

WANGARATTA RURAL CITY COUNCIL



MINUTES OF THE ORDINARY MEETING  
OF THE WANGARATTA RURAL CITY COUNCIL, HELD  
IN THE OXLEY HALL, OXLEY  
ON **TUESDAY, 19 MAY 2015** AT 6.00PM

Brendan McGrath  
**CHIEF EXECUTIVE OFFICER**

As at 5/06/15 11:22 AM



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1. **ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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

2. **OPENING PRAYER**

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

3. **PRESENT**

Administrators

Ailsa Fox, Chair, Rodney Roscholler, Irene Grant.

Officers

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

4. **ABSENT**

Nil.

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

Nil.

**ORDER OF BUSINESS**

6. **CITIZENSHIP CEREMONY**

Nil.

7. **CONFIRMATION OF MINUTES**

**RECOMMENDATION:**

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

***That Council read and confirm the Minutes of the Ordinary Meeting of 21 April 2015 and the Special Council Meeting of 4 May 2015 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.**

Nil.

## 9. RECEPTION OF PETITIONS

### 9.1.1.1 PETITION FROM MOYHU ACTION GROUP

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 19 May 2015  
**Author (title):** Executive Assistant Corporate Services  
**File Name:** MURRAY TO THE MOUNTAINS RAIL TRAIL INFORMATION / ISSUES  
**File No.:** 78.030.002

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 address the issues raised in a petition from the Moyhu Action Group containing a total of 690 signatures. The petitioners request that Council commence the construction of the Wangaratta to Whitfield Rail Trail (stage 3 of the Murray to Mountains Rail Trail).

#### RECOMMENDATION:

(Moved: Administrator A Fox / Administrator I Grant )

1. *That the petition regarding the construction of the Wangaratta to Whitfield Rail Trail (stage 3 of the Murray to Mountains Rail Trail) be received.*
2. *That a report into investigations into the request within the petition be considered at the June 2015 Ordinary Council Meeting.*

*Carried.*

#### Conclusion

In accordance with Local Law No.3 of 2014 – (Administrators) 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.

#### Attachments

Nil.

**10. HEARING OF DEPUTATIONS**

Nil.

**11. PRESENTATION OF REPORTS**

**11.1 ADMINISTRATORS' REPORTS**

Nil.

**11.2 OFFICER'S REPORTS**

**11.2.1 EXECUTIVE SERVICES**

Nil.

## 11.2.2 CORPORATE SERVICES

### 11.2.2.1 FINANCE REPORT

<b>Meeting Type:</b>	<b>Ordinary Council Meeting</b>
<b>Date of Meeting:</b>	<b>19 May 2015</b>
<b>Author (title):</b>	<b>Manager Finance</b>
<b>File Name:</b>	<b>Council Budget 2014/ 15</b>
<b>File No.:</b>	<b>51.060.021</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 provide an update of Council's year-to-date 2014/15 financial performance compared to Revised Budget. End of year forecast was prepared as part of the budget process commencing in January 2015 a new year end forecast based on end of April figures is currently being completed.

#### **RECOMMENDATION:**

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

***That Council notes the report.***

***Carried.***

#### Background

Council has completed its third 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**

##### **Full Year 2014/15 Summary**

	Full Year - Revised Budget \$'000	Full Year – Forecast \$'000	Variance (unfav) \$'000
Income	56,203	54,994	(1,209)
Expenses	52,340	51,355	985
Surplus (Deficit)	3,863	3,639	(224)
Capital Works Expenses	22,465	19,681	2,784



### Income Statement

Council is forecasting to receive \$1.2M less income than at revised budget, however this is offset by reduced expenses of \$1.0M, leaving a small unfavourable variance for operating surplus of \$0.2M.

Council has experienced reduced year-to-date grant income from projects that have been carried over to 2015/16 or discontinued with a reduction in expenditure. A detailed explanation of Income Statement variances follows:

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

Income:

- Additional rates revenue generated from supplementary property assessments up \$36k
- Additional Animal registrations \$10k and caravan park renewals that occur every 3 years up \$10k
- Saleyard user fees up \$105k due to higher than expected holding paddock fees, yard fees and agent commission with high sales volume
- Project funding received and not budgeted for Greta Netball and Umpire Change rooms \$45K and Bus Shelter construction \$35k

Expenses:

- Employee benefits savings of \$215K due to vacancies
- Victorian Adaption & Sustainability Partnership project carried forward into 2015/16 with Employee benefits \$67k, consultants \$174k and materials \$10k (Note income also transferred \$210k in 2015/16)
- No overall budget impact of reallocation of employee costs to materials.
- Levee Bank System investigation grant no longer expected to be received so work has stopped, resulting in a saving of \$170k on consultants
- Planning projects consolidated and elements to be performed using in house resources with a \$38k saving on consultants
- Closed Landfill rehabilitation put on hold, saving of \$100k of consultants
- Insurance savings \$25k with better rate with this to continue into 2015/16
- Facilities maintenance savings \$80k with works lower than budgeted
- Aged care tightening on guidelines throughout the year on what can and cannot be spent has resulted in items no longer paid for by Council on behalf of clients \$0.3M (For example meals on wheels and access to fuel cards)
- CBD Master plan consulting costs moved from 2014/15 to 2015/16 \$75k
- Resilient Community work to be undertaken in 2015/16 \$55k consultants and materials (note grant has already been received in 2014/15)

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

Income:

- Lower parking fines due to enforcement officer vacancy \$40k
- Town planning statutory fees down \$28k due to a significant reduction in the value of permits submitted in 2014/15
- Building fees & permits down \$50k due to focus on building compliance matters

- Reduced Performing Arts entrance fees with lower than expected performances \$23k
- Meals on Wheels down \$28k from less demand for services and service to be transferred to North East Health from 1/7/15
- Private road works income reduced by \$35K due to lower demand
- Dust suppression works not taken up so cash contribution down \$50k
- CSNE Commonwealth grant down \$72k
- Levee Bank System investigation grant no longer expected to be received so work has discontinued \$200k (as per above reduction in expenses)
- Livestock Selling Complex roofing grant transferred in 2015/16 year to align with revised project completion dates \$373k
- Other grants transferred in 2015/16 included Bullawah project \$60k and Victorian Adaptation & Sustainability Partnership \$210k
- No additional grant funding received for the Ovens Street project \$250k

#### Expenses:

- Additional legal advice not budgeted for illegal tobacco sales and statutory & strategic planning, compliance and building matters \$50k
- Council's multi-deck car park licence contribution due to lower parking numbers \$40k

#### Capital Works Achievement Result

Reduced spending on Capital Works is considered to be an unfavourable circumstance. The full year variance of \$2.8M is due to \$4.3M related to projects which will be carried forward into next year, \$1.4M of brought forward projects from 2015/16 and project savings \$0.2M

A detailed explanation of Capital Works variances follows:

#### ***Carry forward capital works projects into 2015/16 \$4.3M***

- Completion of the Livestock Selling Complex roofing project \$1.6M
- Bowser Landfill - Design and Construction of Cell 7, currently undergoing EPA approval process \$1.3M
- City Oval Tennis Precinct - Stage One Buildings \$0.6M
- Everton Hall and precinct redevelopment \$0.3M
- Electronic Document Management Systems \$0.2M
- Bullawah Project - Indigenous Interpretive Signage \$0.1M
- Comfort Station Redevelopment \$0.1M

#### ***Brought forward capital works projects from 2015/16 \$1.4M***

As per Special Council meeting 7 April 2015:

Council amended the 2014/15 capital works budget by deferring \$1,418,929 of works and bringing forward the same value of projects from financial year 2015/16 as follows:

- Drainage works Morgan Road - \$285,000
- Turf renovation equipment - \$78,500
- Rural roads gravel re-sheeting - \$110,000
- Footpath high priority works - \$50,000
- North Wangaratta shared path - \$40,000

- Aerodrome runway lighting - \$154,429
- Water truck - \$250,000
- Posi track/profiler/bucket broom/mulcher - \$171,000
- Fleet replacement - \$130,000
- Drainage works Newman Street \$150,000.

### **Capital Savings \$0.2M**

Council has also identified \$0.2M of capital savings from efficiencies and bringing some projects to an end:

- Gallery roof savings \$58K
- Other project efficiency savings \$150K

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

### **Balance Sheet Result**

A detailed balance sheet is included as part of the attachment that includes 30 June 2014 Actual balances, 30 June 2015 Budget and Year to Date Actuals as at 31 March 2015. The Balance Sheet is budgeted at year end and not quarterly. Therefore the below commentary is not on a variance analysis to budget but on key material items:

- Cash and cash equivalents is high at \$17.3M as Council looks to spend \$22.5M on capital works this year. (\$13.4M in Term Deposits and \$3.9M in cash at Bank for operations)
- Property plant and Equipment is calculated at the yearend based on asset movements and depreciation rates
- Trusts – Other is made up of Fire Service Property Levy \$1.9M

### **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**

March year-to-date Income Statement overall is on track with some projects moving into 2015/16. Capital Works expenditure forecast is \$2.8M below revised budget with \$4.3M carryover into 2015/16 and \$1.4M brought forward from 2015/16.

## **Attachments**

1. Financial Report Year to Date March 2014-15

## **Gallery Questions**

Ken Clark referred to the \$240,000 shortfall in the attachment on page 31 and the forecasted \$10,000 and asked why that amount of money is expected in a small timeframe.

Ruth Kneebone responded that the question would be taken on notice.

### 11.2.3 COMMUNITY WELLBEING

Nil.

### 11.3 INFRASTRUCTURE SERVICES

#### 11.3.1.1 PETITION REGARDING INSTALLATION OF LIGHTING AT CARRARAGARMUNGEE PRIMARY SCHOOL

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 13 May 2015  
**Author (title):** Manager Technical Services  
**File Name:** WANGARATTA ELDORADO ROAD ELDORADO / NORTH WANGARATTA / LONDRIGAN  
**File No.:** 17750\*/119\*

#### Conflict of Interest

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

#### Executive Summary

This report is presented to Council to address the issues raised in a joint letter/petition from Carraragarmungee Primary School staff and pro-forma letters received containing a total of 81 signatures. The petitioners request to have speed zone lights installed at the Carraragarmungee Primary School on Wangaratta-Eldorado Road at Londrigan.

The joint letter/petition was received at Council's Ordinary Meeting on 21 April 2015, and recommended that an investigation into the request to be undertaken.

Standard school zone static signs already exist at the Carraragarmungee Primary School site along the Wangaratta - Eldorado Road. This report recommends that the signage be upgraded to make the speed restriction signage as conspicuous as possible, which will be achieved with the introduction of electronic variable speed limit signage.

#### **RECOMMENDATION:**

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

***That Council consider the project for the Installation of Electronic Variable Speed Limit signs as part of the 2015/16 Mid-Year Budget Review.***

***Carried.***

## **Background**

Council and VicRoads have received numerous requests over the past 4 to 5 years, for the installation of electronic speed restriction signage to be introduced at the Carraragarmungee Primary School location along the Wangaratta - Eldorado Road.

School speed zones are designed to improve safety for school children by lowering the speed of traffic near schools. They operate throughout each school term at peak times that children arrive at and leave schools.

Typically static signage is used within rural areas or along roads with low traffic volumes. The current static signs at this site are C-size which are the smaller dimensional sized signs, and could be upgraded with A-sized signs which are the larger dimensional type signs.

However, to have the greater impact, electronic variable speed signs could be introduced, which are typically used on roads with high traffic volumes and high speed roads.

Previously, the introduction of electronic signage has been a costly exercise, with costs estimated over \$50,000, however in recent times these costs have reduced significantly and provided a more viable option for road managers to consider.

Both VicRoads and the Council have undertaken surveys of the vehicles travelling along the Wangaratta - Eldorado Road within the area of the school, assessing the speed and type of vehicles using the road. The results have not indicated that there has been a high level of speeding traffic.

## **Implications**

The existing static School Zone signs meet the current standards and guidelines.

Electronic variable speed limit signs also meet current standards and guidelines.

## **Policy Considerations**

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

## **Financial Implications**

The cost of installing the electronic variable speed signs has significantly reduced in recent years. Two recent quotes for either electricity powered or solar powered signs were similar in price and are expected to cost no more than \$25,000.

The costs of installing A-size static signs would cost approximately \$4,000.

## **Legal/Statutory**

The existing static signs currently meet standards and industry guidelines, however the electronic signs would improve the conspicuity of the signage.

## **Social**

The small local community are suggesting that the electronic signs would provide a higher level of safety and alleviate some of their safety concerns around the school children and potential conflict with vehicular traffic.

## **Environmental/Sustainability Impacts**

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

## **Economic Impacts**

The project will need to compete with other priority projects also bidding for the limited Capital Works Program dollars.

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

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

## **Strategic Links**

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

N/A

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

N/A

## **Risk Management**

It is considered that a slight reduction in the risk rating could be achieved with the introduction of the electronic variable speed signs due to the improvement in conspicuity.

## **Consultation/Communication**

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

## **Options for Consideration**

Options to be considered in response to the joint letter/petition request are as follows.

1. No change and leave the C-sized signs which meet the current standards and guidelines
2. Introduction of larger dimensional A-sized signs, which will also meet current standards and guidelines at an approximate cost of \$4,000

3. Introduction of electronic variable speed limit signage, which will also meet current standards and guidelines, however would significantly improve the conspicuity of the school zone; the costs of the electronic signs are expected to be \$25,000.

### **Conclusion**

The introduction of the electronic speed signage will effectively provide the local community with a higher level of security and comfort for their children and the potential conflict with high speed vehicular traffic and is therefore recommended to be referred to Council's 2015/16 budget review.



## 11.3.2 DEVELOPMENT SERVICES

### 11.3.2.1 WANGARATTA PLANNING SCHEME AMENDMENT C56 – PANEL REPORT AND RECOMMENDED ADOPTION OF THE AMENDMENT WITH CHANGES

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 19 May 2015  
**Author (title):** Strategic Planning Coordinator  
**File Name:** Wangaratta Planning Scheme Amendment C56 – Reith Road Equine Precinct  
**File No.:** 73.030.068

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

#### **Executive Summary**

This report seeks Council's agreement to adopt Amendment C56 with changes and submit the Amendment to the Minister for Planning for final approval in accordance with section 31 of the *Planning & Environment Act 1987*.

On 7 April 2015, Council received the report of the Panel appointed to consider Amendment C56. In summary, the Panel recommends adoption of the amendment as exhibited, subject to minor changes to the wording of the amendment documents.

The changes are generally consistent with the negotiated outcomes between Council, the proponent and submitters as part of the amendment process.

Under the *Planning and Environment Act 1987*, Council must now formally consider the recommendations of the Panel report and determine whether or not to adopt the amendment.

In accordance with Council's previous resolutions of 09 December 2014 with regards to this amendment, adoption of Amendment C56 is dependent upon execution of a Section 173 agreement for development contributions and preparation by the proponent of a Development Plan to Council's satisfaction.

#### RECOMMENDATION:

*That Council:*

1. *Endorses the recommendations from the C56 Panel Report;*
2. *Adopts Planning Scheme Amendment C56, pursuant to s29(1) of the Planning and Environment Act 1987 (the Act) subject to:*
  - (a) *changes as recommended in the Panel Report except for the change removing reference to a preferred 20 metre buffer distance in dot point 14 of Clause 2.0 of the proposed DPO5*
  - (b) *the addition of wording to dot point 6 of Clause 2.0 to ensure*

- development includes reference to 'all dwellings and infrastructure and activity associated with intensive horse husbandry'.*
- (c) *Council's approval of a Section 173 agreement for*
- (i) *development contributions prepared and signed by the owner*
  - (ii) *preparation by the proponent of a draft Development Plan to the satisfaction of Council*
3. Write to the Minister for Planning, seeking an exemption from the timeline requirement for a "Decision on an amendment by a planning authority" as outlined in Ministerial Direction 15 in order for the proponent to achieve actions outlined in 2 (c)
  4. *Submit the amendment to the Minister for Planning for approval under s35 of the Act, once actions under 2(c)(i) and 2(c)(ii) above are completed*
  5. *Notify the proponent and submitters in writing of Council's decision.*

**Administrator R Roscholler moved the following amendment:**

***That Council:***

1. ***Endorses the recommendations from the C56 Panel Report;***
2. ***Adopts Planning Scheme Amendment C56, pursuant to s29(1) of the Planning and Environment Act 1987 (the Act) subject to:***
  - (a) ***changes as recommended in the Panel Report except for the change removing reference to a preferred 20 metre buffer distance in dot point 14 of Clause 2.0 of the proposed DPO5***
  - (b) ***the addition of wording to dot point 6 of Clause 2.0 to ensure development includes reference to 'all dwellings and infrastructure and activity associated with intensive horse husbandry'.***
  - (c) ***Council's approval of a Section 173 agreement for development contributions prepared and signed by the owner***
  - (d) ***Preparation by the proponent of a draft Development Plan to the satisfaction of Council***
3. Write to the Minister for Planning, seeking an exemption from the timeline requirement for a "Decision on an amendment by a planning authority" as outlined in Ministerial Direction 15 in order for the proponent to achieve actions outlined in 2 (c) and 2(d)
4. ***Submit the amendment to the Minister for Planning for approval under s35 of the Act, once actions under 2(c) and 2(d) above are completed***
5. ***Notify the proponent and submitters in writing of Council's decision.***

***Irene Grant seconded the motion.***

***The amendment became the motion and was put and carried.***

## **Background**

The purpose of Amendment C56 is to facilitate the development of the subject land located north of 382 Reith Road, south of 474 Reith Road, bounded by Three Mile Creek to the east and fronting Reith Road to the west in Wangaratta for an equine precinct that provides stabling and accommodation for thoroughbred horses and their trainers in close proximity to the Wangaratta Racecourse.

Amendment C56 was exhibited in April-May 2014 and twelve submissions were received. Following extensive consultation with submitters and a detailed assessment of the proposal, a number of changes to the amendment documentation were recommended by Council officers. In response to concern about a recommended change in minimum subdivision lot size, the proponent submitted a late submission that required Council to proceed to a Panel hearing under s23 of the Act.

## **Discussion**

### **Panel Hearing:**

A Directions Hearing was held on 6 February 2015 and full Panel Hearing took place on 3 March 2015. In addition to Council and the proponent, one submitter also presented at the hearing. The hearing was held at the Council offices and was chaired by one Panel member.

### **Panel Report and Recommendations:**

Council received a copy of the Panel Report on 7 April 2015 (refer Attachment 1). The Panel supported the majority of Council's endorsed post-exhibition changes proposed in response to negotiations with submitters and as a result of detailed assessment of the proposal.

The Panel concluded:

- There is evidence of demand for the facilities enabled by the amendment.
- The amendment is well supported by racing industry strategies and State and local planning policy.
- The amendment is well founded and is strategically justified.

The Panel noted the post-exhibition agreement between the proponent and Council on the majority of issues in relation to the wording of the Special Use Zone Schedule 7 (SUZ7) and Development Plan Overlay Schedule 5 (DPO5), including a compromise on lot sizes to be provided on subdivision.

It should be noted that a detailed analysis of the proposed subdivision lot size was not made by the Panel. Instead, it was accepted that the negotiated outcome was satisfactory to both parties. The Panel focused on ensuring the outcome was appropriately worded in the Special Use Zone control.

The Panel's formal recommendation is:

*'Wangaratta Planning Scheme Amendment C56 should be adopted as exhibited, subject to changes to the wording of the Special Use Zone Schedule 7 and the*

*Development Plan Overlay Schedule 5 as shown in the Panel Preferred versions ...'*

The Panel Preferred versions of the SUZ7 and DPO5 are contained in Appendix B of Attachment 1.

### **Next Steps in the Amendment Process**

Council must consider the recommendations made in the Panel Report. To progress the amendment Council must:

- (a) Adopt the amendment as exhibited; or
- (b) Adopt the amendment subject to all or some of the recommendations of the Panel; or
- (c) Abandon the amendment.

The changes in the Panel preferred version of the amendment documents are largely consistent with officer recommendations and the negotiated outcome with the proponent regarding subdivision lot size and yield.

There are two points of difference with the Panel recommendations, however, that should be highlighted. One relates to the Panel recommending the removal of any preferred distance for internal buffers along the northern and southern boundaries of the property, preferring instead a performance based approach. The other relates to the land capability requirement.

### **Buffers**

It is contended that reference to a preferred distance for each buffer is entirely appropriate to provide clarity to everyone. Buffers serve an important purpose including shelter, visual screening, ecological links and protection from spread of disease. To this end, it is recommended that the wording of dot point 14 under Clause 2.0 of the Development Plan Overlay Schedule 5 (DPO5) read:

*'Provide an overall landscaping scheme including adequate vegetated buffers along the northern and southern boundaries of the site (preferred 20 metres) to reduce potential conflict and promote safety, privacy and aesthetic values between adjacent land uses. The scheme shall include any requirements for the preservation or regeneration of existing native vegetation, including any specified offsets for vegetation removed'.*

The amendment, therefore, is recommended for adoption as per the Panel's 'Preferred Version' with the above change to dot point 14 in the DPO5.

### **Additional requirement in DPO5 – Land capability**

A second change is recommended to the DPO5 to clarify the land capability requirement. As the nature of the proposed development is intensive animal husbandry, any land capability assessment must take into account the associated development of horse stables, management of horse manure and carrying capacity of the land, in addition to the impact of dwellings on the site. Whilst a manure management system is required for the property, the requirement for a Land Capability Assessment (LCA) to address the impact of intensive horse husbandry is very important.

To this end, it is recommended that the DPO5 be further amended at dot point 6 of Clause 2.0, to read:

*‘Provide a land capability assessment report prepared by a suitably qualified professional to confirm land capability for any future development, including all dwellings and infrastructure and activity associated with intensive horse husbandry and demonstrate the capacity of infrastructure to service the development and reduce any impacts on soil and water quality (surface and ground). Any effluent disposal areas identified must be fenced to ensure the disposal areas are not compromised by trenching, livestock or storage of machinery and materials within their management plan.’*

### **Actions required by proponent**

At its 9 December 2014 Ordinary Meeting, Council resolved to proceed with Amendment C56 subject to Council’s approval of:

- (a) A Section 173 agreement for development contributions prepared and signed by the owner; and
- (b) A Development Plan prepared by the proponent substantially in accordance with proposed Schedule 5 to the Development Plan Overlay.

The rationale for these requirements was described in the Officer Report for 16 September 2014 Ordinary Meeting and has not changed since then. A slight revision is proposed here in order to clarify the process. In order to provide Council with certainty about the outcome of the final approved Development Plan after approval of the amendment, it is recommended that the approval of the Development Plan be included in the proposed Section 173 agreement for development contributions.

It is noted that there are State timeframes set for Council to make a decision on progressing an amendment after receiving the Panel Report (40 business days from Council’s receipt of report being 2 June 2015). Council is also required to submit an adopted amendment to the Minister for Planning for approval within 10 business days of adopting it. Council may apply to the Department of Environment, Land, Water and Planning (DELWP) for an exemption from these timeframes.

Given the Panel Report has already been received, Council will need to request an exemption from one of these timeframes in order for the proponent to achieve its required actions.

### **Implications**

#### **Policy Considerations**

The development of an equine-related precinct is supported in a number of Council’s policy documents including the Population & Housing Strategy and Municipal Strategic Statement.

## **Financial Implications**

*Council Cost - Panel (hearing):* Council is required to fund the cost of the Panel hearing. The cost of the hearing was \$5,400.00. In accordance with Council's fees and charges, Council will now recoup the cost of the Panel hearing from the proponent. Council should not proceed to adopt the amendment without the Panel fees being paid by the proponent.

*Council Cost – Adoption (administrative fee):* Should Council support the amendment, a statutory fee of \$798.00 will be required to submit the amendment to the Minister for Planning for approval in accordance with s35 of the *Planning and Environment Act 1987*. This cost will be covered by the proponent.

## **Legal/Statutory**

This amendment is being carried out in accordance with the requirements of the *Planning and Environment Act 1987*.

## **Social**

Development of the subject land in accordance with the proposed amendment will have some impact on adjoining properties. It is anticipated these impacts will be limited or mitigated by the controls required through the Development Plan Overlay with regard to buffers, control of the built form and management of horse manure and effluent disposal.

## **Environmental/Sustainability Impacts**

It is considered that the environmental/ sustainability impacts will be minimised by completing a revised LCA which takes into account all development including animal husbandry and ensuring appropriate management techniques protect the water quality.

It should be noted that the proposed application of a Development Plan Overlay over the subject land will require future developers to consider flooding, land capability and impacts on native vegetation as part of a development proposal.

## **Economic Impacts**

Both the proponent and the Wangaratta Turf Club expect that the proposal will have a positive economic impact on the local racing industry, by providing a facility that will attract trainers to the area.

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

Implementation of this amendment is consistent with the Council Plan Review 2014-2017, particularly Objective 3.4 *'To ensure land use planning provides balanced outcomes for community growth, existing land use, environment and heritage'*.

## **Strategic Links**

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

The proposal is consistent with the overarching vision of the 2030 Community Vision, contributing to develop and position Wangaratta as a regional centre of the North East.

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

Hume Regional Growth Plan - This project is consistent with the Hume Regional Growth Plan, from a sub-regional perspective, which acknowledges that growth will occur and the importance of providing diversity in housing options.

## **Risk Management**

Risks	Likelihood	Consequence	Rating	Mitigation Action
Proponent challenges preparation of draft Development Plan at VCAT	Low-moderate	High	Moderate	Link approval of Development Plan to S173 agreement prior to lodging amendment for approval with Minister for Planning
DELWP does not grant exemption from Ministerial timeframes	Low-moderate	High	Moderate	Discuss approach with DLWP as soon as possible to explain the rationale for an exemption

## **Consultation/Communication**

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Involve	We will work with you to ensure that your concerns and issues are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	Panel hearing involved submitters to the amendment. Submissions considered by the Panel and report provided to discuss the recommended outcomes

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

## **Options for Consideration**

1. Adopt amendment in accordance with majority of Panel recommendations and subject to completion of S173 agreement for development contributions and Development Plan (preferred option): As discussed in the body of this report,

the Panel is supportive of Amendment C56 subject to some minor changes to the wording of the SUZ7 and DPO5. These recommendations are reasonable, except where the removable of reference to a preferred buffer distance along the southern and northern boundaries of the site is concerned. In addition, Council must safeguard the outcome of this proposal, by requiring the proponent to prepare a satisfactory Development Plan and provide development contributions within the legal framework of a Section 173 agreement.

2. Adopt amendment in accordance with Panel recommendations: Council has the ability to adopt all, some or none of the Panel's recommendations (with suitable justification).
3. Abandon the amendment: Panel has determined the amendment is strategically justified and well founded. There is no reason at this stage to abandon the amendment provided suitable safeguards are in place to ensure the proponent complies with Council requirements for Development Contributions and Development Plan.

### **Conclusion**

Council must make a decision to progress Amendment C56 following receipt of the report of the Panel convened to hear unresolved submissions. The Panel has found the amendment to be strategically justified and well founded, subject to some minor wording changes. The majority of changes are supported, except for the removal of a preferred buffer distance along the southern and northern boundaries of the site. It should be noted this is not a mandatory requirement, but a guide only.

In order to safeguard the negotiated outcomes for this equine development, and ensure adequate funds available to service it and the surrounding neighbourhood, it is recommended that the amendment be adopted, with changes, subject to the preparation of a Section 173 agreement for development contributions and a Development Plan.

### **Attachments**

1. Panel Report for Amendment C56



## 11.4 SPECIAL COMMITTEE REPORTS

Nil.

## 11.5 ADVISORY COMMITTEE REPORTS

### 11.5.1.1 ADVISORY COMMITTEE REPORTS

**Date of Meeting:** 19 May 2015  
**Author (officer title):** Executive Assistant Corporate Services  
**File Name:** Advisory Committees  
**File No:** 10.020.002

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

Minutes of the following Advisory Committee Meetings are reported to Administrators for information.

- Youth Council Advisory Committee – held on 23 April 2015
- Agribusiness and Agricultural Advisory Committee – held on 11 May 2015

#### **RECOMMENDATION:**

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

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

***Carried.***

#### Attachments

1. Minutes of Youth Council Advisory Committee Meeting
2. Minutes of the Agribusiness and Agricultural Advisory Committee Meeting

## 12. RECORDS OF ASSEMBLIES OF ADMINISTRATORS

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

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

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

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

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

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

<b>Date</b>	<b>Meeting details</b>	<b>Refer</b>
13 May 2015	Meeting with Parliamentary Secretary for Environment Anthony Carbines	Attachment
12 May 2015	Planning Meeting	Attachment
12 May 2015	Council Plan and Budget Roadshow	Attachment
11 May 2015	Council Plan and Budget Roadshow	Attachment
5 May 2015	Administrators Briefing Forum	Attachment
4 May 2015	Special Council Meeting	Attachment
27 April 2015	Administrators Briefing Forum	Attachment
27 April 2015	Review of Council Plan	Attachment
21 April 2015	Pre Council Meeting Discussion	Attachment

***RECOMMENDATION:***

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

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

***Carried.***

Administrator Irene Granted referred to the attachment for assemblies of administrators held on 13 May 2015 and advised that she was in attendance.

**13. NOTICE OF MOTION**

Nil.

**14. URGENT BUSINESS****14.1.1.1 FINANCIAL ASSISTANCE GRANTS TO LOCAL GOVERNMENT**

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 19 May 2015  
**Author:** Manager – Communications and Customer Service

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 acknowledge the importance of Commonwealth Financial Assistance Grants (FAGs) to the Rural City of Wangaratta. FAGs are an important untied payment to councils from the Australian Government which are invested in essential community infrastructure and services ranging from local roads and parks to swimming pools and libraries.

The Commonwealth Government made the decision in the 2014 Federal Budget to freeze the indexation of FAGs for three years beginning in 2014-15.

The Australian Local Government Association and the state local government associations are seeking the support of Council for advocacy to have the Federal Government reverse the decision to freeze the indexation of FAGs.

**RECOMMENDATION:**

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

***That Council:***

- 1. Acknowledges the importance of federal funding through the Financial Assistance Grants program for the continued delivery of council services and infrastructure***
- 2. Acknowledges that the council will receive \$6,575,064 in 2014/15 and***
- 3. Will ensure that this federal funding, and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in council publications, including annual reports.***

***Carried.***

## **Background**

Commonwealth Financial Assistance Grants (FAGs) are an important untied payment to councils from the Australian Government. This grant funding is invested in essential community infrastructure and services.

The Australian Local Government Association (ALGA) is asking all councils in Australia, to pass a resolution acknowledging the importance of the Commonwealth's Financial Assistance Grants in assisting councils to provide important community infrastructure.

The Government made the decision in the 2014 Federal Budget to freeze the indexation of FAGs for three years beginning in 2014-15.

ALGA and the state local government associations are seeking the support of Council for advocacy to have the Federal Government reverse the decision to freeze the indexation of FAGs.

While the FAGs are paid through each state's Local Government Grants Commission, the funding originates with the Commonwealth and it is important it is recognised as such. All councils in Australia have been asked to pass a resolution acknowledging the importance of the Commonwealth's Financial Assistance Grants in assisting Council to provide important community infrastructure.

Council is also being asked to acknowledge the receipt of Financial Assistance Grants from the Commonwealth in media releases and council publications, including our annual report and to highlight to the media a council project costing a similar size to the FAGs received by Council so that the importance and impact of the grants can be more broadly appreciated.

## **Implications**

ALGA welcomes the payment of FAGs to local government, and acknowledges the 'importance of this direct funding link between the Commonwealth and local government'. However, it is also important that the level of funding provided to councils, the sphere of government closest to the community, is adequate to ensure infrastructure and services are provided at a reasonable level in all communities.

FAGs funding is not currently keeping pace with demand for services and infrastructure in local communities and the freeze of indexation will worsen this. Freezing FAGs at their current level until 2017-18 will result in a permanent reduction in the FAGs base of 15% of the annual base amount.

FAGs are a vital part of the revenue base of all councils, and this year councils will receive \$2.3 billion from the Australian Government under this important program.

The Government's decision in the 2014 Federal Budget to freeze the indexation of FAGs for three years beginning in 2014-15 will unfortunately cost councils across Australia an estimated \$925 million by 2017-18.

### **Policy Considerations**

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

### **Financial Implications**

The Government's decision in the 2014 Federal Budget to freeze the indexation of FAGs for three years beginning in 2014-15 will unfortunately cost councils across Australia an estimated \$925 million by 2017-18.

The Rural City of Wangaratta will receive \$6.575 million in 2014-15 and without indexation will effectively lose \$1M over three years.

### **Legal/Statutory**

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

### **Social**

The reduction in grant revenue has the capacity to have direct social impacts through a reduction in services and infrastructure.

### **Environmental/Sustainability Impacts**

The reduction in grant revenue will adversely affect the Rural City of Wangaratta's long-term sustainability.

### **Economic Impacts**

The reduction in grant revenue has the capacity to have adverse economic impacts

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

N/A

### **Strategic Links**

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

N/A

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

N/A

**Consultation/Communication**

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

**Conclusion**

FAGs are an important untied payment to councils from the Australian Government that are invested in essential community infrastructure and services ranging from local roads and parks to swimming pools and libraries.

The Government made the decision in the 2014 Federal Budget to freeze the indexation of FAGs for three years beginning in 2014-15.

Council supports the Australian Local Government Association and the state local government associations in advocacy to have the Federal Government reverse the decision to freeze the indexation of FAGs.

## 15. PUBLIC QUESTION TIME

Public Question Time

10.020.004

Don Heath referred to the Oxley Hall and asked whether council could inspect the outside of the building to ensure the building is kept in a usable state as it would seem some maintenance is required.

Alan Clark, Director Infrastructure Services responded that the question would be taken on notice however he acknowledged that these community buildings are important and explained that Council is experiencing these problems with all of its halls. Council is aware of the issues however a promise that it will be inspected in the short term cannot be confirmed.

Gary Nevin referred to report 11.2.5 and asked if the amended recommendation could be explained, what it means and why?

Barry Green, Director Development Services responded that it simply removes the requirement for the development plan to be prepared under a 173 agreement. The development plan is still required and to be approved by council but is not subject to a 173 agreement.

Jenny Hart referred to questions she raised at the April Ordinary Council Meeting and asked what date she will expect to receive this information.

*I asked for Council to provide the exact amounts spent on Yarrunga Pool, each year over the last 5 years by both Council and their contracted pool operator for each of:*

- 2. Maintenance*
- 3. Programming*
- 4. Marketing & Communication*

Jaime Carroll, Director Community Wellbeing responded that a meeting will be arranged to discuss those questions.

Jenny Hart asked if there is a reason it takes so long to gather this information.

Jaime Carroll, Director Community Wellbeing responded those elements are complex and we want to ensure we have the correct information.

Jenny Hart asked if a copy of the current operations contract awarded to the operator of the 3 Council owned swimming facilities (YMCA) could be provided and if council is not prepared to provide the full contract please provide the *Specifications* and *Conditions* set out within the contract that state each parties responsibilities.

Brendan McGrath, Chief Executive Officer responded that council wouldn't release the full contract as it is commercial in confidence however we would be happy to release the specifications which were part of the public tender documents.

Don Heath expressed concern that the committee hasn't been informed of recent works taking place which affect the halls commitments/events.

Brendan McGrath, Chief Executive Officer apologised and advised that the Committee will be informed of future works or events which will affect the hall.

Brian Fox referred to parking machines and expressed that he felt no consultation took place before a decision. The rates could have been 2% less if the community had their say.

Alan Clark, Director Infrastructure Services responded that Council does not consult with the community on the replacement of every asset and it is simply a replacement of the parking machines.

Brian Fox expressed that when we previously replaced the parking machines, Council advertised these types of machines, the machines were displayed at the Council meeting and the community could look at the them.

Ken Clark referred to the 2015 community raffle and asked why council are not supporting the event. Sales from tickets provides us with 5,000 a year and we would have to arrange other forms of fund raising if we knew Council weren't going to support them.

Brendan McGrath, Chief Executive Officer responded that there has been no decision about next year's raffle. If a decision to not go ahead with next year's raffle is the decision, we will make sure there are opportunities available for community groups to access funding.

Gary Nevin referred to question time and asked why questions on notice can't be included in the minutes and on the agenda for the next meeting.

Brendan McGrath, Chief Executive Officer responded that they are not included as it is a record of the proceedings of the meeting however a discussion will be held about the best way forward to capture and report that information.

Ailsa Fox thanked Gary for his suggestion and advised that Council will consider the best option going forward.

**16. CONFIDENTIAL BUSINESS**

Nil.

**17. CLOSURE OF MEETING**

The meeting closed at 6.39 pm.