

Minutes

Of the Ordinary Council Meeting

Location: Council Chambers, Municipal Offices
62-68 Ovens Street, Wangaratta

Date: Tuesday, 18 August 2015

Time: 6.00pm



RURAL CITY OF
WANGARATTA

Brendan McGrath
Chief Executive Officer

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1. **ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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

2. **OPENING PRAYER**

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

3. **PRESENT**

Administrators:

Ms Irene Grant, Acting Chair, Mr Rod Roscholler

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**

Administrators:

Mrs Alisa Fox, Chair

Officers:

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

RECOMMENDATION:

(Moved: Administrator R Roscholler /Administrator I Grant)

That the apology from Ailsa Fox, Chair Administrator, be accepted having previously been granted leave of absence for the period Sunday 9 August 2015 to Monday 31 August 2015.

Carried

ORDER OF BUSINESS

6. **VALE NEVILLE WRIGHT**

Acting Chair Administrator, Irene Grant, presented a tribute to former Mayor and Councillor, Mr Neville Wright, in recognition of his contribution to the Rural City of Wangaratta from 2005 to 2008.

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 July 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.

9. RECEPTION OF PETITIONS**10. HEARING OF DEPUTATIONS****PRESENTATION OF REPORTS****11. ADMINISTRATORS' REPORTS**

Nil

OFFICERS’ REPORTS

12. EXECUTIVE SERVICES

12.1 COUNCIL PLAN PROGRESS REPORT - 1 APRIL - 30 JUNE 2015

Meeting Type: Ordinary Council Meeting
Date of Meeting: 18 August 2015
Author: Executive Assistant - Corporate Services
File Name: Council Plan
File No: 20.030.01

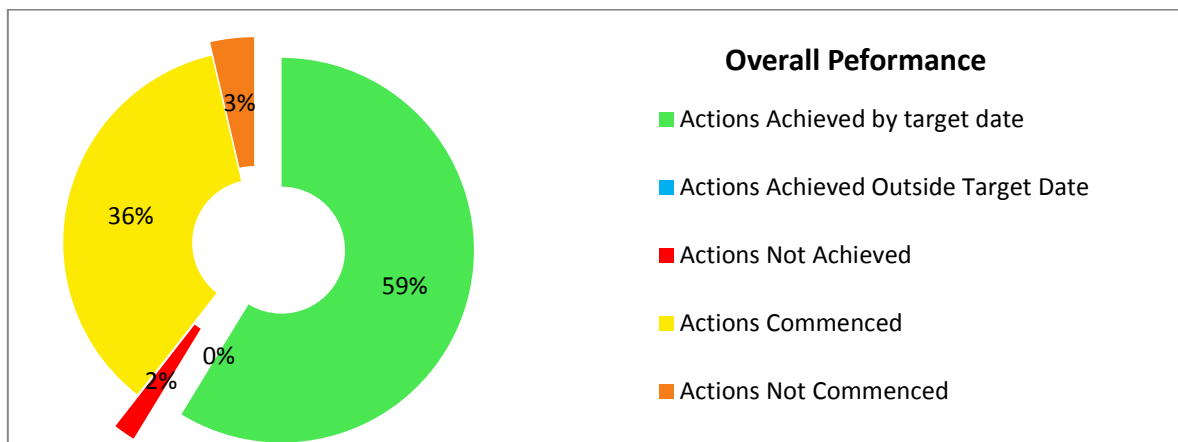
No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Executive Summary

This report is presented to Council to provide an update of Council’s performance against the Council Plan for the period 1 April – 30 June 2015.




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

Target Date	Number of Actions	Achieved by Target Date	Achieved Outside Target Date	Commenced	Not Achieved	Not Commenced
2014	6	4	-	2	-	-
2015	76	57	-	16	2	1
2016	19	3	-	15	-	1
2017	6	-	-	4	-	2
Total	107	64	0	37	2	4



Legend

The Council Plan Quarterly Report (*refer attachment*) contains traffic light indicators to signify progress on Council Plan Actions. These indicators have the following meanings:

-  - Actions are achieved or on track for achievement.
-  - Actions are delayed or require attention to be achieved.
-  - The action has been seriously delayed or stopped.

RECOMMENDATION:

(Moved: Administrator R Roscholler/Administrator I Grant)

That Council receive the Council Plan 2013-2017 Progress Report for the period 1 April – 30 June 2015.

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/Economic Implications

During the year Council has achieved a number of significant achievements that will support the economic viability and growth of the community. Key projects include the commencement of the Saleyards roofing project and draft Structure Plans being endorsed by Council for public consultation for the North West and Southern urban growth areas. We have also progressed Council's CBD Masterplan that will provide a blueprint for a vibrant urban heart to attract visitors, employment and will support surrounding rural and tourism sectors. The development of a freight strategy in 2016 will divert heavier vehicles from the centre of Wangaratta and encourage more pedestrian traffic in the CBD.

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.

Council strives for legislative compliance and in so doing has completed its program of internal audits as overseen by its Audit Advisory Committee.

Social

Council Plan actions have enhanced the social fabric of our community. Important achievements include the implementation of the Bullawah Cultural Trail project, the review of our Community Access and Inclusion Plan and the presentation of the Wangaratta Performing Arts Centre programs. The Youth Council is a key component of Council's role in developing our youth. A highlight this year was the Youth Summit that attracted 140 young people who workshopped priority issues and developed projects for funding consideration.

Environmental/Sustainability Impacts

Council's Environmental Sustainability Strategy was adopted by Council and will provide a guide to future actions that will support our environmental and natural resources. We are also progressively changing our street lights over to energy efficient lighting. Additionally, significant work was undertaken to implement our Waste Management Strategy by preparing for the organic waste collection, commencing in 2015/16 in order to prolong the life of Bowser landfill.

2013 – 2017 Council Plan (2015 Revision)

This report supports the 2013-2017 Council Plan.

We will plan and make decisions for the future:

to make sure that everything we do – from building assets to delivering events – considers the physical, social, cultural and financial needs of all our community members.

The Non-negotiables

We consult and engage effectively with the community and provide information that is clear, accessible and easy to understand about local 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.

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 update report for the period 1 April – 30 June 2015 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

Council Plan Quarterly Report - June 2015

Gallery Questions

Nil

13. CORPORATE SERVICES

13.1 MAJOR COUNCIL POLICY CONSULTATION LOCAL LAW NO. 4 OF 2015

Meeting Type: Ordinary Council Meeting
Date of Meeting: 18 August 2015
Author: Manager - Business and Governance
File Name: LOCAL LAWS & REGULATIONS
File No: 58.020.001

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

Executive Summary

This report is presented to Council to consider making a new Local Law, the Major Council Policy Consultation Local Law No.4 of 2015 (proposed Local Law). This Local Law prescribes a consultation process that must be followed when Council proposes to determine, make, amend, modify or revoke a Major Council Policy.

The proposed Local Law will create an enshrined commitment to public consultation on Major Council Policy proposals and provide opportunities for affected people to be heard by Council and for their submissions to be taken into account in Council's deliberations.

RECOMMENDATION:

(Moved: Administrator R Roscholler/Administrator I Grant)

That Council, in accordance with sections 111 and 223 of the Local Government Act 1989:

- 1. Gives public notice of its intention to make Local Law No. 4 of 2015 - Major Council Policy Consultation Local Law (refer attachment), and invites written submissions until Friday 25 September 2015;***
- 2. Endorses the Local Law Community Impact Statement - Major Council Policy Consultation Local Law No. 4 of 2015 (refer attachment) for the purpose of community consultation;***
- 3. Publishes public notices of its intention to make Local Law No. 4 of 2015 - Major Council Policy Consultation Local Law in the Victoria Government Gazette, the Wangaratta Chronicle and on Council's internet website;***

- 4. Establishes a committee of Council to hear any persons who have requested to be heard in respect of their submissions on the proposed Local Law No. 4 of 2015 - Major Council Policy Consultation Local Law and sets the hearing time for 4:00 pm Monday 5 October 2015 in the Council Chambers, Wangaratta Government Centre;**
- 5. Considers all submissions when deciding whether or not to make the proposed Local Law No. 4 of 2015 - Major Policy Consultation Local Law at the Ordinary Meeting of Council scheduled for Tuesday 20 October 2015.**

Carried

Background

The *Local Government Act 1989* (the Act) contains provisions that are aimed at fostering the best possible governance processes for making and implementing decisions.

Firstly, the Act provides that the primary objective of Council must be to endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions. In doing so, Council must ensure transparency and accountability in its decision making.

In addition, the Act establishes that Council's key role is to provide leadership for the good governance of the municipal district and the local community through acting as a representative government and taking into account the diverse needs of the local community, fostering community cohesion and encouraging active participation in civic matters.

This proposed Local Law seeks to improve achievement of these objectives and roles by ensuring that Major Council Policy proposals are only resolved after undergoing a community consultation process similar to that required by section 223 of the Act.

A Major Council Policy proposal includes any proposed action to determine that a policy is or is no longer a Major Council Policy or to make, amend, modify or revoke a Major Council Policy. A Major Council Policy proposal does not include any proposed change consisting only of minor amendments which are changes of an insubstantial, administrative or minor editorial nature that do not alter its purpose or outcomes or impact on related policies or stakeholders to whom the policy applies. Examples of minor amendments include format and typographical improvements, updating titles of positions and organisational units, and changes to the responsible officer, authorising officer and review date.

A Major Council Policy is one that sets out Council's position on an issue or set of issues to guide decision-making and the exercise of power in respect of decisions that impact on the lives and wellbeing of residents, ratepayers, visitors

and businesses. Major Council Policies are likely to include policies regarding allocation of community resources, allocation of Council grant funding, management of Council risks as well as policies related to Councillors, Councillor Support arrangements, Committees of Council and Councillor Conduct.

The proposed Local Law provides that:

- non-compliance with the Local Law procedure will render a Major Council Policy legally ineffective
- a Major Council Policy Impact Statement is prepared and published to assist with the consultation process
- existing policies listed in Schedule 2 of the proposed Local Law will be deemed to be Major Council Policies
- Council may consult individually with any person whose interests are likely to be materially affected
- the provisions of the proposed Local Law do not apply if, by or under the Act or any other Act, Council must follow a specified form of consultation
- every Major Council Policy must be accessible and available at the Council office during ordinary business hours and on Council's internet website.

Implications

Policy Considerations

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

Financial/Economic Implications

There is a cost associated with the legal requirements to advertise the making of the Local Law and to advertise the adoption of the Local Law. The preparation and adoption of the Local Law can be met within existing Council resources.

Legal/Statutory

The procedure for making a Local Law is set out in section 119 of the Act.

Procedure for making a local law

(1) Before a Council makes a local law it must comply with the following procedure.

(2) The Council must give a notice in the Government Gazette and a public notice stating—

(a) the purpose and general purport of the proposed local law; and

S. 119(2)(b) amended by No. 64/2009 s. 55(1).

(b) that a copy of the proposed local law and any explanatory document can be obtained from the Council office; and

(c) that any person affected by the proposed local law may make a submission relating to the proposed local law under section 223.

S. 119(2A) inserted by No. 64/2009 s. 55(2).

(2A) The Council must ensure that—

(a) a copy of the proposed local law; and

(b) an explanatory document setting out prescribed details in relation to the local law—

is available for inspection at, and obtainable from, the Council office during ordinary business hours.

(3) After a local law has been made the Council must give a notice in the Government Gazette and a public notice specifying—

(a) the title of the local law; and

(b) the purpose and general purport of the local law; and

(c) that a copy of the local law may be inspected at the Council office.

(4) After a local law has been made the Council must send a copy to the Minister.

The legally required procedure for making the Local Law will be followed.

The proposed Local Law has been legally reviewed to confirm that it complies with all regulatory requirements.

Social

In accordance with State legislation all local laws are required to be reviewed to assess any impacts on National Competition Policy and the principles under the Human Rights Charter.

The proposed Local Law is considered to be compatible with the Charter of Human Rights and Responsibilities. A report on the Human Rights Impacts of this Local Law is attached (refer attachment).

The introduction of this Local Law imposes no restrictions on competition and therefore complies with National Competition Principles. A report on the competition aspects proposed by this Local Law is attached (refer attachment).

Environmental/Sustainability Impacts

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

2013 – 2017 Council Plan (2015 Revision)

This report supports the 2013-2017 Council Plan:

Goal

We are Connected.

We will plan and make decisions for the future:

developing strategies to ensure an exceptional customer experience and to enhance, communication and engagement.

The non-negotiables

We consult and engage effectively with the community and provide information that is clear, accessible and easy to understand about local decision making.

There are opportunities for everyone to participate and contribute to social, economic and cultural life.

Goal

We are Sustainable.

We will plan and make decisions for the future:

to make sure that everything we do – from building assets to delivering events - considers the physical, social, cultural and financial needs of all our community members.

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

N/A

b) Other strategic links

N/A

Risk Management

The proposed Local Law enhances community input into Council decision making by requiring Council to follow a consultation process before determining, making, amending, modifying or revoking a policy which the Council has designated to be

a Major Council Policy. It also provides that every Major Council Policy must be available and accessible.

This approach addresses the risk that the community becomes disaffected by a perception that Council does not consult when making decisions about important matters that materially impact their lives, jobs and future or change the way the municipality is governed.

The approach is consistent with the existing consultation provisions of the Act. Consequently, the approach has been tested and is familiar to Council. Implementation risk is considered to be low.

Consultation/Communication

In the process of developing the proposed Local Law, Administrators have been consulted. Council's lawyers have been consulted in the drafting of the proposed Local Law. The proposed Local Law will be exhibited to the public as part of the statutory process.

Submissions will be invited from the community in regards to the proposed Local Law in accordance with section 223 of the Act.

A notice to this effect will be advertised in the Chronicle newspaper on Friday 21 August 2015 and in the Victoria Government Gazette and also on Council's website indicating that submissions will be received up to 5.00pm on Friday 25 September 2015.

Persons making submissions can request an opportunity to be heard in respect of their submission. A Special Committee of Council has been established to hear submissions on the proposed local law on Monday 5 October 2015.

All submissions will be considered by Council when deciding whether or not to make the proposed Local Law at the Ordinary Meeting of Council scheduled for Tuesday 20 October 2015.

Option for Consideration

An alternative approach to the proposed Local Law requirements for consultation would be to rely on a Council policy document. This approach is not favoured as it does not provide for any legal consequences of non-compliance. Council would also be able to change provisions without needing to consider public submissions. Consequently, the alternative policy approach would be an ineffective method of improving transparency and accountability in Council's decision making.

Conclusion

Council should commence the process of making the proposed Local Law which will create an enshrined commitment to public consultation on Major Council Policy proposals and provide opportunities for affected people to be heard by Council and for their submissions to be taken into account in Council's deliberations.

Attachments

- 1 Major Council Policy Consultation Local Law
- 2 Local Law Community Impact Statement Local Law No. 4 of 2015

Gallery Questions

Nil

13.2 PETITION FROM THE SAVE YARRUNGA POOL GROUP

Meeting Type: Ordinary Council Meeting
Date of Meeting: 18 August 2015
Author: Executive Assistant - Corporate Services
File Name: Aquatics Planning Study
File No: 61.040.004

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 address the issues raised in a petition from the Save Yarrunga Pool Group containing a total of 2,271 signatures. The petitioners request that Council look at other alternatives to closing the Yarrunga Pool that don't disadvantage South Wangaratta.

RECOMMENDATION:

(Moved: Administrator I Grant/Administrator R Roscholler)

That Council:

- 1. receive the petition regarding the request to investigate other alternatives to closing the Yarrunga Pool that don't disadvantage South Wangaratta***
- 2. consider a report regarding the request within the petition at the September 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.

Gallery Questions

Nil

13.3 COUNCIL POLICY REVIEW

Meeting Type: Ordinary Council Meeting
Date of Meeting: 18 August 2015
Author: Manager - Business and Governance
File Name: Policy Review
File No: 10.005.003

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

Executive Summary

A comprehensive review has been undertaken of all of Council's policies to ensure that they provide consistency, clarity, transparency and accountability for Council's decision making processes and service delivery.

This report is presented to Council to endorse actions, resulting from the review, to revoke or amend review dates of Council policies.

RECOMMENDATION:

(Moved: Administrator R Roscholler/Administrator I Grant)

That Council:

- 1. note the outcomes of the review of Council's policies;***
- 2. in accordance with the outcome of the review, retain ten policies unchanged as listed in the Council Policy Review Summary attachment;***
- 3. in accordance with the outcome of the review, retain 59 policies with updated review dates consistent with a schedule that reflects the four year Council term as listed in the Council Policy Review Summary attachment; and***
- 4. in accordance with the outcome of the review revoke the following policies:***
 - Advertising Signs Policy;***
 - Car Parking Contributions Policy;***
 - Community Amenity Local Law No. 1 Permit Issue Guidelines;***
 - Comprehensive Signs Policy;***
 - Customer Request Management Policy;***
 - Exemption for Farm Buildings Policy;***
 - Policy Position on Brothels in the Rural City of Wangaratta;***
 - Special Rates & Charges and other Contributory Projects Policy;***
 - Wangaratta Planning Scheme - Effluent and Waste Water Disposal; and***
 - Whistleblowers Protection;***

Carried

Background

Policies are essential to ensure that legal, fair and consistent decisions are made across the Council. They support Council in achieving its corporate objectives and provide crucial guidelines for Councillors, staff and other stakeholders.

Implications

Policy Considerations

The review identified that:

- 10 policies should be retained unchanged;
- 59 policies should be retained with an updated review date that fits a review schedule consistent with the four year Council term; and
- 10 policies are no longer relevant or required for Council's decision making processes and should be revoked.

The outcome of the review is summarised in the Council Policy Review Summary (*refer attachment*).

Financial/Economic Implications

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

Legal/Statutory

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

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.

2013 – 2017 Council Plan (2015 Revision)

This report supports the 2013-2017 Council Plan:

Goal

We are Sustainable.

The non-negotiables

All legislative and compliance requirements are met.

Consultation/Communication

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	Make policies available to the community	Publish policies on Council's internet website

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

Conclusion

The review has identified those policies to be retained and nine policies for revocation. A review schedule consistent with the four year Council term has been incorporated via updated policy review dates.

Attachments

Council Policy Review Summary

Gallery Questions

Nil

14. COMMUNITY WELLBEING

14.1 COMMUNITY ACCESS AND INCLUSION PLAN

Meeting Type: Ordinary Council Meeting
Date of Meeting: 18 August 2015
Author: Rural Access Worker
File Name: COMMUNITY ACCESS AND INCLUSION
File No: 66.080.007

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

Executive Summary

This report is presented to Council to:

- Provide background to the review and revision of the Rural City of Wangaratta Access and Inclusion Plan 2009-2012;
- summarise the outcomes of the review;
- introduce a suite of three documents that describe the background and thinking behind a whole-of-Council approach to access and inclusion –
 - a. Policy for Equity and Access for People with Disabilities;
 - b. Community Access and Inclusion Charter;
 - c. Community Access and Inclusion Action Plan; and
- seek Council's endorsement of these draft documents for public community consultation.

It is recommended that Council endorse the three draft documents attached for public consultation for a period of no less than four weeks.

RECOMMENDATION:

(Moved: Administrator I Grant/Administrator R Roscholler)

That Council:

1. endorse the suite of three draft documents for the purpose of public consultation:
 - (i) Policy for Equity and Access for People with Disabilities;
 - (ii) Community Access and Inclusion Charter; and
 - (iii) Community Access and Inclusion Action Plan.
2. review feedback on the draft documents following a public consultation period of no less than four weeks; and
3. prepare finalised versions of the three documents for adoption by Council based on any submissions received.

Carried

Background

Census figures for the municipality of Wangaratta (ABS 2011) indicate that more than 21% of the population has a disability. Relative to other Victorian LGAs, Wangaratta has a significantly higher proportion of its population who receive the disability support pension and who need assistance with core activities of daily living. A large proportion of residents will also experience some form of temporary disability at any given time and over half of all people over the age of 50 years have some form of sight, hearing or mobility impairment.

The review and revision of the out-dated Access and Inclusion Plan 2009-2012 was necessary to ensure that Council complies with its legal and ethical obligations mandated by disability discrimination and human rights legislation.

For people with disabilities to have the same opportunities to participate in community life, it is important that Council's services and facilities address the access requirements of people of all abilities.

The review and revision of Council's Access and Inclusion Plan 2009-2012 was undertaken over a six month period by a Steering Group with representation from across most Council departments and aimed to:

- promote a whole-of-organisation approach to identifying physical, attitudinal and communication barriers for people of all abilities when accessing Council's services, facilities and events;
- review outcomes of the existing Access and Inclusion Plan and identify opportunities to improve how services are delivered;
- conduct broad consultation with the community to identify and gain a greater understanding of the barriers to access and inclusion within the Wangaratta Municipality; and
- develop a revised approach to access and inclusion planning.

Stages of the Review/Revision Process included:

1. establishing an internal Steering Group;
2. reviewing current RCOW practices around access and inclusion;
3. undertaking community consultation;
4. developing revised access and inclusion planning documents;
5. presenting draft documents to Council;
6. seeking community and stakeholder feedback on revised documents;
7. adopting finalised documents; and
8. communicating revised documents to the community and stakeholders.

Steps 1-5 have occurred to date and steps 6-8 are required to finalise the review process.

Discussion

Format of access and inclusion planning documents:

Key recommendations from the internal review of the impact on Council practices of the Access and Inclusion Plan 2009-2012 included:

- in recognition of the fact that improving access for people with disabilities invariably benefits everyone in the community, to use the term **Community Access and Inclusion** for planning documents; and
- to move away from the format of the previous plan and create a suite of documents that describe the Council's approach to access and inclusion with particular audiences in mind.

Targeting an internal Council audience, the *Policy of Equity and Access for People with Disabilities* aims to establish a framework to assist Council to identify and implement strategies by adopting the 'social model of disability' in its approach to reducing barriers to community participation.

The *Community Access and Inclusion Charter* targets the community and business sectors and aims to communicate the sense of shared responsibility between Council and the community to meet the changing needs of people of all abilities.

The *Community Access and Inclusion Action Plan* aims to outline opportunities for Council to improve accessibility to its services and facilities and is informed by the outcomes of broad community consultation.

Community Consultation - February to March 2015

Community engagement elicited input from more than 450 participants through small group discussions with disability support and advocacy groups, an online survey and individual interviews. Opportunities for improvement and collaboration included in the *Action Plan* respond to the most important issues raised and have been organised into four key themes –

- an active and engaged community;
- communication for all;
- accessible buildings and infrastructure; and
- civic leadership.

Implications

Policy Considerations

Within a legislative context, the Victorian State Disability Plan 2013-2016 and the Victorian Charter of Human Rights and Responsibilities 2006 inform proposed strategies to improve access and inclusion for people with disabilities, their families and carers.

Pursuant to section 38 of the Victorian Disability Act 2006 – *public sector bodies are to develop and implement disability action plans to address service barriers that cause direct or indirect discrimination and to report on the implementation of this plan in the organisation's annual report.*

The Victorian Charter of Human Rights 2006 requires *local councils to consider human rights when they make, interpret and apply laws, develop policies and provided day-to-day services.*

Financial Implications

Implementation of projects proposed in the *Community Access and Inclusion Action Plan* will be subject to the availability of funding from a number sources including:

- Rural Access funding;
- relevant Council department budgets;
- partnerships with community groups and agencies; and
- grants and sponsorship.

Legal/Statutory

The Victorian and Federal governments have in place legislation which recognises the rights of all people to equality and which makes discrimination based on disability unlawful. Legislation includes, but is not limited to the following:

Federal

- Australian Human Rights Commission Act 1986.
- Disability Discrimination Act 1992.
- Disability Access to Premises Standards (Buildings) 2013.
- Australian Standards for Access and Mobility 1428 Suite of Standards.
- National Disability Strategy 2010-2020.

State

- Equal Opportunity Act 1995.
- Local Government Act 1989 – Section 3C.
- Victorian Charter of Human Rights and Responsibilities Act 2006.

Social

The Rural City of Wangaratta has a commitment to social justice for all people and to the provision of services which are accessible to all members of its community.

Community access and inclusion policies and plans have the capacity to produce the systemic change which is required to eliminate disability discrimination. Through its *Action Plan* the Council is better able to meet its objective of

providing high quality service to the whole community, of which people with disabilities constitute over 21%.

Environmental/Sustainability Impacts

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

Economic Impacts

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

2013 – 2017 Council Plan (2015 Revision)

This report supports the 2013-2017 Council Plan:

Goal

We are Healthy.

We will research and advocate:

in partnership with the right people to make sure that everyone feels safe in their homes, in their streets and in their communities.

We will create and deliver:

active conversations, exciting events and engaging spaces that allow everyone to join in and participate in all elements of community life.

open spaces throughout our municipality that allow everyone to enjoy our beautiful environment and location.

We will plan and make decisions for the future:

that ensure we are responding to the current and long-term recreational needs of our community.

We will focus on our business:

by making sure that all our teams work together to plan, develop and deliver innovative recreation projects.

The non-negotiables

Our most vulnerable – including older people and people with a disability – can receive the services and support they need.

Everyone can access a range of recreation facilities and programs that encourage an active and healthy lifestyle.

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

The outcomes of the review of the Access and Inclusion Plan 2009-2012 and the subsequent policy, charter and action plan are consistent with the 2030 Community Vision – *The Rural City of Wangaratta is an accessible community, where anyone, regardless of age, race religion or ability is able to access the things they need to fulfil their potential and live a happy and productive life.*

b) Other strategic links

The proposed policy, charter and action plan supports the Municipal Public Health and Wellbeing Plan 2013 -2017:

4.2.6 Review of Access and Inclusion Plan

4.3.1 Improve the community's knowledge, awareness and support for mental health challenges and the services available for community members

4.3.3 Planning for new and redeveloped community facilities incorporate Universal Design Principals.

Risk Management

A risk assessment has been completed for this project. The risks associated with this review are considered to be minor.

Consultation/Communication

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	We will keep you informed.	Disseminate draft documents for review through a range of channels and in a variety of formats.
Consult	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced decision making. We seek your feedback on drafts and proposals.	To obtain public feedback on the draft Community Access and Inclusion documents.
Involve	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provided feedback on how public input influenced decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.
Collaborate	N/A	
Empower	N/A	

Copies of all three draft documents under consideration, as per attachments, will be available for public inspection as part of the formal consultation process.

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

Options for Consideration

Option 1 (Recommended)

Consider the draft documents attached, make any minor/necessary administrative adjustments and endorse the drafts for comprehensive stakeholder and public consultation for no less than four weeks commencing in the 2015/2016 financial year. This is the best way to progress disability access and inclusion planning and to ensure that Council meets its legal and ethical obligations.

Option 2 (Not recommended)

Consider the draft documents attached and adopt the draft. This is not recommended at this early stage as it would exclude community input into the draft documents.

Option 3 (Not recommended)

Do not endorse the draft documents attached. This would lead to a delay in finalising access and inclusion planning and may leave the Council in breach of its legal requirements and open to complaints resulting from discrimination.

Conclusion

Having effective access and inclusion planning documents in place not only ensures that the Council complies with its legal and moral obligations, it also makes good strategic sense by tackling potential discriminatory practices in a proactive way, reducing the likelihood of complaints against Council and encouraging collaboration with businesses and service providers.

Attachments

- 1 Community Access and Inclusion Charter
- 2 Community Access and Inclusion Plan
- 3 Policy of Equity and Access

Gallery Questions

Nil

14.2 COMMUNITY GRANTS PROGRAM POLICY AND PROCEDURES AND SELECTION PANEL TERMS OF REFERENCE

Meeting Type: Ordinary Council Meeting
Date of Meeting: 18 August 2015
Author: Community Projects Officer
File Name: Community Grants
File No: 68.040.001

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

Executive Summary

This report is presented to Council to provide a policy and recommended procedures governing Council's Community Grants Program and Terms of Reference (*refer attachment*) for the Community Grants Program's Selection Panel, as recommended by the 2015 Community Grants Review Report.

RECOMMENDATION:

(Moved: Administrator I Grant/Administrator R Roscholler)

That Council adopts the:

- *Community Grants Program Policy.*
- *Community Grants Program Selection Panel's Terms of Reference.*

Carried

Background

The Rural City of Wangaratta's Community Grants Program was reviewed during the 2014/15 financial year by Projectura Pty Ltd, resulting in the Rural City of Wangaratta Community Grants Program – 2015 Review Report.

The Review provided recommendations under categorised headings of:

- Program Governance
- Program Design
- Marketing and Communication
- Program Links.

The highest priority was identified as the Program Governance category. The priorities within this category are:

- Council officers develop a Community Grants Policy and present it Council for adoption
- Clearly define the objectives of the grants program, paying attention to distinctions between grant categories

- Council officers develop Terms of Reference for the Grants Selection Panel and present to Council for endorsement.

Council Officers have commenced implementation of these recommendations through assessing other local government's grant programs policies and procedures and reviewing the Victorian Local Government Association Best Practice in Local Government – Resource Book.

Implications

Policy Considerations

The previous Community Grants Policy created in 2011, is now obsolete and no longer reflects Council Plan objectives.

Financial/Economic Implications

The adoption of this Policy and Terms of Reference will provide a governance framework for Council's Community Grants Program which has an annual budget allowance.

Legal/Statutory

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

Social

As a key funding program for Wangaratta's community groups, good governance and clear transparent policies and procedures are crucial to maintaining the credibility and sustainability of the Community Grants Program.

Environmental/Sustainability Impacts

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

2013 – 2017 Council Plan (2015 Revision)

This report supports the 2013-2017 Council Plan:

Goal

We are Connected.

We will research and advocate:

on behalf of our groups and committees to ensure they have the resources and knowledge to do the things.

We will create and deliver:

exceptional services and programs that help our families and children to be healthy, happy and connected.

We will plan and make decisions for the future:

that ensure we are responding to the current and long-term recreational needs of our community.

We will focus on our business:

by ensuring that we have the processes in place to support our community groups and committees to be viable and sustainable.

The non-negotiables

The best use of Council's resources.

There are opportunities for everyone to participate and contribute to social, economic and cultural life.

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
Policy and ToR not adopted	Possible	Moderate	High	Ensure that policy is adequately reviewed and Council is appropriately briefed prior to adoption.

Consultation/Communication

Internal consultation has taken place across the Community Wellbeing Directorate, and broader council business units. Considerable external engagement was undertaken during the development of the Community Grants Program – 2015 Review Report.

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform		
Consult	Community grant applicants	Phone survey, face-to-face
Involve	Council officers	Face-to-face interviews
Collaborate	Community and Recreation Business Unit Officers	Face-to-face interviews
Empower		

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

Options for Consideration

There are no options for consideration.

Conclusion

The Community Grants Program will benefit from a policy and procedure framework to better align the program objectives with the 2013-2017 Council Plan. The Terms of Reference for the Community Grants Program's Selection Panel will ensure that Wangaratta's community groups are assured of good governance, maintaining the credibility and sustainability of the Community Grants Program.

Attachments

- 1 Community Grants Program Policy and Procedure
- 2 Community Grants Selection Panel - Terms of Reference

Gallery Questions

Malcolm Carson - Docker

Mr Carson referred to Council funding of The Subaru National Road Series 'Sam Miranda Tour of The King Valley' road cycling classic and asked who decides the recipients of Grant Funding.

Irene Grant, Acting Administrator Chair, responded that the decision is to promote the event in conjunction with the State Government for three years. Council believes there is value in promoting an event which brings people and substantial economic benefit to our community.

Brendan McGrath, Chief Executive Officer, added that Council has had discussions with the State Government which is keen to showcase some new regions and new major events. This event attracts national and international cyclists and gives an opportunity to showcase Wangaratta and this region on a broader scale and as a key destination. Mr. McGrath explained that grant funding is generally decided by a committee that makes recommendations to Council but in this instance the event is outside ordinary grants funding.

14.2 Ken Clarke - Wangaratta

Mr Clarke referred to Page 142 of the Agenda, Item 14.2 – Community Grants Program Policy and Procedures and Selection Panel Terms of Reference and queried why the community was not represented.

Irene Grant, Acting Administrator Chair, advised that grant applications included a great deal of consultation between Council officers and the applicants to ensure the best outcome is achieved.

14.2 Anne Dunstan -

Ms Dunstan enquired how the applicant and the community is able to witness the Grant Application process.

Jaime Carroll, Director Community Wellbeing, assured Ms Dunstan that Council welcomes total transparency and supports the community witnessing the process of Grant Funding but added that there are some privacy constraints regarding individual group financial details.

15. INFRASTRUCTURE SERVICES

15.1 MURRAY TO MOUNTAINS RAIL TRAIL - WANGARATTA TO WHITFIELD RAIL TRAIL - PETITION RESPONSE

Meeting Type: Ordinary Council Meeting
Date of Meeting: 18 August 2015
Author: Executive Assistant - Infrastructure 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 respond to the petition submitted by the Moyhu Action Group requesting Council carry out pre-construction planning of the Wangaratta to Whitfield Rail Trail (Stage 3 Oxley to Whitfield).

RECOMMENDATION:

(Moved: Administrator I Grant/Administrator R Roscholler)

That Council:

- 1. split Stage 3 of the Oxley to Whitfield Rail Trail creating Stage 3A, Oxley to Moyhu being the priority stage; and***
- 2. continue to advocate and lobby to seek future State and Federal Government, and external funding opportunities, in order to further progress the construction of the Oxley to Whitfield Rail Trail (Stage 3)***

Carried

Background

A petition submitted by the Moyhu Action Group containing 690 signatures was tabled at the 19 May 2015 Ordinary Council meeting. The petitioners request that Council commence pre-construction planning of the Oxley to Whitfield Rail Trail (Stage 3 of the Wangaratta-Whitfield Rail Trail).

The Oxley to Whitfield trail has been identified as a trail that will enhance the quality and diversity of regionally significant track / trail experiences within the Hume Region as part of the Hume Region Significant Tracks and Trails Strategy (HRSTTS) 2013 – 2022. This trail is prioritised fifth on the recommended list of tracks and trails developments within the Hume Region and whilst it has been identified as a priority for the Rural City of Wangaratta, indicative costings for construction of the Oxley to Whitfield section, total approximately \$6.9M.

In order for the construction of the Stage 3 Oxley to Whitfield Rail Trail to proceed, Council will require significant partnered funding from external funding bodies, currently of which none are available.

A Hume Region Tracks and Trails Committee, comprising Local Government representatives, Department of Environment, Land, Water and Planning, Parks Victoria, Sport and Recreation Victoria, Regional Development Victoria, Hume Regional Development Australia and community representatives, meets regularly to progress the recommendations within the HRSTTS and investigates funding opportunities to further progress the recommended track/trail priorities within the Hume region.

Each Local Government Authority continues to pursue tracks and trails projects in their own municipality, with the HRSTTS adding value through a clearly articulated regional strategic framework, enhancing future funding opportunities.

Council officers met with the Moyhu Action Group on 13 July 2015 and discussed opportunities to progress the rail trail. It was determined that the first priority of Stage 3 is the Oxley to Moyhu section and this would become its own sub-stage (Stage 3A).

The Moyhu Action Group will focus on the creation of cycling loops in and around Moyhu to enhance Moyhu as a cycling destination.

Implications

Policy Considerations

When Council's Recreation and Open Space Strategies are reviewed, they will be updated accordingly to reflect reference and linkages to the HRSTTS.

Financial Implications

Pre-construction planning for the Oxley to Moyhu section (Stage 3A) of the Oxley to Whitfield Rail Trail (Stage 3) will include estimates for construction.

These estimates can then be presented as part of the annual budget consideration processes.

It is expected that funding will continue to be sought for projects such as the construction of the Oxley to Whitfield Rail Trail (Stage 3), in line with the priority list outlined in the HRSTTS.

Legal/Statutory

Any considerations for legal / statutory impacts on future track or trail development will be reviewed and given consideration according to the prioritisation tool for rating tracks and trails in the HRSTTS.

Social

Any considerations for social impacts on future track or trail development will be reviewed and given consideration according to the prioritisation tool for rating tracks and trails in the HRSTTS.

Environmental/Sustainability Impacts

Any considerations for environmental / sustainability impacts on future track or trail development will be reviewed and given consideration according to the prioritisation tool for rating tracks and trails in the HRSTTS.

Economic Impacts

While it cannot be quantified it is expected that the construction of the Oxley-Moyhu section (Stage 3A) will bring additional cyclists and economic activity into Moyhu and the greater region.

2013-2017 Council Plan (2015 Revision)

This report supports the 2013-2017 Council Plan:

Goal

We are Connected.

We will create and deliver:

quality and accessible pathways and cycling and walking tracks that build local and regional connections.

The non-negotiables:

We have a strong and accessible network of pathways and walking and cycling tracks throughout the municipality that provide community links and recreational activity areas that offer a unique and interesting mix of business, services, social and cultural spaces.

What we do every day:

We maintain 105km of shared paths and 137km of footpaths.

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

The 2030 Community Vision has a strong focus on cycling tracks / trail development and the benefit they provide to the community, these outcomes are:

- Achieve improved public transport and cycling linkages between townships and Wangaratta.
- Tourism continues to thrive, with visitors attracted to the region's natural beauty, food and wine, cycling tracks, arts facilities, cultural heritage and festivals.

b) Other strategic links

- a) Hume Region Significant Tracks and Trail Strategy;
- b) Tourism North East Strategic Plan;
- c) Hume Region Strategy for Sustainable Communities; and
- d) Victorian Trails Strategy.

Risk Management

There are no risks associated with the subject matter of this report.

Consultation/Communication

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

Conclusion

While the Oxley to Whitfield Rail Trail is an identified priority for the Rural City of Wangaratta on the recommendation list within the HRSTTS, indicative costings for construction are very high and external funding opportunities are not currently available.

The additional staging of this project may attract funding that would not be available for the larger project.

Council will also continue to actively participate in the Hume Region Tracks and Trails Committee and will advocate and lobby to seek available State, Federal and other external funding opportunities in the future to further progress the construction of the Oxley to Whitfield Rail Trail.

Attachments

Nil

Gallery Questions

Nil

16. DEVELOPMENT SERVICES**16.1 WANGARATTA PLANNING SCHEME AMENDMENT C48 - PANEL REPORT AND RECOMMENDED APPROVAL OF THE AMENDMENT WITH CHANGES**

Meeting Type: Ordinary Council Meeting
Date of Meeting: 18 August 2015
Author: Coordinator Strategic Planning
File Name: Wangaratta Planning Scheme Amendment C48 - King River and Tributaries Flood Mapping
File No: 73.030.061

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 recommendations of the independent Panel convened to consider submissions to Amendment C48 to the Wangaratta Planning Scheme. Amendment C48 seeks to revise existing flood mapping for the King River and introduce new mapping over four of its tributaries. Council's agreement is sought to adopt Amendment C48 with changes (as recommended by the Panel), and submit the amendment to the Minister for Planning for final approval.

RECOMMENDATION:

(Moved: Administrator I Grant/Administrator R Roscholler)

That Council:

- 1. Consider the recommendations of the C48 Panel Report pursuant to section 27 of the Planning and Environment Act 1987 (the Act);***
- 2. Adopt Amendment C48 to the Wangaratta Planning Scheme with all changes as recommended by the Panel pursuant to section 29 of the Act;***
- 3. Submit Amendment C48 to the Minister for Planning for approval pursuant to section 31 of the Act; and***
- 4. Notify the North East Catchment Management Authority and submitters to the amendment of Council's decision.***

Carried

Background

The *King River Rural Floodplain Study* (September 2004) and the *King River Tributaries Flood Mapping Study* (December 2004) were undertaken as a joint project between Council and the North East Catchment Management Authority (NECMA) in 2004.

The flood mapping from these studies has been converted to land use planning overlays, being the Flood Overlay (FO) and the Land Subject to Inundation Overlay (LSIO). This mapping forms the basis of Amendment C48.

Specifically, Amendment C48 reviews existing flood mapping for the King River and introduces new flood mapping across four of its tributaries, being Hurdle Creek, Boggy Creek, Black Range Creek and Meadow Creek.

In July 2013, Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit Amendment C48. The amendment was placed on public exhibition during February-March 2014.

Council received a total of 41 submissions, of which 29 remained outstanding. In November 2014, Council resolved to refer the unresolved submissions to a Panel appointed by the Minister for Planning under Part 8 of the Act.

Discussion

Panel Hearing:

A Directions Hearing was held on 28 January 2015 and the full Panel Hearing took place on 11 May 2015. The Panel consisted of two members. Council was represented by its Strategic Planning Coordinator. Two officers represented NECMA and seven submitters made an appearance.

Due to preliminary directions from the Panel for Council and NECMA officers to undertake site inspections with submitters, there was a long delay between the Directions Hearing and Panel Hearing. The result of these site visits was a significant reduction in outstanding submissions. In most cases, issues were resolved through on-ground inspections and NECMA provided revised maps to submitters as a follow up. As a result, only seven submitters made an appearance at the Panel Hearing.

Panel Report and Recommendations:

Council received a copy of the Panel Report on 24 July 2015. The Panel concludes that the Amendment is well founded and strategically justified. The Panel reviewed the flood mapping methodology adopted by NECMA and is satisfied that it accords with common practice in developing overlays.

Overall, the Panel recommends that Wangaratta Planning Scheme Amendment C48 be adopted as exhibited subject to:

- Changes to mapping as a result of negotiations between Council, NECMA and landowners
- Minor changes to wording in the Schedule to the FO and LSIO as recommended by Council

- The removal of some sections of LSIO mapping that were erroneously exhibited and later identified by Council.

Next Steps in the Amendment Process:

Council must consider the recommendations made in the Panel Report. To progress the amendment, Council is required to make a decision to:

- Adopt the amendment (as exhibited); or
- Adopt the amendment (subject to changes recommended by officers and to address the Panel Report); or
- Abandon the amendment

The chart below illustrates the key steps in this amendment process undertaken (blue) and the steps required to finalise the amendment (orange).



If Council adopts the amendment, the final step in the amendment process is to submit the adopted amendment (with the prescribed fee and documents) to the Minister for Planning for final approval. This will complete the implementation of the King River and tributaries flood studies into the Wangaratta Planning Scheme and finalise Council's role in the formal steps of the amendment process.

Implications

Policy Considerations

This amendment implements the flood mapping component of the *King River Rural Floodplain Study* (September 2004) and the *King River Tributaries Flood Mapping Study* (December 2004).

The amendment ensures Council meets its obligations under State and Local planning policy to adequately identify and map land at risk of a 1:100 year flood event.

Financial Implications

Council Cost – Panel Hearing: Council is required to fund the amendment including any Panel hearing. Council is awaiting the invoice from Planning Panels Victoria, but with two Panel members, costs are expected close to \$10,000.

Council Cost – Approval (administrative fee): Should Council support the amendment, a statutory fee of \$798.00 must be paid on submission of the amendment for Ministerial approval.

These operational expenses will be covered within the 2015-16 budget for planning scheme amendments.

Legal/Statutory

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

Social

By reviewing existing King River flood mapping, and introducing new mapping along four tributaries, the amendment will help to align development outcomes and controls in flood prone areas with identified flood risk. Whilst some private properties will experience a decrease in the extent of flood mapping, the majority of affected properties will incur an increase in controls. The important issue, however, is that the mapping is as accurate as possible so as to minimise the future risk to life and property from the impacts of flooding.

Environmental/Sustainability Impacts

The amendment will have a positive effect on the environment of the King River floodplain by:

- Reinforcing the natural environmental flooding conditions and hazards in planning maps and controls
- Protecting the environs of the King River and its tributaries for flood storage and passage from inappropriate development
- Ensuring that new development within the floodplain maintains or improves river, wetland and floodplain health.

Economic Impacts

Concern has been expressed by some property owners that flood mapping will affect the value of their property, and may result in an increase in insurance premiums. The Panel reports that 'the accurate delineation of land which may become affected due to flood waters provides more certainty for landowners and minimises the risk of future financial and safety impacts on the majority of the population'.

It is considered that the importance of accurate flood mapping and appropriate controls to monitor buildings and works in the floodplain outweighs the possible economic impacts to landowners.

It should be noted that Amendment C52 (gazetted on 07 August 2014) introduced a range of planning permit exemptions for minor buildings and works on all land affected by the FO and LSIO. A recommendation of the Panel relates to further clarification of exempt works to include general agricultural activity, (excluding laser levelling).

For all other buildings and works within an FO or LSIO, a planning permit will be required with referral to NECMA. This will impose an additional financial burden on affected landowners.

2013 – 2017 Council Plan (2015 Revision)

This report supports the 2013-2017 Council Plan:

Goal

We are Sustainable.

We will plan and make decisions for the future:

by updating the Planning Scheme and the Municipal Strategic Statement by developing new and reviewing existing strategies, including Rural Land Use.

The non-negotiables

Our natural environment and assets are protected.

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

Amendment C48 is consistent with the Strategy that *‘the rural waterways are enhanced to contribute to a healthy rural environment’*.

b) Other strategic links

The Draft *Victorian Floodplain Management Strategy* being prepared by the Victorian Government highlights the importance of land use planning as a tool to manage and mitigate the impacts of flooding, and reduce risks to life and property. The amendment is consistent with the intent of this draft Strategy.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Amendment is not approved by the Minister for Planning	Low	High	Moderate	Work with DELWP to ensure the need for the amendment is understood and supported and all relevant documentation is provided.

Consultation/Communication

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	N/A	N/A
Consult	N/A	N/A
Involve	<i>We will work with you to ensure your opinions and issues are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision</i>	<ul style="list-style-type: none"> • Opportunity to make a submission that may change the outcome of the exhibited amendment • Outstanding objecting submissions altered the outcome – a Panel hearing was requested
Collaborate	<i>We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible</i>	<ul style="list-style-type: none"> • Opportunity for the submitters to work directly with Council officers to update mapping information for their properties
Empower	N/A	N/A

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

Options for Consideration

To progress the amendment Council has three options:

Option 1 (**Recommended**):

Adopt the amendment subject to the changes recommended by the Panel and supported by Council and NECMA officers. This is the recommended action as it finalises the implementation of the two flood studies prepared in 2004. This option is responsive to matters raised by the consultation process and addresses submissions to the amendment. This option is also consistent with recommendations from the Panel Report.

Option2 (Not recommended)

Adopt the amendment as exhibited, with no changes. This option fails to acknowledge input from submitters to the amendment that has resulted in more accurate mapping. This option is also inconsistent with the recommendations of the Panel Report.

Option 3 (Not recommended)

Abandon the amendment. This is not recommended as it would result in failure to implement the recommendations of the two King River flood studies with regard flood mapping. Council has an obligation to identify and map known flood prone land in order to minimise risk to life and property from future development.

Conclusion

Amendment C48 seeks to update existing flood mapping for the King River floodplain and introduce new mapping over four of its tributaries. The flood mapping is based on two studies undertaken jointly with NECMA in 2004. Despite the delay in implementing the mapping, the data remains valid and is supplemented by new LiDAR information available to NECMA. The amendment will increase the accuracy of flood mapping and ensure adequate controls are applied to land with a known flood risk.

This report recommends that Council considers the report of the C48 Panel, resolves to adopt the amendment in line with the Panel's recommendations and submits the amendment to the Minister for Planning for final approval.

Attachments

C48 Panel Report

Gallery Questions

Nil

17. SPECIAL COMMITTEE REPORTS

Nil

18. ADVISORY COMMITTEE REPORTS

18.1 ADVISORY COMMITTEE REPORTS

Meeting Type: Ordinary Council Meeting
Date of Meeting: 18 August 2015
Author: 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.

Agriculture and Agri-business Advisory Committee:

- 11 May 2015
- 13 July 2015.

Agriculture and Agri-business Advisory Committee and the Wangaratta Unlimited Advisory Committee special combined meeting (*refer attachment*):

- 2 June 2015
- 15 June 2015

Arts, Culture and Heritage Advisory Committee:

- 1 June 2015

RECOMMENDATION:

(Moved: Administrator I Grant/Administrator R Roscholler)

That Council notes this report.

Carried

Attachments

- 1 11 May 2015 - Agriculture & Agri-Business Advisory Committee Meeting
- 2 1 June 2015 - Arts, Culture and Heritage Advisory Committee Meeting
- 3 2 June 2015 - Combined AAAC & Wangaratta Unlimited Advisory Committee Meeting
- 4 15 June 2015 - Combined AAAC & Wangaratta Unlimited Advisory Committee Meeting
- 5 13 July 2015 - Agriculture & Agri-Business Advisory Committee Meeting

Gallery Questions

Nil

19. RECORDS OF ASSEMBLIES OF ADMINISTRATORS**19.1 RECORDS OF ASSEMBLIES OF ADMINISTRATORS**

Meeting Type: Ordinary Council Meeting
Date of Meeting: 18 August 2015
Author: Executive Assistant - Corporate Services
File Name: Assemblies of Council Meeting Notes
File No: 1.020.020

Executive Summary

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.

Date	Meeting details	Refer
11 May 2015	Agriculture & Agri-Business Advisory Committee Meeting	Refer Item 18.1
2 June 2015	Combined AAAC & Wangaratta Unlimited Advisory Committee Meeting	Refer Item 18.1
15 June 2015	Combined AAAC & Wangaratta Unlimited Advisory Committee Meeting	Refer Item 18.1
13 July 2015	Agriculture & Agri-Business Advisory Committee Meeting	Refer Item 18.1
28 July 2015	Draft Rural Strategy Discussion	Attachment
5 August 2015	Administrator’s Briefing Forum	Attachment

RECOMMENDATION:

(Moved: Administrator R Roscholler/Administrator I Grant)

That Council receives the reports of Assemblies of Administrators

Carried

Attachments

- 1 11 May 2015 - Agriculture & Agri-Business Advisory Committee Meeting
- 2 2 June 2015 - Combined Agriculture & Agri-Business Advisory Committee & Wangaratta Unlimited Advisory Committee Meeting
- 3 15 June 2015 - Combined Agriculture & Agri-Business Advisory Committee & Wangaratta Unlimited Advisory Committee Meeting
- 4 13 July 2015 - Agriculture & Agri-Business Advisory Committee Meeting
- 5 28 July 2015 - Draft Rural Strategy Discussion
- 6 5 August 2015 - Administrator's Briefing Forum

Gallery Questions

Nil

20. NOTICES OF MOTION

Nil

21. URGENT BUSINESS

22. PUBLIC QUESTION TIME

Ken Clarke - Wangaratta

Mr Clarke advised he had encountered a problem with the new parking machines and enquired if the operation of the machines would be reviewed.

Barry Green, Director Development Services, explained that the machines had only been commissioned that morning and the officers were checking the calibrations on the machines but there would be no infringements issued during this period.

Malcolm Carson - Docker

Mr Carson referred to the 'Down by the River' event being run by Council 28 August 2015 and enquired who made the decision to hold the event and what was the cost.

Brendan McGrath, Chief Executive Officer, replied that the first 'Down by the River' event had been an outstanding success and the Festivals and Events Program is entered as a project in the Annual Budget which is exhibited and open for comment and submission.

Jaime Carroll, Director Community Wellbeing, advised that she would take the question on notice regarding the definite costs but explained that the first event had included State Government funding and there had been a great deal of very positive feedback from business and the community in general. Ms Carroll stated that there is a budget amount of \$10,000 allocated to this event.

Irene Grant, Acting Chair Administrator, added that she could not recall attending an event which had been so well attended with such positive feedback.

Kieran Klemm - Londrigan

Mr Klemm referred to previous planning decisions and the practice to consult adjoining or effected landholders and asked if this practice was still applicable.

Barry Green, Director Development Services, responded that the rule had not changed and *The Planning and Environment Act 1987* says Planning Officers must determine 'material detriment' to adjoining landowners when making the decision to consult. Mr Green added that while any Planning Application is open any member of the public is entitled to lodge a submission.

Barbara Miller - Wangaratta

Ms Miller referred to the 6 July 2015 Special Council Meeting – Item 6.3 and queried which relevant Planning Approvals would be required for the Splash Park. Ms Miller also commented that the Splash Park is being developed with all age groups being considered and asked how her age group would be catered for.

Brendan McGrath, Chief Executive Officer, answered that there were no Planning Approvals required for the Splash Park.

Irene Grant, Acting Chair Administrator, added that the Splash Park is a venue

aimed at bringing people together and for families. Administrator Grant has enjoyed taking her grandchildren to similar venues.

Jim Lewis - Wangaratta

Mr Lewis referred to Item 13.3 Council Policy Review, and enquired whether the consultation mentioned applies to the revocations of policies as well as proposed new policies.

Brendan McGrath, Chief Executive Officer, responded that the Local Law would not apply until it had been exhibited and gazetted which would include a submission period. He further explained that Council has determined a number of policies to be Major Policies and if a decision was made to revoke or change any of these policies under the new Local Law, Council would need to give notice of 28 days which gives the public a chance to comment on the decision.

Malcolm Carson - Docker

Mr Carson referred to Council's 'Down by the River' event and the promotion of the Sam Miranda Tour of the King Valley and asked if this was an appropriate direction of Council for the youth of the municipality considering we have unemployment, drug and alcohol issues.

Irene Grant, Acting Chair Administrator, replied that Council aims to make Wangaratta a better place and social inclusion is important.

Brendan McGrath, Chief Executive Officer, further added that Council undertakes a range of funded, targeted activities for young people with the express purpose of trying to be a part of the solution and avoid those pitfalls.

Brian Jones - Bowser

Mr Jones commented on his observations that the Rail Trails were not well used and asked if the surface could be reviewed, perhaps finer gravel be used to surface them and they be rolled in summer to produce a smoother surface. Mr Jones also requested that Council liaise with VicRoads to seal the corner of Bowser Road and the Rail Trail as it is quite rough.

Irene Grant, Acting Chair Administrator, replied that, in her experience the Rail Trails were well used.

Jenny Hart - Wangaratta

Ms Hart asked if Council has submitted an application for funding to the National Stronger Regional Fund prior to the 31 July 2015 for the Aquatic Plan and did they have any form of guarantee of the component of State funding when they lodged that application

Irene Grant, Acting Chair Administrator, advised that Council has submitted an application and, whilst there is no guarantee, Council has received strong support.

23. CONFIDENTIAL BUSINESS

23.1 CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW

RECOMMENDATION:

(Moved: Administrator I Grant/ Administrator R Roscholler)

That the meeting be closed to members of the public to discuss staffing matters.

Carried

The meeting was opened to the public at 6:56pm.

24. CLOSURE OF MEETING

The Meeting closed at 6:57pm.