PRAYER .....</b>	<b>5</b>
3.	<b>PRESENT .....</b>	<b>5</b>
4.	<b>ABSENT .....</b>	<b>5</b>
5.	<b>ACCEPTANCE OF APOLOGIES &amp; GRANTING OF LEAVE OF ABSENCE.....</b>	<b>5</b>
6.	<b>CITIZENSHIP CEREMONY .....</b>	<b>5</b>
7.	<b>CONFIRMATION OF MINUTES.....</b>	<b>6</b>
8.	<b>CONFLICT OF INTEREST DISCLOSURE .....</b>	<b>6</b>
9.	<b>RECEPTION OF PETITIONS.....</b>	<b>7</b>
9.1.1.1	PETITION – PLANNING PERMIT 14/134 ON LAND AT 13-15 GARFISH COURT, WANGARATTA .....	7
10.	<b>HEARING OF DEPUTATIONS .....</b>	<b>8</b>
11.	<b>PRESENTATION OF REPORTS .....</b>	<b>8</b>
11.1	<b>ADMINISTRATORS’ REPORTS .....</b>	<b>8</b>
11.2	<b>OFFICER’S REPORTS .....</b>	<b>9</b>
11.2.1	<b>EXECUTIVE SERVICES.....</b>	<b>9</b>
11.2.1.1	COUNCIL PLAN PROGRESS REPORT – 30 SEPTEMBER – 31 DECEMBER 2014.....	9
11.2.2	<b>CORPORATE SERVICES .....</b>	<b>12</b>
11.2.2.1	DELEGATIONS.....	12
11.2.2.1	FINANCE REPORT .....	16
11.2.2.2	OPERATION OF MOBILE FOOD VANS POLICY .....	21
11.2.2.3	ADVISORY COMMITTEE APPOINTMENTS.....	24
11.2.2.4	VCAT DECISION – REVIEW OF COUNCILLOR CONDUCT PANEL DECISION .....	27
11.2.3	<b>COMMUNITY WELLBEING.....</b>	<b>29</b>
11.2.3.1	WANGARATTA SHOWGROUND’S STRATEGIC PLAN.....	29
11.2.4	<b>INFRASTRUCTURE SERVICES .....</b>	<b>36</b>
11.2.5	<b>DEVELOPMENT SERVICES.....</b>	<b>37</b>
11.2.5.1	CONTRACT 1314/070 SUPPLY & INSTALLATION OF MULTI-BAY PARKING MACHINES TENDER .....	37
11.2.5.2	REPLACEMENT OF PARKING MACHINES IN ALL PAID PARKING AREAS.....	42
11.2.5.3	PLANNING PERMIT APPLICATION PLNAPP14/104 - TWO LOT SUBDIVISION AND REMOVAL OF NATIVE VEGETATION AT 43 USSHERS DRIVE WALDARA VIC 3678.....	46
11.3	<b>SPECIAL COMMITTEE REPORTS .....</b>	<b>60</b>
11.4	<b>ADVISORY COMMITTEE REPORTS .....</b>	<b>60</b>
12.	<b>RECORDS OF ASSEMBLIES OF ADMINISTRATORS.....</b>	<b>61</b>
13.	<b>NOTICE OF MOTION .....</b>	<b>61</b>
14.	<b>URGENT BUSINESS .....</b>	<b>61</b>
15.	<b>PUBLIC QUESTION TIME.....</b>	<b>62</b>

<b>16.</b>	<b>CONFIDENTIAL BUSINESS .....</b>	<b>68</b>
16.1.1.1	CONTRACTUAL MATTERS .....	68
<b>17.</b>	<b>CLOSURE OF MEETING .....</b>	<b>68</b>

**1. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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

**2. OPENING PRAYER**

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

**3. PRESENT**

Administrators:

Ms Ailsa Fox, Chair; Ms Irene Grant, Mr Rod Roscholler.

Officers Present:

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

**4. ABSENT**

Nil.

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

Nil.

**ORDER OF BUSINESS**

Ailsa Fox presented Laurie Johns with a certificate of recognition for his significant fundraising efforts in the community over the past 24 years.

**6. CITIZENSHIP CEREMONY**

Nil.

## 7. CONFIRMATION OF MINUTES

### RECOMMENDATION:

(Moved: Administrator A Fox/ Administrator Rod Roscholler)

*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.*

***Carried.***

## 8. CONFLICT OF INTEREST DISCLOSURE

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

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

## 9. RECEPTION OF PETITIONS

### 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:

**(Moved: Administrator R Roscholler/ Administrator I Grant)**

***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.***

**Carried.**

#### 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**

Nil.

**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

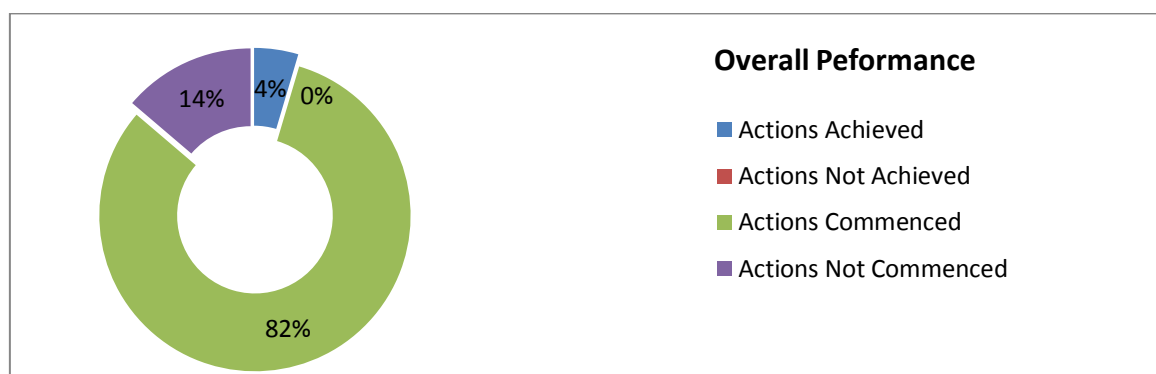
No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

#### 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
<b>Total</b>	<b>109</b>	<b>5</b>	<b>89</b>	<b>0</b>	<b>15</b>



**RECOMMENDATION:****(Moved: Administrator I Grant /Administrator R Roscholler)*****That Council receive the Council Plan 2013-2017 Progress Report for the period 30 September – 31 December 2014.*****Carried.****Background**

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

**Implications****Policy Considerations**

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

**Financial Implications**

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

**Legal/Statutory**

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

**Social**

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

**Environmental/Sustainability Impacts**

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

**Economic Impacts**

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

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

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

### **Strategic Links**

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

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

#### b) Other strategic links

The development of a number of strategies 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:**

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

***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.***

***Carried.***

## **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

### 11.2.2.1 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:**

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

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

***Carried.***

#### **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

### 11.2.2.2 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:**

**(Moved: Administrator I Grant /Administrator R Roscholler)**

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

***Carried.***

#### **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.

### 11.2.2.3 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:**

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

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

***Carried.***

#### **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.

#### 11.2.2.4 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:**

**(Moved: Administrator I Grant /Administrator R Roscholler)**

***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.***

***Carried.***

#### **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

## **Gallery Questions**

Dr Julian Fidge asked if Council would publish the full VCAT decision on its website the same way it did with the Councillor Conduct Panel decision.

Brendan McGrath, Chief Executive Officer responded that the decision would be placed on Council's website as part of the attachments to the meeting as per the usual process.

## **11.2.3 COMMUNITY WELLBEING**

### **11.2.3.1 WANGARATTA SHOWGROUND'S STRATEGIC PLAN**

<b>Meeting Type:</b>	<b>Ordinary Council Meeting</b>
<b>Date of Meeting:</b>	<b>17 February 2015</b>
<b>Author:</b>	<b>Marcus Forster, Acting Manager Community and Recreation</b>
<b>File Name:</b>	<b>Wangaratta Showground's Strategic Plan</b>
<b>File No.:</b>	<b>61.030.007</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 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:****(Moved: Administrator R Roscholler /Administrator I Grant)*****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.***

***Carried.*****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:

Facility	Managing Entity
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

### **Gallery Questions**

Mr Gary Nevin asked why Council is endorsing a document that only needs to be placed on exhibition and the final document may be a lot different.

Administrator Irene Grant responded that Administrators are only formally endorsing a draft document.

Gary responded that he was aware it was only a draft but didn't understand why it needed to be endorsed?

Administrator Rodney Roscholler added that there is no use in putting a document out to the public that the administrators didn't approve of or weren't willing to progress.

#### **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:**

**(Moved: Administrator A Fox /Administrator R Roscholler)**

***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.***

***Carried.***

#### 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

### **Gallery Questions**

Paul O'Brien referred to the recommendation and asked why Council has disclosed the amount and from a contractual perspective if the recommendation wasn't adopted the amount had already been disclosed therefore negotiation down the track becomes a problem.

Paul also added that he didn't see anyone in the contract process that continued to be a consistent person with regards to procurement on the panel for evaluation on these contracts.

Brendan McGrath, Chief Executive Officer responded that from a transparency perspective once the tenders are received and registered people can come in and inspect the register and see the prices themselves.



From a procedural process, there are generally a couple of line people directly involved in the procurement of the contracts and someone from the projects area with a broad responsibility for the delivery of projects and procurement of projects. In this case Dagmar had been involved and he believed it was a relatively standard process.

Brian Fox asked if Council could lay the report on the table for one month until the next Council meeting so that the community can see which meters were available and have the opportunity to look at other townships with the same meters.

Administrator Ailsa Fox responded that there has been some discussion about how the meters will be able to advertise community events. In terms of consultation, this subject has been before a Council meeting previously and it was well known that the tenders were to be advertised.

Administrator Rodney Roscholler added that he did not see value in delaying the report as it will not provide a consolidated view from the community and Council would be none the wiser.

Administrator Ailsa Fox also added that by delaying the report there would be a cost to Council to re advertise and consult.

### 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:**

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

***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.***

***Carried.***

#### **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:**

**(Moved: Administrator Ailsa Fox/Administrator R Roscholler)**

***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 amended conditions outlined in Attachment 1 to this report.***

**Carried.**

**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)	4,005m <sup>2</sup>
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;

Issue	Concerns Raised	Comments/Response
<b>Neighbourhood Character.</b>	Proposed Lot Size is not consistent with the Existing Character	<p>Recent changes within the LDRZ planning controls allow for consideration of the subdivision of land down to a minimum lot size of 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>

Issue	Concerns Raised	Comments/Response
<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>	<p>The proposal should be held off until this process is finished.</p>	<p>Point of Objection noted – refer to further discussion within this report.</p>
<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 – Yarrowonga 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>	<p><i>Application will set a precedent for future development / subdivision.</i></p>	<p>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.</p>
<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>

Issue	Concerns Raised	Comments/Response
<b>Fire Danger:</b>	Additional Dwellings bring additional fuel loads.	<p>The site is not designated within a Bushfire Management Overlay (BMO), which is the point at which the planning scheme recognises susceptibility to Wildfire.</p> <p>However, It is acknowledged that the site is within an area designated as a Bushfire Prone Area (BPA), which is considered under the Building Regulations.</p> <p>It is not expected that the approval of additional lots in the area or the addition of dwelling will heighten the fire danger of the area. The risk to the surrounding properties will still remain from the adjoining farming land directly to the north of the subject site. Point of objection is not supported.</p>
<b>Amenity of the Area</b>	Amenity will be detrimentally affected by the continued subdivision of Usshers Drive	Refer to discussion over proposed DPO.
<b>Clause 16.01 –</b>	Community Infrastructure, lack of provision no provision of street lighting would change the character	There is no community infrastructure proposed as part of this application and no street lighting is proposed or required to be provided by Council.
<b>Rights of Property Owners</b>	<p>Existing Lots run as small Rural Living Farms and have associated offsite impacts from burning off and keeping of livestock.</p> <p>Residents of new lots could object to these activities.</p>	<p>The land and surrounding area is zoned Low Density Residential and therefore is recognised as Residential land.</p> <p>A permit 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>

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

## **Planning Assessment**

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

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

##### **Objective**

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

##### **Strategy**

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

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

### **Gallery questions**

Bruce Roberts asked what Council intended to do to improve the current state of drainage given there would be extra hard surface area within the zone.

Alan Clark, Director Infrastructure Services responded that this is a broader issue and Council is looking at this area and future development will be taken into consideration.

Mr Roberts asked if Council could confirm whether with the foreseen developments meant that everyone would be able to access the sewerage.

Barry Green, Director Development Services responded that the application had been referred to North East Water and they had not raised any issues with Council with regards to sewerage and any upgrades they would need to do would adequately cater for the application.

Mr Roberts asked given that the new dwellings didn't need to change to a sewerage system, how does the development application cope with the possibility that septic overflow may occur during flooding events or causal odours may be made given that the overlay plan doesn't appear to take septic tank positioning into account. How would Council control these issues?

Barry Green, Director Development Services responded that if odour issues were reported to Council, Council's environmental health officer under the septic code of practice could take action against land owners for noncompliance and if the area was ultimately deemed to be a serviced area for reticulated sewerage, at the time of replacement of septic tanks the householders could be made to connect to the reticulated sewerage.

Mr Roberts asked how does the Rural City of Wangaratta currently define amenity?

Barry Green, Director Development Services responded that in terms of defining amenity Council itself didn't have a particular provision and that it is something assessed on the individual merits of an application. The officers have made a detailed assessment under the state government guidelines as to what presents to neighbourhood character and amenity of an area and in this case the officer has deemed that the proposal put before Council is not deemed to be affecting the amenity of the area.

Mr Roberts asked what is Councils process for dealing with disputes.

Barry Green, Director Development Services responded that depending on the type of dispute some would be referred to the planning department, the environment department, local laws department and quiet often disputes with neighbours would be referred to the disputes resolution centre at the department of justice.

Mr Roberts referred to reference of planning amendment C60 and C61 and asked how could Council refer to an amendment that has not been finished or published.

Barry Green, Director Development Services responded that in relation to amendment C60 Council had made a resolution to seek those controls and on the basis of the resolution had some background as to the reasoning for it.

In terms of the Council officers decision and the guidelines there is a certain provision that the planning and environment act provides for Council officers to not only take into account the decision guidelines of not only the planning scheme but also to consider any other adopted policy of Council. whilst they can consider it, it is a matter of to what weight they give do they give that consideration and in this case as it hasn't been endorsed or gone to a panel or the minister for approval, the weighting that C60 would be given would be quiet low however the officer still needs to have regard to that decision of Council as it is an endorsed position of Council.

### **11.3 SPECIAL COMMITTEE REPORTS**

Nil.

### **11.4 ADVISORY COMMITTEE REPORTS**

Nil.

## 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.

<b>Date</b>	<b>Meeting details</b>	<b>Refer</b>
20-01-2015	Administrators Briefing Forum	Attachment
03-02-2015	Administrators Briefing Forum	Attachment
10-02-2015	Administrators Briefing Forum	Attachment

### **RECOMMENDATION:**

***(Moved: Administrator I Grant /Administrator R Roscholler)***

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

***Carried.***

## 13. NOTICE OF MOTION

Nil.

## 14. URGENT BUSINESS

Nil.

## 15. PUBLIC QUESTION TIME

Public Question Time

10.020.004

Brian Fox referred to the CBD Masterplan and asked if there would be any consultation as he has registered his interest and has had no communication returned.

Jaime Carroll, Director Community Wellbeing responded that his details had been registered and passed on to the consultants. Jaime added that she would be meeting the consultants tomorrow to develop the scope for engagement. The details of the scope would be promoted early next week.

Richard Rodes asked if there had been a definitive consultation process or any sort of survey from the population or the community of Yarrunga on whether they would prefer the splash park against the magnificent facility that is already there which is well utilised.

Jaime Carroll, Director Community Wellbeing responded that the Aquatics Plan had been underway for a significant amount of time and there had been a number of consultation processes occur over the last decade. Jaime added that there has not been any ballot paper for the preference of either the pool or splash park, there had been a number of consultation processes over the last decade which had indicate the views of the community as a whole and not just for the Yarrunga neighbourhood.

Richard Rodes asked whether there had been a study to establish whether the Yarrunga Pool has been operated to its full potential.

Jaime Carroll, Director Community Wellbeing responded that in the development of the Aquatics Plan a number of operational models had been looked at however there are limitations of opening hours due to the enormous operational cost of the facility. The attendance figures were just one element of the decision making process.

Richard Rodes asked whether Council could delay their decision until these studies and consultations occurred as it seemed that Council did not have enough information to form a basis for closure.

Administrator Ailsa Fox added that the pool was leaking badly and the infrastructure is at the end of its usable life time.

Dr Julian Fidge asked if there had been any support from the Victorian Government for the repair or maintenance of the existing Yarrunga Pool since the new government was elected? Had any support been requested from the new government for the existing Yarrunga pool or the planned water park at Yarrunga? If there has been any support offered by the State Government and how much money are they providing to help repair or maintain the existing pool or contribute to a new pool facility?

Jaime Carroll, Director Community Wellbeing responded that there had been no support given to Council from the State Government for the repair or maintenance of the Yarrunga pool facility and that was the case both before and after the election of new government. Sport and Recreation Victoria have indicated that there was strong support for the 2014 Aquatics Plan and indeed the elements of key development of the plan were based on the consideration and advice received from Sport and Recreation Victoria.

Recent meetings with Sport and Recreation Victoria recently indicated that the repair of the Yarrunga pool would not present a strong case for funding under the existing funding programs and no current funding programs would consider the maintenance.

Dr Julian Fidge asked whether the road works conducted by Boral on the railway overpass in Green Street and the intersection of Phillipson Street and Williams Road used hot-mix asphalt, rather than the spray seal it replaced?

If asphalt was used, what is the life expectancy of the repair?

Finally, why didn't Council use asphalt for these high shear (turning) areas previously? As his understanding is that spray seal is most unsuitable for these locations, and was always going to fail, becoming lumpy and bumpy as the turning wheels of vehicles dragged the spray seal off the underlying bitumen.

Alan Clarke, Director Infrastructure Services responded that hot-mix asphalt was used as it is harder wearing for heavy slow moving traffic.

Alan added that the particular area has had various treatments over the years and a decision was made to try and put a seal over the lot to try and bring it all up to a similar standard. That was contracted out and a difficult job to do over all those different surfaces and the contractor got it wrong. The contractor acknowledged the mistake, Council paid the difference between the asphalt and the seal cost in the first place and they were up for the other costs.

The life expectancy is approximately 15 years on this project. All bitumen products start oxidising at 20 years but with the heavy traffic movement and turning movement we would expect 15 years.

Council didn't use it previously as there were significant budget constraints and the decision was made to try and do it with the spray seal that clearly didn't work however the correct decision has been made with the asphalt.

Dr Julian Fidge asked has Council considered placing a bus stop at the development of the BP complex at North Glenrowan between the Hume Freeway and the Glenrowan Wangaratta Road as it is a gathering point for students who work and socialise there and the current bus stop is on the other side of the road forcing students to cross the road close to a double blind spot.

Has Council considered separate entries into the complex?

Has Council considered addressing the water problems created by the demolition of the Warby springs rest stop before the water damage hits the Wangaratta Glenrowan road

Alan Clarke, Director Infrastructure Services responded that a site meeting would be valuable to determine if there is a blind spot.

There is no formal bus stop on that side of the road however the school bus does stop on the Glenrowan Wangaratta road to let students off. Council will explore options to install a bus stop within the MacDonald's complex and will negotiate options with Vic Roads and MacDonald's.

Alan added that the concern is if vehicles turn out of MacDonald's onto the road they can't then get back on to the freeway and are then doing U-turns on that road. The regional director of VicRoads has been advised and its unlikely anything will happen there in the near future however most of the problem can be fixed by replacing some of the signage as people leave the car park which will be undertaken. Trimming of branches to improve vision has also occurred.

In relation to the water problem, numerous attempts have been made to cut the water off and force it to come out at a different location have failed. Council will investigate this and permanent signs have been placed in that area.

Gary Nevin asked what consultants we have engaged and the monetary value

Administrator Ailsa Fox responded that as the question is very broad a meeting will be arranged to clearly define what details Gary would like.

Frank Darke referred to the Council Plan and asked if Council would either consult or amend the Council plan and references to consultation. He asked Council to talk to the kids in Yarrunga and change their decision.

Administrator Rodney Roscholler responded that in all his local government experience he believed this Council is more consultative than any Council he'd ever seen. This decision was not easy and Council needs to consult however Council also needs to make decisions.

Administrator Ailsa Fox added that Council does not intend to amend the document.

Kieran Klemm thanked Allan Thrum for fixing a BBQ in Merriwa Park within 30 minutes of calling Council. 50 people were attending the breakfast BBQ and greatly appreciated the prompt action.

Administrator Ailsa Fox noted the appreciation and advised that the message would be passed on to Allan Thrum.

Gady Parker referred to the Yarrunga Pool and proposed splash park and asked how Council would engage the demographic in that area and in particular the elderly. Gady also asked how would the splash park cater to their needs and how would it be planned for all age groups?



Jaime Carroll, Director Community Wellbeing responded that by nature of their design, splash parks are predominately for the use of children and families which is why the decision was made to include an additional hydrotherapy pool. The figures support the need for an additional hydrotherapy pool at the Wangaratta Indoor Sports and Aquatic Centre and in terms of the development of the splash park we consultation will be undertaken with schools, pop up consultations around town and in the Yarrunga area will occur.

Matt Brennan referred to Glenrowan waste water treatment plant and asked when Council would stand up to North East Water and enforce all of the conditions put on them as part of the planning permit ?

Brendan McGrath, Chief Executive Officer responded that all correspondence had been acknowledged, enforcement staff have gone out on site to look at those issues, himself and the Managing Director of North East Water have gone out and walked Glenrowan to look at all the issues raised and had given advice back on the progress of those matters. Council's position at this stage is that the rectification works are well on the way to being complete.

Matt Brennan referred to 3.1.1.1 and 3.1.1.2 of the permit to release North East Water from VCAT proceedings about screen tree planting. That deed was signed two years ago and there are still no trees there.

Brendan McGrath, Chief Executive Officer responded that he is awaiting advice from the planning unit those details would be provided once received.

Danny Bell referred to the Yarrunga Pool and asked why staff at the pool don't mark down the attendance of patrons and if it was the YMCAs decision not to record accurate figures?

Brendan McGrath responded that the expectation is that those figures are recorded and it will be raised with the staff.

Ann Dunstan referred to the Aquatics Plan and asked whether the community conversation outcomes would be communicated?

Jaime Carroll, Director Community Wellbeing responded that a report would be presented to the next Council meeting.

Ann Dunstan asked if the consultation on the splash park was for the physical design or the location as well.

Jaime Carroll, Director Community Wellbeing responded that the first part of the consultation will be around what the splash park will look like and the theme and there is a potential for a number of sites for the park to be located and would love to have a conversation with the community

Ann Dunstan asked how Council would deal with the community asking for the splash park to be placed in a safe enclosed area where it is appropriate for young children to wear their bathers.

Brendan McGrath, Chief Executive Officer responded that decisions will be made based on the feedback received from the community.

Ann Dunstan asked if the splash park would be accessible during water restriction periods.

Jaime Carroll, Director Community Wellbeing responded that a number of conversations have occurred with other Councils and it would be turned on and off at certain times depending on temperature and high use times.

Ann Dunstan referred to the technical assessment completed on the pool and expressed that as it was only a walk through and no die was put in to see how bad the leak was and no test on the concrete.

Alan Clarke, Director Infrastructure Services responded that evaporation has been taken into account, Council knows that the pool is leaking at a far faster rate than evaporation and when staff stop filling the pool, it is empty in a short amount of time.

Brian Jones asked if Council would request Vic Roads to put lights in at the intersection at Bowser Road and Federation Road at the railway crossing as it is not easy to see at night and if they could widen the north bound side as there's a lot of traffic that flow onto the three chain road.

Alan Clark, Director Infrastructure Services responded that he would arrange a time to speak with Brian Jones to obtain full details of his request.

Paul O'Brien asked as administrators can you advise since your appointment has any consulting or professional service fees been paid by the rural city of the Wangaratta been paid to any of the previous executives either directly or indirectly via a company, trust or entity that these executives or their family were the beneficiary of. If that answer is yes I would like the details of who it was paid to, the amount and what services were provided.

Administrator Ailsa Fox took the question on notice.

Dr Julian Fidge referred to drainage issues at 12 Muntz Street and asked why Council did not provide the barrel drain for Mr Don Tracey as it is required to do so under the Local Government Act?

Administrator Ailsa Fox responded that a number of conversations have occurred with Mr Tracey and the issue has been before a number of authorities.

Alan Clark, Director Infrastructure Services responded that this has been a long standing matter, it has been investigated at various levels for a long time and the last one was from the ombudsman and they found no action required and was not going to investigate the matter further. We do not wish to take further action on the matter at this time.

There is a huge drainage issue across Wangaratta and there is a backlog of work, whilst there is a responsibility of Council it needs to be within the budget constraints of the Council. We have committed to considerably extra funds into

drains but unfortunately Wangaratta has grown and the drainage has grown with it and we have some plans in place to improve it.

Richard Rodes requested his concerns to be noted in the minutes regarding Council not being able to establish a cost of repair without a professional assessment his concerns about children drowning if they are forced to use the rivers due to the closure of the Yarrunga Pool.

Elizabeth Downs asked how long Council expected the consultation period to take with regards to the proposed splash park and what form of submissions would be accepted. Elizabeth also asked once the feedback was received how would it be communicated back to the community?

Jaime Carroll, Director Community Wellbeing responded that there would be a five week consultation period for the first phase of consultation. Submissions would be accepted in all forms for example a ballot voting system, letters, phone calls, email etc. Dates for the consultation process have not yet been finalised and will be published once confirmed.

**16. CONFIDENTIAL BUSINESS**

16.1.1.1 CONTRACTUAL MATTERS

**RECOMMENDATION:**

**(Moved: Administrator R Roscholler/ I Grant)**

***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.***

**Carried.**

**17. CLOSURE OF MEETING**

The meeting closed at 8.25pm.

Confirmed this 17<sup>th</sup> day of March 2015

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Mrs Ailsa Fox  
Chair Administrator