

MINUTES

FOR THE
GREATER SHEPPARTON CITY COUNCIL

ORDINARY COUNCIL MEETING

HELD ON
TUESDAY 20 MARCH, 2018
AT 5.30PM

IN THE COUNCIL BOARDROOM

COUNCILLORS:

Cr Kim O’Keeffe (Mayor)
Cr Seema Abdullah (Deputy Mayor)
Cr Dinny Adem
Cr Bruce Giovanetti
Cr Chris Hazelman
Cr Les Oroszvary
Cr Dennis Patterson
Cr Fern Summer
Cr Shelley Sutton

VISION

*A THRIVING ECONOMY IN THE FOODBOWL OF VICTORIA WITH
EXCELLENT LIFESTYLES, INNOVATIVE AGRICULTURE
A DIVERSE COMMUNITY AND
ABUNDANT OPPORTUNITIES*

**MINUTES
FOR THE
ORDINARY COUNCIL MEETING HELD
ON
TUESDAY 20 MARCH, 2018 AT 5.30PM**

**CHAIR
CR KIM O'KEEFFE**

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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 (1)	Minor (2)	Moderate (3)	Major (4)	Extreme (5)
Almost Certain (5) Would be expected to occur in most circumstances (daily/weekly)	LOW	MEDIUM	HIGH	EXTREME	EXTREME
Likely (4) Could probably occur in most circumstances (i.e. Monthly)	LOW	MEDIUM	MEDIUM	HIGH	EXTREME
Possible (3) Reasonable probability that it could occur (i.e. over 12 months)	LOW	LOW	MEDIUM	HIGH	HIGH
Unlikely (2) It is not expected to occur (i.e. 2-5 years)	LOW	LOW	LOW	MEDIUM	HIGH
Rare (1) May occur only in exceptional circumstances (i.e. within 10 years)	LOW	LOW	LOW	MEDIUM	HIGH

- Extreme** Intolerable – Immediate action is required to mitigate this risk to an acceptable level. Event/Project/Activity is not to proceed without authorisation
- High** Intolerable – Attention is needed to treat risk.
- Medium** Variable – May be willing to accept the risk in conjunction with monitoring and controls
- Low** Tolerable – Managed by routine procedures

**PRESENT: Councillors Kim O’Keeffe, Seema Abdullah, Dinny Adem
Bruce Giovanetti, Chris Hazelman, Les Oroszvary, Dennis Patterson,
Fern Summer and Shelley Sutton.**

**OFFICERS: Peter Harriott – Chief Executive Officer
Phillip Hoare – Director Infrastructure
Geraldine Christou – Director Sustainable Development
Chris Teitzel – Director Corporate Services
Kaye Thomson – Director Community
Maree Martin – Official Minute Taker
Carmen Saunders – 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. PRIVACY POLICY

This public meeting is being streamed live via our Facebook page and made available for public access on our website along with the official Minutes of this meeting.

All care is taken to maintain your privacy; however as a visitor in the public gallery, it is assumed that your consent is given in the event that your image is broadcast to the public. It is also assumed that your consent is given to the use and disclosure of any information that you share at the meeting (including personal or sensitive information) to any person who accesses those recordings or Minutes

3. APOLOGIES

4. 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.

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

**Moved by Cr Adem
Seconded by Cr Hazelman**

That the minutes of the Ordinary Council meeting held 20 February 2018 as circulated, be confirmed.

CARRIED.

6. PUBLIC QUESTION TIME

7. INFRASTRUCTURE DIRECTORATE

7.1 Contract 1789 - Heavy Plant & Equipment (Wet & Dry Hire) 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: Team Leader Works

Proof reader(s): Coordinator Drainage & Maintenance

Approved by: Director Infrastructure City Engineer

Other: Procurement Officer

Executive Summary

The Tender Evaluation Panel has recommended a Panel of Suppliers be appointed to supply Plant and Equipment (Wet and Dry) hire to support Council staff in maintaining the Infrastructure network throughout the municipality and to engage in Capital works projects.

Moved by Cr Abdullah

Seconded by Cr Giovanetti

That the Council:

1. endorse the recommendation of the Tender Evaluation Panel for Contract 1789 for the supply of Heavy Plant and Equipment Hire (Wet & Dry Hire) Services and accept the tenders submitted by:
 - Cleaves Earthmoving and Drainage Pty Ltd
 - Mogill Cove Pty Ltd
 - Precision Grading Pty Ltd
 - Tactile Australia Pty Ltd
 - Foott Waste and Recycling
 - Ky Mini Diggers
 - Fuller Earthworks Pty Ltd
 - Guiney Excavations Pty Ltd
 - Pearse Earthmoving
 - Extons Pty Ltd
 - A & T Goldman Pty Ltd
 - JP Closter Pty Ltd
 - Brooks Hire Service Pty Ltd (Dry Hire)
 - Luxton Plant Pty Ltd (Dry Hire)
 - Porter Excavations Pty Ltd (Dry Hire)
2. authorise the Chief Executive Officer to award the initial contract for a contract period of three (3) years (with an optional extension period of 1 year).
3. authorise the Chief Executive Officer to sign and seal the contract documents.

CARRIED.

7. INFRASTRUCTURE DIRECTORATE

7.1 Contract 1789 - Heavy Plant & Equipment (Wet & Dry Hire) Services (continued)

Contract Details

This panel contract is to appoint contractors to supply Plant and Equipment (Wet and Dry) hire to support Council staff in maintaining the infrastructure network throughout the municipality and to engage in capital works projects.

The contract period for this contract will be for 3 years with an extension period of 1 year subject to mutual agreement. The value of the contract over the 3 year period is estimated at \$4,500,000 however with a 1 year extension this value is estimated to be \$6,000,000.

Note that anticipated expense in excess of \$50k per package of work as part of this contract will be advised to the Panel of Suppliers to quote on a specific package of work this is in line with the process indicated in the request for tender and the procurement guidelines. A package of work with an anticipated expense of less than \$50k will be awarded as per the Schedule of Rates in this contract.

Contractor Plant and Equipment would be engaged on the following types of tasks:

- Road and drainage construction
- Road and drainage maintenance
- Landfill compaction
- Material cartage
- The supply of specialised Plant or Equipment not readily available to Council

Council received a high number of responses to this tender from companies within and neighbouring Greater Shepparton as well as others based a considerable distance away. Companies were asked to tender on a cross section of Plant which Council regularly requires, as well as items that would be only used occasionally. The Tender Evaluation Panel chose to retain a number of tenderers offering Dry Hire only Plant due to the need at times to hire specialised Plant and Equipment which has from time to time been required for specific project or other works. This type of equipment is generally not readily available from local contractors.

The Tender Evaluation Panel understands that there are many Panel members recommended however this decision has considered the requirements of the whole organisation.

In line with both Procurement Guidelines and Probity advice, tenderers were assessed on submitted tender documentation. This led to the removal of 9 tender submissions for the following reasons:

- Three tender applicants were removed due to having no OH&S Management System.
- Three tender applicants were removed due to either not having a Quality Management System or not providing supporting documentation in the tender application.
- One tender applicant was removed due to the garaged location of equipment and distance based from Shepparton. This applicant was assessed as providing limited value to GSCC.
- One tender applicant was removed due to Plant and Equipment in the tender submission document not meeting any of the contract schedule requirements
- One tender applicant was removed due to a non-conforming tender submission

7. INFRASTRUCTURE DIRECTORATE

7.1 Contract 1789 - Heavy Plant & Equipment (Wet & Dry Hire) Services (continued)

The evaluation criterion of price was difficult to evaluate as there were so many plant items tendered being of slightly different specifications. The outcome of this was that almost all conforming tenders had at least one or two competitively priced items. This potentially meant that a high proportion of tenderers could be awarded a contract.

Although a number of contractors offer a similar or the same Plant items it has been an operational concern that required Plant items have not been readily available or could not be sourced when required. It was determined by the Evaluation Panel that a large panel of supplier list would be beneficial to Councils requirements. The Evaluation Panel has determined that Contractors who are successful in being placed on the Contract 1789 Panel of suppliers list will be selected for works based on Plant availability, Plant hire rates, and establishment rates.

Tenders

Tenders were received from:

Tenderers
1. Cleaves Earthmoving and Drainage PL
2. Mogill Cove Pty Ltd
3. Precision Grading Pty Ltd
4. Tactile Australia Pty Ltd
5. F&K Reghenzani
6. Foott Waste and Recycling
7. Ky Mini Diggers
8. JP Closter Pty Ltd
9. Preston's Turf and Gardens Pty Ltd
10. RSP Environmental Services
11. Fuller Earthworks Pty Ltd
12. Guiney Excavations Pty Ltd
13. Pearse Earthmoving
14. Extons Pty Ltd
15. A&T Goldman Pty Ltd
16. Brooks Hire Service Pty Ltd (Dry Hire)
17. BHS Plant and Equipment Pty Ltd (Dry Hire)
18. Luxton Plant Pty Ltd (Dry Hire)
19. Porter Excavations Pty Ltd (Dry Hire)
20. H&H Rental Sales Pty Ltd (CHE Trust)
21. DJ Fitzgibbon & M Mazurek
22. Earthworks Civil and Construction
23. Roger G Bailey and Associate
24. Sherrin Rentals Pty Ltd (Dry Hire)

7. INFRASTRUCTURE DIRECTORATE

7.1 Contract 1789 - Heavy Plant & Equipment (Wet & Dry Hire) Services (continued)

Tender Evaluation

Tenders were evaluated by:

Title	Branch
Manager Works & Waste	Works & Waste
Team Leader Works	Works & Waste
Project Manager – Cosgrove Landfill	Projects
Coordinator Drainage & Maintenance	Works & Waste
Coordinator Roads	Works & Waste

Evaluation Criteria

Tenders were evaluated on the following criteria:

Evaluation Criteria	Weighting
Price	45
OH&S	10
Previous Experience	15
Quality Systems	10
Environmental Sustainability	10
Benefit Local Region	10

Council Plan/Key Strategic Activity

Council Plan 2017-2021

Objective: Growth is well planned and managed for the future.

Objective: Quality infrastructure is provided and maintained to acceptable standards.

Objective: Freight and logistics infrastructure is developed to accommodate future growth.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Accident or injury to Council staff or contractor through use of hired plant	Possible	Moderate	Medium	Site inductions, Safe Work Method Statement, Job Safety Analysis's and OH&S management systems.
Contractor damages Council infrastructure	Possible	Minor	Low	Site inductions, Dial Before You Dig, Spotters, Safe Work Method Statement

7. INFRASTRUCTURE DIRECTORATE

7.1 Contract 1789 - Heavy Plant & Equipment (Wet & Dry Hire) Services (continued)

Policy Considerations

- Greater Shepparton City Council Procurement Policy
- Greater Shepparton City Council Procurement Guidelines

Financial Implications

	Approved Budget Estimate for this proposal ¹ \$	This Proposal GST Exclusive \$	Variance to Approved Budget Estimate \$	This Proposal GST Inclusive ² \$
Revenue				
Expense	1,500,000	1,500,000		1,650,000
Net Total	-1,500,000	-1,500,000		-1,650,000

¹ Budgets are GST exclusive

² For Contract Award reports the GST inclusive expense shall match the amount reported in the recommendation

Legal/Statutory Implications

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

Environmental/Sustainability Impacts

Companies were evaluated on their experience in managing, and commitment to, environmental sustainability. Companies were asked to supply to Council their environmental management system (EMS) and demonstrate the implementation of their EMS. The criterion was valued at 10% of the overall score. Companies who did not submit anything in Schedule 3 of the tender, or where their response was inadequate, they were scored down.

Strategic Links

a) Greater Shepparton 2030 Strategy

Infrastructure – The provision and restructure of urban and rural infrastructure to enhance the performance of the municipality and facilitate growth – Report 6. To ensure the safety and efficient functioning of the roads for a variety of users.

b) Other strategic links

Nil

Conclusion

Council relies on contracted plant and equipment to deliver a large portion of its annual maintenance works. Often this plant is specialised equipment such as large road profilers which cost about \$5,000 per day. It would not be cost effective to own and operate much of the plant we hire due to the cost outlay for these plant items and the amount of use we would have in a year. The best option therefore is to hire the plant.

There are also occasions where Council requires additional capacity to undertake works so more general plant is hired and used in addition to our own plant. Again, based on annual usage patterns it is not cost effective to purchase and manage plant and hiring provides the most cost effective alternative.

7. INFRASTRUCTURE DIRECTORATE

7.1 Contract 1789 - Heavy Plant & Equipment (Wet & Dry Hire) Services (continued)

This procurement process was undertaken to ensure Council is compliant in its procurement of hired plant, and to source the best prices from Victorian companies to supply this plant on our behalf.

An extensive process has been undertaken to evaluate the many tenders received to ensure we have selected those companies best positioned, and best priced, to provide the capacity and capability Council needs to ensure continuity of work.

While it is recommended some contracts are awarded to companies outside of the GSCC municipality, there is sufficient local content with 8 of 15 companies based within the municipality and a further 5 in a neighbouring municipality's.

Attachments

Nil

8. COMMUNITY DIRECTORATE

8.1 Section 86 Special Committees - Committees of Management Memberships

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: Committees and Cemeteries Operations Officer

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

Approved by: Director Community

Executive Summary

In accordance with Greater Shepparton City Council Corporate Procedure 07.PRO5 section three, members of special committees (established under Section 86 of the Local Government Act 1989), can only be appointed or removed by a formal resolution of Council.

As the term of office for members of the Bunbartha Recreation Reserve Committee of Management is nearing conclusion, this report recommends the appointment of new members to the committee of management for a four year term.

An Application for Appointment has also been received from a community member to join the Tallygaroopna Memorial Hall Committee of Management. This report recommends that this applicant be appointed to the existing term of the committee.

**Moved by Cr Hazelman
 Seconded by Cr Patterson**

That the Council:

1. having considered all Applications for Appointment to the Bunbartha Recreation Reserve Committee of Management, appoint the following members for a four year term commencing 23 March 2018 and concluding on 23 March 2022:
 - Barry HINCHCLIFFE
 - Brent KARL
 - Douglas LEES
 - Tonietta MACKIN
 - John PETTIGREW
2. having considered the Application for Appointment to the Tallygaroopna Memorial Hall Committee of Management, appoint Melinda HOGEBOOM to the existing term of the committee commencing immediately and concluding on 20 February 2019.
3. resolve that all members (who are not Councillors or nominated Officers) of the Bunbartha Recreation Reserve Committee of Management and the Tallygaroopna Memorial Hall Committee of Management continue to be exempt from the requirement to complete Interest Returns in exercise of power granted to Council under section 81(2A) of the *Local Government Act 1989*.

CARRIED.

8. COMMUNITY DIRECTORATE

8.1 Section 86 Special Committees - Committees of Management Memberships (continued)

Background

Bunbartha Recreation Reserve Committee of Management

At the Ordinary Council Meeting held on 15 March 2016 five applicants were appointed to the Bunbartha Recreation Reserve Committee of Management for a term of two years concluding 22 March 2018. An additional applicant later joined to the term of the committee at the Ordinary Council meeting held on 20 December 2016. A long term committee member later tendered his resignation with his appointment subsequently rescinded at the Ordinary Council meeting held on 22 March 2017.

Five Applications for Appointment have now been received from past committee members and it is recommended that all be appointed for a term of four years.

Tallygaroopna Memorial Hall Committee of Management

At the Ordinary Council Meeting held on 20 December 2016 six applicants were appointed to the Tallygaroopna Memorial Hall Committee of Management for a term of two years concluding 20 February 2019. An additional Application for Appointment has now been received and it is recommended that this applicant be appointed to the current term of the existing committee.

Interest Return Exemption

It is recommended that all newly appointed members of Section 86 Special Committees be exempt from the requirement of completing Interest Return in accordance with Section 81(2A) of the *Local Government Act 1989*.

Council Plan/Key Strategic Activity

This proposal supports the following goals of the *Council Plan 2017-2021*:

Leadership and Governance

- 1.3 Council demonstrates strong leadership and sound decision making in the best interests of the community.
- 1.7 Council advocates on issues, priorities and needs that matter to our community in partnership with key stakeholders.
- 1.9 Service standards and service delivery models are realistic and meet community expectations and demand while being financial viable and in line with Council's core business.

Social

- 2.1 Our community is supported to achieve and sustain physical, emotional and spiritual health and wellbeing.
- 2.4 Social and cultural, educational and employment opportunities are created to enable children, young people, individuals and families to actively participate in their community.
- 2.6 Volunteering is promoted and encouraged along with other measures to improve community resilience.
- 2.7 Public places, open space and community facilities are safe and accessible for all and presented to a high quality.

Built

- 4.4 Quality infrastructure is provided and maintained to acceptable standards.
- 4.5 Assets are well managed and their renewal is being planned through long term renewal strategies.

8. COMMUNITY DIRECTORATE

8.1 Section 86 Special Committees - Committees of Management Memberships (continued)

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Delegation of Council powers to a committee	Possible	Major	High	The appointment and removal of members by formal resolution of Council reduces governance risks by ensuring that all members of a committee are covered by Council's public liability insurance.
Exemption of all special committees from submitting primary and ordinary returns	Possible	Major	High	Restricted powers outlined in the Instrument of Delegation and Guidelines to these committees ensures that this risk is minimal. Committees are also required to declare any conflicts of interest at the start of each committee meeting

Policy Considerations

There are no conflicts with existing Council policies.

Financial Implications

There are no financial implications arising from this proposal.

Legal/Statutory Implications

All of Council's Committees of Management responsible for halls, community centres and recreation reserves have been established under Section 86 of the *Local Government Act 1989* and have been issued with an Instrument of Delegation and Guidelines outlining their responsibilities.

The appointment and rescinding of memberships to Section 86 special committees by formal resolution of the Council ensures that the powers, functions and duties delegated to these committees are able to be exercised legally.

Environmental/Sustainability Impacts

There are no environmental or sustainability impacts arising from this proposal.

Social Implications

The appointment of community members to committees helps to build a sense of community by increasing stakeholder participation and giving community members a greater sense of pride and involvement in their local community.

Economic Impacts

There are no economic impacts arising from this proposal.

8. COMMUNITY DIRECTORATE

8.1 Section 86 Special Committees - Committees of Management Memberships (continued)

Consultation

A public notice was placed in the Shepparton News on 12 January and 19 January 2018 calling for applications from community members to join the Bunbartha Recreation Reserve Committee of Management. Letters were also sent to outgoing members of the committees inviting them to apply for a further term with posters also provided for display around the recreation reserve facilities inviting community members to apply.

The Office Bearers of the Tallygaroopna Memorial Hall Committee of Management have been aware that Council has received an Application for Appointment for their committee.

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Keep informed	<ul style="list-style-type: none"> • Newspaper advertisements. • Website announcement. • Letters to incoming and outgoing committee members. • Communication with committee officer bearers.
Consult	Informed, listen, acknowledge	Council will consult with its committees prior to making decisions that relate to the relevant facilities.
Involve	Work together. Feedback is an input into decision making.	Committees provide an important source of feedback for Council to manage the facilities.
Collaborate	Feedback will be incorporated into decisions to the maximum level possible.	Council collaborates with its committees prior to making decisions that relate to the relevant facilities.
Empower	We will implement what the public decide.	Committees of Management have delegated powers to make decisions in relation to the day to day management of the facilities that they are responsible for.

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

Local Government Act 1989

8. COMMUNITY DIRECTORATE

8.1 Section 86 Special Committees - Committees of Management Memberships (continued)

Conclusion

It is recommended that the abovementioned applicants be appointed to the Bunbartha Recreation Reserve and Committee of Management for the term specified.

It is also recommended that the abovementioned applicant be joined to the existing term of the Tallygaroopna Memorial Hall Committee of Management

Attachments

Nil

8. COMMUNITY DIRECTORATE

8.2 Community Safety Strategy 2018-2021

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: Community Safety Officer

**Proof reader(s): Team Leader Community Strengthening
Manager Neighbourhoods**

Approved by: Director Community

Executive Summary

With the conclusion of the Community Safety Strategy 2014-2017, Council with support of the Greater Shepparton Safe Communities Advisory Committee have developed a new Community Safety Strategy. The Community Safety Strategy 2018-2021 has been developed reflecting and responding to outcomes from consultation, local statistics and current local, state and federal government directions. The Draft Community Safety Strategy was released for public exhibition throughout December – February, and is now presented to Council for final endorsement.

Moved by Cr Oroszvary

Seconded by Cr Abdullah

That the Council adopt the Greater Shepparton City Council Community Safety Strategy 2018-2021.

Cr Abdullah was granted an extension of time to speak to the motion.

The motion was put and carried.

Background

The Community Safety Strategy 2018-2021 marks the third iteration of council strategy with a focus on improving community safety within the Greater Shepparton municipality.

The Community Safety Strategy 2018-2021 has been developed to build upon the partnerships and initiatives of previous years and address emerging issues identified by stakeholders and the community. Current data and statistics have been used to inform priority areas and inform the strategies employed to improve actual and perceived safety in the community.

8. COMMUNITY DIRECTORATE

8.2 Community Safety Strategy 2018-2021 (continued)

The 2018-2021 Strategy has been informed by the previous two strategies, community consultation, key stakeholders and relevant statistical reports from VicHealth, Turning Point, VicRoads, Monash University and Crime Statistics Victoria. A range of groups, committees and communities were targeted for specific workshop consultations including; Greater Shepparton Women's Charter Alliance Advisory Committee, Positive Aging Advisory Committee, Disability Advisory Committee, Word and Mouth Youth Committee, Victoria Police, Safe Communities Advisory Committee and North Shepparton, Mooroopna, Tatura and Kialla communities.

The draft Community Safety Strategy was endorsed at the December Ordinary Council meeting and has been open for public consultation for 6 weeks with an extended period due to the Christmas and New Year holiday period and in an effort to ensure maximum exposure and opportunity for feedback from the Greater Shepparton community.

The Community Safety Strategy 2018-2021 has five priority areas:

1. Inclusive and Proactive Communities

Continue to develop a Greater Shepparton that actively celebrates diversity, builds resilience and strengthens community connections.

2. Creating Safer Public Spaces

Create and maintain public spaces that improve actual and perceived safety, promote social cohesion and ensure safe transport within Greater Shepparton.

3. Prevention of Family Violence

Create a culture within Greater Shepparton that values gender equity and is intolerant of family violence in all its forms.

4. Alcohol and Other Drugs

Reduce alcohol and drug related harm within Greater Shepparton.

5. Leadership and Governance

Deliver strong proactive leadership, advocacy and coordination of local and regional partnerships to improve safety within Greater Shepparton

Amendments resulting from the draft strategy consultation include;

- Expansion of 1.4 measures to include primary school programs and inclusion of GV Health as responsible stakeholder.
- Inclusion of Youth and Children in 4.1 as responsible stakeholder.

Council Plan/Key Strategic Activity

Social - Develop resilient, inclusive, healthy communities that make Greater Shepparton a safe and harmonious place to live, work, learn, and play.

- 2.1 Greater Shepparton is a welcoming, inclusive and safe place for all.
- 2.4 Social and cultural, educational and employment opportunities are created to enable children, young people, individuals and families to actively participate in their community.
- 2.6 Volunteering is promoted and encouraged along with other measures to improve community resilience.
- 2.9 Public places, open space and community facilities are safe and accessible for all and presented to a high quality.
- 2.11 Implement strategies that align with the Royal Commission into Family Violence.
- Built - Provide and support appealing relevant infrastructure that makes Greater Shepparton an attractive, liveable regional city.
- 4.7 Reliable, safe, more frequent and connected local and broader transport system supporting the connection of people within, across and outside of Greater Shepparton.

8. COMMUNITY DIRECTORATE

8.2 Community Safety Strategy 2018-2021 (continued)

- 4.8 Active transport (cycling, walking) is encouraged through safe, connected and improved linkages.

Risk Management

There are no anticipated moderate to extreme risks associated with this report. A risk assessment will form part of the planning and implementation of the safety initiatives developed, detailed, or implemented as part of the strategy.

Policy Considerations

This report is consistent with Council policies in particular the Safer City Camera Network Policy.

Financial Implications

Some the initiatives contained within the Community Safety Strategy 2018-2021 will have financial implications, however, the majority are expected to be relatively low cost and some are subject to external funding. Those that will require Council support will be considered as part of Council's annual operational and capital budget process, as per previous years.

Legal/Statutory Implications

The Community Safety Strategy 2018-2021 is consistent with the *Victorian Charter of Human Rights and Responsibilities Act 2009* and the *Local Government Act (1989)*.

Environmental/Sustainability Impacts

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

Social Implications

The Community Safety Strategy 2018-2021 contains initiatives which have been developed to positively impact the City of Greater Shepparton. The Strategy has been developed to positively impact perceptions of safety through awareness raising, encouraging proactive and inclusive communities whilst strengthening partnerships. Some strategies within the draft will initiate research of current community safety practices with an aim of creating a stronger foundation and clear and consistent future direction for safety within Greater Shepparton.

Economic Impacts

By positively impacting perceptions of safety and actual safety within the municipality, impacts on the municipality's economy should be similarly positive. With the cost of crime to the community being reduced (less days off work needed, less carers leave, reduced workload on doctors/hospitals, reduced pressure and cost to the justice system, etc) crime prevention initiatives are considered to positively impact community economies.

Consultation

The Draft Community Safety Strategy was made available for public consultation and feedback since its endorsement at the December Ordinary Council meeting, with the consultation being promoted via social media, television, print media and radio throughout December and January.

Feedback provided has been constructive with agencies suggesting a greater scope in initiatives involving education and awareness to schools due to programs being delivered to both primary and secondary education providers.

8. COMMUNITY DIRECTORATE

8.2 Community Safety Strategy 2018-2021 (continued)

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

Strategic Links

a) Greater Shepparton 2030 Strategy

Links to community safety can be seen in the following directions outlined in the Greater Shepparton 2030 Strategy:

- Settlement and Housing
- Community Life
- Economic Development

b) Other strategic links

- Greater Shepparton Council Plan 2017 – 2021
- Municipal Public Health and Wellbeing Action Plan 2017 -2021
- Community Engagement Strategy
- Shepparton CBD Strategy
- Access and Inclusion Strategy

Conclusion

The Community Safety Strategy 2018-2021 is presented to Council for final endorsement.

Attachments

Community Safety Strategy 2018-2021

9. CORPORATE SERVICES DIRECTORATE

9.1 Contracts Awarded Under Delegation and Status of Contracts Advertised and yet to be Awarded - December 2017, January 2018 and February 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: Team Leader Contracts and Procurement
Proof reader(s): Manager Corporate Governance
Approved by: Director Corporate Services

Executive Summary

To inform the Council of the status of requests for tenders that have been advertised and contracts yet to be awarded.

Moved by Cr Giovanetti
Seconded by Cr Adem

That the Council note the publicly advertised contracts awarded under delegated authority and tenders that have been advertised but not yet awarded.

CARRIED.

Contract Number	Contract Name	Contract details, including terms and provisions for extensions	Value inclusive of GST	Awarded to
1799	Construction of BMX Track Lighting	Lump Sum Contract for Construction of BMX Track Lighting	\$247,126	Watters Electrical
1766	Solar Installation on Council Buildings	Lump Sum Contract for Solar Installation on Council Buildings	\$225,507	True Value Solar
1815	Design & Construct of the Runway Seal at Shepparton Aerodrome	Lump Sum Contract for Design & Construct of the Runway Seal at Shepparton Aerodrome	\$391,985	Fulton Hogan Industries Pty Ltd
1844	Provision of Management Services of the Victoria Lake Caravan Park	Lump Sum Contract for the Provision of Management Services of the Victoria Lake Caravan Park	\$337,000	Australian Tourist Park Management
1832	Victoria Park Lake Service Station and Park Lake Café Demolition	Lump Sum Contract for Victoria Park Lake Service Station and Park Lake Café Demolition	\$320,348	Paige Courtney Pty Ltd

9. CORPORATE SERVICES DIRECTORATE

9.1 Contracts Awarded Under Delegation and Status of Contracts Advertised and yet to be Awarded - December 2017, January 2018 and February 2018 (continued)

Contract Number	Contract Name	Contract details, including terms and provisions for extensions	Value inclusive of GST	Awarded to
1800	Construction of Steel Fabricated 8 Metre BMX Start Hill	Lump Sum Contract for the Construction of Steel Fabricated 8 Metre BMX Start Hill	\$373,217	Moretto Building Pty Ltd
1807	Design And Construction Of Public Toilets – Victoria Park Lake	Lump Sum Contract for the Design And Construction Of Public Toilets – Victoria Park Lake	\$456,438	Crow Constructions Pty Ltd
1847	St. Georges Road Streetscape Improvements	Lump Sum Contract for St. Georges Road Streetscape Improvements	\$331,054	Jarvis Delahey Constructions

Tendered Contracts Awarded under Delegated Authority by Directors

Contract Number	Contract Name	Contract details, including terms and provisions for extensions	Value inclusive of GST	Awarded to
1747	Provision of a Division 5 Asbestos Register Review – All Buildings	Select Quote for the provision of Division 5 Asbestos Register Review – All Buildings	\$71,500	Safety Systems
1822	Design of Welsford St Upgrade Stage 4	Lump Sum Contract for the Design of Welsford St Upgrade Stage 4	\$118,547	CAF Consulting Pty Ltd
1801	Construction of Tallygaroopna Power Consolidation	Lump Sum Contract for Construction of Tallygaroopna Power Consolidation	\$86,493	Watters Electrical
1831	Provision of Building & Quantity Surveying - SAM	Lump Sum Contract for Provision of Building & Quantity Surveying - SAM	\$148,830	Sweett (Australia) Pty Ltd Now T/A Currie & Brown
1781	Shepparton Senior Citizens / Monash Park External Toilet Project	Lump Sum Contract for Shepparton Senior Citizens / Monash Park External Toilet Project	\$172,293	Moretto Building Pty Ltd

9. CORPORATE SERVICES DIRECTORATE

9.1 Contracts Awarded Under Delegation and Status of Contracts Advertised and yet to be Awarded - December 2017, January 2018 and February 2018 (continued)

Tendered Contracts Awarded under Delegated Authority by Directors

Contract Number	Contract Name	Contract details, including terms and provisions for extensions	Value inclusive of GST	Awarded to
1845	Design & Construction of Tallygaroopna Men's Shed	Lump Sum Contract for Design & Construction of Tallygaroopna Men's Shed	\$157,762	Aliki Pty Ltd t/a M & L Tricarico

Requests for Tenders advertised but not yet awarded

Contract No.	Contract Name	Contract detail, including terms and provisions for extensions	Status
1789	Provision of Heavy Plant & Equipment Hire (Wet & Dry Hire) Services	Schedule of Rates Panel Contract for the Provision of Heavy Plant & Equipment Hire (Wet & Dry Hire) Services	Tender is included in the March Ordinary Council Meeting Agenda.
1798	Construction of Kialla Park Recreation Reserve Oval Lighting	Lump Sum Contract for Construction of Kialla Park Recreation Reserve Oval Lighting	Tender under evaluation. Awaiting Aeronautical Report.
1827	Replacement of Eastbank Boilers	Lump Sum Contract for the Replacement of Eastbank Boilers	Tender under evaluation. Tender closed on 24 January 2018.
1834	Detailed Design of Cosgrove 3 Infrastructure	Lump Sum Contract for the Detailed Design of Cosgrove 3 Infrastructure	Tender under evaluation. Tender closed 17 January 2018.
1851	Construction of Dhurringile Road Shared Path and Drainage	Select Request for Quote & Lump Sum Contract for the Construction of Dhurringile Road Shared Path and Drainage	Tender under evaluation. Tender closed 14 February 2018.
1850	Construction of Mt Major Carpark and Walking Track	Select Request for Quote & Lump Sum Contract for the Construction of Mt Major Carpark and Walking Track	Tender under evaluation. Tender closed 14 February 2018.

9. CORPORATE SERVICES DIRECTORATE

9.1 Contracts Awarded Under Delegation and Status of Contracts Advertised and yet to be Awarded - December 2017, January 2018 and February 2018 (continued)

Contract No.	Contract Name	Contract detail, including terms and provisions for extensions	Status
1841	Construction of Coles K-Mart Carpark Extension & Associated Works	Select Request for Quote & Lump Sum Contract for the Construction of Coles K-Mart Carpark Extension & Associated Works	Tender under evaluation. Tender closed 21 February 2018.
1838	Provision Of Powerline Tree Pruning Services	Schedule of Rates Contract for the Provision Of Powerline Tree Pruning Services	Tender under evaluation. Tender closed on 21 February 2018.
1848	Supply and Installation of Aquamoves Gym Floor Coverings	Lump Sum Contract for the Supply and Installation of Aquamoves Gym Floor Coverings	Tender under evaluation. Tender closed on 21 February 2018.
1852	Design and Construction of Locky's Bridge replacement, Riverview Drive, Shepparton.	Lump Sum Contract for the Design and Construction of Locky's Bridge replacement, Riverview Drive, Shepparton.	Tender under evaluation. Tender closed on 28 February 2018.
1837	Provision of Concrete Services and Associated Works	Schedule of Rates Contract for the Provision of Concrete Services and Associated Works	Tender currently being evaluated Tender closed on 28 February 2018.
1849	Implementation of Electronic NLIS (Sheep & Goats) Transition Package	Lump Sum Contract for the Implementation of Electronic NLIS (Sheep & Goats) Transition Package	Tender currently being evaluated Tender closed on 14 March 2018.

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 \$500,000 excluding 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.

9. CORPORATE SERVICES DIRECTORATE

9.1 Contracts Awarded Under Delegation and Status of Contracts Advertised and yet to be Awarded - December 2017, January 2018 and February 2018 (continued)

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 under delegated authority and the status of requests for tenders that have not yet been awarded during the period December 2017 and February 2018.

Attachments

Nil

9. CORPORATE SERVICES DIRECTORATE

9.2 Instrument of Delegation - Members of Staff and Development Hearing Panel

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 Governance

Proof reader(s): Manager Corporate Governance

Approved by: Director Corporate Services

Executive Summary

The power of a Council to act by resolution is set out in section 3(5) of the Act:

“Where a Council is empowered to do any act, matter or thing, the decision to do the act, matter or thing is to be made by a resolution of the Council.”

As the Council is not a “natural” person, it can act in only two ways, which is by resolution or through others acting on its behalf. For others to act on the Councils behalf, the relevant Council powers must be delegated by the Council.

The Council has delegated the majority of its delegable powers to the Chief Executive Officer (CEO), who is permitted under the act to further sub-delegate these powers to other members of Councils staff. The powers conferred on the Council under some legislative instruments cannot be delegated through the CEO, and must be delegated by resolution of Council directly to Council officers.

The Instrument of Delegation to Members of Staff and Development Hearings Panel was last adopted by Council on 17 October 2018 and has since been reviewed and updated to reflect changes to legislation, position titles and reporting lines within the organisation. These changes are essential to ensuring officers are authorised with the appropriate powers, duties and functions to perform their roles effectively.

Moved by Cr Hazelman

Seconded by Cr Oroszvary

In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989 (the Act)* and the other legislation referred to in the attached instrument of delegation, Greater Shepparton City Council (**Council**) resolves that -

1. there be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff and Development Hearings Panel*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;
2. the instrument comes into force immediately upon the common seal of Council is affixed to the instrument;

9. CORPORATE SERVICES DIRECTORATE

9.2 Instrument of Delegation - Members of Staff and Development Hearing Panel (continued)

3. it authorises the Chief Executive Officer to sign and seal the Instrument of Delegation – Members of Staff and Development Hearings Panel document;
4. on the coming into force of the instrument all previous delegations to members of Council staff and Development Hearings Panel (other than the Chief Executive Officer) are revoked;
5. the duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

CARRIED.

Background

The power of a Council to act by resolution is set out in section 3(5) of the Act:

“Where a Council is empowered to do any act, matter or thing, the decision to do the act, matter or thing is to be made by a resolution of the Council.”

The Council is not in a position to exercise all the powers conferred upon it by resolution and requires others to act on its behalf. This is made possible under section 98(1) of the Act which provides that a Council may, by Instrument of Delegation, delegate to a member of its staff any power, duty or function of a Council under the *Local Government Act 1989* or any other Act, other than certain specified powers.

The Council has delegated the majority of its delegable powers to the CEO. Section 98(2) of the Act provides that the CEO may, by Instrument of Delegation, delegate to a member of the Council staff any power, duty or function of his or her office, except the power of delegation itself. This is the avenue by which most Council officers are delegated the power to make decisions.

The powers conferred on the Council under some legislative instruments cannot be delegated through the CEO, and must be delegated by resolution directly to Council officers. The Acts and Regulations referred to in the attached *Instrument of Delegation - Members of Staff and Development Hearings Panel* are among those which require direct delegation.

This Instrument has been reviewed and a number of changes proposed. These changes are necessary to reflect changes in the delegated powers and duties under these Acts and Regulations since the last delegation was adopted.

Council Plan/Key Strategic Activity

The regular review of the Instrument of Delegation to Members of Council Staff and Development Hearings Panel supports Objective 1.3 Leadership and Governance *“Council demonstrates strong leadership and sound decision making in the best interest of the community”*.

9. CORPORATE SERVICES DIRECTORATE

9.2 Instrument of Delegation - Members of Staff and Development Hearing Panel (continued)

Risk Management

The review of Instruments of Delegation ensures that they remain valid, legal and that generally routine decisions are able to be made without the need for a Council meeting.

The Council subscribes to the Delegations and Authorisations Service provided by Maddocks Lawyers and the proposed changes have been recommended by this service. Subscribing to the Maddocks service reduces the risk that legislative changes which have implications for the Council's delegations and authorisations are not properly identified and implemented.

Policy Considerations

All Instruments of delegation must be exercised in accordance with the Council's Exercise of Delegations policy.

Financial Implications

There are no direct financial implications arising from the *Instrument of Delegation to Members of Staff and Development Hearings Panel*. Financial delegations have been made by the CEO and are consistent with the Council's Exercise of Delegations Policy.

Legal/Statutory Implications

The Instrument of Delegation to members of Council Staff and Development Hearings Panel ensures that decisions made by Council officers are legally compliant and enforceable.

Environmental/Sustainability Impacts

There are no environmental/sustainability impacts on the coming into force of the *Instrument of Delegation – Members of Staff and Development Hearings Panel*.

Social Implications

There are no social implications with the coming into force of the *Instrument of Delegation – Members of Staff and Development Hearings Panel*.

Economic Impacts

There are no economic impacts with the coming into force of the *Instrument of Delegations – Members of Staff and Development Hearings Panel*.

Consultation

The review of the Instrument of Delegation was completed through Councils delegations software. Consultation was conducted with each Manager and Director on any proposed changes to the Instrument, with approval sought from the Executive Leadership Team.

All consultation was in conjunction with the advice provided by Maddocks Lawyers with the release of the new version of the *Instrument of Delegations - Members of staff* document.

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

9. CORPORATE SERVICES DIRECTORATE

9.2 Instrument of Delegation - Members of Staff and Development Hearing Panel (continued)

Strategic Links

a) Greater Shepparton 2030 Strategy

There are no direct links to the Greater Shepparton 2030 Strategy

b) Other strategic links

There are no other strategic links

Conclusion

It is important that all of Council's Instruments of Delegation remain up to date with the latest versions of legislation and that the document reflects the current organisation structure. The amended Instrument of Delegation reflects such changes and it is therefore recommended that the updated document comes into force and the previous Instrument is revoked.

Attachments

S6 Instrument of Delegation - Members of Staff and Development Hearings Panel March 2018

9. CORPORATE SERVICES DIRECTORATE

9.3 Draft Local Law No.1 - Community Living 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: Manager Citizen Services

Proof reader(s): Team Leader Regulatory Services

Approved by: Director Corporate Services

Other: Co-Ordinator Local Laws and Animal Management and Maddocks

Executive Summary

The *Local Government Act 1989* (the Act) in section 111(1) enables a Council to make Local laws with respect to any "act, matter or thing in respect of which the Council has a function or power under this Act or any other Act".

The current Community Living Local Law No. 1 (2008) commenced on 3 July 2008. After 3 July 2018, the Local Law will cease to apply.

In order to comply with the requirements of the Act, Council must make a new Local Law, which is proposed to be titled Law No.1 - Community Living Local 2018. The purpose of this report is to commence the statutory process necessary to make the proposed Local Law.

Moved by Cr Patterson

Seconded by Cr Sutton

1. in accordance with Sections 119(2) and 223 of the *Local Government Act 1989*, give public notice in the *Shepparton News* and the *Government Gazette* of its intention to release the Draft Law No.1 - Community Living Local 2018 ('the proposed Local Law') for public comment;
2. stipulate in the public notice that persons may make a submission on the proposed Local Law No.1 - Community Living Local 2018 in accordance with Section 223 of the Act and that written submissions must be received by 5.00pm on Friday 27 April 2018;
3. stipulate in the public notice that submissions received will be made available for public inspection
4. authorise the Chief Executive Officer to undertake the administrative procedures necessary to enable the Council to carry out its functions under section 223 of the Act in relation to this matter;

Further, in the event that submissions are received under section 223 of the Act:

5. a Special Council Meeting be convened to hear from any person or persons who request to be heard in support of a section 223 written submission; and if required

9. CORPORATE SERVICES DIRECTORATE

9.3 Draft Local Law No.1 - Community Living 2018 (continued)

the Special Council meeting be on 15 May 2018 in the Council Boardroom, first floor, 90 Welsford Street, Shepparton; and

6. a report on any section 223 submissions received by the Council, along with a summary of any hearings held, be provided to the Council meeting; and
7. consider all written submissions on any proposal contained within the Draft Local Law No.1 – Community Living Local Law 2018.

CARRIED.

Background

Section 91(1) of *the Act* enables a council to make local laws with respect to any “act, matter or thing in respect of which the Council has a function or power under this Act or any other Act”. The Greater Shepparton City Council - Community Living Local Law No. 1 (2008) came into effect on 3 July 2008 and sunsets on 3 July 2018.

The proposed Local Law, to be known as the Greater Shepparton City Council Law No.1 - Community Living Local 2018, supports peace, order and good governance. It takes into consideration community interest and applies a range of controls and permit mechanisms to support the health and amenity of the local community, and to help protect community assets and infrastructure.

A community impact statement accompanies the draft Local Law. The statement provides information on how the Law No.1 - Community Living Local 2018 was likely or intended to impact the community.

Preparation of the draft Local Law has taken into consideration feedback from Councillors regarding the operation of the current Local Law and advice from Council’s solicitors. A number of internal workshops have been conducted with internal stakeholders who either administer the Local Law or are impacted by its operation and Council has also engaged some significant external stakeholders (including the Victorian Police and the Country Fire Authority). These stakeholders will continue to have an opportunity to review the proposed Local Law during the official consultation process.

The draft Community Living Local Law has been prepared based on the current Local Law with amendments to:

Key Proposed Amendments:

1. Simplified ‘definitions’, eg changed ‘highway’ to ‘road’
2. Where ‘person’ is a Corporation, includes officer in effective control and any Director
3. Consolidated numerous ‘like’ clauses
4. Removed numerous clauses where powers under other legislation better able to be used (eg: 2.7 Chimneys and 2.8 Dust)
5. In regard to ‘inappropriate language’, amended to capture such language toward any person
6. Create offence for failing to comply with an official sign
7. Changed requirement for a permit where camping on private land exceeds 14 days within any 90 day period
8. Removed all sub-clauses relating to considerations in granting a permit. To be managed within policy, not Local Law.
9. New clause to support safety and amenity around naturestrips

9. CORPORATE SERVICES DIRECTORATE

9.3 Draft Local Law No.1 - Community Living 2018 (continued)

10. Rely on one impounding clause in 'General' provisions
11. Strengthened 'events' clause which streamlines event permits
12. New dust on building sites clause, with responsibility to builder, or person undertaking building work
13. Simplified provisions for keeping of animals, particularly use of a table to determine if permit is required
14. No roosters in residential areas without a permit
15. Authorised officer may by notice direct a person to relocate a bee-hive
16. Removal of all clauses specifically related to the Mall and will be managed via clauses that apply to all Council land
17. Removed schedule in relation to consumption of liquor (ie approved reserves); removed the averment clause
18. Procedural amendments in relation to permit administration, including that an authorised officer may refuse or revoke a permit
19. Owner onus applies in respect of offences relating to motor vehicles
20. Included schedule of infringement penalties (proposed amendments highlighted)

Following public consultation, Council officers will review all feedback, comments and submissions received. The proposed Local Law is then expected to be further considered by adoption by Council June 2018.

The draft Local Law, together with a Community Impact Statement will be made available at Council's Customer Service Centre, 90 Welsford Street, Shepparton and on Council's website www.greatershepparton.vic.gov.au

Council Plan/Key Strategic Activity

The review of Council's Local Law is consistent with the following Council Plan objectives:

- 1.3 Council demonstrates strong leadership and sound decision making in the best interests of the community.
- 1.7 Council advocates on issues, priorities and needs that matter to our community in partnership with key stakeholders.
- 1.8 Consultation that is transparent, robust and accessible, and clear, consistent and timely communication provided to inform, educate and engage with the community.
- 2.2 Our community is supported to achieve and sustain physical, emotional and spiritual health and wellbeing
- 2.9 Public places, open space and community facilities are safe and accessible for all and presented to a high quality.
- 4.4 Quality infrastructure is provided and maintained to acceptable standards.
- 4.5 Assets are well managed and their renewal is being planned through long term renewal strategies.
- 5.3 Waste is managed in a sustainable way that is environmentally friendly, reliable and sustainable for future generations.

9. CORPORATE SERVICES DIRECTORATE

9.3 Draft Local Law No.1 - Community Living 2018 (continued)

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Review not completed prior to sunset of current Local Laws (extensions not available)	Possible	Major	High	Project management
Negative response from Community in relation to proposed changes	Possible	Minor	Low	Detailed explanation will be provided of any proposed changes in the LLCIS

Policy Considerations

The review of Council's Local Laws presents no conflicts with existing Council policy.

Financial Implications

There are no financial implications associated with this report.

Legal/Statutory Implications

The detailed and timely review of Councils Local Laws ensures that council is meeting its statutory obligations under Section 111 of the *Local Government Act 1989*.

Environmental/Sustainability Impacts

The Local Law provides a basis for prevention of a number of environmental harms including, burning off, building site related issues and management of refuse.

Social Implications

The impact of this local law is that social cohesion is enhanced and addresses a number of municipality specific issues.

Economic Impacts

There are no economic impacts associated with this proposal.

Consultation

As part of the detailed review process, extensive consultation has been undertaken with relevant stakeholders, all departments impacted by the adoption, enforcement and regulations associated with other Acts, including Victoria Police and the Country Fire Authority.

Officers believe that the appropriate consultation will occur as part of the formal Section 223 process and the matter is now ready for Council consideration in draft form to allow it to proceed to Council for adoption in its final form.

Strategic Links

a) Greater Shepparton 2030 Strategy

Whilst there are no direct links with the 2030 strategy, its success is supported by this Local Law.

9. CORPORATE SERVICES DIRECTORATE

9.3 Draft Local Law No.1 - Community Living 2018 (continued)

Conclusion

Council is required to review its Local Law under *the Act*. As the Community Living Local Law No. 1 is due to sunset on 3 July 2018, the draft allows Council officers to address the current and trending issues across the municipality and to create new local laws to address systemic issues. The draft also allows reflection on what Local Laws have genuinely supported community health and amenity and prioritises the protection of Council assets for use by all and to create further clarity for education and ease of understanding by community.

Attachments

Draft Local Law Number 1 - Community Living 2018
Community Impact Statement

9. CORPORATE SERVICES DIRECTORATE

9.4 Draft Local Law No. 2 - Procedures for Council Meetings and Common Seal 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: Governance Officer

Proof reader(s): Manager Corporate Governance

Approved by: Director Corporate Services

Other: Maddocks

Executive Summary

The *Local Government Act 1989* (the Act) requires a council to make a Local Law to govern its conduct of meetings of the Council and of Special Committees of Council.

The current Local Law No. 2 – Processes of Local Government (Meetings and Common Seal) 2009 (‘the current local law’) was adopted by Council on 5 May 2009 and commenced on 15 May 2009. After 15 May 2019 the Local Law will cease to apply.

The Council must make a new Local Law which is proposed to be titled Local Law No.2 – Procedures for Council Meetings and Common Seal 2018 (‘the proposed Local Law’). The purpose of this report is to commence the statutory process necessary to make the proposed Local Law.

Moved by Cr Oroszvary Seconded by Cr Patterson

That the Council:

1. in accordance with Sections 119(2) and 223 of the *Local Government Act 1989*, public notice in the *Shepparton News* and the *Government Gazette* of its intention to release the Draft Local Law No. 2 Meetings Procedures and Common Seal 2018 for public comment;
2. stipulate in the public notice that persons may make a submission on the proposed Local Law No. 2 Procedures for Council Meetings and Common Seal 2018 in accordance with Section 223 of the Act and that written submissions must be received by 5.00pm on Friday 27 April 2018;
3. stipulate in the public notice submissions received will be made available for public inspection;
4. authorise the Chief Executive Officer to undertake the administrative procedures necessary to enable the Council to carry out its functions under section 223 of the Act in relation to this matter;

9. CORPORATE SERVICES DIRECTORATE

9.4 Draft Local Law No. 2 - Procedures for Council Meetings and Common Seal 2018 (continued)

Further, in the event that submissions are received under section 223 of the Act:

5. a Special Council Meeting be convened to hear from any person or persons who request to be heard in support of a section 223 written submission; and if required the Special Council meeting be held on 15 May 2018 in the Council Boardroom, first floor, 90 Welsford Street, Shepparton; and
6. a report on any section 223 submissions received by the Council, along with a summary of any hearings held, be provided to the Council meeting; and
7. consider all written submissions on any proposal contained with the Draft Local Law No. 2 - Procedures for Council Meetings and Common Seal 2018.

CARRIED.

Background

Section 91(1) of *the Act* requires councils to make local laws governing the conduct of meetings of the Council and special committees. The Greater Shepparton City Council current Local Law No. 2 – Processes of Local Government (Meeting and Common Seal) came into effect on 15 May 2009 and sunsets on 15 May 2019.

The proposed new Local Law, to be known as Local Law No.2 – Procedures for Council Meetings and Common Seal 2018 ('the proposed Local Law') regulates use of Council's common seal; election of the Mayor and Deputy Mayor and governs the conduct of meetings of the Council and Special Committees.

A community impact statement accompanies the Draft Local Law. This Community Impact Statement has been prepared to inform the community about the proposed Local Law and to assist any member of the public who may wish to make a submission to Council during the public consultation process required under the *Local Government Act 1989* (Act).

Preparation of the draft Local Law has taken into consideration feedback from Councillors regarding the operation of the current Local Law and advice from Council's solicitors.

Prior to making a Local Law Council must give notice of its intention to make a Local Law in the Victorian Government Gazette and a public notice (newspaper), inviting public submissions.

The Draft Local Law No. 2 Meeting Procedures Local Law and Common Seal 2018 has been prepared based on the current Local Law with amendments to:

1. Increases use of plain English
2. Removes out of date requirements and clauses that unnecessarily duplicate the Act
3. Clarifies power for the Chair during meetings
4. No extension to speaking times
5. No Urgent Business at Special Meetings
6. Clarifies power of Chief Executive Officer to vary agenda
7. Some amendments relating to reports from Councillors
8. Removes procedural motions, except laying motion on the table
9. Removes reference to deputations
10. Simplifies Common Seal provisions

9. CORPORATE SERVICES DIRECTORATE

9.4 Draft Local Law No. 2 - Procedures for Council Meetings and Common Seal 2018 (continued)

Following public consultation, Council officers will review all feedback, comments and submissions received. The proposed Local Law is then expected to be further considered for adoption by Council in June 2018.

The Draft Local (i.e proposed) Law together with a Community Impact Statement will be made available at Council's Customer Service Centre, 90 Welsford Street, Shepparton and on Council's website www.greatershepparton.vic.gov.au.

Council Plan/Key Strategic Activity

The review of Councils Local Laws is consistent with the following Council Plan objectives:

- 1.3 Council demonstrates strong leadership and sound decision making in the best interests of the community.
- 1.7 Council advocates on issues, priorities and needs that matter to our community in partnership with key stakeholders.
- 1.8 Consultation that is transparent, robust and accessible, and clear, consistent and timely communication provided to inform, educate and engage with the community.
- 2.9 Public places, open space and community facilities are safe and accessible for all and presented to a high quality.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Review not completed prior to sunset of current Local Laws (extensions not available)	Possible	Major	High	
Negative response from Community in relation to proposed changes	Possible	Minor	Low	Detailed explanation will be provided of any proposed changes in the LLCIS

Policy Considerations

The review of Councils Local Laws presents no conflicts with existing Council policy.

Financial Implications

There are no financial implications associated with this report.

Legal/Statutory Implications

The detailed and timely review of Councils Local Laws ensures that council is meeting its statutory obligations under Section 91 and Section 111(1) of the *Local Government Act 1989*.

Environmental/Sustainability Impacts

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

Social Implications

There are no social impacts associated with this report.

9. CORPORATE SERVICES DIRECTORATE

9.4 Draft Local Law No. 2 - Procedures for Council Meetings and Common Seal 2018 (continued)

Economic Impacts

There are no economic impacts associated with this proposal.

Consultation

As part of the detailed review process, extensive consultation has been undertaken with relevant stakeholders.

In addition, a formal Section 223 process will be undertaken on the draft Local Law, prior to presenting to Council for adoption in its final form.

Strategic Links

a) Greater Shepparton 2030 Strategy

There are no direct links with the 2030 strategy.

Conclusion

Reviewing the Local Law will ensure Council continues to comply with its obligations under the Act. Prior to making a Local Law Council must give notice of its intention to make a Local Law in the Victorian Government Gazette and a public notice (newspaper), inviting public submissions.

Council officers recommend that the Draft Local Law be released for public comment and consultation.

Attachments

1. Greater Shepparton City Council - Meeting Procedure Local Law
Community Impact Statement
2. Draft Local Law No.2 - Procedures for Council Meetings and Common
Seal 2018

9. CORPORATE SERVICES DIRECTORATE

9.5 February 2018 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: Acting Manager Finance & Rates

Proof Reader: Acting Manager Finance & Rates

Approved by: Director Corporate Services

Executive Summary

The report presents Council's actual financial performance compared to the budget for the eight months ended 28 February 2018.

Moved by Cr Adem

Seconded by Cr Hazelman

That the Council receive and note the February 2018 Monthly Financial Report.

CARRIED.

Background

The 2017/2018 Budget was adopted at the Ordinary Council Meeting held 20 June 2017. The 2017/2018 Budget provided for an operating surplus of \$7.2 million with revenue of \$127.92 million and expenditure of \$120.72 million. The 2017/2018 Budget also provided for capital works of \$39.38 million.

On 17 October 2017, Council adopted the 2017/2018 Q1 Adopted Forecast with an accounting surplus of \$6.14 million which is \$1.06 million less than the 2017/2018 Adopted Budget. The capital works program of \$40.33 million is forecast to be expended during the 2017/2018 financial year which is an increase of \$0.94 million from the Adopted Budget.

On 20 February 2018, Council adopted the 2017/2018 Q2 Forecast Review with an accounting surplus of \$7.34 million, an increase of \$1.2 million on the Q1 Adopted Forecast and \$140,000 increase on 2017/2018 Adopted Budget. The capital works program was at \$39.57 million a reduction of \$760,000 from the Q1 Adopted Forecast but an increase of \$183,000 on the 2017/2018 Adopted Budget.

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

The February 2018 Monthly Financial Report incorporates the following sections which are presented for Council's consideration:

- Operating Performance
- Capital Works Performance
- Income Statement

9. CORPORATE SERVICES DIRECTORATE

9.5 February 2018 Monthly Financial Report (continued)

- Balance Sheet
- Cash Flow Statement
- Capital Works Statement

Council Plan/Key Strategic Activity

The report is consistent with the leadership and governance goal “High Performing Organisation” as included in the *Council Plan 2017-2021*.

Council Plan/Key Strategic Activity

The report is consistent with the leadership and governance goal “High Performing Organisation” as included in the *Council Plan 2017-2021*.

Risk Management

There are no risks identified in providing this financial report.

Policy Considerations

There are no conflicts with existing Council policies.

Financial Implications

There are no financial implications arising from this proposal.

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

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

Social Implications

There are no social implications associated with this report.

Economic Impacts

There are no economic implications in providing this financial report.

Consultation

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

Conclusion

The report presents Council's actual financial performance compared to the budget for the eight months ended 28 February 2018.

Attachments

February 2018 - Monthly Financial Statements

9. CORPORATE SERVICES DIRECTORATE

9.6 Review of Audit and Risk Management Committee Charter

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 Risk & Assurance

Proof reader(s): Manager Corporate Governance

Approved by: Director Corporate Services

Other: Audit and Risk Management Committee

Executive Summary

The ARMC Charter is to be reviewed annually. This year there have been two important developments regarding good practice in relation to Committees of this nature:

- The Auditing and Assurance Standards Board, Australian Institute of Company Directors and the Institute of Internal Auditors – Australia issued a “Guide to Good Practice “ for Audit Committees.
- Draft changes to the *Local Government Act* include some new requirements for Audit Committees.

Where appropriate, suggested changes have been made to the ARMC Charter which reflects guidance from both of these sources. More detail on key additions and changes are outlined under the “Background” section.

The Audit and Risk Management Committee discussed the proposed revisions to the ARMC at the February 2018 meeting. They discussed the potential impact of the broader responsibilities being proposed including increased work by Council Officers and Committee members.

Moved by Cr Giovanetti

Seconded by Cr Adem

That the Council approve the Audit and Risk Management Committee Charter.

CARRIED.

Background

The ARMC is an advisory committee to Council. It’s responsibilities are outlined in a Committee Charter and this is reviewed annually to ensure that the Committee are fulfilling their responsibilities and to make any appropriate revisions to the document.

The Good Practice guide issued in mid-2017 support a shift away from a focus mainly on financial issues to encompass broader risk and compliance related high level topics such as fraud, business continuity planning.

9. CORPORATE SERVICES DIRECTORATE

9.6 Review of Audit and Risk Management Committee Charter (continued)

Discussion Points

Key proposed changes to the ARMC Charter and work plan that the ELT Committee should consider include:

- The requirement to assess the performance of both the external auditor and internal auditor annually;
- Reviewing the business continuity planning process
- An increased focus on compliance related responsibilities including monitoring compliance with procurement guidelines
- Changes to selection of Committee members so that this decision is made directly by Councillors
- Chair to prepare a bi-annual report (currently annual), including any findings and recommendations to be submitted to Council.
- The opportunity to meet with both external and internal audit without management present is now explicitly outlined and planned for in the Work Planner;
- Reviewing the annual report (not just the financial reporting) to ensure messaging is understandable, consistent and unbiased.

Council Plan/Key Strategic Activity

This report is consistent with the “Leadership and Governance” pillar in the Council Plan, around providing “good governance in the operation of Greater Shepparton City Council.”

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
The Committee’s focus may be too narrow (ie mainly financially focused) in comparison to community and Councillor expectations and legislative requirements.	Likely	Moderate	Medium	Broaden ARMC’s responsibilities as defined in the charter. ARMC to reflect these broader responsibilities in their work planner.

Policy Considerations

There are no conflicts with existing Council Policy.

Financial Implications

Approximate cost of independent Committee per meeting is \$3600. It is possible that the Committee may need to meet more regularly than currently to fulfil their broader responsibilities. A possible outcome is that the ARMC have one extra meeting a year (6 times a year) instead of 5 times a year.

Legal/Statutory Implications

Draft changes to the *Local Government Act* include some new requirements for Audit Committees. Some of these changes have been incorporated into the revised charter and some are not appropriate to include at this stage.

9. CORPORATE SERVICES DIRECTORATE

9.6 Review of Audit and Risk Management Committee Charter (continued)

Environmental/Sustainability Impacts

There are no environmental/sustainability impacts associated with this report

Social Implications

There are no social impacts associated with this report

Economic Impacts

There are no economic impacts associated with this report

Consultation

Input has been sought from the Audit and Risk Management Committee on the proposed revisions to the Charter.

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

Conclusion

Council is proposing broadening the advisory responsibilities of the Audit and Risk Management Committee, particularly in the area of Compliance. This is reflected in proposed revisions to the Charter.

Attachments

Revised ARMC Charter

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.1 One Tree Per Child Project

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: Sustainability and Environment Officer

**Proof reader(s): Team Leader Sustainability and Environment,
Manager Environment**

Approved by: Director Sustainable Development

Executive Summary

In 2016, the Council commenced its involvement with the “One Tree Per Child” initiative. This led to the expansion of Council’s annual community tree planting program with the new aim of facilitating the planting of 16,664 indigenous plants, one for each person aged under 18 in our municipality.

The One Tree Per Child Project exceeded its planting target of 16,664 plants in 2017 with 17,016 plants being planted by 2,771 participants across 44 planting sites.

Moved by Cr Patterson

Seconded by Cr Giovanetti

That the Council note the 2017 achievements of the One Tree Per Child Project (as part of the Greening Shepparton vision).

CARRIED.

Background

In 2016, Council commenced its involvement with the “One Tree Per Child” initiative. This global initiative was founded by Olivia Newton-John and Jon Dee, who also founded the highly successful National Tree Day Program.

The Council’s annual community tree planting program was subsequently expanded with the new aim of facilitating the planting of an indigenous plant for each child (person aged under 18) in the municipality. There are 16,664 children living in the City of Greater Shepparton so the new target number was triple the number of indigenous plants planted under the old program.

The One Tree Per Child Project exceeded its planting target of 16,664 plants in 2017 with 17,016 plants being planted by 2,771 participants across 44 planting sites. Sites included twenty Council managed properties/reserves, eleven road reserves and six schools (Table 1).

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.1 One Tree Per Child Project (continued)

Table 1: Planting locations

Locations	Number
Council Managed land - Parks, Reserves, Property	20
Council Managed Road Reserves	11
Public land - Non Council managed (Schools, Parks Victoria, GO TAFE, VicRail etc.)	11
Private Property	2
TOTAL	44

Accomplishing the planting target was only going to be achieved by establishing partnerships with as many schools, kindergartens, childcare centres, Landcare and community groups as possible. A total of 43 different groups were involved (Table 2).

Table 2:

Groups	Number
Primary Schools	11
Community Groups	10
Childcare Centres	5
Council teams	4
Landcare Groups	3
Council Committees	3
Work crews	2
Community Planning Committees	2
Secondary Schools	2
Tertiary Institutions	1
TOTAL	43

Although the project is called One Tree Per Child, the species planted were indigenous trees, shrubs, groundcovers and grasses that have largely been cleared from our region. A total of 57 different species of trees, shrubs, groundcovers and grasses were planted to help restore a diverse range of woodland species to provide habitat for woodland birds and other native fauna species.

The One Tree Per Child Project's 2017 planting season results (complete list of planting sites, groups involved, species planted etc.) is attached.

Council Plan/Key Strategic Activity

Council Plan 2017-2021

Social – Develop resilient, inclusive, healthy communities that make Greater Shepparton a safe and harmonious place to live, work, learn and play.

- 2.6 – Volunteering is promoted and encouraged along with other measures to improve community resilience.
- 5. Environment - Enhance and protect the clean, green environment that makes Greater Shepparton the unique place it is.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.1 One Tree Per Child Project (continued)

- 5.1 – Greening Shepparton has created an attractive, vibrant and liveable place with well-connected green spaces that are valued by the community.
- 5.2 – The region’s environmental assets are planned and managed to ensure they are enhanced and sustainable for future generations.
- 5.3 – Council has positioned itself to be a leader in building Greater Shepparton’s response to climate change issues, in partnership with key stakeholders.

Risk Management

Risk assessments are undertaken for each community planting site and mitigation measures taken as necessary.

Planting trees increases Council’s risk profile in terms of tree limb failure. This will be mitigated through ensuring public access is clear of tree drip line and where this is not possible, the existing inspection process will be undertaken.

This project will help to reduce Council’s risk to climate change through mitigation of greenhouse gas emissions and providing adaptation options for flora and fauna.

Policy Considerations

The results of the One Tree Per Child Project also achieves the objectives outlined in the Council Plan 2017-2021, the Greater Shepparton Environmental Sustainability Strategy 2014-2030 and the Greening Shepparton Vision.

Financial Implications

No changes to the current budget are proposed.

Legal/Statutory Implications

There are no Legal/Statutory implications from the recommendation of this report.

Environmental/Sustainability Impacts

Positive environmental sustainability outcomes of increasing biodiversity, shade, habitat corridors and linking the community with the natural environment.

Social Implications

The project has achieved lots of positive social implications. Planting a tree is often a child’s first act of volunteering for their community and can lead to better health outcomes. It empowers children into realising that they can make a personal difference for our community and our local environment.

Economic Impacts

Plants and contractors to be sourced locally where possible.

Consultation

A wide range of stakeholders partnered with Council to achieve the One Tree Per Child Project. Every school, Community Plan Implementation Committee, Landcare group in the municipality were invited to participate. A range of other community and business groups were also invited to participate.

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

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.1 One Tree Per Child Project (continued)

Strategic Links

a) Greater Shepparton 2030 Strategy

The Natural Environment:

1. To maintain and enhance biodiversity of native flora and fauna communities
2. To protect and manage the natural resources of water air and land.

b) Other strategic links

Environmental Sustainability Strategy:

- 1.1 To protect and enhance remnant native vegetation and to maximise the biodiversity values of council owned and managed land
- 1.3 To partner with support and empower our community to increase the biodiversity values of private and public land
- 1.4 Advocate and collaborate with government agencies and key stakeholders to protect and enhance the municipalities biodiversity assets

Greater Shepparton Climate Adaptation Plan:

Natural Environment – Increase resilience of natural environment assets to build resilience of region.

Greater Shepparton Roadside Management Strategy:

1.7.1 Continue existing tree planting program and encourage Landcare groups to extend roadside wildlife corridors on private land adjoin one chain roads.

Goulburn Broken Catchment Management Authority - Regional Catchment Strategy

Conclusion

The One Tree Per Child Project exceeded its planting target of 16,664 plants in 2017 with 17,016 plants being planted by 2,771 participants across 44 planting sites.

Attachments

One Tree Per Child - Achievements 2017

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Roadside Weeds and Pests Program Funding

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: Sustainability and Environment Officer

**Proof reader(s): Team Leader Sustainability and Environment,
Manager Environment**

Approved by: Director Sustainable Development

Executive Summary

Council Officers have recently written a Roadside Weed and Pest Control Plan 2017-2019 to guide the control of priority noxious weed species on high priority Council-managed roadsides. The development of this plan provides Council with the opportunity to receive \$52,595 per year for two years to implement the plan, via the Victorian Government's Roadside Weed and Pest Program 2017-2019. Council will receive the funding for the first year once the Department of Economic Development, Jobs, Transport and Resources (DEDJTR) have endorsed the plan. The second year's funding amount will be received upon the receipt of the 2017/18 Yearly Report.

Moved by Cr Oroszvary

Seconded by Cr Adem

That the Council note the Roadside Weed and Pest Control Plan 2017-2019 that provides funding of \$52,595 per year over two years via the Victorian Government's Roadside Weed and Pest Program 2017-2019.

CARRIED.

Background

Prior to 2013, the responsibility for roadside weeds and pests was a source of contention for road managers and landholders. The *Catchment and Land Protection Act (CaLP Act) 1994* assigned the responsibility of roadside weed control to the adjoining landholder whilst the *Road Management Act 2004* assigned the responsibility of roadsides management to the land manager. In 2012/13 the Victorian Government amended the CaLP Act to assign the responsibility to the road manager.

Since 2013, Council has received approximately \$50,000 per year to implement a Roadside Weeds and Pests Control Program to control priority roadside weed species and rabbits. A requirement of this funding is that Council develop and implement a Roadside Weed and Pest Control Plan that outlines which weed species will be targeted and how they will be controlled across approximately 2,500km of the Council managed local road network.

During 2015-2017 (under our previous Roadside Weed and Rabbit Control Plan), Council mapped and treated 602km of high priority weeds that were mostly targeted in areas with higher proportions of high and very high roadside conservation significance. Council also treated over 200km of noxious weeds on roadsides under the Roadside Weed and Rabbit Control Plan (2013-2015).

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Roadside Weeds and Pests Program Funding (continued)

Council Officers have recently prepared the Roadside Weed and Pest Control Plan 2017-2019 to guide the control of priority noxious weed species on high priority Council-managed roadsides. The development of this plan provides Council with the opportunity to receive \$52,595 per year for two years to implement the plan, via the Victorian Government's Roadside Weed and Pest Program 2017-2019.

The plan is currently sitting with the Department of Economic Development, Jobs, Transport and Resources (DEDJTR) awaiting endorsement. Council will receive the funding for the first year once DEDJTR have endorsed the plan. The second year's funding amount will be received upon the receipt of the 2017/18 Yearly Report.

The objective of the plan is to prevent the introduction and control the spread of invasive plants and animal species across the municipality and region; and to complement past investments made by Greater Shepparton City Council enabled through State Government funding.

Greater Shepparton City Council's overall roadside weed and rabbit management objective is the effective and proactive management of invasive species on Council managed roadsides across the Municipality. Investment of funds will be aligned to:

1. Treatment for the eradication of Regionally Prohibited Weed infestations.
2. Treatment for the containment or reduction in area infestations of Regionally Controlled Weeds and rabbits – aligned to DEDJTR weed and rabbit compliance project area.
3. Supporting community group investment in weed and pest control projects.
4. Contributing to other previous investment in the control of Regionally Controlled and Regionally Prohibited Weeds and rabbits.
5. Protect identified assets such as significant roadside vegetation under threat from weed invasion or other significant roadside infrastructure.
6. Support weed and pest animal management programs being undertaken by land-owners.
7. Addressing other roadside declared noxious weed infestations of concern to the Municipality's community including Restricted Weeds declared under the Catchment and Land Protection Act (CaLP) Act 1994.

Council's past commitment to roadside weed control has allowed this plan to include a comprehensive list of current target species (refer to the attached plan) to control on high and very high conservation value roadsides. If the high and very high conservation roadside areas are all treated then remaining funds will be spent on treating moderate conservation value roadsides.

Council Plan/Key Strategic Activity

Council Plan 2017-2021

Social – Develop resilient, inclusive, healthy communities that make Greater Shepparton a safe and harmonious place to live, work, learn and play.

- 2.9 – Public places, open space and community facilities are safe and accessible for all and presented to a high quality.

Environment - Enhance and protect the clean, green environment that makes Greater Shepparton the unique place it is.

- 5.2 – The region's environmental assets are planned and managed to ensure they are enhanced and sustainable for future generations.
- 5.4 – Council has positioned itself to be a leader in building Greater Shepparton's response to climate change issues, in partnership with key stakeholders.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Roadside Weeds and Pests Program Funding (continued)

Risk Management

Controlling high priority noxious weed species on priority roadsides mitigates the potential harm these species pose to the regions environmental assets and agricultural landscapes.

Policy Considerations

There are no direct Policy implications from the implementation of the Roadside Weed and pest Control Plan 2017-2019.

Financial Implications

No changes to the current budget of \$5,000 are proposed.

Legal/Statutory Implications

Council has responsibility as the road authority to control listed weed and pest species under the *Catchment and Land Protection Act 1994* and the *Roadside Management Act 2004*.

Environmental/Sustainability Impacts

Control of noxious weeds on priority roadsides mitigates the potential harm these species cause to areas of native vegetation.

Social Implications

There are positive social implications from the implementation of the Control Plan. Council will maintain its reputation as a good neighbour to adjacent landholders where treatment will occur, and mapping, tracking and treatment of weeds of national significance will continue. This will have the benefit of minimising the impact of invasive species on landholder's income, and the resident's amenity of the municipality.

Economic Impacts

This funding opportunity provides an additional \$102,190 over two years for Council to provide weed control in the City of Greater Shepparton.

Consultation

Community consultation used to develop the Roadside Weeds and Pests Control Plan 2017-2019 was obtained in 2012/13 when Council requested stakeholder input on this issue. 300 randomly selected landholders were sent a mail survey, 31 face-to-face and phone interviews were conducted with the following key stakeholders:

- Arcadia and District Landcare Group
- Benalla Rural City
- Bunbartha Kaarimba Zeerust Landcare Group
- Country Fire Authority
- Congupna Tallygaroopna Landcare Group
- Dhurringhile and District Landcare Group
- Dookie Land Management Group
- Department of Environment, Land, Water & Planning
- Department of Economic Development, Jobs, Transport and Resources
- East Shepparton Landcare Group
- GeckoClan Landcare Network
- Goulburn Broken Catchment Management Authority
- Goulburn Murray Landcare Network

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Roadside Weeds and Pests Program Funding (continued)

- Goulburn Valley Environment Group
- Greater Shepparton City Council – Environment Services staff
- Harston Community Landcare Group
- Invergordon District Environment Group
- Lower Goulburn Conservation Management Network
- North West Mooroopna Land Management Group
- Parks Victoria
- Riverine plains Group
- Sheep Pen Creek Land management Group
- Shepparton-Mooroopna Urban Landcare Group
- Undera Landcare Group
- Victorian Farmers Federation
- Whroo Goldfields Conservation Management Network

Council responds to community pest and weeds concerns via phone calls, emails, site meetings and provides information to the community on weed management on the Council website, Facebook and Twitter.

Council Officers will inform the community that this plan has been prepared via traditional and social media avenues. The plan will be available on the Council website and distributed through the Goulburn Murray Landcare Network and other local networks.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

The Natural Environment:

1. To maintain and enhance biodiversity of native flora and fauna communities.
2. To protect and manage the natural resources of water, air and land.

b) Other strategic links

State

- Invasive Plants and Animal Policy Framework
- Catchment and Land Protection Act 1994
- Roadside Management Act 2004
- Road Management Act 2004. Code of Practice. Worksite Safety – Traffic Management.
- Road Management (Works and Infrastructure) Regulations 2005
- DSE Roadside Vegetation Policy for Bushfire Risk Mitigation purposes.

Regional

- GBCMA Regional Catchment Strategy 2013-2019
- GBCMA Invasive Plants and Animals Strategy 2010-2015
- Goulburn Broken Catchment Roadside Biodiversity Risk Management Protocols

Local

- Greater Shepparton City Council Municipal Fire Management Plan 2007
- Greater Shepparton City Council Roadside Management Strategy 2008
- Greater Shepparton City Council Road Management Plan
- Greater Shepparton Environmental Sustainability Strategy 2014-2030
- Greater Shepparton Environmental Sustainability Strategy Discussion Paper

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Roadside Weeds and Pests Program Funding (continued)

Conclusion

Following endorsement of the Roadside Weed and Pest Control Plan, Council will receive \$52,595 per year for two years via the Victorian Government's Roadside Weed and Pest Program 2017-2019 to control priority roadside weeds species from high priority roadsides.

Attachments

Roadside Weed and Pest Control Plan 2017-2019

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Greater Shepparton Townships Framework Plan Review, 2018 - Endorse and Release for Public Comment

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: Senior Strategic Planner

Proof reader(s): Team Leader Strategic Planning

Approved by: Director Sustainable Development

Executive Summary

The *Greater Shepparton Housing Strategy 2011* (the GSHS) was prepared by David Lock Associates Pty Ltd on behalf of Council to guide the future long term identification and provision of residential land within Greater Shepparton.

The GSHS establishes a development framework in the Shepparton and Mooroopna urban areas, as well as the smaller townships within the municipality.

The *Draft Greater Shepparton Townships Framework Plan Review, 2018* (the Draft Review) focuses on the nine townships that the GSHS provided framework plans for (see *Attachment 1 - Draft Greater Shepparton Townships Framework Plan Review, 2018*). The purpose of the Draft Review is to complement and build upon the work undertaken through the GSHS to 2011, and to update the framework plans for each of the small townships within the municipality.

The Draft Review considers recent developments in the townships, population trends and changes in supply and demand of residential land. It also further considers environmental and infrastructure opportunities and constraints and ensures future potential developable land is cognisant of these factors.

Preliminary consultation has been undertaken with internal Council Departments, as well as external relevant referral agencies, such as Goulburn Valley Water, VicRoads and the Goulburn Broken Catchment Management Authority.

The outcome of this work will be the preparation of revised framework plans for the townships, to be implemented through a future planning scheme amendment. The Draft Review does not recommend large-scale changes to the existing framework plans due to the limited growth that has occurred in the townships.

It is recommended that Council endorse the Draft Review and release it for public comment from 26 March to 27 April 2018.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Greater Shepparton Townships Framework Plan Review, 2018 - Endorse and Release for Public Comment (continued)

Moved by Cr Giovanetti
Seconded by Cr Oroszvary

That the Council:

1. endorse the *Draft Greater Shepparton Townships Framework Plan Review, 2018*; and;
2. release the *Draft Greater Shepparton Townships Framework Plan Review, 2018* for public comment from 26 March to 27 April 2018.

CARRIED.

Background

The *Greater Shepparton Housing Strategy 2011* (the GSHS) was prepared by David Lock Associates Pty Ltd on behalf of Council to guide the future long term identification and provision of residential land within Greater Shepparton.

The *Greater Shepparton Townships Framework Plan Review* (the Draft Review) focuses on only the nine townships that the GSHS provided framework plans for, and excludes the Shepparton and Mooroopna urban areas. The purpose of this review is to complement and build upon the work undertaken through the GSHS to 2011, and to update the framework plans for each of the small townships within the municipality.

The Draft Review assesses each township against a number of criteria but, importantly, recognises that each township is different and a “one size fits all approach” is not always appropriate. The townships have been assessed against the following criteria:

- Current status and history;
- Infrastructure and servicing availability;
- Environmental influences; and
- Population trends / supply and demand.

The townships that are included in the Draft Review are:

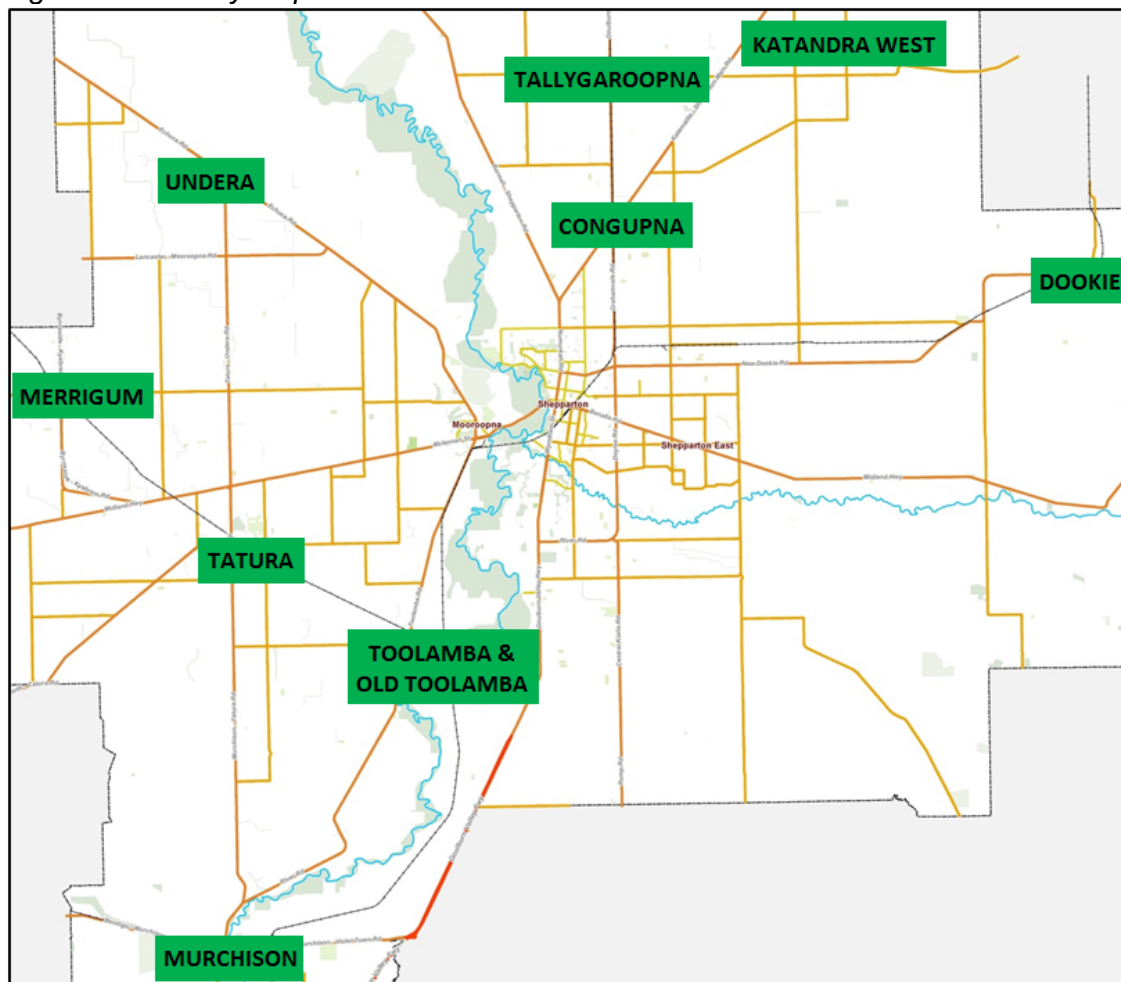
- Congupna;
- Dookie;
- Katandra West;
- Murchison;
- Merrigum;
- Tallygaroopna;
- Tatura;
- Toolamba and Old Toolamba; and
- Undera.

The location of these townships is shown in *Figure 1 – Locality Map*.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Greater Shepparton Townships Framework Plan Review, 2018 - Endorse and Release for Public Comment (continued)

Figure 1 – Locality Map



Council Plan/Key Strategic Activity

Built: Provide and support appealing relevant infrastructure that makes Greater Shepparton an attractive, liveable regional city.

Objective 4.1: Growth is well planned and managed for the future.

Objective 4.2: Urban and rural development is sustainable and prosperous.

Risk Management

Ensuring the appropriate level of community consultation is undertaken as part of this project will minimise the risks to Council. The Draft Review seeks to ensure risks such as an undersupply of residential land in the townships, which may lead to housing affordability issues, can be addressed. It also seeks to identify and consider the opportunities and constraints within each township to ensure appropriate development is facilitated. It is recommended that Council endorse the Draft Review and release it for public comment.

Policy Considerations

The Draft Review builds on the work undertaken through the GSHP, which is an adopted Council strategy. The Draft Review does not conflict with any existing Council policy.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Greater Shepparton Townships Framework Plan Review, 2018 - Endorse and Release for Public Comment (continued)

Financial Implications

The Draft Review was undertaken utilising existing Council resources. Releasing the Draft Review for public comment will result in some costs to Council for advertising and public notice. These costs can be accommodated through the existing budget.

Legal/Statutory Implications

The preparation of the Draft Review 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

Environmental influences were a key consideration in the preparation of the Draft Review. This includes environmental assets and constraints such as vegetation and river corridors, cultural heritage and wastewater treatment plants.

The recommendation will not result in any negative environmental/sustainability impacts.

Social Implications

The preparation of the Draft Review assessed population trends and changes in supply and demand in the townships.

The recommendation will not result in any negative social implications.

Economic Impacts

The revised township framework plans seek to balance the interests of the community and ensure appropriate land can be made available for residential growth. This will achieve positive economic outcomes in terms of housing types and housing affordability.

The recommendation will not result in any negative economic impacts.

Consultation

It is recommended that Council endorse the Draft Review and release it for public comment from 26 March to 27 April 2018. Consultation will be undertaken in accordance with Council's community engagement policies. The networks and links established through the Community Strengthening Team with the community plan committees and groups will be an important communication stream for consultation with the relevant townships.

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

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Greater Shepparton Townships Framework Plan Review, 2018 - Endorse and Release for Public Comment (continued)

Strategic Links

a) Greater Shepparton 2030 Strategy, 2006

Settlement: Commitment to growth within a consolidated and sustainable development framework.

Theme: Growth

Objective 1: To provide for sufficient suitable additional land for urban growth until 2030
Strategy 1.1: Identify and manage land supply for residential, industrial and commercial developments.

Action: Review the supply of undeveloped residentially zoned land every five years to ensure that there is at least 10-15 years' supply within the urban growth boundary.

b) Other strategic links

Greater Shepparton Housing Strategy, 2011

The Draft Review builds on and complements the work undertaken through the Housing Strategy.

Greater Shepparton Residential Land Supply Assessment, 2016

The Draft Review utilises data from the Residential Land Supply Assessment in considering supply and demand.

Conclusion

The Draft Review complements and builds upon the work undertaken through the GSHS to 2011, and updates the framework plans for each of the small townships within the municipality.

The outcome of this work will be the preparation of revised framework plans for the townships, to be implemented through a future planning scheme amendment. The Draft Review does not recommend large-scale changes to the existing framework plans due to the limited growth that has occurred in the townships.

It is recommended that Council endorse the Draft Review and release it for public comment from 26 March to 27 April 2018.

Attachments

Draft Greater Shepparton Townships Framework Plan Review, 2018

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Adoption of Amendment C196 to the Greater Shepparton Planning Scheme (Addendum to the Urban Design Framework - Shepparton North and South Business Areas, July 2017)

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: Senior Strategic Planner

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

Approved by: Director Sustainable Development

Executive Summary

The *Urban Design Framework: Shepparton North and South Business Areas* was prepared by Coomes Consulting Pty Ltd in 2006. In July 2017, Planisphere Pty Ltd prepared a review of the *Urban Design Framework: Shepparton North and South Business Areas*, having particular regard to recent planning permit applications and Victorian Civil and Administrative Tribunal cases. This review is known as the *Addendum to the Urban Design Framework – Shepparton North and South Business Areas, July 2017* (the UDF Addendum).

The UDF Addendum provides clear and robust policy framework and guidelines regarding building design, height and setbacks, fences, parking and access, landscaping and advertising signage for two key areas, being Shepparton North and the entrance to Kialla Lakes Drive.

At the Ordinary Council Meeting held on 18 July 2017, Council resolved to adopt the UDF Addendum, and to prepare and exhibit a planning scheme amendment to implement its findings (see *Attachment 1 – Minutes Extract from July 2017 Ordinary Council Meeting* and *Attachment 2 – UDF Addendum*). This amendment is known as Amendment C196 to the Greater Shepparton Planning Scheme.

The Amendment sought to introduce the UDF Addendum into the Planning Scheme as a reference document and to implement its findings to provide guidance for the design and development of land in Kialla and Shepparton North.

The Amendment provides this design guidance by:

- amending the existing Schedule 7 to the Design and Development Overlay (DDO7) and extending it to the Kialla Lakes Drive Entrance; and
- inserting a new Schedule 9 to the Design and Development Overlay (DDO9) into the Planning Scheme and applying it to the Shepparton North Commercial Gateway Precinct.

Amendment C196 was exhibited from 3 August 2017 to 4 September 2017. Council received 11 submissions in total. Of these submissions, six objected or requested changes to the proposed amendment.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Adoption of Amendment C196 to the Greater Shepparton Planning Scheme (Addendum to the Urban Design Framework - Shepparton North and South Business Areas, July 2017) (continued)

The six submissions that objected or requested changes to the Amendment could not be resolved. As such, all submissions were referred to an Independent Planning Panel appointed by the Minister for Planning for consideration.

The Panel Hearing was held on 18 January 2018 and the Panel Report was received on 16 February 2018 (see *Attachment 3 – Amendment C196 Panel Report*).

The Panel recommended that Amendment C196 to the Greater Shepparton Planning Scheme be adopted with post-exhibition changes as discussed at the Panel Hearing. These post exhibition changes are summarised below (see *Attachment 4 – Amendment Documentation for Adoption*).

- Remove land within the Commercial 1 Zone from the proposed new DDO9;
- Revise the wording in DDO7 to improve clarity;
- Remove reference to Schedule 2 to the Design and Development Overlay in DDO7; and
- Revise the wording in proposed new DDO9 to improve clarity.

Council is now required to consider the recommendations of the Independent Planning Panel and to make a decision on Amendment C196 to the Greater Shepparton Planning Scheme.

Moved by Cr Sutton Seconded by Cr Summer

That, having considered the report of the Panel appointed in relation to Amendment C196 to the Greater Shepparton Planning Scheme dated 16 February 2018 (“Panel Report”), in accordance with sections 27 and 29 of the *Planning and Environment Act 1987* (“Act”), the Council, in its capacity as the planning authority under the Act:

1. adopt the recommendations of the Panel at page 13 of the Panel Report;
2. adopt Amendment C196 as exhibited, but with post exhibition changes in accordance with the Panel recommendations as follows:
 - 2.1 the version of maps 13DDO and 14DDO in Appendix C of the Panel Report;
 - 2.2 the version of the Design and Development Overlay Schedule 7 in Appendix D of the Panel Report; and
 - 2.3 the version of the Design and Development Overlay Schedule 9 in Appendix E of the Panel Report; and
- 3 submit Amendment C196 to the Greater Shepparton Planning Scheme, as adopted by Council, to the Minister for Planning for approval in accordance with section 31(1) of the Act.

CARRIED.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Adoption of Amendment C196 to the Greater Shepparton Planning Scheme (Addendum to the Urban Design Framework - Shepparton North and South Business Areas, July 2017) (continued)

Background

At the Ordinary Council Meeting held on 18 July 2017, Council resolved to adopt the *Addendum to the Urban Design Framework – Shepparton North and South Business Areas, July 2017* (the UDF Addendum), and to prepare and exhibit a planning scheme amendment to implement its findings. This amendment is known as Amendment C196 to the Greater Shepparton Planning Scheme (Planning Scheme).

The UDF Addendum provides updated guidance for urban design at two of Shepparton's gateway sites, being the Shepparton North commercial area along the Goulburn Valley Highway, and the entrance to Kialla Lakes Drive from the Goulburn Valley Highway in Kialla. It includes policy guidance to be included in the Greater Shepparton Planning Scheme through Design and Development Overlays.

A summary of the design guidelines for each area is provided below.

Shepparton North Gateway Commercial Area

- Innovative, high quality architectural and design outcomes are encouraged to elevate the appearance of the precinct and reflect the importance of this northern gateway.
- Blank and dominant facades should be avoided and upper levels should be set back to reduce building bulk and add visual interest.
- Street setbacks must incorporate significant landscaping with canopy trees, especially between car parking areas and property boundaries.
- Signs should form part of building facades, rather than protruding beyond the building, which creates visual clutter.

Kialla Lakes Drive

- Developments should include innovative built form and quality landscaping that respects and manages the interface between residential and industrial uses.
- The height and form of new buildings should be stepped down towards residential interfaces.
- Long, blank facades that are visible from the street and large, paved car parking areas without landscaping should be avoided.
- Landscape buffers with canopy trees should be used in front setbacks and car parking areas.

The Amendment sought to introduce the UDF Addendum into the Planning Scheme as a reference document and implement its findings to provide guidance for the design and development of land in Kialla and Shepparton North.

The Amendment provides this design guidance by:

- amending the existing Schedule 7 to the Design and Development Overlay (DDO7) and extending it to the Kialla Lakes Drive Entrance; and
- inserting a new Schedule 9 to the Design and Development Overlay (DDO9) into the Planning Scheme and applying it to the Shepparton North Commercial Gateway Precinct.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Adoption of Amendment C196 to the Greater Shepparton Planning Scheme (Addendum to the Urban Design Framework - Shepparton North and South Business Areas, July 2017) (continued)

Specifically, the Amendment proposes to:

- Amend Clause 21.09 Reference Documents to include the UDF Addendum as a reference document;
- Apply Schedule 7 to Clause 43.02 Design and Development Overlay to land at the Kialla Lakes Drive Entrance;
- Amend Schedule 7 to Clause 43.02 Design and Development Overlay to revise the design and development guidance in this Schedule;
- Apply Schedule 9 to Clause 43.02 Design and Development Overlay to land in Shepparton North;
- Insert a new Schedule 9 to Clause 43.02 Design and Development Overlay to implement the recommendations of the UDF Addendum for the Shepparton North Gateway Precinct;
- Insert new Planning Scheme Map Nos. 13DDO and 14DDO;
- Amend Planning Scheme Map No. 26DDO; and
- Amend the Schedule to Clause 61.03.

Amendment C196 was exhibited from 3 August 2017 to 4 September 2017. Council received 11 submissions in total. Of these submissions, six objected or requested changes to the proposed Amendment.

The six submissions that objected or requested changes to the Amendment could not be resolved. As such, all submissions were referred to an Independent Planning Panel appointed by the Minister for Planning for consideration.

The Panel Hearing was held on 18 January 2018 and the Panel Report was received on 16 February 2018.

The Panel recommended that Amendment C196 to the Greater Shepparton Planning Scheme be adopted with post-exhibition changes as discussed at the Panel Hearing. These post exhibition changes are summarised below.

- Remove land within the Commercial 1 Zone from the proposed new DDO9;
- Revise the wording in DDO7 to improve clarity;
- Remove reference to Schedule 2 to the Design and Development Overlay in DDO7; and
- Revise the wording in proposed new DDO9 to improve clarity.

The Amendment provides design guidance for any future development of two key areas in Shepparton, being the Shepparton North Commercial Gateway Precinct, and the entrance to the Kialla Lakes Drive. This will assist in providing for the fair and orderly use and development of land, which will implement objectives (a), (c), (f) and (g) of Section 4(1) of the *Planning and Environment Act 1987* (the Act).

The proposed Amendment is consistent with the objectives and strategies of Clause 15.01-2 *Urban design principles* of the State Planning Policy Framework as it will minimise the amenity impacts that future development may have on neighbouring properties.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Adoption of Amendment C196 to the Greater Shepparton Planning Scheme (Addendum to the Urban Design Framework - Shepparton North and South Business Areas, July 2017) (continued)

The proposed Amendment is consistent with the Local Planning Policy Framework. In particular, the proposed Amendment is supportive of two objectives of Clause 21.04-4 *Urban Design*, which are “to promote a high standard of architectural, landscaping and urban design for built form and public spaces throughout the municipality” and “to control the number of signs and ensure that the appearance, size, illumination or location of signs does not adversely affect the visual amenity of the natural environment or the built form in the municipality”.

The proposed Amendment assists in achieving these objectives by providing design guidance for future development. This will assist in improving the visual amenity of the Shepparton North Commercial Gateway Precinct and Kialla Lakes Drive Entrance.

The proposed Amendment makes proper use of the Victorian Planning Provisions.

The purpose of the Design and Development Overlay is “to identify areas which are affected by specific requirements relating to the design and built form of new development”.

Applying DDO9 and amending DDO7 for these areas is the most appropriate planning tool to provide clear and appropriate design guidance for new developments.

Council is now required to consider the recommendations of the Independent Planning Panel and to make a decision on Amendment C196 to the Greater Shepparton Planning Scheme.

Council Plan/Key Strategic Activity

The *Greater Shepparton Council Plan 2017-2021* contains Objective 4.4, which seeks to ensure quality infrastructure is provided and maintained to acceptable standards. The implementation of the UDF Addendum will support this built environment objective.

The proposed Amendment is required to implement the recommendations of the UDF Addendum which was adopted at the Ordinary Council Meeting held on 18 July 2018.

Risk Management

The primary risk associated with the proposed Amendment is not meeting the timelines required by *Ministerial Direction No. 15 “The Planning Scheme Amendment Process”*. This Ministerial Direction requires each stage of the planning scheme amendment process to be undertaken within set timeframes.

In accordance with Ministerial Direction No. 15, under Section 29 of the Act, Council must make a decision to either adopt or abandon the proposed Amendment within 40 business days of receiving the Panel Report.

It is recommended that Council make a decision on the proposed Amendment.

In accordance with Section 27 of the Act, Council is required to consider the Independent Planning Panel’s report before deciding whether or not to adopt the Amendment.

Policy Considerations

The Amendment is consistent with existing Council policy.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Adoption of Amendment C196 to the Greater Shepparton Planning Scheme (Addendum to the Urban Design Framework - Shepparton North and South Business Areas, July 2017) (continued)

Financial Implications

The cost of preparing the UDF Addendum was a previous budget commitment for Council in the 2016/17 financial year. The costs of the proposed Amendment, including the cost of an Independent Planning Panel, must be met by Council.

The cost of the Independent Planning Panel for this Amendment will be approximately \$12,000. Council was represented by Keaney Planning Pty Ltd at the panel hearing, and called expert evidence from Ethos Urban Pty Ltd (formerly Planisphere Pty Ltd). These costs were also met by Council and were approximately \$27,700.

Legal/Statutory Implications

All procedures associated with this proposed Amendment comply with the legislative requirements of the Act. The Amendment has been assessed in accordance with the Act and the 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

The design and development controls that the Amendment seeks to apply will require future development to consider landscape buffer plantings around front, side and rear setbacks. The proposed controls will have positive environmental impacts as they seek to ensure that future development minimises large areas of paving, and provides large canopy trees and appropriate plant species. The UDF Addendum includes references to Council's *Landscape Plan Guide, 2017* and requires consideration of this document as a decision guideline within the new Schedule 9 to the Design and Development Overlay.

There are no adverse environmental impacts.

Social Implications

The Amendment will provide social benefits by providing design guidance for built form in the Shepparton North Commercial Gateway Precinct and Kialla Lakes Drive Entrance. This includes guidance for building design, height and setbacks, fences, parking and access, landscaping and advertising signage. This will improve visual amenity in these areas to achieve positive social outcomes.

There are no adverse social impacts.

Economic Impacts

The proposed Amendment will have positive economic impacts as it seeks to provide clear guidance as to the design expectations for built form in the Shepparton North Commercial Gateway Precinct and Kialla Lakes Drive Entrance. This will help to avoid uncertainty and inconsistency for developers within these areas.

There are no adverse economic impacts.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Adoption of Amendment C196 to the Greater Shepparton Planning Scheme (Addendum to the Urban Design Framework - Shepparton North and South Business Areas, July 2017) (continued)

Consultation

The Amendment was exhibited in accordance with the *Planning and Environment Act 1987* from 3 August 2017 to 4 September 2017 and the following notice was provided:

- Letters sent to land owners and occupiers on 31 July 2017
- Letters sent to relevant referral authorities on 31 July 2017;
- Letters sent to prescribed Ministers on 31 July 2017;
- Notice in the Shepparton News on 1 August 2017;
- Notice in the Victoria Government Gazette on 3 August 2017;
- Notice on Greater Shepparton City Council website;
- Notice on Department of Environment, Land, Water and Planning website; and
- Copy of exhibition documentation in the foyer of the Council offices at 90 Welsford Street, Shepparton.

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

Strategic Links

a) Greater Shepparton 2030 Strategy, 2006

An objective of this strategy is “to develop and enhance a distinctive character for Greater Shepparton”, with a strategy “support the use of urban design frameworks to identify where and how built form can be used to enhance the impact and perception of the municipality”.

b) Addendum to the Urban Design Framework – Shepparton North and South Business Areas, July 2017

The proposed Amendment is required to implement the recommendations of the UDF Addendum which was adopted at the Ordinary Council Meeting held on 18 July 2018.

Conclusion

At the Ordinary Council Meeting held on 18 July 2017, Council resolved to adopt the *Addendum to the Urban Design Framework – Shepparton North and South Business Areas, July 2017* (the UDF Addendum), and to prepare and exhibit a planning scheme amendment to implement its findings. This amendment is known as Amendment C196 to the Greater Shepparton Planning Scheme (Planning Scheme).

The Amendment sought to introduce the UDF Addendum into the Planning Scheme as a reference document and implement its findings to provide guidance for the design and development of land in Kialla and Shepparton North.

The Amendment provides this design guidance by:

- amending the existing Schedule 7 to the Design and Development Overlay (DDO7) and extending it to the Kialla Lakes Drive Entrance; and
- inserting a new Schedule 9 to the Design and Development Overlay (DDO9) into the Planning Scheme and applying it to the Shepparton North Commercial Gateway Precinct.

Amendment C196 was exhibited from 3 August 2017 to 4 September 2017. Council received 11 submissions in total. Of these submissions, six objected or requested changes to the proposed Amendment.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Adoption of Amendment C196 to the Greater Shepparton Planning Scheme (Addendum to the Urban Design Framework - Shepparton North and South Business Areas, July 2017) (continued)

The six submissions that objected or requested changes to the Amendment could not be resolved. As such, all submissions were referred to an Independent Planning Panel appointed by the Minister for Planning.

The Panel Hearing was held on 18 January 2018 and the Panel Report was received on 16 February 2018.

The Panel recommended that Amendment C196 to the Greater Shepparton Planning Scheme be adopted with post-exhibition changes as discussed at the Panel Hearing. These post-exhibition changes are summarised below.

- Remove land within the Commercial 1 Zone from the proposed new DDO9;
- Revise the wording in DDO7 to improve clarity;
- Remove reference to Schedule 2 to the Design and Development Overlay in DDO7; and
- Revise the wording in proposed new DDO9 to improve clarity.

Council is now required to consider the recommendations of the Independent Planning Panel and to make a decision on Amendment C196 to the Greater Shepparton Planning Scheme.

Attachments

1. Minutes Extract from July 2017 Ordinary Council Meeting
2. UDF Addendum
3. Amendment C196 Panel Report
4. Amendment Documentation for Adoption

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 Planning Permit Application 2017-277 - Three Lot Subdivision and Construction of Three Dwellings

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): Manager Building and Planning

Approved by: Director Sustainable Development

Executive Summary

The application seeks planning permission for the construction of three double storey dwellings and a three lot subdivision at 2 Orr Street, Shepparton (the land).

The proposal is for the construction of three double storey dwellings (one x four bedroom and two x two bedroom dwellings), a three lot subdivision to allow for the dwellings to be separately sold and the creation of access to two of the dwellings onto Balaclava Road (a Road Zone – Category 1).

The land is in the General Residential Zone (GRZ), is not affected by any overlays and abuts a Road Zone (category 1).

Officers have advertised the application and six objections have been lodged with Council.

The main grounds of objection can be summarised as follows:

- Devaluation of land;
- Traffic/car parking concerns;
- Concerns regarding small lot being tenanted rather than owner occupier;
- Loss of neighbourhood character and heritage values of Orr Street;
- Dwellings will be constructed cheaply; and
- Loss of community.

Despite the concerns raised in the objections, officers are satisfied that the proposed application achieves an acceptable planning outcome for the following reasons:

- The proposal is consistent with the State and Local planning policy whereby the development allows for an additional residential buildings within an established residential area.
- The proposal makes use of existing infrastructure and is close to services such as public transport, public open space and community services such as schools.
- The proposal is consistent with local policy and Greater Shepparton Housing Strategy as it provides medium density housing in a designated incremental change area.
- The proposal is consistent with the existing street pattern whereby similar re-development to increase residential density is existing.
- The design of the development is acceptable against the design guidelines (clause 55) of the Planning Scheme and is setback appropriately from boundaries so as to respect the neighbourhood character.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 Planning Permit Application 2017-277 - Three Lot Subdivision and Construction of Three Dwellings (continued)

Based on the policy direction in the Greater Shepparton Planning Scheme (the Scheme), planning officers recommend that a notice of decision to grant a permit should issue.

Moved by Cr Giovanetti
Seconded by Cr Patterson

In relation to Planning Application 2017-277, 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 decision to grant a planning permit subject to the following conditions:

1. **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. Such plans must be generally in accordance with the plan submitted with the application but modified to show:

- a) The window sill of the south facing window of bedroom 2 in dwelling 1 to be a minimum of 1800 mm on the floor plan.

2. **Layout Not Altered**

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

3. **Drainage Discharge Plan**

Before the Development commences of the Plan of Subdivision, a drainage plan with computations prepared by a suitably qualified person or organisation, 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 submitted in an electronic format. The plans must be in accordance with Council's Infrastructure Design Manual and include:

- a) how each lot will be independently drained to the side entry pits in Orr street/ Balaclava Road;
- b) underground pipe drains conveying stormwater to the legal point of discharge;
- c) measures to enhance stormwater discharge quality from the site and protect downstream waterways;
- d) maximum discharge rate shall not be more than 37lit/sec/ha in accordance with Infrastructure Design Manual Clause 19 Table 13 (or as agreed in writing by the responsible authority).;
- e) Incorporation of water sensitive urban design in accordance with Clause 20 of the Infrastructure Design Manual or as otherwise approved in writing by the Responsible Authority; and

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 Planning Permit Application 2017-277 - Three Lot Subdivision and Construction of Three Dwellings (continued)

- f) Provision of an electronic copy of the MUSIC model (or equivalent) demonstrating the achievement of the required reduction of pollutant removal;

to the satisfaction of the Responsible Authority.

Before the statement of compliance is issued all drainage works required by the drainage plan must be completed to the satisfaction of the responsible authority.

4. **Landscape Plan**

Before the development starts a landscape plan prepared by suitably qualified landscape designer 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 must show:

- a) building envelopes and vehicular access points for each lot in the development.
- b) The retention of the large tree within the front of proposed lot 1 on the corner of Orr Street and Balaclava Road
- c) a schedule of all proposed trees, shrubs and ground cover, including the location, number and size at maturity of all plants, the botanical names and the location of areas to be covered by grass, lawn or other surface materials as specified;
- d) details of surface finishes of pathways and driveways;
- e) landscaping and planting within all open areas of the site
- f) all landscaped areas to be used for stormwater retardation;
- g) street trees along vacant sections of Balaclava Road
- h) 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.

Before the occupation of the development starts 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.

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;

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 Planning Permit Application 2017-277 - Three Lot Subdivision and Construction of Three Dwellings (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.

6. **Payment in Lieu of Open Space**

Before the statement of compliance is issued under the *Subdivision Act 1988*, the owner must pay to the responsible authority a sum of equivalent to 5 per cent of the site value of all land in the subdivision.

The owner must advise Council, in writing, to undertake the property valuation and must pay the Council's reasonable costs and expenses to provide such a valuation for payment in lieu of the public open space contribution.

7. **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.

8. **Boundary fencing**

Before the dwellings are occupied side and rear boundary fencing must be constructed to a height of 1.8m (from finished ground level) consisting of a 1.8 m high colourbond fence and be constructed to enhance the character of the development and to ensure the privacy of adjoining properties. The height, material, type and extent of fencing is to be mutually agreed by all parties and must be erected prior to occupation of the development. The cost of such fencing shall be borne by the developer unless otherwise agreed by the parties to the satisfaction of the responsible authority.

9. **Underground Connection**

Before the occupation of any of the dwellings, the electricity connection to that dwelling must be undergrounded to the satisfaction of the responsible authority.

10. **Compliance to Development Permit**

Before a Statement of Compliance is issued under the Subdivision Act 1988,

- a) the works listed in Planning Permit number 2017-277 and shown on the endorsed plans must be completed to the satisfaction of the relevant authority; or
- b) A section 173 agreement entered into in accordance with condition 11 of this permit.

11. **Section 173 Agreement**

If the owner does not wish to construct the buildings and works as required in the endorsed plans and vehicle crossings prior to the Statement of Compliance, the owner must then enter into an agreement with the

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 Planning Permit Application 2017-277 - Three Lot Subdivision and Construction of Three Dwellings (continued)

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) All subsequent development of the land must accord with the plans and conditions endorsed to planning permit 2017-277.
- b) Prior to the occupation of any development on lots 1, 2 or 3, the works (including drainage and vehicle crossovers) approved for that lot, by planning permit 2017-277 must be completed, in accordance with the endorsed plans;

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.

12. **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.

13. **Form 13**

Before a Statement of Compliance is issued under the *Subdivision Act 1988* by the Responsible Authority the owner must provide a completed Form 13.

14. **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

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 Planning Permit Application 2017-277 - Three Lot Subdivision and Construction of Three Dwellings (continued)

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.

15. **VicRoads Requirements**

1. The crossover and driveway are to be constructed to the satisfaction of the Roads Corporation and/or the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use hereby approved.
2. Prior to the commencement of the works hereby approved, the access lanes, driveways, crossovers and associated works must be provided and available for use and be:
 - a. Formed to such levels and drained so that they can be used in accordance with the plan.
 - b. Treated with an all-weather seal or some other durable surface.
3. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (e.g. by spilling gravel onto the roadway).
4. All disused or redundant vehicle crossings must be removed and the area, including kerb and channel, reinstated to the satisfaction of and at no cost to the Roads Corporation prior to the commencement of the use hereby approved.

16. **Powercor Requirements**

1. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.
2. The applicant shall:
 - a. Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 Planning Permit Application 2017-277 - Three Lot Subdivision and Construction of Three Dwellings (continued)

electricity supply system, as required by Powercor.

- b. Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria's Electrical Safety System.
- c. The applicant shall provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.
- d. Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- e. Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.

17. Goulburn Valley Region Water Corporation Requirements

- a) Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;
- b) Provision of separate water services and individual water supply meters to each allotment within the development;
- c) Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only and to the satisfaction of the Goulburn Valley Region Water Corporation;
- d) Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
- e) Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.
- f) Disconnection of any existing house connection drain, and each allotment to be independently and directly connected to a sewer main of the Goulburn Valley Region Water Corporation;
- g) A notation is to be placed on the plan of subdivision to note that pursuant to Section 12(2) of the Subdivision Act 1988, there exists "implied easements" over all of the allotments and the common property within the development;
 - a) Alternatively, the developer is to provide a two metre wide sewerage easement over the common portion of the house connection drain, in favour of the benefiting land, to the satisfaction of the Goulburn Valley Region Water Corporation;

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 Planning Permit Application 2017-277 - Three Lot Subdivision and Construction of Three Dwellings (continued)

h) The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.

18. 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 certification.

CARRIED.

Property Details

Land/Address	2 Orr Street, Shepparton
Zones and Overlays	General Residential Zone Abuts a Road Zone (category 1)
Why is a permit required	32.08-3 – Subdivision of land in the General Residential Zone 32.08-6 – Construction of two or more dwellings on a lot. 52.29 – subdivision adjacent to and creation of access onto a road in a Road Zone (category 1)

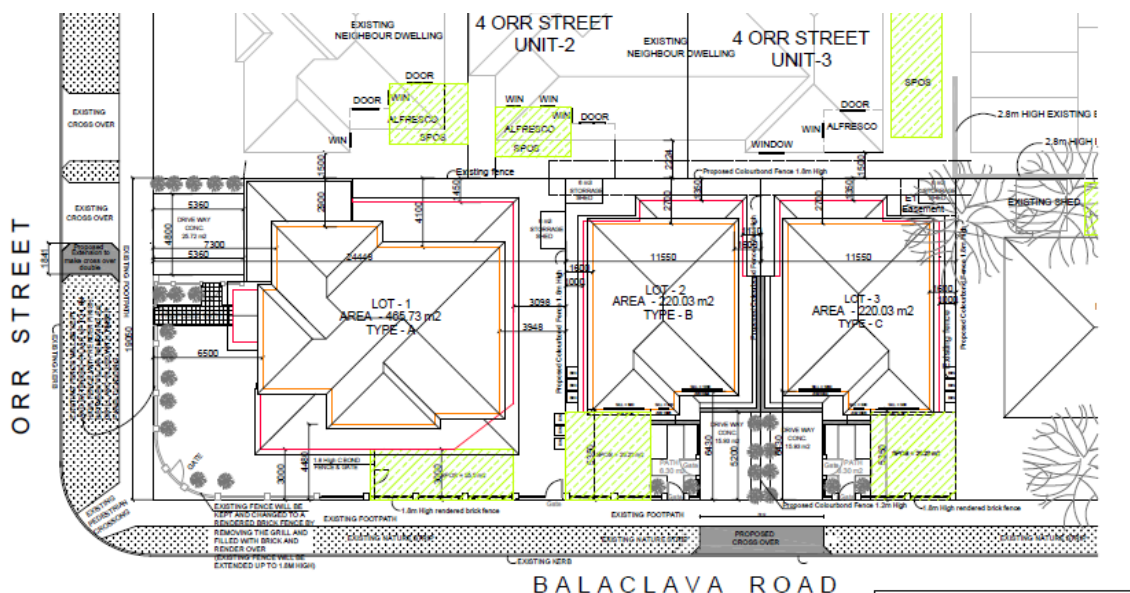
Locality Plan



10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 Planning Permit Application 2017-277 - Three Lot Subdivision and Construction of Three Dwellings (continued)

Proposed Plan



Proposal in Detail

The Planning permit application form describes the proposal as '3 units and subdivision'.

A planning permit is required pursuant to clauses 32.08-3 (subdivision in the General Residential Zone), 32.08-6 (construction of two or more dwellings in the General Residential Zone) and 52.29 (subdivision adjacent to and creation of access onto a Road Zone, Category 1).

The proposal provides for the construction of three double storey dwellings and the creation of a lot for each proposed dwelling through the subdivision of the land. The proposed lot sizes are 465.73, 220.03 and 220.03 square metres.

Summary of Key Issues

- The application for a planning permit seeks permission for the construction of three two storey dwellings and a three lot subdivision in the General Residential Zone;
- The application also requires permission for the subdivision of land adjacent to and creation of an access onto a Road Zone, Category 1 (Balaclava Road);
- Further information was requested from the applicant, which included detailed plans showing compliance with certain rescode guidelines (clause 55);
- A set of revised plans were submitted as a result of the further information request, which were notified to neighbours.
- Six objections have been received to the proposed development which raise traffic/carparking concerns, devaluation, occupation of dwellings, neighbourhood character and loss of community.
- Officers have identified that State and local planning policy generally supports medium density housing redevelopment in established areas that are appropriately located.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 Planning Permit Application 2017-277 - Three Lot Subdivision and Construction of Three Dwellings (continued)

Background

- Planning permit application 2012-304 was made in September 2012, which proposed three double storey dwellings, a three lot subdivision and creation of access onto a Road Zone, Category 1.
- A refusal to grant a permit issued by the Council's Development Hearings Panel on the grounds that Vicroads objected and the development did not comply with a number of the design guidelines and standards of clause 55.
- Amended plans were submitted post this decision as part of pre- application discussions between Council Officers and the developer, which were deemed to more appropriately address the clause 55 guidelines and showed a further setback of the second storey from the southern boundary.

Assessment under the Planning and Environment Act

The State Planning Policy encourages opportunities for the redevelopment and intensifications of existing urban areas through urban consolidation at clause 11.02-1, with the proposal providing for increased population density in an appropriate location.

The proposed development is considerate of the existing character of the area in accordance with clause 15.01 whilst acknowledging that it is a locality where further development is envisaged, through the application of the General Residential Zone. A zone in which the purpose includes *to encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*

Clause 21.04-1 sets out local planning policy for settlement with urban consolidation and growth encouraged and provides population growth forecasts and changing demographic trends, specifically identifying that:

In proximity to the Shepparton CBD and other key activity centres, people will be encouraged to live at higher densities in environments that offer individual, lifestyle and community benefits.'

The land is identified within an Incremental Change area of the Greater Shepparton Housing Strategy, with key strategies and policy guidelines which propose low scale medium density housing development that respects the existing neighbourhood character whilst increasing population densities.

The local planning policy identifies that medium density housing, is that on lots less than 450 square metres. The proposed development therefore provides two medium density allotments and one conventional living allotment, which fronts Orr street. This density is therefore considered appropriate in respecting the mixed character of Orr Street, whilst encouraging a higher density as reflected by the existing unit sites within the locality.

The Local Planning Policy objectives seek a balance of increased densities, whilst the need to respect and retain valued characteristics of existing neighbourhoods is considered. The determinative decision to be made with this proposal is whether the second storey of the dwellings is acceptable, with regard to the character of the area and the need to maintain a low scale as directed by the policy.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 Planning Permit Application 2017-277 - Three Lot Subdivision and Construction of Three Dwellings (continued)

The permissible dwelling height within the zone is 11 metres, with the proposed dwellings not to exceed 7.952 metres in height. The dwellings have been designed with eaves, pitched roofs and second storeys setback from the ground floor so as to provide for a design that respects the neighbourhood character, whilst providing for the increased densities that are desired by the majority of the policies. The transition between the two abutting sites, both developed for units to the subject proposal is also considered beneficial to the proposal, than if an abutting site was still retained as an existing single story dwelling.

The dwellings have been designed to comply with the standards as set out at clause 55 of the Planning Scheme, with a detailed assessment provided below. The dwellings in particular achieve compliance with setbacks from boundaries, overshadowing, overlooking and street setback objectives.

The dwellings have been provided with the correct number of car spaces as deemed appropriate by the Planning Scheme. The development proposes to use the existing access onto Orr Street, with a new double access proposed to Balaclava Road. The use of this double access has been referred to VicRoads, who are the responsible authority for this road and the State Government's expert road safety authority. Vicroads have responded with no objection to the proposal subject to conditions.

The proposed subdivision corresponding to the dwelling locations if approved, is considered acceptable in allowing for dwellings to be separately transferred. An assessment against Clause 56 of the Greater Shepparton Planning Scheme is provided in the below.

Clause 55 Assessment

Objectives	Standards	Compliance
<p>Clause 55.02-1 Neighbourhood Character Objectives To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character; To ensure the development responds to the features of the site and surrounding area.</p>	<p>Standard B1 (Cannot be varied) The design response must be appropriate to the neighbourhood and the site. The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	<p>Complies There is no relevant neighbourhood character objective developed for this area. The proposed design whilst at what could be considered a higher density for this location, is not at variance with the preferred and envisaged character for the location, with the land identified through the Housing Strategy for growth along with the application of the General Residential Zone to the site.</p>

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 Planning Permit Application 2017-277 - Three Lot Subdivision and Construction of Three Dwellings (continued)

<p>Clause 55.02-2 Residential Policy Objectives To ensure that residential development is provided in accordance with any policy for housing in the SPPF and the LPPF including the MSS and local planning policies; To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</p>	<p>Standard B2 (Cannot be varied) An application must be accompanied by a written statement that describes how the development is consistent with any relevant policy for housing in:</p> <ul style="list-style-type: none"> • the SPPF; and • the LPPF including the MSS; and Local Planning Policies 	<p>Complies The application proposes to provide additional housing variety within the municipality in an area supported by policy and in close proximity to community services.</p>
<p>Clause 55.02-3 Dwelling Diversity Objective To encourage a range of dwelling sizes and types in development of ten or more dwellings</p>	<p>Standard B3 (Can be varied) Developments of 10 or more dwellings should provide a range of dwelling sizes and types including:</p> <ul style="list-style-type: none"> • dwellings with a different number of bedrooms; and • at least one dwelling with a kitchen, bath or shower, and toilet and wash basin at ground floor level. 	<p>N/A</p>
<p>Clause 55.02-4 Infrastructure Objectives To ensure development is provided with appropriate utility services and infrastructure; To ensure development does not unreasonably overload the capacity of utility services and infrastructure</p>	<p>Standard B4 (Can be varied) Development should be connected to reticulated services including reticulated sewerage, drainage, electricity and gas if available. Developments should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads. In areas where utility services or infrastructure have little or no space</p>	<p>Complies All infrastructure is existing in the area. Connection requirements will be required as per the relevant authorities.</p>

10. SUSTAINABLE DEVELOPMENT DIRECTORATE
10.5 Planning Permit Application 2017-277 - Three Lot Subdivision and Construction of Three Dwellings (continued)

	capacity, developments should provide for the upgrading or mitigation of the impact on services or infrastructure.	
Clause 55.02-5 Integration with the Street Objective To integrate the layout of development with the street	Standard B5 (Can be varied) Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility. Development should be orientated to front existing and proposed streets. High fencing in front of dwellings should be avoided if practicable. Development next to existing public open space should be laid out to complement the open space.	Variation sought The dwellings will be orientated to front either Orr Street or Balaclava Road. The front dwelling setbacks will be similar to abutting dwellings. A 1.8 metre high fence is acceptable along Balaclava Road, given the orientation of the proposed dwellings and the allowable fencing on a Road Zone (category 1) being up to 2 metres. A 1.8 metre high fence is proposed for the Orr Street frontage which is not in line with the predominant character of the area. The fence fronting Orr Street will use both timber and brick to provide an improved design response and therefore is considered acceptable in providing interest to the street scape.
Clause 55.03-1 Street Setback Objective To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.	Standard B6 (Can be varied) Walls of buildings should be setback from streets the distance specified in Table B1	Complies The main part of the dwelling (including garage) fronting Orr Street do not impede on the setback established by the abutting dwelling to the south of 5.36m. The porch does not encroach more than 2.5 metres into this setback and is not more than 3.6 metres in height. The setback for the two dwellings fronting Balaclava Road is consistent with the setback of the dwelling to the West, being 5.35 metres.

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10.5 Planning Permit Application 2017-277 - Three Lot Subdivision and Construction of Three Dwellings (continued)

<p>Clause 55.03-2 Building Height Objective To ensure that the height of buildings respects the existing or preferred neighbourhood character.</p>	<p>Standard B7 (Can be varied) The max building height should not exceed 9m, unless the slope of the natural ground level at any cross section wider than 8m of the site of the building is 2.5 degrees or more, in which case the max building height should not exceed 10m. Change of building height between existing buildings and new buildings should be graduated.</p>	<p>Complies The proposed dwellings are double story with the maximum building height of approximately 7.952m</p> <p>The construction of double storey dwellings is permissible within the zone, with the maximum building height specified at 11 metres (3 storeys).</p> <p>The dwellings on abutting allotments are all single storey, with the change in height between these allotments to the subject land by 1 storey not considered to be significant.</p>																																								
<p>Clause 55.03-3 Site Coverage Objective To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site</p>	<p>Standard B8 (Can be varied) The site area covered by buildings should not exceed 60%.</p>	<p>Complies Tables below show site coverage, permeability and garden areas comply for all allotments.</p>																																								
<p>Clause 55.03-4 Permeability Objectives To reduce the impact of increased stormwater run-off on the drainage system; To facilitate on-site stormwater infiltration.</p>	<p>Standard B9 (Can be varied) At least 20% of the site should not be covered by impervious surfaces.</p>	<table border="1" data-bbox="979 1211 1369 1514"> <tr><td colspan="2">LOT 1 - TYPE 'A' DWELLING</td></tr> <tr><td>SITE AREA</td><td>465.73 m2</td></tr> <tr><td>DWELLING AREA - GF</td><td>184.93 m2</td></tr> <tr><td>DWELLING AREA - FF</td><td>151.85 m2</td></tr> <tr><td>GARAGE AREA</td><td>41.40 m2</td></tr> <tr><td>PORCH AREA</td><td>7.58 m2</td></tr> <tr><td>DRIVE WAY</td><td>25.72 m2</td></tr> <tr><td>SITE COVERAGE</td><td>50.22 %</td></tr> <tr><td>PERMEABILITY</td><td>44.25 %</td></tr> <tr><td>GARDEN AREA</td><td>44.25 %</td></tr> </table> <table border="1" data-bbox="979 1536 1369 1839"> <tr><td colspan="2">LOT 2 - TYPE 'B' DWELLING</td></tr> <tr><td>SITE AREA</td><td>220.03 m2</td></tr> <tr><td>DWELLING AREA - GF</td><td>90.83 m2</td></tr> <tr><td>DWELLING AREA - FF</td><td>87.99 m2</td></tr> <tr><td>GARAGE AREA</td><td>29.69 m2</td></tr> <tr><td>PORCH AREA</td><td>4.56 m2</td></tr> <tr><td>DRIVE WAY</td><td>15.93 m2</td></tr> <tr><td>SITE COVERAGE</td><td>56.84 %</td></tr> <tr><td>PERMEABILITY</td><td>35.91 %</td></tr> <tr><td>PERMEABILITY</td><td>35.91 %</td></tr> </table>	LOT 1 - TYPE 'A' DWELLING		SITE AREA	465.73 m2	DWELLING AREA - GF	184.93 m2	DWELLING AREA - FF	151.85 m2	GARAGE AREA	41.40 m2	PORCH AREA	7.58 m2	DRIVE WAY	25.72 m2	SITE COVERAGE	50.22 %	PERMEABILITY	44.25 %	GARDEN AREA	44.25 %	LOT 2 - TYPE 'B' DWELLING		SITE AREA	220.03 m2	DWELLING AREA - GF	90.83 m2	DWELLING AREA - FF	87.99 m2	GARAGE AREA	29.69 m2	PORCH AREA	4.56 m2	DRIVE WAY	15.93 m2	SITE COVERAGE	56.84 %	PERMEABILITY	35.91 %	PERMEABILITY	35.91 %
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10. SUSTAINABLE DEVELOPMENT DIRECTORATE
10.5 Planning Permit Application 2017-277 - Three Lot Subdivision and Construction of Three Dwellings (continued)

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<p>Clause 55.03-5 Energy Efficiency Objectives To achieve and protect energy efficient dwellings and residential buildings; To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy</p>	<p>Standard B10 (Can be varied) Buildings should be:</p> <ul style="list-style-type: none"> • Orientated to make appropriate use of solar energy. • Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. • Living areas and private open space should be located on the north side of the dwelling, if practicable. <p>Developments should be designed so that solar access to north-facing windows is maximised.</p>	<p>Complies The living areas and SPOS areas of the proposed dwellings are located and orientated to the northern side of the dwellings to maximise solar energy.</p>																				
<p>Clause 55.03-6 Open Space Objective To integrate the layout of the development with any public or communal open space provided in or adjacent to the development</p>	<p>Standard B11 (Can be varied) Any public or communal open space should:</p> <ul style="list-style-type: none"> • be substantially fronted by dwellings, where appropriate; • provide outlook for as many dwellings as <ul style="list-style-type: none"> • practicable • be designed to protect any natural features on the site; and • be accessible and useable. 	<p>N/A There is to be no communal open space as part of this development. Public space is located throughout Shepparton.</p>																				

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10.5 Planning Permit Application 2017-277 - Three Lot Subdivision and Construction of Three Dwellings (continued)

<p>Clause 55.03-7 Safety Objective To ensure the layout of development provides for the safety and security of residents and property</p>	<p>Standard B12 (Can be varied) Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways. Planting which creates unsafe spaces along streets and accessways should be avoided. Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways. Private spaces within developments should be protected from inappropriate use as public thoroughfares.</p>	<p>Complies The front entrance to all dwellings is visible from the street. The proposed dwellings also have secure access into the dwelling through the garage.</p>
<p>Clause 55.03-8 Landscaping Objectives To encourage development that respects the landscape character of the neighbourhood; To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance; To provide appropriate landscaping; To encourage the retention of mature vegetation on the site</p>	<p>Standard B13 (Can be varied) Landscape layout and design.</p>	<p>Complies A revised landscaping plan will be required to be submitted to ensure an adequate landscaping treatment including the provision of canopy trees within each front yard.</p>
<p>Clause 55.03-9 Access Objectives To ensure vehicle access to and from a development is safe, manageable and convenient; To ensure the number and design of vehicle crossovers respects the neighbourhood character</p>	<p>Standard B14 (Can be varied) Accessways should: 1. Be designed to allow convenient, safe and efficient vehicle movements and connections within the development and to the street network. 2. Be designed to ensure vehicles can exit a development in a forwards</p>	<p>Complies Both proposed crossovers are less than the 40% required for Orr Street (31%) and the 33% for Balaclava Road (15.5%).</p>

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	<p>direction if the accessway serves 5 or more car spaces, 3 or more dwellings, or connects to a road in a Road Zone.</p> <p>3. Be at least 3m wide.</p> <p>4. Have an internal radius of at least 4m at changes of direction.</p> <p>5. Provide a passing area at the entrance that is at least 5m wide and 7m long if the accessway serves 10 or more spaces and connects to a road in a road zone.</p> <p>6. The width of accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> • 33% of the street frontage if the width of the street frontage is more than 20m; or • 40% of the street frontage if the width of the street frontage is less than 20m. 	
<p>Clause 55.03-10 Parking Location Objectives</p> <p>To provide for convenient parking for residents and visitor vehicles;</p> <p>To avoid parking and traffic difficulties in the development and the neighbourhood;</p> <p>To protect residents from vehicular noise within developments</p>	<p>Summary of Standard B15 (Can be varied)</p> <p>Car parking facilities should:</p> <p>Be reasonably close and convenient to dwellings and residential buildings;</p> <ul style="list-style-type: none"> • Be secure; • Be designed to allow safe and efficient movements within the development. • Be well ventilated if enclosed. • Large parking areas should be broken up with trees, buildings or different surface treatments. • Shared accessways or car parks of other dwellings and residential buildings 	<p>Complies</p> <p>The number of car parking spaces provided for each dwelling and their dimensions complies with Clause 52.06.</p> <p>All dwellings are provided with at least two car parking spaces with at least one secure space.</p> <p>The space provided in front of the two garages for the three bedroom dwellings fronting Balaclava Road is sufficient for a car to park.</p>

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	<p>should be located at least 1.5m from habitable room windows. This setback may be reduced to 1m where there is a fence at least 1.5m high or where window sills are at least 1.4m above the accessway.</p>	
<p>Clause 55.04-1 Side and Rear Setbacks Objective To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings</p>	<p>Summary of Standard B17 (variable) New building not on, or within 200mm of boundary should be setback from side or rear boundaries:</p> <ul style="list-style-type: none"> • 1m, plus 0.3m for every metre height over 3.6m up to 6.9m, plus 1m for every metre height over 6.9m. • Sunblinds, verandahs, porches, eaves, gutters etc may encroach not more than 0.5m into the setbacks of this standard. 	<p>Complies Dwelling 1 The ground floor garage is located on the existing southern boundary and therefore considered under standard B18. The second storey is setback 2.9 metres from the southern boundary and is only required to be setback 1.6 metres.</p> <p>Dwelling 2 The ground floor of the dwelling which does not exceed a height of 3.6 metres is setback from the southern boundary by 1.35 metres. The second storey as above needs to be setback 1.6 metres from the southern boundary, with the plans showing a setback of 2.7 metres.</p> <p>Dwelling 3 The ground floor of the dwelling which does not exceed a height of 3.6 metres is setback from the southern boundary by 1.35 metres. The second storey as above needs to be setback 1.6 metres from the southern boundary, with the plans showing a setback of 2.7 metres.</p> <p>The ground floor which does not exceed a height of 3.6 metres is setback a metre as</p>

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		<p>required from the western boundary. The second storey is setback 1.6 metres, with the requirement by the standard to be 1.6. the plans do show the encroachment of eaves into this setback which is allowable up to .5 of a metre.</p> <p>The plans submitted also show the all three buildings comply with the heights above internally within the development on the proposed boundaries.</p> <p>The maximum height of the top of gutter for the second storey is taken as 5.6 from the submitted recode report for the setbacks described above.</p>
<p>Clause 55.04-2 Walls on Boundaries Objective To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings</p>	<p>Standard B18 (Can be varied) New wall on or within 200mm of a side or rear boundary of a lot, or a carport on or within 1m of a side or rear boundary should not abut the boundary for a length of more than:</p> <ul style="list-style-type: none"> • 10m plus 25% of the remaining length of the boundary of an adjoining lot; or the length of an existing or simultaneously constructed wall or carport whichever is the greater. • A new wall or carport may fully abut a side or rear boundary where the slope and retaining walls would result in the effective height of the wall or carport being less than 2m on the abutting property boundary. 	<p>Complies The wall of the garage for dwelling one abuts the southern boundary for a length of 6.47, with no other walls on this boundary. The proposed walls to abut on the proposed boundary between dwellings two and three do not exceed a length of 8.04 metres.</p>

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	<ul style="list-style-type: none"> • A building on a boundary includes a building up to 200mm from a boundary. • New walls on or within 200mm of a side or rear boundary of a lot, or a carport on or within 1m of a side or rear boundary should not exceed an average of 3m height, with no part higher than 3.6m, unless abutting a higher existing or simultaneously constructed wall. 	
<p>Clause 55.04-3 Daylight to existing windows objective To allow adequate daylight into existing habitable room windows.</p>	<p>Standard B19 (Can be varied) Buildings opposite an existing habitable room window should provide for a light court to the existing window, of at least 3m² and 1m clear to the sky. The area may include land on the abutting lot. Walls or carports more than 3m high opposite an existing habitable room window should be setback from the window at least 50% of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window. Note: Where the existing window is above ground level, the wall height is measured from the floor level of the room containing the window.</p>	<p>Complies All habitable room windows of nearby dwellings have a light court in excess of 3 square metres. There is a driveway between the dwelling and the subject land for the abutting property to the west.</p> <p>The front dwelling at 1/4 Orr Street is setback from the boundary approximately 1.5 metres (distance provided by applicant), however has no windows along this boundary, with this area being used for their garage.</p>

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<p>Clause 55.04-4 North-facing windows objective To allow adequate solar access to existing north-facing habitable room windows.</p>	<p>Standard B20 (Can be varied) If a north-facing habitable room window of an existing dwelling is within 3m of a boundary of an abutting lot, a building should be setback from the boundary:</p> <ul style="list-style-type: none"> • 1m, plus 0.6m for every metre height over 3.6m up to 6.9m, plus 1m for every metre height over 6.9m, for a distance of 3m from the edge of each side of the window. 	<p>Complies Window for unit ¾ Orr Street has a window located within 1.5 metres of the boundary.</p> <p>The ground floor gutter height of dwellings 2 and 3 do not exceed 3.6 metres and therefore with the setback of 1.35 metres the ground floor is setback beyond the standard.</p> <p>The second storey height of dwellings 2 and 3 is 5.6 metres and therefore they need to be setback 2.2 metres. they are setback 2.7 metres and thus achieve the standard.</p>
<p>Clause 55.04-5 Overshadowing open space objective To ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p>Standard B21 (Can be varied) Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75%, or 40m² with a minimum dimension of 3m, whichever is the lesser area, of the secluded open space should receive a minimum of 5 hours sunlight between 9am and 3pm at 22 September. If existing sunlight to the secluded private open space of a dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</p>	<p>Complies Overshadowing plans submitted show that SPOS areas of the three dwellings to the south are not reduced by the standard for a period exceeding 5 hours.</p>
<p>Clause 55.04-6 Overlooking objective To limit views into existing secluded private open space and habitable room windows.</p>	<p>Standard B22 (Can be varied) Habitable room windows, balconies, terraces etc should be located and designed to avoid direct view to secluded private open space and habitable room windows of an existing dwelling within 9m distance, and a 45 degree</p>	<p>Complies All windows on the second storey are shown at a sill height of 1.7 metres or the use of obscured glass is proposed.</p> <p>The only window that is cause for concern is bedroom 2 on the second storey of dwelling 1 which is shown with a .8 bottom window sill and no</p>

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	arc from the window, balcony etc.	obscured glass. It is believed that this is an omission with elevation plans showing a high window sill and therefore amended plans if a permit is issued should require that this be corrected.
Clause 55.04-7 Internal Views Objective To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings with a development	Standard B23 (Can be varied) Windows and balconies should be designed to prevent overlooking of more than 50% of the secluded private open space of a lower-level dwelling or residential building directly below and in the same development.	Complies Overlooking plans show that no internal overlooking of SPOS areas of abutting dwellings in the same development will occur.
Clause 55.04-8 Noise Impacts Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.	Standard B24 Noise sources should not be located near bedrooms of immediately adjacent existing dwellings. Noise sensitive rooms and private open space should consider noise sources on immediately adjacent properties. Noise levels should be limited in habitable rooms in dwellings and residential buildings. Dwellings and residential buildings should be designed to limit noise levels in habitable rooms close to busy roads, railway lines or industry.	Complies Plans will need to be submitted to show location of mechanical equipment away from existing dwellings.
Clause 55.05-1 Accessibility Consider people with limited mobility in the design of developments.	Standard B25 Dwelling entries of the ground floor of buildings should be accessible or able to be easily made accessible to people with limited mobility.	Complies All dwellings provided with an accessible entry and facilities on the ground floor.

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10.5 Planning Permit Application 2017-277 - Three Lot Subdivision and Construction of Three Dwellings (continued)

<p>Clause 55.05-2 Dwelling Entry Provide a sense of identity to each dwelling/residential building</p>	<p>Standard B26 Entries are to be visible and easily identifiable from streets and other public areas. The entries should provide shelter, a sense of personal address and a transitional space.</p>	<p>Complies All dwelling entries are visible from the street with use of porticos to provide shelter and a sense of personal address.</p>
<p>Clause 55.05-3 Daylight to New Windows Allow adequate daylight into new habitable room windows.</p>	<p>Standard B27 Habitable room windows to face:</p> <ul style="list-style-type: none"> • Outdoor space open to the sky or light court with minimum area of 3sqm and a min. dimension of 1m clear to the sky or; • Verandah, provided it is open for at least one third of its perimeter or; • A carport provided it has two or more open sides and is open for at least one third of its perimeter. 	<p>Complies Habitable room windows of all dwellings face areas of open space.</p>
<p>Clause 55.05-4 Private Open Space Provide reasonable recreation and service needs of residents by adequate private open space</p>	<p>Standard B28 Unless specified in the schedule to the zone, a dwelling should have private open space consisting of:</p> <ul style="list-style-type: none"> • 40sqm with one part at the side or rear of the dwelling/residential building with a minimum dimension of 3m, a minimum area of 25sqm and convenient access from a living room or; • Balcony - minimum 8sqm, minimum width 1.6m and accessed from living room or; • Roof-top – minimum 10sqm, minimum width 2m and convenient access from living 	<p>Complies All dwellings provided with areas of open space and at least 25 sqm of SPOS of minimum dimensions.</p>

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 Planning Permit Application 2017-277 - Three Lot Subdivision and Construction of Three Dwellings (continued)

	room	
<p>Clause 55.05-5 Solar Access to Open Space Allow solar access into the secluded private open space of new dwellings/buildings.</p>	<p>Standard B29 The private open space should be located on the north side of the dwelling if appropriate. Southern boundary of open space should be setback from any wall on the north of the space at least $(2+0.9h)$ h= height of wall.</p>	<p>Complies The SPOS for the three dwellings is located on the northern side with the southern boundary setback a minimum of 5.3 metres from the 1.8 metre high fence on the northern boundary for dwellings 2 and 3. The southern boundary of the designated SPOS for dwelling 1 is setback 3 metres from the northern boundary (a 1.8 metre high fence). The standard requires a setback of 3.6. There are other ample areas of SPOS on the site which meet the guidelines however, with the land near the corner of Orr and Balaclava able to meet this.</p>
<p>Clause 55.05-6 Storage Provide adequate storage facilities for each dwelling.</p>	<p>Standard B30 Each dwelling should have access to a minimum $6m^3$ of externally accessible, secure storage space.</p>	<p>Complies Each of the dwellings has been provided with an area of storage with an area of $6m^2$.</p>
<p>Clause 55.06-1 Design Detail Encourage design detail that respects the existing or preferred neighbourhood character.</p>	<p>Standard B31 (Can be varied) Design of buildings should respect the existing or preferred neighbourhood character and address:</p> <ul style="list-style-type: none"> • Façade articulation & detailing. • Window and door proportions. • Roof form. • Verandahs, eaves and parapets. <p>Garages and carports should be visually compatible with the development and neighbourhood character.</p>	<p>Complies The proposed three dwellings are provided with pitched roofs, eaves and the second storey is tapered in from the ground floor. The construction of the units is not considered to be at variance with the locality with both abutting allotments development for multiple dwellings. The development of the second storey is in line with the desired character of the area, through its inclusion in a General Residential Zone and identification in the Housing Strategy as an area of Incremental Change.</p>

10. SUSTAINABLE DEVELOPMENT DIRECTORATE
10.5 Planning Permit Application 2017-277 - Three Lot Subdivision and Construction of Three Dwellings (continued)

<p>Clause 55.06-2 Front Fences Encourage front fence design that respects the existing or preferred neighbourhood character</p>	<p>Standard B32 (Can be varied) The front fence should complement the design of the dwelling or any front fences on adjoining properties. A front fence within 3m of the street should not exceed the maximum height specified in the schedule to the zone or if no max. specified, the front fence should not exceed:</p> <ul style="list-style-type: none"> ▪ 2m if abutting a Road Zone, Category 1. ▪ 1.5m in any other streets 	<p>Varied The proposed front fence to abut Balaclava Road (Road Zone – Category 1), will not exceed 2 metres. The proposed front fence to abut Orr Street will exceed 1.5 metres. This variation is considered acceptable given that the front yard is still very close to Balaclava Road and thus will assist in noise reduction. The application also proposes the use of brick and timber railing to make this fence more of a design feature for the development.</p>
<p>Clause 55.06-3 Common Property Objectives To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained; To avoid future management difficulties in areas of common ownership</p>	<p>Standard B33 (Can be varied) Developments should clearly delineate public, communal and private areas. Common property where provided, should be functional and capable of efficient management.</p>	<p>N/A No common property proposed.</p>
<p>Clause 55.06-4 Site Services Objectives To ensure that site services can be installed and easily maintained; To ensure that site facilities are accessible, adequate and attractive</p>	<p>Standard B34 (Can be varied) The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically. Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.</p>	<p>Complies The proposed dwellings are appropriately located to allow for the provision of connection to services.</p>

10. SUSTAINABLE DEVELOPMENT DIRECTORATE
10.5 Planning Permit Application 2017-277 - Three Lot Subdivision and Construction of Three Dwellings (continued)

	Bin and recycling enclosures should be located for convenient access by residents. Mailboxes should be provided and located for convenient access as required by Australia Post	
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Clause 56 Assessment

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
<p>C6 Neighbourhood Character objective To design subdivision that respond to neighbourhood character.</p>	<ul style="list-style-type: none"> • Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme. • Respond to and integrate with the surrounding urban environment. • Protect significant vegetation and site features. 	<p>Complies The subject land is identified within the substantial change area of the housing strategy which seeks to construction of multiple dwellings on allotments, with the proposed subdivision to allow for such development. There is no desired character statement of the area.</p>
<p>C7 Lot diversity and distribution objectives To achieve housing densities that support compact and walkable neighbourhoods and the efficient provision of public transport services.</p> <p>To provide higher housing densities within walking distance of activity centres.</p> <p>To achieve increased housing densities in designated growth areas.</p> <p>To provide a range of lot sizes to suit a variety of</p>	<ul style="list-style-type: none"> • Implement any relevant housing strategy, plan or policy for the area. • Lot sizes and mix should achieve the average net residential density specified by the zone 	<p>Complies The subject land is identified within the substantial change area of the housing strategy which seeks to construction of multiple dwellings on allotments, with the proposed subdivision to allow for such development. There is no desired character statement for the area.</p>

10. SUSTAINABLE DEVELOPMENT DIRECTORATE
10.5 Planning Permit Application 2017-277 - Three Lot Subdivision and Construction of Three Dwellings (continued)

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
dwelling and household types.		
<p>C8 Lot area and building envelopes objective To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.</p>	<p>Lots of between 300 square metres and 500 square metres should:</p> <ul style="list-style-type: none"> - Contain a building envelope that is consistent with a development of the lot approved under this scheme, or <p>If no development of the lot has been approved under this scheme, contain a building envelope and be able to contain a rectangle measuring 10 metres by 15 metres, or 9 metres by 15 metres if a boundary wall is nominated as part of the building envelope.</p> <p>If lots of between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north unless there are significant physical constraints that make this difficult to achieve.</p>	<p>Complies Proposed lot 1 and 2 are under 300 square metres. The proposal is for the subdivision of land and construction of dwellings. The proposed dwellings have been assessed against relevant ResCode requirements and have found to achieve an acceptable outcome in relation to orientation solar access, private open space, vehicle access and parking.</p>
<p>C9 Solar Orientation of lots To provide good solar orientation of lots and solar access for future dwellings.</p>	<ul style="list-style-type: none"> • Unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation. • Lots have appropriate solar orientation when: <ul style="list-style-type: none"> - The long axis of lots are within the range north 20 degrees west to north 30 degrees east, 	<p>Complies Proposed lot 1 is oriented north south (approx.) and proposed lot 2 and 3 are orientated with east-west (approx.) and therefore complies. It is noted that the orientation is similar to all surrounding allotments which is unable to be altered given site constraints.</p>

10. SUSTAINABLE DEVELOPMENT DIRECTORATE
10.5 Planning Permit Application 2017-277 - Three Lot Subdivision and Construction of Three Dwellings (continued)

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
	<p>or east 20 degrees north to east 30 degrees south.</p> <ul style="list-style-type: none"> • Lots between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north. • Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street 	
<p>C10 Street Orientation Objective To provide a lot layout that contributes to community social interaction, personal safety and property security.</p>	<p>Subdivision should increase visibility and surveillance by:</p> <ul style="list-style-type: none"> • Ensuring lots front all roads and streets and avoid the side or rear of lots being oriented to connector streets and arterial roads. • Providing lots of 300 square metres or less in area and lots for 2 or more dwellings around activity centres and public open space. • Ensuring streets and houses look onto public open space and avoiding sides and rears of lots along public open space boundaries. • Providing roads and streets along public open space boundaries. 	<p>Complies The lots have all been designed to front the road.</p>

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 Planning Permit Application 2017-277 - Three Lot Subdivision and Construction of Three Dwellings (continued)

<p>C11 Common Area To identify common areas and the purpose for which the area is commonly held.</p> <p>To ensure the provision of common area is appropriate and that necessary management arrangements are in place.</p> <p>To maintain direct public access throughout the neighbourhood street network.</p>	<ul style="list-style-type: none"> • An application to subdivide land that creates common land must be accompanied by a plan and a report identifying: <ul style="list-style-type: none"> - The common area to be owned by the body corporate, including any streets and open space. - The reasons why the area should be commonly held. - Lots participating in the body corporate. <p>The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.</p>	<p>N/A</p> <p>No common property proposed.</p>
<p>C12 Integrated urban landscape objectives To provide attractive and continuous landscaping in streets and public open spaces that contribute to the character and identity of new neighbourhoods and urban places or to existing or preferred neighbourhood character in existing urban areas.</p> <p>To incorporate natural and cultural features in the design of streets and public open space where appropriate.</p> <p>To protect and enhance native habitat and discourage the planting and spread of noxious weeds.</p> <p>To provide for integrated water management systems and contribute to drinking water conservation.</p>	<p>An application for subdivision that creates streets or public open space should be accompanied by a landscape design.</p>	<p>N/A</p> <p>The proposed subdivision does not create roads.</p>

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 Planning Permit Application 2017-277 - Three Lot Subdivision and Construction of Three Dwellings (continued)

<p>C115 Walking and cycling network objectives To contribute to community health and well-being by encouraging walking and cycling as part of the daily lives of residents, employees and visitors. To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists. To reduce car use, greenhouse gas emissions and air pollution.</p>	<p>The walking and cycling network should be designed to:</p> <ul style="list-style-type: none"> • Implement any relevant regional and local walking and cycling strategy, plan or policy for the area set out in this scheme. • Link to any existing pedestrian and cycling networks. • Provide safe walkable distances to activity centres, community facilities, public transport stops and public open spaces. • Provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the network of arterial roads, neighbourhood streets and regional public open spaces. • Provide direct cycling routes for regional journeys to major activity centres, community facilities, public transport and other regional activities and for regional recreational cycling. • Ensure safe street and road crossings including the provision of traffic controls where required. • Provide an appropriate level of priority for pedestrians and cyclists. • Have natural surveillance along streets and from abutting dwellings and be designed for personal safety and security particularly at night. 	<p>Complies The proposed development is a subdivision of an existing residential lot in Shepparton. The subdivision allows for higher density within an established area. Therefore pathways and cycling networks are existing in the area. The application provides safe street crossings, to be constructed in accordance with engineering standards.</p>
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10. SUSTAINABLE DEVELOPMENT DIRECTORATE
10.5 Planning Permit Application 2017-277 - Three Lot Subdivision and Construction of Three Dwellings (continued)

	<ul style="list-style-type: none"> • Be accessible to people with disabilities. 	
C17 Neighbourhood street network objective To provide for direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network.	The neighbourhood street network design and safety requirements are listed.	N/A Streets are existing, no new proposed roads or public space.
Standard C18 Walking and cycling network detail objectives To design and construct footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible for people with disabilities. To design footpaths to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.	Footpaths, shared paths, cycle paths and cycle lanes design requirements.	N/A Footpaths are existing along both road frontages.
C20 Neighbourhood street network detail objective To design and construct street carriageways and verges so that the street geometry and traffic speeds provide an accessible and safe neighbourhood street system for all users.	The design of streets and roads requirements.	N/A Streets are existing, no new proposed roads.
C21 Lot Access To provide for safe vehicle access between roads and lots.	<ul style="list-style-type: none"> • Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority. 	Complies Each allotment will have individual access onto residential street. The crossovers to be constructed to council or VicRoads standard as required by conditions should permit grant.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 Planning Permit Application 2017-277 - Three Lot Subdivision and Construction of Three Dwellings (continued)

	<ul style="list-style-type: none"> • Vehicle access to lots of 300 square metres or less in area and lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets. The design and construction of a crossover should meet the requirements of the relevant road authority. 	
<p>C22 Drink Water supply To reduce the use of drinking water. To provide an adequate, cost-effective supply of drinking water.</p>	<ul style="list-style-type: none"> • The supply of drinking water must be: <ul style="list-style-type: none"> - Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority. - Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority. 	<p>Complies The proposed lots will have independent connections to reticulated town water to the satisfaction of Goulburn Valley Regional Water Corporation.</p>
<p>C23 Reused and recycled water To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.</p>	<ul style="list-style-type: none"> • Reused and recycled water supply systems must be: <ul style="list-style-type: none"> - Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Human Services. <p>Provided to the boundary of all lots in the subdivision where required by the relevant water authority.</p>	<p>Complies All proposed lots will be connected to the reticulated water and sewer systems so as to make efficient use of existing infrastructure to the satisfaction of the Goulburn Valley Regional Water Corporation.</p>
<p>C24 Waste Water Management To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.</p>	<ul style="list-style-type: none"> • Waste water systems must be: <ul style="list-style-type: none"> - Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority 	<p>Complies Reticulated Sewage is provided to the land and each proposed lot can easily be connected to the satisfaction of the Goulburn Valley Regional Water Corporation.</p>

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 Planning Permit Application 2017-277 - Three Lot Subdivision and Construction of Three Dwellings (continued)

	<p>and the Environment Protection Authority.</p> <ul style="list-style-type: none"> - Consistent with any relevant approved domestic waste water management plan. <p>Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.</p>	
<p>C25 Urban Run-off Management</p> <p>To minimise damage to properties and inconvenience to residents from urban run-off.</p> <p>To ensure that the street operates adequately during major storm events and provides for public safety.</p> <p>To minimise increases in stormwater run-off and protect the environmental values and physical characteristics of receiving waters from degradation by urban run-off.</p>	<p>The urban stormwater management system must be:</p> <ul style="list-style-type: none"> - Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority. - Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of urban run-off is proposed. - Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended. - Designed to ensure that flows downstream of the subdivision site are restricted to predevelopment levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts. <p>The stormwater</p>	<p>Complies</p> <p>A condition placed on permit will require a drainage plan and provision of water sensitive urban design to be incorporated on site or as otherwise agreed to in writing by the Responsible Authority.</p>

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 Planning Permit Application 2017-277 - Three Lot Subdivision and Construction of Three Dwellings (continued)

	<p>management system should be integrated with the overall development plan including the street and public open space networks and landscape design.</p> <ul style="list-style-type: none"> - Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, run-off should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge. - Include water sensitive urban design features to manage run-off in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs. 	
<p>C26 Site Management To protect drainage infrastructure and receiving waters from sedimentation and contamination.</p> <p>To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.</p> <p>To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</p>	<ul style="list-style-type: none"> • A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing: <ul style="list-style-type: none"> - Erosion and sediment. - Dust. - Run-off. - Litter, concrete and other construction wastes. - Chemical contamination. - Vegetation and natural features planned for retention. <p>Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.</p>	<p>Complies The proposed subdivision will require the construction of minor works only. Submission of a construction management plan is not considered necessary; however a permit condition will require site management to the Council's satisfaction (eg dust, mud, erosion and sediment control).</p>

10. SUSTAINABLE DEVELOPMENT DIRECTORATE
10.5 Planning Permit Application 2017-277 - Three Lot Subdivision and Construction of Three Dwellings (continued)

<p>C27 Shared Trenching To maximise the opportunities for shared trenching.</p> <p>To minimise constraints on landscaping within street reserves.</p>	<ul style="list-style-type: none"> • Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services. 	<p>Complies Services should be connected to the site and undergrounded using shared trenching as required by a condition on permit.</p>
<p>C28 Electricity, Telecommunications and Gas To provide public utilities to each lot in a timely, efficient and cost effective manner.</p> <p>To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.</p>	<ul style="list-style-type: none"> • The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority. • Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged. • The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology. The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority. 	<p>Complies Service to be connected to the satisfaction of the relevant authorities.</p>

10. SUSTAINABLE DEVELOPMENT DIRECTORATE
10.5 Planning Permit Application 2017-277 - Three Lot Subdivision and Construction of Three Dwellings (continued)

	<ul style="list-style-type: none"> Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant gas supply agency. 	
C29 Fire hydrants objective To provide fire hydrants and fire plugs in positions that enable fire fighters to access water safely, effectively and efficiently.	Standard C29 Fire hydrants should be provided: <ul style="list-style-type: none"> A maximum distance of 120 metres from the rear of the each lot. No more than 200 metres apart. Hydrants and fire plugs must be compatible with the relevant fire service equipment. Where the provision of fire hydrants and fire plugs does not comply with the requirements of standard C29, fire hydrants must be provided to the satisfaction of the relevant fire authority.	N/A The proposed subdivision is infill development. Fire hydrants are existing in the area.
C30 Public lighting objective To provide public lighting to ensure the safety of pedestrians, cyclists and vehicles. To provide pedestrians with a sense of personal safety at night. To contribute to reducing greenhouse gas emissions and to saving energy.	Public lighting should be provided to streets, footpaths, public telephones, public transport stops and to major pedestrian and cycle paths including public open spaces that are likely to be well used at night to assist in providing safe passage for pedestrians, cyclists and vehicles. Public lighting should be designed in accordance with the relevant Australian Standards. Public lighting should be consistent with any	N/A No additional public lighting is required. Lighting is existing in the area.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 Planning Permit Application 2017-277 - Three Lot Subdivision and Construction of Three Dwellings (continued)

	strategy, policy or plan for the use of renewable energy and energy efficient fittings.	
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Council Plan/Key Strategic Activity

Council Plan 2017-2021

Liveability target – increase medium-density housing.

Built Objectives – growth is well planned and managed for the future and urban and rural development is sustainable and prosperous.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Incorrect Notification	Rare	Major	Medium	The application has been properly advertised which allowed objections to be lodged with the Council. These objectors will be informed of Council's decision on the application.

Policy Considerations

The application has been considered against the policies contained within the Scheme and found to achieve an acceptable planning outcomes.

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

Should either the applicant or objectors be dis-satisfied with Council's decision, an application for review can be lodged.

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 not within an area of cultural heritage sensitivity therefore the application does not trigger the need for a cultural heritage management plan.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 Planning Permit Application 2017-277 - Three Lot Subdivision and Construction of Three Dwellings (continued)

Environmental/Sustainability Impacts

The development 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.*

Minawood Pty Ltd V Bayside (Red Dot) VCAT 440 March 2009 considered the nature of significant social effects within the meaning of section 60(1A)(a) of the Act.

Deputy President Gibson was the presiding member and made the following comments:

We do not agree with the proposition that the number of objections alone creates a significant social effect or that the number of objections alone should be given any weight.

In our view, the conclusion which can be drawn from the approach to considering significant social effects in the context of the Planning and Environment Act 1987, is that to be relevant, the proposed use or development must give rise to demonstrable social impacts on the community (as distinct from individuals) of an identifiable scale or extent.

This application does not raise any significant social issues.

Economic Impacts

Approval of the development will result in short term construction jobs.

Referrals/Public Notice

The application was referred to Powercor, Goulburn Valley Water, the APA Group and VicRoads under section 55 of the *Planning and Environment Act 1987*, with no objections subject to conditions received.

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining land; and
- Placing a sign on site.

In response to this public notice six objections were lodged by the Council.

Each of the objectors received and acknowledgement of their receipt by the Planning Department.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 Planning Permit Application 2017-277 - Three Lot Subdivision and Construction of Three Dwellings (continued)

The key issues that were raised in the objections are as follows:

Grounds of objection	Officer's Response
Traffic and car parking congestion in street.	<p>The application was referred to the Council's Engineering Department and VicRoads who did not raise any traffic concerns.</p> <p>Any vehicles parking on the street are required to comply with parking restrictions and Victorian Road rules.</p> <p>Each of the dwelling is provided with at least two car parking spaces which complies with the standard deemed appropriate by the State Government.</p>
De-valuation of surrounding properties.	It is well established in planning, that property devaluation is not a valid ground of objection.
Concerns of proposed development being tenanted rather than owner/occupier	This not a planning consideration as planning controls do not include tenancy.
Loss of neighbourhood character and heritage aspect in Orr Street	<p>The proposed development is considerate of the existing character of the area in accordance with clause 15.01 whilst acknowledging that it is a locality where further development is envisaged, through the application of the General Residential Zone. A zone in which the purpose includes <i>to encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.</i></p> <p>The land and this section of Orr Street has not been included in the Heritage Overlay, with the closest heritage Overlay applied approximately 250 metres to the south on Orr Street.</p>
Dwellings will be constructed of cheap material	Plans show that dwellings have been designed with appearance to reflect neighbourhood character, with materials and construction a building code requirement.
Loss of Community	The occupation of the dwellings and the type of inhabitants cannot be controlled through planning requirements.

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

Strategic Links

Greater Shepparton Housing Strategy – Updated May 2011.

The Housing Strategy provides direction for future housing growth within the Greater Shepparton municipal area.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 Planning Permit Application 2017-277 - Three Lot Subdivision and Construction of Three Dwellings (continued)

Conclusion

The proposed development of the land for three double storey dwellings is considered to be in line with the policy direction for the locality in providing for increased population densities at locations where appropriate services are available. The proposed development is acceptable when assessed against the design guidelines of clause 55 and is in an area where some change to the neighbourhood character is envisaged as development aligns with the policy direction of the locality.

Officers therefore recommend that a notice of decision be issued for the development with conditions.

Attachments

Nil

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Use and development of a 41.3 Metre High Telecommunications Tower and Associated Infrastructure in the Public Park and Recreation Zone, and Buildings and Works 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: Statutory Planner

Proof reader(s): Statutory Planner, Manager Building and Planning

Approved by: Director of Sustainable Development

Executive Summary

The application seeks planning permission for a 41.3 metre (m) high mono pole telecommunication tower (tower) and associated infrastructure, including a shelter at 18A Reserve Street, Kialla to service the Telstra network.

The land is within a Public Park and Recreation Zone (PPRZ), General Residential Zone (GRZ), Bushfire Management Overlay (BMO), Design and Development Overlay Schedule 2 (DDO2) and Schedule 7 (DDO7), Floodway Overlay (FO) and Land Subject to Inundation Overlay (LSIO). The proposal however is only within land in the PPRZ, FO and LSIO and therefore has only been considered in accordance with the relevant zone and overlays.

Officers advertised the application and 14 objections have been lodged with Council.

The application was referred to the Goulburn Broken Catchment Management Authority (GBCMA) who did not object to the proposal subject to conditions.

The area of the proposed tower is not within an area of cultural heritage significance, therefore the proposal does not trigger the need for a Cultural Heritage Management Plan.

State Planning Policy seeks a balance between the provision of important telecommunication services and protecting the environment from adverse impacts arising from the telecommunications infrastructure. The tower is located within a Public Park and Recreation Zone and is located approximately 70 metres from residential zoned land to the north and west and 120m from residential zoned land to the south.

The facility will be located approximately 30 metres from an existing oval, 160m from the Scouts hall, 165m from the lawn bowls facility and 440m from the child care centre which are all within the reserve. No vegetation is proposed to be removed as a result of the telecommunications facility.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Use and development of a 41.3 Metre High Telecommunications Tower and Associated Infrastructure in the Public Park and Recreation Zone, and Buildings and Works Floodway Overlay and Land Subject to Inundation Overlay (continued)

The applicant undertook an investigation to identify opportunities to co-locate the infrastructure; however no suitable sites were available in the Kialla area. The applicant also investigated a number of alternative potential sites that would be able to host the infrastructure and also met coverage requirements. It was found that the subject site was the most appropriate given the availability of land and also provided the largest separation between telecommunications facility and residential use.

Council's local planning policy encourages the provision of telecommunication services across all areas of the municipality. There is clear direction that the community should be provided with more coverage by multiple carriers so that consumers have a choice of telecommunication provider.

The most significant concern associated with this application is the visibility of the tower which is a common theme within the objections received to this application. It is acknowledged that a tower of approximately 41.3m in height will not be invisible. However the siting of the tower in the PPRZ minimises impacts to residential zoned properties and allows for acceptable outcomes to be achieved, including increased availability to telecommunications services.

In response to internal concerns by the Shepparton Aerodrome Committee the Planning Department engaged specialist aviation planning and development consultant, Landrum & Brown Worldwide (Aust.) Pty Ltd, to undertake an independent Aeronautical Impact Assessment which addressed the height of the tower and aviation safety. The report concluded that the tower, at 41.3m above ground level would not infringe on the Obstacle Limitation Surfaces or Procedures for Air Navigation Services – Airport Operations surfaces at Shepparton airport which satisfied the Shepparton Aerodrome Committees concerns and withdrew their objection subject to conditions.

Officers recommend that a notice of decision to grant a permit be issued.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Use and development of a 41.3 Metre High Telecommunications Tower and Associated Infrastructure in the Public Park and Recreation Zone, and Buildings and Works Floodway Overlay and Land Subject to Inundation Overlay (continued)

Moved by Cr Oroszvary
Seconded by Cr Abdullah

In relation to Planning Application 2017-10, 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 decision to grant a planning permit subject to the following conditions.

1. Layout Not Altered

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

2. Shepparton Aerodrome Committee

- a) The tower must not be higher than 41.3 metres above ground level; and
- b) The tower is provided with a suitable obstruction light, as specified by the Civil ASA in CASR Part 139.

3. Safety for Aircraft

- a) At the time of development and thereafter, the communications tower must comply with all the requirements of the Civil Aviation Safety Authority's Manual of Standards Part 139. The provisions in section 9 of MOS139 should be considered by the owner in relation to the provision of obstacle lighting of the owner's own volition.
- b) The developers and owners of the facilities must report the construction and details of the completed facilities to the Royal Australian Air Force (RAAF) in accordance with the details provided in the CASA Advisory Circular, AC 139-08 "Reporting of Tall Structures"
- c) Buildings must be constructed and maintained with non-reflective materials
- d) The tower owners/operators must not install and/or use any device that may cause electrical or radio interference with Aviation Navigation Aids.
- e) Any proposed crane activity above an elevation of 158.5 m AHD associated with the construction of the mobile phone tower or light towers must be notified to the Shepparton airport operator.

4. 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.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Use and development of a 41.3 Metre High Telecommunications Tower and Associated Infrastructure in the Public Park and Recreation Zone, and Buildings and Works Floodway Overlay and Land Subject to Inundation Overlay (continued)

5. Goulburn Broken Catchment Management Authority Requirements

High damage equipment or goods contained in the equipment shelters must be stored at least 300 millimetres above the 100-year ARI flood level of 113.3 metres AHD; i.e. 113.6 metres AHD, or higher level deemed necessary by the responsible authority.

6. Cessation of use

Should the use of the land for a telecommunication facility cease the tower and all associated infrastructure must be removed and the site area reinstated to its original state within three months of the use ceasing to the satisfaction of the responsible authority.

7. Time for Starting and Completion

This permit will expire if one of the following circumstances applies:

- a) the development and use are 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.

CARRIED.

Property Details

Land/Address	18A Reserve Street, Kialla
Zones and Overlays	Public Park and Recreation Zone General Residential Zone (not in area of proposed tower). Floodway Overlay Land Subject to Inundation Overlay Bushfire Management Overlay
Why is a permit required	36.02-1 Use of the land for telecommunications facility 36.02-2 Buildings and works associated with a Section 2 Use (Telecommunication facility) 52.19 Buildings and works associated with telecommunications facility 44.03-1 and 44.04-1 Buildings and works in the Floodway Overlay and Land Subject to Inundation Overlay for buildings/fencing associated with telecommunications tower.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Use and development of a 41.3 Metre High Telecommunications Tower and Associated Infrastructure in the Public Park and Recreation Zone, and Buildings and Works Floodway Overlay and Land Subject to Inundation Overlay (continued)

Proposal in Detail

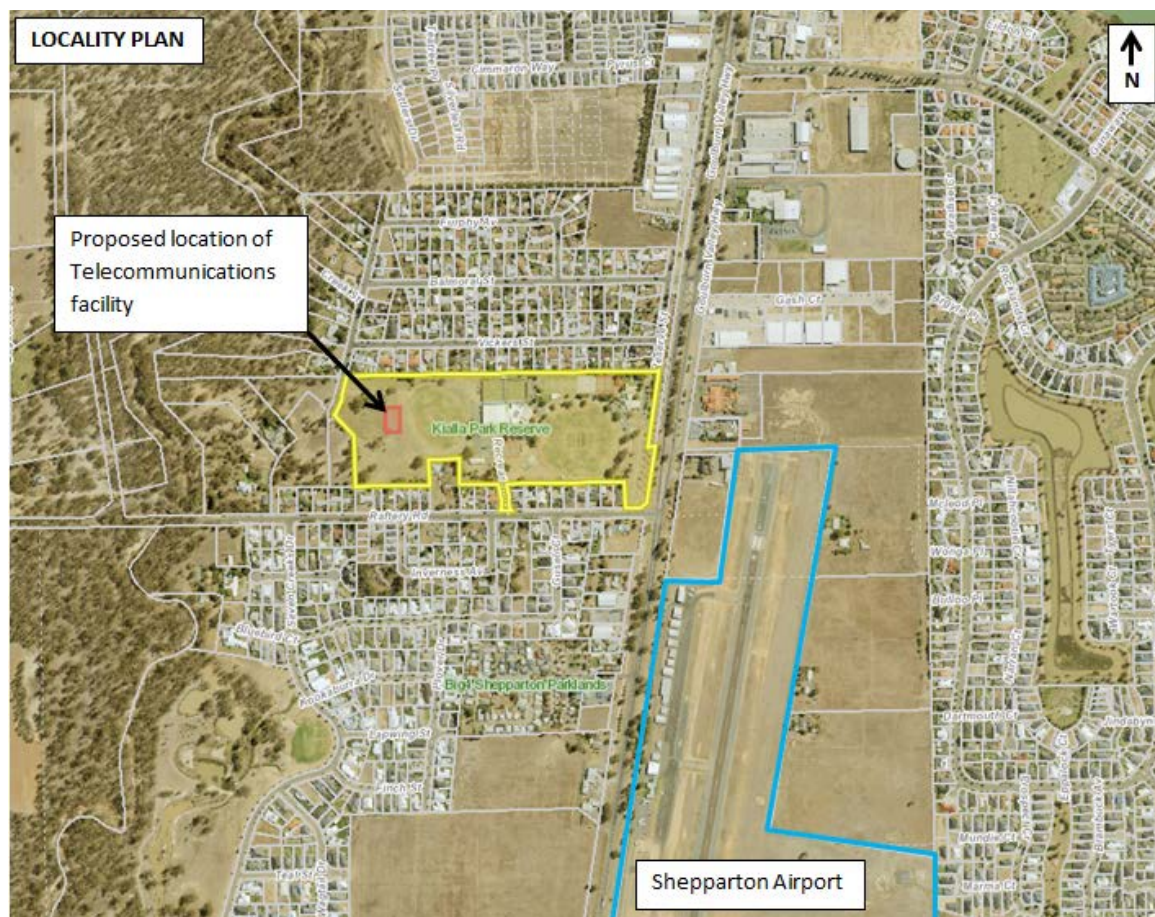
The planning application form states that ‘the proposal consists of a new 41.3m high monopole, headframe, antennas, equipment shelter and associated works’. The application was amended on 18 August 2017 under 57A of the *Planning and Environment Act 1987*, for the ‘relocation of proposed telecommunications facility approximately 170 m west of the original location’ and to amend ‘two equipment shelters to be relocated adjacent to the monopole’, and ‘amendment to access, power and fibre run in accordance with the new site location’.

The application consists of:

- Planning report by Service stream – Mobile communications;
- Planning drawings
- Environmental EME Report;
- Aeronautical Assessment by Rehbein Airport Consulting

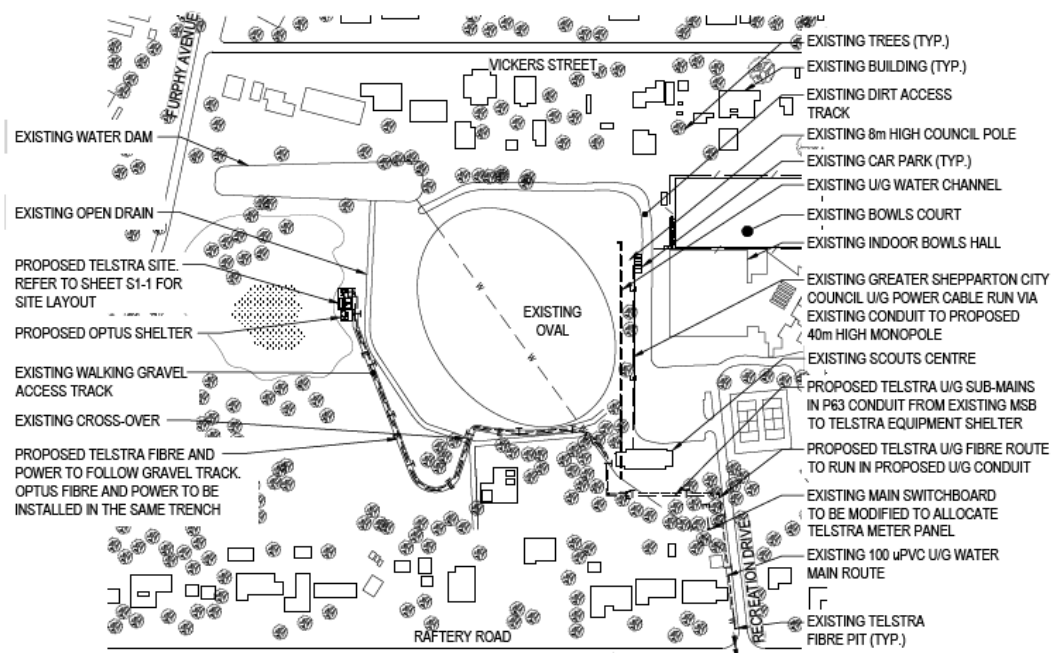
The Planning Department sought to undertake an independent Aeronautical Impact Assessment and engaged Landrum & Brown Worldwide (Aust.) Pty Ltd to undertake the report.

A plan of the proposal is shown below:



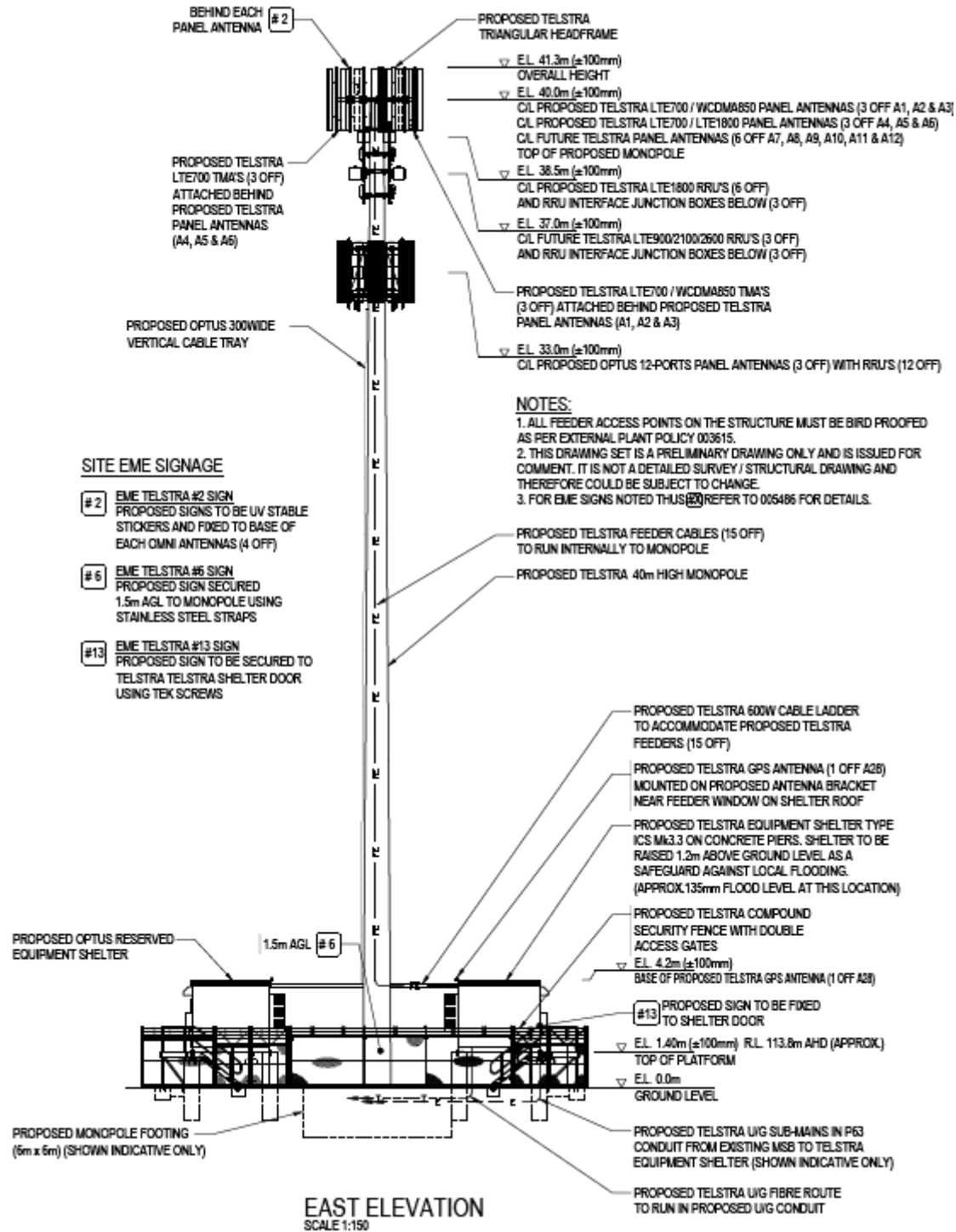
10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Use and development of a 41.3 Metre High Telecommunications Tower and Associated Infrastructure in the Public Park and Recreation Zone, and Buildings and Works Floodway Overlay and Land Subject to Inundation Overlay (continued)



10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Use and development of a 41.3 Metre High Telecommunications Tower and Associated Infrastructure in the Public Park and Recreation Zone, and Buildings and Works Floodway Overlay and Land Subject to Inundation Overlay (continued)



10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Use and development of a 41.3 Metre High Telecommunications Tower and Associated Infrastructure in the Public Park and Recreation Zone, and Buildings and Works Floodway Overlay and Land Subject to Inundation Overlay (continued)

Summary of Key Issues

- The application seeks planning permission to use and develop the land for a 41.3m high telecommunication tower to service the Telstra network.
- The application has been advertised and 14 objections were lodged. Grounds of objection relate to potential impacts on health, visual intrusion, setback from Residential land and potential to impact on future development at Kialla Park Reserve. The objections have been assessed and are considered and are not considered to warrant that refusal of the application.
- The application was referred to the GBCMA who did not object to the application subject to conditions. The application was notified to Goulburn Valley Water (GVW) who did not object or provide any conditions.
- The application was notified to the Shepparton Aerodrome Committee who originally objected to the application based on safety concerns for aerodrome operations. A specialist was engaged Landrum and Brown Worldwide (Aust.) Pty Ltd to undertake an assessment to address the Shepparton Aerodrome Committees concerns and as a result the Shepparton Aerodrome Committee withdrew their objection subject to conditions.
- State Planning Policy at Clause 19.03-4 seeks to facilitate telecommunications infrastructure and identifies the need to protect the environment from adverse impacts. Officers are satisfied that both the natural and built environments are not adversely impacted on by this tower. Council's local planning policy at Clause 21.07-2 includes an objective to provide telecommunications facilities available to all areas of the municipality. Based on this policy direction officers recommend that a notice of decision to grant a permit should issue.
- Clause 52.19 of the planning scheme includes particular provisions for Telecommunication Facilities. The provision encourages the development of towers with minimal impact on the amenity of the area. Officers are satisfied that both the location of the tower within the PPRZ and the tower being setback about 70m from residential zoned land minimises any amenity impacts on the area.
- Officers have assessed that application against the four principles of the code being siting, co-location, health standards and construction management. Officers having undertaken this assessment find that the application achieves compliance with the four principles.
- In light of the Shepparton Aerodrome Committees concerns, the planning department engaged a specialist in aviation planning, Landrum and Brown Worldwide (Aust.) Pty Ltd to complete an independent assessment of potential impacts of the proposed telecommunications tower on the aerodrome. The specialist met with the Shepparton Aerodrome Committee in order to gain an understanding of their concerns. Landrum and Brown Worldwide (Aust.) Pty Ltd concluded in their report the tower at a height of 41.3m above ground level will not infringe on the Obstacle Limitation Surfaces or Procedures for Air Navigation Services – Airport Operations surfaces at Shepparton airport. The report stated that relevant Civil Aviation Safety Authority will likely require the proposed tower to be equipped with an appropriate obstruction light and proposed crane activity associated with construction works above 15.8m AHD must notify the Shepparton airport operator.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Use and development of a 41.3 Metre High Telecommunications Tower and Associated Infrastructure in the Public Park and Recreation Zone, and Buildings and Works Floodway Overlay and Land Subject to Inundation Overlay (continued)

Background

Kialla Park Reserve is owned by Greater Shepparton City Council. The applicant will be required to enter into a lease with Council, should the application be approved.

No pre-application meeting was held with the applicant prior to lodging the application.

The application was made with Council on 13 January 2017.

The application was placed on public notice on 21 March 2017 and resulted in three objections being lodged.

The application was amended on 18 August 2017 after the original application was advertised under 57A of the *Planning and Environment Act 1987*, to relocate the proposed telecommunications facility approximately 170 m west.

The reasons for changing the location was due to the Kialla Park Recreation Reserve Master Plan showing the potential future development of the bowling green in the original location and to address the objections originally received.

The amended application was placed on public notice on 6 September 2017 which resulted in eleven more objections being lodged.

Assessment under the Planning and Environment Act

A telecommunication tower application must be considered against the four principles outlined in the Telecommunications facilities Code of practice 2004 being,

- visual impact,
- co-location opportunities,
- health standards; and
- construction management

In addition to the above, the application has also been considered with regard to Aerodrome impacts.

Visual Impact

The development of the land for a telecommunications facility to service a community will involve a tower of significant height, meaning it will always be visible from certain viewpoints.

Officer's observations conclude that the tower will be most visible from inside the recreation reserve and from the backyards of dwellings located to the south of Vickers Street and backyards of dwellings located to the north of Raftery Road of which are within the Neighbourhood Residential Zone. The tower will also be visible from within the area, however will be partially obscured by existing built form and mature vegetation.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Use and development of a 41.3 Metre High Telecommunications Tower and Associated Infrastructure in the Public Park and Recreation Zone, and Buildings and Works Floodway Overlay and Land Subject to Inundation Overlay (continued)

In *Hutchinson 3G Australia v Casey City Council* (2002) VCAT 247 the member remarked:

We preface our findings by commenting that minimising an adverse impact on visual amenity does not mean that a telecommunications pole must be sited so that it cannot be seen by most or many people. Visibility cannot be equated to adverse visual impact.

As set out above, in this circumstance, there is no doubt that the tower will be visible from neighbouring properties and to other areas within the locality. However as the Tribunal noted, just because the tower is visible it does not automatically follow that the application should be refused.

The tower is located approximately within the middle of a recreation reserve, in the PPRZ to ensure the greatest setback from residential zoned land can be achieved. The location of the tower is setback as far as possible, to minimise adverse visual impact and to allow coverage to be achieved to the Kialla North area. It is considered by officers that the visual impact is acceptable given the setback to dwellings in the Neighbourhood Residential Zone, some mature tree screening in the PPRZ and siting of the tower. It is noted that whilst there is additional opportunity for vegetation screening to be provided to minimise amenity impacts, it will have little impact on obscuring the tower.

Furthermore officers find that the net community benefit lies with improved telecommunication services for the Kialla North area as a whole.

Co-Location and site selection

The applicant has identified existing facilities as the first response to address the network demands. In this instance the applicant has stated that the WIN TV lattice tower located 2.5 km north west from the site (accommodating Telstra, Optus and Vodaphone), has reached capacity and cannot achieve coverage requirements for the Kialla North area. Telecommunications infrastructure located at the Shepparton Harness track, 7580-7582 Goulburn Valley Highway and 400 Raftery Road located approximately 3km south and 3.5 km south west respectively from the proposed site has also been discounted as optimal coverage could not be achieved from these locations.

The applicant identified five additional sites were as proposed candidates for the proposed telecommunication facility. The various other sites were discounted for various reasons including:

- being in close proximity to residential zoned land;
- land owners intention to redevelop vacant sites for other purposes;
- being in close proximity to community buildings within the reserve; and
- being in close proximity to Shepparton Aerodrome.

The applicant has stated that Optus has committed to co-locate infrastructure on the proposed monopole at Kialla Park Reserve.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Use and development of a 41.3 Metre High Telecommunications Tower and Associated Infrastructure in the Public Park and Recreation Zone, and Buildings and Works Floodway Overlay and Land Subject to Inundation Overlay (continued)

Health Standards

The applicant has provided a report which was prepared for the site to predict the maximum level of electromagnetic energy surrounding the proposed tower.

The report concluded the emissions will be 0.19% of the public exposure limit which is below the allowable level.

Construction Management

To address this, officers recommend that a permit condition be included relating to the construction phase of the tower which seeks to manage off site impacts during construction activities.

Aerodrome Safety

The proposed telecommunications facility is located outside of the Airport Environs Overlay and the Design and Development Overlay – Schedule 2 (Airport Environs). The applicant submitted an Aeronautical Assessment which found the application appropriate at the original site. Notwithstanding the above, the application was notified to Shepparton Aerodrome Committee who originally objected to the proposal. As a result the telecommunications facility was re-located and the Planning Department engaged Landrum and Brown Worldwide (Aust.) Pty Ltd to undertake an independent Aeronautical Impact Assessment to address the Aerodrome Committees concerns. The report concluded that the proposal was acceptable in the amended location.

Council Plan/Key Strategic Activity

Council Purpose

To serve out community through providing leadership, making decisions and advocating for equitable services and infrastructure.

Transport and communication - Embrace and promote NBN

Built – provide and support appealing relevant infrastructure that makes Greater Shepparton an attractive, liveable regional city.

4.4 Quality infrastructure is provided and maintained to acceptable standards

4.6 Accessible digital infrastructure across Greater Shepparton supports connectivity and enterprising capability.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Use and development of a 41.3 Metre High Telecommunications Tower and Associated Infrastructure in the Public Park and Recreation Zone, and Buildings and Works Floodway Overlay and Land Subject to Inundation Overlay (continued)

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Incorrect notification	Rare	Major	Medium	The application has been properly advertised which allowed objections to be lodged with the Council. These objectors will be informed of Council's decision on the application.

Policy Considerations

The application has been considered against the policies contained within the Greater Shepparton Planning Scheme and found to achieve unacceptable planning outcomes.

Financial Implications

The planning decision will not result in any substantial financial implications.

Legal/Statutory Implications

Should either the applicant or objector be dis-satisfied with Council's decision an application for review can be lodged at 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 subject land is not within an area of cultural heritage sensitivity.

Environmental/Sustainability Impacts

The use and development has no detrimental impact on the environment.

Social Implications

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

Before deciding on an application, the responsible authority 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

10.6 Use and development of a 41.3 Metre High Telecommunications Tower and Associated Infrastructure in the Public Park and Recreation Zone, and Buildings and Works Floodway Overlay and Land Subject to Inundation Overlay (continued)

The proposed application to develop a 41.3m high telecommunication tower is not considered to raise any significant social or economic effects.

Economic Impacts

This application has no substantial economic impacts in terms of job creation or investment into Greater Shepparton.

Referrals/Public Notice

The application was referred under Section 55 of the *Planning and Environment Act 1987* to the Goulburn Broken Catchment Management Authority (GBCMA) which did not object to the application subject to the following conditions being placed on the permit.

High damage equipment or goods contained in the equipment shelters must be stored at least 300 millimetres above the 100-year ARI flood level of 113.3 metres AHD; i.e 113.6metres AHD, or higher level deemed necessary by the responsible authority.

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing a sign on site.
- Notice in the Shepparton News

The application was notified to the Shepparton Aerodrome Committee who originally objected to the application. As a result of this objection it was agreed to get an independent aeronautical impact assessment undertaken.

After reviewing the specialist report Landrum and Brown Worldwide (Aust.) Pty Ltd the Shepparton Aerodrome Committee revised their response to the planning department, which outlined they did not object to the proposal subject to the following:

- a) The tower is not higher than 41.3 metres above ground level (AGL); and*
- b) The tower is provided with a suitable obstruction light, as specified by the Civil ASA in CASR Part 139.*

The application was also notified to Goulburn Valley Water who did not object or provide any conditions to be included on the permit.

The Council has received fourteen objections to date.

All objectors were issued with an acknowledgment letter. Additionally the permit applicant's written response to the objections was provided to objectors on 30 January 2018.

Objections from the Kialla Park user groups raised issues concerning the telecommunication tower impeding land which had the potential to be development for an additional oval in the future. Whilst an additional oval is not provided for in the current master plan the Parks and Recreation Department provided a plan that demonstrated enough space to allow for an additional oval. A meeting was held on 2 March 2018 with

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Use and development of a 41.3 Metre High Telecommunications Tower and Associated Infrastructure in the Public Park and Recreation Zone, and Buildings and Works Floodway Overlay and Land Subject to Inundation Overlay (continued)

the user groups to demonstrate the telecommunications tower would not impact on future development of the oval.

The key issues that were raised in the objections are as follows:

Ground of Objection	Officer's Response
De-valuation of land	It is well known and accepted that property de-valuation as a result of planning applications is not a relevant planning consideration.
Visual impact of the tower	<p>It is acknowledged that the tower will be visible in the flat landscape. The nature of telecommunications required antennas to be clear of obstructions and require line of sight.</p> <p>The tower is proposed to be located outside of a residential zone, and set back approximately 70m from residential zoned land to the north and 130m from residential zone to the south.</p> <p>The applicant demonstrated that they had investigated other sites in the area. The sites were considered as unsuitable due to being within residential areas or earmarked for future development.</p> <p>Whilst it is recognised that the site is close to existing dwellings, the site provides the greatest distance of separation from residential areas to provide appropriate coverage and when compared with other viable investigated locations.</p> <p>Existing mature trees throughout the reserve will assist in reducing visual amenity impacts and provide partial screening.</p>
Prevent major development of the reserve in the future	<p>It is noted that some correspondence has occurred regarding the possible future development of a third oval on the site. The Recreation and Parks department have provided a plan to demonstrate a third oval can fit on the reserve and is not impacted on by the proposed telecommunications facility.</p> <p>Despite the above, the approved masterplan for the Kialla Park Recreation reserve does not show any future development in the location of the telecommunications infrastructure. The masterplan states the following in relation to the area proposed to be used for the telecommunications facility:</p> <p><i>The undeveloped area of open space in the western part of the reserve lends itself very well to more informal recreational pursuits, with the opportunity to become a key active transportation link between central Shepparton and the southern suburbs via walking / cycling pathways.</i></p>

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Use and development of a 41.3 Metre High Telecommunications Tower and Associated Infrastructure in the Public Park and Recreation Zone, and Buildings and Works Floodway Overlay and Land Subject to Inundation Overlay (continued)

Ground of Objection	Officer's Response
	<p>The action plan for the open space area provides direction to redevelop the area of open space near oval number two for information recreation purposes.</p> <p>Whilst the facility will remove some land from recreation purposes, it is not considered to cause significant impact on the future development as outlined in the approved masterplan or the potential to develop the land for a third oval.</p>
<p>Health Risks, children staff and families</p>	<p>VCAT in <i>Mason v Geelong (Red Dot)</i> (VCAT 2057 2013) considered EME radiation from telecommunication towers. VCAT made the following comments:</p> <p><i>The amount of electromagnetic radiation emitted by a telecommunications facility may well be a legitimate issue of public concern. However, VCAT is not a forum for addressing all issues of social or community concern, nor is it an investigative body.</i></p> <p><i>It cannot give great weight to unsupported assertions about public health concerns in the context of an individual planning application, particularly in relation to matters outside its own expertise or beyond the limited ambit of its statutory role or discretion in relation to that application. Accordingly, VCAT is not the appropriate forum where generalised opposition to telecommunications facilities based on public health concerns can or should be raised. It is a waste of the parties' and the Tribunal's resources as, ultimately, VCAT is essentially bound to apply the ARPANSA standard.</i></p> <p><i>Allowing objectors to continue to air their concerns about electromagnetic radiation at a VCAT hearing creates false expectations about the role of VCAT and the ambit of its discretion, and the extent to which it can realistically deal with such issues.</i></p> <p>Based on this VCAT decision and given that the tower complies with the Commonwealth's emission requirements it is not considered reasonable to refuse the application on health grounds.</p>
<p>Potential of vibrating noise from tower</p>	<p>The applicant has stated that noise and vibration emissions associated with the proposed facility are expected to be limited to the construction phase. Noise generated during the construction phase is anticipated to be of short duration and accord with the standards outlined in the relevant EPA guidelines. Construction works are planned only to occur between the hours of 7.00am and 6.00pm.</p>

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Use and development of a 41.3 Metre High Telecommunications Tower and Associated Infrastructure in the Public Park and Recreation Zone, and Buildings and Works Floodway Overlay and Land Subject to Inundation Overlay (continued)

Ground of Objection	Officer's Response
	<p>There is expected to be some low level noise from the ongoing operation of air conditioning equipment associated with the equipment shelters, once installed. Noise emanating from the air conditioning equipment is expected to be at a comparable level to a domestic air conditioning installation, and should generally accord with the background noise levels prescribed by relevant guidelines.</p>
<p>Potential to impact on wildlife</p>	<p>The proposed application will not require the removal of any native vegetation.</p> <p>The tower will have no moving parts which may harm passing birds or wildlife.</p> <p>As mentioned above, noise will be minimal from air conditioning equipment and would generally accord with background noise levels.</p>

Officers having considered the objections do not believe that the objections lodged should lead to the application being refused.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

Under section 5 (Urban and Rural Services) the following key objective is listed.
To provide telecommunications facilities and services available to all areas of the municipality.

A strategy of this objective is to:
Proactively support the development of and access to competitive leading edge telecommunication facilities and services.

Clearly policy direction with GS2030 is for applications for telecommunication facilities to be supported through the planning system.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Use and development of a 41.3 Metre High Telecommunications Tower and Associated Infrastructure in the Public Park and Recreation Zone, and Buildings and Works Floodway Overlay and Land Subject to Inundation Overlay (continued)

Conclusion

Officers having undertaken an assessment of the application have decided that the application achieves acceptable planning outcomes when assessed against policy and therefore a planning permit should be issued.

Officers deem that the application produces a net community benefit by increasing telecommunication coverage in Kialla North and allows for greater coverage and additional users to access for residents and businesses.

Attachments

Nil

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 2018 China Delegation and Asia Fruit Logistica

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: Economic Development Project Officer

**Proof reader(s): Acting Team Leader Business & Industry Development,
Acting Manager Economic Development**

Approved by: Director Sustainable Development

Executive Summary

In 2017, Greater Shepparton City Council led a delegation into China to investigate and pursue opportunities that relate to international trade. The delegation consisted of the Mayor, the Greater Shepparton City Council CEO and Economic Development Project Officer, the Regional Development Victoria Regional Director Hume and also a local fruit grower. The visit consisted of meetings with Commissioner Tim Dillon at the Shanghai Business Victoria Office, Austrade in Shanghai to support lobbying efforts on fruit protocols, GCL Energy, Sunflower Energy and our Friendship city Jintan. The visit has since resulted in various successful outcomes and opportunities which are detailed within the body of this report.

Due to the success of the 2017 delegation visit, officers are proposing that a Greater Shepparton delegation revisit China in September 2018. The Delegation would include the Mayor, the Director of Sustainable Development, the Economic Development Project Officer, potentially a representative from Regional Development Victoria and also a local fruit grower.

The proposed visit would include meetings with Council's Friendship City Jintan, Business Victoria and Austrade (based in Shanghai). The visit to China will also involve attending the Asia Fruit Logistica Expo in Hong Kong, where Council in conjunction with the local growers feel there is an opportunity to host a stand. There is also opportunity for the visit to include an appointment in Indonesia to meet with Brett Stevens the Commissioner for Victoria to South East Asia which would create an opportunity to meet with potential buyers in South East Asia and participate in tours to greater understand the market opportunities in this part of Asia. The Commissioner visited Greater Shepparton in January and invited Council to Indonesia to further explore opportunities for local growers.

Council officers have completed consultation with the appropriate agricultural industry bodies and exporters who are in full support of Council's involvement at the Asia Fruit Logistica Expo. This expo provides Council with an opportunity to support the local growers by having a presence at the event to demonstrate local government backing and also to market the region as a place to invest. A stall at the expo will increase awareness of the region's horticultural offering and build on the opportunity for agreements to be negotiated between overseas buyers and Greater Shepparton growers.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 2018 China Delegation and Asia Fruit Logistica (continued)

Moved by Cr Giovanetti
Seconded by Cr Patterson

That the Council approve:

1. The Mayor of Greater Shepparton to be included within the Greater Shepparton delegation that visits Jintan, Shanghai and Hong Kong and potentially South East Asia in 2018.

That the Council note:

1. The Director of Sustainable Development and the Economic Development Projects Officer will be included within the Greater Shepparton delegation that visits Jintan, Shanghai and Hong Kong and potentially South East Asia in 2018;
2. Council Officers will advertise an expression of interest opportunity allowing for a local grower to attend Asia with the Council led delegation'
3. Council will host a stand at the 2018 Asia Fruit Logistica in Hong Kong.

CARRIED.

Background

On 2 September 2017 a delegation from Council visited China with the intention of enhancing investment opportunities and to build relationships with overseas investors. The delegation consisted of the Mayor, the Greater Shepparton City Council CEO, Economic Development Project Officer, the Regional Development Victoria Regional Director Hume and also a local fruit grower.

This visit consisted of a meeting with Council's Friendship City in Jintan, a meeting with Commissioner Tim Dillon at the Shanghai Business Victoria Office and a meeting with Austrade in Shanghai to support the lobbying efforts on fruit protocols and other potential investors in renewable energy.

The delegation also attended the Asia Fruit Logistica which took place in Hong Kong to support local growers. Agreements between buyers and sellers are regularly achieved at this exhibition and it has become the most attended expo by local growers due to the vast opportunities that are presented at the event.

Outcomes and opportunities that have resulted from the 2017 delegation are the following:

- Council held a meeting with the Austrade Office in Shanghai and spoke with the Chinese quarantine group AQSIQ to support the lobbying efforts of the Federal Government. The protocols that Council were advocating for related to plums, apricots and peaches. The protocol announcement was expected to be made in March 2018; however Council was advocating for this announcement to be made earlier so that our growers could make the most of the current season and commence exports in 2017 and early 2018. The announcement was subsequently made early November 2017. Since this announcement, local growers have now been exploring opportunities in relation to the export of stone fruit and are in discussions with buyers and entering into contracts.
- Business Victoria – Whilst in China, a presentation was made to Commissioner Tim Dillon. This meeting has resulted in a much closer relationship with Business Victoria

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 2018 China Delegation and Asia Fruit Logistica (continued)

and has progressed potential investment opportunities particularly in the field of renewable energy. Council Officers are currently working with two of China's largest renewable energy companies to establish 100 MW solar farms.

- Friendship City Jintan – The 2017 visit to our Friendship city has resulted in the opportunity for a linkage between Jintan's vocational school and GOTAFE. Council is currently working with GOTAFE and Jintan to establish this connection that will include student and teacher exchanges. Currawa Primary School, based at the University of Melbourne Dookie Campus is currently liaising with Jintan Primary School to investigate and establish a student exchange program. This exchange program would provide the Jintan students with an Agri focused school experience and will also create exchange opportunities for Currawa Primary School students and teachers.
- Asia Fruit Logistica – Council attended the Asia Fruit Logistica to learn more about the changing world of fresh produce, to establish new business contacts and to work towards growing the local agricultural sector. The Asia Fruit Logistica also presented the opportunity for Council to support the local growers and representatives who attended. There were over 10 local representatives at the Asia Fruit Logistica and contracts were signed between buyers and locals as a result of the Asia Fruit Logistica opportunity.
- Recognised as progressive in international liaison – Since the 2017 China visit, Council has presented on our international engagement to the following:
 - Regional Cities Victoria (RCV)
 - Minister for Agriculture and Minister for Regional Development
 - Commissioner for South East Asia Brett Stevens
 - Commissioner for Trade Brent Moore
 - Presentation to GOTAFE International Manager
 - Fruit Growers Victoria State AGM

While in attendance at the 2017 Asia Fruit Logistica, Council Officers determined that hosting a stand would present an opportunity for Council to increase the region's (and local growers) presence at the expo, and to market the Greater Shepparton region and our significant horticultural footprint.

It should also be noted that whilst visiting the expo in 2017, Officers recognised that other parts of the world such as New Zealand were very proactive at marketing their strengths and products through investment in a stand.

It has been determined by Officers that a stand at the exhibition would provide the following benefits:

- The Asia Fruit Logistica is the premier trade event for the international trade of fresh produce in Asia and is an ideal opportunity for Council to support the local exporters and for associated businesses to promote their products and services.
- Allow Council to offer Greater Shepparton growers and associated businesses complimentary passes to the Asia Fruit Logistica which are valued at over \$500 each.
- Assist growers to facilitate investment opportunities by having a physical presence to market themselves and to display their fruit. It will also provide opportunities to be involved in business matching sessions and market insight tours. The stand will be strategically placed with Apple and Pears Australia Limited (APAL) and Summer Fruit Australia who are working with Council on protocols and marketing our Horticulture industry.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 2018 China Delegation and Asia Fruit Logistica (continued)

Local fruit growers are supportive of this initiative and believe that having a dedicated stand will allow them to hold their meetings at a site which will give them an enhanced level of credibility amongst their competition. The Asian market highly values government relations and growers believe that having Council involved in discussions with potential and existing clients will be of significant benefit to their negotiations and reaching agreements with buyers. Council has received letters of support from industry bodies including APAL and Fruit Growers Victoria which are attached to this report.

It has also been determined that this visit to China would build on the opportunity for Council to follow up with education providers located in Jintan to enhance relationships and develop potential partnerships to instigate staff and student exchanges within the Greater Shepparton region.

During the 2017 delegation, Council was accompanied by a local grower who made application via an expression of interest process. Council would again make an opportunity available via an expression of interest process to a local grower to be in attendance during the 2018 delegation visit to Asia.

During the 2017 visit, the delegation was introduced to various organisations such as Business Victoria and Austrade and there is an opportunity during this visit to enhance these lines of communication and to strengthen existing relationships with such companies, including renewable energy companies with whom we are currently working to develop large scale solar farms in Greater Shepparton.

The proposed itinerary for the 2018 delegation to Asia is as follows:

- Thursday 30 August – Travel to Shanghai
- Friday 31 August - Meetings with Business Victoria, Austrade and Solar companies including GCL Energy and Jinko Energy
- Saturday 1 September – Travel to Jintan, Council’s Friendship City – Welcome Dinner with Jintan Mayor and potential investors
- Sunday 2 September – Meetings with Council’s Friendship City – Jintan Vocational School
- Sunday 2 September – Travel to Nanjing – Meetings with potential fruit buyers organised by Philip Huang - Jiangsu Provincial Government
- Monday 3 September – Travel to Hong Kong
- Tuesday 4 September – Set up Asia Fruit Logistica Stand and attend opening dinner event
- Wednesday 5 September – Hong Kong, Asia Fruit Logistica
- Thursday 6 September – Hong Kong, Asia Fruit Logistica
- Friday 7 September – Hong Kong, Asia Fruit Logistica
- Saturday 8 September – Travel to Melbourne

* It is also possible that the delegation would visit Indonesia and meet with Brett Stevens, Commissioner for Victoria to South East Asia, in his office in Jakarta. Mr Stevens was recently in Greater Shepparton in January discussing the opportunities and challenges that exist in the South East Asia markets and the potential to work more closely with Council and local growers in relation to future prospects. Mr Stevens advised the growers that his office has connections with some of the largest supermarkets in South East Asia and that he would be able to connect Council with such operators. We envisage that this visit to Jakarta will add a further 2 days to the proposed itinerary and will include meetings with potential buyers and tours of Indonesia to greater understand and pursue opportunities relating to international trade.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 2018 China Delegation and Asia Fruit Logistica (continued)

Council Plan/Key Strategic Activity

2017 International Engagement Strategy

2017 International Engagement Policy

Greater Shepparton Economic Development Tourism and Major Events Strategy

Fruit Growers Victoria and Greater Shepparton City Council Funding Agreement

2017-2021 Council Plan – Economic 3.2 Strong global, national and local business connections are developed and nurtured.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Public criticism	C	4	low	Communicate the purpose of the visit and the benefits of attending.

Policy Considerations

Council's visit to China aligns with the International Engagement Strategy and the International Engagement policy.

Financial Implications

The costs associated with sending four Council representatives, a local fruit exporter and hosting a stand at the Asia Fruit Logistica is as follows:

Travel and Accommodation Expenses:

Flights, Accommodation, Visas and Insurance	\$14,910
Food, Taxi	\$1,700
Gifts	\$250
Promotional material	\$350

Cost for 4 attendees: \$17,210

Cost for Asia Fruit Logistica Stand: \$12,000

Total cost to Council \$33,210

	Approved Budget Estimate for this proposal ¹ \$	This Proposal GST Exclusive \$	Variance to Approved Budget Estimate \$	This Proposal GST Inclusive ² \$
Revenue				
Expense	33,210	33,210		36,531
Net Total	33,210	33,210		36,531

¹ Budgets are GST exclusive

² For Contract Award reports the GST inclusive expense shall match the amount reported in the recommendation

Note: Budget not adopted but included in draft 2018/2019 bid.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 2018 China Delegation and Asia Fruit Logistica (continued)

The cost for the delegation to China includes:

- Airfares
- Visas
- Accommodation for 9 nights
- Food
- Taxi and transport use
- Airport security
- Promotional/marketing material
- Gifts
- Stand Cost – Asia Fruit Logistica

It should be noted that Council is currently investigating opportunities for the expenditure to be covered through a grant program where expenses could be wholly or partially funded by the Government.

The above costings include a potential visit to Indonesia which is estimated at an additional \$4,000.

Legal/Statutory Implications

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

Environmental/Sustainability Impacts

There are no adverse environmental impacts associated with the International visit. The visit will create positive renewable energy investment opportunities for Greater Shepparton and these opportunities will continue to be facilitated by the Economic Development Department. The 2017 delegation visit created strong links with two of China's largest Energy Companies. We are currently facilitating investment opportunities with both organisations.

Social Implications

In 2017 strong relationships were built with Business Victoria and Austrade. Business Victoria recommended two large solar companies to establish solar farms in Greater Shepparton and this has since resulted in ongoing discussions. At the 2017 Asia Fruit Logistica, Council developed a closer working relationship with our largest growers. We have since been able to assist local growers with various developments including the extension of their facilities, grant assistance and lobbying efforts.

The proposed stand at the Asia Fruit Logistica 2018, the visit to Jintan and meetings with Business Victoria and Austrade in Shanghai will allow Council to further enhance the growth of Greater Shepparton's agricultural sector whilst also supporting local businesses and building international relationships.

Economic Impacts

Council aims to build on the relationships developed with overseas investors to enhance investment opportunities and to support the region's agricultural and education sector. Council is currently pursuing renewable energy investment opportunities that have arisen from the 2017 China visit and also continues to lobby for amendments to protocols for pears and apples. The recent result in relation to the amendment in protocols relating to stone fruit was a significant and positive outcome for the region and local growers who have now commenced entering into agreements with overseas buyers.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 2018 China Delegation and Asia Fruit Logistica (continued)

Attending the Asia Fruit Logistica Expo and hosting a stand creates an opportunity to increase the awareness in relation to Greater Shepparton's interests in becoming widely known as a region that is receptive to international investment inquiries and opportunities.

Consultation

Council's Economic Development department consulted fruit growers, transport companies and horticultural industry bodies, including APAL, AusVeg, Fruit Growers Victoria and Horticulture Innovation who have attended the Asia Fruit Logistica in the past. An overwhelming majority of local operators who were consulted recommended that Council have a presence at the exhibition and felt that Council's presence will support their negotiations and business dealings.

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

Letters of support are also attached to this report.

Strategic Links

a) Greater Shepparton 2030 Strategy

Topic: Economic Development

Theme: Agriculture and Rural Land – Objective 3 - To develop and promote the municipality as a regional centre for food and primary industry research and development.

Conclusion

After consideration and consultation with local businesses and organisations within the agricultural sector, Council officers have determined, since the success of the previous visit to China, that revisiting our Friendship City Jintan, meeting with Business Victoria and Austrade in Shanghai and hosting a stand at the Asia Fruit Logistica would be a productive exercise and further increase the potential to increase exports to China and attract investment to Shepparton. This exhibition aligns with Council's direction relating to enhancing investment opportunities, building relationships with overseas investors and also aligns with Council's International Engagement Strategy.

The delegation visit would also potentially include a visit to Indonesia (Jakarta) to meet with the Commissioner for Victoria to South East Asia. The Commissioner recently presented to Council officers, local exporters and industry groups highlighting the opportunities that exist in South East Asia. Mr Stevens encouraged local growers and Council to capitalise on these opportunities. Mr Stevens has strong ties with large supermarkets and importers in the South East Asia area and Council intends to meet with these potential buyers.

Attachments

1. Greater Shepparton International Engagement Strategy
2. Radevski Coolstores Letter of support to attend the Asia Fruit Logistica
3. APAL Letter of Support 2018 Asia Fruit Logistica
4. Letter of Support - Asia Fruit Logistica 2018 - FGV

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Implementation of Commercial Activity Centres Strategy November 2015 - Amendments C192 and C193 Part 1

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 Building and Planning

Approved by: Director Sustainable Development

Executive Summary

At the Ordinary Council Meeting held on 21 November 2017, Council resolved to adopt the recommendations of the Independent Planning Panel for Amendment C192 to the Greater Shepparton Planning Scheme (see *Attachment 1 – 21 November 2017 Ordinary Council Meeting minutes extract*). At this time, Council also resolved to split Amendment C193 into two parts, known as Part 1 (Public Acquisition Overlay) and Part 2 (Lascorp Proposal), in accordance with the recommendation of the Panel and to submit both Amendments C192 and C193 Part 1 to the Minister for Planning for approval. It was resolved to defer the consideration of Amendment C193 Part 2 for six months and to delegate to the Chief Executive Officer the power to make a decision on Part 2 at a future date.

Amendment C192 implements the general recommendations of the *Greater Shepparton Commercial Activity Centres Strategy, November 2015 (CACS)*, updating the Municipal Strategic Statement and Activity Centre Zone, rezoning Commercial 2 Zone land along Wyndham Street and Benalla Road to Activity Centre Zone, and rezoning Commercial 1 Zone, Commercial 2 Zone and General Residential Zone land to Activity Centre Zone to facilitate the redevelopment of Shepparton Marketplace.

Amendment C193 Part 1 applies a Public Acquisition Overlay to land to allow for the Shepparton North Regional Catchment Basin and infrastructure.

Amendment C193 Part 2 rezones land from the Commercial 2 Zone to the Commercial 1 zone to facilitate a second full-line supermarket in Shepparton North. Amendment C193 includes Planning Permit Application 2016-269, to develop the land for a supermarket, with associated packaged liquor store, retail speciality shops, car parking and advertising.

The hearing of the independent Planning Panel was held from 24 July to 11 August 2017, in Shepparton and Melbourne, and the Panel Report was received on 9 October 2017 (see *Attachment 2 – Amendment C192 & C193 Panel Report, 9 October 2017*). The recommendations of the Planning Panel are summarised below.

The Panel recommended that Amendment C192 be adopted with post exhibition changes to the Municipal Strategic Statement and Activity Centre Zone, as discussed at Panel. The version to be adopted is included as Appendix D and Appendix E to the Panel Report.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Implementation of Commercial Activity Centres Strategy November 2015 - Amendments C192 and C193 Part 1 (continued)

The Panel recommended that Amendment C193 be split into two parts, being:

- Part 1 (Application of the Public Acquisition Overlay); and
- Part 2 (Rezoning of the proposed Woolworths site).

The Panel recommended that Part 1 be adopted and that Part 2 be deferred until Council is satisfied this is the best location for a second full line supermarket in Shepparton North, defined through a structure planning process.

The Panel also recommended that Council amend the planning permit 2016-269 (Woolworths site).

Specifically, the Panel Report lists the following recommendations:

Panel Recommendations

1. Adopt Amendment C192 to the Greater Shepparton Planning Scheme, in accordance with the modifications in Appendix D (Clause 21.06) and Appendix E (Activity Centre Zone Schedule 1);
2. Review the provisions and schedules of Amendment C192 and Amendment C193 during finalisation of the Amendments to ensure they are consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* (May 2017).
3. Amend Clause 21.06, as shown in Appendix D, to:
 - a. add the following strategic action under 21.06-7:
 - i. *Prepare structure plans for the Mooroopna, Riverside and Shepparton North activity centres.*
 - ii. Remove reference to the Shepparton North Activity Centre in the relevant strategic action regarding an urban design framework.
4. Split Amendment C193 into Part 1 (Public Acquisition Overlay) and Part 2 (Lascorp proposal);
5. Defer consideration of Amendment C193 Part 2 and planning permit application 2016-269 until the Shepparton North Activity Centre is defined through a structure planning process. Reconsider Amendment C193 Part 2 and planning permit application 2016-269 pending these outcomes;
6. Amend Planning Permit 2016-269, as shown in Appendix F, to update Condition 14 (Time for Starting and Completion); and
7. Adopt Amendment C193 Part 1.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Implementation of Commercial Activity Centres Strategy November 2015 - Amendments C192 and C193 Part 1 (continued)

At the Ordinary Council Meeting on 21 November 2017, Council resolved:

That, having considered the Independent Planning Panel Report for Amendments C192 and C193 to the Greater Shepparton Planning Scheme, in accordance with Section 27 of the *Planning and Environment Act 1987*, Council:

1. adopt the recommendations of the Independent Planning Panel for Amendment C192 as outlined in the Panel Report dated 9 October 2017;
2. adopt Amendment C192 with post-exhibition changes in accordance with Section 29 of the *Planning and Environment Act 1987*;
3. adopt the recommendation of the Independent Planning Panel for Amendment C193 as outlined in the Panel Report dated 9 October 2017 to:
 - split Amendment C193 into Part 1 (Public Acquisition Overlay) and Part 2 (Lascorp proposal).
4. adopt Amendment C193 Part 1 in accordance with Section 29 of the *Planning and Environment Act 1987* with changes to align with Ministerial Direction 13 and relevant recommendations of the Independent Planning Panel;
5. submit Amendment C192 and Amendment C193 Part 1 to the Minister for Planning for approval in accordance with Section 31 of the *Planning and Environment Act 1987*;
6. defer consideration of Amendment C193 Part 2 and planning permit application 2016-269 by six months, to allow the owners of the IGA site an opportunity to work with Council to determine the capacity of the site to provide a second full line supermarket and integration with surrounding land uses;
7. delegate to the Chief Executive Officer the power to adopt Amendment C193 Part 2 and planning permit application 2016-269 (including revisions to condition 14 of the draft permit as shown in the attached copy of the draft permit, in variance to the version of condition 14 as recommended by the Panel for the reasons outlined in the Officer's report) and submit it to the Minister for Planning for approval, should Shepparton Pty Ltd (formerly known as 18 Pty Ltd) not confirm in writing that a tenant has been secured for a second full line supermarket at 177-193 Numurkah Road, Shepparton, and/or Shepparton Pty Ltd not confirm that the second full line supermarket will be fully operational by 21 May 2020, and/or Shepparton Pty Ltd not demonstrate appropriate integration within the regional context, to the satisfaction of the Chief Executive Officer, by no later than 21 May 2018;
8. delegate to the Chief Executive Officer the power to adopt Amendment C193 Part 2 and planning permit application 2016-269 (including revisions to condition 14 of the draft permit as shown in the attached copy of the draft permit, in variance to the version of condition 14 as recommended by the Panel for the reasons outlined in the Officer's report) and submit it to the Minister for Planning for approval, should Shepparton Pty Ltd provide written advice to the Council on or before 21 May 2018, to the effect that it is not seeking to secure a tenant for a second full line supermarket

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Implementation of Commercial Activity Centres Strategy November 2015 - Amendments C192 and C193 Part 1 (continued)

at 177-193 Numurkah Road, Shepparton, and/or should Shepparton Pty Ltd provide written advice to the effect that a second full line supermarket at 177-193 Numurkah Road, Shepparton, would not be fully operation by 21 May 2020; and

9. should Shepparton Pty Ltd satisfactorily confirm to the Chief Executive Officer that a tenant has been secured for a second full line supermarket at 177-193 Numurkah Road, Shepparton, and satisfactorily confirm to the Chief Executive Officer that the second full line supermarket will be fully operational by 21 May 2020, and satisfactorily confirm to the Chief Executive Officer that there is appropriate demonstration of integration within the regional context, by no later than 21 May 2018, Amendment C193 Part 2 and planning permit 2016-269 must be referred back to Council for reconsideration.

On 21 December 2017, MinterEllison Pty Ltd, on behalf of Shepparton Pty Ltd, lodged an application with the Victorian Civil and Administrative Tribunal (VCAT) under Section 39 of the *Planning and Environment Act 1987* (the Act). The application was on the basis of alleged procedural defects with regard to resolutions 2, 4, 7 and 8.

Specifically, the VCAT application stated that Council had failed to identify specific post exhibition changes in adopting Amendments C192 and C193 Part 1.

The VCAT application also alleged that the resolution to delegate power to the Chief Executive Officer to adopt Amendment C193 Part 2 at a later date did not comply with the Act. In relation to this part of the VCAT application it was sought that the original resolution concerning C193 Part 2 be set aside and the matter remitted back to Council for reconsideration. It is appropriate that the resolution regarding Amendment C193 Part 2 be set aside and remade. Consistent with the timing intended by Council and Council officers' interpretation of the Panel Report, it is proposed that Amendment C193 Part 2 be dealt with at a later Council meeting.

With regard to Amendments C192 and C193 Part 1, although, for reasons of convenience, it may be common practice for resolutions regarding the adoption of planning scheme amendments to be in a similar form to the resolutions of 21 November 2017. However, in strict legal terms it is appropriate that any post exhibition changes to an amendment to be adopted be specifically identified.

In order to expedite the approval of Amendments C192 and C193 Part 1 and avoid delays that may affect third parties and not to incur potentially avoidable legal costs, the most efficient and timely manner for dealing with the Section 39 application is to remit the matter back to Council to make fresh resolutions.

It is recommended that Council sets aside the previous resolutions 1 to 5 from 21 November 2017 and make fresh resolutions regarding those matters. With regard to resolutions 2 and 4 of 21 November 2017, the orders of the Tribunal set those resolutions aside.

A redrafted resolution is provided to Council, explicitly stating what is being adopted having regard to the exhibited version of the amendments.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Implementation of Commercial Activity Centres Strategy November 2015 - Amendments C192 and C193 Part 1 (continued)

RECOMMENDATION

That, further to resolutions 1 to 5 of the Council in relation to Item 10.6 of the Agenda of the Ordinary Meeting of the Council of 21 November 2017, and in substitution of those resolutions, and having regard to the application by Shepparton Pty Ltd concerning resolutions 2 and 4 in VCAT proceeding reference P2930/2017, and having regard to the orders of the Tribunal in that proceeding, having further considered the report of the Planning Panel appointed for Amendments C192 and C193 to the Greater Shepparton Planning Scheme dated 9 October 2017 ("**Panel Report**"), in accordance with sections 27 and 29 of the *Planning and Environment Act 1987* ("**Act**"), Council in its capacity as the planning authority under the PE Act resolves to:

1. adopt recommendations 1, 2, and 3 of the Planning Panel at pages 57 and 58 of the Panel Report with regard to Amendment C192;
2. adopt Amendment C192 with post exhibition changes consistent with the recommendations of the Planning Panel as identified in *Attachment 3 – showing tracked changes between the exhibition version and adopted version and Attachment 4 – being the adopted version*;
3. adopt recommendation 4 of the Planning Panel at page 58 of the Panel Report to split Amendment C193 into Part 1, relating to the Public Acquisition Overlay and Part 2 relating to the land known as 221-229 Numurkah Road and 10 Ford Road, Shepparton, described in the Panel Report as the Lascorp proposal;
4. adopt recommendations 2 and 7 of the Planning Panel at pages 57 and 58 of the Panel Report with regard to Amendment C193 Part 1;
5. adopt Amendment C193 Part 1 in the form exhibited; and
6. submit Amendments C192 and C193 Part 1, as adopted by Council, to the Minister for Planning for approval in accordance with section 31(1) of the Act.

Moved by Cr Giovanetti **Seconded by Cr Summer**

That, further to resolutions 1 to 5 of the Council in relation to Item 10.6 of the Agenda of the Ordinary Meeting of the Council of 21 November 2017, and in substitution of those resolutions, and having regard to the application by Shepparton Pty Ltd concerning resolutions 2 and 4 in VCAT proceeding reference P2930/2017, and having regard to the orders of the Tribunal in that proceeding, having further considered the report of the Planning Panel appointed for Amendments C192 and C193 to the Greater Shepparton Planning Scheme dated 9 October 2017 ("**Panel Report**"), in accordance with sections 27 and 29 of the *Planning and Environment Act 1987* ("**Act**"), Council in its capacity as the planning authority under the PE Act resolves to:

1. adopt recommendations 1, 2, and 3 of the Planning Panel at pages 57 and 58 of the Panel Report with regard to Amendment C192;

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Implementation of Commercial Activity Centres Strategy November 2015 - Amendments C192 and C193 Part 1 (continued)

2. adopt Amendment C192 with post exhibition changes consistent with the recommendations of the Planning Panel as identified in *Attachment 3 – showing tracked changes between the exhibition version and adopted version and Attachment 4 – being the adopted version*;
3. adopt recommendation 4 of the Planning Panel at page 58 of the Panel Report to split Amendment C193 into Part 1, relating to the Public Acquisition Overlay and Part 2 relating to the land known as 221-229 Numurkah Road and 10 Ford Road, Shepparton, described in the Panel Report as the Lascorp proposal;
4. adopt recommendations 2 and 7 of the Planning Panel as stated in *the Executive summary and recommendations* of the Panel Report with regard to Amendment C193 Part 1;
5. adopt Amendment C193 Part 1 in the form exhibited; and
6. submit Amendments C192 and C193 Part 1, as adopted by Council, to the Minister for Planning for approval in accordance with section 31(1) of the Act.

CARRIED.

Background

Over the years, Greater Shepparton City Council has undertaken a number of strategic planning projects that have resulted in ongoing opportunities for growth in residential areas and for supporting infrastructure. Retailing and commercial development is one of these areas now under review. Council has recognised that extensive retail and commercial growth has occurred, retail trends have changed, new zones have been introduced and there is a need to provide a new strategy that provides for commercial development in the expanding activity centres in the municipality.

This work resulted in the adoption of the *Greater Shepparton Commercial Activity Centres Strategy, November 2015 (CACS)* on 16 February 2016 that is broad in its scope and defined in its direction. This strategy is the subject of Amendment C192 and through exhibition it attracted 13 submissions. Most of these were concerned with a new retail proposal at Shepparton North and to a lesser extent, some aspects of the controls proposed at the Shepparton Marketplace and the Benalla Road Enterprise Area.

The key and unequivocal direction for Shepparton is to maintain the primacy of the Shepparton CBD to encourage further development in that important precinct. The proposed implementation of the CACS is described in *Attachment 1 – Ordinary Council Meeting Minutes 21 November 2017*.

VCAT Hearings

Shepparton Pty Ltd lodged an application with VCAT in 23 November 2017, to review Council's resolution in relation to Amendment C192, Amendment C193 Part 1 and Amendment C193 Part 2.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Implementation of Commercial Activity Centres Strategy November 2015 - Amendments C192 and C193 Part 1 (continued)

Consideration of the Panel Recommendations

The Independent Planning Panel is an independent body appointed by the Minister for Planning, final decision on whether or not an amendment will be approved. Under Section 27 of the *Planning and Environment Act 1987*, Council must consider the recommendations of the Panel and make a decision on an Amendment.

Council provided information supporting their resolution, as shown in the background section of Attachment 1. The VCAT application by MinterEllison Pty Ltd on behalf of Shepparton Pty Ltd states Council failed to identify all changes to the documentation in their resolution. Council officers consider there was sufficient information to enable anyone reading the entire report to understand what decisions had been made. Council officers have decided that the best course of action is to reword the resolution to respond to the VCAT application and VCAT order. This will limit further delay and cost associated with arguing the matter at VCAT.

Council Plan/Key Strategic Activity

The Amendments are supported by the Greater Shepparton Council Plan 2017-2021 as follows:

Economic:

Build a thriving resilient economy where Greater Shepparton is recognised as a competitive place to invest and grow business.

Objective 3.1: Shepparton is the regional city centre supported by well-planned and designed existing and emerging commercial activity centres

Built:

Provide and support appealing relevant infrastructure that makes Greater Shepparton and attractive, liveable regional city.

Objective 4.1: Growth is well planned and managed for the future

Objective 4.2: Urban and rural development is sustainable and prosperous.

Objective 4.4: Quality infrastructure is provided and maintained to acceptable standards.

Objective 4.8: Active transport (walking cycling) is encouraged through safe, connected and improved linkages.

Risk Management

This action addresses the risk created by the Section 39 application. In rewording Council's resolution, the matter will be resolved to VCAT's satisfaction.

A risk associated with the proposed action is that Shepparton Pty Ltd determine to further obfuscate the proceedings by taking the appeal further to the Supreme Court. Council officers are satisfied all attempts have been made to satisfactorily address their issues in order to prevent this happening.

Another risk associated with adopting the Panel's recommendations is that in deferring Amendment C193 Part 2, the proponent will decide to withdraw their investment and no second full line supermarket will be provided in Shepparton North.

Policy Considerations

The Amendments are consistent with existing Council policy, and support Council policy on economic development.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Implementation of Commercial Activity Centres Strategy November 2015 - Amendments C192 and C193 Part 1 (continued)

Financial Implications

Council officers have sought to limit the costs associated with an ongoing legal process by consenting to remit the matter to Council for resolution.

Legal/Statutory Implications

Council officers consider that although the procedures associated with proposed Amendment C193 Part 1 complied with the legislative requirements of the Act, given there was arguably strict non-compliance with Amendment C192 and arguably ambiguity with Amendment C193 Part 1, the appropriate cost efficient and effective manner to dispose of legal action in P2930/2017 is to remit a redrafted resolution to Council and put the matter beyond doubt.

Environmental/Sustainability Impacts

The Amendments put in place guidance for the future land use and development of Shepparton's activity centres, and it is not envisioned that there will be any significant adverse environmental impacts. The Amendments include requirements to consider environmentally sustainable design principles in the construction of any new land use or development.

Social Implications

Amendment C192 is not expected to have any significant adverse social impacts, rather it will strengthen the role of the Shepparton CBD to ensure it continues to serve the community's needs. A proposal to increase retail floorspace or for other use or development within the Activity Centre Zone will be subject to planning and development assessment utilising the criteria provided in the CACS, including an assessment of the benefits of any proposals to the community.

Amendment C193 Part 1 will result in a net community benefit, providing a useable and effective regional drainage infrastructure for the Shepparton north area.

Economic Impacts

The Amendments seek to provide greater certainty for business and community regarding what kind of future land use and development can occur and where. The Amendments also limit the amount of retail shop floor space in certain activity centres, based on the existing and anticipated retail catchment and the strategic importance of the activity centres within the hierarchy. The Amendments also discourage the location of uses such as cinema or department store outside of the retail core. There is strong strategic logic for this guideline, however uses and floorspace caps are discretionary and can be changed subject to the appropriate planning and development assessment criteria, which includes the requirement for an economic impact assessment and retail assessment to be prepared.

Amendment C192 will help to stimulate investment within the additional Precincts in the Activity Centre Zone by reducing application and permit requirements for use and development and providing additional planning certainty about what use is preferred.

Consultation

Amendments C192 and C193 Part 1 implement the findings of the *Greater Shepparton Commercial Activity Centres Strategy, November 2015*, which was prepared with extensive input from relevant authorities, key stakeholders and members of the community.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Implementation of Commercial Activity Centres Strategy November 2015 - Amendments C192 and C193 Part 1 (continued)

Amendment C192

Amendment C192 was exhibited from 7 July 2016 to 8 August 2016 in accordance with the *Planning and Environment Act 1987*.

Exhibition included the following notice:

- Direct notice to real estate, planning and engineering professionals;
- Direct notice to prescribed Ministers;
- Notice in the Shepparton News;
- Notice in the Victoria Government Gazette;
- Notice on the Greater Shepparton City Council website;
- Notice on the Department of Environment, Land, Water and Planning website, and
- Copy of exhibition documentation in the foyer of the Council offices at 90 Welsford Street, Shepparton.

Council received 13 submissions. Five submissions were received from referral authorities that did not object to the proposed Amendment. One submission was received from a referral authority that supported the proposed Amendment subject to conditions. Six submissions were received that objected to the proposed Amendment. One submission was received that supports the proposed Amendment subject to minor changes.

Council officers met with objecting submitters in an effort to resolve concerns raised in submissions. The majority of the outstanding submissions relate to the proposed changes to the Greater Shepparton Planning Scheme to facilitate a second full-line supermarket in Shepparton North. Other outstanding submissions related to:

- Planning controls and retail floor space caps at the Shepparton Marketplace; and
- The impact of implementing the *Greater Shepparton Commercial Activity Centres Strategy, November 2015* on the Central Business District of Shepparton.

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

Amendment C193

Amendment C193 was exhibited from 20 April 2017 to 30 May 2017 in accordance with the Act. Exhibition included the following notice:

- Direct notice to affected landowners and occupiers;
- Direct notice to submitters of Amendment C192;
- Direct notice to prescribed Ministers and referral authorities;
- Notice in the Shepparton News;
- Notice in the Victoria Government Gazette;
- Notice on the Greater Shepparton City Council website;
- Notice on the Department of Environment, Land, Water and Planning website, and
- Copy of exhibition documentation in the foyer of the Council offices at 90 Welsford Street, Shepparton.

Council received 20 submissions. Five submissions were received from referral authorities that did not object or provided support for the proposed Amendment. Two submissions were received that support the proposed Amendment. Ten submissions were received that objected to the proposed Amendment.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Implementation of Commercial Activity Centres Strategy November 2015 - Amendments C192 and C193 Part 1 (continued)

The submissions that objected or requested changes could not be resolved and, as such, all submissions were referred to an Independent Planning Panel appointed by the Minister for Planning for consideration. A request was made to the Minister for Planning, and granted, for the Independent Planning Panel for proposed Amendment C192 and proposed Amendment C193 Part 1 to be combined as similar submissions and concerns were raised.

The Independent Planning Panel Directions Hearing was held the week of 26 June 2017 and Panel Hearing held over 10 days between 24 July and 11 August 2017.

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

Strategic Links

a) Greater Shepparton 2030 Strategy, 2006

Topic: Settlement and Housing

Theme: Growth

To provide convenient access to a range of activity centres and employment opportunities that can serve the expanded municipality.

Topic: Economic Development

Theme: Retail/Commercial Centres

To have a hierarchy of viable commercial/retail centres by retaining local and visitor spending within the municipality.

b) Other strategic links

Greater Shepparton Commercial Activity Centres Strategy, November 2015

The proposed Amendment implements the recommendations of the CACS, which was adopted by Council at the Ordinary Council Meeting held on 16 February 2016.

Conclusion

Amendment C192 implements the general recommendations of the *Greater Shepparton Commercial Activity Centres Strategy, November 2015* (CACS), updating the Municipal Strategic Statement and Activity Centre Zone, rezoning Commercial 2 Zone land along Wyndham Street and Benalla Road and rezoning Commercial 1 Zone, Commercial 2 Zone and General Residential Zone land to Activity Centre Zone, to facilitate the redevelopment of Shepparton Marketplace.

Amendment C193 Part 1 implements the recommendations of CACS in relation to Shepparton North drainage requirements, applying a Public Acquisition Overlay over land to allow for the Shepparton North Regional Catchment Basin and infrastructure.

Council officers support the recommendations by the Independent Planning Panel in regard to Amendment C192, and recommend its adoption with the post exhibition changes as shown at Appendix D and Appendix E of the Panel report.

The Panel recommended that Amendment C193 be split into Part 1 – Application of the PAO and Part 2 – Rezoning of the proposed Woolworths site. The Panel recommended that Part 1 be adopted and that Part 2 be deferred.

Amendment C193 Part 1 implements the recommendations of the Independent Planning Panel and will apply a Public Acquisition Overlay over land to allow for the Shepparton North Regional Catchment Basin and infrastructure.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Implementation of Commercial Activity Centres Strategy November 2015 - Amendments C192 and C193 Part 1 (continued)

Planning permit 2016-269 (Woolworths site) will be considered in conjunction with Amendment C193 Part 2 (Woolworths site), at a later date, amongst other things, pending the outcome of an ongoing VCAT process involving the land at 177-193 Numurkah Road (known as the IGA site).

Council officers have reworded the resolution to address the matters listed in Shepparton Pty Ltd's Section 39 Application to VCAT and are satisfied all attempts have been made to prevent further litigation on this matter.

Attachments

1. Extract of Minutes of Ordinary Meeting - 21 November 2017
2. Greater Shepparton C192 and C193 Panel Report 9 October 2017
3. Track changes between exhibition version and adoption version
4. Adopted version of C192 and C193 Part 1

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.9 Amended Development Proposal (IGA) 177-193 Numurkah 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: Statutory Planner

Proof reader(s): Manager Building and Planning

Approved by: Director Sustainable Development

Executive Summary

177 – 193 Numurkah Road, Shepparton (the land) is currently occupied by an IGA supermarket. The land is subject to two development applications both of which are before the Victorian Civil and Administrative Tribunal (VCAT).

In relation to these applications Council at the 21 November 2017 Ordinary Council Meeting (OCM) resolved to not support the proposed re-development of the land to accommodate a retail development.

Since the November 2017 OCM, and subsequent Council resolution, officers have held further detailed discussions with the applicant.

Officers have also participated in two VCAT compulsory conferences which have assisted in arriving at an acceptable development proposal that has led to a single revised development proposal.

The revised plan (known as the Third Amended Plan Revision B) now provides for:

- A two staged development
- Approximately 14,225sqm of floor space of which about 13,675sqm is retail floor space
- Provision of two 4000sqm supermarkets one of which is for IGA
- Five practitioner medical centre
- Car parking spaces as required by 52.06
- Traffic lights at the intersection of Hawkins Street and Goulburn Valley Highway
- Drainage to an upsized regional basin which is known as the 'Yakka Basin'
- Removal of three Grey Box trees

Officers consider that the revised layout provides an improved design outcome to Hawkins Street, appropriately locates loading docks, delivers improved visibility of the two proposed supermarket tenancies and provides community floor space in the form of a medical centre and community centre.

Additionally it is acknowledged that the land is within a Commercial 1 Zone (C1Z). The C1Z seeks to create vibrant mixed use commercial centres for retail, business, entertainment and community uses. Officers are satisfied that the revised proposal supports the purpose of the C1Z.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.9 Amended Development Proposal (IGA) 177-193 Numurkah Road (continued)

Officers recommend that the Council conditionally support the proposed revised development, however officers have informed VCAT that a new Council resolution is required in relation to the revised proposal as the existing Council resolution is outdated due to the substantially altered design.

RECOMMENDATION

In relation to Planning Application 2017-177, 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 support the proposed revised development (Third Amended Plan Revision B) subject to conditions as deemed necessary by officers and authorities.

Moved by Cr Giovanetti Seconded by Cr Summer

In relation to Planning Application 2017-177, on the basis of the information before Council and having considered all relevant matters as required by the *Planning and Environment Act 1987* ("**Act**"), Council resolves to support the proposed revised development as generally shown in the Doig Architecture Job No. 21712 Revision B plans (third amended plans) subject to conditions, as deemed necessary by officers and authorities, and subject to an agreement under section 173 of the Act between the owner of the subject land and the Council, as deemed necessary by officers, that restricts certain uses of shop floorspace and provides for infrastructure and a community centre.

CARRIED.

Property Details

Land/Address	177 – 193 Numurkah Road, Shepparton (the land) is currently occupied by an IGA supermarket. The land is about 4.4ha in size. The land is not within an area of aboriginal cultural heritage sensitivity.
Zones and Overlays	Commercial 1 Zone. Land Subject to Inundation Overlay The land abuts a Road Zone Category 1, Commercial 2 Zone and the Industrial 1 Zone
Why is a permit required	34.01-1 Use of the land for retail centre which is greater than 8,000m ² including two supermarkets, a bottle shop and gym 34.01-4 Buildings and works in the Commercial 1 Zone 44.04-1 Buildings and works in the Land Subject to Inundation Overlay 52.02 removal of easement 52.05 advertising signage 52.17 removal of three Grey Box trees

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.9 Amended Development Proposal (IGA) 177-193 Numurkah Road (continued)

Proposal in Detail Locality Plan



Approved Plans for Stage 1

On 12 April 2012 a combined planning scheme amendment (C-119) and planning permit (2008-436) was issued for the subject land.

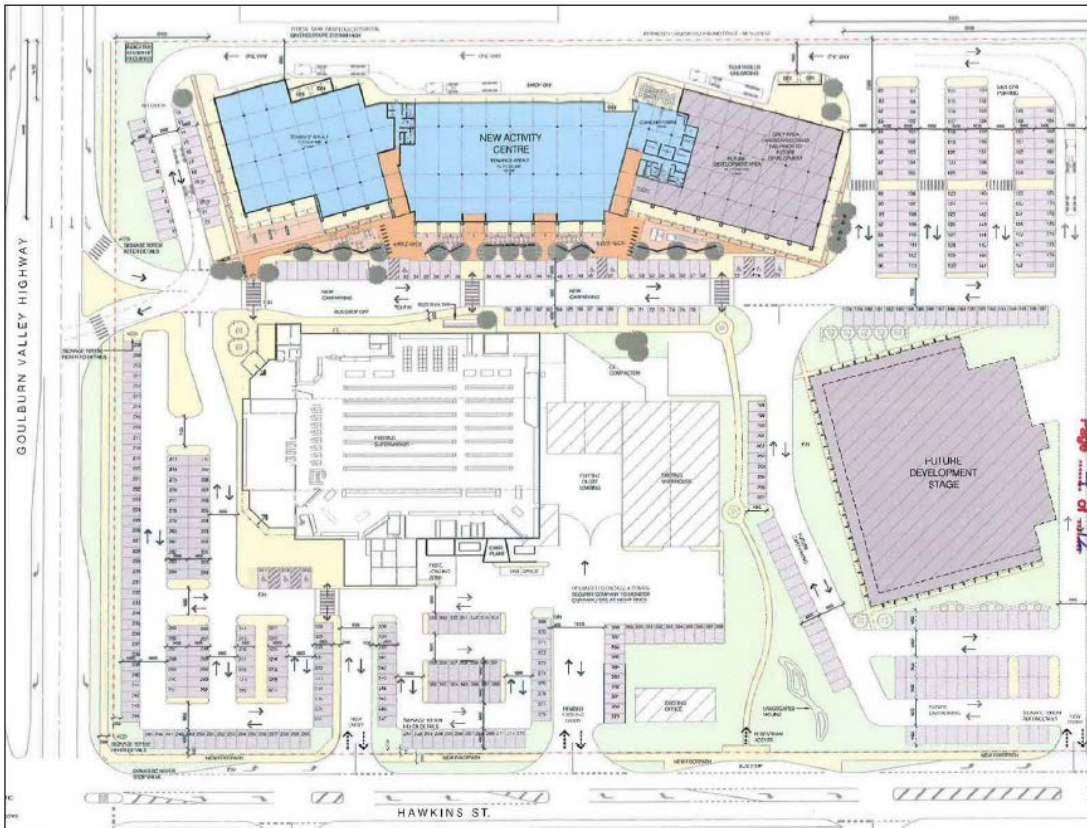
The planning scheme amendment rezoned the land to the Business 1 Zone (now C1Z) with an 8,000m² floor space cap for shop.

The planning permit allowed for a 4,000m² supermarket and supporting speciality shops.

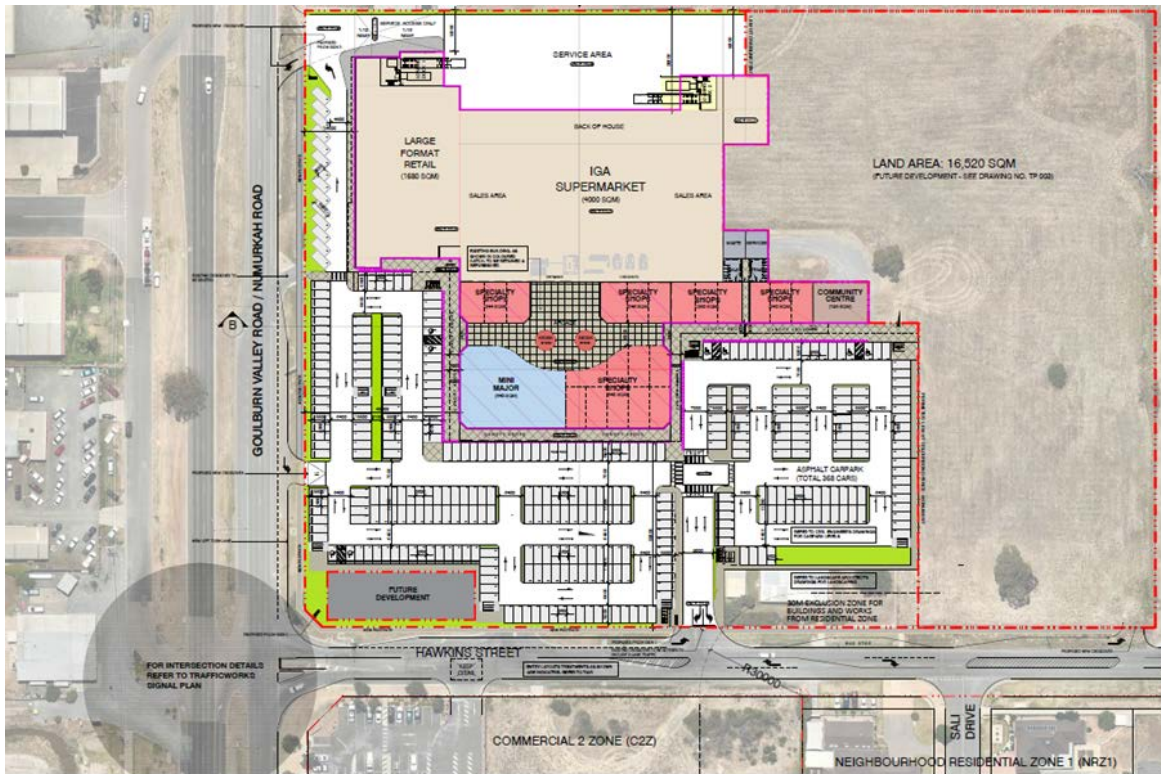
The endorsed layout plan is shown below.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.9 Amended Development Proposal (IGA) 177-193 Numurkah Road (continued)



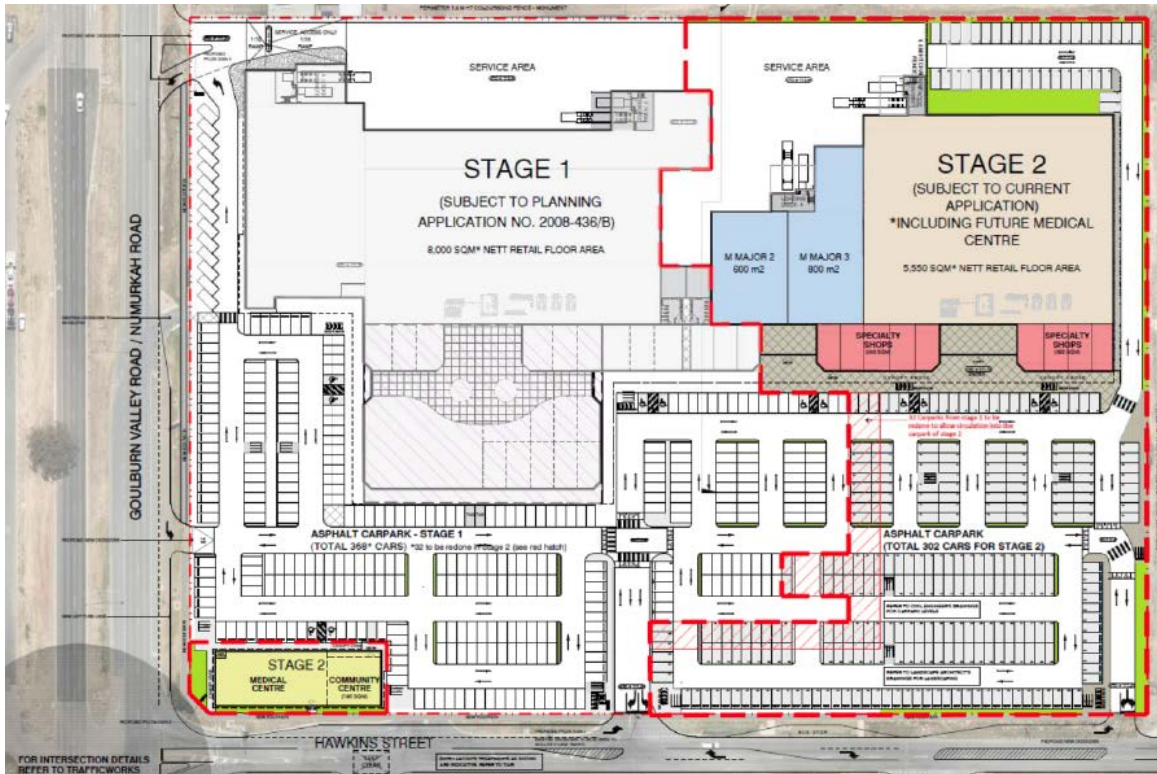
The first amended plans (superseded)



10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.9 Amended Development Proposal (IGA) 177-193 Numurkah Road (continued)

Stage 2 Application Plan (superseded)



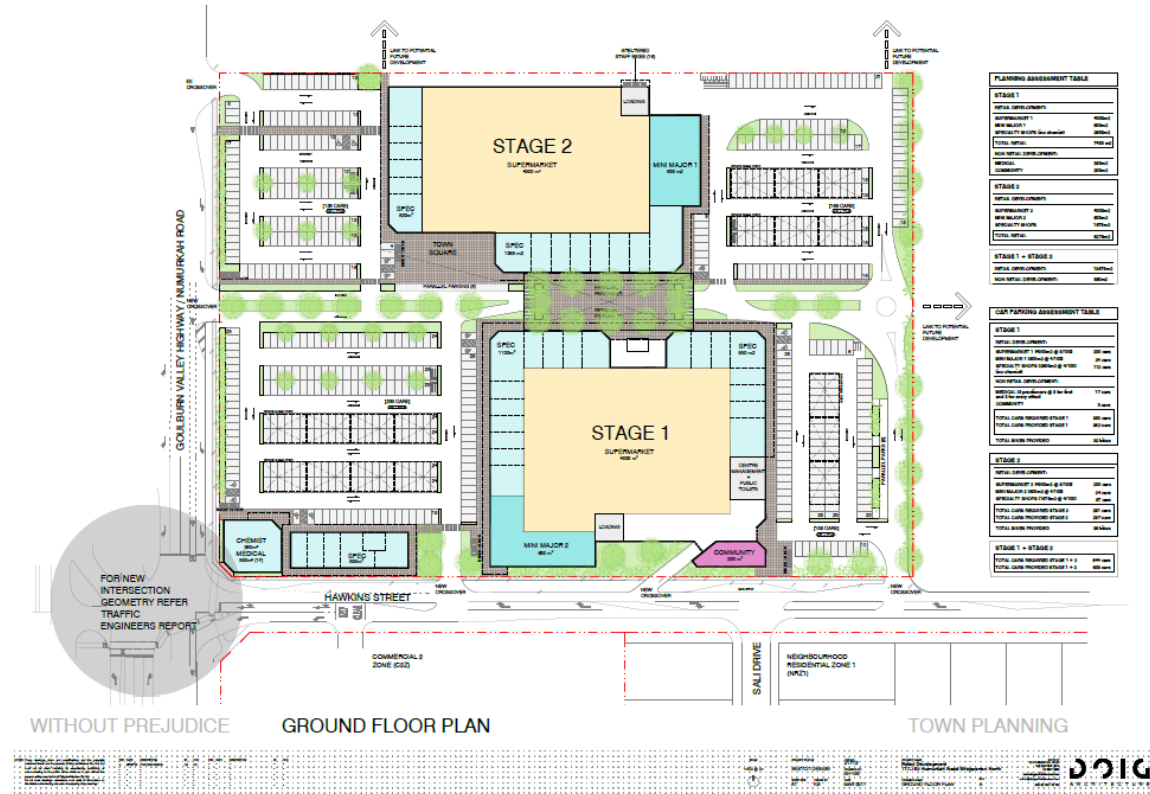
The above proposal for a two staged development is currently before VCAT. If Council maintained its decision making ability with regard to the application, subject to an infrastructure agreement, officers would have supported the stage one proposal.

The Stage 2 proposal as originally put to Council was not supported by officers. Following various meetings and discussions with the permit applicant the combined Stage 1 and Stage 2 proposal has been revised to the extent that officers are able to support the revised proposal.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.9 Amended Development Proposal (IGA) 177-193 Numurkah Road (continued)

The second amended plans (Revision A superseded)



1 SOUTH ELEVATION
SCALE 1:500 @ A1



2 SOUTH ELEVATION (PART 1)
SCALE 1:200 @ A1



3 SOUTH ELEVATION (PART 2)
SCALE 1:200 @ A1

NOTES: These drawings, plans and specifications are the property of DDOIG ARCHITECTURE PTY LTD and shall not be used, modified or reproduced without the written consent of DDOIG ARCHITECTURE PTY LTD. All drawings are subject to the approval of the relevant authority. The client shall be responsible for obtaining all necessary approvals. The client shall be responsible for obtaining all necessary approvals. The client shall be responsible for obtaining all necessary approvals.

PROJECT TITLE: TOWN PLANNING 21712

CLIENT: AS SHOWN MAR 18 SLK

PROJECT ADDRESS: Retail Development 177-193 Numurkah Road Shepparton North

DATE: 18/03/2018

SCALE: SOUTH ELEVATION A

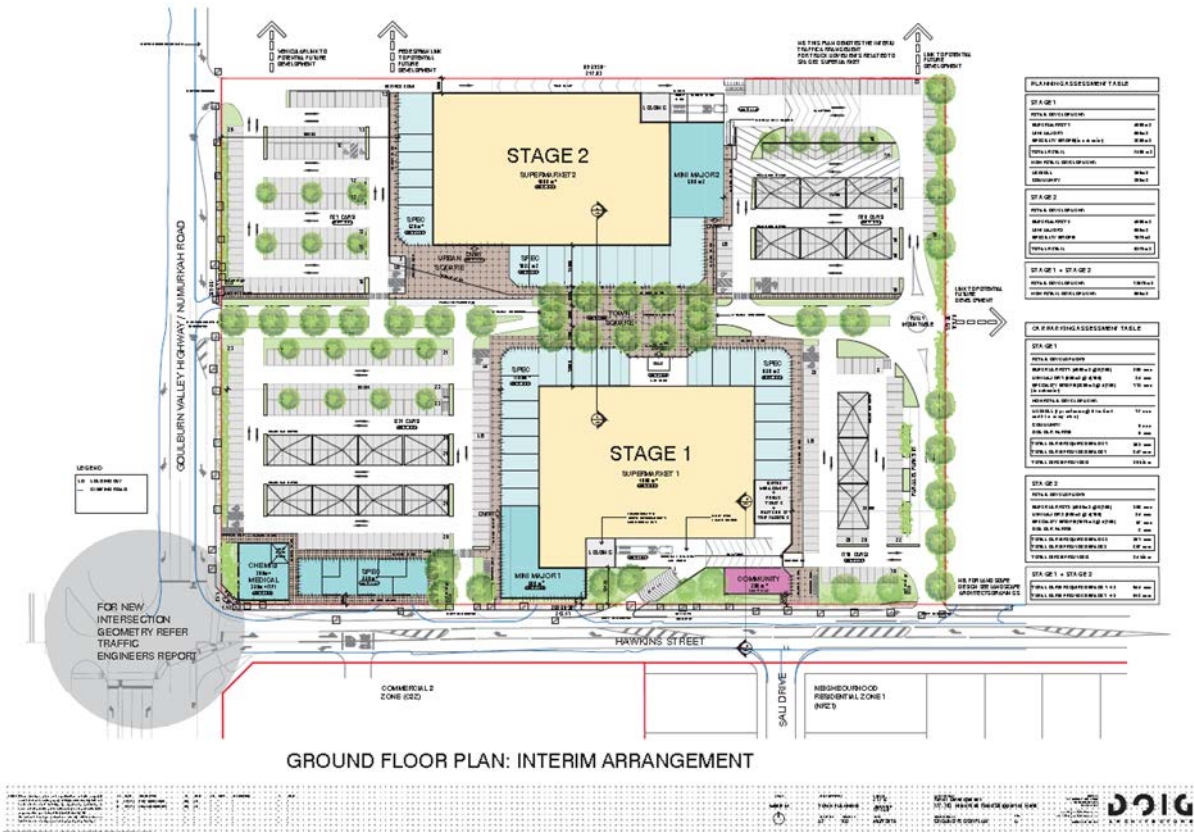
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ARCHITECTURE

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.9 Amended Development Proposal (IGA) 177-193 Numurkah Road (continued)



Third Amended Plans (Revision B)



10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.9 Amended Development Proposal (IGA) 177-193 Numurkah Road (continued)

Summary of Key Issues

- The land is within a C1Z and currently developed with an IGA supermarket.
- Infrastructure agreements have been reached with the developer in relation to contributions towards a regional drainage solution and traffic lights at the intersection of Hawkins Street and Numurkah Road.
- Officers are generally satisfied that the revised design appropriately responds to Hawkins Street and will produce an acceptable design response to the neighbourhood
- Officers note that the proposed amended development provides an improved outcome and officers no longer oppose the proposal subject to conditions
- Officers be directed to make submissions to VCAT in support of the proposed revised development

Background

A detailed background of this revised development proposal is set out below.

Date	Event
12 April 2012	Planning permit 2008-436 issued to allow the development of a neighbourhood centre
19 January 2017	An amended application was lodged with Council which proposed an 8000sqm shopping centre. This application is known as the stage 1 proposal
16 June 2017	An application was lodged with Council for an additional 5500sqm of retail floor space (the stage 2 application)
17 November 2017	Failure to grant permit applications lodged in VCAT by the permit applicant
21 November 2017	<p>Council resolved that it would of refused the stage 2 application for the following reasons:</p> <p>The Application is inconsistent with the strategic direction in the Greater Shepparton Commercial Activity Centres Strategy because approval of the Application would likely result in a third full line supermarket in Shepparton North.</p> <p>The potential for the use and development of a third full line supermarket would have a detrimental impact on Shepparton's central business district by diverting retail spend out of Shepparton's central business district.</p> <p>The responsible authority is not reasonably satisfied that a supermarket tenant has committed to occupy the floor space proposed by the Application.</p> <p>If the Application is approved without a tenant, the Application is unlikely to achieve a net community benefit because the approval of the Application would militate against approval of the supermarket currently proposed pursuant to Amendment C193 to the Greater Shepparton Planning Scheme and Planning Application 2016-269, which, if approved, appears highly likely to proceed.</p>
7 February 2018	The applicant provides a revised development proposal to Council for review

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.9 Amended Development Proposal (IGA) 177-193 Numurkah Road (continued)

13 February 2018	Vic Roads subject to the submission of a traffic impact assessment report support the amended plans
21 February 2018	Further amended plans are provided to officers for review
28 February 2018	Planning officers meet with the applicants for the stage 1 and 2 proposals. At this meeting officers in detail outline their concerns with the application, which mainly relate to the interface with Hawkins Street
5 March 2018	Amended plans provided which includes additional details including elevation drawings
6 March 2018	<p>The first VCAT conference was held in which the main issues were discussed at length. The issues officers raised included:</p> <ul style="list-style-type: none"> • Treatment of Hawkins Street and turning lane impact on existing access arrangements to McDonalds • Conflicts associated with the loading dock arrangements • Hawkins Street elevation and the possibility of an inactive frontage to Hawkins Street • Landscaping of the site including the planting of canopy trees in the site • Need for onsite loading for the non-supermarket floor space • The need for an infrastructure agreement to ensure contributions are made to Council <p>It was agreed that a new set of revised plans would be prepared and submitted to officers. The applicant also agreed to provide traffic and noise report for review.</p> <p>It was generally agreed by all at the conference that subject to improved plans being provided there was no good planning reason to oppose the new application.</p>
13 March 2018	Amended plans provided which amongst other things show improved loading arrangements to Stage 2 supermarket.
15 March 2018	Officers participated in a second VCAT conference to agree on a set of Council conditions in relation to the proposal. VCAT and the parties acknowledge that Council will consider the revised proposal at the March Ordinary Council Meeting.

Further background and context discussion

It should be noted that this section of the report is for background and context only and does not form part of the basis upon which Council could make a decision regarding the current applications (if it was in a position to do so).

Consistent with Commercial Activity Centre Strategy in strategic planning terms it is appropriate that Council facilitate a second full line supermarket in Shepparton North.

The approval of the current proposal is consistent with that strategy.

However, the grant of the permit sought does not guarantee that a second full line supermarket will in fact be constructed and operated at the land. For example, amongst other things, it is possible that the approval may not be acted upon for commercial reasons, such as to protect the existing IGA supermarket at the land.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.9 Amended Development Proposal (IGA) 177-193 Numurkah Road (continued)

In any event, in the current case the responsible authority must deal with the permit application on its planning merit. For the reasons outlined in this report, it is considered that following the revisions to the proposal and subject to an infrastructure agreement and conditions as proposed the proposal is acceptable.

Consistent with the interpretation of the report of the Panel in relation to C-193 Part 2, in November last year officers recommended that Council defer a decision regarding the adoption C-193 Part 2 until May 2018, to allow the proponent for a second full line supermarket at the land the opportunity to confirm that it in fact had a full-line supermarket tenant.

It is understood that the Panel recommendation is intended to avoid an outcome whereby there ends up being three full-time supermarkets in Shepparton North before the market can accommodate them. The Panel in effect confirms that both the Lascorp site and the IGA site are suitable for a second full-line supermarket.

For practical commercial reasons, it is considered unlikely that this would eventuate, amongst other things, given the rigorous market analysis undertaken by supermarket operators prior to establishing a new store.

Depending on the actual context, facts and circumstances at the date of the ordinary council meeting in June 2018, if no full-line tenant is it is confirmed, Council adopting C193 part 2, and then should the Minister approve the amendment, would allow the opportunity for the Lascorp site to be used and developed for the purpose of a full-line supermarket.

This would result in there being two sites that have the potential to be used for a second full-line supermarket in Shepparton North. Whichever site ultimately ends up being used for the purpose of a second full-line supermarket is left to matters outside of Council's planning powers.

It is considered that subject to appropriately controlling the use of floor space that may be available for shop use, it is appropriate to theoretically allow for three full line supermarkets, to facilitate the implementation of a second supermarket. This avoids the possibility of a permit holder of a second full-line supermarket on the IGA site warehousing its approval.

The above situation could arise should a full-line supermarket tenant not be confirmed in relation to the land, Council adopt C-193 Part 2 in June this year and amendment C193 part 2 and the combined permit is approved by the Minister.

Should the situation arise where there is two additional approvals for a full-line supermarket, it is considered that in practical terms there is little or no chance of a third full-line supermarket becoming operational at Shepparton North, until the market can adequately sustain it.

The approved floor space that would theoretically allow two additional full-line supermarkets can be managed to prevent other shop uses (should the full-line supermarkets not proceed) that may potentially impact on the commercial activity centre hierarchy.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.9 Amended Development Proposal (IGA) 177-193 Numurkah Road (continued)

The suggested section 173 agreement that is related to the current permit proposal includes limitations on the use of shop floor space should a second full-line supermarket not eventuate. The 173 agreement proposes to prevent the use of the floor space for a department store and cinema. It further restricts the use of the floor space identified for speciality shops associated with a supermarket, should the supermarket use not proceed.

Assessment under the Planning and Environment Act

The purpose of this report is to consider amended plans that were submitted to officers on 13 March 2018 and outline future steps associated with this application.

As discussed earlier within this report the applications are currently before VCAT, therefore Council does not have the ability to approve or refuse the application. Council is required to set a position on the revised application.

Officers are satisfied with the revised proposal (third amended plans Revision B) as it includes the following design elements (subject to further design changes to meet the permit conditions below):

- Appropriate road works are proposed to allow for safe and convenient traffic movements. Proposed road works include signalisation of Numurkah Road and Hawkins Street and the provision of dedicated turn lanes from Hawkins Street to the land and Sali Drive
- Amenity impacts to the residential zoned land to the south is appropriately managed by limiting loading hours and landscaping to screen the development
- Requirement for the construction of a shared path abutting the proponents land on the northern side of Hawkins Street
- An infrastructure agreement has been reached to drain the land to the Yakka Basin which provides for an improved drainage solution for the neighbourhood
- The proposed design to Hawkins Street provides for active frontages which ensures Hawkins Street does not become back of house to the shopping centre
- Permit conditions that requires connection of the development to all urban services.
- The proposed development complies with parking requirements under 52.06.
- Conditions requiring the submission of a waste plan that details waste storage areas, times for waste collection and public bins within the car parking area
- Conditions requiring the submission of a landscape plan that has a focus on the planting of canopy trees within the car park to provide for shade and to soften the large pavement areas. Street plantings are also required on the south side of Hawkins Street abutting the residential properties. Interim landscaping of undeveloped stages is to be designed and planted.
- The provision of a mix of uses to service the community including retail, medical, gymnasium and a 195sqm community centre.

Council Plan/Key Strategic Activity

Council Plan

Built: Objective 4.1

Growth is well planned and managed for the future

Officers are satisfied that the proposed development provides an acceptable urban design outcome.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.9 Amended Development Proposal (IGA) 177-193 Numurkah Road (continued)

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Incorrect notification	Rare	Major	Medium	Officers have recommended that the application be advertised to allow neighbours to consider and respond to the application.

Policy Considerations

The application has been considered against the policies contained within the Greater Shepparton Planning Scheme and found to achieve acceptable planning outcomes.

Financial Implications

This planning application has no significant financial implications for Council.

Legal/Statutory Implications

Title details

The title contains a Section 173 Agreement (X569060Q). The agreement relates to flood levels on the property and exempts Council from any responsibility for flood damage for buildings being constructed lower than 114.7AHD.

The title contains an easement (E-3) along the north eastern portion of the land, for the supply of water and is in favour of Goulburn Murray Water. This is proposed to be removed as part of the application.

Cultural Heritage

The land is not identified as having an Aboriginal Cultural Heritage Sensitivity.

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.*

The proposal does not raise social issues that warrant the refusal of the application.

Economic Impacts

Should Council decide to oppose the application; the investment associated with the application may be lost.

The submitted application states the cost of the development is \$14,000,000.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.9 Amended Development Proposal (IGA) 177-193 Numurkah Road (continued)

Referrals/Public Notice

Officers are seeking direction from VCAT that the revised application be advertised to neighbours and referred to the relevant authorities.

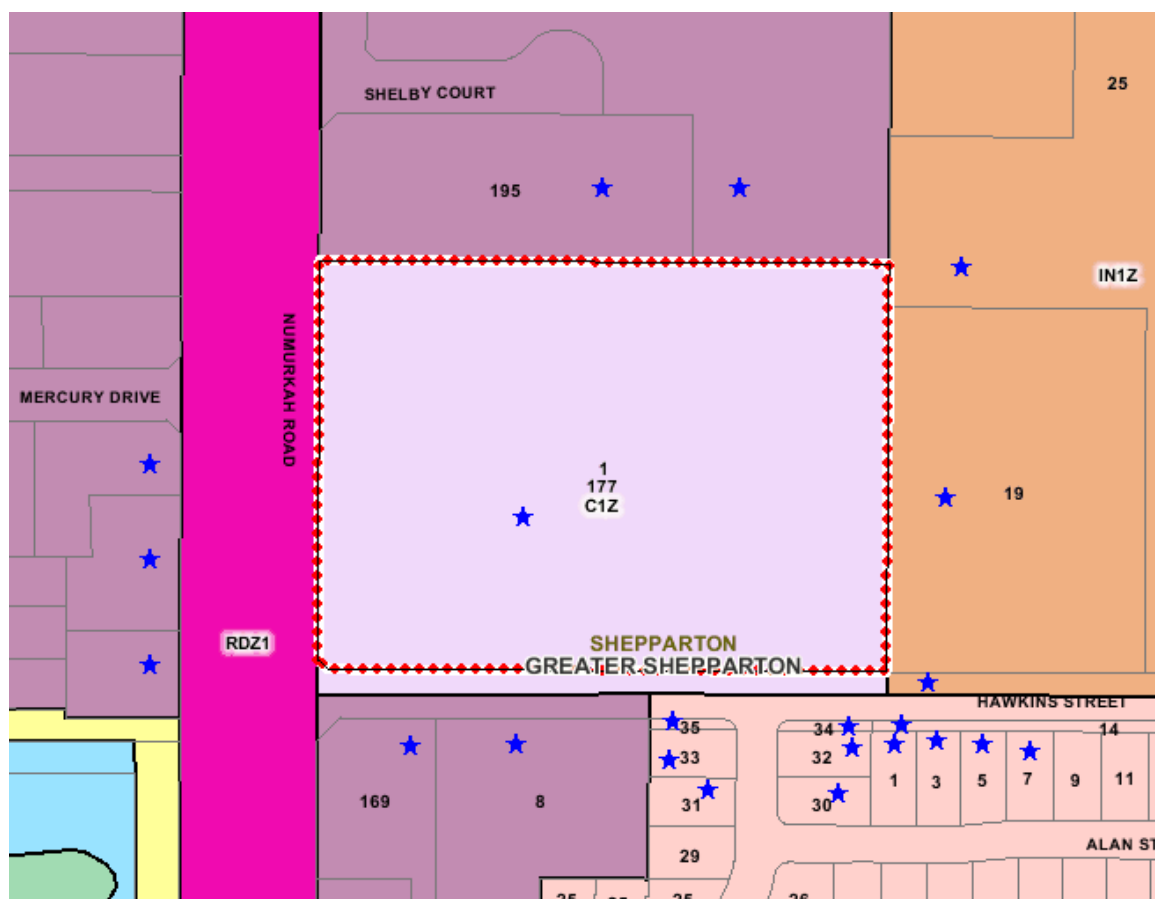
The application is to be referred to:

- Vic Roads (52.29)
- Public Transport Victoria (66.02-11)
- Goulburn Broken CMA (44.04-5)

The application is to be notified to:

- Goulburn Valley Water
- Goulburn Murray Water
- Powercor
- APA

Officers recommend that the revised application be advertised to owners and occupiers as shown below.



Strategic Links

The Greater Shepparton 2030 strategy (GS2030) is a reference document in the planning scheme under 21.09.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.9 Amended Development Proposal (IGA) 177-193 Numurkah Road (continued)

A reference document is described by Practice Note 13 Incorporated and Reference Document as:

Reference documents provide background information to assist in understanding the context within which a particular policy or provision has been framed.

Reference documents have only a limited role in decision-making as they are not part of the planning scheme. They do not have the status of incorporated documents or carry the same weight.

Section 6 Commercial / Retail Centres

The retail industry is an important component of the local economy, with approximately 4,000 residents or approximately 17% of the resident labour force employed in the industry in 2001 (ABS Census for Population and Housing). This industry is also important for its role in delivering goods and services to households and businesses.

Shepparton CBD is the principal retail centre in the municipality and plays an important regional role. The main trade area served by Shepparton CBD comprises Greater Shepparton, plus the surrounding municipalities of Moira and Strathbogrie and the southern and eastern parts of Campaspe Shire. Shoppers are also drawn from the wider Goulburn Valley, Benalla, Seymour and Wangaratta, and as far north as Deniliquin in NSW.

The Shepparton CBD has a well-established role as the major regional centre for retailing and other activities, but there is increasing competition from the Shepparton Marketplace, particularly in convenience-type retailing.

If the Shepparton CBD is to maintain its primary regional role, there is a need to emphasise the CBD's opportunities as a location for entertainment, tourism and specialty retailing, and as the location for higher-order professional and community services, etc. The provision of an appropriate range of retail and entertainment facilities, as well as other higher-order services (such as health, legal, accounting, etc) has the potential to generate increased spending by residents and visitors.

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

Amendment (C-192) and C-193

Amendment C-192 of the planning scheme seeks to implement the findings of the Commercial Activity Centre Strategy (November 2015)

The Amendment introduces planning controls and policy into the Planning Scheme to implement key priorities of the Strategy, particularly, to ensure the primacy of the Central Business District (**CBD**) as a key regional retail and commercial centre, providing a hierarchy of activity centres and defining their role in supporting retail growth in Shepparton.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.9 Amended Development Proposal (IGA) 177-193 Numurkah Road (continued)

In the Strategy Shepparton North is identified as a sub-regional centre, however it is noted that this role is not being fulfilled.

For Shepparton North to fulfil its role, it is suggested that a second full line supermarket and supporting retail uses is required.

In this regard, the strategy notes that a second full line supermarket and supporting retail would be appropriate in the area bounded by Hawkins Street to the south and Ford Road to the north.

C-193 part 2 relates to a combined planning application and planning scheme amendment to allow for the land at 221-229 Numurkah Road and 10 Ford Road to be rezoned to the Commercial 1 Zone and to allow for a full line supermarket and associated retail development (including community centre, child care centre and bar / restaurant)

A Planning Panel has considered both amendments and has recommended the adoption of C-192 of the planning scheme (with minor amendments).

1) The Panel recommended that Amendment C193 be split into Part 1 – Application of the PAO and Part 2 – Rezoning of the proposed supermarket site, and that Part 2 be deferred pending considerations regarding a structure plan being prepared for the Shepparton North Activity Centre and confirmation of a tenant being secured for supermarket proposed in stage 2.

2)

In terms of section 60 of the *Planning and Environment Act 1987*, C-193 part 2 is of contextual relevance only to a decision regarding the current proposal, as, amongst other things, C-193 part 2 is not adopted by Council. It is contemplated that C193 Part 2 will be put to Council for a decision regarding adoption at its Ordinary Meeting in June 2018.

Conclusion

Planning and Engineering officers have undertaken an assessment of the revised proposal and recommended that Council support the proposal. Officers have prepared a detailed set of conditions to mitigate potential amenity and infrastructure impacts of the proposal.

As the application is before VCAT, officers will make submissions to VCAT in support of the proposed revised development for the reasons as outlined in this report.

Attachments

Nil

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

Nil Received

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* 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.

Councillors' Community Interaction and Briefing Program

From Thursday 1 February 2018 to Wednesday 28 February 2018, some or all of the Councillors have been involved in the following activities:

- VLGA & DELWP | Local Government Bill [Act] – Councillor Briefing and Consultation
- District Mayoral Meeting | Decentralisation in Regional Victoria
- Off Leash Dog Park Committee | Meeting
- Shepparton District Probus Club | Meeting
- Goulburn Murray Irrigation District | Meeting
- 'Soft Core' Exhibition | Shepparton Art Museum [SAM]
- Beach Volleyball World Tour | Corporate Function and Presentations
- Billabong Garden Nursery | Presentation of Certificates
- Aerodrome Relocation Sub Committee | Inception Meeting
- Heritage Advisory Committee | Meeting
- Greater Shepparton City Council Audit and Risk Management Committee Meeting
- Safer City Camera Network System | Tour
- John Denton {Denton Corker Marshall} Lecture | Shepparton Art Museum
- I Love The Goulburn & Murray Valleys Launch
- Disability Advisory Committee Meeting
- Greater Shepparton Positive Ageing Advisory Committee Meeting
- Beach Netball Launch
- 100th Birthday Celebration | Winifred Daphne Wilson
- Valentine's Day Brunch | Goulburn Valley Health
- Beach Netball Presentations
- 10th Anniversary | National 'Apology' to the Stolen Generation
- Rumbalara Aged Care Facility | Tour
- The Hon Matthew Guy – Leader of the Opposition | Meeting
- Official Opening | Wendy Lovell's Electorate Office
- Senior Combined Partners Meeting | Goulburn Broken Catchment Management Authority
- 2018 Commonwealth Games | Queen's Baton Relay 'Community Stop Celebration'
- Regional Cities Victoria | Meeting
- The Hon Jacinta Allan – Minister for Public Transport | Meeting
- Best Start Early Years Partnership | Meeting
- Committee for Greater Shepparton | Annual General Meeting
- Goulburn Valley Waste Resource and Recovery Group | Meeting
- Development Hearing Panel (DHP)
- Small Town Meeting | Tallygaroopna
- Little Athletics Championships Presentations
- Shepparton MS 24 Hour Mega Swim
- Basketball Victoria Country | Presentations
- Welcome to Shepparton Dinner | Indian Delegation

16. COUNCILLOR ACTIVITIES

16.1 Councillors Community Interaction and Briefing Program (continued)

- Australian Waste to Energy Forum
- Shepparton Saleyards Advisory Committee | Meeting
- 2018 Ask of Government Workshop
- Official Launch | Community Interlink
- Mooroopna Secondary College | Year 12 Leasers Induction Assembly
- Goulburn Broken Greenhouse Alliance Meeting
- Rail Freight Alliance General Meeting
- Lankan Fest 2018
- Goulburn Valley Libraries | Board Meeting & Workshop
- Verney Road School Assembly Presentation of Captains
- Aboriginal Street Art Launch | Photo Opportunity – Councillors and Artist
- Our Sporting Future Grant | Jumper Unveiling ‘Northern Eagles JFC’
- Celebrating 100 Years together | SPC
- Municipal Association Victoria | ‘Great Places & Smarter Parking’
- Friendship Café | Women in Leadership

Moved by Cr Patterson

Seconded by Cr Adem

That the summary of the Councillors’ community interaction and briefing program be received.

CARRIED.

Attachments

Nil

17. ASSEMBLIES OF COUNCILLORS

17.1 Assemblies of Councillors

CEO and Councillor Catch up – 30 January 2018		
Councillors	Cr O’Keeffe, Cr Abdullah, Cr Giovanetti, Cr Hazelman, Cr Oroszvary, Cr Patterson and Cr Sutton	
Officers:	Peter Harriott	
Matter No.	Matters discussed	Councillors Present for Discussion
1.	SAM project	Cr O’Keeffe (Chair) Cr Abdullah Cr Giovanetti Cr Hazelman Cr Oroszvary Cr Patterson Cr Sutton
2.	Waste Contract	Cr O’Keeffe (Chair) Cr Abdullah Cr Giovanetti Cr Hazelman Cr Oroszvary Cr Patterson Cr Sutton
Conflict of Interest Disclosures		
Matter No.	Names of Councillors who disclosed conflicts of interest	Did the Councillor leave the meeting?
	Nil	Nil

Councillor Briefing Session – 30 January 2018	
Councillors	Cr O’Keeffe (Chair), Cr Abdullah, Cr Giovanetti, Cr Hazelman, Cr Patterson, Cr Oroszvary and Cr Sutton
Officers:	Peter Harriott, Geraldine Christou, Phillip Hoare, Kaye Thomson and Chris Teitzel, Colin Kalms, Andrew Dainton, Tim, Watson, Michael Carrafa, Sarah Van Meurs, Sharlene Still, Natarlie Phillips, Brett Keale, Darren Buchanan, Braydon Aitken; Ronan Murphy, Michael MacDonagh; Sharon Terry, Greg McKenzie, Amanda Tingay, Rachel Duncombe, Peta Bailey and Jacinta Rennie (not all officers were present for all items).

17. ASSEMBLIES OF COUNCILLORS

17.1 Assemblies of Councillors (continued)

Matter No.	Matters discussed	Councillors Present for Discussion
1.	Use and development of land for a solar farm at 610 Ferguson Road, Tatura East	Cr O'Keeffe (Chair) Cr Abdullah Cr Giovanetti Cr Hazelman Cr Patterson Cr Oroszvary Cr Sutton
2.	Use and develop 235 Victoria Road, Tallygaroopna for a solar farm	Cr O'Keeffe (Chair) Cr Abdullah Cr Giovanetti Cr Hazelman Cr Patterson Cr Oroszvary Cr Sutton
3.	To use and develop land for a solar farm in Lemnos	Cr O'Keeffe (Chair) Cr Abdullah Cr Giovanetti Cr Hazelman Cr Patterson Cr Oroszvary Cr Sutton
4.	To use and develop land for a solar farm at 1090 Lemnos North Road, Congupna	Cr O'Keeffe (Chair) Cr Abdullah Cr Giovanetti Cr Hazelman Cr Patterson Cr Oroszvary Cr Sutton
5.	Use and Development of land for a medical centre at 104 - 120 Graham Street, Shepparton	Cr O'Keeffe (Chair) Cr Giovanetti Cr Hazelman Cr Patterson Cr Oroszvary Cr Sutton
6.	Audit and Risk Management Committee Chair's Annual Report	Cr O'Keeffe (Chair) Cr Abdullah Cr Giovanetti Cr Hazelman Cr Patterson Cr Oroszvary Cr Sutton

17. ASSEMBLIES OF COUNCILLORS
17.1 Assemblies of Councillors
(continued)

Matter No.	Matters discussed	Councillors Present for Discussion
7.	Draft Nixon Street Bus Interchange Concept Plan January 2018 - Endorse and Release for Public Consultation	Cr O'Keeffe (Chair) Cr Abdullah Cr Giovanetti Cr Hazelman Cr Patterson Cr Oroszvary Cr Sutton
8.	Sustainable Decision Making Policy	Cr O'Keeffe (Chair) Cr Abdullah Cr Giovanetti Cr Hazelman Cr Patterson Cr Sutton
9.	State and Federal Election Policy	Cr O'Keeffe (Chair) Cr Abdullah Cr Giovanetti Cr Hazelman Cr Patterson Cr Sutton
10.	Exercise of Delegations Policy	Cr O'Keeffe (Chair) Cr Abdullah Cr Giovanetti Cr Hazelman Cr Patterson Cr Sutton
11.	Audit and Risk Management Committee - Remuneration	Cr O'Keeffe (Chair) Cr Abdullah Cr Giovanetti Cr Hazelman Cr Patterson Cr Sutton
12.	Greater Shepparton City Council Gender Equity Strategy and Action Plan 2018-2020	Cr O'Keeffe (Chair) Cr Abdullah Cr Giovanetti Cr Hazelman Cr Patterson Cr Sutton
13.	Whole of Sport Plan for Cricket	Cr O'Keeffe (Chair) Cr Abdullah Cr Giovanetti Cr Hazelman Cr Patterson Cr Sutton

17. ASSEMBLIES OF COUNCILLORS
**17.1 Assemblies of Councillors
 (continued)**

Matter No.	Matters discussed	Councillors Present for Discussion
14.	Whole of Sport Plan for Tennis	Cr O'Keeffe (Chair) Cr Abdullah Cr Giovanetti Cr Hazelman Cr Patterson Cr Sutton
Conflict of Interest Disclosures		
Matter No.	Names of Councillors who disclosed conflicts of interest	Did the Councillor leave the meeting?
5	Cr Abdullah	Yes

Councillor Briefings – 6 February 2018

Councillors	Cr O'Keeffe (Chair), Cr Abdullah, Cr Adem, Cr Hazelman, Cr Patterson, Cr Summer and Cr Sutton	
Officers:	Peter Harriott, Geraldine Christou, Phillip Hoare, Kaye Thomson, Chris Teitzel, Braydon Aitken, Colin Kalms, Darren Buchanan, Eric Frescher, Ronan Murphy, Michael MacDonagh, Tim Watson, Laurienne Winbanks, Andrew Dainton, Sharlene Still, Maree Martin and Jacinta Rennie	
Matter No.	Matters discussed	Councillors Present for Discussion
1.	Draft Wanganui Road and Ford Road, Shepparton: Feasibility Study Design Report 2018 - Endorse and Release for Public Consultation	Cr O'Keeffe (Chair) Cr Abdullah Cr Adem Cr Hazelman Cr Patterson Cr Summer Cr Sutton

17. ASSEMBLIES OF COUNCILLORS
**17.1 Assemblies of Councillors
(continued)**

Matter No.	Matters discussed	Councillors Present for Discussion
2.	Planning permit application 2017-310 for the use of land for dog breeding/boarding	Cr O’Keeffe (Chair) Cr Abdullah Cr Adem Cr Hazelman Cr Patterson Cr Summer Cr Sutton
3.	Local Government Act - Submission	Cr O’Keeffe (Chair) Cr Abdullah Cr Adem Cr Hazelman Cr Patterson Cr Summer Cr Sutton
Conflict of Interest Disclosures		
Matter No.	Names of Councillors who disclosed conflicts of interest	Did the Councillor leave the meeting?
	Nil	Nil

Councillor Briefings – 13 February 2018

Councillors	Cr Kim O’Keeffe, Cr Seema Abdullah, Cr Dinny Adem, Cr Bruce Giovanetti, Cr Chris Hazelman, Cr Dennis Patterson, Cr Fern Summer and Cr Shelley Sutton	
Officers:	Geraldine Christou, Phillip Hoare, Kaye Thomson, Chris Teitzel, Amanda Tingay, Laurienne Winbanks, Sharlene Still, Maree Martin, Jaclyn Turner, Matt Jarvis, Sarah Van Meurs, Tim Watson, Colin Kalms, Travis Turner, Greg McKenzie and Jacinta Rennie (not all officers were present for all items).	
Matter No.	Matters discussed	Councillors Present for Discussion
1.	The Community Fund	Cr Kim O’Keeffe (Chair) Cr Seema Abdullah Cr Dinny Adem Cr Bruce Giovanetti Cr Chris Hazelman Cr Dennis Patterson Cr Fern Summer Cr Shelley Sutton

17. ASSEMBLIES OF COUNCILLORS
17.1 Assemblies of Councillors
(continued)

Matter No.	Matters discussed	Councillors Present for Discussion
2.	Draft Community Living Local Law #1	Cr Kim O'Keeffe (Chair) Cr Seema Abdullah Cr Dinny Adem Cr Bruce Giovanetti Cr Chris Hazelman Cr Dennis Patterson Cr Fern Summer Cr Shelley Sutton
3.	Draft Local Law No. 2 - Procedures for Council Meetings and Common Seal 2018	Cr Kim O'Keeffe (Chair) Cr Seema Abdullah Cr Dinny Adem Cr Bruce Giovanetti Cr Chris Hazelman Cr Dennis Patterson Cr Fern Summer Cr Shelley Sutton
4.	January 2018 Monthly Financial Report	Cr Kim O'Keeffe (Chair) Cr Seema Abdullah Cr Dinny Adem Cr Bruce Giovanetti Cr Chris Hazelman Cr Dennis Patterson Cr Fern Summer Cr Shelley Sutton
5.	2017/2018 Q2 Forecast Review	Cr Kim O'Keeffe (Chair) Cr Seema Abdullah Cr Dinny Adem Cr Bruce Giovanetti Cr Chris Hazelman Cr Dennis Patterson Cr Fern Summer Cr Shelley Sutton
6.	Solar Farm Debrief	Cr Kim O'Keeffe (Chair) Cr Dinny Adem Cr Bruce Giovanetti Cr Chris Hazelman Cr Dennis Patterson Cr Fern Summer Cr Shelley Sutton

17. ASSEMBLIES OF COUNCILLORS
17.1 Assemblies of Councillors
(continued)

Matter No.	Matters discussed	Councillors Present for Discussion
7.	One Tree Per Child Project	Cr Kim O'Keeffe (Chair) Cr Seema Abdullah Cr Dinny Adem Cr Bruce Giovanetti Cr Chris Hazelman Cr Dennis Patterson Cr Fern Summer Cr Shelley Sutton
8.	Roadside Weeds and Pests Program Funding	Cr Kim O'Keeffe (Chair) Cr Seema Abdullah Cr Dinny Adem Cr Bruce Giovanetti Cr Chris Hazelman Cr Dennis Patterson Cr Fern Summer Cr Shelley Sutton
9.	'Draft' Ordinary Council Meeting 20 February 2018	Cr Kim O'Keeffe (Chair) Cr Seema Abdullah Cr Dinny Adem Cr Bruce Giovanetti Cr Chris Hazelman Cr Dennis Patterson Cr Fern Summer Cr Shelley Sutton
Conflict of Interest Disclosures		
Matter No.	Names of Councillors who disclosed conflicts of interest	Did the Councillor leave the meeting?
6	Cr Seema Abdullah	Yes

Development Hearings Panel – 16 February 2018

Councillors:	Councillor Patterson
Officers:	Colin Kalms, Michael MacDonagh, Tim Watson, Sarah van Meurs, Robert Duncan and Steve Bugoss

17. ASSEMBLIES OF COUNCILLORS

17.1 Assemblies of Councillors (continued)

Matter No.	Matters discussed	Councillors Present for Discussion
1	Planning application 2017-137 – 231-237 Numurkah Road, Shepparton – the erection and display of an electronic major promotional sign.	Cr Patterson
2	Planning application 2016-138 – 7967 Goulburn Valley Highway, Kialla – the erection and display of an electronic major promotional sign and variation to design requirements of the Design and Development Overlay (DDO7)	Cr Patterson
3	Planning application 2017-283 – 117 Zeerust Road, Zeerust – use and development of the land for a dwelling in the Farming Zone Schedule 1 and buildings and works in the Land Subject to Inundation Overlay	Cr Patterson
4	Planning application 2016-365 – 3/228-234 High Street, Shepparton – erection and display of an electronic promotional sky sign	Cr Patterson
Conflict of Interest Disclosures		
Matter No.	Names of Councillors who disclosed conflicts of interest	Did the Councillor leave the meeting?
	Nil	

CEO and Councillor Catch up – 20th February 2018		
Councillors	Cr O'Keeffe, Cr Adem, Cr Giovanetti, Cr Hazelman, Cr Patterson, Cr Summer and Cr Sutton	
Officers:	Peter Harriott	
Matter No.	Matters discussed	Councillors Present for Discussion
1.	Recycling	Cr O'Keeffe (Chair) Cr Adem Cr Giovanetti Cr Hazelman Cr Patterson Cr Summer Cr Sutton

17. ASSEMBLIES OF COUNCILLORS

17.1 Assemblies of Councillors (continued)

Matter No.	Matters discussed	Councillors Present for Discussion
2.	SAM	Cr O’Keeffe (Chair) Cr Adem Cr Giovanetti Cr Hazelman Cr Patterson Cr Summer Cr Sutton
3.	Councillor Suite Dinning	Cr O’Keeffe (Chair) Cr Adem Cr Giovanetti Cr Hazelman Cr Patterson Cr Summer Cr Sutton
4.	Victoria Park Lake Toilets	Cr O’Keeffe (Chair) Cr Adem Cr Giovanetti Cr Hazelman Cr Patterson Cr Summer Cr Sutton
Conflict of Interest Disclosures		
Matter No.	Names of Councillors who disclosed conflicts of interest	Did the Councillor leave the meeting?
	Nil	Nil

Moved by Cr Sutton

Seconded by Cr Oroszvary

That the Council note the record of Assemblies of Councillors.

CARRIED.

18. URGENT AND OTHER BUSINESS NOT INCLUDED ON THE AGENDA

19. CONFIDENTIAL MANAGEMENT REPORTS

19.1 Designation of Confidentiality of Information – Report Attachments

**Moved by Cr Summer
Seconded by Cr Sutton**

In accordance with section 77(2)(b) of the *Local Government Act 1989* (the Act) the Council designates as confidential all documents used to prepare the following agenda item:

1. Report 7.1: Contract 1789 - Heavy Plant & Equipment Hire (Wet & Dry Hire) Services

designated by the Chief Executive Officer in writing as confidential under section 77(2) (c) of the Act. This document relates to a contractual matter, which are relevant grounds applying under sections 89(2)(d) of the Act.

CARRIED.

THE MEETING CLOSED AT 6.50PM.