

Minutes

Of the Ordinary Council Meeting

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

Date:

Time:



RURAL CITY OF
WANGARATTA

Brendan McGrath
Chief Executive Officer

TABLE OF CONTENTS

	Page No.
1. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS	5
2. OPENING PRAYER	5
3. PRESENT	5
4. ABSENT	5
5. ACCEPTANCE OF APOLOGIES & GRANTING OF LEAVE OF ABSENCE	5
ORDER OF BUSINESS	5
6. VALE ROBERT ‘WALLY’ COOPER	5
7. CONFIRMATION OF MINUTES	6
8. CONFLICT OF INTEREST DISCLOSURE	6
9. RECEPTION OF PETITIONS	7
9.1 AUSTRALIAN TEXTILE MILLS PETITION	7
10. HEARING OF DEPUTATIONS	8
PRESENTATION OF REPORTS	8
11. ADMINISTRATORS' REPORTS	8
OFFICERS' REPORTS	8
12. EXECUTIVE SERVICES	8
13. CORPORATE SERVICES	9
13.1 SALE OF INDUSTRIAL LAND	9
13.2 COMPLAINTS HANDLING POLICY	12
14. COMMUNITY WELLBEING	15
14.1 2015/2016 COMMUNITY GRANTS PROGRAM - MINOR CATEGORY	15
15. INFRASTRUCTURE SERVICES	23
15.1 SALEYARDS CO-OPERATIVE MODEL	23
15.2 RURAL TRANSFER STATIONS	27
15.3 ASSET MANAGEMENT PLANS (ROADS AND BRIDGES)	33
16. DEVELOPMENT SERVICES	36
16.1 LOCAL LAW POLICIES	36
16.2 LOCAL LAW NO.1 - CHANGES TO FEES AND CHARGES	41
17. SPECIAL COMMITTEE REPORTS	48
18. ADVISORY COMMITTEE REPORTS	49
18.1 ADVISORY COMMITTEE REPORTS	49
19. RECORDS OF ASSEMBLIES OF ADMINISTRATORS	50
19.1 RECORDS OF ASSEMBLIES OF ADMINISTRATORS	50
20. NOTICES OF MOTION	51
21. URGENT BUSINESS	51
22. PUBLIC QUESTION TIME	51
23. CONFIDENTIAL BUSINESS	54

24. CLOSURE OF MEETING 54

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 Alisa 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:

Nil

Officers:

Nil

5. ACCEPTANCE OF APOLOGIES & GRANTING OF LEAVE OF ABSENCE

ORDER OF BUSINESS

6. VALE ROBERT 'WALLY' COOPER

Ailsa Fox, Administrator Chair, paid tribute to Robert Cooper, known as 'Uncle Walley', who passed away on the weekend. Uncle Walley was a Yorta Yorta and Bangarang Elder and a respected and valued member of our community who worked closely with the Rural City of Wangaratta and made an extraordinary contribution to the lives of many people.

7. CONFIRMATION OF MINUTES

RECOMMENDATION:

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

That Council read and confirm the Minutes of the Ordinary Meeting of 17 November 2015 and the Special Meeting of 23 November 2015 as a true and accurate record of the proceedings of the meetings.

Carried

8. CONFLICT OF INTEREST DISCLOSURE

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

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

9. RECEPTION OF PETITIONS

9.1 AUSTRALIAN TEXTILE MILLS PETITION

Meeting Type: Ordinary Council Meeting
Date of Meeting: 15 December 2015
Author: Executive Assistant - Corporate Services
File Name: Wangaratta Planning Scheme Amendment C57
File No: 73.030.073

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

Executive Summary

A petition/joint letter containing 21 signatures from former employees of Australian Textiles Mills (formerly Bruck Mills) has been received.

The petition calls upon '*the Administrators to explain in a Public Forum why they are supporting the dismantling of this iconic business and site and why they have ignored the expert planning advice*'.

A copy of the letter has been provided to Administrators under separate cover.

RECOMMENDATION:

(Moved: Administrator I Grant/Administrator R Roscholler)

- 1. That the petition/joint letter regarding the Australian Textile Mills site be received.**
- 2. That a report on investigations into the request within the petition/joint letter be considered at the February 2016 Ordinary Council meeting.**

Carried

Conclusion

In accordance with Local Law No.3 of 2014 – (Administrators) Meeting Procedure, a joint letter presented to the Council must lay on the table until the next ordinary meeting of the Council and no motion, other than to receive the joint letter, may be accepted by the Chairperson, unless Council agrees to deal with it earlier.

Attachments

Nil.

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: 15 December 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

Following the completion of the statutory process under Section 223 of the Local Government Act 1989 (the Act), Council must now decide 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. As there have been no submissions received regarding this proposed sale Council should proceed to sell the land.

RECOMMENDATION:

(Moved: Administrator R Roscholler/Administrator I Grant)

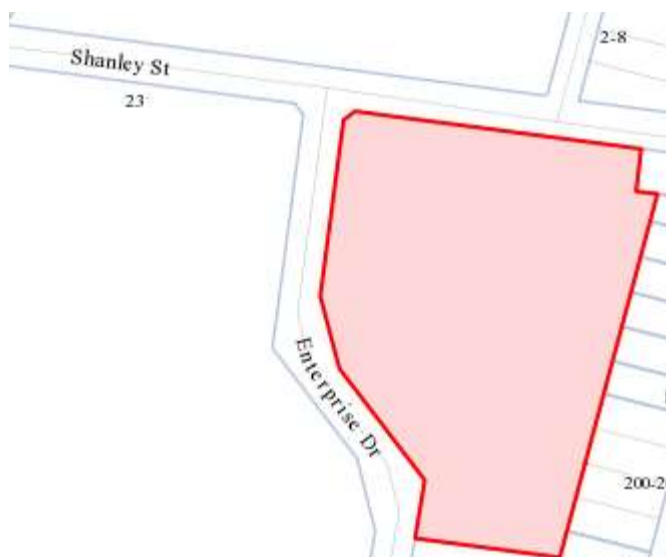
That Council:

- 1. Determines to sell Lot 2 PS 519305K situated at Shanley Street, Wangaratta as contained in Certificate of Title Volume 10795, Folio 347;***
- 2. Authorises the Signing and Sealing of the documentation when it is available;***
- 3. Authorises the Director Corporate Services to undertake the necessary arrangements for the sale of this property.***

Carried

Background

In 2004, Council undertook a four lot subdivision of the former Solelectron 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:



At the 20 October 2015 meeting Council determined to advertise its intention to sell the land at Lot 2 PS 519305K situated at Shanley Street, Wangaratta and invited written submissions on the proposed sale until Friday 20 November 2015.

There have been no submissions received regarding the proposed sale.

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 will 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. Council has undertaken the statutory process and is therefore compliant with statutory requirements.

Social

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

Environmental/Sustainability Impacts

There are no environmental/ sustainability 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 Sustainable.

The non-negotiables

Investment in new industries is supported and encouraged.

All legislative and compliance requirements are met.

Consultation/Communication

Submissions were 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 was advertised in the Chronicle newspaper on Friday 23 October 2015, and also on Council's website indicating that submissions would be received up to 5.00pm on Friday 20 November 2015.

Persons making submissions could request an opportunity to be heard in respect of their submission.

No submissions were received.

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

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 has met all statutory and policy obligations.

As there have been no submissions received regarding this proposed sale Council should proceed to sell the land.

Attachments

Nil.

Gallery Questions

Nil

13.2 COMPLAINTS HANDLING POLICY

Meeting Type: Ordinary Council Meeting
Date of Meeting: 15 December 2015
Author: Manager - Business and Governance
File Name: COMPLAINTS AND GRIEVANCES
File No: 66.010.005

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 the public exhibition process for the Draft Complaints Handling Policy (the policy).

RECOMMENDATION:

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

That Council endorses the Draft Complaints Handling Policy for public exhibition and invite public submissions in accordance with Council's 'Major Council Policy Consultation Local Law No.4 of 2015'.

Carried

Background

Council would like to improve the way it delivers services, how it communicates and what it does to support the community. In order to improve, Council understands that it needs to encourage, and be responsive to, feedback, including complaints.

Council also believes that everyone who has been affected by an action or inaction of Council has a right to complain. As a result, complaints handling is considered to be a vital part of serving the community and improving service delivery.

Council's activities are diverse and extensive and as a result Council receives a large number of complaints. It is also important to note that Council staff, in the course of their employment, are required by the *Local Government Act 1989* (the Act) to accept accountability for results and provide responsive service. Consequently, an effective approach to complaints handling is required.

The policy has been developed to ensure that Council has a complaints handling framework that makes it easy for people to make complaints, that supports an effective and timely response to complaints and that also encourages learning from complaints so that we can improve service delivery, communication and community support.

Implications

Policy Considerations

This report is the first stage in the adoption of a new policy. Council considers this policy to be a Major Council Policy as defined in the Major Council Policy Consultation Local Law (the Local Law).

In the process of developing the policy, consultation will be undertaken in accordance with the Local Law. All submissions and any proposed changes will be considered by Council prior to the policy being adopted.

Financial/Economic Implications

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

Legal/Statutory

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

Social

The policy will provide a framework for the lodgement and resolution of complaints.

Environmental/Sustainability Impacts

There are no environmental/ sustainability 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 Connected.

We will plan and make decisions for the future:

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

Risk Management

The policy enhances Council's response to complaints.

The approach addresses the risk that the community becomes disaffected by a perception that Council does not respond effectively or in a timely manner.

Consultation/Communication

Submissions are invited from the community in regards to the policy in accordance with clause 7 of the Local Law.

A notice to this effect will be advertised in the Chronicle newspaper on Friday 18 December 2015 and also on Council's website indicating that submissions will be received up to 5.00pm on Friday 22 January 2016.

Persons making submissions can request an opportunity to address Council. A Special Committee of Council has been established to hear submissions on the policy on Monday 1 February 2016.

All submissions will be considered by Council when deciding whether or not to adopt the policy at the Ordinary Meeting of Council scheduled for Tuesday 16 February 2016.

Council will notify in writing, each person who has made a separate submission, and in the case of a submission made on behalf of a number of persons, one of those persons, of the decision and the reasons for that decision.

The policy has been developed using Better Practice Guidance material from the Victorian Ombudsman, NSW Ombudsman and the relevant Australian Standard, AS/NZS 10002:2014 Guidelines for complaint management in organisations.

Options for Consideration

It is recommended that Council place the Draft Complaints Handling Policy on public exhibition.

Conclusion

The Draft Complaints Handling Policy has been developed using contemporary Better Practice Guidance and should be placed on exhibition for public review and submissions as required by the Major Council Policy Consultation Local law.

Attachments

- 1 Complaints Handling Policy
- 2 Complaints Handling Policy Community Impact Statement

Gallery Questions

Nil

14. COMMUNITY WELLBEING

14.1 2015/2016 COMMUNITY GRANTS PROGRAM - MINOR CATEGORY

Meeting Type: Ordinary Council Meeting
Date of Meeting: 15 December 2015
Author: Community Projects Officer
File Name: Community Grants
File No: 68.040.001

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

Executive Summary

This report is presented to seek Council's approval of the recommended funding allocations for the 2015/16 Community Grants Program – Minor Category.

An assessment of applications received under the 2015/16 Community Grants Program – Minor Category has been completed; and recommended projects for funding have been listed in this report for Councils consideration.

RECOMMENDATION:

(Moved: Administrator R Roscholler/Administrator I Grant)

That Council:

- endorses the allocation \$49,929 for the funding of the following projects as part of the 2015/16 Community Grants Program – Minor Category:***

Group / Organisation	Project Name	Request Amount \$
Oxley Green Thumbs (Oxley Primary School)	Reduce, Reuse, Recycle	1,850
Life Stories	Life Stories	4,225
North East Victoria Canoe Club	Family Kayaking on Wangaratta's Waterways	4,600
Wangaratta District Men's Shed Inc	Access Ramp	3,000
Boorhaman Golf Club	Kicking Off with ICT	3,040
SOAR Youth Development Inc	Seeding SOAR Youth Project	5,000
North East Support and Action for Youth NESAY	L2P Program	5,000

U3A Wangaratta	Using Technology at the U3A Wangaratta premises	990
Wangaratta Rod and Custom Club	Upgrade of First Aid equipment - purchase defibrillator	1,000
Tarrawingee CFA Brigade	That Sugar Film Screening	1,198
Bowmans Murrumbidgee Tennis Club	Solar Lighting for Evening Tennis	2,041
Whitfield and District Golf Club	Ladies and Children - Learn to Enjoy Golf	1,500
RCoW Cycle Reference Group	Portable Bike Racks	2,300
Wangaratta and District Cricket Association	North Wangaratta Hard Wicket synthetic turf resurfacing	4,065
Whitfield Tennis Club	Whitfield Champions	4,425
Eldorado Tennis Club	Making Tennis Courts Multifunctional	1,500
King River & District Fishing Club	Environmentally Friendly Event Kit & Snakebite & String First Aid Kit	1,195
Wangaratta Motor Sports Club Inc	State Junior Titles & State Aggregate Series	3,000
Carried		

Background

Each year Council's Community Grants Program provides financial assistance to local not-for-profit community groups and organisations for the development of programs; and for activities and projects that will enhance the social, cultural and environmental experience for residents of the Rural City of Wangaratta.

The Rural City of Wangaratta 2015/16 Community Grants Program – Minor Category received 60 eligible applications in the current funding round. The total amount of funds requested in this 2015-16 round totalled \$202,668. These applications have completed an assessment process, been measured against the application criteria and then scaled from highest to lowest ranking.

The Community Grants Program – Minor Category has an annual budget allocation of \$50,000.

The remaining Community Grants funding in the 2015/16 operational budget are reserved for a Major Category round scheduled for the latter portion of the financial year. An opportunity may exist to consider any unexpended funds after this round to address a greater number of the highly ranked minor applications.

Table 1 – Recommended successful applications for 2015/16 Community Grants Program – Minor Category and cumulative funding total.

Group / Organisation	Project Name	Request Amount	Cumulative Total
Oxley Green Thumbs (Oxley Primary School)	Reduce, Reuse, Recycle	1,850	1,850
Life Stories	Life Stories	4,225	6,075
North East Victoria Canoe Club	Family Kayaking on Wangaratta's Waterways	4,600	10,675
Wangaratta District Men's Shed Inc	Access Ramp	3,000	13,675
Boorhaman Golf Club	Kicking Off with ICT	3,040	16,715
SOAR Youth Development Inc	Seeding SOAR Youth Project	5,000	21,715
North East Support and Action for Youth NESAY	L2P Program	5,000	26,715
U3A Wangaratta	Using Technology at the U3A Wangaratta premises	990	27,705
Wangaratta Rod and Custom Club	Upgrade of First Aid equipment - purchase defibrillator	1,000	28,705
Tarrawingee CFA Brigade	That Sugar Film Screening	1,198	29,903
Bowmans Murrumbidgee Tennis Club	Solar Lighting for Evening Tennis	2,041	31,944
Whitfield and District Golf Club	Ladies and Children - Learn to Enjoy Golf	1,500	33,444
RCoW Cycle Reference Group	Portable Bike Racks	2,300	35,744
Wangaratta and District Cricket Association	North Wangaratta Hard Wicket synthetic turf resurfacing	4,065	39,809
Whitfield Tennis Club	Whitfield Champions	4,425	44,234
Eldorado Tennis Club	Making Tennis Courts Multifunctional	1,500	45,734
King River & District Fishing Club	Environmentally Friendly Event Kit & Snakebite & String First Aid Kit	1,195	46,929
Wangaratta Motor Sports Club Inc	State Junior Titles & State Aggregate Series	3,000	49,929

Implications

Policy Considerations

The Community Grants Program – Minor Category is informed by Council's Community Grants Program Policy and Procedure (2015).

Financial/Economic Implications

	2015/16 Approved Budget for this proposal \$	This Proposal \$	Variance Approved Budget \$	to Comments
Revenue/Income	50,000	\$49,929	+\$71	
Expense				
Net Result				

Legal/Statutory

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

Social

The granting of funds to community groups achieves social outcomes that benefit our community.

Other social implications relate to the impact unfunded projects may have on community initiatives and projects. All unsuccessful projects are supported to develop their projects and applications to strengthen future funding opportunities – both within Council and through other avenues.

Environmental/Sustainability Impacts

A number of the grants made will achieve environmental outcomes.

2013 – 2017 Council Plan (2015 Revision)

This report supports the 2013-2017 Council Plan:

Goal

We are Healthy.

We will research and advocate:

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

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.

The non-negotiables

Things happen based on what our communities know are important to them.

Our community and recreation facilities are well maintained and sustainable.

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

N/A

b) Other strategic links**Rural City of Wangaratta Recreation Strategy**

RS 7.1.3 Encourage greater informal use of recreation reserves and facilities by:

- Providing safe off-road access for pedestrians and cyclists;
- Promoting the availability of facilities for casual community access (i.e. multi-use hard courts);
- Enhancing the profile/identity of recreation reserves (and available opportunities) by developing standardised signage that is consistent for all reserves across the municipality; and
- Increasing the diversity of available opportunities such as nature walks/walking circuits, exercise stations, informal recreation opportunities for young people and older adults, seating/picnic facilities and play spaces.

RS 7.2.1 Facilitate various activities including forums and guest speakers with the sport and recreation sector to build capacity and skill that will result in increased participation through initiatives such as:

- Offering flexible membership options for new members;
- Running school clinics, after school programs, come 'n' try days and mentoring programs;
- Effectively promoting events and activities;
- Understanding trends and participation at state and regional levels and developing targeted programs and initiatives; and
- Trying innovative ways to deliver activities and modifications that make it easy for new participants.

RS 7.2.3 Work with key groups to establish and promote unstructured recreation opportunities for specific groups in the community, including:

- Playgroups – young parents (walking and exercise groups);

- Sports Venues – spectating parents (walking and exercise groups);
- Youth Services and Schools – young people (use of parks and trails for physical and social activity);
- Older and Young People (mentoring programs across generations); and
- University of the 3rd Age (U3A) and Senior Citizens Centres – older adults (dog ownership and walking, come ‘n’ try days).

RS 7.3.2 Review the use and capacity of existing ovals in Wangaratta (and surrounding areas), with the aim to maximise the use of existing infrastructure (for cricket and football) prior to the consideration of any new/additional grounds being supported.

RS 7.4.1 Continue to build partnerships with primary and secondary schools throughout the municipality through regular communication and engagement with the aim to:

- Promote sport and recreation opportunities, activities and initiatives (i.e. through school publications);
- Improve pathways for children and young people into community based sport and recreation;
- Encourage greater sharing of school and community facilities/infrastructure (in accordance with access/management arrangements);
- Increase awareness and involvement in the planning of school sport and recreation infrastructure; and
- Trial new initiatives, such as mentoring programs to encourage young people into volunteer roles within the community.

RS 7.4.3 Support and enhance partnerships with local youth providers and groups to ensure that the recreational needs of young people continue to evolve and improve and to ensure young people are involved in the planning of local recreation opportunities.

RS 7.5.6 Promote walking and cycling throughout the community to increase levels of physical activity and health for all age groups by:

- Walking/cycling groups;
- Walking/cycling routes; and
- Directional signage on paths and trails.

Rural City of Wangaratta Community & Wellbeing Plan 2013-2017

4.2.4.1 Provide opportunities for the community redeveloped community facilities to identify accessibility challenges to incorporate Universal Design Principles community facilities.

4.3.2.1 Support activities that build community and social networks.

4.3.2.2 Deliver programs and activities that facilitate intergenerational interaction and foster community inclusion.

4.3.2.3 Provide support to community groups and organisations that seek opportunities for innovation, collaboration and community strengthening.

4.3.2.4 Continue to support the delivery of diverse, innovative and engaging events.

4.3.3.1 *participate fully and contribute to the social, programs and venues being accessible to economic and cultural life disadvantaged sectors in the community.

4.5.2 Develop infrastructure, programs and resources that support and facilitate affordable active living.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Group's ability to contribute committed Cash / inkind	(3) possible	(2) minor	Medium	Requested detailed financials to support commitment
Group's capacity to implement project with available volunteer capacity	(3) possible	(2) minor	Medium	Continual monitoring throughout project implementation
Group's ability to contribute committed Cash/in-kind	(3) possible	(2) minor	Medium	Requested detailed financials to support commitment

Consultation/Communication

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	Internal staff	Lotus Notes Noticeboard
Consult	Internal & external stakeholders	In person
Involve	Roadshows	Face-to-face, phone
Collaborate	Eligible applicants	Email, face-to -face
Empower	Successful applicants	Letter, email, phone, face-to-face

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

Successful and unsuccessful applicants will be informed of Council's decision.

Conclusion

With assessment now completed, projects for funding have been listed in this report for Councils consideration.

It is requested that Council consider the endorsement of the above listed projects to receive funding under the 2015/2016 Community Grants Program – Minor Category – with a total allocation under the funding round of \$49,929.

Attachments

Nil.

Gallery Questions

Nil

15. INFRASTRUCTURE SERVICES

15.1 SALEYARDS CO-OPERATIVE MODEL

Meeting Type: Ordinary Council Meeting
Date of Meeting: 15 December 2015
Author: Executive Assistant - Infrastructure Services
File Name: SALEYARDS MANAGEMENT
File No: 85.010.001

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

Executive Summary

This report is presented to Council to consider the proposal to adopt a producers' owned cooperative model for the Wangaratta Saleyards. In order for a cooperative model to be advanced:

1. Council must decide if it is prepared to lease the Saleyards to a Producers Cooperative, and
2. there must be sufficient interest from producers who are prepared to invest capital and effort into the operation.

This report deals with the first point and opens the way for the second point to be formally explored.

RECOMMENDATION:

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

That Council:

- 1. declares its intention to lease the sale yards to a producers based cooperative, and***
- 2. authorises the Chief Executive Officer to complete all necessary actions to determine the level of community interest to progress the proposal.***

Carried

Background

The Wangaratta Saleyards redevelopment project is now nearing completion.

The Saleyards are an important cattle auction centre in northeast Victoria. Its operations contribute directly and indirectly to the local, regional and state economies and employment opportunities.

The upgrade of the Saleyards ensures that it remains competitive and viable in the industry, and that it meets industry best practice. The completion of the redevelopment will improve operating efficiencies, returns on investment, improved selling conditions, environmental outcomes and increase animal welfare standards. Through this upgrade, Council will be in a better position to attract and retain key agents, buyers and sellers for this important infrastructure.

The largest variable in terms of long-term viability is cattle through-put numbers. Significant long term decline in numbers would create financial sustainability concerns. Council's view is that there is still significant potential financial 'upside' in the Wangaratta Saleyards as a going concern and believes the best way to leverage that potential is not through Council operation but through an arm's-length producer cooperative arrangement as is now proposed. The desired benefits of such an arrangement are:

1. increased cattle sales as a result of producers having direct investment in the Saleyards, and
2. optimum management of the facility by a skills based board.

The Co-operative Concept - Membership and Governance:

Attachment 1 provides some details of how a cooperative may look and a flowchart that depicts the process (*refer attachment*). In summary, it would mean a cooperative would be formed (with willing producers as its members). The co-operative would lease the Saleyards from Council (on a long-term lease at an agreed annual rental) and operate the business at arm's-length.

Good governance is a key aspect in a model like this. The board structure would need to be agreed by members and defined in the cooperative's rules at the incorporation stage. A board with a mix of producer, selling agent and Council nominated independent skills-based directors is envisaged.

The current proposal envisages a co-operative that has a broad ownership base of around 100-150 members.

The cooperative would elect its own board, have its own management structure, finances and staff operating under its own rules (to be developed). The board of the co-operative would oversee all aspects of the Saleyards (including setting fees and charges, policy etc.) within the broad occupancy terms established through the lease with Council. The Board would make decisions, manage the business and be accountable to its members (shareholders).

Equity- Member Investment:

Eligibility for membership of the co-operative is proposed to be defined in broad enough terms to be open to as many livestock producers in the north east as possible. The funds raised from the issue of shares to members would be used as start-up working capital for the co-operative.

As well as running the business of the Saleyards, the Board would make decisions regarding the distribution (and/or retention) of any profits generated by the co-operative. Council, as owner of the Saleyards (with an ongoing investment in the facilities) will require a reasonable level of ongoing investment by the co-operative in the maintenance and upgrade of the Saleyards facilities.

From a shareholder/member viewpoint, they would be eligible to receive dividends (as determined by the Board) and/or any rebates (these are policy matters for the board/members to determine from time to time).

Implications

Policy Considerations

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

Financial/Economic Implications

The aim of developing a producers' cooperative is to strengthen the long-term sustainability of the Saleyards by increasing cattle through-put and optimising management practices. If these are achieved there will be positive economic benefits to Wangaratta.

In considering whether or not to become a member of the co-operative, producers would need to individually assess the financial value in buying shares on merit, considering the financial outlay required, the likely return on investment and any other benefits/risks.

Legal/Statutory

The *Co-operatives National Law Act 2013* defines the requirements of establishing and the running of co-operatives. All processes must adhere with these requirements.

Social

The Saleyards play an important social role for many residents of the Rural City of Wangaratta and beyond. The on-going viability of the Saleyards will ensure that these social benefits can continue and hopefully be enhanced. The co-operative model is being developed to strengthen the long-term viability of the Saleyards.

Environmental/Sustainability Impacts

The co-operative model does not have any environmental/ sustainability impacts.

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-negotiables

We have the infrastructure we need to support the growth of key economic sectors, such as agriculture, retail and transport.

Consultation/Communication

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform		
Consult	Provide information on the co-operative for the stakeholders to make an informed decision.	Open letter to stakeholders. Meetings with interested parties.
Involve		
Collaborate		
Empower		

Conclusion

The largest risk to the long-term viability of the Saleyards is cattle through-put numbers. Council's view is that there is still significant potential financial 'upside' in the Saleyards as a going concern and believes the best way to leverage that potential is not through Council operation but through an arm's-length producer cooperative arrangement as is now proposed. Whilst Council can declare this intent, the move to a cooperative model can only occur if there is sufficient support from local primary producers. The recommendation, if adopted, will allow the level of interest to be formally determined.

Attachments

Co-operative Model Proposal

Gallery Questions

Nil

15.2 RURAL TRANSFER STATIONS

Meeting Type: Ordinary Council Meeting
Date of Meeting: 15 December 2015
Author: Executive Assistant - Infrastructure Services
File Name: Waste Management
File No: 72.020.015

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

The 2013 Waste Management Strategy flagged the need for Council to review the operations of the Rural Transfer Stations. It recommended that a review look at the following elements:

- a) The required number of Rural Transfer Stations,
- b) the financial performance of the existing Rural Transfer Stations,
- c) the municipal footprint of these transfer stations, and
- d) the operating hours of these transfer stations.

This report looks at these aspects from the 2013 Waste Management Strategy and recommends a more sustainable model for the future. In reviewing the number of Rural Transfer Stations and the municipal footprint, the review took into account:

- a) The reasonable travel time to reach a transfer station,
- b) the sustainability of the respective sites,
- c) the capital required to upgrade the site to a suitable standard, and
- d) the strengths and weaknesses of each site.

RECOMMENDATION:

(Moved: Administrator R Roscholler/Administrator I Grant)

That Council:

- 1. seeks feedback from the public until close of business Wednesday 10 February 2016 on its intention to close the transfer stations at Glenrowan, Boorhaman, Springhurst and Whitfield and make operating efficiencies at the other locations***
- 2. considers a report on submissions received at the March 2016 Council Meeting.***

Carried

Background

The Rural City of Wangaratta operates seven Rural Transfer Stations, including: Boorhaman, Glenrowan, Springhurst, Markwood, Whitfield, Eldorado and Moyhu.

Council's Waste Management Strategy adopted in 2013 identified the need to review the number of operating transfer stations, with consideration given to maintain an adequate geographic footprint while achieving a reasonable level of financial sustainability.

Council's Rural Transfer Stations have low customer attendance averaging under five customers per opening (refer to figure 1). As a result, the annual operating cost for all of these sites is \$124,224 (refer to figure 2.), with an annual income of \$15,277.

Figure 1: 2014 Customer attendances

Location	Hours opened per fortnight	Average customers per hour 2014	Average number of customers per shift 2014
Eldorado	6	1	7
Springhurst	3	1	2
Moyhu	6	1	4
Markwood	6	1	8
Whitfield	6	1	4
Glenrowan	3	3	8
Boorhaman	3	1	1

Figure Two: 2014/15 Rural Transfer Station Income and Expenses

Transfer Station	Income	Expenses	Profit / Loss
Eldorado	\$3,755	\$27,767	-24,012
Springhurst	\$ 770	\$10,816	-10,046
Moyhu	\$2,746	\$25,410	-22,664
Markwood	\$4,324	\$24,044	-19,720
Whitfield	\$2,680	\$23,964	-21,284
Glenrowan	\$ 383	\$ 3,091	-\$ 2,708
Boorhaman	\$ 619	\$ 9,132	-\$ 8,513
Total	\$15,277	\$124,224	-\$108,947

The Rural Transfer Stations are currently operating under poor OH&S standards for customers and staff, with sites not having access to toilet amenities, water, adequate shelter, and have poor stockpiling standards. In addition, all of these sites are former landfills which need significant rehabilitation works. It is estimated that \$316,000 in capital works is required to improve all sites to a standard suitable to remain open.

Figure 3: Estimated capital expenditure costs for the Rural Transfer Stations

Transfer Station	Capital Expenditure required for the remaining sites
Eldorado	\$26,160
Springhurst	\$68,400
Moyhu	\$34,800
Markwood	\$42,000
Whitfield	\$49,440
Glenrowan	\$72,300
Boorhaman	\$23,760
TOTAL	\$316,860

The sites are recommended for closure due to the following reasons:

Springhurst	<ul style="list-style-type: none"> • Low customer attendance. • Site access has restricted contractors from collecting material due to poor site conditions. • The site was a previous landfill which restricts development of the site and future rehabilitation requirements. • Eldorado transfer station is located approximately 27km from Springhurst. • Estimated capital works costs to improve site is \$68,400.
Whitfield	<ul style="list-style-type: none"> • Low customer attendance. • The site is poorly located in the middle of natural bushland. • Site access is difficult for contractors. • Moyhu transfer station is approximately 23km from Whitfield. • Estimated capital works costs to improve site is \$49,440.
Glenrowan	<ul style="list-style-type: none"> • Low customer attendance. • The site is a former landfill and the siting of the transfer station is restricting rehabilitation of the site. • Significant drainage and erosion issues. • Wangaratta Transfer Station is approximately 16km from Glenrowan. • Estimated capital works costs to improve site is \$72,300.
Boorhaman	<ul style="list-style-type: none"> • Low customer attendance. • Eldorado or Wangaratta Transfer Station are both approximately 18km from Boorhaman. • Estimated capital works costs to improve site is \$23,760.

Due to the reasons listed above, Council is considering the closure of these four Rural Transfer Stations (figure 4) and adjusting the opening hours of the remaining transfer stations (figure 5). This will assist in aligning the opening hours with customer demand and still maintain an adequate footprint of Rural Transfer Stations.

Figure 4: Proposed sites for closure

Closed Sites	Sites to Remain Open
Springhurst	Markwood
Whitfield	Moyhu
Glenrowan	Eldorado
Boorhaman	

The proposed alteration to operating frequencies will assist Council to save over \$67,000 in operating costs and reduce the cost of capital works at remaining sites to approximately \$103,000 (figure 4). This will assist to increase the level of service and conditions at the remaining sites.

Figure 5: Proposed operating hours at remaining sites

Transfer Station	Current Operation Frequency	Suggested Operation Frequency
Markwood	1:00pm - 3:50pm - Wednesday & Sunday Fortnightly	1:00pm - 3:50pm – Sunday Fortnightly
Moyhu	9:00am - 11:50am Saturday Weekly	9:00am - 11:50am Saturday Fortnightly
Eldorado	1:00pm - 3:50pm - Sunday Weekly	9:00am - 11:50am Sunday Fortnightly

The proposed opening hours for the transfer stations that are proposed to remain open, will assist Council to save over \$6,803 per annum and reduce the cost of the required capital works at the transfer stations to \$102,960 (figure 3).

Implications

Policy Considerations

Council's Waste Management Strategy identifies the need to review the number of operating Rural Transfer Stations.

Financial/Economic Implications

Savings from closing four sites	\$42,551
Implement new opening hours	\$6,803
Total Operational Savings p.a.	\$49,354
Total Capital Savings from closing the four sites	\$213,900

Legal/Statutory

The transfer stations are currently not licensed by the EPA. However, the EPA has flagged that they are considering licensing all transfer stations. If this was to occur, the compliance costs to operate a transfer station would escalate dramatically.

Social

People utilising the proposed sites for closure will be affected. However, based on the low patronage at these transfer stations, this affect will be minimal and given the frequency of usage and the relative proximity of the remaining sites, the impact is considered reasonable.

Environmental/Sustainability Impacts

The closure of these transfer stations would allow the full rehabilitation of the sites to occur.

2013 – 2017 Council Plan (2015 Revision)

This report supports the Waste Management Strategy's identified need to review Rural Transfer Stations.

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.

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

N/A

b) Other strategic links

N/A

Consultation/Communication

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform		
Consult	Seek feedback on the proposal	Advertise the proposal in the local media and on Council's website.
Involve		
Collaborate		
Empower		

Conclusion

Usage of the Rural Transfer Stations has reduced over a number of years whilst operating costs have continued to increase. Closing the four sites and adjusting the opening hours of the remaining sites will improve sustainability whilst maintaining a reasonable municipal footprint of transfer stations.

Attachments

Nil

Gallery Questions

Delia Jackson - Whitfield

Ms Jackson referred to the survey which was conducted in 2014 before the change in the garbage collection and stated that the use of Whitfield Transfer Station in particular has increased. The Whitfield Transfer Station covers areas as far out as Rose River which would make a round trip to the Moyhu Transfer Station a 100km trip. Ms Jackson asked if Council had considered on-selling suitable items to make a profit and suggested conducting a survey in January to reflect accurate current usage.

Ailsa Fox, Administrator Chair, explained that the report is asking for submissions so that would be the channel for any concerns.

Alan Clarke, Director Infrastructure Services, responded that monitoring and data collection is continual so Council has the figures for the current financial year.

Ms Jackson further commented that the report suggests Moyhu Transfer Station would only be open on a Saturday morning which would not suit some people.

Brian Jones - Bowser

Mr Jones enquired if the new fortnightly garbage collection process has altered the usage at the transfer stations.

Alan Clark, Director Infrastructure Services, responded there had been some changes in Rural Areas, although not significant. In the urban areas the use of the Transfer Station has dropped dramatically due to grass clippings and green waste not being brought to the station.

15.3 ASSET MANAGEMENT PLANS (ROADS AND BRIDGES)

Meeting Type: Ordinary Council Meeting
Date of Meeting: 15 December 2015
Author: Executive Assistant - Infrastructure Services
File Name: Asset Management
File No: 84.010.005

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 adoption of the Asset Management Plans following a public exhibition period.

RECOMMENDATION:

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

That Council adopts the draft Asset Management plans for Roads and Bridges.

Carried

Background

The draft Asset Management Plans for roads and bridges were presented to Council at its Special meeting held on 30 October 2015. Council resolved to place the draft plans on public exhibition for period of 28 days.

The Plans were made available at the Wangaratta Government Centre and on Council's website. Advertisements were also placed in the Wangaratta Chronicle seeking submissions from the public by Friday 27 November 2015.

No submissions were received by the closing date.

Implications

Policy Considerations

Asset Management Policy 2010: Section 4.10 Asset Management Plans

The Asset Management Policy states:

Asset management plans are prepared to communicate information about assets, including particular actions required to provide defined levels of service whilst achieving the best value for money.

Asset management plans are informed by community consultation and local government financial reporting frameworks.

Financial/Economic Implications

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

Legal/Statutory

Managing assets requires a substantial financial commitment by Council. Failing to commit financially to asset management will result in the deterioration of roads, bridges, buildings etc. therefore reducing the level of service and ultimately subjecting Council to the risks of asset failure.

Social

The community demands and expects a level of service. Council must be able to manage assets in order to sustain the defined level of service.

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 create and deliver:

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

We will plan and make decisions for the future:

completing Asset Management Plans to outline the key elements involved in managing Council assets.

refining the management of Council's infrastructure assets through a review of the Asset Management Policy.

We will focus on our business:

ensuring our workforce is skilled, responsive and adaptable to meet our community needs.

The non-negotiables

Our roads are planned to meet the current and future needs of our community and our industries.

Asset management systems ensure the sustainability of our community assets.

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

Results of the Wangaratta 2013 Community Vision applicable to the asset management plans are detailed.

b) Other strategic links

Asset Management Strategy 2013: Section 6.3.1 Asset Management Plans

The Asset Management Strategy states:

The Asset Management Plans will document asset inventory information, current condition of assets, intervention levels, useful life and costs to provide a defined level of service.

They will include risk assessment and criticality profiles, demand management forecasts, and forward programs identifying cash flow forecasts.

Financial implications of asset management plans will be communicated to internal and external stakeholders.

The Asset Management Plan will adopt a consistent format and be developed in accordance with the National Asset Management and Assessment Framework (NAMAF) guidelines.

Consultation/Communication

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

Conclusion

Asset Management Plans are necessary in order for Council to manage its assets now and into the future. The Plans detail management and strategic goals for Council's major infrastructure assets.

As no submissions were received by the closing date the draft Plans are now ready for adoption by Council.

Attachments

- 1 Asset Management Plan - Overview (under separate cover)
- 2 Asset Management Plan - Roads (under separate cover)
- 3 Asset Management Plan - Bridges (under separate cover)

Gallery Questions

Jim Lewis - Wangaratta

Mr Lewis queried the figure for the number of suspensions bridges listed as 1 as he thought that number was now 3.

Alan Clark, Director Infrastructure Services, responded that there were 3 Suspension Bridges and he will review and amend the report.

16. DEVELOPMENT SERVICES

16.1 LOCAL LAW POLICIES

Meeting Type: Ordinary Council Meeting
Date of Meeting: 15 December 2015
Author: Manager - Environment and Community Safety
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

This report is presented to Council to commence the public exhibition process for Community Amenity Local Law No. 1 - Local Laws Policies (referred to as Local Laws Policies). The amended Local Laws Policies include explanation, conditions and restrictions relating to the Local Law No.1 of 2014 Community Amenity (Amendment) adopted by Council on 16 September 2014.

RECOMMENDATION:

(Moved: Administrator R Roscholler/Administrator I Grant)

That Council:

- 1. Endorses the commencement of the statutory process under Section 112 of Local Government Act 1989 (the Act) to amend the Community Amenity Local Law No. 1 - Local Laws Policies as a document associated with the Local Law No.1 of 2014 Community Amenity (Amendment).***
- 2. Endorses the Draft Rural City of Wangaratta Community Amenity Local Law No. 1 - Local Laws Policies for public exhibition and invite public submissions in accordance with Council's "Major Council Policy Consultation Local Law No.4 of 2015".***

Carried

Background

Council adopted Local Law No.1 of 2014 Community Amenity (Amendment) on 16 September 2014. The Local Law No.1 of 2014 Community Amenity (Amendment) is accompanied by the Community Amenity Local Law No. 1 - Local Laws Policies. In the absence of a new document, this policy has continued to apply. An amended policy is needed to complement the Local Law No.1 of 2014 Community Amenity (Amendment).

The Local Law No.1 of 2014 Community Amenity (Amendment) sets out that '*this Local Law needs to be read in conjunction with any other relevant provisions in Council's Community Amenity Local Law No. 1 - Local Laws Policies*'.

The amended Local Laws Policies include explanation, conditions and restrictions relating to the following parts of Local Law No.1 of 2014 Community Amenity (Amendment):

- Part Two Activities and Uses Requiring a Permit
- Part Three Conditional Activities and Uses

Implications

Policy Considerations

The amended policy has been revised to be consistent with Local Law No.1 of 2014 Community Amenity (Amendment).

The amended policy is defined as a Major Council Policy under the Major Council Policy Consultation Local Law No.4 of 2015. This prescribes a consultation process that must be followed when Council proposes to determine, make, amend, modify or revoke a Major Council Policy associated with a Major Council Policy proposal.

The proposed changes to the Local Laws Policies meet the criteria of a Major Council Policy proposal. Consequently, the provisions contained in clause 7 of the Major Council Policy Consultation Local Law No.4 of 2015 must be followed in amending the policy. If Council fails to comply with any requirement imposed by the clause 7 provisions the amended Local Laws Policies will be deemed to be legally ineffective.

Financial/Economic Implications

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

Legal/Statutory

Section 112(2) of the *Local Government Act 1989* provides that if a local law has applied, adopted or incorporated any matter contained in any document, code, standard, rule, specification or method as formulated, issued, prescribed or published from time to time and that document, code, standard, rule, specification or method is at any time amended, until the Council causes notice to be published in the Government Gazette of that amendment, the document, code, standard, rule, specification or method is to be taken to have not been so amended.

As a result, in order that the amended Local Laws Policies take effect, a notice of the amended policy must be published in the Victoria Government Gazette following community consultation and Council adoption of the amendment.

Social

The amended Local Laws Policies will assist the community to understand the purpose and conditions related to Local Law No.1 of 2014 Community Amenity (Amendment).

Environmental/Sustainability Impacts

The amended Local Laws Policies include provisions that balance the use of land with protection of the environmental values of that land.

2013 – 2017 Council Plan (2015 Revision)

This report supports the 2013-2017 Council Plan:

Goal

We are Sustainable.

The Local Law No.1 of 2014 Community Amenity (Amendment) enhances community safety, amenity and liveability in the municipality by managing and regulating activities and uses on any land. The amended policy supports the application of the local laws.

The non-negotiables

Our natural environment and assets are protected.

All legislative and compliance requirements are met.

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

N/A

b) Other strategic links

N/A

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
The policy not adopted	Low	High	Medium	Adopt the amended policy to clearly set out requirements of the Local Laws.
Policy is ineffective	Low	High	Medium	Ensure effective implementation of the amended policy.

Consultation/Communication

The scope of consultation only involves the amended Local Laws Policies. The scope of the consultation does not extend to include the Local Law No.1 of 2014

Community Amenity (Amendment) adopted by Council on 16 September 2014 as there was extensive consultation carried out prior to its adoption. This local law was publicly exhibited twice before final adoption.

The provisions contained in clause 7 of the Major Council Policy Consultation Local Law No.4 of 2015 will be followed in amending the policy.

Community consultation will include preparation of a Major Council Policy Impact Statement and publishing a public notice inviting submissions on the amended policy in the Wangaratta Chronicle and on Council's website.

Copies of the amended policy and the impact statement will be obtainable from the Council office during ordinary business hours and from Council's website during the submission period.

The submission period will be for a period that is not less than 28 days after the date on which the public notice is published and submitters may request in the submission that the person wishes to appear in person, or to be represented by a person specified in the submission, at a meeting to be heard in support of the submission. A Committee of Council will be formed to hear submissions if such requests have been made.

When considering adoption, Council will consider all the submissions made regarding the amended Local Laws Policies.

Council will notify in writing, each person who has made a separate submission, and in the case of a submission made on behalf of a number of persons, one of those persons, of the decision and the reasons for that decision.

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	Documents available for public exhibition	Documents advertised and available at RCOW offices and on web.
Consult	Invite public submissions for consideration by Council	Comments received in writing by mail or email

Options for Consideration

The existing Community Amenity Local Law No. 1 - Local Laws Policies will continue to apply until revised, adopted and gazetted.

Conclusion

The adoption on 16 September 2014 of the Local Law No.1 of 2014 Community Amenity (Amendment) initiated a revision of the current Community Amenity Local Law No. 1 - Local Laws Policies. Accordingly, the amended policy is presented to Council to commence community consultation and ultimately, adoption and gazettal.

Attachments

Local Law Policies (under separate cover)

Gallery Questions

Nil

16.2 LOCAL LAW NO.1 - CHANGES TO FEES AND CHARGES

Meeting Type: Ordinary Council Meeting
Date of Meeting: 15 December 2015
Author: Executive Assistant Development Services
File Name: Local Laws & Regulations
File No: 58.020.001

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

Executive Summary

This report is presented to Council to provide a summary of the current fees and charges and to assist Council in making a decision regarding the implementation of a variation on the current fee structure.

Variation to the current fees and charges are proposed for

- Itinerant Trading Permit fee
- Grazing Permit fee
- Domestic Animal Pound Release Fee
- Release Impounded Goods Fee.

RECOMMENDATION:

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

That Council amends the fees and charges schedule, effective 1 January 2016, to include the following:

1. ***Introducing a range of Itinerant Trading Permit fees for itinerant traders to operate within the municipality (including GST)***

Application Fee	Day Event	Seasonal	Yearly	Yearly Weekend Only
All applications	(existing fee)	(6months)	(12months)	(Fri-Sun)
\$36	\$68	\$300	\$500	\$400

2. ***Decreasing the current permit fee for a Grazing Permit to \$50 including GST***
3. ***Increasing the current Domestic Animal Pound Release Fees to:***
 - ***Release fee – dog*** ***\$168*** ***(incl GST)***
 - ***Release fee – cat*** ***\$ 90*** ***(incl GST)***

4. Introducing Release Impounded Goods Fee to:

- **Release Impounded Vehicle \$100 (incl GST)**
- **Release Impounded Goods \$ 50 (incl GST)**

Carried**Background**

The proposal to amend fees arises from changes that have occurred since Council adopted its 2015/16 fees and charges in June 2015.

Fee	Comment
Itinerant Trading Permit	Current single fee is inflexible and does not reflect the full range of activity by itinerant traders.
Grazing Permit	A new permit fee was adopted in 2015/16, which has received public comment.
Domestic Animal Pound Release Fee	The RSPCA, as pound owner and manager significantly increased fees to Council in the renewal of the contract in September 2015.
Release Impounded Goods Fee	New fee proposed.

Implications**Policy Considerations****Itinerant Trading Permit Fee**

Itinerant traders are becoming more frequent in Wangaratta and provide good service and products to the community. These mobile businesses need to be regulated to reduce impact on established, permanent businesses with higher fixed costs, and ensure itinerant trading locations and mode of operation will be safe to pedestrians, vehicles and the community.

Itinerant trading in the Rural City of Wangaratta is regulated by the Local Law No.1 of 2014 Community Amenity (Amendment) Sections 14 and 15 and the Wangaratta Planning Scheme Section 62.03. Itinerant trading at events, festivals and markets is generally authorised under the Planning Scheme and does not need a separate Itinerant Trading Local Law Permit. The application of the legislation to identify which activities need a local law permit is explained in the attachment (Application of Legislation to Authorise Itinerant Trading) (*refer attachment*).

Officers have identified a number of itinerant traders with businesses providing coffee, seafood and takeaway food, which can be assessed for an Itinerant Trading Permit. The current Itinerant Trading Permit fee applies 'per day per site' and does not suit the operation of many itinerant traders as some trade from multiple sites. Some benchmarking of neighbouring municipalities has occurred and this has informed the recommendations for a range of fees rather than the previous single fee.

Permit to Graze on Council Managed Roadsides

As specified in Council's Roadside Conservation Management Plan, a permit to graze is used to regulate the impact of grazing on roadside native vegetation. In 2015/16, a new permit fee was introduced reflecting the costs of field inspection and processing for permit applications. Following comment from landholders and some benchmarking of neighbouring municipalities a reduced fee is proposed.

Domestic Animal Pound Release Fee

As provided in the original contract to manage the Wangaratta Pound, Council and the pound owner/manager, the RSPCA have agreed to a two year extension of this contract. The management fee charged by the RSPCA has risen significantly to allow for additional work to improve animal welfare and adoption rates, and maintenance and upgrade of the pound to meet new standards. The year 1 increase is 10% and the year 2 increase is 7%. It should be noted that the RSPCA also shares in the cost of managing the pound and all animal welfare issues by subsidising the cost of housing and preparing animals for adoption.

Council subsidises the service to recognise the community benefit of having a pound available in Wangaratta. The Domestic Animal Pound Release Fee ensures that persons whose stray pets are dropped at the pound, by the public and Council Rangers, also contribute to the costs when they reclaim their animal.

Release Impounded Goods Fee

It is appropriate that persons reclaiming vehicles or goods pay a fee to recover goods impounded by Council after a legal process. Council's existing policy requires persons to pay additional costs incurred, for example towing fees. The proposed Release Impounded Goods Fee relates to Council's internal costs to impound and store goods. Council does not currently have a fee for this.

Financial/Economic Implications

Itinerant Trading Permit Fee

Council's current fees and charges allow for an Itinerant Trading Permit at \$68 per day per site. There is no allowance for an itinerant trader to obtain a permit for any lengthy periods of trading. Surrounding Councils offer varying options such as: Day Event, Seasonal (6 months), Yearly (12 months), Yearly Weekends Only (Fri-Sun).

Application fees vary from Council to Council and are additional to the trading permit. The below is a snapshot of what similar or surrounding Councils have established to regulate Itinerant Trading, as well as the proposed fees for Wangaratta (all shown inclusive of GST).

Council	Application Fee	Day Event	Seasonal (6months)	Yearly (12months)	Yearly Weekend only (Fri-Sun)	Site Fee
Proposed RCOW	\$36	\$68*	\$300	\$500	\$400	-
Alpine Shire Council		\$61		\$231		
Gannawarra Shire Council	\$44			\$153		\$100
City of Wodonga	\$33					
Greater Shepparton	\$50	\$50	\$400	\$600	\$500	\$5
Mitchell Shire Council		\$51		\$310		
City of Ballarat		\$139		\$520		
Moorabool Shire Council		\$158		\$300		
Proposed RCOW	\$36	\$68*	\$300	\$500	\$400	-

* Current fee

The proposed application fee and additional permit fees allow an itinerant trader to choose a permit that best suits their needs. The application fee is based on the cost of one hour labour for an Officer to process the application. The additional permit fees to operate as an itinerant trader also cover normal inspections and work as part of local law enforcement, and are consistent with surrounding Councils.

As part of the application process, itinerant traders need to nominate a site, hours of operation and meet the conditions as listed in the Local Law No. 1 of 2014 Community Amenity (Amendment). In Local Law Policy 14 - Itinerant Trading, specific conditions are listed in the section '*Itinerant traders must not*' on page 2. A permit is valid for the time period but can be used at multiple sites providing the sites and times of operation are authorised in the permit.

Permit to Graze on Council Managed Roadsides

In 2015, Council added a fee to inspect and process applications to graze on roadsides. This is \$100 for a one year permit (inclusive of GST). Landholders who have taken out permits previously feel strongly this is unreasonable as they graze roadsides for amenity and fuel reduction as well as feed. These landowners argue that the current practise of no fee should continue. Grazing roadsides imposes a higher workload and responsibility for landowners than grazing on their property. However, the proposed site always needs to be assessed in the field. This and the permit processing takes about 2-4 hours of officer time, which was the basis of the current fee amount.

Given a component of broader benefit, it is proposed that Council share the cost. It is recommended the grazing permit fee be reduced to \$50(including GST). As a comparison, the Rural City of Benalla charges \$53.

Domestic Animal Pound Release Fee

A release fee is charged to recoup some of the cost of impounding and caring for a stray animal. This is the only revenue to Council from the pound. The proposed increase in release fee is 20% per year, to control the subsidy paid by Council as a community benefit. Owners can avoid these fees by containing their animals, and if they do stray, hopefully an owner will only have to pay this once in an animal's life.

The resulting projected cost to Council of the pound contract service is as follows:

Year	Contract cost (ex GST)	Income (projected reclaim fees) (ex GST)	Contract Cost to Council (ex GST)
2014-15	\$110,197	\$31,000	\$79,197
2015-16	\$121,317	\$37,200	\$84,117
2016-17	\$129,700	\$44,640	\$95,060

The release fees proposed for adoption by Council (including GST) are:

	Current	Proposed (incl GST) Dec 2015 – June 2016	Proposed 2016/17 (incl GST)
Release fee - dog	\$140	\$168	\$200
Release fee - cat	\$ 77	\$ 90	\$100

Release Impounded Goods Fee

It is appropriate that persons reclaiming vehicles or goods pay a fee to recover goods impounded by Council after a legal process. Council's existing policy currently requires persons to pay additional costs incurred, for example towing fees. The proposed Release Impounded Goods Fee relates to Council's internal costs to impound and store goods.

The release fees proposed for adoption by Council (including GST) are:

	Current	Proposed (incl GST) Dec 2015 – June 2016
Release impounded goods fee - vehicle	Nil	\$100
Release impounded goods fee - goods	Nil	\$ 50

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 the subject of this report.

2013 – 2017 Council Plan (2015 Revision)

Fees and charges support the operational implementation of components in the 2013-2017 Council Plan.

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

The Wangaratta 2030 Community Vision does not apply to this report.

b) Other strategic links

There are no other strategic links related to this report.

Risk Management

The proposed fees do not increase the risks associated with the items in this report.

Consultation/Communication

The identified itinerant traders will be contacted in writing and advised of the Local Law and new charges and invited to make application for a permit to trade. All applications will be assessed according to the conditions detailed in the Local Law. Should a decision not to issue a permit occur, an itinerant trader may put their concerns in writing and the matter will be forwarded to the “Infringement Review Panel” for a decision.

The proposed change in grazing permit fee arises from informal consultation with landowners and benchmarking.

Options for Consideration

1. Adopt the fees proposed in this report.
2. Adopt some of the fees proposed in this report
3. Not adopt the proposed fees. The following current fees will be applied:

Item	Fee (incl GST)
Itinerant Trading Permit per day	\$ 68
Grazing Permit for one year	\$100
Reclaim fee - dog	\$140
Reclaim fee – cat	\$ 77

Conclusion

It is recommended that Council adopt the fees proposed in this report. This reflects the principle that persons deriving a benefit from the activities listed should contribute to the Council costs of site inspection, permit processing, monitoring and care for impounded animals.

Attachments

Application of Legislation to Authorise Itinerant Trading

Gallery Questions

Brian Jones - Bowser

Mr Jones referred to the grazing permits and asked what areas are covered and what is the cost.

Ailsa Fox, Administrator Chair, responded that the permit is in reference to roadside grazing and the fee has been reduced to \$50.00.

Delia Jackson - Whitfield

Ms Jackson asked if the fees would have any impact on the local Community Markets.

Ailsa Fox, Administrator Chair, responded that Community Markets are exempt from the fees.

17. SPECIAL COMMITTEE REPORTS

Nil

18. ADVISORY COMMITTEE REPORTS

18.1 ADVISORY COMMITTEE REPORTS

Meeting Type: Ordinary Council Meeting
Date of Meeting: 15 December 2015
Author: Executive Assistant - Corporate Services
File Name: Advisory Committees
File No: 10.020.002

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

Executive Summary

Minutes of the following Advisory Committee Meetings are reported to Administrators for information (*refer attachments*).

Audit Advisory Committee:

- 31 August 2015
- 9 November 2015 – incorporating the 2014/15 Self-Assessment of the Audit Advisory Committee.

Rural City of Wangaratta Youth Council:

- 19 November 2015

RECOMMENDATION:

(Moved: Administrator I Grant/Administrator R Roscholler)

That Council notes the report.

Carried

Attachments

- 1 31 August 2015 - Audit Advisory Committee Minutes
- 2 9 November 2015 - Audit Advisory Committee Minutes
- 3 19 November 2015 - Rural City of Wangaratta Youth Council Minutes

Gallery Questions

Nil

19. RECORDS OF ASSEMBLIES OF ADMINISTRATORS

19.1 RECORDS OF ASSEMBLIES OF ADMINISTRATORS

Meeting Type: Ordinary Council Meeting
Date of Meeting: 15 December 2015
Author: Executive Assistant - Corporate Services
File Name: Assemblies of Council Meeting Notes
File No: 1.020.020

Executive Summary

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

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

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

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

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

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

Date	Meeting details	Refer
11 November 2015	Administrator’s Briefing Forum	Attachment
23 November 2015	Litter Entering 1 Mile Creek	Attachment
1 December 2015	Administrator’s Briefing Forum	Attachment
8 December 2015	Administrator’s Briefing Forum	Attachment

RECOMMENDATION:

(Moved: Administrator R Roscholler/Administrator I Grant)

That Council receives the reports of Assemblies of Administrators.

Carried

Attachments

15 December 2015 - Assemblies of Administrators

Gallery Questions

Nil

20. NOTICES OF MOTION

Nil

21. URGENT BUSINESS**22. PUBLIC QUESTION TIME****Julian Fidge - Docker**

Dr Fidge submitted the following question:

Does Council plan to reduce the speed limit around the new Splash Park in Yarrunga?

Alan Clark, Director Infrastructure Services, replied that Council will not be reducing the speed limit at the moment but will continue to monitor the situation. Council will formalise the parking area by line marking the bays after sealing the section in front of the Splash Park. An application to VicRoads is required to change the speed limit.

Luke Davies - Friends of the Library Action Group

Mr Davies submitted the following questions:

1. Has the Rural City of Wangaratta Council, along with other member councils of the High Country Library Corporation, decided which library will become the HUB in the new hub and spoke model?
2. What progress has been made in planning how to distribute the High Country Library Corporation collection among the member libraries?

Ailsa Fox, Administrator Chair, responded that Councils are still identifying the function of the Hub and further discussion is occurring between member Councils. Mrs Fox continued that the Member Libraries were seeking further legal advice on how the collection of the High Country Library Corporation can be distributed in accordance with its constitution.

Kieren Klemm - Londrigan

Mr Klemm complimented Council for their support of the Carols By Candlelight in the Merriwa Park venue but raised concerns about limited exit points and the steps leading up to Murphy Street have no hand rails.

Ailsa Fox, Administrator Chair, commended the Lions Club on holding the Carols By Candlelight for the 40th time which is an outstanding achievement by a community group.

Alan Clark, Director Infrastructure Services, replied that the compliant 'All Abilities Access' ramp is in place and people with difficulties should utilise that exit. The steps will never be compliant with current standards unless they are removed so the option is to use the ramp.

Ron Summers - Wangaratta

Mr Summers referred to the adoption of the 2014 Aquatics Strategy and enquired what happened to the 2011 Strategy. He further referred to the November 2014 Council Meeting and a question posed by Jenny Hart regarding the rescission of the 2011 Aquatic Strategy to which Brendan McGrath, Chief Executive Officer, had responded at that time that the 2011 Aquatic Plan had never been formally adopted so it did not need to be rescinded.

Brendan McGrath, Chief Executive Officer, responded that Council can adopt a new strategy or policy to replace a current version at any time. A rescission motion is not required and the newest version would always override other versions. The exception to this is the introduction of a new Local Law which involves a statutory process. Mr McGrath advised he would investigate the issue and provide written advice.

Mr Summers further enquired about the cost of the integration of the Splash Park and requested a breakdown of the costs.

Alan Clark, Director Infrastructure Services, replied that Council performed additional work for an approximate cost of \$46,000.

John Bridges - Moyhu Action Group

Mr Bridges, on behalf of the Moyhu Action Group, referred to the 18 August 2015 Council Meeting where Council resolved to split Stage 3 of the Murray to Mountains Rail Trail of the Oxley to Whitfield Rail Trail creating Stage 3A at Oxley to Moyhu being prioritised at this time. Mr Bridges continued that Council also resolved at that meeting to continue to lobby for State and Federal funding and asked what progress has been made in relation to sourcing funding in accordance with the earlier resolution. Mr Bridges further enquired if the Cycle Reference Group has been consulted.

Alan Clark, Director Infrastructure Services, replied that the Action Group, as a further component of that work, were to develop links around the town to enhance the Funding Application. There has been no opportunity to seek further funding for the Trail but it is still a priority for Council.

Brendan McGrath, Chief Executive Officer, advised that, from an advocacy perspective, he has had discussions with Tourism North East as a Board Member and has spoken with Deputy Secretary level of Department of Economic Development, Jobs, Transport and Resources advising that this is a priority for Council.

Brian Jones - Bowser

Mr Jones commented that the Bike Trail at Bowser Road has several pot-holes and asked if Council could work with VicRoads to have these repaired and also asphalt from Bowser Road for a few meters past the Rail Trail.

Alan Clark, Director Infrastructure Services, assured Mr Jones that the issue will be raised at one of the regular meetings with VicRoads to determine if it is possible to improve this section of the Rail Trail.

Barb Miller - Wangaratta

Ms Miller enquired about the progress of signage directing the Community to the Splash Park?

Alan Clark, Director Infrastructure Services, *confessed that the Splash Park signs had been forgotten for a while but had been ordered and were imminent.*

Ms Miller also asked what progress has been made on the provision of seating and a shade structure for the bus stop at the cemetery.

Alan Clark, Director Infrastructure Services, *replied that the seating is a part of a larger order of seats in the Central Business District. The Bus Shelter is a subject of a Funding Application and is on Council's list. Mr Clark assured Ms Miller that it would certainly be a possibility to approach a Service Club in relation to the shelter.*

Lee Forster - Meadow Creek

Ms Forster asked if it is possible for Council to go back to a weekly garbage collection in Rural Areas due to odour issues.

Alan Clark, Director Infrastructure Services, *responded that there is no intention to return to weekly collections at this time.*

Ms Forster commented that it is not possible to compost chicken carcass, meat or dirty nappies and sanitary products and, if the bin is forgotten, could sit for a month leading to EPA issues.

Alan Clark, Director Infrastructure Services, *reiterated that, although under constant review, there is no intention to return to weekly collections at this time.*

Brendan McGrath, Chief Executive Officer, *queried whether Ms Forster has any sense of a willingness in the community to pay for an extra service.*

Ms Forster replied that a survey would need to be conducted to obtain the information.

Delia Jackson - Whitfield

Ms Jackson raised concerns with the rural garbage collection and queried whether the two waste trucks operating fortnightly were needed to pick up the rubbish compared to one truck operating weekly.

Alan Clark, Director Infrastructure Services, *clarified that the two trucks included one truck for rubbish and one truck for recyclables.*

Greg Mirabella - East Wangaratta

Mr Mirabella commented that Brendan McGrath, Chief Executive Officer, had posed a rhetorical question regarding rural residents being willing to pay to have waste picked up weekly. Mr Mirabella stated that he is a rural resident who pays considerable rates and would not consider paying more for a weekly garbage collection.

Bob Andrews - Londrigan

Mr Andrews expressed his concern at the smell of the bins and queried if it is a health hazard. He concurred with Mr Mirabella regarding high rates and added that he also does not wish to pay extra to secure a weekly garbage collection.

Jim Lewis - Wangaratta

Mr Lewis continued an annual tradition at this time of year to acknowledge the advent of Christmas and wish everybody best wishes for Christmas and the New Year; to thank the Administrators for those decisions made that the community agrees with – no thank you for those decisions made that we don't agree with. That's up to Council and up to the Community but thank you again for at least making decisions regardless of what we think.

Ailsa Fox, Administrator Chair, thanked all for their attendance and wished everyone a Happy Christmas and a healthy and prosperous New Year.

23. CONFIDENTIAL BUSINESS

Nil

24. CLOSURE OF MEETING

The Meeting closed at 6:58pm.