

Minutes

Of the Ordinary Council Meeting

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

Date: 18 October 2016

Time: 6pm



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 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. **CITIZENSHIP CEREMONY**

Nil

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 13 September 2016 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

Irene Grant – Administrator

Given this is our last meeting tonight, I would like to say a few words. For me it has been both a pleasure and privilege to serve as an Administrator for the Rural City of Wangaratta over the past three years. I would like to acknowledge my fellow Administrators for their professionalism and commitment, in particular our Chair Ailsa for navigating us through the many meetings, keeping us focused, on time and ensuring we made the decisions we needed to make. One of the first things we did as a team was to appoint a new Chief Executive Officer and Senior Directors and few organisations would be in such a position. It is a credit to all of those involved that they have developed into a cohesive and efficient team. It has been a very productive relationship. The restoration of confidence both internally and externally to the Council was our main priority. With the complements I have received in recent weeks I think we have been successful. Wangaratta is back on the map.

From the first days of our appointment we have focused on getting things done. A complete review of the governance and local laws, the rural land strategy, the upgrade of the saleyards, the aquatic strategy, the development of the former Ovens College site (still a work-in-progress), a very successful Community Leadership Program, the CBD Masterplan and work to revitalise the airport (still a work-in-progress). These are just a few of the things that have been on our agenda and we have needed to deal with, running alongside other tasks that contributed to good governance and stability. It's been an exciting time.

I once heard the Rural City of Wangaratta described as a Council that punched above its weight. At that time it was about the development of the indoor sports and aquatic centre and its role as a regional and local facility. The vibrant retail development and the river side precinct, the fact that Wangaratta had a vision and looked at strengthening its position in regional Australia and beyond, I think

has brought recognition for our municipality. There is no reason why we should not aspire to bold and big picture thinking in terms of how we frame our strategies for the future.

We operate in a global economy and we need to set down the foundation for our future. Strengthen Wangaratta's position as a Rural City and Ailsa will be talking about her recent visit to China. There is a potential to unleash a whole raft of economic development opportunities and we should be looking at what we can do in regards to the whole region. We can strengthen our position through tourism, economic development and job creation. I am hopeful, with a new council this work will be continued and that we continue to aspire to punch above our weight and make Wangaratta a place that stands out in regional Victoria.

I would like to reiterate what a privilege and pleasure it has been for me to work with the Council and with the team that we have here. It's been a wonderful experience.

Rodney Roscholler – Administrator

A key role that we had here, expressed by the Minister in the Ovens Room next door, was to get the community connected back with the Council and get confidence between those two parties and we think that has been largely achieved. Another key role was to build confidence back into staff and I have to agree wholeheartedly that the appointment of Brendan as Chief Executive Officer, the Corporate Management Team, plus all the rationalisation that has happened with staff in recent times leads you to the view that things are very much under control, coordinated and looking good internally.

Now there is an election coming up and it will be over to the rate payers to make decisions on that and hopefully we will end up with a Council that never looks back and has a bright future.

A particular thing I would like to talk about is planning. When we first came here, the amount of planning that was in the draw, for whatever reason, was absolutely extraordinary. We have worked through that with Barry and his team to a point where so many strategies are well advanced, if not already approved. What I would hope is that the new council picks up the strategies that aren't quite there and sees them through to the end as it can take a long time. They need to be concluded and I am confident the new council will see that as a priority and get on with it.

Ailsa Fox – Chair Administrator

I would like to make a few observations about my recent trip to China. One of the things I would ask of the incoming council is to decide whether they are going to support this ongoing Sister City relationship. What we became very much aware of when we first met the officials from Suzhou was they were very upset in the fact that Wangaratta had a relationship that had been going along quite well and then for some reason the corporate knowledge of that relationship wasn't imbedded in the organisation. Therefore we as the three Administrators were not aware of the work that had previously gone into this Sister City relationship. It

was apparent that you need to work on them diligently, keep in contact with them and you won't accomplish anything from one or two visits every five or six years. It is something that has to be done on a regular basis. To put it quite bluntly, they were very upset with us when we first started talking and by the time we left there, the relationship had healed quite considerably. I don't think it would respond to another setback if we didn't contact them or left it for many years. In the Council report it states that many of the regional cities have had great success in their relationships with China over the long term. Some councils are at the point of putting staff based in Shanghai.

As industry and primary producers here in the North East we have so much to offer and we need more markets for our products. Australia cannot, particularly in primary production, use all that we produce and the more markets and more competition we have the better off we will be. China is seen as one of the major emerging markets for many of those primary products.

They also spoke about their relationship with the TAFE college and North East Health, and some of the people we travelled with had very fond memories of their trip to Australia in 2007. If Council believes that economic development and development of this region is going to be high on their agenda, as most of the Council candidates have stated, they need to make a firm decision on whether they are going to try and rebuild this relationship and keep it going with China. They are willing to host delegations over there and one thing that was apparent to us was the value of the Mayor. This is something the new Council will have to deal with shortly after their induction.

The other strong point that came out of this trip was with Regional Development Victoria, you had all senior people who work in regional development from an overseas basis, wonderful contacts, Deputy Secretary of Regional Development, the Minister and other Parliamentary officials. I think if we can work under the auspice of Regional Development Victoria and their sister city relationship with Jiangsu it's probably the way to go forward.

OFFICERS' REPORTS

12. EXECUTIVE SERVICES

12.1 AMENDMENT TO SCHEDULE OF COUNCIL MEETINGS 2016

Meeting Type: Ordinary Council Meeting
Date of Meeting: 18 October 2016
Author: Executive Assistant Corporate Services
File Name: N/A
File No: N/A

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 amendment of the 2016 schedule of Ordinary Council meeting dates.

RECOMMENDATION:

(Moved: Administrator R Roscholler/Administrator I Grant)

That Council:

- 1. *reschedules the Ordinary Council meeting on 15 November to 22 November 2016;***
- 2. *fulfils its commitment of 4 rural meetings a year and relocates the venue for the Ordinary Council meeting on 22 November to the Milawa Hall; and***
- 3. *publishes the amended date and venue in the Wangaratta Chronicle and Council's website.***

Carried

Background

The Returning Officer for the Victorian Electoral Commission is scheduled to publicly declare the results of the 2016 Wangaratta Rural City Council election on 31 October 2016, leaving only 10 working days before the first Ordinary Council meeting scheduled for 15 November 2016. An extension of time for this meeting is recommended to allow Council staff to deliver meaningful information on Council matters prior to the first ordinary meeting.

Policy Considerations

Council's Local Law No. 3 of 2014 Meeting Procedure (Administrators) provides that the dates, times and places of Ordinary meetings and Special meetings are within the discretion of Council. Council may, by resolution at an Ordinary or a Special Meeting, alter the date, time and/or place of any Ordinary Meeting. This report seeks Council approval of a change to the original meeting schedule for the 2016 year.

Financial/Economic Implications

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

Legal/Statutory

The *Local Government Act 1989*, section 89(4), requires that Council must give at least 7 days public notice before the holding of an ordinary meeting.

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 connected

The non-negotiables

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

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

N/A

b) Other strategic links

N/A

Risk Management

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

Consultation/Communication

Public notification will be provided of Council's 2016 Ordinary Meeting dates and venues.

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

Options for Consideration

1. Reschedule the ordinary Council meeting from 15 November to 22 November 2016 to be held at the Milawa Hall.
2. Council could retain the Council meeting date on 15 November 2016.

Conclusion

Due to the short period of time between election of Councillors and the first Ordinary Council meeting it is proposed that Council reschedule the Ordinary Council meeting from 15 November to 22 November 2016.

Attachments

Nil

12.2 DELEGATION OF REGIONAL CITIES TO CHINA

Meeting Type: Ordinary Council Meeting
Date of Meeting: 18 October 2016
Author: Director - Infrastructure Services
File Name: FRIENDSHIP AGREEMENT WITH AUSTRALIAN SISTER CITIES ASSOCIATION
File No: 42.070.003

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

Executive Summary

This report is presented to Council to provide an update on Councils participation in the recent delegation of regional Victorian cities to China from the 18 – 23 September 2016.

RECOMMENDATION:

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

- 1. That the incoming Council reviews the sister city relationship with the Suzhou (Wuzhong District) early in its term and if its decided to continue with its relationship:**
 - (a) Considers the inclusion of the sister city relationship in the Council Plan.**
 - (b) Develops a program of regular contact with Council's sister city.**
 - (c) Supports any Regional Development Victoria led initiatives for a return visit in 2017.**
 - (d) Works with other North East Victorian Councils to develop a process to support business to engage at an international level in China.**

Carried

Background

At its meeting on 13 September, Council resolved that two representatives both the Chair Administrator, Ailsa Fox and Acting Chief Executive Officer, Alan Clark travel with the delegation of Regional Victorian cities to China for 6 days.

Those who attended the delegation included regional cities Ballarat, Latrobe, Geelong, Shepparton, Wangaratta, Warrnambool and representatives from the

Committee of Geelong and Gippsland. Wangaratta delegates spent two days with their sister city Suzhou, meeting with their China counterparts and touring the Wuzhong District.

As Chinese culture places a high degree of importance on long standing relationships and key personnel, this visit to Suzhou has proven to be a very positive step in re-establishing, what has been acknowledged in recent times as a fractured relationship.

Council sees this relationship as a real opportunity to attract Chinese investment and to help facilitate the export of local produce.

Delegates also attended the first ever Victoria Jiangsu Regional Cities Alliance Dialogue in Nanjing. At that dialogue, it was announced that the Andrews Labour Government will provide new funding for the Victorian Chamber of Commerce and Industries Victorian Jiangsu Business Placement Program.

The program will enable Victorian business operators to be hosted by a Jiangsu company in their relevant sector. Also providing participants with education and coaching to improve export readiness of the region's business in the china market.

This is an opportunity for Council to work closely with local businesses to build on the existing relationship, and understand the Chinese market at an international level. Suzhou, with a growing population of 14.5 million people offers a potential avenue for businesses into a market with enormous prospects.

Doing business in China involves many practices that differ from that of Australia. Much of this is about cultural etiquette which can be learnt and practised but the most important need is that of relationship building which takes time and effort.

To have the best chance of doing business in China, relationships must be built over a period of time with mutual trust and respect essential. Regular contact by a consistent team is the key. The Rural City of Wangaratta had commenced that relationship building process but it has waned in recent years. The latest visit has revitalised the relationship but if it is to result in real on-the-ground outcomes for businesses then more work needs to be done. During the visit the importance of businesses working with government and the significance of the position of Mayor became clear. The Chinese place great value on Government to Government interaction and see the Mayor as a very significant figure in such interactions. If the new Council decide to pursue the sister city relationship then the new Mayor should take an active role in relationship building.

The Government to Government interaction opens doors and thus opportunities that businesses or business groups generally cannot open. An example of this is Warrnambool City Council that has a very strong sister city relationship and takes targeted business groups to China and recently took an education focussed group. The Vice Chancellor of a university participating in this tour commented that when they travel to China as a University they get to meet fourth or fifth level staff, by working through the sister city relationship they met their direct peers and achieved real results.

Potential Benefits to Rural City of Wangaratta

Sometimes opportunities arise but in the main they need to be worked at. Warrnambool City Council which has a very strong sister city relationship recently had a Chinese national work in their office with the purpose of linking businesses within the two cities. One outcome of that work was a seven figure contract to the local vet to export cattle embryos to China. Warrnambool City Council is now setting up an office in China with the same aim of linking up businesses.

The most significant result in recent times is the investment of \$100M into the small South Australian town of Millicent (pop approx 5,000). This investment was a direct result of a sister city relationship.

So for the Rural City of Wangaratta there are many possible businesses that could benefit from an active sister city relationship and there are currently some systems in place at State level that Council can assist with. Regional Development Victoria have staff located in Jiangsu Province and one regional city will have their office in Shanghai operating in the near future and are happy to share that resource with Wangaratta businesses on a user pay basis. For any business attempting to enter the Chinese market these internal contacts would be invaluable.

Implications

Policy Considerations

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

Financial/Economic Implications

The long term aim of this relationship is to improve the economic opportunities between our region and Jiangsu. It is not expected that significant gains will be made in the short term but rather over the long term as a result consistent and sustained engagement. The State Government funded \$2,000 per participant for this delegation. The Chair of Administrators covered all of her costs over this amount. Whilst not all costs were finalised at the time of writing this report it is expected that the total costs to Council will be in the vicinity of \$1000-\$1500.

Legal/Statutory

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

Social

It is anticipated that the Victorian Government will invite a Chinese delegation on a reciprocal visit to Victoria in 2017. Council will have an opportunity to invite a Suzhou delegation to Wangaratta at that time. It is anticipated that a decision around this will need to be made early in 2017.

Environmental/Sustainability Impacts

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

2013 – 2017 Council Plan (2016 Revision)

This report supports the 2013-2017 Council Plan:

Goal

We are Growing

We will plan and make decisions for the future:

That provide assistance to local manufacturers and help our existing industry sectors grow, innovate and employ more people.

The non-negotiables

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

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

Manufacturing and service industries continue to grow and provide substantial employment opportunities.

b) Other strategic links

Opportunities to strengthen and develop relationships with Chinese government officials and businesses in Nanjing and Jiangsu cities.

Conclusion

China's demand for Victoria's high quality food, fibre and tourism offerings provides a significant opportunity for our municipality to market our region via a sister city relationship. This is a significant opportunity to create relationships for local business at an international level. The trip highlighted the benefits of Government to Government relationships as a means of assisting businesses to gain access to China at the most suitable level.

The on-going relationship will allow Council to raise the profile of the capabilities and offerings of Wangaratta and its surrounds. The cost of this trip is being subsidised by the State Government and will potentially be followed by a visit to our area from senior Suzhou leaders.

Attachments

Nil

Questions

Lex Andison - Moyhu

Would it be the permanent staff who are responsible for maintaining the relationship with China?

Ailsa Fox, Chair Administrator replied that it seems the corporate knowledge that was in Council and officers of that particular sister city relationship was lost and wasn't embedded in the organisation. As you will see in the report, the recommendation is that the sister city relationship be embedded in the new Council Plan so there is progress reported against what is happening and the relationship is kept strong.

12.3 ADMINISTRATORS PROGRESS REPORT - OCTOBER 2016

Meeting Type: Ordinary Council Meeting
Date of Meeting: 18 October 2016
Author: Executive Service Coordinator
File Name: N/A
File No: N/A

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 final progress report on the Administrators' achievements to date. The final report highlights the key priority projects and issues that have been addressed during their term. This report will form part of the suite of material provided to the newly elected Council for their information.

RECOMMENDATION:

(Moved: Administrator I Grant/Administrator R Roscholler)

That Council:

- 1. notes the Administrators Progress Report for October 2016;***
- 2. provides the final progress report to the incoming Council as part of their induction material; and***
- 3. forwards this report to the Minister of Local Government.***

Carried

Background

The Rural City of Wangaratta's Administrators were appointed in September 2013. Very early in their term they established a series of priority projects and issues to be resolved during their term. These projects were comprised of two groupings. One being essential decisions to be made during the Administrators' three year term, and a complimentary list that included issues for resolution that desirably would be dealt with during the period under administration.

2013 – 2017 Council Plan (2016 Revision)

This report supports the 2013-2017 Council Plan:

Goal

We are Connected

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.

We will plan and make decisions for the future:

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

We will focus on our business:

ensuring our workforce systems and processes are efficient and effective.

The non-negotiables

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

Conclusion

This report highlights the achievements of the Administrators since their appointment in 2013. It will provide useful context for the new Council on the progress of key initiatives and projects.

Attachments

- 1 ADMINISTRATORS PROGRESS REPORT - OCTOBER 2016

13. CORPORATE SERVICES

13.1 ANNUAL REPORT 2015/16

Meeting Type:	Ordinary Council Meeting
Date of Meeting:	18 October 2016
Author:	Communications Officer
File Name:	Council Annual Report
File No:	20.060.001

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 2015 – 2016 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: Chair Administrator A Fox/Administrator I Grant)

That Council adopts the 2015 – 2016 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 (2016 Revision)

Progress towards the achievement of strategic objectives and major initiatives contained in the 2013-2017 Council Plan (2014 Revision) are reported in the 2015-2016 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 the 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 Act, the Wangaratta Rural City Council prepared an Annual Report (***refer attachment***) for the financial year 2015 - 2016 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

- 1 Rural City of Wangaratta - Annual Report 2015 - 2016

Questions

Brian Fox – Wangaratta

Infringements and Cost in 2016 equal \$315,000 and the year 2015 \$190,000. This is an increase of some \$105,000. Which equates to roughly \$2,000 per week. Can you tell me if these amounts include or in fact are directly related to parking?

Ruth Kneebone, Director Corporate Services replied I will have to take that question on Notice.

Brian Fox – Wangaratta

What is the total revenue comparison figures 2015 and 2016 from parking meters not taking into account the multistorey car park?

Ruth Kneebone, Director Corporate Services replied that the revenue for 2014/15 was \$376,789 and the revenue for 2015/16 was \$380,212.

13.2 PRE-ELECTION BUDGET OUTLOOK REVIEW

Meeting Type: Ordinary Council Meeting
Date of Meeting: 18 October 2016
Author: Director - Corporate Services
File Name: AUDIT ADVISORY COMMITTEE
File No: 51.020.004

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

Executive Summary

This report is presented to Council to provide details of an internal audit of Council's long term financial plan and budget framework. It will be provided to the incoming Council and provides a strong and independent review of the Council's financial outlook.

RECOMMENDATION:

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

That Council:

- 1. notes the positive observations and conclusions of the Pre-Election Budget Outlook Review undertaken by Council's internal auditors; and***
- 2. provides this information to the incoming Council as part of their induction material.***

Carried

Background

Council's Audit Advisory Committee supervises a four year internal audit program. Council's Internal Auditor, Crowe Horwath, recently completed a Pre-Election Budget Outlook Review (***refer attachment***) that was presented to the Committee at its meeting in August 2016. The review focused on Council's 2016/17 budget, Strategic Resource Plan and Long Term Financial Plan and tested whether Council's fiscal strategy is based on sound financial management principles. The scope included the short-term and also the medium to longer term together with processes to support good governance, integrity, transparency and ratepayer/stakeholder consultation throughout the budget process.

Implications

Policy Considerations

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

Financial/Economic Implications

The review concluded that Council's current budgetary position is sound, with forward projections based on comprehensive and reasonable underlying assumptions and that the budgetary process undertaken by Council meets all regulatory requirements including appropriate processes for consultation.

Key strengths of the budget process included:

1. Strong governance processes in place ensuring all legislative requirements have been met as part of the budget process. This includes appropriate processes for community consultation in the budget process.
2. Strong linkages between Council's annual budget, strategic resource plan and long term financial plan.
3. Council utilises the 'Chartered Accountants Australia and New Zealand Victorian City Council Model Budget 2016/17 – A Best Practice Guide for Reporting Local Government Budgets in Victoria' as a benchmark. Internal Audit did not note any exceptions to the requirements of this best practice guide.
4. Appropriately weighted cost indexation, recognising both cost and demand growth for existing services.
5. Revenue side assumptions consistent with new revenue capping and current grant environments.
6. The capital works budget is informed by existing asset plans that are developed to meet the asset renewal needs of Council, as well as the development of new and enhanced assets.
7. The budget is based on known service level standards and does not consider any changes not already identified or agreed by Council.

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 (2016 Revision)

This report supports the 2013-2017 Council Plan:

Goal

We are Sustainable

We will create and deliver:

Our budgeted annual capital works program.

We will plan and make decisions for the future:

Maintaining a responsible and transparent Long Term Financial Plan. To make sure that everything we do – from building assets to delivering events – considers the physical, social, cultural and financial needs of all our community members.

We will focus on our business:

Through the Our Future Project, review service levels while balancing community expectations with available resources.

Developing and implementing management plans; incorporating rolling capital works and cyclic maintenance programs for Council's infrastructure.

The non-negotiables

The best use of Council's resources.

All legislative and compliance requirements are met.

Strategic Links

Council's Strategic Resource Plan provides a four year projection of Council's financial position, capital works program and human resource forecasts.

Risk Management

Five recommendations have been made by internal audit. None are rated high, two are rated medium and three are rated low risk.

The recommendations include:

- Long Term Financial Plan
- Identification of Trends and Scenario Analysis
- Risk Assessment and Priority Ratings for Projects
- Draft Borrowing Policy
- Preparation of the Strategic Resource Plan.

It is noted that Council adopted its Borrowings Strategy 2016 at its August 2016 meeting.

Consultation/Communication

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

Options for Consideration

This report is provided for Councillor information.

Conclusion

Council's internal auditor Crowe Horwarth have conducted a review of Council's budgetary framework. The review found the budgetary position to be sound, with forward projections based on comprehensive and reasonable underlying assumptions. The budgetary process undertaken by Council meets all regulatory requirements including appropriate processes for consultation.

Attachments

- 1 INTERNAL AUDIT PRE-ELECTION BUDGET OUTLOOK REVIEW

13.3 SEPTEMBER 2016 QUARTERLY FINANCE REPORT

Meeting Type: Ordinary Council Meeting
Date of Meeting: 18 October 2016
Author: Manager Finance
File Name:
File No: 51.060.021

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

Executive Summary

This report is presented to Council to provide an update of Council's year-to-date (YTD) financial performance to its Adopted Budget 2016/17.

RECOMMENDATION:

(Moved: Administrator R Roscholler/Administrator I Grant)

That Council reviews and endorses the September 2016 Quarterly Finance Report.

Carried

Background

Council has completed its first quarter financial reporting process in order to manage and monitor its financial position against budget.

Implications**Policy Considerations**

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

Financial Implications**Quarter 1 Year to Date Summary**

	Adopted Budget \$'000	Adopted Budget (incl. Carry Overs) \$'000	Year to date Budget \$'000	Year to date Actuals \$'000	YTD Variance \$'000	YTD Variance %
Income	62,474	62,752	13,560	13,770	210	2%
Expense	(52,980)	(53,321)	(15,133)	(12,430)	2,704	18%
Surplus (Deficit)	9,494	9,431	(1,573)	1,341	2,914	185%
Capital Works Expenses	25,276	27,230	3,855	1,122	(2,733)	(71%)

Note that Commitments of \$3,185,181 exists in relation to capital works expenses at 30 September 2016.

Operating Result

Council's first quarter results are strong with a better than expected operating surplus of \$1.341 million. This outcome is largely driven by the timing of expenses and income being slightly different to what was expected at the time the 2016/17 Budget was adopted in June 2016.

A detailed explanation of Operating Result variances follows:

Operating Income

Favourable

1. A favourable variance for statutory fees and fines of \$148,997 largely relates to health registration income. The 2016/17 Adopted Budget reflected the health registration income in Quarter 2 of 2016/17 instead of Quarter 1 of 2016/17. As such, this favourable variance represents the bringing forward of the invoicing only and will correct in Quarter 2.
2. Council received \$46,545 in insurance monies due to a lightning strike on the Wangaratta Government Centre building. This amount was not budgeted and is reflected in the operating income results for the first quarter.
3. A favourable variance of \$900,000 exists in connection with the State Government Grant for the Aquatics WISAC hydrotherapy pool. The remaining grant of 40% (\$600,000) will be received later in the year in accordance with the budget and agreed milestones with the State Government.
4. A favourable variance of \$57,594 exists in connection with the grant funding of the Tennis Cluster Lighting Project.

Unfavourable – permanent

1. An unfavourable variance of \$102,303 exists due to reduced user fee income at the Bowser landfill. However, this is partly offset by increased user fee income at the transfer stations of \$22,637.
2. There is an unfavourable variance of \$166,070 with respect to reduced user free / grant income for the provision of Family and Early Childhood Services. It is unknown at this time whether the variance will remain unfavourable for the remainder of 2016/17 or if user fee / grant income will increase due to increased childcare places.

Unfavourable – due to timing

1. Council receives leasing income and recoveries of outgoings associated with its properties. Due to delays in raising invoices for the first Quarter there is an unfavourable variance of \$113,335. This will be recovered in future periods.

2. The timing of grants and contributions can be uncertain at the time of the Adopted Budget. Grant funds and contributions are typically set based on milestones and agreed dates with the relevant State or Federal Government department or community/user group. In the first quarter of 2016/17, variances exist to the budgeted amounts. Each of these are timing differences only and are expected to unwind in the coming months. Some of the key differences are:
 - Municipal fire and emergency management resourcing program (MERP) unfavourable variance of \$70,000
 - Resilient urban streetscapes \$18,993
 - Merriwa Park asbestos remediation works \$17,493
 - Bridges renewal \$43,557

Operating Expenses

Favourable

1. The Quarterly Finance report shows a favourable variance of \$977,913 for employee benefits. The majority of this amount (approximately \$600,000) reflects the fortnightly salary and wages costs which were accrued in the year ended 30 June 2016 but paid in the first quarter of 2016/17. The budget phasing for employee benefits should be improved to reflect the accrued employee benefits at 30 June 2016 as well as the equivalent accrued employee benefits that will arise at 30 June 2017. This is not a permanent cost saving.

The remaining employee benefits favourable variance of approximately \$380,000 reflects savings from known position vacancies. It is expected that some of this will not be a permanent saving as Council will pay redundancy costs in connection with the Restructure which are in excess of what was provided at 30 June 2016. This outcome became known after 30 June 2016 as a result of Council's redeployment obligations under the Enterprise Agreement.

2. The Quarterly Finance report shows a favourable variance of \$1,903,926 for materials and services. The key drivers of this are as follows:
 - a. Levies for the Bowser Landfill site of \$135,672 have not been charged by EPA. These are expected to be charged in the coming months.
 - b. Charges for the transfer and processing of organics at Shepparton of \$114,729 have not been charged by the contractor. These are expected to be charged shortly. Further, the costs associated with the processing of organics in Shepparton are expected to be higher than budgeted due to higher than expected amounts of green waste collections due to weather conditions.
 - c. The quarterly licence fee for the Co-Store car park was not accrued for the quarter. A favourable variance of \$94,457 exists at 30 September 2016 however an invoice of \$120,736 has since been received and paid in October 2016. As such, the favourable variance does not reflect a permanent saving.
 - d. Approximately \$170,000 associated with infrastructure asset inspection and assessments has not been incurred by the end of

September 2016 due to the weather conditions. This work will take place in the coming months and therefore this is not a permanent cost saving.

- e. Approximately \$135,000 of utilities costs have not been reflected in the September quarter results.
- f. Approximately \$200,000 of restoration works associated with the Moyhu storm in December 2015 were expected to take place in the first quarter of the 2016/17 financial year but have not been able to progress due to the weather conditions. This work will be completed in the drier months and therefore is not a permanent cost saving.
- g. Reduced costs of \$270,777 associated with the delivery of Packaged Care services. This does not represent a permanent cost saving, but instead represents the Packaged Care clients applying the Consumer Directed Care approach and not using all of the services available to them before 30 September 2016. Council recognises a liability on its balance sheet for the unearned grant / user fee income in the circumstances where Packaged Care clients have not used all of their allocated funds in a particular month. At 30 September 2016 this liability was \$595,743. The amount of \$595,743 represents the user fee income / grant income that has not been spent on Packaged Care services at 30 September 2016, but which could be spent in the future.

Unfavourable

1. The Quarterly Finance report shows an unfavourable variance of \$140,515 in respect of depreciation. It is expected that there will be an annual unfavourable variance for depreciation in the order of \$500,000. This will be corrected in the 2016/17 Budget Review. The 2016/17 Adopted Budget noted that Council was in the process of reviewing its depreciation and that the 2016/17 Adopted Budget was predicted to remain the same as 2015/16.

For a detailed analysis of the Operating and Capital Works result year to date variances refer to the September 2016 Financial Report. (**refer attachment**)

Capital Works

Progress of the 2016/17 capital works program has been significantly impacted by the weather conditions over the last three months.

Council's progress of the 2016/17 capital works program is behind schedule with only 29% of works completed in accordance with the budgeted numbers. However, if Commitments are included, this improves Council's performance significantly and goes some way to demonstrating the impact of the weather conditions on the capital works program.

Some of the key projects progressed over the last quarter were:

- 1) Bridges renewal works \$119,007
- 2) Markwood Everton Road works \$117,890

- 3) Everton Hall and precinct development \$105,399
- 4) Kings Lane Bridge works \$67,797
- 5) Lindner Road Stage 2 works \$60,921
- 6) Purchase of landfill lids at Bowser \$55,901
- 7) Bullawah Indigenous Interpretative signage \$35,754

As is evident from the attachments there are a number of road, footpath and drainage projects that have not progressed as quickly as expected due to the weather conditions.

Further, a key project that has not progressed during 2016/17 is the organics processing plant. An unfavourable variance of \$419,832 exists due to the delays in receiving EPA approval for the processing plant.

Council will review its capital works program as part of the annual Budget Review process to assess the impact of the weather conditions on completion of the capital works budget for 2016/17, including any additional renewal or restoration works required. During the September quarter, the weather conditions have impacted on Council's ability to complete some of the capital projects that were carried over from 2015/16 year.

Legal/Statutory

In accordance with section 127 of the *Local Government Act 1989* (the Act), Council must prepare a budget for each financial year. Additionally, section 136 of the Act requires Council to apply principles of sound Financial Management. Section 138 of the Act requires the Chief Executive Officer, at least every three months, to prepare a statement comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date and to present this report to Council.

Social

Social benefits of the projects will occur this financial year as outlined in the 15/16 Budget.

Environmental/Sustainability Impacts

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

Economic Impacts

The economic impacts associated with sound financial management are positive for Council's ratepayers, the community and future generations.

2013 – 2017 Council Plan (2015 Revision)

This report supports the 2013-2017 Council Plan:

Goal

We are Sustainable.

We will create and deliver:

our budgeted annual capital works program.

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.

All legislative and compliance requirements are met.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Poor performance against budget	M	M	M	Regular monitoring and reporting of budget position

Consultation/Communication

Consultation has been undertaken with Council managers and corporate management team and the matter is now ready for Council consideration.

Conclusion

September 2016 year to date Operating Result is delivering a favourable result, due mainly to timing differences in revenue and expenses. Delivery of Council's large capital works program for 2016/17 has been impacted by weather conditions.

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Attachments

- 1 Quarterly Finance Report Surplus - Deficit
- 2 Capital Works Performance

Questions

Ken Clarke – Wangaratta

At the 30 September 2016 the packaged care liability was at \$595,743 and I am wondering what are we doing with the Packaged care deal and how much of that we will actually lose?

Brendan McGrath Chief Executive Officer replied *broadly the situation with Packaged care is that over a period of time we are moving away from providing packaged care services to 11 or 12 municipalities in the North East. What the council has decided to do is revert back to providing the service only for Wangaratta residents. That's not a transition that can happen immediately. What we are now doing is working through the process and transitioning each person that is not in Wangaratta to another care provider and we expect this process will take to next calendar year.*

The packaged care service itself from a financial perspective is fully funded either by Federal or State Government grants, it is not Council money being spent to provide that service. Where there are savings in any financial year such as the ones you have highlighted that money sits in a reserve which is only used for the specifics of the packaged care service.

14. COMMUNITY WELLBEING

Nil

15. INFRASTRUCTURE SERVICES

15.1 PROPOSAL TO NAME AN UNNAMED ROAD OFF WATTLE RANGE ROAD, TOLMIE

Meeting Type: Ordinary Council Meeting
Date of Meeting: 18 October 2016
Author: Executive Assistant - Infrastructure Services
File Name: Road/ Place Naming
File No: 73.020.014

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 seeking endorsement to advertise a proposal to name an unnamed road off Wattle Range Road, Tolmie following consideration by Council's Place Naming Committee.

RECOMMENDATION:

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

That Council:

- 1. advertises its intention to name the unnamed road off Wattle Range Road, Tolmie as shown on the location map as "Merrifield Lane"; and***
- 2. seeks feedback on the proposal to be reported back to a future Council meeting.***

Carried

Background

Council's Place Naming Committee considered a request for naming of the unnamed road off Wattle Range Road, Tolmie at its meeting held on 11 May 2016. Two names below were proposed:

Lara Lane	3 families living close to the Wattle Range School having granddaughters with the name Lara.
Merrifields Road	Reference to old maps and school records showing Merrifields.

The proposed names were considered against Council policy and the Guidelines for Geographic Names 2010.

Research by the Place Naming Committee revealed that the original grantees on adjacent allotments to the unnamed road were WT Merrifield and WF Merrifield. From the 2 names proposed, it was considered that “Merrifield Lane” was the most appropriate name and road type and links the history to the location. There are no duplicates for Merrifield in the Rural City of Wangaratta or adjoining municipalities.

After that time, further correspondence was received from current property owners proposing the names below:

Feigland Road	Previous owners from 1950s
Emkalo Road	Current owner’s daughter’s initials
Emsmist Road	Current owner’s daughter and property environment
Figlowes Road	Original owners and current owners
Lowsidy Road	Current owners and neighbours
Tazem Road	Current owners family pet and daughter

The Place Naming Committee considered the new names proposed against Council policy, the Guidelines for Geographic Names 2010 and the previous recommendation at its meeting held on 17 August 2016.

It was considered that “Merrifield Lane” remained the most appropriate name for the location. Refer to attached location map for the extent of the road to be named.

Implications

Policy Considerations

- Policy for Naming Roads, Streets and Other Access ways

Financial/Economic Implications

Signage will be installed at the road following gazettal.

Legal/Statutory

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

Social

There are no properties addressed to the unnamed road and Council obligations in regard to maintenance are unchanged by naming the road.

Environmental/Sustainability Impacts

There are no environment/ sustainability implications 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 create and deliver:

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

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

N/A

b) Other strategic links

N/A

Consultation/Communication

The naming proposals will be advertised in the Wangaratta Chronicle and on Council's website seeking community feedback. Adjoining landowners will also be consulted.

Conclusion

The Place Naming Committee recommends that following consideration of Council policy and the Guidelines for Geographic Names 2010, the name "Merrifield Lane" is the most appropriate name and road type for the unnamed road off Wattle Range Road, Tolmie. The name links history to the location.

Attachments

1 LOCATION MAP

16. DEVELOPMENT SERVICES

16.1 WANGARATTA PLANNING SCHEME AMENDMENT C61 - WALDARA LOW DENSITY RESIDENTIAL PRECINCT - CONSIDERATION OF SUBMISSIONS AND REQUEST FOR PLANNING PANEL

Meeting Type: Ordinary Council Meeting
Date of Meeting: 18 October 2016
Author: Coordinator Strategic Planning
File Name: Wangaratta Planning Scheme Amendment C61 - Waldara Low Density Residential Precinct Permanent Controls
File No: 73.030.076

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 35 submissions (including 3 late submissions) received to Amendment C61 under section 22(1) of the *Planning and Environment Act 1987*;
- Summarise the key issues raised in submissions and how these may be dealt with;
- Decide whether or not to make changes to Amendment C61 in accordance with recommendations in the Submissions Analysis Table at Attachment 2;
- Seek approval to refer outstanding submissions to a Panel appointed under Part 8 of the *Planning and Environment Act 1987*.

RECOMMENDATION:

(Moved: Administrator I Grant/Administrator R Roscholler)

That Council:

- 1. considers submissions to Amendment C61 to the Wangaratta Planning Scheme in accordance with section 23 of the Planning and Environment Act 1987;***
- 2. makes changes to Amendment C61 in accordance with supported submissions documented in Attachment 2 – Submissions Analysis Table;***
- 3. refers unresolved submissions documented in Attachment 2 – Submissions Analysis Table to a Panel appointed under Part 8 of the Act;***
- 4. requests the Minister for Planning appoint a Panel in accordance with Recommendation 3; and***

5. notifies submitters in writing of Council's decision.**Carried****Background***Preparation of amendment*

At its Ordinary Meeting of June 2014, Council considered a report advising of the ongoing problems with stormwater drainage and changes to planning controls that were causing development pressure in the Waldara Low Density Residential Precinct. Council resolved to prepare a Development Plan to apply to the Precinct 'to control the future subdivision pattern and provision of infrastructure'. Council also sought interim planning controls under Amendment C59 to limit subdivision within the precinct whilst a Development Plan was prepared.

Since that time, much background work has been done, including the preparation of a Strategic Drainage Plan (June 2015) and a Background Report (April 2016). At its Ordinary Meeting of 19 April 2016, Council endorsed the Background Report as the strategic basis for preparation of Amendment C61 to the Wangaratta Planning Scheme.

In the meantime, Amendment C59 has been approved by the Minister for Planning. Amendment C59 was submitted for Ministerial approval in July 2014 as an interim measure to limit further subdivision in the Waldara Precinct, whilst Council progressed with a solution to the drainage issues and ad hoc subdivision through a more considered and structured planning process. Amendment C59 was finally approved by the Minister for Planning, and subsequently gazetted on 23 June 2016. The amendment applies a Development Plan Overlay to the entire precinct, effectively preventing Council from considering applications for subdivision until a Development Plan is approved. In essence, there is a temporary 'hold' on subdivision in Waldara for a period of two years, or until Amendment C61 is successfully progressed to completion.

In brief, Amendment C61 seeks to change the current minimum lot size across the entire precinct, from 0.2ha (State default control) to a range of lot sizes across three neighbourhood areas (Neighbourhood A: 0.4ha; Neighbourhood B: 1.0ha and Neighbourhood C: 0.75ha) as shown in **Attachment 1 – Waldara Low Density Residential Precinct Development Plan**. The amendment also seeks to apply a Design and Development Overlay (as the planning provision considered most appropriate) that will require the design and layout of future subdivision in the Waldara Precinct to provide stormwater infrastructure, road access to new lots and protection of native vegetation in accordance with a Development Plan (part of the Design and Development Overlay control).

Exhibition and submissions

In June 2014, Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit Amendment C61. Conditional authorisation was received by Council on 15 March 2016.

The amendment was placed on public exhibition from 16 June – 18 July 2016. A total of 32 submissions were received during that time and are summarised in **Attachment 2 – Submission Analysis Table**. A further three late submissions have been received since that time and are also included in the Table.

Of the 35 submissions to Amendment C61, five are from agencies, and 30 from the general public (28 landowners and 2 consultants). The content of submissions can be divided broadly into general issues and site specific issues/request for changes:

General issues: proposed management of stormwater drainage is inadequate; placement of potential road links not supported; support for 0.4ha minimum lot size approach and protection of neighbourhood character; objection to approach and negative impact on character of area; requests to apply one minimum lot size across the entire precinct, ranging from 0.45 ha to 0.8 ha in size; concern about devaluation of property and removal of existing rights to subdivision; loss of value due to decreased lot yields; queries regarding the need to connect to reticulated sewer and any requirements for compulsory acquisition of land for roads; preference for a development and/or dwelling density across the precinct rather than minimum lot sizes to promote variation in subdivision design.

Site specific issues: Talgai Drive (7 submissions): objection to placement of potential future road links; queries with proposed drainage treatments, request for relocation of drainage easements, Council failure to adequately address drainage and impacts from Wangaratta Golf Course; support for Councils' approach to 0.4 hectare minimum lot size.

Site specific issues: Usshers Drive (13 submissions): responses range from request that Council retain the existing 0.2ha minimum lot size (x2); change to 0.4ha (x5); change to 0.6ha (x1) and rezone to Rural Living Zone (x1); support 0.75ha (x1); change to 0.8ha across the entire precinct (x1); assess subdivision on its merits, not automatically approve 0.75 sized lots; prevent further subdivision until drainage issues are resolved; support road link with Waldara Drive, objections to link with Waldara Drive and link to Wonga Park Drive.

Agencies were largely supportive of the amendment with several suggestions to include extra references or requirements in the Design and Development Overlay. These submissions have been accommodated with detail included at Attachment 2. VicRoads has requested that Council undertake a Traffic Study to determine whether or not existing intersections on the Wangaratta-Yarrawonga Road are adequate to cater for the amount of traffic envisaged under the Development Plan proposal. Council officers prepared a basic lot yield comparison for VicRoads, comparing lot yield under State default of 0.2ha minimum lot size, and variations proposed under Amendment C61. Discussions with VicRoads are ongoing, and it is hoped that consensus on the approach can be reached prior to the amendment going to Panel.

Process from here

Twenty-five submissions have requested a direct (or implied) change to Amendment C61. Pursuant to section 23(1) of the *Planning and Environment Act 1987* (the Act) when considering a submission which requests a change to an amendment, Council must:

- (a) change the amendment in the manner requested; or
- (b) refer the submission to a Panel appointed under Part 8 of the Act; or
- (c) abandon the amendment or part of the amendment.

A number of meetings with submitters have occurred to discuss issues and attempt resolution, where possible. For example, Submissions 1 and 5 have largely been resolved through the relocation of a potential road link, which may also address concerns of Submission 30. Attachment 2 describes in detail eight submissions where changes are recommended to address issues. A further five submissions are partially addressed (some changes supported, others are not). A further twelve submissions request changes that are not supported.

A proportion of the submitters have not been directly contacted about their submissions at this stage.

A number of other submissions raise queries that may be resolved or clarified through letters of explanation. These submissions don't necessarily request changes to the amendment. It is intended that once Council formally considers submissions, letters can be sent to relevant submitters. Other submissions are contradictory to each other and no consensus can be reached by Council at this stage. The purpose of a Panel hearing will be to consider the merits of these submissions and make recommendations to Council.

There remains 17 unresolved submissions. It is necessary, therefore, for Council to either abandon the amendment or resolve to request the Minister for Planning appoint a Panel under section 23(1)(b) of the Act to consider the unresolved submissions.

Changes to amendment documents

In order to address some submissions, a number of changes to the exhibited amendment documents are recommended in Attachment 2. In summary, the most significant changes proposed are as follows:

1. Change the minimum subdivision lot size for Neighbourhood C (Usshers Drive) from 0.75ha to 0.6ha. This change will not significantly increase lot yield, but will allow greatly flexibility in the design and layout of lots.
2. Reduction in number of potential road links, or relocation of links, as shown on the Development Plan. This reduction is supported by additional wording in the Schedule to the Design and Development Overlay to ensure connectivity in road design is considered at the subdivision stage.

Policy Considerations

Strategic directions in Council's *Population and Housing Strategy 2013* advise that existing land zoned for low density residential purposes around Wangaratta City should be used to accommodate demand until 2031, including encouraging the subdivision of larger low density residential allotments. The promotion of further subdivision in the Low Density Residential Zone should be informed by an integrated approach, having regard to adequate provision of infrastructure, neighbourhood character and movement networks.

Financial/Economic Implications

Proceeding to a Panel hearing will include planning panel fees that may be in the order of \$10,000 - \$20,000, depending upon the number of Panel members and duration of the hearing. Future fees for any approval of the amendment by the Minister for Planning will be \$453.00. It is proposed to fund these fees from the 2016-17 operation budget for 2016-17 planning scheme amendments.

Legal/Statutory

All procedures associated with this amendment comply with the legislative requirements of the *Planning and Environment Act 1987*.

Social

Applications for subdivision in the Waldara area have generated considerable public interest and opposition over the past few years. The local community is concerned about the loss of neighbourhood character, along with the impacts of increased development such as traffic, loss of native vegetation and localised drainage and flooding issues. Land owners are also concerned about the loss of value to properties and earning potential if they are unable to apply to subdivide as possible under the 0.2ha minimum lot size set as the State default.

Amendment C61 seeks to balance the aspirations of residents in the Waldara Precinct with a clear direction to accommodate further growth within the area. Amendment C61 sets out requirements for consideration as part of any assessment of new subdivision in the Precinct. This will ensure that existing elements that make Waldara an attractive place to live are identified and protected. This is considered a positive social outcome for residents of the Waldara area.

With the application of the current interim controls approved by Amendment C59, residents of Waldara are unable to subdivide their properties. It is important that Amendment C61 is progressed so that this situation can be resolved, with a clear plan to accommodate growth and a decision-making framework in place.

Environmental/Sustainability Impacts

Stormwater management and retention of native vegetation have been identified as issues within the Waldara Precinct. Planning controls proposed by Amendment C61 will help implement improvements to the stormwater drainage system, which will result in better quality water entering the Ovens River system as well as reducing nuisance flooding within the estate.

The protection of native vegetation through appropriate subdivision design will also have a positive impact on ecological values within the area.

2013 – 2017 Council Plan (2015 Revision)

This report supports the 2013-2017 Council Plan:

Goal

We are Growing

We will plan and make decisions for the future:

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

that develop options for overcoming drainage deficiencies within rural and urban areas.

The non-negotiables

Quality and sustainable drainage development and maintenance.

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

This proposal will support the desired outcomes of Strategy 1 of the Community Vision, including:

- *Housing growth has been gradual, well-planned and matched by the extension of infrastructure and services.*

b) Other strategic links

N/A

Risk Management

If Council does not request a Panel to consider unresolved submissions to Amendment C61, Council will need to abandon the amendment as the Act does not allow it to proceed. This outcome is not desirable as it results in the perpetuation of the interim controls (i.e. no subdivision in Waldara) for the next two years, and no clear strategic direction for the future of Waldara. This can be avoided by seeking the appointment of a Panel as recommended.

Consultation/Communication

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	We will keep you informed	Public meeting for landowners held prior to formal exhibition process, to inform residents of purpose of amendment and content of Background Report.
Consult	We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision	Formal exhibition of Amendment C61 included letters to residents and agencies, receiving, formally considering and responding to submissions
Involve	N/A	N/A
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 option): Resolve to make changes to the amendment in accordance with submissions detailed in Attachment 2 (pursuant to section 23(1)(a) of the Act) and request the appointment of an independent Panel to consider unresolved submissions as detailed in Attachment 2 (pursuant to section 23(1)(b) of the Act).

This option follows the statutory process required to consider all submissions to Amendment C61, without compromising good land use planning outcomes for the Waldara Precinct.

Option 2 (Not recommended): Defer consideration of the submissions until a new Council is elected.

This option would fail to deliver to the Waldara Precinct the recommendations of the *Waldara Low Density Residential Precinct Background Report, April 2016* in a timely way. This Report identifies issues and constraints in the Precinct, and a set of planning controls that will help address these matters, including a detailed Strategic Drainage Plan, and Development Plan to guide the future form and requirements of subdivision.

This option would also result in the perpetuation of the interim planning controls that restrict further subdivision in the Waldara Precinct until consideration of submissions is made.

Conclusion

Amendment C61 seeks to implement a suite of planning controls to guide the future development of land within the Waldara Low Density Residential Precinct.

The quantity and content of submissions to the amendment indicates a strong community interest in the future of the Precinct. They also demonstrate the breadth of differing views and opinions held by residents. The varied nature of submissions prevents Council from being able to resolve all submissions and adopt the amendment. The range of views on the future of Usshers Drive, for example, demonstrates that consensus simply cannot be reached, and Council has no option but to seek the appointment of a planning panel.

It is recommended, however, that Council officers continue to work directly with submitters leading up to any Panel hearing in an attempt to alleviate concerns and address as many outstanding issues as possible prior to a Panel hearing taking place.

Attachments

- 1 Draft Waldara Precinct Development Plan
- 2 Submissions Analysis Table

16.2 BUILDING SERVICES - FEES & CHARGES

Meeting Type: Ordinary Council Meeting
Date of Meeting: 18 October 2016
Author: Executive Assistant Development Services
File Name: Building Fees
File No: 74.010.002

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

Executive Summary

This report is presented to Council to provide a basis to consider a variation to the current fee structure in relation to a general administration fee charged by the Building Department known as an “Archive File Retrieval”.

Variation to the current fees is proposed as follows:

RECOMMENDATION:

(Moved: Administrator R Roscholler/Administrator I Grant)

That Council amends the 2016/17 Fees and Charges Schedule to decrease the current Archive Retrieval Fee for building files from \$150 to \$80 including GST.

Carried

Background

The proposal to amend the fee arises from an administrative error in preparation of the 2016/2017 Fees and Charges Schedule Council adopted in June 2016. The fee was increased by 100% from the 2015/2016 amount, which does not accurately reflect the actual cost to Council for provision of this service to customers or any greater increase above consumer price index (CPI). The fee should have increased approximately proportional to CPII.

Implications

Policy Considerations

There are no identified impacts to existing Council Policy.

Financial/Economic Implications

Council’s budget estimates were based on predominately CPI and legislative increases and the correction of this fee is not anticipated to have any adverse impact. The correction of the fee better reflects community expectations.

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

Due to the low volume of provision of this service and the fact that this is a reduction in a fee, it is considered that additional consultation and communication is not necessary.

Options for Consideration

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

Item	Fee (incl GST)
Archive Retrieval Fee	\$150

Conclusion

It is recommended that Council adopt the fees proposed for this report. This reflects the principle that persons applying for the provision of this service will not be unfairly charged.

Attachments

Nil

16.3 REITH ROAD EQUINE DEVELOPMENT PLAN AND PLANNING PERMIT 16/072 TWENTY NINE LOT SUBDIVISION AND REMOVAL OF NATIVE VEGETATION

Meeting Type: Ordinary Council Meeting
Date of Meeting: 18 October 2016
Author: Principal Statutory Planner
File Name: Reith Road Development Plan
File No: 16/072

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 recently submitted Development Plan for approval. This plan relates specifically to the Reith Road Equine Precinct approved under Planning Scheme Amendment C56 by the Minister for Planning.

Amendment C56, rezoned land known as Lot 2 PS 704122 from Farming to Special Use Zone – Schedule 7 (Reith Road Equine Precinct) and applied a Development Plan Overlay – Schedule 5. The applicant has now submitted a formal Development Plan to be considered and endorsed under the provisions of Schedule 5 to the Development Plan Overlay.

In addition, Council has received a Planning Application for a Multi Lot Staged Subdivision of the land and the Removal of Native Vegetation. Council must firstly consider and approve the Development Plan, before it can formally decide on the planning application. However, in order to avoid unnecessary duplication, including multiple agency referrals the two applications have been run concurrently. Both items are now reported to Council for consideration.

RECOMMENDATION:

(Moved: Administrator R Roscholler/Administrator I Grant)

That Council:

- 1. endorses the Development Plan as submitted to become known as the Reith Road Equine Development Plan endorsed pursuant to Clause 43.04 (Schedule 5 – Sec 3.0) of the Wangaratta Planning Scheme.***
- 2. If and only when Council endorses the Development Plan under point 1, then Council resolve to Grant a Planning Permit for a 29 Lot Staged Subdivision and the Removal of Native Vegetation subject to the conditions outlined in attachment 1 to this report.***

Carried

Property Details

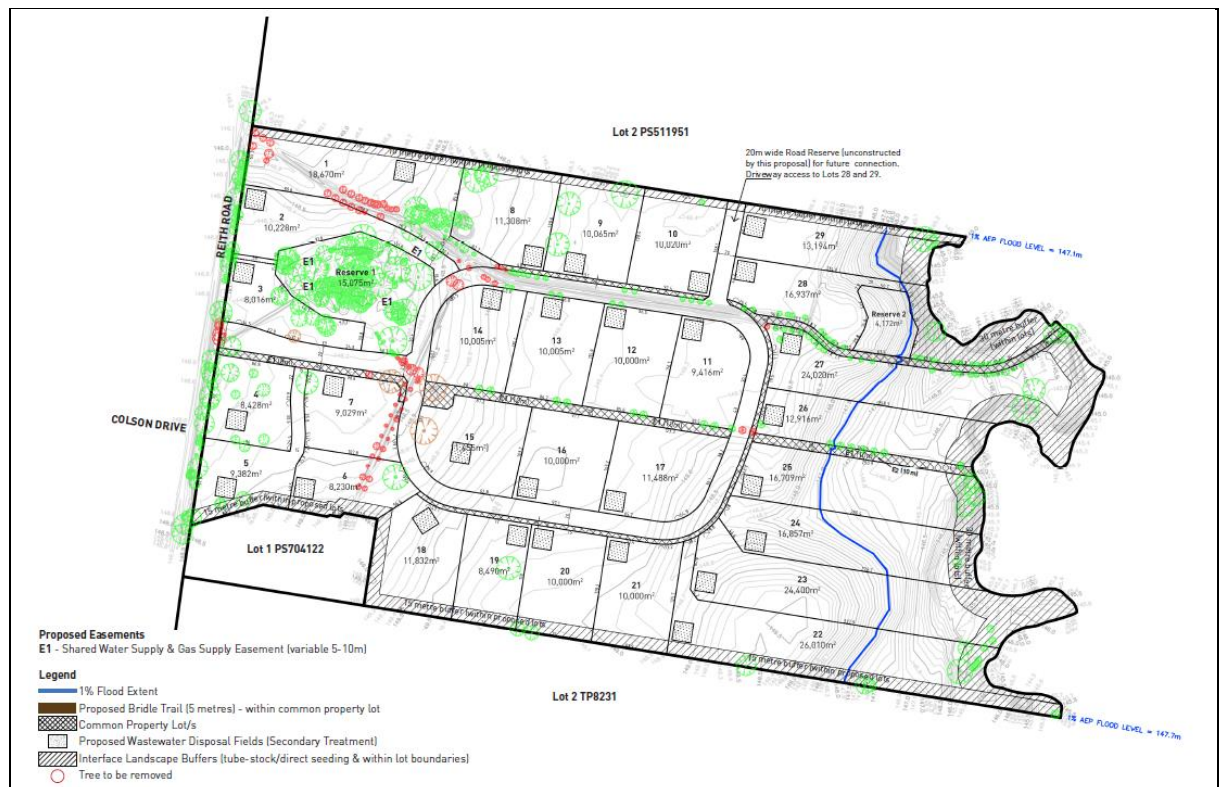
Land/Address	Lot 2 PS 704122 Reith Road Wangaratta
Zones and Overlays	Special Use Zone – Schedule 7 Development Plan Overlay – Schedule 5 Floodway Overlay Land Subject to Inundation Overlay
Why is a permit required	Subdivision of Land. Removal of Native Vegetation

Proposal in Detail

Council has received a Development Plan for approval following the recent approval of Amendment C56 by the Minister for Planning.

Amendment C56 was site specific relating to land known as Lot 2 PS704122, Reith Road, Wangaratta. This amendment included the rezoning of the land from Farming Zone to Special use Zone - Schedule 7. In addition to the change in zone, a Development Plan Overlay - Schedule 5 was also applied to the site.

The Development Plan and the Planning Permit application to subdivide the land into 29 lots is demonstrated in the subdivision layout plan below:



The subdivision in accordance with the approved development plan is to facilitate the development of the land as a thoroughbred training facility. The Special Use Zone 7, and the proposed development plan and subdivision permit will allow creation of individual lots which can be used for the purpose of horse training stables.

Initial development of stable buildings, and use and development of a dwelling in association with stables will require a further planning permit, which can be allowed under the zone provisions and in accordance with the requirements of the approved development plan.

An internal Bridle Trail network will provide a pedestrian and horse link to the Wangaratta Racecourse via an existing bridge, to enable horses to safely attend the early morning training.

Each lot on the plan has a defined building exclusion zone and a secondary waste water disposal field.

The subdivision is designed around a central single vehicular access point to Reith Road which connects to a circular internal road network that provides access to all lots. The proposed lots range in size from 8,016 to 26,010sqm with the larger allotments located along the sites eastern property boundary.

Background

Amendment C56 – Reith Road Equine Precinct

Amendment C56 was approved by the Minister for Planning on the 18 February 2016 as a site specific rezoning of the subject site. This amendment rezoned the site from Farming Zone to Special use Zone – Schedule No.7 (Reith Road Equine Precinct). In addition to the change in zone, a Development Plan Overlay (Schedule 5) was also applied to the site.

All existing overlays relating to flooding and inundation from the Thirteen Mile Creek remain on the eastern portion of the land.

Assessment under the Planning and Environment Act

Step 1 – Consideration of the Development Plan

Pursuant to Clause 3.0 of Schedule 5 to the Development Plan Overlay, Council must approve a Development Plan prior to considering any further development and use of the land. The requirements for the Development Plan are clearly outlined within the Schedule and were developed in consultation with relevant Referral agencies as part of Amendment C56.

Referral of the Development Plan and Planning Permit.

The Development Plan and Planning Permit for Subdivision have been simultaneously referred to the relevant Referral Authorities. The following comments are provided in the table below:

Referral Authority	Response
External – Sec 55	
Country Fire Authority	No objection subject to conditions
SP Ausnet	No objection subject to conditions
APA Group	No objection subject to conditions

DELWP (Roadside Vegetation)	No objection subject to conditions
North East Water	No objection subject to conditions
North East Catchment Management Authority	No response received to date.
Goulburn-Murray Water (GMW)	<p>GMW provided an objection in relation to wastewater treatment and storm water when the development plan and planning application were first referred.</p> <p>The applicant subsequently entered into discussions with GMW and the Land Capability Assessment (LCA) report was revised with an alteration of the waste water disposal methods to be from a primary treatment system to a secondary treatment system. Following this change GMW provided consent to the application subject to conditions of permit.</p>
Internal – Sec 52	
Environmental Health	No objection subject to conditions
Environment	<p>Both Councils Environment and Technical Services department raised concerns over the original layout of the subdivision, including the creation of a drainage basin / wetland across three of the proposed allotments.</p> <p>These issues have been satisfactorily addressed by a redesign of the subdivision to include the wetland area within a public owned reserve area, and the alteration of the subdivision entry point to avoid the removal of a significant remnant tree.</p> <p>Following the redesign of the wetland area and subdivision entry point, Councils Environment Department has provided no objection subject to conditions.</p>
Technical Services	<p>Refer to comments above relating to the drainage wetland and resolving of concerns by redesign.</p> <p>Councils Technical Services Department now has no objection subject to conditions.</p>

Community Consultation / Public Notification

Notification of an application for Approval of a Development Plan was sent via the post to all adjoining property owners and occupiers pursuant to Section 52 of the Planning and Environment Act 1987. No submissions have been received to date.

Once Council endorses a Development Plan, any further planning permits for either subdivision or development, that are in accordance with the approved Development Plan are exempt from third party public notification and review rights.

Development Plan Overlay – Schedule 5

Clause 3.0 of Schedule 5 to the Development Plan Overlay clearly sets out the requirements which apply to the Development Plan. An assessment of the submitted plan against this criteria is provided in the table below:

Development Plan Requirement (Schedule 5 Development Plan Overlay)	Assessment of the Submitted Development Plan.
<p>Provide an overall plan of development for the proposal showing the internal road layout and appropriate links to the Wangaratta Racecourse, road links to Reith Road and provision for a possible future road link to the adjoining property to the north.</p>	<p>Complies</p> <p>The Development Plan provides an overall subdivision plan and the road network incorporates part of the existing internal property roads and bridle track including bridge access to the Wangaratta Racecourse.</p> <p>A future road connection is provided into the adjoining allotment to the north and this connection also provides vehicular access to Lots 28 and 29.</p>
<p>Identify the future subdivision pattern including a range of lot sizes and orientations to respond to existing natural features, any public open space, and any items of heritage significance or other site constraints.</p>	<p>Complies</p> <p>The Development Plan outlines a 29 lot subdivision pattern, with lots designed around a central ring road. Larger lots are located in the eastern portion of the site, adjoining the Thirteen Mile Creek.</p> <p>The subdivision requirements listed under Schedule 7 to the Special Use Zone 'Reith Road Equine Precinct' outline minimum requirements for subdivision of land, including a lot size matrix, to provide a range of lot sizes within the development. The Development Plan complies with these provisions.</p>
<p>Identify the location of existing mains within the property and ensure that any existing easements are outside the area of any future allotments, and that access to these assets can be retained for the relevant authority.</p> <p>The existing water supply main traversing the land must be located in a road reserve. Any bridle trail or road constructed over any part of an easement is to satisfy the design requirements of the relevant public authority.</p>	<p>Complies</p> <p>Figure 7 of the Development Plan, identifies the key infrastructure in particular water and gas mains which remain within the central easement to be covered by the Bridle Trail.</p> <p>APA (Gas) and NEW have provided comment on the plan, including support and conditions for any permit.</p>
<p>Identify 'building exclusion zones' to each proposed allotment to demonstrate that all buildings and works, including any onsite wastewater disposal areas, will be located outside of the Flood Overlay, Land Subject to Inundation Overlay and setback from any drainage lines or water storages.</p>	<p>Complies</p> <p>Figure 12 within Section 4 of the Development Plan clearly provides the building exclusion zones on the plan. These zones should be further placed on any plan of subdivision through the use of a restriction on the Plan of Subdivision to inform future owners/occupiers.</p>

Identify a 30 metre vegetated buffer zone along the western side of the Three Mile Creek.	<p>Complies</p> <p>Figure 7 of the Development Plan, clearly marks the 30 metre buffer from the Thirteen Mile Creek property boundary and it is noted that this buffer is to be fenced and further complimented by native plantings. This should also be reinforced by conditions on any subdivision permit.</p>
<p>Provide a land capability assessment report prepared by a suitably qualified professional to confirm land capability for any future development (all dwellings and infrastructure and activity associated with intensive horse husbandry) and demonstrate the capacity of all dwellings and husbandry to service the development and reduce any impacts on soil and water downstream.</p> <p>Any effluent disposal areas identified must be fenced to ensure the disposal areas are not compromised by trenching, livestock or storage of machinery and materials within their management plan.</p>	<p>Complies</p> <p>The applicant has provided a Land Capability Assessment (LCA) with the application and reference is made to this LCA in Section 4 of the Development Plan.</p> <p>This LCA has been reviewed by GMW and Council's Environmental Health Department and has been considered to address the current EPA Code of Practice. Conditions of any further subdivision permit will reference these requirements.</p>
Provide details of manure management systems within each allotment. The subdivision layout must make provision for a 100 metre setback from all waterways to any manure stockpiles and the stockpiles should be located on an impervious surface.	<p>Complies</p> <p>Section 4 of the Dev Plan covers the area of Manure Management and specific reference is contained within the LCA.</p>
Detail appropriate arrangements for the provision and funding of necessary physical and social infrastructure.	<p>Complies – Section 173 Agreement</p> <p>The owner has agreed with Council through a Section 173 agreement currently registered on the land to the provision of financial contributions for Development Levies and Public Open Space prior to the Statement of Compliance for each stage of the subdivision. This requirement must be repeated as a condition of permit.</p>
Identify the staging and anticipated timing of supporting infrastructure and development.	<p>Complies</p> <p>A four part staging plan is included within the Development Plan, with the subdivision to start at the Western end and proceed Eastwards.</p>
Include a Cultural Heritage Management Plan indicating any sites of conservation, heritage or archaeological significance and the means by which they will be managed.	<p>Complies</p> <p>The applicant has submitted a Cultural Heritage Management Plan, which has been formally approved by the relevant Registered Aboriginal Party.</p>

<p>Include a Stormwater Management Plan demonstrating that all stormwater associated with the development will be collected and conveyed by underground pipes and/or constructed channels, treated to the environmental objectives prescribed by the SEPP (Waters of Victoria 1988) and discharged at no more than pre-development rates to an approved outfall on Three Mile Creek.</p>	<p>Complies</p> <p>The Storm Water Management Plan has been prepared by Chris Smith and Associates and is referenced within the Development Plan. This plan has been reviewed by Council and GMW and is considered to address the standards.</p>
<p>Include a site survey for the subject property indicating existing ground levels and showing the 1% Annual Exceedance Probability (AEP) flood extent based on the declared flood levels for the site.</p>	<p>Complies</p> <p>Figure 4 is a site survey and the 1% flood level is clearly marked. This flood level is also covered by a building exclusion zone.</p>
<p>Provide a Traffic Management Strategy prepared by a suitably qualified Traffic Engineer in accordance with Clause 9.2 of Council's Infrastructure Design Manual. The Strategy may include the requirement for a Traffic Impact Assessment Report.</p>	<p>Complies</p> <p>The applicant has provided a Traffic Impact Assessment prepared by Paffrath Consulting. This report has been reviewed by Councils Technical Services and no objections have been provided to the report.</p> <p>Internal road design requirements have been considered and appropriate conditions are provided by Councils Technical Service department to ensure that related infrastructure will meet Councils requirements.</p>
<p>Provide an overall landscaping scheme including adequate vegetated buffers (a preferred minimum of 20 metres) along the northern and southern boundaries of the site to reduce potential conflict and promote safety, privacy and aesthetic values between adjacent land uses. The scheme shall include any requirements for the preservation or regeneration of existing native vegetation, including any specified offsets for vegetation removed.</p>	<p>Complies</p> <p>Figure 13 of the Development Plan provides an overall conceptual landscape plan for the development. This plan identifies the key areas for landscaping including the southern and northern buffers and also areas along Thirteen Mile Creek property boundary.</p> <p>Conditions on a planning permit should provide for a more detailed plan to be submitted prior to certification of any stage of development.</p>
<p>Identify a bridle trail linking the land to the Wangaratta Racecourse complex and the required bridge infrastructure across the Three Mile Creek.</p> <p>The bridle trail must be designed and constructed in accordance with the relevant provisions of the <i>Austroroads Guide to Road Design – Part 6A Pedestrian and Cyclist Paths</i>. The bridge over the Three Mile Creek must be in accordance with the relevant provisions of AS 5100 (2004).</p>	<p>Complies</p> <p>Bridle trail link is identified within Figure 10 of the Development Plan. This trail varies in width of 5-10 metres and is to be constructed of a gravel surface on a compacted sand base.</p> <p>This trail is to be held in common ownership and provides a connection to the Wangaratta Racecourse via the existing pedestrian bridge.</p>

Identify any potential links to the future shared path and bridle trail network along the Three Mile Creek.	<p>Complies</p> <p>Section 4.6 of the report discusses the potential interaction of the Bridle Trail with a future Bike path located on the eastern side of Three Mile Creek.</p> <p>The future pathway is also identified on Figure 7 of the Development Plan.</p>
Detail urban design principles to guide the development of dwellings and horse stables, including setbacks from boundaries, materials and finishes, minimum housing standards and landscape buffers.	<p>Complies</p>
Identify any infrastructure or services that are to be in common ownership.	<p>Complies</p> <p>Easements on the Development Plan for Gas and Water.</p>

Overall Comment:

The submitted development plan has been assessed as meeting the above requirements for a development plan and therefore should be considered for endorsement.

The Development Plan now forms the basis for any future Use and Development of the land. Therefore, the current Planning Permit Application 16/072 for subdivision must be consistent with the Development Plan and other provisions of the Wangaratta Planning Scheme.

Step 2 – Consideration of the Planning Permit Application Ref 16/072 Multi Lot Subdivision of land (29 Lots) and Removal of native Vegetation.

The following information provides an assessment of the proposed subdivision against the relevant provisions of the Wangaratta Planning Scheme.

Special Use Zone – Schedule 7 (Reith Road Equine Precinct)

Purpose

- *To encourage the use and development of thoroughbred horse training facilities in association with the Wangaratta Racecourse.*
- *To provide for subdivision of land for use and development as thoroughbred horse training facilities.*
- *To facilitate on-site accommodation for horse trainers and their employees in conjunction with thoroughbred horse training facilities.*
- *To ensure that thoroughbred horse training facilities are established in a manner that does not prejudice the amenity of surrounding land uses.*

Overall the proposal in principle meets the objectives of the Zone with the general layout reflective of the submitted Development Plan and also designed to facilitate thoroughbred training.

Subdivision Requirements:

In particular the Schedule requires that a permit may only be granted to subdivide land for the purposes of an equine precinct if the subdivision meets the following requirements:

- 1. The minimum lot size for any lot created is 0.8 hectares; no more than 9 lots created by the subdivision are to be less than 1.0 hectare; and a total of no more than 30 lots are created by the subdivision.***

The proposal meets this requirement, through the following lot distribution:

Requirement	Actual	Max.	Complies Y/N
Total No of Lots	29	30	Y
No. of Lots less than 1.0ha	7	9	Y
No. of Lots 1.0 or greater	22	N/A	N/A

- 2. Effluent disposal fields are nominated on the plan if the lots are not connected to a reticulated sewerage system.***

The proposed lots will not be connected to reticulated sewerage, therefore the applicant has submitted a Land Capability Assessment. This report and subdivision plans marked with Waste Water disposal fields have been considered by both Council and Goulburn-Murray Water as previously outlined within this report.

Following an objection provided to Council from Goulburn-Murray Water, the Waste Water systems proposed changed from a primary treatment system to a secondary treatment system. This has been reflected on the revised plans and Goulburn Murray Water has provided support for this, subject to the applicant entering into a section 173 agreement to indicate these fields to future owners.

On this basis and Councils Environmental Health department consent to the subdivision, it is considered that the proposal can meet this requirement.

- 3. The landowner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987 requiring that each lot created must be used for the purposes of horse stables.***

This proposal can meet this requirement through a condition of permit requiring the applicant/owner to enter into this agreement.

- 4. A permit may only be granted to create smaller lots by a public authority or utility service provider to create a lot for a utility installation.***

The proposal complies with this requirement through the creation of a drainage reserve (Reserve 2) which occupies an area of 4172sqm. This reserve will be transferred to Council and an easement shall be provided for the purpose of access along the proposed Pedestrian and Bridle Trail network.

Clause 52.17 Native Vegetation

The application proposes the removal of Native Vegetation and assessment must be undertaken against the provisions of Clause 52.17 of the Scheme. The vegetation to be removed includes, two Remnant Patches and 6 scattered Trees.

Pursuant to Clause 66.02 (Use and Development Referrals), Council is required to refer the application to the Department of Environment, Land Water and Planning (DELWP), as one of the remnant patches proposed to be removed is located on the Reith Road roadside, which is Crown land controlled by Council.

DELWP have provided no objection to the removal of the remnant patch on the Roadside and have provided conditions for inclusion on any permit.

With the overall extent of the vegetation to be removed is .447ha which falls under the Low Risk pathway, as determined by the Native Vegetation Information Management System – Biodiversity Report submitted by the applicant.

Councils Environment Department has reviewed the report and inspected the site and consented to the removal of the Vegetation, subject to appropriate conditions being placed on the permit. In the interests of avoiding unnecessary duplication of conditions around native vegetation, conditions from both Councils Environment Department and DELWP have been combined.

Subdivision – Clause 56

Clause 56 (Residential Subdivision) provides general guidance and standards for the assessment of the residential subdivision application. The purpose of this clause is to:

- *Create liveable and sustainable neighbourhoods and urban places with character and Identity*
- *To achieve residential subdivision outcomes that appropriately respond to the site and its context*

The provisions of Clause 56, do not strictly apply to the consideration of this subdivision application, due to its consideration under the provisions of the Special Use Zone. However, the principles of this Clause can serve as a guide to Council, in particular requirements for Low Density Residential Subdivision, which is the most similar subdivision density to that proposed within this Equine subdivision.

Therefore the table below provides an assessment against the particular Clause 56 requirements for a Low Density Residential Subdivision:

Clause Objectives /	Standard	Assessment
56.07-1 Drinking water supply objectives To reduce the use of drinking water. To provide an adequate, cost-effective supply of drinking water.	Standard C22 The supply of drinking water must be: <ul style="list-style-type: none"> • Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority. • Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority. 	Complies North East Water requires each lot to be connected to reticulated water prior to SOC.

<p>56.07-2 Reused and recycled water objective</p> <p>To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.</p>	<p>Standard C23 Reused and recycled water supply systems must be:</p> <ul style="list-style-type: none"> • Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Health and Human Services. • Provided to the boundary of all lots in the subdivision where required by the relevant water authority. 	<p>N/A –</p> <p>Re-use of water is not proposed within this application. Councils Technical Services Department requires on-site detention in the interest of storm water drainage.</p>
<p>56.07-3 Waste water management objective</p> <p>To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.</p>	<p>Standard C24 Waste water systems must be:</p> <ul style="list-style-type: none"> • Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority. • Consistent with any relevant approved domestic waste water management plan. • Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority. • 	<p>Complies</p> <p>Wastewater envelopes are marked on the plan of subdivision for Secondary treatment. The Land Capability Assessment report provided to Council has been considered by both Councils Environmental Health Officers and Goulburn-Murray Water and no objection has been provided subject to conditions.</p>
<p>56.07-4 Urban run-off management objectives</p> <p>To minimise damage to properties and inconvenience to residents from urban run-off.</p> <p>To ensure that the street operates adequately during major storm events and provides for public safety.</p> <p>To minimise increases in stormwater run-off and protect the environmental values and physical characteristics of receiving waters from degradation by urban run-off.</p>	<p>The urban stormwater management system must be:</p> <ul style="list-style-type: none"> • Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority. • Designed and managed in accordance with the requirements and to the satisfaction of the Ensure run-off is retarded to a standard required by the responsible drainage authority. • Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, run-off should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge. • Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner. 	<p>Complies</p> <p>The applicant has provided a Storm water Management Plan, which has been reviewed by Councils Technical Services Department. Following a re-design of the lot layout to place the wetland within a Council owned reserve, support has been provided subject to conditions of permit.</p>

	<ul style="list-style-type: none"> • Include water sensitive urban design features to manage run-off in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs water authority where reuse of urban run-off is proposed. <p>The design of the local drainage network should:</p> <ul style="list-style-type: none"> • Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental • Management Guidelines (Victorian Stormwater Committee 1999) as amended. • Designed to ensure that flows downstream of the subdivision site are restricted to predevelopment levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts. 	
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Section 173 agreement: - removal:

The title to the land has two Section 173 Agreements registered on it. Details of the two Agreements are outlined below:

AM302668E – This agreement relates to the provision of Development Contributions and Public Open Space Contributions prior to a Statement of Compliance being issued for any stages. This agreement was placed on the title, as part of Planning Scheme Amendment C56, and is required to remain.

AJ812097E – This agreement was placed on the land on the 23/7/2012, following the subdivision of land into two lots, created by Planning Permit 11-173. This re-subdivision created the land which is now known as the subject site.

This agreement prevents the further subdivision of land on Plan of Subdivision PS704122M, and was a default standard that Councils had to apply for any re-subdivision of land under the provisions of the Farming Zone at the time, (designed to prevent further fragmentation of Farming land). This requirement has been since removed from the Planning Scheme, and in its current state, prevents Council from issuing a permit to subdivide the land further.

The owner of the land has applied for the removal of the Section 173 Agreement under Section 178A of the *Planning and Environment Act 1987*. This request has been advertised to the other beneficiary of this Agreement.

No objection has been provided to Council and therefore, consent has been granted under delegation to remove this agreement.

The applicant now must lodge this with the Land Titles Office. On this basis, it can be considered that Council is not burdened by this agreement and can decide on a planning permit to further subdivide the land.

Clause 65 – Decision Guidelines:

In addition to the consideration against the zone, overlay and any other specific requirements discussed previously within this report, Council must consider the application against the requirements of Clause 65 of the Scheme. Clause 65 provides an overarching principle for consideration prior the approval of a plan or an application for subdivision.

This Clause outlines as a guiding principle the following:

‘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.’

In summary the proposed subdivision has been considered against the relevant provisions of the Scheme and is considered to be a site responsive design, specifically related to its intended and approved purpose as an Equine related development.

Matters listed under Clause 65 have largely been discussed within this report, including the overall subdivision design, lot size densities, land capability and wastewater treatments, drainage and road design, service provision and the protection of the environment and native vegetation. On balance it is considered that the proposal adequately addresses the provisions of Clause 65.

Implications

Policy Considerations

The proposal is consistent with Action item 26 of Councils Population and Housing Strategy 2013, through the supporting of an Equine related subdivision on land to the south-west of the Wangaratta Race Course.

Financial Implications

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

Legal/Statutory

There are no legal/statutory implications that have not been discussed previously within this report.

Cultural Heritage

The applicant has provided an approved Cultural Heritage Management Plan.

Social

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

Environmental/Sustainability Impacts

There are no environmental/ sustainability impacts which have not been discussed previously within 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 Sustainable

We will plan and make decisions for the future:

by identifying future development areas and giving consideration to potential planning scheme amendments

The non-negotiables

Quality and sustainable drainage development and maintenance.

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

N/A

Consultation/Communication

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

Options for Consideration

Option 1 (Recommended)

Endorse the Development Plan as submitted to become known as the Reith Road Equine Development Plan pursuant to Clause 3.0 of Schedule 5 (Development Plan Overlay) of the Wangaratta Planning Scheme. And following endorsement of this Plan;

Resolve to Grant a Planning Permit for a Multi-Lot Staged Subdivision of the land and the Removal of Native Vegetation subject to the conditions outlined in attachment 1 to this report.

Option 2 (Not Recommended)

Refuse to endorse the Reith Road Equine Development Plan against the provisions of Schedule 5 to the Development Plan Overlay. This option would not be consistent with Councils previous support of Amendment C56, which facilitated the Reith Road Equine Precinct, and would cause further delays to the applicant and precludes the issue of any permit for development of the land including subdivision.

Conclusion

The Development Plan currently before Council is considered to comply with the relevant provisions of Schedule 5 to the DPO. Likewise the subdivision application mirrors the plans attached to the Development Plan and the proposed lot layout provides an integrated Equine Estate with clear links to the Wangaratta Racecourse.

Overall it is considered that the Development Plan should be considered for endorsement and the subdivision application should also be supported as an example of a site responsive Equine development that will further enhance the associated racecourse training precinct.

Attachments

- 1 Attachment 1 Draft Planning Permit Conditions
- 2 Attachment 2 Development Plan

Notes

It was noted during the meeting that a late submission had been received from an adjacent land owner in relation to the development. That submission had been considered by the planning department and the technical services personnel. The conditions attached to the report tonight in terms of the planning permit conditions for civil works will address that concern.

16.4 LEASE OF COUNCIL OWNED LAND - RENEWABLE ENERGY SOLAR FARM

Meeting Type: Ordinary Council Meeting
Date of Meeting: 18 October 2016
Author: Economic Development Coordinator
File Name: N/A
File No: N/A

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 finalise the long term lease of Council owned land to Countrywide Energy Pty Ltd for the development of a Renewable Energy Solar Farm. The land is located on Wangaratta – Eldorado Road, North Wangaratta and is 14.99 hectares in size and shown as Lot 1 on Plan of Subdivision 546480M, as illustrated on Attachment 1.

The proposed lease was considered previously by Council for exhibition in accordance with the provisions of the *Local government Act 1989*. Exhibition has been completed in accordance with the legislative requirements and no submission were received.

RECOMMENDATION:

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

That Council:

- 1. endorses the lease of land contained in Certificate of Title, Lot 1 on Plan of Subdivision 546480M, Volume 11492, Folio 982, comprising an area of 14.99 hectares situated on Wangaratta-Eldorado Road in North Wangaratta as depicted on attached plan for a period of 25 years with an option for a further 25 years; and***
- 2. advises Countrywide Energy Pty Ltd of the decision.***

Carried

Background

Countrywide Energy Pty Ltd is an innovative company with experience in the renewable energy field, and is seeking to develop up to an 18 megawatt Renewable Energy Solar Farm on the land. Countrywide Energy Pty Ltd has undertaken negotiations with local companies and has a Memorandum of Understanding in place already with a large energy user to provide energy developed by the proposed solar farm.

Several other companies have expressed early interest in using the energy. The energy produced will be at a reduced rate compared to energy from some current retailers relying on grid supply and this will assist the users to keep energy costs down and help with commercial viability, business and job retention within Wangaratta.

The lease term is 25 years with an option of a further 25 years. This term has been chosen as the life span of the solar panels is approximately 25 years. A valuation of the land has been undertaken by Council's valuers and an annual lease amount has been agreed.

Implications

Policy Considerations

The Council plan and Economic Development Strategy support industry growth and job creation in this area.

The process undertaken for the lease of Council owned land is specified in the *Local Government Act 1989*. No submissions were received during the 28 day public exhibition period with regard to this project.

Financial/Economic Implications

There are financial implications for the proposal in relation to the preparation and registration of the lease documentation. The proposal has potential economic implications being the new business infrastructure and construction phase employment and then longer term benefits through employment in the operational phase and potential expansion of other businesses accessing the power generated.

	2012/2013 Approved Budget for this proposal \$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue/Income	NIL	\$9,500	\$9,500	Revenue is the annual land lease to Countrywide Energy Pty Ltd
Expense				
Net Result		\$9,500	\$9,500	

Legal/Statutory

There are legal/statutory implications identified for the subject of this report in terms of the process required to comply with the requirements of the *Local Government Act 1989*. These have been complied with and the report is now ready for Council's final consideration.

Social

North Wangaratta is regarded as a key employment generating area and the development of the solar farm project will provide opportunities for the supply of energy to businesses in the area at lower costs assisting with cost reduction, commercial viability and job retention.

Environmental/Sustainability Impacts

The project itself has the potential for significant environmental benefits.

2013 – 2017 Council Plan (2016 Revision)

This report supports the 2013-2017 Council Plan:

Goal

We are Growing

We will plan and make decisions for the future:

that provide assistance to local manufacturers and help our existing industry sectors grow, innovate and employ more people.

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

The non-negotiables

Investment in new industries is supported and encouraged.

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
Recommendation fails	unlikely	significant	medium	Ensure recommendation is adopted based on regional benefit

Consultation/Communication

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	Keep informed	newspaper
Consult	Ongoing consultation	newspaper

No public submissions were received regarding this project during the public exhibition period of 28 days.

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

Options for Consideration

1. Support the Officer's recommendations
2. Support the Officer's recommendations with amendments
3. Do not support the Officer's recommendations

Conclusion

The parcel of land is one that has previously been marketed and identified for future industrial development, however because of its location and lack of readily available servicing, use of the land is very limited. The land has been identified by Countrywide Energy Pty Ltd as being ideal for the development of the solar farm. The lease of the land will allow Countrywide Energy Pty Ltd to develop the largest renewable energy solar farm in Victoria at present. The project is expected to generate approximately 10 new jobs. The provision of lower cost energy to companies located in the North Wangaratta Industrial Estate will assist with their commercial viability and job retention. Other businesses have also expressed interest in relocation or establishment in this area to avail themselves of the cheaper energy.

Attachments

- 1 Site Plan - Wangaratta- Eldorado Road land lease to Countrywide Energy

16.5 INTENTION TO SELL COUNCIL OWNED LAND

Meeting Type: Ordinary Council Meeting
Date of Meeting: 18 October 2016
Author: Economic Development Coordinator
File Name: Regional Economic Development
File No: 25.010.007

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 commence the process to progress the sale of Council owned land by private treaty in the North Wangaratta Industrial Estate for the development of a new factory. The land contained in Certificate of Title Volume 11492, Folio 972 being Lot 7 on Plan of Subdivision 601794 and located at 39 Buckler Road North Wangaratta is 1.766 ha in size and shown on attached site plan.

RECOMMENDATION:

(Moved: Administrator R Roscholler/Administrator A Fox)

That Council:

- 1. gives notice of Council's intention to sell land contained in Certificate of Title Volume 11492, Folio 972 being Lot 7 on Plan of Subdivision 601794 and located at 39 Buckler Road North Wangaratta, in the Chronicle and on Council's website inviting written submissions on the proposed sale until Friday 18 November 2016;***
- 2. forms a Committee of Council, if required, to hear submissions on Monday 21 November 2016; and***
- 3. considers all submissions when deciding whether or not to sell the land at Lot 7 on Plan of Subdivision 601794, Volume 11492, Folio 972 situated at 39 Buckler Road North Wangaratta at the Ordinary Meeting of Council on 22 November 2016.***

Carried

Background

The proposed purchaser is a manufacturing company looking to relocate to Wangaratta from Tasmania. The company has decided to relocate its manufacturing factory to Wangaratta and will use the North Wangaratta land as its home base.

Negotiations have been ongoing between the Economic Development Unit and the company for 8 months. It is anticipated that jobs will be created during the construction phase and a further 10 to 12 new jobs created when operational.

A valuation has been undertaken by Council's panel valuers in September 2016 and the purchase price has been agreed.

Implications

Policy Considerations

The Council Plan and Economic Development Strategy support industry growth and job creation in the North Wangaratta area.

Section 189 of the Local Government 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 Local Government Act 1989*.

Financial/Economic Implications

Expenditure occurred at this stage has been for the valuation. Further expenditure will be incurred to complete the sale through legal costs associated with conveyancing.

Legal/Statutory

There are no legal/statutory implications identified for the subject of this report involving the sale of public land and this report is for the commencement of these formal processes.

Social

The creation of new jobs within the municipality is important for the sustainability of the local economy and potential retention of youth in the region.

Environmental/Sustainability Impacts

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

2013 – 2017 Council Plan (2016 Revision)

This report supports the 2013-2017 Council Plan:

Goal

We are Growing

We will plan and make decisions for the future:

that provide assistance to local manufacturers and help our existing industry sectors grow, innovate, and employ more people.

that ensure we have sufficient industrial land to attract new businesses and create jobs.

The non-negotiables

Our economy is diverse and strong- providing our residents with a range of employment and lifestyle opportunities.

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

N/A

b) Other strategic links

Economic Development Strategy, 2016 - 2020

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Recommendation fails	unlikely	significant	moderate	Ensure recommendation is adopted based on regional benefit

Consultation/Communication

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform		

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 21 October 2016, and also on Council's website indicating that submissions will be received up to 5:00pm on Friday 18 November 2016.

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 21 November 2016.

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 22 November 2016.

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

Conclusion

This parcel of land is one that has been previously marketed and identified for future industrial development. The sale of this parcel of land will allow for the relocation of a new company to this municipality. This is expected to create jobs during the construction phase and also approximately 10 – 12 new jobs at commencement of operations, with future growth expected.

Attachments

- 1 Site Plan 39 Buckler Road North Wangaratta

17. SPECIAL COMMITTEE REPORTS

Nil

18. ADVISORY COMMITTEE REPORTS

18.1 ADVISORY COMMITTEE REPORTS

Meeting Type: Ordinary Council Meeting
Date of Meeting: 18 October 2016
Author: Executive Assistant Corporate Services
File Name: N/A
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).

1. Wangaratta Unlimited Committee Minutes
2. Agriculture and Agribusiness Advisory Committee Minutes
3. Audit Advisory Committee Minutes

RECOMMENDATION:

(Moved: Administrator I Grant/Administrator R Roscholler)

That Council notes the minutes of these committees.

Carried

Attachments

- 1 Wangaratta Unlimited Committee Minutes - 6 September 2016
- 2 Agriculture and Agribusiness Advisory Committee Minutes - 12 September 2016
- 3 Audit Advisory Committee Minutes - 29 August 2016
- 4 Audit Advisory Committee Minutes - 7 September 2016

19. RECORDS OF ASSEMBLIES OF ADMINISTRATORS

19.1 RECORDS OF ASSEMBLIES OF ADMINISTRATORS

Meeting Type: Ordinary Council Meeting
Date of Meeting: 18 October 2016
Author: Executive Assistant Corporate Services
File Name: Records of Assemblies of Administrators
File No: 10.020.020

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
13 September 2016	Administrators’ Pre-Council Briefing	Attachment
27 September 2016	Administrators’ Briefing Forum	Attachment
4 October 2016	Administrators’ Briefing Forum	Attachment
11 October 2016	Administrators’ Briefing Forum	Attachment
11 October 2016	Administrators’ Meeting	Cemetery Trust Meeting

RECOMMENDATION:

(Moved: Administrator I Grant/Administrator R Roscholler)

That Council receives the reports of Assemblies of Administrators.

Carried

Attachments

- 1 Administrators Pre-Council Briefing - 13 September 2016
- 2 Administrators Briefing Forum - 27 September 2016
- 3 Administrators Briefing Forum - 4 October 2016
- 4 Administrators Briefing Forum - 11 October 2016
- 5 Administrators Meeting - Cemetery Trust - 11 October 2016

20. NOTICES OF MOTION

Nil

21. URGENT BUSINESS

22. PUBLIC QUESTION TIME

23. CONFIDENTIAL BUSINESS

Nil

24. CLOSURE OF MEETING

The Meeting closed at 7.08pm.