



Rural City of
Wangaratta

Minutes

For the Scheduled Council Meeting
Bowmans-Murmungee Memorial Hall
6 Nearys Lane, Murmungee
6pm 25 March 2025

Contents

1.	Acknowledgement to Country.....	5
2.	Opening Prayer	5
3.	Present	5
4.	Absent.....	5
5.	Acceptance of Apologies & Granting of Leave of Absence	5
	Order of Business	6
6.	Citizen Ceremony.....	6
7.	Confirmation of Minutes	6
8.	Conflict of Interest Disclosure.....	6
9.	Reception of Petitions	7
10.	Hearing of Deputations.....	7
	Presentation Of Reports.....	7
11.	Councillor Reports.....	7
	Officers' Reports	7
12.	Executive Services.....	7
13.	Corporate and Leisure.....	8
13.1	Reappointment of Directors to the Wangaratta Livestock Exchange Pty Ltd (3:41).....	8
13.2	Privacy Policy 2025 (6:28).....	11
13.3	Instrument of Delegations - Council to other members of council staff (7:59).....	14
14.	Community and Infrastructure	17
14.1	Award Tree and Arboriculture Services Panel (10:06)	17
14.2	Field Services Budget Variation (12:17)	21
15.	Sustainability and Culture.....	24
15.1	Draft Local Law No 1 - Community Amenity 2025 (16:47)	24
15.2	Draft Community Engagement Policy 2025 (20:09).....	28
16.	Special Committee Reports.....	32
17.	Advisory Committee Reports.....	33

17.1	Biannual Audit and Risk Report (22:14).....	33
18.	Minutes of Advisory Committee Meetings.....	35
19.	Notices of Motion	35
20.	Urgent Business.....	35
21.	Public Question Time (23:55).....	35
22.	Confidential Business (42:36).....	39
22.1	Confidential Report.....	39
23.	Closure of Meeting	39

Unconfirmed

1. Acknowledgement to Country

We acknowledge the traditional custodians of the lands, on which the Rural City of Wangaratta communities reside. We pay our respect to their Elders past, present and emerging, and celebrate and respect their continuing cultures. We are committed to walking beside all traditional owners as we move toward reconciliation.

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:

Irene Grant, David Fuller, Harry Bussell, Harvey Benton, Ashlee Fitzpatrick, Allison Winters, Tania Maxwell

Officers:

Brendan McGrath, Chief Executive Officer; Marcus Goonan, Director Community and Infrastructure; Sarah Brindley, Director Corporate and Leisure; Stephen Swart, Director Sustainability and Culture

Administration:

Executive Services Officer; Councillor and Executive Services Support Officer

4. Absent

5. Acceptance of Apologies & Granting of Leave of Absence

Order of Business

6. Citizen Ceremony

Nil

7. Confirmation of Minutes

Resolution:

(Moved: Councillor D Fuller/Councillor H Benton)

That Council read and confirm the Minutes of the Ordinary Meeting of 25 February 2025 as a true and accurate record of the proceedings of the meeting.

Carried

8. Conflict of Interest Disclosure

In accordance with section 130 of the Local Government Act 2020 a councillor who has a conflict of interest in respect of a matter must disclose the conflict of interest in the manner required by Council's Governance Rules and exclude themselves from the decision making process in relation to that matter, including any discussion or vote on the matter and any action in relation to the matter.

Clause 28.1 of Council's Governance Rules requires a councillor to indicate that they have a conflict of interest by clearly stating:

- (a) the item for which they have a conflict of interest; and
- (b) whether their conflict of interest is general or material; and
- (c) the circumstances that give rise to the conflict of interest.

Immediately prior to the consideration of the item in which they have a conflict of interest, a councillor must indicate to the meeting the existence of the conflict of interest and leave the meeting.

A councillor who discloses a conflict of interest and leaves a Council meeting must not communicate with any participants in the meeting while the decision is being made.

Cr Benton declared a material Conflict of Interest for 13.1 Reappointment of Directors to the Wangaratta Livestock Exchange Pty Ltd

9. Reception of Petitions

10. Hearing of Deputations

Presentation Of Reports

*For full transcript, please refer to the recording on the [Rural City of Wangaratta YouTube channel](#).
Time markers are noted in (minutes:seconds) format.*

11. Councillor Reports

Nil

Officers' Reports

12. Executive Services

Nil

13. Corporate and Leisure

13.1 Reappointment of Directors to the Wangaratta Livestock Exchange Pty Ltd (3:41)

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	25 March 2025
Category:	Operational
Author:	Director Corporate and Leisure
Approver:	Director Corporate and Leisure

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.

Harvey Benton left the meeting at 06:03 pm due to a material conflict of interest.
Harvey Benton returned to the meeting at 06:05 pm.

Executive Summary

This report is presented to Council to re-appoint four independent directors, whose current terms are soon due to expire, to the Board of the Wangaratta Livestock Exchange Pty Ltd (WLE).

Resolution:

(Moved: Councillor D Fuller/Councillor A Winters)

That Council:

1. Re-appoints the four Directors listed in the confidential attachments to the Wangaratta Livestock Exchange Pty Ltd for a term of 2 years commencing 26 March 2025 and ending 25 March 2027.
2. Authorises the Mayor and Chief Executive Officer to sign a record of the resolution in point 1 above that documents the date and time that it is signed and includes the Directors' names and the length, start, and end dates of their terms.
3. Discloses the names of the re-appointed Directors.

Carried

Cr David Fuller disclosed the names of the reappointed Directors:

- Daniel Fischer
- John Muraca
- Doug James
- Justin Keane

Background

The Wangaratta Livestock Exchange (WLE) directors were appointed by Council following a thorough recruitment and selection process.

The terms of four directors have expired. These directors have nominated to being reappointed for a further term of 2 years and have provided signed consent forms (see *Confidential Attachments*) and should be re-appointed.

WLE is a single member company. As the sole member (shareholder) of WLE, the power to appoint a person as a Director by resolution in a 'General Meeting' lies solely with Council under clause 15.1.2(a) of the WLE Constitution.

Council has the power to make decisions by recording and signing them. The recording of this decision is deemed to be the passing of a resolution and the resolution is deemed to have been passed at a 'General Meeting'. The date and time of the meeting is deemed to be the date and time that the resolution is signed. Refer to clauses 13.2.1 and 13.3.1 of the WLE Constitution for further details.

Implications

Policy Considerations

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

Financial/Economic Implications

There are no financial or economic implications identified for the subject of this report. Remuneration of Directors is already budgeted within the WLE's Annual Budget.

Legal/Statutory

Council must meet the provisions of the *Corporations Act 2001* and, from a legal perspective, the obligations set out in the Constitution of the WLE. A copy of the WLE Constitution is available to members the public upon request.

Social and Diversity

It is important that an appointed Board is in place to ensure that the WLE operates as a going concern, providing important economic and social benefits for the municipality's agricultural sector.

Equity Impact Assessment (EIA)

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

Environmental/Sustainability Impacts

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

Strategic Links

Council Plan 2021 – 2025

This report supports the 2021-2025 Council Plan through the following objectives and actions:

1. Expanding our Economy

4.2.2.3 Continue to support the Board of the Wangaratta Livestock Exchange to further develop its services and to strengthen its long-term financial sustainability.

Risk Management

Reappointing experienced Directors to the WLE mitigates risk by ensuring WLE strategies and decisions are well informed and maintains continuity, particularly during the current period of leadership transition in the WLE management team.

Consultation/Communication

The WLE Directors whose terms of appointment have expired have been consulted regarding their interest in reappointment. They have submitted signed consents to do so and their reappointments have been endorsed by the WLE Board.

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

Options for Consideration

- | | |
|----------|--|
| Option 1 | Reappoint the Directors as outlined in this paper. Recommended. |
| Option 2 | Do not reappoint the Director(s) and commence a process seeking expressions of interest for those Director position(s). Not recommended as this will create an additional risk for the company due to uncertainty and lack of ability to meet a quorum at Board level. |

Conclusion

The WLE Board endorses the reappointment of these Directors. The candidates have consented to be reappointed for a further term of 2 years. Councillor authorisation is now sought as council is the sole shareholder of the WLE.

Attachments

- 1 Nomination Consent Form - Wangaratta Livestock Exchange - Confidential
- 2 Nomination Consent Form - Wangaratta Livestock Exchange - Confidential
- 3 Nomination Consent Form - Wangaratta Livestock Exchange - Confidential
- 4 Nomination Consent Form - Wangaratta Livestock Exchange - Confidential

13.2 Privacy Policy 2025 (6:28)

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	25 March 2025
Category:	Operational
Author:	Governance & Reporting Advisor
Approver:	Director Corporate and Leisure

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

Executive Summary

This report is presented to Council to adopt the revised Privacy Policy 2025.

Resolution:

(Moved: Councillor A Fitzpatrick/Councillor A Winters)

That Council:

1. Adopts the Privacy Policy 2025 (**Attachment 1**).

Carried

Background

The Audit and Risk Committee is required under its Charter and the *Local Government Act 2020* (Vic) to monitor the compliance of Council policies with legislation and best practice obligations.

The Committee requested further work be undertaken on the Privacy Policy to ensure that it contained clear, specific examples to Council staff on how to interpret the policy. The Committee considered the policy at the December Audit and Risk Committee and were satisfied with the proposed changes.

The key changes to this policy are:

- The scope of the policy has been extended to apply to Wangaratta Sports and Aquatic Centre, Wangaratta Performing Arts and Conference Centre, Children's Services and Maternal and Child Health Services (at 2.1 of the policy);
- a section outlining Council's functions and service delivery areas has been included (through 3 of the policy);
- a table indicating the Information Privacy Principles and Health Principles has been included for clarity (under 4.2 of the policy);
- specific wording and circumstances in which Council may be required to collect personal/health information (at 4.3 of the policy) have been included;
- specific examples of when Council may be required to disclose personal/health information (at 5.3 and 5.4 and 6.2 - 6.5 of the policy) have been included;

- a section indicating that Council will report any incorrect handling of personal information and it will be remedied in a manner consistent with OVIC guidelines (at 8.3 of the policy);
- Contract managers are responsible for ensuring that any personal information that they manage in relation to a contract is managed in accordance with this policy (at 13.2 of the policy);
- The Governance and Reporting Advisor is responsible for ensuring sufficient understanding of this policy across the organisation at 13.4

Implications

Policy Considerations

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

Legal/Statutory

Council is a public sector organisation under section 13 of the *Privacy and Data Protection Act 2014* (Vic) and is required to have in effect a robust personal information collection regime.

Strategic Links

Council Plan 2021 – 2025

This report supports the 2021-2025 Council Plan through the following objectives and actions:

1. Strengthening our Leadership

1.1.1.4 – Provide interactive websites for all Council facilities

1.1.3.2 – Increase the availability of Council services, processes and information beyond hard-copy, telephone and face-to-face channels, by increasing access to services and forms online

1.2.2 – Provide reliable and secure information technology services across Council

2. Nurturing our Wellbeing

2.2.1.2 – Ensure that key projects engage people, including people of all abilities in the design process, to ensure the needs of all community members are considered.

2.3.2.1 – With support and training, ensure that our community groups and committees have strong governance and are inclusive and viable.

Rural City of Wangaratta 2033 Community Vision

This report supports the 2033 Community Vision through the following objectives:

A1 Provide open and transparent communication to the community to build trust, respect and understanding;

A2 Commit to the delivery of thorough and responsible community engagement practices;

A3 Serve the community by providing a great customer experience;

C3 Provide reliable and secure information technology services across Council;

D2 Engage in meaningful dialogue with the community and demonstrate how community participation is being used to inform decisions

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
The failure to have in effect sufficiently robust privacy policies	3 – Possible	Moderate	6 – Medium	Ensuring the Privacy Policy is reviewed alongside sector guidelines and operational requirements

Options for Consideration

1. Councilors adopt the policy as presented; or
2. Councillors request council officers make some changes to the document to be presented for adoption at a future Scheduled Council Meetings.

Conclusion

The Privacy Policy 2025 has been reviewed after recommendations by the Audit and Risk Committee and is presented today for formal council adoption.

Attachments

- 1 Privacy Policy 2025 

13.3 Instrument of Delegations - Council to other members of council staff (7:59)

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	25 March 2025
Category:	Strategic
Author:	Governance & Reporting Advisor
Approver:	Director Corporate and Leisure

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

Executive Summary

This report is presented to Council to adopt the updated Councillor to Council staff Instrument of Delegation (**Attachment 1**).

Resolution:

(Moved: Councillor D Fuller/Councillor A Fitzpatrick)

That Council:

1. Delegates to the members of Council staff holding, acting in, or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.

Carried

Background

Council provides a wide range of services to its residents and requires decisions to be made on an extensive range of matters. It is impractical for the elected Council members or the CEO to provide all these services and make all these decisions by themselves. The *Local Government Act 2020* (Vic) recognised this and allows for the Council and CEO to delegate some of their functions to other staff within the organisation who have the relevant expertise or knowledge on the subject matter. Some of these delegations have been amended to satisfy operational or legislative changes (**Attachment 2**).

Maddocks law firm provides Council with regular notifications of amendments required to be made to the Instruments of Delegations as legislation and regulations evolve. The associated changes have been made, reviewed by the Corporate Management Team and are now presented to Council for formal adoption of the Instrument of Delegation to members of Council staff.

Implications

Policy Considerations

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

Financial/Economic Implications

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

Legal/Statutory

The *Local Government Act 2020* and its associated regulations sets out the legal requirements for delegations. Section 11 outlines a Council may delegate a power, duty or function to its Chief Executive Officer and section 47 of the Act outlines the Chief Executive Officer's power to delegate their powers to Council Officers. Further, the Chief Executive Officer is required to keep a register of their delegations.

Social and Diversity

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

Equity Impact Assessment (EIA)

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

Environmental/Sustainability Impacts

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

Strategic Links

Council Plan 2021 – 2025

This report supports the 2021-2025 Council Plan through the following objectives and actions:

1. Strengthening our Leadership

1.1.1.6 Continue to provide transparency for the community regarding the information being considered in decision making processes.

Rural City of Wangaratta 2033 Community Vision

This report supports the 2033 Community Vision through the following objectives:

Provide open and transparent communication to the community to build trust, respect and understanding.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Inaccurate Instrument of Delegations allowing for insufficient coverage of legislative obligations	3 – Possible	Moderate	6 – Medium	Reviewing Council's various Instruments of Delegation regularly ensures that council officers are suitably delegation provisions in which they have a responsibility.

Consultation/Communication

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

Options for Consideration

There are no alternative options available. Failure to adopt the updated Instrument of Delegation will result in Council officers being unable to formally undertake key aspects of their role.

Conclusion

Council's S6 Instrument of Delegation – Council to other council staff has been updated based on legal advice from Maddocks, provisions have been assigned to the relevant council staff and the Instrument is presented for formal council adoption today.

Attachments

- 1 S6 Instrument of Delegation - Council to other council staff 
- 2 S6 Instrument of Delegation - Updates 

14. Community and Infrastructure

14.1 Award Tree and Arboriculture Services Panel (10:06)

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	25 March 2025
Category:	Strategic
Author:	Maintenance Coordinator
Approver:	Director Community and Infrastructure

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

Executive Summary

This report is presented to Council to Award Contract C15497 – Tree and Arboriculture Services Panel.

The Rural City of Wangaratta is seeking suitable, qualified, and certified expert arborists and consultants to provide a prompt and efficient service to the Rural City of Wangaratta.

Resolution:

(Moved: Councillor T Maxwell/Councillor H Benton)

That Council:

1. Awards Contract C15497 – Tree and Arboriculture Services panel to:
 1. Arborescence
 2. ENSPEC Pty Ltd
 3. Ultimate Arbor
 4. Homewood Consulting Pty Ltd
 5. The Trustee of C&R Ryder Family Trust
 6. Northeast Tree Services Pty Ltd
 7. G&J Tree Services Pty Ltd
2. Authorises the Chief Executive Officer to sign and seal all the relevant contract documents when available, including possible extensions.

Carried

Background

Council requires a panel of suitably qualified and experienced suppliers to carry out arboriculture and general tree maintenance service in accordance with the requirements of the contract specification. The purpose of this tender is to establish a panel capable of performing a variety of essential tree-related services, including:

- Tree Pruning
- Rural roadside tree clearance and envelope clearing
- Stump removal and site reinstatement
- Electrical line clearance pruning
- Root control, including root pruning and root barrier installation
- Tree Removal
- Tree planting and establishment
- Formative Pruning
- Pest and disease treatment
- Emergency works
- Tree inspection and report writing

The establishment of this panel will facilitate the efficient execution of approved tree maintenance works, as well as the prompt response to urgent tree-related works throughout the municipality including Storm Clean ups.

Implications

Policy Considerations

Council's procurement policy 2022-2025 outlines the approved methods and processes for procurement.

Financial/Economic Implications

The number of suppliers will secure value for money, reliability, for councils horticulture / projects / maintenance programs. Contract will be undertaken and managed within Council's existing maintenance budgets.

Legal/Statutory

Planning and Environment Act 1987, the Environment Protection and Biodiversity Conservation Act 1999, and Urban Tree management Plan. Additionally, Arboricultural Association sets industry standards for tree care, while Occupational Health and Safety regulations ensure worker safety.

Social and Diversity

Contractors are prioritised from the local area (within 100km) whenever possible, promoting community engagement and supporting local businesses.

Environmental/Sustainability Impacts

All contractors must adhere to relevant environmental legislation and plans, including those outlined above. Additionally, contractors submitting bids for the project must have environmental plans in place at the time of tender.

Strategic Links

Council Plan 2021 – 2025

This report supports the 2021-2025 Council Plan through the following objectives and actions:

1. Strengthening our Leadership

1.2 - An effective and efficient Council

1.3 - Partnerships that bring benefit and opportunities to our community

Rural City of Wangaratta 2033 Community Vision

This report supports the 2033 Community Vision through the following objective:

A3 - Serve the community by providing a great customer experience

C1 - Ensure Council's financial sustainability through transparent and accountable financial management

Risk Management

Risk Management Framework

Risks	Likelihood	Consequence	Rating	Mitigation Action
Inability to provide Council with value for money	Possible (3)	Moderate (3)	Medium (9)	Council may seek multiple quotes from the panel to ensure value for money
Availability of quality services	Unlikely (2)	Moderate (3)	Medium (6)	Multiple Contractor on panel can do the same work. Contractor have Quality management plans. Council evaluates all submissions to ensure quality of service
Incident / Risk Management	Unlikely (2)	Major (4)	Medium (6)	All contractor must be insured. All contractors have safety and incident management process.

Consultation/Communication

This was a public Tender process. This tender was advertised on eProcure and was also advertised in the Wangaratta Chronicle in accordance with the procurement policy.

Options for Consideration

1. Award Contract C15497 – Tree and Arboriculture Services panel.
2. Not award Contract C15497– Tree and Arboriculture Services panel and retender as per Council's procurement policy.

Conclusion

Following an evaluation process against pre-determined evaluation criteria and weightings, Contract C15479 – Tree and Arboriculture Services Panel is recommended to be awarded in accordance with the attached evaluation report. By having a comprehensive panel of qualified professionals, Council will be well-equipped to meet the varied and evolving needs of the community, while maintaining the highest standards of tree and landscape management. This process will further strengthen the Council's capacity to effectively manage and improve the urban and rural green spaces within the municipality.

Attachments

- 1 C15497 - Tree and Arboriculture Evaluation Report - Confidential

14.2 Field Services Budget Variation (12:17)

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	25 March 2025
Category:	Strategic
Author:	Field Services Manager
Approver:	Director Community and Infrastructure

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

Executive Summary

This report is presented to Council seeking a budget re-allocation of \$223,000 from Operational Project Budget (Re-Sheeting) to General Ledger Budget (Arboriculture). This budget variation request seeks no additional funds over and above the approved budget value from Council.

Resolution:

(Moved: Councillor D Fuller/Councillor H Benton)

That Council:

1. Approves the Budget reallocation of \$223,000 from Operational Project Budget (Re-Sheeting) to General Ledger Budget (Arboriculture).

Carried

Background

Council is responsible for performing Powerline Clearance in areas it manages, specifically for High Voltage, Low Voltage, and service wire lines. This work must be carried out in accordance with the Electrical Safety Act 1998. As Council does not have the in-house resources to complete these works, it is outsourced through panel contracts.

These clearance works are required to be completed annually. Non-compliance with this obligation may result in fines if identified during an audit.

Due to several severe storms in late 2024, these works were delayed, and significant damage requiring cleanup also impacted the normal budget allocated for this task.

The Gravel Resheeting Budget is primarily used to purchase gravel for unsealed roads, with resheeting of each road typically occurring every 10 to 15 years. It is proposed that instead of resheeting two roads due for resheeting in the next 3 months, they will be graded, with resheeting planned for the 2025/26 financial year.

Implications

Policy Considerations

This report has been prepared and presented in accordance with the Budget Variation Policy.

Financial/Economic Implications

This report proposes a variation to the current approved budget through the reallocation of funds totaling \$223,000 from the Gravel Re-Sheet Project Ledger to the Arboriculture General Ledger. There are no net changes to the overall Field Services Budget as a result of this reallocation.

The amount of reallocation is based on an estimate for the works prepared by officers.

Legal/Statutory

Council have a legal obligation, under the Electrical Safety Act 1998, to undertake these line clearance works.

Social and Diversity

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

Equity Impact Assessment (EIA)

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

Environmental/Sustainability Impacts

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

Strategic Links

Council Plan 2021 – 2025

This report supports the 2021-2025 Council Plan through the following objectives and actions:

1. **Strengthening our Leadership**
 - 1.2 An efficient and effective Council

Risk Management

Officers have assessed the overall risks associated with the affected tasks and deemed the proposed cause of action as having the lowest potential risk to Council. These considerations are outlined in the table below.

Risk Management Framework

Risks	Likelihood	Consequence	Rating	Mitigation Action
Not undertaking line clearance works resulting in penalties.	4 - Likely	4 - Major	16 - High	Undertake line clearing works as required.
Not undertaking line clearance works resulting	3 - Possible	5 - Catastrophic	15 - High	Undertake line clearing works as required.

in fires.				
Decreasing road quality and safety of postponed road re-sheet	3 - Possible	3 - Moderate	9 - Medium	Undertake works at start of new financial year.

Consultation/Communication

Officers do not believe communication or consultation is required for this item.

Options for Consideration

- 1 That Council approve the budget re-allocation of \$223,000
2. That Council do not approve the budget re-allocation and an alternative source of funding is sought.
3. That Council do not approve the budget re-allocation and don't complete the line clearance works.

Conclusion

This report has been developed in accordance with the Budget Variation Policy. The request to re-allocate funds from an operational project ledger to a general ledger will result in no change to the overall budget of Field Services. The delayed road re-sheet works will have minimal impact on the community. Not undertaking the line clearance works as soon as possible poses significant risks for Council.

Attachments

Nil.

Public Questions

Anne Dunstan (14:13)

Is it possible to find out which 2 roads are being graded instead of re-sheeted?

And is it also possible to have an understanding around the resheeting program. Are you going to do 2 next year? Or are you pushing the whole program back 12 months?

Director Marcus Goonan responded: I do know one of the roads, Rose River Road, and another one that I'll get back to you on. Essentially what it means is that we are pushing the whole program back by 2-3 months. We've been relatively lucky this year with the dry weather and it's had a significant impact on our roads.

15. Sustainability and Culture

15.1 Draft Local Law No 1 - Community Amenity 2025 (16:47)

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	25 March 2025
Category:	Strategic
Author:	Manager - Economic Development, Environment & Compliance
Approver:	Director Sustainability and Culture

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

Executive Summary

This report is presented to Council to seek endorsement of a proposed revision of Council's Local Law No.1 – Community Amenity (see **Attachment 1**) for public exhibition.

Local Law No.1 has been reviewed and updated to ensure the local law reflects current best practice, is fit for purpose and Council meets its requirements under the *Local Government Act 2020*.

Resolution:

(Moved: Councillor H Benton/Councillor H Bussell)

That Council:

1. Endorses the draft Rural City of Wangaratta Local Law No 1 – Community Amenity for public exhibition for 30 days and in accordance with the *Local Government Act 2020*.
2. Reviews and considers all submission and amendments made to the draft Rural City of Wangaratta Local Law No 1 – Community Amenity at a future Scheduled Council Meeting.
3. If no submission requesting changes to the Local Laws are received, adopts the Rural City of Wangaratta Local Law No 1 - Community Amenity without further resolution of Council.

Carried

Background

Council's current Local Law No.1 (**Attachment 2**) came into operation in 2018 and is due for review.

Proposed changes to the Local law are shown in **Attachment 3 & 4**. Key changes include, but not limited to:

- Reorganised the structure of the Local Law enabling its provisions to be easily located and understood in accordance with current best practise.
- Updated and simplified the language and definitions.
- Altered provisions due to changes to other legislation since the current local law was adopted.
- Removed provisions that are no longer required and/or covered by other legislation or processes.
- Used more consistent language, extent and penalties with similar local laws at other Victorian Councils.
- Strengthened provisions relating to waste management (Waste Management Policy **Attachment 5**), firewood collection and animal management (e.g. added number of animals that can be kept at small properties/apartments/townhouses/flats/units).

Implications

Policy Considerations

There are no specific Council policies or strategies that relate to this report. The Local Law assists in the consistent delivery of Council requirements for the safety and wellbeing of all residents.

Financial/Economic Implications

New or revised penalties while necessary for improved governance are unlikely to involve a large number of infringements.

Legal/Statutory

Local Government Act 2020, once adopted by Council the Local Law must be published in the Victorian Government Gazette. A legal review of the draft local law has been completed.

Social and Diversity

A local law must not be inconsistent the any Act (including the Charter of Human Rights and Responsibilities Act 2006)

Equity Impact Assessment (EIA)

An Equity Impact Assessment has been undertaken and will inform community engagement.

Environmental/Sustainability Impacts

The environmental impacts considered in this draft local law are in relation to permits and requirements around fire and firewood collection, invasive pest, and grazing.

Strategic Links

Council Plan 2021 – 2025

This report supports the 2021-2025 Council Plan through the following objectives and actions:

1. Strengthening our Leadership

- 1.4.1.1 Keep informed of emerging trends and issues that may impact our community, our region and our Council.

2 Nurturing our Wellbeing

2.6.2 Ensure our community understands and meets the requirements of safety legislation and compliance

Rural City of Wangaratta 2033 Community Vision

This report supports the 2033 Community Vision through the following objectives:

K2: Ensure our community understands and meets the requirements of safety legislation and compliance

Other strategic links

Local Government Act 2020 – Part 3, Division 3 Local Laws.

Risk Management

Risk Management Framework

Risks	Likelihood	Consequence	Rating	Mitigation Action
The Local Law is not revised and remains outdated	Low	Medium	Medium	Exhibit the draft local law for community consultation with a view to implementing a revised local law, in accordance with Council's Community Engagement Policy and the Local Government Act 2020.

Consultation/Communication

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	Draft Local Law 2025 is to be advertised	Council's website and digital media, Local Newspaper
Consult	Draft Local Law 2025 available for public consultation	Inform the community in the newspaper and other local media that the draft local law is on exhibition and inviting submissions
Involve	All submissions will be considered	Submissions will be considered prior to adoption

Officers believe that appropriate internal consultation has occurred for the draft Rural City of Wangaratta Local Laws No1 – Community Amenity and the matter is now ready for Council consideration and public exhibition.

Options for Consideration






1. That Council endorses the Draft Rural City of Wangaratta Local Law No 1 – Community Amenity for public exhibition 2025 (Recommended).

2. That Council does not endorse the draft Rural City of Wangaratta Local Law No 1 – Community Amenity for public exhibition.

Conclusion

The draft Rural City of Wangaratta Local Law No 1 – Community Amenity is ready for public exhibition and community feedback.

Attachments

- 1 Draft Local Law No 1 - Community Amenity 2025 
- 2 Current - Local Law No 1 - Community Amenity 
- 3 Local Law Review 2025 Listed Changes 
- 4 Draft Local Law No 1 – Marked up Changes 
- 5 Draft Waste Management Policy 2025 

15.2 Draft Community Engagement Policy 2025 (20:09)

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	25 March 2025
Category:	Strategic
Author:	Community Engagement Advisor
Approver:	Director Sustainability and Culture

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 draft Community Engagement Policy 2025 (refer **Attachment 1**) is ready for public exhibition.

The existing Policy was adopted in 2020, and the scheduled review began in 2024, and is now complete. The draft Community Engagement Policy 2025 sets out the Rural City of Wangaratta's intentions for the support and delivery of community engagement and reflects Council's commitment to the principles of engagement as set out in the *Local Government Act 2020*.

Resolution:

(Moved: Councillor A Winters/Councillor A Fitzpatrick)

That Council:

1. Endorses the draft Community Engagement Policy 2025 for a 30-day public exhibition period.
2. Reviews and adopts the Community Engagement Policy 2025 at a future meeting, taking into consideration any submissions made.
3. If no submissions are received requesting changes to Community Engagement Policy 2025, adopts the policy without further resolution.

Carried

Background

The existing Policy was developed and adopted by Council in 2020 after changes to the Local Government Act in 2020. These changes included a requirement for deliberative engagement and set out principles that should be applied to any community engagement project.

Since the adoption of the existing Policy, Council has progressed its understanding of community engagement, deliberative engagement, and how these can be implemented in line with the Act. The Policy has evolved to provide a framework to allow meaningful and consistent engagement that both meets Council's requirements under the Act, and also helps build Council's relationship with the community.

The draft Community Engagement Policy 2025 focuses on the principles of engagement outlined in the *Local Government Act 2020*, Council's legislated requirements, and how those are delivered by Council. This includes a clear scope, roles and responsibilities, and definitions. This brings the Policy in line with our other policy documents, and sets Council's commitment to consistent, meaningful, and inclusive community engagement.

Implications

Policy Considerations

The current Community Engagement Policy is due for review. It has further links to other Council areas through project management and engagement delivery.

Financial/Economic Implications

While there are no direct financial implications to this report, the Policy implementation will be the responsibility of each individual project. These costs will need to be reflected in project plans bids, through grants and operational budgets.

Legal/Statutory

The *Local Government Act 2020* requires Councils to have a Community Engagement Policy that considers a number of principles. These have been incorporated into the Policy. Additionally, there are legal requirements around community engagement in other Acts and legislation, including planning legislation that supercede this policy.

Social and Diversity

Ensuring accessible, diverse and meaningful engagement with the people who are impacted by the decision is the cornerstone of the principles outlined in the *Local Government Act 2020*.

Equity Impact Assessment (EIA)

The Act states that engagement must be accessible, include those who are impacted, and make reasonable efforts to ensure those who are involved are engaged meaningfully. These principles are the foundation of this policy.

Environmental/Sustainability Impacts

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

Strategic Links

Council Plan 2021 – 2025

This report supports the 2021-2025 Council Plan through the following objectives and actions:

1. Strengthening our Leadership

- 1.1.2 Commit to the delivery of thorough and inclusive community engagement practices

Rural City of Wangaratta 2033 Community Vision

This report supports the 2033 Community Vision through the following objectives:

- A1 Provide open and transparent communication to the community to build trust, respect and understanding

A2 Commit to the delivery of thorough and responsible community engagement practices

D2 Engage in meaningful dialogue with the community and demonstrate how community participation is being used to inform decisions

Risk Management

Risk Management Framework

Risks	Likelihood	Consequence	Rating	Mitigation Action
Implementation of new policy by staff	3 - Possible	Minor	5 - Medium	Council will develop a toolkit to support the Policy, and roll out training to
Community fatigue with consultation may impact engagement levels	3 - Possible	Moderate	6 - Medium	Council will adopt a variety of tools and methods in order to reach audiences and get meaningful feedback

Consultation/Communication

The draft Community Engagement Policy 2025 has gone through extensive internal consultation to understand how engagement is currently being delivered and how it can be improved. Data from the previous three Community Satisfaction Surveys has also been considered, and community preferences for engagement and communication will be incorporated into tools provided to Council Officers.

Additionally, the community will have an opportunity to provide feedback on the draft Community Engagement Policy 2025 for 30 days from 28 March to 27 April 2025. Feedback will be reviewed and provided to Councillors for consideration.

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

Options for Consideration

1. That Council endorses the draft Community Engagement Policy 2025 for public exhibition for 30 days (Recommended).
2. That Council does not endorse the draft Community Engagement Policy 2025 for public exhibition.

Conclusion

The draft Community Engagement Policy 2025 is ready for public exhibition and community feedback.

Attachments

- 1 Draft Community Engagement Policy 2025 

Unconfirmed

16. Special Committee Reports

Nil

Unconfirmed

17. Advisory Committee Reports

17.1 Biannual Audit and Risk Report (22:14)

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	25 March 2025
Author:	Governance & Reporting Advisor
Approver:	Director Corporate and Leisure

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 note the Audit and Risk Committee's Biannual Audit and Risk Report. This report was prepared in January 2025 to outline the activities of the Audit and Risk Committee between July – December 2024. This report is a requirement of the *Local Government Act 2020* (Vic) and this report is for Councillors to note only.

Resolution:

(Moved: Councillor H Benton/Councillor T Maxwell)

That Council notes the Biannual Audit and Risk Report attached to this report.

Carried

Background

Biannual Audit and Risk Report

Section 54(5) of the *Local Government Act 2020* (the Act) requires that the Audit and Risk Committee (the committee) prepare a biannual audit and risk report that describes the activities of the committee and includes its findings and recommendations.

To comply with this requirement, a biannual audit and risk report was produced for the period 1 July 2024 – 31 December 2024.

The attached report (**Attachment 1**) was also presented at the 18 March 2024 Audit and Risk Committee meeting for endorsement and is now presented to Council for noting.

Implications

Policy Considerations

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

Financial/Economic Implications

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

Legal/Statutory

Section 54(5) of the Act requires the Audit and Risk Committee to prepare a biannual audit and risk report and provide a copy of the biannual audit and risk report to the Chief Executive Officer for tabling at the next Council meeting.

The Act requires that the Chief Executive Officer must table the biannual audit and risk report at the next Council meeting.

Social and Diversity

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

Equity Impact Assessment (EIA)

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

Environmental/Sustainability Impacts

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

Conclusion

The completion and tabling of the Audit and Risk Committee Biannual Audit ensures that the committee complies with the requirements of the *Local Government Act 2020* and that the committee's activities can be monitored by Council.

Attachments

- 1 Biannual Audit and Risk Report July - December 2024 

18. Minutes of Advisory Committee Meetings

Nil

19. Notices of Motion

Nil

20. Urgent Business

21. Public Question Time (23:55)

21.1	<p>Question taken on Notice: Rod Cogan asked the following question at the Council meeting at 6pm on 25 February which was taken on notice and assigned to Director Stephen Swart for reply.</p> <p>Question 1 – Re: C86 Will the bores in the area be decommissioned as mentioned by North East Water representative?</p> <p><i>Response: North East Water have confirmed that the waste water management system proposed would have no negative impact on ground water and that bores in the area would not need to be decommissioned as a result of this proposal.</i></p>
21.2	<p>Jill Lindquist submitted the following question for the Council meeting at 6pm on 25 March which was assigned to Director Marcus Goonan for reply.</p> <p>Question 1 – Seeking confirmation that Council’s membership to the Alliance for Gambling Reform has been finalised as per Marcus Goonan’s notes in the February council meeting minutes please.</p> <p><i>Director Marcus Goonan responded: Thank you for your question, Jill. We have progressed from the last Council meeting question but not as far we would like. We expect to have the agreement in the next week after an online meeting today between officers and the alliance.</i></p>
21.3	<p>Alan Sanderson (25:44)</p> <p>Does the Rural City of Wangaratta, as well as other rural councils, and the MAV, have a plan or strategy to lobby the minister and government to significantly reduce the percentage of the increase in the fire services levy? The proposed increase has gone up over 180% from last year.</p> <p><i>Mayor Irene Grant responded: yes we are. The CEO will provide further.</i></p>

	<p><i>CEO Brendan McGrath responded: thanks Alan, we've been in discussions from a few different angles. Myself, Mayor Grant, and Deputy Mayor Benton met with the Treasurer about 3 weeks ago and it was one of a number of things we took up with her and we certainly talked to her about the concern we have around the impact of the increased levy. We don't necessarily agree or disagree with the general principle, but it is as you say a pretty significant increase for people, particularly people with large rural holdings, so we certainly made that point to her. We also raised some questions around the inability of Council to efficiently administer it as it was proposed. Originally Councils were to determine who active emergency service volunteers were, we were supposed to determine whether peoples places were there principle place of residence and apply some sort of exemption process, but we've been advised the government will take that process on as a rebate system rather than requiring Councils to do it. In addition to conversations with the Treasurer, through Regional Cities Victoria, of whom we are a member, we've gathered some data amongst the ten Councils to demonstrate what the magnitude and breadth of the increase will be for each of the ten Council areas; we've written to government setting that out and expressing concern about the impact of that; and similarly, the MAV is doing ongoing work with both the Treasurer and people from Treasury and Finance directly. I'm not that confident we are going to make much difference at this late stage, I think the legislation is very close to being in place, and the government's expectations will be it's collected from 1 July. Council's obviously also concerned about the impact on our reputation because there's a lot of people will just see it as a Council charge which it is clearly not, but is something we collect on behalf of the State Government and we're getting input for that methodology for that, so through those groups we will continue to raise those concerns, we'll see how we go over the next couple of months.</i></p>
21.4	<p>James Neary (28:59)</p> <p>The refund that the volunteers are going to get, the State is going to take that on, is it?</p> <p><i>CEO Brendan McGrath responded: yes, so the proposal now is that everyone will get the levy charged to them in their rates notice and they'll have to pay it, and then there'll be a process where eligible people can claim a rebate back from the government, presumably through the State Revenue Office</i></p> <p>I could suggest that Council just not collect it for the government</p> <p><i>CEO Brendan McGrath responded: we don't know who active volunteers are, or if people's properties are their principle place of residence, so that's just not feasible.</i></p> <p>Question 2</p> <p>Grading of roads for fire season. Some are not graded. What's the policy around that?</p> <p><i>Director Marcus Goonan responded: we used to be funded by the state for fire trail clearing, that ceased 5 or 6 years ago now. We now treat all roads in accordance with our Road Management Plan, therefore a fire track doesn't get any work done on it at all. The way to request that is through your CFA Captain, and then up through the Municipal Emergency Management Committee, they meet once every 2 months, and they can direct Council to clear a road if they believe it's required for emergency services.</i></p>

	<p><i>Mayor Grant added: you should know too, James, that this year Council is undertaking a review of the Roads Register, so we'll be looking at all the roads across the municipality and their status, and how Council maintains them into the future, so that's a big body of work to be done this year.</i></p> <p><i>Director Marcus Goonan added: Just to add to that, we will be coming out and asking the community for submissions for that, so if you believe you've got a road that's currently not maintained, or maintained to a standard and you want that increased, i.e. an inept access track to an access track then there will be a process to go through for that with clear set guidelines, etc, so that will be the time to implement those roads. Just to be clear on the process, we're not going to be looking at every single section of road we've got, we're going to rely on the community for giving us information about roads they'd like to see reclassified.</i></p>
21.5	<p>Brian Fox (32:53)</p> <p>I would like to see in the Minutes of this meeting they record the death of ex-Mayoress and ex-Councillor Val Gleeson.</p> <p>I would like a printed copy of the Agenda to be available to collect after 3:30pm on Friday.</p> <p>I would like you to consider if a Council Meeting is held away from Ford Street then you provide a Maxi Cab.</p> <p><i>Mayor Irene Grant responded: The whole process of having a country meeting was to encourage the people in that particular community to be very much a part of the meeting. They often don't have the opportunity of getting into the Wangaratta city meetings and I guess if we were going to reciprocate we would have to do that as well and it would become a logistical nightmare in itself, so we have our country meetings as a way to encourage the local community to come along and see and have a chat to us about Council issues.</i></p> <p>My real question is about parking. At the last Council Meeting, a motion was passed related to parking and the parking meters. Prior to that meeting, I had written to the Council asking for a copy of the contract between the Co-Store and the Council, so I could be fully informed and then discuss it with my members. I was advised by Council that I had to go to the Freedom of Information, which I found quite ridiculous because the contract would have been about 15 years old, but anyway, I did that, paid my \$32, and I got another reply back that told me that I did not fit the criteria and I couldn't have a copy of the contract. On the night, when the motion was put, I asked you Madam Mayor if you would put the motion on the table, but you said no.</p> <p>7 hands went up in favour of the motion. I want to know what those 7 hands based their opinion on. Were they given the full copy of the contract or were they given an appraisal?</p> <p><i>Mayor Irene Grant responded: yes they were given a full copy and there were extensive discussions around the issue and on that particular night we gave our decision.</i></p>

21.6	<p>Brian Ferguson (38:31)</p> <p>The shoulders of the local roads here do not get graded anymore, therefore any of those cut offs or run offs don't get cleared anymore. We also have a property at Bobinawarra and the garbage was not collected on Tuesday. What happens to those residents on McGuinness Lane?</p> <p>The grader was parked at the end of McGuinness Lane when Kneebone's Gap was graded, but then it drove away without doing McGuinness Lane. All of the culverts are blocked along McGuinness Road. We've asked for it to be graded before and we've submitted a complaint online. It was done halfway and not done since. I'm not sure how to go about getting these done properly.</p> <p><i>Director Marcus Goonan responded: I will take some of those questions on notice. As far as the unsealed shoulders on sealed roads, it's definitely an issue and we are actually looking at a program for enabling us to do that in a more complete manner. That will involve some of the re-sheeting team. Instead of re-sheeting for 3 months of the year, starting to go and do sealed shoulders because it is something that we haven't done well and we're not keeping up with, so 100% acknowledge that, you're 100% correct, we're looking to rectify that. I don't know anything about the rubbish on McGuinness Road, I'm sorry. I will find out and come back to you with what's going on there. And as far as grading that road, I'll have to look into that as well, I don't know the specifics of that road in particular.</i></p> <p><i>We definitely have a current issue with how we deal with the roads holistically, so exactly what you're pointing out here, our graders can't obviously go in and clean out the culverts and those sorts of things, so we need a backhoe to go in there after the graders have gone through, or before the graders have gone through, depending on how we work that. We are actively working on that program and that is part of the shoulders as well, so I think you're right, we've got some issues there that we need to work our way through and we are aware of what those issues are.</i></p>
------	--

22. Confidential Business (42:36)

Resolution:

(Moved: Councillor D Fuller/Councillor A Fitzpatrick)

That Council resolves to close the meeting to members of the public in accordance with Division 3(1) of the Local Government Act 2020 to consider the following items:

22.1 Confidential Report

Item 22.1 is Confidential under the Local Government Act 2020 as it contains information relating to : (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released..

Carried

Harvey Benton left the meeting at 6:42 pm.
Harry Bussell left the meeting at 6:42 pm.
Ashlee Fitzpatrick left the meeting at 6:42 pm.
David Fuller left the meeting at 6:42 pm.
Irene Grant left the meeting at 6:42 pm.
Tania Maxwell left the meeting at 6:42 pm.
Allison Winters left the meeting at 6:42 pm.

Harvey Benton returned to the meeting at 6:47 pm.
Harry Bussell returned to the meeting at 6:47 pm.
Ashlee Fitzpatrick returned to the meeting at 6:47 pm.
David Fuller returned to the meeting at 6:47 pm.
Irene Grant returned to the meeting at 6:47 pm.
Tania Maxwell returned to the meeting at 6:47 pm.
Allison Winters returned to the meeting at 6:47 pm.

Resolution:

(Moved: Councillor D Fuller/Councillor A Fitzpatrick)

That Standing Orders be resumed.

Carried

23. Closure of Meeting

The Meeting closed at 7:48pm.