

Minutes

Of the Ordinary Council Meeting

Location: Council Chambers

Date: 5 May 2020

Time: 6PM



RURAL CITY OF
WANGARATTA

Brendan McGrath
Chief Executive Officer

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1. **ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

We acknowledge the Bangerang people as the traditional owners of the land on which we are meeting. We pay our respects to their Elders and to Elders from other communities who may be here today.

2. **OPENING PRAYER**

Almighty God, we humbly ask thee to bless and guide this council in its deliberations so that we may truly preserve the welfare of the people whom we serve. Amen

3. **PRESENT**

Councillors:

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

Officers:

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

4. **ABSENT**

Nil.

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

ORDER OF BUSINESS

6. **CITIZEN CEREMONY**

Nil.

7. **CONFIRMATION OF MINUTES**

RESOLUTION:

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

That Council read and confirm the Minutes of the Ordinary Meeting of 24 March 2020 as a true and accurate record of the proceedings of the meeting.

Carried

8. CONFLICT OF INTEREST DISCLOSURE

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

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

Brendan McGrath - CEO, declared a conflict of interest relating to item 15.1 Large & Small Market Electricity Agreements (Procurement Australia) as he is a Director on the Board for Procurement Australia who are being considered for the tender being awarded as detailed within the report.

9. RECEPTION OF PETITIONS

Nil.

10. HEARING OF DEPUTATIONS

Nil.

PRESENTATION OF REPORTS

11. COUNCILLOR REPORTS

Cr Ashlee Fitzpatrick

Tonight, I just wanted to take the time and thank our community members. Thank you to all our essential workers, to our businesses, our primary, secondary and tertiary students, parents and carers, everyone staying at home.

I acknowledge times are tough, and we are certainly missing catching up with our loved ones.

Times like this many of us want to pick up the phone and chat to someone. And that's why I am proud of Gateway Health and our staff coming together and developing the 'Hello Project'.

Which is designed to bring our community together when we are feeling lonely or down, to feel connected during these difficult times.

Pick up the phone and please call and have with a Council or Gateway Health staff member/volunteer.

RESOLUTION:

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

Councillor K Clarke OAM moved a motion:

That Councillor Ashlee Fitzpatrick's report be recorded in the minutes

Carried

OFFICERS' REPORTS**12. EXECUTIVE SERVICES****12.1 CHIEF EXECUTIVE OFFICER - EMERGENCY DELEGATIONS**

Meeting Type: Ordinary Council Meeting
Date of Meeting: 5 May 2020
Author: Executive Service Coordinator
File No: IC20/607

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 expansion of the Chief Executive Officer's delegation during the current pandemic declaration.

RESOLUTION:

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

That:

- 1. During the declared State Of Emergency arising from the global pandemic COVID-19 and in circumstances where a Council quorum cannot be formed the Council hereby resolves that the existing CEO's delegation is expanded to include all matters that would normally be determined by the Council excluding such matters that are specifically prohibited by the Local Government Act or any other relevant Act***
- 2. The CEO report to the next available meeting of the Council on decisions made under the expanded delegation***
- 3. Council approve the following order of appointments to the position of Acting Chief Executive officer, in the event that the Chief Executive Officer, and then any of the following Directors, are unable to conduct the role due to illness or other restrictions in place under the current pandemic arrangements***
 - Stephen Swart, Director Development Services***
 - Alan Clark, Director Infrastructure Services***
 - Sarah Brindley, Director Corporate Services***
 - Jaime Chubb, Director Community Wellbeing***

Carried

Background

Due to increased restrictions being implemented by Federal and State Government to contain the spread of COVID-19 and the health risk to Councillors, staff and community members, all Local Government Areas have had to reconsider and implement alternative working arrangements to not only ensure the continuation of services delivered to the community but also meet the statutory obligations as required under the Local Government Act 1989.

One of these requirements relates to how we conduct Council meetings. Both the Local Government Act 1989 and the Local Government Bill 2019 state that voting at council meetings is to be undertaken by councillors present at the meeting. 'Present' meaning physical presence in the room where the decision making is taking place. There is currently no provision that allows a council to be exempted from this requirement.

With that said, there may be a situation for any Council that a majority of Councillors maybe be unable or unwilling to attend a Council meeting because of COVID-19.

If we are unable to form a quorum and conduct the normal business of the Council, we will experience disruption to projects and to service delivery and therefore increasing the delegation to the CEO, for emergency use, would enable the normal decision making of Council to continue in these unusual circumstances.

Victorian Councils delegate extensive decision-making powers to their Chief Executive Officers. Delegation 'by exception' ensures that just about every decision that Council can make by resolution the Chief Executive Officer can make as a delegate. The Chief Executive Officer (and organisation) can, therefore, generally carry on the business of a council if the council is unable to meet due to lack of quorum.

The recommendation limits the extent and circumstances of when the increased delegation can be exercised and requires regular reporting of any decision taken under these expanded delegations. It also limits delegations to those matters which can legal be delegated..

The delegation would provide the Chief Executive Officer power to:

1. Determine any issue;
2. Take any action; or
3. Do any act or thing

Arising out of or connected with any duty imposed, or function or power conferred on Council by or under the Act.

Conditions and Limitations

A. Only if:

- (a) there is a state of emergency declared under the *Public Health and Wellbeing Act 2008* or state of disaster under the *Emergency Management Act 1986*;
- (b) the delegate forms the opinion that any meeting of Council which would otherwise determine the issue, take the action or do the act or thing will lapse for want of a quorum; and
- (b) the delegate has made reasonable endeavours to consult with the Councillors prior to exercising the power

may the delegate:

- 1. award a contract exceeding the value of \$500,000 inclusive of GST;
- 2. make a local law under Part 5 of the Act;
- 3. approve the Council Plan under s 125 of the Act;
- 4. adopt the Strategic Resource Plan under s 126 of the Act;
- 5. prepare or adopt the Budget or a Revised Budget under Part 6 of the Act;
- 6. adopt the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
- 7. determine pursuant to s 37 of the Act that an extraordinary vacancy on Council not be filled;
- 8. exempt a member of a special committee who is not a Councillor from submitting a return under s 81 of the Act;
- 9. appoint Councillor or community delegates or representatives to external organisations;
- 10. return the general valuation and any supplementary valuations; and
- 11. determine any issue, take action or do an act or thing which would or would be likely to involve a decision which is inconsistent with a:
 - 11.1 policy; or
 - 11.2 strategy

adopted by Council.

B. The delegate must not determine the issue, take the action or do the act or thing:

1. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
 2. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
 3. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.
- C. After exercising any of the powers set out in paragraph A above, the delegate must report to the next available Council meeting on those decisions made by the delegate which would normally be determined by Council.

Council should consider how best to ensure business continuity now that COVID-19 means that a Council meeting might not be able to be held.

In addition, it is considered prudent that Councillors endorse a process for an Acting Chief Executive Officer to be appointed in the event the Chief Executive Officer is ill, or in isolation, or otherwise indisposed during the current pandemic. This would involve working in order down the list of Directors to the next available, to act in the role. Ordinarily, the Acting Chief Executive Officer duties are simply shared on a rotational basis when the Chief Executive Officer is on leave. The list recommended is based on the order in which acting duties have previously been conducted.

Implications

Policy Considerations

All relevant policies would need to be carefully considered prior to enacting any of the proposed delegations.

Financial/Economic Implications

Financial decisions are made in accordance with Council's budget, and the financial delegation framework in place.

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 – 2020 Council Plan (2019 Revision)

This report supports the 2017-2020 Council Plan:

Goal

We are Sustainable

We what do:

We provide a robust and transparent governance framework

We will plan and make decisions for the future:

To ensure our risks are managed strategically and effectively

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

Risk Management

Risk is mitigated by having sound contingencies in place during the pandemic declaration and by limiting an expanded delegation to extenuating circumstances

Options for Consideration

1. Approve the expansion of the CEO's delegation to include all matters that would normally be determined by the Council excluding such matters that are specifically prohibited by the Local Government Act or any other relevant Act.
2. Not to approve the expansion of the CEO's delegation to include all matters that would normally be determined by the Council excluding such matters that are specifically prohibited by the Local Government Act or any other relevant Act.

Conclusion

Council should consider how best to ensure business continuity now that COVID-19 means that a Council meeting might not be able to be held.

Attachments

- 1 Instrument of Delegation - Council to CEO 

Public Questions

Please follow link [5 May 2020 Council Meeting Video 1](#) and refer to minutes 10.22 to 12.55 for public questions and responses related to Item 12.1 Chief Executive Officer Emergency delegations.

13. **CORPORATE SERVICES**

13.1 DRAFT COUNCIL PLAN 2017-2021 (2020 REVISION)

Meeting Type: Ordinary Council Meeting
Date of Meeting: 5 May 2020
Author: Director Corporate Services
File No: IC20/673

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

Executive Summary

This report is presented to Council to endorse the Draft 2017-2021 Council Plan (2020 Revision). Whilst the new Local Government Act 2020 received Royal Assent on 24 March 2020, provisions governing the council plan process do not commence until 24 October 2020. This year's process therefore follows the Local Government Act 1989 requirements which still apply.

RESOLUTION:

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

That Council:

- 1. *Endorses the Draft Council Plan 2017-2021 (2020 Revision)***
- 2. *Authorises the Chief Executive Officer to:***
 - a. *Give public notice of the preparation of the Draft Council Plan 2017 – 2021 (2020 Revision), in accordance with Section 125 of the Local Government Act 1989 (the Act), inviting the public to make a submission on:***
 - i. *The strategic objectives of Council;***
 - ii. *Strategies for achieving the objectives for at least the next year; and***
 - iii. *The strategic indicators for monitoring the achievement of the objectives.***
 - b. *Receive submissions up to 5.00pm Friday 5 June 2020.***
- 3. *If requested, forms a Committee in accordance with Section 223 of the Act to hear any person wishing to be heard in support of their submission at 2.00 pm on Thursday 11 June 2020. If necessary, this meeting will be held online in order to meet Government Covid-19 restrictions.***

- 4. Considers all submissions on the Draft Council Plan 2017-2021 (2020 Revision) and the adoption of the Draft Council Plan 2017-2021 (2020 Revision) with or without amendment at a subsequent Council Meeting.**
- 5. Agrees that the Draft Council Plan 2017-2021 (2020 Revision) continue to be reviewed and revised in advance of the Council Meeting, to enable Council to prepare for, and adapt to, the impacts of COVID-19.**

Carried

Background

Section 125 and 126 of the Local Government Act 1989 (the Act) require that Council at least once in a financial year reviews its Council Plan and Strategic Resource Plan to determine if it requires any adjustment and if so, amends and adopts them no later than 30 June each year.

As a result of Covid-19, the Minister for Local Government has extended this deadline to 31 August 2020. As the Council Plan and Budget were largely prepared prior to Covid-19, it is recommended that Council proceeds to invite public submissions to this Draft Council Plan Revision, and subsequently incorporates any changes in response to both the public consultation and to COVID-19 as the situation continues to develop.

Following any adjustment to the Council Plan, the Council must within 30 days advise the Minister of the details of the adjustments.

Impact of COVID-19 on the Draft Council Plan 2017-2021 (2020 Revision)

This Draft Council Plan (2020 Revision) was largely prepared before COVID-19 began to have an impact on the world. The health and wellbeing of our community and of council staff is at the forefront of our minds and we acknowledge the genuine hardship being experienced in our community as a result of the Covid-19 Pandemic. These are unprecedented times for us all and we understand Wangaratta's recovery from the health, economic and social impacts will take considerable time.

On 8 April 2020 Council put in place immediate actions aimed at relieving the financial pressure on individuals, businesses and community groups in the short term. Council has a Financial Hardship Policy for times such as these and we encourage those who need it to call or email the Customer Service team to put a flexible payment plan in place. As the ongoing impacts of Covid-19 continue to develop Council will put in place more, longer term measures in order to support our community through Covid-19 and to plan for recovery.

COVID-19 will have many ramifications for the operations of council, from placing additional demands on essential services required to support the most vulnerable in our community, to a significant loss in revenue due to the required closures of certain Council services and facilities.

This Council Plan will likely require further revision as the impact of COVID-19 on our community, economy and council finances become clearer. Council is also advocating at State and Federal levels for a Local Government relief package to be put in place. The extent of this assistance will heavily influence the COVID-19 community recovery measures that council is able to put in place and the potential impact on other planned projects and services.

In this year more so than in any other recent time, Council is keen to hear your feedback as to which initiatives outlined within the Council Plan are most important to you, and/or where you feel compromises could be made to free up funds to further assist the community of the Rural City of Wangaratta.

Summary of Key Changes

The following changes have been made to the Draft Council Plan 2017-2021 (2020 Revision) to reflect the current position of the Council and our progression against the strategic objectives contained within the Council Plan. Key changes include:

- Combining the Mayoral and CEO's statements into one joint statement;
- Addition of key strategic projects and initiatives planned to commence in 2020/2021 to support achievement of our Strategic Objectives;
- Removal of key projects and initiatives which have been completed during 2019/20;
- Refreshing our Pillars to highlight our Strategic Objectives, key projects and initiatives which support the achievement of those objectives and the measures which will evidence our progress.

Implications

Policy Considerations

The Council Plan details the Council's strategic objectives, key strategic activities and actions required to achieve those objectives. The strategic objectives outlined within the Council Plan influence a number of strategies, frameworks and policies within Council.

Financial/Economic Implications

The Strategic Resource Plan aligns with Draft Budget 2020/21. The Strategic Resource Plan may need to be amended following the submission period if changes are made to the Draft Budget 2020/21 or as a result of responding to the impacts of COVID-19. The approval of the budget details how Council will fund the strategic intent of the Council Plan.

Legal/Statutory

The review of the Draft Council Plan 2017 - 2021 (2020 Revision) is a legislative requirement and public submissions are consistent with sections 125, 126 and 223 of the Local Government Act.

Social

The strategic objectives contained in the revised 2017 - 2021 Council Plan aim to contribute to the overall health and social wellbeing of our community. Positive social outcomes will be achieved by the delivery of key initiatives and Councils' ongoing advocacy and partnerships that focus on delivering benefits and opportunities for residents and visitors of the municipality. During the consultation period, the Draft Council Plan and Draft Budget 2020/21 will continue to be reviewed to further consider how Council can best support the community through the impacts of COVID-19.

Environmental/Sustainability Impacts

The strategic objectives contained in the 2017 - 2021 Council Plan aim to contribute to environmental enhancement and sustainability. The Council Plan has a strong focus on environmental sustainability and protection.

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

The strategic objectives contained within the Council Plan 2017-2021 (2020 Revision) were determined with consideration to and guided by the objectives identified in the Rural City of Wangaratta 2030 Community Vision.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
That the impact of COVID-19 requires significant change to the Council Plan 2017-2021 (2020 Revision) and Draft Budget 2020/21	Almost Certain (Will definitely occur, probably multiple times in a year)	Major (delays and inefficiencies in core processes and systems impacting significantly on customer service levels; severe impact on program or business operations. Note: financial impacted rated as Catastrophic: extensive financial loss \$1m+)	9 - Extreme	Seek community input on the Council Plan (2020 Revision) to gauge community priorities and to inform any further revision of the Council Plan (2020 Revision) and Draft Budget in response to COVID-19.

Risks	Likelihood	Consequence	Rating	Mitigation Action
That the impact of COVID-19 will impede delivery of the Strategic Objectives and Performance Measures laid out in the Council Plan 2017-2021 (2020 Revision)	Likely (Strong likelihood of occurrence in next 12 months)	Major (delays and inefficiencies in core processes and systems impacting significantly on customer service levels; \$50,000 - \$500,000 financial loss; severe impact on program or business operations)		To focus council resources to support delivery of the most essential community services during the COVID-19 pandemic and reprioritise other initiatives and associated resourcing if required. Provide quarterly reporting to the community on council's performance against targets.

Consultation/Communication

It is anticipated that following the endorsement of the draft 2017-2021 Council Plan (2020 Revision) at the Ordinary Council meeting on 5 May, the document will be placed on public exhibition for 28 days from Friday 8 May 2020 to invite submissions from the community.

Anyone who makes a written submission can request to be heard by a Council Committee in support of their submission.

The proposed timeline is as follows:

Tuesday 5 May 2020	Ordinary Council meeting to endorse Draft 2017-2021 Council Plan (2020 Revision)
Friday 8 May 2020	Invite the public to make submissions on the Draft 2017-2021 Council Plan (2020 Revision)
Friday 5 June 2020	Submission period closes at 5.00pm
Thursday 11 June 2020	If required, Committee is formed to hear submissions
Tuesday 23 June 2020	Target date for adoption of the 2017-2021 Council Plan (2020 Revision) at the Ordinary Council meeting. If required, this timeline can be further extended to a later Council meeting to meet the Minister's new deadline of 31 August 2020 and in order to incorporate any further impacts due to COVID-19.

Options for Consideration

1. Endorse the Draft 2017 - 2021 Council Plan (2020 Revision) in the current state (refer to Attachments); or
2. Council recommends changes to the Draft 2017 - 2021 Council Plan (2020 Revision) which are required to be made prior to the document being made available to receive submissions from Friday 22 May 2020. This is not recommended as it would also require corresponding changes to be made to the 2020/21 Draft Budget consultation process. This would in turn mean that the organisation wouldn't have an adopted budget in place ready for the start the 2020/21 financial year.

Conclusion

The 2017 - 2021 Council Plan (2020 Revision) was developed with direct input from Councillors and senior council officers and Councillors.

The Council Plan is reviewed each year and adjustments are made, where required. The Council Plan will continue to guide the future strategic direction of Council, informing our service delivery, resource allocation and advocacy.

Council will continue to report back to the community regarding the progression of priorities and achievement of targets, and also regarding any further changes required to the Council Plan and Budget 2020/21 in light of the impacts of COVID-19.

Attachments

- 1 Draft 2017-2021 Council Plan (2020 Revision) 

13.2 COUNCIL BUDGET REPORT 2020/21

Meeting Type: Ordinary Council Meeting
Date of Meeting: 5 May 2020
Author: Manager Finance
File Name: NA
File No: IC20/592

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 endorsing the Draft 2020/21 Annual Budget (Draft Budget). Whilst the *Local Government Act 2020* received Royal Assent on 24 March 2020, provisions governing the annual budget setting process do not commence until 24 October 2020. This year's process therefore follows the requirements of Section 223 of the *Local Government Act 1989*, which still apply.

RESOLUTION:

(Moved: Councillor D Fuller/Councillor A Fitzpatrick)

That Council, in accordance with Sections 127 and 223 of the Local Government Act 1989:

- 1. Endorses the release of the Draft 2020/21 Annual Budget for community consultation and invites written submissions until 5.00pm Friday 5 June 2020.***
- 2. Gives public notice seeking written submissions on the Draft 2020/21 Annual Budget in The Chronicle and on Council's website.***
- 3. Appoints all Councillors as members, to a Council Committee, to hear any submitters requesting to be heard in support of their written submission on the draft 2020/21 Annual Budget.***
- 4. Sets a Council Committee meeting for the Draft 2020/21 Annual Budget to be held at 2.00 pm on Thursday 11 June 2020. If necessary, this meeting will be held online in order to meet Government COVID-19 restrictions.***
- 5. Agrees that the Draft 2020/21 Annual Budget continues to be reviewed and revised to enable Council to prepare and adapt to the impacts of COVID-19.***

6. Receives a further report outlining the following, and presenting the 2020/21 Annual Budget for consideration:

- a. Any submissions received on the Draft 2020/21 Annual Budget, including a report on the Council Committee's proceedings and summary of hearings.**
- b. Any changes made to the 2020/21 Annual Budget to enable Council to respond to the impacts of COVID-19.**

Councillor Ken Clarke voted against the motion.

Carried

Background

The Act provides that a council must:

- Prepare a budget for each financial year – Section 127(1).
- Ensure the budget contains financial statements, a description of services and initiatives, prescribed indicators of service performance and a statement as to how these will contribute to achieving the strategic objectives specified in the Council Plan required by the regulations – Section 127(2)(a)(e).
- Give public notice of a proposed budget and make it available for public inspection for at least 28 days – Section 129(1) and (3)(b); so, submissions may be made in accordance with Section 223 of the Act.
- Adopt the budget and submit a copy to the Minister by 30 June each year – Section 130(3)(4).

As a result of COVID-19, the Minister for Local Government has extended this deadline to 31 August 2020. It is recommended that Council proceeds to invite public submissions to this Draft Budget, and subsequently incorporates any changes in response to both the public consultation and to COVID-19 as the situation continues to develop.

Following any adjustment to the Draft Budget, the Council must within 30 days advise the Minister of the details of the adjustments.

Impact of COVID-19 on the Draft 2020/21 Annual Budget

This Draft Budget was largely prepared before COVID-19 began to have an impact on the world. The health and wellbeing of our community and of council staff is at the forefront of our minds and we acknowledge the genuine hardship being experienced in our community as a result of the Covid-19 Pandemic. These are unprecedented times for us all and we understand Wangaratta's recovery from the health, economic and social impacts will take considerable time.

On 8 April 2020 Council put in place immediate actions aimed at relieving the financial pressure on individuals, businesses and community groups in the short term. Council has a Financial Hardship Policy for times such as these and we encourage those who need it to call or email the Customer Service team to put a flexible payment plan in place. As the ongoing impacts of Covid-19 continue to develop Council will put in place more, longer term measures in order to support our community through Covid-19 and to plan for recovery.

COVID-19 will have many ramifications for the operations of council, from placing additional demands on essential services required to support the most vulnerable in our community, to a significant loss in revenue due to the required closures of certain Council services and facilities.

The economic impact of COVID-19 on the community and on the organisation will be significant. Even within this 2019/20 financial year, Council will see reduced income amounting to hundreds of thousands of dollars, if not more.

This Draft Budget seeks to maintain current levels of service but also starts to highlight the challenges that Council needs to work through to return to an operating surplus. The impact of COVID-19 compounds these challenges.

This Draft Budget will likely require further revision as the impact of COVID-19 on our community, economy and council finances become clearer. Council is advocating at State and Federal levels for a Local Government relief package to be put in place. The extent of this assistance will heavily influence the COVID-19 community recovery measures that council is able to put in place in the 2020/21 financial year. It is highly likely that Council will need to further review the funding of planned projects and services to tightly manage cash flow next year.

Council will announce its response to financial impacts on the Budget and Council Plan (2020 Revision) throughout the coming months and in parallel to the community consultation on this Draft Budget.

Highlights

The Draft Budget will fund the final stages of the 2017-2021 Council Plan, including some record-breaking capital works for the Rural City of Wangaratta, not least completion of the Wangaratta Aquatics Project (an Outdoor 50m Pool, Hydrotherapy Pool, Splash Pad, car park, solar panels and plant upgrade), and regeneration of the Railway Precinct. This period of substantial capital works delivery would not have been possible without the success of attracting significant State and Federal grant funding, supplemented by ongoing borrowings where Council continues to be able to capitalise upon low interest rates.

Following the recent years of substantial investment, Council's overarching approach to this Draft Budget is to now begin pairing back spending to a long-term sustainable level. The Draft Budget prioritises completion of in-progress capital works and asset renewal/maintenance activities whilst reducing the number of new big-ticket initiatives. The Capital Works budget is therefore reducing from \$42.7m in 2019/20 to \$25.2m in 2020/21, and then remains around that level.

The Draft Budget in 2020/21 projects an operating deficit of \$98,000 and deficits for the following two years before returning to a surplus. It also includes \$18.3m of new borrowings next year.

The Draft 2020/21 Annual Budget includes a total rate increase of 2.00 per cent, which is in line with next year's Fair Go rates cap. This is a reduction on the 2.50 per cent rate cap increase in 2019/20 and is required to ensure that Council is

able to maintain revenues in line with inflation to fund the projects and services that our community values into the future.

A one-off rate increase of 5% has also been factored in to the 2022/23 financial year. We anticipate that there will be a need to invest in the recovery of the municipality following COVID-19. Waiting until 2022/23 allows for a period of economic stability following the impact of COVID-19 as well as for significant community consultation which must be undertaken prior to any rate increase above the standard Fair Go Rate Cap. Council would also need to obtain approval from the Essential Services Commission. Prior to any such consultation commencing, Council will engage the community in the creation of a refreshed Community Vision and development of the next Council Plan. In the short term, Council will also undertake a review to identify any opportunities to further reduce operating costs and will only engage the community on a possible one-off rate increase as a position of last resort.

As of 1 July 2018, revaluations are conducted annually, with the Valuer General being the sole valuation authority. The majority of the revaluation has been completed. The current valuation is due for completion in June 2020, with valuations effective from 1 January 2020.

Waste charges are proposed to increase by 6% for kerbside waste, recycling and organic collection services. The State Government announced increase to the waste levy will become effective on 1 January 2021 and Council will review its charges for kerbside waste collection for the 2021/22 year. The increase in the waste levy will be introduced progressively over the coming years in part as a result of China's ban on processing recycling material.

The draft Budget provides for:

- a total operating income of \$69.840 million
- a total operating expenditure of \$69.938 million
- a deficit of \$98,000
- a Capital Works Program of \$25.156 million.

Highlights of the Capital Works program include:

- \$1.8 million on resheeting gravel roads across the municipality. This represents more than 2.5 times the amount spent on gravel resheeting in 2015/16.
- \$1.5 million will be spent on developing a Regional Playspace at Apex Park. The playspace will meet a range of social and recreational needs of a wide age group – ranging from equipment for young children and parents, to a Parkour element for older children and adults.
- Completion of the construction of the new aquatic facilities at the Wangaratta Indoor Sports and Aquatic Centre (WISAC). The completion of construction works will be coupled with Council commencing operating the facilities from November 2020.
- Commencement of works at the former Olympic pool site. More details will be shared in the coming months.
- Completion of the Railway Precinct works, with \$5.2 million to be spent during 202/21.

- \$200,000 on public toilet renewal and upgrade works.
- \$756,000 on continuing the implementation of improved Information and Communications Technology (ICT) throughout the organisation. This will modernise the systems and tools Council use to deliver services.

It is proposed Council's Financial Hardship Policy be continued. Council will also continue to fund additional support to Pensioners through a rebate of approximately \$43,000. This was first introduced in 2018/19 to assist with the increased recycling costs.

Implications

Policy Considerations

The Draft Budget contains programs and initiatives that support Council policy.

Financial/Economic Implications

Council has prepared the Draft Budget in accordance with the principles of sound financial management and long-term financial viability.

The additional financial information contained within the Draft Budget includes:

1. The estimated total amount to be raised by general rates is \$27.990 million.
2. The estimated total amount to be raised by a municipal charge is \$Nil.
3. The estimated total amount to be raised by waste collection charges (garbage, organics and recycling) is \$6.894 million.
4. That an amount of \$18.291 million be borrowed. The borrowings will fund the new developments of the Regional Playspace and Mitchell Avenue Children's Garden. The funds will also be applied to capital works projects undertaken in earlier years such as the Cruse Street development, and CBD masterplan improvements for the Railway Precinct and King George Gardens.
5. The cost of servicing borrowings during the financial year will be \$0.486 million.
6. The total amount of loans proposed to be redeemed during the financial year will be \$0.357 million.
7. The total amount of borrowings at 30 June 2021 will be \$36.728 million.

Legal/Statutory

This report has been prepared in accordance with the Act, the Local Government (Planning and Reporting) Regulations 2014 and Australian Accounting Standards.

Social

The Draft Budget contains programs and initiatives that will have a positive social benefit, such as support for Grit & Resilience mental health initiatives, improved play spaces for children, and improved sport and recreation facilities.

Environmental/Sustainability Impacts

The initiatives funded by the Draft Budget aim to contribute to environmental enhancement and sustainability. These initiatives have a strong focus on economic sustainability and protection.

2017 – 2021 Council Plan

This report supports the 2017-2021 Council Plan:

Goal

We are Sustainable

We will plan, research and advocate for the future:

By maintaining a responsible and transparent long-term financial plan.

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

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

The Draft Budget funds delivery of the Council Plan 2017-2021 (2020 Revision). The strategic objectives contained within the Council Plan were determined with consideration to and guided by the objectives identified in the Rural City of Wangaratta 2030 Community Vision.

b) Other strategic links

N/A

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
That the impact of COVID-19 requires significant change to the Council Plan 2017-2021 (2020 Revision) and Draft Budget 2020/21	Almost Certain (Will definitely occur, probably multiple times in a year)	Major (delays and inefficiencies in core processes and systems impacting significantly on customer service levels; severe impact on program or business	9 - Extreme	Seek community input on the Council Plan (2020 Revision) to gauge community priorities and to inform any further revision of the Council Plan (2020

Risks	Likelihood	Consequence	Rating	Mitigation Action
		operations. Note: financial impacted rated as Catastrophic: extensive financial loss (\$1m+)		Revision) and Draft Budget in response to COVID-19.
That the impact of COVID-19 will result in substantial and unplanned financial losses to Council	Likely (Strong likelihood of occurrence in next 12 months)	Catastrophic: extensive financial loss (\$1m+)	9 - Extreme	To provide ongoing updates to Council on the management of council finances and re-allocation and proactive re-prioritisation of funding and initiatives if required
Budget not adopted within statutory timeframes	Low	High	Medium	Ensure Budget timetable for adoption is adhered to. Extension of time beyond 30 June 2020 will assist with mitigating this risk given COVID-19 developments.
Budget adopted without consideration of Long-Term Financial implications	Low	High	Medium	Ensure continual review of Council's Long Term Financial Plan as part of budget setting process.
Budget adopted without consideration of ratepayer input	Low	High	Medium	Undertake community consultation in accordance with Section 223 of the Act.

Consultation/Communication

It is anticipated that following the endorsement of the Draft 2020/21 Annual Budget at the Ordinary Council meeting on 5 May 2020, the document will be

placed on public exhibition for 28 days from Friday 8 May 2020 to invite submissions from the community.

Anyone who makes a written submission can request to be heard by a Council Committee in support of their submission.

The proposed timeline is as follows:

Tuesday 5 May 2020	Ordinary Council meeting to endorse Draft 2020/21 Annual Budget
Friday 8 May 2020	Invite the public to make submissions on the Draft 2020/21 Annual Budget
Thursday 5 June 2020	Submission period closes at 5.00pm
Thursday 11 June 2020	If required, Committee is formed to hear submissions
Tuesday 23 June 2020	Adoption of the 2020/21 Annual Budget at the Ordinary Council meeting. If required, this timeline can be further extended to a later Council meeting to meet the Minister's new deadline of 31 August 2020 and in order to incorporate any further impacts due to COVID-19.

Options for Consideration

Council must prepare a Budget for the 2020/21 financial year in order to comply with the Act. Options are:

1. Endorse the Draft 2020/21 Annual Budget in the current state (refer to Attachment); or
2. Council recommends changes to the Draft 2020/21 Annual Budget which are required to be made prior to the document being made available for public consultation and to receive submissions from Friday 22 May 2020. This is not recommended as it would mean that the organisation wouldn't have an adopted budget in place ready for the start the 2020/21 financial year.


Conclusion

The Draft 2020/21 Annual Budget was developed with direct input from Councillors and senior council officers and Councillors.

The Budget is reviewed each year and adjustments are made, where required. The Budget is determined in support of the Council Plan which will continue to guide the future strategic direction of Council, informing our service delivery, resource allocation and advocacy.

Council will continue to report to the community regarding any further changes required to the Council Plan and Budget 2020/21 in light of the impacts of COVID-19.

Attachments

- 1 Draft 2020/21 Annual Budget 

Councillor Reports**Cr Dave Fuller**

Thank you Mr Mayor, I would like to begin by saying thank you to Brendan and the team. Not only in regard to the process for budget preparation but overall during what has been quite a testing start to the year.

Staff have been adapting on an ongoing basis, and this budget is no exception. Whilst we are yet to see the full ramifications of the events to date this year, I am confident that with regular oversight and monitoring by councillors and as more of the effects from the Covid crisis are understood, we will adjust accordingly.

I am pleased to see our ongoing work in the Rural Placemaking Project and the restraint with capital works in the coming year, following a record spend in the current financial year.

Again, thank you to staff for the work they have put in. This conversation will continue, the potential for economic hurt will continue, but with positivity and by working together we will continue to get through this is the best possible way.

Cr Ashlee Fitzpatrick

I would like to start by acknowledging the work of Council staff in preparing this draft budget.

This has been unprecedented times and I am supportive of Council's process in prioritising those in financial need.

Since the beginning of the Covid-19 pandemic there have been some amazing examples of our community coming together and of positive partnerships between our Council and other key partners.

Council quickly put in place financial assistance measures, including extending the due date for rates instalments and animal registrations, as well as helping people with flexible payment options.

We know many in our community have been hit hard by Covid-19, and that the recovery from this period in our lives will be a long term project for us all.

This budget brings some normality to Wangaratta by providing funding for long term capital projects that support our community and essential services that mean next time there is a storm, a flood, a fire or a pandemic, Council staff will be there to help our community.

Cr Ken Clarke

Mr Mayor and Councillors,

I wish to speak against the motion. Next year will see me recognised for 50 years-service to the accounting industry. In that time I have prepared many budgets, probably somewhere closer to 1000 than 500 and immediately made changes when necessary, and I see this council being irresponsible in distributing a document for community consultation, a budget that evolved before the Corona Virus. It may have a note that a variation should occur with Covid19, but I don't believe that is enough. Our nearest neighbour Wodonga has estimated a 10 to 12.5% drop in their economy but not Wangaratta.

The Victorian Government has agreed there needs to be change by allowing council another 2 months in preparation of a budget, with some known facts about the changes Covid19 will make to our operations next year. The Governor of the Reserve Bank has publicly stated that unemployment will be 11% by June 30 and could be as high as 15% come September. We already have more than 3 million people registered for the dole. As a Council we also recognised the hardship of our community by allowing an extra month to pay the 31st May rate instalment, so the Councillors sitting around this table have acknowledged there will be pain for some time to come. Our rate revenue for the last instalment dated 31st May is in the vicinity of \$8m. I would believe that we will have some 10 to 15% unable to make this instalment, so around \$1m will not be received and we know what this will do to our bottom line.

As I walked along Murphy Street during the week, I did a count of businesses and shops on the west side. There are 46 buildings between Hollywood's and the Justice Department. Of these, 3 are Government occupied, there are 8 vacant, 7 food shops with only 3 operating, 1 Bank, 1 Chemist, 1 hearing service, 2 Jewellers (1 open) 1 hotel (closed), and 22 apparel, gift shops and miscellaneous (5 Closed and 5 on restricted hours) and yet until yesterday's Chronicle article attributed to Helen Haines, we were being told that things were going along fine in Wangaratta.

I personally am scared stiff about Covid19 and have been to the supermarket twice in the last 5 weeks. I have been through a world war, where unemployment was 12%, grown up in a society where rationing of food was the norm and seen people begging for food scraps. I do read the newspapers to try and keep myself current and note where 1 in 10 of all others in this room have felt depressed in the last month according to the Australian Bureau of Statistics. I will make my comments on hopefully a revised budget after the community consultation has taken place. Thank you.

Cr Harvey Benton

Thank you Mr Mayor. I do sympathise with Cr Clarke's comments but we in the primary industry have gone through a demise in the livestock industry. In 81 we went through a wool recession and in the 90s and there wasn't any sympathy during those times to those industries and it took a long time to recover from them.

I believe we have to deal with the figures we have in front of us with this difficult time. I believe we have to make sure we are still going ahead with consistency and planning. I think with the facts and figures proposed, it shows we are very sympathetic in trying to handle some of the pressures out there and therefore I am going to support the budget.

Cr Harry Bussell

Thank you Mr Mayor. I want to make sure everybody is clear in the community that this is a draft budget.

Cr Mark Currie

I think Cr Clarke makes a good point but the one thing we have to keep reminding ourselves of is that we need to set a direction for the way forward. Yes things are going to change, that is why we have the ability to review and revise.

At this stage with the information that we have got on hand, we have a budget that we know will change but it is still a clear direction of where we are heading and it is our job as Councillors to make sure Council staff know the direction in which we are heading and if we have to make adjustments along the way, then we will make them.

Mayor Dean Rees

When developing this draft budget, Council had one focus – that is on ensuring we can help those most financial need.

We have already introduced a range of measures aimed at relieving the financial pressure those in need face – including extending the due date for the fourth quarter of rates and offering flexible payment options.

Our message is clear – if you need help, please contact us.

We know from our initial financial relief measures that Covid-19 has impacted some much more than others.

Ensuring Council remains in a strong financial position and continues to provide essential services means we can help those who need it.

The most meaningful assistance Council can offer right now is giving those in financial need access to our hardship policy.

Broader community assistance Council can offer right now comes in the form of continuing our capital projects, which we know will drive economic growth.

In the next year we will have a regional aquatic centre, a revitalised railway precinct and a regional play space in Apex Park.

These projects provide employment during construction and then attract visitors and investment when complete.

Tonight we are placing a draft budget on exhibition and inviting comment from the community.

Just as there are diverse opinions among Councillors, there will also be diverse opinions in the public – we welcome all views.

My view is that this Budget allows us to help those in need and that's why I am endorsing it for public exhibition.

13.3 MARCH 2020 QUARTERLY FINANCE REPORT

Meeting Type: Ordinary Council Meeting
Date of Meeting: 5 May 2020
Author: Manager Finance
File No: IC20/676

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

Executive Summary

This report is presented to Council to provide a quarterly progress report on its financial performance for the period ending 31 March 2020 for the 2019/20 financial year.

RESOLUTION:

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

That Council:

- 1. Notes the Quarterly Finance report for the period ending 31 March 2020.***
- 2. Notes the Councillor Expense reporting for the period ending 31 March 2020 and that this information is available on Council's website.***
- 3. Authorises the CEO to spend up to \$200k in the 2019/20 financial year to ensure ongoing delivery of projects and services, including to address changes to increased costs or lost revenues specifically due to Covid-19. Any such expenditures will be reported to Council at subsequent Council meetings.***
- 4. Approves a \$1,054,500 budget transfer within the Capital Works budget from the 'Aquatics Plan – WISAC Development' project to the 'Railway Precinct' project.***

Carried

Background

The Quarterly Finance Report is a statutory requirement under the Local Government Act 1989. Council has completed its third quarter financial reporting process to manage and monitor its financial position against the revised annual budget.

COVID-19 Impact

COVID-19 has many ramifications for the operations of council, from placing additional demands on essential services required to support the most vulnerable in our community, to a significant loss in revenue due to the required closures of certain Council services and facilities.

Council recognises the financial strain that Covid-19 is putting on community members. On 8 April 2020, Council announced the first measures to support our residents, businesses and community groups. The financial impact of these measures are not reflected in this report which covers the period January – March 2020. The financial impact to Council during that time was minimal – this is because Council services started to shut down in the later part of March.

The economic impact of COVID-19 on the community and on the organisation will be significant. Even within this 2019/20 financial year, Council will see reduced income amounting to hundreds of thousands of dollars, if not more. In the short-term Council has identified the following financial impacts to our forecast results for 2019/20:

- Loss of income from Wangaratta Performing Arts and Convention Centre of \$238k
- Loss of income from parking meters of \$115k
- Loss of income from sporting grounds through not charging of seasonal licence agreements while there is no sporting use until 30 June \$34k
- Loss of income from deferring animal registration due date \$20k
- Loss of income from refunds on application on commercial waste collection for businesses no longer trading \$42k
- Loss of penalty interest income \$9k
- Additional costs to support closure of Council services and compliance with the Stay at Home Directions under the Public Health and Wellbeing Act 2008 of \$67k

In addition to the above, there will be existing services areas requiring variation to ensure council facilities and services remain operational and/or so that they can be reopened once social distancing orders are relaxed. The recommendation in this report allows the CEO to allocate expenditure up to \$200k in the 2019/20 financial year that has otherwise been unbudgeted for this specific purpose. If possible, this will be accommodated for between now and June, with the endeavour to achieve no NET additional cost to council.

Council will announce its response to financial impacts on the Budget throughout the coming months. Council's Draft 2020/21 Budget is also being released for consultation and at this council meeting and will inevitably be revised as we better understand the impacts of COVID-19 on the operations of Council and our community.

Implications

Policy Considerations

The Councillor Support Policy 2016, Part 5 - Councillor Expenses Reporting requires a report on a quarterly basis of individual Councillor expenses to be presented to Council. The policy states:

68 Quarterly Reporting

(1) In the interests of accountability and transparency, all expenses or costs paid by Council on behalf of Councillors or reimbursed to Councillors will be publicly reported to Council on a quarterly basis. This will include quarterly and annual cumulative details of individual support expenses for items including:

- (a) Travel;*
- (b) Child Care/Family Care;*
- (c) Conferences, Seminars, Training;*
- (d) Individual Memberships;*
- (e) Mobile Phone and Tablet (including replacement costs – unless faulty);*
- (f) Events;*
- (g) Photocopying.*

(2) This information will also be made available on Council's website for the current term of office.

Councillor Support expenses for January – March 2020 (Quarter 3), are included as an attachment 4 to this report.

Financial/Economic Implications

Quarter 3 Year to Date Summary

Comprehensive Income Statement for the nine months ended 31 March 2020

	19/20 Adopted Budget	19/20 Revised Budget	19/20 YTD Actual	19/20 YTD Revised Budget	YTD Variance	YTD Variance
	\$'000	\$'000	\$'000	\$'000	\$'000	%
Income	67,455	71,605	55,562	54,350	1,211	2%
Expenses	63,757	68,258	44,634	48,521	3,887	8%
Surplus/(deficit) for the year	3,698	3,347	10,928	5,829	5,098	87%
Capital/Works Expenditure	39,690	43,253	20,736	29,877	9,141	44%

Operating Result

Council's Performance is overall better than expected for the nine months ended 31 March 2020.

When compared to Council's 2019/20 Revised Budget, Council's income results are within 2% of budget and expenditure results are within 8% of budget.

The major variances are:

Income – favourable movements

1. Higher than anticipated planning application fees
2. Council received \$395k Road to Recovery and \$574k Aquatics Plan - WISAC Development capital grants earlier than anticipated.
3. Proceeds on sale of land on Murrell Street are tracking over budget.

Income – unfavourable movements

1. Council is still expecting to receive \$1.8M reimbursement for the emergency flood works for the December 2018 natural disaster towards Council's capital works program.
2. Council received 68% Packaged Home Care Grant income against 80% year-to date budget figure.

Expenses – favourable movements

1. Council's materials and services costs are tracking under budget. Materials and services expenditure is underspent across most parts of the organisation. This is expected to continue as increased financial restrictions have been put in place across the organisation due to Covid-19.
2. The favourable variance in materials and services of \$991k is largely driven by delays in the progress of flood works restoration and projects and recreation projects to be completed before 30 June 2020.
3. Council's year to date depreciation expense is tracking lower than budgeted by \$2.97m. Depreciation on road assets is lower than expected and this is due to a number of road seal assets that have been fully depreciated. Council's Finance & Infrastructure teams are working through the asset registers to identify what adjustments (if any) are necessary in the lead up to 30 June 2020. It is likely that the depreciation for 2019/20 will be lower than the budgeted amount.
4. Interest on borrowing is under budget due to the delayed drawdown on borrowings.

Expenses – unfavourable movements

1. Employee costs are tracking 1% above budget for the year-to-date but are on track against full year budget.

Capital Works

The 2019/20 capital works revised budget is \$43.253 million. At 31 March 2020 Council has delivered \$20.736 million, which represents approximately 44% of the annual revised budget amount. However, it should be noted that Council has commitments of \$26,880 million in relation to its capital works program. This commitments figure includes some multi-years contracts.

The 2019/20 budget for the Aquatics Plan – WISAC Development project is \$10,971,467 with the year-to date actual at \$4.5 million. Due to some changes in delivery timelines, an additional \$5 million will be spent by to the end of the financial year, bringing the projected full year expenditure to \$9.5 million.

On the other hand, the Railway Precinct project budget for 2019/20 is \$1,931,000 with an expected expenditure of \$2,985,500 to the end of financial year due to works progressing ahead of plan.

Approval is sought for Council to approve a \$1,054,500 budget transfer within the current 2019/20 revised budget from the Aquatics Plan – WISAC Development Project to the Railway Precinct Project.

Legal/Statutory

This report has been prepared in accordance with the Local Government Act, Australian Accounting Standards, Council Plan 2017 – 2021, Annual Budget 2019/20, Revised Budget 2019/20, and the 2019/20 Capital Works Program.

Specifically, in accordance with the Local Government Act, Section 138 requires the Chief Executive Officer, at least every three months, to prepare a statement comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date and to present this report to Council.

Social

Council plans for and delivers a number of projects contained in the 2019/20 budget that provide a positive social impact for the community.

Environmental/Sustainability Impacts

Council plans for and delivers a number of projects contained in the 2019/20 budget that supports its Environmental Sustainability Strategy.

2017 – 2021 Council Plan (2019 Revision)

This report supports the 2017-2021 Council Plan:

Goal

We are Sustainable

What we do everyday:

We consistently focus on the achievement of the operational parameters framed in the annual budget.

Risk Management

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

Consultation/Communication

Consultation has been undertaken with Council managers and the Corporate Management Team and the matter is now ready for Council consideration.





Options for Consideration

The Chief Executive Officer is required to, at least every three months, prepare a statement comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date and to present this report to Council.

Conclusion

A thorough revision of projected income and expenditure for the 2019/20 financial year will continue to be undertaken in light of the COVID-19 financial impacts.

Attachments

- 1 Income Statement as at 31 March 2020 
- 2 Balance Sheet as at 31 March 2020 
- 3 Capital Works as at 31 March 2020 
- 4 Councillor Expenses as at 31 March 2020 

14. COMMUNITY WELLBEING

14.1 WALKING AND CYCLING STRATEGY - RESULTS OF PUBLIC EXHIBITION AND ENDORSEMENT

Meeting Type: Ordinary Council Meeting
Date of Meeting: 5 May 2020
Author: Projects and Recreation Coordinator
File No: IC20/625

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 detail the feedback received during the public exhibition of the draft Walking and Cycling Strategy and to seek endorsement of the final strategy (Attachment 1).

The strategy has been informed by a significant community engagement process, reviews of existing Council plans and strategies, external documents relevant to the Wangaratta community and best practice and industry standards.

The public exhibition period has been used to verify the content of the strategy and to test the concepts contained within it. Seventy-two submissions were received during the public exhibition period and consequently, minor amendments have been made to the strategy.

The endorsement of this strategy will be provide strategic guidance to Council in relation to the significant amount of infrastructure that is dedicated to walking and cycling and will provide guidance on meeting the strong demand for further investment in this area. This strategy seeks to provide a framework for prioritising and making informed decisions in the walking and cycling space.

RECOMMENDATION:

(Moved: Councillor A Fitzpatrick/Councillor D Fuller)

That Council:

- 1. Acknowledges the feedback received during the public exhibition period; and***
- 2. Endorses the final Walking and Cycling Strategy.***

Carried

Background

The final Walking and Cycling Strategy has been developed to guide the way Council delivers infrastructure that supports the ability of people within our community to be active, to safely move around, and to stay connected.

Wangaratta has an extensive network of pathways and trails which connect many destinations within the municipality, particularly within the urban area. With more than 240km of pathways with an estimated replacement value of \$22.5m plus a number of gaps in the network and potential new routes, the need for investment into walking and cycling infrastructure is strong. Walking and cycling provides a range of benefits to the community including physical and mental health, social, economic and positive environmental outcomes.

A longstanding cycling culture within Wangaratta is one of our community's strengths, but it has also been challenged by an increasingly vehicle-centric mindset. An increase in actual and perceived risk of riding on-road has also led to a greater proportion of our community having a strong preference for riding off-road with full separation from vehicles.

Implications

Policy Considerations

There are no Council policies which have an impact on the Walking and Cycling Strategy.

There are a number of existing Council strategies which have informed this strategy and which will be impacted by the implementation of this strategy. These include:

- Municipal Public Health and Wellbeing Plan
- CBD Masterplan
- Health Precinct Masterplan
- Environmental Sustainability Strategy
- Open Space Strategy
- Recreation Strategy
- Community Access and Inclusion Plan
- Rural Placemaking Plans
- Wangaratta Car Parking Plan
- Economic Development Strategy
- Central Activity Area Urban Design Framework
- North West Growth Area
- South Growth Area
- Roads Asset Management Plan
- Tree Management Strategy and Plan
- Infrastructure Design Manual

Financial/Economic Implications

There are no immediate financial or economic implications identified for the subject of this report. The strategy identifies a significant amount of actions to undertake over the ten-year lifespan of the strategy and beyond – there are

\$20.4m of works identified in the initial ten years which will be considered in future budget deliberations.

	2018/2019 Approved Budget for this proposal \$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue/Income	\$36,800			
Expense	\$29,713			
Net Result	+ \$6,287			

Savings were made due to Council staff completing some of the work rather than an engaged consultant.

Legal/Statutory

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

Social

There are a range of social benefits which will be outcomes from the implementation of this strategy. An example of these is the physical health benefits associated with providing improved opportunities for people to undertake physical activity. This will have physical benefits including helping to address the obesity of our community and flow-on effects such as reduced risk of various diseases such as diabetes, cardiovascular disease, various cancers and osteoarthritis.

Mental health and social benefits will also be achieved as an outcome of implementing this strategy through creating public environments which facilitate improved connections between people and reducing feelings of stress, anxiety and depression.

Environmental/Sustainability Impacts

The increase of walking and cycling, as a choice over vehicle usage, has a positive impact on our environment. As such, the implementation of the strategy, and the achievement of increased walking and cycling rates across the community will have benefits on the environmental sustainability of our municipality. This choice will provide benefits in relation to emissions reductions and work towards mitigating the effects of climate change.

2017 – 2021 Council Plan (2019 Revision)

This report supports the 2017-2021 Council Plan:

We will research and advocate:

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

We will create and deliver:

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

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

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

The non-negotiables

- Our community can access recreation facilities and programs. We can all lead an active and healthy lifestyles
- Our rural communities are supported and recognised as significant contributors to the economic and social character of the municipality

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

In 2030, sport, recreation, arts and culture play an important role in bringing communities together and improving personal and community health and wellbeing.

Municipal Public Health and Wellbeing Plan 2017-2021

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

5.1.4 – Ensure key community facilities, precincts and spaces are family friendly to ensure parents and carers can easily participate in community life

5.3.2 – Consider design in community and recreational precincts, facilities and spaces in a way that enhances safety and passive surveillance.

Recreation Strategy

7.1.2 – Develop concurrently a Walking and Cycling Strategy for the Rural City of Wangaratta in conjunction with key stakeholders.

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

Open Space Strategy

6.1.7 – Develop and enhance linear links and corridors, shared pathways, safe linked walking and cycling routes to key destinations.

7.1.1 – Improve the bicycle network along the Ovens River to provide continuous pedestrian and cycling linkages in the Wangaratta are, including the completion of the shared path linkage between Northern Beaches and central Wangaratta.

7.1.2 – Enhance the trail network along One Mile Creek and better link urban areas to the CBD.

7.4.1 – In Whitfield, consult with the community on developing a walking/cycling trail along the King River linking Whitfield and Cheshunt.

Rural Placemaking Plans

Each of the five Rural Placemaking Plans identify a number of walking and cycling related actions which have been considered and incorporated within the draft strategy.

Environmental Sustainability Strategy

Action 30 - Include public transport, bicycle and pedestrian networks and facilities in all new developments and retrofit opportunities (buildings and subdivision), including potential for future cycling and public transport options. Include sensitive design for disabled and elderly users.

Action 47 – Plan and improve facilities to support public transport users, walking and cycling.

Consultation/Communication**Initial Engagement**

Significant consultation has occurred through the development of the draft strategy. The main period of consultation was undertaken from January to March 2019 with a range of opportunities available for people to provide input – these included online surveys; interactive mapping; written submissions; stakeholder workshops; a rural community roadshow and phone interviews. Over 300 online/written submissions were received with another 60 people engaged through the workshops, information sessions and interviews.

Public Exhibition

The draft Walking and Cycling Strategy was placed on public exhibition for a period 60 days, this concluded on 11 February 2020. The public exhibition process was promoted through various channels including newspaper, website, social media and direct communication with stakeholders. All individuals and organisations (who provided contact details) who provided feedback during the initial engagement period were also advised of the status of the project and the opportunity to provide further feedback during this period.

Seventy-two (72) submissions were received during the exhibition period. A summary of the submissions is included as an attachment to this report (Attachment 2). Forty-three (43) submissions were received in relation to a single action, that being the upgrade of the Wangaratta-Yarrawonga Road Pathway. The remaining twenty-nine (29) submissions varied from general feedback, specific comments and several in-depth assessments of the strategy.

Changes to the strategy

Feedback received during the public exhibition process has identified three areas of the document which have been changed:

1. Minor details such as spelling, layout being rectified – not substantial
2. Tidying up and clarification of strategic directions and actions where there were some overlaps – not substantial
3. Refinement of action plan priority for some projects and a small number of additions – some projects have changed status, but largely not substantial

There have been a number of changes to the document (Attachment 3) with the majority being minor details and clarification. There have been some additional actions added and priority rating for some actions has changed. These are detailed in the attachment.

For effective implementation of the strategy, it is intended that regular reviews are undertaken and both actions and their priority will change throughout the life of the document. This may be due to changing circumstances, priorities of Council and the community and funding opportunities that may arise.

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

Options for Consideration

1. That Council acknowledges the feedback received during the public exhibition process and endorses the final Walking and Cycling Strategy. **(Recommended)**
2. That Council acknowledges the feedback received during the public exhibition process and does not endorse the final Walking and Cycling Strategy. **(Not recommended)**

Conclusion

The Walking and Cycling Strategy is an important planning document to guide Council in its decision making. Walking and cycling are two of the key activities that enable our community to be physically active and to travel around and through our community. A significant infrastructure base is required to support this activity and a sound strategic approach is needed to ensure it is done so in an effective and efficient manner.

Attachments

- 1 FINAL WALKING AND CYCLING STRATEGY 
- 2 FEEDBACK RECEIVED DURING PUBLIC EXHIBITION 
- 3 WALKING CYCLING STRATEGY CHANGES TO DRAFT 

Public Questions

Please follow link [5 May 2020 Council Meeting Video 2](#) and refer to minutes 13.28 to 14.02 for public questions and responses related to Item 14.1 Walking and Cycling Strategy

15. INFRASTRUCTURE SERVICES

15.1 LARGE & SMALL MARKET ELECTRICITY AGREEMENTS (PROCUREMENT AUSTRALIA)

Meeting Type: Ordinary Council Meeting
Date of Meeting: 5 May 2020
Author: Delivery and Contracts Coordinator
File No: IC20/561

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.

Brendan McGrath - CEO, declared a conflict of interest relating to item 15.1 Large & Small Market Electricity Agreements (Procurement Australia) as he is a Director on the Board for Procurement Australia who are being considered for the tender being awarded as detailed within the report.

Executive Summary

This report is presented to Council to obtain approval for the signing of the Small Market and Large Market Electricity agreements from ERM Power Retail Pty Ltd (ERM) for 2021/22 and 2022/23.

RESOLUTION:

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

That Council:

- 1. Award the Small Market and Large Market Electricity agreements from ERM Power Retail Pty Ltd for 2021/22 and 2022/23; and***
- 2. Authorises the Chief Executive Officer to sign documents for Small Market and Large Market Electricity agreements from ERM Power Retail Pty Ltd for 2021/22 and 2022/23.***

Carried

Background

Council has a current supply contract through the multi-council Procurement Australia Retail Energy, Natural Gas and Associated Services tender. At the start of the tender in 2018, participating organisations had the choice between 2 or 3 years. The Rural City of Wangaratta Council selected 3 years which ends in 2021/22. Other organisations selected 2 years and therefore their contracts end in 2020/21. Procurement Australia has recently completed one tender to cover both finish dates. This requires Council to enter into an agreement one year before its contract starts as detailed below:

- September 2019 - Procurement Australia conducted the tender for the following:
 - Large and Small Market Electricity
 - Large and Small Market Natural Gas
 - Public Lighting
 - Solar Feed in Tariff
- ERM was awarded the Contract for supply of both Large & Small Market Electricity
- ERM has requested that separate agreements for Small and Large Market Electricity be signed and returned

Implications

Policy Considerations

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

Financial/Economic Implications

Cost estimates have been provided by Procurement Australia using previous recorded electricity usage and the successful tenderer's rates. The costs for the Large and Small Market electricity contract over the 2-year contract period are included in the attached Energy Tender Financial Summary and a breakdown shown in the table below:

The existing 2020/21 contract has been included for reference.

	<i>2020/21(existing contract)</i>	<i>2021/22</i>	<i>2022/23</i>	<i>TOTAL</i>
<i>Large Market Electricity</i>	\$389,404	\$370,853	\$363,377	\$1,123,634
<i>Small Market Electricity</i>	\$198,788	\$205,165	\$205,165	\$609,118

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 (2019 Revision)

This report supports the 2017-2021 Council Plan:

Goal

We are Sustainable

We will plan and make decisions for the future:

We will respond to the challenges that face our organisation and community in innovative and effective ways. We will partner, collaborate and advocate to make sure that we will have a sustainable and vibrant future.

The non-negotiables

Our buildings, facilities and assets will be utilised in an efficient and equitable way

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

N/A

b) Other strategic links

N/A

Risk Management

N/A

Consultation/Communication

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

Options for Consideration

1. Sign agreements for electricity supply between 1 July 2021 and 30 June 2023
2. Do not sign agreements. A separate tender would need to be conducted with a risk of increased electricity rates.

Conclusion

Procurement Australia has undertaken a Retail Energy, Natural Gas and Associated Services tender on behalf of several councils.

The rates achieved in the tender process provide value for money and the agreements are ready to be signed and returned to ERM Power Retail Pty Ltd.

Attachments

- 1 Small Market Electricity Agreement - Ver 2 - Rural City of Wangaratta - Confidential

- 2 Large Market Electricity Agreement - Rural City of Wangaratta - Confidential
- 3 Financial Summary - Rural City of Wangaratta - Confidential

15.2 DRAFT WAREENA PARK MASTERPLAN

Meeting Type: Ordinary Council Meeting
Date of Meeting: 5 May 2020
Author: Project Officer
File No: IC20/563

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

Executive Summary

This report is presented to Council to endorse the draft Wareena Park Masterplan to be advertised for Public Exhibition.

The Wareena Park Precinct is home to multiple sporting and community groups based around the Wareena Park Oval, Bowls Club and the Ed Tippet Pavilion.

The draft Masterplan has been developed to ensure the precinct is developed in a way that maximises outcomes for all users and ensures future investment is delivered in a strategic manner.

The Masterplan will focus on delivering key strategies to improve access and wayfinding, create a community hub and sports pavilion, provide play spaces and connect people to existing shared paths.

RESOLUTION:

(Moved: Councillor D Fuller/Councillor A Fitzpatrick)

That Council:

- 1. Place the draft Wareena Park Masterplan on public exhibition seeking feedback from the community and stakeholders until close of business on Friday 5 June 2020.***
- 2. If no submissions requesting changes to the policy are received, adopts the Wareena Park Masterplan without further resolution.***

Carried

Background

A key objective of this Masterplan is to identify a clear direction for the future use of the former Olympic Pool site. In 2015, Council endorsed the Wangaratta Aquatic Plan for the Future identifying the closure of the Olympic Pool, as the new outdoor pool at the Wangaratta Indoor Sports and Aquatic Centre was opened.

The Wareena Park Precinct is one of Council's key community and recreation precincts. Eight key user groups utilise the site for a range of recreation activities including cricket, football, lawn bowls and pipe band practise. The current site facilities, including the Ed Tippet Pavilion and sporting oval are in poor condition. Key users have identified the need for future improvements.

The Masterplan will ensure the future sport, recreation and community needs of the precinct are identified and developed in a way that maximises outcomes for all users.

Implications

Policy Considerations

Rural City of Wangaratta Events & Attractions Strategy 2018-2023

"Upgrade event venues across the municipality to encourage marquee events".

Rural City of Wangaratta Aquatic Plan for the Future

"Plan for the future redevelopment of the Olympic Pool... for appropriate recreational purposes in partnership with the community, that meet the needs of the local neighbourhoods and the wider community".

Financial/Economic Implications

Council has committed \$75,000 (GST exclusive) in the 2019/20 budget for the development of the Masterplan. The Masterplan will allow Council to accurately plan and incorporate deliverables within Council's 10-year Capital Works program. It will also provide Council with the opportunity to seek external funding.

The Wareena Park Masterplan will attract an ongoing economic benefit through regional sport including Lawn Bowls, Cricket and Football. Provide an attractive rest area and facilities for tourists, including over size car parking, an RV dump point and shared path connections to our central business district area.

Legal/Statutory

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

Social

At the heart of this masterplan is that Wareena Park should be a welcoming and safe environment for all ages, a key part of this is the large all ages play spaces and community hub.

There are several studies which speak to the positive effects of both exercise and social interaction for all age groups.

Given Wareena Park's location and its ability to connect with the CBD, waterways and shared path network are key drivers for this community hub.

Environmental/Sustainability Impacts

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

2017 – 2021 Council Plan (2019 Revision)

This report directly supports the 2017-2021 Council Plan action to “deliver Wangaratta Parklands Precinct Master Plan in 2019/2020”. :

Goal

We are Growing

The non-negotiables

“Our commitment to communicate and engage with our community about local decision making in a way that is clear, accessible and easy to understand”.

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

“Wangaratta is a thriving regional centre, renowned for its high-standard housing, employment, retail businesses, industry, sports and recreation, culture and tourism”.

b) Other strategic links

Rural City of Wangaratta Events and Attractions Strategy 2018 – 2023

“Increase tourism through marquee live performance and sporting event attraction”

“Upgrade event venues across the municipality to encourage marquee events”.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Community concerns regarding the closure of the Olympic Pool	3	2	5	Consultation undertaken as part of the Wangaratta Aquatic Plan for the Future. Consultation undertaken as part of the Masterplan development. Public exhibition period & community consultation opportunities.

Consultation/Communication

Consultation is vital to provide valuable input to help shape the Draft Masterplan. Three open community consultation sessions were held in September 2019 with 45 participants in attendance across the three days and nights.

In December 2019, eight key stakeholders participated in a user survey to further explore their requirements and needs.

In March 2020, key user groups were invited to view the draft Masterplan prior to public exhibition. The current pandemic (COVID-19) restricted the ability to hold a public meeting, instead an online meeting was held. Attendees included Sport North East, King Valley Football and Netball Club, with feedback from the Wareena Park Bowls Club.

Response from key user groups has been positive and recommendations have been incorporated. Stakeholders that are yet to provide feedback have been advised to do so during the public exhibition period.

If placed on public exhibition, the draft Masterplan will be directly distributed to key users and advertised through Council's website and the Wangaratta Chronicle. A mail out will also be undertaken to inform surrounding residents.

The Masterplan impacts the following key stakeholders:

Coronation Kindergarten
Imperial Junior Football Club
Kangaroos Junior Football Club
King Valley Football and Netball Club
Wangaratta District Junior Football League
Wangaratta District Cricket Association
Wangaratta City Pipe Band
Wareena Park Bowls Club
Sports North East
Community and surrounding residents.

All key stakeholders have had an opportunity to provide input into the development of the Masterplan.

Officers believe that appropriate preliminary consultation has occurred, and the matter is now ready for Council consideration to undertake public exhibition.

Options for Consideration

1. That Council chooses to endorse the Wareena Park Master Plan
2. That Council chooses not to endorse the Wareena Park Master Plan
3. Further develop the draft before seeking formal feedback

Conclusion

The Wareena Park Precinct is home to multiple sporting and community groups. The draft Masterplan maximises outcomes for all users and ensures future investment is delivered in a strategic manner.

A significant amount of public and focused consultation has been undertaken and Officers now believe the Draft Wareena Park Masterplan is ready for public exhibition.

Attachments

- 1 Final - Draft MP Public Exhibition Wareena Park - Rev01 (1) 

15.3 KANANA CRESCENT FOOTPATH PETITION RESPONSE

Meeting Type: Ordinary Council Meeting
Date of Meeting: 5 May 2020
Author: Manager Infrastructure Planning and Delivery
File No: IC20/564

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

Executive Summary

A petition containing 76 signatures was tabled at Council's Ordinary meeting on the 24 March 2020. The petition is seeking that Council consider a footpath be constructed on the east side of Kanana Crescent, Wangaratta.

This report addresses the request made by the petitioners and provides recommendation for Council consideration.

RESOLUTION:

(Moved: Councillor A Fitzpatrick/Councillor K Clarke OAM)

That Council:

- 1. Include the construction of a path on the east side of Kanana Crescent to provide missing link connectivity for residents through from the bottom of Rangeview Crescent directly to the Wangaratta West Kindergarten and the Appin Park Athletics Complex into the five-year detailed Capital Works program between 2021-2026; and***
- 2. Responds to the first signatory with details of the resolution of Council.***

Carried

Background

Kanana Crescent, Wangaratta does not currently have constructed footpath within the road reserve on either the left or right side of the road. The only exception being 22m of constructed path on the corner of Kanana Crescent and Rangeview Avenue, fronting 13 Kanana Crescent, currently rated condition 3 (average).

There is an informal, unmade path (natural surface) from well-worn foot traffic on the east side of the road.

Capital Works Program

Kanana Crescent does not currently sit on the capital works program for the forthcoming 2020/21 financial year. It is not listed on the path program within the detailed 5-year program.

Ideally road reserves requiring new paths under a 10-year long term financial plan for capital acquisition program should be identified in the Walking and Cycling Strategy (currently in draft status) and then be programmed into a 10-year capital works program via a Path Asset Management Plan (revised annually).

Current Prioritisation

Identifies and prioritises existing paths, with some proposed new paths recently added and prioritised yet to be considered on a capital planning program.

Kanana Crescent footpath currently has a priority index of 21 and sits 45 overall on the New Path Programming schedule.

Prioritisation Criteria

Evaluation criteria for prioritisation include:

- Connectivity/Missing Link – How path links to existing network
- Network Extension – How path extends existing network
- Service - Existing path on one side, both sides or none
- Path Hierarchy – Does location meet Footpath strategic plan collector route
- Road Class Risk – Traffic Speed and Volumes and risk to pedestrians
- Alternatives - Do path users have practical alternatives (yes/no)

Each criterion has various ratings 1-6 to determine a value and for each proposed road, which are then summed to provide an overall score for a proposed path, ranging between 0-40, where 0 is the lowest priority and 40 is the highest priority.

These criteria need to be revised, and this has been identified as part of the improvement plan in the draft Path Asset Management Plan, yet to be presented and adopted by Council.

For example, in this case of Kanana Crescent:

- There is no consideration of socio-economic indicators of disadvantage
- Wangaratta West Kindergarten is located at the northern end of Kanana Crescent, at the intersection of Orkney Street.
- The Appin Park Athletics Complex public open space grounds are also located at this northern intersection.
- When considering the criteria for Connectivity/Missing Link, a capital project has been identified for Rangeview Crescent to extend existing path to Appin St. Providing path along Kanana Crescent would therefore provide missing link connectivity for residents through from the bottom of Rangeview Crescent directly to the Wangaratta West Kindergarten and the Appin Park Athletics Complex open space.

Implications**Policy Considerations**

There are no policy considerations identified for the subject of this report.

Financial/Economic Implications

The estimated construction cost is \$65,000.

Legal/Statutory

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

Social

Installation of this footpath would increase the connectivity to both the Wangaratta West Kindergarten and Appin Park Athletics Complex.

Environmental/Sustainability Impacts

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

2017 – 2021 Council Plan (2019 Revision)

This report supports the 2017-2021 Council Plan:

Goal

We are Growing

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

N/A

b) Other strategic links

Walking and Cycling Strategy (Draft)

Risk Management

There are no moderate or high risks for the purpose of this report.

Consultation/Communication

There was no community consultation undertaken for this report.

Options for Consideration

Council could not adopt the recommendations. Kanana Crescent footpath will remain 45th overall on the New Path Programming schedule. Based on the current construction schedule this would not be constructed in the next 15 years.

Conclusion

Based on the above evidence, construction of a footpath on the east side of Kanana Crescent should be incorporated into the five-year detailed Capital Works program between 2021-2026.

Attachments

Nil.

15.4 C24884 BANK STABILISATION BENEATH BRIDGES OVER HODGSON CREEK

Meeting Type: Ordinary Council Meeting
Date of Meeting: 5 May 2020
Author: Project Manager
File No: IC20/632

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

Executive Summary

This report is presented to Council to provide details of the evaluation of C24884 Bank Stabilisation beneath bridges over Hodgson Creek.

RECOMMENDATION:

(Moved: Councillor H Benton/Councillor H Bussell)

That Council:

- 1. Awards the contract C24884 Bank Stabilisation beneath bridges over Hodgson Creek to Excell Gray Bruni, subject to Department of Treasury and Finance flood recovery funding approval.***
- 2. Authorises the Chief Executive Officer to sign and seal documents for Contract C24884 Bank Stabilisation beneath bridges over Hodgson Creek, when available; and***
- 3. Discloses the contract price for Contract C24884 Bank Stabilisation beneath bridges over Hodgson Creek.***

Carried

Alan Clark, Director Infrastructure Services discloses the contract price for Contract C24884 Bank Stabilisation beneath bridges over Hodgson Creek as \$621,497 ex GST.

Background

In December 2018 damage was caused to banks and structures associated with existing bridges over the Hodgson Creek at:

- Bridge No. 141 on Dickens Rd, over Hodgsons Creek, Everton Upper and
- Bridge No. 153 on Eldorado-Tarrawingee Road, Tarrawingee.

Due to flooding associated with a major storm event in December 2018 and resulted in significant erosion of the banks. The event also resulted in the deconstruction of the retaining walls which provided support/protection to the bridge abutments.

These works are to be funded by the Department of Treasury and Finance as part of the State Funded – December 2018 Flood Recovery Program.

The Rural City of Wangaratta sought a suitably qualified contractor to complete the works via an open tender process.

Advertisement	Date
Tenderlink	02/03/2020
Chronicle	05/03/2020

Tenders closed at 2:00pm on Tuesday 31 March 2020.

There were 2 tenders received.

The tender evaluation team included two Project Managers and Council's Delivery and Contracts Coordinator.

Implications

Policy Considerations

Procurement Policy

Financial/Economic Implications

These works are funded from the State Government – December 2018 Flood Recovery Program.

Legal/Statutory

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

Social

Access to properties beyond the damaged bridges has been impacted with alternative routes in use.

Environmental/Sustainability Impacts

These works are within waterway areas and will be undertaken in accordance with North East Catchment Management requirements.

2017 – 2021 Council Plan (2019 Revision)

This report supports the 2017-2021 Council Plan:

Goal

We are Growing

We will create and deliver:

Timely and appropriate infrastructure to support our growth areas.

We will plan and make decisions for the future:

We will respond to the challenges that face our organisation and community in innovative and effective ways. We will partner, collaborate and advocate to make sure that we will have a sustainable and vibrant future.

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

N/A

b) Other strategic links

N/A

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Timeframe and achieving the proposed timelines	Minor (2)	Moderate (3)	5	Project Manager to monitor
Unsatisfactory quality of works	Minor (2)	Minor (2)	4	Project Manager to monitor
Contractor Injury	Minor (2)	Moderate (3)	5	Project Manager to monitor contractors OH&S performance
Community concerns	Minor (2)	Moderate (3)	5	Communication Plan

Consultation/Communication

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	Ongoing communication with residents through the life of the project	Letters, meetings, phone calls, social media & Chronicle advertisement
Consult	Contact NECMA for working in waterway permit and utility authorities for working near assets.	Letter, phone calls, permits as required.

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

Conclusion

This project will consist of bank stabilisation works damaged during the December 2018 storm event along Hodgson Creek. Following a comprehensive evaluation of tenders against the pre-determined evaluation criteria and weightings, Excell Gray Bruni scored the highest and offer value for money.

Attachments

- 1 C24884 Bank Stabilisation beneath bridges over Hodgson Creek - Evaluation Report - Confidential

16. DEVELOPMENT SERVICES

16.1 WANGARATTA PLANNING SCHEME - PLANNING POLICY FRAMEWORK TRANSLATION

Meeting Type: Ordinary Council Meeting
Date of Meeting: 5 May 2020
Author: Strategy Planner
File No: IC20/255

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 recent work by the Department of Environment, Land, Water and Planning (DELWP) Smart Planning Team to translate the current Municipal Strategic Planning Statement and Local Planning Policy contained within the Wangaratta Planning Scheme, into the new Planning Policy Framework (PPF) introduced by the Minister for Planning through Amendment (VC148) – July 2018.

The new PPF is designed with the vision to improve the operation of planning policy in Victoria to enable the greater alignment of state, regional and local policies. This is achieved through the implementation of a three-tier structure that integrates and aligns these policies.

Council planning schemes across Victoria will be translated in stages. The Wangaratta Planning Scheme was selected to be within in the first wave of translation with the process commencing in late 2018.

RECOMMENDATION:

(Moved: Councillor H Benton/Councillor H Bussell)

That Council:

- 1. Resolves to support the new format PPF for the Wangaratta Planning Scheme subject to the incorporation of the changes outlined in Attachment 1 to this report and notifies the Minister for Planning of Council's decision.***
- 2. Delegates to the Director of Development Services authority to agree to minor changes in order to advance the PPF through the DELWP approval process and associated planning scheme amendment process.***

3. *Notifies all relevant stakeholders and regular users of the Wangaratta Planning Scheme of the future changes to the Wangaratta Planning Scheme.*

Carried

Background

The DELWP Smart Planning team have commenced a program to translate all Victorian Planning Schemes into the new PPF and the Municipal Planning Strategy (MPS) in order to:

- Strengthen planning policy.
- Better align and integrate state and local planning policy.
- Make policy easier to navigate and use.
- Ensure that policy is consistent and concise.
- Simplify the review and update of policy.

The new format MPS will be inserted at Clause 2 of the Scheme. The MPS is designed to explain the context for a municipality and provide overarching strategic directions for the major land use and development matters that affect a municipality.

The layout of the new PPF in relation to the current Scheme format is shown in the diagram included as **Attachment 2**.

Recent Review of the Wangaratta Planning Scheme (Amendment C75)

The Wangaratta Planning scheme was reviewed as required in 2016, with a planning scheme amendment C75 implementing the findings of that review in 2018. This amendment made major changes to the MSS and Local policy sections of the scheme, with the anticipation that in the long term the State Government may mandate the changes now the subject of this report. These changes included aligning current local policy under the thematic headings of the current State policy.

Pathways for translation

There are two pathways on offer to Councils to undertake the translation of the scheme. The first being a regular planning scheme amendment with public notification, and the other being a fast-tracked Ministerial Amendment with no notification.

This fast-tracked amendment utilizing Section 20(4) of the *Planning and Environment Act 1987* is only available where the translation of the scheme is policy neutral.

Given the recent review of the planning scheme through Amendment C75, Council officers have selected that the translation should occur in a policy neutral manner, firstly for efficiency and secondly to avoid another major review of the local policy so shortly after C75.

Policies as presented in the translated format do look different from the current policy, however their intent and application has been kept in a policy neutral setting and any duplication of policy has been removed.

It should also be noted that policy that is non planning related has been removed in the translation and policy that is redundant or not consistent with the new rules (PPF translation manual) has also been removed.

The new format MPS / PPF

A copy of the proposed PPF translation is attached to this report at **Attachment 3**.

In order to fully appreciate the interaction of the local policy with both State and Regional policy, all clauses must be read in conjunction with their respective sections of the scheme.

Local policy that has previously repeated State policy has been removed as part of this translation program. The new format policy includes updated settlement and townships maps which in some instances consolidates information into one source.

Translation Issues

The translation program has been a long process and has placed a considerable recourse burden on Council, in the form of Council officer time to review and comment on respective drafts of the PPF.

DELWP's Smart Planning Team have issued their final version of the translation for Council to consider. This final draft (see **Attachment 3**) represents Version 8 and a process that commenced in late 2018.

There has been considerable progress from Version 1 of the translation to the current version, however, Council officers consider that there are still some outstanding issues with the final version.

Attachment 1 to this report outlines the outstanding issues, provides appropriate discussion where required and outlines a solution to each issue.

Overall, the majority of the issues are minor administrative issues that are easily rectified and will ensure that the policy reads clearer to its audience.

However, there are two more substantial issues based around sunset provisions being applied to Clauses 11.03-1L (*Wangaratta CAA*) and 12.03-1L (*River Corridors, Waterways, Lakes and Wetlands*). The concern is held around the inclusion of the sunset provisions within the PPF translation and in particular the on-going implications for Council of this. Sunset provisions are not uncommon within Victorian Planning Schemes; however, they are generally implemented in situations where interim policy or controls are provided to allow Councils time to undertake further Strategic work, to ultimately replace the provisions. Accepting the two sunset provisions as proposed, would create an expiry date for these Clauses, requiring Council to undertake further Strategic work. This further strategic work will have to be implemented through an additional planning

scheme amendment, which has financial implications for Council, including the outsourcing of mapping work required and officer time, further to this, this additional work will delay other key planning strategies and amendments that overall, would have a greater benefit to the community of Wangaratta.

Process from here

As detailed above the final draft PPF has been issued by DELWP's Smart Planning team and Council is now asked to consider its position and advise the Minister for Planning accordingly.

Following Council's consideration, the PPF will be reviewed by DELWP Planning Systems for sign off by the Minister for Planning or authorised Delegate.

Implications

Policy Considerations

The PPF translation program is designed to make planning policy easier and more efficient to use across the state of Victoria. The translation approach selected is a policy neutral translation, therefore the intent and policy positions currently adopted within the Wangaratta Planning Scheme will not change.

Legal/Statutory

The translation has been undertaken by the DELWP's Smart Planning team and accords with the current Victorian Planning Provisions following the approval of the state-wide Amendment VC148.

2017 – 2021 Council Plan (2019 Revision)

The new format PPF references the key directions contained in the Council Plan at Clause 2.0 (MPS), further strengthen the alignment of the Council Plan with the Wangaratta Planning Scheme.

Consultation/Communication

The proposed PPF translation has only been reviewed internally by planning staff and not publicly advertised, due to its policy neutral translation.

Options for Consideration

Option 1: (Recommended Option) That Council resolve to support the proposal PPF translation only on the basis that changes outlined in the attached table (**Attachment 1**) are incorporated and that Council notifies the Minister for Planning of this conditional support.

Option 2: That Council resolve to not support the new format PPF and advises the Minister for Planning of this position. This option would not allow the translation of the PPF on Council's terms and could lead to delays in further planning scheme amendments as they relate to the local planning sections of the scheme.

Conclusion

The PPF translation of the Wangaratta Planning Scheme is presented to Council for consideration. The new PPF is designed to facilitate a greater integration between State, Regional and local policy, in order to avoid previous duplication and create a more seamless system.

The PPF translation process has not been without its challenges. Overall the final draft for Council's consideration represents a good outcome for the Wangaratta Planning Scheme in line with the new format PPF. This report provides overall support for the translation subject to the changes outlined in **Attachment 1**. Without those changes support for the current translation should not be provided.

Attachments

- 1 Wangaratta PPF (V8) - List of Additional Changes 
- 2 Layout of new PPF 
- 3 Wangaratta PPF (V8) Translation 

16.2 PLANNING PERMIT APPLICATION PLNAPP20/006 - DEVELOPMENT & DISPLAY OF A MAJOR PROMOTIONAL SIGN & CONSTRUCTION OF PARAPET & SKIRTING BOARD AT 5/22A TONE ROAD, WANGARATTA

Meeting Type: Ordinary Council Meeting
Date of Meeting: 5 May 2020
Author: Planning Coordinator
File No: IC20/626

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 planning permit application is for the development and display of a major promotion sign and an associated construction of a parapet and skirting board at 5/22A Tone Road, Wangaratta. This is the third application since 2018 for a similar type of sign within the immediate vicinity of the subject land.

The subject land is located within the Industrial 1 Zone and has frontage to Tone Road and is approximately 1.3 kilometres south west of the central core of Wangaratta's Central Activities Area (see **Attachment 1**).

Formal notice of the application was given to nearby affected landowners and occupiers on 10 February 2020. At the time of writing this report a total of five submissions have been received, all of which are considered to be objections to the proposal.

The proposal has been assessed against the relevant Planning Scheme provisions and is not considered acceptable (see full assessment report at **Attachment 2**).

RESOLUTION:

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

That Council:

1. ***Issues a Notice of Decision to Refuse to Grant a Permit with respect to Application 20/006 for Development and Display of a Major Promotion Sign and Construction of Parapet and Skirting Board at 5/22A Tone Road Wangaratta based on the following grounds:***
 - a) ***The proposal does not comply with the requirements and objectives of Clause 22.08 (Advertising Signs Policy) of the Wangaratta Planning Scheme.***
 - b) ***The proposal does not comply with the strategies and***

objectives of Clause 15.01-1S (Urban Design).

- c) The proposal does not comply with the decision guidelines of Clause 52.05 (Signs).***
- d) The proposal would cause visual detriment and is inconsistent with the character of the local area.***
- e) The proposal is inconsistent with the objectives of the Wangaratta Industrial Land Use Strategy, specifically the objectives and guidelines of the Design and Development Overlay proposed to be applied to the land as part of Amendment C76.***

2. *Advises the applicant and all submitters of Council's decision.*

Carried

More detailed information on the proposal can be found in the attached assessment report – see **Attachment 2**.

Background

Site Description including Site Plan

The subject land is located within the Industrial 1 Zone, approximately 1.3 kilometres south west of the central core of Wangaratta's Central Activities Area. The subject land is not affected by any overlays. The subject land is a small, rectangular 126 square metre lot which is located nearby to five other similar sized lots which all share common property with the subject land. The overall area of the subject land, the lots it shares common property with and the common property is approximately 0.43 hectares. The subject land and the lots that share common property are part of a larger, approximately 1.5 hectares triangle shaped area of land zoned Industrial 1 Zone located east of the Tone Road/Sisley Avenue intersection and in between Tone Road to the south and the railway line to the north.



Aerial Imagery from Wangaratta Online Mapping 2019.

Proposal in Detail

The application is for the development and display of a major promotion sign (see plans at **Attachment 1**). The proposed sign is to be mounted to the western wall of the building located on the subject land and facing eastward. The proposed major promotion sign is to cover the majority of the western wall of the building with the southern end of the sign being flush with the southern end of the building and the northern end of the sign being setback approximately 2.5 metres from the northern end of the building. The bottom of the major promotion sign is to be raised approximately 1.1 metres above natural ground level with the top of the sign being approximately 4.5 metres above natural ground level and equal to the ridge height of the building. This gives the sign dimensions of approximately 3.4 metres in height and 12.6 metres in width. The plans indicate a display area of 42.41 square metres.

The proposed major promotion sign is to be used in the typical way such signs are used which is to rent out the advertising space for periods of time to businesses with no direct relationship with the subject land.

Summary of key issues to be considered in the assessment

- Inconsistent with the existing character of the area.
- Detrimental impact on amenity.
- Disproportionate scale of the proposed sign.

Implications

Policy Considerations

Summary of the Planning Considerations Including State, Local and Scheme Provisions

Permit Triggers

Clause 33.01 – Industrial 1 Zone

Planning Policy Framework

Clause 15.01-1S - Urban Design

Clause 22.08 – Advertising Signs Policy

Clause 52.05 – Signs

Clause 52.06 – Car Parking

Clause 52.29 – Land Adjacent to Road Zone Category 1

Others

Clause 65.01 - Decision Guidelines

Assessment under the Planning and Environment Act

The proposal for the development and installation of a major promotional sign which is not considered to be supported by the Wangaratta Planning Scheme.

Planning Policy Framework (PPF) and Local Planning Policy Framework (LPPF)

The application is considered to be inconsistent with the relevant Planning Policy Framework and Local Planning Policy Framework identified in the Wangaratta Planning Scheme. Specifically Clause 15.01S states it *requires development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate*. The proposal is not considered to respond to its context because the proposed sign is disproportionate in size to the building on which it is to be mounted and whilst signage is a significant feature in the character of the surrounding area, the proposed sign is generally more dominant than nearby signage.

The LPPF identifies clear directives explicitly against the development of major promotion signs. The policy discourages major promotion signs stating that they are contrary to the rural character of the municipality due to their size and prominence. The policy also states that major promotion signs should not be located at gateway approaches, adjoining local or regional tourist routes, displayed on heritage sites. If a major promotion sign is approved the policy states that it should be affixed to a building and wholly within the boundaries of the building footprint. The policy also provides direction on high wall signs stating that they should not project beyond the lines of a building.

Moreover, the proposed development, if approved, would also change the character of the local area in a way which may lead to further inappropriate development and associated outcomes which are even more inconsistent with the desired future character of the area.

Industrial 1 Zone

The subject land is located within the Industrial 1 Zone and Schedule 1 applies. The proposal includes two distinct components. The first is the proposed sign which includes any supporting structure to the sign. The second component is 'other development' which forms part of the proposal but is not actually part of the sign. This second component includes the skirting board proposed to be attached below the sign and the parapet proposed to be constructed at the north western corner of the building. The skirting board and parapet are obviously intended to improve the contrast and overall appearance of the proposal however they are not proposed to form part of the sign or sign supporting structure itself.

A planning permit is not required for the use and development of a sign under the provisions of the Industrial 1 Zone, however, pursuant to Clause 33.01-4 (Buildings and Works, Industrial 1 Zone) a planning permit is required for the proposed parapet and skirting board. The proposal is consistent with the decision guidelines set out in the Industrial 1 Zone.

Clause 52.01 – Car Parking

The proposal is not expected to create any significant impacts upon existing car parking arrangements on the subject land. The proposed sign and other related development will not encroach on existing car parking spaces. During construction of the proposed development there may be minor impacts on car parking on the subject land however this is considered negligible.

Clause 52.29 – Land Adjacent to a Road Zone Category 1

The subject land is adjacent to Tone Road which is a Road Zone Category 1 road. The proposal does not involve the creation of or alteration of access to Tone Road. Notice of the application was given to VicRoads who did not object subject to conditions.

Conclusion

It is recommended that the planning application be refused on the basis that it is inconsistent with the existing character and desired future character of the local area and is considered to be inconsistent with Clause 15.01-1S (Urban Design), Clause 22.08 (Advertising Signs Policy) and Clause 52.05 (Signs).

Financial Implications

The proposal does not have any impact on Council's finances as such. Should the matter be appealed at the Victorian Civil and Administrative Tribunal then Council will likely incur costs associated.

Legal/Statutory

All procedures associated with the lodgement and assessment of this application have been carried out in accordance with the *Planning and Environment Act 1987*.

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.

Economic Impacts

The proposal is considered to be likely to cause an adverse impact to the character of the local area which may flow on to having an adverse economic impact.

2018 -2021 Council Plan (2019 Revision)

This report supports the 2018-2021 Plan

Goal**We are sustainable**

We will plan, research and advocate for the future by accurately understanding the constraints and opportunities that face our organisation, our community and our region.

We are thriving

We will plan, research and advocate for the future to ensure the health and social needs of our community are understood and considered.

We are growing

Our residential, rural, commercial and industrial land is thoughtfully and appropriately protected, planned and developed.

We ensure new developments comply with legislation and the needs and characteristics of our community.

We ensure that land is used and developed in a manner that is economically, socially and environmentally responsible.

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 will focus on our business to ensure we understand and plan for the long-term opportunities, challenges and priorities that face our growth potential.

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.

We are inspired

Our commitment to communicate and engage with our community about local decision making in a way that is clear, accessible and easy to understand.

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

N/A

b) Other strategic links

N/A

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Refuse to Issue a Permit – Applicant appeals decision at VCAT	High	Moderate	Moderate	Representation of Council at VCAT
Notice of Decision to grant a permit – Objector/s appeal decision at VCAT	High	Moderate	Moderate	Representation of Council at VCAT
Notice of Decision to grant a permit – Applicant appeals permit conditions at VCAT	Low	Moderate	Low	Representation of Council at VCAT

Consultation/Communication

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	Notify potentially affected parties of the application.	Notice of Application sent to the owners and occupiers of nearby properties.
Consult	All submissions to the application will be considered.	All submissions have been reviewed and summarised in this report along with response to concerns raised.
Involve	Opportunity to make a submission.	Notice of Application sent to the owners and occupiers of nearby

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
		properties.
Collaborate	Not applicable	Not applicable
Empower	Not applicable	Not applicable

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

Options for Consideration

Refuse to grant a planning permit.



OR

Issue a Notice of Decision to Grant a Permit (NOD) with respect to Planning Permit PlnApp20/006 for the Development and Display of a Major Promotion Sign and Construction of Parapet and Skirting Board at 5/22A Tone Road Wangaratta.

Conclusion

The proposal is for the development and display of a major promotion sign and construction of a parapet and skirting board. The proposed sign is inconsistent with the existing character and desired future character of the local area and is considered to be inconsistent with Clause 15.01-1S (Urban Design), Clause 22.08 (Advertising Signs Policy) and Clause 52.05 (Signs). The proposal is also considered to represent disorderly planning given that an application for a similar sign within very close proximity to the proposed development site remains undetermined and is set to be heard at the Victorian Civil and Administrative Tribunal. The proposal is therefore considered to be inconsistent with Clause 65.01 (Approval of an Application or Plan). It is therefore recommended that the application is refused.

Attachments

- 1 Proposed Sign Plan - Planning Permit Application PlnApp20/006 
- 2 Assessment Report - Planning Permit Application PlnApp20/006 

16.3 PLANNING PERMIT APPLICATION PLNAPP19/233 - TWO LOT SUBDIVISION (DWELLING EXCISION) AND CREATION OF A CARRIAGEWAY EASEMENT - 181 WIGHTONS ROAD, EAST WANGARATTA

Meeting Type: Ordinary Council Meeting
Date of Meeting: 5 May 2020
Author: Planning Coordinator
File No: IC20/629

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 planning permit application seeks approval for a two-lot subdivision (dwelling excision) and the creation of a carriageway easement at 181 Wightons Road, East Wangaratta on the Tarrawingee side of the Hume Highway. The proposal will create a 0.93 hectares allotment containing an existing dwelling with the balance lot measuring 47.6 hectares and containing agricultural shedding.

A carriageway easement is proposed to provide access from Wightons Road to the dwelling across the balance lot. The carriageway easement will allow the owners of both allotments to use the existing driveway.

The proposal was advertised to adjoining and nearby landowners and occupiers and Council has not received any objections.

The key issues for consideration are identified as:

- Conflict between farming activities and rural lifestyle living.
- Incremental loss of productive agricultural land.
- Inappropriate use of a carriageway easement.

The proposal has been assessed against the provisions of the Wangaratta Planning Scheme and it does not support the proposal (see the Assessment Report at **Attachment 1** for more detail).

RECOMMENDATION:

That Council:

1. *Issues and Notice of Decision to Refuse to Grant a Permit with respect to Planning Permit Application PInApp19/33 for a two-lot subdivision (dwelling excision) and the creation of a carriageway easement based on the following grounds:*

- a) *The use of a carriageway easement does not result in an orderly planning outcome.*

- b) *The proposal does not support the Purpose of the Farming Zone and does not accord with the decision guidelines at Clause 35.07.*
- c) *The proposal when assessed against the relevant state, regional and local planning policies is not considered to be supported. The relevant planning policies being:*
 - *Clause 11*
 - *Clause 14*
 - *Clause 17*
 - *Clause 21.02*
 - *Clause 21.05*
 - *Clause 22.01*
- d) *The proposal is not supported by local and state strategic documents being:*
 - *An Assessment of the Versatility of Agricultural Land in the Rural City of Wangaratta April 2000.*
 - *Hume Regional Growth Plan 2014.*

- 2. *Notify the applicant and referral authorities of Council's decision.*

RESOLUTION:

(Moved: Councillor H Benton/Councillor H Bussell)

Councillor H Benton moved an amendment:

That Council grant a planning permit with respect to Planning Permit Application PlnApp19/233 for a subdivision at 181 Wightons Road East Wangaratta subject to conditions listed below, and in accordance with endorsed plans.

Conditions***Amended Plans***

- 1. ***Prior to certification, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the latest plans submitted with the application, but modified to include:***
 - a) ***The whole of the subject land;***
 - b) ***The lot containing the existing dwelling to extend over the existing driveway, continuous to the Wightons Road reserve;***
 - c) ***A carriageway easement over the existing driveway in favour of the balance lot;***
 - d) ***All dimensions of the lots (including distance lengths and bearings);***
 - e) ***Plan to include an accurate scale; and***

f) The lot sizes.**General**

- 2. The subdivision layout as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.**
- 3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.**
- 4. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.**
- 5. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.**

Section 173 Agreement

- 6. Prior to the issue of a Statement of Compliance, the owner of the lots must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning and Environment Act 1987, and make application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act which provides that:**
 - a) Both lots created must not be further subdivided so as to increase the number of lots; and**
 - b) The vacant lot must not be used or developed for the purpose of a dwelling, residential building or any other accommodation use.**

The owner/s must pay all costs (including Councils costs) associated with the preparation, execution, registration and (if later sought) cancellation of the Section 173 Agreement.

Property access

- 7. Prior to the issue of a statement of compliance the permit holder must satisfy the Responsible Authority that a vehicle crossing providing each Lot with safe and convenient access to and from a suitable public road has been designed, constructed, sealed and drained to IDM standards.**

Goulburn Murray Water Conditions

- 8. Any Plan of Subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.**

- 9. The existing on-site wastewater treatment and disposal systems for proposed new lot 1 must be wholly contained within the boundaries of the new lot created by subdivision.**

AusNet Services Conditions

10. The applicant must –

- **Enter in an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.**
- **Enter into an agreement with AusNet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.**
- **Enter into an agreement with AusNet Electricity Services Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AusNet Electricity Services Pty Ltd.**
- **Provide easements satisfactory to AusNet Electricity Services Pty Ltd for the purpose of "Power Line" in the favour of "AusNet Electricity Services Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AusNet Electricity Services Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.**
- **Obtain for the use of AusNet Electricity Services Pty Ltd any other easement required to service the lots. • Adjust the position of any existing AusNet Electricity Services Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.**
- **Set aside on the plan of subdivision Reserves for the use of AusNet Electricity Services Pty Ltd for electric substations.**
- **Provide survey plans for any electric substations required by AusNet Electricity Services Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. AusNet Electricity Services Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.**
- **Provide to AusNet Electricity Services Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.**
- **Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AusNet Electricity Services Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.**

- ***Ensure that all necessary auditing is completed to the satisfaction of AusNet Electricity Services Pty Ltd to allow the new network assets to be safely connected to the distribution network.***

Expiry***11. This permit will expire if -***

- a) ***The plan of subdivision is not certified within two years from the date of this permit; or***
- b) ***The subdivision is not completed within five years from date of certification of the plan of subdivision.***

The Responsible Authority may extend the time at part (a) to gain certification if a request is made in writing, pursuant to Section 69 of the Planning and Environment Act 1987.

Planning Note/s

- ***Before undertaking any works that cross onto public land or roads, the permit holder must obtain a permit from the relevant authority giving Consent to Work within a Road Reserve.***

AusNet Services Notes

- ***It is recommended that, at an early date the applicant commences negotiations with AusNet Electricity Services Pty Ltd for a supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued without delay (the release to the municipality enabling a Statement of Compliance with the conditions to be issued).***
- ***Arrangements for the supply will be subject to obtaining the agreement of other Authorities and any landowners affected by routes of the electric power lines required to supply the lots and for any tree clearing.***
- ***Prospective purchasers of lots on this plan should contact this office to determine the availability of a supply of electricity. Financial contributions may be required.***

Carried

More detailed information on the proposal can be found in the attached Assessment Report – see **Attachment 1**.

Background**Site Description including Site plan**

The subject site is located at Wightons Lane, Wangaratta East. The site has an area of 48.54 hectares with a length of 951.83 metres along Wightons Road

(eastern boundary) and a width of 509.56 metres. The north-western corner of the site has been excised off to create a 126.59 metre wide by 139.82 metre long (1.766 hectares) allotment that contains an existing dwelling. The site is in the same ownership as the northern neighbouring dwelling excision lot and the 50 hectare western neighbouring allotment. The site contains an existing dwelling with driveway access on to Wightons Road and contains cattle yards and associated agricultural shedding. The site contains several dams, scattered vegetation and a long strip of vegetation near the centre of the site.

The surrounding area is comprised of agricultural allotments varying in size in the surrounding area. Allotments range from excised dwelling lots with areas of 1-2 hectares and larger allotments exceeding 40 hectares.



Figure 1: The subject site (highlighted).

Proposal in Detail

It is proposed to excise the dwelling from the subject site, as per Figure 2. The dwelling lot (Lot 1) is shown to have an area of 0.94 hectares and contains the dwelling, effluent disposal field and gardens. The remaining lot (Lot 2) will contain the agricultural shedding and will have an area of 47.6 hectares (see **Attachment 2**).

A carriageway easement is proposed from the properties Wightons Road boundary to the northern side of the dwelling lot to service the dwelling and agricultural shedding further west of the dwelling. The carriageway easement is proposed for an approximate distance of 420 metres.

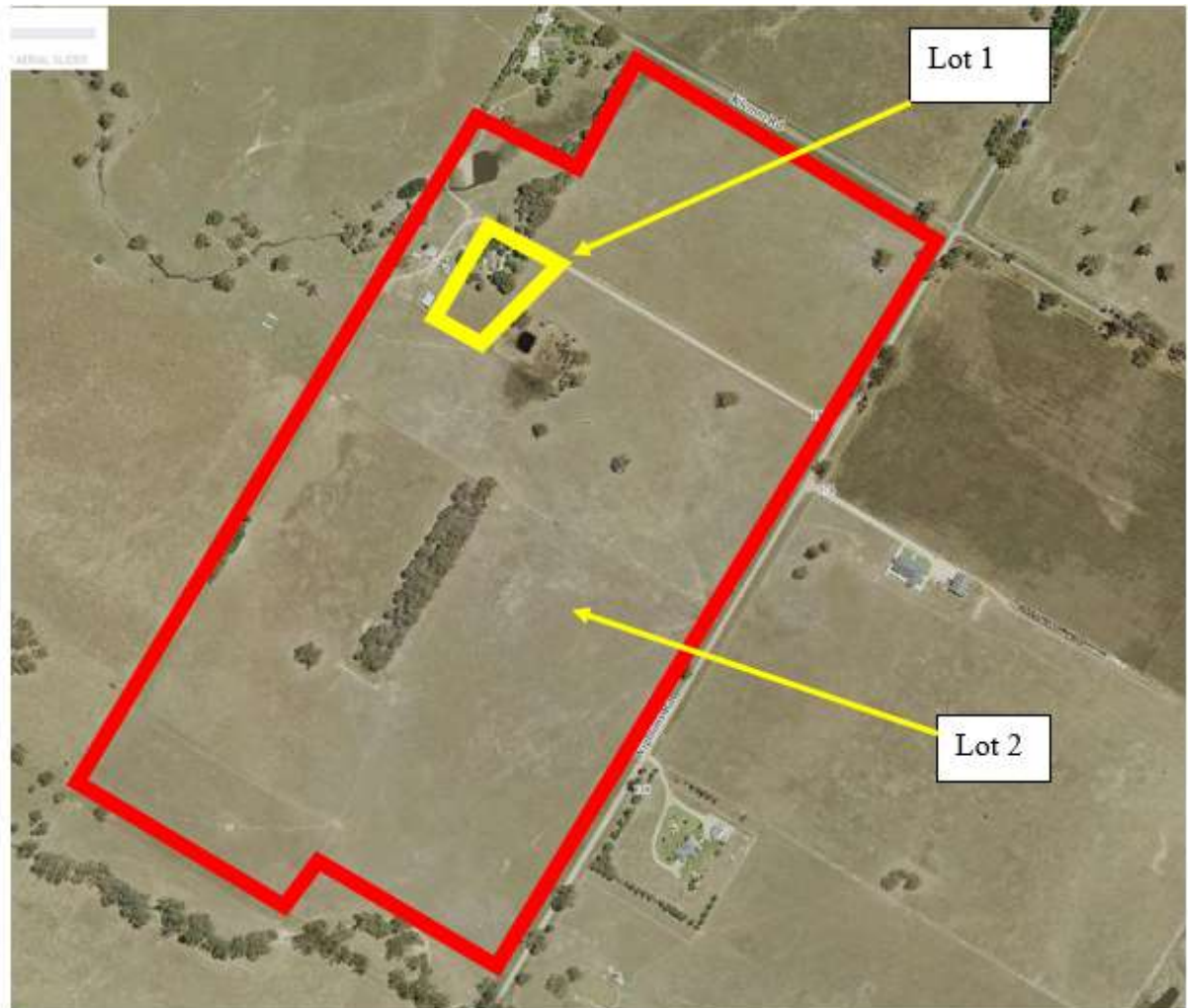


Figure 2: proposed subdivision layout (highlighted).

Summary of key issues to be considered in the assessment

- Conflict between farming activities and rural lifestyle living.
- Incremental loss of productive agricultural land.
- Use of carriageway easement to provide access does not result in an orderly planning outcome.

Implications

Policy Considerations

Summary of the Planning Considerations Including State, Local and Scheme Provisions

Permit Triggers

Clause 35.07 – Farming Zone

Planning Policy Framework

Clause 11.01-1S Settlement

Clause 11.01-1R Settlement – Hume

Clause 12.03-1S River corridors, waterways, lakes and wetlands

Clause 13.07-1S Land use compatibility

Clause 14.01-1S Protection of agricultural land

Clause 14.01-2R Agricultural productivity - Hume

Clause 14.02-1S Catchment planning and management

Clause 17.01-1R Diversified economy – Hume

Clause 21.01-2 Key influences and issues

Clause 21.02-1 Settlement network

Clause 21.03-3 Rivers

Clause 21.05-1 Rural land use and agriculture

Clause 21.05-2 Water

Clause 21.12 Reference documents

Clause 22.01-2 Subdivision in rural areas

Others

Clause 65.02 Decision Guidelines

Hume Regional Growth Plan 2014

An Assessment of the Versatility of Agricultural Land in the Rural City of Wangaratta 2000

Assessment under the Planning and Environment Act

The proposal for a dwelling excision and carriageway easement is not considered to be supported by the Wangaratta Planning Scheme.

Planning Policy Framework (PPF) and Local Planning Policy Framework (LPPF)

The application is considered to be inconsistent with the relevant Planning Policy Framework and Local Planning Policy Framework identified in the Wangaratta Planning Scheme. The LPPF specifically identifies the protection of agricultural land in areas identified as High and Very High agricultural versatility land, which the subject site is within, identified within '*An Assessment of the Versatility of Agricultural Land in the Rural City of Wangaratta*', *Department of Natural Resources and Environment, April 2000*. Furthermore, the land and surrounding land is identified in the *Hume Regional Growth Plan* (Victorian Government, 2014) as being of strategic importance. The land is considered strategically important farmland in both a local and regional context, and its fragmentation and subdivision is discouraged.

The excised dwelling will create a rural lifestyle lot which is likely to cause a land use conflict with the surrounding agricultural land uses, further exacerbated by the proposal for residential vehicles and farm vehicles and machinery to share the same driveway. This proposal will limit activities that can be undertaken on neighbouring lots in the future.

Farming Zone

The application is considered to be inconsistent with the decision guidelines of the Farming Zone, where the excised lot will further fragment farmland and has the potential to adversely affect the operation of nearby agricultural activities in the way of mismanagement of weeds and animals. The excision lot proposed neighbours five agricultural sheds and cattle yards and it is proposed to share access via the existing driveway, by way of carriageway easement, between the excised lot and balance agricultural lot. The carriageway easement proposed will result in land use conflict between dwelling residents and agricultural machinery using the same driveway.

The application states that the dwelling excision is required for the dwelling and balance lot to be sold separately to family members and to be considered as part of succession planning for the family. *Liprino v Wangaratta Rural CC* [2006] VCAT 841 identifies that personal and financial reasons do not outweigh planning policy provisions. Planning policy provisions relevant to this application are not supportive.

The *Liprino* decision references *Parkworth Pty Ltd & Anor v Casey CC* [2002] VCAT 1594 stating that the fragmenting of farmland into small lots makes the land unable to utilise genuine farming practices. The decision goes on to further state that land prices are transformed from agricultural to residential and per hectare prices are inflated causing issues for neighbouring farmers if they wish to expand in the future. Furthermore, there is no guarantee that the balance lot will be used for agriculture in the future, as a dwelling can be constructed on the site without the need for a planning permit which will further fragment the Farming Zone and cause further land use conflict between residential and agricultural land uses. The site and surrounding land in family ownership contains several dwellings and approval of this application will contribute to a further concentration of dwellings in the area.

The application is inconsistent with the purpose and decision guidelines of the Farming Zone.

Carriageway easement

There are no preventive circumstances that require or justify the use of a carriageway easement in this application. Whilst a carriageway easement is a legitimate legal means of access for a property, it is considered that there is no reason that the proposed Lot 1 boundary cannot be extended to Wightons Road eastern frontage to provide access.

The applicant has justified that the easement is to go over the existing driveway to reduce the loss of farmland as the driveway also provides access to the agricultural sheds further to the west of the dwelling. It is not considered to be an acceptable outcome to permit the creation of an approximate 420 metre long carriageway easement to allow access for the excised house lot to Wightons Road. The carriageway easement provides access for both agricultural vehicles and residential vehicles that will result in direct conflict between the two allotments.

Conclusion

It is recommended that the planning application be refused on the basis that it is inconsistent with the agricultural provisions of the relevant Planning Policy Framework and Local Planning Policy Framework and the Farming Zone provision of the Wangaratta Planning Scheme.

Financial/Economic Implications

The proposal does not have any impact on Council's finances as such. Should the matter be appealed at the Victorian Civil and Administrative Tribunal then Council will likely incur costs associated.

Legal/Statutory

All procedures associated with the lodgement and assessment of this application have been carried out in accordance with the *Planning and Environment Act 1987*.

Social

The potential social impacts are of detrimental consequences to the rural communities that rely on the preservation of their farming businesses remaining viable, providing employment and social cohesion within these communities along with connectivity to the municipality. There is potential for conflict between the use of the land for farming purposes and rural lifestyle living constraining any prospective farming business to expand or change activities potentially and setting up amenity concerns.

Environmental/Sustainability Impacts

There are no environmental/ sustainability impacts identified for this subject of this report. However, many farms retain native vegetation and this is susceptible to loss without ongoing protection and sustainable management of the land.

Cultural Heritage

Part of the subject site is within an Area of Cultural Heritage Sensitivity, but the proposal is exempt from the requirements of a Cultural Heritage Management Plan.

2018-2021 Council Plan (2019 Revision)

This report supports the 2018-2021 Plan

Goal

We will plan, research and advocate for the future:

- To advance the opportunities and potential of our agricultural communities and industries.

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

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

b) Other strategic links

Hume Regional Growth Plan 2014

An Assessment of the Versatility of Agricultural Land in the Rural City of Wangaratta 2000

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Refuse to grant permit – applicant appeals decision to VCAT	Moderate	Moderate	Moderate	Representation of Council at VCAT
Grant permit with conditions – applicant appeals conditions at VCAT	Low	Moderate	Low	Representation of Council at VCAT

Consultation/Communication

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	Advertising has been undertaken pursuant to Section 52 of the Planning and Environment Act 1987.	Letters to adjacent and nearby landowners and occupiers, and on Council website.
Consult	Advertising has been undertaken pursuant to Section 52 of the Planning and Environment Act 1987.	
Involve	Council Meeting VCAT	Questions allowed
Collaborate	Not applicable	Not applicable
Empower	Not applicable	Not applicable

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

Options for Consideration

Refuse to Grant a Permit with respect to planning permit application PInApp19/233 for a two lot subdivision (dwelling excision) and creation of a carriageway easement at 181 Wightons Road, East Wangaratta.

Or

Issue a Permit, subject to conditions.

Conclusion

It is concluded that the proposal does not support the purpose of the Farming Zone, does not accord with what are considered to be appropriate decision guidelines and when assessed against relevant policy the proposal should be refused.

Attachments

- 1 Assessment Report 
- 2 Proposed Plan of Subdivision 

16.4 CONTRACT C24508 - PROVISION OF ENVIRONMENTAL HEALTH SERVICES

Meeting Type: Ordinary Council Meeting
Date of Meeting: 5 May 2020
Author: Planning Coordinator
File No: IC20/672

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 awarding contract C24508 for the provision of environmental health services.

The contract will help ensure Council can fully meet its statutory obligations to provide a range of environmental health services.

RESOLUTION:

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

That Council:

- 1. Awards contract C24508 for the provision of Environmental Health Services to Kernow Environmental Services;***
- 2. Authorises the Chief Executive Officer to sign and seal documents for contract C24508 - Provision of Environmental Health Services, and***
- 3. Discloses the contract price for Contract C24508 - Provision of Environmental Health Services.***

Carried

Stephen Swart, Director Development Services discloses the contract price for Contract C24508 – Provision of Environmental Health Services as \$312,964.75 Ex GST

Background

Council has a statutory obligation to provide a range of environmental health services to meet its legislative requirements under a variety of Acts including: the Food Act, Residential Tenancies Act, Environmental Protection Act and the Public Health and Wellbeing Act amongst others.

Since April 2019 Council has been using contractors to provide environmental

health services. Prior to this, Council employed a full time Environmental Health Officer (EHO) and a contractor to provide these services.

Recruiting suitably qualified and experienced EHOs is challenging with many Council's (e.g. Moira and Strathbogie Shire Councils) using contracted services.

A contracted service has the advantage of providing a wider support base to officers which Council has found challenging in the past, especially considering the plethora of functions that fall under the environmental health remit.

Tenders for a proposed contract to deliver environmental health services was advertised through eProcure on 14 February 2020. The tender closed at 2pm on 9 March 2020.

The tender was evaluated against the following criteria:

- Price 40%
- Capability 30%
- Capacity 30%

The tender evaluation panel consisted of Council's Manager – Building, Planning and Compliance, Manager - Community and Recreation, Coordinator – Technical Services and Internal Probity Officer. The tender was evaluated as per Council's Procurement Policy Guidelines.

Implications

Policy Considerations

Specific Council policies or strategies that relate to this report include:

- Council Procurement Policy
- Domestic Wastewater Management Plan

Financial/Economic Implications

Due to Council's statutory obligations and the difficulties in recruiting EHOs it was considered appropriate to go out to tender for the provision of environmental health services. The financial implications are no greater than is currently borne by Council's existing budget for environmental health services. The 2019/20 approved budget for this service is around \$350,000.00.

Legal/Statutory

Council has a statutory obligation to provide environmental health services.

Social

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

Environmental/Sustainability Impacts

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

2013 – 2021 Council Plan (2019 Revision)

This report supports the 2017-2021 Council Plan:

Goal

We are thriving

We will plan, research and advocate for the future

To ensure that the health needs of our community are understood and considered.

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.

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

This report meets the requirements of the 2030 Community Vision.

b) Other strategic links

N/A

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Council's statutory obligations will not be met.	High	Major	Likely	Recruit for EHO
Community health may be impacted if legislated tasks are not carried out	High	Major	Likely	Recruit for EHO
If the tender is not awarded, then Council may have difficulty providing the service in-house due to the difficulty in recruiting environmental health officers	High	Major	Likely	Award contract

Consultation/Communication

Consultation was not undertaken due to the statutory nature of the services to be provided.

Options for Consideration

1. Award the contract as recommended.
2. Not award contract – Council will be unable to meet the statutory obligation to provide environmental health services.

Conclusion

Council has a statutory obligation to provide a range of environmental health services. It is recommended that Council awards contract C24508 to enable these obligations to continue to be fulfilled.

Attachments

- 1 Environmental Health Services - Tender Evaluation Report - Confidential

17. SPECIAL COMMITTEE REPORTS

Nil

18. ADVISORY COMMITTEE REPORTS

18.1 AUDIT ADVISORY COMMITTEE

Meeting Type: Ordinary Council Meeting
Date of Meeting: 5 May 2020
Author: Governance and Risk Advisor
File No: IC20/728

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

Executive Summary

The Chair of the Audit Advisory Committee has prepared the annual report for the committee as required by clause 7(2) of the Wangaratta Rural City Council Audit Advisory Committee Charter 2019 (Attachment 1).

The Audit Advisory Committee also held a meeting on 17 March 2020 (Attachment 2).

RESOLUTION:

(Moved: Councillor D Fuller/Councillor A Fitzpatrick)

That Council notes this report.

Carried

Attachments

- 1 Audit Advisory Committee Annual Report 
- 2 Audit Advisory Committee - Minutes - 17 March 2020 

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

19.1 RECORD OF ASSEMBLY OF COUNCILLORS & ADVISORY COMMITTEE REPORTS

Meeting Type: Ordinary Council Meeting
Date of Meeting: 5 May 2020
Author: Executive Service Coordinator
File Name: Assemblies of Councillors
File No: IC20/47

Executive Summary

Assembly of Councillors:

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

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

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

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

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

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

Date	Meeting details	Refer
3/3/2020	Economic Development & Tourism Advisory Committee Meeting	Attachment
16/3/2020	Councillors Briefing Forum	Attachment
23/3/2020	Councillors Briefing Forum	Attachment
24/3/2020	Pre-Council Meeting Discussion – March Council Meeting	Attachment
6/4/2020	Councillors Briefing Forum	Attachment

Advisory Committee Meetings:

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

1. Economic Development & Tourism Advisory Committee Meeting -
Minutes – 3 March 2020

RESOLUTION:



(Moved: Councillor D Fuller/Councillor A Fitzpatrick)

That Council:

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

Carried

Attachments

- 1 Assembly of Councillors - Wangaratta Economic Development & Tourism Advisory Committee -3 March 2020 
- 2 Assembly of Councillors - Councillors Briefing Forum - 16 March 2020 
- 3 Assembly of Councillors - Councillors Briefing Forum - 23 March 2020 
- 4 Assembly of Councillors - Pre Council Meeting Discussion - 24 March 2020 
- 5 Assembly of Councillors - Councillors Briefing Forum - 6 April 2020 
- 6 Wangaratta Economic Development & Tourism Advisory Committee - Minutes - 3 March 2020 

20. NOTICES OF MOTION

Nil

21. URGENT BUSINESS

Nil.

22. PUBLIC QUESTION TIME

Please follow link [5 May 2020 Council Meeting Video 2](#) and refer to minutes 47.20 to 53.20 for public questions and responses related to Item 22
Public Question Time

23. CONFIDENTIAL BUSINESS

Nil

24. CLOSURE OF MEETING

The Meeting closed at 7.21pm.