

MINUTES

FOR THE
GREATER SHEPPARTON CITY COUNCIL

ORDINARY COUNCIL MEETING

HELD ON
TUESDAY 20 MAY, 2014
AT 5.30PM

IN THE COUNCIL BOARD ROOM

COUNCILLORS:

Cr Jenny Houlihan (Mayor)
Cr Dennis Patterson (Deputy Mayor)
Cr Milvan Muto
Cr Les Oroszvary
Cr Michael Polan
Cr Kevin Ryan
Cr Fern Summer

VISION

GREATER SHEPPARTON
AS THE FOOD BOWL OF AUSTRALIA,
A SUSTAINABLE, INNOVATIVE
AND DIVERSE COMMUNITY
GREATER FUTURE

**MINUTES
FOR THE
ORDINARY COUNCIL MEETING
HELD ON
TUESDAY 20 MAY, 2014 AT 5.30PM**

**CHAIR
CR JENNY HOULIHAN**

INDEX

1. ACKNOWLEDGEMENT	1
2. APOLOGIES	1
3. DECLARATIONS OF CONFLICT OF INTEREST	1
4. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....	1
4.1 Confirmation of Minutes of Previous Meetings	1
5. DEPUTATIONS AND PETITIONS.....	2
5.1 Proposed Closure of Andrew Fairley Avenue, Shepparton.....	2
6. MANAGEMENT REPORTS FROM THE OFFICE OF THE CHIEF EXECUTIVE OFFICER	3
6.1 Transition Plan Update March 2014	3
6.2 Greater Shepparton City Council - Council Plan 2013/14 to 2016/17 Progress Report March 2014	6
6.3 Contracts Awarded Under Delegation Report - May 2014.....	10
7. MANAGEMENT REPORTS FROM THE INFRASTRUCTURE DIRECTORATE	13
7.1 Supply of New Trucks to Australian Local Government.....	13
7.2 Proposed Temporary Car Park - Corner of Wyndham Street and Sobraon Street Shepparton.....	19
8. MANAGEMENT REPORTS FROM THE COMMUNITY DIRECTORATE	24
8.1 Free Camping and Provision of Caravan Waste Services	24
8.2 Our Sporting Future Funding - Round 3 2013/14 - Minor and Sports Aid	32
8.3 Draft Volunteer Strategy and Action Plan 2014 - 2018	38
9. MANAGEMENT REPORTS FROM THE BUSINESS DIRECTORATE.....	42
9.1 2013/2014 March Quarter Budget Review	42
9.2 Draft Policy Rates Rebates for Retail Land Occupied by Charitable Organisations.....	49
9.3 April 2014 Monthly Financial Report.....	54
9.4 2014/2015 Schedule Fees and Charges	57
10. MANAGEMENT REPORTS FROM THE SUSTAINABLE DEVELOPMENT DIRECTORATE	62
10.1 Greater Shepparton Cultural Heritage Awards Guidelines 2014.....	62
10.2 Greater Shepparton Heritage Advisory Committee – Annual Report 2013- 2014.....	68
10.3 Planning Permit Application, Dental Clinic, 167 & 169 Nixon Street	74
10.4 Use of land for the storage and distribution of swimming pools	95
10.5 Buildings and works for a shed in the Farming Zone 1 within 5m from a side boundary and within 20m from a road.....	106
10.6 Buildings and works for a 1.8 metre high chain mesh fence in the Floodway Overlay and Land Subject to Inundation Overlay.	118



10.7	Maude Street Bus Interchange and Maude Street Redevelopment.....	125
10.8	Amendment C155 to the Greater Shepparton Planning Scheme: Consideration of Panel Report and Adoption of Amendment	134
10.9	Statutory Planning Update	141
11.	TABLED MOTIONS	147
12.	REPORTS FROM COUNCIL DELEGATES TO OTHER BODIES	147
13.	REPORTS FROM SPECIAL COMMITTEES AND ADVISORY COMMITTEES.....	147
14.	NOTICE OF MOTION, AMENDMENT OR RESCISSION	147
15.	DOCUMENTS FOR SIGNING AND SEALING	147
15.1	Documents for Signing and Sealing.....	147
16.	COUNCILLOR ACTIVITIES	148
16.1	Councillors Community Interaction and Briefing Program	148
17.	URGENT AND OTHER BUSINESS NOT INCLUDED ON THE AGENDA	150
18.	PUBLIC QUESTION TIME	150
19.	CONFIDENTIAL MANAGEMENT REPORTS	158
19.1	Designation of Confidentiality of Information	158
19.2	Chief Executive Officer Performance Review.....	158
19.3	Reopening of the Council Meeting to Members of the Public	158

RISK LEVEL MATRIX LEGEND

Note: A number of reports in this agenda include a section on “risk management implications”. The following table shows the legend to the codes used in the reports.

Likelihood	Consequences				
	Negligible (5)	Minor (4)	Moderate (3)	Major (2)	Catastrophic (1)
Almost Certain (A) Event expected to occur several times per year (i.e. Weekly)	Low	Moderate	High	Extreme	Extreme
Likely (B) Will probably occur at some stage based on evidence of previous incidents (i.e. Monthly)	Low	Moderate	Moderate	High	Extreme
Possible (C) Not generally expected to occur but may under specific circumstances (i.e. Yearly)	Low	Low	Moderate	High	High
Unlikely (D) Conceivable but not likely to occur under normal operations (i.e. 5-10 year period)	Insignificant	Low	Moderate	Moderate	High
Rare (E) Only ever occurs under exceptional circumstances (i.e. +10 years)	Insignificant	Insignificant	Low	Moderate	High

Extreme CEO’s attention immediately required. Possibly avoid undertaking the activity OR implement new controls

High Director’s attention required. Consider suspending or ending activity OR implement additional controls

Moderate Manager’s attention required. Ensure that controls are in place and operating and management responsibility is agreed

Low Operational, manage through usual procedures and accountabilities

Insignificant Operational, add treatments where appropriate

PRESENT: Councillors Jenny Houlihan, Dennis Patterson, Milvan Muto, Les Oroszvary, Michael Polan, Kevin Ryan and Fern Summer.

**OFFICERS: Gavin Cator – Chief Executive Officer
Steve Bowmaker – Director Infrastructure
Johann Rajaratnam – Director Sustainable Development
Rosanne Kava – Acting Director Business
Kaye Thomson – Director Community
Rebecca Bertone – Official Minute Taker
Sharlene Still – Deputy Minute Taker**

1. ACKNOWLEDGEMENT

“We the Greater Shepparton City Council, begin today’s meeting by acknowledging the traditional owners of the land which now comprises Greater Shepparton. We pay respect to their tribal elders, we celebrate their continuing culture, and we acknowledge the memory of their ancestors.”

2. APOLOGIES

Nil.

3. DECLARATIONS OF CONFLICT OF INTEREST

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.

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

**Moved by Cr Polan
Seconded by Cr Patterson**

That the Minutes of the Ordinary Council Meeting held 15 April 2014, as circulated, be confirmed.

CARRIED.

5. DEPUTATIONS AND PETITIONS

5.1 Proposed Closure of Andrew Fairley Avenue, Shepparton

Summary

A petition containing 79 signatures has been received by Council against the proposed closure of Andrew Fairley Avenue.

Moved by Cr Patterson

Seconded by Cr Oroszvary

That the Council receive the petition relating to proposed closure of Andrew Fairley Avenue, Shepparton

CARRIED.

Attachments

Nil

6. OFFICE OF THE CHIEF EXECUTIVE OFFICER

6.1 Transition Plan Update March 2014

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

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.

Council Officers involved in producing this report

Author: Manager Corporate Performance

Proof reader(s): Trainer/Projects Coordinator, Team Leader Governance

Approved by: Chief Executive Officer

Executive Summary

The Chief Executive Officer (CEO) is responsible for providing regular updates to Council on the implementation of the Organisational Transition Plan. The last report was provided in February 2014.

The purpose of this report is to update Council on the progress to date of implementing recommendations out of the "Greater Shepparton City Council – Organisational Transition Plan.

Moved by Cr Summer

Seconded by Cr Polan

That the Council receive and note the March 2014 update of progress in implementing the Greater Shepparton City Council – Organisational Transition Plan.

CARRIED.

Background

In July 2012 the Council resolved to accept the final Organisational Scan report that was undertaken to identify actions that would provide tangible benefits to the organisation as well as the Greater Shepparton Community. As part of this resolution, it was a requirement for the CEO to report to Council on the progress against this plan on a quarterly basis to the Council.

The organisational Transition Plan provides for the issues identified, who is responsible, and what attention is required. Of the 117 tasks set out in the plan 62 percent have been completed whilst the balance are in the process of implementation.

A copy of the progress report against each of the Transition Plan items is shown in the attachment to this report. It provides a status report for the progress and status of each item for Council's information.

It should be noted that it is the aim to complete all tasks as indicated in the Transition Management Plan by 30 September 2014. At this stage it is anticipated that all tasks will be finalised by this date.

Council Plan/Key Strategic Activity

This report supports the Council Plan Goal number Five – "High Performing Organisation"

6. OFFICE OF THE CHIEF EXECUTIVE OFFICER

6.1 Transition Plan Update March 2014 (continued)

Risk Management

There are no moderate to extreme risks identified in associated with this report.

Policy Considerations

There are no direct policy considerations associated with this report.

Financial Implications

All financial implications relating to this report have been accounted for in the current budget.

Legal/Statutory Implications

There are no legal/statutory implications associated with this report.

Environmental/Sustainability Impacts

There are no environmental/sustainability impacts associated with this report.

Social Implications

There are no social implications associated with this report.

Economic Impacts

There are no economic impacts associated with this report.

Consultation

The Transition Plan is an internal document and discussion continues across departments, directorates and the executive in relation to progress to achieve the targeted outcomes.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

There are no direct links to the Greater Shepparton 2030 Strategy.

b) Other strategic links

The report is consistent with the Council Plan Goal number Five – “High Performing Organisation”

Options for Consideration

Note the report and accept the status relating to progress and refer to Council for noting in accordance with the CEO obligations for reporting to Council.

Not note the report and the recommendation to refer to Council which will then see the CEO fail in his reporting obligations.

Conclusion

The Chief Executive Officer is responsible for providing regular updates to Council on the implementation of the Organisational Transition Plan. The last report was provided in February 2014.

6. OFFICE OF THE CHIEF EXECUTIVE OFFICER

6.1 Transition Plan Update March 2014 (continued)

The purpose of this report is to update Council on the progress to date of implementing recommendations out of the “Greater Shepparton City Council – Organisational Transition Plan.

Attachments

Transition Plan Progress Report - May 2014 Page 160

6. OFFICE OF THE CHIEF EXECUTIVE OFFICER

6.2 Greater Shepparton City Council - Council Plan 2013/14 to 2016/17 Progress Report March 2014

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

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.

Council Officers involved in producing this report

Author: Manager Corporate Performance

Proof reader(s): Team Leader Governance

Approved by: Chief Executive Officer

Executive Summary

In accordance with the *Local Government Act 1989* Section 125 Council developed and adopted a four year Council Plan. The Council Plan contains Key Strategic Objectives and Strategies to achieve those objectives.

This report provides details in relation to achieving the Key Strategic Objectives identified in the 2013/14 to 2016/17 Council Plan and forms part of council's accountability framework which will see continued quarterly reporting on progress in relation to the achievement of the Council Plan.

The report also includes progress made in achieving the Key Strategic Activities contained within the 2013/14 Budget which will become Councils Performance Statement.

Whilst it is acknowledged that the Council Plan is a four year plan, reviewed annually, and that this report and future reports will concentrate on the achievement of annual targets and the quarterly progress towards those targets it is important to reflect that the overall aims of the Council Plan are those of the full four year term.

The Council Plan becomes the organisational focus for the development of Directorate and Business unit plans and ultimately the individual responsibilities of officers which are subsequently reflected in those officers annual appraisals.

Of the identified general actions for progress reporting in relation to measuring achievement there has been significant progress made in relation to the delivery of actions against the Strategic Objectives within the Council Plan and the Strategic Activities from the budget.

6. OFFICE OF THE CHIEF EXECUTIVE OFFICER

6.2 Greater Shepparton City Council - Council Plan 2013/14 to 2016/17 Progress Report March 2014 (continued)

**Moved by Cr Summer
Seconded by Cr Patterson**

That the Council note the Council Plan Progress March 2014 report which provides details in relation to achieving the:

1. Key Strategic Objectives identified in the 2013/14 to 2016/17 Council Plan, and
2. Key Strategic Activities contained within the 2013/14 Budget which will become Councils Performance Statement.

CARRIED.

Background

The 2013/14 to 2016/17 Council Plan identified Goals, Key Strategic Objectives and Strategies for implementation across the life of the plan.

Based on the outcomes of the community consultations, Council identified five strategic goals to describe what we are working towards in achieving the community's vision of a Greater Shepparton - Greater Future. As these goals explicitly align with the Municipal Public Health Planning Framework (Department of Health Services, 2001) with the emphasis on the built, social, economic and natural environments, the Council Plan also addresses the legislative requirements for the Municipal Health and Wellbeing Plan.

These five strategic goals are:

1. **Active & Engaged Community (Social)**
2. **Enhancing the Environment (Environment)**
3. **Economic Prosperity (Economic)**
4. **Quality Infrastructure (Built)**
5. **High Performing Organisation (Leadership & Governance)**

Council also identified Key Strategic Activities in adopting the 2013/14 Annual Budget as activities specific to the 2013/14 financial year.

The Council planning process is supported by directorate and departmental business plans, which are regularly reviewed by senior management.

The status comments contained within the report may change with each status report and all reports should be kept for future reference.

Council Plan/Key Strategic Activity

High Performance Organisation (Leadership and Governance) - Ensure strong internal systems and processes to ensure best practice delivery of services for the community.

6. OFFICE OF THE CHIEF EXECUTIVE OFFICER

6.2 Greater Shepparton City Council - Council Plan 2013/14 to 2016/17 Progress Report March 2014 (continued)

Risk Management

The management of risk will be undertaken through the regular reporting to Council and the community.

Risks	Likelihood	Consequence	Rating	Mitigation Action
Failure to report to Council and the community	Unlikely	Moderate	Moderate	Continue quarterly reports to Council

Policy Considerations

There are no policy considerations associated with this report.

Financial Implications

This report contains no financial implication, however many of the initiatives contained within the Council Plan have required Council to provide a budget in its 2013/14 budget, with the 2014/15 Budget to be designed to provide the finances to continue implementation of the Council Plan.

Legal/Statutory Implications

This report complies with councils obligations to monitor and report on progress in relation to achieving the strategic objectives and strategies contained within the council plan. The provision of regular reporting, in addition to the Annual Report, provides an opportunity for Council and the community to consider the progress made towards achieving the targets set by Council when adopting their Council Plan.

Environmental/Sustainability Impacts

The report contains no environmental/sustainability impacts, however many of the initiatives contained within the Council Plan are detailed that will improve the Greater Shepparton sustainability, both as an organisation and a municipality.

Social Implications

The report contains no social implications, however there are a number of initiatives contained in the council plan that are aimed at improving the social and liability of the Greater Shepparton communities and the wider municipality.

Economic Impacts

The report contains no economic impacts however there are a number of initiatives contained in the council plan that are aimed at improving the economic wellbeing of the Greater Shepparton municipality.

Consultation

Internal consultation occurs with the responsible officers regularly updating individual actions and the overall review of all plans by the Executive Leadership Team. Community consultation is achieved by publishing this report, including it in Councils website and as part of Councils meeting agenda.

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Keep Informed	Council Meeting Minutes Council Website

6. OFFICE OF THE CHIEF EXECUTIVE OFFICER

6.2 Greater Shepparton City Council - Council Plan 2013/14 to 2016/17 Progress Report March 2014 (continued)

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

Strategic Links

a) Greater Shepparton 2030 Strategy

The Council Plan 2013/14 to 2016/17 plays a pivotal role in the delivery of the short term plans and aspirations of council and the community whilst following the long term strategies of Greater Shepparton 2030.

b) Other strategic links

The Council Plan supports the short term direction of the organisation (4 years) and provides a linkage to the strategies developed and or implemented over the duration of the plan.

The plan contains Key Strategic Objectives for delivery across the period of the plan. The Budget details the financial obligations of the organisation for the period and contains Key Strategic Activities for delivery across each year.

Options for Consideration

1. Noting the report will provide acknowledgement to the community that a review has been undertaken and that council has met with the requirements of the Local Government Act in relation to regular reporting to Council.
2. Not noting the report would fail to ensure ongoing compliance with the requirements of the Local Government Act in relation to regular reporting to Council.

Conclusion

This report updates progress against achieving the Key Strategic Objectives contained within the 2013/14 to 2016/17 Council Plan and the Key Strategic Activities contained within the 2013/14 Budget.

Attachments

Council Plan Progress Report - May 2014 Page 210

6. OFFICE OF THE CHIEF EXECUTIVE OFFICER

6.3 Contracts Awarded Under Delegation Report - May 2014

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

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.

Council Officers involved in producing this report

Author: Procurement Officer

Proof reader(s): Manager Corporate Performance

Approved by: Chief Executive Officer

Executive Summary

To inform the Council of publicly advertised contracts awarded by Officers under delegated authority of the Council during the period 18 March 2014 to 05 May 2014. The report also provides details of the status of requests for tenders that have not yet been awarded.

Moved by Cr Polan
Seconded by Cr Summer

That the Council note the publicly advertised contracts awarded by the Chief Executive Officer and Directors under delegated authority.

CARRIED.

Cr Muto called for a division.

Those voting in favour of the motion: Cr Ryan, Cr Polan, Cr Houlihan, Cr Oroszvary, Cr Summer and Cr Patterson.

Those voting against the motion: Cr Muto.

Tendered Contracts Awarded under Delegated Authority by the CEO

Contract Number	Contract Name	Contract details, including terms and provisions for extensions	Value inclusive of GST	Awarded to
1497	Construction of Crestwood Estate Retardation Basin Works	Lump sum contract for the construction of improvements to drainage infrastructure on the Crestwood Retardation Basin	\$157,236.00	Girwood Contracting
1488	Construction of Blackspot Funding - Labuan Road / Jubilee Road Intersection	Lump sum contract for the construction of the Labuan Road / Jubilee Road staggered intersection	\$231,839.22	Girwood Contracting

6. OFFICE OF THE CHIEF EXECUTIVE OFFICER
6.3 Contracts Awarded Under Delegation Report - May 2014 (continued)
Tendered Contracts Awarded under Delegated Authority by the Directors

Contract Number	Contract Name	Contract details, including terms and provisions for extensions	Value inclusive of GST	Awarded to
N/A	N/A	N/A	N/A	N/A

Requests for Tenders advertised but not yet awarded

Contract No.	Contract Name	Contract detail, including terms and provisions for extensions	Status
1480	Aquamoves Cogeneration Plant	Lump sum contract for the, supply and installation of Cogeneration Plant in the Shepparton Aquamoves Aquatic Centre	Tender closed 26 March 2014.
1507	Baldock Street Drainage Dookie	Lump sum Contract for the supply and installation of drainage infrastructure in both the road & rail reserve, at Baldock St, Dookie.	Tender closed 23th April 2014 has been evaluated. More information being sought.
1404	Greater Shepparton Sports precinct - Functional and Detailed Design of the Community Football Complex Shepparton	This is a lump sum contract for detailed design of the Shepparton sports precinct corner Numurkah Road and Brauman Street Shepparton	Tender Closed 7 th May 2014
1526	Provision of Powerline Tree Pruning Services 2014	Lump sum contract for Powerline pruning of trees within the Shepparton, Mooroopna & Tatura declared areas	Tender Closed 7 th May 2014
1510	Design & Construction Management of Central Park Recreation Reserve Sewerage System	Lump sum contract for the design and construction management of the Central Park Recreation Reserve Sewerage System.	Tender Closed 7 th May 2014
1466	Kerbside Waste, Recyclables and Organics Collection 2014	Landfill Waste, Recyclables and Organics Kerbside Bin Collection, Special Events Bin Collection, Public Recyclables Bin Collection and Resource Recovery Centre Recyclables Skip Supply and Collection Services.	Tender Closes 28 th May 2014
1467	Recyclables Acceptance and Sorting	Landfill Waste, Recyclables and Organics Kerbside Bin Collection, Special Events Bin Collection, Public Recyclables Bin Collection and Resource Recovery Centre Recyclables Skip Supply and Collection Services.	Tender Closes 28 th May 2014

6. OFFICE OF THE CHIEF EXECUTIVE OFFICER

6.3 Contracts Awarded Under Delegation Report - May 2014 (continued)

Contract No.	Contract Name	Contract detail, including terms and provisions for extensions	Status
1468	Organics Acceptance and Sorting	Landfill Waste, Recyclables and Organics Kerbside Bin Collection, Special Events Bin Collection, Public Recyclables Bin Collection and Resource Recovery Centre Recyclables Skip Supply and Collection Services.	Tender Closes 28 th May 2014
1492	Marketing and/or Advertising Panel of Suppliers Shepparton Show Me.	Schedule of Rates tender for advertising and marketing services for Shepparton Show Me.	Tender Closes 21 st May 2014

Policy Considerations

Through the *Instrument of Delegation to the Chief Executive Officer* the Council has delegated authority to the Chief Executive Officer to award a contract up to the value of \$750,000 including GST.

The Council through the *Exercise of Delegations Policy* has delegated authority to the Directors to approve a contract up to the value of \$150,000 for goods and services and \$200,000 for works.

Legal/Statutory Implications

Section 186 of the *Local Government Act 1989* (the Act) establishes the requirements for tendering and entering into contracts.

Section 186(1) of the Act requires that before Council enters into a contract for the purchase of goods or services to the value of \$150,000 or more, or for the carrying out of works to the value of \$200,000 or more, it must give public notice of the purpose of the contract and invite tenders or expressions of interest from any person wishing to undertake the contract.

Conclusion

It is important that decisions and actions taken under delegation be properly documented and transparent in nature. The report details the publicly advertised contracts awarded by the Chief Executive Officer and Directors under delegated authority of the Council during the period 18 March 2014 to 17 April 2014.

Attachments

Nil

7. INFRASTRUCTURE DIRECTORATE

7.1 Supply of New Trucks to Australian Local Government

Disclosures of conflicts of interest in relation to advice provided in this report
Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

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.

Council Officers involved in producing this report

Author: Coordinator Plant and Fleet

Proof reader(s): Manager Assets

Approved by: Director Infrastructure

Executive Summary

The Municipal Association of Victoria (MAV), through its service arm MAV Procurement, as part of the National Procurement Network (NPN), have joined with the Local Government Association of Queensland procurement company Local Buy P/L to tender for the establishment of a Pre-Qualified Supplier Contract for the supply of New Trucks: Local Buy Contract MPN 04-13.

The purpose of this report is to seek Council approval to participate in this contract along with 38 other Victorian Local Government Councils, to access an endorsed panel of suitably pre-qualified contractors for the supply of new trucks.

Over the term of the contract, and in accordance with Council's fleet management plan, Council will procure more than 20 trucks in the next 5 years. The value of these purchases will exceed the delegation of the Chief Executive Officer.

Moved by Cr Ryan
Seconded by Cr Oroszvary

That the Council:

1. approve the participation in Municipal Association of Victoria Contract MPN 04-13 for the Supply of New Trucks through a panel of suppliers based on a request for quotation process.
2. note that the Municipal Association of Victoria contract MPN0143 will be referred to as Contract 1458 for Council purposes.
3. authorise the Chief Executive Officer to sign and seal the contract documents.
4. note that this is a 5 year contract with 5 X 12 month extension periods.
5. authorise the Chief Executive Officer to approve any extension periods for this contract if appropriate.

CARRIED.

7. INFRASTRUCTURE DIRECTORATE

7.1 Supply of New Trucks to Australian Local Government (continued)

Contract Details

The MAV contract includes provision for trucks to be supplied by a range of suppliers under a request for quotation process. Due to many truck specification variables and market dynamics of the truck industry, a register of pre-qualified suppliers from which Council's request quotations is considered to offer the most efficient and effective procurement process.

Access to suppliers of New Trucks will be through an electronic system called Vendor Panel, a system established under the contract for Council's to request quotes on line, and Contractors to respond to requests for quote. The Vendor Panel system ensures compliance with the requirements of the contract.

This contract does support local Shepparton dealers to access Council's business. As the registered local agents or suppliers of several of the truck brands listed below, they will be able to quote trucks for Council.

There are 39 Victorian Council's (50%) party to this contract including Greater Shepparton City Council, should Council endorse the contract.

The MAV contract is a 5 plus 5 X 12 month contract. The contract commenced 1 October 2013 and finishes 30 September 2018.

Council originally missed the deadline to join this contract, but applied for and received Ministerial approval through the Minister for Local Government to participate.

Over the term of the contract, and in accordance with Council's fleet management plan, Council will procure more than 20 trucks in the next 5 years. The value of these purchases will exceed the delegation of the Chief Executive Officer.

Tenders

Successful tenderers were

Tenderers
Avia Oceania
Dennis Eagle
Foton Trucks Australia
Freightliner Australia
Fuso Trucks
Hino Motor Sales Australia
Hyundai Motor Company Australia
Isuzu Australia
Iveco Trucks Australia
Mack Trucks
Man Automotive Imports
Mercedes Benz Trucks
Paccar Daf
Paccar Kenworth
Scania Australia
UD Trucks
Uniqco Special Vehicles

7. INFRASTRUCTURE DIRECTORATE

7.1 Supply of New Trucks to Australian Local Government (continued)

Tenderers
Volvo Trucks
Western Star Trucks Australia
William Adams

Tender Evaluation

The evaluation was conducted by the Western Australian Local Government Association's Business Development Manager and Local Buy's Contract Administrator.

As the contract is a register of Pre-Qualified Suppliers a hurdle evaluation was undertaken. No weightings were applied to criteria, instead, if a Tenderer was able to meet the criteria they were recommended for appointment.

See the Tender Evaluation attached to this document.

Evaluation Criteria

Tender Evaluation Criteria
Quality and Performance
Value for money
Community expectations and values
Balance of affordability and accessibility
Opportunities for local employment growth (Victoria)
Partnership building with other levels of Government
Environmental sustainability

Council Plan/Key Strategic Activity

Council Plan and Strategic Resource Plan 20013-2017

Item 4 Quality Infrastructure (Built)

Aim – Council will continue to provide for the development and maintenance of high quality facilities to enhance the opportunities for community participation in a broad range of activities.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Trucks will not meet Council's specifications or performance requirements	Unlikely	Moderate	Moderate	Council staff will provide clear and concise specifications when seeking request for quote for trucks that meet Council's servicing requirements.
Truck cannot be operated by Council staff	Rare	Negligible	Insignificant	Council has a significant number of truck operators with Heavy and Medium Rigid licences..

7. INFRASTRUCTURE DIRECTORATE

7.1 Supply of New Trucks to Australian Local Government (continued)

Risks	Likelihood	Consequence	Rating	Mitigation Action
Council workshop cannot maintain the truck	Rare	Minor	Low	Council workshop has experienced mechanics that are familiar with advancements being made in truck technology.
Existing trucks for sale do not meet combined reserve of \$120,000	Possible	Moderate	Moderate	Through the auction process Council can set a reserve to ensure trucks are not sold below market value.
Trucks purchased through this tender are not delivered in a timely way	Unlikely	Minor	Low	Contractors have KPIs which will be reviewed annually by MAV. Contract also contains dispute resolution processes.

Policy Considerations

Council's Procurement Policy has been considered. There are no conflicts with the current Council Policy.

Financial Implications

	2013/2014 Approved Budget for this proposal* \$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue	\$120,000	\$120,000	\$0	Council's overall revenue from plant and fleet sales will be approximately \$630,000, the truck component is estimated to be \$120,000. The actual will be determined at auction.
Expense	\$900,000	\$900,000	\$0	Council's overall plant and fleet renewal budget for 13/14 is \$3,167,350. The amount set aside for renewal trucks is \$900,000
Net Result	\$780,000	\$780,000		

* Amount shown in this column may equal one line item in budget or maybe a component of one budget line item.

This financial analysis is for the 13/14 financial year only. The contract term is 5 years with a further 5 X 12 month extension period. Council will procure a minimum of 20 trucks through this contract in the initial 5 year contract term in accordance with Council's fleet 10 year plan. Future year truck purchases beyond the 13/14 financial year must be approved through the capital works bidding process.

7. INFRASTRUCTURE DIRECTORATE

7.1 Supply of New Trucks to Australian Local Government (continued)

Legal/Statutory Implications

Tender process has been carried out according to the requirements of *Section 186* of the *Local Government Act 1989*.

In participating in this contract, MAV have advised Local Buy that Victorian Councils are meeting their obligations under the Local Government Act 1989, which requires that Councils

- appoint an agent
- make the decision to purchase goods and services and the determination of the specifications for that procurement
- appoint an agent to conduct a public tender
- are responsible for the probity of the procurement process
- exercise discretion in and make the decision to accept or reject recommendations arising from the tender.

Environmental/Sustainability Impacts

Council will favour new trucks with low emissions, which meet, as a minimum, Euro 5 standard engines.

Strategic Links

a) Greater Shepparton 2030 Strategy

The proposal supports the principals of the Greater Shepparton 2030 Strategy. The required works are in accordance with the GS2030 Strategy under Infrastructure, Urban Rural Services, Objective 1 – To provide sustainable infrastructure to support the growth and development of the municipality.

b) Other strategic links

Nil

Options for Consideration

1. Do Nothing – Not Recommended

Council must have a formal procurement process for the purchase of Trucks due to the quantity that Council will purchase and the cost of these assets. As such, the “Do Nothing” option is not recommended.

2. Undertake an internal procurement process – Not Recommended

Council could either run its own panel contract, or tender one truck at a time as an internal process. Both of these processes would be very time consuming and complex, and are unlikely to deliver a better outcome than participating in a Group Procurement Process.

3. Approve the participation in the MAV New Truck Contract

Participating in a Group Procurement Contract utilises the combined buying power of Local Government Councils who register to have access to a panel of pre-qualified suppliers of new trucks that will deliver administrative efficiencies through centralised contract management. Council will continue to seek competitive quotes on new trucks from an acceptable range of pre-qualified suppliers which will reduce purchasing time and ensure compliance with the Local Government Act.

7. INFRASTRUCTURE DIRECTORATE

7.1 Supply of New Trucks to Australian Local Government (continued)

Conclusion

This report seeks Councils approval to participate in the MAV 'Supply of New Trucks to Local Government' contract. The contract will assist Council become more efficient in procurement of trucks through a streamlined process of request for quote through the Vendor Panel portal. Council will be one of 39 Victorian Councils utilising this contract.

Attachments

Contract 1458 - Tender Evaluation Report Page 308

7. INFRASTRUCTURE DIRECTORATE

7.2 Proposed Temporary Car Park - Corner of Wyndham Street and Sobraon Street Shepparton

Disclosures of conflicts of interest in relation to advice provided in this report
Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

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.

Council Officers involved in producing this report

Author: Manager Projects, Manager Property and Procurement and Statutory Planning Officers

Proof reader(s): Director Infrastructure

Approved by: Director Infrastructure

Executive Summary

The purpose of this report is for Council to consider leasing the currently vacant property on the corner of Wyndham St and Sobraon St Shepparton and construct a temporary car park on the land. The proposal is to lease the land for a period of 3 years with an option for a further 3 years, with a provision for termination by either party with 3 months' notice.

Councillors were briefed on 22 May 2012 and 26 February 2013 with information provided on:

- *Indicative car park layout showing number of spaces available and entry/exit locations*
- *Cost estimates for works / fencing / crushed rock / sealing*
- *Consideration of lease charges*
- *Commentary on business case and other relevant issues*

An update is now provided to the Councillors, including information from the earlier briefing included as background material.

The additional works required to establish a temporary car park as detailed in the draft planning permit, would cost an estimated \$89,540 (inc. GST).

In addition to this Council would be responsible for 'making good' the site on termination of the lease. This cost is estimated to be \$20,900 (inc. GST)

The total outlay by Council for the works only is estimated to be \$110,440 (Inc. GST)

Required works include:

- landscaping
- surfaced with an all-weather spray seal to prevent dust;
- line-marked to indicate each car space and all access lanes;
- treated with measures to prevent damage to fences or landscaped areas on adjoining land and prevent direct vehicle access to adjoining road/s other than by a vehicle crossing;
- treated with traffic control signage and or structures as required;
- The concrete median on Sobraon Street must be extended so as to prevent west moving vehicles from turning right into the car park; and
- On-street parking on the northern side of Sobraon Street must be restricted so that no standing of vehicles is to occur during the hours of 8:00am-9:00am and 4:00-6:00pm Monday to Friday

7. INFRASTRUCTURE DIRECTORATE

7.2 Proposed Temporary Car Park - Corner of Wyndham Street and Sobraon Street Shepparton (continued)

- Currently negotiations indicate a rental of \$14,000 p.a. would be acceptable for the temporary lease of the site, being the rateable value plus land tax. The owner has requested that the lease payable amount be indexed to the % annual rate rise.

**Moved by Cr Polan
Seconded by Cr Summer**

Given the potential additional works and costs involved in establishing a temporary car park at this site and re-instatement of the property when the Lease is terminated it is recommended 'Not To Proceed' with the development of a temporary car park.
Cost implication - \$110,440 (inc. GST)

CARRIED.

Background

The corner site on Wyndham Street and Sobraon Street, Shepparton is currently vacant land, which has been identified in the Design Development Overlay No 5 which sets out under its objectives to encourage a prestigious lakeside precinct with iconic architecture at this "gateway" location. The property owner is actively seeking to attract a development partner/tenant.

During the time the site has been vacant it had inadvertently become an informal car park. It has been proposed to maximise the car parking potential of the site on a temporary basis, with Council improving the site to make it fit for purpose and leasing it for a period of three years, with an option for a further three years. The lease will provide an exit clause for either party to terminate with three months; notice. This clause was included in recognition that while a constructed temporary car park is preferred to the current ad hoc use, it should not be detrimental to future development opportunities.

As the Design Development Overlay does not support the construction of a car park, a permit is required for temporary use as a car park.

- The site is covered under Design and Development Overlay No 5 and is referenced in the endorsed strategy document "Urban Design Framework Shepparton North and South Business Areas"
- Developments at the intersection of Wyndham St and Sobraon St and at the intersection of Sobraon Street and Welsford Street should provide distinctive architecture to reinforce the intersection and give definition to the edge of the central activities district
- The creation of an all-day car park at the subject site could reduce demand on unrestricted on-street car parking in Welsford Street and Sobraon Street. However, while all-day car parking is in high demand in the vicinity of the subject site, all-day car parking is available within a short walking distance. There is also ample short term car parking available in the area. Therefore, there is no need to create additional short term parking in Welsford Street
- If the proposal were to proceed there would need to be a firm plan in place to provide replacement parking options when the site is later developed. This is difficult with an uncertain timeframe thought may be given to include developing further car parking along the north edge of Aquamoves

7. INFRASTRUCTURE DIRECTORATE

7.2 Proposed Temporary Car Park - Corner of Wyndham Street and Sobraon Street Shepparton (continued)

Car parking status previously reported to a Councillor Briefing on 22 May 2012

A parking utilisation assessment on off-street car parks was carried out on 11 May 2012. It was noted that on-street parking utilisation remained the same as the survey on Friday 7 May 2010. The survey results showed the following:

On-Street Parking Supply

There are well over 400 on-street car parks located within a 400 metre walking distance of the subject land (both short and long term).

While unrestricted all day parking is available in the immediate vicinity of this site, recent on-street parking surveys indicate that utilisation of this parking is very high with over 80% utilisation in Welsford Street (Vaughan to Sobraon) and also over 80% utilisation in Sobraon Street (Welsford to Wyndham).

There is other all day parking available in a reasonable walking distance of this area. For example, within 200 metres or 3 minutes walk:

- Maude Street: Sobraon – Swallow (47 bays with an average utilisation of 57%)
- Sobraon Street: Maude – Corio (36 bays with an average utilisation of 73 %)

Please Note that the Sobraon Street centre of road project will add an additional 34 car parking spaces.

The parking availability on other nearby streets is limited and varies.

The Council could consider the conversion of the all day parking in Welsford Street to two hour parking, however this may not serve any benefit as there is already short term carparking available within this area, particularly in off street carparks. Further, this option would further reduce the limited overall supply of all day parking in this area, not add to it. Limited all day parking in this area is evidenced by the utilisation data previously collected. A higher priority to convert all day parking to two hour would be in Vaughan Street (Welsford to Wyndham).

If parking were to cease on the subject land, then the users would need to utilise existing vacant all day parking which as stated is within 3-4 minutes walk of the site, as was the case before the site was cleared. Further, the creation of an all day carpark on this location may simply mean a change in behaviour, ie park at this site rather than in existing vacant all day locations as there has been little increase in new floorspace in this vicinity

Council Plan/Key Strategic Activity

This proposal does not link with the Council Plan or a Key Strategic Activity.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Owner may terminate lease at any time at 3 months notice leading to sunk cost.	Likely	Moderate	Moderate	None

7. INFRASTRUCTURE DIRECTORATE

7.2 Proposed Temporary Car Park - Corner of Wyndham Street and Sobraon Street Shepparton (continued)

Policy Considerations

As the Design Development Overlay does not support the construction of a car park, a permit is required for temporary use as a car park.

Financial Implications

	2013/2014 Approved Budget for this proposal*\$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue				
Expense	Nil	110,440	110,440	The proposal has not been considered in the 2013/14 or the 2014/15 Capital Budgets
Net Result		110,440		

* Amount shown in this column may equal one line item in budget or maybe a component of one budget line item.

Legal/Statutory Implications

No formal valuation was commissioned due to turnaround time constraints and budget provisions.

A valuation on this site would likely justify a commercial rent value, for the owner, based on highest and best use, however as the Council will not be deriving any income any lease payment should be determined by negotiation.

Initial discussion with the property owner indicate that he would be willing to lease the property to the Council at around the same cost as his current Council rate level.

Environmental/Sustainability Impacts

As this potential development would only be of a temporary nature there should be no negative environmental/sustainability impacts on the site. However, with the re-instatement of the land on termination of the lease these will be a considerable amount of material to be disposed of.

Social Implications

As the position of the land should provide distinctive architecture to reinforce the intersection and give definition to the edge of the central activities district the site is covered under Design and Development Overlay No 5 and is referenced in the endorsed strategy document "Urban Design Framework Shepparton North and South Business Areas and therefore should not be dedicated to car parking.

Economic Impacts

The proposed car park would cause a negative economic impact on the Council as Council would be responsible for construction of the car park in the first instance, provide ongoing maintenance at the site and then return the property to its original condition at the termination of the lease.

Consultation

There has been minimal consultation with the community.

Opinion has been sought from the adjoining property owner who has advised that as long as the area does not cause dust to interfere with his tenants' quiet enjoyment of the site he no issue with the land being temporarily used as a car park.

7. INFRASTRUCTURE DIRECTORATE

7.2 Proposed Temporary Car Park - Corner of Wyndham Street and Sobraon Street Shepparton (continued)

The landowner has been consulted as part of this exercise and has advised that he would lease the land to Council. The owner indicated that he had no immediate plans for development of the site and that any plans would probably mean Council would have 12 months notice of his intentions but could not guarantee this.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

Nil

b) Other strategic links

Nil

Options for Consideration

1. Issue the planning permit and proceed with the construction of the temporary carpark. This option will commit the Council to capital works of approximately \$110,440 and minimum annual lease costs of around \$14,000. **Not recommended.**
2. Not proceed with the proposal to enter into a lease to develop a temporary car park due to the increased cost. **Recommended.**

Conclusion

Given the works and costs involved in establishing a temporary car park at this site, the planning considerations and re-instatement of the property when the Lease is terminated it is recommended 'Not To Proceed' with the development of a temporary car park.

Cost implication - \$110,440 (inc. GST)

Attachments

- | | |
|--|----------|
| 1. Proposed Temporary Car Park Report – Corner Wyndham Street and Sobraon Street, Shepparton | Page 317 |
| 2. Possible Parking Layout at 454-458 Wyndham Street Shepparton - Plan PA6-19-2 (rev 3) | Page 328 |

8. COMMUNITY DIRECTORATE

8.1 Free Camping and Provision of Caravan Waste Services

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

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.

Council Officers involved in producing this report

Author: Manager Arts, Events and Tourism

Proof reader(s): Tourism Coordinator

Approved by: Director Community

Executive Summary

There has been significant growth in the recreational vehicle (RV) market over the past 10 years. Greater Shepparton Visitor Centre data reveals on average one enquiry per day about dump points with up to 500 enquiries annually from both RV travellers and backpackers seeking access to free camping locations and dump points.

Currently free camping is prohibited by Local Law Number One section 2.17 unless with a temporary camping permit.

The Caravan & Motorhome Club of Australia (CMCA) actively lobby state and local governments for the development and provision of RV camping parks and facilities including waste and water points.

Often due to the self-contained nature of RVs, the economic contribution by individual travellers is minimal.

Given the level of existing caravan park infrastructure within Greater Shepparton it is recommended that Council introduce a 12 month trial subsidised scheme for visitors to access existing commercial dump points. Local residents can continue to access the existing dump point at Tatura Park. Should Council wish to introduce an additional dump point it is recommended that this be introduced at Ferrari Park to minimise the risk to Council of any potential breach of competitive neutrality principals.

Moved by Cr Summer

Seconded by Cr Oroszvary

That the Council:

1. support 12 month subsidised trial of vouchers to existing commercial dump point infrastructure with an annual cost of no more than \$15,000.
2. continue to support existing Caravan Parks by not allowing free camping within the municipality.

CARRIED.

8. COMMUNITY DIRECTORATE

8.1 Free Camping and Provision of Caravan Waste Services (continued)

Background

There has been significant growth in the recreational vehicle (RV) market over the past 10 years primarily driven by the increase in part and full retirees. In addition the high Australian dollar has also resulted in a noted growth in the number of international travellers visiting regional Australia on working holidays and gap years.

Domestically RV travellers often seek free camping due to the length of stay away from their home base (often months at a time) whilst international backpackers on limited budgets travel for up to 12 months predominantly camping for free, often illegally.

Currently free camping is prohibited by Local Law Number One section 2.17 unless with a temporary camping permit.

Council does provide access free of charge to one dumping point at Tatura Park Equestrian Centre. This is available for use by both local residents and visitors to the municipality, however over the years Council has been approached by local residents and the Caravan & Motorhome Club of Australia (CMCA) on numerous occasions with a request to install addition dumping facilities within Shepparton.

Greater Shepparton Visitor Centre data reveals on average one enquiry per day about dump points with up to 500 enquiries annually from both RV travellers and backpackers seeking access to free camping locations and dump points. The numbers have increased over the past five years in line with the growth of this sector.

Euroa have recently announced an upgrade of their Seven Creeks Park Precinct in a concerted effort to attract the RV market. It will include a lounge and baby change area and a dedicated rest area and dump point. The project is to be completed by April 2015.

According to an accommodations opportunity study completed by Urban Enterprise Greater Shepparton has 12 caravan parks with 1036 sites. Three of these facilities have dump points (Big Four Shepparton East, Big Four Park Lane and Victoria Park Lake Caravan Park) and preliminary discussions have been held regarding the voucher trial. Officers are also aware that another tourism venue is considering the installation of a dump point as part of their service provision.

CMCA Subsidy Scheme

The Caravan & Motorhome Club of Australia (CMCA) actively lobby state and local governments for the development and provision of RV camping parks and facilities including waste and water points. The CMCA has approximately 66,000 members and is active in promoting and lobbying towns and cities to become "RV Friendly".

The CMCA has developed the Campers Dump Point Subsidy Scheme. Under the scheme, CMCA provides participating councils with a Dump Ezy' Dump Point and associated signage for installation at a suitable public site, such as a community facility or rest area. Within the region dump points have been installed at Elmore Park, Kyabram Fauna Park and the Yarrawonga and Numurkah Showgrounds.

8. COMMUNITY DIRECTORATE

8.1 Free Camping and Provision of Caravan Waste Services (continued)

To participate in the CMCA scheme, the subsidised dump point must be provided free of charge as a public facility and be available for use, at the minimum, during normal daylight hours. Installation of these units addresses the environmental and health issues associated with the disposal of grey and black water waste. The dump points must be installed in a position that allows access to large vehicles up to 19.5 metres long. This may include a motorhome or bus up to 12 metres in length and this vehicle may be towing a car or trailer.

- The Tatura Park dump point was installed as part of this scheme.

In addition the CMCA has developed the RV Friendly Town Scheme, specifically targeting small towns and tourism attractions to attract RV travellers that would not typically visit a town or region in an attempt to promote the economic advantage to small towns providing RV tourist specific amenities.

Free Camping

Whilst it is acknowledged that the concept of RV Friendly Towns in remote townships and non-tourist destinations around Australia may have a benefit in stimulating economic activity from the budget traveller in non-traditional destinations (with limited to no tourism infrastructure or attractions), this is only on the proviso that the free camping is not in direct competition with any established holiday park. This is not the case for highly populated areas and established destinations with existing Holiday Park infrastructure.

The national peak industry body, the Caravan, RV & Accommodation Industry of Australia (CRVA), has highlighted at a national level the issue for Councils in adhering to competitive neutrality principles under the National Competition Policy. It is recommended by the CRVA that in order to meet strict Competitive Neutrality Principles (CNPs) councils should adopt 'full cost attribution', meaning that councils must charge a price for the service that reflects the actual costs incurred, as well as those costs incurred if it were a private operator.

Further the Victorian Tourism Industry Council (VTIC) has identified 'freedom camping' as an issue, indicating that a state wide position is required to effectively address the push from the CMCA.

Given the existence of a number of established commercial caravan parks within the municipality, Council needs to remain aware of competitive neutrality principles and compliance with the national competition policy when considering the pursuit of RV Friendly status and/or the provision of free dump points and free camping provisions.

Competitive Neutrality

Competitive Neutrality Principles (CNPs) are designed to prevent unfair competition between government and privately-owned business by ensuring that the delivery of services within a competitive market happens on fair and equal terms with private operators.

There are very stringent requirements for commercial caravan park operators to comply with CFA regulations and public liability regulations, with the cost of establishment and compliance in excess of \$100,000 for an average sized park.

8. COMMUNITY DIRECTORATE

8.1 Free Camping and Provision of Caravan Waste Services (continued)

Recent proposals by other councils nationally to introduce free camping has been met with fierce resistance from caravan park operators with the consequence of potential litigation over non-compliant camping on public property and the council's competitive neutrality including: Murray Bridge, South Australia, Cairns and Fraser Coast in Queensland.

Currently within Greater Shepparton there are a number of free camping areas located within Parks Victoria land including the Lower Goulburn National Park and various State Forests around the river environs. However it is expected that the Minister for the Environment and Primary Industries will announce shortly that Parks Victoria will introduce fees for camping within all national and state parks.

RV Market

In considering Council's position regarding the provision of services to attract the RV market is it important to understand that there are significant differences and specific characteristics of each of the segments defined as part of the "RV Market" (*source Recreational Vehicle (RV) Friendly City – Implications & Considerations Independent Report for Geelong Otway Tourism, April 2013*).

International market

Budget RV segment - European backpackers generally travelling on a limited budget. They have a strong preference for free camping, enabling them to save their dollars to spend on adventure type experiences. This typically includes the transient seasonal workers that are attracted to the Goulburn Valley during the fruit season.

Up-market RV segment – Widely travelled internationals aged 35-50, with a high disposable income. They prefer to stay in holiday parks (well run, secure and at good locations), eat out and experience a range of activities and can be repeat visitors. This is a particularly high yielding market segment and one that most tourism destinations wish to attract.

Domestic market

Caravan/campers – Australians who travel extensively throughout the country staying at holiday parks as well as free camping. They prefer the comfort and security a holiday park provides but to reduce costs they will also free-camp where appropriate.

Self contained RV segment – owned by retired or semi retired people with a desire to see Australia at their leisure and have a strong preference for free camping. Given the self-contained nature of RVs the economic contribution by individual travellers is minimal with their major cost being the purchase of fuel and supermarket supplies. Depending on their length of stay in a region, they may eat out once a week and prefer budget meals at RSLs and sporting clubs. Many belong to the Campervan & Motorhome Club of Australia (CMCA).

The CMCA advocates that the economic impact generated by this visitor sector is generated by the volume of visitors in a region rather than spend per visit.

8. COMMUNITY DIRECTORATE

8.1 Free Camping and Provision of Caravan Waste Services (continued)

Council Plan/Key Strategic Activity

Goal 1: Active and Engaged Communities (Social)

3. Ensure liveability options are always considered in our decision making activities
4. Provide sustainable community services to our community

Goal 2: Enhancing the Environment (Natural)

1. Ensure that the environment is a major priority in planning for the future

Goal 3: Economic Prosperity (Economic)

1. Maximise opportunities to ensure Greater Shepparton leads Victoria, retaining and attracting education and industry

Goal 4: Quality Infrastructure (Built)

1. Ensure that the community has access to high quality facilities

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Closure of existing caravan park businesses due to introduction of free camping	B	3	Medium	Continue no free camping within Greater Shepparton. All camping referred to existing infrastructure and parks.
Fire – uncontrolled camping increases the risk of fire	C	2	High	Continue no free camping within Greater Shepparton. All camping referred to existing infrastructure and parks.
Financial risk due to Competitive Neutrality breach	A	3	High	Introduce and maintain a fee structure for use of Council owned and maintained facilities

Financial Implications

At the time of writing this report, the cost of installing a dump point is approximately \$13,000. This does not include the costs of daily inspections of the point and the costs of maintaining the system nor any repairs required due to unsuitable material being dumped within the system (ie sump oil, sanitary products, food etc).

It is estimated that the cost of the 12 month trial will be approximately \$12,500 per year in fees paid directly to existing operators. The scheme would be promoted via existing tourism marketing channels and administered by the Visitor Information Centre staff.

	2013/2014 Approved Budget for this proposal*\$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue	\$0	\$0	\$0	
Expense	\$0	\$12,500	\$12,500	
Net Result	\$0	-\$12,500	-\$12,500	Estimated result based on 500 individual uses at \$25

8. COMMUNITY DIRECTORATE

8.1 Free Camping and Provision of Caravan Waste Services (continued)

Legal/Statutory Implications

Council should be aware that any efforts to offer free camping within the municipality are likely to be subject to scrutiny under the National Competition Policy for potential breaches in Competitive Neutrality Principles.

Environmental/Sustainability Impacts

Encouraging the use of existing dump point infrastructure will minimise the impact of waste disposal on the environment and will enhance the sustainability of existing caravan park infrastructure.

Social Implications

The impact of non-conforming free camping on the community includes noise disruption to local residents and increased rubbish and human waste being disposed in public areas.

Encouraging camping within designated caravan parks assists in maintaining the visual amenity of public spaces and residential areas.

Economic Impacts

Commercial holiday parks account for approximately 12% of accommodation industry revenue and 9% of industry employment. On average it has been estimated that commercial caravan holiday parks contribute \$1.26m to their local economy. It has also been estimated that for every \$1 spent in a commercial holiday park, \$1.34 is generated in the local economy through employment and supplies.

Consultation

Council officers have consulted widely on this issue including face to face meetings and industry forums. Stakeholders include:

Tourism Greater Shepparton
Victorian Industry Council
Big 4 Shepparton East
Big 4 Park Lane
Ballarat City Council
Geelong Ottway Tourism
Caravan, RV & Accommodation Industry

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

Strategic Links

a) Greater Shepparton 2030 Strategy

Commercial Activity Centres

Objective 1

To provide increased opportunities for local job creation.

Objective 2

To develop the Shepparton CBD as the regional centre for commerce and entertainment.

Objective 4

To develop and maintain a hierarchy of viable activity centres by retaining local and visitor spending in the municipality.

8. COMMUNITY DIRECTORATE

8.1 Free Camping and Provision of Caravan Waste Services (continued)

Objective 6

To revitalise and sustain the centres of Mooroopna and Tatura for a range of commercial and business functions

Tourism

Objective 1

To ensure a sustained level of growth in tourism, including promotion of the unique tourism opportunities of the irrigated rural landscape and the food growing and processing industries.

Objective 2

To provide tourist services which suitably meet the needs of visitors to the municipality

b) Other strategic links

Greater Shepparton Tourism & Major Events Strategy 2011 - 2014

Options for Consideration

Option 1. Do nothing - Given the past growth of the RV market it is anticipated that numbers of RV travellers continue to grow at around 6% annually. Should Council choose to do nothing it is expected that Greater Shepparton will continue to receive visitation from the International Budget RV and Domestic RV segments expecting to access free camping within the municipality placing pressure on community facilities, waste serves, council staffing and diminishing the visual amenity of a number of our open spaces including the Victoria Park Lake.

Currently local laws officers conduct night patrols weekly (Wednesday nights) requesting free campers to move on with fines of up to \$200 being issued to those in breach of the no free camping by law. This predominantly involves foreign workers and budget travellers.

Option 2. Offer an additional dump point Free of Charge within Shepparton – Given the significant holiday park infrastructure within Shepparton, offering a free dump point within Shepparton is potentially disadvantaging established holiday parks who contribute significantly to the local and regional economies via employment and the purchases of local goods and services. All holiday parks have significant infrastructure investment which have taken many years to assemble and ensure compliance with state and local government regulations. Many holiday parks offer casual use of dump points at a rate of around \$25 or the equivalent to a non-powered overnight site booking.

Option 3. Offer an additional dump point Free of Charge within Mooroopna – With less tourism infrastructure and limited holiday park style accommodation within Mooroopna, Mooroopna could be considered a small town and therefore offering access to a free dump point at Ferrari Park may not be seen as being in direct competition with existing operators. However the provision of such a service along with the existence of additional amenities is likely to encourage additional free camping within this precinct.

Option 4. Offer a 12 month trial subsidised access to existing commercial dump points – This option would offer visitors to the region a voucher to use the waste points at participating Holiday Parks within Greater Shepparton. This would enable Council to fully determine the current demand for dump point access whilst discouraging free camping within Shepparton. Ballarat Council has recently considered offering subsidised access dump points at existing commercial holiday parks in order to fully assess the demand for an additional dump point. The decision has been deferred. Initial

8. COMMUNITY DIRECTORATE

8.1 Free Camping and Provision of Caravan Waste Services (continued)

consultation has taken place with two commercially run caravan parks both being in favour of such trial. Should this option be preferred, detailed consultation will take place with all local operators prior to implementation. Based on the current estimated enquiries at the Visitor Centre it is anticipated that the cost to Council for the 12 month trial would be in the vicinity of \$12,500 in access fees to be paid to operators.

Option 5. Offer free access to the existing dump point at the Victoria Park Lake Caravan Park – As the Council owns the Victoria Park Lake Caravan Park this option is potentially disadvantaging other established holiday parks and could be seen as providing an unfair advantage to a Council owned enterprise. In addition consultation with the management couple at the Park have identified a number of issues in offering access to this dump point as the only option. These issues include:

- Difficulty in accessing the dump site for large vehicles (ie fifth wheelers and tri-axles)
- The only way these vehicles can access the caravan park is via the locked gate on Fitzjohn Street, meaning they could only have access during working hours when there was someone at the office to open the gate.
- During peak times access may be limited due to reduced turning capacity.
- Potential height concerns due to trees and overhanging branches.

Conclusion

Given the level of existing caravan park infrastructure within Greater Shepparton it is recommended that Council introduce a 12 month subsidised scheme for visitors to access existing commercial dump points. Local residents can continue to access the existing dump point at Tatura Park. Should Council wish to introduce an additional dump point it is recommended that this be introduced at Ferrari Park to minimise the risk to Council for any potential breach of competitive neutrality principals.

Attachments

- | | |
|--|----------|
| 1. Letter - from Big 4 to TGS re free camping in TGS | Page 330 |
| 2. Caravan Dump Points in Shepparton | Page 333 |
| 3. Letter from Ken Muston | Page 334 |
| 4. Free Camping - The Industry Association Position | Page 338 |
| 5. recreational vehicle report Geelong Otway | Page 340 |

8. COMMUNITY DIRECTORATE

8.2 Our Sporting Future Funding - Round 3 2013/14 - Minor and Sports Aid

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

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.

Council Officers involved in producing this report

Author: Program and Services Coordinator

Proof reader(s): Team Leader Recreation and Strategy, Manager Neighbourhoods

Approved by: Director Community

Executive Summary

One application was received for the third and final round of the Our Sporting Future Funding program for 2013/14. This was received in the Sports Aid category:

- Shepparton/Notre Junior Football Club

The application has been considered by the assessment team and recommendations are now made to Council in relation to funding allocation.

A number of other enquiries have been received for the program. Council officers are working with these groups to progress project plans to meet program guidelines and enable future applications to be made.

It is a mandatory condition that successful grant recipients ensure recognition of Council contribution (for example signage) and ensure assets purchased are protected to remain in the recipient's ownership. Specific requirements and conditions will be included in the letter of offer and is required to be signed by the grant recipient.

Moved by Cr Polan

Seconded by Cr Oroszvary

That Council approve funding for the following project:

Our Sporting Future – Sports Aid Category

Club	Project	Allocation
Shepparton/Notre Junior Football Club	Football Jumper Project 2014	\$5,000

CARRIED.

8. COMMUNITY DIRECTORATE

8.2 Our Sporting Future Funding - Round 3 2013/14 - Minor and Sports Aid (continued)

Details of the project

Shepparton/Notre Junior Football Club

Funding Category	Sports Aid		
Project	Football Jumper Project 2014		
What will the project achieve	<p>The Shepparton/Notre Junior Football Club (auspice by Shepparton Football/Netball Club) was established in November 2013, through the merger of the Shepparton Junior Football Club (at the Under 14 and 16 levels) and the Notre Dame Junior Football Club (at the Under 14, 16 and 18 (girls) levels).</p> <p>This merger and formation of the new club was seen as a valuable partnership to provide an open and inclusive environment to the community who are looking for a place to play football at the junior level.</p> <p>The Shepparton/Notre Junior Football Club – Football Jumpers 2014 project will provide positive benefits including promotion of a new identity associated with the new Club, reinforce the commitment of the committee to start the new club without bias, provide opportunity for players (boys and girls) to feel proud to be part of a new Club (avoiding the need for wearing the original Club jumpers) and provide jumpers with a fit and design suitable to girls</p> <p>Those juniors that may have missed an opportunity in the past to play football are provided a new opportunity to be part of a club with a commitment to providing an inclusive environment to all.</p> <p>The newly formed club provides pathways and affiliations to allow junior members to progress to senior levels of football.</p>		
Total Project Cost	\$8,120	Organisation Cash	\$3,120
Requested Council Contribution	\$5,000	Organisation In-kind	\$0
Recommendation from the Interim assessment team	The project is consistent with the funding criteria in providing funding for special sports projects that provide support to new and developing sporting organisations.		

8. COMMUNITY DIRECTORATE

8.2 Our Sporting Future Funding - Round 3 2013/14 - Minor and Sports Aid (continued)

Background

The Our Sporting Future Funding Program has been established to assist community organisations with the implementation of small to medium sized facility development projects. The types of projects that may be funded include:

- Sports surface development
- OHS and public safety improvements
- Lighting upgrades
- Pavilion upgrades
- Shade for participants
- Disability Access.

The program also assists with development programs for new and developing sporting organisations throughout Greater Shepparton. Clubs such as the reformation of the Shepparton Rowing Club and the Shepparton Rugby Union Club have benefited from the Sports Aid program.

The funding program provides three categories for funding:

- Major facility development – for projects on a \$1 for \$1 basis but not exceeding \$30,000
- Minor facility development – for projects on a \$1 for \$1 basis but not exceeding \$15,000
- Sports Aid - funding between \$500 and \$5,000 (without matching contributions) for special sports projects that provide support to new and developing sporting organisations, or for special access and participation projects.

The Minor and Sports Aid applications are assessed in three rounds, with the third and final round closing on Friday 21 February 2014.

A cross department interim assessment team has been developed to improve the assessment of applications. The team consists of the following members:

- Program and Services Coordinator
- Team Leader Events and Promotions
- Youth Development Officer
- Healthy Communities Coordinator
- Grants, Statistics and Economic Research Officer.

The Our Sporting Future Funding Program is available for all sporting/recreational groups with the municipality. The program is promoted on council's external website, advertised in SportsConnect (a Council newsletter) and by word of mouth. ValleySport, the Goulburn Valley's regional sports assembly, actively advertise the funding program through their network of known local community sport and recreation groups. ValleySport advertise the program in their monthly newsletter that is distributed to over 640 recreation and sporting contacts in the Greater Shepparton Region. ValleySport also recommend the funding program to groups that contact them throughout the year looking for funding opportunities.

The Our Sporting Future Funding Program is being reviewed as part of a Council wide review of all external grants and donations programs for 2013/2014.

8. COMMUNITY DIRECTORATE

8.2 Our Sporting Future Funding - Round 3 2013/14 - Minor and Sports Aid (continued)

The Our Sporting Future Funding has an acquittal process at the completion of the project. Community Organisations receive 80% of the funding for the project when they sign the funding agreement and will only receive the final 20% when the project is completed and a written funding acquittal form is completed including supporting documentation of invoices and photographs of installation. A Recreation and Parks Branch member also goes on site to check that the project has been completed.

The following groups have been the recipient of funding through the Our Sporting Future Funding program over the last three years:

Greater Shepparton Basketball Assoc.	Mooroopna Football Netball Club
Congupna Football Netball Club	Shepparton Remote Control Club
Hill Top Bowls Club	Tatura Bowls Club
Orrvale Primary School	Northern Vic Showjumping Club
Tatura Netball Association	Kialla Golf Club
Medland Park Body Corporate	Shepparton Cycling Club
Mooroopna Bowls Club	Tatura Amateur Basketball Assoc.
Shepparton Rowing Club	Shepparton Rugby Union Club
Skateboarding Australia	Dhurringile Tennis Club
Lemnos Tennis Club	

Council Plan/Key Strategic Activity

The endorsement of the Our Sporting Future Funding program is intrinsically linked to the Council Plan 2013-2017. The main objective or goal that the Our Sporting Future Funding program will be meeting is the Active and engaged communities, in particular continuing to enhance community capacity building.

Risk Management

Consideration has been given to risk management issues during the assessment of all applications for funding support.

Policy Considerations

There are no conflicts with existing Council policy.

Financial Implications

2013/2014 Approved Budget	Funds previously committed in 2013/2014	Funds Requested this Round	Balance Remaining from budget allocation
\$110,000	\$59,720	\$5,000	\$45,280 (to be allocated in the May small equipment grant)

The remaining \$45,280 will be utilised to undertake a once off, Sporting Small Equipment Grant program in May 2014. This grant program will be advertised in all newspapers in the Greater Shepparton area, in the monthly Valleysport newsletter, on Council's website and other social media sites.

8. COMMUNITY DIRECTORATE

8.2 Our Sporting Future Funding - Round 3 2013/14 - Minor and Sports Aid (continued)

Legal/Statutory Implications

All project applicants must comply with planning, building and health legislative and statutory requirements prior to commencement of projects and/or release of the Council's funds.

Environmental/Sustainability Impacts

There are no environmental/sustainability impacts arising from this project.

Social Implications

This project will support the on-going community participation in sporting activity.

Economic Impacts

There is expected to be a minor regional economic stimulus arising from the construction works.

Consultation

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Ensure that the information about the application process was widespread	Media Release Website Social media
Consult	Council staff available to consult, in person or via telephone or email to all community groups	Meetings with applicants.
Involve	Program and Services Coordinator to provide assistance to community groups	Consultation on an individual basis with the application process
Collaborate	Community groups will be responsible for the planning and implementation of projects.	Successful applicants will drive their own initiatives.
Empower	Whilst decision making regarding the successful grant applications is made by Council, community groups will be responsible for the planning and implementation of projects.	Community groups will drive the delivery of their projects.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

This proposal supports the community and infrastructure objectives of the Greater Shepparton 2030 Strategy. Direction 2 – Community Life

b) Other strategic links

Council Plan 2013 – 2017

Goal 1 – Active and Engaged Communities (social)

Greater Shepparton City Council – Community Development Framework

Greater Shepparton City Council – Community Engagement Strategy

Greater Shepparton City Council – Community Plan Implementation Policy

8. COMMUNITY DIRECTORATE

8.2 Our Sporting Future Funding - Round 3 2013/14 - Minor and Sports Aid (continued)

Options for Consideration

1. Not fund the project
Not recommended as project will ensure that community sporting clubs are supported and community assets renewed.
2. Fund the projects
Agree to fund the project - **Recommended**

Conclusion

The application for funding through the Our Sporting Future Funding Round three 2013/14 was reviewed by an internal Assessment Team and they have recommended that the application from the Shepparton/Notre Junior Football Club be funded. This project meets eligibility requirements for the Sports Aid category for special sports projects that provide support to new and developing sporting organisations, or for special access and participation projects.

Attachments

Nil

8. COMMUNITY DIRECTORATE

8.3 Draft Volunteer Strategy and Action Plan 2014 - 2018

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

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.

Council Officers involved in producing this report

Author: Neighbourhood Planning Coordinator

Proof reader(s): Community Development Officer, Team Leader Community Strengthening, Manager Neighbourhoods

Approved by: Director Community

Executive Summary

Greater Shepparton City Council recognises the pivotal role that volunteers play in our community. Many community organisations, programs and sports clubs would simply not exist without volunteers. The development of the draft Volunteer Strategy and Action Plan 2014 – 2018 demonstrates Council's commitment to volunteers and the organisations that utilise and manage them. This strategy informs the role of Council supporting the volunteering community both internally and externally. The strategy also aims to build on the work already being undertaken by Council and the community. It will strengthen partnerships that will further enhance the volunteer sector. Four strategic directions have been identified through consultation to frame the focus of the draft Volunteer Strategy and Action Plan. The Action Plan has defined priorities for achievement, review and evaluation and will inform the development of new Council priorities in following years. The draft strategy will be placed on public exhibition for one month to seek further comment and feedback from the volunteering community.

Moved by Cr Summer

Seconded by Cr Patterson

That the Council place the draft Volunteer Strategy and Action Plan 2014 – 2018 on public exhibition for one month and invite submissions from the community and key stakeholders.

CARRIED.

Background

Volunteering is an essential community resource which promotes active citizenship and social inclusion. Volunteering extends value to our communities to make them safe, robust, inclusive and culturally rich. It provides a vehicle for individuals or groups to address human, environmental and social needs.

The Volunteer Strategy and Action Plan will set out Council's vision and approach to support volunteering in our region. The aim of the strategy is to:

- Promote volunteering opportunities
- Engage volunteers
- Ensure standards of best practice and consistency in supporting volunteers
- Respond to emerging trends and issues in the volunteer sector
- Recognise and celebrate volunteers.

8. COMMUNITY DIRECTORATE

8.3 Draft Volunteer Strategy and Action Plan 2014 - 2018 (continued)

Four strategic directions have been created to frame the directions Council will undertake to support volunteering in Greater Shepparton.

Key Strategic Direction 1: Promotion

Council will work to raise the profile of volunteering across the Greater Shepparton municipality.

Key Strategic Direction 2: Recruitment / Retention

Council will provide a consistent approach to recruitment and retention of volunteers.

Key Strategic Direction 3: Supporting

Council will work towards ensuring our volunteers across the Greater Shepparton municipality are supported with of standards of best practice and consistency; providing opportunities to share information.

Key Strategic Direction 4: Celebrate & Recognise

Council will acknowledge the valued contributions of volunteering in the Greater Shepparton municipality.

Council Plan/Key Strategic Activity

The draft *Volunteer Strategy and Action Plan 2014 – 2018* is intrinsically linked to the Council Plan 2013 – 2017, in particular the following objectives.

Goal 1 – Active and Engaged Communities (Social)

Continue to enhance community capacity building.

Risk Management

Consideration has been given to risk management issues during the development of draft *Volunteer Strategy and Action Plan 2014 – 2018*. Any risks identified have been addressed through the action planning process.

Policy Considerations

The *Volunteer Strategy and Action Plan 2014 - 2018* will support existing Council policies.

Financial Implications

The *Volunteer Strategy and Action Plan 2014 - 2018* is set within the Council context and existing financial constraints and staff capacity. \$18,000 is allocated to support the implementation of the Volunteer Strategy and Action Plan in 2014/2015 and subsequent years or additional actions will be subject to the annual budget processes. External funding opportunities will also be explored to implement projects.

8. COMMUNITY DIRECTORATE

8.3 Draft Volunteer Strategy and Action Plan 2014 - 2018 (continued)

	2013/2014 Approved Budget for this proposal*\$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue	0	0	0	Funding options will be considered
Expense	18,000	18,000	0	Annual priorities identified align within the allocated budget for volunteers
Net Result	(18,000)	(18,000)	0	Costs of implementing the strategy will be reviewed as part of annual budgetary processes.

* Amount shown in this column may equal one line item in budget or maybe a component of one budget line item.

Legal/Statutory Implications

The strategy is consistent with the *Local Government Act 1989* and the *Victorian Charter of Human Rights and Responsibilities Act (2006)*.

Environmental/Sustainability Impacts

There are no environmental impact related to this strategy.

Social Implications

The draft Volunteer Strategy and Action Plan 2014 - 2018 has been informed by significant consultation with volunteers and volunteer managers across the Greater Shepparton municipality. Volunteering has a meaningful and positive impact on the community. It can also benefit the individual who is performing the volunteer work through increasing social networks and social support. Increases in community participation, such as volunteering are reflected in community health and are an important element for a healthy, integrated and secure community.

Economic Impacts

The economic value of volunteers is enormous, their hard work and dedication equates to large volumes of work. ABS statistics indicate that volunteering contributes approximately \$15.7 billion to the Australian economy.

Consultation

The draft Volunteer Strategy and Action Plan 2014 – 2018 has been developed through extensive consultation with volunteers, external volunteer managers and internal Council departments including volunteer managers.

A number of mechanisms were used to engage and consult with the volunteer community. A survey was developed and distributed in hard copy format, electronically and placed on Council website. Over 150 surveys from volunteers were received.

An extensive volunteer sector engagement project was undertaken and over nineteen volunteer managers provided input to development of the draft volunteer strategy. Volunteer Managers attended two forums to further develop concepts presented in the initial data collection phase. Two workshops were also held with internal Council departments. The draft strategy will be tabled at the Senior Leadership Group meeting to obtain further feedback from Managers in the organisation.

8. COMMUNITY DIRECTORATE

8.3 Draft Volunteer Strategy and Action Plan 2014 - 2018 (continued)

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Keeping the community informed.	Media Release Flyers
Consult	Capture community opinion.	Forums for external Volunteer Managers Workshop for Council Volunteer Managers Surveys
Involve	Feedback is an important input into decision making.	Draft strategy placed on public exhibition to ensure feedback is gathered
Collaborate	Feedback will be incorporated into decisions to the maximum level possible.	Additional forums to be held regarding the draft document.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

Direction 2 – Community Life

b) Other strategic links

Greater Shepparton City Council – Community Development Framework

Greater Shepparton City Council – Community Engagement Strategy

Options for Consideration

Option 1: Do not support the directions contained within the draft Volunteer Strategy and do not approve the release the draft Volunteer Strategy and Action Plan for public consultation

This option is not preferable as it would not meet the expectations of the community. The consultation process has highlighted the need for a strategy to lead Council's work in the Volunteer space.

Option 2: Support the direction contained within the draft Volunteer Strategy and approve its release for public consultation for one months.

This option is preferable the Volunteer Strategy demonstrates Council's commitment to volunteers and ensures that Council's role in promotion, recruitment/retention, recognition and celebration of volunteers is clear.

Conclusion

The draft Volunteer Strategy and Action Plan 2014 – 2018 has been developed through extensive consultation with volunteers, external volunteer managers, internal volunteer managers, the wider community and internal Council departments. Upon release of the draft strategy, the Greater Shepparton volunteering community will be invited to provide further comment and feedback on the draft strategy to ensure that it is reflective of the needs of the community.

Attachments

DRAFT Volunteer Strategy and Action Plan 2014 - 2018 Page 360

9. BUSINESS DIRECTORATE

9.1 2013/2014 March Quarter Budget Review

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

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.

Council Officers involved in producing this report

Author: Acting Manager Finance and Rates

Proof reader(s): Acting Director Business

Approved by: Acting Director Business

Executive Summary

The report presents the forecast financial performance for the 2013/2014 financial year compared to budget based on the March Quarter Budget Review submitted by Responsible Managers.

The 2013/2014 March Quarter Budget review forecasts an underlying operating surplus of \$4.2 million, a reduction of \$924,000 from the Mid Year Budget review. The capital works program is forecast to decrease by \$3.1 million to \$33.8 million from the Mid Year Budget Review.

Excluding non-cash items and restricted investment transfers Council's underlying forecast financial performance is \$547,000 better than the Mid Year Budget Review. Excluding non-cash items and restricted investment transfers the operating budget is worse by \$901,000 or 0.8% of total revenue and the capital budget is better by \$1.44 million or 1.25% compared to the Mid Year Budget Review.

RECOMMENDATION

That the Council adopt the revised forecasts identified by the 2013/2014 March Quarter Budget Review (with or without further amendment).

Moved by Cr Ryan

Seconded by Cr Patterson

That the Council adopt the revised forecasts identified by the 2013/2014 March Quarter Budget Review.

CARRIED.

Background

Under section 138 of the *Local Government Act 1989* the Chief Executive Officer at least every 3 months must ensure quarterly statements comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date are presented to the Council.

Council's actual financial performance compared to the budget is presented to Council on a monthly basis.

9. BUSINESS DIRECTORATE

9.1 2013/2014 March Quarter Budget Review (continued)

2013/2014 Adopted Budget

The 2013/2014 Budget was adopted by Council at its meeting on 20 August 2013. The adopted budget provided for an operating surplus of \$8.8 million with revenue of \$108.3 million and expenditure of \$99.5 million. The adopted budget also provided for capital works of \$36.2 million.

2013/2014 September Quarter Budget Review

On 26 November 2014 the Council adopted the September Quarter Budget Review that resulted in a decrease to the budgeted operating surplus of \$2.51 million to \$6.3 million with revenue of \$110.4 million and expenditure of \$104.1 million. The September Quarter Budget Review provided for capital works of \$40.75 million.

2013/2014 Mid Year Budget Review

On 18 February 2014, Council adopted the 2013/2014 Mid-Year Budget Review with revenue of \$114.8 million and expenditure of \$109.7 million. This resulted in an operating surplus decrease of \$1.2 million to \$5.1 million and included a \$346,000 non-cash item for the write down of infrastructure assets.

The 2013/2014 Mid-Year Budget Review also provided for \$36.9 million in capital works, a forecast decrease of \$3.9 million, mainly due to transfers to restricted investments of \$3.46 million to be considered for re-budgeting in 2014/2015.

2013/2014 March Quarter Budget Review

The quarterly budget review process involves Managers reviewing the March Quarter Budget Review for their departmental areas compared to actual income and expenditure. Managers are to update forecasts to reflect the expected year end result. The Executive then undertake a detailed review to understand and confirm forecast variations. The quarterly review is then submitted to Council for consideration.

Report

As a result of the 2013/2014 March Quarter Budget Review, forecast year end variances compared to the 2013/2014 Mid Year Budget include:

Operating Budget

The budgeted operating surplus of \$5.1 million, forecast to decrease by \$924,000 to \$4.2 million due to:

Operating Expenses

- Requests for additional expenditure of \$1.7 million including:
 - \$1.0 million for BBRC Mooroopna West rebates;
 - \$150,000 for the injury prevention and management program; and
 - \$125,000 for the Art Museum Feasibility Study.

- Increased expenditure in the write down of property assets (non-cash) of \$105,000 relating to the sale of Council owned properties

- Offset by identified expenditure savings of \$198,000 including:
 - \$110,000 for the Aborigiculture Services electrical line clearing contract;
 - \$34,000 in salary savings in Building Services Management and Arthur Dickmann child care.

9. BUSINESS DIRECTORATE

9.1 2013/2014 March Quarter Budget Review (continued)

- Offset by a net decrease in operating expenditure of \$561,000 due to transfers to and from restricted investments. This includes:
 - Transfer to restricted investments of \$552,000 for the Goulburn Broken Greenhouse Alliance street lighting project; and
 - Transfer to restricted investments of \$56,000 for Best Start program expenditure transferred to 2014/2104; and
 - Transfer from restricted investments of \$47,000 for Shepparton Show Me additional advertising costs.

Operating Income

- Decreases in operating income of \$241,000 with no associated expenditure savings including:
 - \$121,000 in reduced user fees and Child Care Benefit grants for the Child Care program; and
 - \$120,000 in parking fees and fines due to staff vacancies.
- Offset by increased income of \$110,000 that was not budgeted and exclusive of any expenditure commitments including:
 - \$42,000 for Aged Services relating to client rebates; and
 - \$20,000 for Children's and Youth Services in child care benefit grants.
- Offset by an increase in capital grants and contributions income to be received in 2013/2014 which was not budgeted of \$140,000 for the Shepparton Sports Precinct.

Capital Budget

The budgeted capital works program of \$36.9 million, forecast to decrease by \$3.1 million to \$33.8 million due to:

- A decrease of expenditure of \$2.03 million relating to transfers to and from restricted investments which will be considered for re-budgeting in 2014/2015. This includes:
 - Transfer to restricted investments of \$800,000 for the Shepparton Showgrounds Grassed Area project;
 - Transfer to restricted investments of \$390,000 for the Shepparton Sports Precinct;
 - Transfer to restricted investments of \$250,000 for the Visitor Information Centre redevelopment; and
 - Transfer to restricted investments of \$125,000 for the Vic Lake Caravan Park.
- Identified expenditure savings of \$1.1 million including:
 - \$483,000 for BBRC Mooroopna West project;
 - \$318,000 for land purchases; and
 - \$139,000 for the Vaughan Street reconstruction.

Further analysis is contained within the attached 2013/2014 March Quarter Budget Review report.

Cash Surplus

The term surplus is often perceived to be cash. Table 1 below provides a high level summary as to how the forecast operating surplus is converted into an underlying cash surplus.

9. BUSINESS DIRECTORATE

9.1 2013/2014 March Quarter Budget Review (continued)

The surplus reported in the Income Statement is an accounting surplus, it is accrual based and prepared in accordance with accounting standards. It should be noted that it contains both cash and non-cash items.

It is important that a cash surplus is generated from Council's operations to fund the capital works program. Capital income is reported as part of the operating surplus however capital works are reported as an increase in assets in the Balance Sheet rather than an operating expense.

Table 1: High Level Summary - Income Statement Surplus Converted to Cash					
	Budget 2013/2014 \$'000	Sept Qtr 2013/2014 \$'000	Mid Year 2013/2014 \$'000	March Qtr 2013/2014 \$'000	Variance Sept to Mid \$'000
Operating Surplus from the Income Statement	8,813	6,315	5,114	4,191	(923)
<i>Less cash items not included in Income Statement</i>					
Capital Works Expenditure	36,203	40,760	36,868	33,777	(3,091)
Loan Repayments - Principal	426	426	426	426	0
Transfers from Restricted Investments*	(18,551)	(22,563)	(21,861)	(22,246)	(385)
Transfers to Restricted Investments ^A	5,139	6,035	8,886	10,622	1,736
Sub total	23,217	24,658	24,319	22,579	(1,740)
<i>Add non-cash items included in the Income Statement</i>					
Depreciation	18,452	20,645	20,645	20,645	0
Assets Sold	513	513	859	964	105
Long Service Leave Accrued Expense	0	375	375	0	(375)
Contributed Assets	(3,000)	(3,000)	(3,000)	(3,000)	0
Sub total	15,965	18,533	18,879	18,609	(270)
UNDERLYING CASH SURPLUS/(DEFICIT) FORECAST	1,561	190	(326)	221	547

The forecast underlying cash surplus is \$547,000 more than the Mid Year Budget Review. Excluding non-cash items and restricted investment transfers, Council's forecast operating budget is worse by \$901,000 or 0.8% of total revenue compared to the Mid Year Budget Review. In addition Council's capital budget excluding restricted investment transfers is better by \$1.44 million or 1.25% from the Mid Year Review.

Note: Transfers from Restricted Investments include both operating and capital funds received in past financial years or re-budgeted project allocations.

*Transfers from Restricted Investments for 2013/2014 include \$6.75m for Mooroopna West Growth Corridor, \$5.52m for Victoria Grants Commission funding and \$913,000 for Waste Management capital works.

^ATransfers to Restricted Investments for 2013/2014 include \$3.61 million in capital works to be considered for re-budget in 2014/2015, \$2.1 million from Waste Management Operations and \$552,000 for the Goulburn Broken Greenhouse Alliance energy efficient street lighting program. These will be considered for re-budget in 2014/2015.

Council Plan/Key Strategic Activity

This proposal is consistent with the strategic objective High Performing Organisation (Leadership and Governance).

Risk Management

Monitoring of performance against the 2013/2014 March Quarter Budget as well as the forecast year end position provides for prudent financial management and ensures that Council is made aware of any known or potential financial risks.

9. BUSINESS DIRECTORATE

9.1 2013/2014 March Quarter Budget Review (continued)

Risks	Likelihood	Consequence	Rating	Mitigation Action
Inability to achieve current budget due to income not reaching budgeted levels or costs exceeding budget exposing the Council to a cash deficit.	Likely	Moderate	Moderate	Review detailed monthly financial reports and take corrective action where forecast varies against budget.
Breaching the local Government Act by expending funds against line items without endorsed budget.	Possible	Moderate	Moderate	Undertake quarterly budget reviews to formally consider and adjust for any known variances.

Policy Considerations

There are no identified conflicts with existing Council policies.

Financial Implications

Forecast variances to the adopted September Quarter Budget are detailed throughout the attached report.

	2013/2014 Adopted Budget \$	2013/2014 September Qtr Budget \$	2013/2014 Mid Year Budget \$	2013/2014 March Qtr Budget \$	Variance to Mid Year (Fav)/Unfav \$
Revenue	108,290,000	110,380,000	114,840,000	115,299,000	(459,000)
Expense	99,477,000	104,065,000	109,726,000	111,108,000	1,382,000
Net Result	8,813,000	6,315,000	5,114,000	4,191,000	923,000

The forecast end of year result is expected to be an accounting operating surplus of \$4.2 million which is \$923,000 less than the Mid Year Budget Review.

Forecast variances to the adopted Mid Year Budget are detailed throughout the attached report.

Capital works

Capital works of \$33.78 million are forecast to be expended during the 2013/14 financial year which is \$3.09 million less than the Mid Year Budget Review.

	2013/2014 Adopted Budget \$	2013/2014 September Qtr Budget \$	2013/2014 Mid Year Budget \$	2013/2014 March Qtr Budget \$	Variance to Mid Year (Fav)/Unfav \$
Capital works	36,202,745	40,760,057	36,867,833	33,776,706	(3,091,127)

9. BUSINESS DIRECTORATE

9.1 2013/2014 March Quarter Budget Review (continued)

Net current assets

Net current assets is an indicator of Council's ability to pay existing liabilities in the next 12 months. An amount greater than 1 means there is more cash and liquid assets than short-term liabilities. If current assets are less than current liabilities difficulties may arise in meeting obligations as they fall due. Net current assets is equal to current assets less current liabilities as accounted for in the Balance Sheet. Current assets include cash and debtors whereas current liabilities include creditors, employee provisions and trust funds.

A comparison of Council's budgeted net current assets less restricted investments is included in the table below.

	2013/2014 Adopted Budget \$	2013/2014 September Qtr Budget \$	2013/2014 Mid Year Budget \$	2013/2014 March Qtr Budget \$	Variance to Mid Year (Fav)/Unfav \$
Net current assets	10,253,000	8,933,922	11,971,770	14,139,395	(2,167,625)
Less restricted investments	(18,335,428)	(17,637,329)	(21,190,739)	(22,461,220)	1,270,481
Underlying current assets	(8,082,428)	(8,703,407)	(9,218,969)	(8,321,825)	(897,144)

The table above demonstrates that Council has sufficient working capital to meet its obligations when they fall due providing that restricted investments of \$8.32 million are maintained. Of the forecast restricted investments of \$22.5 million, \$9.2 million is held for the purpose of waste management and \$3.61 million for capital projects which will not be expended during the 2013/14 financial year and are to be considered for re-budgeting in the 2014/15 financial year.

Legal/Statutory Implications

Section 138 of the Local Government Act 1989 requires that at least every three months the Chief Executive Officer must ensure a statement comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date are presented to the Council. A detailed financial report is presented to the Council each month.

Environmental/Sustainability Impacts

There are no environmental or sustainable impacts that will arise from this proposal.

Social Implications

There are no social impacts that will arise from this proposal.

Economic Impacts

There are no identified economic impacts.

Consultation

External consultation has not occurred regarding the contents of this report. Specific consultation, however, has and will take place on some specific items within the budget as and when appropriate.

9. BUSINESS DIRECTORATE

9.1 2013/2014 March Quarter Budget Review (continued)

Appropriate consultation has occurred with Council Officers and the matter is now ready for Council consideration.

Strategic Links

a) Greater Shepparton 2030 Strategy

Nil

b) Other strategic links

The report is consistent with the governance principle of Strategic Objective five of the Council Plan 2013-2017 “High Performing Organisation (Leadership and Governance)”.

Options for Consideration

1. That the Council not adopt the revised forecasts identified by the 2013/2014 March Quarter Budget Review.

This option is not recommended.

2. The Council adopt the revised forecasts identified by the 2013/2014 March Quarter Budget Review (with or without further amendment).

This option is recommended as it provides for the known budgetary variances to be reflected in the end of year financial forecast compared to budget.

Conclusion

This report has been prepared and presented to identify and reflect known variances in the end of year financial forecast compared to budget.

Attachments

2013/2014 March Quarter Budget Review Report Page 385

9. BUSINESS DIRECTORATE

9.2 Draft Policy Rates Rebates for Retail Land Occupied by Charitable Organisations

Disclosures of conflicts of interest in relation to advice provided in this report
Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

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.

Council Officers involved in producing this report

Author: Acting Management Accountant

Proof reader(s): Acting Manager Finance and Rates

Approved by: Acting Director Business

Other: Team Leader Rates and Valuations

Executive Summary

Council's Rating Strategy 2013-2017 was adopted at the Ordinary Council meeting held on Tuesday 20 August 2013. This included the recommendation "*That the Council develop a policy to enable it to consider waiving rates of providing rebates or concessions by application for charitable and non-for-profit residential or retail premises in accordance with the Act*" (the *Local Government Act 1989* or 'the Act').

This report presents a policy that provides a consistent and objective approach for Council to use when considering requests for rates rebates for retail land occupied by registered Charitable Organisations.

In the development of this policy, Council officers have proposed the rebate arrangement be restricted to Charitable Organisations occupying land for the retail sale of goods. The inclusion of not for profit organisations and residential land could incorporate many other community based organisations which officers believe was not the original intent of the development of a policy, based on lists of target organisations in previous reports.

Council acknowledges that retail land used by Charitable Organisations enables them to raise funds to provide valuable services to the community. Adopting a 50 per cent rates rebate for general rates and municipal charge would provide recognition to Charitable Organisations that are operating substantially for the benefit of the local community.

Council has also developed a policy on financial hardship which is expected to be tabled at the June Council meeting.

RECOMMENDATION

That Council adopt the Rates Rebates for Retail Land Occupied by Charitable Organisations Policy 16.POL3 as attached (with or without amendment) which allows a 50 per cent rates rebate to be granted to all Charitable Organisations whose applications meet the criteria set out in the Policy.

9. BUSINESS DIRECTORATE

9.2 Draft Policy Rates Rebates for Retail Land Occupied by Charitable Organisations (continued)

Moved by Cr Oroszvary
Seconded by Cr Summer

That Council adopt the Rates Rebates for Retail Land Occupied by Charitable Organisations Policy 16.POL3 as attached which allows a 50 per cent rates rebate to be granted to all Charitable Organisations whose applications meet the criteria set out in the Policy.

CARRIED.

Background

On 1 July 2010, Council began a review of retail operations of Charitable Organisations to ensure that these premises were listed as rateable in accordance with section 154(4)(c) of the Act due to the retail nature of the business they were operating. A number of revaluations were conducted to create a rateable assessment for the area of the retail premise they were operating.

This resulted in the Council receiving a number of requests to waive commercial rates under the provisions of section 171 of the Act for local Charitable Organisations that own land used for the retail sale of goods as part of a charitable enterprise.

In accordance with the provisions of section 171(1)(b) of the Act, the Council may waive the whole or part of any rate or charge in relation to – “any class of persons determined by the Council for the purpose of waiving rates or charges on the grounds of financial hardship”. The Act requires a resolution of the Council to be made which includes the objectives to be achieved by the waiver. The opinion of Council officers (confirmed with legal advice) is that section 171 of the Act is not applicable to charitable organisations.

The Municipal Association of Victoria Hardship Policy Guidelines (clause 5.1) says: “Hardship assistance should only be granted to individuals experiencing hardship, with regard to the rates on their primary residence. Therefore applications for hardship assistance for residential assistance for residential investment, commercial or industrial properties should generally not be granted. Councils differ in their treatment of applications for rates assistance for farms or commercial properties that are also used for residential purposes.”

For those ratepayers experiencing financial hardship, the Municipal Association of Victoria’s *Hardship Policy Guidelines November 2013* has been used to draft a Financial Hardship Policy. Council has yet to adopt this draft policy.

The recent Rating Strategy Review identified the need for a defined policy for granting rates rebates. In defining the policy guidelines it is proposed that applicants must meet the requirements of being a registered Charitable Organisation under the Australian Charities and Not for profit Commission (ACNC).

Not for profit organisations will not be eligible for the rebate under the policy. This is in consideration of the broader definition of a not for profit organisation in comparison to the definition of a charitable organisation. While not for profit organisations may not be carried on for the purposes of profit or gain to individual members, the outcomes of the organisation may not be for the benefit of the local community.

9. BUSINESS DIRECTORATE

9.2 Draft Policy Rates Rebates for Retail Land Occupied by Charitable Organisations (continued)

Adopting a 50 per cent rates rebate for general rates would provide recognition to Charitable Organisations that are operating predominantly for the benefit of the local community.

Council recognises that Charitable Organisations providing services such as health services, education and religious services are providing a valuable community service which also supplements Council's own activities in this area. It is considered appropriate that Council grants these properties a 50 per cent rebate of general rates to enable them to develop and maintain such programs.

Legal advice has been obtained regarding the application of the policy and supports the provision of a rates rebate under sections 169(1)(a) and 169(1B)(b) of the Act, if Council were satisfied that there is a benefit to the community as a whole from the Charitable Organisation which occupies the retail land.

Council Plan/Key Strategic Activity

This proposal is in line with the following strategic goal of the Council Plan:

High Performing Organisation (Leadership & Governance)

"We will deliver best practice management, governance, administrative support and financial systems that support the delivery of Council programs to the community of Greater Shepparton".

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Budgeted income may be lost due to applications made after the annual rates and charges have been struck and levied.	Likely if Council adopts the policy in 2013/14	Minor	Moderate	Nil
Charitable organisations occupying prime commercial premises.	Possible	Minor	Low	Nil

Policy Considerations

The proposed Rates Rebates for Retail Land Occupied by Charitable Organisations Policy will provide guidance to staff to allow for a consistent and transparent approach when considering requests for rates rebates for retail land within the municipality that is occupied by a registered Charitable Organisation.

Financial Implications

Council is aware of organisations that are operating retail premises and may be registered as Charitable Organisations. There may be other organisations that are operating from rented premises that Council is not aware who may meet the criteria of the policy but are not included in the below estimate.

The potential loss of 2013/2014 general rates and municipal charge revenue, if a 50 per cent rebate was provided by Council for currently known retail premises being used by Charitable Organisations, would amount to approximately \$25,000. The percentage of 50

9. BUSINESS DIRECTORATE

9.2 Draft Policy Rates Rebates for Retail Land Occupied by Charitable Organisations (continued)

per cent suggested as the rebate rate has been used in previous reports on the topic. There has been no amount included in the 2014/2015 budget, so Council will have to review this at its quarterly financial review.

The above estimate of the potential level of rebate Council could be liable for, is based on 2013/2014 rates and municipal charges. Under the Act Charitable Organisations will continue to be liable for service charges or special rates and charges for property used for retail purposes.

Note – waste service charges are not exempt from payment for these properties.

One of the organisations currently has outstanding arrears on their rate assessment. While this organisation has been seeking some relief from rates for some time, specifically under section 171 (Financial Hardship) of the Act, there is no responsibility on Council to make any allowance for this organisation prior to the commencement of this or a Financial Hardship policy. It is proposed to commence the policy from 1 July 2014 to allow for Council to budget for the impact of the rebate.

Legal/Statutory Implications

The options outlined in this report are consistent with the *Local Government Act 1989*.

Council has sought legal advice regarding the application of the policy pursuant to, and in accordance with, sections 169(1)(a) and 169(1B)(b) of the Act.

Environmental/Sustainability Impacts

There are no environmental impacts or sustainability impacts with this proposal.

Social Implications

Council recognises that local Charitable Organisations are operating substantially for the benefit of the local community. The social impact of this policy is likely to see the value of the rebate returned to the community by way of social support for people requiring the services of the organisation.

Economic Impacts

No economic impacts have been identified.

Consultation

Officers believe that appropriate consultation through the Rating Strategy Reference Group and public submission process for the 2013-2017 Rating Strategy has occurred and the matter is now ready for Council consideration.

Strategic Links

a) Greater Shepparton 2030 Strategy

There are no direct links to the Greater Shepparton 2030 Strategy.

b) Other strategic links

This Policy has been developed partially in line with recommendation 14 included in Council's Rating Strategy 2013-2017.

9. BUSINESS DIRECTORATE

9.2 Draft Policy Rates Rebates for Retail Land Occupied by Charitable Organisations (continued)

Options for Consideration

Option 1 – Do nothing. Not recommended. The 2013-2017 Rating Strategy confirms the recommendation from the Rating Strategy Reference Group that Council develop a policy to enable it to consider waiving rates or providing rebates or concessions by application for Charitable Organisations.

Option 2 –adopt the Rates Rebates for Retail Land Occupied by Charitable Organisations Policy 16.POL3 as attached (with or without amendment) which allows a 50 per cent rates rebate to be granted to all Charitable Organisations whose applications meet the criteria set out in the Policy. Recommended.

Conclusion

To meet the aspirations highlighted on page 66 of Council's Rating Strategy 2013-2017 the adoption of a Rates Rebate for Retail land occupied by Charitable Organisations Policy is proposed.

Attachments

- | | |
|--|----------|
| 1. Draft Policy Rates Rebate for Retail Land Occupied by Charitable Organisations 16.POL3 | Page 425 |
| 2. Draft CEO Directive Rates Rebates for Retail Land Occupied by Charitable Organisations 16.CEOD2 | Page 429 |

9. BUSINESS DIRECTORATE

9.3 April 2014 Monthly Financial Report

Disclosures of conflicts of interest in relation to advice provided in this report
Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

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.

Council Officers involved in producing this report

Author: Team Leader Corporate Accounting

Proof reader(s): Acting Director Business

Approved by: Acting Director Business

Executive Summary

The report presents Council's actual financial performance compared to the budget for the ten months ended 30 April 2014.

Moved by Cr Polan

Seconded by Cr Patterson

That the Council receive and note the April 2014 Monthly Financial Report.

CARRIED.

Background

The 2013/2014 Budget was adopted by Council at its meeting on 20 August 2013. The 2013/2014 Budget provided for an operating surplus of \$8.8 million with revenue of \$108.3 million and expenditure of \$99.5 million. The 2013/2014 Budget also provided for capital works of \$36.2 million.

On 26 November 2013, Council adopted the 2013/2014 September Quarter Budget Review with revenue of \$110.4 million and expenditure of \$104.1 million resulting in an operating surplus of \$6.3 million for the full financial year. The lower forecast surplus was mainly due to an increase in depreciation expense of \$2.19 million resulting from the revaluation of infrastructure assets. The 2013/2014 September Quarter Budget Review also included \$40.76 million in capital works, a forecast increase of \$4.55 million mainly due to re-budgeted prior year projects of \$3 million.

On 18 February 2014, Council adopted the 2013/2014 Mid-Year Budget Review with revenue of \$114.8 million and expenditure of \$109.7 million and an operating surplus of \$5.1 million. The forecast decrease in operating surplus of \$1.2 million which included a \$346,000 non-cash item for the write down of infrastructure assets. The 2013/2014 Mid-Year Budget Review also provided for \$36.9 million in capital works, a forecast decrease of \$3.9 million, mainly due to transfers to restricted investments of \$3.46 million to be considered for re-budgeting in 2014/2015.

Council's actual financial performance compared to the budget is presented to Council on a monthly basis.

Council's forecast financial performance is reviewed and updated based on any known changes to the number of factors which influence the budget. The revised forecast is submitted to Council for approval as part of the quarterly budget review process. The

9. BUSINESS DIRECTORATE

9.3 April 2014 Monthly Financial Report (continued)

March Quarter Budget Review will be presented to Council for consideration at its Ordinary Meeting on 20 May 2014.

Monthly Financial Report

The monthly financial report incorporates the following sections which are presented for Council's consideration:

- Financial Report
- Income Statement
- Balance Sheet
- Cash Flow Statement
- Operating Budget
- Capital Budget
- Investment Summary
- Rates Debtors Report
- Sundry Debtors Report
- Councillor Expense Report

Council Plan/Key Strategic Activity

The report is consistent with the leadership and governance goal "High Performing Organisation as included in the *Council Plan 2013-2017*.

Risk Management

No risks have been identified in providing this financial report.

Policy Considerations

There are no conflicts with existing Council policies.

Financial Implications

The full financial implications of this report are outlined within the attachment.

Legal/Statutory Implications

Section 137 of the *Local Government Act 1989* provides that Council maintain a budgeting and reporting framework that is consistent with the principles of sound financial management. In addition Section 138 requires that at least every 3 months a statement comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date is presented to the Council at a Council meeting which is open to the public. This report satisfies that requirement.

Environmental/Sustainability Impacts

No Environmental or Sustainability impacts have been identified.

Social Implications

No Social implications have been identified.

Economic Impacts

No Economic impacts have been identified.

Consultation

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

9. BUSINESS DIRECTORATE

9.3 April 2014 Monthly Financial Report (continued)

Options for Consideration

This report is for information purposes only and does not present any options for consideration.

Conclusion

The report provides details of Council's financial performance compared to the budget for the ten months ended 30 April 2014.

Attachments

April 2014 Monthly Financial Report Page 435

9. BUSINESS DIRECTORATE

9.4 2014/2015 Schedule Fees and Charges

Disclosures of conflicts of interest in relation to advice provided in this report
Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

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.

Council Officers involved in producing this report

Author: Acting Manager Finance and Rates

Proof reader(s): Acting Director Business

Approved by: Chief Executive Officer

Executive Summary

The setting of fees and charges for goods and services is required to recover some of the costs of providing Council services when full cost recovery is not considered appropriate. An integral part of the budget process is the annual review of Council's fees and charges.

Fees and charges include both discretionary, those set by Council, and non-discretionary, those prescribed by the State Government. Non-discretionary fees and charges include items such as town planning and local laws.

The Schedule of Fees and Charges are proposed to take effect from 1 July 2014 unless otherwise stated. Fees associated with the Saleyards will take effect in January 2015.

RECOMMENDATION

That the Council adopt the 2014/2015 Schedule of Fees and Charges, with or without amendment, effective 1 July 2014 unless otherwise stated.

Moved by Cr Muto

Seconded by Cr Oroszvary

That the Council adopt the 2014/2015 Schedule of Fees and Charges, effective 1 July 2014 unless otherwise stated.

Moved by Cr Summer

Seconded by Cr Polan

1. That the Council adopt the 2014/2015 Schedule of Fees and Charges, effective 1 July 2014 unless otherwise stated
2. That off street parking be made complimentary and lost revenue from this decision be subsidised by increasing the cost of on street parking to \$2.00 per hour.

LOST.

9. BUSINESS DIRECTORATE

9.4 2014/2015 Schedule Fees and Charges (continued)

Moved by Cr Muto
Seconded by Cr Oroszvary

That the Council adopt the 2014/2015 Schedule of Fees and Charges, effective 1 July 2014 unless otherwise stated.

CARRIED.

Background

The setting of fees and charges for goods and services is required to recover some of the costs of providing Council services when full cost recovery is not considered appropriate.

An integral part of the budget process is the annual review of Council's fees and charges. Annually departmental managers review fees and charges giving consideration to the level of fee charged and ensuring it reflects any changes to costs associated with or the level of the service provision and/or legislation. The Schedule of Fees and Charges is then considered by the Executive before being presented to the Council. Following adoption by the Council, fees and charges collected are monitored throughout the year.

Fees and charges include both discretionary and non-discretionary fees. Discretionary fees and charges are those set by Council, while non-discretionary fees and charges are those prescribed by the State Government. Non-discretionary fees and charges include items such as town planning, local laws and animal management.

The Schedule of Fees and Charges are proposed to take effect from 1 July 2014 unless otherwise stated. Fees associated with the Saleyards will take effect in January 2015.

Council Plan/Key Strategic Activity

This proposal is consistent with the strategic objective Council Organisation and Management which seeks to deliver best practice management, governance, administrative and financial systems that support the delivery of Council programs to the community of Greater Shepparton.

Risk Management

The annual review of fees and charges enables an assessment of the revenue and expenditure associated with the delivery of services and in turn compliance with National Competition Policy.

Risks	Likelihood	Consequence	Rating	Mitigation Action
Breaching National Competition Policy by obtaining a competitive advantage over private enterprise	E	Moderate	Low	Review of user fees and charges for significant business activities
Insufficient revenue collected to maintain existing service levels	C	Moderate	Moderate	Annual review of user fees and charges required to sustain services

9. BUSINESS DIRECTORATE

9.4 2014/2015 Schedule Fees and Charges (continued)

Risks	Likelihood	Consequence	Rating	Mitigation Action
Loss of revenue due to Schedule of Fees and Charges not being adopted by 1 July 2014	C	Moderate	Moderate	Schedule of Fees and Charges presented for consideration by Council at its May meeting

Policy Considerations

There are no identified conflicts with Council Policies.

Financial Implications

The proposed fees and charges form the basis of revenue estimates for user charges, fees and fines in the 2014/2015 Budget. Council's forecast total user charges, fees and fines revenue for the 2013/2014 financial year is equal to \$19.6 million which represents 17% of total revenue. Significant amounts of forecast user charges being collected include:

	'000	%
Waste Management	\$5,745	29%
Aquamoves	\$2,772	14%
Children's Services	\$1,940	10%
Saleyards	\$1,350	7%
Parking Fees	\$1,321	7%
Parking Fines	\$570	3%
Animal Registrations	\$519	3%
Other	\$5,428	27%
TOTAL	\$19,645	100%

Charges as detailed in the 2014/2015 Schedule of Fees and Charges include:

Waste Management Cosgrove industrial/commercial waste charge proposed to increase by 9% to \$156 per tonne. The proposed 9% increase includes a 10% increase in the EPA levy, paid to the State Government, which is now \$51.30 or 33% of the total \$156 charge.

Children's Services Subsidised kindergarten term fees increase of 15% reflects the final stages of implementation of the Universal Access by Early Childhood Education increase to 15 hours per week.

Long day care and occasional care increase of 8% and 3% respectively to cover regulatory changes in ratios and increased education requirements.

Parking Fees No increase proposed to \$1.30 rate

Saleyards 4% increase proposed

Animal Registrations No increase proposed

Statutory Fees are project to increase by 2% per annum.

9. BUSINESS DIRECTORATE

9.4 2014/2015 Schedule Fees and Charges (continued)

Legal/Statutory Implications

Statutory implications are reflected in non-discretionary fees and charges.

With respect to discretionary fees and charges Council is required to comply with National Competition Policy. The principal objective of National Competition Policy is to promote competition within the economy where it is considered to be in the public benefit. Council is required to apply competitive neutrality principles to its significant business activities where the benefits to the community would outweigh the costs. Competitive neutrality aims to promote the efficient use of resources in public sector business activities by removing any net competitive advantage that business activities of the Council may have, solely as a result of public ownership, unless it is not in the public interest to do so.

Environmental/Sustainability Impacts

Environmental impacts have been considered when setting fees, including user charges associated with waste management.

Social Implications

The review of fees and charges requires a considered approach to obtain a balance between the cost of delivering services and users' willingness to pay.

Economic Impacts

The potential economic impact of changes to user fees and charges have been considered.

Consultation

External consultation has not occurred regarding the content of this report. Consultation has occurred with the relevant Council officers and the matter is now ready for Council consideration.

Strategic Links

a) Greater Shepparton 2030 Strategy

Nil

b) Other strategic links

The report is consistent with the 2013-2017 Council Plan strategic goal of High Performing Organisation objective three, which seeks to ensure best practice delivery of services for the community.

Analysis of Council's fees and charges are also included in Council's adopted Strategic Resources Plan 2013-2023.

Options for Consideration

1. That the Council not adopt the proposed 2014/2015 Schedule of Fees and Charges. Not recommended. If the proposed changes to the Council's fees and charges were not adopted there may be insufficient revenue collected to maintain existing levels of services provided.

9. BUSINESS DIRECTORATE

9.4 2014/2015 Schedule Fees and Charges (continued)

2. That the Council consider adoption of the proposed 2014/2015 Schedule of Fees and Charges after public comment has been sought. Not recommended. It is not proposed to seek public comment on the proposed 2014/2015 Schedule of Fees and Charges due to the limited time between now and 1 July 2014. If public comment was sought the Council would not consider adoption of the proposed 2014/2015 Schedule of Fees and Charges until after 1 July 2013 which would reduce the amount of revenue collected during the 2014/2015 financial year.
3. That the Council adopt the 2014/2015 Schedule of Fees and Charges, with or without amendment, effective 1 July 2014 unless otherwise stated. Recommended. Adoption will enable advanced notice to citizens who access Council services of changes and allow collection of revenue in accordance with the 2014/2015 Schedule of Fees and Charges from 1 July 2014.

Conclusion

The proposed 2014/2015 Schedule of Fees and Charges is presented for adoption by Council, with or without amendment, to take effect from 1 July 2014 unless otherwise stated.

Attachments

2014/2015 Schedule of Fees and Charges Page 455

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.1 Greater Shepparton Cultural Heritage Awards Guidelines 2014

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

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.

Council Officers involved in producing this report

Author: Principal Strategic Planner

Proof reader(s): Team Leader Strategic Planning, Manager Planning

Approved by: Director Sustainable Development

Other: Strategic Planner (Amendments)

Executive Summary

Council authorised the formation of the Greater Shepparton Heritage Advisory Committee (the Committee) on 17 January 2012. The primary purpose of the Committee is to act as an advocate for all cultural heritage matters within the municipality.

At the Committee's February 2012 meeting, the Committee agreed that an annual or biennial Cultural Heritage Awards program would be a cost effective way of raising awareness of cultural heritage issues within the municipality, as well as recognising good conservation practice and promoting community participation in cultural heritage issues.

The Committee agreed to request that Council resolve to host a Cultural Heritage Awards ceremony in April 2013 and prepared the *Cultural Heritage Awards Guidelines 2012* to provide an overarching framework for all future award ceremonies. At the Ordinary Council Meeting held on 18 September 2012, Council adopted the Guidelines and resolved to host the Inaugural Cultural Heritage Awards ceremony on 20 April 2013. The Awards ceremony was guided by the recommendations of the Committee. The Awards were deemed to have been very successful and generated significant interest in Greater Shepparton's cultural heritage.

Following the Awards ceremony, the Committee comprehensively evaluated the Awards process and revised the Guidelines to streamline the hosting of future Awards ceremonies. The Committee now requests that Council adopt the revised *Cultural Heritage Awards Guidelines 2014* and resolve to host a Cultural Heritage Awards ceremony in the 2014/15 financial year. (See Attachment 1 – *Greater Shepparton Cultural Heritage Awards Guidelines 2014 (track changes)* and Attachment 2 – *Greater Shepparton Cultural Heritage Awards Guidelines 2014*). A budget request for \$8,000 has been included in the 2014/15 Draft Budget to meet the costs of hosting, advertising and award prize costs associated with a Cultural Heritage Awards ceremony in this financial year.

Moved by Cr Ryan

Seconded by Cr Patterson

That the Council adopt the *Cultural Heritage Awards Guidelines 2014* and resolve to host a Cultural Heritage Awards ceremony in the 2014/15 financial year.

CARRIED.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.1 Greater Shepparton Cultural Heritage Awards Guidelines 2014 (continued)

Background

At the Ordinary Council Meeting held on 17 January 2012, Council authorised the formation of the Greater Shepparton Heritage Advisory Committee. The primary purpose of the Committee is to provide the best possible advice to Council on how to conserve and promote the unique cultural heritage of Greater Shepparton, and to act as an advocate for all cultural heritage matters within the municipality.

At the Committee's February meeting, the Committee agreed that an annual or biennial Cultural Heritage Awards program would raise awareness of cultural heritage issues within the municipality, as well as recognising good conservation practice. The Awards program is seen as a critical way of promoting community participation in cultural heritage issues within the municipality. It satisfies two of the primary purposes of the Committee as outlined in the Committee's Terms of Reference:

- to provide the best possible advice to Council on how to conserve and promote the unique cultural heritage of Greater Shepparton, and
- to act as an advocate for all cultural heritage matters within the municipality.

The Committee agreed to request that Council resolve to host a Cultural Heritage Awards ceremony in April 2013 and prepared the *Cultural Heritage Awards Guidelines 2012* to act as an overarching framework for all future award ceremonies. Award ceremonies are guided by the recommendations of the Committee. At the Ordinary Council Meeting held on 18 September 2012, Council adopted the Guidelines and resolved to host the Inaugural Cultural Heritage Awards ceremony on 20 April 2013. The Awards ceremony was deemed to have been very successful and generated significant interest in Greater Shepparton's cultural heritage.

Following the Awards ceremony, the Committee comprehensively evaluated the Awards process and revised the Guidelines to simplify and streamline the hosting of future award ceremonies. The main revisions to the *Cultural Heritage Awards Guidelines 2012* include:

- Revise the adoption date to 20 May 2014;
- Undertake minor formatting, numbering, descriptive and grammatical changes throughout the Guidelines;
- Include additional descriptive text in the introductory paragraphs to update this section in line with the recently adopted Burra Charter 2013 by Australia International Council on Monuments and Sites (Australia ICOMOS);
- Reduce the number of Awards Categories from eleven to six. The descriptions for each of these categories have also been revised;
- Revise the Awards Procedure section to stipulate that only one award may be given within each category;
- Insertion of a new bullet point 10 in the Conditions section. It now reads: "The Judging Panel may consider that a nomination better fulfils the criteria of a category other than that in which it was entered and may resolve to reallocate the nomination. This can only be done with the nominator's prior approval".
- Update a number of the definitions outlined in Appendix A.

The Committee agreed at its Committee meeting held on 03 March 2014 to request that Council adopt the revised *Cultural Heritage Awards Guidelines 2014*. The revised Guidelines will simplify and streamline future Awards ceremonies.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.1 Greater Shepparton Cultural Heritage Awards Guidelines 2014 (continued)

At this Committee meeting, the Committee also agreed to request that Council resolve to host a Cultural Heritage Awards ceremony in the 2014/15 financial year, which will be guided by the recommendations of the Committee. The following indicative timeline will inform any Cultural Heritage Awards program:

1. Calls for public nomination will be launched by the Mayor at a launch ceremony in September 2014 where members of the public will nominate places, objects, works, volunteers, publications, etc., for one or more of the award categories. The nomination period will last several months and is proposed to end in December 2014.
2. A short-list of nominations will be prepared and assessed by a judging panel comprising of representatives from the Committee in early 2015.
3. The Judging Panel will advise Council of its recommendations for winning entries at the Ordinary Council Meeting to be held in April 2015.
4. The successful nominations will be honoured at a Cultural Heritage Awards ceremony to coincide with Australian Heritage Week 2015, which is scheduled to be held from Saturday, 11 April to Sunday, 19 April 2015.

Council Plan/Key Strategic Activity

The adoption of the revised *Cultural Heritage Awards Guidelines 2014* and the hosting of a Cultural Heritage Awards ceremony in the 2014/15 financial year are consistent with the following goals and objectives outlined in the *Greater Shepparton City Council Council Plan 2013-2017*:

- Goal 1: Active and Engaged Communities (Social):
 - Objective 1: Continue to enhance Community Capacity Building.
 - Objective 4: Provide sustainable community services to our community.
 - Objective 6: Value Arts Culture and Heritage as an integral part of our dynamic community.

Risk Management

By not adopting the revised *Cultural Heritage Awards Guidelines 2014*, Council would fail to exploit the changes outlined within the revised Guidelines that would simplify and streamline the hosting of future awards ceremonies.

By not resolving to host a Cultural Heritage Awards ceremony in the 2014/15 financial year, Council would not avail of a cost effective way of raising awareness of cultural heritage issues within the municipality, promoting good conservation practice and promoting community participation in cultural heritage issues.

Policy Considerations

Adopting the revised *Cultural Heritage Awards Guidelines 2014* and/or resolving to host a Cultural Heritage Awards ceremony in the 2014/15 financial year do not conflict with existing Council policies.

Financial Implications

There are no financial implications associated with the adoption of the revised *Cultural Heritage Awards Guidelines 2014*.

Resolving to host a Cultural Heritage Awards ceremony in the 2014/15 financial year will require a budget allocation. A budget request for \$8,000 has been included in the 2014/15 Draft Budget to meet the costs of hosting a Cultural Heritage Awards ceremony in this financial year. This budget will be required to meet hosting, advertising and award prize costs associated with this Cultural Heritage Awards ceremony.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.1 Greater Shepparton Cultural Heritage Awards Guidelines 2014 (continued)

It is envisaged that:

- the hosting costs will be minor as the ceremony could either use one of Council's buildings or, as the ceremony is scheduled to be held midday on Saturday, avail of a free or heavily discounted venue;
- advertising and promotion can be largely undertaken by the individual groups, societies and organisations represented on the Committee; and
- the award prizes are likely to be a framed certificates and a hamper of locally sourced produce.

	2014/2015 Draft Budget for this proposal*\$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue	0	0	0	Nil
Expense	8,000	8,000	0	Nil
Net Result	0	0	0	Nil

* Amount shown in this column may equal one line item in budget or may be a component of one budget line item.

Legal/Statutory Implications

There are no legal or statutory implications associated with the adoption of the revised *Cultural Heritage Awards Guidelines 2014* and/or the hosting of a Cultural Heritage Awards ceremony in the 2014/15 financial year.

The Greater Shepparton Heritage Advisory Committee is not a Section 86 Committee under the *Local Government Act 1989*. The Awards ceremony will be hosted by Council.

The hosting of an Awards ceremony accords with the *Victorian Charter of Human Rights and Responsibilities Act, 2006* and *Local Government Act, 1989*. No human rights were negatively impacted upon through the preparation of the *Cultural Heritage Awards Guidelines*. The hosting of an awards ceremony is not foreseen to impact upon the rights of all individuals and groups with regard to freedom of expression, right to be heard, entitlement to participate in public life and property rights.

Environmental/Sustainability Impacts

There are no environmental or sustainability impacts associated with the adoption of the revised *Cultural Heritage Awards Guidelines 2014* and/or the hosting of a Cultural Heritage Awards ceremony in the 2014/15 financial year.

Social Implications

There are positive social impacts associated with the adoption of the revised *Cultural Heritage Awards Guidelines 2014* and/or the hosting of a Cultural Heritage Awards ceremony in the 2014/15 financial year.

The Committee has determined that a Cultural Heritage Awards program would help raise awareness of cultural heritage issues within the municipality and promote good conservation practices – skills that are in decline. The Awards program is also seen as a critical way of promoting community participation in cultural heritage issues generally.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.1 Greater Shepparton Cultural Heritage Awards Guidelines 2014 (continued)

Economic Impacts

There are no economic impacts associated with the adoption of the revised *Cultural Heritage Awards Guidelines 2014* and/or the hosting of a Cultural Heritage Awards ceremony in the 2014/15 financial year.

Consultation

As part of the preparation of *Cultural Heritage Awards Guidelines 2012* and the revisions proposed within the *Cultural Heritage Awards Guidelines 2014*, extensive consultation took place with all Committee members. Some of these Committee members have reported the contents of the Guidelines to their respective societies, groups and organisations that they represent on the Heritage Advisory Committee.

Should Council resolve to host an Awards ceremony in the 2014/15 financial year, a media plan will be prepared by the Media & Communications and Planning Departments to promote and engage with the Community. It would allow for extensive co-publicising of the event by Council and the Heritage Advisory Committee to promote the Awards program and call for public nominations. It is envisaged that media releases would result in a number of articles appearing in local newspapers. The Awards ceremony would also be promoted on Council's radio station program and other social media.

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

Strategic Links

a) Greater Shepparton 2030 Strategy 2006

The adoption of the revised *Cultural Heritage Awards Guidelines 2014* and/or the hosting of a Cultural Heritage Awards ceremony in the 2014/15 financial year are consistent with the objectives, strategies and actions outlined in the Environment Section of the *Greater Shepparton 2030 Strategy 2006*, specifically:

- Direction 3: Environment: Conservation and enhancement of significant natural environments and cultural heritage.

b) Other strategic links

The adoption of the revised *Cultural Heritage Awards Guidelines 2014* and/or the hosting of a Cultural Heritage Awards ceremony in the 2014/15 financial year will also develop and implement the initiatives outlined in the *Greater Shepparton Heritage Study Stage IIB 2013*.

Options for Consideration

Option One: To adopt the revised *Cultural Heritage Awards Guidelines 2014* and to resolve to host a Cultural Heritage Awards ceremony in the 2014/15 financial year. This would help to raise awareness of cultural heritage issues, recognise good conservation practices and promote community participation in cultural heritage issues within the municipality.

Option Two: To adopt the revised *Cultural Heritage Awards Guidelines 2014* and resolve not to host a Cultural Heritage Awards ceremony in the 2014/15 financial year. This would not help raise awareness of cultural heritage issues, promote good conservation practices or promote community participation in cultural heritage issues within the municipality.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.1 Greater Shepparton Cultural Heritage Awards Guidelines 2014 (continued)

Option Three: Do not adopt the revised *Cultural Heritage Awards Guidelines 2014*. This would fail to exploit the changes outlined within the revised Guidelines that would simplify and streamline the hosting of future awards ceremonies. Do not resolve to host a Cultural Heritage Awards ceremony in the 2014/15 financial year. This would not help raise awareness of cultural heritage issues, promote good conservation practices or promote community participation in cultural heritage issues within the municipality.

Conclusion

It is recommended that Council adopt the revised *Cultural Heritage Awards Guidelines 2014* and resolve to host a Cultural Heritage Awards ceremony in the 2014/15 financial year. The Awards ceremony will be guided by the recommendations of the Greater Shepparton Heritage Advisory Committee.

The Committee has determined that an Awards program is a critical way of raising awareness of cultural heritage issues within the municipality, as well as recognising good conservation practices. The Awards program is also seen as a critical way of promoting community participation in cultural heritage issues.

By not adopting the revised *Cultural heritage Awards Guidelines 2014* and/or resolving not to host a Cultural Heritage Awards ceremony in the 2014/15 financial year, Council risks missing an opportunity of being involved in a cost-effective, strongly supported initiative that would promote the municipality's unique cultural heritage.

Attachments

- | | |
|---|----------|
| 1. Greater Shepparton Cultural Heritage Awards Guidelines 2014
(track changes) | Page 485 |
| 2. Greater Shepparton Cultural Heritage Awards Guidelines 2014 | Page 496 |

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Greater Shepparton Heritage Advisory Committee – Annual Report 2013-2014

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

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.

Council Officers involved in producing this report

Author: Principal Strategic Planner

Proof reader(s): Team Leader Strategic Planning, Manager Planning

Approved by: Director Sustainable Development

Other: Strategic Planner (Amendments)

Executive Summary

Council authorised the formation of the Greater Shepparton Heritage Advisory Committee (the Committee) on 17 January 2012. The primary purpose of the Committee is to act as an advocate for all cultural heritage matters within the municipality.

In early 2014, the Committee prepared its second annual report to inform Council of its activities for the year ending 16 January 2014. At the Committee's monthly meeting held on 03 March 2014, the Committee agreed to present the *Greater Shepparton Heritage Advisory Committee Annual Report 2013-2014* to Council, and for Council to receive and note the Report.

Following the adoption of revised Terms of Reference for the Committee by Council at the Ordinary Council Meeting held on 18 March 2014, community representatives may now serve for two years on the Committee.

Advertisements calling for community representative applications for membership of the Committee were placed in local newspapers in January and February 2012. Following consideration of the nomination applications by the Committee, Council resolved to appoint three community representatives to the Committee at the Ordinary Council Meeting held on 21 May 2013. This appointment was for a one year term and is due to end on 20 May 2014. This term was in accordance with the previous Terms of Reference.

The Committee now requests that Council resolve to reappoint these three existing Community Representatives for a further one year term. This resolution would allow the existing three Community Representatives to serve on the Committee for a two year term in accordance with the recently adopted Terms of Reference.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Greater Shepparton Heritage Advisory Committee – Annual Report 2013-2014 (continued)

Moved by Cr Ryan
Seconded by Cr Summer

That the Council:

1. receives and notes the *Greater Shepparton Heritage Advisory Committee Annual Report 2012-2013* for the year ended 16 January 2014; and
2. resolves to reappoint the three existing Community Representatives for a further one (1) year term in accordance with the Committee's Terms of Reference:
 - Evan LLOYD,
 - Neil C PENNEY, and
 - Gary STEIGENBERGER.

CARRIED.

Background

During the process of preparing the *Greater Shepparton Heritage Study Stage IIB 2013*, a need was identified for the establishment of a Heritage Advisory Committee. Although the purpose of the study was to document places of post-contact cultural heritage significance to the City of Greater Shepparton, the study envisaged a need for a Heritage Advisory Committee. The primary purpose of such a committee would be to provide the best possible advice to Council on how to conserve and promote the unique cultural heritage of Greater Shepparton, and to act as an advocate for all cultural heritage matters within the municipality.

Council authorised the formation of the Heritage Advisory Committee (the Committee) at the Ordinary Council Meeting held on the 17 January 2012. As part of the resolution, Council adopted Terms of Reference (TOR) to guide the future operation of the Committee.

The Committee's membership consists of up to two councillors, up to two members of Council's Strategic Planning Team, Council's Heritage Advisor, one voting member from each of the ten identified member organisations and three community representatives unaffiliated with any of these organisations. Council has recently adopted revised Terms of Reference for the Committee that extends the tenure of community representatives from one to two years.

The Committee has prepared its second annual report to inform Council of its activities. At the Committee's monthly meeting held on 03 March 2014, the Committee agreed to present the *Greater Shepparton Heritage Advisory Committee Annual Report 2013-2014* to Council to note.

The Annual Report outlines the Committee's activities for the year ending 16 January 2014 (see Attachment 1: *Greater Shepparton Heritage Advisory Committee Annual Report 2012-2013*). It tracks the Committee's membership, activities and achievements, advocacy and advice, and highlights the realisation of the inaugural Greater Shepparton Cultural Heritage Awards 2013.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Greater Shepparton Heritage Advisory Committee – Annual Report 2013-2014 (continued)

Following the adoption of revised Terms of Reference for the Committee by Council at the Ordinary Council Meeting held on 18 March 2014, community representatives may now serve for two years on the Committee.

Advertisements calling for community representative applications for membership of the Committee were placed in local newspapers in January and February 2012. Following consideration of each nomination application, the Committee recommended that three of the nominees be appointed to serve on the Committee for a one year term. This term was in accordance with the previous Terms of Reference.

At the Ordinary Council Meeting held on 21 May 2013, Council resolved to appoint the three Community Representatives to the Committee. This appointment is due to end on 20 May 2014.

The Committee now requests that Council resolve to reappoint these three existing Community Representatives for a further one year term. This resolution would allow the existing three Community Representatives to serve on the Committee for a two year term in accordance with the recently adopted Terms of Reference.

Council Plan/Key Strategic Activity

The operation of the Heritage Advisory Committee is consistent with the following goals and objectives outlined in the *Greater Shepparton City Council Council Plan 2013-2017*:

Goal 1: Active and Engaged Communities (Social):

- Objective 1: Continue to enhance Community Capacity Building.
- Objective 4: Provide sustainable community services to our community.
- Objective 6: Value Arts Culture and Heritage as an integral part of our dynamic community.

Risk Management

There are minimal risks associated with the consideration of the *Greater Shepparton Heritage Advisory Committee Annual Report 2013-2014* and/or the reappointment of the three Community Representatives for a further one year term.

Policy Considerations

The preparation or consideration of the *Greater Shepparton Heritage Advisory Committee Annual Report 2013-2014* and/or the reappointment of the three Community Representatives for a further one year term do not conflict with existing Council policies.

Financial Implications

There are no costs associated with the consideration of the *Greater Shepparton Heritage Advisory Committee Annual Report 2012-2013* and/or the reappointment of the three Community Representatives for a further one year term.

The Committee has an annual budget allocation of approximately \$2,000 to support its operation. A budget request for \$2,000 has been included in the 2014/15 Draft Budget to meet the operating costs of the Committee in the 2014/15 financial year.

A budget request for \$8,000 has been included in the 2014/15 Draft Budget to meet the costs of hosting a Cultural Heritage Awards ceremony in this financial year. This budget will be required to meet hosting, advertising and award prize costs associated with this Cultural Heritage Awards ceremony.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Greater Shepparton Heritage Advisory Committee – Annual Report 2013-2014 (continued)

A budget request for \$40,000 has been included in the 2014/15 Draft Budget to meet the costs of preparing the future *Greater Shepparton Heritage Study Stage III: Rural*. This study will suggest places of cultural heritage significance in rural areas of the municipality that should be included in the Heritage Overlay as part of a future planning scheme amendment. The Committee is currently preparing a list of places to help reduce the consultant costs associated with the preparation of this study.

Legal/Statutory Implications

The Heritage Advisory Committee is not a Section 86 Committee under the *Local Government Act 1989*.

There are no legal or statutory implications associated with the consideration of the *Greater Shepparton Heritage Advisory Committee Annual Report 2013-2014*.

The preparation of the *Greater Shepparton Heritage Advisory Committee Annual Report 2013-2014* accords with the *Victorian Charter of Human Rights and Responsibilities Act 2006* and *Local Government Act 1989*. No human rights were negatively impacted upon through the preparation of the *Greater Shepparton Heritage Advisory Committee Annual Report 2013-2014*. It is not foreseen that the consideration of the annual report will impact upon the rights of all individuals and groups with regard to freedom of expression, right to be heard, entitlement to participate in public life and property rights.

The reappointment of the three Community Representatives for a further one year term is in accordance with the revised Terms of Reference adopted by Council at the Ordinary Council Meeting held on 18 March 2014.

Environmental/Sustainability Impacts

There are no environmental or sustainability impacts associated with the consideration of the *Greater Shepparton Heritage Advisory Committee Annual Report 2013-2014* or the reappointment of the three Community Representatives for a further one year term.

Social Implications

There are no direct social impacts associated with the consideration of the *Greater Shepparton Heritage Advisory Committee Annual Report 2013-2014* or the reappointment of the three Community Representatives for a further one year term.

The operation of the Committee has positive social impacts. The Committee is seen as a critical way of raising awareness and promoting community participation of cultural heritage issues within the municipality. The Committee will continue to raise awareness within the community of cultural heritage conservation.

Economic Impacts

There are no economic impacts associated with the consideration of the *Greater Shepparton Heritage Advisory Committee Annual Report 2013-2014* or the reappointment of the three Community Representatives for a further one year term.

Consultation

Officers believe that appropriate consultation has occurred during both the formation and operation of the Committee, and the key activities it has been involved in since its formation by Council.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Greater Shepparton Heritage Advisory Committee – Annual Report 2013-2014 (continued)

An advertisement calling for community representative applications for membership of the Heritage Advisory Committee was placed in the Shepparton News on Friday, 27 January 2012 and Friday, 03 February 2012, and the Tatura Guardian on Wednesday, 01 February 2012. Following this public consultation period, four applications were received. The Committee assessed the nomination applications against the following selection criteria:

- demonstrated experience in area or building conservation, or the development industry in general,
- knowledge of conservation and historical issues affecting the municipality, and
- the ability to access historical or conservation networks and stakeholder groups.

Following consideration of each nomination application against these selection criteria, the Committee advised Council to propose three of these nominations to the Committee for a one (1) year term. This term is due to end on 20 May 2014.

The Committee now requests that Council resolve to reappoint the three existing Community Representatives for a further one year term in accordance with the recently revised Terms of Reference.

Strategic Links

a) Greater Shepparton 2030 Strategy 2006

The consideration of the *Greater Shepparton Heritage Advisory Committee Annual Report 2013-2014* and the reappointment of the three Community Representatives for a further one year term are consistent with the objectives, strategies and actions outlined in the Environment Section of the *Greater Shepparton 2030 Strategy 2006*.

b) Other strategic links

Greater Shepparton Heritage Study Stage IIB 2013

The consideration of the *Greater Shepparton Heritage Advisory Committee Annual Report 2013-2014* and the reappointment of the three Community Representatives for a further one year term will continue to implement one of the key recommendations of the *Greater Shepparton Heritage Study Stage IIB 2013*.

Options for Consideration

Option One: To receive and note the *Greater Shepparton Heritage Advisory Committee Annual Report 2013-2014* and to resolve to reappoint the three Community Representatives for a further one year term.

Option Two: Not to receive or note the *Greater Shepparton Heritage Advisory Committee Annual Report 2013-2014* and/or not to resolve to reappoint the three Community Representatives for a further one year term.

Conclusion

It is recommended that Council receive and note the *Greater Shepparton Heritage Advisory Committee Annual Report 2013-2014* and to resolve to reappoint the three Community Representatives for a further one year term.

The Committee is a critical way of raising awareness of cultural heritage issues, as well as promoting community participation in cultural heritage issues within the municipality.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Greater Shepparton Heritage Advisory Committee – Annual Report 2013-2014 (continued)

By continuing to support the Greater Shepparton Heritage Advisory Committee, Council is continuing to embrace a cost-effective opportunity of raising awareness and promoting community participation of cultural heritage issues within the municipality.

Attachments

Greater Shepparton Heritage Advisory Committee Annual Report 2013-2014 Page 507

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Planning Permit Application, Dental Clinic, 167 & 169 Nixon Street

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

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.

Council Officers involved in producing this report

Author: Statutory Planner

Proof reader(s): Principal Statutory Planner, Team Leader Statutory Planning and Manager Planning

Approved by: Director Sustainable Development

Executive Summary

The purpose of this report is for the Council to consider an application to develop 167 and 169 Nixon Street, Shepparton (the land) for a two-lot boundary re-alignment, buildings and works for the construction of a dental clinic, reduction in car parking and display of business identification signage in the Commercial 1 Zone.

The application was advertised and one objection was received.

The grounds of objection addressed the provision of parking, hours and operation and zoning of the land.

Based on the Planning Department's assessment of the application it is concluded that the application achieves acceptable planning outcomes for the following reasons:

- The development of the land for a dental clinic will provide for a large scale community facility within the Shepparton CBD as identified by the Shepparton CBD Strategy and Local Planning Policy.
- The development provides appropriate design solutions including setbacks which create an acceptable transition between the Residential 1 and Commercial 1 Zoned land.
- The requirement of the applicant to pay a contribution in lieu of car parks not provided on site, creates the opportunity for Council to investigate the provision of centre of the road parking in Nixon Street between Skene Street and Railway Parade which facilitates a parking solution for the development to proceed.
- With the provision of centre of the road parking in Nixon Street, the development's ability to provide acceptable car parking offsite is considered acceptable and addresses the objector's concern

RECOMMENDATION

That the Council:

- a) Instruct officers to investigate the provision of centre of the road parking on Nixon Street, between Skene Street and Railway Parade.
- b) In relation to Planning Application 2013-182, on the basis of the information before the Council and having considered all relevant matters as required by the *Planning and Environment Act 1987*, the Council resolves to issue a notice of decision for planning permit application 2012-182 subjected to the conditions included below;

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Planning Permit Application, Dental Clinic, 167 & 169 Nixon Street (continued)

1. Layout Not Altered

The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

2. Amended Plans Required

Before the development starts, 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 the permit. The plans must be drawn to scale with dimensions and a minimum of two copies (or as specified) must be provided. Such plan must be generally in accordance with the plan submitted with the application but modified to show:

- a) The removal of the windows on the eastern elevation or a notation on the plan which identifies that they will be compliant with the relevant building regulations;
- b) The provision of a permanently fixed external screen to at least 1.7 metres above floor level of the north facing balcony on the first floor level which is no more than 25 per cent transparent or as otherwise agreed to the satisfaction of the responsible authority;
- c) Painted treatment of all external tilt panel walls;
- d) Appropriate screening of electrical substation if one is required.

To the satisfaction of the responsible authority

3. Landscape Plan

Before the development starts an amended landscape plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The landscaping plan must be generally in accordance with the landscape submitted, except modified to show:

- a) The provision of screening trees along the northern boundary with a mature height of at least 6 metres; and
- b) The provision of a large tree in the eastern side of the landscaped area abutting Nixon Street.

All species selected must be to the satisfaction of the responsible authority.

All trees planted as part of the landscape works must be a minimum height of 2 metres at the time of planting.

Prior to occupation of the development or by such a later date as is approved by the responsible authority in writing, landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Planning Permit Application, Dental Clinic, 167 & 169 Nixon Street (continued)

4. Drainage Discharge Plan

Before any of the development starts a properly prepared drainage discharge plan with computations 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 the permit. The plans must be drawn to scale with dimensions.

The information and plan must include:

- a) details of how the works on the land are to be drained and retarded.
- b) computations for the proposed drainage as directed by Responsible Authority
- c) underground pipe drains conveying stormwater to the legal point of discharge, the pit in Nixon Street at McCracken Street Corner (approximately 45m west of property).
- d) measures to enhance stormwater discharge quality from the site and protect downstream waterways including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements;
- e) a maximum discharge rate from the site is to be determined by computation to the satisfaction of Council in accordance with Council's Infrastructure Design Manual or 64 lit/sec/ha.

Before the building is occupied all works constructed or carried out must be in accordance with those plans to the satisfaction of the Responsible Authority

5. Construction Phase

All activities associated with the construction of the development permitted by this permit must be carried out to the satisfaction of the Responsible Authority and all care must be taken to minimise the effect of such activities on the amenity of the locality, including:

- a) Avoiding the transport of mud onto roads;
- b) Minimising the generation of dust during earthworks or vehicles accessing site;
- c) The retention of all silt and sediment on the site during the construction phase, in accordance with the sediment control principles outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991)' and;
- d) Maintaining a neat and tidy site.

6. Payment in Lieu of Car Spaces

Before the building is occupied, a cash contribution in accordance with Schedule 1 of the Parking Overlay of the Greater Shepparton Planning Scheme must be paid to the responsible authority in lieu of provisions for 24 on-site parking spaces in accordance with the approved (Parking Precinct Plan).

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Planning Permit Application, Dental Clinic, 167 & 169 Nixon Street (continued)

7. Car Park Construction Requirements

Car parking areas must be constructed, and drained to prevent diversion of flood or drainage waters and maintained in a continuously useable condition to the satisfaction of the responsible authority.

Car spaces, access lanes and driveways must not be used for any other use, to the satisfaction of the responsible authority.

8. Concrete Buildings

Before the building is occupied all tilt slab or pre-cast concrete buildings must be painted, treated, textured and maintained thereafter to the satisfaction of the responsible authority.

9. Concealing of Pipes

All pipes, fittings and vents servicing any building on the land (apart from roof downpipes) must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.

10. Roof Plant

Before the occupation of the building plant equipment, vents and other mechanical equipment on the roof must be screened so that it is not visible from outside the land to the satisfaction of the responsible authority.

11. Waste / Recycling Collection Area

An area on the subject land must be set aside for the purpose of a waste disposal/collection bin. Such area must have minimum dimensions of 2.4 metres wide by 1.8 metres deep and where located outside a building it must be screen-fenced so as not to be visible from any public road or thoroughfare. The waste bin area must be provided prior to the commencement of the use of the development permitted by this permit, maintained and used to the satisfaction of the Responsible Authority and must not be used for any other purpose.

12. Bicycle Racks

Prior to the occupation of the building, provision must be made for bicycle racks to accommodate 2 bicycles. Bicycle racks must be designed, constructed and located to the satisfaction of the responsible authority.

13. Council Assets

Unless identified in written report, any damage to public infrastructure adjacent to the land at the conclusion of construction on the land will be attributed to the land. The owner/operator of the land must pay for any damage to the Council's assets/Public infrastructure by way of the development or use.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Planning Permit Application, Dental Clinic, 167 & 169 Nixon Street (continued)

14. Underground Connection

Before the development is occupied, the electricity connection to the development must be under grounded to the satisfaction of the responsible authority.

15. Compliance with Subdivision

Before development commences, statement of compliance for the subdivision approved by this permit must be issued.

16. Number of practitioners

Not more than 5 people providing Health (dental) services may operate from the premises at any one time.

17. Section 173 Agreement

Prior to the building being occupied, the owner must enter into an agreement with the responsible authority, pursuant to Section 173 of the Planning and Environment Act 1987. This agreement must be registered on the title to the land pursuant to Section 181 of the Planning and Environment Act 1987. The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement. The agreement must provide that:

- a) The visual screen approved by planning permit 2013-182 to be provided on the first floor north facing balcony must be retained in perpetuity.

The said agreement is to be prepared by the Council. The Council will undertake to have the agreement prepared upon written notification from the applicant. All costs associated with the preparation and registration of the agreement shall be borne by the applicant. All fees associated with the documentation must be fully paid prior to execution and registration of the document by Council.

18. Noise Control

- a) The use hereby permitted must be conducted such that noise levels generated do not exceed permissible noise levels established in accordance with State Environmental Protection Policy No. N-1 (Control of Noise from Commerce, Industry and Trade) under the Environment Protection Act 1970, or NIRV (Noise from Industry in Regional Victoria) as applicable.
- b) In the event of unreasonable noise being generated by activities conducted on from the subject land and being established by Council planning officers as likely to be causing a disturbance to nearby residential property, then noise testing by a suitably qualified acoustic consultant must be undertaken to assess whether activities on the site are breaching the EPA permissible noise levels and to advise what additional measures must be implemented to minimise the problem to the satisfaction of the Responsible Authority.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Planning Permit Application, Dental Clinic, 167 & 169 Nixon Street (continued)

- c) Such measures may include modifying activities conducted on the site, restrictions on permissible hours for such activities by amendment of this permit, or acoustic attenuation measures, or a combination of the above.
- d) Following receipt of the report of measured noise levels and additional measures to ensure noise of activities of material recycling does not breach the above EPA noise limits, in consultation with the permit holder the responsible authority will require the permit holder to implement appropriate measures, which may include the permit holder submitting a formal request for changes to permit conditions, and the measures must be implemented and maintained thereafter to the satisfaction of the responsible authority.

19. Street Tree

Prior to the issue of the Statement of Compliance, the owner must provide or pay the cost of planting a street tree at the subject address, to the satisfaction of the Responsible Authority. The street trees is to be provided at the ratio of one (1) tree with a minimum height of one (1) metre fronting Nixon Street.

The street tree must be one of the species which have been identified as suitable trees for the precinct within the Greater Shepparton Street Tree Master Plan and urban Character Study.

The street tree must be self-supporting with good root development at the time of planting to the satisfaction of the responsible authority.

20. Business Identification sign

- a) The sign to be erected must be in accordance with the endorsed plan and must not be altered or modified without the prior written approval of the Responsible Authority.
- b) All signs must be constructed to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority.
- c) No additional signs, including flags, banners, bunting, streamers, sandwich-boards, windvanes or other devices considered to be used as advertising media shall be erected on the site without the prior written approval of the Responsible Authority.
- d) This permit will expire and the signs permitted by this permit must be removed on or before 15 years from the permit issue date. The time within which the signs must be removed, may on written request before the expiry date of this permit, be extended by the responsible authority.

21. Standard Referral Authority Requirements

- a) The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Planning Permit Application, Dental Clinic, 167 & 169 Nixon Street (continued)

endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

- b) 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.
- c) 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.

22. Telecommunications Referral Condition

The owner of the land must enter into an agreement with:

- A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

23. Goulburn Valley Region Water Corporation Requirements

- a) Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.

All works required are to be carried out in accordance with AS 3500.2 – 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section; and

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Planning Permit Application, Dental Clinic, 167 & 169 Nixon Street (continued)

- b) Discharge of trade waste from the development shall be subject to a Trade Waste Consent Agreement.

The owner and or occupier is required to submit a completed Trade Waste Application, and install the required pre-treatment facility to the satisfaction of Goulburn Valley Water's trade Waste Section, before approval to discharge trade waste from the development into the Corporation's sewer is granted.

24. Time for Starting and Completion

This permit expires if the development does not start (which includes the certification of the plan of subdivision under the *Subdivision Act, 1988*) within two years of the date of the permit or the development is not completed which includes Statement of Compliance within five years of the date of the permit.

Moved by Cr Oroszvary Seconded by Cr Summer

That the Council:

- a) Instruct officers to investigate the provision of centre of the road parking on Nixon Street, between Skene Street and Railway Parade.
- b) In relation to Planning Application 2013-182, on the basis of the information before the Council and having considered all relevant matters as required by the *Planning and Environment Act 1987*, the Council resolves to issue a notice of decision for planning permit application 2012-182 subjected to the conditions included below;

1. Layout Not Altered

The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

2. Amended Plans Required

Before the development starts, 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 the permit. The plans must be drawn to scale with dimensions and a minimum of two copies (or as specified) must be provided. Such plan must be generally in accordance with the plan submitted with the application but modified to show:

- a) The removal of the windows on the eastern elevation or a notation on the plan which identifies that they will be compliant with the relevant building regulations;
- b) The provision of a permanently fixed external screen to at least 1.7 metres above floor level of the north facing balcony on the first floor level which is no more than 25 per cent transparent or as otherwise agreed to the satisfaction of the responsible authority;

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Planning Permit Application, Dental Clinic, 167 & 169 Nixon Street (continued)

- c) Painted treatment of all external tilt panel walls;
- d) Appropriate screening of electrical substation if one is required.

To the satisfaction of the responsible authority

3. Landscape Plan

Before the development starts an amended landscape plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The landscaping plan must be generally in accordance with the landscape submitted, except modified to show:

- a) The provision of screening trees along the northern boundary with a mature height of at least 6 metres; and
- b) The provision of a large tree in the eastern side of the landscaped area abutting Nixon Street.

All species selected must be to the satisfaction of the responsible authority.

All trees planted as part of the landscape works must be a minimum height of 2 metres at the time of planting.

Prior to occupation of the development or by such a later date as is approved by the responsible authority in writing, landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority.

4. Drainage Discharge Plan

Before any of the development starts a properly prepared drainage discharge plan with computations 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 the permit. The plans must be drawn to scale with dimensions.

The information and plan must include:

- a) details of how the works on the land are to be drained and retarded.
- b) computations for the proposed drainage as directed by Responsible Authority
- c) underground pipe drains conveying stormwater to the legal point of discharge, the pit in Nixon Street at McCracken Street Corner (approximately 45m west of property).
- d) measures to enhance stormwater discharge quality from the site and protect downstream waterways including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements;

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Planning Permit Application, Dental Clinic, 167 & 169 Nixon Street (continued)

- e) a maximum discharge rate from the site is to be determined by computation to the satisfaction of Council in accordance with Council's Infrastructure Design Manual or 64 lit/sec/ha.

Before the building is occupied all works constructed or carried out must be in accordance with those plans to the satisfaction of the Responsible Authority

5. Construction Phase

All activities associated with the construction of the development permitted by this permit must be carried out to the satisfaction of the Responsible Authority and all care must be taken to minimise the effect of such activities on the amenity of the locality, including:

- a) Avoiding the transport of mud onto roads;
- b) Minimising the generation of dust during earthworks or vehicles accessing site;
- c) The retention of all silt and sediment on the site during the construction phase, in accordance with the sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control (EPA, 1991)' and;
- d) Maintaining a neat and tidy site.

6. Payment in Lieu of Car Spaces

Before the building is occupied, a cash contribution in accordance with Schedule 1 of the Parking Overlay of the Greater Shepparton Planning Scheme must be paid to the responsible authority in lieu of provisions for 17 on-site parking spaces in accordance with the approved (Parking Precinct Plan).

7. Car Park Construction Requirements

Car parking areas must be constructed, and drained to prevent diversion of flood or drainage waters and maintained in a continuously useable condition to the satisfaction of the responsible authority.

Car spaces, access lanes and driveways must not be used for any other use, to the satisfaction of the responsible authority.

8. Concrete Buildings

Before the building is occupied all tilt slab or pre-cast concrete buildings must be painted, treated, textured and maintained thereafter to the satisfaction of the responsible authority.

9. Concealing of Pipes

All pipes, fittings and vents servicing any building on the land (apart from roof downpipes) must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Planning Permit Application, Dental Clinic, 167 & 169 Nixon Street (continued)

10. Roof Plant

Before the occupation of the building plant equipment, vents and other mechanical equipment on the roof must be screened so that it is not visible from outside the land to the satisfaction of the responsible authority.

11. Waste / Recycling Collection Area

An area on the subject land must be set aside for the purpose of a waste disposal/collection bin. Such area must have minimum dimensions of 2.4 metres wide by 1.8 metres deep and where located outside a building it must be screen-fenced so as not to be visible from any public road or thoroughfare. The waste bin area must be provided prior to the commencement of the use of the development permitted by this permit, maintained and used to the satisfaction of the Responsible Authority and must not be used for any other purpose.

12. Bicycle Racks

Prior to the occupation of the building, provision must be made for bicycle racks to accommodate 2 bicycles. Bicycle racks must be designed, constructed and located to the satisfaction of the responsible authority.

13. Council Assets

Unless identified in written report, any damage to public infrastructure adjacent to the land at the conclusion of construction on the land will be attributed to the land. The owner/operator of the land must pay for any damage to the Council's assets/Public infrastructure by way of the development or use.

14. Underground Connection

Before the development is occupied, the electricity connection to the development must be under grounded to the satisfaction of the responsible authority.

15. Compliance with Subdivision

Before development commences, statement of compliance for the subdivision approved by this permit must be issued.

16. Number of practitioners

Not more than 5 people providing Health (dental) services may operate from the premises at any one time.

17. Section 173 Agreement

Prior to the building being occupied, the owner must enter into an agreement with the responsible authority, pursuant to Section 173 of the Planning and Environment Act 1987. This agreement must be registered on the title to the land pursuant to Section 181 of the Planning and Environment Act 1987. The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement. The agreement must provide that:

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Planning Permit Application, Dental Clinic, 167 & 169 Nixon Street (continued)

- a) The visual screen approved by planning permit 2013-182 to be provided on the first floor north facing balcony must be retained in perpetuity.

The said agreement is to be prepared by the Council. The Council will undertake to have the agreement prepared upon written notification from the applicant. All costs associated with the preparation and registration of the agreement shall be borne by the applicant. All fees associated with the documentation must be fully paid prior to execution and registration of the document by Council.

18. Noise Control

- a) The use hereby permitted must be conducted such that noise levels generated do not exceed permissible noise levels established in accordance with State Environmental Protection Policy No. N-1 (Control of Noise from Commerce, Industry and Trade) under the Environment Protection Act 1970, or NIRV (Noise from Industry in Regional Victoria) as applicable.
- b) In the event of unreasonable noise being generated by activities conducted on from the subject land and being established by Council planning officers as likely to be causing a disturbance to nearby residential property, then noise testing by a suitably qualified acoustic consultant must be undertaken to assess whether activities on the site are breaching the EPA permissible noise levels and to advise what additional measures must be implemented to minimise the problem to the satisfaction of the Responsible Authority.
- c) Such measures may include modifying activities conducted on the site, restrictions on permissible hours for such activities by amendment of this permit, or acoustic attenuation measures, or a combination of the above.
- d) Following receipt of the report of measured noise levels and additional measures to ensure noise of activities of material recycling does not breach the above EPA noise limits, in consultation with the permit holder the responsible authority will require the permit holder to implement appropriate measures, which may include the permit holder submitting a formal request for changes to permit conditions, and the measures must be implemented and maintained thereafter to the satisfaction of the responsible authority.

19. Street Tree

Prior to the issue of the Statement of Compliance, the owner must provide or pay the cost of planting a street tree at the subject address, to the satisfaction of the Responsible Authority. The street trees is to be provided at the ratio of one (1) tree with a minimum height of one (1) metre fronting Nixon Street.

The street tree must be one of the species which have been identified as suitable trees for the precinct within the Greater Shepparton Street Tree Master Plan and urban Character Study.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Planning Permit Application, Dental Clinic, 167 & 169 Nixon Street (continued)

The street tree must be self-supporting with good root development at the time of planting to the satisfaction of the responsible authority.

20. Business Identification sign

- a) The sign to be erected must be in accordance with the endorsed plan and must not be altered or modified without the prior written approval of the Responsible Authority.
- b) All signs must be constructed to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority.
- c) No additional signs, including flags, banners, bunting, streamers, sandwich-boards, windvanes or other devices considered to be used as advertising media shall be erected on the site without the prior written approval of the Responsible Authority.
- d) This permit will expire and the signs permitted by this permit must be removed on or before 15 years from the permit issue date. The time within which the signs must be removed, may on written request before the expiry date of this permit, be extended by the responsible authority.

21. Standard Referral Authority Requirements

- a) The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
- b) 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.
- c) 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.

22. Telecommunications Referral Condition

The owner of the land must enter into an agreement with:

- A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Planning Permit Application, Dental Clinic, 167 & 169 Nixon Street (continued)

Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

23. Goulburn Valley Region Water Corporation Requirements

- a) Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.

All works required are to be carried out in accordance with AS 3500.2 – 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section; and

- b) Discharge of trade waste from the development shall be subject to a Trade Waste Consent Agreement.

The owner and or occupier is required to submit a completed Trade Waste Application, and install the required pre-treatment facility to the satisfaction of Goulburn Valley Water's trade Waste Section, before approval to discharge trade waste from the development into the Corporation's sewer is granted.

24. Time for Starting and Completion

This permit expires if the development does not start (which includes the certification of the plan of subdivision under the *Subdivision Act, 1988*) within two years of the date of the permit or the development is not completed which includes Statement of Compliance within five years of the date of the permit.

CARRIED.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Planning Permit Application, Dental Clinic, 167 & 169 Nixon Street (continued)

Property Details

Land/Address	167 and 169 Nixon Street, Shepparton
Zones and Overlays	Commercial 1 Zone and Parking Overlay (schedule 1)
Why is a permit required	34.01-1 – Subdivision in the Commercial 1 Zone; 34.01-4 – Buildings and works in the Commercial 1 Zone; 52.05-7 – Display of business identification signage;

167 Nixon Street contains an existing dwelling with associated landscaping and domestic sheds. The land is located in a Commercial/residential area with surrounding allotments consisting of a mix of residential and commercial uses. The majority of the buildings are single storey dwellings, some of which have been converted to office uses (i.e. medical centres).

169 Nixon Street contains an existing building, previously a dwelling, which has been converted to the use of a medical centre in which the current Goulburn Valley Dental group operates from. The rear of the land is used for car parking with approximately 7 car parks provided with access from Nugent Street.



10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Planning Permit Application, Dental Clinic, 167 & 169 Nixon Street (continued)

Proposal in Detail

The application for a planning permit proposes a re-subdivision (boundary re-alignment) buildings and works for the construction of a dental clinic and dwelling in the Commercial 1 Zone, display of business identification signage and reduction in car parking.

Summary of Key Issues

The key issues for this application are summarised in the executive summary. More information on the submission can be found in the delegates report in attachment 1 and the referrals/public notice section of this report.

Background

A number of pre-application meetings regarding the design of the building and car parking to be provided as part of the use were undertaken and summarised as follows:

- The Planning Department informed the applicant in writing (25/2/13) after initial plans were lodged for comment that the small setback of the first floor to the Residential 1 Zone would not be supported and should be no less than eight metres.
- The Planning Department informed the applicant in writing that after amended plans were resubmitted with a revised design, that the setbacks and design methods were acceptable.
- The Planning Department has maintained, through written and verbal correspondence, the position that a reduction in car parking would not be supported unless the applicant was to pay the contribution in lieu of spaces not provided; as allowed by Schedule 1 to the Parking Overlay.

Assessment under the Planning and Environment Act

A full assessment is provided in the officer's report (attached)

The determinative issues in this application are described as;

- State and Local Planning Policy.
- Does the development and design component of the application achieve acceptable outcomes against the decision guidelines of the Commercial 1 Zone, in particular the zone interface.
- Will the reduction in the car parking requirements for the use impact the locality and is the request for a contribution in lieu justified.

State and Local Planning Policy

Clause 11.05-1 promotes the sustainable growth and development of regional Victoria through a network of settlements in which Shepparton is identified as a regional city/centre. It notes that employment and population should be supported and retained through the provision of appropriately located supplies of residential, commercial and industrial land to meet the community needs.

The Shepparton CBD is nominated as a regional centre under clause 21.06-5, in which there is to be the provision for the growth of the Shepparton CBD as a multi-purpose retail, business, commercial, community, entertainment and tourism centre.

Therefore the establishment of a large health services facility to provide for a large section of the community within the identified Shepparton CBD is strongly encouraged.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Planning Permit Application, Dental Clinic, 167 & 169 Nixon Street **(continued)**

Development and Design

The design through the use of different materials including cladding, the provision of a balcony and the use of the first floor as a dwelling assists with the softening of the interface between the bulk scale of the works in the Commercial 1 Zone and the Residential interface.

The development design has been altered from when initial enquiries were made to swap the levels in which the dwelling and main part of the medical centre were located. This change in design has allowed for the first floor design to be setback further from the northern boundary (Residential 1 zoned land) at varying distances and the incorporation of residential design elements into the first storey such as a balcony. These elements along with the use of different materials on the northern interface provide an acceptable outcome when assessing the development component of this application at a zone interface.

Reduction in Car Parking Requirements

The applicant has sought permission for a reduction in car parking requirements. To meet the car parking requirements of the planning scheme the applicant needs to provide 25 on site car parking spaces. The application proposes to provide only 1 on site car parking space. Therefore approval for the reduction of 24 spaces has been sought.

When considering a reduction in car parking spaces, the planning scheme requires a payment in lieu of car parking to be made, unless the Council believes the payment is not warranted having regards to the circumstance of the proposal and the surrounding area. The applicant has sought to justify that the payment in lieu of car parking is not required.

Following a review and assessment of the applicant's supporting traffic impact report, Council officers do not consider that the request for a waiver of the payment in lieu of car parking is justified, given the significant reduction of on site car parking and the limited availability of on street car parking in the immediate area. By admission, the applicant's own traffic impact report supports this argument stating that should centre of the road parking be provided in this section of Nixon Street it would sufficiently cater for the parking demands generated by the proposed dental clinic.

In making a request for the payment in lieu of car parking, Council must be satisfied that the funds collected will contribute to a better parking solution within an appropriate timeframe and locality. Should as recommended by this report, Council adopt the recommendation which instructs officers to investigate centre of the road parking, and if such parking is provided, Council officers believe a satisfactory parking outcome would be achieved.

If for whatever reason, centre of the road parking in Nixon Street is not implemented, Council must still be satisfied that the reduction and collection of a payment in lieu is an acceptable outcome. A survey undertaken by officers of the existing on-street parking demand in the immediate area was undertaken over two days at various times. This survey identified that there was at its peak a provision of at least 12 vacant spaces of the 31 provided. Through this information, though limited in scope, Council officers have concluded that the existing provision and vacancy rate of on-street parking should suffice in the short term to accommodate the parking demands of this development, however any further development in the street will lead to saturation of car parking in the area, as the current proposal will be likely to utilise any existing on street parking capacity.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Planning Permit Application, Dental Clinic, 167 & 169 Nixon Street **(continued)**

Therefore, it is still the opinion of Council officers that the best outcome for all stakeholders would be to utilise funds collected from the payment in lieu of car parking to construct the centre of road parking in this section of Nixon Street.

Council Plan/Key Strategic Activity

Council Plan

Goal 2 – Enhancing the Environment

Strategies aim to ensure that development applications provide sustainable management plans which incorporate sustainable building design concepts, water use and stormwater management plans.

The proposed development is consistent with the Council plan direction; firstly through providing an acceptable planning outcome when assessed against the provision of the Planning Scheme; secondly with provision of a service (dental clinic) of importance to the municipality in the CBD and thirdly the implementation of the parking precinct plan.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Incorrect notification	A	5	Low	The application has been properly advertised which allowed objections to be lodged with the Council. These objectors will be informed of the Council's decision and made party to any future VCAT review.

Policy Considerations

There are no conflicts with the Council's Planning Policies.

Financial Implications

In the event of an application for review by Victorian Civil and Administrative Tribunal (VCAT), each respective party will be required to bear its own costs.

Should the works be carried out, as approved by the planning permit, the applicant will be required to pay a contribution in lieu of car parking spaces provided as required by the planning permit.

If centre of the road parking is to be supported by the Council, the funds collected can be used to construct the spaces.

Legal/Statutory Implications

The responsible authority's decision may be subject to an application for review by VCAT.

Cultural Heritage

The *Aboriginal Heritage Act 2006* provides protection for all Aboriginal places, objects and human remains in Victoria, regardless of their inclusion on the Victorian Aboriginal

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Planning Permit Application, Dental Clinic, 167 & 169 Nixon Street (continued)

Heritage Register or land tenure.

The *Aboriginal Heritage Act 2006* introduces a requirement to prepare a Cultural Heritage Management Plan (CHMP) if all or part of the activity is a listed high impact activity, resulting in significant ground disturbance, and all or part of the activity area is an area of cultural heritage sensitivity, which has not been subject to significant ground disturbance.

The 'Area of Cultural Heritage Sensitivity in Victoria' does not include the land within an area of cultural heritage sensitivity; therefore the proposed use does not trigger the need for a CHMP.

Environmental/Sustainability Impacts

Should a permit grant drainage plans will need to be submitted which include the provision for water sensitive urban design measure to be incorporated with the design.

Social Implications

Section 60(1)(f) of the Act states the following:

Before deciding on an application, the responsible authority, if the circumstances appear to so require, must consider—

- *Any significant social effects and the economic effects which the responsible authority considers the use or development may have.*

This application does not raise any significant social issues nor does the objection lodged with Council against the application.

Economic Impacts

The applicant has informed that the proposed development has a construction cost of \$1,300,000, which will generate short term construction jobs.

Referrals/Public Notice

The application was advertised by written notice to adjoining land owners and a sign on site.

In response to this public notice one objection was lodged with the Council.

The objector received acknowledgement of their receipt by the Planning Department.

Ground of objection	Officers response
Parking	As outlined in the assessment section of this report, officers consider that the current provision of on street car parking is adequate in the short term. The recommendation of this report seeks to further investigate the provision of additional on street parking to accommodate future demand.
Hours of operation	The proposed use for a medical centre (office) does not require a permit in the Commercial 1 Zone and therefore planning permit conditions cannot restrict hours of operation

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Planning Permit Application, Dental Clinic, 167 & 169 Nixon Street (continued)

Ground of objection	Officers response
<p>Zoning being residential when objector's land was purchased in 1998.</p>	<p>The land was zoned Residential 1 A Zone prior to the new format planning scheme under the Shepparton City Planning Scheme. A medical centre was a permissible use in this zone subject to a permit.</p> <p>“The Business 5 Zone was applied to the transitional areas around the CBD, some of which had been subject only to limited redevelopment and remained substantially residential” (Business Zones 3.5.2, Greater Shepparton New Format Planning Scheme report of the Panel and Advisory Committee 1998) in 1998.</p> <p>In 2013 Planning Scheme Amendment VC104 translated the Business 5 Zone into the Commercial 1 Zone.</p> <p>Both of the above amendments underwent the appropriate re-zoning processes as deemed appropriate by the Government of the time. As such officers consider that the appropriate notification and public consultation were undertaken at the time of rezoning.</p> <p>In view of the above officers consider that a refusal of the application on this basis alone, would be difficult to substantiate.</p>

Strategic Links

a) Greater Shepparton 2030 Strategy

Community life identifies the range of health services, including a medical precinct at the hospital, will comprehensive to meet the needs of most sectors with a much reduced need to travel to Melbourne for a range a specialist care..

Options for Consideration

1. Approve a Notice of Decision to grant a permit subject to conditions; or
2. Grant a notice of refusal with appropriate grounds of refusal.

Conclusion

The development is generally supported by the State and Local Planning Policies through the provision of a large scale community facility (medical centre) within the identified Shepparton CBD. The design of the development provides suitable setbacks to the existing residential areas and along the zone interface with design elements to respect the transition between the two zones.

With respect to car parking, following a review and assessment of the applicant's supporting traffic impact report, Council officers consider that the request for a waiver of the payment in lieu of car parking should be refused. Given the significant reduction of on-site car parking proposed by the applicant, and the limited availability of on street car parking in the immediate area officers consider that the parking contribution should be paid by the applicant. A permit condition reflecting this requirement has been included in the recommended Notice of Decision. It is also recommended that this payment be used

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Planning Permit Application, Dental Clinic, 167 & 169 Nixon Street **(continued)**

to investigate and implement parking in the section of Nixon Street adjacent the subject land. It is considered that this will provide a suitable long term parking solution for the proposed development and future development in the immediate area.

The application for the development of the land, re-subdivision, display of business identification signage and reduction in parking is considered to be an acceptable planning outcome when assessed against the relevant policies and objectives of the Greater Shepparton Scheme. It is therefore recommended that a permit is granted subject the conditions listed in the recommendation of this report.

Attachments

Delegates Report Page 536

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use of land for the storage and distribution of swimming pools

Disclosures of conflicts of interest in relation to advice provided in this report
Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

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.

Council Officers involved in producing this report

Author: Statutory Planner

Proof reader(s): Team Leader Statutory Planning and Manager Planning

Approved by: Director Sustainable Development

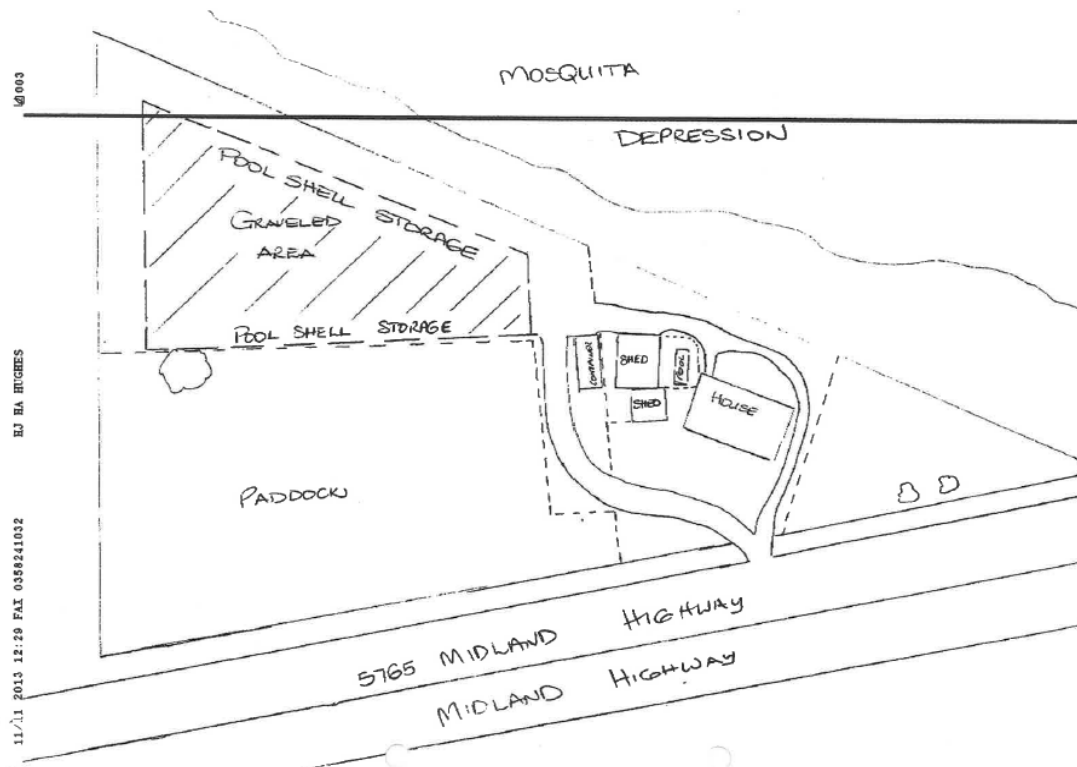
Executive Summary

The application seeks retrospective approval to use land at 5765 Midland Highway, Tatura (the land) to store and distribute swimming pools. The use of land has been occurring since 2007 without a planning permit.

The land is within the Farming Zone 1 (FZ) and is not affected by any overlays.

Council became aware of the use during an assessment of a proposed subdivision of the land in 2012, which led to enforcement file EF-431 being opened. As a result of the enforcement file an application for planning permit has been made.

A site plan of the proposed use is below:



10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use of land for the storage and distribution of swimming pools (continued)

Of the 38ha property the area of the proposed use is about 7830sqm.

The application has been advertised and no objections lodged.

Vic Roads and Goulburn Murray Water were notified of the application and did not oppose the grant of a permit (subject to conditions).

The application has been assessed and found to achieve an unacceptable planning outcome for the following reasons:

- The application is contrary to 21.06 of the Local Planning Policy Framework which specifically discourages non-agricultural land uses on rural land unless the use is dependent on a rural location. The proposed use of the land for the storage and distribution of swimming pools is a use well suited to an industrial zone in either Tatura, Mooroopna or Shepparton but not in a Farming Zone.
- The proposed use of land for a non-agricultural use in the Farming Zone undermines the Industrial Land Review and economic feasibility of possible future industrial growth areas developing in Tatura.
- The application is contrary to 14.01-1 of the State Planning Policy Framework as it permanently removes agricultural land of state importance from agricultural production
- The application fails to achieve acceptable planning outcomes when assessed against the relevant planning provisions including the Farming Zone, agricultural policies and the Industrial Land Review by:
 - Removing land within an irrigation district from agricultural production
 - Not supporting or enhancing agricultural production as the use is in no way related to an agricultural use
 - Introducing a non-agricultural use on the Midland Highway may place pressure on existing agricultural uses to cease and therefore allow for an alternative low cost industrial land use precinct

Based on the above reasons officers recommend that the application be refused.

RECOMMENDATION

That in relation to Planning Application 2013-303, on the basis of the information before Council and having considered all relevant matters as required by the *Planning and Environment Act 1987*, Council resolves to refuse to grant planning application 2013-303 for the following reasons:

- The application is contrary to 21.06 of the Local Planning Policy Framework which specifically discourages non-agricultural land uses on rural land unless the use is dependent on a rural location. The proposed use for the storage and distribution of swimming pools is use well suited to an industrial zone in either Tatura, Mooroopna or Shepparton
- The proposed use of land for a non-agricultural use in the Farming Zone undermines the Industrial Land Review and economic feasibility of possible future industrial growth areas developing in Tatura which were identified in North Tatura and Cussen Street due to their location and proximity to existing infrastructure

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use of land for the storage and distribution of swimming pools (continued)

- The application is contrary to 14.01-1 of the State Planning Policy Framework by permanently removing agricultural land of state importance from agricultural production
- The application fails to achieve acceptable planning outcomes when assessed against the relevant planning provisions including the Farming Zone, agricultural policies and the Industrial Land Review by:
 - Removing land within an irrigation district from agricultural production
 - Not supporting or enhancing agricultural production as the use is in no way related to an agricultural use.
 - Introducing a non-agricultural use on the Midland Highway may place pressure on existing agricultural uses to cease and therefore allow for an alternative low cost industrial land use precinct

Moved by Cr Ryan

Seconded by Cr Oroszvary

1. That in relation to Planning Application 2013-303, on the basis of the information before Council and having considered all relevant matters as required by the *Planning and Environment Act 1987*, Council resolves to refuse to grant planning application 2013-303 for the following reasons:
 - The application is contrary to 21.06 of the Local Planning Policy Framework which specifically discourages non-agricultural land uses on rural land unless the use is dependent on a rural location. The proposed use for the storage and distribution of swimming pools is use well suited to an industrial zone in either Tatura, Mooroopna or Shepparton
 - The proposed use of land for a non-agricultural use in the Farming Zone undermines the Industrial Land Review and economic feasibility of possible future industrial growth areas developing in Tatura which were identified in North Tatura and Cussen Street due to their location and proximity to existing infrastructure
 - The application is contrary to 14.01-1 of the State Planning Policy Framework by permanently removing agricultural land of state importance from agricultural production
 - The application fails to achieve acceptable planning outcomes when assessed against the relevant planning provisions including the Farming Zone, agricultural policies and the Industrial Land Review by:
 - Removing land within an irrigation district from agricultural production
 - Not supporting or enhancing agricultural production as the use is in no way related to an agricultural use.
 - Introducing a non-agricultural use on the Midland Highway may place pressure on existing agricultural uses to cease and therefore allow for an alternative low cost industrial land use precinct
2. That Council offers assist the permit applicant in locating a suitable site to relocate the business to and to facilitate any necessary planning approval relating to the new site.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use of land for the storage and distribution of swimming pools (continued)

Cr Houlihan sought an extension of time for Cr Ryan to speak to the motion.

CARRIED.

Moved by Cr Polan

That the matter lay on the table until the next Ordinary Council Meeting.

CARRIED.

Property Details

Land/Address	5765 Midland Highway, Tatura
Zones and Overlays	Farming Zone 1, no Overlays Area of cultural heritage sensitivity
Why is a permit required	Use of land for the storage and distribution of swimming pools under 35.07-1

The land contains an existing dwelling and shed. It is being used for agricultural purposes (raising of cattle) and storage and distribution of swimming pools. The storage of swimming pools is the subject of this application.

The land is located in a FZ with surrounding uses consisting of agricultural activities such as cropping, feed production and grazing.

A photo of the uses occurring on the land is shown below:



10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use of land for the storage and distribution of swimming pools (continued)

Proposal in Detail

The applicant has explained the use as:

- Swimming pools are delivered to the land from their place of manufacture in Newcastle
- No works are undertaken on the pools at the land
- The pools are stored on the land normally for short periods and then delivered to the end user
- The delivery of the pools is organised by the permit applicant
- Trucks movements to the land are limited to day time hours
- The use of land employs six persons
- The use would not be viable if forced to relocate to an industrial zoned land. If the use is not permitted to operate at the land it is likely that the business will cease to operate

Summary of Key Issues

- This application seeks retrospective planning permission to use the land for storage and distribution of swimming pools. The use has operated from the land since 2007 without a planning permit
- The land is within an area of aboriginal cultural heritage sensitivity. Jo Bell Heritage Services reviewed the application and determined that the use does not trigger the need for a Cultural Heritage Management Plan as the use does not result in significant ground disturbance
- The application was advertised and no objections were lodged
- The relevant authorities being Vic Roads and Goulburn Murray Water did not oppose the grant of a permit (subject to conditions)
- The proposed industrial use in the FZ undermines the Industrial Land Review which provides strategic direction for future industrial uses in the north Tatura Industrial area and the Cussen Street industrial area
- When assessed against the relevant parts of the planning scheme, the application fails to achieve an acceptable planning outcome as the use permanently removes agricultural land from agricultural activities and undermines the Industrial Land Review

Background

A detailed explanation of the background to this application is included within the attached officer's planning report.

As part of the processing of the application, officers informed the applicant soon after the lodgement that the Planning Department would not support the proposed use.

Prior to September 2013, the use of land would have been prohibited under the FZ. VC 103 allowed a wider range of uses within the FZ subject to the grant of a permit including the use that is proposed as part of this application.

Assessment under the Planning and Environment Act

A full assessment is provided in the officer's report including a review of relevant Victorian Civil and Administrative Tribunal decisions.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use of land for the storage and distribution of swimming pools (continued)

The proposal seeks retrospective planning permission to use the land for a non-agricultural use being the storage and distribution of swimming pools. The use is not related to agriculture and is an opportunistic use of agricultural land for a use that would be most appropriately located in an industrial zone or an area designated for future industrial development under the Industrial Land Review.

It is acknowledged that the use is no longer prohibited in the FZ. Despite this, clause 31.02 states the following when making decisions about section 2 uses.

Because a use is in Section 2 does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the State Planning Policy Framework, the Local Planning Policy Framework, the purpose and decision guidelines of the zone and any of the other decision guidelines in Clause 65.

With regard to access, the location, being on a major east west road, provides some benefits in terms of location and access to transport routes. The direct access to the Midland Highway raises potential road safety issues and therefore Vic Roads has required the existing access to be upgraded. As such, it is considered that the application does lead to any undesirable road safety conditions.

Although the use is visible when travelling on the Midland Highway the use itself is relatively gentle in terms of impact on amenity and visual appearance. This is demonstrated through no negative response to the application from neighbours.

Above issues notwithstanding, officers consider that the failure of the proposed use to comply with the intent of the Farming Zone needs to be given greater weight.

VCAT has considered applications for non-agricultural uses in the rural zones and made the following comments:

In Fadgyas Planning Associates Pty Ltd v Greater Geelong VCAT 953 24 May 2004, Member Baird considered an application to a use of land in the Rural Zone which consisted of storing of fabricated products with some assembly of materials and distribution of the products.

In deciding to refuse to grant a permit the following comments were made:

While I have no criticism of the business operation per se, it has no critical link or nexus with agricultural or rural-based activities locally or further afield. The review site would be used as a store, assembly and distribution centre whose products can loosely be described as being linked with road management or the management of other spaces, being removable bollards, car park products, barrier mesh, lighting and fixed barriers. It cannot be said to be economic development that is related to rural activities.

I have not been persuaded that the proposal is acceptable when assessed against the Zone purpose and relevant policies. I am not satisfied that the outcome of this Application is policy neutral, rather, as I have said, the outcome would be an industrial use in a rural zone with the potential to undermine the policy directions of the Scheme.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use of land for the storage and distribution of swimming pools (continued)

Officers consider that the use of land is not related to agriculture and produces unacceptable planning outcomes for the following reasons:

- It is well documented, through the Rural Regional Land Use Strategy and the Planning Scheme, that the municipality is an important food producing region for the state and nation. Therefore it is of critical importance that agricultural land be protected from inappropriate land uses such as that applied for to ensure land is maintained for agriculture and that land prices are not inflated beyond their agricultural value by inappropriate uses
- Council's local planning policy at 21.06 specifically discourages non-agricultural uses on rural land unless the use is dependent on a rural location. This proposed use, the storage and distribution of swimming pools, is a common use found in industrial areas across the municipality and is more appropriate in an industrial zone.
- The proposed use of land for a non-agricultural use in the Farming Zone undermines the Industrial Land Review and economic feasibility of possible future industrial growth areas developing in Tatura which were identified in North Tatura and Cussen Street due to their location and proximity to existing infrastructure.
- Although the loss of agricultural land is minimal the precedent which is likely to be created is undesirable and may lead to a proliferation of like uses in the area and impact on the productive capacity of the surrounding agricultural area by removing land from agricultural production and creating potentially conflicting land uses.
- The use of land is contrary to the purposes of the Farming Zone which seeks to provide, retain and protect productive agricultural land for agricultural pursuits.
- The proposal achieves negative outcomes in terms of the decision guidelines of the FZ by:
 - Removing land within an irrigation district from agricultural production.
 - Not supporting or enhancing agricultural production as the use is in no way related to an agricultural use. The use is an activity that would normally be located within an industrial zone.
 - Introducing a non-agricultural use on the Midland Highway is likely to place pressure on existing agricultural uses to cease and therefore allow for an alternative, de facto, low cost industrial land use precinct

Based on this assessment it is recommended that no permit grant and that the application be refused on the following grounds:

- The application is contrary to 21.06 of the Local Planning Policy Framework which specifically discourages non-agricultural land uses on rural land unless the use is dependent on a rural location. The proposed use for the storage and distribution of swimming pools is use well suited to an industrial zone in either Tatura, Mooroopna or Shepparton
- The proposed use of land for a non-agricultural use in the Farming Zone undermines the Industrial Land Review and economic feasibility of possible future industrial growth areas developing in Tatura which were identified in North Tatura and Cussen Street due to their location and proximity to existing infrastructure

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use of land for the storage and distribution of swimming pools (continued)

- The application is contrary to 14.01-1 of the State Planning Policy Framework by permanently removing agricultural land of state importance from agricultural production
- The application fails to achieve acceptable planning outcomes when assessed against the relevant planning provisions including the Farming Zone, agricultural policies and the Industrial Land Review by:
 - Removing land within an irrigation district from agricultural production
 - Not supporting or enhancing agricultural production as the use is in no way related to an agricultural use.
 - Introducing a non-agricultural use on the Midland Highway may place pressure on existing agricultural uses to cease and therefore allow for an alternative low cost industrial land use precinct

Should, Council decide to refuse to grant a permit, enforcement action will then need to be undertaken to require that the business relocate and use cease at the land.

Council Plan/Key Strategic Activity

Council Plan

Goal 3 – Economic Prosperity

Economic Prosperity (Economic)

We will promote economic growth through working with existing businesses and industries, encouraging new business development and diversification, attracting and supporting education within our city, and strengthening the agricultural industry.

Local entrepreneurs and small businesses are the backbone of our communities equating to 32.2% of the business sector. We will continue to support them to prosper and grow, thus retaining local knowledge, building skills and employment in the region.

The region has a strong and well developed economy, based primarily on irrigated agriculture, food processing, retailing and road transport. The Goulburn Valley is responsible for about 25% of Victoria's agricultural production and is often referred to as the "Food Bowl of Australia".

Whilst it is acknowledged that the refusal to grant a permit will impact negatively on this business, it is important to promote the siting of businesses in appropriate locations and to not disadvantage like businesses which are lawfully located within industrial zones.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Incorrect notification	A	5	Low	The application has been properly advertised which allowed objections to be lodged with the Council. These objectors will be informed of the Council's decision and made party to any future VCAT review.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use of land for the storage and distribution of swimming pools (continued)

Risks	Likelihood	Consequence	Rating	Mitigation Action
Traffic	A	5	Low	Comments from Vic Roads inform that subject to the upgrading of the existing vehicle access to the Midland Highway the use will not have a detrimental impact on road safety

Policy Considerations

As set out within this report the application fails to achieve acceptable planning outcomes against agricultural policies within the scheme.

In *Hastings & Brereton v Pyrenees Shire Council and Anor P2274/2003* Member Cimino considered an engineering workshop in the Rural Zone.

In this case VCAT considered availability of industrial zoned land to accommodate the use, which is an issue raised by the applicant in this matter.

A further factor to consider is the lack of serviced industrial land available for a business of this type in Avoca. On this point, it is acknowledged in the "Beaufort and Avoca Industrial Land Strategy" report 2002 that by comparison with Beaufort, there have been fewer industrial development initiatives in Avoca over recent years and there is no industrial estate with the potential to provide serviced lots for start up industries. One of Avoca's weaknesses identified in the strategy is that there is a lack of factory buildings available. Some industrial land is available, however, it is not suitable for a venture of this type as it requires redevelopment and the associated costs are beyond those that could reasonably be embraced by a small business venture like that carried out by the applicants.

In such circumstances, it seems to me that there should be some scope to allow land within the Rural Zone to be used for an industrial purpose that provides services to the local community.

Council's Industrial Land Review (ILR) assessed both the demand and supply of industrial land in Tatura. Utilising planning and development data, and existing supply capabilities, the ILR suggests that there is a shortage of available industrial zoned lands within the township. The ILR calculates that there is approximately four hectares of appropriately zoned land for industrial purposes in Tatura equal to approximately two years' worth of supply. The majority of this land is owned by the three large industrial businesses within Tatura:

1. Tatura Abattoirs Pty Ltd;
2. Tatura Milk Industries Ltd; and
3. Unilever Australia Holding Pty Ltd.

This land is effectively reserved for the companies' own expansion needs and is not available for small-scale industrial subdivision for local small-scale businesses.

The ILR undertaken by Council identifies two investigation areas in Tatura for future industrial re-zoning being the:

1. North Tatura Industrial Investigation Area; and
2. Cussen Street Industrial Investigation Area.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use of land for the storage and distribution of swimming pools (continued)

It is therefore acknowledged that a shortage of industrial land in Tatura exists.

However, it is considered that if there is to be industrial uses locating in the FZ the most appropriate location for this to occur is within the two investigation areas as there is future strategic direction in existing council document to locate industrial land uses within these areas.

The siting of industrial uses within these investigation areas would ensure ad hoc industrial intrusions do not occur within land that is set aside for farming.

The subject site is currently within an agricultural area with no strategic direction for the land to be used for anything other than agriculture; therefore the use should be disallowed.

Financial Implications

In the event of an application for review by Victorian Civil and Administrative Tribunal (VCAT), each respective party will be required to bear its own costs.

Legal/Statutory Implications

The responsible authority's decision may be subject to an application for review by VCAT.

Cultural Heritage

The *Aboriginal Heritage Act 2006* provides protection for all Aboriginal places, objects and human remains in Victoria, regardless of their inclusion on the Victorian Aboriginal Heritage Register or land tenure.

The *Aboriginal Heritage Act 2006* introduces a requirement to prepare a Cultural Heritage Management Plan (CHMP) if all or part of the activity is a listed high impact activity, resulting in significant ground disturbance, and all or part of the activity area is an area of cultural heritage sensitivity, which has not been subject to significant ground disturbance.

The land is entirely within an area of cultural heritage sensitivity. The applicant has engaged Jo Bell Heritage Services (Jo Bell) to provide advice if the use triggers the need for a Cultural Heritage Management Plan (CHMP). Jo Bell in a letter dated 12 March 2014 concludes the use will result in no significant ground disturbance, therefore no CHMP is triggered by the use.

Environmental/Sustainability Impacts

The use has no detrimental impact on the environment subject to the inclusion of appropriate drainage conditions should it be decided to grant a permit.

Social Implications

Section 60(1)(f) of the Act states the following:

Before deciding on an application, the responsible authority, if the circumstances appear to so require, must consider—

- *Any significant social effects and the economic effects which the responsible authority considers the use or development may have.*

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use of land for the storage and distribution of swimming pools (continued)

This application does not raise any significant social issues that influence the planning officer's view as the application has not been objected to by any neighbour.

Economic Impacts

If the application is refused by Council, the applicant has indicated the business will cease to operate which will result in the loss of six jobs associated with the business.

Referrals/Public Notice

The application was advertised by written notice to adjoining land owners and a sign on site.

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

Strategic Links

a) Greater Shepparton 2030 Strategy (GS2030)

GS2030 describes the agricultural sector as:

In summary, this report demonstrates that the economic performance of Greater Shepparton is largely dependent on the strong rural sector and the associated value adding industries, represented predominantly by the food processors. It is the size and scope of this agricultural sector that makes the municipality a major contributor to the economic wealth of Victoria and Australia.

GS2030 includes the following strategy:

Prevent the inappropriate use and development of rural land for the establishment of industrial activities

GS2030 provides clear direction that agricultural land should be retained for farming activities and discourages the use of Farming Zone land for industrial activities.

Options for Consideration

The decision on planning permit application 2013-303 for the use of land for the storage and distribution of swimming pools includes the following options:

- a) Refuse to grant the permit as per the officers recommendation
- b) Grant a permit subject appropriate conditions

Conclusion

The proposed application to use land in the Farming Zone 1 for storage and distribution of swimming pools is a retrospective application as the use has commenced without a permit.

The application fails to achieve acceptable planning outcomes when considered against agricultural policies, therefore no permit should grant.

Attachments

Delegates Report Page 554

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 Buildings and works for a shed in the Farming Zone 1 within 5m from a side boundary and within 20m from a road.

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

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.

Council Officers involved in producing this report

Author: Graduate Statutory Planner

Proof reader(s): Manager Planning

Approved by: Director Sustainable Development

Executive Summary

The application seeks approval to construct a domestic shed at 700 Kyabram – Cooma Road, Kyabram South within the following setbacks stated in the Farming Zone 1:

- five metres (m) from a boundary; and
- 20m from road.

The proposed shed is located five metres from the Kyabram-Cooma Road and one metre from the southern boundary.

The shed has a dimension of 5m x 13m with an area of 65sqm.

The proposed shed is located on a lot of 3046sqm and is adjacent to an existing dwelling.

The subject land is also affected by the Land Subject to Inundation Overlay, however a planning permit is not required for a shed associated with an existing dwelling in this overlay.

The application was advertised to the neighbouring property owner who objected to the application. Grounds of objection included; no agricultural use associated with proposed shed, agricultural land being impeded upon, contamination of water collected on shed roof, maintenance of land between shed and boundary, flood water, runoff, overcrowding of built form on the lot, septic tank, use of shed as a dwelling and traffic concerns. No mediation was held as it was considered that the parties were unlikely to agree on an outcome.

Based on the Planning Department's assessment of the application it is concluded the application achieves acceptable planning outcomes for the following reasons:

- It is not unreasonable or unexpected to have or see a shed in a rural environment, particularly given it is associated with an existing dwelling;
- The proposed shed will not unreasonably impact on the existing or future agricultural uses of nearby land; and
- The site is significantly constrained by the size of the allotment and existing built form, making it difficult for the Farming Zone setbacks to be achieved. The site constraints also make the land incapable of supporting a sustainable agricultural use.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 Buildings and works for a shed in the Farming Zone 1 within 5m from a side boundary and within 20m from a road. (continued)

RECOMMENDATION

That in relation to Planning Application 2014-8, on the basis of the information before the Council and having considered all relevant matters as required by the *Planning and Environment Act 1987*, the Council resolves to issue a planning permit application 2014-8 subject to the following conditions:

1. Amended Site Plan Required

Before the development starts, an amended site plan showing the proposed shed being setback five meters for the eastern boundary must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and a minimum of two copies must be provided. The plan must be generally in accordance with the plans submitted with the application but modified as required above.

2. Layout Not Altered

The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

3. Storage of Goods for Agricultural Purposes and Domestic Storage

The building must only be used the garaging of vehicles, and the storage of items associated with a dwelling on the land.

The building must not be used for accommodation.

4. Rural Drainage

Prior to the use of the proposed shed, all stormwater and surface water drainage from the land, buildings and works must be connected to the legal point of discharge or retained on site to the satisfaction of the responsible authority.

5. Health Requirements

Prior to the use of the proposed shed a first flush system must be installed on any water tank associated with shed.

6. Construction Phase

All activities associated with the construction of the development permitted by this permit must be carried out to the satisfaction of the Responsible Authority and all care must be taken to minimise the effect of such activities on the amenity of the locality, including:

- a) Avoiding the transport of mud onto roads;
- b) Minimising the generation of dust during earthworks or vehicles accessing site;

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 Buildings and works for a shed in the Farming Zone 1 within 5m from a side boundary and within 20m from a road. (continued)

- c) The retention of all silt and sediment on the site during the construction phase, in accordance with the sediment control principles outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991)' and;
- d) Maintaining a neat and tidy site.

7. Time for Starting and Completion

This permit will expire if one of the following circumstances applies:

- a) the development is not started within **two (2) years** of the date of this permit;
- b) the development is not completed within **four (4) years** of the date of this permit.

NOTATIONS

Building Approval Required

Prior to the commencement of works approved by this permit, building approval must be obtained.

Moved by Cr Ryan Seconded by Cr Oroszvary

That in relation to Planning Application 2014-8, on the basis of the information before the Council and having considered all relevant matters as required by the *Planning and Environment Act 1987*, the Council resolves to issue a planning permit application 2014-8 subject to the following conditions:

1. Amended Site Plan Required

Before the development starts, an amended site plan showing the proposed shed being setback five meters for the eastern boundary must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and a minimum of two copies must be provided. The plan must be generally in accordance with the plans submitted with the application but modified as required above.

2. Layout Not Altered

The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

3. Storage of Goods for Agricultural Purposes and Domestic Storage

The building must only be used the garaging of vehicles, and the storage of items associated with a dwelling on the land.

The building must not be used for accommodation.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 Buildings and works for a shed in the Farming Zone 1 within 5m from a side boundary and within 20m from a road. (continued)

4. Rural Drainage

Prior to the use of the proposed shed, all stormwater and surface water drainage from the land, buildings and works must be connected to the legal point of discharge or retained on site to the satisfaction of the responsible authority.

5. Health Requirements

Prior to the use of the proposed shed a first flush system must be installed on any water tank associated with shed. Water captured by the shed must not be used for human consumption.

6. Construction Phase

All activities associated with the construction of the development permitted by this permit must be carried out to the satisfaction of the Responsible Authority and all care must be taken to minimise the effect of such activities on the amenity of the locality, including:

- a) Avoiding the transport of mud onto roads;
- b) Minimising the generation of dust during earthworks or vehicles accessing site;
- c) The retention of all silt and sediment on the site during the construction phase, in accordance with the sediment control principles outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991)' and;
- d) Maintaining a neat and tidy site.

7. Road Access

No additional access to the shed is permitted from Kyabram –Cooma Road.

8 Section 173 Agreement

Prior to the use of the shed, the owner must enter into an agreement with the responsible authority, pursuant to Section 173 of the Planning and Environment Act 1987. This agreement must be registered on the title to the land pursuant to Section 181 of the Planning and Environment Act 1987. The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement. The agreement must provide that:

- a) *That the owner acknowledges and accepts the possibility of nuisance from adjoining agricultural operations including animal husbandry, spray drift, agricultural machinery use, pumps, trucks and associated hours of operation.*

The said agreement is to be prepared by the Council. The Council will undertake to have the agreement prepared upon written notification from the applicant. All costs associated with the preparation and registration of the agreement shall be borne by the applicant. All fees associated with the documentation must be fully paid prior to execution and registration of the document by Council.

9 Time for Starting and Completion

This permit will expire if one of the following circumstances applies:

- a) the development is not started within **two (2) years** of the date of this permit;
- b) the development is not completed within **four (4) years** of the date of this permit.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 Buildings and works for a shed in the Farming Zone 1 within 5m from a side boundary and within 20m from a road. (continued)

NOTATIONS

Building Approval Required

Prior to the commencement of works approved by this permit, building approvals must be obtained.

CARRIED.

Property Details

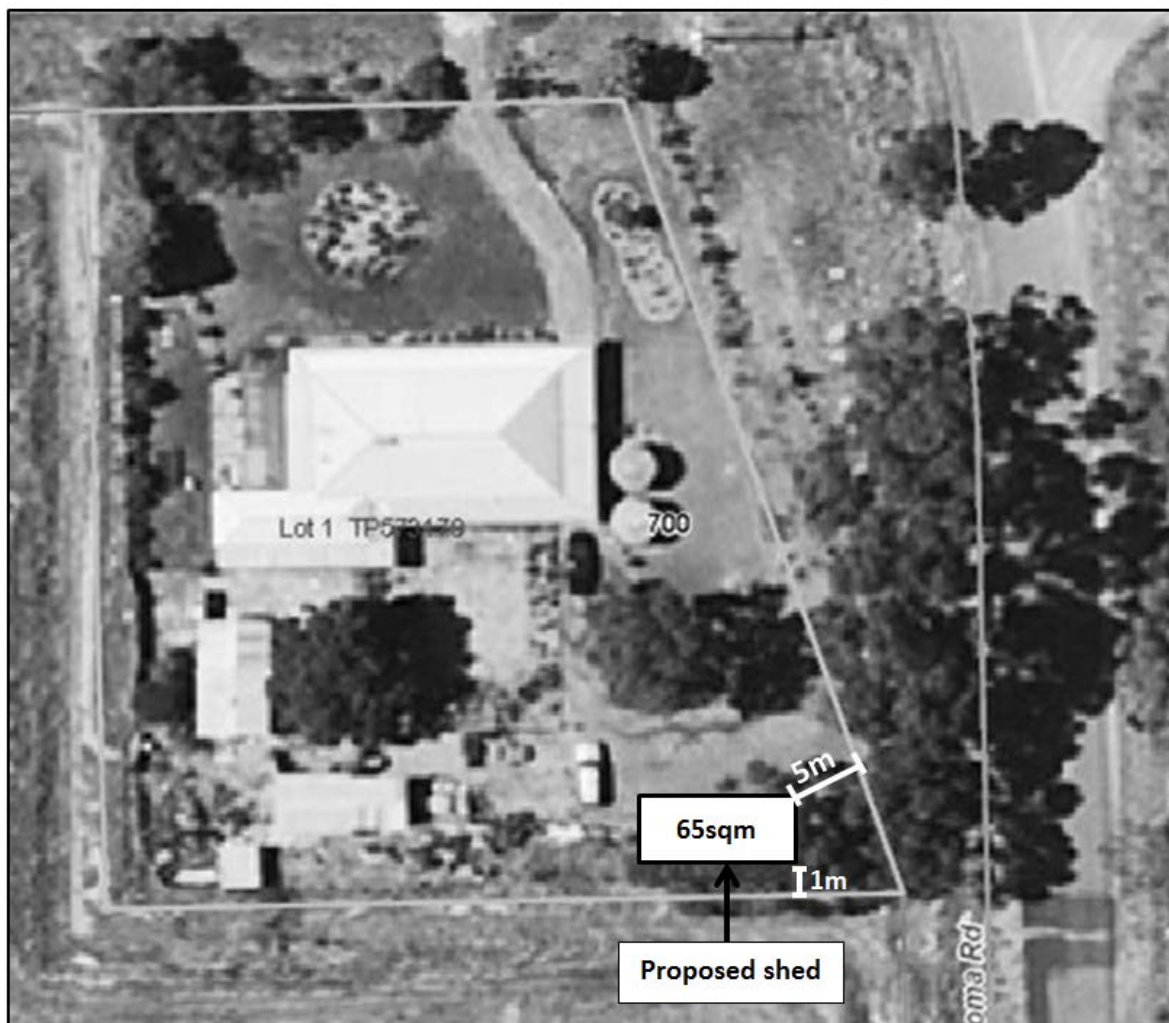
Land/Address	700 Kyabram – Cooma Road, Kyabram South
Zones and Overlays	Farming Zone 1 Land Subject to Inundation Overlay
Why is a permit required	35.07-4 Buildings and works in the Farming Zone 1 within 5 metres of a side boundary and 20 metres from a road.

The subject land is located on the south west corner of the intersection of Fenaughty and Kyabram –Cooma Roads, and contains a dwelling and associated outbuildings.

The subject land is in a rural area and is surrounded by agricultural land to the south and west of the parcel boundary.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 Buildings and works for a shed in the Farming Zone 1 within 5m from a side boundary and within 20m from a road. (continued)



Proposal in Detail

The application proposes to construct a domestic shed within the following setbacks stated in the Farming Zone 1:

- five metres from a side boundary; and
- 20 metres from road.

The proposed sheds dimensions are 13m x 5m and has an area of is 65sqm.

The application was advertised by mail to the abutting neighbour who objected to the proposal within the notification period.

Summary of Key Issues

The key issues for this application are summarised in the executive summary, with more detail provided in the key issues section in the attachment to this report.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 Buildings and works for a shed in the Farming Zone 1 within 5m from a side boundary and within 20m from a road. (continued)

Background

Planning officer informed the applicant a planning permit was required for the proposed shed constructed within the setbacks of the Farming Zone.

Assessment under the Planning and Environment Act

A full assessment is provided in the officers report (attached).

The determinative issues in this application are described as:

- The offsite impact on agricultural land; and
- The impact on amenity of the Farming Zone.

Farming Zone 1

The purpose of the Farming Zone is to encourage retention of agricultural land, and ensure non-agricultural uses including dwellings do not adversely affect the current and future use of land for agriculture.

Officers consider that the proposed shed will not negatively impact on the current and future use of the surrounding land for agricultural production. It is envisaged that the proposed shed will assist in providing a buffer between the uses and assist in protecting the amenity of the residence.

State and Local Planning Policy

Clause 11.05-3, 14.01-1 and 21.04 provide a framework to assist in the protection and promotion of agricultural land protection and provide mitigation between conflicting land uses.

Given the size of the land and lawfully established use of the land for a residence, it is considered that the land would not be capable for any viable agricultural practice. Therefore it is considered that the proposed shed would not be removing any land from agricultural production.

The abutting property is currently used for cropping. The neighbour has indicated that it is his intention to plant hazelnut trees on the abutting land. The placement of the proposed shed is not expected to limit the operation and expansion of current or future farming practice on the land. The proposed shed is considered to act as a buffer between the two uses. A condition placed on the planning permit to install a first flush system on any drinking water collected from the shed roof will assist in managing potential water contamination caused by spray drift.

The proposed shed is located one metre from the side boundary. A colour bond two metre high fence has been constructed along the southern and western side of the boundary. The addition of a shed is unlikely to impact on the amenity of the area as the site is already enclosed by a fence and it is not uncommon to see sheds in the Farming Zone.

In VCAT case, *Vegh v Yarra Ranges SC (2010)* the Member, Glynn, noted that being able to partly see a water tank and rural outbuildings in a rural living area are also acceptable visual features in such landscape.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 Buildings and works for a shed in the Farming Zone 1 within 5m from a side boundary and within 20m from a road. (continued)

The application has been referred to the Councils Traffic Engineers who have requested that the shed be setback a minimum of five metres from the road. This will enable better sightlines from the intersection of Fenaughty and Kyabram – Cooma Road, Kyabram South.

Council Plan/Key Strategic Activity

Council Plan

Goal 2 – Enhancing the Environment (Natural)

The Strategy aims to ensure that development applications take into account the importance of agricultural land to the Greater Shepparton community and its economy.

The proposal is consistent with the Council Plan as it does not detrimentally impact on, or impede on viable agricultural land.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Incorrect notification	A	5	low	The application has been properly advertised which allowed objections to be lodged with the Council. This objector will be informed of the Council's decision and made party to any future VCAT review.
Traffic	A	5	low	Comments from Council's Traffic Engineer inform that the setback of the shed is appropriately setback as to not impede on sightlines from the intersection of Fenaughty and Kyabram –Cooma Roads and will not result in unsafe traffic outcomes.

Policy Considerations

There are no conflicts with the Council's Planning Policies.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 Buildings and works for a shed in the Farming Zone 1 within 5m from a side boundary and within 20m from a road. (continued)

Financial Implications

In the event of an application for review by the Victorian Civil and Administrative Tribunal (VCAT), each respective party will be required to bear its own costs.

Legal/Statutory Implications

The responsible authority's decision may be subject to an application for review by VCAT.

Cultural Heritage

The *Aboriginal Heritage Act 2006* provides protection for all Aboriginal places, objects and human remains in Victoria, regardless of their inclusion on the Victorian Aboriginal Heritage Register or land tenure.

The *Aboriginal Heritage Act 2006* introduces a requirement to prepare a Cultural Heritage Management Plan (CHMP) if all or part of the activity is a listed high impact activity, resulting in significant ground disturbance, and all or part of the activity area is an area of cultural heritage sensitivity, which has not been subject to significant ground disturbance.

The 'Area of Cultural Heritage Sensitivity in Victoria' does not include the land within an area of cultural heritage sensitivity; therefore the proposed use does not trigger the need for a CHMP.

Environmental/Sustainability Impacts

The proposed shed is not expected to cause any detrimental environmental or sustainability impacts.

Social Implications

This application does not raise any significant social issues that influence the planning officer's view for the following reason:

- The objections to the application relate to various of issues which can be controlled through permit conditions.

Economic Impacts

There are no economic impacts associated with this application.

Referrals/Public Notice

The application was advertised to the neighbouring property who objected to the proposal. The key issues raised in the objection is summarised in the following table:

10. SUSTAINABLE DEVELOPMENT DIRECTORATE
10.5 Buildings and works for a shed in the Farming Zone 1 within 5m from a side boundary and within 20m from a road. (continued)

Grounds of objection	Officers Response
Does not support commercial agricultural production.	The land is essentially a rural residential lot within the FZ, which has lost its potential for agricultural production. Whilst this is an undesirable use of agricultural land, the use exists and is lawful and officers consider that it is not unexpected or unreasonable for a small rural residential lot to seek permission for a domestic shed.
Agricultural land being impeded upon by additional development.	The land is long lost to agriculture uses. The lawful development of a dwelling resulted in this loss and created a new use for the site. The proposed shed does not alter the established existing use. The location of the shed may assist in improving the amenity of the area as it creates a physical barrier between the abutting farm and existing dwelling on the land.
Spray drift from farm contaminating water collected on the shed roof	Spray drift is considered a normal and necessary farming practice. A condition requiring the installation of a first flush system on any water tank connected to the shed will ensure drinking water is not contaminated by any spray drift.
One metre setback is too small for the applicant to be able to maintain land between the shed and boundary.	It is not uncommon for sheds and other out buildings to be setback about one metre from property boundaries. Given there is an existing solid boundary fence, it is considered that the one metre setback will not be detrimental to neighbouring land.
Height of grass around property leading to threat of fire. The proposed building increases development and therefore provides an additional building that may be at risk.	It is true to say that any additional building could increase fire risk. Despite this, the Building Code of Australia includes design measures to manage the risk of fire. The proposed shed will be required to comply with these provisions.
Impede flow of flood water	Planning permit was not required under the LSIO. A drainage condition will be required should a permit issue.
Stormwater runoff	A drainage condition will be required should a permit issue to ensure appropriate runoff.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 Buildings and works for a shed in the Farming Zone 1 within 5m from a side boundary and within 20m from a road. (continued)

Grounds of objection	Officers Response
Over crowding of built form on the lot, suggest structures to be demolished in order to construct the proposed shed. Amenity of the Farming Zone – ‘openness’	It is considered that the proposed shed would not have a detrimental impact on the visual amenity of the area as it is not unexpected to see a shed in a rural area. It should also be noted that the site is enclosed by a large colourbond fence.
Out-dated septic tank may have insufficient disposal area. Proposed building may reduce disposal area resulting in sewerage entering neighbouring property.	The application was referred to the Councils Health Department who did not object to the proposal.
Possibility for the shed to be used as a dwelling	The application is for a shed. A condition will be included on the permit restricting the use of the shed to storage only.
Traffic Concern <ul style="list-style-type: none"> • Obscure view of traffic in both directions • School pick up and drop off at the intersection • Glare from the proposed shed • Slow moving vehicles entering and exiting Fenaughty Road. • Construction of shed blocking sight lines 	The application was referred to the Councils Traffic Engineer who required the shed to be setback five metres from the eastern boundary. This will be included as a Condition on the Permit.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

Economic Development – Agriculture and Rural Land identifies conflicts between residential development in rural areas. The strategy discourages housing on old and inappropriate lots and where amenity may be negatively impacted by farming and related activities, or where housing may inhibit rural activities.

As the dwelling is existing, it is considered that the proposed shed will assist in buffering conflicting land uses.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 Buildings and works for a shed in the Farming Zone 1 within 5m from a side boundary and within 20m from a road. (continued)

Options for Consideration

The decision on planning permit 2014-8 for the buildings and works for a shed within a 20m setback from a road and 5m setback from a boundary of which the options are:

- a) Approve a Notice of Decision to grant a permit subject to conditions (attached); or
- b) Grant a Notice of Refusal with appropriate grounds of refusal.

Conclusion

The proposed application is for the construction of a domestic shed within the following setback in the Farming Zone:

- Five metres from a boundary; and
- 20 metres from a road.

The application received one objection from the neighbouring property. The application has been reviewed by the Planning Department against the relevant policies and it is considered that proposed shed achieves an acceptable planning outcome when assessed against the relevant policies and objectives of the Greater Shepparton Planning Scheme. It is therefore recommended that a Notice of Decision to grant a planning permit is issued subject to conditions.

Attachments

Delegates Report Page 572

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Buildings and works for a 1.8 metre high chain mesh fence in the Floodway Overlay and Land Subject to Inundation Overlay.

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

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.

Council Officers involved in producing this report

Author: Graduate Statutory Planner

Proof reader(s): Principal Statutory Planner, Team Leader Statutory Planning and Manager Planning

Approved by: Director Sustainable Development

Executive Summary

The application seeks approval to construct a 1.8 metre high chain mesh fence at 2A Fairway Drive, Mooroopna in the Floodway Overlay (FO) and Land Subject to Inundation Overlay (LSIO).

The application was referred to the Goulburn Broken Catchment Management Authority (GBCMA) who objected to the issuing of a planning permit due to potential flood impact the fence may cause on the abutting residential area along Fairway Drive.

The GBCMA is a recommending referral authority. A recommending referral authority has the ability to comment on the application. Comments must be considered by the responsible authority.

The Planning Department notified the applicant of GBCMA's objection and provided the applicant with the opportunity to respond to the objection.

The applicant provided Council's Planning Department with a written response to the objection. The response stated that they did not view flooding as problem. The response did not provide any expert evidence that addressed flooding concerns raised by the GBCMA.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Buildings and works for a 1.8 metre high chain mesh fence in the Floodway Overlay and Land Subject to Inundation Overlay. (continued)

**Moved by Cr Polan
Seconded by Cr Summer**

That in relation to Planning Application 2013-324, on the basis of the information before Council and having considered all relevant matters as required by the *Planning and Environment Act 1987*, Council resolves to issue a notice of refusal for planning permit application 2013-324 for the following reasons:

1. The proposal is discouraged within the State Planning Policy Framework and Local Planning Policy Framework of the Greater Shepparton Planning Scheme 21.05-2.
2. The proposal is not consistent with the Victoria Planning Provisions Practice Note Applying for a Planning Permit under the Flood Provisions (DOI, 2000).
3. The GBCMA has recommended that the application be refused.

CARRIED.

Cr Muto called for a division.

Those voting in favour of the motion: Cr Ryan, Cr Polan, Cr Houlihan, Cr Summer and Cr Patterson.

Those voting against the motion: Cr Oroszvary and Cr Muto.

Property Details

Land/Address	2A Fairway Drive, Mooroopna
Zones and Overlays	Farming Zone 1 Urban Flood Zone Floodway Overlay Land Subject to Inundation Overlay
Why is a permit required	44.03-1 Buildings and works in the Floodway Overlay 44.04-1 Buildings and works in the Land Subject to Inundation Overlay

The subject land contains an 18 hole golf course, Club house with restaurant, pokies, TAB and offer live entertainment.

The land abuts a residential area to the west and vacant flood, rural land to the east.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Buildings and works for a 1.8 metre high chain mesh fence in the Floodway Overlay and Land Subject to Inundation Overlay. (continued)



Proposal in Detail

The application proposes to construct a 1.8 metre high chain mesh fence along the western side of the golf course at 2A Fairway Drive, Mooroopna. The proposed fence is approximately 450 metres in length and runs along the boundary the golf course and Fairway Drive.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Buildings and works for a 1.8 metre high chain mesh fence in the Floodway Overlay and Land Subject to Inundation Overlay. (continued)

The purpose of the proposed fence is to provide security and reduce un-authorised access into the Golf Course.

The application was referred to GBCMA who objected to the proposal.

Summary of Key Issues

The key issues for this application are summarised in the executive summary, with more detail provided in the key issues section in the attachment to this report.

Background

Planning officers informed the applicant a planning permit was required for the proposed chain mesh fence in the Floodway Overlay and Land subject to Inundation Overlay.

Assessment under the Planning and Environment Act

A full assessment is provided in the officer's report (attached).

State and Local Planning Policy

Clause 13.02-1 and 21.05-2 of the planning scheme provides floodplain management State and local policy objectives for decision making in flood prone areas. The key objective is to assist in the protection of life, property and community infrastructure from flood hazard as well as maintaining waterway health.

Floodway Overlay and Land Subject to Inundation Overlay

The overlays require the Council's Planning Department to refer an application to the relevant floodplain management authority.

Amendment VC105 came into effect on 20 December 2013 which changed the GBCMA from a 'determining authority' to a 'recommending authority'.

Prior to the amendment, the GBCMA as a determining authority had the power to require a planning application be refused, or for certain conditions to be included in a permit. Since the amendment the GBCMA as recommending authority may only comment on an application and comments must be considered by the responsible authority.

It is however, acknowledged that the GBCMA is the flood expert and the planning department has considered their comments recommending that no permit be granted.

The applicant was provided with the opportunity to respond with their own expert report, however none was provided. Having regard to this officers have relied on the expertise of the GBCMA in the decision to refuse to grant a permit.

Given the objection received by the GBCMA, it could be considered that the proposed fence provides flood risks in the area. Whilst the fence is not solid, in the event of a flood there is potential for debris to be caught in the 450 metre long fence and potentially re-direct flood waters. This could cause immediate risk to the abutting residential area, impacting on life, property and community infrastructure in the area.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Buildings and works for a 1.8 metre high chain mesh fence in the Floodway Overlay and Land Subject to Inundation Overlay. (continued)

Council Plan/Key Strategic Activity

Council Plan

Goal 1 - Active and engaged Communities

Objectives aim to ensure liveability options are always considered in decision making activities, in particular, the strategy states to continue to support ongoing planning and resourcing of emergency management.

The proposed development has the potential create an emergency situation by altering the floodplain resulting in immediate safety risk to abutting residential areas.

Risk Management

On the basis of the officers recommendation to refuse to grant a permit it is considered that there are no risks associated with refusal of the application as it implements the expert views of the floodplain manager.

If Council decides to approve the application, in the event of a flood, the proposed fence may cause an immediate safety risk to abutting residential areas.

Policy Considerations

The State and Local Planning Policy has been considered and recommendation from the Floodplain Authority states that the proposal is in conflict with Planning Policies.

Financial Implications

In the event of an application for review by Victorian Civil and Administrative Tribunal (VCAT), each respective party will be required to bear its own costs.

If Council approves the application and a flood emergency occurs, Council may be subject to litigation costs.

Legal/Statutory Implications

The responsible authority's decision may be subject to an application for review by VCAT.

Cultural Heritage

The *Aboriginal Heritage Act 2006* provides protection for all Aboriginal places, objects and human remains in Victoria, regardless of their inclusion on the Victorian Aboriginal Heritage Register or land tenure.

The *Aboriginal Heritage Act 2006* introduces a requirement to prepare a Cultural Heritage Management Plan (CHMP) if all or part of the activity is a listed high impact activity, resulting in significant ground disturbance, and all or part of the activity area is an area of cultural heritage sensitivity, which has not been subject to significant ground disturbance.

The 'Area of Cultural Heritage Sensitivity in Victoria' does not include the land within an area of cultural heritage sensitivity; therefore the proposed use does not trigger the need for a CHMP.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Buildings and works for a 1.8 metre high chain mesh fence in the Floodway Overlay and Land Subject to Inundation Overlay. (continued)

Environmental/Sustainability Impacts

The proposed fence has the potential to reduce water quality in the area by blocking flows of flood water.

Social Implications

Section 60(1)(f) of the Act states the following:

Before deciding on an application, the responsible authority, if the circumstances appear to so require, must consider—

- *Any significant social effects and the economic effects which the responsible authority considers the use or development may have.*

This application does not raise any significant social issues that influence the planning officer's view for the following reason:

- The application relates solely to the fence's impact on flood flows which does not relate to any social matters.

Economic Impacts

There are no economic impacts associated with this application.

Referrals/Public Notice

The application was exempt from being advertised under Clause 44.03-4 and 44.04-4.

The application was referred to the GBCMA in accordance with Clause 44.03-5 and 44.04-5 of the planning scheme.

Under Section 55 of the Planning and Environment Act 1987 the GBCMA is a recommending referral authority.

It is therefore possible for the Council to decide to grant a planning permit for this application.

GBCMA has the right to appeal the decision at the Victorian Civil and Administrative Tribunal (VCAT).

Strategic Links

a) Greater Shepparton 2030 Strategy

Floodplain Management identifies the importance of planning controls on development as to not move or create water management problems to another area

Options for Consideration

The decision on planning permit application 2013-324 for the development of the land for a 1.8 metre high chain mesh fence of which the options are:

- a) Refuse to grant planning permit 2013-324 subject to the grounds included within the recommendation.
- b) Decide to grant a notice of decision to issue a planning permit including appropriate conditions.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Buildings and works for a 1.8 metre high chain mesh fence in the Floodway Overlay and Land Subject to Inundation Overlay. (continued)

Conclusion

The proposed application for the construction of a 1.8 metre high chain mesh fence that is 450 metres in length was referred to the Goulburn Broken Catchment Management Authority who objected to the proposal.

The application has been reviewed by the Planning Department against the relevant policies and recommendation from the GBCMA has been found to achieve an unacceptable planning outcome.

Attachments

Delegate Report Page 589

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 Maude Street Bus Interchange and Maude Street Redevelopment

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

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.

Council Officers involved in producing this report

Author: Manager Planning

Proof reader(s): Director Sustainable Development

Approved by: Director Sustainable Development

Other: Development Engineer

Executive Summary

The purpose of this report is for Council to consider the endorsement of the final concept plans for the new Maude Street bus interchange and Maude Street redevelopment. The concept plans have been developed and finalised following extensive site analysis, consultation with the key stakeholders and public exhibition of the plans. The bus interchange and Maude Street redevelopment form part of stage 2 of the broader Vaughan Street Precinct redevelopment.

To facilitate the development of plaza area and public toilet facilities as per the concept plan, Council will be required to progress the land acquisition of 289 Maude Street as this property forms part of the development site. This process will require the application of the public acquisition overlay (PAO). The development site for the plaza area and public amenities also involves the privately owned land on the south east corner of Maude and Vaughan Streets which is currently used for carparking. Council will therefore need to progress previous discussions with the landowners regarding a landswap.

To facilitate the development to a “shovel ready” project, officers recommend that detailed design commence at the earliest convenience. This will increase the possibility of attracting government funding for the project in line with current discussions with the State Government.

RECOMMENDATION

That the Council:

1. endorse the proposed Maude Street Bus Interchange and Maude Street Redevelopment concept plans and proceed with the detailed design for the bus interchange, Maude Street and Plaza area as part of the 2014/2015 budget process
2. prepare and exhibit a planning scheme amendment to include 289 Maude Street in a public acquisition overlay
3. formalise an agreement with the adjoining land owners on a land swap to facilitate the plaza area redevelopment.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 Maude Street Bus Interchange and Maude Street Redevelopment (continued)

Moved by Cr Polan

That the matter lay on the table.

CARRIED.

Background

The CBD Strategy was adopted by Council in October 2008.

The key action arising from the strategy was to;

Prepare a Maude Street bus interchange master plan, including:

- *Removal of centre-of-road and parallel parking spaces on either side of Maude Street to accommodate the eight bus lanes (four on either side of the street).*
- *With regard for the Safer Design Guidelines for Victoria (SDG) and CPTED principles.*
- *The widening of footpaths on either side of Maude Street.*
- *Installation of high-quality shelters with provision of seating, lighting, litter bins and timetable information.*
- *Provision of public toilet facilities.*
- *Installation of signage and/or an information board to identify direction and distance to the Maude Street Mall, railway station and other key destinations within the CBD.*

Key strategic objective 3 – *revitalise and promote the Shepparton CBD as the region's premier retail and entertainment destination* of the Council Plan 2009-2013 sought to redevelop the public transport interchange in the CBD in conjunction with the Victorian Department of Transport.

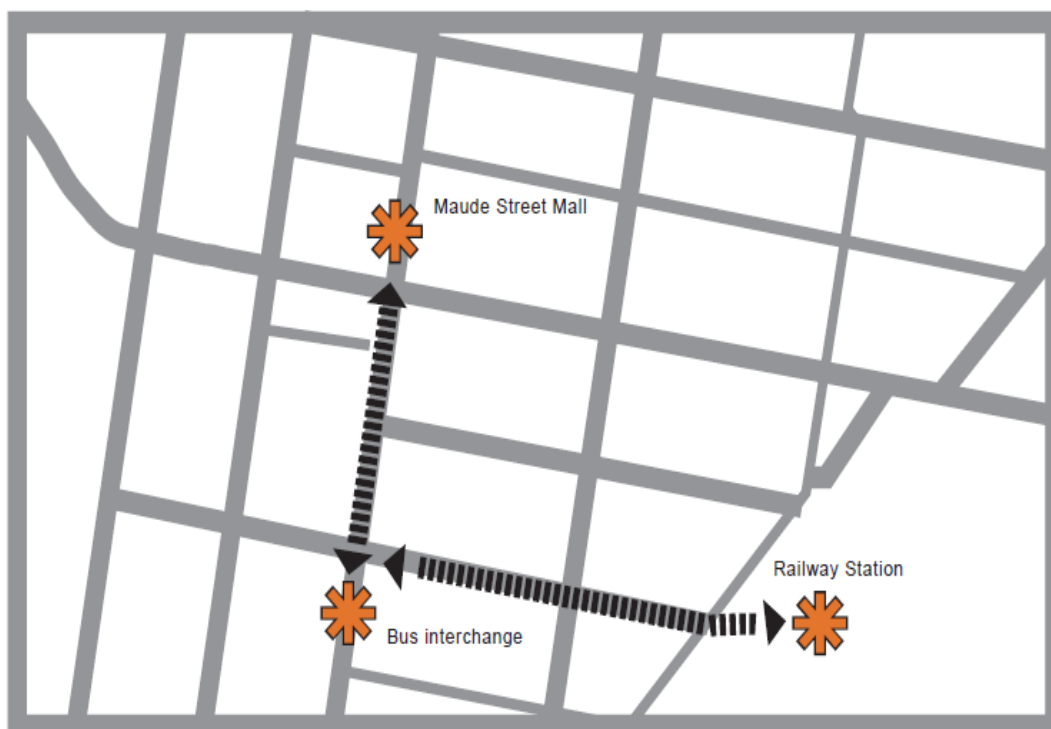
This project forms part of Stage 2 of a 3 stage Vaughan Street precinct redevelopment. Stage 1 of the project was the recently completed Vaughan Street works which occurred in conjunction with the Coles/Kmart redevelopment. A future stage 3 is the Shepparton Railway Station precinct proposal which aims to improve the integration between the station and the CBD as shown in the diagram below. All three stages aim to significantly improve the urban function and amenity of this area and achieve the objectives set out in the CBD strategy and Council plan.

The concept design plans were prepared following extensive site analysis and review of existing operation of the bus interchange and in particular the need for public amenities, improved waiting areas and increase capacity for bus services.

There are a number of guiding principles that have been incorporated into the plans. These include improving pedestrian movement and connections, improving car parking, improving public realm spaces and accessibility throughout the area. The fundamental driver of the concept design is that of the needs of the bus operator and the Department of Transport (DOT). This includes design of the bus bays, traffic lane width in Maude Street and requirement for bus shelters. Additional bus set down points have also been provided in Maude and High Street at the request of DOT to provide access to the Maude Street Mall area.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 Maude Street Bus Interchange and Maude Street Redevelopment (continued)



The concept plans prepared for Council endorsement and consultation provided two options for the location of the plaza and public amenities. Given the potential impact of the proposed concept plan on the property at 289 Maude Street, a pre consultation meeting was held on 19 March 2013 with the landowners. The purpose of this meeting was to advise the owners of the potential requirement to acquire the property as a result of facilitating the Stage 2 Vaughan Street project should this be the preferred site for the plaza area. The outcomes of this meeting were sent to the landowners in a letter dated 25 March 2013.

Council, at the 16 April 2013 Ordinary Council Meeting resolved to endorse the proposed Maude Street Bus Interchange and Maude Street Redevelopment concept plans and release the plans for public consultation.

A press release was issued on 30 April 2013 seeking feedback from the community and information core flutes were displayed at the existing bus interchange. An invitation was also sent to owners and occupiers fronting Maude Street (including the landowners at 289 Maude Street) and part of High Street inviting land owners or occupiers to meet directly with the project team. Targeted consultation also occurred with the Best Start Project Officer, VicPolice, DOT, the Disability Advisory Committee (DAC), the Country Fire Authority (CFA) and Shep Transit. As a result of the consultation, the project team undertook further design modifications. A summary of the consultations is attached.

In most cases the issues raised were able to be accommodated in the revised design. The property owners at 289 Maude Street objected to the proposal by email on 9th May 2013. A letter from the CEO dated 27 May 2013 was subsequently sent responding to the matters raised in the objection. The grounds of objection related to the transparency of the process and that the plan lacked innovation. The landowners have also requested the opportunity to meet with Council prior to its formal consideration of the proposal in

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 Maude Street Bus Interchange and Maude Street Redevelopment (continued)

response to their specific objection. This meeting with the Councillors occurred on the 1 April 2014 where the landowners reiterated their objection to the proposal.

To progress the Stage 2 Vaughan Street Precinct bus interchange project and in particular the public amenities and plaza area, the property in question will need to be acquired by Council as this was the preferred site for the plaza and public amenities. Subsequent land swap arrangements will also need to be further progressed with the other affected landowners.

In relation to the other matters raised through the consultation processes, the project team felt that it was important to again road test the newly revised concept with the various stakeholders and landowners. This consultation occurred on 4 December 2013. The notes of this round of consultation are also attached.

This road testing resulted in further and final modifications being made to the concept. The most significant of these changes resulted from further discussions with the CFA which required design changes to accommodate the new range of vehicles and operational needs currently required by CFA. One important, but unavoidable outcome of this was the reduction on the gain in carparks in this location of 6 spaces (to now a gain of 1 space) to accommodate the turning circle dimensions of the CFA vehicles.

Carparking

The endorsed concept design (consultation version) provided a slight increase in carparking in Maude Street between High and Vaughan Streets as shown in the table below. The revised carparking rates (forming part of the final concept plan) as a result of further consultation with the CFA and others are listed below.

Location	Type	Existing	Proposed Consultation version	Final Concept
High to Vaughan Street	Standard	43	47	40
	15 minute	2	2	4
	Bus bays	5	0	1
	Taxi bays	0	2	0
	Accessible	0	2	2
Total car spaces (excluding bus bays)		45	53	46

With respect to the new bus interchange area between Vaughan and Ashenden Street, the proposed interchange will result in a loss of 33 carparking spaces to accommodate the 8 new bus bays.

This loss of carparking will be mitigated by the creation of new centre of road carparking in Sobraon Street and Vaughan Street east of Corio Street as set out below.

Vaughan St – (Corio to Hoskin)

Road widening to allow for centre of the road parking

- 22 new car parking places

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 Maude Street Bus Interchange and Maude Street Redevelopment **(continued)**

Hoskin St Carpark

Formalising the existing gravel carpark

- 26 car parking places (Inc. 1 accessibility place)

Sobraon St – (Maude to Hoskin)

Road widening to allow for centre of the road parking

- 39 new car parking places

Consultation feedback acknowledged that the area is well provided for in terms of overall carparking, with good access to 3 hr parking in Rowe Street, JB Hi Fi and Coles/Kmart carparks. During consultation some traders wanted Council to review the existing 2 hour carparking limit in this area with a preference for 1 hour to increase turnover, however this is outside the scope of this project.

Bus Shelter Design

The project team initiated a separate working group to design the bus shelters. This group ran in conjunction with the concept plan and was made up of representatives from the Department of Human Services, the DAC, the Positive Ageing Advisory Committee (PAAC), and staff from Council's Projects Department. The working group met for a series of workshops and the bus shelter design is now an outcome of that collaborative process. A copy of the Bus Shelter Design Report dated Dec 2014 is attached.

The final concept plan has been informed by the master service investigation report which was completed in November 2013. A number of changes to tree locations were necessary as a result of the existing underground power setback requirements.

During construction, it may also be an opportune time to investigate the replacement of existing GVW water supply pipes.

An arborist report has also been prepared by Tree Logic dated September 2012 which concluded that given the significant requirements for surface and road and path changes with this major improvement project, there would be little use in retaining even the odd scattered tree and recommended that all existing trees be removed prior to works commencing on this project.

Council Plan/Key Strategic Activity

Key Strategic Objective 3 of the previous Council Plan sought to work in conjunction with DOT to redevelop the public transport interchange in the CBD.

The new 2013-2017 Council Plan – Goal 3 Economic Prosperity (objective 2) seeks to ensure that retail strategies deliver appropriate outcomes for the community. A key strategy to achieve this is through the implementation of the CBD strategy. Goal 4 - Quality Infrastructure (objective 2) seeks to ensure that the community has access to appropriate transportation infrastructure including the advocacy and lobbying for funding to enable commencement of Maude Street Bus Interchange.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 Maude Street Bus Interchange and Maude Street Redevelopment (continued)

Risk Management

A risk assessment of the project has been undertaken in the following table below.

Risks	Likelihood	Consequence	Rating	Mitigation Action
Land swap and acquisition does not proceed by agreement	Likely	Moderate	Moderate	A public acquisition process may be required
Landowners property access is restricted – length of time disruption	Likely	Minor	Moderate	Concept design does not prevent legal street access and some activity may be restricted intermittently between bus operation period
Landowners/occupiers unhappy about removal of existing angle parking in Maude Street	Almost certain	Minor	Moderate	Centre of road carparking has been provided – ie net number change slightly however, there is sufficient carparking in the vicinity ie Rowe Street, Kmart, JBHi Fi carparks.

Policy Considerations

The concept plan has been developed as an outcome of the CBD strategy 2008.

At the 19 November 2013 OCM Council adopted a public toilet policy and to proceed with preparation of a public toilet development plan. The public toilet policy was informed by the Public Toilet Review 2013. The concept design for the public facilities has been developed in accordance with the Public Toilet Review (2013) including the provision for adult change facilities, a parent room, breast feeding room and child changing facilities. In addition the bus service provider has requested bus staff toilets be included in the facilities. This will need to be considered in the detailed design. The detailed design of the facilities should also consider provision of a mobility aid and recharge point.

Financial Implications

The adoption of the concept plan itself has minimal financial implications, however, the detailed design and subsequent construction of the bus interchange, Maude Street redevelopment and plaza area with amenities is significant. A submission will be made to the 2014/2015 budget process to complete the detailed design. The detailed design is likely to cost in the order to \$300,000.

	2012/2013 Approved Budget for this proposal*\$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue				Concept Design only
Expense	73,000			Concept Design Only
Net Result				

* Amount shown in this column may equal one line item in budget or maybe a component of one budget line item.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 Maude Street Bus Interchange and Maude Street Redevelopment **(continued)**

A detailed engineer's opinion of probable cost was prepared for the streetscape works, including an architect's opinion of probable cost for the public amenities building. The opinions are based on the concept plans (developed for consultation) for the bus interchange and amenities building and are intended as an indicative budget estimate which assumes rates indicative of the high level of design intent indicated on the concept drawings. These have not been revised at this time, but will be refined during the detailed design phase.

Legal/Statutory Implications

The proposed concept designs for the bus interchange and Maude Street redevelopment are supported by previously adopted Council strategies. However, the implementation of the concept designs in relation to the public amenities and plaza area will require a land swap with current landowners and potential land purchase or public acquisition processes.

Environmental/Sustainability Impacts

Public transport is a sustainable form of transport. Improved amenities may encourage further patronage of the public transport service therefore reducing car trips and reducing demand on parking.

Water sensitive urban design principles are also used throughout the proposed design to collect and treat stormwater runoff.

Social Implications

The social impacts of the new bus interchange are significant. The largest proportion of people using the service were concession card holders and pensioners. Currently, no amenities exist for patrons. The concept design provides for new waiting areas with shade and weather protection, public amenities, including parent's room and adult change facilities and bike lockers. The continued redevelopment of this area will also contribute significantly to creating strong and safe pedestrian areas and creating civic pride in the area.

A further report prepared by Capire on the Community benefit assessment of the Shepparton CBD revitalisation indicates that the key community benefits include, the creation of piazza will provide another gathering space within the CBD enhancing social inclusion, improvements to the public realm will increase the attractiveness, functionality and safety of the precinct and the new public facilities will improve service access and service provision.

The above report confirmed the outcome of previous consultation with the Best Start Working Group that consideration should be given to widening the public facilities available to include other community space. The report highlights that there are limited maternal health (MCH) services within the CBD which is approximately 800 metres from the bus interchange.

Whilst there may be opportunities to broaden the parent's facilities to include MCH services and other services (and therefore address safety and access issues to the parent room facility as a standalone facility) there are other important considerations that must be taken into account. In discussions with Council's MCH service, their preference in the current delivery model for the MCH service is that of colocation with other children's services, rather than the creation of standalone MCH services. Standalone

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 Maude Street Bus Interchange and Maude Street Redevelopment (continued)

MCH services also present a number of risk management issues and other, more preferable, colocation opportunities may exist in the CBD.

In conclusion, the need for parent's facilities in this location is still important and thus the final concept plan includes such facilities however officers have not broadened this to include MCH services based on discussion with Council's MCH officers. Access to the room will still require further resolution during the detailed design phase and operation phase of the proposal. Options might include key access obtained from a nearby shop (as is currently the case with the facilities under the tower) or open access during business hours with use of CCTV to monitor the facilities.

Economic Impacts

Public sector investment in streetscape works has been demonstrated to have significant impact on private sector redevelopment. The continuation of the Vaughan Street Precinct works will continue to stimulate activity within this area and the CBD more broadly. It will also create a strong pedestrian focus with clear connections and movement between this area and the Maude Street Mall.

Essential Economics have undertaken an economic analysis of the Shepparton CBD revitalisation project which indicates that the continuation of works have significant employment generation, CBD business turnover and stimulus to leverage further private investment.

Consultation

The proposed concept plans have been developed in consultation with the operator of the bus service Shep Transit, DOT, PTV, the Disability Advisory Committee and the Australia Breastfeeding Association and reflect the operational requirements of Shep Transit and DOT. As a result, some aspects of the plan are not able to be changed as a result of consultation. The operation requirements of the CFA have also had considerable input into the final design outcome.

The consultation process and iterative design process as a result of ongoing consultation has been previously documented in the background section this report.

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Plans discussed with stakeholders, key requirements and needs obtained	Needs assessment undertaken, draft plans provided
Consult	Stakeholder input into the concept plans	Meetings to discuss plans and resultant changes
Collaborate	Bus Shelter design	Working group to design shelter

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

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 Maude Street Bus Interchange and Maude Street Redevelopment **(continued)**

Strategic Links

a) Greater Shepparton 2030 Strategy

The CBD Strategy was a key priority project in GS2030. The bus interchange project was a priority within the CBD Strategy 2008.

b) Other strategic links

Public Toilet Review 2013

Options for Consideration

Council does not support the concept designs (not recommended).

Council supports the concept designs in principle but requires further changes (not recommended).

Council supports the concept designs (recommended).

Conclusion

The concept plans have been prepared in light of the objectives of the CBD Strategy and the previous and current Council Plan. The final concept plan itself has also been developed in collaboration with the various stakeholders and following extensive site analysis and investigation. The final concept plans are now ready for endorsement. Once endorsed by Council, detailed design and documentation should commence, as well as discussion with the State Government on potential funding opportunities for the delivery of the project

Attachments

1. Maude Street Final Concept Plan Page 603
2. Maude Street Cross Sections Page 604
3. Maude Street Bus Shelter Design Page 605

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Amendment C155 to the Greater Shepparton Planning Scheme: Consideration of Panel Report and Adoption of Amendment

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

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.

Council Officers involved in producing this report

Author: Principal Strategic Planner

Proof reader(s): Team Leader Strategic Planning and Manager Planning

Approved by: Director Sustainable Development

Other: Strategic Planner (Amendments)

Executive Summary

Amendment C155 to the Greater Shepparton Planning Scheme is a combined planning permit and planning scheme amendment made under Section 96A of the *Planning and Environment Act 1987* (the Act).

Amendment C155 applies to land at 72A Riverview Drive, Kialla (part of Lot 2 on PS633121) and 8025 Goulburn Valley Highway, Kialla (Lot 1 on PS633121). It proposes to facilitate the expansion of the existing Riverside Plaza neighbourhood activity centre.

The amendment proposes to rezone a portion of the land from the Residential 1 Zone (R1Z) to the Commercial 1 Zone (C1Z). It also proposes to amend the *Shepparton South Growth Corridor Outline Development Plan* (July 2003) to facilitate the proposed expansion.

The amendment has been through exhibition, consideration of submissions and panel processes in accordance with the requirements of the Act. Council is now required to consider the recommendations of the Independent Planning Panel Report, dated 23 April 2014, and must make a determination on the amendment.

The Panel's Report recommends that Amendment C155 should be adopted subject to minor changes. These changes include:

1. Amend the exhibited version of the Shepparton South Growth Corridor Plan A Outline Development Plan July 2013 to include a brief description in the legend to the plan;
2. Abandon the proposed changes to the Shepparton North and South Growth Corridors Development Contributions Plans (DCP) given this area has already largely been developed.
3. Approve the Greater Shepparton Planning Permit 2013/129 with the post-exhibition changes proposed by Council officers at the Planning Hearing with one additional condition (Condition 1(s)) to address the concerns raised in submissions.

Council officers have reviewed the Panel Report and agree with the Panel's recommendations. The amendment documentation has been revised accordingly and Council officers now request that Council:

- adopt the recommendations of the Independent Planning Panel for Amendment C155;

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Amendment C155 to the Greater Shepparton Planning Scheme: Consideration of Panel Report and Adoption of Amendment (continued)

- approve the revised *Shepparton South Growth Corridor Plan A Outline Development Plan April 2014*;
- adopt Amendment C155 with the changes recommended by the Panel; and
- resolve to submit the amendment to the Minister for Planning for approval.

Moved by Cr Summer Seconded by Cr Oroszvary

That, having considered the Independent Planning Panel Report for Amendment C155 to the Greater Shepparton Planning Scheme, in accordance with Section 27 of the *Planning and Environment Act 1987* (the Act), Council:

1. Adopt the recommendations of the Independent Planning Panel for Amendment C155 as outlined in their Panel Report dated 23 April 2014;
2. Approve the revised *Shepparton South Growth Corridor Plan A Outline Development Plan April 2014*;
3. Adopt Amendment C155 with the changes recommended by the Independent Planning Panel in accordance with Section 29 of the Act; and
4. Submit Amendment C155 to the Minister for Planning for approval in accordance with Section 31 of the Act.

CARRIED.

Background

Amendment C155 to the Greater Shepparton Planning Scheme was prepared and exhibited following the Ordinary Council Meeting held on 20 August 2013 (*Attachment 1 – August 2013 Ordinary Council Meeting Minutes Extract*).

Amendment C155 applies to land at 72A Riverview Drive, Kialla (part of Lot 2 on PS633121) and 8025 Goulburn Valley Highway, Kialla (Lot 1 on PS633121). It proposes to facilitate the expansion of the existing Riverside Plaza neighbourhood activity centre.

The amendment proposes to rezone a portion of the land from the Residential 1 Zone (R1Z) to the Commercial 1 Zone (C1Z). It also proposes to amend the *Shepparton South Growth Corridor Outline Development Plan* (July 2003) to facilitate the proposed expansion.

The permit application is for use and development of the land for restricted retail premises, indoor recreation facility (go kart track) and amusement parlour in the C1Z and Land Subject to Inundation Overlay (LSIO), removal of water and drainage easements, erection and display of internally illuminated pylon business identification signage, reduction in car and bicycle parking requirements and the re-subdivision of land.

Amendment C155 was exhibited to land owners, referral authorities and prescribed Ministers and a total of eleven submissions were received by Council. Seven of these submissions were from referral authorities, which did not object to the combined planning permit and planning scheme amendment. The remaining four submissions objected to all or part of the proposal.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Amendment C155 to the Greater Shepparton Planning Scheme: Consideration of Panel Report and Adoption of Amendment (continued)

Generally, the main grounds of objection related to traffic and car parking requirements, economic impacts, flooding issues, overshadowing and visual amenity of adjoining properties, inconsistencies and inadequacies in the exhibited amendment documentation, and CFA access.

The content of the submissions were considered by Council at the Ordinary Council Meeting held on 18 March 2014 (see Attachment 2 - *March 2014 Ordinary Council Meeting Minutes Extract*). Council resolved to endorse Council officers' assessment of the issues raised in the submissions (see Attachment 3 - *Amendment C155 - Panel Report - April 2014*). A short Panel Hearing was held on 20 March 2014. The Independent Planning Panel provided Council with a Panel Report, dated 23 April 2014.

The Panel generally supported the intent of the amendment and recommends that Amendment C155 be adopted subject to minor changes. These changes include:

1. Amend the exhibited version of the Shepparton South Growth Corridor Plan A Outline Development Plan July 2013 to include the following note in the legend of the plan: 'path access to the shopping centre is indicative only'. This change does not alter the intent of the proposed amendment.
2. Abandon the proposed changes to the Shepparton North and South Growth Corridors Development Contributions Plans (DCP). Following discussions about the approach taken to revising the DCP, it was agreed that any recalculation of the residential and commercial rates within the growth corridor would be complicated. Considering, the majority of the growth corridor has already been developed, it was agreed by all parties at the Panel Hearing that there would be limited merit in pursuing these changes. This change does not alter the intent of the proposed amendment.
3. Approve the Greater Shepparton Planning Permit 2013/129 with the changes proposed by Council officers at the Planning Hearing. Council officers presented the post-exhibition planning permit with the changes endorsed by Council at the March OCM. These changes were required to address each of the concerns raised in submissions.

One additional change to this permit was agreed to by all parties at the Panel Hearing. This change further addressed visual amenity concerns raised in one of the submissions. Condition 1(s) requires a landscape buffer to the eastern boundary of the site to limit the visual impact of the proposed building. This change does not alter the intent of the proposed amendment.

Council officers agree with each of the Panel's recommendations. The amendment documentation has been revised accordingly (see Attachment 4 - *Amendment Documentation*).

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Amendment C155 to the Greater Shepparton Planning Scheme: Consideration of Panel Report and Adoption of Amendment (continued)

In accordance with *Ministerial Direction 15 – the planning scheme amendment process – September 2012*, Council must make a decision on the amendment within 40 business days of the date the Panel's Report was received. Council is required to consider the recommendations of the Independent Planning Panel and must make a determination on the amendment. Council officers request that Council:

- adopt the recommendations of the Independent Planning Panel for Amendment C155;
- approve the revised *Shepparton South Growth Corridor Plan A Outline Development Plan April 2014*;
- adopt Amendment C155 with the changes recommended by the Panel; and
- resolve to submit the amendment to the Minister for Planning for approval.

Council Plan/Key Strategic Activity

Goal #3 – Economic Prosperity (Economic)

Objective #2 – 'Ensure that retail strategies deliver appropriate outcomes for the community'.

Aim – 'Council is committed to provide assistance to the retail sector with an ultimate goal of identifying how the businesses intend to offer their products or services to consumers and how to attract optimal consumer interest'.

Goal #4 – Quality Infrastructure (Built)

Objective #3 – 'Encourage sustainable municipal growth and development'.

Aim – 'Greater Shepparton City Council, as one of Australia's fastest growing inland regional cities, recognises that it is important to manage growth in a structured and sustainable manner.

In consultation with the Victorian Government and community stakeholders, we will continue to develop a planning framework that ensures that our growth and development does not compromise our enviable lifestyle'.

Risk Management

In accordance with Section 27 of the *Planning and Environment Act 1987*, Council is required to consider the recommendations of the Independent Planning Panel before deciding whether or not to adopt the amendment. Council is not required to adopt the recommendations of the Panel under the Act. As the Panel is appointed by the Minister for Planning and is required to make recommendations based on net community benefit in the interests of all Victorians, it is possible that not accepting the Panel's recommendations could result in the amendment not receiving approval from the Minister for Planning. This would result in unnecessary financial and resource costs for Council.

Risks	Likelihood	Consequence	Rating	Mitigation Action
The Minister for Planning refuses to approve the amendment.	D	4	Low	Adopt the amendment subject to the Independent Planning Panel's recommendations.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Amendment C155 to the Greater Shepparton Planning Scheme: Consideration of Panel Report and Adoption of Amendment (continued)

Policy Considerations

This amendment is consistent with existing Council policy. The amendment supports Council policy on Economic Development.

Financial Implications

The proponent of this amendment will be required to meet all costs associated with the planning permit and planning scheme amendment process. This latter fee includes exhibition of the amendment, consideration of any submissions that are received, adoption of the amendment by Council and approval of the amendment by the Minister for Planning.

The costs associated with the Independent Planning Panel were also met by the proponent of this amendment, including costs associated with expert witnesses and legal representation at the Panel Hearing.

However, Council will be required to bear the costs of Council's legal representation at the Panel Hearing, which will be approximately \$5,000. These costs have been accounted for in the 2013/14 Strategic Planning budget.

Council officers engaged the Rural Council Planning Flying Squad to meet the costs associated with the preparation of Council's submission to the Independent Planning Panel presented to the Panel at the Panel Hearing. This was in the vicinity of \$15,000.

The developer of the land will be required to meet all costs associated with the future development, including any infrastructure costs. This includes infrastructure for traffic management, drainage and essential services. The ongoing maintenance costs associated with this public infrastructure will be met by Council.

Legal/Statutory Implications

All procedures associated with this amendment comply with the legislative requirements of the *Planning and Environment Act 1987* (the Act). The amendment has been assessed in accordance with the Act and the Greater Shepparton Planning Scheme. The assessment is considered to accord with the *Victorian Charter of Human Rights and Responsibilities Act 2006* (the Charter) – no human rights have been negatively impacted upon throughout the process.

The Charter recognises that reasonable restrictions may be placed on the use and development of land, and that there may on occasion be reasonable and acceptable offsite impacts on others. Provided these issues are properly considered, it would be a rare and exceptional case where the exercise of a planning decision in accordance with the regulatory framework is not Charter compatible.

Environmental/Sustainability Impacts

See *Attachment 1 – August Ordinary Council Meeting Minutes Extract* for a full discussion of any potential environmental/sustainability impacts.

As part of the exhibition of this amendment, the Environment Protection Agency, Department of Environment and Primary Industries and the Goulburn Broken Catchment Management Authority were issued with formal notification. None of these authorities objected to the proposed development.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Amendment C155 to the Greater Shepparton Planning Scheme: Consideration of Panel Report and Adoption of Amendment (continued)

No concerns have been raised through submissions regarding environmental or sustainability impacts.

There are no significant adverse environmental/sustainability impacts associated with this amendment.

Social Implications

See *Attachment 1 – August Ordinary Council Meeting Minutes Extract* for a full discussion of any potential social implications.

There are no significant adverse social implications associated with this amendment.

Economic Impacts

See *Attachment 1 – August Ordinary Council Meeting Minutes Extract* for a full discussion of any potential social implications.

There are no significant adverse economic impacts associated with this amendment.

Consultation

Public notice of the amendment was given from 7 November 2013 to 23 December 2013. Exhibition included the following:

- Letters to affected landowners;
- Letters to referral authorities;
- Letters to prescribed ministers;
- Notice in the Shepparton News;
- Notice in the Victorian Government Gazette;
- Hard copy available in the foyer of the Welsford Street Council office;
- Exhibited on Council's website; and
- Exhibited on the Department of Transport, Planning and Local Infrastructure website.

In January 2014, Council officers became aware that some occupiers of land that may be affected by the proposal may not have received notification during the exhibition of the amendment. As a result, a second round of notification was issued on 22 January 2014 to all occupiers that may be affected by the proposal. This second exhibition period extended to 24 February 2014, during which time submissions could be made regarding the amendment.

This exhibition included the following:

- Letters to affected occupiers of land;
- Hard copy available in the foyer of the Welsford Street Council office;
- Exhibited on Council's website; and
- Exhibited on the Department of Transport, Planning and Local Infrastructure website.

The Panel confirms that appropriate notice was given in accordance with Sections 17, 18 and 19 of the *Planning and Environment Act 1987*. Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Amendment C155 to the Greater Shepparton Planning Scheme: Consideration of Panel Report and Adoption of Amendment (continued)

Strategic Links

a) Greater Shepparton 2030 Strategy Plan 2006

Topic: Economic Development

Theme: Retail/Commercial Centres

Objective 1: *'To provide increased opportunities for local job creation'*

Objective 4: *'To have a hierarchy of viable commercial/retail centres by retaining local and visitor spending within the municipality'*

Objective 5: *'To agglomerate peripheral sales and highway services nodes in accessible and appropriately serviced locations'*

b) Other strategic links

No other strategic links have been identified.

Options for Consideration

In accordance with Section 27 of the *Planning and Environment Act 1987*, Council must consider the recommendations of the Independent Planning Panel before deciding whether or not to adopt the amendment. Council may:

- abandon the amendment under Section 28 of the Act; or
- adopt the amendment under Section 29 of the Act.

If adopted, Council may then submit the amendment to the Minister for approval under Section 31 of the Act.

As part of the adoption of the amendment, Council may also approve or refuse to approve the revised *Shepparton South Growth Corridor Plan A Outline Development Plan April 2014*.

Conclusion

It is recommended that the Independent Planning Panel's Report be considered by Council and that the amendment, including the Panel's recommendations, be adopted and submitted to the Minister for Planning for approval.

Attachments

1. August 2013 Ordinary Council Meeting Minutes Extract Page 607
2. March 2014 Ordinary Council Meeting Minutes Extract Page 621
3. Amendment C155 - Panel Report - April 2014 Page 630
4. Amendment Documentation Page 679

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.9 Statutory Planning Update

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

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.

Council Officers involved in producing this report

Author: Team Leader Statutory Planning

Proof reader(s): Manager Planning

Approved by: Director Sustainable Development

Executive Summary

The purpose of this report is to inform the Council on the performance of the Statutory Planning Team in the months of September, October, November and December 2013 and January 2014 as it relates to:

- Planning permit activity
- VCAT activity
- Enforcement activity

The report and attachments provide detailed information including:

- Planning permit processing times
- Total cost of works associated with applications
- Number of applications approved, refused and withdrawn
- VCAT outcomes
- Development Hearings Panel (DHP) update
- Planning Enforcement File status

Positives from the above information include the average planning permit approval times remaining under 60 days and Planning Permit Activity Data showing performance measures better than the rural and regional city average. It is also worth noting the consent reached on two VCAT matters which avoided the expense of a full VCAT hearing for all parties.

An area that needs improvement is ensuring that all active enforcement files receive a timely resolution. A process has been put in place to peer review files to ensure that they do not become stagnant. Additional work is also being undertaken to improve the performance and transparency of the DHP.

Moved by Cr Oroszvary
Seconded by Cr Summer

That the Council note the planning permit, VCAT, Development Hearings Panel and Enforcement File information detailed in this report.

CARRIED.

Planning Permit Activity

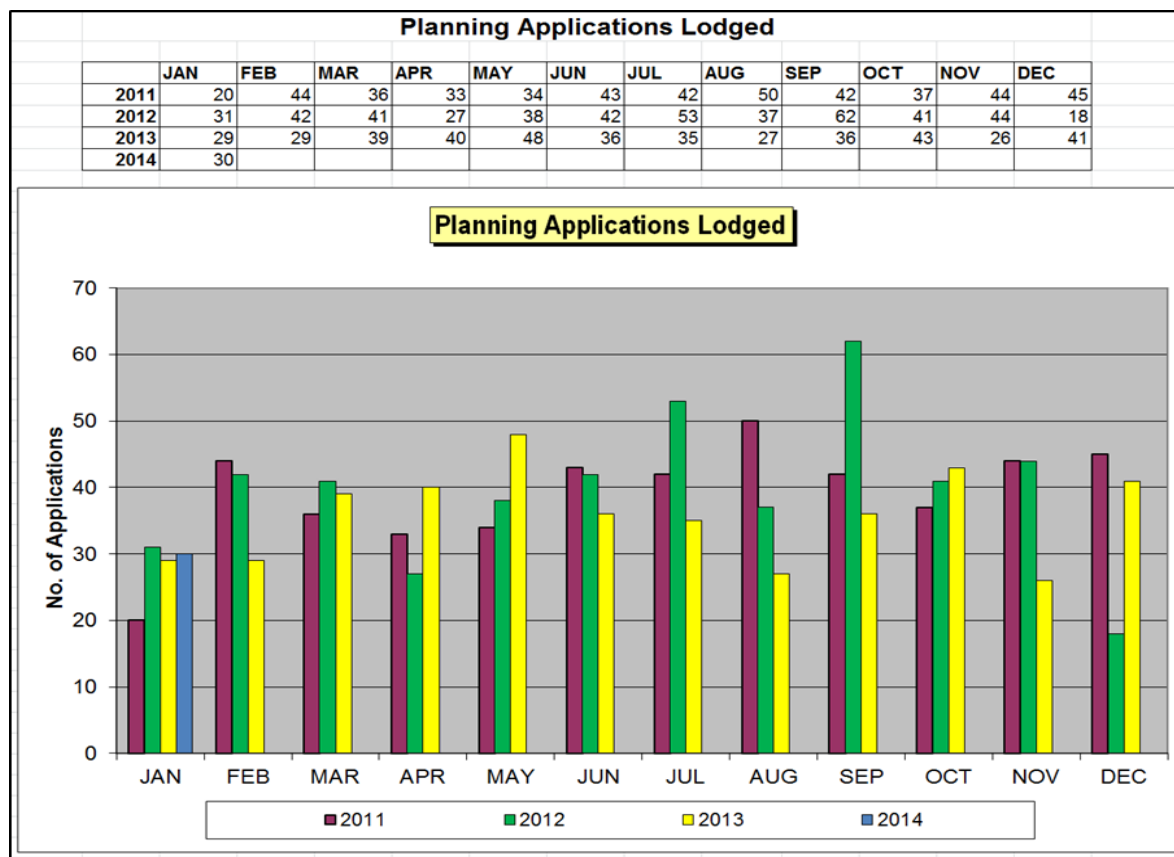
From 1 September 2013 to 31 January 2014, 176 planning permit applications were received. Planning permits issued for the same time period were 161.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.9 Statutory Planning Update (continued)

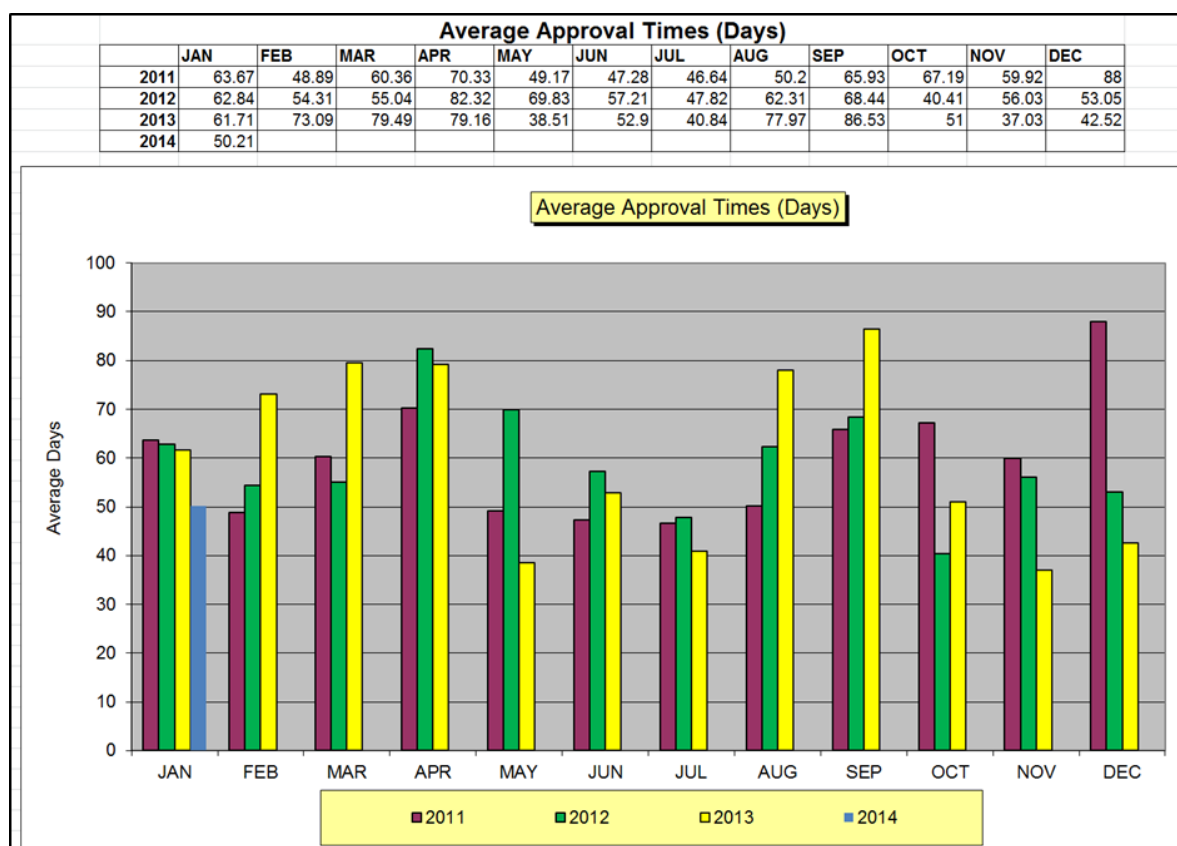
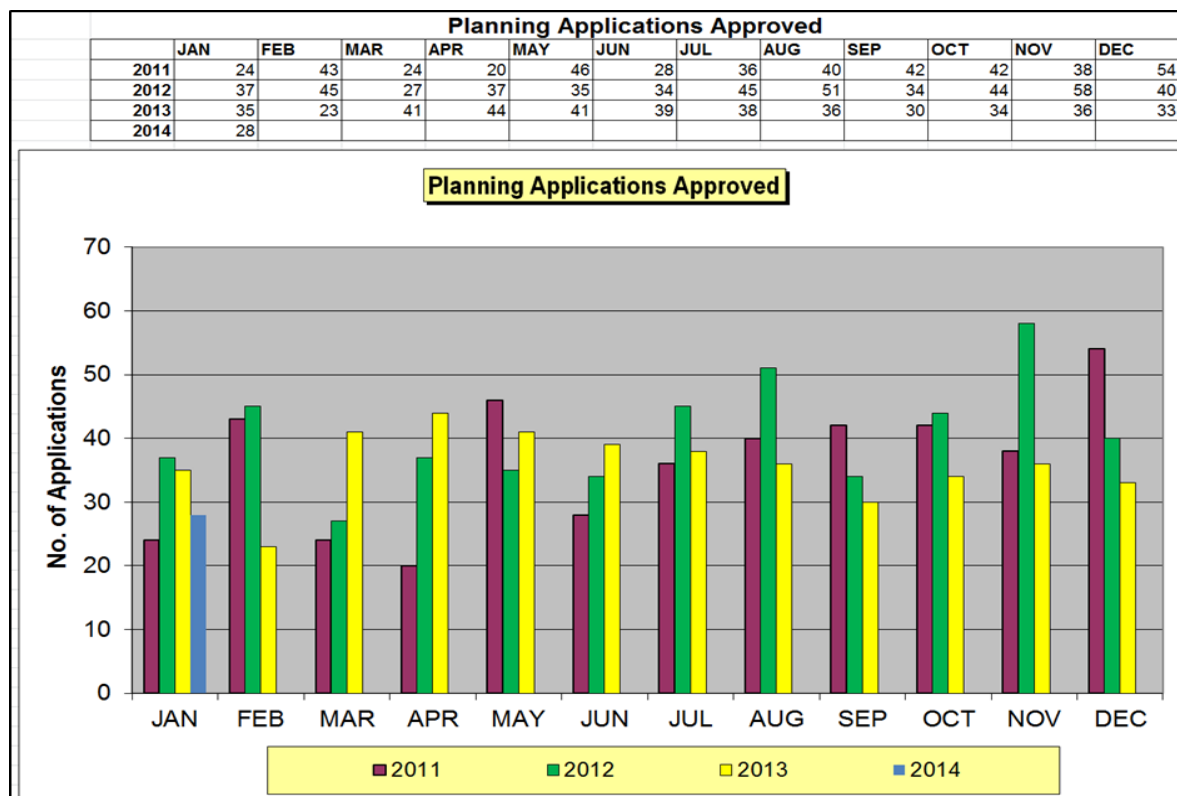
Additional information on planning permit activity is included in attachments 1, 2, 3, 4 and 5 to this report. Please note that attachment 4 contains abbreviated information, in the Status column. Changes to the reporting software are being undertaken to ensure this information will be provided in full for the Councillor Briefing and Council Agenda.

The tables listed below provide a summary of the monthly reporting undertaken by the Statutory Planning Team.



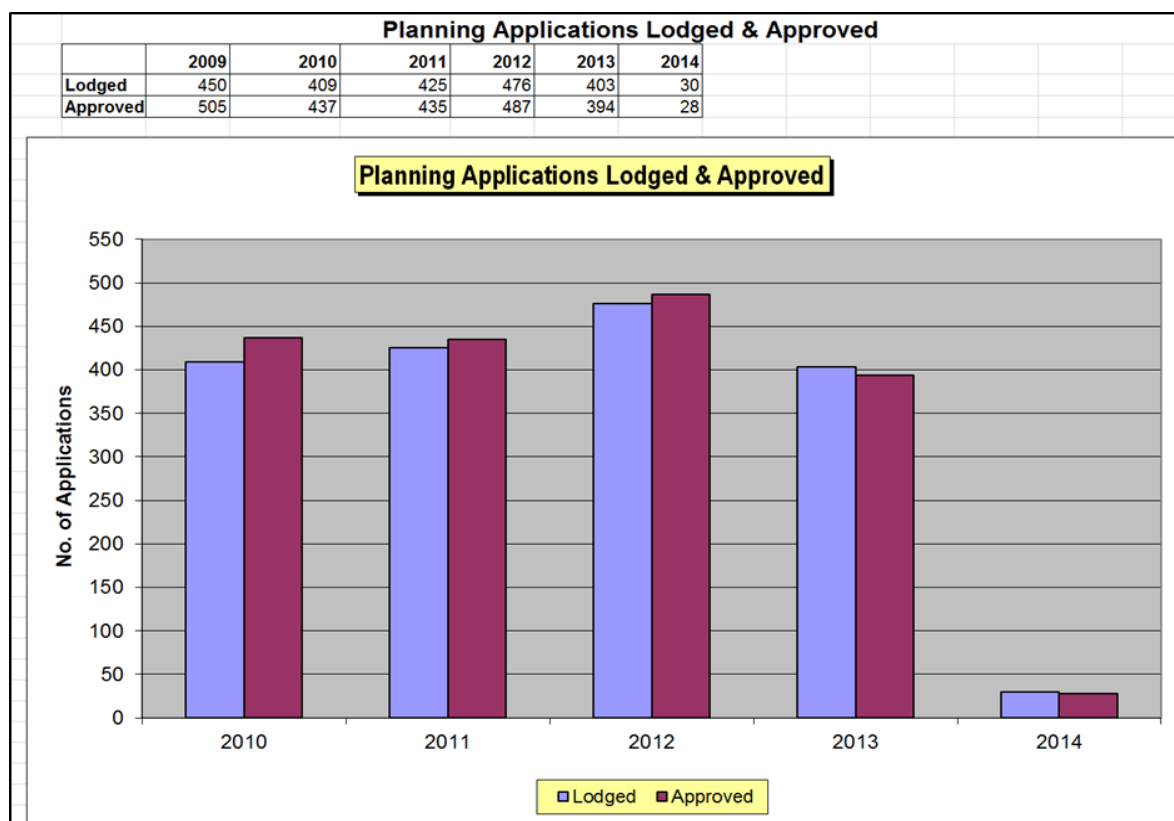
10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.9 Statutory Planning Update (continued)



10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.9 Statutory Planning Update (continued)



VCAT Activity

Below is a list of VCAT activity during the reporting period:

- Appeal against a request for further information for a host farm at 215 Mitchell Road, Kialla. VCAT hearing held in January 2014 – consent order issued.
- Appeal against refusal of an application for the use and development of the land for a rural dwelling at 565 Old Dookie Road. VCAT hearing held in January 2014 – VCAT decision pending.
- Appeal against refusal for a Broiler Farm 4695 Goulburn Valley Highway, Murchison East. VCAT hearing held in February 2014 – VCAT decision pending.
- Appeal against failure to approve extension of time for a planning permit for a service station at 309 Midland Highway, Shepparton East. VCAT hearing scheduled for March 2014.
- Appeal against a Notice of Decision to Grant a Planning Permit at 11 Huggard Drive, Mooroopna for the use and development of the land for materials recycling – consent order issued on the papers no hearing required.
- Appeal against a Notice of Decision to Grant a Planning Permit at 15 Callister Street, Shepparton for the use of land for freezing and cool storage. VCAT hearing scheduled for May 2014.

Development Hearings Panel Update

There have been no Development Hearings Panel (DHP) hearings since November 2013.

Technical deficiencies were identified with the DHP in late 2013 and a report addressing these deficiencies was sent to the February 2014 Ordinary Council Meeting.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.9 Statutory Planning Update (continued)

The resolution from that meeting was to address the technical deficiencies and proceed with a new DHP. The new DHP will include a Councillor as chair and two Independent Qualified Persons as panel members.

It has been decided that the two Independent Qualified Persons will need to be appointed by a resolution of Council prior to any further DHP hearings being conducted. It is hoped that the Independent Qualified Persons will be appointed at the May or June Ordinary Council meeting.

Background

The Council's Statutory Planning Team undertakes regular reporting on planning permit activity in conjunction with the Department of Transport, Planning and Local Infrastructure (DTPLI).

This report provides a summary of this reporting to the Executive and Council for information and discussion purposes.

Council Plan/Key Strategic Activity

The Council Plan's (2013-17) goal number 5 is to have a high performing organisation. By tracking planning permit performance, the Statutory Planning Team can monitor and refine processes introduced to improve planning permit approval times.

The Statutory Planning Team is currently participating in the Municipal Association of Victoria's Planning Process Improvement Forum (STEP) and is working on a revised process for simple planning permit applications (applications not requiring notice of referral). It is hoped that this process will be introduced May 2014. The aim of this process will be to decide on simple planning permit applications in 10 business days.

Risk Management

There is no risk management issues associated with this report as it provides as it is for information purposes only.

Policy Considerations

There are no relevant policy considerations associated with this report as it is not for decision making purposes.

Financial Implications

There are no financial considerations associated with this report for the reason outlined in the risk management section of this report.

Legal/Statutory Implications

There is no legal requirement to provide the information required in this report. The Council's Planning Department is required to supply information to DTPLI for planning activity reporting purposes.

Environmental/Sustainability Impacts

There are no relevant environmental or sustainability considerations associated with this report as it is for information purposes only.

Social Implications

There are no relevant social considerations for the reasons outlined above.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.9 Statutory Planning Update (continued)

Economic Impacts

There are no relevant economic considerations associated with this report as it is for information purposes only.

Consultation

The report has been provided to help inform the Council of planning permit activity and performance.

Strategic Links

a) Greater Shepparton 2030 Strategy

The report provides performance statistics for information and discussion purposes to assist in providing transparency, working towards best practice service delivery and reducing time delays.

b) Other strategic links

The report highlights performance in line with goal number 5 'High Performing Application' of the Council Plan

Options for Consideration

There are no options for consideration as this report is for information purposes only.

Conclusion

While new planning permit applications have remained steady over the past 6 months the number of planning permit applications decided is slightly lower than in previous years. Much of this is due to an ongoing effort to reduce the amount of backlog.

The reduction in backlog has meant active application levels have remained steady between 70 to 80 applications being assessed at any one time, as opposed to up to 100 applications in previous years.

The reduction in back log has also resulted in the average approval times for planning permit applications reducing, meaning a better service delivery to planning permit applicants.

With the proposed introduction of a new streamlined process for simple planning permit applications in May 2014, it is hoped that this trend continues. This should free up more time for the Statutory Planning Team to spend on planning permit applications that require a detailed assessment and balanced decision making.

Attachments

- | | |
|--|----------|
| 1. Planning Permit Activity Reporting January 2014 | Page 715 |
| 2. Planning Applications Lodged | Page 721 |
| 3. Planning Applications Decided | Page 739 |
| 4. Planning Applications Outstanding | Page 759 |
| 5. Pie Chart - Planning Applications Decided | Page 769 |
| 6. Planning Enforcement Status Update | Page 770 |

11. TABLED MOTIONS

Nil Received

12. REPORTS FROM COUNCIL DELEGATES TO OTHER BODIES

Nil Received

13. REPORTS FROM SPECIAL COMMITTEES AND ADVISORY COMMITTEES

Nil Received

14. NOTICE OF MOTION, AMENDMENT OR RESCISSION

Nil Received

15. DOCUMENTS FOR SIGNING AND SEALING

15.1 Documents for Signing and Sealing

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989*, Council officers and others who are contracted to provide advice or services to the Council must disclose any conflicts of interests they have before any advice they provide is considered. Disclosures must be in writing, to the Chief Executive Officer and must specify the type and nature of the conflict.

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.

The following documents have been presented for signing and sealing:

- Lease – for the Tatura Cricket Club and Tatura Soccer Club to share the occupancy of the club rooms at the Tatura Community Activity Centre. The periods of occupancy are dependent on seasons and are negotiated between the two parties.
- Funding Agreement – between Council and the Federal Government in the provision for Supplementary Recurrent Assistance to support Indigenous children in our Early Years programs.

**Moved by Cr Polan
Seconded by Cr Ryan**

That the Council authorise the Chief Executive Officer to sign and seal:

1. the lease between the Greater Shepparton City Council and the Tatura Cricket Club and Tatura Soccer Club for a period of 5 years from 1 October 2013
2. funding agreement between Council and the Federal Government under the Indigenous Education (Targeted Assistance) Act 2000.

CARRIED.

16. COUNCILLOR ACTIVITIES

16.1 Councillors Community Interaction and Briefing Program

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989*, Council officers and others who are contracted to provide advice or services to the Council must disclose any conflicts of interests they have before any advice they provide is considered. Disclosures must be in writing, to the Chief Executive Officer and must specify the type and nature of the conflict.

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.

Councillors' Community Interaction and Briefing Program

From 1 April 2014 to 30 April 2014 some or all of the Councillors have been involved in the following activities:

- SAM Foundation | New Board Members - 'Meet & Greet'
- Murchison River Road Caravan Park | Committee of Management Meeting
- Goulburn Ovens Tafe | Graduation Shepparton
- FamilyCare | Annual Charity Golf Day
- 2013-2014 Sporting Uniform Grant Announcement
- One FM 98.5 | 'Celebrating 25 Years' of Broadcasting
- First initial meeting with Minister Powell | 'Make Shepparton Greater' campaign
- Meeting with Sharman Stone | Local Anzac Grant Meeting
- Better Local Government Group | Andrew Fairley Avenue Road Closure
- Citizenship Ceremony | Three Ceremonies
- Coles 100 Years Celebration
- SAM Advisory Meeting
- SPCA & Woolworths Partnership Celebration
- La Trobe University | Graduation
- 2014 Regional Victoria Living Expo | Official Launch – Melbourne
- Australian Botanic Gardens Shepparton | Working Bee
- Shepparton Show Me – Ordinary Meeting
- Minister Announcement | Minister for Manufacturing - David Hodgett | Radevski Coolstores
- Minister Announcement | Minister for Manufacturing - David Hodgett | Midland Concrete Pipes
- Minister Announcement | Minister for Manufacturing - David Hodgett | Pactum Dairy
- Celebrate Diversity Celebrate Football | AFL Multicultural Gala Day
- RiverConnect Implementation Advisory Committee Meeting
- ANZAC Day | Commemorative Project Launch
- Shepparton Lawn Tennis Club | 90th Easter Tennis Tournament
- Murchison Rail Trail | 'Turning of the Sod' | Photograph
- Capital Discussion with Councillors – Two separate group sessions
- Australian Botanic Gardens Shepparton | Committee Meeting
- Goulburn Valley Grammar School | ANZAC Day Service 2014
- Dharmalan Dana Book Launch
- Positive Ageing Advisory Committee Meeting
- ANZAC Ceremonies – Councillors attended and represented Council at the services in Shepparton, Mooroopna, Dookie, Tatura and Murchison
- Goulburn Valley Riverina Shows Association | Judge Victorian Agricultural Show Rural & Junior and Regional Dinner

16. COUNCILLOR ACTIVITIES

16.1 Councillors Community Interaction and Briefing Program (continued)

- MacPherson Smith Rural Scholar Ceremony | Hussain Alamein
- Important Meeting with SPCA | Councillors and Executive
- Climate Change | Planning for the Future
- Saleyards Advisory Committee Meeting

Councillors were also briefed on the following matters:

- 2014-2015 Operating Budget
- Shepparton Heritage Committee | Plans Update
- Phil Shanahan | CEO Appraisal discussion with Councillors
- Pine Lodge Trust Meeting | Councillors
- Operating Budget 2014-2015
- Free Camping & Provision of Caravan Waste Services
- 2014-2015 Capital Budget

In accordance with section 80A of the *Local Government Act 1989* records of the Assemblies of Councillors are attached.

Moved by Cr Muto
Seconded by Cr Oroszvary

That the summary of the councillors' community interaction and briefing program be received.

CARRIED.

Attachments

- | | |
|--|----------|
| 1. Disability Advisory Committee Meeting Minutes 29 November 2013 | Page 773 |
| 2. Assembly of Councillors - Conflict of Interest - Shepparton Art Museum
- Advisory Committee Meeting - 19 February 2014 | Page 776 |
| 3. Minutes Positive Ageing Advisory Committee Meeting 14 March 2014 | Page 777 |
| 4. Councillor Briefing Session - 1 April 2014 | Page 780 |
| 5. Assembly of Councillors - Conflict of Interest - Shepparton Art Museum
- advisory Committee Meeting - 9 April 2014 | Page 781 |
| 6. Councillor Briefing Session - 15 April 2014 | Page 782 |
| 7. Record of Assembly of Councillors - RiverConnect Implementation
Advisory Committee - 16 April 2014 | Page 783 |

17. URGENT AND OTHER BUSINESS NOT INCLUDED ON THE AGENDA

Nil Received.

18. PUBLIC QUESTION TIME

Question 1 (Colin James)

Regarding the proposed closure of Andrew Fairley Avenue:

What remedial works are proposed for the re-direction of approximately 8,000 vehicles per day through alternate streets and, particularly, intersections to ensure current traffic flows are not adversely impacted upon?

Response

The TrafficWorks Report and Council Engineers have proposed a package of works to improve traffic flows in and around the Shepparton East industrial zone. Some of these works are required regardless of any decision to close Andrew Fairley Avenue. In particular the Traffic Works Report indicates that the roundabout at Verney Rd/New Dookie Rd/Hawdon St/Balaclava Rd is already saturated at the AM and PM peaks requires a new intersection treatment including signals. This treatment will also improve flows in any post closure scenario.

The following are other works proposed to alleviate the impact of any closure of Andrew Fairley Avenue and I refer you to Council's website for more information:

- Upgrade Fryers Street / Railway Parade to signalled intersection, change alignment of Fryers St where it crosses the railway line and create a signalled T intersection at Thompson Street.
- In consultation with affected businesses, create clearway conditions for certain times of the day in parts of Mitchell St, Florence St, Wheeler St and Lockwood Rd
- Create a left turn lane from the Midland Highway into Lockwood Rd
- Signal the intersection of Old Dookie Rd / Mitchell St and link with the existing Old Dookie Rd / Wheeler St signals
- Widen the pavement on the south east corner of Old Dookie Rd / Lockwood Rd to improve left turning
- Upgrade New Dookie Rd / Wheeler St to a signalled intersection and link with the new signalled intersection of Verney Rd/New Dookie Rd/Hawdon St/Balaclava Rd.

Question 2 (Colin James)

Does Council intend to apply the principle that, when an activity is carried out for the benefit of a particular party, such as SPC Ardmona, that party is responsible for all associated costs, in particular, the costs of upgrading roads and intersections to cope with additional traffic to ensure the proposed closure does not adversely impact on the current traffic flow?

Response

Council is reviewing the potential impact of the potential closure having now been provided with the outcome of traffic studies and how such a proposal may be dealt with in the future in accordance with your question. Council will also pursue all funding options available to it to minimise any expense to the ratepayers should the Council resolve to discontinue Andrew Fairley Avenue.

18. PUBLIC QUESTION TIME**Question 3 (Jennifer Wright)**

In regards to discussions and correspondence that may have taken place between the Hon. Peter Ryan (including his departmental staff), representatives of SPCA and councillors and/or staff members of the City of Greater Shepparton, regarding the closing and buying of Andrew Fairley Avenue, would a Freedom of Information Application be able to be processed in time before the council deals with that closure request?

Response

Any FOI application will be processed by the Council in accordance with its obligations under the FOI Act. The Council cannot give a timing estimate until the FOI application has been made and the nature and extent of the request is known.

Question 4 (Jennifer Wright)

If you succeed in your push to have Andrew Fairley Avenue closed, what percentage have you calculated for the reduction of Council Rates for the businesses in the Industrial Zone to compensate them for expenses incurred by having to circumnavigate the road blockage on a daily basis, loss of trade with decreased traffic flow therefore reducing customer base and isolation from the City centre?

Response

No consideration has been given by Council to the provision of reductions of rates in relation to this process.

Question 5 (Lynda Ford)

The Council has received hundreds of written submissions about the proposed closure of Andrew Fairley Avenue and these submissions are mostly addressed to the CEO. What process is the council providing for the elected councillors to read and review these submissions, so that they can make an informed, independent decision about this proposal, taking in the views of the rate payers about this important proposal and how it will affect their lives?

Response

Councillors will be provided with a report, a copy of all submissions in addition to a summary list in advance of the meeting to hear those submitters who request to be heard.

18. PUBLIC QUESTION TIME

Question 6 (Lynda Ford)

The Council has received hundreds of written submissions about the proposed closure of Andrew Fairley Avenue and hundreds of these submissions have asked to be heard. What process is the council providing for these rate payers to be heard at suitable intervals on the 27th May after 1pm. What time is being allocated to each person that asked to be heard, to provide them with suitable amount of time per submission to give equal and fair access for all submission writers to put their case to the elected councillors about this issue ?

Response

Council will provide an opportunity for all those submitters who indicated that they wish to be heard at the meeting scheduled to commence at 1.00pm on 27 May 2014.

Generally, speakers will be limited to a period of 5 minutes each to speak in support of their submission.

Council has also advised, in the advertisement that appeared in today's Shepparton News that the meeting of the 27 May 2014 may be adjourned to a date and time to be fixed at that meeting but most likely the 28, 29 and 30 May.

Question 7 (Tina Maloni)

In light of Deputy Premier Peter Ryan's ill-advised foray into local issues and confession that closure of Andrew Fairley Avenue had been part of the discussion around possible Victorian Government Funding, there appears a conflict between the Deputy Premiers version and the published Council statements that the approach from SPCA only occurred in February 2014.

Can Council confirm when it first became aware of the SPCA intention to seek the closure of Andrew Fairley Avenue during the negotiations between the company, Council and State Government?

Response

The first indication was noted on 5 February 2014 as part of a telephone discussion to the CEO from the State Government.

Question 8 (Tina Maloni)

The nature of the formal approach from SPCA confirmed by council as being in February has not been published. Is it Councils intention to make this document public?

Response

A copy of this document will be provided upon request. Sharlene Still will have copies available at the conclusion of this meeting if anyone would like a copy.

18. PUBLIC QUESTION TIME

Question 9 (John Gray)

In response to a question at the April Ordinary Council Meeting it was stated that “Council is not aware of what avenues are available should someone wish to appeal Council’s (road discontinuance) decision”.

There are two relevant court cases of interest in the past twenty years: Templestowe Developments Pty. Ltd and Others vs. City of Boroondara decided at the Supreme Court of Victoria on 10 October 1995 and Bycon Pty. Ltd vs. Moira Shire Council, (1998) also at the Supreme Court.

In the latter the Court found in favour of the plaintiffs viewing the Shire’s ultimate decision was prejudged.

The Court recognised the commercial realities of running a council are to be allowed for but the key issue is that Councillors have a generally open mind when considering submissions.

The test for a party alleging disqualifying bias is to establish there is a prejudgement of the matter.

Councillors not only must be actually unbiased but they have to also appear unbiased. To establish Council pre-determination, it is not necessary to prove actual bias by direct evidence. It is sufficient to demonstrate that it would appear to a right thinking person that the authority is no longer able to discharge its statutory duty with fairness.

How can Councillors in the matter of the proposal to close Andrew Fairley Avenue be seen to “have a generally open mind” when inter alia Council (two not present) unanimously gave “...public notice of its intention to close Andrew Fairley Avenue...” before the mandatory Section 223 submission process had even commenced let alone concluded?

Response

It appears the question should read whether Councillors “have a GENUINELY open mind” (rather than “generally”) when they come to vote on the potential discontinuance of part of Andrew Fairley Avenue. Also the reference should probably be to the potential for Councillors to “predetermine” a matter and/or not bring a mind that is open to be persuaded, to the decision making process.

The example of Bycon v Moira Shire Council is very different in that the Moira Shire (prior to the current CEO’s employment with that Shire) had in that case actually entered into a contract with the purchaser, here there is no such contract or agreement, merely a proposal, first an intention to undertake the process that may see the road discontinued and then, potentially to sell to SPCA.

The concern is with the use of the word “intention” or “intends” perhaps rather than the word “proposal” or “proposed”. First as a matter of dictionary definitions it should be noted that the definition of “propose” includes “to intend” as one of its potential definitions. More importantly there is nothing to suggest the Council or individual Councillors have come to a decided view about this matter, noting that not all Councillors were present at the relevant meeting in any event.

It is respectfully suggested that trying to read into the report, a report that was not drafted in a legalistic or technical fashion, a level of predetermination by any particular Councillor is not a fair assessment of the report or the draft resolution, prepared for Councillors, to allow the section 223 process to go ahead.

18. PUBLIC QUESTION TIME

Question 10 (John Gray)

A perusal of the published Records of Assemblies of Councillors, dated from the date “Council has been approached by SPCA asking that council give consideration to the request that Andrew Fairley Avenue be closed and granted to SPCA...” to the March Ordinary Meeting, when the unanimous decision by the five councillors present was made to give public notice of Council’s “intention to close Andrew Fairley Avenue”, reveals that the issue was never, according to those records, the subject of a recorded briefing. Was this so and if so how then did those five councillors come to an informed and unbiased decision to “intend” to close that road?

Response

This question (more in the nature of a statement) is somewhat unclear as it starts by referencing an Assembly of Councillors and then quotes from the report to Council itself at the March Council meeting. It then seeks to draw an interpretation from the use of the word “intends” a word originally drafted by the officer who drafted the report to Council, not by any action or statement of Councillors themselves that in itself indicates any predetermination at all. Then, the actual the question (like a good media question?) seeks to draw a conclusion that is simply not warranted on the information.

If as is asserted there is no record of a discussion of Councillors that constituted an Assembly of Councillors (thus needing a record) this is a different issue. Of itself it cannot reasonably lead to a view that the Councillors have predetermined the matter because the decisions of Council, at a number of levels are yet to be made.

Question 11 (Anthony Maloni)

Regards the proposed closure of Andrew Fairley Ave, has Council obtained submissions from Vicroads and VLine as to the effects of this proposal and are these submissions available for public viewing?

Response

At this time, to Councils knowledge no submissions have been received from VicRoads or VLine in relation to the closure of Andrew Fairley Avenue.

Question 12 (Anthony Maloni)

We hear that for those persons that want to be heard in relation to the closure of Andrew Fairley Ave they will only be allocated 5 minutes, why is this restriction being placed and by what right?

Response

The allocation of time is provided for to allow the orderly conduct of the meeting and to ensure every submitter has a reasonable opportunity to be heard. The proposal is that “generally speakers will be limited to a period of 5 minutes each”.

Question 13 (Ken Clowes)

What is the dollar value that Andrew Fairley Ave is being sold to SPC Ardmona

Response

There has been no decision to sell the road.

18. PUBLIC QUESTION TIME

Question 14 (Ken Clowes)

Has the council seen the costing's of the alternative of piping produce over or under the Andrew Fairley Avenue.

Response

Council was presented with a number of alternatives when SPCA briefed the Council on 29 April 2014 on the various options. SPCA advised that all options were not economically feasible.

Question 15 (Morry McKellar)

Is it appropriate for a council employee, acting as the council representative on the board of a commercially-auspiced organisation, to take part, indeed to even act as a seconder, on a motion referring to an issue that involves that organisation's submission to a statutory process, the outcome of which will be determined by the elected council under provisions contained in the Local Government Act?

Response

The Council employee involvement in the Shepparton Chamber of Commerce is in the capacity as Council officer. Council is a financial member of the Chamber, individually this person is not.

Given that the employee has not been appointed as the Council representative formally, this person is there to represent the Investment Attraction department, and it was in that context that she was approached in 2010 to become a board member

The employee's involvement in the motion regarding Andrew Fairley Avenue was as a representative of Investment Attraction. It is in her belief in the capacity and knowledge of her position (not the position of Council) that SPCA underpins our economy and she believes we should support endeavours that assist SPCA to create efficiencies and implement innovation that will assist to sustain their presence in the region.

This is what is required to do within her role.

Question 16 (Morry McKellar)

Is council aware that approximately every fifteen minutes the boom gates and traffic lights regulating a "private" road crossing across Andrew Fairley Avenue seem to automatically activate even though no tractor, fork-lift or pedestrian appears to want to cross that extremely busy public road at that time? Can council investigate this source of irritation to the travelling public?

Response

No the Council is not aware of this and we will ensure it is investigated.

18. PUBLIC QUESTION TIME

Question 17 (Keppel Turnour)

Why does the Public Notice in Shepparton News Wednesday April 23, 2014, authorized by Gavin Cator, Chief Executive Officer

- (a) not accurately describe the Council resolution resolved at the Ordinary Council meeting held on Tuesday 18th March 2014 and as advertised under Public Notices in Shepparton News Friday March 21 2014? The first notice (March 21) stated, "resolved to give public notice of its intention to close the road shown hatched on the plan below." "Upon closure of the road the surplus land (excluding Vic track land) will be discontinued as a road and will be sold to SPC Ardmona who are the adjoining landowner."

The actual Council resolution used the words "intention to close Andrew Fairley Avenue between the intersection of Railway Parade and Hawdon Street west of the Seymour-Tocumwal Railway reserve and intersection of Adams Avenue, Shepparton and sell the surplus land to SPCA."

The second notice (April 23) stated, "resolved to give public notice that it proposes to discontinue the part of Andrew Fairley Avenue which is shown cross hatched on the plan below (the ROAD). If the ROAD is discontinued Council proposes to sell it to SPC Ardmona Limited (SPCA) or a company related to SPCA." The second notice uses the word "proposes" in place of Council's use of the word "intention" and "discontinue" in place of "close the road".

- (b) illustrate a plan of proposed road closure that does not delineate the road closure described in the resolution of March 18 2014 and as shown on the plan within the Public Notice March 21.
- (c) State a closing time for submissions be extended to midnight on Thursday 22 May 2014 without being resolved by Council at its Ordinary or Special meeting when Council at its Ordinary Meeting held on Tuesday 15 April 2014 extended the closing time for submissions to 5.30pm on Tuesday 13 May 2014?

Response

The requirement as to what must appear in the relevant public notice is set out in section 223 of the Local Government Act. In particular that the notice contain details:

"specifying the matter in respect of which the right to make a submission applies".

The notice is intended to explain the nature of the proposal and/or the intention of the process. Both the First Notice and the Second Notice make the situation perfectly clear.

That there is the potential or intention to discontinue the road and sell to SPCA. The legislation does not require the word for word repeating of the actual resolution, the important thing is the public understand what may occur if the proposal or expressed intention goes ahead.

Thereafter, before "the matter" goes ahead the Council must complete the Section 223 submission process, consider those submissions and then, finally, decide the matters (that is the potential discontinuance and potential sale) taking into account various factors including the submissions.

Nothing turns on the use or the different words of "intends" versus "proposes" in the two notices. One of the dictionary definitions of "propose" actually includes "to intend".

Arguably "to propose" makes it clearer that the matter is still subject to a final determination by Council which appears to be the query behind the question. This is partially why this word was used in the second public notice.

Whichever word is used the process must still be completed and, at present no decisions have been made by the Council other than to initiate the processes that are currently subject to submissions.

The plan attached to the Second Notice is actually a better depiction of the section of road that may be discontinued. This is established by reading the description of the

18. PUBLIC QUESTION TIME

section of road and checking the plan attached to the council minutes of that Council meeting.

Although it appears unlikely people misunderstood the plan in the first notice, it was thought that plan in the first notice was too much of a schematic, even when combined with the description in the first notice. It was a solid rectangle located over the relevant section of road but it did not precisely match it. When a decision was made to put out a second notice it was thought best to include a more exact plan.

The reason the meeting of the special committee was deferred was to allow a second public notice to be made on 23 April. There were a few reasons for the second notice and deferral, most notably the level of public interest and the prospect that many people would want to make verbal submissions to the special committee also.

This allowed the opportunity to set the time and date and venue in the public notice, include what was considered to be a better version of the plan, and allow for time to receive, collate and report on the submissions, first to the Special Committee and later, when it occurs, to the Council, before it makes a decision.

It is hoped no one was unduly inconvenienced by this with clear indication that submissions under either the first or second notice must be and would be considered.

The ability of the CEO to allow that re scheduling is dealt with in the answer to your second question (Question 20).

Question 18 (Keppel Turnour)

Given that the original resolution of Council at the Ordinary Council meeting held on 18 March 2014 appointed the Chief Executive Officer to administer the process, is it not a breach of his responsibilities that Mr. Gavin Cator, Chief Executive Officer who authorized the Public Notice in Shepparton News Wednesday April 23, altered the Council's resolution as set out in Question 1 (a), (b) and (c) without these alterations first being resolved by Council at an Ordinary or Special Meeting?

Response

The key point is that nothing of substance turns on the Council resolving a particular date for the Special Committee hearing and that date for various sensible reasons being deferred, such reasons mainly directed at allowing further time for submissions and later consideration of same.

As to the power the CEO to initiate that deferral there are in this case two delegations that grant that power.

The more telling is the general power of delegation granted to the CEO for various matters. Effectively for those matters, subject to sensible limitations, to make decisions on behalf of the Council. These powers clearly include an ability to make a subsequent decision, on the Council's behalf to defer the special committee meeting.

It is effectively the same as if the matter had gone back before the Council for a change to the dates and Council meeting, via a vote, had decided that.

It should be emphasized that there is nothing different or special about the CEO delegations for Greater Shepparton City Council. They are standard delegations used throughout most Councils in Victoria.

The second specific delegation was in the actual resolution directing the CEO to administer the process, which is what occurred.

Once the Council set a date in the first resolution there is nothing untoward or upsetting to the intent of the original resolution by shifting the date, for good reason, for the Special Committee.

The intentions of Council officers have been and remain to run a process that allows the community to have its input, via the proper statutory process, to inform Council before it makes a decision on either the discontinuance or sale and that is what has been occurring.

19. CONFIDENTIAL MANAGEMENT REPORTS

19.1 Designation of Confidentiality of Information

**Moved by Cr Polan
Seconded by Cr Summer**

That pursuant to sections 89(2)(a)(d) of the *Local Government Act 1989* the Council meeting be closed to members of the public for consideration of a confidential item.

CARRIED.

Cr Muto called for a division.

Those voting in favour of the motion: Cr Ryan, Cr Polan, Cr Houlihan, Cr Oroszvary, Cr Summer and Cr Patterson.

Those voting against the motion: Cr Muto.

19.2 Chief Executive Officer Performance Review

19.3 Reopening of the Council Meeting to Members of the Public

MEETING CLOSED AT 7.44PM