

# Minutes

## Of the Ordinary Council Meeting

Location: Bowmans/Murmungee Hall

Date: Tuesday, 20 October 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:

Mrs Ailsa Fox, Chair, Ms Irene Grant, 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:

Officers:

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

**ORDER OF BUSINESS**

6. **CITIZEN CEREMONY**

Nil

7. **CONFIRMATION OF MINUTES**

**RECOMMENDATION:**

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

***That Council read and confirm the Minutes of the Ordinary Meeting of 15 September 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**

Nil

### 13. CORPORATE SERVICES

#### 13.1 SALE OF INDUSTRIAL LAND

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 20 October 2015  
**Author:** Manager - Business and Governance  
**File Name:** Industrial Land Sales  
**File No:** 25.020.008

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

#### Executive Summary

This report is presented to Council to commence Council's statutory process to sell vacant industrial land at Lot 2 PS 519305K situated at Shanley Street, Wangaratta as contained in Certificate of Title Volume 10795, Folio 347 (the land).

#### **RECOMMENDATION:**

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

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

- 1. gives public notice of its intention to sell the land at Lot 2 PS 519305K situated at Shanley Street, Wangaratta by private treaty as contained in Certificate of Title Volume 10795, Folio 347 in the Wangaratta Chronicle and on Council's website inviting written submissions on the proposed sale until Friday 20 November 2015***
- 2. establishes a Committee of Council to hear any persons who have requested to be heard in respect of their submissions on the sale of Lot 2 PS 519305K situated at Shanley Street, Wangaratta and sets the hearing time for 4:00 pm Monday 23 November 2015 in the Council Chambers, Wangaratta Government Centre***
- 3. considers all submissions when deciding whether or not to sell the land at Lot 2 PS 519305K situated at Shanley Street, Wangaratta as contained in Certificate of Title Volume 10795, Folio 347 at the Ordinary Meeting of Council scheduled for Tuesday 15 December 2015.***

**Carried**

#### Background

In 2004, Council undertook a four lot subdivision of the former Solecra manufacturing facility land located at Shanley Street, Wangaratta. The land, comprising Lot 2, and containing 2.61 ha, is the remaining lot for sale in this

subdivision and is a high profile industrial site fronting Shanley Street and Enterprise Drive, Wangaratta. It has been variously marketed for sale through an expression of interest process and publicly by Council's Estate Agents since that time. The land is shown in the following location map:



Council officers have held discussions with a prospective purchaser who has submitted a written expression of interest in the purchase of the land.

A formal market valuation on the property from a registered valuer is required as part of the sale process and it is proposed that the sale of this property be negotiated at a price no less than the market valuation.

### **Implications**

#### **Policy Considerations**

Council must comply with the provisions of its Sale of Council Land Policy.

The land is owned by Council and has been developed for industrial purposes. In cases such as this, the land has usually been sold by private treaty, with the prospective purchaser approaching Council, either directly or through its nominated agents, expressing their interest in its purchase. Expressions of interest have also previously been called for purchase of the land.

The policy allows for purchase by private treaty in these circumstances.

#### **Financial/Economic Implications**

The sale would facilitate further development of the land through subdivision, thereby providing for future employment opportunities.



## **Legal/Statutory**

The *Local Government Act 1989* (the Act) details the process that Council must follow when selling land.

Section 189 of the Act provides that before a Council sells land, it must give public notice at least four weeks prior to selling the land; and obtain from a registered valuer, a valuation of the land which is not made more than six months prior to the sale.

The public has the right to make a submission on the proposed sale in accordance with Section 223 of the Act.

## **Social**

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

## **Environmental/Sustainability Impacts**

There are no environmental/ sustainability impacts identified for 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**

Investment in new industries is supported and encouraged.

## **Consultation/Communication**

Submissions will be invited from the community in regards to the proposed sale of the land in accordance with sections 189 and 223 of the Act.

A notice to this effect will be advertised in the Chronicle newspaper on Friday 23 October 2015, and also on Council's website indicating that submissions will be received up to 5.00pm on Friday 20 November 2015.

Persons making submissions can request an opportunity to be heard in respect of their submission. A Committee of Council has been established to hear submissions on the proposed land sale on Monday 23 November 2015.

All submissions will be considered by Council when deciding whether or not to sell the land at the Ordinary Meeting of Council scheduled for Tuesday 15 December 2015.

**Conclusion**

The sale of the land accords with Council's objective to encourage and promote the growth of industry in the municipality and the sale process meets all statutory and policy obligations.

**Attachments**

Nil.

**Gallery Questions**

Nil.

## 13.2 MAJOR COUNCIL POLICY CONSULTATION LOCAL LAW

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 20 October 2015  
**Author:** Manager - Business and Governance  
**File Name:** Local Laws and 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**

Following the completion of the statutory process under Section 223 of the *Local Government Act 1989* (the Act), Council must now consider the making of the Major Council Policy Consultation Local Law No.4 of 2015 (the 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/Chair Administrator A Fox)**

***That Council, in accordance with sections 111, 121 and 223 of the Local Government Act 1989:***

- 1. Notes that no submissions were received during the consultation period for Local Law No. 4 2015 - Major Council Policy Consultation Local Law.***
- 2. Signs and seals Local Law No. 4 2015 - Major Council Policy Consultation Local Law and authorises the Chief Executive Officer to give public notice of the making of the Local Law and publish a notice to that effect in the Victorian Government Gazette.***
- 3. Forwards to the Minister for Local Government, the Hon. Natalie Hutchins MP, a copy of the Local Law No. 4 2015 - Major Council Policy Consultation Local Law.***

**Carried**

### **Background**

The Act contains provisions that are clearly aimed at fostering the best possible governance processes for making and implementing decisions. 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.

This 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.

### **Implications**

#### **Policy Considerations**

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 funding of capital works, 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.

#### **Financial/Economic Implications**

There is a cost associated with the legal requirements to advertise the making of the Local Law in the Victorian Government Gazette. This 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. The legally required procedure for making the Local Law will be followed.

#### **Social**

In accordance with the 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, and imposes no restrictions on competition and, therefore, complies with National Competition Principles.

### **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.

### **Risk Management**

The 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 lives, jobs, the 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**

Council sought community submissions on the making of the Local Law through a section 223 process. This included public advertising and the opportunity for

people to make written submissions together with an opportunity for any submitters to be heard by a committee of Council in support of their written submission.

A community impact statement was also prepared and published to explain how the Local Law would be likely to impact people.

The invitation for submissions was open for 28 days, closing on 25 September 2015. Council did not receive any submissions on the proposed Local Law.

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

### **Options for Consideration**

An alternative approach to the 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 complete the process of making this 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**

Major Council Policy Consultation Local Law

### **Gallery Questions**

Nil

### 13.3 2014-2015 ANNUAL REPORT

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 20 October 2015  
**Author:** Manager - Customer Service and Communications  
**File Name:** Annual Report  
**File No:** 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 for adoption of the 2014 – 2015 Annual Report. The Annual Report has been prepared as required by Sections 131 to 134 of the *Local Government Act 1989* (the Act).

#### **RECOMMENDATION:**

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

***That Council adopts the Annual Report as prepared and forwarded to the Minister for Local Government.***

**Carried**

#### **Background**

The Act states that the primary objective of a council is to endeavour to achieve the best outcomes for the local community having regard to the long-term and cumulative effects of decisions. The Act sets out that local government in Victoria:

- is a distinct and essential tier of government
- must provide governance and leadership for the local community through advocacy, decision making and action
- must be accountable to their local communities in the performance of functions and the exercise of powers and the use of resources.

It is a statutory requirement that councils prepare and report on medium and short term plans in order to discharge their duties of accountability and transparency to their communities.

Councils are required to prepare an annual report in respect of each financial year consisting of three parts:

- report of operations: information about the operations of the council
- performance statement: audited results achieved against the prescribed performance indicators and measures

- financial statements: audited financial statements prepared in accordance with the Australian Accounting Standards.

### **Implications**

#### **Policy Considerations**

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

#### **Financial/Economic Implications**

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

#### **Legal/Statutory**

The adoption of the Annual Report meets the requirements of section 134 of the Act.

#### **Social**

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

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

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

### **2013 – 2017 Council Plan (2015 Revision)**

Progress towards the achievement of strategic objectives and major initiatives contained in the 2013-2017 Council Plan (2014 Revision) are reported in the 2014-2015 annual report.

#### **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.

### **Risk Management**

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



### **Consultation/Communication**

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

### **Conclusion**

In accordance with the requirements of the *Local Government Act 1989* (the Act), the Wangaratta Rural City Council prepared an Annual Report (***refer attachment***) for the financial year 2014 - 2015 and submitted the Report to the Minister for Local Government within three months of the end of the financial year. It is now appropriate for Council to adopt its Annual Report.

### **Attachments**

Rural City of Wangaratta Annual Report 2014/15 (under separate cover)

### **Gallery Questions**

Nil

## 14. COMMUNITY WELLBEING

### 14.1 ADVISORY COMMITTEE AND SECTION 86 COMMITTEES OF MANAGEMENT

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 20 October 2015  
**Author:** Community and Recreation Officer  
**File Name:** COUNCIL COMMITTEES  
**File No:** 10.020.008

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

#### Executive Summary

This report is presented to Council to endorse nominations to the Sport and Recreation Advisory Committee and to the Section 86 Special Committees.

Three nominations have been received for the Sport and Recreation Advisory Committee, one as a consequence of a recent resignation and two for unfilled positions. All applicants have been vetted according to Council policies and deemed suitably skilled through the skills matrix.

Ten nominations have been received as representatives of the Special Committees of Management (COM). The nominee relating to the North Wangaratta Sports Reserve is a consequence of the recent resignation of one of the Clay Target Club representatives.

#### **RECOMMENDATION:**

*That Council:*

1. *endorses the nominations and amendments to the Sport and Recreation Advisory Committee as follows:-*

Zac Guilfoyle	AFL North East Border
Geoffrey Davidson	Wangaratta Lawn Tennis Club
Mandy Allen	Ovens and Murray Netball

***Administrator I Grant/ Administrator A Fox moved an amendment:***

***That Council:***

1. ***endorses the nominations and amendments to the Sport and Recreation Advisory Committee as recommended in the table***
2. ***grants approval for the Sport and Recreation Committee to co-opt Mandy Allen, Ovens and Murray Netball, as a non-voting member***

**of the committee.**

Zac Guilfoyle	AFL North East Border
Geoffrey Davidson	Wangaratta Lawn Tennis Club

**3. endorses the nominations and amendments to the Section 86 Special Committees of Management as follows:-**

<b>Edi Upper Hall and Recreation Reserve Special Committee</b>	
<b>Community Representative</b>	<b>Period of appointment</b>
Carolyn Slijlman	30/06/2017
<b>Everton Public Hall and Sporting Complex Special Committee</b>	
<b>Community Representative</b>	<b>Period of appointment</b>
Wendy Morgan	30/06/2017
<b>Friends of Lacluta Special Committee</b>	
<b>Community Representative</b>	<b>Period of appointment</b>
Linda Sexton	30/06/2017
<b>Old Murmungee Hall Special Committee</b>	
<b>Community Representative</b>	<b>Period of appointment</b>
Jane Witherow	30/06/2017
James Neary	30/06/2017
Lorna Neary	30/06/2017
Judy Griffiths	30/06/2017
<b>Oxley Shire Hall Special Committee</b>	
<b>Community Representative</b>	<b>Period of appointment</b>
Christopher Kukulka	30/6/2018
<b>North Wangaratta Sports Reserve Special Committee</b>	
<b>Clay Target Club Representative</b>	<b>Period of appointment</b>
Neil Haydon	30/06/2018
<b>Whorouly Memorial Park Special Committee</b>	
<b>Community Representative</b>	<b>Period of appointment</b>
Colin Walker	30/06/2018

**Carried****Background**

The Sport and Recreation Advisory Committee is governed by its Charter, which was developed according to the *Local Government Act 1989* (the Act). The primary objective of the Committee is to advise Council on the effective conduct of its responsibilities for strategic planning and management of sport and

recreation opportunities in the Rural City of Wangaratta and the provision of support and advice.

The three nominations to the sports and recreation advisory committee satisfied the criteria in the skills matrix as follows:

- Organisation memberships/involvements
- Networks
- Local knowledge of sport and recreation
- Sport and recreation activity interests
- Other skills/information.

Council has 16 CsOM established under Section 86 of the Act for the purpose of managing and controlling activities at Council owned/managed facilities. Section 86 of the Act provides that Council may delegate certain functions, duties or powers to a COM.

### **Implications**

#### **Policy Considerations**

Council's policy 'Appointment to Council Committees' applies to this matter. At its discretion, where there are more nominations than vacancies and the nominees address the requirements of the relevant COM, Council may appoint a number of members to the committee greater than that specified in the charter.

#### **Financial/Economic Implications**

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

#### **Legal/Statutory**

Council's formal appointments to the Sport and Recreation Advisory Committee are made under the Act. The appointment of members to Advisory Committees by formal resolution of Council ensures that the powers, functions and duties delegated are able to be exercised legally.

Council must make formal appointments to Section 86 Special Committees as required by the Act. The appointment of members to special committees by formal resolution of Council ensures that the powers, functions and duties delegated to these CsOM are able to be exercised legally.

#### **Social**

The responsibilities of the Sport and Recreation Advisory Committee promote the exchange of information between the committee with its community representatives and Council. This enhances the ability of Council to identify issues and advocate for sport and recreation initiatives. In addition, it provides advice and makes recommendations relating to sport and recreation matters for the benefit of the community.

Closer links between Council and CsOM create greater awareness of the needs of the community and of the facilities being managed on Council's behalf. The responsibilities delegated to the COM promote the exchange of information between the committee and Council. Promotion of the facility by the COM facilitates increased community use.

### **Environmental/Sustainability Impacts**

The Sport and Recreation Advisory Committee takes into consideration environment and sustainability impacts in any discussions relating to the strategic planning and management of sport and recreation opportunities in the Rural City of Wangaratta.

CsOM are responsible for the management of any environmental issues relating to the land upon which their facilities are situated.

### **Our Council Plan 2013 – 2017 (2015 Revision)**

This report supports the 2013-2017 Council Plan:

#### **The non-negotiables:**

##### **We are healthy**

Our urban areas and rural townships are safe and friendly, where everyone can participate and contribute.

##### **We will create and deliver**

Play spaces throughout our communities that create opportunities for children, young people and families to explore, connect and interact.

Aquatic facilities that are developed to meet the long-term needs of our community, and that are exciting and fun places to be – through the implementation of the Wangaratta Aquatic Plan.

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

##### **We are growing**

Our rural community is supported and recognised as a significant contributor to the economic and social character of the municipality.

##### **We are connected**

A focus on making it easy for people to volunteer in our community by connecting people, promoting opportunities and celebrating the brilliant contributions our volunteers make.

There is appropriate infrastructure that enhances all townships and communities throughout the municipality.

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

### **We are sustainable**

Groups and organisations are assisted to work together to ensure that all buildings and facilities are used as much as possible.

Our community and recreation facilities are well maintained and sustainable.

### **Risk Management**

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

### **Consultation/Communication**

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	Keep informed	Emails to the COM
Consult	Listen and acknowledge	Council will consult with the COMs prior to making decisions that relate to the facilities and Sport and Recreation matters.
Involve	Work with the respective COMs to obtain feedback	COMs provide an important source of feedback for Council to manage these facilities and provide relevant information pertaining to sport and recreation.
Collaborate	Feedback will be incorporated into decisions as far as possible	Council collaborates with its COMs prior to making decisions that relate to the facilities
Empower	Implementation in conjunction with the COM	COMs have delegated powers to make decisions in relation to the day-to-day management of the facilities  The sport and recreation committee provides advice on the implementation of sport and recreation programs.

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

**Conclusion**

The appointment of the nominations detailed herein to the relevant CsOM will delegate the management, function and duties of the activities and facilities under the CsOM and will uphold Council's requirements under the Act.

**Attachments**

Nil.

**Gallery Questions**

Nil.

## 14.2 COMMUNITY ACCESS AND INCLUSION PLAN

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 20 October 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 public consultation and review of the three documents that support a whole-of-Council approach to access and inclusion:
  - (i) Policy for Equity and Access for People with Disabilities
  - (ii) Community Access and Inclusion Charter
  - (iii) Community Access and Inclusion Plan
- seek Council's adoption of the amended draft documents.

### **RECOMMENDATION:**

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

***That Council adopts the suite of access and inclusion planning documents consisting of:***

- 1. Policy for Equity and Access for People with Disabilities***
- 2. Community Access and Inclusion Charter***
- 3. Community Access and Inclusion Plan.***

***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 the 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 Access and Inclusion Plan 2009-2012, was undertaken over a six month period by a Steering Group with representation from across most Council departments. This review was necessary to ensure that Council is informed of changes and complies with its legal and ethical obligations mandated by disability discrimination and human rights legislation.

Stages of the Review/Revision Process included:

1. establishment of an internal Steering Group
2. review of current RCOW practices around access and inclusion
3. community consultation
4. development of revised access and inclusion planning documents
5. presentation of draft documents to Council
6. seeking community and stakeholder feedback on revised documents
7. adoption of finalised documents
8. communication of revised documents to the community and stakeholders.

Steps 1-6 have occurred to date and steps 7-8 are required to finalise the review process.

### **Discussion**

Key recommendations from the internal review of the impact on Council's 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
- to move away from the format of the previous plan and create a suite of three documents that describe Council's approach to access and inclusion with particular audiences in mind as follows:
  - (i) 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
  - (ii) 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
  - (iii) the *Community Access and Inclusion 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 to identify key areas of concern around access and inclusion elicited input from more than 450 participants through small group discussions with disability support and advocacy groups, the online *Accessibility For All* survey and individual interviews.

### Public Consultation - 19 August – 18 September 2015

A broad section of the community had the opportunity to provide feedback to the documents on public exhibition with representation of:

- a range of disabilities, aged related conditions and access needs
- individuals living with disability, families and carers
- networks, peak bodies, advocacy and support service and community groups
- geographic locations across the municipality.

The dissemination of the draft Community Access and Inclusion Plan (CAIP) documents for public review aimed to reach as broad a community base as possible using a number of different modes of distribution including email, letters, media release, a link on Council's website, follow up group discussions and individual interviews.

Action	Completed
Letters mailed to community groups, respondents to the <i>Accessibility for All</i> survey, disability support groups (where no email contact supplied) [97]	19 - 24 Aug 2015
Emails sent to community groups, respondents of the <i>Accessibility for All</i> survey, disability support groups, service providers, aged care facilities, health services. [211]	19 – 24 Aug 2015 Reminder sent 12 Sept 2015
Flyers placed at various locations including RCOW customer service points, Wangaratta Library, Community Notice Boards, Gateway Health and Mitchell Healthcare.	24 - 26 Aug 2015
Hardcopies of the documents available at the RCOW Customer Service desk, Wangaratta Library, Access Spot and relevant locations in surrounding townships.	24 – 26 Aug 2015
Media release appeared in: <ul style="list-style-type: none"> <li>• Rural City Connection (The Chronicle)</li> <li>• RCOW Website</li> <li>• RCOW Club Connection September 2015</li> </ul>	Friday 21 Aug 2015 21 Aug–18 Sept 2015
Wangaratta Library – Booth [27 consultations]	9 Sept 2015 (10am-1pm)
Public presentation/notification of the CAIP documents: <ul style="list-style-type: none"> <li>• NDIS Workflex Forum</li> <li>• Wangaratta Motorised Users Group</li> <li>• Carers and Parents Support Group</li> <li>• GoTAFE</li> </ul>	24 Aug 2015 01 Sept 2015 07 Sept 2015 15 Sept 2015

The period of Public Consultation is now closed. Officers believe that appropriate consultation has occurred.

A total of 33 responses to the draft documents were received from:

- 30 individual, community members
- three disability agencies, support groups and community groups.

The feedback received was overwhelmingly positive in terms of the intent of the planning documents and potential outcomes outlined.

*“The aspirations that are laid out in the plan and charter are to be highly commended. You have hit the nail on the head when it comes to the plans for inclusion, access and celebration of those who have a range of increased needs in the community, to allow unfettered access to a vibrant community based lifestyle”* (Lifestyle Coordinator, St. Catherine’s Hostel).

There were sentiments expressed that indicated some level of scepticism about Council’s capacity to follow through with proposed actions.

*“The feedback has been very much that these are great [initiatives], however it will be seeing it happen and how it is managed that will determine its success.”* (Coordinator, Pangerang Community House).

*“I, and many others in Wangaratta, wait for the day when a person with limited capacity to work or ride can travel across the CBD safely. This is entirely impossible at present. No amount of maps, plans and strategies can change this fact, which has been presented to Council numerous times in recent years.”* (Community Member).

A detailed submission was received from Women’s Health Goulburn North East.

### Summary of Amendments

In recognition of the need for consistent, inclusive language through the documents when referring to target groups to avoid perpetuating stereotypes and narrow concepts of disability, the following terminology has been adopted: “men and women or males and females of all ages and abilities” and “all community members and visitors”.

The identified target groups has been broadened to include ‘individuals living with a disability, male and female carers, families and visitors with dependent children and family members, as well as community members isolated by chronic ill health, geographic isolation, and economic and social circumstances.

In light of concerns that the Plan did not have defined actions with timelines, the title of this document has been changed to: *Community Access and Inclusion Plan 2015 – 2017*.

A number of the outcomes within the *Community Access and Inclusion Plan* have been reworded and extended to incorporate and communicate meaningful

opportunities for Council and community to work together to improve access and inclusion. These include: What was changed?

Page	Amendment
3	<p><b><i>People with disability, their families and carers can participate in an inclusive democracy and have their say on issues that affect them:</i></b></p> <p><u>Outcome 2:</u> Establish an Accessibility Reference Group with a diverse representation including individuals with lived experience of disability, male and female carers, families with dependent children and family members, as well as community members isolated by chronic ill health, geographic isolation, and economic and social circumstances with a focus on addressing barriers to community inclusion and participation for community members of all ages and abilities.</p> <p>Establish a Youth Disability Reference Group to work alongside both the RCOW Accessibility Reference Group and the RCOW Youth Advisory Committee to ensure young men and women living with disability have the opportunity to have a voice and participate in civic engagement.</p> <p><u>Outcome 3:</u> Provide regular training and professional development for Council Staff, Administrators and elected Councillors about the social model of disability and social model of health, to develop greater understanding of the barriers to access and inclusion, experienced by community members.</p>
5	<p><b><i>People with disability will have the opportunity to participate in planning an accessible and growing municipality and can enjoy a well designed build environment:</i></b></p> <p><u>Outcome 3:</u> Develop governance and communication structures between the Accessibility Reference Group and Council departments to facilitate comprehensive planning to improve community access and inclusion.</p>

### **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 provide 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 of sources including:

- rural Access funding
- relevant Council department budgets
- partnerships with community groups and agencies
- 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.	Promote the access and inclusion documents through a range of channels and in a variety of formats.
Consult	We will continue to consult you to review needs, barriers and enablers for access and inclusion.	To use a broad range of tools and techniques for meaningful engagement with the community.
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.	Strategies and actions undertaken and reported on by the Accessibility Reference Group and Youth Disability Reference Group.
Collaborate	N/A	
Empower	N/A	



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

### **Options for Consideration**

#### **Option 1 (Recommended)**

Consider the suite of documents attached, make any minor/necessary administrative adjustments and adopt these documents. 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)**

Do not endorse the suite of 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**

The finalisation of the access and inclusion planning documents is the result of broad consultation. The adoption of the *Community Access and Inclusion Charter*, the *Community Access and Inclusion Plan* and *Policy of Equity and Access for People With Disabilities* affirms Council's commitment to building an inclusive community by promoting measures that improve access for people of all abilities who live, work and participate in the community.

### **Attachments**

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

### **Gallery Questions**

Nil



## 15. INFRASTRUCTURE SERVICES

### 15.1 C1516-007 PROVISION OF CLEANING SERVICES

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 20 October 2015  
**Author:** Executive Assistant - Infrastructure Services  
**File Name:** C1516-007 PROVISION OF CLEANING SERVICES  
**File No:** 30.077.007

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 details of the evaluation of tender for C1516-007 Provision of Cleaning Services.

#### **RECOMMENDATION:**

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

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

- 1. Awards Contract C1516-007 for the provision of Cleaning Services to KC Facility Services Pty Ltd.***
- 2. Authorises the Chief Executive Officer to sign and seal all the relevant contract documents for Contract C1516-007 for the Provision of Cleaning Services.***
- 3. Discloses the contract price for C1516-007 as \$168,073 excl. GST for the provision of Cleaning Services.***

**Carried**

#### Background

Contract C1516-007 is for the provision of Cleaning Services for the Rural City of Wangaratta. Buildings included in the tender are:

- Wangaratta Government Centre
- Wangaratta Performing Arts Centre
- Wangaratta Library
- Wangaratta Visitor Information Centre
- Wangaratta Livestock Exchange
- Wangaratta Exhibition Gallery
- Wangaratta Children's Services Centre
- White Street Community Centre
- Yarrunga Maternal and Child Health Centre

The specification was detailed down to each building and the tender allowed for firms to tender for one or more buildings. This was done to entice smaller local cleaning firms to tender for the work.

This tender is for a 4 year contract with an option to extend the contract for a further two years. There is a 12 month probation period within the initial term.

Tenders for this contract were invited through advertisements on Tenderlink on 31 July 2015 and closed at 2.00pm on Tuesday 18 August 2015.

There was no pre-tender meeting for this contract. However, most of the tendering firms took advantage of the standing invitation for an accompanied inspection of each building.

The tender evaluation panel comprised Council's Manager – Waste & Contracts, Building Services Coordinator and Manager – Assets.

#### Tenders received

The following tenders were received by the due date:

	<b>Tender</b>
A	Wangaratta Cleaning Service Pty Ltd
B	Joseph Paola Cleaning
C	D & K Cleaning Services
D	KC Facility Services Pty Ltd
E	Wayne Cleaning System Pty Ltd
F	Cleaning Wizard Australia Pty Ltd
G	Consolidated Property Services Pty Ltd
H	CNA Cleaning Services
I	Advanced National Services Pty Ltd
J	Academy Services Pty Ltd

Note:

1. Wangaratta Cleaning Service only submitted prices for schedules 8a through to 9c which are for the cleaning of the White Street Community Centre and the Yarrunga Maternal and Child Health Centre
2. Joseph Paola Cleaning only submitted prices for the window cleaning

Four firms were shortlisted and invited to attend an interview where they could explain the details of their tender and for the evaluation panel to review their costs and understanding of the tender. These firms were:

- Advanced National Services Pty Ltd
- KC Facility Services Pty Ltd
- Cleaning Wizard Australia Pty Ltd

- CNA Cleaning Services

After reviewing the information from these interviews, reference checks were also carried out for KC Facility Services Pty Ltd and Advanced National Services Pty Ltd.

### Tender Evaluation

An initial evaluation looked at the tenders that submitted prices for a minimal number of individual schedules; that being Wangaratta Cleaning Service Pty Ltd and Joseph Paola Cleaning. These prices were compared with all others and found to be considerably dearer.

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

Criteria	Weighting
Price	45%
Service Delivery	45%
OH&S and Environmental management	10%
<b>Total</b>	<b>100%</b>

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

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

Summary of the Weighted Attribution Method Score is as follows:

	Tenderer	Score
A	Wangaratta Cleaning Service Pty Ltd	
B	Joseph Paola Cleaning	
C	D & K Cleaning Services	42
D	KC Facility Services Pty Ltd	77
E	Wayne Cleaning System Pty Ltd	37

	<b>Tenderer</b>	<b>Score</b>
F	Cleaning Wizard Australia Pty Ltd	63
G	Consolidated Property Services Pty Ltd	46
H	CNA Cleaning Services	65
I	Advanced National Services Pty Ltd	74
J	Academy Services Pty Ltd	43

The highest value reflects the most favourable tender assessment.

### **Implications**

#### **Policy Considerations**

Council has conducted this tender in accordance with its Procurement Policy.

#### **Financial/Economic Implications**

The preferred tender amount is within the allocated annual budget.

#### **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

#### **We will focus on our business**

reviewing service levels while balancing community expectations with available resources

#### **The non-negotiables**

The best use of Council's resources.

**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**

This was a competitive tender with 10 tenders being received. Most of the tenderers inspected all of the buildings in the tender proposal. After an initial evaluation, the tenders were shortlisted and invited to an interview. There were subsequent reference checks for two of these firms.

KC Facility Services Pty Ltd provided the lowest tender price and scored the highest in the weighted attribution method. Their reference checks were good with each referee stating that they would re-engage them for the current contracts.

**Attachments**

C1516-007 Evaluation report - Confidential

**Gallery Questions**

Nil

## 15.2 C1516-012 FOR THE SUPPLY OF FOUR WASTE COMPACTION TRUCKS

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 20 October 2015  
**Author:** Executive Assistant - Infrastructure Services  
**File Name:** C1516-012 SUPPLY OF FOUR WASTE COMPACTION TRUCKS  
**File No:** 30.077.012

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 details of the tender evaluation for Contract C1516-012 for the supply of four Waste Compaction Trucks.

#### **RECOMMENDATION:**

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

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

- 1. Awards Contract C1516-012 for the supply of four Waste Compaction Trucks to Twin City Truck Centre, Wodonga for the supply of four DAF CF 75 FATs fitted with Superior Pak side loader.***
- 2. Authorises the Chief Executive Officer to approve all the relevant contract and purchase documents for Contract C1516-012 for the supply of four Waste Compaction Trucks.***
- 3. Discloses the contract price for Contract C1516-012 of \$1,577,020 excl. GST for the supply of four Waste Compaction Trucks.***

**Carried**

### **Background**

Contract C1516-012 is for the supply of four waste compaction trucks. These vehicles will be used by Council's waste team for the collection of the municipal kerbside waste and organic waste.

The purchase is part of Council's ongoing plant replacement program and was a requirement of the recent tender for the Waste Services for Wangaratta. The intent of this requirement was to ensure that whoever won the tender for the waste services would have new vehicles to service the contract.

Tenders for this contract were invited through advertisements on Tenderlink on Thursday 3 September 2015 and closed at 2.00pm on Thursday 24 September 2015.

There was no pre-tender meeting for this contract.

The tender evaluation panel comprised of Council's Manager – Waste and Contracts, Plant and Depot Coordinator and Manager – Field Services.

### Tenders Received

The following quotations for four waste trucks were received by the due date:

	<b>Tender</b>
A	Blacklocks, Wodonga – Isuzu FXY 1500 Long Auto fitted with Bucher Gen V side loader
B	Blacklocks, Wodonga – Isuzu FXY 1500 Long Auto fitted with Superior Pak side loader
C	Twin City Truck Centre, Wodonga – DAF CF 75 FAT fitted with Bucher Gen V side loader
D	Twin City Truck Centre, Wodonga – DAF CF 75 FAT fitted with Superior Pak side loader
E	Mercedes Benz Trucks, Melbourne – Mercedes Econic 2630 fitted with Bucher Gen V side loader
F	CMV Truck and Bus, Wodonga – Volvo Euro 5 FE fitted with Bucher Gen V side loader
G	CMV Truck and Bus, Wodonga – Volvo Euro 5 FE fitted with Superior Pak side loader

### Tender Evaluation

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

<b>Criteria</b>	<b>Weighting</b>
Price	40%
Service and Maintenance	20%
Warranty	15%
Features and OH&S	15%
Fuel efficiency and emissions standard	10%
<b>Total</b>	<b>100%</b>

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

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

Summary of the Weighted Attribution Method Scoring is as follows:

	<b>Tenderer</b>	<b>Score</b>
A	Isuzu FXY 1500 Long Auto fitted with Bucher Gen V side loader	52
B	Isuzu FXY 1500 Long Auto fitted with Superior Pak side loader	51
C	DAF CF 75 FAT fitted with Bucher Gen V side loader	58
<b>D</b>	<b>DAF CF 75 FAT fitted with Superior Pak side loader</b>	<b>59</b>
E	Mercedes Econic 2630 fitted with Bucher Gen V side loader	56
F	Volvo Euro 5 FE fitted with Bucher Gen V side loader	55
G	Volvo Euro 5 FE fitted with Superior Pak side loader	55

The highest value reflects the most favourable tender assessment.

### **Implications**

#### **Policy Considerations**

This tender has been conducted in accordance with Council's Procurement Policy.

#### **Financial/Economic Implications**

The price for the preferred tender is marginally above the budgeted figure. This variance to the budget will be offset by sale prices of replaced vehicles and/or other purchases in the plant replacement program.

#### **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**

Fuel efficiency and emission standards were included in the assessment of this tender.

**2013 – 2017 Council Plan (2015 Revision)**

This report supports the 2013-2017 Council Plan:

**Goal**

We are Sustainable.

**We will research and advocate**

for a regional approach to waste management that has economic and environmental benefits.

**We will create and deliver:**

the outcomes identified in the Rural City of Wangaratta Waste Management Strategy.

**We will plan and make decisions for the future**

maintaining a responsible and transparent Long Term Financial Plan.

**The non-negotiables**

The best use of Council's resources.

**Strategic Links****a) Rural City of Wangaratta 2030 Community Vision**

N/A

**b) Other strategic links**

Council's Waste Management Strategy.

**Conclusion**

The DAF CF 75 FAT fitted with Superior Pak side loader is the preferred tender from the evaluation for the following reasons:

- It has the smallest turning circle which is important when the trucks enter the numerous court bowls within the municipality
- It has the engine with the highest torque rating which should lead to a prolonged truck life
- Its payload is satisfactorily above 10,000 kgs
- The operators had a preference for the Superior Pak side loader due to its surer grab; the grab was easier to navigate to pick up bins standing close to each other; the pendulum arm compactor had distinct advantages over the paddle arm arrangement offered by Bucher; and the technology solution was preferred by the operators
- It has the best warranty
- Delivery would be from mid-February 2016.

The DAF CF 75 FAT fitted with Superior Pak side loader tendered by Twin City Wodonga scored the highest in the weighted attribution method.

Therefore, the tender submitted by Twin City Truck Centre, Wodonga is the preferred tender.

**Attachments**

C1516-012 Evaluation report - Confidential

**Gallery Questions**

Nil

## 16. DEVELOPMENT SERVICES

### 16.1 RURAL STRATEGY 2015

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 20 October 2015  
**Author:** Principal Statutory Planner  
**File Name:** Rural Strategy 2015  
**File No:** 73.010.027

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:

- Report on submissions received during the consultation process for the draft Rural Strategy 2015 (DRS 2015), endorsed by Council for consultation in July, 2015.
- Consider proposed changes to the draft Rural Strategy which respond to submissions.
- Adopt the revised Rural Strategy 2015 (RS 2015).

It is recommended that Council adopt the Rural Strategy 2015 with changes identified and contained within Attachment 1 to this report.

#### **RECOMMENDATION:**

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

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

- 1. Notes all submissions to the draft Rural Strategy 2015.***
- 2. Notes the comments responding to the submissions and actions suggested to address matters raised within the submissions where applicable.***
- 3. Adopts the Rural Strategy 2015 subject to changes identified within the table in Appendix 1 to address feedback from the community consultation process.***
- 4. Advises all submitters of Council's decision to adopt the Rural Strategy 2015.***
- 5. Prepares documentation and seeks authorisation to exhibit a planning scheme amendment to the Wangaratta Planning Scheme to implement the recommendations of the Rural Strategy 2015.***

**Carried**

## **Background**

Council determined to place the DRS 2015 on public exhibition at its July 2015 Ordinary Council meeting.

## **Process:**

The chart below outlines the basic steps in the process of the development of a strategy, including development, community engagement, formalisation, adoption and finally implementation.

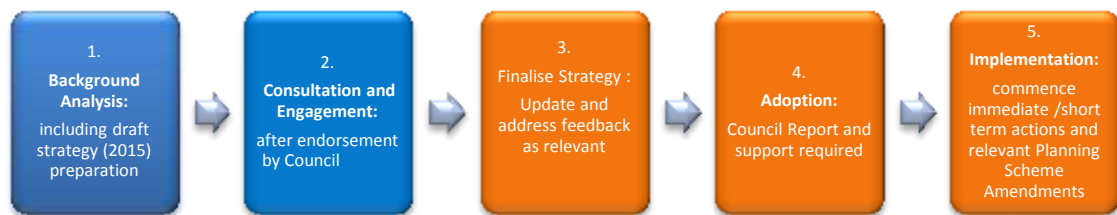


Figure 1: Strategy Implementation Process

The blue box indicates the steps that have been undertaken to date and the orange boxes indicate the steps required to finalise the Strategy.

This report is before Council in relation to steps 3 and 4 (Finalisation and Adoption) and recommends adoption of the Strategy with changes following consideration of submissions received during the public consultation period.

## **Discussion**

### **Community Consultation**

Council endorsed the DRS 2015 for consultation in July, 2015. The formal consultation period occurred from Wednesday 22 July – Friday 4 September 2015, noting that further consultation did occur outside of these times. Letters were sent to all land owners directly affected by a proposed zone change or new overlay and all submitters to the previously adopted Rural Land Strategy 2012. Notices were placed in the Rural Connections page of the Wangaratta Chronicle newspaper with all information made available on Council's website and at the Council offices.

Four (4) public drop-in sessions were held, two in each of the townships of Springhurst and Oxley. These sessions provided the community an opportunity to discuss the DRS 2015 and have any questions answered directly by Council staff. Approximately 40 people attended these sessions along with Council staff and administrators. The meetings facilitated open and detailed discussions about the content of the Strategy in a relaxed and positive one-on-one setting.

In addition, a number of land owners held meetings with Council staff and administrators to discuss the DRS 2015 in relation to their land or situation.

## Submissions

A total of **25** submissions were received.

The submissions can be generally summarised into the following categories.

- thirteen (13) Submissions are site-specific and request rezoning of land
- nine (9) Submissions raise general issues
- three (3) Submissions are from State agencies.

The submissions provide a variety of responses to the DRS 2015. Some submissions support the Strategy, some seek site-specific rezoning, or object 'in principle' to the Strategy, and some raise concerns with some of the recommendations of the Strategy. A summary of the submissions is contained below.

- submissions request additional rezoning of land to Rural Living/Low Density Residential or Rural Activity Zone, specifically within and around the townships of Milawa, Everton, Glenrowan and on farming land around Taminick and west of Warby Range Road.
- submissions relate to specific parcels of land within Markwood and Cheshunt South and request that all existing farming lots should have a right to build a dwelling irrespective of size. Without this entitlement, lots are otherwise devalued.
- submissions request that the minimum lot size for subdivision within the Farming Zone be raised from 40ha to 80ha.
- submissions raise concern that the recommendations are not consistent with the intent of recent State Government changes to the Rural Zones.
- flooding advice is provided by NECMA around the areas of Oxley, Milawa and Wangaratta South, which has informed the analysis of the submissions received.
- bushfire Risk is raised by the CFA in particular around several areas proposed for rezoning, and reference was made for the need for revised Bushfire Management Overlay Maps.

Details of all submissions, a response and recommended changes to the draft Strategy are contained in Attachment 1.

Key changes proposed as a result of submissions include:

- the addition of new areas for future investigation for Rural Living purposes
- change from long-term investigation of South Wangaratta area for Rural Living purposes to future investigation, considering the factors described within the assessment table

- change of minimum subdivision lot size for proposed Rural Activity Zone from 40ha to 20ha
- addition of reference to State Planning Policy on floodplain management and bushfire within the Strategy
- minor changes to Local Policy to guide direction on tourism accommodation, dwellings on lots less than 40ha within long-term transition areas to have regards to adopted Strategic Studies.

Revisions have been made to the documentation to respond to submissions as appropriate. Changes have only been made where they don't compromise the strategic justification and existing policy framework for the project.

Some further minor changes to the documentation have been made in response to recommendations by Council officers to address gaps in policy and streamline processes.

### **Implications**

#### **Policy Considerations**

The adopted Rural Land Strategy 2012 (RLS 2012) was required to be reviewed, following Council's resolution in November 2012. This Strategy document constitutes the review of the RLS 2012.

The DRS 2015 considers recent State Government changes to land use policy and the Victorian Planning Provisions, including Rural Zones, and makes recommendations as to their relevance and application within the rural landscape of Wangaratta. In particular, the DRS 2015 addresses State policy on rural productivity, with an objective '*to manage land use change and development in rural areas to promote agriculture and rural production*'.

The RS 2015 is consistent with the Hume Regional Growth Plan, in particular the following strategy:

- *Preserving and protecting features of rural land and natural resources and features to enhance their contribution to settlements and landscapes.*

The RS 2015 is consistent with the Council's Population and Housing Strategy 2013, in particular Section 9.1.3 – Rural Housing:

- *Undertake a review of the Rural Land Strategy (2012) in order to establish the strategic directions for rural housing within the Rural City.*

The RS 2015 is consistent with Council's Township Development Plans 2015, in particular relating to investigating and creating potential rural living opportunities around the townships of Glenrowan, Oxley and Milawa.

### **Financial Implications**

Adoption of the RS 2015 will have ongoing costs in the form of Council officer time to implement the recommendations contained within it, primarily through amendments to the Wangaratta Planning Scheme. Council will also be responsible for the statutory fees associated with any planning scheme amendments.

### **Legal/Statutory**

The adoption of the RS 2015 will lead to further planning work, including future amendments to the Wangaratta Planning Scheme. The content of these planning scheme amendments will depend upon the final adopted RS 2015, but are proposed to include the introduction of new local policies, the application of new overlays and selective rezoning of land.

### **Social**

The RS 2015 has been developed to guide the future of rural land use planning within the Municipality, including supporting the growth of rural townships and protecting agricultural activity from conflicting land uses. The retention of the State default minimums for (exception for Rural Activity Zone proposed 20ha) subdivision and dwelling rights is considered a fair and equitable outcome for rural communities, and the relatively small number of submissions is seen as general satisfaction within the community of the impacts of the RS 2015.

### **Environmental/Sustainability Impacts**

The RS 2015 seeks to support the protection of the rural environment and incorporates recommendations from Council's adopted Roadside Management Strategy, which recommends protection of valuable vegetation where appropriate through the planning scheme. The RS 2015 also considers the impact of flood and fire risk and catchment protection on future rural development. The RS 2015 upholds a sustainable approach to rural land use planning within the municipality.

### **Economic Impacts**

Agriculture and tourism are key drivers within the economy of Wangaratta and the region. The RS 2015 recognises their importance and seeks to protect and grow these industries, through supportive planning provisions.

## **2013 – 2017 Council Plan (2015 Revision)**

The revised RS 2015 supports the 2013-2017 Council Plan:

### **Goal**

We are sustainable

### **We will research and advocate:**

to advance regional agricultural opportunities.

### **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.

### **We will focus on our business:**

Ensuring roadsides are appropriately used while conserving natural vegetation, through the implementation of Council's Roadside Conservation Management Plan.

### **The non-negotiables**

Our urban areas and rural townships are safe and friendly, where everyone can participate and contribute.

Residential, rural, commercial and industrial land that is appropriately protected, planned and developed to meet the long-term needs of the community.

## **Strategic Links**

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

The Strategy is consistent with Council's 2030 Community Vision which outlined the following vision for Rural Land and Townships.

*"In 2030 the Rural City of Wangaratta maintains a sustainable balance between urban and rural environments; each benefiting from the other. The rural townships have grown in size to meet service and infrastructure needs. The growth in population across rural townships has been instrumental in reviving these communities. The high-value and productive rural agricultural land in the Rural City of Wangaratta has been strongly preserved for agricultural activities. This has maintained the rural feel of the area and ensured that agriculture continues to form a key element of the local economy."*



## **Risk Management**

The majority of risks associated with this matter are considered minor. The exception is the following:

**Risk:** There is a risk that some submitters will be unsatisfied with the changes to the proposed Strategy. Not all submissions have resulted in changes to the Strategy. The analysis contained in Attachment 1 explains the reasons why the Strategy is recommended for change or in some cases that it remains unchanged.

**Likelihood:** The likelihood of this risk is moderate - high.

### **Mitigation Action:**

- Submission summary with response and actions has been attached to this report.
- All submitters have been advised in writing of this report to Council – there is an opportunity to ask questions within this forum before a final decision on the RS 2015 is made.

## **Consultation/Communication**

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	We will keep you informed.	<ul style="list-style-type: none"> <li>• Notice in local newspaper and Council's website</li> <li>• Direct notification to affected property owners</li> </ul>
Consult	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision. We will seek your feedback on drafts and proposals.	<ul style="list-style-type: none"> <li>• Opportunity to make a submission to Strategy, resulting in recommended changes</li> <li>• Letters to submitters advising of Council meeting</li> <li>• Four drop-in sessions</li> </ul>
Involve	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision	<ul style="list-style-type: none"> <li>• Submission summary and actions attached to this report documenting consideration of submissions and direct changes to Strategy as a result</li> <li>• Letter to submitters advising of Council decision</li> </ul>
Collaborate	N/A	N/A
Empower	N/A	N/A

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

### **Options for Consideration**

**Option 1 (Recommended):**

Adopt the Rural Strategy 2015, with recommended changes outlined in Attachment 1, to address feedback to the draft Rural Strategy 2015 and attachments.

**Option 2 (Not Recommended)**

Adopt the Rural Strategy 2015 without change. This fails to acknowledge input from the consultation process.

**Option 3 (Not Recommended)**

Adopt the Rural Strategy 2015 with all changes requested within the submissions. This may result in changes to the Strategy that would either not be supported in seeking a planning scheme amendment, are premature, or may undermine the purpose of the Strategy noting that some submissions are at odds with others.

**Option 4 (Not Recommended)**

Not adopt the Rural Strategy 2015 and abandon the whole project. This may create an environment of planning and land use uncertainty, and lead to *ad hoc* development which may erode the existing rural landscape, and does not address any of the submissions received.

### **Conclusion**

This report provides a summary of all submissions received to the draft Rural Strategy 2015 as a result of a comprehensive consultation program. A series of changes to the draft Rural Strategy 2015 are recommended as an outcome of this process. These changes are respectful of the strategic policies underpinning the Strategy.

The revised Rural Strategy 2015 is now presented to Council for adoption and to commence the implementation program. Taking these steps will finalise the project and provide a clearer and more certain future direction for land use and development within the rural communities of Wangaratta.

Council should resolve to adopt the revised the Rural Strategy 2015, and prepare a planning scheme amendment to implement the relevant recommendations of the Strategy.

### **Attachments**

- 1 Rural Strategy Submission Table
- 2 Revised Rural Strategy 2015
- 3 Revised Rural Strategy Appendices

## **Gallery Questions**

### **Paul O'Brien - Hansonville**

Mr O'Brien submitted comments documenting his opinion that a 'complete lack of active consultation had been undertaken' with regards to the Rural Strategy.

*Rod Roscholler, Administrator, responded that there had been several regional information sessions held and the Administrators have met with everyone who had requested a meeting. Administrator Roscholler further stated that the Strategy has been on the website and available at the Council Offices.*

*The Administrators strongly believe that extensive consultation has occurred and as a consequence there has been significant changes to the Strategy compared to where it was even six months ago.*

### **Peter Farrell -**

I respectfully submit the two following questions for tomorrow night's meeting.

- 1 In the Draft Rural Strategy and Township Development Plans such as Milawa, specific reference has been made to correct anomalies where lot pattern/land use does not match the current zoning (see response to Submission 7 on page 109 on the Agenda). Examples are the allotments to the west of Milawa-Bobinawarra Road and north of the Cheese Factory, around Everton, and the allotments on the outskirts of Oxley. Can Council explain why this principle has not been consistently applied, the example being the allotments south of the Cheese Factory which more closely align in terms of lot pattern/land use with Low Density Residential with the majority less than 2 ha in size.
- 2 On what data, such as surveys and research, has Council to support the potential demand for the extent and area of the Rural Activity Zone to the east and south of Milawa.

In terms of process, are these questions taken before or after Council's consideration and vote on the Draft Rural Strategy?

### **Barry Green, Director Development Services:**

- Q1. *In respect to land south of the Milawa Cheese Factory and bordered by Kerrs Road. Analysis of this land indicates that, with the exception of two small lots (less and 4300sqm) all lots have an area of between 12000 and 21800sqm, therefore creating an average of 18,500sqm.*

*This lot size combined with the development pattern of this area, is reflective of Rural Living land, and therefore this area has been designated for this purpose in both the Township Development Plans and also the Rural Strategy.*

Q2. *The area considered for Rural Activity Zone (RAZ) around Milawa was outside the study area considered within the Township Development Plans and was proposed on the following basis:*

- *Firstly to recognise the existing land use pattern of land to the South, which includes a large Winery complex / accommodation and tourism establishments. This is considered to be more consistent with the purpose of the RAZ rather than Farming Zone.*
- *Secondly to allow for the possibility of further agribusiness tourism enterprises establishing to the east of the township to support the future growth and development of Milawa.*
- *No demand based assessment was undertaken on the proposed application of the RAZ, it was considered based on the purpose of the zone and Councils support for a diversity of uses supported by this zone.*

**Harry Glover**

My submission is No 1 summarised on PP109 of Agenda.

I was seeking a rezoning to enable dwellings to be built on each 3 of 16 hectares bounded by Warby Range Road, Shanley Street & Gravel Pit Road. There is no farming in the area. Your decision is that it be included in an area for further investigation for Rural Living.

The Council and its planning staff have had this before them since 2005 when a professional Submission was made on my behalf to the Planning Panel on Amendment C20. My matter was before Council planners between 2005 and the Draft 1 and 2 with further submissions.

How long does Council need to investigate this?

**Barry Green, Director Development Services:**

*Should the recommendations be adopted then areas such as this can be further investigated. Such investigations will include supply/demand analysis, constraints analysis (bushfire / flood / environmental / servicing etc) and proposed planning controls.*

*The strategy recommends that work be listed as a medium priority project listed to occur within a 2 - 5 year time frame.*

**Gary Nevin - Bobinawarrah**

Former Planning Minister Guy amended the provisions of the Farm Zone in our Planning Scheme in August 2013 .

He introduced a new purpose;

" To encourage the retention of employment and population to support rural communities "

Significantly under the heading " Use of land for a dwelling " where it is set out under a headline sentence ;

" a lot used for a dwelling must meet the following requirements "

Minister Guy deleted ;

" Whether the dwelling is reasonably required for the operation of the agricultural activity conducted on the land "

How can you reconcile these changes to the planning Scheme with some of your draft Local planning Policies which include the following ;

As an objective ;

" Ensure that housing in the Farm Zone and Rural Activity Zone supports rural activities and production and is not undertaken to meet lifestyle objectives that may conflict with the rural use of land "

As a Policy ;

" Ensure that any dwelling proposal has a relationship with and is required to directly support the continuing operation of an existing or new rural land use conducted on the land "

" discourage dwellings on lots of less than 40 hectares unless there is strong justification for supporting the existing or new rural use of land "

Many other proposed Local policies provide sufficient protection for the right to farm without these extreme anti dwelling policies .

If still in doubt why not include as a policy ;

" Where conflict arises between lifestyle amenity and the right to farm, the latter has precedence ' or something similar .

**Barry Green, Director Development Services:**

*The changes made by former Minister Guy were to the zones within the Victorian Planning Provisions and they provide for the discretionary uses that are allowed in the zones. It is then Council's responsibility to develop local policies on how it exercises that discretion under those particular zones.*

*Council must develop local policies that are in the Planning Scheme and clarify how Council will exercise that discretion and for people making Planning Applications, how that discretion will be applied and what criteria needs to be considered.*

**Matthew Sammon - Northeast Survey Design**

How does the strategy address growth in the community and how do we support our local communities when a lot of the wording in the Strategy document is quite negative?

**Barry Green, Director Development Services:**

*Township Development Plans will address how we grow our townships. The use of the Rural Activity Zone and the change around Lot sizes supports not only a number of user groups but supports more diverse uses and certainly Council is considering the use of the Rural Activity Zone to support growth in rural areas.*

**Matthew Sammon**

The 40ha minimum has been reduced to 20ha in the Rural Activity Zone. What types of industry or business is that likely to support?

**Barry Green, Director Development Services:**

*The Rural Activity Zone and the reduction in Lot sizes came as a result of the submission process. No specific industries have been identified but the strategy provides the flexibility to support the existing industries and work with other complimentary new businesses.*

**Murray Butler**

The aim of the Strategy is to protect productive farming land. When I purchased my property of less than 40ha it was eligible for a dwelling but with these changes I will not be able to obtain a Planning Permit for a dwelling. The land is marginal as grazing land. Could you please tell us where this Strategy leaves people in my position and how this affects the valuation of my property.

**Barry Green, Director Development Services:**

*Not every parcel of land in a farming zone can have a dwelling on it. An application can be made to Council for a dwelling but the strategy does not support it. Planning Zones can change frequently but Council is bound to operate under the Victorian Planning Provisions currently in place.*

**Ruth Kneebone, Director Corporate Services:**

*Rating valuations are based on the values of surrounding properties sold and verified by the Valuer General so our Valuers would look at similar properties without dwellings in the surrounding area in order to apply a valuation to your property. There is an opportunity to object to the valuation of the property if you disagree with your property valuation. The Valuers are aware of Planning Scheme Amendments and make valuations accordingly. 2016 is a revaluation year.*

***Administrator Rod Roscholler, on behalf of the Administrators, wished the Minutes to reflect their admiration of, and gratitude to, Barry Green, Director Development Services and the Planning Staff for the tremendous amount of work that has been put into this Strategy.***

## 16.2 SOUTH WANGARATTA CIVIC PRECINCT: LAND PARCEL DISPOSAL

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 20 October 2015  
**Author:** Senior Business Development Officer  
**File Name:** Former Ovens College Site  
**File No:** 25010054

The following Council officers and contractors have provided advice in relation to this report and have disclosed a conflict of interest regarding the matter under consideration:

**Officers:** Senior Business Development Officer

### **Executive Summary**

This report is presented to Council to progress the future of two parcels of land within the Former Ovens College Site to expand the emergency services precinct for use by the Country Fire Authority (CFA) and the State Emergency Service (SES).

#### **RECOMMENDATION:**

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

***That Council supports the proposal in principle and authorises officers to:***

- 1. Commence formal sale process for approximately 1135m<sup>2</sup> of land being part Lot 2 PS 739482H Parish of Wangaratta North as depicted on attached plan to the Country Fire Authority.***
- 2. Undertake the required process to reserve approximately 4613m<sup>2</sup> of land being part of Lot 2 PS 739482H described on the attached plan for public purposes-emergency facility for use by the State Emergency Service.***

**Carried**

### **Background**

Following the closure of the Ovens College, the CFA purchased an irregular shaped block of land for the development of their new station. The irregularity was due to a desire to preserve the existing sports oval adjacent to it. Since that time the oval has not been utilised and as such it is considered appropriate that consideration be given to sale. With the expansion of the facility in Handley Street, the CFA have approached Council with a view to purchasing an additional area of approximately 1135m<sup>2</sup> (subject to final survey) of land as indicated on the attached plan to be incorporated into the existing CFA facility to allow it to be better utilised.

In addition, the SES have submitted an expression of interest to reserve an area of approximately 4613m<sup>2</sup> of land adjacent to the CFA facility to accommodate a



future move from their existing location in Millard Street. The existing location has some limitations whilst a move to a new location in close proximity with other emergency service providers is considered to be a desirable outcome to better service the community.

### **Implications**

#### **Policy Considerations**

The *South Wangaratta Urban Renewal Strategy (2012)* supports the move to establish an emergency services precinct on the Handley road aspect of the site. The contribution to be made by council to support the SES is yet to be determined.

The process for the sale of council owned land is specified in the *Local Government Act 1989*, which includes the hearing of any submissions in accordance with section 223.

#### **Financial/Economic Implications**

Expenditure at this stage has been for the drawing of plans to identify the subject land and valuations. There will be further legal expenditure to complete the project.

#### **Legal/Statutory**

There are legal/statutory implications identified for the subject of this report for the sale of public land and reservation of land.

#### **Social**

Considerable community consultation took place following the acquisition of the site by Council, and there was support for the establishment of an emergency services precinct

#### **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 Growing.

## **We will research and advocate**

To encourage development of the former Ovens College site that has a strong community benefit.

## **The non-negotiables**

Our economy is diverse and strong – providing our residents with a range of employment and lifestyle

## **Strategic Links**

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

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

South Wangaratta Urban Renewal Strategy

## **Risk Management**

Risks	Likelihood	Consequence	Rating	Mitigation Action
The recommendation fails	Unlikely	Significant	Medium	Reassess community expectations

## **Consultation/Communication**

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	Keep informed	Newspaper Web site

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

## **Conclusion**

The reallocation of these two land parcels allows for expansion of both emergency services and provides the opportunity for further employment in the municipality.

It strengthens our emergency services through co-location to better serve the community and is supported by Council's strategic direction for this locality.

## **Attachments**

- 1 Land for CFA Acquisition
- 2 Land for Reservation to be Used by SES

## **Gallery Questions**

Nil

### 16.3 AMENDMENT OF SECTION 173 AGREEMENT AND RE-SUBDIVISION OF LAND

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 20 October 2015  
**Author:** Statutory Planning Coordinator  
**File Name:** PlnApp15/114  
**File No:** PID 15014/14892

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 a planning permit application for a re-subdivision of two existing titles within the Farming Zone and to amend a Section 173 Agreement to enable the re-subdivision to occur.

#### **RECOMMENDATION:**

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

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

- 1. Resolves to Issue a Notice of Decision to Grant a Planning Permit with respect to Planning Application PlnApp15/114 for the Amendment of Section 173 Agreement and Re-Subdivision of Land at 66 Londrigan-Tarrawingee Road and 694 Wangaratta-Eldorado Road, LONDRIGAN subject to appropriate conditions.***

**Carried**

#### **Property Details**

Land/Address	Lot 2 PS 502655 Vol 10662 Fol 078 694 Wangaratta-Eldorado Road and Lot 7 LP 147848 Vol 9601 Fol 367 66 Londrigan-Tarrawingee Road LONDRIGAN VIC 3678
Zones and Overlays	Farming Zone
Why is a permit required	Amendment of Section 173 Agreement and Re-Subdivision of Land

## Proposal in Detail

### Site & Context



The subject properties are located approximately 7.5km north east of Wangaratta within the locality of Londrigan and adjoins the Murray to Mountains Rail Trail along the Londrigan-Tarrawingee Road. The land subject to the application comprises two separate titles within separate ownership. The area has been assessed as having 'High Agricultural Versatility'.

Lot 2 PS 502655 is located at 694 Wangaratta-Eldorado Road, comprises 44.3ha and is bounded by both Wangaratta-Eldorado Road to the north and The Murray to Mountains Rail Trail to the south. Londrigan-Tarrawingee Road is located just south of the Rail Trail.

Lot 7 LP 147848 is located at 66 Londrigan-Tarrawingee Road, comprises 47.18ha and is bounded by both Londrigan-Tarrawingee Road to the north and Curran Road to the south.

Lot 2 PS 502655 currently contains two approved dwellings on a fenced area of 3.7ha reflective of the proposed area to be subdivided. The residual land is fenced into three large paddocks and used for cropping with an established canola crop currently *in situ*.



Lot 7 LP 147848 is known as 'Old Kentucky Blondes' and currently contains a dwelling, several larger sheds, stock yards and larger paddocks to the south which have grazing cattle in situ. Several smaller yards are located to the front boundary of the property and some holding yards located to the rear of the sheds. The yards to the front currently contain two bulls.

The Murray to Mountains Rail trail runs alongside the north of Londrigan-Tarrawingee Road and currently there is no access to Lot 2 PS 502655 from this road or across the Rail Trail.

The subject and surrounding land is generally flat with scattered remnant and planted vegetation, comprises a mix of smaller lifestyle properties and larger farming properties used primarily for grazing and cropping.

### Proposal



The proposal is to re-subdivide two parcels of 44.3ha and 47.18ha respectively to enable the sale of approximately 40.6ha to an adjoining landowner to the south.

This landowner, the land is to be sold to, currently operate the ‘*Old Kentucky Blondes*’ which is affiliated with ‘*Londrigan Beef and Lamb*’. The additional land is required to enable the farming operation to carry the excess stock it currently holds. This will be discussed further in the report.

There is an existing Section 173 Agreement on the title of Lot 2 PS 502655 which prohibits any subdivision and does not currently provide any discretion for Council.

The intent of the Agreement is to prevent any further subdivision of existing dwellings or to create an additional lot. If the Agreement is amended to include the words ‘*so as to create an additional lot*’ this would enable the re-subdivision to occur should this be deemed appropriate.

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

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

<b>Section</b>	<b>Clause</b>	<b>Provision</b>
State Planning Policy Framework	14.01-1	Protection of agricultural land
Local Planning Policy Framework-MSS	21.05	Rural land use and agriculture
Local Planning Policy Framework-Local Planning Policy	22.01-2	Subdivision in rural areas
Zones	35.07	Farming Zone
Overlays	N/A	
Particular Provisions	65 65.02	Decision Guidelines Approval of an application to subdivide land
Other Relevant Provisions/Documents/Information	N/A	-

### **Referrals**

The application was referred to the following referral authorities:

<b>Authority</b>	<b>Section</b>	<b>Response</b>
Not required	External Section 52 Referral	-
Not required	External Section 55 Notice	-

### **Internal Departmental Advice**

<b>Department</b>	<b>Response</b>
Not required	-

## **Advertising**

The application was advertised to adjoining landowners. Two objections were received and a conciliation meeting was scheduled to be held on 23 September 2015. The objectors responded that they would not be attending the proposed meeting and no alternative meeting date was requested. As a result the objections were not withdrawn and the objectors and applicant were verbally advised that the matter will be proceeding to the next Council meeting. A formal letter will also be sent confirming this.

The issues raised in the written representations are summarised below and comments made.

Issue	Comment
<p>Belief that approval will serve as justification to use the larger parcel of land as a feedlot. There have been some recent issues with intensive use of land which is causing odour issues.</p>	<p>Both objections raised concerns regarding the existing use of the land at 66 Londrigan-Tarrawingee Road in relation to the intensive use as a 'feedlot'. No approval has been sought or given to use this land for a feedlot or for any Intensive Animal Husbandry use.</p> <p>Further information from the applicant has advised that the landowner purchased additional stock earlier this year, when prices were lower, as a result of entering into an agreement to purchase another parcel of adjoining land. This sale fell through however, the landowner had committed to purchasing the cattle. This resulted in a temporary situation of overstocking.</p> <p>Whilst this is not the only solution, the cattle could be agisted at another property, the purchase of this land would alleviate the overstocking issue and allow for a stocking rate of 1 head of cattle per 4 acres of land.</p> <p>Inspection of the land on several occasions did not indicate the land was being used for a feedlot and if any such use were to be proposed, a planning application would be required. Assessment would include the advertising to all adjoining landowners as well as compliance with the <i>Victorian Code for Feedlots</i>. Furthermore, there is no guarantee such a proposal would be supported in this location.</p> <p>The use of the land is not the subject of this application. However, it is considered the approval of the re-subdivision would in due course alleviate the issue with overstocking that</p>



Issue	Comment
	<p>has caused the off-site issues.</p> <p>The land to be purchased has a well-established canola crop which would be due for harvesting in late November. This would provide time for the process of approvals and the sale of the land to be finalised and the harvest to occur leaving this land ready to stock before the end of the year.</p>
<p>Belief that existing 'Granny Flat' on the property at 66 Londrigan-Tarrawingee Road would be annexed to the subdivision.</p>	<p>Inspection of the land has determined that the 'Granny Flat' that was located on this land previously has since been removed.</p>

### **Planning Assessment**

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

##### **14.01-1 Protection of agricultural land**

#### **Objective**

*To protect productive farmland which is of strategic significance in the local or regional context.*

#### **Strategies**

*In considering a proposal to subdivide or develop agricultural land, the following factors must be considered:*

- *The desirability and impacts of removing the land from primary production, given its agricultural productivity.*
- *The impacts of the proposed subdivision or development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production.*
- *The compatibility between the proposed or likely development and the existing uses of the surrounding land.*
- *Assessment of the land capability.*



## Local Planning Policy Framework (SPPF)

### 21.05 RURAL LAND USE AND AGRICULTURE

#### Strategic directions:

##### *Rural and agricultural land use:*

- *Ensure that any subdivision and rural housing proposals in higher agricultural productivity and versatility areas are directly linked to an agricultural use, retain productive agricultural use of the land and area, protect the economic potential of the land and area for agriculture, and are not used for rural lifestyle purposes.*

##### *Subdivision and housing:*

- *Ensure that rural subdivision and housing is provided with a level of infrastructure that is required for that use or development.*
- *Ensure that any subdivision of land for 'house lot excision' maintains the agricultural land resource by minimising the parcel size of an existing house that is to be excised and maintaining a large vacant balance of land for agricultural purposes.*

### 22.01-2 SUBDIVISION IN RURAL AREAS

#### Objectives

- *Ensure that land subdivision does not diminish the productive agricultural capacity of the land or general area, particularly in 'high' or 'very high' agricultural versatility areas.*
- *Ensure that any subdivision of land is for the rural or agricultural use and development of land, rather than for rural lifestyle lots or development.*
- *Ensure an adequate standard of infrastructure for rural land subdivision.*

It is policy to:

##### *All subdivision:*

- *Ensure that any subdivision proposal has a relationship with and is required to directly support the continuing operation of an existing rural use conducted on the land.*
- *Maintain agricultural production and rural uses on the land.*
- *Ensure that any subdivision proposal is compatible with and will not have an adverse impact on farming and other rural land uses on the land, adjoining land and the general area.*

- *Ensure that any subdivision proposal meets the principle of 'right to farm' in rural areas, where existing agricultural and rural uses in the area have a right to legally continue.*
- *Minimise any potential amenity impact on adjacent or nearby land and not reduce the potential for agricultural production or other rural activity.*
- *Provide for the ongoing sustainable use of the land, including consideration of environmental constraints and protection and enhancement of the natural environment.*
- *Avoid any adverse effect on existing rural and irrigation infrastructure and not affect the continuing use of this infrastructure for agricultural production.*

The proposal has been assessed against the above State and Local Planning Policy Framework which promotes the protection and expansion of agricultural land and sustainable land use whilst ensuring excisions of existing dwellings maintain the agricultural land resource.

The proposed re-subdivision provides for the expansion of an existing agricultural enterprise in a high agricultural versatility area and does not increase the number of dwellings or lots as a result. The lot containing the two dwellings has been minimised to provide for the larger parcel of land to be retained as productive agricultural land whilst still ensuring a buffer from the dwellings to the agricultural use. The dwellings are setback 18 and 30 metres respectively from the rear boundary and 37 and 34 metres respectively from the west and east boundaries.

## **Zone**

### **35.07 FARMING ZONE**

#### **Purpose**

- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*

The proposal is consistent with the purpose of the zone as it ensures the retention of land for agriculture.

#### **Particular Provisions**

### **Clause 65 DECISION GUIDELINES**

*Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.*

## 65.02 Approval of an application to subdivide land

Before deciding on an application to subdivide land, the responsible authority must also consider, as appropriate (*inter alia*):

- *The suitability of the land for subdivision.*
- *The existing use and possible future development of the land and nearby land.*
- *The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.*
- *The area and dimensions of each lot in the subdivision.*
- *If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.*

The proposal has been assessed against the relevant decision guidelines. In particular the re-subdivision results in a more productive use of the land, does not increase the number of dwellings permitted in the future and provides for a larger lot retained for agricultural use.

The smaller lot created containing the existing two dwellings is of sufficient size to retain and treat waste water within the boundary of the lot.

### Summary of Key Issues

The concerns raised that the land at 66 Londrigan-Tarrawingee Road is being used as a feedlot have been investigated and no evidence that the existing use falls into this definition has been established.

It is possible the land has been used more intensively as a result of the additional cattle purchased and if this were to continue this would be of concern and would likely require a planning permit for Intensive Animal Husbandry. However, if the proposed re-subdivision is approved, once the crop is harvested, this would enable the current stock to be spread over a larger parcel of land thus reducing the intensity of use.

The issue raised regarding the existing 'Granny Flat' being annexed to the subdivision has been addressed given the Granny Flat has now been removed from the land.

The land is located within an area of High Agricultural Significance and there is significant state and local policy which supports the protection, retention and expansion of agricultural use.

The approval of the proposed re-subdivision would not result in an *as-of-right* for any new dwellings on the land and would result in a larger parcel of land being used for productive agriculture.

Whilst not formally submitted as an objection, some concerns have been raised from discussions with objectors and internally regarding access to the consolidated land and whether this should be allowed over the existing Murray to Mountains Rail Trail. It has been determined that this is not a desirable outcome

and a condition should be included prohibiting vehicle or stock access over the Rail Trail.

The amendment of the Section 173 Agreement has not raised any concern from objectors and is supported to enable the re-subdivision. Furthermore, an additional Section 173 Agreement should be requested on the consolidated lot to preclude any further subdivision and to ensure no access across the Rail Trail.

### **Background**

The application has received two objections and whilst the matter could be determined under delegation, in the interest of being open and transparent, in this instance it was determined to put the matter to a Council meeting for final decision.

### **Implications**

#### **Policy Considerations**

The *Draft Rural Strategy 2015* is an endorsed document of the Council for consultation purposes. This strategy outlines the future direction for agricultural land use and development within the municipality with the primary aim to protect and enhance agricultural production and minimise conflict of use/s.

The proposal is consistent with this draft strategy.

#### **Financial Implications**

If the decision were to be appealed at VCAT by either the objectors or applicant, there would be costs associated with Council being a party to this appeal.

#### **Legal/Statutory**

There are legal implications relating to the amendment of a Section 173 Agreement and entering into a new Section 173 Agreement as Council must be a party to these agreements.

#### **Cultural Heritage**

There is no impact to Aboriginal Cultural Heritage for the subject of this report.

#### **Social**

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

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

The proposal promotes the sustainable use of the land. There are no adverse environmental/ sustainability impacts identified for this subject of this report.

## **Economic Impacts**

The proposal promotes the protection and expansion of agricultural land and sustainable land use. There are no adverse economic impacts identified for the subject of this report.

## **Referrals/Public Notice**

### **2013 – 2017 Council Plan (2015 Revision)**

This report supports the 2013-2017 Council Plan:

#### **Goal**

We are sustainable

#### **We will research and advocate**

to advance regional agricultural opportunities.

#### **The non-negotiable**

Residential, rural, commercial and industrial land that is appropriately protected, planned and developed to meet the long-term needs of the community.

### **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

There are no risks to Council identified as a result of this application.

### **Consultation/Communication**

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	Notify adjoining landowners of application	Notice of Application was sent to the adjoining landowners.
Consult	Provide opportunity to attend a conciliation meeting	Letters for Conciliation Meeting were sent to the objectors. The meeting did not occur as both the objectors were not able to attend this meeting.
Involve	N/A	
Collaborate	N/A	
Empower	N/A	

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

### **Conclusion**

The proposal will result in a larger parcel of land being retained for agricultural use and the expansion of an existing agricultural enterprise. It will also improve an existing issue of overstocking of land which should alleviate the concerns raised by objectors.

No additional dwellings will be permitted *as-of-right* if the proposal is approved and no additional lots will be created.

As the lot to be consolidated is over 40ha, if this were to be subdivided in the future a dwelling would be *as-of-right*. Conditions on the permit will ensure there is an Agreement on Title prohibiting further subdivision which will ensure that either parcel is not subdivided off in future so as to create an additional lot. In particular, by preventing further subdivision of the larger consolidated lot, this will ensure there is not an *as-of-right* for any further dwellings to be constructed.

It is considered the proposal meets the intent of the relevant State and Local Planning policies and the zone and would result in an improved agricultural outcome.

### **Options for Consideration**

*Option 1 - That Council resolves to Issue a Notice of Decision to Grant a Planning Permit subject to the conditions outlined below. This is the recommended option.*

*Option 2 - That Council resolves to Issue a Notice of Refusal to Grant a Planning Permit. Grounds of refusal would need to be provided. This is not the recommended option.*

**Proposed Conditions (Option 1):**

1. *The subdivision permitted by this permit as shown on the endorsed plan(s) and/or described in the endorsed documents must not be altered or modified (for any reason) except with the prior written consent of the Responsible Authority.*
2. *Prior to lodgement of Section 173 Agreements pursuant to condition 3 and 4 of this permit, a Plan of Subdivision drawn by a licensed surveyor must be submitted to the Responsible Authority.*
3. *Prior to the issue of a Statement of Compliance, the applicant/owner must submit an amended Section 173 Agreement for 694 Londrigan-Tarrawingee Road (relating to the 3.7ha parcel of land shown on the endorsed plan) to the Responsible Authority and confirmation of lodgment of the Amended Agreement pursuant to Section 181 of the Act must be provided to the Responsible Authority.*

*The Amended Agreement must provide for the following:*

*Except with the prior written consent of the Responsible Authority;*

- (a) *The land must not be further subdivided so as to create an additional lot.*

*The owner/operator under this permit must pay the full costs of the preparation, (and) execution and registration of the Section 173 Agreement.*

4. *Prior to the issue of a Statement of Compliance, the applicant/owner of 66 Londrigan-Tarrawingee Road (relating to the consolidated 87.78ha parcel of land shown on the endorsed plan) must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 and confirmation of lodgement of the Agreement pursuant to Section 181 of the Act must be provided to the Responsible Authority. The Agreement must provide for the following:*

*Except with the prior written consent of the Responsible Authority;*

- (a) *The land must not be further subdivided so as to create an additional lot.*
- (b) *No access for vehicles or stock from Londrigan-Tarrawingee Road across the Murray to Mountains Rail Trail is permitted.*

*The owner/operator under this permit must pay the full costs of the preparation, (and) execution and registration of the Section 173 Agreement.*

5. *Prior to the issue of a Statement of Compliance, a new access crossover must be provided from Wangaratta-Eldorado Road for the land to be consolidated into 66 Londrigan-Tarrawingee Road. The vehicle crossing must be constructed in accordance with Council's Infrastructure Design Manual [IDM] Section 12.9.2 "Rural Vehicle Crossings", and to the satisfaction of the Responsible Authority.*

6. *The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.*
7. *All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.*
8. *The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.*
9. *This permit will expire if:*
  - a) *the subdivision plan or any stage thereof is not certified within 2 years of the date of issue for this permit; and*
  - b) *a Statement of Compliance for the subdivision plan or any stage thereof is not obtained within 5 years of the certification of the plan;*

*The Responsible Authority may extend the time referred to within a) of this condition if a request is made in writing pursuant to Section 69 of the Planning and Environment Act 1987 before the permit expires or within six months afterwards.*

### **Attachments**

Nil.

### **Gallery Questions**

Nil



**17. SPECIAL COMMITTEE REPORTS**

Nil

**18. ADVISORY COMMITTEE REPORTS**

Nil

## 19. RECORDS OF ASSEMBLIES OF ADMINISTRATORS

### 19.1 RECORDS OF ASSEMBLIES OF ADMINISTRATORS

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 20 October 2015  
**Author:** Acting 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
15 September 2015	Meeting to discuss Bruck Mills Wangaratta Site	Attachment
21 September 2015	Meeting regarding Local Laws Policies	Attachment
21 September 2015	Meeting with Rick Jones regarding Local Law No. 1	Attachment
21 September 2015	Meeting with the Minister for Local Government	Attachment
22 September 2015	Meeting with Vin McKenzie regarding Wangaratta Saleyards	Attachment
29 September 2015	Meeting with David and Patti Jacobson, and Tony Raven re community action for the Buffalo Chalet and Big Bud Industries	Attachment
6 October 2015	Administrator’s Briefing Forum	Attachment

**RECOMMENDATION:**

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

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

**Carried**

**Attachments**

20 October 2015 - Records of Assemblies of Administrators

**Gallery Questions**

Nil

**20. NOTICES OF MOTION**

Nil

**21. URGENT BUSINESS**

Nil

**22. PUBLIC QUESTION TIME****Ron Summers - Wangaratta**

Mr Summers referred to Item 14.2 Community Access and Inclusion Plan and asked when we are going to see pedestrian crossings in the Central Business District.

Brendan McGrath, Chief Executive Officer, responded that the Draft CBD Masterplan will be considered at the 30 October 2015, Special Council Meeting in which Accessibility is a key focus.

Mr Summers further commented on the illegal parking in the Appin Park area at school times and asked if someone from Council would be able to investigate this issue.

Alan Clark, Director Infrastructure, replied that he had a meeting scheduled with a school principal the next day to discuss similar issues.

**Ann Dunstan - Tarrawingee**

Ms Dunstan referred to the 30 October 2015, Special Council Meeting and commented that the time of 2:00pm on a Friday makes attending the meeting quite difficult. Ms Dunstan enquired why the meeting is held at this time and why the items were not carried over to the next Ordinary Council Meeting.

Brendan McGrath, Chief Executive Officer, explained that the time of the meeting was set according to the availability of the Administrators.

Mr McGrath further clarified that there is a large amount of business to be completed before the end of the year and to allow all items to be given appropriate time and consideration by the Administrators and the public, the workload has been spread out across the remaining meetings.

**Peter Farrell - Milawa**

Mr Farrell expressed his difficulty in locating the Rural Strategy document on Council's website.

Ailsa Fox, Administrator Chair, acknowledged Mr Farrell's concern.

**Jane Witherow - Bowmans Murmungee**

Ms Witherow commented on the need for Locality Signs in the Bowmans Murmungee area for the purposes of the CFA, fire location and all emergency situations. Whilst Ms Witherow acknowledged this was a VicRoads area, she enquired what is Council's view on this matter.

Alan Clark, Director Infrastructure Services, replied that he would take the question on notice and explore the options.

On a separate issue, Ms Witherow referred to the mobility scooters using the footpaths in the Wangaratta CBD and asked if there were any rules to govern the speed of these scooters.

Mr Clark further responded that the mobility scooters are restricted to certain speeds and they are allowed to access footpaths and roads. Mr Clark advised that he would take the question on notice.

Ailsa Fox, Administrator Chair, suggested that Council could consult with other towns and the Municipal Association of Victoria to find ways to deal with this issue.

**Gary Nevin - Bobinawarrah**

Mr Nevin asked if Council could lead the way by using a numbering system instead of 'dot points' in documents to allow ease of reference.

Ailsa Fox, Administrator Chair, responded that Mr Nevins point is taken.

**Rosie Bennett - Everton**

Ms Bennett expressed her concern regarding the small red rubbish bins in town and their fortnightly pickups and wondered if this was sufficient.

Alan Clark, Director Infrastructure Services, responded that town residents also have a green bin for organic waste which is collected weekly but is aware that young families find it difficult as nappies are not to be placed in the green bins. Mr Clark advised that a large red bin was an option for these people under a user-pays system.

**Jenny Hart - Wangaratta**

Ms Hart asked where the play equipment currently on the Mitchell Avenue Splash Park site would be relocated to and when.

Jaime Carroll, Director Community Wellbeing, replied that the equipment was being relocated to the other side of the Mitchell Avenue Playground and would be moved over the next few days.

**23. CONFIDENTIAL BUSINESS****23.1 SERVICE REVIEW*****RECOMMENDATION:*****(MOVED: ADMINISTRATOR I GRANT/CHAIR ADMINISTRATOR A FOX)*****THAT THE MEETING BE CLOSED TO MEMBERS OF THE PUBLIC TO DISCUSS CONTRACTUAL MATTERS.******CARRIED*****24. CLOSURE OF MEETING**

The Meeting closed at 7:21pm.