

MINUTES

Greater Shepparton City Council

COUNCIL MEETING

3:00PM, Tuesday 29 November 2022

Studio 1, Riverlinks Studios

COUNCILLORS

Cr Shane Sali (Mayor)

Cr Seema Abdullah

Cr Dinny Adem

Cr Anthony Brophy

Cr Geoffrey Dobson

Cr Greg James

Cr Sam Spinks

Cr Fern Summer

VISION

GREATER SHEPPARTON, GREATER FUTURE

A thriving economy in the foodbowl of Victoria with excellent lifestyles, innovative agriculture a diverse community and abundant opportunities

Values

Values reflect what we feel is important. Organisations may have core values that reflect what is important in the organisation. These values may be guiding principles of behaviour for all members in the organisation.

Respect first, always

We are attentive, listen to others and consider all points of view in our decision making.

Take ownership

We take pride in honouring our promises and exceeding expectations, and are transparent with and accountable for our actions.

Courageously lead

We lead with integrity, and stand up and stand by what is in the best interests of the Greater Shepparton community.

Working together

We work collaboratively to create higher quality outcomes that are more efficient, thoughtful, effective and responsive. We cannot accomplish all that we need to do without working together.

Continually innovate

We are open to new ideas and creatively seek solutions that encourage us to do our best for our community.

Start the celebration

As ambassadors for our people and place, we proudly celebrate the strengths and achievements of Council and the Greater Shepparton community.

**M I N U T E S
FOR THE
COUNCIL MEETING
HELD ON
TUESDAY 29 NOVEMBER 2022 AT 3:00PM**

**CHAIR
CR SHANE SALI**

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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: Cr Shane Sali (Mayor)
Cr Seema Abdullah
Cr Dinny Adem
Cr Anthony Brophy
Cr Geoffrey Dobson
Cr Greg James
Cr Sam Spinks
Cr Fern Summer

Officers:	Peter Harriott	Chief Executive Officer
	Gary Randhawa	Director Infrastructure
	Geraldine Christou	Director Sustainable Development
	Louise Mitchell	Director Community
	Molly Willmott	Official Minute Taker
	Jennah Ahmet	Deputy Minute Taker

1 Welcome to Country

The Council Meeting commenced with a Welcome to Country presented by Cr James on behalf of the Yorta Yorta Elders Council and the 16 family groups.

2 Acknowledgement

We, Greater Shepparton City Council, acknowledge the Yorta Yorta Peoples of the land which now comprises Greater Shepparton, we pay our respect to their tribal elders, we celebrate their continuing culture and we acknowledge the memory of their ancestors.

3 Privacy Notice

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.

4 Governance Principles

Council considers that the decisions contained in these Minutes gives effect to the overarching governance principles stated in Section 9(2) of the *Local Government Act 2020*. These principles are as follows:

1. Council decisions are to be made and actions taken in accordance with the relevant law;
2. priority is to be given to achieving the best outcomes for the municipal community, including future generations;
3. the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
4. the municipal community is to be engaged in strategic planning and strategic decision making;
5. innovation and continuous improvement is to be pursued;

6. collaboration with other Councils and Governments and statutory bodies is to be sought;
7. the ongoing financial viability of the Council is to be ensured;
8. regional, state and national plans and policies are to be taken into account in strategic planning and decision making;
9. the transparency of Council decisions, actions and information is to be ensured.

5 Apologies

Nil Received.

6 Declarations of Conflict of Interest

In accordance with section 130 (1)(a) of the Local Government Act 2020 Councillors are required to disclose any “conflict of interest” in respect of a matter to be considered at a Council Meeting.

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

Nil Received.

7 Confirmation of Minutes of Previous Meetings

**Moved by Cr Adem
Seconded by Cr Dobson**

That the minutes of the 27 October 2022 Scheduled Council Meeting and the 27 October 2022 Additional Council Meeting as circulated, be confirmed.

CARRIED UNOPPOSED

8 Public Question Time

Nil Received.

9 Deputations and Petitions

9.0 Objection to the lease of land at 20-22 Perrivale Drive, Shepparton Petition

Moved by Cr Abdullah
Seconded by Cr Brophy

That the Council receive and note the petition titled 'Objection to the lease of land at 20-22 Perrivale Drive, Shepparton Petition' in accordance with Governance Rule 81.

CARRIED UNOPPOSED



10 Community Directorate

Nil Received.

11 Corporate Services Directorate

11.1 October 2022 Monthly Financial Report

Moved by Cr Abdullah
Seconded by Cr Dobson

That the Council receive and note the October 2022 Monthly Financial Report.

CARRIED UNOPPOSED

11.2 Contracts Awarded Under Delegation - October

**Moved by Cr James
Seconded by Cr Summer**

That the Council note:

- 1. that no contracts were awarded under delegation pursuant to a formal tender or quotation process for the reporting period; and**
- 2. the requests for tenders advertised but not yet awarded.**

CARRIED UNOPPOSED

11.3 Procurement Policy Amendments - September 2022

**Moved by Cr Brophy
Seconded by Cr Abdullah**

That the Council adopt the Procurement Policy and Supplier Code of Conduct, as attached.

CARRIED

11.4 Instrument of Delegation to the Chief Executive Officer

Moved by Cr Dobson
Seconded by Cr Abdullah

That the Council, in the exercise of the power conferred by S11(1)(b) of the *Local Government Act 2020* (the Act) resolves that:

1. there be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer*, subject to the conditions and limitations specified in that Instrument:
 - 1.1. with the following changes to the conditions and limitations described in item 1.1 and 1.2 of the attached instrument of delegation to the CEO. To amend the proposed financial delegation from \$1.5 Million ex GST to \$1 Million ex GST.
2. the instrument comes into force immediately the Chief Executive Officer signature is affixed to the instrument.
3. on the coming into force of the instrument, all previous delegations to the Chief Executive Officer are revoked; and
4. 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

Cr Summer called for a division.

For: Cr Adem, Cr Abdullah, Cr Brophy, Cr Dobson, Cr James, Cr Sali, Cr Spinks

Against: Cr Summer

The motion was put and carried.

11.5 Instrument of Delegation to Members of Council Staff

**Moved by Cr Summer
Seconded by Cr Adem**

In the exercise of the powers conferred by the 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*, 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 the Chief Executive Officer signature is affixed to the instrument.**
- 3. on the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.**
- 4. 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 UNOPPOSED

11.6 Instrument of Delegation and Instrument of Sub-Delegation - Environment Protection Act 2017

**Moved by Cr Dobson
Seconded by Cr Summer**

In the exercise of the power conferred by s 242(2) of the Environment Protection Act 2017 and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, Greater Shepparton City Council (Council) resolves that:

- 1. The members of Council staff referred to in the instrument attached be appointed and authorised as set out in the instrument.**
- 2. The instrument comes into force immediately upon being signed by Council's Chief Executive Officer, and remains in force until Council determines to vary or revoke it.**

CARRIED UNOPPOSED

11.7 Appointment of Board Directors - Shepparton Art Museum Limited

**Moved by Cr Brophy
Seconded by Cr Adem**

That the Council approve the following reappointments to the Board of Shepparton Art Museum Limited for a three year term, effective from 16 December 2022:

- **Peter Harriott, as Company Director**
- **Chris Teitzel, as Company Director**

CARRIED

Cr Summer called for a division.

For: Cr Adem, Cr Abdullah, Cr Brophy, Cr Dobson, Cr James, Cr Sali, Cr Spinks

Against: Cr Summer

The motion was put and carried.

12 Sustainable Development Directorate

12.1 Adoption of Amendment C239gshe to the Greater Shepparton Planning Scheme

Moved by Cr Summer
Seconded by Cr Spinks

That the Council:

1. note that Amendment C239gshe to the Greater Shepparton Planning Scheme received 19 submissions;
2. note the Delegate's Report for Amendment C239gshe, which outlines Council officers' responses to the concerns raised in submissions, as attached;
3. adopt the Planning Panel's recommendations as outlined in the Panel Report, as attached;
4. adopt Amendment C239gshe to the Greater Shepparton Planning Scheme with post-exhibition changes in accordance with Section 29 of the Planning and Environment Act 1987; and
5. submit Amendment C239gshe to the Greater Shepparton Planning Scheme to the Minister for Planning for approval in accordance with Section 31 of the Planning and Environment Act 1987.

CARRIED

12.2 Adoption of Amendment C233gshe to the Greater Shepparton Planning Scheme

**Moved by Cr Summer
Seconded by Cr Spinks**

That the Council:

- 1. note that Amendment C233gshe to the Greater Shepparton Planning Scheme received 12 submissions;**
- 2. note the Delegate's Report for Amendment C233gshe, which outlines Council officers' responses to the concerns raised in submissions, as attached;**
- 3. adopt the panel's recommendations as outlined in the Panel Report;**
- 4. adopt Amendment C233gshe to the Greater Shepparton Planning Scheme with post-exhibition changes in accordance with Section 29 of the Planning and Environment Act 1987; and**
- 5. submit Amendment C233gshe to the Greater Shepparton Planning Scheme to the Minister for Planning for approval in accordance with Section 31 of the Planning and Environment Act 1987.**

CARRIED UNOPPOSED

13 Infrastructure Directorate

13.1 Kerbside Transition Roll Out - Project Plan and Community Engagement Communications and Education Plan

Moved by Cr Summer
Seconded by Cr Brophy

That the Council note the Project Plan for the Kerbside Transition and the Community Engagement Communications and Education Plan for the Kerbside Transition roll out.

CARRIED UNOPPOSED

13.2 Award of Contract Number 2239 - Construction of Florence Street Slip Lane

**Moved by Cr Adem
Seconded by Cr Abdullah**

That the Council:

- 1. accept the Tender submitted by Apex Earthworks Pty Ltd, Contract Number 2239, Construction of the Florence Street Slip Lane for the lump sum price of \$1,054,905.03 (including GST); and**
- 2. authorise the Chief Executive Officer to execute such documents as are necessary to give effect to this resolution.**

CARRIED UNOPPOSED

13.3 Award of Contract Number 2261 - Construction of Andrew Fairley Avenue/Lockwood Road/Old Dookie Road Intersection

**Moved by Cr Dobson
Seconded by Cr Spinks**

That the Council:

- 1. award Contract Number 2261 Construction of Construction of Andrew Fairley Avenue/Lockwood Road/ Old Dookie Road Intersection Upgrade to Mawson Constructions Pty Ltd for the lump sum price of \$2,049,378.43 (including GST); and;**
- 2. authorise the Chief Executive Officer to execute such documents as are necessary to give effect to this Resolution**

CARRIED

Cr Summer called for a division.

For: Cr Adem, Cr Abdullah, Cr Brophy, Cr Dobson, Cr Sali, Cr Spinks

Against: Cr James, Cr Summer

The motion was put and carried.

14 Confidential Management Reports

14.1 Designation of Confidentiality of Information - Attachments

The following report attachments have been designated confidential by the Chief Executive Officer under Governance Rule 107 and in accordance with the definition of *Confidential Information* in the Local Government Act 2020 (the Act).

- Item 13.2 - Kerbside Transition Roll Out - Project Plan and Community Engagement Communications and Education Plan
- Item 13.3 - Award of CN2239 - Construction of Florence Street Slip Lane
- Item 13.4 - Award of CN2261 - Construction of Andrew Fairley Avenue/Lockwood Road/Old Dookie Road Intersection

These documents contain information which is consistent with the definition of 'private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking disadvantage.'

15 Documents for Signing and Sealing

Nil Received.

16 Councillor Reports

16.1 Councillor Activities

16.1.1 Councillor Activities - October 2022

**Moved by Cr Brophy
Seconded by Cr Dobson**

That the Council receive and note the summary of the Councillor's Community Interactions and Informal Meetings of Councillors.

CARRIED UNOPPOSED

16.2 Council Committee Reports

Nil Received.

16.3 Notice of Motion, Amendment or Rescission

Nil Received.

17 Urgent Business not Included on the Agenda

Nil Received.

18 Close of Meeting

Meeting closed at 4:50pm.