

Minutes

Of the Ordinary Council Meeting

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

Date: 25 August 2020

Time: 3pm



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**

Councillors:

Mr David Fuller, Mr Dean Rees, Mr Harry Bussell, Mr Harvey Benton, Mr Ken Clarke OAM, Mr Mark Currie, Ms Ashlee Fitzpatrick.

Officers:

Brendan McGrath, Chief Executive Officer Alan Clark, Director Infrastructure Services Jaime Chubb, Director Community Wellbeing Stephen Swart, Director Development Services Sarah Brindley, Director Corporate Services.

4. **ABSENT**

Nil.

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

ORDER OF BUSINESS

6. **CITIZEN CEREMONY**

Nil.

7. **CONFIRMATION OF MINUTES**

RESOLUTION:

(Moved: Councillor H Benton/Councillor D Fuller)

That Council read and confirm the Minutes of the Ordinary Meeting of 28 July 2020 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.

Cr David Fuller declared a Conflict of Interest in relation to item 14.3 Council Contribution to the Wangaratta Festival of Jazz and Blues 2020 in lieu of the fact he may not be a Councillor at the time of the festival.

9. RECEPTION OF PETITIONS

Nil.

10. HEARING OF DEPUTATIONS

Nil.

PRESENTATION OF REPORTS

11. COUNCILLOR REPORTS

Nil.

OFFICERS' REPORTS

12. EXECUTIVE SERVICES

12.1 AMENDMENT TO SCHEDULE OF COUNCIL MEETINGS 2020

Meeting Type:	Ordinary Council Meeting
Date of Meeting:	25 August 2020
Author:	Executive Service Coordinator
File Name:	N/A
File No:	IC20/1079

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 2020 schedule of Ordinary Council meeting dates.

RESOLUTION:

(Moved: Councillor H Bussell/Councillor A Fitzpatrick)

That Council:

- 1. reschedules the Ordinary Council meeting from 22 September to 21 September 2020;***
- 2. publishes the amended date and venue in the Wangaratta Chronicle and Council's website.***

Carried

Background

Councils must comply with special arrangements in the lead up to elections, known as the Election Period or caretaker period which commences on 22 September. These arrangements place limitations on the decision making of Council.

As the September Ordinary Council meeting is scheduled on the 22 September 2020, it is recommended that the meeting be rescheduled to the 21 September 2020 to allow Council to consider business prior to the commencement of this period.

Implications

Policy Considerations

Council's Governance & Meeting Conduct Local Law No. 2 of 2016 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 2020 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.

2017 2021 Council Plan (2020 Revision)

This report supports the 2017 - 2021 Council Plan:

Goal

We are connected

We will plan and make decisions for the future:

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 2020 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 22 September to 21 September 2020.
2. Council could retain the Council meeting date on 22 September 2020 with limitations in place due to the caretaker period.

Conclusion

Due to the caretaker period commencing on the 22 September 2020 it is proposed that Council reschedule its Ordinary Council meeting from the 22 September to the 21 September 2020.

Attachments

Nil

13. CORPORATE SERVICES

13.1 COUNCIL PLAN MEASURES AND PROJECTS UPDATE

Meeting Type: Ordinary Council Meeting
Date of Meeting: 25 August 2020
Author: Governance and Risk Advisor
File Name: 2018-2019 - Council Plan Reporting
File No: IC20/1241

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

Executive Summary

The purpose of this report is to present the 2019-20 Quarter 4 update for both council plan measures and projects.

The impact of COVID-19 restrictions is evident in the outcomes for several measures and projects.

RESOLUTION:

(Moved: Councillor K Clarke OAM/Councillor D Fuller)

That Council receives the 'What You Will See in 2019-20' Status Report, and the 'Council Plan Measures Report' for Quarter 4 of the 2019-20 financial year.

Carried

Background

Each year, Council sets out, in the council plan, strategic objectives, strategies for achieving the strategic objectives and strategic indicators for monitoring achievement of the strategic objectives. The council plan also lists the major initiatives and projects planned to support delivery of the strategies and actions.

These results measure our progress against what is important and allow ourselves and everyone in our community to understand the impact that we are having.

Implications

Two reports are provided.

The first report is the Council Plan ‘What You Will See in 2019-20’ report (**Attachment 1**) which provides information on the status of projects and initiatives delivered in the 2019-20 financial year.

43 projects and initiatives were to be completed during 2019-20. They are listed in the 2017-2021 Council Plan (2019 Revision) under ‘What You Will See in 2019-20’. In respect of these projects, the following has been achieved:

- 26 are ‘Completed’;
- 16 remain underway, of which 4 are multi-year projects:
 - 6 are 80-99% Complete’
 - 9 are 60-79% Complete
 - 1 is 30-59% Complete - *Gun Club rehabilitation, awaiting EPA approval;*
- 1 is no longer proceeding.

The second report is the council plan measures report (**Attachment 2**) which provides the full year results for council plan measures.

There are 22 council plan measures showing the following full year results:

- 14 measures are within 5% of target;
- 2 measures are within 10% of target; and
- 6 measures are more than 10% outside of target.

Several measures have been impacted by the restrictions imposed by the State Government to control the spread of COVID-19.

Policy Considerations

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

Financial/Economic Implications

There is no immediate financial impact related to this report.

Legal/Statutory

The *Local Government Act 1989* requires Council to report on performance annually in the annual report. This quarterly report provides the community with a progress update.

Social

The council plan provides for the achievement of several social objectives.

Environmental/Sustainability Impacts

The council plan provides for the achievement of several environmental objectives.

Council Plan 2017-2021 (2019 Revision)

This report supports achievement of council plan strategic objectives by measuring and communicating progress in strategic projects and indicators.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Council Plan targets are not achieved leading to reputational risk	Low	High	Moderate	Identified unfavourable variances are examined and addressed. Regular monitoring and reporting.

Conclusion

This report assists Council and the community to monitor achievement of strategic objectives.

Attachments

- 1 'What You Will See in 2019-20' - Quarter 4 report 
- 2 Council plan measures - Quarter 4 report 

13.2 ADOPTION OF GOVERNANCE POLICIES

Meeting Type: Ordinary Council Meeting
Date of Meeting: 25 August 2020
Author: Governance and Risk Advisor
File No: IC20/1242

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 adopt the governance policies arising from the introduction of the *Local Government Act 2020* following their exhibition and request for submissions.

RESOLUTION:

(Moved: Councillor M Currie/Councillor A Fitzpatrick)

That Council:

- 1. Adopts the Governance Rules (Attachment 1); and**
- 2. Adopts the Councillor Support Policy (Attachment 2); and**
- 3. Adopts the Audit and Risk Committee Charter (Attachment 3)**

with the addition of the following clause:

3.4 Insurance and indemnity

Council must indemnify and keep indemnified each member of the committee, exercising any function or power on behalf of Council against all actions or claims (whether arising during or after the term of office or employment of that councillor or other member) in respect of any act or thing done or omitted to be done in good faith in the exercise or purported exercise of any function or power conferred on the committee or member of the committee under this or any other Act. Council's insurance policies shall cover members of the committee while engaged in the business of the committee.

Carried

Background

The *Local Government Act 2020* (the Act) requires the Council to establish several governance policies by 1 September 2020, including:

- Governance Rules under section 60
- an Audit & Risk Committee Charter under section 53
- a Council Expenses Policy under section 41
- a Public Transparency Policy under section 57

At its 30 June 2020 meeting, Council resolved to exhibit, and invite submissions on, drafts of the proposed policies for a 4-week period in July 2020. Where no submissions were received regarding a policy, that policy was to be approved without further resolution.

No community submissions were received.

The following policies were the subject of staff, councillor and committee member submissions and are presented for adoption:

- Governance Rules
- Councillor Support Policy
- Audit and Risk Committee Charter

Implications

Policy Considerations

There is a staff submission regarding the Governance Rules and related to the mayor election process. It recommends the addition of the existing mayor election tie-break process from the Governance and Meeting Conduct Local Law which was left out of the draft. This recommendation is accepted and has been incorporated into the draft.

There have been 3 councillor submissions regarding the Councillor Support Policy:

1. A request to clarify the provision of administrative support. The draft provides for support during normal business hours, coordinated by Executive Services. This arrangement is considered satisfactory and no changes to the draft have been made.
2. A recommendation that protective clothing should only be returned if safe to do so e.g. covid-19. This recommendation is accepted and has been incorporated into the draft.
3. A request to provide for adequate office accessibility after hours. This recommendation is accepted and has been incorporated into the draft.

There was 1 submission for the Audit and Risk Committee Charter:

1. The order of business should include provision for a CEO strategic and emerging risks report. This recommendation is accepted and has been incorporated into the draft.
2. The number of independent members should be increased by 1 to allow for some flexibility whilst maintaining a quorum. This recommendation is accepted and has been incorporated into the draft.

Financial/Economic Implications

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

Legal/Statutory

The policies must be adopted by 1 September 2020.

Adoption of governance rules under the Act will cause much of the Governance & Meeting Conduct Local Law to become redundant. It will need to be amended or revoked at some point in the future.

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.

Council Plan

This report supports the council plan by supporting a sustainable organisation through good governance policies and procedures.

Risk Management

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

Consultation/Communication

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

Options for Consideration

1. Council may adopt the policies as drafted; or
2. Council may wish to adopt revised policies.

Conclusion

The policies are required by the Act and support Council's arrangements for good governance.

Attachments

- 1 Governance rules 
- 2 Councillor support policy 
- 3 Audit and risk committee charter 

13.3 ESTABLISHMENT OF AN AUDIT AND RISK COMMITTEE

Meeting Type: Ordinary Council Meeting
Date of Meeting: 25 August 2020
Author: Governance and Risk Advisor
File No: IC20/1244

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 establish an Audit and Risk Committee (committee).

The committee must be established under section 53 of the *Local Government Act 2020* (Act) by 1 September 2020. It replaces the Audit Advisory Committee established by Council under the repealed section 139 of the *Local Government Act 1989*. The committee must have a charter approved under section 54 of the Act.

The most efficient way to establish the committee is to roll over the current independent and councillor members of the existing audit advisory committee into the committee together with their respective terms and conditions.

RESOLUTION:

(Moved: Councillor M Currie/Councillor A Fitzpatrick)

In exercise of the powers conferred by section 53 of the Local Government Act 2020 (the Act), the Wangaratta Rural City Council resolves that:

- 1. From the date of this resolution, there be established an Audit and Risk Committee.***
- 2. The purposes of the Audit and Risk Committee are those set out in the Audit and Risk Committee Charter (Attachment 1) adopted by Council under agenda item 13.2 at the 25 August 2020 Council meeting.***
- 3. The members of the Audit and Risk Committee are:***
 - 3.1. Councillor Mark Currie and Councillor Ken Clarke OAM; and***
 - 3.2. the other members who are not councillors and who are not members of Council staff (independent members) who are listed in Column 1 of Attachment 2.***
- 4. The terms of the independent members are those described in Column 2 of Attachment 2 corresponding to each independent member.***

- 5. *The chairperson of the committee is the person listed as chairperson in column 3 of Attachment 2.***
- 6. *From the date of this resolution, the Audit Advisory Committee is dissolved.***

Carried

Background

Council must establish the committee under section 53 of the Act. It replaces the Audit Advisory Committee established by Council under the repealed section 139 of the *Local Government Act 1989* by 1 September 2020.

The Act sets out the requirements for the committee.

The most efficient way to establish the committee is to roll over the current independent members and councillor members of the existing audit advisory committee into the committee together with their respective terms and conditions. Otherwise, a lengthy process of calling for expressions of interest will be required.

The current audit advisory committee is performing satisfactorily.

Implications

Policy Considerations

A charter will be approved by Council under section 54 of the Act to govern the operation of the committee.

Financial/Economic Implications

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

Legal/Statutory

The Act sets out the requirements for membership of the committee:

- members must include members who are Councillors of the Council
- members must consist of a majority who are not Councillors of the Council and who collectively have expertise in financial management and risk and experience in public sector management and not include any person who is a member of Council staff of the Council
- the chairperson must not be a Councillor of the Council
- the committee must have a charter approved under section 54 of the Act
- Council must establish the first Audit and Risk Committee on or before 1 September 2020.

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.

Council Plan

This report supports the council plan by providing for governance arrangements that comply with the requirements of the Act.

Risk Management

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

Consultation/Communication

Councillors and senior Council staff have been consulted regarding the subject of this report.

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

Options for Consideration

There are no viable options available that will achieve the timeline set out in the Act.

Conclusion

The Audit and Risk Committee must be established by Council under section 53 of the Act. The recommendation achieves that legal requirement.

Attachments

- 1 Audit and risk committee charter 
- 2 Audit and risk committee independent members 

13.4 LOAN BORROWINGS 2020/21

Meeting Type: Ordinary Council Meeting
Date of Meeting: 25 August 2020
Author: Manager Finance
File No: IC20/1273

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 borrowings prescribed in the 2020/21 Budget as adopted by Council on 30th June 2020.

RESOLUTION:

(Moved: Councillor D Fuller/Councillor A Fitzpatrick)

That Council:

- 1. Notes the planned new borrowings of \$18,291,662 as prescribed in the 2020/21 Budget.**
- 2. Awards Contract C26615 for the initial \$11,291,662 of planned borrowings to be awarded to National Australia bank following a competitive tender process, under the following conditions:**
 - a. that the fixed term interest rate quoted by the selected tenderer is not more than 2.70%;**
 - b. that the final interest rate provided on the day of signing by the selected tenderer does not increase by more than 50 basis points (0.5%) versus the interest rate quoted within their competitive tender submission.**
- 3. Authorises the Mayor and Chief Executive Officer to execute any necessary loan documentation (sign and seal if necessary) to facilitate the loan amount of \$11,291,662 for the ongoing implementation of the capital works projects detailed in the 2020/21 Budget on behalf of Council.**

Carried

Sarah Brindley, Director Corporate Services disclosed for Contract C26615, as of Friday 21 August was a rate of 1.68% and a quarterly payment of \$307,282.47.

Background

In the 2020/21 Budget, Council made provision to borrow \$18,291,662 to fund capital works projects being carried out during the financial year. These borrowings will fund the new developments of the Regional Playspace and Mitchell Avenue Children's Garden. The funds will also be applied to capital works projects undertaken in earlier years such as the Cruse Street development, and CBD masterplan improvements for the Railway Precinct and King George Gardens.

Given the uncertain nature of economic conditions, it is proposed to make 2 drawdowns of the planned borrowing during the financial year. The first drawdown is scheduled in August 2020 for \$11,291,662, with the remainder likely in the first quarter of 2021.

The balance of loans owing prior to this borrowing will be \$16,728,117. The total borrowings will increase to \$28,019,779 following this drawdown.

Implications

Policy Considerations

These borrowings are as prescribed in the 2020/21 Budget adopted by Council. These borrowings have been tendered in accordance with Council's Procurement Policy. The tenders will be evaluated in consideration of the following criteria:

- Cost – weighting 80%: Includes consideration for all costs that will be incurred over the duration of the contract
- Capability – weighting 10%: Includes factors such as past experience and approach
- Capacity – weighting 10%: Includes factors such as resourcing and delivery timeframes

Financial/Economic Implications

Council will source this loan funding on the open market by seeking competitive quotes from the major Australian banks to obtain the most competitive available rate.

By entering into a loan agreement now with an Australian bank for \$11,291,662 and locking in a fixed interest rate for the next 10 years, Council will be protected from any future interest rate increases. This also enables Council to benefit from the current low interest rates.

The terms of the loan will be:

- Loan amount \$11,291,662
- Fixed interest rate for 10 years
- Repayment of principal and interest amortising over 10 years

When financing via Australian banks, the banks will provide a borrowing rate and will typically require Council to accept the loan and sign the loan documentation by 4pm on the day of the offer. Current indicative interest rates from the Australian banks range from 2.07% – 2.51% for a principal and interest loan over 10 years. Council approval is required in order to sign the loan documentation. As

the Council meeting timing doesn't enable signing of loan documentation within the same business day, the below conditions have been set in the above recommendation:

- that the quoted fixed term interest rate is not more than 2.70%;
- that the final interest rate on the day of signing is not more than 50 basis points (0.5%) greater than the interest rate quoted within the competitive tender process.

These loan borrowings are in line with Council's Annual Budget and Long-Term Financial Plan.

Legal/Statutory

Section 144 of the Local Government Act 1989 confers upon Council the right to borrow money to enable Council to perform its functions, subject to the principles of sound financial management. A bond is a form of loan for the purposes of Section 144.

Social

The 2020/21 loan funds allow Council to achieve a positive social benefit that will improve the social sustainability of our community.

Environmental/Sustainability Impacts

The 2018/19, 2019/20 and 2020/21 loan funds allow Council to deliver a number of environmental and sustainability programs and initiatives to the community.

2017 – 2021 Council Plan (2020 Revision)

This report supports the 2017-2021 Council Plan:

Goal

We are Sustainable

We will plan and make decisions for the future:

By 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 our community.

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

Not applicable

b) Other strategic links

Rural City of Wangaratta Budget 2020/21 and Council Plan 2017-21 (2020 Revision).

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Certainty of Funding	Low	Medium	Medium	Eligibility and interest already established from Australian Banks
The best price will not be achieved	Low	Medium	Medium	Best price achieved by obtaining multiple quotes from the major Australian banks.

Consultation/Communication

Council made available the 2020/21 Budget at the Wangaratta Government Centre and on Council's website for a period of 28 days to allow the community to consider the budget and provide written submissions.

Details of the borrowings were included in the 2020/21 Adopted Budget.

Council appointed a Committee of Council to hear submitters requesting to be heard, in accordance with Section 223 of the Local Government Act. Submitters were heard at the Committee of Council meeting. Following the conclusion of this process, Council received and adopted the 2020/21 Budget.

This matter is now ready for Council consideration.

Options for Consideration

Options for Council include:

1. Award a contract for the loan by seeking the best available quotes on the open market from the major Australian banks, in accordance with the adopted budget (recommended).
2. Reduce the capital works budget by a corresponding amount and identify corresponding projects to be deferred to remove the need to borrow (not recommended).

Conclusion

Council is now ready to complete the borrowing requirements as prescribed in the 2020/21 Budget as adopted by Council on the 30 June 2020.

Given the competitiveness of the financial markets, Council expects to be able to borrow the funds at a competitive rate.

Attachments

- 1 Evaluation Report - Confidential

14. COMMUNITY WELLBEING

14.1 COMMUNITY ASSET COMMITTEES

Meeting Type: Ordinary Council Meeting
Date of Meeting: 25 August 2020
Author: Executive Assistant Community Wellbeing
File No: IC20/985

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

Executive Summary

This report is presented to Council to endorse two resolutions:

1. To establish Community Asset Committees pursuant to *section 65 of the Local Government Act 2000 (Act)*. (These committees will replace 14 of the previous 15 *Section 86 committees*). *Section 47 of the Act* assigns the power of delegation to Community Asset Committees to the Chief Executive Officer. Consequently, an Instrument of Sub-Delegation (Instrument) will be required to reflect the administrative changes in related provisions of the Act.
2. The Friends of Lacluta a *Section 86 COM* have advised that following from the new government legislation they have determined to become an incorporated (not for profit) entity. Consequently, they will be removed as a Council Committee.

The purpose of the changes applicable to 1 above are to increase the level of accountability and transparency between the Victorian State Government and local government councils

RESOLUTION:

(Moved: Councillor D Fuller/Councillor H Benton)

- 1 ***Appointment and Delegation of Community Asset Committees***
In exercise of the powers conferred by section 65 of the Local Government Act 2020 (the Act), the Wangaratta Rural City Council resolves that:
 - a) ***From the date of this resolution, there be established as Community Asset Committees (committees), the committees listed in Column 1 of Attachment 1.***
 - b) ***The purposes of the committees are those set out in the attached Instrument of Sub-Delegation from the Chief Executive Officer to***

- the Community Asset Committees (the Instrument) (Attachment 2).*
- c) The members of the committees are listed in Column 2 of Attachment 1 corresponding to each committee.*
 - d) The initial terms of the members of the committees are those listed in Column 3 of Attachment 1 corresponding to each member.*
 - e) The initial chairpersons of the committees are listed in Column 4 of Attachment 1 corresponding to each committee.*
 - f) A quorum for a committee is a whole number that is an absolute majority, which is the number of members that is greater than half the total number of members of the Committee.*
 - g) All members of a committee have voting rights on the committee.*
- 2. That Council resolve to remove the Section 86 Friends of Lacluta Special Committee and,**
- a) That a Memorandum of Understanding be developed to enable council to continue its support of Timor Leste and the Friends of Lacluta.*

Carried

Background

The Act has introduced new provisions and terminology for Council committees which commenced on 1 May 2020 replacing section 86 of *the Local Government Act 1989*. As a result, the Instrument is being updated to reflect the administrative changes in related provisions and terminology of the Act for the continued delegation of certain functions and powers in the management of Council owned facilities.

The changes proposed do not alter the purpose or intent of the volunteer committees of management (COM) which is to manage, promote and maintain the respective council owned facilities, detailed in Attachment 2.

Implications

Policy Considerations

The revised council policy “Appointment to Council Committees” will apply to this matter.

The instrument will be updated to reflect the requirements and provisions of the Act. This new instrument format version incorporating the changes is recommended for adoption (**Attachment 2**).

Financial/Economic Implications

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

Legal/Statutory

The instrument's legislative references, conditions and limitations will accurately reflect the requirements of the Act.

Social

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

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 Council Plan:

We are sustainable:

We will focus on our business, by ensuring that we have the processes in place to support our community groups and committees to be viable and sustainable.

We are established:

We will plan, research and advocate for the future, on behalf of our groups and committees to ensure that they have the resources and knowledge to do the things they need to do.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Governance risk associated with the delegation of Council powers to a committee	Possible	Moderate	Medium	The appointment of members by a formal resolution of the Council reduces governance risks by ensuring

Risks	Likelihood	Consequence	Rating	Mitigation Action
				that all members appointed to a committee are covered by Council's public liability insurance

Consultation/Communication

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	Keep informed	Emails/Newsletters/Media advertisements
Consult	Listen and acknowledge	Council will consult with the committees prior to making decisions that relate to facilities.
Involve	Work with the respective committees to obtain feedback	Committees provide an important source of feedback for Council to manage these facilities and provide relevant information pertaining to the community.

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

Options for Consideration

Council is bound by the requirements of the new Act, therefore there are no other options available.

Conclusion

By supporting the recommendation detailed herein the delegation of the management, function and duties of the activities and facilities under the Committees will uphold Council's requirements under the new Act.

Attachments

- 1 ATTACHMENT 1 - COMMUNITY ASSET COMMITTEE MEMBERS 
- 2 ATTACHMENT 2 - COMMUNITY ASSET COMMITTEES INSTRUMENT OF SUB-DELEGATION 

14.2 DRAFT COMMUNITY ENGAGEMENT POLICY

Meeting Type: Ordinary Council Meeting
Date of Meeting: 25 August 2020
Author: Executive Assistant Community Wellbeing
File Name: STRATEGIC MANAGEMENT - STRATEGIC PLANNING DOCUMENTS - WANGARATTA COMMUNITY ENGAGEMENT STRATEGY
File No: IC20/1192

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 Draft Community Engagement Policy. This strategic policy outlines the scope and commitments of Council's community engagement practices and responsibilities and will inform the development of Council's Community Engagement Toolkit. The policy will guide the implementation of community engagement practices across all areas of the organisation.

RESOLUTION:

(Moved: Councillor D Fuller/Councillor M Currie)

That Council:

- 1. *Endorses the Draft Community Engagement Policy for public exhibition***
- 2. *invites public submissions regarding the Community Engagement Policy up to close of business on Friday 25, September.***
- 3. *If submissions are received:***
 - a. *Convenes a Special Council Meeting to hear from any person or persons who request to be heard in support of their written submission***
 - b. *Receives a report on any submissions and any hearings held and resolves the Community Engagement Policy at the Ordinary Council Meeting of November 2020***
- 4. *If no submissions requiring change are received Council resolves to adopt the Community Engagement Policy without further resolution of Council.***

Carried

Background

Effective community engagement helps to achieve enhanced outcomes for both Council and community and should form a fundamental part of significant project planning and decision making. It provides an opportunity to build relationships and trust, to identify and appreciate risks and opportunities, and helps to determine potential solutions and common goals. For Council, our commitment to community engagement reflects our understanding that what we do has enormous impacts on the way people live within our communities.

The draft Community Engagement Policy is the first step in providing consistency to the way we engage with our community. It responds to and reflects the new *Local Government Act 2020* (the Act), the Victorian Auditor-General's report on Public Participation and Community Engagement – Local Government, and is based on the International Association of Public Participation Framework.

The previous policy was adopted in April 2018 which has guided the way in which Council has engaged with our Community. There has been a significant shift in the way in which we engage with our community particularly through social media and other platforms, and community expectations and interest in engagement has also changed. The development of the new policy reflects engagement and communication strategies that are more reflective of the way in which our community prefers to engage in important conversations with Council.

Implications

Policy Considerations

The Community Engagement Policy will replace the previous Community Engagement Policy endorsed by Council in April 2018.

It is anticipated that following the adoption of the Community Engagement Policy, a comprehensive Community Engagement Toolkit will be developed to support its implementation.

Financial/Economic Implications

There are no financial or economic impacts for the development of the Community Engagement Policy.

The implementation of the Community Engagement Policy and the development and implementation of the Community Engagement Toolkit will require consistency and more thorough engagement and encourage council officers to consider more creative engagement techniques. Some of these processes may involve costs for implementation as well as resources to drive the delivery of the process.

Legal/Statutory

Community engagement is a statutory requirement of all Council's under the Act and is a critical tool that underpins good governance, decision making and outcomes in our community.

The Act requires that the policy must:

- give effect to the community engagement principles set out in section 56 of the Act
- be capable of being applied to the making of the Council's local laws
- be capable of being applied in relation to the Council's budget and policy development
- describe the type and form of community engagement proposed, having regard to the significance and complexity of the matter and the level of resourcing required
- specify a process for informing the municipal community of the outcome of the community engagement
- include deliberative engagement practices that are capable of being applied to the development of the Community Vision, Council Plan, Financial Plan and Asset Plan

For best practice, Council should ensure it complies with the Victorian Auditor-General's report on Public Participation and Community Engagement – Local Government. The elements of this report have all been addressed and responded to within the draft policy.

Social

The implementation of a consistent approach to community engagement has many benefits for the community. It forms the basis of Council and community working in collaboration to achieve common objectives. It provides mechanisms to manage issues identified by the community and allows for collaborative and informed decision making. Effective engagement with the community will help to build a relationship of trust and respect, develop Council's capacity to build effective partnerships with community and stakeholders and utilise community knowledge to achieve shared goals.

Environmental/Sustainability Impacts

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

2017-2021 Council Plan (2020 Revision)

This report supports the Council Plan:

Goal

We are Thriving

We will plan, research and advocate for the future:

To make sure our services are responsive and adaptable to the changing needs and profile of our community.

We will create and deliver:

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

We will focus on our business:

By making sure that all our teams work together to plan, develop and deliver innovative projects that enhance the health and wellbeing of our community.

The non-negotiables

Our urban and rural townships are safe and equitable. Everyone can participate and contribute.

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

b) Following the endorsement of the Community Engagement Policy and subsequent development of the Community Engagement Strategy and Community Engagement Toolkit, it will link to various Council Strategies and Corporate Plans and form an essential basis for all Council engagement practises.

Risk Management

Effective engagement helps to mitigate risks associated with decision making by facilitating an understanding of community need and priorities. This policy directly responds to the risks of engagement by articulating clear mechanisms for process planning, information collection and data use and response.

Council must ensure that this policy and appropriate engagement strategies are developed and implemented with compliance to the statutory requirements outlined in the Act.

Consultation/Communication

The development of this draft Community Engagement policy involved extensive consultation with Council officers. Amendments identified as part of the consultation have been addressed and reflected in the revised draft document.

The draft document will now be presented to the community for review. This process will enable the community to share their views regarding the practices and processes we use to engage with issues of importance.

Options for Consideration

1. Council endorses the draft policy and places the policy out for community review before adoption
2. Council does not endorse the draft policy and further develops the policy

Conclusion

This policy reflects the expectations and priorities of our community in regard to engagement with Council. Community engagement is a vital and important part of what we do, and helps support thorough and responsible decision making, trusting relationships and positive outcomes. This policy allows for a transparent and consistent approach to the way in which we engage with our community about the things that matter.

Following the endorsement of the Community Engagement Policy, a comprehensive Community Engagement Toolkit will be developed to support its implementation.

Attachments

- 1 DRAFT COMMUNITY ENGAGEMENT POLICY 
- 2 MAJOR COUNCIL POLICY - COMMUNITY ENGAGEMENT POLICY
COMMUNITY IMPACT STATEMENT 

14.3 COUNCIL CONTRIBUTION TO THE WANGARATTA FESTIVAL OF JAZZ AND BLUES 2020

Meeting Type: Ordinary Council Meeting
Date of Meeting: 25 August 2020
Author: Executive Assistant Community Wellbeing
File No: IC20/1296

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.

Cr David Fuller left the meeting at 3.32pm having previously declared a conflict of interest.

Executive Summary

This report is presented to Council to determine the financial and in-kind support provision to the Wangaratta Festival of Jazz and Blues in light of the current COVID-19 restrictions. The festival is scheduled for Friday 30 October – Sunday 1 November 2020.

The current Victorian State of disaster which places strict restrictions on all elements of community life to protect from the spread of COVID-19, are set to be reviewed on September 13th, 2020. The current stage 4 restrictions that are in place for Melbourne are set to be reviewed on September 16th, 2020.

RESOLUTION:

(Moved: Councillor K Clarke OAM/Councillor M Currie)

That Council:

1. Authorises the Council contribution of \$30,000 to be made following the successful delivery of the Wangaratta Festival of Jazz and Blues, if the festival is delivered under the following conditions:

a) Victorian State COVID-19 restrictions allow for events in excess of 500 people to take place

b) The proposed Wangaratta events are delivered ensuring access for the local community

2. Authorises the development of a mutual communications strategy that addresses the following:

a) Use of Council logo and name as a partner of the Festival

b) Articulation of Council's concern of risk associated with the COVID-19 impacts for the Festival and mitigation strategies put in place

Carried

Cr David Fuller returned to the meeting at 3.36pm.

Background

The 2020 Wangaratta Festival of Jazz & Blues is scheduled for Friday 30 – Sunday 1 November 2020 and will celebrate the 30th festival which commenced in 1989.

Wangaratta Rural City Council has been a long-time supporter of the Festival and each year contributes both cash and in kind support. The Festival Board met with Councillors on 03/08/2020 to present their plan for the 2020 Festival and made a formal request for both financial support and in-kind support for the 2020 Festival.

The FY 20/21 budget papers have allocated:

Description	Amount FY 20/21	Revised based on presented plan
Council contribution	\$30,000	\$30,000
Performing Arts Centre contribution	\$24,000	\$16,000
Works contribution	\$12,000	\$6,000

In kind support includes support for venue hire, associated staffing costs for the venues, statutory costs such as road closure advertisements, additional cleaning of public areas and additional gardening (staff and consumables).

The main changes planned for the 2020 Festival are:

- All Australian line up;
- Reduced number of venues (3 in total), Wangaratta Performing Arts & Convention Centre (WPACC) Theatre, WPACC Memorial Hall and Merriwa Park;
- Reduced number of performances in Wangaratta to 24 included 17 ticketed performances and 7 free performances.
- Performances in Melbourne, Sydney and Brisbane – a total of 16 performances in 3 capital cities.

Current regional Stage 3 restrictions ban outdoor mass gatherings and people can only gather in public spaces with one other person or members of their household. Current stage 4 restrictions in the Melbourne metropolitan area and specified local government areas have implemented a curfew from 8pm – 5am. Travel that is not for shopping for food or essential items, exercise, permitted work or study or care giving, medical care or compassionate reasons is not allowed.

The following table shows maximum capacities for the Wangaratta Jazz Festival utilising a number of ratios that have been applied either by the Australian Federal Government, Australian State governments or international governments. In the time that the Australian COVID-19 restrictions have existed mass public gatherings have been always been restricted to 500 people or less. It is unknown when restrictions will be lifted and to what level.

Ratio	Merriwa Park	Alpine MDF Theatre	Memorial Hall
4 sq m / person	750	45	50
2 sq m / person	1,500 <i>(this is maximum capacity)</i>	90	100
85% capacity	1,275	436	255
Full capacity	1,500	514	300

Implications

Policy Considerations

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

Financial/Economic Implications

There are significant stakeholders impacted by the delivery of the 2020 Wangaratta Festival of Jazz and Blues. Conservative estimates of the economic value of this year's Festival (taking into account its reduced scope) is \$122,440 which is comprised of \$12,600 domestic day visitors and \$99,840 domestic overnight visitors; a return of \$2.30 to the community for every \$1.00 contributed to the Festival. The beneficiaries of Council's investment are the tourism operators such as accommodation providers and cafe and restaurant owners.

Legal/Statutory

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

Social

The Festival has provided opportunity for community members to celebrate Wangaratta on the national and international stage through the success of the Wangaratta Festival of Jazz and Blues and many community members will be disappointed that the 2020 festival may be cancelled or, at least, won't be presented in the same format as previous years.

Local performers may not be able to participate in the Festival to the same extent as previous years and the schools' support, which has been a major contributor to the community feel of the event, may be limited due to time constraints related

to catching up with lost lesson time over the shutdown periods or the ability to participate face to face due to social distancing constraints.

The Oxley Bush Market – an event that takes advantage of the Jazz Festival’s audience will not take place in 2020 due to the uncertainty presented by COVID-19.

Environmental/Sustainability Impacts

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

2018-2021 Council Plan (2020 Revision)

This report supports the 2018-2021 Council Plan:

Goal

We are Inspired
Support for the 30th Wangaratta Festival of Jazz and Blues

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

Celebrating our arts, culture and heritage.

In 2030 the Wangaratta Festival of Jazz and Blues continues to lead the annual calendar of events, representing one of the longest running musical festivals in Australia. A range of other major festivals in the Rural City of Wangaratta complete the annual calendar of major community events.

b) Other strategic links

N/A

Risk Management

There are significant risks with presenting the 2020 Wangaratta Festival of Jazz and Blues. Council officers have been working closely with the Festival Board to ensure that plans to mitigate risks are developed and implemented. Those plans are due back to Council Officers in August for review and approval. They include, but are not limited to, Event Management Risk Planning, Alcohol Management Plans, Traffic Management Plans and importantly COVID-19 Risk Management plans.

Government regulations regarding COVID 19 restrictions are changing rapidly and it is hard to predict what they will be by October 2020. The Festival has developed a number of scenarios in order to stage the 2020 Festival.

There is a risk that patrons may not be able to travel from their point of origin to Wangaratta. Currently anyone travelling into Victoria from any state in Australia will be required to quarantine upon to return to their home state after visiting Victoria. This may be seen as a barrier to coming to the Festival in Wangaratta.

Results for the 2nd round of the Audience Outlook Monitor, conducted by the Australia Council for the Arts, indicates that the majority of people planning to attend an arts event will not purchase their tickets until the month of the event. This may negatively impact the Festival's cash flow and marketing efforts as well as attendance.

Risks	Likelihood	Consequence	Mitigation Action
Festival cancelled at last minute due to COVID-19 restrictions imposed	HIGH	Board unable to cover the expenses incurred due to cancellation - call on Council to underwrite the Festival	Work with Board to ensure a Go/ NO GO decision is made early enough to mitigate cancellation fees
Lack of ticket sales – audience cannot travel or scared to travel	HIGH	Insufficient funds available for the Board to cover financial commitments -call on Council to underwrite the Festival	Work with Board to ensure a GO/ NO GO decision is made early enough to mitigate cancellation fees
Patrons attending festival in Wangaratta contract COVID-19 virus	HIGH	Reputational damage to Wangaratta Rural City Council	COVID Risk Management plans to be reviewed and approved by Council. Council to retain right to revoke approval for festival to proceed if DHHS advice suggests otherwise.
Wangaratta Council area locked down due to COVID-19 infection identified in Wangaratta	HIGH	Festival cancelled at last minute. Festival may not have cash reserves to cover the cancellation fees. Wangaratta Council area suffers reputational damage.	Council to retain right to revoke approval for festival to proceed if DHHS advice suggests otherwise

Consultation/Communication

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	Council Officers have worked closely with the Festival Board to	Zoom meetings Phone calls

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
	understand the changing regulations and the requirements needed to meet those regulations	
Consult	Options have been provided by Council Officers to the Bard for alternate methods of delivery and the option to postpone the festival until 2021.	Phone meetings
Involve	The Festival Board provided a deputation to a Council Forum on Monday 03/08/2020 to share the changes made to date and the different options available to the Board for successful delivery of the Festival.	Zoom meeting
Collaborate	The Festival Board provided a deputation to a Council Forum on Monday 03/08/2020 to share the changes made to date and the different options available to the Board for successful delivery of the Festival.	Zoom meeting

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

Options for Consideration

Wangaratta Rural City Council to work with the Festival Board to re-schedule the 2020 Festival to a new date in 2021 (subject to availability of venues and artists).

Conclusion

Whilst Council is committed to the delivery of the Wangaratta Festival of Jazz and Blues, the current environment is one of uncertainty and unprecedented change. The capacity to adapt quickly may not be possible for such large-scale events without significant time availability.

Allowing for the decision of financial support to be made after the review of the State of Disaster restrictions for Victoria will allow Council to more appropriately understand the level of risk.

Attachments

Nil.

15. INFRASTRUCTURE SERVICES

15.1 C25913 CELL 2 & 8 REHABILITATION CONSTRUCTION WORKS & C25912 GEOTECHNICAL INSPECTION AND TESTING AUTHORITY (GITA) AND CONSTRUCTION QUALITY ASSURANCE (CQA) FOR CELL 2 & 8 REHABILITATION CONSTRUCTION WORKS

Meeting Type: Ordinary Council Meeting
Date of Meeting: 25 August 2020
Author: Waste Management Coordinator
File No: IC20/990

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 award the contracts for C25913 Cell 2 and 8 rehabilitation construction works at Council's Bowser Landfill, and C25912 Geotechnical Inspection and Testing Authority (GITA) and Construction Quality Assurance (CQA) for Cell 2 and 8 rehabilitation construction works at Council's Bowser Landfill.

As the contract value is over \$1M, a probity audit has been conducted internally by Council's Procurement Specialist.

RESOLUTION:

(Moved: Councillor H Bussell/Councillor H Benton)

That Council:

- 1. Awards contract C25913 Construction of cells 2 and 8 capping to Winslow Constructors Pty Ltd;***
- 2. awards contract C25912 GITA/CQA for the construction of cells 2 and 8 capping to PLC Consulting Pty Ltd;***
- 3. Allocates a further \$784,536.11 from the landfill reserve to this project;***
- 4. Authorises the Chief Executive Officer to sign and seal documents for C25913 Cell 2 and 8 rehabilitation construction works;***
- 5. Authorises the Chief Executive Officer to sign and seal documents for C25912 GITA/CQA for the construction of cells 2 and 8 capping; and***
- 6. Discloses the contract price C25913 Cell 2 and 8 rehabilitation***

construction works and C25912 GITA/CQA for the construction of cells 2 and 8 capping.

Carried

Alan Clark, Director Infrastructure Services disclosed the contract price for C25913 Cell 2 and 8 rehabilitation construction works as \$2,349,568.11 ex GST.

and also disclosed the contract price for C25912 GITA/CQA for the construction of cells 2 and 8 capping as \$200,868.00 ex GST.

Background

Bowser Landfill has 8 landfill cells. 5 cells are now filled (1, 2, 3, 4 and 8), and 1 cell is still active (7) with two cells to be constructed in the future (5 & 6). After a landfill cell is filled it is temporarily capped with clay until an engineered cap is constructed on top of it. Cell 1 is the only landfill cell that has been capped at the Bowser Landfill, which was completed in 2010.

Cells 2 and 8 are now ready to be rehabilitated to EPA's Best Practice Landfill Guideline. This is a highly regulated process and involves five separate but linked contracts. These are:

1. Design of the capping - complete
2. EPA Auditor for the capping design (and EPA sign off) – complete
3. EPA Auditor for the construction of the capping (signed under delegation)
4. Construction of the capping- this report
5. GITA/CQA for the construction of the capping – this report

The GITA/CQA is an EPA requirement, this consultant's role is to supervise the construction and test the materials used in the construction of the cap, they also produce a testing report for the auditor to include in the final sign off report.

The two tenders were advertised on Eprocure and in the Chronicle on 19 June 2020. 9 tenders were received for the GITA/CQA contract and 13 for the construction contract.

The tender evaluation team consisted of Council's Coordinator Waste Management, Technical Officer Waste and Recycling and Manager Infrastructure Planning and Delivery.

Implications

Policy Considerations

Rural City of Wangaratta's Waste Management Strategy

Procurement Policy

Financial/Economic Implications

The original budget for this project was \$2,400,000. An estimated \$600,000 was for the supply of clay construction material. During the past 18 months Council was able to stockpile this material from other construction projects, as a result the budget was reduced to \$1,800,000.

During the last few months Council has been receiving waste from the North East Victoria bushfires. Council has received approximately 15,000t of waste which has resulted in an income of approximately \$3,700,000. The downside of this is that the stockpile of clay material, put aside for the capping project has been used as cover material, as required, for the bushfire waste. The \$3,700,000 of income has been placed into the landfill reserve which is also the source of funds for the capping project.

The total cost of the project for all three contracts, plus contingencies of \$159,500 and provisionals of \$994,289 is \$2,584,536.11, thus a short fall of \$784,536.11 against the current budget. It should be noted that a large component of the provisional sum is for the clay construction material. If Council is able to secure some of this material from other sources then the provisional spend will reduce.

Legal/Statutory

Council is required to complete landfill rehabilitation work in accordance with the Bowser Landfill EPA Licence 20025, as required by the Environment Protection Act 1970.

Social

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

Environmental/Sustainability Impacts

Landfill capping is a legislated requirement in place to specifically protect the environment and people from the potential risks associated with landfills.

2017 – 2021 Council Plan (2019 Revision)

This report supports the 2017-2021 Council Plan:

Goal

We are Sustainable

We will research and advocate:

To assist the community to reduce their impact on the environment.

We will create and deliver:

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

We will plan and make decisions for the future:

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

We will focus on our business:

By developing and implementing long term management plans, incorporating rolling capital works and cyclic maintenance programs for Council's infrastructure.

The non-negotiables

Our legislative, governance and compliance requirements will be met.

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

N/A

b) Other strategic links

N/A

Risk Management

There is a compliance risk to Council if the project does not go ahead. EPA issued a PAN notice in 2018 for the completion of a rehabilitation plan for Bowser due to no rehabilitation occurring for many years. In that plan Council stipulated that it would cap cells 2 and 8 in the 2020/21 financial year, upon the closure of cell 8.

Consultation/Communication

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

Conclusion

Landfill management is a highly regulated activity, and the capping required when a landfill cell has reached its licenced capacity is necessary to comply with legislation and the landfill licence. By using the clay material that had been put aside for this project, as cover material for the bushfire waste, Council has been able to receive in excess of \$3,700,000 but now has a shortage of material for this project and thus a fund transfer is necessary. The bushfire waste income and the funds for this project all sit in the landfill reserve.

Attachments

- 1 C25913 CELL 2 AND 8 REHABILITATION CONSTRUCTION WORKS - Evaluation Report - Confidential

2 Credit Report - Winslow Constructors P/L - Confidential

16. DEVELOPMENT SERVICES

16.1 PLANNING SCHEME AMENDMENT C81 - WANGARATTA URBAN WATERWAYS FLOOD INVESTIGATION STUDY 2017 - CONSIDERATION OF SUBMISSIONS

Meeting Type: Ordinary Council Meeting
Date of Meeting: 25 August 2020
Author: Strategy Planner
File No: IC20/1210

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

Executive Summary

The Wangaratta Urban Waterways Flood Investigation Study Report 2017 (“the WUWFI”) was commissioned by North East Catchment Management Authority (NECMA) and adopted by Council in 2018. Council also resolved to prepare a planning scheme amendment to implement the study.

This report is presented to Council to consider the submissions received in response to the public exhibition of Wangaratta Planning Scheme Amendment C81 which proposes to make changes to the planning scheme to implement the recommendations of the WUWFI. This report also informs and advises Council about the content of the submissions and key issues raised and seeks Council's agreement to:

- make changes to the exhibited Amendment documents to respond to submissions, as detailed in the discussion further below;
- seek Council's agreement to refer Amendment C81 and the submissions to an independent Planning Panel as the next step in the amendment process in accordance with the requirements of the *Planning and Environment Act 1987*; and
- seek Council's agreement to allow officers to continue to work with submitters to resolve any outstanding matters raised in submissions, in the lead up to an independent Planning Panel.

RESOLUTION:

(Moved: Councillor K Clarke OAM/Councillor H Benton)

That Council:

- 1. Considers all submissions to Wangaratta Planning Scheme Amendment C81 – Wangaratta Urban Waterways Flood Investigation Study Report 2017, pursuant to Section 22(1) of the Planning and Environment Act 1987.***

- 2. *Makes changes to the exhibited Amendment C81 in accordance with the changes identified and recommended in Attachment 1***
- 3. *Refers Amendment C81 to a Panel appointed under Part 8 of the Planning and Environment Act 1987.***
- 4. *Formally requests that the Minister for Planning appoints a Panel in accordance with Section 23(1)(b) of the Planning and Environment Act 1987.***
- 5. *Continues to work with submitters with unresolved submissions to attempt to reach a resolution that can be presented to a Panel.***
- 6. *Notifies submitters to Amendment C81 of Councils decision.***

Carried

Background

The WUWFI was prepared in 2017 with the objective to review and revise current flood mapping and flood intelligence for Wangaratta's major waterways based on updated data and more recent flood events. A recommendation of the WUWFI is that NECMA and Council adopt the determined design flood levels for future planning purposes.

In September 2019, following discussions with DELWP and NECMA, Council subsequently resolved to proceed with preparing the relevant planning scheme amendment documentation and seek authorisation to exhibit a planning scheme amendment to the Wangaratta Planning Scheme to implement the relevant recommendations of the WUWFI.

What Amendment C81 proposes?

The Amendment proposes to make changes to the Wangaratta Planning Scheme to implement the findings of the WUWFI by amending planning controls to improve the performance of the planning scheme in response to flood risks and amending the Floodway Overlay (FO) and Land Subject to Inundation Overlay (LSIO) maps.

The Amendment proposes the following changes:

- Amends Clause 21.12 (Reference Documents) to include the *Wangaratta Urban Waterways Flood Investigation Study Report 2017*;
- Amends the Schedule to the Floodway Overlay (FO);
- Amends the Schedule to the Land Subject to Inundation Overlay (LSIO);
and
- Amends relevant Planning Scheme Maps to update the FO and LSIO.

Why is Amendment C81 required?

The Amendment is required to provide updated and accurate flood mapping for the urban areas of Wangaratta. The amendment is also required to alter the existing provisions of the scheme as it relates to the FO and LSIO to ensure that future planning decisions can be made based on the most recent and verified flood information. The amended FO and LSIO schedules will remove a number of buildings and works from the need to obtain a planning permit.

The amended planning scheme maps and schedules will ensure that future planning is aligned with the assessment and recommendations of the WUWFI, which have been prepared based on the most recent flood data and analysis.

Importantly, the provision of updated flooding information and data within the planning scheme will achieve a net community benefit of ensuring flooding is properly considered in future planning processes and that risks from flooding can be appropriately minimised to the community.

Exhibition of Amendment C81 (Public Notice)

On 17 March 2020, Council received authorisation to exhibit Amendment C81. The amendment was subsequently placed on public exhibition during the period 30 April 2020 to 20 July 2020, in accordance with the requirements of the *Planning and Environment Act 1987*.

The exhibition period was extended due to the extent of notification and landowner interest in the amendment as well as in recognition of the COVID19 pandemic situation.

Public notice of the Amendment included the following:

- Direct notification to prescribed Ministers, government departments, statutory authorities
- Notification approx. 2,000 landowners and occupiers impacted by the proposed changes proposed.
- Display of Amendment exhibition material and mapping at Council's Administrative Offices;
- Display of Amendment exhibition material and mapping online;
- Public notices published in the Wangaratta Chronicle on 24 April 2020 and 12 June 2020;
- Notice in the Victorian Government Gazette on 30 April 2020 and 18 June 2020.

Submissions to Amendment

Council received 16 formal submissions following the close of the exhibition period. 13 submissions were received from landowners and 3 submissions were received from authorities. Of the submissions received:

- 8 objected to the Amendment or part of, and requested changes
- 3 objected to the Amendment or part of, and did not request changes
- 3 commented on the Amendment or part of, and requested changes
- 2 raised no objection and/or no comments

Key Issues

A full analysis of submissions is contained in **Attachment 1**; however, a summary of the submissions is provided below.

- Seven submissions object to or make comment that the flood mapping is inaccurate and does not reflect actual flood extents. Most of the submissions relied on observed heights on their property that had been recalled from previous flooding events.
- Two submissions consider the flood mapping as inaccurate on the basis that it has not considered flood mitigation works and levees constructed following major flood events. These submissions have questioned the accuracy or likelihood of modelled flood events occurring.
- Three submissions object or raise concern with adjacent properties not being appropriately applied with flood overlay mapping and/or controls. These submissions are made based on observations of flood events on adjoining properties and expectations from future development.
- One submission objects on the grounds that the new flood mapping will introduce more significant flood mapping to recently constructed dwellings and that this will have a detrimental impact on future use of the land.
- Eight of the submissions request some form of change to either the mapped flood overlays or controls contained within the Amendment, being to reduce the extent of flooding on the land or remove the extent of flooding completely. There are a further two submissions that do not directly seek changes to the flood mapping but object to the changes being proposed by the Amendment and can be assumed to request removal of the proposed mapped areas.
- A further three submissions request changes to adjoining properties, specifically being to include properties that neighbouring landowners believe have been incorrectly omitted based on observed flooding events.

Consideration of Submissions

Following exhibition of an amendment, Council must consider all submissions received pursuant to sections 22 and 23 of the *Planning and Environment Act*. Where a submission requests a change to the amendment, Council must:

- a) Change the amendment in the manner requested; or
- b) Refer the submission to a Panel appointed by the Minister; or
- c) Abandon the amendment or part of the amendment.

In consultation with NECMA, Council Officers have considered all submissions to the Amendment and have proposed a number of changes as detailed within the discussion of submissions in **Attachment 1**.

The proposed changes can respond to some of the submissions, however not all submissions are able to be addressed. Therefore, it is appropriate to refer the matter to an independent Panel for a full assessment and allow all parties with an interest to be heard.

Implications

Policy Considerations

The WUWFI was prepared by NECMA with the objective to provide updated and accurate flood mapping for the urban areas of Wangaratta. The implementation of this detail, supported by revised planning scheme schedules and controls, responds to a key recommendation of the WUWFI and ensures that the study is appropriately implemented.

The Planning Policy Framework (PPF) at Clause 11.02-1 refers to Supply of Urban Land and has the objective to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses. The strategies of this clause identify that planning for settlements should consider the limits of land capability and natural hazards and environmental quality.

Clause 13.03-1S of the PPF refers to Floodplains and has the objective to assist the protection of life, property and community infrastructure from flood hazard, the natural flood carrying capacity of rivers, streams and floodways, the flood storage function of floodplains and waterways and floodplain areas of environmental significance or of importance to river health. The Amendment will support the relevant strategies relating to Floodplains by applying new and more accurate data available in relation to flooding based on recent flood studies for the urban area of Wangaratta. The revised data provides an accurate reflection of the floodplains, including the 1 in 100 year event, and the flood storages and capacities required.

Clause 14.02-1S of the PPF refers to Catchment planning and management which has the objective to assist the protection and restoration of catchments, water bodies, groundwater, and the marine environment. The Amendment

supports the strategies of this clause by providing revised planning controls relating to the identification and ongoing protection of the floodplain from inappropriate development, including potential for impacts on catchments. The introduction of new controls will align Council's decision making with the information available from NECMA.

Clause 14.02-2S of the PPF also refers to Water quality, with the objective to protect water quality. The strategies to achieve this objective include discouraging incompatible land use activities in areas subject to flooding, severe soil degradation, groundwater salinity or geotechnical hazards where the land cannot be sustainably managed to ensure minimum impact on downstream water quality or flow volumes. The Amendment supports the objective and strategies of this clause by setting out revised planning controls for the floodplain areas, based on most recent flood data and best practice measures for flood affected areas.

The Amendment also supports Council's Local Planning Policy Framework and recommendations within the MSS. Clause 21.04-1 recommends *"in conjunction with the natural resource management agencies, continue to upgrade natural resource and hazard mapping and planning controls in the planning scheme"* and *"In conjunction with the North East Catchment Management Authority, undertake further flood studies to inform future flood management plans for the Ovens Rural Floodplain area."* The WUWFI represents the preparation of further strategic work and this Amendment will implement the approved recommendations within the Planning Scheme.

Financial Implications

The costs associated with a Panel hearing will include a fee set by Planning Panels Victoria for the hearing, site visits and report writing. Depending on the parties that wish to be heard, a Panel hearing may run for more than one day. Council's other costs will be officer time required to prepare for and represent Council at a Planning Panel hearing. Council may require representation at the Panel and/or support from expert witnesses to address some matters raised in submissions which will incur additional costs.

Legal/Statutory

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

Cultural Heritage

Social

The Amendment is expected to have positive social outcomes for the Rural City of Wangaratta. A key purpose of the Amendment is to provide updated flood data and planning provisions for Wangaratta which will ensure protection of life and property in areas at risk of flooding. It also ensures that future decisions regarding flood risks are made based on the best available information and data for the community.

Environmental/Sustainability Impacts

The Amendment will have positive environmental outcomes as it will provide for protection of sensitive floodplain areas within the Municipality and contribute to sustainable land use outcomes. The revised flood mapping proposed by the Amendment ensures that sensitive riverine environments are correctly identified and are provided with suitable planning considerations. Many of these areas represent sensitive landscapes that support and contribute to the biodiversity of the municipality.

Economic Impacts

The Amendment is sought with regard to the impacts of flooding on the local community and economy. Flooding can have significant economic impacts through damage to public and private assets, agricultural losses, property loss and loss of life. The WUWFI identifies the 1% Annual Exceedance Probability (“AEP”) flood extent would result in substantial damages and would impact upon approximately 300 properties.

The Amendment is made with regard to the economic consequences of flood risk and to ensure that careful planning and decision-making processes in place to consider the effects of flooding.

The Amendment will also discourage inappropriate new development that would be impacted to significant flooding or that may have unacceptable impacts on flood behaviour. This minimises potential risks to the community from flooding and economic damages that may result.

Referrals/Public Notice

2017 – 2021 Council Plan (2020 Revision)

This report supports the 2017-2021 Council Plan:

Goal

We are Sustainable

We will plan and make decisions for the future:

by updating the Planning Scheme and the Municipal Strategic Statement by developing new and reviewing

The non-negotiables

Residential, rural, commercial and industrial land that is appropriately protected, planned and developed to

Our natural environment and assets are protected.

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

Our waterways, in particular the Ovens and King Rivers now represent the lifeblood of the Rural City of Wangaratta community and are thriving with aquatic life – a sign of their healthy condition.

Ensure that land management controls are sufficient to protect natural resources, such as native vegetation.

b) Other strategic links

Wangaratta Urban Waterways Flood Investigation Study Report 2017

Hume Regional Growth Plan

Consultation/Communication

Level of public participation	Promises to the public/ stakeholders	Tools/Techniques
Inform		
Consult	Consult	<i>We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision. We will seek your feedback on drafts and proposals</i>
Involve	Involve	<i>We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision</i>
Collaborate		
Empower		

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

Options for Consideration

Option 1 (Recommended option):

That Council resolve to make changes to the amendment where appropriate and as recommended based on further investigation, in accordance with submissions detailed at **Attachment 1** and request the appointment of an independent Planning Panel to consider all unresolved submissions.

This option follows the statutory process required to progress the amendment and consider all submissions to Amendment C81.

Option 2

That Council makes changes to the Amendment to accommodate all of the requested changes raised within submissions.

This option is not recommended, nor is it possible to accommodate all of the requested changes, as some submissions request changes that cannot be supported as they contradict the findings and detail of the Wangaratta Urban Waterways Flood Investigation Study Report 2017.

Option 3

That Council abandon the amendment under section 23(1)(c) of the Act, given the issues raised within the unresolved submissions to the amendment.

This option is not recommended as it would fail to implement the findings of the Wangaratta Urban Waterways Flood Investigation Study Report 2017 into the Planning Scheme and would not provide appropriate planning considerations for long term decision making regarding flood prone land. It would also not be in the public interest.

Conclusion

The WUWFI is an important strategic planning document for Council and sets out the future planning framework for flooding across the municipality. The WUWFI has been previously adopted by Council, with Amendment C81 now seeking to implement the key findings into the planning scheme.

In consultation with NECMA, all submissions to the Amendment have been considered in detail against the WUWFI and broader flood data to ensure the accuracy of the planning controls within the Planning Scheme.

This report summarises the submissions and identifies changes that are proposed to the Amendment in order to address some objections, however there are issues and comments raised within submissions that remain unresolved. It is therefore proposed to refer the amendment to an Independent Planning Panel for consideration of the unresolved matters.

Attachments

- 1 Amendment C81 - Assessment of Submissions 

17. SPECIAL COMMITTEE REPORTS

Nil

18. ADVISORY COMMITTEE REPORTS

Nil

19. RECORDS OF ASSEMBLIES OF COUNCILLORS & MINUTES OF ADVISORY COMMITTEE MEETINGS

19.1 RECORD OF ASSEMBLY OF COUNCILLORS & ADVISORY COMMITTEE REPORTS

Meeting Type: Ordinary Council Meeting
Date of Meeting: 25 August 2020
Author: Executive Service Coordinator
File Name: Assemblies of Councillors
File No: IC20/51

Executive Summary

Assembly of Councillors:

An “Assembly of Councillors” 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 Councillor is present; or
- a planned or scheduled meeting that includes at least half the Councillors and at least one Council officer.

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

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

The written record of an assembly of Councillors 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
6/7/2020	Councillors Briefing Forum	Attachment
7/7/2020	Economic Development & Tourism Advisory Committee Meeting	Attachment
13/7/2020	Councillors Briefing Forum	Attachment
20/7/2020	Councillors Briefing Forum	Attachment
21/7/2020	Agriculture & Agribusiness Advisory Committee Meeting	Attachment
27/7/2020	Councillors Briefing Forum	Attachment
28/7/2020	Pre-Council Meeting Discussion – July Council Meeting	Attachment

Date	Meeting details	Refer
3/8/2020	Councillors Briefing Forum	Attachment

Advisory Committee Meetings:

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

1. Economic Development & Tourism Advisory Committee Meeting - Minutes - 7 July 2020
2. Agriculture & Agribusiness Advisory Committee Meeting – Minutes – 21 July 2020

RESOLUTION:

(Moved: Councillor A Fitzpatrick/Councillor M Currie)

That Council:

- 1. receives the reports of Assemblies of Councillors***
- 2. notes the minutes of these Advisory Committees***

Carried

Attachments

- 1 Assembly of Councillors - Councillors Briefing Forum - 6 July 2020 
- 2 Assembly of Councillors - Economic Development & Tourism Advisory Committee - 7 July 2020 
- 3 Assembly of Councillors - Councillors Briefing Forum - 13 July 2020 
- 4 Assembly of Councillors - Councillors Briefing Forum - 20 July 2020 
- 5 Assembly of Councillors - Agriculture & Agribusiness Advisory Committee Meeting - 21 July 2020 
- 6 Assembly of Councillors - Councillors Briefing Forum - 27 July 2020 
- 7 Assembly of Councillors - Pre Council Meeting Discussion - 28 July 2020 
- 8 Assembly of Councillors - Councillors Briefing Forum - 3 August 2020 
- 9 MINUTES - Wangaratta Economic Development & Tourism Advisory Committee - 7 July 2020 
- 10 MINUTES - Agriculture & Agribusiness Committee Meeting - 21 July 2020 

20. NOTICES OF MOTION

Nil

21. URGENT BUSINESS**22. PUBLIC QUESTION TIME**

Please follow link [25 August 2020 Council Meeting Video 2](#) and refer to minutes 29.40 to 37.10 for public questions and responses to item 22. Public question time.

23. CONFIDENTIAL BUSINESS**RESOLUTION:**

(Moved: Councillor H Bussell/Councillor A Fitzpatrick)

That Council resolves to close the meeting to members of the public in accordance with section 66(2) of the Local Government Act 2020 to consider the following items:

23.1 CEO PERFORMANCE REVIEW AND KEY PERFORMANCE INDICATORS

Item 23.1 is Confidential under the terms section 66(2) of the Local Government Act 2020 as it contains information relating to section 66(2)(a) personal information being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

Carried

RESOLUTION:

(Moved: Councillor D Fuller/Councillor H Bussell)

That the Meeting be resumed.

Carried

24. CLOSURE OF MEETING

The Meeting closed at 3.55pm