

# Minutes

## Of the Ordinary Council Meeting

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

**Date:** 21 November 2017

**Time:** 6pm



RURAL CITY OF  
**WANGARATTA**

Brendan McGrath  
Chief Executive Officer



## **TABLE OF CONTENTS**

	<b>Page No.</b>
1. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS.....	5
2. OPENING PRAYER .....	5
3. PRESENT .....	5
4. ABSENT .....	5
5. ACCEPTANCE OF APOLOGIES & GRANTING OF LEAVE OF ABSENCE .....	5
<b>ORDER OF BUSINESS .....</b>	<b>5</b>
6. CITIZEN CEREMONY .....	6
7. CONFIRMATION OF MINUTES .....	6
8. CONFLICT OF INTEREST DISCLOSURE.....	6
9. RECEPTION OF PETITIONS.....	7
10. HEARING OF DEPUTATIONS .....	7
<b>PRESENTATION OF REPORTS .....</b>	<b>7</b>
11. COUNCILLOR REPORTS .....	7
<b>OFFICERS' REPORTS .....</b>	<b>9</b>
12. EXECUTIVE SERVICES .....	9
12.1 CHIEF EXECUTIVE OFFICER - ANNUAL REVIEW & KEY PERFORMANCE INDICATORS 2017/18.....	9
13. CORPORATE SERVICES .....	11
13.1 COUNCIL MEETING DATES AND VENUES 2018 .....	10
13.2 AFFIRMATION OF OFFICE AND DECLARATION OF CODE OF CONDUCT – CR ASHLEE FITZPATRICK.....	14
14. COMMUNITY WELLBEING.....	18
14.1 2017-2018 COMMUNITY GRANTS - MINOR CATEGORY .....	18
15. INFRASTRUCTURE SERVICES .....	26
RENAMING OF ROADWAY AT THE RIVER END OF OVENS STREET TO SYDNEY BEACHES.....	26
16. DEVELOPMENT SERVICES .....	38
16.1 CONTRACT 1718/011 FOR THE PROVISION OF DOMESTIC ANIMAL POUND SERVICES .....	38
16.2 PLANNING SCHEME AMENDMENT C72 – (COMBINED AMENDMENT AND PLANNING PERMIT 16/092) .....	44
16.3 PARKING IN THE CBD OVER THE CHRISTMAS/NEW YEAR PERIOD .....	59
16.4 ECONOMIC DEVELOPMENT AND TOURISM ADVISORY COMMITTEE APPOINTMENTS .....	63
17. SPECIAL COMMITTEE REPORTS .....	67
18. ADVISORY COMMITTEE REPORTS.....	67
19. RECORDS OF ASSEMBLIES OF COUNCILLORS.....	68
19.1 ASSEMBLIES OF COUNCILLORS.....	68
20. NOTICES OF MOTION .....	70
21. URGENT BUSINESS .....	70
22. PUBLIC QUESTION TIME .....	70

23.       **CONFIDENTIAL BUSINESS** ..... **71**  
CHIEF EXECUTIVE OFFICER - PERFORMANCE REVIEW ..... 72  
24.       **CLOSURE OF MEETING**..... **72**

## 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; Ruth Kneebone, Director Corporate Services; Alan Clark, Director Infrastructure Services; Jaime Carroll, Director Community Wellbeing; Barry Green, Director Development Services.

## 4. ABSENT

Nil.

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

### ORDER OF BUSINESS

#### **RECOMMENDATION:**

**(Moved: Councillor D Fuller/Councillor H Benton)**

***Councillor D Fuller moved the following motion:***

***That Council***

***1) consider the following urgent business items:***

- Item 13.2 - Affirmation of Office and Declaration of Councillor Code of Conduct for Councillor Ashlee Fitzpatrick and***
- Item 14.2 – Summer in the Parks Program and***
- Item 15.1 – North Wangaratta Recreation Reserve Rehabilitation***

**2) amend the order of business to deal with items 13.2 and 16.2. - Planning Scheme Amendment C72 (Combined Amendment and planning permit 16/092 (Wangaratta Golf Course) as the first two items of Business**

***The motion was seconded by Councillor H Benton.***

**Carried**

**6. CITIZEN CEREMONY**

The citizen ceremony was held.

**7. CONFIRMATION OF MINUTES**

**RECOMMENDATION:**

**(Moved: Councillor H Benton/Councillor D Fuller)**

***That Council read and confirm the Minutes of the Ordinary Meeting of 17 October 2017 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.**

*Mayor, Ken Clarke declared a conflict of interest in relation to item 16.2, ‘Planning Scheme Amendment C72 - (Combined Amendment and Planning Permit 16/092) Wangaratta Golf Course’ as he is a life member of Jubilee golf club.*

*Cr Harvey Benton declared a conflict interest regarding item 14.1, ‘2017-2018 Community Grants - Minor Category’ as he is a member of the Springhurst Land Care Group that potentially is receiving a grant.*

## 9. RECEPTION OF PETITIONS

Nil.

## 10. HEARING OF DEPUTATIONS

Nil.

## PRESENTATION OF REPORTS

## 11. COUNCILLOR REPORTS

*Deputy Mayor Benton vacated the Chair following item 16.2 and Mayor Clarke resumed the chair for this item.*

### ***Mayors quarterly Report***

As I give my final report as mayor for the 2016/2017 council year, let me say that the last three months have been busier than normal and I thank most sincerely the councillors who have filled the void when I was unable to find enough hours to fulfil all the commitments that came my way. Since my last report, there have been many positives that have taken place within the City, with the Jazz Festival and its new locations being a winner for the community. There were some good stories from ratepayers and visitors alike and talking to some of the food stalls, they experienced sales about 5 times more than last year. In my opinion, as a major stakeholder we must continue to offer our residents the community stage, as this gives them a sense of ownership and something positive for their rates.

Just a week or so ago we were informed of an AFL pre-season match between the reigning premiers Richmond and Essendon in February next year. This will be an exciting time and I trust that council will showcase the Norm Minns Oval in a way that the Ovens & Murray League take notice and look at this being an alternative for the 2018 grand final. There is no doubt that the Norm Minns oval is the premier ground in NE Victoria. We have also gained EPA approval for the construction of our own organics facility at North Wangaratta, and already have neighbouring councils wanting to jump on board. This has been a long drawn out process, and I thank Alan Clark and the team for their perseverance in achieving such a great result for the City.

The other EPA issue was the North Wangaratta oval and following receipt of an amount up to \$3M from the State Government, we could see the removal of the contaminated soil before years end and the re-instatement being commenced very early in 2018. So at long last there is some light at the end of the tunnel and we should see North Wangaratta back on home soil sometime in the 2018 season.

Capital works are steaming ahead, with the removal of the open drain and a new entrance to the Barr Reserve off Park Lane coupled with the car parking installed, is just one of many improvements taking place around the City. The Aerodrome Master Plan has been completed and council are hoping to see some great

development taking place out there early in the New Year. Owners of planes have been screaming out for more hangers, and this master plan will really improve the chances of attracting aviation type businesses to the City. We have a great terminal facility there and we should be looking at making use of it for functions and the like. We were presented with our financials yesterday for the 4 months to 31st October and we are tracking spot on with our budget. I can also report that the panel hearing submissions in respect of the North Wangaratta Solar farm has forwarded their recommendations to the Department for the Ministers attention. This is pleasing, but we do not know when the decision will be announced.

On a sad note the Council were shocked at the death of Councillor Ruth Amery during October. A family friend for some 40 years, I felt the loss very much, as she had been my right hand when something for council needed to be organised. To Noel and family sincere condolences from all at the Rural City. Just yesterday Ashlee Fitzpatrick was sworn in to replace Ruth and I am sure that her journey will be a long and fruitful one. Welcome to the team Ashlee. I was also privileged yesterday to dress in the robes and address the assembly at Glenrowan Primary School and certainly the years 4 and 5 had a lot of questions to ask the mayor about how the City operates. I also, with our Economic Development Officer presented to a Parliamentary Committee in Wodonga where we talked to them about decentralisation. As we celebrate the first year of our 4 year term, it would be remiss of me if I didn't thank my fellow councillors, officers and staff for all the assistance they have afforded me over this past year. The mayor's portfolio is a position not to be taken lightly and I trust I have fulfilled the role expected of me.

Thank you.

**RECOMMENDATION:**

**(Moved: Councillor D Rees/Councillor M Currie)**

***That Council notes the report.***

**Carried**



## **OFFICERS' REPORTS**

### **12. EXECUTIVE SERVICES**

#### **12.1 CHIEF EXECUTIVE OFFICER - ANNUAL REVIEW & KEY PERFORMANCE INDICATORS 2017/18**

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 21 November 2017  
**Author:** Manager People and Culture  
**File Name:** Brendan McGrath Chief Executive Officer  
**File No:** MM/449

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**

In accordance with *Section 97A (1) of the Local Government Act* and the requirements of the Chief Executive Officer's (CEO) Contract of Employment a performance review has been conducted. This review was conducted during October and November 2017.

To ensure a transparent, fair and constructive discussion, Council engaged an independent facilitator to implement and oversee the participatory process. It followed an agreed framework and consisted of a Leadership assessment by seven employees including his direct reports, a CEO self-assessment and an assessment by the Councillors. The review assessed the CEO's performance against his agreed key performance indicators established at the commencement of the review period. The facilitator was a part of all discussions and met separately for a period with the group of Councillors to ensure all relevant information was known and documented. At the conclusion of the review a new set of Key Performance Indicators were established for the coming year.

The CEO performance review report, performance outcomes and remuneration are dealt with in the confidential section of this meeting agenda. The performance criteria for the 2017/2018 financial year has now been finalised and is presented for Council's endorsement separately.

#### **RECOMMENDATION:**

**(Moved: Councillor D Rees/Councillor H Benton)**

***That Council endorses the Chief Executive Officer's 2017/2018 performance criteria.***

**Carried**

#### **Attachments**

1 CEO KEY PERFORMANCE INDICATORS 2017/18 - Confidential



### 13. CORPORATE SERVICES

#### 13.1 COUNCIL MEETING DATES AND VENUES 2018

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 21 November 2017  
**Author:** Executive Assistant Corporate Services and Councillors  
**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 for discussion of Council Meeting dates and venues for 2018.

#### **RECOMMENDATION:**

**(Moved: Councillor H Bussell/Councillor A Fitzpatrick)**

***That Council endorses the following schedule of Ordinary Council Meeting dates and venues for 2018:***

***No Ordinary January Meeting scheduled***

<b><i>Tuesday 20 February</i></b>	<b><i>6.00 pm Wangaratta</i></b>
<b><i>Tuesday 20 March</i></b>	<b><i>6.00 pm Everton Hall</i></b>
<b><i>Tuesday 17 April</i></b>	<b><i>6.00 pm Wangaratta</i></b>
<b><i>Tuesday 15 May</i></b>	<b><i>6.00 pm Moyhu Hall</i></b>
<b><i>Tuesday 19 June</i></b>	<b><i>6.00 pm Wangaratta</i></b>
<b><i>Tuesday 17 July</i></b>	<b><i>6.00 pm Wangaratta</i></b>
<b><i>Tuesday 21 August</i></b>	<b><i>6.00 pm Wangaratta</i></b>
<b><i>Tuesday 18 September</i></b>	<b><i>6.00 pm Tarrawingee Hall</i></b>
<b><i>Tuesday 16 October</i></b>	<b><i>6.00 pm Wangaratta</i></b>
<b><i>Tuesday 20 November</i></b>	<b><i>6.00 pm Whitfield Swinburne Pavilion</i></b>
<b><i>Tuesday 11 December</i></b>	<b><i>6.00 pm Wangaratta</i></b>

**Carried**

## **Background**

Section 89 (4) of the *Local Government Act 1989* (The Act) requires that reasonable notice be given to the public of meetings of the Council. This has been achieved by publishing the date and location of the meeting in the Wangaratta Chronicle on 2 consecutive Fridays prior to the meeting and the Annual Calendar of Meetings on Council's website.

Council has maintained a custom of conducting four Council Meetings annually in rural townships throughout the Rural City of Wangaratta since 1997.

A summary of the Council Meeting locations follows:

<b>LOCATION</b>	<b>No. Meetings</b>
Boorhaman Hall	4
Bowmans/Murmungee Hall	4
Carboor Hall	4
Cheshunt Hall	4
Edi Upper Hall	3
Eldorado Hall	4
Everton Hall	3
Glenrowan Multi-Purpose Centre	4
Greta/ Hansonville	4
Milawa Hall	4
Moyhu Hall	3
Myrrhee Hall	3
Oxley Hall	3
Peechelba Community Facility	4
South Wangaratta	3
Springhurst Hall	4
Tarrawingee Hall	3
Whitfield Swinburne Pavilion	3
Whorouly Multi-purpose Centre	4

Council must establish its schedule of Ordinary Council Meeting dates and venues for 2018 to allow for notice to be given and advance planning. A January 2018 meeting will be scheduled if required.

A draft schedule of the 2018 Ordinary Council Meeting dates and venues has been developed to achieve a geographical spread of rural meetings throughout the year.

### **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**

Section 89 (4) of the Act requires that reasonable notice be given to the public of meetings of the Council.

#### **Social**

Conducting Ordinary Council Meetings in rural townships promotes closer interaction with all areas of the municipality.

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

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

### **2017 – 2021 Council Plan**

This report supports the 2017-2021 Council Plan:

#### **Goal**

#### **We are Thriving**

#### **We will plan, research and advocate for the future:**

Ensuring access opportunities for all residents by holding a minimum of four Council Meetings in rural townships.

### **Strategic Links**

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

N/A

**b) Other strategic links**

N/A

**Risk Management**

There are no moderate or extreme risks associated with this report.

**Consultation/Communication**

Public notification will be provided of Council's 2018 Ordinary Meeting dates and venues.

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

**Conclusion**

Council must determine a meeting schedule for the coming year to provide notice to the community regarding the time and location of Council Meetings.

**Attachments**

Nil

## 13.2 AFFIRMATION OF OFFICE AND DECLARATION OF CODE OF CONDUCT - CR ASHLEE FITZPATRICK

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 21 November 2017  
**Author:** Director - 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 record in the minutes of the Council that Councillor Ashlee Fitzpatrick has complied with the requirements of the Oath of Office as set out in the *Local Government Act 1989* (the Act). The Evidence (Miscellaneous Provisions) Act 1958 allows for the making of a solemn affirmation instead of an oath.

#### **RECOMMENDATION:**

**(Moved: Councillor D Fuller/Councillor D Rees)**

***That Council notes that Cr Ashlee Fitzpatrick has:***

- 1. taken the Affirmation of Office in the prescribed format and***
- 2. read the Councillor Code of Conduct and made a declaration stating that she will abide by the Councillor Code of Conduct***

***in accordance with the Local Government Act 1989 and the Evidence (Miscellaneous Provisions) Act 1958.***

**Carried**

### **Background**

Due to the untimely death of Councillor Ruth Amery and the subsequent vacancy created in the City Ward of this Council, a countback was conducted by the Victorian Election Commission on 13 November 2017. A countback is designed to fill the vacancy in proportion to the amount of support each candidate has in the electorate that elected the vacating councillor.

### **Implications**

#### **Policy Considerations**

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

## Financial/Economic Implications

	2017/18 Approved Budget for this proposal \$	This Proposal \$	Variance Approved Budget \$	to Comments
Revenue/Income				
Expense	Nil	2,038.80	2,038.80	Refer to revised budget
Net Result		2,038.80	2,038.80	

## Legal/Statutory

The Act requires a Councillor to make the oath of office before the Chief Executive Officer. The oath must be dated and signed before the Chief Executive Officer and recorded in the minutes of Council. The *Evidence (Miscellaneous Provisions) Act 1958* allows for the making of a solemn affirmation instead of an oath.

Additionally, a new Councillor must read the Councillor Code of Conduct and make a declaration stating that they will abide by it. This declaration must be in writing and witnessed by the Chief Executive Officer.

The affirmation of office and declaration are attached to this report (***refer attachments***).

## Social

The election of Councillors provides for strong public engagement and decision making in the best interests of the community.

## 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

### The non-negotiables

Our legislative, governance and compliance requirements will be met.



**Risk Management**

Risks	Likelihood	Consequence	Rating	Mitigation Action
Candidate not sworn in in the appropriate manner.	Low	High	Medium	Compliance with legislation

**Consultation/Communication**

The ballots used in the countback were provided by the Victorian Electoral Commission and were those submitted by those eligible to vote in Wangaratta's City Ward during the Local Government Elections held in October 2016.

**Options for Consideration**

There are no other legal options for consideration.

**Conclusion**

In accordance with the Act, the Affirmation of office is required to be recorded in the minutes of Council. This report achieves this legislative requirement.

**Attachments**

- 1 AFFIRMATION OF OFFICE - SIGNED 
- 2 DECLARATION CODE OF CONDUCT 

## 14. COMMUNITY WELLBEING

### 14.1 2017-2018 COMMUNITY GRANTS - MINOR CATEGORY

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 21 November 2017  
**Author:** Community & Recreation Officer  
**File Name:** Community Grants - Minor  
**File No:** F17/658

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 Harvey Benton left the Chamber having previously declared a conflict of interest.*

#### **Executive Summary**

This report is presented to Council to provide recommendations in relation to the 2017/2018 Community Grants – Minor category.

The 2017/2018 Council budget has an allocation of \$170,000 which is nominally allocated as \$50,000 for the community grants minor category and \$120,000 for the community grants major category.

Council's Projects & Recreation department received 27 applications with a total funding request of \$102,419 and a total projects value of \$219,197.

The applications were assessed by officers from the Projects and Recreation team to determine eligibility and were then ranked into high, medium and low value projects (according to their alignment with the grant criteria). The 20 high and medium ranked applications were assessed by an assessment panel made up of the following:

- The Mayor;
- One Councillor;
- Manager Community and Recreation;
- Coordinator Projects and Recreation; and
- A community member (daughter of 2017 Citizen of the Year).

An assessment process has been undertaken with a recommendation that 15 projects are funded with a total allocation of \$44,788. This will leave a balance of \$125,212 for the major category, to be allocated in the first half of 2018.

#### **RECOMMENDATION:**

**(Moved: Councillor H Bussell/Councillor M Currie)**

***That Council allocates \$44,788 to fund the following projects as part of the***

**2017/2018 Community Grants Program – Minor Category:**

Organisation	Project	Recommended Funding Amount
El Dorado Museum Association Inc	El Dorado Museum Community Maintenance Vehicle Safety Project	\$741
Wangaratta District Men's Shed	Provide Security to the Wangaratta Men's Shed	\$1,100
Wangaratta Pony Club	Jump Into Action at Wangaratta Pony Club	\$5,000
Springhurst & Byawatha Hill Landcare Group	Springhurst and District Community History and Culture	\$2,588
North East Windsport Club	Moving On	\$5,000
Myrree Soldiers Memorial Hall Committee	Entertainment Improvement Myrree Hall	\$2,695
Greta Recreation Reserve	Verandah Shade Project	\$5,000
Wangaratta Community Toy Library	Modernising Wangaratta's Community Toy Library	\$1,149
Wangaratta Magpies Cricket Club	Purchase of Essential Equipment for Participation and Growth	\$4,385
Whitfield and District Golf Club Inc	Purchase of Front End Loader/Bucket for New Tractor	\$3,800
Zonta Club	Community eSafety Information Night	\$1,550
Wangaratta Woodworkers Inc	Kitchen Upgrade to Facilitate Better Catering at Club Functions	\$5,000
Wangaratta Sustainability Network	Waste Wise Wangaratta	\$3,280
Greta Valley Landcare Group	Learning with Landcare	\$1,500
Wangaratta Lawn Tennis Club	Fencing of Hotshot Courts	\$2,000
TOTAL		\$44,788

**Carried**

## **Background**

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

The Community Grants Program is promoted to community groups and not-for-profit organisations through a range of communication methods such as:

- Community Grants Roadshow
- Emails
- Rural City Connections Page (Wangaratta Chronicle)
- Rural Newsletters
- Council's website

The Community Grants Roadshow was held over two weeks during the application opening period. Two roadshow sessions were held at the Wangaratta Library and ten sessions were held in rural townships throughout the municipality. 24 groups/organisations attended the Community Grants Roadshow.

The Rural City of Wangaratta 2017/2018 Community Grants Program – Minor Category received 27 eligible applications in the current funding round. The total amount of funds requested in this 2017 round totalled \$102,419.

The applications have been assessed and measured against the application criteria and then scaled from highest to lowest ranking.

In the 2017/2018 financial year the Community Grants Program – Minor Category has a funding pool of \$50,000.

Upon endorsement of the 2017 Community Grants Minor Category, successful and unsuccessful applicants will be notified. A listing of the successful applicants will be promoted through local media, newsletters and Council's website.

**Table 1 – Recommended successful applications for 2017/2018 Community Grants Program – Minor Category and cumulative funding total.**

Organisation	Project	Recommended Funding Amount
El Dorado Museum Association Inc	El Dorado Museum Community Maintenance Vehicle Safety Project	\$741
Wangaratta District Men's Shed	Provide Security to the Wangaratta Men's Shed	\$1,100
Wangaratta Pony Club	Jump Into Action at Wangaratta Pony Club	\$5,000
Springhurst & Byawatha Hill Landcare Group	Springhurst and District Community History and Culture	\$2,588
North East Windsport Club	Moving On	\$5,000
Myrree Soldiers Memorial Hall Committee	Entertainment Improvement Myrree Hall	\$2,695
Greta Recreation Reserve	Verandah Shade Project	\$5,000
Wangaratta Community Toy Library	Modernising Wangaratta's Community Toy Library	\$1,149
Wangaratta Magpies Cricket Club	Purchase of Essential Equipment for Participation and Growth	\$4,385
Whitfield and District Golf Club Inc	Purchase of Front End Loader/Bucket for New Tractor	\$3,800
Zonta Club	Community eSafety Information Night	\$1,550
Wangaratta Woodworkers Inc	Kitchen Upgrade to Facilitate Better Catering at Club Functions	\$5,000
Wangaratta Sustainability Network	Waste Wise Wangaratta	\$3,280
Greta Valley Landcare Group	Learning with Landcare	\$1,500
Wangaratta Lawn Tennis Club	Fencing of Hotshot Courts	\$2,000
TOTAL		\$44,788

## **Implications**

### **Policy Considerations**

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

### **Financial/Economic Implications**

	2016 Approved Budget for this proposal \$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue/Income				
Expense	50,000	44,788	+5,212	
Net Result	50,000	44,788	+5,212	

- While the nominal budget for this round of grants is \$50,000, it should be noted that a second round of grants will be made available in early 2018 and the variance identified above will be made available within that round of grants.

### **Legal/Statutory**

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

### **Social**

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

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

### **Environmental/Sustainability Impacts**

A number of the grants made will achieve environmental outcomes.

## **2017 – 2021 Council Plan**

### **The Rural City of Wangaratta Council Plan**

Key priorities:

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

- To ensure we are responding to the current and future recreational needs of our community and creating sustainable and quality recreation reserves throughout our municipality.

- By acknowledging our municipality as both rural and urban and developing a new vision together that reflects our future
- For our community to have access to quality and exciting arts and cultural experiences
- To assist the community to reduce their impact on the environment
- In partnership with the right organisations we will make sure that everyone feels safe in their own homes, in their streets and in their communities.

**We will create and deliver:**

- A community grants program that the supports the future of local community groups and organisations.
- Exceptional services and programs that help our families to be healthy happy and connected
- Opportunities that promote conservation and assistance to community groups to undertake conservation projects
- Opportunities to assist the community to adopt sustainable building and living practises and to reduce energy and water use

**The non-negotiables:**

- Our community can access recreation facilities and programs. We can all lead an active and healthy lifestyle.
- Our rural communities are supported and recognised as significant contributors to the economic and social character of the municipality.
- Our team will make the best and most efficient use of Council's resources

**What we do every day:**

- We talk to, inform and engage with the people who live, work and visit in our community.
- We acknowledge and recognise the diversity of our municipality and our landscape.
- We celebrate our diverse cultural heritage and the history of our place and people

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

N/A

## b) Other strategic links

### Rural City of Wangaratta Recreation Strategy

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

- Promoting the availability of facilities for casual community access (i.e. multi-use hard courts);
- Increasing the diversity of available opportunities such as nature walks/walking circuits, exercise stations, informal recreation opportunities for young people and older adults, seating/picnic facilities and play spaces.

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

### Rural City of Wangaratta Municipal Public Health and Wellbeing Plan 2017-2021

- 1.1.1 Build collaborative partnerships to support and contribute to whole of community actions to prevent family violence
- 2.1.1 Promote and support accessible, affordable and inclusive opportunities for girls and women of all abilities and ages to be part of all elements of community life including sport, cultural, education, employment and leadership roles
- 2.2.2 Provide free and accessible programs that enable men, women, young people and children of all abilities to enjoy and participate in cultural activities
- 5.1.4 Ensure key community facilities, precincts and spaces are family friendly to ensure parents and carers can easily participate in community life
- 5.2.4 Provide support to community groups and organisations that seek opportunities for innovation, collaboration and community participation
- 5.3.2 Consider design in community and recreational precincts, facilities and spaces in a way that enhances safety and passive surveillance

### Rural City of Wangaratta 2015 Access & Inclusion Charter

- Provide a safe and accessible environment
- Treating all people with respect and dignity
- Exercise leadership by advocating for the rights of disadvantaged groups

### Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Group's ability to contribute committed Cash / inkind	(3) possible	(2) minor	Medium	Requested detailed financials to support commitment
Group's	(3) possible	(2) minor	Medium	Continual



Risks	Likelihood	Consequence	Rating	Mitigation Action
capacity to implement project with available volunteer capacity				monitoring throughout project implementation

### **Consultation/Communication**

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

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

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

### **Conclusion**

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

It is requested that Council consider the endorsement of the projects listed in *Table 1*.

### **Attachments**

Nil

### **Questions**

**Warren Coles – Glenrowan:** Is this the end of small grants for this year?

**Jaime Carroll, Director Community Wellbeing:** Yes, for this calendar year. We have large grants that will happen early next year.

*Cr Harvey Benton returned to the Chamber.*

## 15. INFRASTRUCTURE SERVICES

### 15.1 RENAMING OF ROADWAY AT THE RIVER END OF OVENS STREET TO SYDNEY BEACHES

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 21 November 2017  
**Author:** Executive Assistant - Infrastructure Services  
**File Name:** Naming Proposal - Mundgee Place  
**File No:** S17/2556

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 submissions to the advertising of the proposal to rename the roadway at the river end of Ovens Street to Sydney Beaches as “Mundgee Place”.

#### **RECOMMENDATION:**

**(Moved: Councillor D Fuller/Councillor M Currie)**

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

- 1. resolves to rename the roadway at the end of Ovens Street to Sydney Beaches as “Mundgee Place”; and***
- 2. places the proposal on the Notification for Edit System seeking approval by the Geographic Names Registrar and gazettal, in due course.***

**Carried**

#### **Background**

The Place Naming Committee made recommendation for the naming of the roadway above and the 2 suspension bridges over the Ovens River with names suggested by the Bullawah Cultural Trail Committee in a report presented to the Council meeting held on 19 April 2016. The proposed name for the roadway was Bullawah Place and the bridge names being Torryong and Dirrawarra. The proposals were approved by the Office of Geographic Names and gazetted on 27 October 2016.

However, the Bullawah Cultural Trail had not been formally named and gazetted prior to the launch of the project. As the Trail had been constructed and officially opened ahead of the roadway naming this meant there was a duplicate of names (Bullawah). Duplication is not allowed in the *Naming rules for places in Victoria*,

*Statutory requirements for naming roads, features and localities – 2016 and Council's Naming Roads, Streets and Other Accessways Policy.* The Geographic Names Registrar requested that the roadway be renamed and a formal process to have the Bullawah Cultural Trail gazetted retrospectively is currently on hold pending this road renaming completion.

Further research resulted in the proposal to rename the roadway as "Mundgee Place". Mundgee meaning Murray Cod which is found in the Ovens River and is deemed by the Committee as appropriate. Refer attached location map.

At the ordinary meeting of Council held on 19 September 2017, Council resolved to advertise its intention to rename the roadway as "Mundgee Place". The proposal was advertised in the Wangaratta Chronicle on 22 and 29 September 2017 and on Council's website, seeking submissions from the community. The proposal was also communicated to referral authorities (including the Registered Aboriginal Party (RAP) for the area) seeking feedback. The submission period closed on Friday 20 October 2017.

There were no objections received to the proposal by the close of the submission period. No response is taken to mean no objection to the proposal.

### **Implications**

#### **Policy Considerations**

Council's Naming Roads, Streets and Other Accessway Policy.

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

The sign at the Ovens Street/ Faithfull Street roundabout will be replaced to indicate the new name at a minimal cost.

#### **Legal/Statutory**

Naming rules for places in Victoria (the naming rules) must be adhered to.

#### **Social**

Including indigenous names in road and place naming in Victoria is encouraged under the naming rules. Naming roads and places is required to allow the community to give accurate advice of their location in times of emergency.

#### **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 established

**We will plan, research and advocate for the future:**

To address traffic, parking and pedestrian challenges to create communities that are safe, easy to navigate and accessible.

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

N/A

**b) Other strategic links**

N/A

**Consultation/Communication**

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Consult	Seek public feedback into the naming proposal.	Wangaratta Chronicle Council's website

Officers believe that appropriate consultation of the proposal has occurred.

**Conclusion**

Following advertising of the proposal to rename the roadway, no objections were received and therefore it is recommended that Council rename the roadway from the river end of Ovens Street to Sydney Beaches as "Mundgee Place".

**Attachments**

- 1 Proposed Mundgee Place location map [↗](#)

## 15.2 MUNICIPAL EMERGENCY MANAGEMENT PLAN 2017 REVIEW

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 21 November 2017  
**Author:** Emergency Management Project Officer  
**File Name:** Municipal Emergency Management Plan - 2017 Audit  
**File No:** S17/2439

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 Municipal Emergency Management Plan (MEMP) 2017 (refer attachment).

#### **RECOMMENDATION:**

**(Moved: Councillor H Benton/Councillor A Fitzpatrick)**

***That Council adopt the Municipal Emergency Management Plan 2017 as presented.***

**Carried**

### **Background**

Municipalities in Victoria are required to convene Municipal Emergency Management Planning Committees. These multi-agency committees have a role to create and maintain Municipal Emergency Management Plans. These plans are audited on a three year basis and the Wangaratta Municipal Emergency Management Plan is due for audit at the end of November 2017.

At the ordinary meeting of Council held on Tuesday 19 September 2017, Council resolved to place the draft MEMP on exhibition. The draft MEMP 2017 was placed on public exhibition for a period of 28 days with submissions closing on 20 October 2017.

The draft MEMP was also reviewed by agency partners and extensive comments were received from Victoria SES and Department of Health & Human Services. These comments have been incorporated into the MEMP.

No other comments were received at close of the submission period.

The MEMP 2017 has been extensively revised. These revisions include the municipal risk profile, demographic information taking into account the 2016 census data and other changes, information on key tourism and other events and a revised history of emergencies.

Revisions also incorporate changes to State and Regional response and recovery arrangements, policy amendments and machinery of government alterations.

### **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**

Municipal Councils are required under the *Emergency Management Act 1986* to prepare and maintain a Municipal Emergency Management Plan.

#### **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**

This report supports the 2017 - 2021 Council Plan:

#### **Goal**

We are Sustainable

#### **What we do every day**

We ensure we are prepared for emergency response and recovery.

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

By working towards managing our risk for our community for flood, fire and other natural disasters and impacts.

### **Strategic Links**

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

N/A

**b) Other strategic links**

N/A

**Consultation/Communication**

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

**Conclusion**

Following the 28 day public exhibition period the draft MEMP 2017 has been reviewed by agency partners and it is recommended that Council adopt the revised Municipal Emergency Management Plan 2017.

**Attachments**

- 1     Municipal Emergency Management Plan Review 2017 [↗](#)

### 15.3 ASSET MANAGEMENT STRATEGY REVIEW 2017

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 21 November 2017  
**Author:** Asset Planning Coordinator  
**File Name:** Strategic Asset Management Strategy Review 2017  
**File No:** S17/2585

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 adoption of the Asset Management Strategy 2017-2021 (AMS).

#### **RECOMMENDATION:**

**(Moved: Councillor M Currie/Councillor A Fitzpatrick)**

***That Council adopts the Asset Management Strategy 2017-2021***

**Carried**

#### **Background**

Council endorsed the Draft AMS for public exhibition at the Ordinary Council meeting held on 19 September 2017.

The AMS outlines direction and priorities for improving the long term management of Council's infrastructure assets. The AMS aims to balance good asset management practice, with community expectations regarding the desired condition of assets, and the financial capacity of Council to meet those expectations.

The AMS outlines the 'current state' of asset management within Council, and the desired 'future state' of asset management. A list of strategic actions for asset management has been identified to enable the gap between current state and desired future state to be closed.

#### **Implications**

#### **Policy Considerations**

Council's Asset Management vision, *"To provide and maintain assets that are accessible, safe, sustainable and responsive to the needs of the community"* is stated in the Asset Management Policy 2016.



Completion of the strategic actions identified in the Asset Management Strategy is designed to achieve this vision, and meet the objectives of the Asset Management Policy.

### **Financial/Economic Implications**

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

### **Legal/Statutory**

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

### **Social**

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

### **Environmental/Sustainability Impacts**

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

### **2017 – 2021 Council Plan ‘Our Roadmap for the Future’**

The Council Plan 2017-2021 focuses on five key pillars:

- **We are Sustainable** – Economic and Environmental Sustainability
- **We are Inspired** – Arts and Culture/Community Engagement and Participation
- **We are Established** – Infrastructure/Roads/Buildings/Waste
- **We are Growing** – Economic Development/Tourism/Planning/Population Growth
- **We are Thriving** – Health/Wellbeing/Being Active/Community

In accordance with the Pillar ‘*We are Established*’, Council is required to achieve 25% completion of strategic actions within the Asset Management Strategy annually.

The Pillar ‘*We are Sustainable*’ has identified ensuring that ‘*asset management systems are maintained*’ is essential. Achieving the goal ‘*We are Sustainable*’ requires funding asset maintenance and renewal activities to ensure that assets remain fit-for-purpose, and able to deliver expected levels of service to the community.

### **Strategic Links**

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

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

Asset Management Policy

### **Risk Management**

The AMS supports risk management, by ensuring that assets are provided and maintained in a way that ensures they remain safe, fit for purpose, and responsive to the needs of the community.

### **Consultation/Communication**

A notice advertising that the Draft AMS was available for public exhibition was placed in the Wangaratta Chronicle. This notice invited public submissions on the Draft AMS, up to close of business on Friday 20 October 2017.

Paper copies were made available for review at Council reception, and also at the Wangaratta library. An electronic version was available for review on Council's website.

No submissions were received at the close of the exhibition period.

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

### **Conclusion**

The purpose of the AMS review is to outline direction and priorities for improving the long term management of Council's infrastructure assets. The AMS aims to balance good asset management practice, with community expectations regarding the desired condition of assets, and the financial capacity of Council to meet those expectations.

The Asset Management Strategy 2017-2021 is presented for Council adoption.

### **Attachments**

- 1 ASSET MANAGEMENT STRATEGY 2017 - 2021 [↗](#)

## 15.4 NORTH WANGARATTA RECREATION RESERVE REHABILITATION

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 21 November 2017  
**Author:** Director - Infrastructure Services  
**File Name:** Lead Contamination - North Wangaratta Sports Reserve  
**File No:** S17/3427

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 formally consider accepting grant funding for the clean-up and rehabilitation of the North Wangaratta Recreation Reserve and to authorise the Chief Executive Officer (CEO) to expend these funds in accordance with the conditions of the grant.

#### **RECOMMENDATION:**

**(Moved: Councillor H Benton/Councillor A Fitzpatrick)**

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

- 1. *Authorises the CEO to accept the grant funding for the clean-up and rehabilitation of the North Wangaratta Recreation Reserve, and***
- 2. *Authorises the CEO to expend these funds in accordance with the grant funding conditions and the project stages and estimates detailed in the confidential attachment.***
- 3. *To disclose the contract price at the February Council meeting.***

**Carried**

### **Background**

In 2016 potential lead contamination was identified at the North Wangaratta Recreation Reserve. The Environmental Protection Authority (EPA) investigated the report, commenced the preliminary work to clean-up the site and then issued formal 'Clean-Up' notices. The Wangaratta Clay Target Club, the Recreation Reserve Committee, The Department of Environment, Land Water and Planning (DELWP), and the Rural City of Wangaratta (RCOW) have been actively involved in the process.

In September 2017 the RCOW was issued a clean-up notice and became the project manager for first stage which is the clean-up and rehabilitation of the oval and immediate surrounds and have now been allocated \$3.0M from DELWP to commence the overall project.

The various technical clean-up plan requirements have been met to the satisfaction of the EPA and the first practical stage of the project is to commence.

### **Implications**

#### **Policy Considerations**

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

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

The DELWP have allocated \$3.0M to this project for RCOW to manage. It is proposed that these funds be brought into the Council budget as part of the mid-year budget review at the December meeting of Council. It is not envisaged that further funds will be required from Council.

The closure of the Recreation Reserve has also resulted in financial losses for the various user groups.

#### **Legal/Statutory**

Formal clean-up notices have been issued to Council and as such there is a legal responsibility for Council to meet all of the conditions contained within these notices.

#### **Social**

The lead contamination has resulted in the closure of parts and at some stages all of the Recreation Reserve, which has had a significant negative social impact and the earliest possible re-opening is highly desirable.

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

The contamination is a significant environmental hazard and the adoption of these recommendations will allow clean-up to commence.

### **2013 – 2017 Council Plan (2016 Revision)**

This report supports the 2013-2017 Council Plan:

#### **Goal**

We are thriving

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

To ensure we are responding to the current and future recreational needs of our community and creating sustainable and quality recreation reserves throughout our municipality

**What we do every day**

We maintain our parks and gardens, reserves and open spaces to ensure the safety and enjoyment of our people, and the protection of our spaces

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

N/A

**b) Other strategic links**

N/A

**Consultation/Communication**

The contamination and the need for clean-up has received wide-spread media coverage and community input. All of the user groups have been, and will continue to be involved in the clean-up and rehabilitation process.

**Options for Consideration**

1. Accept the grant funding and authorise the CEO to expend funds in accordance with the funding guidelines.
2. Not accept the grant funds and complete the clean-up and rehabilitation with Council funds.

**Conclusion**

The lead contamination of the North Wangaratta Recreation Reserve has caused a great deal of disruption, financial loss and pain for all of the user groups. The technical clean-up plan requirements have been met and physical work is now ready to commence. DELWP have made funds available and the recommendations included in this report, if adopted, will allow the works to proceed.

**Attachments**

- 1 North Wangaratta Recreation Reserve remediation - Confidential

## 16. DEVELOPMENT SERVICES

### 16.1 CONTRACT 1718/011 FOR THE PROVISION OF DOMESTIC ANIMAL POUND SERVICES

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 21 November 2017  
**Author:** Manager Building, Planning and Compliance  
**File Name:** N/A  
**File No:** T1718/011

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 tender evaluation report is presented to Council to decide the provision of Domestic Animal Pound services for the Rural City of Wangaratta for a term of three years. The pound is located at Connell Street, Wangaratta and is owned by the Royal Society for the Prevention of Cruelty to Animals (RSPCA). The report also recommends an increase to registration fees to be referred to the mid-year budget review.

#### **RECOMMENDATION:**

**(Moved: Councillor D Rees/Councillor H Bussell)**

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

- 1. awards Contract 1718/011 for the Provision of Domestic Animal Pound Services to RSPCA (Victoria) Incorporated, 3 Burwood Highway, Burwood East VIC 3151, for a three (3) year period commencing 22 November 2017 and ending on 21 November 2020; and***
- 2. authorises the Chief Executive Officer to sign and seal all relevant Contract documents: and***
- 3. refers the recommended animal registration fee increase to the mid-year budget review.***

**Carried**

#### Background

Tenders for this contract were invited through advertisements as follows:

Wangaratta Chronicle	15 September 2017
Tenderlink	8 September 2017

Tenders closed at 2.00pm on Thursday 28 September 2017.

There was no pre-tender meeting for this contract.

The tender evaluation panel comprised Council's Manager Building, Planning & Compliance, acting Director Development Services and Procurement Officer.

#### Tenders Received

One tender was received by the due date from Royal Society for the Prevention of Cruelty to Animals Victoria Incorporated (RSPCA), 3 Burwood Highway, Burwood East 3151.

The RSPCA tender submission is based on a lump sum fee in accordance with Schedule 2.1 and has been set for each year of the three year contract. As previously, a rebate will off-set the fee for the agreed amount for each animal reclaimed by the animal owner. The original RSPCA tender fee amount is dependent on a successful tender to Rural City of Benalla for animal pound services supplied at the Wangaratta pound, as the lump sum fee has been calculated on a proportionate basis according to total incoming animal numbers from each Council.

Providing that Benalla contracts to use the Wangaratta Pound then the annual gross fees (excluding GST) are \$257,523.36 in Year 1, \$303,221.37 in Year 2, and \$312,318.02 in Year 3. By comparison, the contracted gross fee amount for the last 12 months of the previous contract with RSPCA was \$142,784.40. Last year the total of monthly rebates (for animal reclaims) deducted from the annual fee was approximately \$47,500 ex GST and a similar rebate per year can be assumed going forward.

RSPCA has indicated that their organisation moved to a cost recovery model and can no longer justify having donors to RSPCA subsidize pound services to the previous extent. In recognition of the large increase from previous years, the first of the three years has been discounted to assist Wangaratta Council transition to the higher fee.

Following submission of the formal tender, an alternative annual fee schedule was requested from RSPCA to reflect the scenario for Wangaratta Council where Benalla did not contract to use the Wangaratta pound. The RSPCA costs to run the pound are largely fixed rather than being able to respond to the reduction in animal numbers. The RSPCA has advised the gross fee to provide pound facilities to Wangaratta alone would be \$330,821.84 in Year 1, \$394,306.49 in Year 2 and \$406,135.69 in Year 3. The likely rebate figure would remain around \$47,500 because that is dependent on animals reclaimed to Wangaratta residents only.

The scenario of only Wangaratta Council proceeding with the tendered contract results in approximately \$73,300 in additional costs in year 1, \$91,000 Year 2 and \$93,800 Year 3. While these figures are marginally less than Benalla would have contributed due to reduced animal numbers, the benefits of resource sharing where possible are well demonstrated.

The above figures are shown in table form below:

	Financial Year 16/17	Last contract year Aug to Aug	New contract year 1	Year 2	Year 3
RCoW with Benalla	\$ 79,659	\$ 82,161	\$ 210,023	\$ 255,721	\$ 264,818
RCoW without Benalla			\$ 283,321	\$ 346,806	\$ 358,635

All figures are ex GST and net of \$47,500 rebate (estimate)

Discussion with Benalla Council management indicates that they are most likely not going to accept the tender from RSPCA and intend to piece together a number of direct arrangements with suppliers in relation to their needs for animal management. The number of domestic animals (dogs only) that previously passed through the Wangaratta pound facility from Benalla municipality made up about 20% of the total numbers, with Wangaratta Rural City contributing the balance.

#### Tender Evaluation

The tender was evaluated in accordance with evaluation criteria set out in the Conditions of Tendering. RSPCA has extensive experience with the provision of pound services at Wangaratta and in recent years with 17 other Councils. RSPCA has a demonstrated capacity to deliver quality services and scores highly on the set criteria which includes capacity and experience to perform the services required, content of locally sourced materials, consumables and labour, and OHS management system and procedures. 20% of the tender evaluation is on the basis of Tender Price. This is discussed in more detail below.

The community expects that domestic animal management extends to providing an animal shelter aiming to achieve best practice conditions for domestic animals often housed well beyond the statutory 8 day retention period, and aiming to achieve a high level of rehoming of unclaimed or abandoned/surrendered animals. Beyond the provision of the pound premises, staff, and transport vehicle, there is considerable time spent and costs associated with organising of volunteers, and maintaining a network of external providers to assist with animal shelter and care including re-homing of viable animals.

Alternative models for the provision of pound services have been examined together with benchmarking of the cost experienced by neighbouring Councils. On a per animal per day basis, the less than \$20 for the Wangaratta pound is comparable with the combined facility that services Wodonga, Indigo and Albury, and also with pounds operated around Victoria by RSPCA. RSPCA has been the successful tenderer at the new 'super pound' facility built at Whittlesea that includes Darebin and Moreland. The tender amount still represents good value for the service that is provided to Council and the community by the RSPCA at Wangaratta. The community benefits by having the facility locally rather than travelling outside the municipality to reclaim their domestic animals.



In Year 1 the likely net fee payable to RSPCA would be \$283,000 ex GST. The last 12 month period of the previous contract had a net cost of \$82,161. The RSPCA is comfortable for the contract to have flexibility to allow for costs to RCoW to be reduced in future in the event that additional animals are processed through the pound from neighbouring municipalities. For example, discussion of RSPCA indicates that Benalla is likely to still require shelter facilities for longer term housing of cats in the event that they reduce their use of Wangaratta pound for dogs.

The RSPCA has demonstrated over many years that it meets the required tender evaluation criteria, and is the sole tender received. The large fee increase proposed, which is largely due to the service having previously been subsidized by RSPCA donors, is justified on a cost recovery basis, and still represents good value as discussed above. On this basis the RSPCA tender is the preferred method of delivering the domestic animal pound service for the next three years.

In conjunction with the pound contract being finalised, it is considered that a review of the domestic animal registration fees should be undertaken. The majority of registration fees are collected in April each year. Bringing the registration fees for Wangaratta in to line with comparable Councils in our region could raise a further \$73,000 annually from the approximately 7,000 animal registrations.

Domestic animal registration fees have been compared for 12 municipalities in the Hume region and including regional cities Shepparton and Bendigo. Taking de-sexed dog as the benchmark fee and being the largest category of registration, Wangaratta with an annual fee of \$30 (2016/17) is considered at the lower end. The average fee for 2017/18 adopted budgets in the 12 Councils is about \$38, with the highest at \$49 (Wodonga).

The concession fee for animal registration is a 50% reduction, so for Wangaratta last year was \$15. Raising the fee for de-sexed dog to \$42 with concession being \$21 is considered reasonable, firstly by comparison with like councils, and secondly considering the substantial increase in pound costs which the community has to fund. Other categories would increase relative to the de-sexed animal fee. Such fees would rank on par with Bendigo, be slightly more than Shepparton and Strathbogie (both \$40) and remain less than Campaspe (\$45) and Wodonga (\$49). This fee recommendation would be referred to the mid-year budget for decision in time for the annual registration renewal date in April.

### **Implications**

#### **Policy Considerations**

The Domestic Animal Management Plan 2013-2017 is a specific Council policy or strategy that relates to this report. Impounding of domestic animals is a key activity identified in the Plan, and this activity assists to increase the rate of microchipping and registration of domestic animals.

## Financial/Economic Implications

There is a financial and economic implication identified for the subject of this report. The budget variance below is shown on the basis of approved budget figures that were estimated well in advance of knowing that this contract renewal would result in a large net increase.

There is a likely risk that the net result figure will be the scenario where Rural City of Benalla do not contract to use the Wangaratta facility, this is shown in the second row of the table below.

	2017/2018 Approved Budget for this proposal \$ (net cost)	This Proposal \$ (net cost)	Variance to Approved Budget \$	Variance with recommended registration fee increase
Net Result with full Benalla participation	81,500	210,000	128,500	\$55,500
Net result of RCoW alone	81,500	283,000	201,500	\$128,500

Note: the actual net cost to RCoW for the RSPCA contract in the 16/17 financial year was \$79,659.

## Legal/Statutory

There is a statutory obligation for Council to provide appropriate animal management including regulation for the impounding of animals. Arrangements must be in place to receive, process and care for impounded animals.

## Social

There is a social impact associated with providing domestic animal management including amenity and safety implications of animals at large, and appropriate and humane care for animals that are impounded or abandoned. Increasing fees for release of impounded animals rather than for registration fees would be likely to increase the number of animals abandoned or not collected from pound facilities and be socially and financially counter-productive.

## Environmental/Sustainability Impacts

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

## 2017 – 2021 Council Plan

This report supports the 2017-2021 Council Plan:

### Goal

We will plan and decide.

We will be thorough and considerate in how we make decisions – look at all the information and make sure we understand the options, impacts and potential outcomes.

We are sustainable

The non-negotiables

Our team will make the most efficient use of Council's resources.

Our legislative, governance and compliance requirements will be met.

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

N/A

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

Domestic Animal Management Plan 2013-2017

#### **Risk Management**

Accepting RSPCA as the supplier of domestic animal pound services at their facility in Wangaratta is the lowest risk approach. They are an incorporated body with a proven track record for successfully providing this service with a best practice approach to animal welfare and well documented procedures for all recognised risks of operations.

#### **Consultation/Communication**

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	Communicate reasons for large fee increase	Media, Website
Involve	Complying publicly advertised tender process	Newspaper, Tenderlink

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

As part of an education process the community could be informed about the large increase in costs to provide the expected level of service for domestic animal management, and that some increased burden needs to be shared on a 'user pays' principle by animal owners as well as the increased burden on general rates. Increasing fines beyond the pound fees for reclaiming animals tends to increase the number of animals not reclaimed, with no net gain to the budget.

#### **Options for Consideration**

Approve the tender submitted by the RSPCA as recommended.

Not approve the tender. In this case an alternative arrangement for provision of the service needs to be identified and put in place from the expiry of the current arrangement with RSPCA. This is not recommended.

### **Conclusion**

The RSPCA submitted the sole tender received and has demonstrated over many years that it meets the required tender evaluation criteria, and represents reasonable value as discussed above. On this basis the RSPCA tender is the preferred method of delivering the domestic animal pound service for the next three years. Animal registration fees should be brought into line with comparable councils as benchmarked and recognising that the burden of additional pound costs should be shared with animal owners along with general rates. It is requested that Council decide to accept RSPCA as the successful tender, and consider the registration fee increases in the mid-year budget review.

### **Attachments**

Nil.

## 16.2 PLANNING SCHEME AMENDMENT C72 - (COMBINED AMENDMENT AND PLANNING PERMIT 16/092) WANGARATTA GOLF COURSE

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 21 November 2017  
**Author:** Principal Statutory Planner  
**File Name:** C72  
**File No:** F16/2292

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.

*Mayor Ken Clarke left the Chamber having previously declared a conflict of interest as he is a life member of Jubilee golf club. Deputy Mayor Harvey Benton assumed the chair for this item.*

### **Executive Summary**

This report is presented to Council as the relevant Planning Authority, to consider the recently received Panel Report in relation to this amendment.

This report contains the Planning Panels review of Amendment C72 and their recommendations following the Panel hearing held on 4 April, 2017.

A copy of the Panel report accompanies this report at Attachment 1 (***refer attachment***), and this report is a public document.

Pursuant to Section 27 of the *Planning and Environment Act 1987* (the Act), Council must now consider the panel report, before deciding to either adopt or abandon the amendment.

In summary the Panel has supported Amendment C72 and Planning Permit 16/092 and recommends that the Amendment be adopted as exhibited subject to minor changes and the resolution of issues relating to Cultural Heritage.

#### **RECOMMENDATION:**

**(Moved: Councillor D Rees/Councillor M Currie)**

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

- 1. *has considered the Panel Report in accordance with Section 27 of the Planning and Environment Act 1987 (the Act);***
- 2. *Pursuant to Section 29(1) of the Act, Adopts Amendment C72 and Planning Permit 16/092 subject to changes and actions outlined in Attachment 2 – (Analysis of Panel Report & Submissions – Summary Table);***
- 3. *Pursuant to Section 31(1) of the Act submit the adopted***

***Amendment to the Minister for Planning for approval pursuant to Section 35 of the Act;***

- 4. Notifies the proponent and submitters in writing of Council's decision.***

**Carried**

**Proposal in Detail**

Amendment C72 is a proponent lead amendment that proposes to:

- Rezone a 7.98 hectare parcel of land within Lot 27 LP135240 (being the Wangaratta Golf Course) from Special Use Zone – Schedule 4 (Golf Course) to General Residential Zone; and
- Consider an application for a planning permit for a staged multi lot (59 lots) residential subdivision, removal of native vegetation and new access to a Road Zone 1 (Wangaratta-Yarrowonga Road).

**Exhibition & Submissions**

The amendment was exhibited between the 24 November, 2016 and the 6 January, 2017.

A total of 18 submissions were received and are summarised in **Attachment 2 – Table of Submissions**. Six (6) submissions are from referral and government agencies. These agencies provide general support for the amendment with some requesting minor alterations to permit conditions as outlined within the table.

The remaining 12 submissions are from individual and joint community members, including members of the Wangaratta Golf Club. These submissions are divided in both support (7) (3 of which are Golf Club Members) and opposition (5) to the proposed amendment.

Submission No.12 (opposing the amendment), was signed by a total of 23 people when submitted. However, Council has since received a request from one of the undersigned to have their name removed from the submission. Therefore, this submission now contains a total of 22 signatories.

All submissions (both supporting and objecting) were referred to the Independent Planning Panel for their consideration.

**General Summary of Issues:**

The following is a summary of the main issues raised within the submissions:

***Submissions of Support (7)***

- Development will enhance Golf Course
- Secures the long term future of Golf Course.
- Retention of vegetation.

- Creation of new Shared pathway.

### ***Submissions of Opposition (5)***

#### *Neighbourhood Character:*

- Proposed general residential zoning and lot sizes are not consistent with the established and surrounding neighbourhood character.
- The proposal is in contradiction to Amendment C61 (Waldara LDRZ).
- The proposal should be subject to the same controls as Am C61.
- Loss of vegetation.
- Development will detrimentally impact on a major entrance to the town.

#### *Traffic:*

- Increase in traffic / noise within the area.
- Without the second connection to Wangaratta-Yarrowonga Road, the subdivision operates as an oversized court.
- No commitment to the second road connection.
- Pressure on the new intersection.

#### *Stormwater:*

- Loss of natural flood storage.
- Will increase existing drainage issues within the area.

#### *Miscellaneous:*

- Reference within the RCOW Population and Housing Strategy 2013, seems an afterthought.
- Opportunistic development.
- Loss of Lifestyle.

In summary the common major issues raised within the opposing submissions relate primarily to issues of neighbourhood character, traffic, drainage and infrastructure.

A complete summary, analysis and response to all the submissions was reported to Council's February 2017 meeting, and is contained at Attachment 2.

### **Independent Planning Panel**

A one day public panel hearing was held on 4 April, 2017. Four parties including Council made representation to the Panel, and the Panel considered all submissions to the amendment both in support and opposition within its report. The key issues raised within the five objecting submissions were:

- Strategic justification for applying the GRZ1.
- Response to neighbourhood character.
- Consistency with Amendment C61.
- Native Vegetation.
- Traffic Management and road layout.
- Drainage and stormwater.
- Indigenous heritage issues.

The Panel has now made its recommendations and Council must now consider the report.

Overall the Panel was supportive of Amendment C72, stating that:

*The Panel has considered all written submissions, as well as presentations made to the public hearing held on 4 April 2017, and has drawn the following conclusions:*

- *The Amendment is supported by relevant planning policy.*
- *The Amendment is strategically justified.*
- *The proposed development does not create unreasonable neighbourhood character impacts on the nearby low density residential areas.*
- *The Amendment is not inconsistent with the objectives of Amendment C61 in relation to the Waldara low density residential area.*
- *Potential traffic, drainage, visual and amenity impacts of the proposed development can be appropriately mitigated by permit conditions.*
- *The findings of the Aboriginal Cultural Heritage Due Diligence Assessment Report for the site should be reviewed to consider the impact of new information on the extent of ground disturbance provided by the Waldara precinct Group.*
- *Depending on the outcome of the review of the Due Diligence Assessment Report, a Cultural Heritage Management Plan may be required to be prepared before the permit is progressed.*

Overall the Panel has recommended that:

1. Amendment C72 to the Wangaratta Planning Scheme be adopted as exhibited.
2. Wangaratta Planning Permit 16/092 be approved subject to:
  - Amending the permit conditions as shown on Appendix C of this report, and;
  - The responsible authority confirming that a Cultural Heritage Management Plan is not required, or alternatively, requiring the completion of a Cultural Heritage Management Plan to the satisfaction of the Responsible Authority.

### **Post Panel Activity:**

#### **Cultural Heritage Management Plan (CHMP)**

Following consideration of the new information provided to the Panel, Council officers determined that a Cultural Heritage Management Plan (CHMP) was required to be prepared for the development. This opinion was also confirmed by an assessment of the new information by a Cultural Heritage consultant.

The amendment proponent therefore engaged a suitably qualified Cultural Heritage consultant to prepare and undertake investigations for a CHMP. This



plan has now been lodged with, and approved by the local Registered Aboriginal Party (RAP).

No specific conditions or any alteration of the development is required in relation to the outcomes of the CHMP investigations.

### **Post Panel Change – VicRoads / NECMA and CFA Permit conditions**

The amendment proponent and VicRoads have negotiated a change to the staging of VicRoads conditions on the draft planning permit. This change specifically relates to condition 46 of the permit and alters the requirement for the construction of the subdivision / access road and intersection from being provided at Stage 1 until Stage 2.

This change allows the excision of the development lot from the golf course without the construction of the intersection. The northern intersection will be developed within stage 2 of the residential subdivision to allow all road works to integrate in a uniform manner. A reserve has been set aside in stage 3 to allow development of a second southern vehicle access with Wangandary Rd in the event that the Wangandary Rd/Yarrowonga Rd intersection is upgraded to a roundabout because the access would be at that intersection but is unworkable without a roundabout treatment. The permit requires a developer contribution to be made prior to the completion of stage 3 towards these works.

There are other minor alterations to the conditions on the draft permit, specifically the conditions of North East Catchment Management Authority and the Country Fire Authority. These changes have been instigated by Council officers to ensure that relevant conditions relate to the timing of stages within the development.

Minor changes are also made to Council's conditions to provide clarity around building envelope restrictions and update exhibited conditions with current planning department standards (removal of property crossover requirements).

These changes are incorporated in the final draft planning permit contained in **Attachment 3** to this report.

### **Implications**

#### **Policy Considerations**

Council's *Population and Housing Strategy (2013)* is a reference document at Clause 21.12 of the Wangaratta Planning Scheme.

This Strategy identifies the golf course site as a '*strategically important site as it provides vacant and readily serviceable residential land within the north western growth precinct*'.

The Strategy further recommends as a Strategic Direction the rezoning of part of the golf course land to 'facilitate a Residential growth opportunity'. The amendment is considered to be consistent with the objectives of this strategy.

**Financial Implications**

Future fees for any approval of the amendment by the Minister for Planning will be \$462.20. This amendment is a private proponent driven amendment and therefore the proponent will be responsible for the payment of this fee.

**Legal/Statutory**

All procedures associated with this amendment comply with the legislative requirements of the Act.

**Environmental/Sustainability Impacts**

A number of environmental issues are raised in the exhibited Explanatory Report. The subject land is partially affected by the Land Subject to Inundation Overlay. Detailed design of the proposed subdivision must address development in these areas as well as adequate stormwater management.

There is proposed to be an amount of native vegetation removal in order to accommodate the subdivision layout, and changes to the remodelled golf course and these will be considered as part of any revegetation or offsetting.

**Economic Impacts**

The amendment will provide economic benefit to the local community by supporting the development of new housing within the local area.

As outlined within the exhibited explanatory report, the amendment will also provide financial capital to an existing sporting club, allowing the redevelopment of the golf course and in the longer term the potential for the establishment of a new club house and restaurant (separate to this amendment).

**Referrals/Public Notice****2017-2021 Council Plan**

This report supports the 2017-2021 Council Plan:

## **We are Growing**

### **We will plan, research and advocate for the future:**

- To facilitate considered planning and development in line with long term strategic objectives for the sustainability of our community and environment.

## **We are Established**

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

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

### **Strategic Links**

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

*‘The Rural City of Wangaratta has not grown for growth’s sake. Population and housing expansion has been well considered, planned and managed, with moderate and well-paced growth occurring in line with the creation of employment and infrastructure and services provision.’*

The proposal is generally consistent with this section of the Community Vision and action item 20 of Councils Population and Housing Strategy 2013 which nominates the following:

*‘rezoning of 5.8ha of the Wangaratta Golf Course land fronting the Wangaratta-Yarrawonga Road Waldara to facilitate a residential growth opportunity by rezoning the land as General Residential Zone.’*

### **Consultation/Communication**

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	We will keep you informed	Notification to residents of the surrounding area about the exhibition of the amendment.
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 C72 included letters to residents and agencies. Any submissions have been considered by the Planning Panel.
Involve	N/A	Panel hearing – opportunity for all parties to be involved in an independent planning panel.
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):**

Resolve to adopt the amendment and draft planning permit with changes in line with the recommendations of the Planning Panel, pursuant to Section 29(1) of the Act.

And pursuant to Section 31(1) of the Act submit the amendment to the Minister for Planning with changes for approval pursuant to Section 35 of the Act.

This option follows the statutory process required to consider the Panel recommendations, makes changes as described, and is consistent with a good land use planning for the Wangaratta Golf Course.

#### **Option 2: (Not recommended):**

Abandon the amendment under section 28 of the Act.

### **Conclusion**

Amendment C72 seeks to rezone part of the land owned by the Wangaratta Golf Club, to facilitate an integrated multi-lot residential subdivision. The current golf course zoning (Special Use Zone 4) cannot currently facilitate the outcome as requested by the applicant.

This report recommends that Council considers the recommendations of the Planning Panel and adopts the combined planning scheme amendment and draft planning permit and submits the amendment to the Minister for Planning.

### **Attachments**

- 1 Attachment 1 - Wangaratta C72 and Planning Permit 16/092 - Panel Report [⇒](#)
- 2 Attachment 2 - Panel Recommendations and Submission Analysis Table Nov Council Version [⇒](#)
- 3 Attachment 3 - Draft Planning Permit 16/092 inc panel changes and other post exhibition changes [⇒](#)

*Mayor Ken Clarke returned to the Chamber and resumed the chair.*

### 16.3 SUBMISSION TO THE 'PLANNING FOR SUSTAINABLE ANIMAL INDUSTRIES REFORMS'

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 21 November 2017  
**Author:** Planning Officer  
**File Name:** Planning - Planning Scheme Amendments  
**File No:** F17/894

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 seek their endorsement of a draft submission that has been made to the Department of Environment, Land, Water and Planning (DELWP) with regards to Reforms to the Planning Scheme entitled Planning for Sustainable Animal Industries.

The Reforms include a comprehensive review of the Planning Scheme with regard to animal industries, defined as the use of the land to keep or breed animals for productive purposes including meat, eggs, milk and fibre. The reforms include changes to land-use definitions, planning permit requirements and assessment processes.

The reason for the submission is that there are significant concerns that the Reforms will, contrary to their intent,

- increase the level of regulation for farmers without providing greater clarity,
- place an undue emphasis on the preservation of residential amenity within the Farming Zone,
- significantly increase the instances of planning permits being required which places additional burdens upon farmers and upon Council's resources, and
- increase the complexity of determining whether proposals or farm operations satisfy the particular definition relied on and the requirements in the planning scheme.

The submission had to be made by 14 November 2017 and a draft submission was provided to DELWP with advice that a formal response would be provided following Council's consideration of this matter. Council is requested to endorse the submission and confirm the Rural City of Wangaratta's position regarding Planning for Sustainable Animal Industries.

#### **RECOMMENDATION:**

**(Moved: Councillor H Benton/Councillor A Fitzpatrick)**

***That Council notifies the Department of Environment, Land, Water and Planning that the draft submission to Planning for Sustainable Animal***

***Industries, as submitted on 14 November 2017, has been endorsed by Council and now forms Council's formal submission.***

**Carried**

### **Background**

The Animal Industries Advisory Commission (AIAC) was established in 2015 by the Hon. Richard Wynne MP, Minister for Planning to *provide advice to the Minister for Planning and Minister for Agriculture on how the planning system can support the establishment and expansion of productive, competitive and market-responsive animal industries in Victoria, balancing environmental outcomes and community expectations.*

AIAC handed down its Report in 2016, along with a number of recommendations regarding the nature of the industry, its interaction with other uses and the environment, the planning permit process, and enforcement of the Planning Scheme.

In September 2017 the Department of Environment, Land, Water and Planning (DELWP) released a number of Policy Reforms entitled *Planning for Sustainable Animal Industries* in response to AIAC's Report. The Reforms include a number of proposed amendments to the Planning Scheme, and were placed on public exhibition until 14 November 2017.

Prior to the close of the public exhibition period, Council Officers have made a draft submission to DELWP, outlining a number of concerns and recommendations to *Planning for Sustainable Animal Industries*. This Report seeks Council's formal endorsement of the submission, which forms Attachment 1 of this Report.

### **Implications**

#### **Legal/Statutory**

The ultimate objective of the *Planning for Sustainable Animal Industries* Reforms was to better support animal industries across the State by simplifying planning requirements for animal based farming and to improve the consistency of how the rules are applied.

The amendment proposes changes to the statutory requirements and assessment of animal industries, defined as *the use of the land to keep or breed animals for productive purposes including meat, eggs, milk and fibre.*

The Reforms propose changes to definitions within the Planning Scheme, which in turn change the circumstances in which planning permits are required, exempted, or prohibited. The Reforms sought to provide clarity of regulation rather than increased regulation; however it is considered that significant ambiguity remains within the reformed policies, and that the right to farm in the Farming Zone without a planning permit may have been weakened rather than supported.

Under the proposed reforms, the land use of Animal Production is established, and incorporates a number of sub-uses, including Intensive Animal Husbandry, Animal Grazing, Poultry Farming and Pig Farming. These uses are each individually defined, with several contradictions evident within definitions, and between definitions, creating significant ambiguity.

The ability of Council Planners to assess applications for these uses, when they are required, is hindered by the overly technical nature of an assessment of the appropriateness of an agricultural operation. There is a need for clear and detailed advice of when a permit should be applied for, what details of the agricultural operation need to be submitted with the application, and how Council Officers should distinguish between appropriate and inappropriate farming practices.

If the need for greater technical expertise in the assessment of animal agriculture is to be retained as part of the reforms, then the Department of Economic Development, Jobs, Transport and Resources needs to play a greater role in this assessment process.

## **Social**

The social impact of the Reforms is that they risk causing uncertainty for the Municipality's farmers and their families. The comparatively low threshold to farm *as-of-right* (i.e. without a planning permit), would result in significant numbers of farms losing their 'as-of-right' status. Whilst many existing productive properties enjoy existing use rights for their farming operation in its current form, efforts to diversify or undertake minor changes to the operation, such as the location of a feed trough or farming a different type of animal, could result in triggering the need for a planning permit.

The primary concern centres on the Farming Zone, which at over 200,000 hectares is the Municipality's most extensive zone. The Purpose of the Farming Zone, at Clause 35.07 of the Wangaratta Planning, includes *to provide for the use of the land for agriculture*. Any changes to a permit requirement, exemption or prohibition should be introduced with that purpose in mind.

Under the proposed Reforms, less-intensive farms, including grazing properties, would only avoid requiring a planning permit provided that they adhere to set standards. For instance, a planning permit would be required to undertake a grazing operation that has a supplementary feeding trough or hay feeder within 100 metres of a dwelling under separate ownership. A free range poultry farm that allows poultry within 50 metres of a dwelling under separate ownership would similarly require a planning permit.

Small lot subdivisions and new dwellings under past planning provisions have resulted in high occurrence of dwellings being sited within close proximity of adjoining farms. The proposed setback requirement would serve as a barrier to achieving the full productive potential of farms in proximity to dwellings, and does not recognise that many of these dwellings used for 'lifestyle' reasons are not supported by the purposes of the Farming Zone.



Prioritising residential amenity by inhibiting legitimate farming operations, regardless of their size or intensity, is contrary to the aforementioned Purpose of the Farming Zone, which not only seeks to *provide for the use of land for agriculture*, but also to *ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture*. The preservation of amenity of residential uses does not form part of the purpose of the Farming Zone.

### **Environmental/Sustainability Impacts**

The Reforms similarly seek to benefit the environment, by requiring a planning permit for uses that encroach upon established setbacks from waterways or exceed specified stock numbers for various animals.

Much like the minimum setbacks from dwellings, the waterway setbacks include a minimum distance of 100 metres between waterways and any building, works or equipment which is used for supplementary feeding, such as a trough or feed pad. While the principle of a waterway setback is supported, it is considered that the setbacks for less-intensive animal industries should be reduced, and that they should not apply to all waterways as currently defined, as some waterways are little more than predominantly dry depressions or drainage lines.

There are significant areas of the Municipality where properties would experience great difficulty in achieving the waterway setback without detriment to the sustainable operation of the property on a rotational basis. Whilst applying the setback to all waterways would benefit from the convenience of consistency with other planning provisions, there is a significant risk of substantially inhibiting the productive potential of the municipality.

With regards to stock numbers, it is considered that the as-of-right threshold has been set too low. Of particular note is the use of land for a Poultry Farm, which is limited to 200 birds without a planning permit, regardless of the size of the land. In order for the as-of-right threshold to correlate with the level of impact upon the environment, the 'land' must be better defined, and the maximum number of poultry allowable as-of-right should be dependent upon the land area.

### **2017 – 2021 Council Plan**

This report supports the 2017-2021 Council Plan:

#### **Goal**

#### **We Are Growing**

#### **We will plan, research and advocate for the future:**

To facilitate considered planning and development in line with long term strategic objectives for the sustainability of our community and environment.



## **Goal**

### **We Are Sustainable**

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

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

### **Strategic Links**

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

The Council Plan supports the aspirations and objectives of the Rural City of Wangaratta 2030 Community Vision by ensuring that:

The rural areas separating townships remain essentially productive and viable agricultural properties or Crown Land

And

High value rural agricultural land and open rural landscapes have been protected from development and fragmentation.

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

N/A

### **Risk Management**

There are no moderate to extreme risk associated with this submission.

### **Consultation/Communication**

Officers believe that this report is the appropriate method of informing the public about Council's position on the proposed reforms.

### **Options for Consideration**

If the Submission is not endorsed, Council could instead elect to withdraw the submission or submit an addendum to the submission.

### **Conclusion**

This report provides a summary of the reasoning behind the attached submission, which has been made to the Department of Environment, Land, Water and Planning. The submission has been made due to a number of concerns with the *Planning for Sustainable Animal Industries* Reforms. The proposed Reforms are considered to increase regulation for the Municipality's farmers without increasing clarity for farmers, applicant and council planners.

## **Attachments**

- 1 Animal Industries Submission [!\[\]\(31b03e46ee8a80a1f1467b8c03bd76e8\_img.jpg\)](#)

## 16.4 PARKING IN THE CBD OVER THE CHRISTMAS/NEW YEAR PERIOD

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 21 November 2017  
**Author:** Executive Assistant Development Services  
**File Name:** Community & Economic Development - Support - Proactive Programs - Shop Local  
**File No:** F16/917

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 free parking in the Central Business District (CBD) over the Christmas & New-Year period from Thursday 14 December 2017 – Tuesday 2 January 2018 inclusive.

### **RECOMMENDATION:**

**(Moved: Councillor H Bussell/Councillor H Benton)**

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

- 1. provides free parking from Thursday 14 December 2017 to Tuesday 2 January 2018 inclusive, within the CBD area; and***
- 2. informs the community of the free parking through appropriate media channels, noting that time limits will still apply.***

**Carried**

### **Background**

In previous years Council has offered free parking in the CBD over the Christmas New-Year period in conjunction with organised Christmas festivities as a festive gesture to support the arranged activities and encourage locals and visitors to spend time in the Wangaratta CBD.

### **Implications**

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

While there is limited data to indicate exact revenue loss as a result of offering free parking over this period, it is estimated that approximately \$5,000 - \$7,000 in income will be lost although staff costs are also reduced during the Christmas/New Year period due to less need to check and collect from the machines. The impact on expected income has already been factored into the 2017/18 Council budget.

The free parking is offered as a gesture of Christmas cheer to coincide with the Christmas activities organized by Council and the Chamber of Commerce.

### **Legal/Statutory**

Whilst the payment for parking will not be required during this period the time limit restrictions as indicated on the relevant signage are required to be adhered to. Failure to abide by these time restrictions can still result in infringements being issued.

### **Social**

By offering free parking over this festive period, Council is spreading 'Christmas cheer' and also supporting the Christmas Carnival for local shops and businesses in the CBD.

### **Environmental/Sustainability Impacts**

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

### **2017 – 2021 Council Plan**

This report supports the 2017-2021 Council Plan:

#### **Goal**

We are Thriving

#### **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.

#### **Goal**

We are Growing

#### **We will plan, research and advocate for the future:**

To encourage growth in Wangaratta's CBD and establish it as a regional business and retail centre.

### **Strategic Links**

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

*'Wangaratta's central business district is a thriving, vibrant retail centre, offering a diversity of choice.'*

*'Local businesses of all size and nature continue to play a key role in the development and wellbeing of the broader community through linkages to volunteering and by supporting community initiatives.'*

### **Risk Management**

There are no risks identified with this proposal.

### **Consultation/Communication**

Given that free parking has been previously offered over the Christmas/New Year period there is an expectation in the community that this will be provided again.

Should Council support this initiative, officers will communicate with the owner/operators of the multi-storey car-park (Co-Store) as the agreement with that entity ensures that parking cost parity is maintained with on-street parking. It should be noted that the multi-storey car-park have supported this initiative in the last few years.

Notice of Council's decision will be publicly advertised and communicated through all available forms.

### **Options for Consideration**

1. Support free parking in the CBD area over the Christmas/New Year period (recommended).
2. Not support free parking in the CBD over the Christmas/New Year period.

### **Conclusion**

Offering free parking in the CBD over this period aligns with economic development and retail growth goals in Council's corporate documents and supports the 'Shop Local' and 'Business Wangaratta' campaigns.

### **Attachments**

Nil

### **Questions**

***Brian Fox: Visitors don't understand the multistorey car park is also free on weekends. There is no signage that I can find. I am asking if we can advertise the fact that it is free?***

***Also noticed in the recommendation that this will be in the media as a release. My view is that a quarter or maybe a third of residents in Wangaratta read the chronicle. So we should be able find another way in addition to broadcast what we are doing. In that regard I'd like to see when***

***Council issues a media release, that people who chose to register can have that media release emailed to them.***

***Mayor Ken Clarke:*** I will pick you up on one point, Saturday morning is not free parking in the City of Wangaratta, its free but it is timed. If you overstay your park you can be booked. I believe all our media releases go onto Facebook?

***Brendan McGrath, Chief Executive Officer:*** Yes we have an extensive list of media channels and outlets that our releases go to that include all of the printed media, radio, television and include most of community letters and various social media channels so we are not reliant just on one publication, we do send them out to a variety of sources.

***Jim Lewis:*** *I have one question the use of the YouTube seems to be erratic. When you look at the YouTube icons on screen you find sometimes you have 25 users and sometimes 95 users. We don't know what the user is? Can we examine the statistics before taking anymore steps.*

***Mayor Ken Clarke:*** This is not general question time. The question needs to be relevant to the carpark.

## 16.5 ECONOMIC DEVELOPMENT AND TOURISM ADVISORY COMMITTEE APPOINTMENTS

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 21 November 2017  
**Author:** Economic Development Coordinator  
**File Name:** Economic Development and Tourism Advisory Committee  
**File No:** F16/844

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 the outcome of the invitation for Expressions of Interest to fill the vacancies created through the resignation of one member and the term of service expiry for three members of the Economic Development and Tourism Advisory Committee (the committee).

The selection process included a review of the competencies and capabilities presented in a matrix that is in turn assessed by the Committee Chair (Guy Wilkinson), a designated Councillor and the Economic Development Team to ensure the committee reflects the needs of the business community and the most appropriate candidates are selected.

### **RECOMMENDATION:**

**(Moved: Councillor D Fuller/Councillor D Rees)**

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

- 1. Appoints the following four representatives Stephen Oxley for a three year term; Christian Dal Zotto for a three year term, Jamie Range for a three year term and Thomas Moritz for a one year term to fill the vacancy left by the resignation of Martin Hogan.***
- 2. Advises the applicants of Council's decision.***

**Carried**

### **Background**

Members of the Economic Development and Tourism Advisory Committee are appointed as voluntary members to set terms of service. The terms of three existing members have an expiration date of August 2017; and one of members has resigned with one year remaining in the term. This leaves a total of 4 positions available for appointment.

Expressions of interest were publicly called with a total of six nominations received. All nominations have been assessed against the existing “skills matrix”.

The “skills matrix” ensures adequate representation across the following sectors: Manufacturing, Environment/sustainability, Transport logistics, Service Sector, Education, Retail, Small and Medium Enterprises, Investment/development, Media/Marketing/Regional Promotion, Global experience/Export, Food/Wine, Events/Conferencing, Tourism/Hospitality. The candidates were reviewed in accordance with the requirements of the committee, the current gaps in experience and capability and the ability to serve actively on the committee.

Confidential attachments include copies of applications and the recommendation summary for all nominations.

### **Implications**

#### **Policy Considerations**

The Economic Development and Tourism Advisory Committee Charter sets out the terms and key dates for appointments.

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

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

#### **Legal/Statutory**

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

#### **Social**

The Committee provides the opportunity for two way engagement between Council and Community members in the Business Sector.

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

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

### **2017-21 Council Plan**

This report supports the 2017-21 Council Plan:

#### **We Are Growing:**

##### **We will plan, research and advocate for the future:**

- For the investment of new business development within the municipality.
- To ensure we have sufficient available and serviced industrial land to attract new businesses and advance employment opportunities.



- To encourage growth in Wangaratta's CBD and establish it as a regional business and retail centre.

**We will create and deliver:**

- Programs and training that support our local businesses and attract people to the CBD.

**We Are Established:**

**We will plan, research and advocate for the future:**

- With regional partners to identify and address public and community transport gaps

**We will create and deliver:**

- A city that is unique, diverse and attractive.
- Our freight strategy that positions our city as a major commercial industrial centre whilst protecting our neighbourhoods and environment.

**Consultation/Communication**

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	To keep community members informed	Newspaper, Website, Social Media

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

**Options for Consideration**

1. Council acknowledges the nomination and appoints the four members as per the officer's recommendation.
2. Council acknowledges the nominations and decides to re-advertise for the positions.

**Conclusion**

Following consideration of nominations for the vacancies of the Committee by the Committee Chair and Economic Development Team, the Chair subsequently discussed the assessment process and proposed appointments with the portfolio Councillor. It was decided that the chosen nominations will assist the Committee in continuing to provide Council with advice, feedback and guidance.

The Committee has four vacancies and six nominations were received. All six nominations were considered through a process that compared business experience, sector exposure, existing capabilities of the committee and availability to participate in the meetings. Depth of experience was weighted more beneficial over breadth across industries on the basis that the other sectors were adequately covered.

The review provided the following recommendations for presentation to Council for consideration:

- *Stephen Oxley for a three year term;*
- *Christian Dal Zotto for a three year term,*
- *Jamie Range for a three year term and*
- *Thomas Moritz for a one year term to fill the vacancy left by the resignation of Martin Hogan.*

**Attachments**

- 1 2017 Matrix of Economic Development and Tourism Advisory Committee - Confidential
- 2 Economic Development and Tourism Advisory Committee Nomination Review - Confidential

**17. SPECIAL COMMITTEE REPORTS**

Nil

**18. ADVISORY COMMITTEE REPORTS**

Nil

## 19. RECORDS OF ASSEMBLIES OF COUNCILLORS

### 19.1 ASSEMBLIES OF COUNCILLORS

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 21 November 2017  
**Author:** Executive Assistant Corporate Services and Councillors  
**File Name:** Governance - Registers - Assemblies of Councillors  
**File No:** S17/607

#### Executive Summary

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
13 November 2017	Councillor Briefing Forum	Attachment
31 October 2017	Councillor/Executive Workshop	Attachment
30 October 2017	CEO Performance Review	Attachment
23 October 2017	Councillor Briefing Forum	Attachment
16 October 2017	Councillor Briefing Forum	Attachment

#### **RECOMMENDATION:**

**(Moved: Councillor D Fuller/Councillor A Fitzpatrick)**

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

**Carried**

**Attachments**

- 1 Briefing Forum 13 November 2017 [⇒](#)
- 2 Councillor and Executive Workshop 31 October 2017.pdf [⇒](#)
- 3 CEO Performance Review - 30 October 2017 [⇒](#)
- 4 Briefing Forum 23 October 2017 [⇒](#)
- 5 Briefing Forum 16 October 2017 [⇒](#)

**20. NOTICES OF MOTION**

Nil

**21. URGENT BUSINESS****RECOMMENDATION:**

**(Moved: Councillor D Fuller/Councillor M Currie)**

***Councillor D Fuller moved a motion:***

***That Council resolves, through the midyear budget review process, to allocate an additional \$25,000 to the 2016/2017 Budget to enable the full calendar of events, including the Outdoor Ball to be delivered.***

**Carried**

**22. PUBLIC QUESTION TIME**

***John Kirby - Moyhu Action Group: In reference to the Wangaratta-Whitefield road width. Does Council have any influence on VicRoads in their construction of roads in the Rural City of Wangaratta jurisdiction?***

**Alan Clark, Director Infrastructure Services:** Yes we do have some influence, but the public probably has more than we do. VicRoads does listen to suggestions made by the public. So I suggest the action group goes to VicRoads, individuals go to VicRoads and we have certainly had the discussion about shoulders on that particular road on numerous occasions with VicRoads.

***Brian Fox: Can we get more publicity about opening hours and events for the swimming pool on Swan street? Secondly, this will be Council's fourth application for the swimming pool. I object to spending that sort of money on a pool. For me to establish a rational objection what I'd like is to see the business plan that failed, and the proposed one. I'd like to see how Council justifies the expense?***

**Brendan McGrath, Chief Executive Officer:** Thanks for your question. From a process perspective when someone wants to request specific information from the Council the normal channel they would go through is a freedom of information request. We won't necessarily put that through the process if it's not required, but if you could put your request in some correspondence of exactly what you're looking for and then we could make a considered response in consideration of what is publically available and what may not be. I am happy to follow on from tonight with you.

**Ray Champlin, Relay for Life: Thank you to Council, as the 2017 Chair for Relay for Life I'd like to thank the support of Council, Councillors, Mayor and Cr Fuller for doing the event.**

**Brian Smith, Free Range Pork: Going back to Peechelba meeting I asked Barry where our environmental management plan was. He reminded me that it was in the hands of our solicitors. I asked our solicitor and he said no we have not received it. On Thursday it arrived. Obviously that statement he made to me on that night was just a bit of spin. Is that what we are getting at these sorts of meetings?**

**Brian Smith made reference to his experience with the permit process and asked: The way the Senior Planner has acted now and the way the planning department has dealt with this permit, do you still think the Senior Planner has done a good job?**

**Brendan McGrath, Chief Executive Officer:** Our local law actually requires people to supply questions in writing and it does that so it gives people more appropriate time to look up often complex things and give an informed response. Our chairperson quite rightly gives people a lot of latitude and we have not had any written questions tonight, we have allowed everybody to get up and ask their questions. We will do our best to give an accurate response to those but I think people need to recognise that we are being asked things out of left field with no information provided to us in advance so we do our best to provide the most accurate response we can with no opportunity of checking the facts and to go back and look at the details so we might occasionally get that slightly wrong. I think our staff deserve some latitude when we do our best to respond to these things off the cuff with no pre-warning.

In relation to your question about our Senior Planner, what I remember saying to you at that meeting was that all of our staff including our Senior Planners do a job on behalf of the organisation they do not do it to fulfil a personal mission of their own. They are there to carry out things on behalf of the organisation, under delegation and that is often a very difficult task. I remember saying to you we do not deal with many or any of the sorts of applications that we were dealing with in your case and my view was then and still is that the officer did a very good job representing the organisation at assessing your application through that process. Did we get everything perfectly right? Possibly not but I think the officer did very well under difficult circumstances and ultimately got things resolved.

**Jim Lewis: Thanked everyone for the year, and asked to pass it onto the staff.**

## **23. CONFIDENTIAL BUSINESS**

**RECOMMENDATION:**

**(Moved: Councillor H Bussell/Councillor D Rees)**

***That Council resolves to close the meeting to members of the public in accordance with section 89(2) of the Local Government Act 1989 to consider the following items:***

***1.1 Chief Executive Officer - Performance Review***

***Item 1.1 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to : (a) personnel matters.***

**Carried**

**24. CLOSURE OF MEETING**

**The Meeting closed at 7:24pm**