

MINUTES

FOR THE
GREATER SHEPPARTON CITY COUNCIL

ORDINARY COUNCIL MEETING

HELD ON
TUESDAY 16 SEPTEMBER, 2014
AT 5.30PM

IN THE COUNCIL BOARD ROOM

COUNCILLORS:

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

VISION

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

**MINUTES
FOR THE
ORDINARY COUNCIL MEETING
HELD ON
TUESDAY 16 SEPTEMBER, 2014 AT 5.30PM**

**CHAIR
CR JENNY HOULIHAN**

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

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

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

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

Low Operational, manage through usual procedures and accountabilities

Insignificant Operational, add treatments where appropriate

PRESENT: Councillors Jenny Houlihan, Dinny Adem,
Les Oroszvary, Michael Polan, Kevin Ryan and Fern Summer.

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

1. ACKNOWLEDGEMENT

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

2. APOLOGIES

**Moved by Cr Oroszvary
Seconded Cr Adem**

That the apology from Cr Patterson be noted and a leave of absence granted.

CARRIED

3. DECLARATIONS OF CONFLICT OF INTEREST

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

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

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

**Moved by Cr Summer
Seconded by Cr Oroszvary**

That the Minutes of the Ordinary Council Meeting held 19 August 2014, as circulated, be confirmed.

CARRIED.

5. OFFICE OF THE CHIEF EXECUTIVE OFFICER

5.1 Contracts Awarded Under Delegation Report - September 2014

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

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

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

Council Officers involved in producing this report

Author: Procurement Officer

Proof reader(s): Acting Manager Corporate Performance

Approved by: Acting Manager Corporate Performance

Executive Summary

To inform the Council of publicly advertised contracts awarded by the Chief Executive Officer under delegated authority of the Council during the period August 2014 to September 2014. The report also provides details of the status of requests for tenders that have not yet been awarded.

Moved by Cr Polan
Seconded by Cr Summer

That the Council notes the publicly advertised contracts awarded by the Chief Executive Officer under delegated authority and tenders that have been advertised but not yet awarded.

CARRIED.

Tendered Contracts Awarded under Delegated Authority by the CEO

Contract Number	Contract Name	Contract details, including terms and provisions for extensions	Value inclusive of GST	Awarded to
1541	Development of Shepparton Art Museum Feasibility Study	Provision of Consultancy Services for future option for the development of Shepparton Art Museum (SAM) Feasibility Study (the Study).	\$268,364.00	Simon McArthur & Associates

5. OFFICE OF THE CHIEF EXECUTIVE OFFICER

5.1 Contracts Awarded Under Delegation Report - September 2014 (continued)

Requests for Tenders advertised but not yet awarded

Contract No.	Contract Name	Contract detail, including terms and provisions for extensions	Status
1501	Outsourced Travel and Accommodation Bookings Provider 2014	Provision of a centralised, outsourced travel and accommodation booking process for a three year contract with a possible one year extension.	Tender closed 26 March 2014. Tenders have been evaluated and will be signed under delegation. Contract negotiations have now been completed. Contract has been sent for signing, awaiting the signed contracts.
1466	Kerbside Waste, Recyclables and Organics Collection	Lump sum contract for Kerbside Waste, Recyclables and Organics Collection	Tender closed 4 June 2014. Tenders currently being evaluated. This contract will be awarded at the September Council meeting.
1467	Recyclables Acceptance and Sorting	Lump sum contract for Recyclables Acceptance and Sorting	Tender closed 4 June 2014. Tenders currently being evaluated. This contract will be awarded at the September Council meeting.
1468	Organics Acceptance and Processing	Lump sum contract for Organics Acceptance and Processing	Tender closed 4 June 2014. Tenders currently being evaluated. This contract will be awarded at the September Council meeting.
1530	Construction of Toilet Block at Deakin Reserve, Harold Street, Shepparton	Lump sum contract for the construction of toilet block at Deakin Reserve, Harold Street, Shepparton	Tender closed 18 June 2014. Tenders currently being evaluated. This contract will be signed under delegation of the CEO.
1429	Provision of Temporary Placements and Contractors	Provision of Temporary Placements and Contractors. Panel of Suppliers Contract with an initial contract term of 3 years with a possible 1 x 1 x 1 extension.	Tender closed 9 July 2014. Tenders currently being evaluated.
1503	Provision of Early Intervention Services	Provision of Early Intervention Services. Panel of Suppliers Contract with an initial contract term of 1 year with a possible 1 x 1 x 1 extension.	Tender closed 9 July 2014. Tenders currently being evaluated. This contract will be signed under delegation of the CEO.

5. OFFICE OF THE CHIEF EXECUTIVE OFFICER

5.1 Contracts Awarded Under Delegation Report - September 2014 (continued)

Contract No.	Contract Name	Contract detail, including terms and provisions for extensions	Status
1533	Goulburn Valley Collaborative Alliance Service Planning	Lump sum contract for the provision of Goulburn Valley Regional Collaborative Alliance is calling for tenders to develop a service planning framework within the organisations.	Tender closed 23 July 2014. GVRCA board will meet to evaluate tenders. Contracts will be formed and signed separately by each Council. This will be signed under delegation of the CEO.
1536	Road Stabilisation Part-Service & Whole of Service	Council is seeking Expression of Interest responses from suitably qualified companies for the provision of in-situ stabilisation on its road network. Council is seeking appoint a Panel of Suppliers for an Annual Rates contract for Part-Service Works and Whole of Service Works. This will be a three year contract with a possible two year extension.	Expression of Interest closed 6 August 2014. Submissions will be evaluated and a shortlist of preferred candidates will prepared and invited to submit a tender.
1549	Design and Construction of Roof Over Tatura Park Outdoor Arena, Tatura	Lump sum contract for the design and construction of roof structure over the Tatura Park outdoor arena as per aerial map and specifications.	Tender closed 27 August 2014. Tenders currently being evaluated. This contract will signed under delegation by the CEO.
1525	Verney Road Upgrade Stage 1 - Ford Road to Hawkins Street, Shepparton	Lump sum contract or upgrade of Verney Road between Ford Road and Hawkins Street, Shepparton.	Tender closes 17 September 2014.
1533	Provision of Legal Services for Goulburn Valley Regional Co-operative Alliance	Schedule of Rates contract for Provision of Legal Services for Goulburn Valley Regional Co-operative Alliance	Tender closes 17 September 2014.

Policy Considerations

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

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

5. OFFICE OF THE CHIEF EXECUTIVE OFFICER

5.1 Contracts Awarded Under Delegation Report - September 2014 (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 of the Council during the period August 2014 to September 2014.

Attachments

Nil

5. OFFICE OF THE CHIEF EXECUTIVE OFFICER

5.2 Committees of Management - Membership

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 Committees Liaison Officer

Proof reader(s): Acting Team Leader Governance

Approved by: Acting Manager Corporate Performance

Executive Summary

As the term of office for current members of the below Committees has expired, it is necessary that new Committees be appointed to manage the facilities. This report recommends appointments to each of the following committees for a two year term:

- Central Park Recreation Reserve – Expired 17 July 2014
- Congupna Recreation Reserve and Community Centre – Expired 18 June 2014
- Karramomus Recreation Reserve and Community Centre – Expired 21 August 2014

The following committees have also received nominations for additional members to join the current appointments for the following Committees of Management:

- Kialla District Hall
- Caniambo Hall

Moved by Cr Adem

Seconded by Cr Oroszvary

That the Council:

1. having considered the nominations received for appointment to the Central Park Recreation Reserve Committee of Management, appoint the following members for a term of two years commencing on 17 September 2014:
 - Mathew DWYER
 - Ronald DAVIES
 - Neil DAVIES
 - John POTTENGER
 - Dennis GALT
2. having considered the nominations received for appointment to the Congupna Community Centre and Recreation Reserve Committee of Management, appoint the following members for a term of two years commencing on 17 September 2014:
 - Chris DRUM
 - Heath DRUM
 - Carolyn ALLEN
 - Helen JACKSON
 - Geoff JACKSON

5. OFFICE OF THE CHIEF EXECUTIVE OFFICER

5.2 Committees of Management - Membership (continued)

3. having considered the nominations received for appointment to the Karramomus Recreation Reserve and Community Centre Committee of Management, appoint the following members for a term of two years commencing on 17 September 2014:
 - Gwenda METZKE
 - Leigh METZKE
 - Peter KERR
 - Matthew KERR
 - Brain SEACH
 - Raymond THRUM

4. having considered the nomination received for appointment to the Kialla District Hall Committee of Management, appoint the following member for the remaining term of the current committee concluding on 19 May 2016:
 - Max HYLAND

5. having considered the nominations received for appointment to the Caniambo Hall Committee of Management, appoint the following members for the remaining term of the current committee concluding on 16 July 2016:
 - Jeff WALL
 - Richard WALL

6. resolve that all members (who are not Councillors or nominated Officers) of the Central Park Recreation Reserve, Congupna Recreation Reserve and Community Centre, Karramomus Recreation Reserve and Community Centre, Kialla District Hall and Caniambo Hall Committees 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.

Background

Central Park Recreation Reserve Committee of Management

At the Ordinary Council Meeting held on 17 July 2012, seven applicants were appointed to the Central Park Recreation Reserve Committee of Management for a term of two years. One additional member was later appointed at the Ordinary Council Meeting held on 20 August 2012.

As the term of office for these members has now expired, it is necessary that a new committee be appointed to manage the facility.

This report recommends that a new committee be appointed to the Central Park Recreation Reserve for a two year term, commencing on 17 September 2014.

Congupna Recreation Reserve and Community Centre Committee of Management

At the Ordinary Council Meeting held on 19 June 2012, seven members were appointed to the Congupna Recreation Reserve and Community Centre Committee of Management for a term of two years.

5. OFFICE OF THE CHIEF EXECUTIVE OFFICER

5.2 Committees of Management - Membership (continued)

As the term of office for these members has now expired, it is necessary that a new committee be appointed to manage the facility.

This report recommends that a new committee be appointed to the Congupna Recreation Reserve and Community Centre for a two year term, commencing on 17 September 2014.

Karramomus Recreation Reserve and Community Centre Committee of Management

At the Ordinary Council meeting held on 21 August 2012, six members were appointed to the Karramomus Recreation Reserve and Community Centre Committee of Management for a term expiring 21 August 2014.

As the term of office for these members has now expired, it is necessary that a new committee be appointed to manage the facility.

This report recommends that a new committee be appointed to the Karramomus Recreation Reserve and Community Centre for a two year term, commencing on 17 September 2014

Kialla District Hall Committee of Management

At the Ordinary Council meeting held on 15 April 2014, eight members were appointed to the Kialla District Hall Committee of Management for a term expiring 19 May 2016. This report recommends that one additional committee member be appointed for the remaining term.

Caniambo Hall Committee of Management

At the Ordinary Council meeting held on 15 July 2014, eight members were appointed to the Caniambo Hall Committee of Management for a term expiring 16 July 2016. This report recommends that two additional committee members be appointed for the remaining term.

Interest Return Exemption

In accordance with the resolutions passed at previous Ordinary Council Meetings, it is recommended that all newly appointed members of Section 86 Committees also be exempt from the requirement of completing Interest Returns.

Council Plan/Key Strategic Activity

This proposal supports the following goals of the *Council Plan 2013-2017*:

- Goal 1 – Active & Engaged Community (Social)
- Goal 4 – Quality Infrastructure (Built)
- Goal 5 – High Performance Organisation (Leadership and Governance)

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Governance risk associated with the delegation of Council powers to a committee	Possible	Major	High	The appointment of members by formal resolution of the Council reduces governance risks by ensuring that all members of a committee are covered by Council's public liability insurance.

5. OFFICE OF THE CHIEF EXECUTIVE OFFICER

5.2 Committees of Management - Membership (continued)

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 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 of members to these 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.

Consultation

A public notice was placed in the Shepparton News on Friday 13 June 2014, Friday 20 June 2014, Friday 11 July 2014 and Friday 18 July 2014, calling for applications from community members who are interested in joining these Committees of Management.

Letters were also sent to the outgoing members of the committees inviting them to apply for another term.

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 • Letter to outgoing committee members
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.

5. OFFICE OF THE CHIEF EXECUTIVE OFFICER

5.2 Committees of Management - Membership (continued)

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

No other strategic links have been identified.

Options for Consideration

Council could choose to appoint all, part of, or none of the members outlined in the recommendation.

In doing so, Council should note that in accordance with Guidelines applying to the Instrument of Delegation to the committee, there is a requirement to appoint a minimum of five members to a Committee of Management.

Choosing not to appoint all or some members would leave some facilities without a committee of management, which would result in the facility becoming directly managed by Council officers.

Conclusion

It is recommended that all of the nominated applicants be appointed to their respective Committees of Management.

Attachments

Nil

6. INFRASTRUCTURE DIRECTORATE

6.1 Purchase of Part of Hill Top Golf and Country Club Land in Thomson Street, Tatura

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 Investigation and Design

Proof reader(s): Manager Projects

Approved by: Director Infrastructure

Other: Senior Business and Property Officer

Executive Summary

Hill Top Golf and Country Club has offered to sell a triangular shaped lot having a frontage of 12 metres either side of the corner post at Thomson Street, Tatura to the Council for the construction of a shared path. Council Officers have ascertained that this land would be beneficial to Council to allow the proposed shared path to be constructed away from the roadway allowing safe travel for path users. A land valuation has been obtained and officers recommend that Council purchase of the land.

Moved by Cr Ryan

Seconded by Cr Polan

That the Council:

1. purchase part of the land in Thomson Street Tatura, being the land in certificate of title volume 10930 folio 059, from Hill Top Golf and Country Club for a sum of \$5,280 including GST
2. authorises the Chief Executive Officer to sign and seal all documentation required to facilitate this purchase.

CARRIED.

Background

The Greater Shepparton Cycling Strategy 2013-2017 identifies the need for an off-street path along this section of Thomson Street, Tatura.

The proposed path will provide an off-street path connection to link residents of the new North Links residential development to the centre of Tatura.

There is a squeeze point at the curve in Thomson Street, just south of Troon Court. To allow future path users to safely negotiate the bend in the road the off-street path will need to be constructed behind a tree at the bend.

A small triangular shaped section of land extending 12 metres either side of the corner post will need to be acquired.

An independent land valuation report was prepared on behalf of the Council. The value of the land was determined to be \$5,280 including GST.

6. INFRASTRUCTURE DIRECTORATE

6.1 Purchase of Part of Hill Top Golf and Country Club Land in Thomson Street, Tatura (continued)

The Hill Top Golf and Country Club has confirmed that they would be prepared to sell the land to the Council for this amount.

Council Plan/Key Strategic Activity

This proposal is consistent with the Council Plan's Infrastructure objective which states that "Council will continue to provide for the development and maintenance of high quality facilities to enhance the opportunities for community participation in a broad range of activities at both a passive and active".

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Approval to purchase land will not be granted	Unlikely	Major	Moderate	The path will not be able to be constructed between the tree on the corner and the fence causing a substandard alignment
Criticism of Council for not providing cycling and pedestrian improvements within the area	Likely	Moderate	Moderate	Purchase additional land to allow for the construction of a safe off-street path
Funds not being allocated in future budgets for construction to proceed	Medium	High	Medium	Applying for funding to carry out works

Policy Considerations

This proposal does not conflict with any Council policies.

Financial Implications

	2012/2013 Approved Budget for this proposal*\$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue				
Expense	\$6,380	\$6,380		\$5,280 for purchase and \$1,100 for legal costs, stamp duty and registration fees
Net Result				

The proposal is to be funded through 'Shared Path Off-Road Path Construction' ledger.

Legal/Statutory Implications

The purchase will be conducted in accordance with the requirements of the *Local Government Act 1989*.

Environmental/Sustainability Impacts

The purchase of this land will allow the shared path to be constructed and encourage pedestrian and bicycle travel in-lieu of motor vehicles.

6. INFRASTRUCTURE DIRECTORATE

6.1 Purchase of Part of Hill Top Golf and Country Club Land in Thomson Street, Tatura (continued)

Social Implications

To provide appropriate infrastructure to allow improved accessibility and safety for the community.

Economic Impacts

The purchase of this land will provide improved access to the shopping precinct for residents in North Links and other residential areas at the north end of Tatura.

Consultation

Officers from the Council's Community Strengthening Department have liaised regularly with the Tatura Community Plan Steering Committee regarding the shared path network.

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Group meetings,	Conversations to Tatura Community Plan Steering Committee

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

Strategic Links

a) Greater Shepparton 2030 Strategy

One of the objectives listed in the Greater Shepparton City Cycling Strategy 2013-2017 is to provide an off-street path along the east side of Thomson Street Tatura at this location. This proposal will assist with that objective.

Options for Consideration

1. Do Nothing
This will result in the land not being purchased. This will result in the Council not being able to provide a safe path of travel for path users. Not Recommended
2. The Council purchase the property to allow for the extension of the existing shared path on the abutting land. This will allow Council to provide an appropriate shared path to meet current design standards. Recommended

Conclusion

The Thompson Street shared path is an important link in the Greater Shepparton Cycling Strategy 2013-2017 identified by the community during the consultation process. Officers recommend the endorsement of land purchase.

Attachments

Site Map Page 122

6. INFRASTRUCTURE DIRECTORATE

6.2 Electricity Supply to Public Lighting

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 Strategic Assets

Proof reader(s): Director Infrastructure

Approved by: Director Infrastructure

Executive Summary

In 2011 Council agreed to participate in a collective tender for Electricity Supply to Public Lighting, being managed by Procurement Australia (Procurement Australia contract number 1407/0614). The contract was for a three year period with two one year extension options.

A Letter of Intent, which authorised Procurement Australia to act as Council's agent for this contract, was signed by Council's General Manager Asset Development in May 2011. Following receipt of this letter by Procurement Australia, Council became one of 53 Victorian Councils to participate in the collective tender.

Councils annual spend on public street lighting over the past three years has been in excess of the delegated authority of the General Manager Asset Development who signed the Letter of Intention, and the contract was never put to Council for approval. Nonetheless, Council did continue to participate in the contract.

Procurement Australia and AGL have agreed to exercise the extension options and have invited participating Councils to sign up to the contract extension through a Variation of Agreement. This report is brought before Council seeking a resolution to approve Council's ongoing participation in the contract, and to authorise the CEO to sign the contract extensions.

Moved by Cr Oroszvary
Seconded by Cr Polan

That the Council:

1. approve Councils ongoing participation in contract No.1552 Electricity Supply to Public Lighting.
2. note that the value of this contract for the two one year extensions will be approximately \$890,000 including GST.
3. note that the original Procurement Australia contract number is 1407/0614 but for Council purposes the contract is now numbered 1552.
4. authorise the Chief Executive Officer to sign and seal the variation agreement for the possible two one year extension periods.

CARRIED.

6. INFRASTRUCTURE DIRECTORATE

6.2 Electricity Supply to Public Lighting (continued)

Contract Details

In 2011 Council signed up to participate in a collective tender for Electricity Supply to Public Lighting, being managed by Procurement Australia (Procurement Australia contract number 1407/0614). The contract was for a three year period with two one year extension options.

AGL Pty Ltd was successful as the sole supplier for this contract. The existing contract is due to expire on the 31 July 2014. The agreement with AGL has an option to extend consistent with the original tender term (3 years plus two (2) options for one (1) year each).

Before agreeing to extend the contract beyond the original contract term, Procurement Australia has undertaken the following action:

1. Approached the market (all respondents to the original tender in 2011) via a formal closed Request For Quote (RFQ) process for Market testing purposes.
2. The RFQ included only the contestable criteria. Omitted were Network Charges, Australian Energy Market Operator (AEMO) Pool Fees and AEMO Ancillary Charges as these are all regulated.
3. Evaluated the responses received against current rates

The Retailers engaged for this test included the incumbent AGL as well as, Origin Energy, Pacific Hydro, Simply Energy and TRU Energy (Energy Australia)

Responses were received back from: AGL, Pacific Hydro, Origin Energy and Simply Energy. TRU Energy chose not to respond to this RFQ. Apart from AGL, other retailers are referred to as Retailer 1, 2 and three in no specific order, in the Evaluation report attached.

Summary of Evaluation:

- AGL ranked number 1 or 2 in all criteria.
- Retailer 3 had the best Combined Peak/Off Peak pricing for year 1
- Retailer 3 presented a high risk as they would not fix the pricing based on a Letter of Intent. This retailer would vary the pricing if individual contracts were not signed by individual members within the quotation validity timeframe. (typically 2-4 days)
- All Retailers allowed +/- 10% on the load variation. This can have a material impact when members add to or vacate sites due to changes in business.
- AGL have provided fixed rates for the extension term

Overall, the savings offered by AGL to all 53 participating Councils for the two year extension was 7.3% and 4.66% for the 14/15 and 15/16 financial year. Procurement Australia has provided a unique impact statement for Greater Shepparton City Council which demonstrates Council will receive a 2.92% discount in the 14/15 financial year and a 2.35% discount in 15/16 based on the 13/14 financial year charges. The difference between the collective savings and Shepparton's unique savings have to do with the amount of Green Energy purchased (which is 10% for GSCC), and charges associated with regional distribution and loss factors which impact regional centres more so than metropolitan Councils.

6. INFRASTRUCTURE DIRECTORATE

6.2 Electricity Supply to Public Lighting (continued)

Council Plan/Key Strategic Activity

Goal 5 - High Performing Organisation

Objective - Develop stronger relationships between council and State and Federal Governments, local government sector and non-government partnerships to enhance the position of Greater Shepparton City Council.

Aim - Council recognises the opportunities available through sector wide collaboration to maximise the improvement opportunities for our community. Equally the opportunities for partnerships with the non-government sector provide a level of opportunity which will be explored to ensure our community receives the best possible services.

Strategy - Seek opportunities for partnerships with the non-government sector to support Greater Shepparton in the delivery of services to our community.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
The request to exercise the extension period is not approved	Possible	High	Major	Council will need to go out to tender alone. This will likely see power prices rise. There will also be considerable resources required to prepare the contract documents and run the tender process
Council must go to Market without the collective buying power of multiple Victorian Councils	Possible	High	Major	Increase in Electricity Charges
Council falls out of contract and waits until the next collective Electricity contract becomes available to participate in	Possible	High	Major	Council would be operating outside of the Procurement Policy.

Policy Considerations

By participating in a Procurement Australia led contract, Council is compliant with its own Procurement Policy.

6. INFRASTRUCTURE DIRECTORATE

6.2 Electricity Supply to Public Lighting (continued)

Financial Implications

	2014/2015 Approved Budget for this proposal* \$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue	\$0	\$0	\$0	
Expense	\$735,000	\$442,598	\$292,402	Council does not source all public lighting power through AGL. A significant number of unmetered sites for public lighting are under contract with Origin. Council is about to embark on a Power supply audit to ensure all electricity accounts are assigned to correct contracts, and charges can be more easily identified in the general ledger. Council's overall utility bill for public lighting in 13/14 was \$793,000
Net Result	\$735,000	\$442,598	\$292,402	This figure just represent the 14/15 FY period while the contract extension will also cover the 15/16 FY.

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

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

Through collective market buying power of all participating Councils party to the Procurement Australia contract with AGL, our Council can improve sustainability through reduced electricity supply rates, with fixed pricing to protect from negative market impacts, over the next 12 to 24 months.

Strategic Links

a) Greater Shepparton 2030 Strategy

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

b) Other strategic links

No other strategic links have been identified.

Options for Consideration

Option 1 – Recommended

Council endorse the ongoing participation in the AGL Electricity Supply to Public Lighting contract, and approve the CEO to exercise the extension periods for the 14/15 and 15/16 financial year.

6. INFRASTRUCTURE DIRECTORATE

6.2 Electricity Supply to Public Lighting (continued)

Option 2 – Not Recommended

Council does not approve the extension period of the AGL Electricity Supply to Public Lighting. The consequences of not approving the extension are significant. Council currently participates in a state wide contract that has allowed Council's to receive discounted electricity supply through the collective buying power of the majority of Victorian Councils. By withdrawing from the contract, Council will no longer be offered discounted or locked in rates.

Conclusion

Council entered into, and received the benefits of discounted Electricity supply for public lighting, despite the contract not going to Council for formal approval. This report seeks to rectify that error, for Council to improve the ongoing involvement in the collective contract by approving the first of two possible one year extension periods.

Attachments

- | | |
|--|----------|
| 1. PA - Electricity Supply Letter of Intent | Page 124 |
| 2. Greater Shepparton Public Lighting Impact Statement | Page 125 |
| 3. Public Lighting Extension Evaluation | Page 126 |

7. COMMUNITY DIRECTORATE

7.1 Greater Shepparton Seniors Festival Grants - October 2014

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

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

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

Council Officers involved in producing this report

Author: Team Leader Positive Ageing, Program Leader Social Connections

Proof reader(s): Manager Neighbourhoods

Approved by: Director Community

Executive Summary

The Victorian Seniors Festival is now in its 32nd year and is a wonderful opportunity to celebrate the contribution made by our seniors to our community.

The Festival is held annually in October and supported by the State Department of Health in partnership with Local Government. The State annually contributes a grant of \$2,700 to Greater Shepparton to use towards the preparation and delivery of activities and events aimed at older people living in our community. Council provides additional funds to this annual senior's celebration.

With the State financial support, Council offers a small grant to community groups to assist in providing grass roots events and activities throughout the month of October that encourage participation of older people.

Moved by Cr Summer

Seconded by Cr Oroszvary

That the Council approves the recommendation of the Grant Review Panel to fund nine projects as detailed below to the value of \$2900.00 including GST, representing the 2014 Seniors Festival Grants applications.

Organisation	Project	Allocation
Mooroopna Education and Activity Centre (MEAC)	Healthy Living	\$200
Goulburn Valley U3A	Art, Craft and Photography Show	\$300
Shepparton Senior Citizens	Bus Trip	\$600
Tatura Men's Shed, Tatura Senior Citizens and Tatura Probus Club	Combined Seniors Lunch	\$500
Vision Australia	Active Body, Active Mind	\$100
Military History Group- Dookie	Dookie Military Vehicle Rally	\$200
Murchison and District Senior Citizens	Bus Trip	\$200
Toolamba Lions Club	Seniors Lunch and Music	\$500
Tatura Community House	Trivial Pursuit	\$200
Monday Morning Social Tennis Group	Tennis Tournament for Seniors	\$100

CARRIED.

7. COMMUNITY DIRECTORATE

7.1 Greater Shepparton Seniors Festival Grants - October 2014 (continued)

Background

The Victorian Seniors Festival originally commenced in 1982 and was known as Senior Citizens Week. In 2002, the week was rebranded to Victorian Seniors Festival. The theme for this year's festival is "Taking good care of yourself" and Council Officers are working in collaboration with community organisations and clubs to develop a program that will give the senior members of our community the opportunity to participate in a range of activities, attend concerts and outings, enhance their social interaction and build on current relationships / friendships.

The festival is targeted at all people aged 60 years and over, which in Greater Shepparton is 20% of the population (per census data 2011). Over 1000 events occur state-wide and dozens are planned locally with varying levels of support from Council, which is acknowledged in any advertising or promotion of the events.

Council offers a small grant to community groups to assist in providing grass roots events and activities throughout the month of October that encourage participation of older people in our community.

A total number of 11 applications were received, 10 were considered at a meeting of the Grant Review Panel on 3 July 2014. One application was withdrawn during the pre-eligibility check when it was identified that the application was from a full for profit organisation and therefore became ineligible.

The panel included representation from a range of internal Council Departments, and an Aged Services Officer was in attendance to support the process.

The Panel recommended that ten applications should receive funding under the Seniors Festival Grant 2014. All recommended applications meet the eligibility requirements.

The Grant Review Panel recommended that all applicants receive the desired amount of funding as requested.

Organisation	Project	Amount requested	Allocation
Mooroopna Education and Activity Centre (MEAC)	Healthy Living	\$200	\$200
Goulburn Valley U3A	Art, Craft and Photography Show	\$300	\$300
Shepparton Senior Citizens	Bus Trip	\$600	\$600
Tatura Men's Shed, Tatura Senior Citizens and Tatura Probus Club	Combined Seniors Lunch	\$500	\$500
Vision Australia	Active Body, Active Mind	\$100	\$100
Military History Group- Dookie	Dookie Military Vehicle Rally	\$200	\$200
Murchison and District Senior Citizens	Bus Trip	\$200	\$200
Toolamba Lions Club	Seniors Lunch and Music	\$500	\$500
Tatura Community House	Trivial Pursuit	\$200	\$200
Monday Morning Social Tennis Group	Tennis Tournament for Seniors	\$100	\$100

7. COMMUNITY DIRECTORATE

7.1 Greater Shepparton Seniors Festival Grants - October 2014 (continued)

Council Plan/Key Strategic Activity

The endorsement of the Seniors Festival funding is intrinsically linked to the Council Plan 2013 – 2017. The majority of applicants have identified that their project meets one or more of the objective of:

Goal 1 - Active and engaged communities, in particular
 Continue to enhance community capacity building.

Risk Management

Insignificant to low risks has been identified and will be addressed at the operational level. All grantees will be required to consult fully with Council representatives prior to, and during their projects to identify any potential adverse consequences, and to devise a strategy to minimise any risks.

Policy Considerations

Approval of the Seniors Festival grants funding recommendations supports existing Council policies.

Financial Implications

Council has committed a total expense of \$6,500 in the 2014/2015 budget for the Greater Shepparton Seniors Festival. It is recommended that \$2,900 of this allocation is allocated to support the nine projects.

	2014/2015 Approved Budget for this proposal*\$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue	\$4,500			DHS Grant/Participant contribution
Expense	\$6,500	\$2,900		To support grant applications
Net Result		\$3,600		\$3,600 to fund Seniors Festival in October 2014

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

Legal/Statutory Implications

The Seniors Festival grants will be consistent with the *Local Government Act 1989* and the *Victorian Charter of Human Rights and Responsibilities Act (2006)*.

Environmental/Sustainability Impacts

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

Social Implications

Projects recommended for approval came from community organisations that have been a part of the greater Shepparton community for up to 100 years. Each project provides opportunities for the community to engage in activities that will improve community connections and enhance the social capacity of individuals and families. The applications target older people from varying backgrounds and abilities including those who reside in our smaller rural communities. Five of the applications came from small towns in Greater Shepparton. The planning and implementation of a majority of these projects is made possible through a significant voluntary contribution from community members. All projects are community driven initiatives that will be implemented by groups in the community.

7. COMMUNITY DIRECTORATE

7.1 Greater Shepparton Seniors Festival Grants - October 2014 (continued)

Economic Impacts

Activities throughout the municipality will support economic stimulus through the purchasing of materials and supplies.

Consultation

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Deliver information about the application process to relevant groups/clubs.	Mailing list compiled with past and perceptive participants targeted.
Consult	Speak with relevant groups and clubs about this year's event.	Telephone, mail, email and face to face contact
Involve	Provide assistance to groups and clubs.	Consult on a one on one basis.
Collaborate	Successful groups and clubs will be responsible for the implementation of their projects.	Successful applicants will drive their own community initiatives.
Empower	Whilst the decision making process regarding successful grant applications is made by Council, Community groups will be responsible for the delivery of the projects.	Community groups will drive the delivery of their projects.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

Direction 2 – Community Life

b) Other strategic links

Council Plan 2013 – 2017

Goal 1 - Active and Engaged Communities (Social)

Goal 2 - Enhancing the Environment (Natural)

Goal 3 - Economic Prosperity (Economic)

Greater Shepparton City Council – Community Development Framework

Greater Shepparton City Council – Community Engagement Strategy

Options for Consideration

Option 1- Council only approve some of the applications recommended by the Grants Evaluation panel.

The Grants Evaluation panel has extensively reviewed the grant applications and made informed recommendations. To only fund some of the applications would limit Council's potential to take advantage of the communities' commitment to the activities listed and the opportunities created for capacity building.

Option 2- Approve the recommendations made by the Grants Review Panel.

That Council approve the recommendations made by the Grants Evaluation panel regarding the funding of ten grants for the 2014 Greater Shepparton Seniors Festival. All of the recommended activities meet the intent of the funding as well as all of the other eligibility requirements.

7. COMMUNITY DIRECTORATE

7.1 Greater Shepparton Seniors Festival Grants - October 2014 (continued)

Conclusion

The applications for funding through the 2014 Greater Shepparton Seniors Festival have been reviewed by an internal Grants Evaluation Panel and they have recommended ten projects be funded. These ten projects meet eligibility requirements and all aim to build or strengthen older people's participation and contribution in the Greater Shepparton community.

Attachments

Nil

7. COMMUNITY DIRECTORATE

7.2 Arcadia Locality Plan

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

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

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

Council Officers involved in producing this report

Author: Neighbourhood Planning Coordinator

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

Approved by: Director Community

Executive Summary

Greater Shepparton City Council is committed to developing Community Plans for the small towns, neighbourhoods and localities within the municipality. A Community Project Team was established to oversee and assist in the development of the Arcadia Locality Plan. Over recent months the Arcadia community in partnership with Council have consulted with the people of Arcadia on their vision for Arcadia's future and the priorities that will assist them to achieve this vision. Following the consultation period the draft Arcadia Locality Plan was developed and presented to the wider community for comment. The Arcadia Locality Plan has now been finalised and is being presented to Council for endorsement.

Moved by Cr Summer

Seconded by Cr Oroszvary

That the Council:

1. endorse the Arcadia Locality Plan.
2. acknowledge the valuable contribution Arcadia residents have made to the development of their locality plan.

CARRIED.

Background

Greater Shepparton City Council has been working with its small towns to develop and implement Community Plans for small towns over many years. With all small towns now having a Community Plan, Council is focusing on moving into working with neighbourhoods and localities within the municipality. Locality Planning will see the development of community based plans for the more rural areas. Arcadia is the first Locality Plan to be developed.

7. COMMUNITY DIRECTORATE

7.2 Arcadia Locality Plan (continued)

See map of the City of Greater Shepparton.



Greater Shepparton City Council invited Arcadia residents to work with Council Officers to develop a Locality Plan for their area. Arcadia are an extremely active community with annual Christmas and Australia Day events and more recently fundraising over \$25,000 to match a grant through Council's Our Sporting Future to build a new tennis court.

With support from local residents, Council held a Community BBQ in Arcadia in April 2014 inviting the community to come together to discuss the opportunity to work with Council to develop a Locality Plan. There was significant support to this approach with resident agreeing that having a Locality Plan would be a positive step for the area.

A Community Project team was established to oversee and assist in the development of the Locality Plan. Extensive community consultation was undertaken to ensure that as many people as possible had the opportunity to contribute to the development of the plan. Consultation methods included:

- Initial Community BBQ
- Community Surveys
- Art Competition
- Community BBQ and Tennis Court Launch.

7. COMMUNITY DIRECTORATE

7.2 Arcadia Locality Plan (continued)

Approximately 18 surveys were received, with over 70 residents attending the Community BBQ and Tennis Court Launch.

The community created the following vision for Arcadia 'A vibrant, rural community working together to develop respect and appreciation of the local environment'.

The 21 goals to achieve this vision are:

- Share and promote our historical past
- Have a Mooving Art Cow in the township
- Advocate for the mobile library to visit Arcadia
- Develop additional community events
- Investigate establishment of a playgroup
- Undertake measures to address weed control at the river
- Identify strategies to address rubbish concerns at the river including from visiting campers
- Explore opportunities to utilise and appreciate the river
- Construct walking tracks along the river including additional seating
- To discuss the appropriateness of BBQ and fireplaces at the river
- Hold community garage sale trail or car boot sale
- Identify opportunities to sell local produce at farmers markets
- Advocate for small businesses to establish in Arcadia
- Advocate for safe railway crossing for the south entry to the town
- Advocate for Arcadia to be included within the NBN roll out
- Advocate for public transport to Shepparton, Seymour, Melbourne
- Upgrade of toilets at the Community Centre including consideration as public toilets
- Improvements to the Community Hub / Rec Reserve
- To enhance the town entrances including landscaping and signs
- Advocate for maintenance of drains
- Investigate opportunities for further recreational activities.

Some of these actions are capital projects and will require access to capital budget bidding. Others are smaller community based projects and require more operational funds. The Arcadia Locality Plan Steering Committee will seek access to funds through community resources, Council and other state and federal government funding streams. Some items are advocacy related and not the responsibility of Council to deliver. In this circumstance the committee will investigate measures to advocate for these items.

Consultation has occurred with a number of Council departments regarding the draft Locality Plan including, Works, Projects, Investment Attraction, Sustainability & Environment, Planning, Neighbourhoods, Arts, Events and Tourism, Works & Parks and Property, to identify opportunities for cross collaboration.

The Locality Plan has been developed by the Arcadia Community in partnership with Council Officers.

Council Plan/Key Strategic Activity

The endorsement of the Arcadia Locality Plan is intrinsically linked to the Council Plan 2013 – 2017, in particular the following objectives:

Goal 1 – Active and Engaged Communities (Social)

Continue to enhance community capacity building.

7. COMMUNITY DIRECTORATE

7.2 Arcadia Locality Plan (continued)

Risk Management

The endorsement of the Arcadia Locality Plan will strengthen community planning and result in reduced risk for Council.

Policy Considerations

The endorsement of the Arcadia Locality Plan will support existing Council policies.

Financial Implications

The endorsement of the Arcadia Locality Plan is set within the Council context of existing financial constraints. Community planning priorities requiring funding will be assessed through the existing Community Planning Implementation budget, external government departments and /or philanthropic trusts.

	2013/2014 Approved Budget for this proposal*\$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue	N/A	N/A	N/A	There is no revenue associated with the development of the locality plan.
Expense	\$5000 (Total budget allocation for locality plan development) Total expense \$1300 Includes consultation activities, prizes for art project	\$0	0	The cost of creation of the locality plan aligns with allocated budget
Net Result	\$3700	\$0	0	Cost of implementing actions within the Arcadia Locality Plan will be subject to individual project proposals.

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

Legal/Statutory Implications

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

Environmental/Sustainability Impacts

The plan identifies environmental benefits such as utilising and caring for one of the communities greatest assets, the river. Some of the actions include addressing weed control and rubbish in the area as well as exploring further opportunities to utilise and appreciate the river including walking tracks and seating.

Social Implications

The Arcadia Locality Plan has been developed in consultation with the wider community ensuring that the plan is reflective of the needs and aspirations of the local community, with community members identifying and developing priorities for their town, aligning with the assets already located within the town. This demonstrates asset based community development and ensures that there is an ongoing commitment to the implementation of the plan, driven by the people that live there. The plan identifies many social benefits to the local community from connectivity through to activities and facilities such as community events, share the historical past and investigating playground and mobile library.

7. COMMUNITY DIRECTORATE

7.2 Arcadia Locality Plan (continued)

Economic Impacts

The Arcadia Locality Plan includes initiatives such as encouraging business development in the town.

Consultation

The Arcadia Locality Plan has been developed from extensive consultation with the Arcadia and district community. Methods of consultation includes:

- Initial Community BBQ – over 40 people attended
- Community surveys – on line and hardcopy
- Children’s artwork – children drew their vision for Arcadia for the future
- Community BBQ & tennis court launch - over 70 residents attended with 50+ ‘voting’ on their top priority.

Over 18 surveys were completed, a number of children’s artwork and over 70 people attended the Community BBQ & tennis court launch.

Internal consultation also occurred with a number of internal Council departments.

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Keeping the community informed about the development of the Locality Plan	Surveys Flyers Mail box drop
Consult	Discuss ideas for future priorities for the town	Community consultation events such as community BBQ’s
Involve	Feedback is important to contribute to decision making	Three week feedback period for community members to make comment on the draft Locality Plan
Collaborate	Feedback will be incorporated into decision making to the maximum level possible	Partnerships between Council and the Locality Plan Steering Committee. Collaboration through meetings. Community forum with the community
Empower	The Arcadia community have ownership of this plan and will actively drive the implementation of the priorities within it.	Plan is endorsed not adopted by Council thus creating ownership.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

Direction 2 – Community Life

b) Other strategic links

Greater Shepparton City Council – Community Development Framework

Greater Shepparton City Council – Community Engagement Strategy

Greater Shepparton City Council – Community Plan Implementation Policy

7. COMMUNITY DIRECTORATE

7.2 Arcadia Locality Plan (continued)

Options for Consideration

1. Do not endorse the Arcadia Locality Plan
This option would not be preferable as the community has been driving the development of the plan and committed to commence the implementation of the plan.
2. Endorse the Arcadia Locality Plan
Endorsing the Locality Plan will demonstrate Council's commitment to supporting the Arcadia community to implement their Locality Plan. It will also acknowledge the extensive work undertaken by residents to develop the plan.

Conclusion

The development of the Arcadia Locality Plan has been driven by the Arcadia community and developed through widespread consultation with the local community. The Arcadia Locality Plan contains the vision and associated actions and priorities for the area. Officers recommend the endorsement of the plan.

Attachments

Arcadia Locality Plan Page 131

7. COMMUNITY DIRECTORATE

7.3 Undera Community Plan Review

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

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

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

Council Officers involved in producing this report

Author: Community Planning Officer

Proof reader(s): Neighbourhood Planning Coordinator, Team Leader Community Strengthening, Manager of Neighbourhoods

Approved by: Director Community

Executive Summary

Greater Shepparton City Council is committed to developing and reviewing their Community Plans for all the small towns in the municipality. Undera Community Development Group Inc in conjunction with Wendy Holland from Communityvibe created the Undera Community Plan in 2009. This was joint funded by Department of Planning and Community Development and the Greater Shepparton City Council.

As per the Community Planning processes, a full review of the community plans is to be conducted every 5 years. Over recent months, the Undera Community Development Group Inc. and Greater Shepparton City Council's Community Planning Officer have been conducting a review of the Undera Community Plan. The review has now been finalised and is being presented to the council for endorsement.

Moved by Cr Ryan

Seconded by Cr Summer

That the Council:

1. endorse the Undera Community Plan Review 2014
2. acknowledge the valuable contribution made by the Undera community to their town.

CARRIED.

Background

Greater Shepparton City Council is committed to developing and reviewing community plans in all the 10 small towns in the municipality.

As outlined in CEO Directive 55.CEOD1 – Community Plan ‘*a full review of the Community Plans will occur every five years. This will allow the communities to update demographics and strategic links but also review the vision of the town and all the associated priorities.*’

The Undera Community Plan was developed in 2009 from joint funding from the Department of Planning and Community Development and the Greater Shepparton City Council. This funding was obtained by the existing Undera Community Development Group Inc. Extensive consultation has taken place in the last four months during the full review period for the Undera Community Plan.

7. COMMUNITY DIRECTORATE

7.3 Undera Community Plan Review (continued)



Consultation methods included:

1. Surveys – hard copy and on line
The survey was developed to align with four of the current Council Plan 2013 – 2017 strategic goals i.e. Social, Natural, Economic and Built. The community added an extra goal of Culture. 28 responses were received from the survey.
2. Undera Kindergarten Arts Consultation
A group of four year olds (12) from the Undera Kindergarten participated in creating a poster by painting their hands and pressing handprints onto a sheet. The theme of the day was “Hands Up for Undera”. Discussion around the table indicated that the group identified more with their home than Undera as a town. This could demonstrate a sense of belonging. With their transition to primary school it could increase into a deepened sense of belonging to their community. When discussing the town the group spoke about an excursion to the recreation reserve and what they saw along the way. Comments noted were “*there are lots of signs in Undera*” and “*I love the cows in Undera*”
3. Undera Lower Primary School
Eight children from the lower school participated in an asset identifying activity. The theme being “What Undera has” and then drew pictures of what they loved about Undera. This exercise resulted in pictures of the Undera Speedway and the Undera Streetscape. The group drew a map of Undera and identified points of interest and talked about the skills that may be in their town.
4. Undera Upper Primary School
14 children were involved in a discussion around what the Council does and what community means. The group wrote their idea(s) for Undera on slips of paper and presented them to the whole group. The idea(s) were stuck on a graffiti wall to be voted. Acknowledging that there weren’t any “wrong” ideas, the suggestions that may have been out of the range of a small town were placed in a car park for later discussion.

7. COMMUNITY DIRECTORATE

7.3 Undera Community Plan Review (continued)

The dotography method was used to vote with the following suggestions in highest priority were:

- An Undera History Museum or central location for acknowledging the history
 - An event encompassing lots of the ideas put forward
 - A local park with a playground and BBQ area
 - Something for the young people to do (skate park)
 - A local fresh food market / more orchards to have and sell fresh food
 - Petrol Station
 - New Hall.
5. The Undera Girl Guides Walk Around Town
Four Girls Guides and two leaders conducted a walk around town photographing all the points of interest / assets in their town. There were some lively conversations around the buildings. The Mooving Art Project is very popular in the town.
 6. One on One Stakeholder Interviews
Numerous informative conversations were conducted with Undera townsfolk and the surrounding residents. Surveys were handed out and notes taken from the general conversation.
 7. Community Plan Visioning Workshop
A workshop was held at the Undera Recreation Reserve on Friday 2nd May to prioritise some of the key actions identified through the various methods of community consultation. 17 residents (plus an additional five children) attended the consultation. A summary of all the previous consultation data was utilised. Participants voted on their priorities.

During the review stage of the Undera Community Plan, community members were asked what they loved about Undera.

Some of the responses were:

The People

- Caring and helpful people
- Friends and family
- Everyone knows everyone
- Strong level of community support.

The Atmosphere

- Relaxed small town feel and community support
- Small and quiet, yet close to other towns
- People have a sense of belonging.

The Infrastructure and Institutions

- Town hall
- Hotel
- School
- Church
- Recreation Reserve (and its user groups)
- Shop
- Town entrances.

7. COMMUNITY DIRECTORATE

7.3 Undera Community Plan Review (continued)

They were asked about “their vision for Undera in the future”

The People/Community

- More people living at Undera
- Develop a further sense of community
- A strong farming community with lots of young families.

The Atmosphere

- Remain a positive town that continues to grow
- A town that develops its own unique point of difference that will encourage enough development and economy to provide a sustainable population for the growth of businesses.

The Infrastructure

- Town water
- Overall improvement to facilities – guides, football and tennis
- Develop a traveller’s rest stop.

The Lifestyle

- Local activities / events
- More things for kids
- Cycling path
- Skate park
- Ball pit at the footy oval
- Promotion of bush and fishing for leisure activities / tourism.

The Environment

- A town that cares about how it is presented to visitors and passer-by i.e. neat, clean, native vegetation and habitat rehabilitation where possible
- Indigenous plantings in the recreation reserve and around town.

From the Visioning Workshop, a Community Plan Action Plan has been developed

Goal: Active and Engaged Community

- a) Community Activities – A variety of events involving all age cohorts
- b) Retention of Sporting Clubs – Support existing recreation reserve user groups
- c) Newsletter / Social Media presence – A variety of methods to increase the spread of town information
- d) Community chest – A program where funds are raised to assist with community activities / improvements and people in need.

Goal: Enhancing the Environment

- a) Rubbish Removal – Involving roads side reserves and the National Park including recycling
- b) Development (Recreation Reserve) – further development in conjunction with user groups
- c) Landscaping maintenance – Tree planting, maintenance and removal of pest weeds.

7. COMMUNITY DIRECTORATE

7.3 Undera Community Plan Review (continued)

Goal: Economic Prosperity

- a) Better mobile network coverage – Advocate for better coverage
- b) Population Growth – Advocate for town water, sewerage and further subdivisions
- c) Tourism Opportunities – Signage for river access and promoting the town as a stop off destination
- d) Increase more business opportunities – Attracting and promoting businesses.

Goal: Quality Infrastructure

- a) Recreation Reserve upgrade – improved facilities for overall user groups
- b) Children / Youth Spaces – Infrastructure for use by younger community members
- c) Streetscape – Further develop streetscape
- d) Trails – Investigate horse riding, cycling and walking trails / improvements to the roads
- e) Amenities – Upgrade toilets at Recreation Reserve.

Goal: Arts, Heritage, Local Identity

- a) History Museum – Further investigate preservation of the town's history
- b) Town Hall – Support the Town Hall committee in the future direction of the hall
- c) Aboriginal Artwork – discuss opportunities with Aboriginal Elders.

This information will be utilised by the Undera Community Development Group Inc. to develop a vision for the future. It is important to note that this group is currently a small group of committed people and it is envisaged that after endorsement of the plan they will prioritise connecting the community further through an event and activities to assist with the implementation of their Community Plan Action Plan.

Some of the actions are capital projects and will require access to capital budget bidding. Others are smaller community based projects and require more operational resources. External funding will be explored dependant on the priority. If there are opportunities for community in-kind contributions the Community Planning Officer will encourage the Undera Community to participate.

Internal consultation has occurred with a number of Council departments. This has resulted in identifying opportunities for the implementation of some of the identified priorities.

Council Plan/Key Strategic Activity

The endorsement of the Undera Community Plan Review is linked to the Council Plan 2013-2017, in particular the following objective

Goal 1 – Active and Engaged Communities (Social)

1.1 Continue to enhance community capacity building.

Risk Management

The endorsement of the Undera Community Plan Review will strengthen community planning and result in reduced risk for Council.

Policy Considerations

The endorsement of the Undera Community Plan Review will support existing Council policies.

7. COMMUNITY DIRECTORATE

7.3 Undera Community Plan Review (continued)

Financial Implications

The endorsement of the Undera Community Plan Review is set within the Council context of existing financial constraints. Community planning priorities requiring funding will be assisted through the existing Community Planning Implementation budget, external government departments and / or philanthropic trusts.

	2012/2013 Approved Budget for this proposal*\$	This Proposal \$	Variance to Approved Budget\$	Comments
Revenue	N/A	N/A	N/A	There is no revenue associated with the review of a community plan
Expense	\$3,000 (total budget allocation for a full community plan review) Total expense: \$2018.80 Includes visioning workshop, vouchers, printing, postage and catering	\$0	\$0	The cost of creation of the community plan review aligns with allocated budget
Net Result	\$981.20	\$0	\$0	Cost of implementing actions within the Undera Community Plan Review will be subject to individual project proposals and capital budget bids

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

Legal/Statutory Implications

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

Environmental/Sustainability Impacts

The endorsement of this community plan review will not have any environmental impacts.

Social Implications

The Undera Community Plan Review has been developed in consultation with the wider community ensuring that the plan is reflective of the needs and aspirations of the local community. With community members identifying and developing priorities for their town, aligning with the assets already located within the town, it demonstrates asset based community development and ensures an ongoing commitment to the implementation of the plan review, driven by the people that live there.

7. COMMUNITY DIRECTORATE

7.3 Undera Community Plan Review (continued)

The plan identifies many social benefits to the local community including connectivity through events / activities and facilities such as walking tracks, recreation reserve upgrade and enhancements to the environment.

Economic Impacts

The Undera Community Plan Review includes initiatives such as increasing more business opportunities by attracting and promoting businesses.

Consultation

The Undera Community Plan Review has been developed from extensive consultation with the Undera Community.

Methods of consultation include:

- Surveys –Hardcopy and on-line
- Undera Kindergarten Arts Consultation
- Undera Lower Primary School
- Undera Upper Primary School
- The Undera Guides Walk around Town
- One on One Stakeholder Interviews
- Community Plan Visioning Workshop.

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Keeping the community informed about the review of the community plan	Surveys Flyers Media release School Newsletter input
Consult	Discuss ideas for future priorities for the town	Various consultation methods as stated
Involve	Feedback is important to contribute to decision making	Three week feedback period for community members to make comment on the draft community plan review
Collaborate	Feedback will be incorporated into decision making to the maximum level possible	Partnerships between Council and the Undera Community Development Group Inc. Collaboration through meetings. Community forum with the community
Empower	The Undera community have ownership of this review and will actively drive the implementation of the priorities within it.	Review is endorsed not adopted by Council thus creating community ownership

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

Strategic Links

a) Greater Shepparton 2030 Strategy
 Direction 2 – Community Life

7. COMMUNITY DIRECTORATE

7.3 Undera Community Plan Review (continued)

b) Other strategic links

Greater Shepparton City Council – Community Development Framework

Greater Shepparton City Council – Community Engagement Strategy

Greater Shepparton city Council – Community Plan Implementation Policy

Options for Consideration

1. Do not endorse the Undera Community Plan Review.
This option would not be preferable as the community has been driving the review of the Undera Community Plan and are committed to commence the implementation of the review.
2. Endorse the Undera Community Plan Review
Endorsing the Community Plan Review will demonstrate Council's commitment to supporting the Undera community to implement their community plan review. It will also acknowledge the extensive work undertaken by residents to originally develop and now to review their plan.

Conclusion

The review of the Undera Community Plan has been driven by the Undera community and developed through widespread consultation with the local community. The Undera Community Plan Review contains the updated priorities of the town. Officers recommend the endorsement of the Undera Community Plan Review.

Attachments

1. HAVE YOUR SAY - Undera Community Plan Review 2014 - APPENDIX Page 144
2. HAVE YOUR SAY -Undera Community Plan Review 2014 - SUMMARY document Page 146

7. COMMUNITY DIRECTORATE

7.4 Draft Community Safety Strategy 2014-2017

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: Community Safety Officer

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

Approved by: Director Communities

Executive Summary

With the finalisation of Safer City Strategy 2011-2014, the Greater Shepparton Safe Communities Advisory Committee has commenced consultation with the community in relation to what community safety matters they consider to be priorities in the Greater Shepparton. These matters have been considered in conjunction with local statistics and have informed the development of the Draft Community Safety Strategy 2014-2017. The Draft Community Safety Strategy 2014-2017 is now presented for consideration by Council with a view to progressing to being released for further community consultation prior to final adoption.

Moved by Cr Summer

Seconded by Cr Oroszvary

That Council release the Draft Community Safety Strategy 2014-2017 for public consultation for a period of three weeks inviting further submissions from the community and key stakeholders.

CARRIED.

Background

In June 2011 Council endorsed its first community safety strategy, the Safer City Strategy 2011-2014. This Strategy contained many community safety initiatives for delivery in the Shepparton Central Business District (CBD) and the Victoria Park Lake precinct. Some of the key outcomes of this Strategy include:

- Safer City Camera Network (CCTV) – including the design, obtainment of external funding, tender process, installation of system and the development of associated governance structure and supporting documents.
- Development of an 'active monitoring' model for the Safer City Camera Network and engagement of monitoring staff.
- Night Life Radio Project – Establishment of a communication link between Shepparton's late night venues, the Safer City Camera Network Control Room and Victoria Police utilising portable radios. This initiative is based on a partnership model where venues support each other and the community in crime prevention and application of Liquor Accord principles.
- Crime Prevention through Environmental Design training for Council staff and community members.
- Lighting Upgrade – including Maude Street Mall, Queens Gardens, Stewart Street car park, Fryers Street car park and the commencement of the Aquamoves car park lighting upgrade.

7. COMMUNITY DIRECTORATE

7.4 Draft Community Safety Strategy 2014-2017 (continued)

- Family Violence awareness projects in partnership with the Goulburn Valley Family Violence Prevention Network eg: 'Walk Against Violence', 'Our Community Says No to Violence' event and 'Responding to the Abuse of Older Women and Men Forum'.
- Endorsement of the Hume Region Preventing Violence Against Women and Children Strategy (coordinated by Women's Health Goulburn North East).
- Pedestrian crossing audits.
- Taxi rank upgrades including lighting, CCTV, shelter and accessibility improvements.
- Get Home Safely Campaign – wallet cards and posters providing information in relation to late night transport options for the Shepparton Central Business District.
- Supporting Neighbourhood Watch Projects.
- Wipeout (graffiti/vandalism) Program initiatives.
- Community Safety Month activities.
- Street Rider Night Bus operations, coordination and advocacy.
- Support Road Safety awareness programs including Cool Heads, Drive for Life and L2P.
- Advocacy and representation on a variety of key stakeholder community safety networks.

As the Strategy is approaching finalisation a successive Strategy, the Draft Community Safety Strategy 2014-2017, has been drafted.

The Greater Shepparton Safe Communities Advisory Committee (SCAC) determined that the new Strategy would contain community safety initiatives to be delivered across the entire municipality (rather than focusing primarily on the Shepparton CBD) and sought feedback from the community to support its development. The SCAC also determined that the Strategy would have a crime prevention focus and has worked to incorporate many initiatives with this focus.

Consideration was given to local relevant statistics received from organisations such as Victoria Police, Victorian Injury Surveillance Unit (Monash University)/GV Health, Ambulance Victoria and VicRoads in the Strategy's development. Importantly, the community's perceptions of safety were also considered with this information gathered using online surveys and feedback forms across the municipality.

The Draft Community Safety Strategy 2014-2017 is founded on four key directions which were informed by the above statistical review and community feedback/perception. These key directions are:

- Key Direction 1 – Safer Places and Spaces
(including place based initiatives which enhance perceptions of safety and encourage community engagement and connectedness)
- Key Direction 2 – Alcohol and Drugs
(including initiatives which develop partnerships and initiatives to promote awareness of the effects alcohol and other drugs and support mechanisms)
- Key Direction 3 – Inclusive Communities
(including family violence and race based discrimination awareness and support, promotion of inclusive and accessible communities)
- Key Direction 4 – Road Safety
(including driver awareness campaigns and programs, pedestrian safety, school crossings audit, partnerships and advocacy)

7. COMMUNITY DIRECTORATE

7.4 Draft Community Safety Strategy 2014-2017 (continued)

Approval is sought to proceed to seek Council endorsement to release the Draft Community Safety Strategy 2014-2017 for further community consultation with a view to adopt the final Strategy at the December 2014 Council meeting.

Council Plan/Key Strategic Activity

Objective 1.3 - Ensure liveability options are always considered in our decision making activities. Strategies included in this objective with a community safety focus include:

- “Develop, deliver and implement community safety initiatives with the State Government, Police State agencies and the community including but not limited to CCTV”; and
- “Review and continue to implement the Greater Shepparton City Council Safer City Strategy”.

Risk Management

There are no anticipated moderate to extreme risks associated to any of the initiatives contained within the Draft Community Safety Strategy 2014-2017. A risk assessment will form part of the planning for the safety initiatives implemented as part of the Strategy.

Policy Considerations

There are no conflicts with current Council policies.

Financial Implications

Some the initiatives contained within the Draft Community Safety Strategy 2014-2017 will have financial implications, however, the majority are expected to be relatively low cost. It is anticipated that some of these costs will be covered through external funding (State or Federal Government grants) and those that will require Council support will be considered as part of Council’s annual budget process.

Legal/Statutory Implications

The Draft Community Safety Strategy 2014-2017 is consistent with the *Victorian Charter of Human Rights and Responsibilities Act 2009*.

Environmental/Sustainability Impacts

There are no negative long term environmental or sustainability impacts associated with any of the initiatives contained within the Draft Community Safety Strategy 2014-2017.

Social Implications

The Draft Community Safety Strategy 2014-2017 contains initiatives which have been developed to positively impact the City of Greater Shepparton. The Strategy has been drafted to positively impact perceptions of safety through awareness raising, encouraging inclusive and connected communities whilst strengthening partnerships. Some initiatives also offer support and advocate for better services and support for community safety and crime prevention within the municipality.

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 needing to be paid by employers, 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 communities economies.

7. COMMUNITY DIRECTORATE

7.4 Draft Community Safety Strategy 2014-2017 (continued)

Consultation

Preliminary consultation to involve the community in the development of the Draft Community Safety Strategy 2014-2017 and determine the communities' priorities was conducted from 23 June to 28 July 2014. Many of the matters raised during this consultation period have been included in initiatives contained within the Strategy. Online surveys, feedback boxes, feedback forms (hard copy and web-based) letters to targeted stakeholders, media interviews and social media were utilised to gather this feedback.

If approved for public consultation, it is proposed that the Draft Community Safety Strategy 2014-2017 be provided for public consultation from 19 September to 10 October 2014 to inform and involve the community. Methods used will include letters and presentations to community groups and key stakeholders, feedback boxes and forms, online feedback forms and media releases, social media and opportunities for interviews. Additional matters that are raised during this consultation period will be presented to the SCAC for consideration for inclusion within the Strategy.

Once the Community Safety Strategy 2014-2017 is formally adopted, the community will be informed of this outcome through local and social media.

Officers believe that appropriate preliminary 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

Health and Wellbeing Action Plan
 Shepparton CBD Strategy
 Road Management Plan

Options for Consideration

Options for Consideration	Outcome
Do nothing	Do not approve the Draft Community Safety Strategy 2014-2017 for consideration by the Council. The Draft Strategy will not proceed to be endorsed for public consultation and therefore will be unable to progress to being formally adopted by Council.
Approve the Draft Community Safety Strategy 2014-2017	Approve the Draft Community Safety Strategy 2014-2017 for release for public consultation.

Conclusion

The Draft Community Safety Strategy 2014-2017 has been developed by the SCAC for consideration by Council to guide the delivery of community safety initiatives and supporting partnerships within the community safety and crime prevention space.

7. COMMUNITY DIRECTORATE

7.4 Draft Community Safety Strategy 2014-2017 (continued)

By releasing the Draft Strategy for further public consultation, the community's preliminary feedback can be validated and provide the opportunity for the community to raise additional matters for inclusion.

Attachments

Draft Community Safety Strategy 2014-2017 Page 164

8. BUSINESS DIRECTORATE

8.1 August 2014 Monthly Financial Report

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

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

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

Council Officers involved in producing this report

Author: Acting Management Accountant

Proof reader(s): Manager Finance and Rates

Approved by: Acting Director Business

Executive Summary

The report presents Council's actual financial performance compared to the draft budget for the two months ended 31 August 2014.

Moved by Cr Ryan

Seconded by Cr Polan

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

CARRIED.

Background

The Draft 2014/2015 Budget was prepared by Council on 17 June 2014. Public notice was given on 20 June 2014 and submissions invited until 18 July 2014. Council considered all submissions received and adopted the 2014/2015 Budget at a Special meeting on 6 August 2014.

The 2014/2015 Budget provides for an operating surplus of \$9.24 million with revenue of \$119.97 million and expenditure of \$110.73 million. The 2014/2015 Budget also provides for capital works of \$37.42 million.

The August 2014 Monthly Financial Report incorporates the following sections which are presented for Council's consideration:

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

Council Plan/Key Strategic Activity

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

8. BUSINESS DIRECTORATE

8.1 August 2014 Monthly Financial Report (continued)

Risk Management

No risks have been 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

No Environmental or Sustainability impacts have been identified.

Social Implications

No Social implications have been identified.

Economic Impacts

No Economic impacts have been identified.

Consultation

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

Options for Consideration

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

Conclusion

The report provides details of Council's financial performance compared to the budget for the two months ended 31 August 2014.

Attachments

August 2014 Monthly Financial Report Page 199

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.1 Development Hearings Panel - Seeking Permission to Proceed Prior to Appointing Independent Qualified Persons

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

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

Council Officers involved in producing this report

Author: Team Leader Statutory Planning

Proof reader(s): Manager Planning

Approved by: Chief Executive Officer

Executive Summary

At the 2014 Ordinary February Council Meeting Council resolved to establish a new Development Hearings Panel (DHP) and include two Independent Qualified Persons (IQP's) on this DHP.

At the 2014 Ordinary June Council Meeting Council resolved to endorse the selection panel members and adopt new guidelines for the DHP to include the IQP positions. At the same time the resolution endorsed the selection criteria for the IQP's.

Nominations for the IQP positions were sought via advertisement between 27 June 2014 and 11 July 2014. This advertisement period failed to attract any nominations for consideration.

Council officers seek to re-run the recruitment process, but in the meantime the DHP remains inoperable due to no IQP's being appointed. While the DHP remains inoperable a number of planning permit applications need to go to Council for a final decision. This is resulting in a reduction in the efficiency of the running of the statutory planning operation and is also causing applicant frustration at time delays. It is estimated that up to 10-15 applications will need to be referred to a Council meeting for a decision in the coming three months.

It is important that the DHP is available to perform its functions and therefore the purpose of this report is to:

- Update council on the recruitment process to date;
- recommend that Council appoint a new DHP made up of 6 Council officers and 1 Councillor (or alternate);
- Adopt modified Guidelines for the DHP, consistent with earlier adopted Guidelines, except for the modification to the DHP membership.
- Seek Council permission for Council officers to continue to pursue the potential for 2 Independent Qualified Persons to form part of a future DHP including assessment of options for appointment and payment of same, and to bring this back before Council for consideration at the applicable time.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.1 Development Hearings Panel - Seeking Permission to Proceed Prior to Appointing Independent Qualified Persons (continued)

RECOMMENDATION

That Council resolves:

1. The Development Hearings Panel established by resolution of Council on 18 February 2014, including all guidelines for the operation of that Development Hearings Panel be revoked.
2. Pursuant to section 86 of the *Local Government Act 1989*, a special committee of the Council be established, to be known as the Development Hearings Panel (“DHP”).
3. The DHP is made up of:
 - a. 6 Officer members; and
 - b. 1 Councillor;
 as otherwise specified in these resolutions.
4. To constitute a valid meeting of the DHP the necessary quorum is not less than 4 members (in accord with section 91(3A) of the *Local Government Act 1989*), and must include the 1 Councillor member.
5. Those members of Council staff holding or acting in the following positions are appointed as a member of the DHP, the:
 - a. Director Sustainable Development;
 - b. Manager Planning;
 - c. Statutory Planning Team Leader;
 - d. Strategic Planning Team Leader;
 - e. Development Team Leader; and
 - f. Principal Strategic Planning.
6. The Council will by resolution, from time to time, appoint a Nominated Councillor to be the Councillor member on the DHP. It is further resolved:
 - a. the Nominated Councillor from the date of this resolution, until further resolution, is Cr Adem;
 - b. the Council will by resolution, from time to time appoint an Alternate Councillor as the alternate Councillor member of the DHP if or when the Nominated Councillor is unable or otherwise fails, to attend a DHP meeting;
 - c. the Alternate Councillor appointed from the date of this resolution, until further resolution, is Cr Polan.
7. The attached guidelines applying to the Development Hearing Panel (“**Guidelines for DHP**”) are adopted as Council policy and the DHP must operate in accordance with those Guidelines for DHP.
8. The Nominated Councillor (or the Alternate Councillor) is appointed as the Chair of the DHP.
9. The purpose of the DHP is to consider and determine all matters in respect of which it holds delegations from the Council. Such determination must be in accordance with:

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.1 Development Hearings Panel - Seeking Permission to Proceed Prior to Appointing Independent Qualified Persons (continued)

- (a) the Guidelines for the DHP adopted in this resolution; and
 - (b) the adopted policies and strategies of Council in all matters in respect of which it holds delegations from the Council.
10. For the avoidance of doubt, it is confirmed that Council has delegated, or by this resolution the Council delegates, to the DHP each duty and/or function and/or power specified in respect of the DHP in the Instrument of Delegation to Members of Council Staff and DHP adopted by Council on 18 February 2014.
11. That Council officers continue to continue to pursue the potential for 2 Independent Qualified Persons to form part of a future DHP including assessment of options for appointment and payment of same, and to bring this back before Council for consideration at the applicable time.

Moved by Cr Summer Seconded by Cr Adem

That Council resolves:

1. The Development Hearings Panel established by resolution of Council on 18 February 2014, including all guidelines for the operation of that Development Hearings Panel be revoked.
2. Pursuant to section 86 of the *Local Government Act 1989*, a special committee of the Council be established, to be known as the Development Hearings Panel (“DHP”).
3. The DHP is made up of:
 - a. 6 Officer members; and
 - b. 1 Councillor;
 as otherwise specified in these resolutions.
4. To constitute a valid meeting of the DHP the necessary quorum is not less than 4 members (in accord with section 91(3A) of the *Local Government Act 1989*), and must include the 1 Councillor member.
5. Those members of Council staff holding or acting in the following positions are appointed as a member of the DHP, the:
 - a. Director Sustainable Development;
 - b. Manager Planning;
 - c. Statutory Planning Team Leader;
 - d. Strategic Planning Team Leader;
 - e. Development Team Leader; and
 - f. Principal Strategic Planning.
6. The Council will by resolution, from time to time, appoint a Nominated Councillor to be the Councillor member on the DHP. It is further resolved:
 - a. the Nominated Councillor from the date of this resolution, until further resolution, is Cr Adem;

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.1 Development Hearings Panel - Seeking Permission to Proceed Prior to Appointing Independent Qualified Persons (continued)

- b. the Council will by resolution, from time to time appoint an Alternate Councillor as the alternate Councillor member of the DHP if or when the Nominated Councillor is unable or otherwise fails, to attend a DHP meeting;
 - c. the Alternate Councillor appointed from the date of this resolution, until further resolution, is Cr Polan.
7. The attached guidelines applying to the Development Hearing Panel ("**Guidelines for DHP**") are adopted as Council policy and the DHP must operate in accordance with those Guidelines for DHP.
8. The Nominated Councillor (or the Alternate Councillor) is appointed as the Chair of the DHP.
9. The purpose of the DHP is to consider and determine all matters in respect of which it holds delegations from the Council. Such determination must be in accordance with:
 - (a) the Guidelines for the DHP adopted in this resolution; and
 - (b) the adopted policies and strategies of Council in all matters in respect of which it holds delegations from the Council.
10. For the avoidance of doubt, it is confirmed that Council has delegated, or by this resolution the Council delegates, to the DHP each duty and/or function and/or power specified in respect of the DHP in the Instrument of Delegation to Members of Council Staff and DHP adopted by Council on 18 February 2014.
11. That Council officers continue to continue to advertise for 2 Independent Qualified Persons to form part of a future DHP including assessment of options for appointment and payment of same, and to bring this back before Council for consideration at the applicable time.

CARRIED.

Background

During 2013 concerns were raised about the appointment of the Development Hearings Panel ("**DHP**").

The concerns were investigated, including via legal advice, and it was indicated that the addition of new members to the DHP in the Council resolution of 18 December 2012 may have impacted upon the effectiveness of the appointment of the DHP and its ability to make decisions.

To resolve this, the Council, at its meeting of 18 February 2014, proposed to create a new DHP, to adopt new Guidelines for that DHP and then resolve to make appropriate delegations to that DHP in accordance with Council's general Instrument of Delegation to Members of Council Staff and DHP. This is described as "S6.Instrument of Delegation" and was adopted at the Council meeting of 18 February 2014.

In its resolution of 18 February 2014, arising from Councillor suggestion, rather than appointing 8 Council officers and 1 Nominated Councillor (with an Alternate Councillor also appointed) it was suggested that two Independent Qualified Persons or "IQP's" be appointed.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.1 Development Hearings Panel - Seeking Permission to Proceed Prior to Appointing Independent Qualified Persons (continued)

Subsequent to the Council meeting officers prepared an appropriate selection criteria and instigated a process whereby it could seek to find interested parties to be one of the IQP's making up the DHP. This process was endorsed at the 2014 Ordinary June Council Meeting.

There has been no interest expressed in relation to either of the IQP positions available.

Some consideration is being given to whether these might be offered as paid positions, to encourage interest, however this is still under consideration, including seeking legal advice.

Council Plan/Key Strategic Activity

Addressing the identified technical deficiencies of the DHP supports Objective 3 under High Performing Organisation (Leadership and Governance) *"ensure strong internal systems and processes to ensure best practice delivery of service for the community"*.

Risk Management

Addressing the identified deficiencies ensures that decisions of the DHP are valid, legal and assists in planning decisions being made in a timely manner.

Policy Considerations

The proposed changes to the DHP must be exercised in accordance with the Council's Exercise of Delegations policy and includes new Guidelines for DHP.

Financial Implications

There are no direct financial implications arising from the proposed changes to the DHP. Failure to address the identified technical deficiencies could expose the Council and ratepayer to the cost of any actions challenging or associated with, the validity of the DHP.

Legal/Statutory Implications

Addressing the identified technical deficiencies of the DHP will ensure that decisions made by the DHP are legally compliant.

Environmental/Sustainability Impacts

There are no Environmental/Sustainability impacts relating to the proposed recruitment process.

Social Implications

There are no Social impacts relating to the proposed recruitment process.

Economic Impacts

With the DHP inoperable a number of applications that would ordinarily have been decided on by the DHP have been referred to a Council meeting for a decision. This has delayed the decision making process on these applications.

Delays in the planning system can impact financially on applicants and have flow on economic impacts within the community.

Planning permit applications that are controversial in nature or are of significant public interest should continue to be decided by the Council. Current and proposed delegation arrangements allow for this. The majority of planning permit applications do not fall within this category and should receive a timely decision.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.1 Development Hearings Panel - Seeking Permission to Proceed Prior to Appointing Independent Qualified Persons (continued)

Solution

The recommendation contained in this report is that the Council reduce the number of DHP members to a total of 7, made up of:

6 Council officers as follows:

- (a) Director Sustainable Development;
- (b) Manager Planning;
- (c) Statutory Planning Team Leader;
- (d) Strategic Planning Team Leader;
- (e) Development Team Leader; and
- (f) Principal Strategic Planning,
and a Nominated Councillor (with an Alternate Councillor).

The proposed Nominated Councillor is Cr Adem and the Alternate Councillor is Cr Polan.

As an aside, it is recommended that Council officers continue to pursue interest in nominations for the IQP positions. If at some stage in the future interest from potential IQP's (including a paid amount) is enlivened then a further, new DHP can be adopted.

Consultation

As discussed in the background material above, attempts to establish interest for persons to become an IQP has been unsuccessful.

Council officers have obtained further legal advice and that has confirmed earlier advice that the DHP cannot operate at the present time without effectively being re-created as a new DHP without the two IQP positions described within it.

Strategic Links

a) Greater Shepparton 2030 Strategy

The report highlights the importance of achieving best practice and reduced time delays.

b) Other strategic links

The report highlights the need for performance improvements in line with goal number 5 of the Council Plan – High Performing Organisation.

Options for Consideration

1. Adopting the recommendation listed above.
2. Not adopting the recommendation. This would mean bringing every single DHP delegated matter before the Council for determination. This is currently occurring and is leading to significant delays both in the processing of the applications and Council's own processes.
3. Deciding to not further pursue nominations for the appointment of Independent Qualified Persons.

Conclusion

That the recommendations set out in the resolution are adopted by Council to help ensure the timely commencement of the new Development Hearings Panel.

Attachments

Guidelines for Development Hearings Panel -with IQP's removed)

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9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.2 Taking of the Question from the Table - Maude Street Bus Interchange and Maude Street Redevelopment

Disclosures of conflicts of interest in relation to advice provided in this report
Under section 80C of the *Local Government Act 1989*, Council officers and others who are contracted to provide advice or services to the Council must disclose any conflicts of interests they have before any advice they provide is considered. Disclosures must be in writing, to the Chief Executive Officer and must specify the type and nature of the conflict.

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

At the Ordinary Meeting held on Tuesday 20 May 2014, Cr Polan moved:

Moved by Cr Polan

That the matter lay on the table.

CARRIED

A decision was taken to lay the motion as presented on the table.

Moved by Cr Polan
Seconded by Cr Ryan

That the Council resolves to take the question from the table.

CARRIED.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.3 Maude Street Bus Interchange and Maude Street Redevelopment

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

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

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

Council Officers involved in producing this report

Author: Manager Planning

Proof reader(s): Director Sustainable Development

Approved by: Director Sustainable Development

Other: Development Engineer

Executive Summary

The purpose of this report is for Council to consider the endorsement of the final concept plans for the new Maude Street bus interchange and Maude Street redevelopment. The concept plans have been developed and finalised following extensive site analysis, consultation with the key stakeholders and public exhibition of the plans. The bus interchange and Maude Street redevelopment form part of stage 2 of the broader Vaughan Street Precinct redevelopment.

To facilitate the development of plaza area and public toilet facilities as per the concept plan, Council will be required to progress the land acquisition of 289 Maude Street as this property forms part of the development site. This process will require the application of the public acquisition overlay (PAO). The development site for the plaza area and public amenities also involves the privately owned land on the south east corner of Maude and Vaughan Streets which is currently used for carparking. Council will therefore need to progress previous discussions with the landowners regarding a landswap.

To facilitate the development to a “shovel ready” project, officers recommend that detailed design commence at the earliest convenience. This will increase the possibility of attracting government funding for the project in line with current discussions with the State Government.

RECCOMENDATION

That the Council:

1. Endorse the proposed Maude Street Bus Interchange and Maude Street Redevelopment concept plans and proceed with the detailed design for the bus interchange, Maude Street and Plaza area as part of the 2014/2015 budget process
2. Prepare and exhibit a planning scheme amendment to include 289 Maude Street in a public acquisition overlay
3. Formalise an agreement with the adjoining land owners on a land swap to facilitate the plaza area redevelopment.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.3 Maude Street Bus Interchange and Maude Street Redevelopment (continued)

Moved by Cr Polan
Seconded by Cr Ryan

That the Council:

1. endorse the proposed Maude Street Bus Interchange and Maude Street Redevelopment concept plans and proceed with the detailed design for the bus interchange, Maude Street and Plaza area as part of the 2014/2015 budget process
2. prepare and exhibit a planning scheme amendment to include 289 Maude Street in a public acquisition overlay
3. formalise an agreement with the adjoining land owners on a land swap to facilitate the plaza area redevelopment.
4. investigate the retention and relocation of existing trees as part of the detailed design but having regard to universal design, including disability access and infrastructure.

CARRIED.

Background

The CBD Strategy was adopted by Council in October 2008.

The key action arising from the strategy was to;

Prepare a Maude Street bus interchange master plan, including:

- *Removal of centre-of-road and parallel parking spaces on either side of Maude Street to accommodate the eight bus lanes (four on either side of the street).*
- *With regard for the Safer Design Guidelines for Victoria (SDG) and CPTED principles.*
- *The widening of footpaths on either side of Maude Street.*
- *Installation of high-quality shelters with provision of seating, lighting, litter bins and timetable information.*
- *Provision of public toilet facilities.*
- *Installation of signage and/or an information board to identify direction and distance to the Maude Street Mall, railway station and other key destinations within the CBD.*

Key strategic objective 3 – *revitalise and promote the Shepparton CBD as the region's premier retail and entertainment destination* of the Council Plan 2009-2013 sought to redevelop the public transport interchange in the CBD in conjunction with the Victorian Department of Transport.

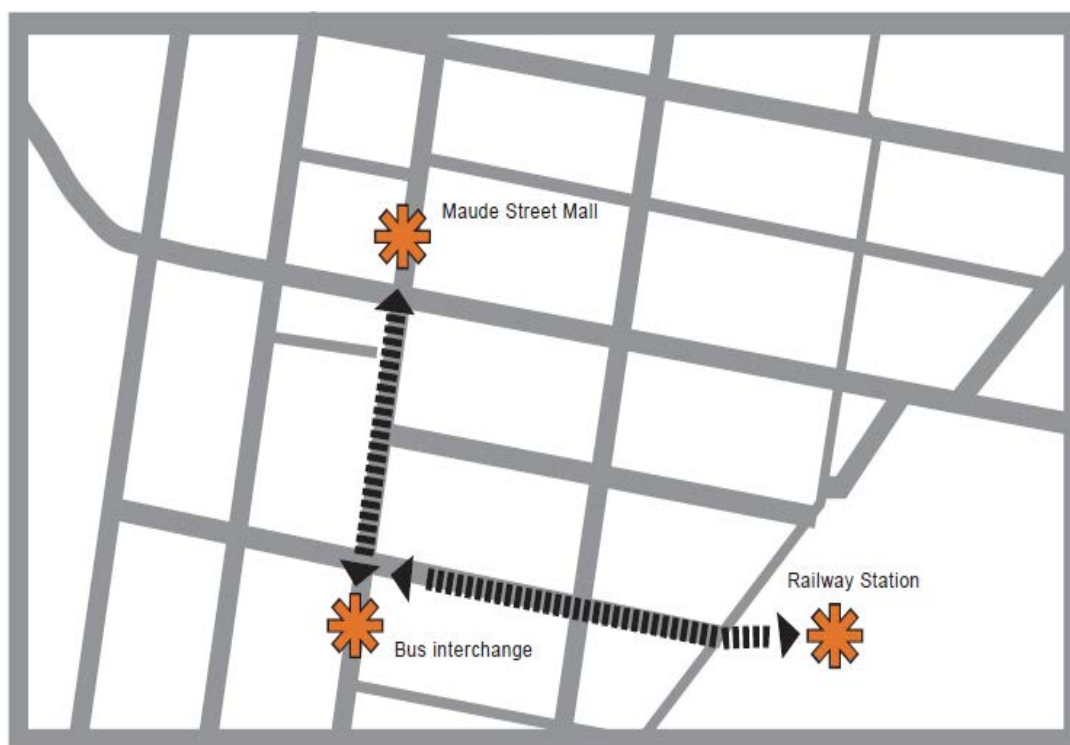
This project forms part of Stage 2 of a 3 stage Vaughan Street precinct redevelopment. Stage 1 of the project was the recently completed Vaughan Street works which occurred in conjunction with the Coles/Kmart redevelopment. A future stage 3 is the Shepparton Railway Station precinct proposal which aims to improve the integration between the station and the CBD as shown in the diagram below. All three stages aim to significantly improve the urban function and amenity of this area and achieve the objectives set out in the CBD strategy and Council plan.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.3 Maude Street Bus Interchange and Maude Street Redevelopment (continued)

The concept design plans were prepared following extensive site analysis and review of existing operation of the bus interchange and in particular the need for public amenities, improved waiting areas and increase capacity for bus services.

There are a number of guiding principles that have been incorporated into the plans. These include improving pedestrian movement and connections, improving car parking, improving public realm spaces and accessibility throughout the area. The fundamental driver of the concept design is that of the needs of the bus operator and the Department of Transport (DOT). This includes design of the bus bays, traffic lane width in Maude Street and requirement for bus shelters. Additional bus set down points have also been provided in Maude and High Street at the request of DOT to provide access to the Maude Street Mall area.



The concept plans prepared for Council endorsement and consultation provided two options for the location of the plaza and public amenities. Given the potential impact of the proposed concept plan on the property at 289 Maude Street, a pre consultation meeting was held on 19 March 2013 with the landowners. The purpose of this meeting was to advise the owners of the potential requirement to acquire the property as a result of facilitating the Stage 2 Vaughan Street project should this be the preferred site for the plaza area. The outcomes of this meeting were sent to the landowners in a letter dated 25 March 2013.

Council, at the 16 April 2013 Ordinary Council Meeting resolved to endorse the proposed Maude Street Bus Interchange and Maude Street Redevelopment concept plans and release the plans for public consultation.

A press release was issued on 30 April 2013 seeking feedback from the community and information core flutes were displayed at the existing bus interchange. An invitation was also sent to owners and occupiers fronting Maude Street (including the landowners at

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.3 Maude Street Bus Interchange and Maude Street Redevelopment **(continued)**

289 Maude Street) and part of High Street inviting land owners or occupiers to meet directly with the project team. Targeted consultation also occurred with the Best Start Project Officer, VicPolice, DOT, the Disability Advisory Committee (DAC), the Country Fire Authority (CFA) and Shep Transit. As a result of the consultation, the project team undertook further design modifications. A summary of the consultations is attached.

In most cases the issues raised were able to be accommodated in the revised design. The property owners at 289 Maude Street objected to the proposal by email on 9th May 2013. A letter from the CEO dated 27 May 2013 was subsequently sent responding to the matters raised in the objection. The grounds of objection related to the transparency of the process and that the plan lacked innovation. The landowners have also requested the opportunity to meet with Council prior to its formal consideration of the proposal in response to their specific objection. This meeting with the Councillors occurred on the 1 April 2014 where the landowners reiterated their objection to the proposal.

To progress the Stage 2 Vaughan Street Precinct bus interchange project and in particular the public amenities and plaza area, the property in question will need to be acquired by Council as this was the preferred site for the plaza and public amenities. Subsequent land swap arrangements will also need to be further progressed with the other affected landowners.

In relation to the other matters raised through the consultation processes, the project team felt that it was important to again road test the newly revised concept with the various stakeholders and landowners. This consultation occurred on 4 December 2013. The notes of this round of consultation are also attached.

This road testing resulted in further and final modifications being made to the concept. The most significant of these changes resulted from further discussions with the CFA which required design changes to accommodate the new range of vehicles and operational needs currently required by CFA. One important, but unavoidable outcome of this was the reduction on the gain in carparks in this location of 6 spaces (to now a gain of 1 space) to accommodate the turning circle dimensions of the CFA vehicles.

Carparking

The endorsed concept design (consultation version) provided a slight increase in carparking in Maude Street between High and Vaughan Streets as shown in the table below. The revised carparking rates (forming part of the final concept plan) as a result of further consultation with the CFA and others are listed below.

Location	Type	Existing	Proposed Consultation version	Final Concept
High to Vaughan Street	Standard	43	47	40
	15 minute	2	2	4
	Bus bays	5	0	1
	Taxi bays	0	2	0
	Accessible	0	2	2
Total car spaces (excluding bus bays)		45	53	46

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.3 Maude Street Bus Interchange and Maude Street Redevelopment **(continued)**

With respect to the new bus interchange area between Vaughan and Ashenden Street, the proposed interchange will result in a loss of 33 carparking spaces to accommodate the 8 new bus bays.

This loss of carparking will be mitigated by the creation of new centre of road carparking in Sobraon Street and Vaughan Street east of Corio Street as set out below.

Vaughan St – (Corio to Hoskin)

Road widening to allow for centre of the road parking
22 new car parking places

Hoskin St Carpark

Formalising the existing gravel carpark
26 car parking places (Inc. 1 accessibility place)

Sobraon St – (Maude to Hoskin)

Road widening to allow for centre of the road parking
39 new car parking places

Consultation feedback acknowledged that the area is well provided for in terms of overall carparking, with good access to 3 hr parking in Rowe Street, JB Hi Fi and Coles/Kmart carparks. During consultation some traders wanted Council to review the existing 2 hour carparking limit in this area with a preference for 1 hour to increase turnover, however this is outside the scope of this project.

Bus Shelter Design

The project team initiated a separate working group to design the bus shelters. This group ran in conjunction with the concept plan and was made up of representatives from the Department of Human Services, the DAC, the Positive Ageing Advisory Committee (PAAC), and staff from Council's Projects Department. The working group met for a series of workshops and the bus shelter design is now an outcome of that collaborative process. A copy of the Bus Shelter Design Report dated Dec 2014 is attached.

The final concept plan has been informed by the master service investigation report which was completed in November 2013. A number of changes to tree locations were necessary as a result of the existing underground power setback requirements.

During construction, it may also be an opportune time to investigate the replacement of existing GVW water supply pipes.

An arborist report has also been prepared by Tree Logic dated September 2012 which concluded that given the significant requirements for surface and road and path changes with this major improvement project, there would be little use in retaining even the odd scattered tree and recommended that all existing trees be removed prior to works commencing on this project.

Council Plan/Key Strategic Activity

Key Strategic Objective 3 of the previous Council Plan sought to work in conjunction with DOT to redevelop the public transport interchange in the CBD.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.3 Maude Street Bus Interchange and Maude Street Redevelopment **(continued)**

The new 2013-2017 Council Plan – Goal 3 Economic Prosperity (objective 2) seeks to ensure that retail strategies deliver appropriate outcomes for the community. A key strategy to achieve this is through the implementation of the CBD strategy. Goal 4 - Quality Infrastructure (objective 2) seeks to ensure that the community has access to appropriate transportation infrastructure including the advocacy and lobbying for funding to enable commencement of Maude Street Bus Interchange.

Risk Management

A risk assessment of the project has been undertaken in the following table below.

Risks	Likelihood	Consequence	Rating	Mitigation Action
Land swap and acquisition does not proceed by agreement	Likely	Moderate	Moderate	A public acquisition process may be required
Landowners property access is restricted – length of time disruption	Likely	Minor	Moderate	Concept design does not prevent legal street access and some activity may be restricted intermittently between bus operation period
Landowners/occupiers unhappy about removal of existing angle parking in Maude Street	Almost certain	Minor	Moderate	Centre of road carparking has been provided – ie net number change slightly however, there is sufficient carparking in the vicinity ie Rowe Street, Kmart, JBHi Fi carparks.

Policy Considerations

The concept plan has been developed as an outcome of the CBD strategy 2008.

At the 19 November 2013 OCM Council adopted a public toilet policy and to proceed with preparation of a public toilet development plan. The public toilet policy was informed by the Public Toilet Review 2013. The concept design for the public facilities has been developed in accordance with the Public Toilet Review (2013) including the provision for adult change facilities, a parent room, breast feeding room and child changing facilities. In addition the bus service provider has requested bus staff toilets be included in the facilities. This will need to be considered in the detailed design. The detailed design of the facilities should also consider provision of a mobility aid and recharge point.

Financial Implications

The adoption of the concept plan itself has minimal financial implications, however, the detailed design and subsequent construction of the bus interchange, Maude Street redevelopment and plaza area with amenities is significant. A submission will be made to the 2014/2015 budget process to complete the detailed design. The detailed design is likely to cost in the order to \$300,000.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.3 Maude Street Bus Interchange and Maude Street Redevelopment **(continued)**

	2012/2013 Approved Budget for this proposal*\$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue				Concept Design only
Expense	73,000			Concept Design Only
Net Result				

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

A detailed engineer's opinion of probable cost was prepared for the streetscape works, including an architect's opinion of probable cost for the public amenities building. The opinions are based on the concept plans (developed for consultation) for the bus interchange and amenities building and are intended as an indicative budget estimate which assumes rates indicative of the high level of design intent indicated on the concept drawings. These have not been revised at this time, but will be refined during the detailed design phase.

Legal/Statutory Implications

The proposed concept designs for the bus interchange and Maude Street redevelopment are supported by previously adopted Council strategies. However, the implementation of the concept designs in relation the public amenities and plaza area will require a land swap with current landowners and potential land purchase or public acquisition processes.

Environmental/Sustainability Impacts

Public transport is a sustainable form of transport. Improved amenities may encourage further patronage of the public transport service therefore reducing car trips and reducing demand on parking.

Water sensitive urban design principles are also used throughout the proposed design to collect and treat stormwater runoff.

Social Implications

The social impacts of the new bus interchange are significant. The largest proportion of people using the service were concession card holders and pensioners. Currently, no amenities exist for patrons. The concept design provides for new waiting areas with shade and weather protection, public amenities, including parent's room and adult change facilities and bike lockers. The continued redevelopment of this area will also contribute significantly to creating strong and safe pedestrian areas and creating civic pride in the area.

A further report prepared by Capire on the Community benefit assessment of the Shepparton CBD revitalisation indicates that the key community benefits include, the creation of piazza will provide another gathering space within the CBD enhancing social inclusion, improvements to the public realm will increase the attractiveness, functionality and safety of the precinct and the new public facilities will improve service access and service provision.

The above report confirmed the outcome of previous consultation with the Best Start Working Group that consideration should be given to widening the public facilities available to include other community space. The report highlights that there are limited

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.3 Maude Street Bus Interchange and Maude Street Redevelopment **(continued)**

maternal health (MCH) services within the CBD which is approximately 800 metres from the bus interchange.

Whilst there may be opportunities to broaden the parent's facilities to include MCH services and other services (and therefore address safety and access issues to the parent room facility as a standalone facility) there are other important considerations that must be taken into account. In discussions with Council's MCH service, their preference in the current delivery model for the MCH service is that of colocation with other children's services, rather than the creation of standalone MCH services. Standalone MCH services also present a number of risk management issues and other, more preferable, colocation opportunities may exist in the CBD.

In conclusion, the need for parent's facilities in this location is still important and thus the final concept plan includes such facilities however officers have not broadened this to include MCH services based on discussion with Council's MCH officers. Access to the room will still require further resolution during the detailed design phase and operation phase of the proposal. Options might include key access obtained from a nearby shop (as is currently the case with the facilities under the tower) or open access during business hours with use of CCTV to monitor the facilities.

Economic Impacts

Public sector investment in streetscape works has been demonstrated to have significant impact on private sector redevelopment. The continuation of the Vaughan Street Precinct works will continue to stimulate activity within this area and the CBD more broadly. It will also create a strong pedestrian focus with clear connections and movement between this area and the Maude Street Mall.

Essential Economics have undertaken an economic analysis of the Shepparton CBD revitalisation project which indicates that the continuation of works have significant employment generation, CBD business turnover and stimulus to leverage further private investment.

Consultation

The proposed concept plans have been developed in consultation with the operator of the bus service Shep Transit, DOT, PTV, the Disability Advisory Committee and the Australia Breastfeeding Association and reflect the operational requirements of Shep Transit and DOT. As a result, some aspects of the plan are not able to be changed as a result of consultation. The operation requirements of the CFA have also had considerable input into the final design outcome.

The consultation process and iterative design process as a result of ongoing consultation has been previously documented in the background section this report.

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Plans discussed with stakeholders, key requirements and needs obtained	Needs assessment undertaken, draft plans provided
Consult	Stakeholder input into the concept plans	Meetings to discuss plans and resultant changes
Collaborate	Bus Shelter design	Working group to design shelter

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.3 Maude Street Bus Interchange and Maude Street Redevelopment **(continued)**

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

Strategic Links

a) Greater Shepparton 2030 Strategy

The CBD Strategy was a key priority project in GS2030. The bus interchange project was a priority within the CBD Strategy 2008.

b) Other strategic links

Public Toilet Review 2013

Options for Consideration

1. Council does not support the concept designs (not recommended).
2. Council supports the concept designs in principle but requires further changes (not recommended).
3. Council supports the concept designs (recommended).

Conclusion

The concept plans have been prepared in light of the objectives of the CBD Strategy and the previous and current Council Plan. The final concept plan itself has also been developed in collaboration with the various stakeholders and following extensive site analysis and investigation. The final concept plans are now ready for endorsement. Once endorsed by Council, detailed design and documentation should commence, as well as discussion with the State Government on potential funding opportunities for the delivery of the project

Attachments

- | | |
|------------------------------------|----------|
| 1. Maude Street Final Concept Plan | Page 224 |
| 2. Maude Street Cross Sections | Page 225 |
| 3. Maude Street Bus Shelter Design | Page 226 |

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.4 Adoption of Amendment C134 to the Greater Shepparton Planning Scheme - Rezoning of Cosgrove 3 Landfill

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: Strategic Planner (Amendments)

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

Approved by: Director Sustainable Development

Other: Principal Strategic Planner

Executive Summary

Amendment C134 to the Greater Shepparton Planning Scheme seeks to rezone the Cosgrove 3 Landfill site from the Farming Zone to the Public Use Zone 6 (Local Government). This zone will better reflect the public use and ownership of the land.

The proposed amendment facilitates development of the site for a municipal landfill.

A Community Information Session was held at the Cosgrove Golf Club on 24 March 2014 to provide information to the community regarding the proposed landfill expansion as well as the proposed planning scheme amendment.

Amendment C134 was exhibited from 29 May 2014 to 30 June 2014 in accordance with the *Planning and Environment Act 1987*. Letters were sent to all affected owners and occupiers of land, referral authorities and prescribed ministers. Notice also appeared in the Victorian Government Gazette and the Shepparton News. Seven submissions were received by Council. None of these submissions objected to the proposed amendment.

The amendment is consistent with the Greater Shepparton Planning Scheme, the *Council Plan 2013-2017*, the *Greater Shepparton 2030 Strategy 2006* and the *Greater Shepparton City Council Waste & Resource Recovery Management Strategy 2013-2023* and does not conflict with any existing Council policies.

Council is now required to adopt the amendment prior to the amendment being sent to the Minister for Planning for approval. Following approval, the amendment will be published in the Victorian Government Gazette, at which point it is included in the Greater Shepparton Planning Scheme.

RECOMMENDATION

That the Council:

1. adopt Amendment C134 to the Greater Shepparton Planning Scheme in accordance with Section 29 of the *Planning and Environment Act 1987* (the Act); and
2. submit Amendment C134 to the Greater Shepparton Planning Scheme to the Minister for Planning for approval in accordance with Section 31 of the Act.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.4 Adoption of Amendment C134 to the Greater Shepparton Planning Scheme - Rezoning of Cosgrove 3 Landfill (continued)

Moved by Cr Polan
 Seconded by Cr Ryan

That the matter lay on the table.

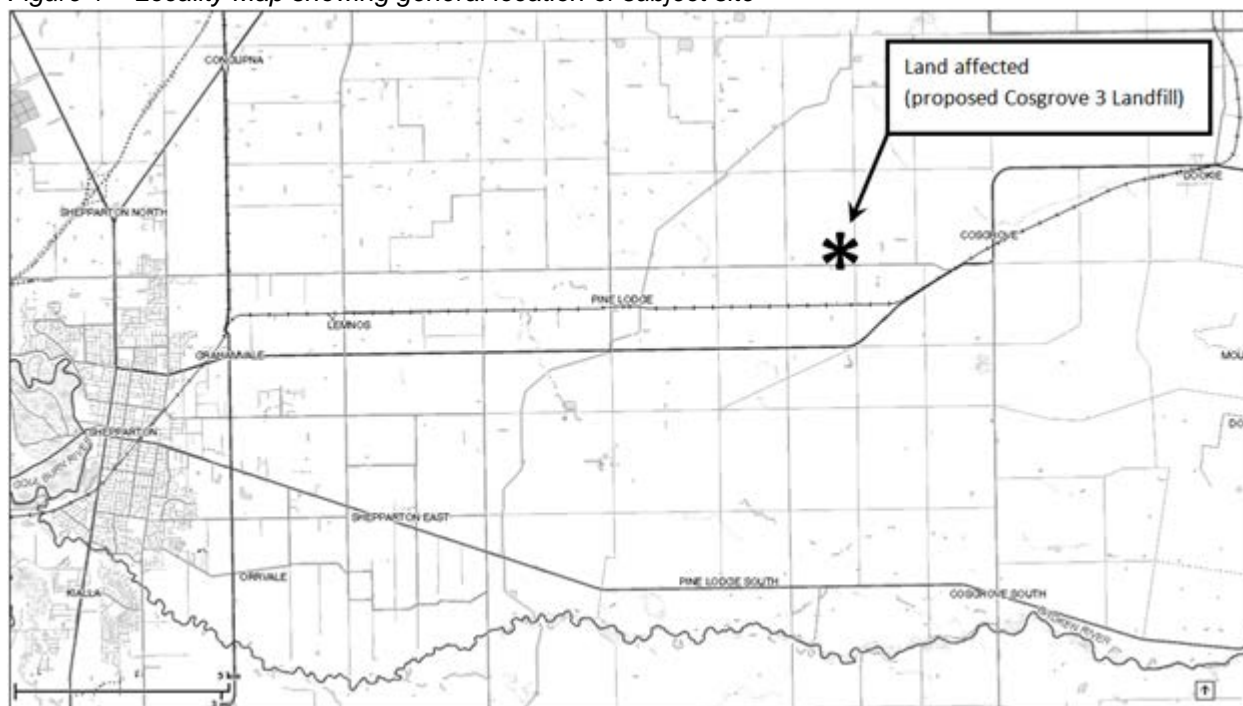
CARRIED.

Background

The existing Cosgrove 2 Landfill is nearing the end of its functional life and is due to cease operations in mid-2015, based on current estimates. It is proposed to expand the existing landfill into the adjoining quarry at 205 Quarry Road (see *Figure 1*, below). The new site is being termed the Cosgrove 3 Landfill.

The proposed expansion will increase the functional life of the site and allow it to develop into a facility catering for a regional catchment area.

Figure 1 – Locality Map showing general location of subject site

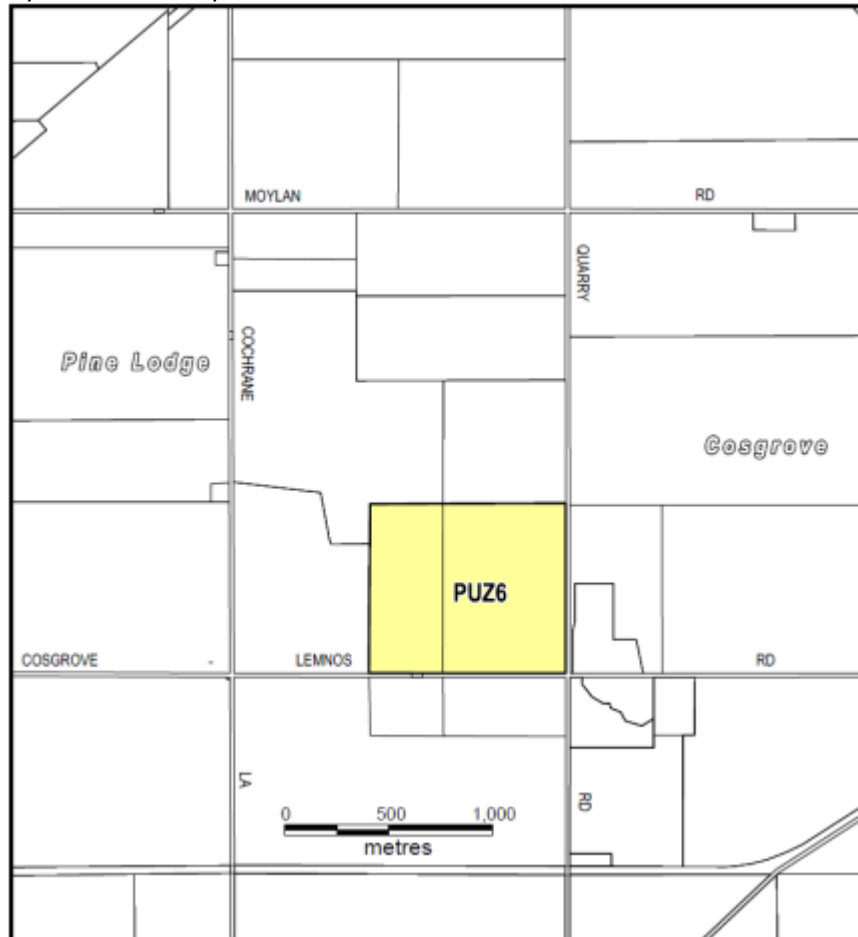


A landfill is defined as 'refuse disposal' in the planning scheme. The use of land for refuse disposal is not prohibited in the Farming Zone, but does require a planning permit. Because the land is to be used by Council, the Public Use Zone 6 (Local Government) is considered to be a more appropriate zone for the land. The subject amendment facilitates this zone change (see *Figure 2*).

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.4 Adoption of Amendment C134 to the Greater Shepparton Planning Scheme - Rezoning of Cosgrove 3 Landfill (continued)

Figure 2 – Proposed Zone Map



Once rezoned, 'refuse disposal' will become an 'as of right' use and will no longer require a planning permit. This will facilitate the development of the landfill and avoid the requirement for multiple development applications over the lifetime of Cosgrove 3. Any amenity issues will be addressed through the works approval process, which is being undertaken through the Environment Protection Authority.

The Cosgrove 2 site has been used as a landfill for some time. As such, there is an established 'refuse disposal' use in the area. Council owns a portion of the surrounding land and there are a limited number of dwellings in the area.

The amendment was exhibited from 29 May 2014 to 30 June 2014 in accordance with the *Planning and Environment Act 1987* (see *Attachment 2 – Draft Explanatory Report*). No objections were received by Council (see *Attachment 3 – Submissions Recorder*). An Independent Planning Panel is not required to consider submissions. Council is now required to adopt the amendment prior to the amendment being sent to the Minister for Planning for approval. Following approval, the amendment will be published in the Victorian Government Gazette, at which point it is included in the Greater Shepparton Planning Scheme.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.4 Adoption of Amendment C134 to the Greater Shepparton Planning Scheme - Rezoning of Cosgrove 3 Landfill (continued)

Council Plan/Key Strategic Activity

Under the heading of 'Goal 2: Enhancing the Environment (Natural)', the following strategy is listed in the current *Council Plan 2013-2017*:

"review, adopt and commence implementation of the Waste Management Strategy".

Section 6 (Future Directions) of the *Greater Shepparton City Council Waste & Resource Recovery Management Strategy 2013-2023* states the following:

*"Waste Disposal
Council will:*

Undertake the necessary planning and licensing steps for the future development of the Cosgrove 3 landfill site in accordance with Best Practice well before the Closure of the Cosgrove 2 site".

On the basis of the above, it is considered that the proposed amendment is supported by the *Council Plan 2013-2017*.

Risk Management

The primary risk associated with the planning scheme amendment is not meeting the timelines required through 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, Council must make a decision on the amendment within 60 business days of the closing date of submissions. Following this, an adopted amendment must be submitted to the Minister for Planning within 10 business days of the date the amendment is adopted by Council.

Policy Considerations

The following Council policy documents have been considered in the preparation of Amendment C134 to the Greater Shepparton Planning Scheme:

- *Council Plan 2013-2017*;
- *Greater Shepparton City Council Waste & Resource Recovery Management Strategy 2013-2023*; and
- *Greater Shepparton Planning Scheme*.

The *Greater Shepparton Planning Scheme* designates the site for expansion under Clause 21.07-4 (Strategic Work Program) of the Municipal Strategic Statement, which states:

"provide for the future expansions of the Cosgrove landfill site by identifying a Public Acquisition Overlay".

Given that the site is already in Council ownership, the application of the Public Acquisition Overlay is not required. However, the expansion of the facility is clearly identified in the Greater Shepparton Planning Scheme. Rezoning to the Public Use Zone 6 (Local Government) will better reflect the public use and ownership of the land, and will assist with the future expansion of the landfill operations.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.4 Adoption of Amendment C134 to the Greater Shepparton Planning Scheme - Rezoning of Cosgrove 3 Landfill (continued)

Financial Implications

Council incurred no costs for the preparation of this planning scheme amendment. The initial stages of the project, including the preparation of draft amendment documentation, were undertaken by a consultant (SPIIRE Pty Ltd). The cost of this work was funded by the State Government via the Rural Council Planning Flying Squad.

Legal/Statutory Implications

All procedures associated with this planning scheme amendment comply with the legislative requirements of the *Planning and Environment Act 1987* (the Act). The amendment has been assessed in accordance with the Act and the Greater Shepparton Planning Scheme. The assessment is considered to accord with the *Victorian Charter of Human Rights and Responsibilities Act 2006* (the Charter) – no human rights have been negatively impacted upon throughout the process.

The Charter recognises that reasonable restrictions may be placed on the use and development of land, and that there may on occasion be reasonable and acceptable offsite impacts on others. Provided these issues are properly considered, it would be a rare and exceptional case where the exercise of a planning decision in accordance with the regulatory framework is not Charter compatible.

Environmental/Sustainability Impacts

Amendment C134 to the Greater Shepparton Planning Scheme proposes to rezone the land from the Farming Zone to the Public Use Zone 6 (Local Government) to better reflect the public use and ownership of the land.

There are no environmental/sustainability impacts associated with this planning scheme amendment. However, the impacts associated with the landfill itself will be considered by the Environment Protection Authority when Council applies for a works approval licence. This process is being undertaken separately through Council's Environment Department and is subject to a separate public notice process.

No submissions received during the exhibition of Amendment C134 to the Greater Shepparton Planning Scheme raised any environmental/sustainability concerns.

Social Implications

Given that an existing landfill is already *in situ* on the adjoining Cosgrove 1 (closed) and Cosgrove 2 (operational) sites, and considering the limited number of dwellings in the area, it is not expected that the proposal will result in significant social implications.

No submissions received during the exhibition of Amendment C134 to the Greater Shepparton Planning Scheme raised any social concerns.

Economic Impacts

No adverse economic impacts will result from the preparation of this planning scheme amendment. However, costs associated with the construction of a landfill can be considerable. The costs associated with this element of the project will be met by the Environment Department and are not associated with this planning scheme amendment.

No submissions received during the exhibition of Amendment C134 to the Greater Shepparton Planning Scheme raised any economic concerns.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.4 Adoption of Amendment C134 to the Greater Shepparton Planning Scheme - Rezoning of Cosgrove 3 Landfill (continued)

Consultation

A Community Information Session was held at the Cosgrove Golf Club on 24 March 2014. At this session, Council officers provided information to the community regarding the proposed landfill expansion, the proposed planning scheme amendment and responded to any questions and concerns raised by the community.

Amendment C134 to the Greater Shepparton Planning Scheme was exhibited in accordance with the *Planning and Environment Act 1987*. This included the following:

- Notice in the Shepparton News on 27 May 2014;
- Notice in the Victorian Government Gazette on 29 May 2014;
- Letters to affected land owners and occupiers on 27 May 2014;
- Letters to relevant referral authorities on 27 May 2014;
- Letters to prescribed ministers on 27 May 2014;
- Documentation on display at the Council offices at 90 Welsford Street, Shepparton;
- Documentation available on the Department of Transport, Planning and Local Infrastructure website; and
- Documentation available on the Greater Shepparton City Council website.

The exhibition period was open for four weeks and submissions closed on 30 June 2014.

No objections were received by Council. Seven submissions were received from referral authorities. Submissions were received from:

- Goulburn Broken Catchment Management Authority;
- Goulburn Valley Water;
- Environment Protection Authority;
- Department of Environment and Primary Industries;
- VicRoads;
- Goulburn Murray Water; and
- Country Fire Authority.

None of the referral authorities objected to or raised any concerns regarding the proposed amendment (see *Attachment 3 – Submissions Recorder*). As a result, an Independent Planning Panel is not required to consider submissions.

Strategic Links

a) Greater Shepparton 2030 Strategy 2006

Section 10 of the *Strategic Resource Plan* incorporated in the *Greater Shepparton 2030 Strategy* concerns waste management. Strategic Directions include:

“Adopt the Greater Shepparton City Council Waste Management Strategy following community consultation”.

Section 6 (Future Directions) of the *Greater Shepparton City Council Waste & Resource Recovery Management Strategy 2013-2023* states the following:

“Waste Disposal

Council will:

Undertake the necessary planning and licensing steps for the future development of the Cosgrove 3 landfill site in accordance with Best Practice well before the Closure of the Cosgrove 2 site”.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.4 Adoption of Amendment C134 to the Greater Shepparton Planning Scheme - Rezoning of Cosgrove 3 Landfill (continued)

b) Other strategic links

As outlined above, the proposed planning scheme amendment, which will facilitate the expansion of the existing landfill, is supported by the following policy documents:

- *Council Plan 2013-2017;*
- *Greater Shepparton Planning Scheme; and*
- *Greater Shepparton City Council Waste & Resource Recovery Management Strategy 2013-2023.*

Options for Consideration

1. Council adopts Amendment C134 to the Greater Shepparton Planning Scheme and submits it to the Minister for Planning for approval (preferred); or
2. Council does not adopt Amendment C134 to the Greater Shepparton Planning Scheme and does not submit it to the Minister for Planning for approval. This outcome could jeopardise the future of the Cosgrove 3 Landfill, which may result in the provision of inadequate landfill facilities for the municipality.

Conclusion

Amendment C134 to the Greater Shepparton Planning Scheme has been undertaken to rezone the Cosgrove 3 Landfill site from the Farming Zone to the Public Use Zone 6 (Local Government).

The amendment was exhibited in accordance with the *Planning and Environment Act 1987*.

No objections have been received by Council. An Independent Planning Panel is not required to consider any submissions.

The proposed amendment is consistent with the Greater Shepparton Planning Scheme, the *Council Plan 2013-2017*, the *Greater Shepparton 2030 Strategy 2006* and the *Greater Shepparton City Council Waste & Resource Recovery Management Strategy 2013-2023*, and does not conflict with any existing Council policies.

All stages of the planning scheme amendment process, including preparation, authorisation, exhibition and consideration of submissions have been undertaken in accordance with the *Planning and Environment Act 1987*.

Council is now required to make a decision on Amendment C134 to the Greater Shepparton Planning Scheme.

Attachments

- | | |
|---|----------|
| 1. Aerial Map showing Cosgrove 1, 2 and 3 | Page 228 |
| 2. Draft Explanatory Report | Page 229 |
| 3. Submissions Recorder | Page 240 |

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.5 Adoption of Amendment C172 to the Greater Shepparton Planning Scheme - 7720 Goulburn Valley Highway, Kialla rezoning to Neighbourhood Residential Zone

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: Strategic Planner (Amendments)

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

Approved by: Director Sustainable Development

Other: Principal Strategic Planner

Executive Summary

Proposed Amendment C172 to the Greater Shepparton Planning Scheme seeks to rezone part of the land at 7720 Goulburn Valley Highway, Kialla from the Rural Living Zone to the Neighbourhood Residential Zone. It also proposes to remove the Development Plan Overlay – Schedule 1 from the land and include the majority of the land within the Development Plan Overlay – Schedule 11 (Kialla Lakes Extension).

The proposed amendment was exhibited from 5 June 2014 to 7 July 2014 in accordance with the *Planning and Environment Act 1987*. No objections were received by Council. Six submissions were received from referral authorities, none of which raised an objection to the proposed amendment. An Independent Planning Panel is not required to consider submissions.

The proposed amendment is consistent with the Greater Shepparton Planning Scheme and does not conflict with any existing Council policies.

All stages of the planning scheme amendment process, including preparation, authorisation, exhibition and consideration of submissions have now been completed.

Council is now required to adopt the amendment prior to the amendment being sent to the Minister for Planning for approval. Following approval, the amendment will be published in the Victorian Government Gazette, at which point it is included in the Greater Shepparton Planning Scheme.

**Moved by Cr Polan
Seconded by Cr Adem**

That the Council:

1. adopt Amendment C172 to the Greater Shepparton Planning Scheme in accordance with Section 29 of the *Planning and Environment Act 1987* (the Act); and
2. submit Amendment C172 to the Greater Shepparton Planning Scheme to the Minister for Planning for approval in accordance with Section 31 of the Act.

CARRIED.

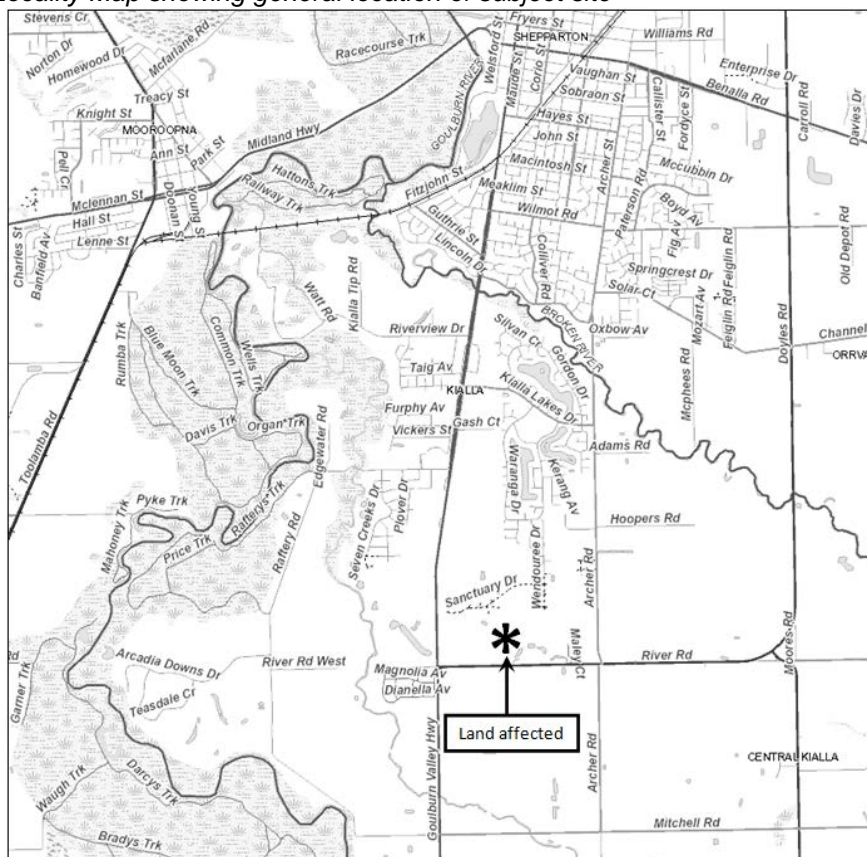
9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.5 Adoption of Amendment C172 to the Greater Shepparton Planning Scheme - 7720 Goulburn Valley Highway, Kialla rezoning to Neighbourhood Residential Zone (continued)

Background

Council received a request for a planning scheme amendment to rezone part of the land at 7720 Goulburn Valley Highway, Kialla (see *Figure 1* below). The request sought to rezone approximately 3,000m² of land from the Rural Living Zone to the Neighbourhood Residential Zone to permit a future two lot subdivision and residential development. The request also sought to include a majority of the land within the Development Plan Overlay – Schedule 11, which already applies to the Kialla Lakes South Estate to the north of the subject site (see *Attachment 1 – Draft Explanatory Report*).

Figure 1 – Locality Map showing general location of subject site



Subject site

The subject land lies directly south of the Kialla Lakes South Estate, which was included within the Residential 1 Zone as part of Amendment C71 (published in the Victorian Government Gazette on 14 February 2008). The land in the Kialla Lakes South Estate is being rezoned to the Neighbourhood Residential Zone as part of Amendment C173, which is currently being assessed by the Minister for Planning for approval.

The subject site was always intended to form part of the Kialla Lakes South Estate and was included in the endorsed Development Plan for Kialla Lakes South. Service provision, access and drainage arrangements have already been considered and can adequately service the future proposed two lot subdivision (see *Attachment 2 – Kialla Lakes South Development Plan*).

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.5 Adoption of Amendment C172 to the Greater Shepparton Planning Scheme - 7720 Goulburn Valley Highway, Kialla rezoning to Neighbourhood Residential Zone (continued)

A Council reserve is situated within the southern portion of the subject site. This is located mostly within the Urban Floodway Zone. The reserve was created for the purpose of drainage and a larger open space area for the Kialla Lakes South Estate.

Effectively, the site is divided into three portions (see *Figure 2* below):

1. The land currently within the Rural Living Zone (approximately 3,000m²) will be rezoned to the Neighbourhood Residential Zone. This land can potentially be subdivided into two residential lots subject to a future application.
2. The Council reserve (mostly within the Urban Floodway Zone) will continue to be utilised for drainage and open space for Kialla Lakes South.
3. The southern-most portion (south of the Urban Floodway Zone) will remain within the Rural Living Zone.

Figure 2 – Portions of land affected by proposed Amendment C172



Strategic assessment

The proposed rezoning is considered to be a logical addition to the Kialla Lakes South Estate and will mitigate any potential interface issues associated with an isolated portion of rural living land. The rezoning will also provide a residential 'link' to the drainage basin and improve passive surveillance in this area.

The stormwater management plan for this proposal was referred to the Development Engineering Team for review. The Development Engineering Team concluded that issues for this site regarding drainage have been satisfied. Service provision, access and drainage arrangements have already been considered and can adequately service the future proposed two lot subdivision.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.5 Adoption of Amendment C172 to the Greater Shepparton Planning Scheme - 7720 Goulburn Valley Highway, Kialla rezoning to Neighbourhood Residential Zone (continued)

The proposed amendment implements the objectives of planning in Victoria and provides a positive planning outcome for the land. The use of a Development Plan Overlay will ensure the development is considered holistically and is integrated with surrounding land uses.

The amendment was exhibited from 5 June 2014 to 7 July 2014 in accordance with the *Planning and Environment Act 1987*. No objections were received by Council. An Independent Planning Panel is not required to consider submissions. Council must now make a decision on Amendment C172 to the Greater Shepparton Planning Scheme.

Council Plan/Key Strategic Activity

The proposed amendment is supported by the *Council Plan 2013-2017* as follows:

Goal 4: Quality Infrastructure (Built)

Objective 3: Encourage sustainable municipal growth and development

Risk Management

The primary risk associated with the planning scheme amendment is not meeting the timelines required through 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, Council must make a decision on the amendment within 60 business days of the closing date of submissions. Following this, an adopted amendment must be submitted to the Minister for Planning within 10 business days of the date the amendment is adopted by Council.

Policy Considerations

The proposed amendment does not conflict with any existing Council policies.

Financial Implications

All costs associated with the planning scheme amendment process have been met by the proponent. Council will not incur any additional costs as a result of this planning scheme amendment.

Legal/Statutory Implications

All procedures associated with this planning scheme amendment comply with the legislative requirements of the *Planning and Environment Act 1987* (the Act). The amendment has been assessed in accordance with the Act and the Greater Shepparton Planning Scheme. The assessment is considered to accord with the *Victorian Charter of Human Rights and Responsibilities Act 2006* (the Charter) – no human rights have been negatively impacted upon throughout the process.

The Charter recognises that reasonable restrictions may be placed on the use and development of land, and that there may on occasion be reasonable and acceptable offsite impacts on others. Provided these issues are properly considered, it would be a rare and exceptional case where the exercise of a planning decision in accordance with the regulatory framework is not Charter compatible.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.5 Adoption of Amendment C172 to the Greater Shepparton Planning Scheme - 7720 Goulburn Valley Highway, Kialla rezoning to Neighbourhood Residential Zone (continued)

Environmental/Sustainability Impacts

The subject site was highly modified for agricultural purposes many decades ago, and has been cleared of all significant native vegetation. As part of Amendment C71 to the Greater Shepparton Planning Scheme, a Flora and Fauna Assessment and an Aboriginal Cultural Heritage Assessment were carried out, neither found any significant features.

The land was also subject to an assessment for the presence of contaminants associated with agricultural use and has been deemed suitable for residential use.

There are no adverse environmental impacts as a result of this proposed amendment.

No submissions were received during the exhibition of Amendment C172 to the Greater Shepparton Planning Scheme that raised any environmental/sustainability concerns.

Social Implications

The amendment will have positive social effects, as it will enable unconstrained land, in an appropriate location, to be developed for residential purposes. This will provide additional housing choice within the municipality and Kialla in particular. The amendment will have positive economic effects for the municipality as it ensures that land, which can be efficiently serviced, can be developed and delivered to the community.

No submissions were received during the exhibition of Amendment C172 to the Greater Shepparton Planning Scheme that raised any social concerns.

Economic Impacts

No adverse economic impacts will result from this planning scheme amendment.

No submissions were received during the exhibition of Amendment C172 to the Greater Shepparton Planning Scheme that raised any economic concerns.

Consultation

Amendment C172 was exhibited in accordance with the *Planning and Environment Act 1987*. This included the following:

- Notice in the Shepparton News on 3 June 2014;
- Notice in the Victorian Government Gazette on 5 June 2014;
- Letters to affected land owners and occupiers on 2 June 2014;
- Letters to relevant referral authorities on 2 June 2014;
- Letters to prescribed ministers on 2 June 2014;
- Documentation on display at the Council offices at 90 Welsford Street, Shepparton;
- Documentation available on the Department of Transport, Planning and Local Infrastructure website; and
- Documentation available on the Greater Shepparton City Council website.

The exhibition period was open for four weeks and submissions closed on 7 July 2014.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.5 Adoption of Amendment C172 to the Greater Shepparton Planning Scheme - 7720 Goulburn Valley Highway, Kialla rezoning to Neighbourhood Residential Zone (continued)

No objections were received by Council. Six submissions were received from referral authorities (see *Attachment 3 – Submissions Recorder*). Submissions were received from:

- Goulburn Broken Catchment Management Authority;
- Environment Protection Authority;
- Goulburn Valley Water;
- VicRoads;
- Department of Environment and Primary Industries; and
- Country Fire Authority

None of the referral authorities objected to or raised any concerns regarding the proposed amendment. As a result, an Independent Planning Panel is not required to consider submissions.

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

Strategic Links

a) Greater Shepparton 2030 Strategy 2006

Direction 1: Settlement and Housing

Commitment to growth within a consolidated and sustainable development program.

b) Other strategic links

Nil

Options for Consideration

1. Council adopts Amendment C172 to the Greater Shepparton Planning Scheme and submits it to the Minister for Planning for approval (preferred); or
2. Council does not adopt Amendment C172 to the Greater Shepparton Planning Scheme and does not submit it to the Minister for Planning for approval.

Conclusion

Proposed Amendment C172 to the Greater Shepparton Planning Scheme has been undertaken to rezone land from the Rural Living Zone to the Neighbourhood Residential Zone, remove the Development Plan Overlay – Schedule 1 from the land and include the majority of the land within the Development Plan Overlay – Schedule 11 (Kialla Lakes Extension).

The amendment was exhibited in accordance with the *Planning and Environment Act 1987*. No objections have been received by Council. An Independent Planning Panel is not required to consider submissions.

The proposed amendment is consistent with the Greater Shepparton Planning Scheme, the *Council Plan 2013-2017*, the *Greater Shepparton 2030 Strategy 2006* and does not conflict with any existing Council policies.

All stages of the planning scheme amendment process, including preparation, authorisation, exhibition and consideration of submissions have been undertaken in accordance with the *Planning and Environment Act 1987*.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.5 Adoption of Amendment C172 to the Greater Shepparton Planning Scheme - 7720 Goulburn Valley Highway, Kialla rezoning to Neighbourhood Residential Zone (continued)

Council is now required to make a decision on proposed Amendment C172 to the Greater Shepparton Planning Scheme.

Attachments

- | | |
|--|----------|
| 1. Draft Explanatory Report | Page 242 |
| 2. Kialla Lakes South Development Plan | Page 251 |
| 3. Submissions Recorder | Page 252 |

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.6 Amendment to Conditions in Planning Permit 2007-154/A (342-352 Wyndham Street Shepparton - Shepparton Hotel)

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

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

Council Officers involved in producing this report

Author: Statutory Planner

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

Approved by: Director Sustainable Development

Executive Summary

The purpose of this report is for Council to consider an application to amend a VicRoads condition on planning permit 2007-154/A.

Planning permit application 2007-154/A was approved by VCAT and allows the display of an internally illuminated electronic promotion sign with dimensions of 4.8 by 2.4 metres. The sign is displayed on the balcony of the Shepparton Hotel at the intersection of Wyndham and High Streets, Shepparton.

Stage 1 of the *Planning and Environment (General) Act 2013* amended section 60 and 64 of the *Planning and Environment Act 1987* and allows for a permit holder to apply to the Responsible Authority (Council) to amend a permit that has been issued at the direction of VCAT unless VCAT has specified that the permit may only be amended by VCAT.

The application proposes to amend VicRoads condition 9 which states:

Any one display or set of graphics/text must remain static and unchanged for a minimum period of 30 seconds.

The application to amend proposes to reduce the static time of graphics from 30 to 15 seconds.

The application was referred to VicRoads as a determining authority, who do not object to the issue of an amended permit subject to a revised set of conditions.

The application was advertised to surrounding properties and no objections were received.

The significant assessment concern associated with this amended application to reduce dwell time of advertisements from 30 to 15 seconds is the impact on road safety. VicRoads as a determining referral authority have consented to the revision of the VicRoads condition.

Based on the consent from Vic Roads as the road safety expert, Council planning officers are not opposed to the amended application.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.6 Amendment to Conditions in Planning Permit 2007-154/A (342-352 Wyndham Street Shepparton - Shepparton Hotel) (continued)

Officers recommend that it is appropriate for Council to amend the planning permit.

Moved by Cr Adem
Seconded by Cr Summer

That the Council:

In relation to Planning Application 2007-154/B on the basis of the information before the Council and having considered all relevant matters as required by the *Planning and Environment Act 1987*, the Council resolves to issue amended planning permit 2007-154/B subject to the conditions included below;

1. The sign allowed under this permit must not be switched on prior to the endorsement of plans by the Responsible Authority.
2. Plans, prepared generally in accordance with the directions contained in the Tribunal's decision and to the satisfaction of the Responsible Authority, must be submitted for the approval and, if approved, endorsement by the Responsible Authority.
3. The location and details of the sign (including its support structure) shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
4. The sign must be maintained to the satisfaction of the Responsible Authority.
5. This permit will expire fifteen (15) years after the date upon which it is issued.
6. In the event of reasonable complaints of veiling luminance from the sign, within two months request by the responsible authority, a luminance report must be submitted to the responsible authority giving details of the veiling luminance measurements to achieve compliance with a level no greater than 0.25 cd/m², throughout the driver's approach to the advertising sign.
7. Unless otherwise allowed under prior permission given in writing by the Responsible Authority, the sign allowed under this permit must be:
 - a) switched off immediately upon the expiry of this permit; and
 - b) dismantled and removed, to the satisfaction of the responsible authority, within 7 days after the expiry of this permit.
8. **VicRoads Requirements**
 - 8.1 Prior to the installation of the sign the operator must enter into a 'Commercial Licence Agreement' with the Roads Corporation (VicRoads).
 - 8.2 Prior to the commencement of the construction of the advertising sign a lighting report from a suitably qualified lighting engineer demonstrating how the lighting output that will be achieved must be provided to

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.6 Amendment to Conditions in Planning Permit 2007-154/A (342-352 Wyndham Street Shepparton - Shepparton Hotel) (continued)

- VicRoads for approval. When approved, the report will form part of the planning permit and the sign must at all times operate in accordance with the report.
- 8.3 No advertisement may be displayed for less than 15 seconds.
 - 8.4 The transition from one advertisement to another must be instantaneous.
 - 8.5 In relation to the images displayed on the sign:
 - a. Sequences of images giving the illusion of continuous movement must not be displayed.
 - b. Images capable of being mistaken for traffic signals or traffic control devices because they, for example, contain red, amber or green circles, octagons, crosses or triangles must not be displayed.
 - c. Images or text capable of being mistaken as an instruction to a road user must not be displayed.
 - d. Flashing background, flashing text or flashing images must not be displayed.
 - 8.6 The sign must not dazzle or distract road users due to its colouring.
 - 8.7 The luminance of the advertising sign must be such that it does not give a veiling luminance to the driver, of greater than 0.25 cd/m², throughout the driver's approach to the advertising sign.
 - 8.8 In the event of an attack by a computer hacker or similar resulting in unauthorised display of visual images or any other display malfunction, the electronic sign is to be shut down and cease any form of visual output until the malfunction is repaired.
 - 8.9 This permit expires 15 years from the date of issue, at which time the sign and all supporting structures must be removed and the site made good to the satisfaction of the Responsible Authority.

CARRIED.

Property Details

Land/Address	342-352 Wyndham Street, Shepparton
Zones and Overlays	Road Zone (Category 1)
Why is a permit required	36.04-4 – Display of an electronic promotional sign in the Road Zone (Category 1).

The sign is located on the site of the Shepparton Hotel and displayed on the corner splay of the upstairs verandah of the hotel facing south-east into the intersection of High Street (Midland Highway) and Wyndham Street (Goulburn Valley Highway).

The intersection is at the two main roads which dissect Shepparton in the commercial centre with the Commonwealth Bank, Cash Converters and Victoria Legal Aid occupying the other three corners.

Proposal in Detail

The application for an amendment to a planning permit proposes to amend the existing permit condition number 9 specified by Vicroads which specifies that:

- a) Any one display or set of graphics/text must remain static and unchanged for a minimum period of 30 seconds.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.6 Amendment to Conditions in Planning Permit 2007-154/A (342-352 Wyndham Street Shepparton - Shepparton Hotel) (continued)

The application proposes to reduce the dwell time of the adverts to 15 seconds.

The application has been made as a result of audits undertaken by Council officers on two occasions, where it was found that the dwell time of advertisements was on average under 20 seconds.

Summary of Key Issues

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

Background

Planning permit 2007-154/A was issued on 16 March 2008 following an order by the Victorian Civil and Administrative Tribunal (VCAT) and allowed the erection of an internally illuminated electronic promotion sign (the sign).

The plans were amended by VCAT Order on 13 November 2012 to show the size of the internally illuminated electronic promotion sign as 4.8 m wide by 2.4 m high (double the size approved under the initial plans).

Assessment under the Planning and Environment Act

Stage 1 of the *Planning and Environment (General) Act 2013* amended section 60 and 64 of the *Planning and Environment Act 1987*.

This means that a permit holder can now apply to the Responsible Authority (Council) to amend a permit that has been issued at the direction of VCAT unless VCAT has specified that the permit may only be amended by VCAT.

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

The determinative issues in this application are described as:

- The State and Local Planning Policies and Advertising Signage Particular Provisions of the Greater Shepparton Planning Scheme; and
- Road safety.

Greater Shepparton Planning Scheme Policies

It is important to remember that the application is not considering whether the sign should be displayed, rather it is assessing whether conditions should be amended to reduce the dwell time of advertisements. It is considered that the assessments provided by VCAT are still relevant with regard to the appropriateness of the sign at this location, as there has been little change to the State and Local Planning Policies relating to the display of a sign since the decision was made.

A similar approach can be taken to the decision guidelines of Clause 52.05 (Advertising Signage) of the Greater Shepparton Planning Scheme. The majority of the decision guidelines address the design and locality characteristics of proposed signs, matters which as identified above have been addressed by VCAT through its determinations.

The proposed amendment's impact on road safety is addressed below.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.6 Amendment to Conditions in Planning Permit 2007-154/A (342-352 Wyndham Street Shepparton - Shepparton Hotel) (continued)

Traffic Safety

In regard to traffic safety outcomes, it is considered that the VicRoads response is sufficient to deem that the amendment still achieves a safe traffic environment, with VicRoads being the road safety authority.

Furthermore the Victorian Civil and Administrative Tribunal has supported the 15 second dwell time [*Asble Pty Ltd v Stonnington CC [2010] VCAT 1780 (8 November 2010)*], where it found that:

15 seconds is a reasonable period. It represents an intermediate point between the 30 seconds which the Tribunal; found to be overly restrictive, and the full animation which it found to cause an unacceptable road safety hazard.

In addition in a report prepared by Traffic Works as part of a previous application to amend this permit, the Traffic Engineer summarised the tribunals decision in *VicRoads v Bayside CC [2009] VCAT 2734* as follows:

The Tribunal reached the conclusion that the location of the sign was fairly benevolent; some degree of dynamic images would not cause an undue road safety risk but that full animation should not be allowed.

Council Plan/Key Strategic Activity

Enhancing the Environment

Council will facilitate decision making to carry out development with due consideration given to the natural, environmental, social, political, economic factors and provide governance framework that will achieve sustainable outcomes.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Incorrect notification	A	5	Low	The application has been properly advertised which allowed objections to be lodged with the Council.
Traffic Safety	A	5	Low	The application was referred to VicRoads (Government Road Safety Authority), who do not object to the amendment of their condition.

Policy Considerations

There are no conflicts with Council's Planning Policies.

Financial Implications

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

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.6 Amendment to Conditions in Planning Permit 2007-154/A (342-352 Wyndham Street Shepparton - Shepparton Hotel) (continued)

Legal/Statutory Implications

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

Cultural Heritage

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

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

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

Environmental/Sustainability Impacts

There are no Environmental or Sustainability impacts that relate to this application to amend a planning 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.*

This application does not raise any significant social issues.

Economic Impacts

There are no economic impacts associated with this application.

Referrals/Public Notice

The application was advertised by written notice to surrounding land owners.

In response to this public notice, no objections were lodged with the Council.

The application was referred to VicRoads under section 55 of the *Planning and Environment Act 1987*. The authority responded with no objection to the application subject to a set of revised conditions included within attachment 1 of this report.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

Settlement and Housing provides that the location, size and scale of advertising signage, especially in key precincts of the CBD and town centres should be controlled.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.6 Amendment to Conditions in Planning Permit 2007-154/A (342-352 Wyndham Street Shepparton - Shepparton Hotel) (continued)

As identified above the location, type and size of the sign is not proposed to be increased by this application to amend, with the assessments provided by VCAT of the sign against the policies of the Greater Shepparton Planning Scheme still considered relevant.

Options for Consideration

The decision on whether to amend condition 9 in planning permit 2007-154/A to reduce the dwelling time of advertisements from 30 to 15 seconds of which the options are:

1. Approve an amended planning permit subject to the conditions (attached); or
2. Grant a notice of refusal to amend a planning permit with appropriate grounds of refusal.

Conclusion

The proposed application to amend a planning permit has been advertised and no objections have been received.

The application has been referred to VicRoads, who do not object to the issue of an amended permit, subject to a revised set of conditions.

Based on the above assessment, it is considered that the application will produce acceptable planning outcomes, therefore an amended planning permit should be granted.

Attachments

Delegates Report 2007-154B Page 254

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.7 Amendment to Planning Permit 2014-8 to Delete Condition Eight (Section 173 Agreement) at 700 Kyabram-Cooma Road, Kyabram South

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

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

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

Council Officers involved in producing this report

Author: Graduate Statutory Planner

Proof reader(s): Principal Statutory Planner, Acting Statutory Planning

Team Leader, Manager Planning

Approved by: Director Sustainable Development

Executive Summary

Planning permit application 2014-8 was approved by Council on 20 June 2014 to allow buildings and works for the construction of a domestic storage shed within five metres of a side boundary and 20 metres of a road in the Farming Zone 1.

Condition eight required the land owner to enter into an agreement under Section 173 of the *Planning and Environment Act 1987* (the Act) to be registered on the title acknowledging agricultural nuisance from neighbouring properties.

The applicant has subsequently applied to have this condition removed.

The purpose of this report is for Council to consider whether this request should be granted.

Condition eight was not initially included in the original recommendation considered by Council. Council, in making its decision on the initial application, resolved to issue a Notice of Decision with varied conditions, including the requirement for the owner to enter into a Section 173 Agreement under the Act.

The application to amend the permit was advertised to the abutting property, and one objection was received. In summary; the objection raises a number of concerns relating to agricultural impacts associated with the proposed domestic storage shed resulting in a potential future land use conflict.

The objection has been considered by officers and officers consider that the grounds of objection submitted do not adequately justify refusal of the amendment request.

No mediation was held between the applicant and the objector as it was considered that the parties were unlikely to agree on an outcome. Given the objector also objected to the original application, officers did meet with the objector to explain the application and associated process.

In arriving at its recommendation, officers consider that Council should agree to amend the permit by removing condition 8. Firstly, the condition relates to the use of the land and not buildings and works as proposed in the application. Conditions governing use should generally not be included in any decision. Secondly, the use of the land for agriculture (on the objector's land) and residential (on the applicant's land) already exists.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.7 Amendment to Planning Permit 2014-8 to Delete Condition Eight (Section 173 Agreement) at 700 Kyabram-Cooma Road, Kyabram South (continued)

Generally, planning permits should not be used to retrospectively resolve existing or potential land use conflicts.

By way of guidance, officers have referred to *The Writing Planning Permits Guide* (2007), which provides the tests of validity of planning permit conditions. Two points of relevance are as follows:

'A condition must fairly and reasonably relate to the permitted development.'

and

'Ordinarily a condition regulating the use should not be imposed on a permit for development alone.....'

Based on the above assessment it is recommended a Notice of Decision is issued to amend the permit to delete condition eight.

Moved by Cr Ryan
Seconded by Cr Polan

That in relation to Planning Application 2014-8/A, on the basis of the information before the 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 amend the permit to delete condition eight (Section 173 Agreement) from planning permit 2014-8/A.

CARRIED.

Property Details

Land/Address	700 Kyabram- Cooma Road, Kyabram South
Zones and Overlays	Farming Zone 1 Land Subject to Inundation Overlay
Why is a permit required	Delete condition 8 (Section 173 Agreement)

The subject land is located on the south west corner of the intersection of Fenaughty and Kyabram –Cooma Roads, and contains a dwelling and associated outbuildings.

The subject land is in a rural area and is surrounded by agricultural land to the south and west of the parcel boundary.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.7 Amendment to Planning Permit 2014-8 to Delete Condition Eight (Section 173 Agreement) at 700 Kyabram-Cooma Road, Kyabram South (continued)



9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.7 Amendment to Planning Permit 2014-8 to Delete Condition Eight (Section 173 Agreement) at 700 Kyabram-Cooma Road, Kyabram South (continued)

Proposal in Detail

The application proposes to amend planning permit 2014-8 to remove condition eight (Section 173 Agreement) from the planning permit. Condition eight states the following:

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

The agreement must provide that:

- a) *That the owner acknowledges and accepts the possibility of nuisance from adjoining agricultural operations including animal husbandry, spray drift, agricultural machinery use, pumps, trucks and associated hours of operation.*

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

The amended application to delete condition eight (Section 173 Agreement) was advertised by mail to the abutting neighbour who objected to the proposal within the notification period.

Summary of Key Issues

The key issues for this application are summarised in the executive summary, with more detail provided in the key issues section in the attachment to this report.

Background

- The planning permit application was lodged for the construction of a domestic storage shed on 10 January 2014
- A planning permit was required for buildings and works within five metres of a side boundary and 20 metres from a road in the Farming Zone 1.
- The application was advertised to the surrounding property on 15 January 2014.
- One objection was received on 29 January 2014.
- A recommendation was made by the Planning Officer that a permit issue subject to conditions. The requirement of a section 173 Agreement was not included in the Planning Officers recommendation.
- At the Council Meeting held on 20 May 2014 the Council decided to issue a planning permit with variations to the Officers recommendation, including the addition of a Section 173 Agreement.
- A notice of decision for a planning permit for the domestic storage shed with conditions was issued on 26 May 2014.
- No appeals were lodged at VCAT by the applicant or the objector.
- Planning permit 2014-8 was issued on 20 June 2014.
- An application to amend the planning permit to delete condition eight (Section 173 Agreement) was received on 1 July 2014.
- The application to amend the planning permit was advertised on 4 July 2014.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.7 Amendment to Planning Permit 2014-8 to Delete Condition Eight (Section 173 Agreement) at 700 Kyabram-Cooma Road, Kyabram South (continued)

- The Planning Department became aware that the incorrect site plan was advertised on 8 July 2014.
- The Planning Department provided an updated site plan to the owner of the neighbouring property on 8 July 2014.
- Planning Officers met with the owner of the neighbouring property on 10 July 2014 to discuss the amended application.
- An objection was received on 21 July 2014.
- A response from the applicant was received on 31 July 2014.

Assessment under the Planning and Environment Act

State and Local Planning Policy

Clause 11.05-3, 14.01-1 and 21.04 provide a framework to assist in the protection and promotion of agricultural land protection and provide mitigation between conflicting land uses.

Planning permit 2014-8 was issued for the buildings and works for a domestic storage shed in the Farming Zone 1 within five metres of a side boundary and within 20 metres from a road.

The amended application applies to the deletion of condition eight (Section 173 Agreement) on planning permit 2014-8. Therefore consideration can only be given to the validity of the removal of condition eight from the permit and not to the development for the domestic storage shed as whole.

Condition eight on the permit required a Section 173 Agreement to ensure that the land owner accepts potential nuisance from the agricultural use of the adjoining land.

It is noted that a planning permit is not required for the use of a domestic storage shed adjacent to an existing dwelling in the Farming Zone 1. The use of the land for a dwelling has been established. It is therefore considered that the proposed domestic storage shed is ancillary to the existing use of the land for a dwelling.

It is considered that condition eight (Section 173 Agreement) is in direct relation to the use of the land for the purposes of a residence and the adjoining use of land for agriculture and not the construction of a shed

The Writing Planning Permits Guide (2007) provides an update of the tests of validity of planning permit conditions. Providing the two relevant points as follows:

‘A condition must fairly and reasonably relate to the permitted development.’

and

‘Ordinarily a condition regulating the use should not be imposed on a permit for development alone. An exception to this may be where an intensification or variation of an existing use arises as a consequence of the development.’

The proposed buildings and works of a domestic storage shed associated with an existing dwelling on a small lot is not considered to intensify or vary the existing use of the land for residential purposes.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.7 Amendment to Planning Permit 2014-8 to Delete Condition Eight (Section 173 Agreement) at 700 Kyabram-Cooma Road, Kyabram South (continued)

Officers note that Council wish to ensure that the amenity of the area is protected and that there are no conflicts between the use of the two lots. Notwithstanding this, the Council Officers are of the opinion that it is unreasonable to place a condition that relates to the use of the land on a planning permit that is only required for buildings and works as per the guidelines listed previously.

As the application is not considered to result in intensification or variation of the existing use on the land, a condition regulating the use should not be imposed on a permit for development alone. It is therefore recommended that condition eight be deleted from the planning permit.

Council Plan/Key Strategic Activity

Council Plan

Goal 2 – Enhancing the Environment (Natural)

The Strategy aims to ensure that development applications take into account the importance of agricultural land to the Greater Shepparton community and its economy.

The proposal is consistent with the Council Plan as it does not detrimentally impact on, or impede on viable agricultural land.

Risk Management

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

Policy Considerations

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

Financial Implications

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

Legal/Statutory Implications

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

Cultural Heritage

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

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

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.7 Amendment to Planning Permit 2014-8 to Delete Condition Eight (Section 173 Agreement) at 700 Kyabram-Cooma Road, Kyabram South (continued)

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

Environmental/Sustainability Impacts

The proposed removal of the agreement is not expected to cause any detriment environmental or sustainability impacts.

Social Implications

It is considered that the application does not raise any significant social issues that influence the planning officer's view.

Economic Impacts

There are no economic impacts associated with this application.

Referrals/Public Notice

The application was advertised to the neighbouring property who objected to the proposal. The issues raised in the objection are summarised in the following table:

Objections/points raised	Officers Response
The amendment varies in no material aspect to the original application.	The role of the Planning Department is to consider all new applications regardless of the proposal being applied for.
As no material change has been made, the objector requests that the original planning application be considered, including the conditions issued in 2014-8 and the grounds of the original objection (letter provided by the objector, dated 29 January 2014).	A planning permit has been issued for the domestic storage shed as per 2014-8. The amended application seeks to amend condition eight only, therefore, no other condition can be considered. The original grounds of the objection were considered in the previous application.
Original agreement did not go far enough. In order to tighten the accountability of risk associated with the domestic storage shed, a revised wording to the Section 173 Agreement is provided by the objector as follows: <i>Prior to the granting of a building permit for the shed the owner must enter into an agreement with the responsible authority, pursuant to section 173 of the Planning and Environment Act 1987. This agreement must be registered on the title to the land pursuant to Section 181 of the Planning and Environment Act 1987. The owner must pay the costs of the preparation, execution and registration of the section 173 agreement. The agreement must provide that:</i>	As the proposal is not considered to alter or intensify the existing use of the land it is considered unreasonable to place a condition on the planning permit relating to the use of the land as outlined in the previous sections of the report.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.7 Amendment to Planning Permit 2014-8 to Delete Condition Eight (Section 173 Agreement) at 700 Kyabram-Cooma Road, Kyabram South (continued)

Objections/points raised	Officers Response
<p><i>The owner acknowledges and accepts the possibility of nuisance and assumes all risk from adjoining agricultural operations including, but not limited to; animal husbandry, spray drift, agricultural machinery use, pumps, trucks and associated hours of operation.</i></p> <p><i>The owner accepts responsibility for the maintenance of structures and the operation of systems to limit any risk or loss associated with neighbouring agricultural operations.</i></p>	
<p>The Section 173 Agreement is important for owners and future owners in acknowledging risk/nuisance from neighbouring agricultural operations on the development of a domestic storage shed within 5 metre buffer allowed for by the Scheme.</p>	<p>There is no alteration to the use of the land. The requirement of a Section 173 Agreement requiring land owners to acknowledge offsite risks is considered to be unreasonable given the use is legally already occurring.</p>
<p>The Section 173 Agreement would provide an element of protection against any possible future action being taken due to neighbouring agricultural practices.</p> <p>The Section 173 Agreement will provide evidence that shed was built at owners own risk.</p>	<p>The use of the land for a dwelling has been established. Therefore the proposed agreement is considered unreasonable requirement for the development of a shed.</p>

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

Strategic Links

There are no relevant strategies that relate to the amended application.

Options for Consideration

1. Approve a Notice of Decision to grant amended planning permit; or
2. Grant a Notice of Refusal with appropriate grounds of refusal.

Conclusion

The proposed amended application seeks to delete condition eight (Section 173 Agreement) from planning permit 2014-8.

The application received one objection from the neighbouring property. The application has been reviewed by the Planning Department against the relevant policies and it is considered that proposed removal of condition eight (Section 173 Agreement) achieves

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.7 Amendment to Planning Permit 2014-8 to Delete Condition Eight (Section 173 Agreement) at 700 Kyabram-Cooma Road, Kyabram South (continued)

an acceptable planning outcome when assessed against the relevant policies and objectives of the Greater Shepparton Planning Scheme. It is therefore recommended that a Notice of Decision to grant an amended planning permit is issued by deleting condition 8 of the previous permit.

Attachments

- | | |
|---|----------|
| 1. Endorsed Site Plan planning permit 2014-8 | Page 265 |
| 2. Endorsed Planning Permit 2014-8 | Page 266 |
| 3. Previous Assessment 2014-8, adopted Council Report | Page 270 |

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.8 Landfill Waste, Recyclables and Organics Collection

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 Environment

Proof reader(s): Director Sustainable Development and Chief Executive Officer

Approved by: Chief Executive Officer

Other: Consultant, Waste Services Manager

Executive Summary

The Landfill Waste, Recyclables and Organics Collection Contract provides for the following:

- collection of kerbside landfill waste and transport to landfill;
- collection of kerbside recyclables and transport to a sorting facility;
- collection of kerbside organics and transport to a processing facility; and
- collection of recyclables from public recyclables bins, special events bins and resource recovery centres (transfer stations) skips and transport to a sorting facility;

The Contract takes into account recommendations from the Council's Waste and Resource Recovery Management Strategy. It maintains current collection areas, but provides for a change in service to introduce full organics collection from 1 July 2016 for urban customers. This will move all urban customers to a three bin service. It introduces an 'at door' kerbside waste collection service to eligible residents and allows for 360 litre Mobile Recyclables Bins (MRB's) for tenements with high levels of recycling.

This Collection Contract and the Recyclables Acceptance (Contract - 1467) and Organics Acceptance (Contract -1468) are interdependent and commencement and expiry dates have been aligned.

The proposed Contract award date provides for an adequate period to allow for a transition of collection service providers. The Contractor must provide a transition plan to encompass issues to ensure a smooth and complaint-free transition. If any changes are significant, there will need to be an associated educative program. There will also need to be an education program associated with the changes of urban households to weekly organics and fortnightly landfill waste collection.

The Evaluation Panel has recommended that the tender of Four Seasons Waste Pty. Ltd. be accepted. This recommendation provides, in the opinion of the Evaluation Panel, the best balance of outcomes from the evaluation criteria.

The Evaluation Panel recognised that the final decision was extremely close. They were supportive of Four Seasons Waste as the final recommendation, as they provided:

- The strongest local economic outcomes
- Smaller single rear drive axle collection vehicles in comparison with alternative tenders larger dual rear drive vehicles. Single drive vehicles will have less screwing impact on bitumen seals when turning in cul-de-sacs and lower property and pedestrian risks associated with reversing.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.8 Landfill Waste, Recyclables and Organics Collection (continued)

- The best responses relating to Customer Services at interview, particularly relating to how they would approach bins missed as part of the collection
- The lowest price to Council.

The purpose of this report is to provide information to Councillors so they can make an informed decision to:

1. support the recommendation, or
2. reject the recommendation, or
3. defer a decision pending provision of further information, or
4. select a contractor of their own choice

The value of the contract exceeds the amount which can be approved by Council's Chief Executive Officer under delegated authority and exceeds the tender thresholds stated in Section 186 of the Local Government Act 1989 (amended 2007).

RECOMMENDATION

That the Council:

1. accept the tender submitted by Four Seasons Waste Pty Ltd of Geelong for Contract No. 1466 - Landfill Waste, Recyclables and Organics Collection for the rates included in the Contract Schedule of Rates attachment:
2. authorise the Chief Executive Officer to sign and seal the contract documents.
3. authorise the Chief Executive Officer to extend the Contract at the conclusion of the Initial Contract Term should the Chief Executive Officer determine to exercise this option.

Moved by Cr Polan

Seconded by Cr Oroszvary

That the matter lay on the table.

CARRIED.:

Contract Details

The Landfill Waste, Recyclables and Organics Collection Contract provides a Schedule of Rates for:

- collection of kerbside landfill waste and transport to landfill
- collection of kerbside recyclables and transport to a sorting facility
- collection of kerbside organics and transport to a processing facility
- collection of recyclables from public recyclables bins, special events bins and resource recovery centres (transfer stations) skips and transport to a sorting facility

The Contract Term is seven (7) years, with an option to extend the term by a further one (1) year.

The Contract is scheduled to commence on 1 April 2015 to provide sufficient time for the Contractor to order and achieve delivery of new collection vehicles for all the kerbside

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.8 Landfill Waste, Recyclables and Organics Collection (continued)

collection services and make all the necessary arrangements to allow for the changeover to a new Contractor.

The Contract also provides for a changeover from an opt-in green organics kerbside collection from urban areas to a compulsory full organics kerbside collection from urban areas from 1 July 2016. Green organics includes a wide range of garden waste, dry sawdust from untreated timber and food waste excluding animal products. Full organics adds food waste including most animal products, plus animal excrement. Prior to introduction of the full organics service the Council will embark on a sustained education program to inform and educate the community on the correct waste streams for each bin. The education program will continue beyond the introduction of the full organics service to ensure ongoing compliance.

At commencement of the contract (1 April 2015), the kerbside collection consists of:

- weekly collection of landfill waste from urban areas, sealed rural roads and a small (designated) number of unsealed rural roads
- fortnightly collection of green organics from tenements who have opted-in to the service provision within urban areas
- fortnightly collection of recyclables from urban areas, sealed rural roads and a small (designated) number of unsealed rural roads

After the changeover date (1 July 2016), the kerbside collection consists of:

- weekly collection of landfill waste from sealed rural roads and a small (designated) number of unsealed rural roads
- fortnightly collection of landfill waste from urban areas
- weekly collection of full organics from all tenements within urban areas
- fortnightly collection of recyclables from urban areas, sealed rural roads and a small (designated) number of unsealed rural roads

The commencement and expiry dates for the Kerbside Collection, Recyclables Acceptance and Organics Acceptance Contracts have been aligned.

The outcomes for the three Contracts are all interdependent. The most advantageous overall pricing for the three Contracts is reliant on the Recyclables Acceptance and Sorting Contract and Organics Acceptance and Processing Contract, which were tendered concurrently with this Kerbside Collection Contract.

This Contract delivers product to the Recyclables Sorting Facility which accepts the materials under Contract C1467 – Recyclables Acceptance and Sorting. The location of the Recyclables Sorting Facility determines the collection rates under the Kerbside Collection Contract. Advantageous pricing arrangements for locations further from the source may be offset by increased cartage and double handling costs reflected in tendered rates. Increased compaction of co-mingled recyclables crushes glass products and increases the difficulty of sorting the recyclables. This reduces its value at the Sorting Facility, but may be offset by decreases to the cartage costs.

This Contract also delivers product to the Organics Processing Facility which accepts the materials under either option of Contract C1468 – Kerbside and Other Organics Acceptance and Processing Contract. The location of the Organics Processing Facility determines the collection rates under the Kerbside Collection Contract. Again,

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.8 Landfill Waste, Recyclables and Organics Collection (continued)

advantageous pricing arrangements for locations further from the source may be offset by increased cartage and double handling costs reflected in tendered rates.

Rates were tendered for numerous combinations of recyclables compaction ratios and distances to both Recyclables Sorting Facilities and Organics Processing Facilities to find the most advantageous outcome for Council. The Evaluation Panel has taken these factors into account in making their recommendations.

Rates change again from 1 July 2016 when the full (food) organics service commences. From this date organics will be collected weekly and landfill waste is collected fortnightly in urban areas.

These changes are supported by Council's Waste and Resource Recovery Management Strategy.

Tenders

Tenders were received from:

Tenderers
Wheelie Waste Pty Ltd(Conforming)
Wheelie Waste Pty Ltd(Non-Conforming)
Peter Foott Waste Collection Pty Ltd
Four Seasons Waste Pty Ltd
Remondis Australia Pty Ltd
Transpacific Cleanaway Pty Ltd
Future Metal Recyclers Melbourne P/L

Tender Evaluation

Tenders were evaluated by:

Title	Branch
Greg McKenzie	Sustainable Development
Graeme Long	Sustainable Development
Michael Dwyer	Business
Rebecca Dalton	Office of the CEO

Mr Ian Mitchell of CT Management Group provided the Evaluation Panel with assistance throughout the evaluation process. Ian is a qualified local government engineer with more than 35 years of experience. Key relevant experience has been in contract management and waste management, strategy development and service improvement.

Evaluation Criteria

Tenders were evaluated on the following criteria:

Evaluation Criteria	Weighting
Price	55%
Technical Ability and Project Delivery	10%
Quality and Audit Systems	10%
Customer Service	10%
Environmental Management	10%
Local Economic Impact	5%

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.8 Landfill Waste, Recyclables and Organics Collection (continued)

Council Plan/Key Strategic Activity

Section 2.1 Enhancing the Environment – Strategies – Review, adopt and commence implementation of the Waste Management Strategy.

The Waste and Resource Recovery Management Strategy was adopted in December 2013. The section titled Future Directions includes a Summary of Actions, which includes the following actions.

Council will:

- Performance Measures - Improve the current waste diversion rate of 43% which is down from 52% in 2010/11
- Performance Measures - Investigate new opportunities to achieve reductions in the generation of waste
- Regional Waste Management Group – Continue to review the cost and service mix option to achieve a socially, environmentally and economically optimal service that also meets its obligations under resource GV's and the State's "Getting Full Value" strategies
- Kerbside Waste Collection Services - Maintain the current collection route to continue as existing, servicing urban areas and sealed roads in rural areas
- Kerbside Waste Collection Services - Provide a special 'at door' kerbside waste collection service to eligible residents with Mobility, health or transport restrictions that satisfy HAAC eligibility requirements at no cost to the resident
- Kerbside Green Waste and Food Collection Service – Further develop the existing green organics collection service to include food wastes into the green waste bin by initial undertaking of trials and education
- Kerbside Green Waste and Food Collection Service – Extend the current green organics collection service to include all households currently having a waste collection service, thus transforming the standard waste collection service to a three bin service

The introduction of a full organics collection service to all urban tenements commencing in July 2016 is clearly addressing the first three actions. The Council has obtained funding from Sustainability Victoria through Resource GV to assist with the education associated with the introduction of food organics collection.

This Contract maintains current collection areas, introduces an 'at door' kerbside waste collection service to eligible residents, introduces 360litre Mobile Recyclables Bins to increase recycling capabilities and moves all urban customers to a three bin service.

Risk Management

Delays to Contract Award have been identified as a key risk to Council. The three concurrent Contracts (Collection, Recyclables Sorting and Organics Processing) are interdependent. Time has been allowed within the process to allow the appointed Contractor time to arrange new vehicles, prepare all required systems and transition the service. Council will require further Ministerial approval to extend the relevant existing Contracts.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.8 Landfill Waste, Recyclables and Organics Collection (continued)

Risks	Likelihood	Consequence	Rating	Mitigation Action
Delays in Contract Award	Unlikely	High	Moderate	Would need Ministerial Approval to allow extension of Contract
Contractor failing financially	Unlikely	High	Moderate	Financial Capability checks completed on tenders in contention as part of the Evaluation Process
Death or serious injury to the public in the conduct of the service	Rare	Catastrophic	High	Contract calls for Kerbside Collection vehicles to have the ability to negotiate a normal residential court bowl in a single turn without reversing and be provided with cameras to monitor blind spots and reversing sensors

Policy Considerations

The Sustainable Decision Making Policy includes Objectives including:

- Being more responsive to climate change
- Using our resources more efficiently
- Reducing our Environmental impact

Key projected outcomes from the implementation of this Contract, include

1. a reduction of waste going to landfill and a corresponding reduction of greenhouse gas production
2. an increased range of bin sizes for recycling
3. an increased volume and greater range of organics being converted to composted material available for re-use.

Financial Implications

The budget is a combination of a range of current line items, less an allowance for recyclables acceptance and sorting, as this is integrated into current recyclables collection costs.

Current Budget for collection is \$2,760,000. Estimated budget income for recycling is \$65,820

Legal/Statutory Implications

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

Council has extended existing collection contracts with the approval of the Minister for Local Government. Council will need to seek a further extension if it decides to Re-Advertise.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.8 Landfill Waste, Recyclables and Organics Collection (continued)

Environmental/Sustainability Impacts

Comparisons of the environmental and sustainability impacts are probably best made between the existing service and changes implemented within the term of the new Contract. For all urban tenements, the new Contract introduces a change from an opt-in green waste service to a compulsory full organic service. This is in acknowledgement that in an audit conducted in 2010, 21.1% (by weight) of the Waste Stream was food organics and also in line with State Government policy. The costs associated with collection and removal of food organics are compensated by the reduced cost of disposal to landfill. The key environmental outcome is the potential to reduce the production of methane, which is a very significant (approximately 20 times more negative effects than CO₂) greenhouse gas. It is worth noting however, that Greater Shepparton City Council's Cosgrove Landfill is estimated to reduce the methane impacts by 80% with a landfill gas collection and electricity generation system.

Conversion of full organics to compost available for the gardening and agricultural sector provides a significant re-use of material which would otherwise be lost into landfill.

The new Contract also extends the range of recyclables bins available to cater for larger outputs, without the need to increase the collection frequency thereby hopefully increasing rates of recyclables being collected.

Strategic Links

a) Greater Shepparton 2030 Strategy

Directly relates to the Greater Shepparton 2030 Strategy

Topic: Environment: Conservation and enhancement of significant natural environments and cultural heritage.

Objective: 4.To reduce greenhouse gas emissions by local action, in the interests of current and future generations

Action: 4.2, 4.3

b) Other strategic links

The State Government Waste and Resource Recovery Policy is titled "Getting Full Value". Published in April 2013, this is the peak strategic document for Victoria for addressing the Federal Government's National Waste Policy: Less Waste, More Resources.

In Section 4.2, the document states "Government will target food waste as a key area of focus because of the environmental risk and financial costs it causes". The corresponding Action 4.2.1 was "Partner with local government to increase household awareness of the benefits of reducing waste, particularly food waste through statewide information campaigns."

Section 5 "Strong Markets for Recovered Resources" emphasises improving quantity and quality of the recovered recyclables, campaigns like "Get It Right on Bin Night" and use of the landfill levy in "facilitating resource recovery options by making them more cost competitive with landfills." Corresponding Action 5.2.4 provides an exception to holding levy rates at 2014 levels for 10 years, to "target strategic materials – such as untreated organic materials in landfill". This suggests that there may be additional future costs for Councils who are not pro-active with introduction of organics collection and processing.

Section 7 places further emphasis on food and green organics to avoid the negative environmental impacts, including odour, methane production and groundwater contamination.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.8 Landfill Waste, Recyclables and Organics Collection (continued)

This policy led to the “Draft Statewide Waste and Resource Recovery Infrastructure Plan 2013-2043”, which addresses infrastructure issues.

Options for Consideration

1. Do Nothing (Withdraw the tender)

Positives

- May get a better offer, although this is unlikely, as tendering was quite competitive.

Negatives

- A Ministerial approval will be required to allow the extension of the Contract. The existing Contract has already once been extended beyond its Contract term after Ministerial approval.
- The re-advertising process would take at least four months, leaving less than two months for implementation of outcomes. This would not allow provision of new collection vehicles and may lead to unsatisfactory change-over.
- If Ministerial approval were not provided, the Council’s kerbside collection arrangements would not be in accordance with Section 186 of the Local Government Act. Council would not have a current collection Contract for landfill waste, recyclables and organics collection.
- The current pricing under the extended Contract is not as favourable to Council as the recommended tender pricing

2. Support the Recommendation (Award Contract to recommended tenderer)

Positives

- The Recommendation was made on the Evaluation Panel’s assessment of the tenders, based on the Evaluation Criteria provided.
- The Evaluation Panel has also taken into account issues such as Occupational Health and Safety, Financial Capacity, Tender Conformance and other risks.

Negatives

- Council may see an alternative tender as providing Best Value in accordance with the Local Government Act.

3. Defer a Decision Pending Further Information

Positives

- Council can be provided with additional information if requested, to ensure fully informed decision can be reached.

Negatives

- Any significant deferment may impact on the implementation of the Contract and may not allow provision of new collection vehicles and may lead to unsatisfactory change-over.

4. Council Select a Contractor of their own Choice

Positives

- Council apply their decision on the basis of reasonable account of the Evaluation Criteria and the principles of Best Value.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.8 Landfill Waste, Recyclables and Organics Collection (continued)

Negatives

- Council may make a decision without being cognisant of all the background information applied by the Evaluation Panel.
- Council decision may be subject to appeal by tenderers on the basis of not reasonably taking account of Evaluation Criteria forming part of the Procurement Process.

Conclusion

The Evaluation Panel has taken into account the Evaluation Criteria as the basis for their recommendation to Council for acceptance of the tender submitted by Four Seasons Waste Pty Ltd of Geelong for Contract No. 1466 - Landfill Waste, Recyclables and Organics Collection and further recommendation that Council authorise the Chief Executive Officer to sign and seal the Contract documents. The Schedule of Rates pricing accepted is associated with:

1. the relevant recyclables "Compaction Ratio" option from the accepted C1467 – Recyclables Acceptance and Sorting Contract
2. the relevant recyclables "Location of Sorting Facility" option from the accepted C1467 – Recyclables Acceptance and Sorting Contract
3. the relevant organics "Location of Processing Facility" option from the accepted C1468 – Organics Acceptance and Processing or Kerbside and Other Organics Acceptance and Processing Contract.

Accepted pricing will need to be adjusted should evaluation panel recommendations for Contracts C1467 – Recyclables Acceptance and Sorting and C1468 - Kerbside and Other Organics Acceptance and Processing not be accepted.

Attachments

Nil

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.9 Recyclables Acceptance and Sorting

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 Environment

Proof reader(s): Director Sustainable Development

Approved by: Chief Executive Officer

Other: Consultant and Waste Services Manager

Executive Summary

The Recyclables Acceptance and Sorting Contract provides for the acceptance of comingled recyclable materials from kerbside, public and special events recyclables bins and transfer stations skips and the subsequent sorting of the recyclables into their various value added streams.

Approval of this Contract will provide continuation of the existing recycling services, with some minor improvements to the range of recyclable items available to the community.

The recommendation provides, in the opinion of the Evaluation Panel, the best balance of outcomes from the evaluation criteria. The proposal from SKM Industries provided the largest payment to Council that met the contract requirements. The additional cartage costs to transport to Melbourne are compensated by the payment to Council. The SKM facility at Coolaroo provides state of the art separation equipment which minimises the contamination requiring disposal at landfill.

This Recyclables Acceptance and Sorting contract and the Landfill Waste, Recyclables and Organics Collection (Contract – 1466) and Organics Acceptance (Contract – 1468) are interdependent.

The purpose of this report is to provide information to Councillors so they can make an informed decision to:

1. support the recommendation, or
2. reject the recommendation, or
3. defer a decision pending provision of further information, or
4. select a contractor of their own choice

The value of the contract exceeds the amount which can be approved by Council's Chief Executive Officer under delegated authority and exceeds the tender thresholds stated in Section 186 of the *Local Government Act 1989* (amended 2007).

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.9 Recyclables Acceptance and Sorting (continued)

RECOMMENDATION

That the Council:

1. accept the tender submitted by SKM Industries Pty Ltd of Coolaroo for Contract No. 14671467- Recyclables Acceptance and Sorting
2. authorise the Chief Executive Officer to sign and seal the contract documents.
3. authorise the Chief Executive Officer to extend the Contract by the available 1 year extension at the conclusion of the Initial Contract Term should the Chief Executive Officer wish to exercise this option.

**Moved by Cr Polan
Seconded by Cr Adem**

That the matter lay on the table.

CARRIED.

Contract Details

The Recyclables Acceptance and Sorting Contract provides a Schedule of Rates for provision of the acceptance and sorting services in conformance with the Contract.

The tenderer was required to nominate whether the tender required a payment from Council or provided a payment to Council. The majority of tenderers provided a payment to Council.

The Contract Term is seven (7) years, with an option to extend the term by a further one (1) year.

The commencement and expiry dates for the Collection, Recyclables Acceptance and Organics Acceptance Contracts have been aligned.

The Contract is designed to commence on 1 April 2015 to coincide with the collection Contract.

Tenders

Tenders were received from:

Tenderers
Peter Foott Waste Collection Pty Ltd
Ellwaste (Elliott Holdings (Aust) Pty Ltd
Wheelie Waste Pty Ltd
Future Metals Recyclers Melbourne Pty Ltd (Non-conforming)
SKM Industries Pty Ltd
Visy Paper Pty Ltd (Non-conforming)

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.9 Recyclables Acceptance and Sorting (continued)

Tender Evaluation

Tenders were evaluated by:

Title	Branch
Greg McKenzie	Sustainable Development
Graeme Long	Sustainable Development
Michael Dwyer	Business
Rebecca Dalton	Office of the CEO

Mr Ian Mitchell of CT Management Group provided the Evaluation Panel with assistance throughout the evaluation process. Ian is a qualified local government engineer with more than 35 years of experience. Key relevant experience has been in contract management and waste management, strategy development and service improvement.

Evaluation Criteria

Tenders were evaluated on the following criteria:

Evaluation Criteria	Weighting
Price	60%
Technical Ability and Project Delivery	15%
Quality and Audit Systems	10%
Environmental Management	10%
Local Economic Impact	5%

Council Plan/Key Strategic Activity

Section 2.1 Enhancing the Environment – Strategies – Review, adopt and commence implementation of the Waste and Resource Recovery Management Strategy.

The Waste and Resource Recovery Management Strategy was adopted in December 2013. The Summary of Actions indicates Council will improve the current waste diversion rate and investigate new opportunities to achieve reductions in the generation of waste.

Acceptance of the recommended tenderer provides for acceptance of pots and pans, large rigid plastics and some plastic films at the sorting facility, broadening the range of recyclables. This will assist Council in addressing these three actions.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Delays in Contract Award	Unlikely	High	Moderate	Would need Ministerial Approval to allow extension of Contract
Contractor failing financially	Unlikely	High	Moderate	Financial Capability checks completed on tenders in contention as part of the Evaluation Process

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.9 Recyclables Acceptance and Sorting (continued)

Policy Considerations

The Sustainable Decision Making Policy includes Objectives including:

- Being more responsive to climate change
- Using our resources more efficiently
- Reducing our Environmental impact

The implementation of this Contract will broaden the range of materials recycled.

Financial Implications

The budget for recyclables acceptance and sorting is integrated into current recyclables collection budget figure of \$778,000

Legal/Statutory Implications

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

Council has extended existing collection contracts with the Approval of the Minister for Local Government. Council will need to seek a further extension if it decides to Re-Advertise.

Environmental/Sustainability Impacts

Only minor favourable environmental and sustainability impacts are anticipated from the acceptance of the Evaluation Panel's recommendation. This is provided by potential improved recycling quantities from:

- the minor expansion of the accepted range of recyclables
- the expansion of the range of recyclables bins available to cater for larger outputs within the collection Contract.

Strategic Links

a) Greater Shepparton 2030 Strategy

Directly relates to the Greater Shepparton 2030 Strategy

Topic: Environment: Conservation and enhancement of significant natural environments and cultural heritage.

Objective: 4.To reduce greenhouse gas emissions by local action, in the interests of current and future generations

Action: 4.2, 4.3

b) Other strategic links

The State Government Waste and Resource Recovery Policy is titled "Getting Full Value". Published in April 2013, this is the peak strategic document for Victoria for addressing the Federal Government's National Waste Policy: Less Waste, More Resources.

The document states "The decrease in waste to landfill and the increase in waste recovered are consistent with a shift in Victoria from waste management to resource recovery." and recognises that, while Victorians have improved their recycling rates across all waste streams from the mid-2000s, improvements have recently slowed.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.9 Recyclables Acceptance and Sorting (continued)

Options for Consideration

1. Do Nothing (Withdraw the tender)

While Council may receive a better offer from re-tendering, this is unlikely, as tendering was quite competitive.

Re-tendering will require Ministerial approval to allow the extension of the Contract. The re-advertising process will impact on the satisfactory changeover of the collection Contract. In the interim, the current pricing under the extended Contract is not as favourable to Council as the recommended tender pricing.

2. Support the Recommendation (Award Contract to recommended tenderer)

The Evaluation Panel's made its recommendation based on its assessment of the tenders with reference to the Evaluation Criteria provided. The Evaluation Panel has also taken into account issues such as Occupational Health and Safety, Financial Capacity, Tender Conformance and other risks. The tendered price provides the largest payment to Council available that met the contract requirements. The proposal scored well in the Technical Ability and Project Delivery. The tenderer provides accredited Quality and Environmental Management Systems. The Panel checked Referees, which provided further support for the Panel recommendation.

3. Defer a Decision Pending Further Information

Council may seek to defer their decision to provide them with any additional information requested to ensure fully informed decision. Any significant deferment will impact on the implementation of the collection Contract.

4. Council Select a Contractor of their own Choice

Council may select an alternative Contractor on the basis of reasonable account of the Evaluation Criteria and the principles of Best Value.

In making such a selection, Council may make a decision without being cognisant of all the background information applied by the Evaluation Panel. There is potential that Council's decision may be subject to appeal by tenderers on the basis of not reasonably taking account of Evaluation Criteria forming part of the Procurement Process.

Conclusion

The Evaluation Panel have taken into account the Evaluation Criteria as the basis for their recommendation to Council for acceptance of the tender submitted by SKM Industries Pty Ltd of Coolaroo for Contract No. 1467 - Recyclables Acceptance and Sorting and further recommendations that Council authorise the Chief Executive Officer to sign and seal the Contract documents and to extend the Contract after the Initial Contract Term should the Chief Executive Officer wish to exercise this option.

Attachments

Nil

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.10 Kerbside and other Organics Acceptance and Processing

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 Environment

Proof reader(s): Director Sustainable Development Officer

Approved by: Chief Executive Officer

Other: Consultant Ian Mitchell and Manager Waste Services

Executive Summary

Greater Shepparton City Council has been one of the early adopters of organics collection and processing in rural Victoria. In 2014, council diverted 5,417 Tonnes of kerbside green waste and a further 1,800 Tonnes from Resource Recovery Centres.

There is a clear direction coming from the State Government's "Getting Full Value" strategy to "target food waste as a key area of focus because of the environmental risk and financial costs causes".

Tendering documentation for the Organics Acceptance and Processing Contract provided Council with a choice of two alternative Contracts.

The panel recommends that Council accept the Kerbside and Other Organics Acceptance and Processing Contract. This Contract provides for delivery to the Processing Facility of resource recovery centre and parks and gardens material in addition to the kerbside collections. This reflects the current arrangements. The alternative Contract provided for kerbside collection organics only.

The Contract provides for the acceptance of green waste material for the initial period between commencement (1 April 2015) and a changeover date (1 July 2016), and then acceptance of full organics for the remainder of the Contract term. The organic material is to be processed using a fully enclosed atmosphere controlled vessel (closed vessel) system into compost, potting mix, soil, soil conditioner, mulch or some combination of these. The value added streams are required to be processed to comply with the relevant Australian Standard.

The Evaluation Panel recommends that the tender of Biomix Pty Ltd be accepted. The recommendation provides, in the opinion of the Evaluation Panel, the best balance of outcomes from the evaluation criteria. The tendered price is significantly lower than the next lowest tender. The Contract requires tenderers to provide composting through the more complex closed vessel system where temperature and moisture can be accurately controlled. The tenderer presently only provides a more basic windrow organics composting system, but intends to develop closed vessel if awarded the Contract. The provision of a second closed vessel processing plant will increase future local competition in the organics processing industry. Other evaluation responses were not sufficient to change the panel's recommendation.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.10 Kerbside and other Organics Acceptance and Processing (continued)

This Kerbside and other Organics Acceptance and Processing Contract and the Landfill Waste, Recyclables and Organic Collection Contract (1466) and Recyclables Acceptance and Sorting Contract (1467) are interdependent.

The purpose of this report is to provide information to Councillors so they can make an informed decision to:

1. support the recommendation, or
2. reject the recommendation, or
3. defer a decision pending provision of further information, or
4. select a contractor of their own choice

The value of the contract exceeds the amount which can be approved by Council's Chief Executive Officer under delegated authority and exceeds the tender thresholds stated in Section 186 of the Local Government Act 1989 (amended 2007).

RECOMMENDATION

That the Council:

1. accept the tender submitted by Biomix Pty Ltd of Stanhope for Contract No. 1468 Attachments Excluded From Agenda– Kerbside and Other Organics Acceptance and Processing
2. authorise the Chief Executive Officer to sign and seal the contract documents, subject to an agreed clause providing milestones for completion of a closed vessel composting plant.
3. authorise the Chief Executive Officer to extend the Contract by the available 1 year extension at the conclusion of the Initial Contract Term should the Chief Executive Officer wish to exercise this option.

Moved by Cr Polan
Seconded by Cr Adem

That the matter lay on the table.

CARRIED.

Contract Details

The Kerbside and Other Organics Acceptance and Processing Contract provides a Schedule of Rates for provision of organics processing services in conformance with the Contract.

The Contract Term is seven (7) years, with an option to extend the term by a further one (1) year.

As described in the Executive Summary, the Contract provides for the acceptance of green waste material for the initial period between commencement (1 April 2015) and a changeover date (1 July 2016), and then acceptance of full organics for the remainder of the Contract term.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.10 Kerbside and other Organics Acceptance and Processing (continued)

The commencement and expiry dates for the Collection, Recyclables Acceptance and Organics Acceptance Contracts have been aligned.

The Contract is designed to commence on 1 April 2015 to coincide with the collection Contract.

Tenders

Tenders were received from:

Tenderers
Western Composting Technology Pty Ltd
Western Composting Technology Pty Ltd (Non-Conforming 1)
Western Composting Technology Pty Ltd (Non-Conforming 2)
Transpacific Cleanaway Pty Ltd (Dutson Downs)
Transpacific Cleanaway Pty Ltd (Gerogery)
Biomix Pty Ltd

Tender Evaluation

Tenders were evaluated by:

Title	Branch
Greg McKenzie	Sustainable Development
Michael Dwyer	Business
Rebecca Dalton	Office of the CEO

Mr Ian Mitchell of CT Management Group provided the Evaluation Panel with assistance throughout the evaluation process. Ian is a qualified local government engineer with more than 35 years of experience. Key relevant experience has been in contract management and waste management, strategy development and service improvement.

Evaluation Criteria

Tenders were evaluated on the following criteria:

Evaluation Criteria	Weighting
Price	60%
Technical Ability and Project Delivery	15%
Quality and Audit Systems	10%
Environmental Management	10%
Local Economic Impact	5%

Council Plan/Key Strategic Activity

Section 2.1 Enhancing the Environment – Strategies – Review, adopt and commence implementation of the Waste and Resource Recovery Management Strategy.

The Waste and Resource Recovery Management Strategy was adopted in December 2013. The Summary of Actions indicates that Council will improve the current waste diversion rate, investigate new opportunities to achieve reductions in the generation of waste and extend the current green organics collection service to include all urban households currently having a waste collection service, thus transforming the standard waste collection service to a three bin service.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.10 Kerbside and other Organics Acceptance and Processing (continued)

Acceptance of the recommended tenderer provides for initial acceptance of green organics through to July 2016, but then changes over to acceptance of full organics material. This will assist Council in addressing the above actions.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Delays in Contract Award	Unlikely	High	Moderate	Would need Ministerial Approval to allow extension of Contract
Contractor failing financially	Unlikely	High	Moderate	Financial Capability checks completed on tenders in contention as part of the Evaluation Process
Recommended tenderer not receiving all approvals and completing construction of in-vessel composting facility prior to or within an acceptable period of the commencement date	Possible	Moderate	Moderate	Termination clause allowing buffer and re-advertise
Level of contamination unknown	Almost certain	Moderate	High	Contract places level of contamination risk with the organics acceptance and processing Contractor

The recommended tenderer's pricing was significantly below alternative conforming and non-conforming tenderers. Whilst Biomix Pty Ltd have been processing municipal green waste by windrow processes for some time, they do not have a closed vessel composting system in place as required under the Contract. It is their intent to provide the required approvals and construct the processing plant prior to the commencement date (1 April 2015), or as a worst case scenario by 1 July 2015. It is recommended that Council mitigate the risk by including a termination clause within the Contract allowing Council to determine the Contract if key milestones are not met. Any determination should allow Council sufficient time to re-advertise without effecting continued acceptance of organic material.

The next lowest price alternative did not conform to the Contract as written. It proposed shedding the risk relating to collected material contamination back to Council.

Policy Considerations

The Sustainable Decision Making Policy includes Objectives including:

- Being more responsive to climate change
- Using our resources more efficiently
- Reducing our Environmental impact

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.10 Kerbside and other Organics Acceptance and Processing (continued)

The implementation of this Contract will significantly increase the quantity and broaden the range of organics materials processed.

Financial Implications

The approved budget is \$918,000 2014/2015.

Legal/Statutory Implications

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

Council has extended existing collection contracts with the Approval of the Minister for Local Government. Council will need to seek a further extension if it decides to Re-Advertise.

Environmental/Sustainability Impacts

Significant favourable environmental and sustainability impacts are anticipated from the acceptance of the Evaluation Panel's recommendation. This is provided by the expansion of the number of residences serviced by organics collection and the inclusion of full organics collection after 1 Jul 2016. Despite collection of methane at the landfill, this collection is not 100% effective. Diversion of organic material from landfill and processing into re-usable products will mitigate the greenhouse gas consequences of methane production and provide a valuable resource to the community.

Strategic Links

a) Greater Shepparton 2030 Strategy

Directly relates to the Greater Shepparton 2030 Strategy

Topic: Environment: Conservation and enhancement of significant natural environments and cultural heritage.

Objective: 4.To reduce greenhouse gas emissions by local action, in the interests of current and future generations

Action: 4.2, 4.3

b) Other strategic links

The State Government Waste and Resource Recovery Policy is titled "Getting Full Value". Published in April 2013, this is the peak strategic document for Victoria for addressing the Federal Government's National Waste Policy : Less Waste, More Resources.

The document states "Government will target food waste as a key area of focus because of the environmental risk and financial costs it causes" and proposes that it will "Partner with local government to increase household awareness of the benefits of reducing waste, particularly food waste through statewide information campaigns."

The document intimates that there may be additional future landfill costs for Councils who are not pro-active with introduction of organics collection and processing and places further emphasis on food and green organics to avoid the negative environmental impacts, including odour, methane production and groundwater contamination.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.10 Kerbside and other Organics Acceptance and Processing (continued)

Options for Consideration

1. Do Nothing (Withdraw the tender)
While Council may receive a better offer from re-tendering, this is unlikely, as tendering was quite competitive.

Re-tendering will require Ministerial approval to allow the extension of the Contract. The re-advertising process will impact on the satisfactory changeover of the collection Contract. In the interim, the current pricing under the extended Contract is not as favourable to Council as the recommended tender pricing.

2. Support the Recommendation (Award Contract to recommended tenderer)
The Evaluation Panel's made its recommendation based on its assessment of the tenders with reference to the Evaluation Criteria provided. The Evaluation Panel has also taken into account issues such as Occupational Health and Safety, Financial Capacity, Tender Conformance and other risks. The tendered price provides a significant cost reduction to Council. The proposal was inspected on the ground and performed acceptably in the Technical Ability and Project Delivery. They are presently processing organic material from the Melbourne metropolitan area, together with the local agricultural processing sector. Whilst the present processing system does not meet the Council's Contract requirements, the tenderer intends to provide the required upgrades. The tenderer provides an accredited Environmental Management System and although the Quality System is not accredited, it provides outputs meeting the relevant Australian Standard. This requires that systems meet particular standards during the process and meets the typical industry requirements. The Panel checked Referees, which provided further support for the Panel recommendation.
3. Defer a Decision Pending Further Information
Council may seek to defer their decision and request officers to provide them with additional information to ensure fully informed decision can be reached. Any significant deferment will impact on the implementation of the collection Contract.
4. Council award Contract to an Alternative Tenderer
Council may select an alternative Contractor on the basis of reasonable account of the Evaluation Criteria and the principles of Best Value.

In making such a selection, Council may make a decision without being cognisant of all the background information applied by the Evaluation Panel. There is potential that Council's decision may be subject to appeal by tenderers on the basis of not reasonably taking account of Evaluation Criteria forming part of the Procurement Process.

Conclusion

The Evaluation Panel has taken into account the Evaluation Criteria as the basis for their recommendation to Council for acceptance of the tender submitted by Biomix Pty Ltd of Stanhope for Contract No. 1468 1468– Kerbside and Other Organics Acceptance and Processing. The recommendation is subject to agreement to a clause providing milestones for completion of a closed vessel composting plant. It further recommends that Council authorise the Chief Executive Officer to sign and seal the Contract documents and to extend the Contract after the Initial Contract Term should the CEO wish to exercise this option.

9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.10 Kerbside and other Organics Acceptance and Processing (continued)

Attachments

Nil.

10. TABLED MOTIONS

Nil Received

11. REPORTS FROM COUNCIL DELEGATES TO OTHER BODIES

Nil Received

12. REPORTS FROM SPECIAL COMMITTEES AND ADVISORY COMMITTEES

Nil Received

13. NOTICE OF MOTION, AMENDMENT OR RESCISSION

Nil Received

14. DOCUMENTS FOR SIGNING AND SEALING

Nil Received

15. COUNCILLOR ACTIVITIES

15.1 Councillors Community Interaction and Briefing Program

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

Under section 80C of the *Local Government Act 1989*, Council officers and others who are contracted to provide advice or services to the Council must disclose any conflicts of interests they have before any advice they provide is considered. Disclosures must be in writing, to the Chief Executive Officer and must specify the type and nature of the conflict.

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

Councillors' Community Interaction and Briefing Program

From 1 August to 31 August, some or all of the Councillors have been involved in the following activities:

- 'Greater Shepparton On Show' | View Greater Shepparton Exhibitors
- 'Greater Shepparton On Show' | Welcome Function
- Oshu City | Mooroopna Secondary College Breakfast
- Civic Reception | Toyoake, Sakae and Kutsukae Junior High School
- Special Council Meeting | Adoption of the 2014-2015 Budget
- SAM Foundation | Donated Tree & Announcement by the Copulos Family
- 4Hume Executive Group | August 2014 Meeting
- Positive Ageing Advisory Committee Meeting
- SheppARTon Festival | 2014 Festival Celebration & Planning for 2015
- Regional Growing Pains Launch [RACV] - Melbourne
- Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples
- Welcome - A New Furphy to Town
- Visit to Bendigo Art Gallery
- Best Start Partnerships | Early Years
- National Cutting Horse Association - Victorian Futurity Championships with Minister Jeanette Powell – [Photo Opportunity]
- Victorian Short Course Swimming Championships | Mayoral Welcome
- Vietnam Veteran's Day Service & Wreath Laying Ceremony
- Shepparton Show Me Ordinary Meeting
- Eastbank Lake Project Meeting
- Australian National Piano Award | Cocktail Function
- Citizenship Ceremony – August 2014
- Victoria Grants Commission | Regional Information Session 2014
- RiverConnect Implementation Advisory Committee Meeting
- VLGA | 20th Anniversary Celebration
- Women's Charter Alliance Advisory Committee Meeting
- Disability Advisory Committee Meeting
- Debutante Ball | The Bridge Youth Services
- International Squash Open Tournament | Mayor to Welcome and Present Trophies
- Breastfeeding Conference & Clinical Skills Day | Official Opening by the Mayor
- Welcome | Students from Toyoake City
- McEwen Foundation | Grants Presentation Ceremony 2014
- Regional Cities Victoria Forum 2014 - RCV General Meeting and Cocktail Function
- Shepparton Connected Communities – Official Launch

15. COUNCILLOR ACTIVITIES

15.1 Councillors Community Interaction and Briefing Program (continued)

- Kiwanis Club of Shepparton Mooroopna & McLennan Mooroopna | 46th Annual Convention of Kiwanis Australia District - 'Welcome Reception'
- A Day of Conversations and Films | Tatura Film Festival
- Delinquent Angel | John Perceval Ceramic Angels – Launch of Exhibition
- Australian Dancing Society | Shepparton DanceSport Festival | Official Opening by the Mayor
- Delinquent Angel | John Perceval Ceramic Angels - Gala Dinner
- Shepparton District Junior Football League | Grand Final
- Goulburn Valley Concert Orchestra | Flute, Trombone & Piano Trio

Councillors were also briefed on the following matters:

- Neighbourhoods Houses Presentation
- Greater Shepparton Senior Festival Grants [October 2014]
- Adoption to Amendment C134
- Adoption to Amendment C172
- Community Lease Renewals
- Strategic Discussion | 'Trees' - Maude Street, Shepparton
- Amendment to Planning Permit 2014-8
- Amendment to Conditions in Planning Permit 2007-154/A
- Greater Shepparton On Show | Further Development discussion
- Pine Lodge Cemetery & Kialla West Cemetery Trust Meeting
- Pine Lodge Cemetery Advisory Committee Meeting
- Use and Development of land for a Caravan park
- VicRoads | Duplication of Doyles Road project
- Planned Burning Program - Management of Parks Victoria Land
- Arcadia Locality Plan
- Undera Community Development Group - Review of Community Plan

In accordance with section 80A of the *Local Government Act 1989* records of the Assemblies of Councillors are attached.

Moved by Cr Ryan
Seconded by Cr Oroszvary

That the summary of the councillors' community interaction and briefing program be received.

CARRIED.

Attachments

- | | |
|---|----------|
| 1. Disability Advisory Committee Meeting Minutes 21 March 2014 | Page 283 |
| 2. Minutes Positive Ageing Advisory Committee Meeting 24 April 2014 | Page 286 |
| 3. Disability Advisory Committee Meeting Minutes June 27 2014 | Page 290 |
| 4. Councillor Briefing Session - 12 August 2014 | Page 296 |
| 5. Councillor Briefing Session - 19 August 2014 | Page 297 |
| 6. Record of Assembly of Councillors - RiverConnect Implementation Advisory Committee - 20 August 2014 | Page 298 |
| 7. Record of Assembly of Councillors - Women's Charter Alliance Advisory Committee meeting 22 August 2014 | Page 299 |

16. URGENT AND OTHER BUSINESS NOT INCLUDED ON THE AGENDA

Nil Received.

17. PUBLIC QUESTION TIME

Question 1 (John Gray)

Can the public please be informed of the reference within the Local Government Act 1989 or Greater Shepparton City Council Local Law No. 2 Processes of Local Government (Meetings and Common Seal) under which a submitted Notice of Motion was disallowed and precluded from the Meeting Agenda for the recent August Ordinary Meeting of Council?

Response

As an elected member of Council, Councillors have a right to access information to undertake their role which is within their powers and responsibilities. Pursuant to Section 94 of the Local Government Act 1989, the questions submitted as part of the Notice of Motion are the domain of the CEO. Legal advice obtained indicated that some of the questions were outside of the Council's scope, powers and function and therefore do not form the basis of a Notice of Motion, and Councillors were advised of this prior to the Council agenda being prepared.

Question 2 (John Gray)

In the matter of the rejection by the Chair of a recent attempt for admission of an item of perceived urgent business, isn't it the province of the full council to determine, subject to Division 5 –Section 35 of Local Law No. 2, whether that business shall be admitted?

Response

The Mayor used Clause 46 of Local Law No.2, which the Chair has the discretion to use to reject any motion.

17. PUBLIC QUESTION TIME

Question 3 (Carole Trotter)

How much money has Greater Shepparton Council paid CT Management Group P/L since Council engaged their services in 2012 until 30th June 2014 including the services required for the Organisation Scan and Interim and Final Reports and all follow up services including cost of staff supplied by CT management group P/L to fill vacancies in Council staff positions?

Response

CT Management are a company that specialise in Local Government Consultancy. They undertake consultancy work to approximately 250 Local Governments across Australia.

Council has engaged CT Management for two main reasons:

1. to cover staff vacancies within the organisation that the skills and expertise do not exist from current staff, and that budget has been allocated to these positions; or
2. to undertake project work for the Council.

	2012/2013	2013/2014	Total
Project (i.e. Org Scan, Strategy reviews, Long Term Financial Planning, Capital project work etc)	\$237,494	\$207,553	\$445,047
Position (i.e. temporary back fill of vacant positions)	\$672,055	\$897,814	\$1,569,869
TOTAL	\$909,549	\$1,105,367	\$2,014,916
Operating Expense Only	\$909,549	\$984,178	
TOTAL GSCC Op Expenses	\$96,294,414	\$104,079,202*	
CT Mgt as % of Total GSCC	0.9%	0.9%	

Break up of expenditure by sub-accounts

	12/13 Total Actual CT	% of Actual for total sub	13/14 Total Actual CT	% of Actual for total sub
362 Consultants	\$887,499	29.8%	\$958,652	33.8%
364 Gen Exps	\$8,120	0.1%	\$29,011	0.2%
372 Ext Labour	\$13,930	1.1%	\$1,404	0.1%

All figures are exclusive of GST

The Council were provided with most of the above information in early August 2014.

17. PUBLIC QUESTION TIME

Question 4 (Carole Trotter)

Could you please detail all the positions on Council staff provided by CT Management Group P/L between 1 July 2012 and the present time?

Response

Director Business
Director Organisation
Events and Tourism Manager
HR Support Officer
Kerbside Collection Project Officer
Legal/Risk Advisor
Management Accountant
Manager Finance and Rates
Manager Projects
Manager Regulatory Services
Marketing and Communications Manager
Procurement Advisor
Team Leader Rates
Team Leader Regulatory Services
Waste Management Coordinator

They are not staff of CT Management; they are associates of the company.

Question 5 (Keppel Turnour)

How much money is provided for in the 2014/2015 Budget for all services (including provision of staff filling vacancies) to be provided by CT Management Group P/L, and under which Business Unit or Department is it listed?

Response

Budget allocations are not based on suppliers as doing so would often mean pre-empting the outcomes of Council's procurement practices. This would contradict the best practice principle of open and fair competition.

Some ongoing commitments to existing suppliers for services that cross financial years, such as annual updates to the long term financial planning software, are allowed for in the 2014/2015 budget, however, this information is maintained at individual business unit level. Only the anticipated dollar amount of each commitment is included in the total budgeted expenditure.

Staff positions are budgeted on the assumption of nil vacancies, irrespective if at the time of budget development these positions are temporarily back-filled by an external service provider such as CT Management. Should a vacancy arise during the 2014/2015 financial year the associated salary and oncost budget savings can be used to offset any costs incurred in back-filling the position to reduce the impact on Council operations and maintain delivery of services to the Community.

17. PUBLIC QUESTION TIME

Question 6 (Keppel Turnour)

Is the CT Management Group P/L engaged by Council as a consultant under a written signed and sealed Contract?

Response

Positions are appointed under MAV Contract RS8017

Projects are engaged by signed agreements by the CEO, Directors or Managers depending on the project amount and their delegation.

Question 7 (Gordon Hamilton)

- a) Can you "please explain "How Council has "Put Locals first" when Council Planners have, NOT used \$20,000 of Victorian Taxpayers money to Fund a Feasibility Study at the Quest Shepparton racing Complex and adjacent greyhound track ,as announced by Minister Powell BUT instead have used the \$20,000 of Taxpayers money to fund an "Investigation" into" Investigation Area 1"

Response

Specific reference is best made to the Council's response to the Assessment Criteria for the Putting Locals First Program. This shows that the funding was for not only the actual land currently used by the Harness racing and Greyhound Racing Clubs, but for the whole Goulburn Valley Equine Precinct (Investigation Area 1 as it is known within the Planning scheme). Our application stated:

This application is for a feasibility study and masterplan to be developed for the Goulburn Valley Equine Precinct in order to plan for the proposed development identified in the Shepparton Harness Racing Business Plan 2007-2012. Identified potential for future expansion of the facilities, developing in to a large complex includes:

- *Upgraded training and racing facilities for harness racing and greyhound racing;*
- *Rural residential development on surrounding land to enable horse owners to live in close proximity to the training and racing facilities. Allotments would be large enough to keep horses for private use (not agistment);*
- *Ancillary activities such as racing related new businesses;*
- *Facilities for equestrian events such as show jumping and pony club;*
- *Education facility for racing and equine activities which could be affiliated with University and/or TAFE;*
- *Visitor accommodation associated with racing events including, hotel/motel or caravan park.*

The aim of the feasibility study and masterplan is to identify:

- *Regional demand for an expanded facility;*
- *Economic attraction value of such a development in the region;*
- *The suitability of ancillary activities and uses that could be included in the precinct such as veterinary services, fodder and equipment sales;*
- *Environmental impacts of the development;*
- *The Shepparton Harness Racing Clubs capacity to undertake works;*
- *The impact of the development on surrounding land uses.*

17. PUBLIC QUESTION TIME

Question 8 (Gordon Hamilton)

- a) How have Council "Put Locals First" when they have appointed a 7 person "Steering Committee" with 4 of its 7 members representing the Racing Clubs, who have a clear conflict of interest in the outcome of the "Investigation", BUT have NO LOCAL landowners from Investigation area 1 represented on it, because the Director of Sustainable Development believes that they would have a conflict of interest in the outcome of the "Investigation"

Response

In response to this question the following is an extract from the application to Regional Development Victoria best addresses this question.

The project will be undertaken by a suitable consultant, and will be managed by the Greater Shepparton City Council. A project steering committee will guide the project and will consist of representatives from relevant sections of Council (such as Investment Attraction, Strategic Planning, Tourism and Events, and Infrastructure Development), the Shepparton Harness Racing Club and the Shepparton Greyhound Racing Club.

The Council has agreed to invest \$15,000 towards the project and the Harness Racing Club to contribute a further \$15,000 to provide the match funding required by RDV. The total project budget is \$50,000.

Other landowners within the precinct will be consulted as part of the project, as well as relevant State authorities such as VicRoads, Goulburn Valley Water and the Goulburn Broken Catchment Management Authority.

As stated above, landowners within the precinct and abutting the precinct were invited to participate in the consultation phase of project. Some landowners have elected not to participate. Further opportunities will be provided for ongoing participation and at later stages of the project. Representatives of the clubs formed part of the steering committee as they are direct financial contributors to the project.

18. CONFIDENTIAL MANAGEMENT REPORTS

18.1 Designation of Confidentiality of Information

**Moved by Cr Polan
Seconded by Cr Adem**

That pursuant to section 89(2)(d) of the *Local Government Act 1989* the Council meeting be closed to members of the public for consideration of a confidential item.

CARRIED.

18.2 Contract Variation Order (CVO1) | Verney Road Stage 1 - Goulburn Valley Water Main Relocation Works.

18.3 Reopening of the Council Meeting to Members of the Public

18.4 Designation of Confidentiality of Information – Report Attachments

**Moved by Cr Polan
Seconded by Cr Ryan**

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 items and previously designated by the Chief Executive Officer in writing as confidential under section 77(2)(c) of the Act.

1. Report 9.8: Landfill Waste, Recyclables and Organics Collection. This document relates to a contractual matter, which is a relevant ground applying under section 89(2)(d) of the Act.
2. Report 9.9: Recyclables Acceptance and Sorting. This document relates to a contractual matter, which is a relevant ground applying under section 89(2)(d) of the Act.
3. Report 9.10: Kerbside and other Organics Acceptance and Processing. This document relates to a contractual matter, which is a relevant ground applying under section 89(2)(d) of the Act.
4. Confidential Memo and associated information to Mayor and Councillors dated 19 August 2014.

CARRIED.

MEETING CLOSED AT 6.40PM