

# AGENDA

FOR THE  
GREATER SHEPPARTON CITY COUNCIL

## ORDINARY COUNCIL MEETING

TO BE HELD ON  
TUESDAY 17 FEBRUARY, 2015  
AT 5.30PM

IN THE COUNCIL BOARD ROOM

**COUNCILLORS:**

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

***VISION***

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



**A G E N D A  
FOR THE  
ORDINARY COUNCIL MEETING  
TO BE HELD ON  
TUESDAY 17 FEBRUARY, 2015 AT 5.30PM**

**CHAIR  
CR DENNIS PATTERSON**

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

**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**

**RECOMMENDATION**

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

**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**

**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held 16 December 2014 as circulated, be confirmed.

## 5. OFFICE OF THE CHIEF EXECUTIVE OFFICER

### 5.1 Contracts Awarded Under Delegation Report - February 2015

#### **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 December 2014 to February 2015. The report also provides details of the status of requests for tenders that have not yet been awarded.

#### **RECOMMENDATION**

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.

#### **Tendered Contracts Awarded under Delegated Authority by the CEO**

| <b>Contract Number</b> | <b>Contract Name</b>   | <b>Contract details, including terms and provisions for extensions</b>   | <b>Value inclusive of GST</b> | <b>Awarded to</b>        |
|------------------------|--|--|-------------------------------|--------------------------|
| 1571                   | Provision of Municipal Valuation Services 2016               | Schedule of rates contract for the provision of valuation services for the municipality.   | \$561,600.00                  | LG Valuations Pty Ltd    |
| 1546                   | Philippine House Restoration - Construction                  | Lump sum contract for the provision of building works in accordance with the requirements of the Heritage Overlay for two buildings. | \$422,385.00                  | Moretto Building Pty Ltd |
| 1548                   | Shepparton Senior Citizen's Centre Redevelopment (Construct) | Lump sum tender for the construction works associated with the redevelopment of the Shepparton Senior Citizen's Centre.              | \$493,949.50                  | Moretto Building Pty Ltd |



## 5. OFFICE OF THE CHIEF EXECUTIVE OFFICER

### 5.1 Contracts Awarded Under Delegation Report - February 2015 (continued)

#### Requests for Tenders advertised but not yet awarded

| Contract No. | Contract Name  | Contract detail, including terms and provisions for extensions  | Status  |
|--------------|--|---|---|
| 1429         | 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. This contract will be awarded at the April Council meeting.   |
| 1393         | Design & Construction of Saleyards new Cattle Shed                       | Lump sum tender for the design and construction of new roof structure at the Shepparton Regional Saleyards                  | Tender closed 3 December 2014. Tenders have been evaluated and this contract will be signed under delegation. The contract has been signed by the contractor and is retuning for Council signing. |
| 1554         | Provision of Catering Services to Eastbank Cafe                          | Expression of interest for the Provision of Catering Services to Eastbank Cafe  | Tender closed 14 January 2015. Expressions of interest have been evaluated and a report is being prepared for Executive for shortlisting and invitations to tender.                               |
| 1452         | Provision of a Contract Management System                                | Expression of Interest for the Provision of a Contract Management System  | Tender closed 28 January 2015. Expressions of interest are currently being evaluated. A shortlist will be prepared and invited to tender.   |
| 1551         | Provision of Consulting Services - Cosgrove 3 Works Approval Application | Schedule of Rates contract is for the Provision of Consulting Services - Cosgrove 3 Works Approval Application.             | Tender closed 28 January 2015. Tenders are currently being evaluated. This contract will be signed under delegation.  |
| 1593         | Toolamba Public Toilet (Design & Construct)                              | Lump sum contract for the design and construction of the Toolamba Uni-Sex Toilet  | Tender closed 11 February 2015.   |
| 1600         | Tatura Park Outdoor Arena Roof   | Lump sum contract for the design and construction of roof structure and associated works over the Tatura Park outdoor arena | Tender closes 18 February 2015.   |

## 5. OFFICE OF THE CHIEF EXECUTIVE OFFICER

### 5.1 Contracts Awarded Under Delegation Report - February 2015 (continued)

| Contract No. | Contract Name  | Contract detail, including terms and provisions for extensions  | Status                      |
|--------------|--|---|-----------------------------|
| 1588         | Kerbside Waste, Recyclables and Organics Collection 2015   | Provision of Landfill Waste, Recyclables and Organics Kerbside Bin Collection, Special Event Recyclables Collection, Public Recyclables Bin Collection and Resource Recovery Centre Recyclables Skip Supply and Collection Services and after 1 December, 2016 Litter Bin, Cleaning, Special Event Bin Supply and Special Event Waste Services. | Tender closes 4 March 2015. |
| 1589         | Recyclables Acceptance and Sorting 2015                    | Provision of acceptance and sorting of recyclables.   | Tender closes 4 March 2015. |
| 1590         | Kerbside and other Organics Acceptance and Processing 2015 | Provision of the acceptance and processing of kerbside and other organics.  | Tender closes 4 March 2015. |

#### **Policy Considerations**

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

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

#### **Legal/Statutory Implications**

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

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

#### **Conclusion**

It is important that decisions and actions taken under delegation be properly documented and transparent in nature. The report details the publicly advertised contracts awarded by the Chief Executive Officer under delegated authority of the Council during the period December 2014 to February 2015.

#### **Attachments**

Nil

## 5. OFFICE OF THE CHIEF EXECUTIVE OFFICER

### 5.2 Conflict of Interest Policy

#### **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 Team Leader Governance

**Proof reader(s):** Acting Manager Corporate Performance

**Approved by:** Chief Executive Officer

#### **Executive Summary**

The Governance team identified that the organisation may benefit from the development of a Policy to formalise the Conflict of Interest process, following some internal training which has recently been conducted.

This Policy has been designed to assist Councillors, Committee Members, Staff, Contractors, Consultants and Volunteers in identifying conflicts of interest and provides clear direction on the declaration process.

#### **RECOMMENDATION**

That the Council adopt the Conflict of Interest Policy 37.POL6.

#### **Background**

While Council has declaration forms and information guides on the Conflict of Interest process, there is currently no formally adopted Policy which can provide a central reference point to Councillors, Committee Members, Staff, Contractors and Volunteers when declaring a Conflict of Interest.

As a result, there can be some confusion and misunderstanding on how to identify a conflict of interest, and the process of making this declaration.

This document was prepared to formally outline the correct process to follow, therefore ensuring all Councillors, Committee Members, Staff, Contractors, Consultants and Volunteers can meet their statutory obligations.

#### **Council Plan/Key Strategic Activity**

No links to the Council Plan / Key Strategic Activity have been identified in relation to this Policy.

#### **Risk Management**

Adoption and promotion of the conflict of interest policy will assist Councillors, Committee Members, Staff, Contractors, Consultants and Volunteers in meeting their statutory obligations.

Adherence to the policy will reassure members of the public that Council will continue to act with their best interests in mind, and that all dealings are done so in a way which is both honest and ethical.

## 5. OFFICE OF THE CHIEF EXECUTIVE OFFICER

### **5.2 Conflict of Interest Policy (continued)**

#### **Policy Considerations**

This policy compliments the Councillor Code of Conduct and Code of Conduct Policy 46.POL35.

#### **Financial Implications**

No financial implications have been identified in relation to this report.

#### **Legal/Statutory Implications**

This Policy has been prepared in accordance with the statutory requirements of *the Local Government Act 1989* and Councils Local Law No. 2 – Processes of Local Government (Meetings and Common Seal).

#### **Environmental/Sustainability Impacts**

There are no environmental / sustainability impacts in relation to this report.

#### **Social Implications**

There are no social impacts in relation to this report.

#### **Economic Impacts**

There are no economic impacts in relation to this report.

#### **Consultation**

The Governance team consult with all staff in relation to the process of declaring Conflicts of Interest and this Policy will simply formalise existing processes.

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

#### **Strategic Links**

##### Greater Shepparton 2030 Strategy

No links have been identified with the Greater Shepparton 2030 Strategy.

#### **Options for Consideration**

The Council could choose any of the following options:

1. Endorse the Policy with or without amendment.
2. Endorse the document in a different format (CEO Directive or Guideline).
3. Maintain the status quo and determine that the document is not required.

#### **Conclusion**

As this document provides guidance to Councillors and Committee Members in addition to staff in meeting their legislative obligations, it is recommended that it be adopted as Council Policy to formalise current processes and raise awareness of legislative requirements.

#### **Attachments**

Conflict of Interest Policy 37.POL6

## 5. OFFICE OF THE CHIEF EXECUTIVE OFFICER

### 5.3 Delegation to the Chief Executive Officer

#### **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 Team Leader Governance

**Proof reader(s):** Acting Manager Corporate Performance

**Approved by:** Chief Executive Officer

#### **Executive Summary**

Delegations are a critical governance tool of the Council. Most Council decisions are not made at Council meetings and the effective functioning of the Council would not be possible if they were. Instead, most decision-making power is allocated by formal delegations. The most important delegation issued by the Council is to the Chief Executive Officer (CEO). This delegation allows the CEO to then sub-delegate powers, duties and functions to Council officers, to allow them to make the day to day decisions necessary to provide responsive and high quality services to the community.

#### **RECOMMENDATION**

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

1. there be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that instrument.
2. the instrument comes into force immediately the common seal of Council is affixed to the instrument.
3. it authorises the Chief Executive Officer to sign and seal the Instrument of Delegation to the Chief Executive Officer.
4. on the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.
5. the duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
6. it is noted that the instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the *Local Government Act 1989*.

## 5. OFFICE OF THE CHIEF EXECUTIVE OFFICER

### **5.3 Delegation to the Chief Executive Officer (continued)**

#### **Background**

The previous Instrument of Delegation from the Council to the CEO was authorised by resolution at a Council meeting on 18 February 2014.

There has been one alteration to the Instrument of Delegation from the version which was approved by resolution on 18 February 2014. This alteration is the addition of the word 'act' to the following sentence:

*The delegate must not determine the issue, take the action or do the act or thing*

*if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution.*

The proposed change has been recommended by Maddocks Lawyers through our subscription to their Delegations and Authorisation service.

#### **Council Plan/Key Strategic Activity**

The review and adoption of a revised delegation to the CEO directly 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**

The review and adoption of the CEO's delegation ensures that it remains current, valid, and legal and that there is no temptation to operate outside a delegation which has become dated and unworkable over time.

Subscribing to the Maddocks service reduces the risk that legislative changes which have implications for the Council's delegations and authorisations are not properly identified and implemented.

#### **Policy Considerations**

The Council adopted Exercise of Delegations policy provides guidance to delegates on how they should exercise their delegations. This delegation is in accordance with the Exercise of Delegations policy.

There is no policy conflicts associated with the matters outlined in this report.

#### **Financial Implications**

There are no direct financial implications arising from the *Instrument of Delegation to the Chief Executive Officer*.

#### **Legal/Statutory Implications**

There are no legal implications associated with the Delegation as it ensures decisions are made legally.

#### **Environmental/Sustainability Impacts**

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

#### **Social Implications**

There are no social implications associated with this report.

## 5. OFFICE OF THE CHIEF EXECUTIVE OFFICER

### **5.3 Delegation to the Chief Executive Officer (continued)**

#### **Economic Impacts**

There are no economic impacts associated with this report.

#### **Consultation**

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 Greater Shepparton 2030 Strategy

##### **b) Other strategic links**

No other strategic links have been identified.

#### **Options for Consideration**

To remain with the current Instrument of Delegation to the Chief Executive Officer that was adopted by Council on 18 February 2014.

#### **Conclusion**

It is recommended that the amended Instrument of Delegation to the Chief Executive Officer be approved. This will allow better management of Council operations without the time delay of having to obtain Council approval.

#### **Attachments**

S5. Instrument of Delegation to Chief Executive Officer

## 5. OFFICE OF THE CHIEF EXECUTIVE OFFICER

### 5.4 Instrument of Delegation - Members of Staff and Development Hearings Panel

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

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

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

#### **Council Officers involved in producing this report**

**Author:** Acting Team Leader Governance

**Proof reader(s):** Acting Manager Corporate Performance

**Approved by:** Chief Executive Officer

#### **Executive Summary**

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

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

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

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

#### **RECOMMENDATION**

That in the exercise of powers conferred by section 98(1) of the *Local Government Act 1989* and other legislation referred to in the revised *Instrument of Delegation - Members of Staff and Development Hearings Panel*, the Council resolves:

1. the Council delegates to the members of staff holding, acting in or performing the duties of the offices or positions referred to in the *Instrument of Delegation - Members of Staff and Development Hearings Panel*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
2. the Instrument comes into force immediately upon the common seal of Council being affixed to the instrument.
3. it authorises the Chief Executive Officer to sign and seal *the Instrument of Delegation – Members of Staff and Development Hearings Panel* document.
4. on the coming into force of the instrument, the *Instrument of Delegation to Members of Council Staff and Development Hearings Panel* adopted by the Council on 18 February 2014 be revoked.



## 5. OFFICE OF THE CHIEF EXECUTIVE OFFICER

### 5.4 Instrument of Delegation - Members of Staff and Development Hearings Panel (continued)

5. the duties and functions set in the Instrument must be performed, and powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

#### **Background**

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

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

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

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

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

This Instrument has been reviewed as required by section 98(6) of the Act and a number of changes proposed. These changes are necessary to reflect changes in the delegated powers and duties under these Acts and Regulations since the last delegation was adopted.

#### **Council Plan/Key Strategic Activity**

The issuance of the Instrument of Delegation to Members of Council Staff supports Objective 5. 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**

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

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

## 5. OFFICE OF THE CHIEF EXECUTIVE OFFICER

### **5.4 Instrument of Delegation - Members of Staff and Development Hearings Panel (continued)**

#### **Policy Considerations**

The proposed Instrument must be exercised in accordance with the Council's Exercise of Delegations policy.

#### **Financial Implications**

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

#### **Legal/Statutory Implications**

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

#### **Environmental/Sustainability Impacts**

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

#### **Social Implications**

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

#### **Economic Impacts**

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

#### **Consultation**

The review of the Delegation was undertaken by Governance and consultation was conducted with each Director and Manager that has been given delegated powers within the document. This was to ensure all Managers agreed and understood their powers and responsibilities under the Instrument of Delegation.

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

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

#### **Strategic Links**

##### **a) Greater Shepparton 2030 Strategy**

There are no direct links to the Greater Shepparton 2030 Strategy

##### **b) Other strategic links**

There are no other strategic links

#### **Options for Consideration**

To not bring into force the amended Delegation and remain with the current signed and sealed out of date instrument.

## 5. OFFICE OF THE CHIEF EXECUTIVE OFFICER

### **5.4 Instrument of Delegation - Members of Staff and Development Hearings Panel (continued)**

#### **Conclusion**

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

#### **Attachments**

S6 Instrument of Delegation - Members of Council Staff and Development Hearings Panel

## 5. OFFICE OF THE CHIEF EXECUTIVE OFFICER

### 5.5 Appointment of Independent Member to the Audit and Risk Management Committee

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

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

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

#### **Council Officers involved in producing this report**

**Author:** Team Leader Risk Management

**Proof reader(s):** Manager Corporate Performance

**Approved by:** Chief Executive Officer

#### **Executive Summary**

Due to the resignation of an independent member of the Council's Audit and Risk Management Committee, expressions of interest to fill the vacancy were invited by public notice.

Four expressions of interest were received, the Audit and Risk Management Committee met independently to discuss the merit of all the applicants and have nominated Mr John Calleja to be appointed for a three year term.

Mr Calleja has extensive experience as a Chief Financial Officer, Company Secretary and Director in private, publicly listed and government owned organisations in Australia and internationally for 10 years. Mr Calleja is currently the Chief Financial Officer for Goulburn-Murray Water. Mr Calleja holds a Bachelor of Commerce, a Master of Applied Finance and is a member of the Institute of Chartered Accounts in Australia and New Zealand.

### **RECOMMENDATION**

That the Council appoint Mr John Calleja as an independent member to the Audit and Risk Management Committee for a term of three years commencing on 18 February 2015 and expiring on 16 February 2018.

#### **Background**

The Greater Shepparton Audit and Risk Management Committee was first established on 19 December 1996. The Audit and Risk Management Committee membership comprises of two Councillors (Mayor and one other) and three independent community representatives.

The committee's Charter provides that "*external independent persons will have senior business or financial management/reporting knowledge and experience...*" It is considered that Mr Calleja's professional experience will complement the skills of the existing committee members and enhance Council's internal audit processes.

#### **Council Plan/Key Strategic Activity**

This proposal supports the implementation of key strategies outlined in section 5 of the Council Plan 2013-2017 "*High Performing Organisation (Leadership and Governance)*"

## 5. OFFICE OF THE CHIEF EXECUTIVE OFFICER

### 5.5 Appointment of Independent Member to the Audit and Risk Management Committee (continued)

The primary objective of the Audit and Risk Management Committee is to assist the Council in the effective conduct of its responsibilities for financial reporting, management of risk, maintaining a reliable system of internal controls and facilitating the organisation's ethical development.

#### **Risk Management**

| Risks   | Likelihood | Consequence | Rating   | Mitigation Action   |
|---|------------|-------------|----------|---|
| Governance risk associated with appointing a new independent member to the Audit and Risk Management Committee. | Possible   | Moderate    | Moderate | The appointment of members by formal resolution of the Council reduces governance risks by ensuring that all members appointed to a committee are covered by the Council's public liability insurance and are most suitable for the position. |

#### **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 139 of the *Local Government Act 1989* requires that the Council must establish an Audit Committee as an advisory committee to the Council. The Greater Shepparton Audit and Risk Management Committee Charter prescribes the membership, its functions and responsibilities.

#### **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**

Advertising for expressions of interest provided the opportunity for interested members of the community to apply for the position. The current members of the Audit and Risk Management Committee were briefed on the applicants and have recommended their preferred member.

## 5. OFFICE OF THE CHIEF EXECUTIVE OFFICER

### **5.5 Appointment of Independent Member to the Audit and Risk Management Committee (continued)**

The Office of the CEO and the Audit and Risk Management Committee believe appropriate consultation has occurred and the matter is now ready for Council consideration.

#### **Strategic Links**

##### Greater Shepparton 2030 Strategy

The consideration of the *Risk Management Committee Annual Report 2012-2013* are consistent with the objectives, strategies and actions outlined in the *Greater Shepparton 2030 Strategy 2006*.

#### **Options for Consideration**

Councillors could choose not to appoint the recommended applicant, however this would cause a further delay in not having adequate committee member numbers to undertake its role appropriately according to principle standards.

#### **Conclusion**

It is recommended that Mr John Calleja be appointed to the Audit and Risk Management Committee for a term of three years.

#### **Attachments**

EOI - John Calleja - GSCC A&RMC - *CONFIDENTIAL*

## 6. INFRASTRUCTURE DIRECTORATE

### 6.1 Victoria Lake Caravan Park Precinct 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 Strategic Assets**

**Proof reader(s): Director Infrastructure**

**Approved by: Director Infrastructure**

**Other: Director Communities**

#### **Executive Summary**

There is a need for Council to consider the immediate and long term future of the Victoria Lake Caravan Park. The caravan park has potential to be a profitable business and a significant attraction to Shepparton, but action is urgently required to ensure the sustainability of the park. The occupancy rates have declined over recent years to 20% of capacity. At the same time occupancy is insufficient to drive investment into the aging park infrastructure, which is in poor condition and very out dated.

Consideration of the short term future is essential as the caravan park management contract expires on 30 June 2015. The completion of the management contract term and with the park operating at break even, or at a small loss, is a trigger for a decision about the future of the caravan park, rather than simply commence the process of recruiting new contract Managers when the park is in financial trouble.

The caravan park condition has led to a number of significant Occupational Health and Safety concerns for staff and visitors alike. Most notably is the absence of adequate fire fighting infrastructure. The Residential Tenancies Regulations 1999 No. 88: requires a caravan park to supply fire fighting facilities in or in relation to the caravan park.

There have been a number of close calls with tree limbs falling on vacant camp sites or very near camp sites. Council will be liable should a tree limb be the cause of a serious accident.

Other serious risks that will be further discussed below include;

- numerous trip hazards that exceed Council's RMP standards throughout the Park from lifting concrete and road potholes.
- very poor night lighting
- no fencing around the park to stop a child walking onto railway tracks or into the Goulburn River.
- poorly designed cloths lines throughout the park that could cause serious head injuries – especially given inadequate night lighting
- broken toilets in amenity blocks and sewerage pipes failing on a regular basis.
- poor security resulting in a spate of break-ins, any of which could have resulted in confrontation between park occupants and criminals.

Council commissioned a feasibility study into the caravan park through the company Urban Enterprises. The study concluded that the caravan park, in its present condition is run down, and cannot cater to the growing family holiday market.

## 6. INFRASTRUCTURE DIRECTORATE

### **6.1 Victoria Lake Caravan Park Precinct Redevelopment (continued)**

The study supports the redevelopment of a premium caravan park, to meet the demands of the family/leisure camping market, but also proposed among the options, a new precinct which included a new Shepparton Art Museum, and permanent 4+ star visitor/tourist accommodation on the existing caravan park and Shell Service Station site.

This report does recommend the short term closure of the caravan park in order to halt revenue loss to Council and to consider how to address the numerous OHS risks which seriously expose Council to legal action. The intention will be to consider the redevelopment the caravan park, which might incorporate a new SAM and premium accommodation facility to support future tourism growth in Shepparton. A separate report is being prepared regarding a new SAM development in this precinct.

#### **RECOMMENDATION**

That the Council:

1. review and update the Victoria Lake Master Plan to incorporate the potential for a new Shepparton Art Museum and visitor/tourist accommodation precinct
2. close the Victoria Lake Caravan Park from February 2016 while the Master Plan update is undertaken and feasibility of visitor/tourist accommodation is considered.

#### **Background**

In 1998 the caravan park was leased by Greater Shepparton Council to a private operator who ran the facility for approximately 15 years. The lease conditions included maintenance of the park at a minimum 3 star rating. While some additional cabins were built in the park in this time, and some minor sewerage works undertaken, Council took back the park in 2013 in a very poor condition such that the caravan park no longer has a star rating.

Council installed a new manager under contract arrangements for the period from June 2013 to June 2015. With declining occupancy rates, down to just 20% of capacity (26% if we include annual sites) this has meant over the last two years the caravan park has struggled to cover operating costs. The caravan park is actually tracking toward a \$53,000 loss for 14/15.

A site inspection of the park in November revealed a significant number of serious maintenance requirements and potential health and safety risks associated with the aging infrastructure, and unless addressed, maintenance will only continue to increase, and the risk of an accident to a resident is a very real prospect.



## 6. INFRASTRUCTURE DIRECTORATE

### 6.1 Victoria Lake Caravan Park Precinct Redevelopment (continued)



Various trip hazards and poorly designed cloths line which pose significant OHS issues to visitors



One of the poorly kept annual sites.



## 6. INFRASTRUCTURE DIRECTORATE

### 6.1 Victoria Lake Caravan Park Precinct Redevelopment (continued)



The first ablation block built 1968/69 is now rundown and out-dated for a family park amenity block.

Attached to this report is a snap shot of the 13/14 budget showing the caravan park made \$60,000 in 13/14 and the 14/15 budget showing a predicted loss. A noticeable difference is the cost of the feasibility study mentioned in this report. If the cost of the report is excluded we still predict a small loss of \$2,612. Operating costs such as maintenance and utilities are rising as more infrastructure fails. There are also material costs to supply cabins with kitchenware, towels and linen, the supply of three amenity blocks and the camp kitchen. These margins are far too narrow to call this a sustainable business.

A summary of occupancy rates from January 2014 to November 2014 has been included as an attachment to this report to demonstrate how few overnight stays the park is attracting.

Capital expenses have been left out of the budget snap shot in order to focus on operating costs. The 13/14 figure does not include \$10,000 spent on capital improvements. Also Council currently has a requirement to spend \$225,000 on installing fire hydrants throughout the facility.

In conjunction with concerns about the financial sustainability of the park, and failing infrastructure, there are now several serious OHS issues which cannot continue to be left unaddressed.

On 29 October 2009, Council was issued a written notice from the Country Fire Authority (CFA) pursuant to the Residential Tenancies (Caravan Parks and Moveable Dwellings Registration and Standards) Regulations 1999.

## 6. INFRASTRUCTURE DIRECTORATE

### **6.1 Victoria Lake Caravan Park Precinct Redevelopment (continued)**

In this letter the CFA noted specifically that hose reel coverage in the Park is inadequate and does not comply with the Regulation. In their letter they require Council to provide hose reel coverage to the entire Park to reach every building or camping area.

Recognising the significant cost implications the CFA provided Council four years to become compliant. This period has now past. Council has allocated \$120,000 in this year's budget, but with final design a specifications completed, the project will cost in excess of \$225,000. It will take the caravan park years to pay off the cost of the fire hydrant installation which also means the park still cannot generate enough revenue to cover the cost of upgrades to amenity blocks and other facilities.

In 2014 the park attracted international news when two British back packers narrowly avoided a potentially deadly accident when a large tree limb fell on their camp site just after they had packed up. Reports of deadly accidents involving falling tree limbs are reported every year so we are aware this is a real risk. Poorly maintained and dead trees in the caravan park pose a serious risk to visitors and a very real legal risk to Council.

Other risk mentioned in the Executive summary include numerous trip hazards, aged and broken infrastructure, poor lighting, poorly designed and positioned cloths lines; all are likely to contribute to risks of injury to occupants of the park unless addressed. The scale of poor concrete, roads and lighting alone would be in the hundreds of thousands of dollars, and still this does not cover updates to aging amenity blocks.

In 2014/15 financial year the caravan park had become such a regular target for break-ins that we had to install motion sensor cameras in all areas with coin operated facilities. The break-ins have damaged machines beyond repair, and the patching of buildings has left them looking even worse for wear.

A slide show showing a whole series of maintenance problems is available to give Councillors a good understanding of how tired the caravan park has become and demonstrate there will be inevitable rising maintenance costs.

The Urban Enterprise study put a strong case for a caravan park to continue at the existing site, but only foresees success in the business if the park is redeveloped to accommodate the needs of the family and leisure camping market. The Caravan Park locality was identified in the feasibility study as one of the caravan parks greatest strengths. Its proximity to the CBD, Aquamoves, the lake, the river and walking/cycling tracks means there would be a lot on offer to those who choose to stay at the park. The study also noted that the park is rundown, lacking very basic facilities and amenities, and because of this will not attract the family/leisure clientele.

The Urban Enterprise study provides options for redeveloping the Park. All options required the caravan park to be improved to four star rating (premium camping). The options included:

- a premium caravan park and reinstatement of park land
- premium caravan park with new permanent 4 plus star accommodation
- premium caravan park with new Shepparton Arts Museum and 4 plus star accommodation, and;
- premium caravan park with new SAM, 4plus star accommodation and Tourism Hub

#### **Discussion Points**

The Urban Enterprise Feasibility Study recommends the continued operation of a premium caravan park at the existing site.

## 6. INFRASTRUCTURE DIRECTORATE

### **6.1 Victoria Lake Caravan Park Precinct Redevelopment (continued)**

If a redevelopment was to include a new SAM and 4 plus star permanent accommodation at the existing precinct, this would shrink the current footprint of the caravan park.

Currently there are 192 accommodation sites made up of cabins, camping sites, annual sites and caravan sites. Of these 192 sites the park is attracting an occupancy rate of just 20% and 26% including annuals. A basic financial analysis will demonstrate that if the occupancy rate can be pushed upward of 30% the caravan park is just profitable, less capital requirements.

There is currently a Business Case being put to Council to consider a new Shepparton Arts Museum and permanent accommodation on the existing Caravan Park/Shell Service Station footprint.

It is a very real possibility that combining the two future projects of a premium caravan park and a new SAM precinct would be successful. The Urban Enterprise Study definitely supports this as one of the options.

Should the caravan park be reduced from 192 sites to 96 premium sites, the caravan park business should be viable, given it would be profitable at 30% occupancy as it currently stands. As a premium facility we would require occupancy rates to regularly exceed 50% and average closer to 75% per annum, which is a significant increase from current occupancy rates over the 192 sites, so on a smaller footprint, occupancy rates of a premium facility should be greater than they are with the existing rundown facility.

With the management contract currently about to expire over the Victoria Lake Caravan Park, and the park currently running at a small loss, it is recommended that the park, in its current form discontinue in order to save rate payer money. In fact, if the park were to continue trading it will need to spend the \$225,000 on fire hydrant installation immediately, which the park cannot afford. The intention would be to take the time the Park is closed to evaluate the options around redevelopment of a premium caravan park. Design of the new Precinct incorporating a new SAM would need to become one project in order to appropriately develop infrastructure to accommodate demands on the new precinct. This could take several years, however a caravan park redevelopment could be completed prior to the completion of the new SAM.

The SAM would draw more tourists and holiday makers to Shepparton with its cultural and education focus, with families able to capitalise on leisure and recreational opportunities in the area, these being Aquamoves, the lake, the river, walking/cycling tracks and the CBD which offers cinema's, cafes and ten pin bowling. Families and holiday makers would be inclined to stay at the premium caravan park, while a more art focused group would utilise either the 4 plus star permanent accommodation facility or be just as comfortable in the premium caravan park.

A permanent high end accommodation facility is required in Shepparton as there is very little accommodation options in this category available. Both the SAM Business Case and Urban Enterprise study draw on reports emphasising the lack of premium quality accommodation in Shepparton. Both studies have recommended the development of high end accommodation as part of the SAM redevelopment to ensure Shepparton can offer something for all visitors to our city.

## 6. INFRASTRUCTURE DIRECTORATE

### **6.1 Victoria Lake Caravan Park Precinct Redevelopment (continued)**

#### **Options for Consideration**

##### **Do Nothing**

The age and deterioration of the caravan park infrastructure and amenities has contributed to the decline of occupancy at the facility and has seen family groups find alternative accommodation, or simply reduce the time they stay in Shepparton. The park itself has nothing to offer families other than a camp site. The close proximity to the CBD and Lake is probably the parks saving grace. The location of the park is also its greatest asset and provides reason to redevelop the caravan park with a high guarantee of producing a successful business. However, to do nothing will not save declining revenues, and will most likely lead to a law suit against Council as someone will get hurt from the many OHS issues including:

- fire risk
- many serious trip hazards
- very poor night lighting
- railway line and river unfenced to stop children
- trees not adequately maintained with risk of falling limbs
- poorly designed and positioned cloths line likely to cause head injuries.

##### **Close the Caravan Park with the intention to explore future accommodation options on this site**

The caravan park is ideally situated to the CBD, the lake, Aquamoves and the river where there is an abundance of recreational and leisure opportunities. There is very good evidence to indicate an improved, premium caravan park would be attractive to holiday makers and boost occupancy so long as it could cater for the current family market demands.

People want a full and enjoyable experience when camping and this includes enjoying quality facilities and amenities of the accommodation facility. The Urban Enterprise Feasibility Study strongly supports an improved premium caravan park in this current location will be a success.

##### **Support the establishment of a new SAM within the Victoria Park Lake precinct, alongside 4+ star accommodation and Premium Caravan Park.**

A new SAM built within this precinct could potentially put Shepparton on the tourist destination map. There is a strong business case to support the economic benefits to Shepparton from the development of a state of the art facility in this precinct which would be a major draw card for the region, and potentially stimulate the Shepparton economy. Placed within close proximity to 4+ star permanent accommodation and a premium caravan park would provide quality options for couples or families to enjoy multiple night stays in Shepparton in order to enjoy the SAM as well as boost visitations to other Shepparton attractions.

##### **Conclusion**

The caravan park as is, is not making Council any money, and is likely to start costing Council money from here on unless some major investment into aging infrastructure is made. The management contract expires in June 2015. These two issues are significant enough to bring this matter to Councillor attention with a recommendation the caravan park is closed, and time is taken to consider the future use of the site, which could include a redeveloped 4 star caravan park and new SAM. There is no real risk to Council in closing the caravan park in the short term. If the future preferred option is to redevelop the caravan park then this would be best done if the park was closed while work proceeded.

## 6. INFRASTRUCTURE DIRECTORATE

### **6.1 Victoria Lake Caravan Park Precinct Redevelopment (continued)**

#### **Attachments**

1. Urban Enterprises - Executive Summary
2. Caravan Park 2013/2014 and 2014/2015 Budget
3. Victoria Lake Caravan Park Occupancy Rates Jan 14 - Nov 14
4. Victoria Lake Caravan Park CFA protection report

## 7. COMMUNITY DIRECTORATE

### 7.1 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):** Team Leader Community Strengthening

**Approved by:** Manager Neighbourhoods, Director Community

#### **Executive Summary**

In accordance with Greater Shepparton City Council CEO Directive 07.CEOD2, Section 86 Committees of Management (Special Committees), Section Four – committee members can only be appointed by a formal resolution of Council. As the term of office for current members of the Harston, Tallygaroopna Recreation Reserve and Tallygaroopna Memorial Hall Committees expired on 19 December 2014, it is necessary that new Committees be appointed to manage the facilities. This report recommends the following appointments to the Harston Hall, Tallygaroopna Recreation Reserve and Tallygaroopna Memorial Hall Committees of Management for a two year term from the nominations received.

Central Park Recreation Reserve, Lemnos Recreation Reserve and Dookie Memorial Hall have also received a nomination for an additional member to join the current appointments for the Committee of Management.

#### **RECOMMENDATION**

That the Council:

1. From the nominations received for appointment to the Harston Hall Committee of Management, appoint the following members for a term of two years concluding on 18 February 2017:
  - William SHERMAN
  - James NICHOLL
  - Margaret NICHOLL
  - Margaret GRAY
  - Wes TYSON
  - Lola IBRHAIM
  - Bruce BRADBURY
  - Heather STUART
  
2. From the nominations received for appointment to the Tallygaroopna Recreation Reserve Committee of Management, appoint the following members for a term of two years concluding on 18 February 2017:
  - Neville HOSIE
  - Rodney TAYLOR
  - Neville MONTGOMERY

## 7. COMMUNITY DIRECTORATE

### 7.1 Committees of Management - Membership (continued)

- Chris HAZLEMAN
  - David DAVIS
  - Yvonne SPRUNT
  - Brett MCFARLANE
3. From the nominations received for appointment to the Tallygaroopna Memorial Hall Committee of Management, appoint the following members for a term of two years concluding on 18 February 2017:
    - Patricia MOSS
    - Tony FARRELL
    - Alan STRANG
    - Heath THOMPSON
    - Carmal STRANG
  4. having considered the extra nomination for appointment to Central Park Recreation Reserve Committee of Management, appoint the following member for the remaining term concluding 17 September 2016:
    - Victor KYRIAKOU
  5. having considered the extra nomination for appointment to Dookie Memorial Hall Committee of Management, appoint Andres Geddes for the remaining term concluding 17 December 2015 and rescind the membership of Margret Feldtmann
  6. having considered the extra nomination for appointment to Lemnos Recreation Reserve Committee of Management, appoint the following member for the remaining term concluding 21 September 2016:
    - Tanya PHILLIPS
  7. Resolve that all members (who are not Councillors or nominated Officers) of the Harston Hall, Tallygaroopna Recreation Reserve, Tallygaroopna Memorial Hall, Central Park Recreation Reserve, Dookie Memorial Hall and Lemons Recreation Reserve 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*.

### **Background**

#### Harston Hall Committee of Management

At the Ordinary Council Meeting held on 18 December 2012, 11 applicants were appointed to the Harston Hall Committee of Management for a term of two years.

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 Harston Hall Committee of Management for a two year term, commencing on 17 February 2015.



## 7. COMMUNITY DIRECTORATE

### 7.1 Committees of Management - Membership (continued)

#### Tallygaroopna Recreation Reserve Committee of Management

At the Ordinary Council Meeting held on 18 December 2012, five applicants were appointed to the Tallygaroopna Recreation Reserve Committee of Management for a term of two years. In 2013 three extra members were appointed for the remaining term of the Committee of Management.

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

#### Tallygaroopna Memorial Hall Committee of Management

At the Ordinary Council Meeting held on 18 December 2012, five applicants were appointed to the Tallygaroopna Memorial Hall Committee of Management for a term of two years.

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

#### Central Park Recreation Reserve

The Central Park Recreation Reserve Committee of Management has recruited a new member to assist with the smooth running of the facility

#### Dookie Memorial Hall

Due to the resignation of Margaret Feldtman, the Committee of Management have recruited a new member to bring the total up to five members which is the minimum requirement for the Terms of Reference.

#### Lemnos Recreation Reserve

The Lemnos Recreation Reserve Committee of Management has recruited a new member to assist with the smooth running of the facility

#### 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. |

## 7. COMMUNITY DIRECTORATE

### 7.1 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 this committee 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 Tuesday 2 December 2014, Friday 12 December 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"> <li>• Newspaper advertisements</li> <li>• Website announcement</li> <li>• Letter to outgoing committee members</li> </ul> |
| 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.   |

## 7. COMMUNITY DIRECTORATE

### 7.1 Committees of Management - Membership (continued)

| Level of public participation | Promises to the public/stakeholders       | Examples of techniques to use  |
|-------------------------------|---|--|
| Empower                       | We will implement what the public decide. | Committees of Management have delegated powers to make decisions in relation to the day to day management of the facilities that they are responsible for. |

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

#### **Strategic Links**

##### a) Greater Shepparton 2030 Strategy

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

##### b) Other strategic links

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

## 7. COMMUNITY DIRECTORATE

### 7.2 Appointment of Disability Advisory Committee Members February 2015 - 2018

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

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

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

#### **Council Officers involved in producing this report**

**Author:** Access and Inclusion Officer

**Proof reader(s):** Team Leader Positive Ageing, Manager Neighbourhoods

**Approved by:** Director Community

#### **Executive Summary**

The Greater Shepparton Disability Advisory Committee was established by Greater Shepparton City Council in 2009 to promote community participation and awareness of people living with a disability and their carers within the municipality.

The Committee are seeking endorsement of three new nominated community representatives for a three year term, as outlined in the current Terms of Reference. The Committee are also seeking endorsement of the renomination of five existing members for another three year term.

#### **RECOMMENDATION**

That the Council having considered nominations received for appointment to the Greater Shepparton Disability Advisory Committee:

1. continue the current appointments of the community members of the Disability Advisory Committee as per the terms of membership until February 2018:
  - Noela Hill
  - Ronald Harrison
  - Tony Bell
  - Sharon Sellick
  - Barry Kruse
2. appoint the following new members as per the terms of membership until February 2018:
  - Dean Pritchett (Valley Sport)
  - Geoff Bourke (community member)
  - Lorraine Hausfeld (Community member)
  - Two School Captains (Verney Road Special School)

#### **Background**

Greater Shepparton has a diverse community of more than 60,000 residents. Many sectors of the community experience barriers to their daily life, including people with disabilities, families, the aged and people from non-English speaking backgrounds. It is important therefore that Council is proactive and responsive to the special needs of all people within the community.

## 7. COMMUNITY DIRECTORATE

### 7.2 Appointment of Disability Advisory Committee Members February 2015 - 2018 (continued)

The Greater Shepparton Disability Advisory Committee (DAC) plays a vital role in providing advice and support primarily to Council, but also other organisations more widely across the municipality to ensure inclusiveness in our community.

The DAC also has a role to assist in the development, implementation and annual review of the Greater Shepparton Universal Access and Inclusion Plan (and Action Plan) to ensure its relevance to those who experience barriers in the community.

#### **Council Plan/Key Strategic Activity**

Goal 1 – Active and Engaged Community (Social). Objective 1, 3 and 4: Ensure that the community are consulted and engaged in planning for all abilities for future development.  
 Goal 4 – Quality Infrastructure (Built). Objective 1 and 2: Consultation with the community to address the needs of people living with a disability and their carers.

#### **Risk Management**

| Risks  | Likelihood | Consequence | Rating   | Mitigation Action   |
|--|------------|-------------|----------|---|
| The DAC fails to comply with the Assemblies of Councillor's requirement set out in the Local Government Act 1989 | C          | 3           | Moderate | Inclusion of a clause within the Terms of Reference outlining this requirement which will remind the committee of their obligations |
| Lack of communication between Committee and Council  | C          | 4           | Low      | One Councillor is an appointed member of the committee to provide a communication channel and directions                            |

#### **Policy Considerations**

There are no conflicts with any current Council policy documents. This action relates to an existing advisory committee for which all policy considerations have been made.

#### **Financial Implications**

There are no financial implications associated with this report.

#### **Legal/Statutory Implications**

This report is consistent with the *Local Government Act 1989* and the *Victorian Charter of Human Rights and Responsibility Act 2006*.

#### **Environmental/Sustainability Impacts**

There have been no negative environmental/sustainable impacts identified for this recommendation.

## 7. COMMUNITY DIRECTORATE

### 7.2 Appointment of Disability Advisory Committee Members February 2015 - 2018 (continued)

#### Social Implications

Appointing new community members to the DAC will help build a sense of community as it raises the profile of people living with disabilities within our community.

There are many benefits to consider relating to social implications including:

- Sense of community – Stakeholder participation for people living with a disability in our community and social cohesion.
- Community Services – improve the range and quality of services for different groups such as people with disabilities and their carers, improvement of the accessibility of services
- Community Health and well-being – accessible and inclusive recreation facilities, public safety, health services and facilities or public health implications
- Education and skills development – number and quality of education options for the community, life-long learning opportunities or meeting the needs of our local community
- Transport – safety for travellers, emissions of fuel consumption, public transport usage, walking and cycling or transportation needs of people living with a disability and their carer's.

#### Economic Impacts

There are no economic impacts arising from this proposal.

#### Consultation

Advertisements calling for nominations for applicants to fill the vacant positions on the DAC were placed in the Shepparton News on Friday 7 November 2014. A notice calling for nominations was also placed on Council's website for the same period. Nominations closed on Friday 28 November 2014. This recommendation has been made with the support of the Disability Advisory Committee Members and Council's Governance officers.

| Level of public participation | Promises to the public/stakeholders  | Examples of techniques to use   |
|-------------------------------|--|---|
| Inform                        | Keep informed  | Newspaper advertisements<br><ul style="list-style-type: none"> <li>• Consultation with committee members</li> </ul>   |
| Involve                       | Work together. Feedback is an input into decision-making   | <ul style="list-style-type: none"> <li>• Council to consult with the committee in relation to matters relating to positive ageing in Greater Shepparton.</li> </ul>   |
| Collaborate                   | <p>Feedback and advice received from the Committee will be incorporated into decisions to the maximum level possible</p> <p>Council will give due consideration to implementation of the committee's recommendations</p> | <ul style="list-style-type: none"> <li>• Advisory Committee consisting of community members to be appointed.</li> <li>• A Councillor is appointed to the committee.</li> <li>• The committee is supported by the Manager Neighbourhoods, Team Leader Positive Ageing and the Access and Inclusion Officer.</li> <li>• Council will consider funding requests where possible to undertake desired projects.</li> </ul> |

## 7. COMMUNITY DIRECTORATE

### **7.2 Appointment of Disability Advisory Committee Members February 2015 - 2018 (continued)**

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

#### **Strategic Links**

##### **a) Greater Shepparton 2030 Strategy**

This recommendation is consistent with the Community Life Topic within the Greater Shepparton 2030 Strategy.

##### **b) Other strategic links**

Universal Access and Inclusion Plan 2013 – 2017

Council Plan 2013 – 2017

#### **Options for Consideration**

**Option 1** – Council choose to endorse the membership applications and appoint the Committee Members as per the recommendation

This is the preferred option as it is supported by the Committee's adopted Terms of Reference and will provide ongoing strength to the Committee.

**Option 2** – Council choose not to endorse the Greater Shepparton Disability Advisory Committee membership applications. This would not be the preferred option as it would not show Council's commitment to the actions of the DAC or its terms of reference as adopted by Council.

#### **Conclusion**

The Disability Advisory Committee has been operational for the past six years. The Committee continues to be instrumental in providing advice and recommended actions to Council that ensure the needs are met of people who live with a disability (and their carers) in our community.

#### **Attachments**

Nil

## 7. COMMUNITY DIRECTORATE

### 7.3 Business Case for a New Art Museum in Shepparton

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

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

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

#### **Council Officers involved in producing this report**

**Author: Shepparton Art Museum Director Proof reader(s): Director Community**

**Approved by: Director Community**

#### **Executive Summary**

Greater Shepparton City Council and the Victorian Government each contributed \$125,000 toward a feasibility study into the future options for Shepparton Art Museum.

The drivers for this project were broad and encompassed many areas of the regions core issues in the creation of a sustainable economy and thriving, resilient community. These included aspects such as; providing a major piece of publically accessible infrastructure for the coming together of community, to strengthen the environmental base giving visibility to the opportunities of the river and its surrounds, to grow educational opportunities by creating a significantly expanded resource for students, and to expand mainstream visibility of Aboriginal cultural heritage, strengthening the regions capability to engage in reconciliation.

The core driver was to investigate the feasibility of a game changing project which would strengthen the economic and social base for Greater Shepparton, by encouraging a diversification of industry in the region, and significantly growing the desirability to live, work and invest in this region.

Simon McArthur and Associates secured the contract commencing work in August 2014. The final reports comprising three documents; the Executive Summary, the Business Case and Attachments were received on Monday 19 January, 2015 signalling the completion of the Feasibility Study.

The Business Case advises that 'the project' to build a new Shepparton Art Museum is feasible, conditional upon a number of milestones being achieved. The Business Case is a comprehensive document which outlines an extremely exciting opportunity for the region which will provide enormous economic and social benefit and return on investment.

As stated in the document, the project is only feasible with the support of State, Federal and Philanthropic stakeholders and will require a new governance structure for the new Art Museum to progress.

#### **RECOMMENDATION**

That the Council release the Business Case for a new Art Museum in Shepparton for public comment and discussion for a period of eight weeks commencing Wednesday 18 February 2015 until Wednesday 15 April 2015.



## 7. COMMUNITY DIRECTORATE

### **7.3 Business Case for a New Art Museum in Shepparton (continued)**

#### **Background**

For some decades there has been a community interest to progress the idea of a new stand-alone art Museum in an iconic building and location in Shepparton. The Council determined to establish the SAM Foundation to raise funds for this specific purpose while further investigative work was undertaken into the feasibility of this idea.

The Feasibility Study was undertaken to determine and assess the options for a future new facility for SAM and provide recommendations for the delivery and long term management of the preferred option.

The Study provides an exciting picture about the ability of a new SAM to propel forward economic and social growth for the region, through the creation of a major cultural and educational tourist attraction which will drive visitation and dramatically improve perceptions of Greater Shepparton as a place to visit, live and invest.

#### **Impact of a new SAM**

The report advises that core benefits of a new Art Museum are for the people of Greater Shepparton, outlining significant social benefits flowing to residents as a result of increased educational, recreational, and cultural stimulation and the supporting of Indigenous industries and celebration of diverse cultural communities.

The report advises that the new SAM would provide an economic benefit with net present value of \$9.15 million per year at the end of 10 years, as opposed to a negative \$10.3 million impact on the 'do nothing' option, improving the economic base of Shepparton by \$19.45 million per year after 10 years of operation, with this net benefit growing in time.

During construction 80% of the construction costs would flow directly to the Shepparton community equating to a total output including multiplying factors, of \$58m over the two year construction period, and equating to the creation of 90 jobs across the region. The economic analysis of the new Art Museum goes onto identify that in year one of operation 21% of visitors would be tourists to the region representing 7,000 visitor nights which would grow to 23,500 visitor nights at year 10 of operation and a tourist spend generating from the Art Museum alone of \$3.1m The new SAM is estimated at the year 10 to create 23 direct tourism jobs.

#### **The Building**

The Business Case recommendation for new SAM is a multi-level, vertical building located within the existing, although aggregated footprint of buildings located at the site of the existing Shell service station at the Southern end of Victoria Park Lake. The recommendations relating to the building's footprint and size are in line with the Victoria Park Lake Master Plan and designed to meet CMA requirements. The recommendation for a new SAM includes a permanent home of the Visitor Information Centre within the footprint, and also a home for Gallery Kaiela. Within the building itself features include a large central piazza, a dedicated children's gallery, a community art gallery and meeting room, function room, café overlooking an outdoor 'art' playground and also an open-air public viewing level with accessible balcony views across the lake and surrounds.

On page 15 and 16 of the Executive Summary document is an Artists Impression of what this building could look like, high-lighting the impressive impact this project would have in the resolution of the Southern End of the Lake.

## 7. COMMUNITY DIRECTORATE

### 7.3 Business Case for a New Art Museum in Shepparton (continued)

#### Artists Impressions of a potential new Art Museum



## 7. COMMUNITY DIRECTORATE

### **7.3 Business Case for a New Art Museum in Shepparton (continued)**

#### **The Vision**

The vision for the new Art Museum is recommended as follows.

*SAM will be a museum with the artist at its centre, a meeting place for the regions people, providing captivating art experiences and connection to the Aboriginality and multi-cultural origins of the regions heritage.*

Four core vision statements follow this highlighting;

1. A Museum with artists and art activity at its core
2. An architecturally inspiring community piazza for the coming together of diverse communities
3. Transparent art collections enabling the collection to be viewed in new and exciting ways, and the ceramic store to be visible to the public
4. A Museum designed for children and families

#### **Costs**

The development has been costed at \$34.5m, however an additional \$8m will also be required as an endowment to generate interest to support the increased operating costs of an expanded operation. Therefore the total development cost for a new Sam is identified as \$42.5m and recommends each of the three tiers of government contribute \$10m each to the capital leaving the SAM Foundation to raise a total of \$12.6m comprising \$4.6m toward the capital project and a further \$8m toward an endowment.

The 'do nothing' option identifies a decline in annual economic activity in Greater Shepparton equalling -\$10.73 million by 2024. This decline is founded on the Museum losing current and future opportunities, a declining competitive advantage over time and consistent drop in tourist visitation effecting spending in the region.

An important consideration with the 'do nothing' option, is that a new Art Museum project in Shepparton will not be revisited for some time, with supporting interests possibly taking their resources elsewhere.

Other considerations are that the \$2+m Gantner Aboriginal Art collection and the \$1.5m Copulos Family pledge will not be gifted, and the community will suffer a blow with respect to other potential partnerships and philanthropic activity in the region.

#### **Governance**

The report advises that a publicly owned company limited by guarantee is the only effective way for the Council to share the expanded operating risks of a new Art Museum, and to secure capital and operating funds required if the project is to be feasible. The Council can-not deliver the project on its own.

The report recommends SAM transition to a Company Limited by Guarantee that is governed by board on which the Council is represented. It recommends the Board comprise individuals with designated skills relevant to a significant cultural institution, able to assist the Council in its objectives.

The consultants advise that the New SAM project is feasible contingent upon this governance model, and that the project is at risk without this change.



## 7. COMMUNITY DIRECTORATE

### **7.3 Business Case for a New Art Museum in Shepparton (continued)**

#### **Ownership of assets**

The report recommends that the existing collection remain in the ownership of the Council.

The report recommends that the new Art Museum facility will also be owned by the Council, and provided to the Art Museum for a peppercorn rent.

The report recommends that the new Art Museum incorporated body may also accept and own works of art, which will enable gifts to the Museum which would otherwise not occur, with private donors often unwilling to gift art to a local government entity.

#### **Project Timeline**

The report provides recommendations with respect to meeting key deliverables and project completion, and specifically notes that these are subject to the progression of the project and funding availability. Ultimately the timeline would be set by the Project Board overseeing the development and the availability of State and Federal grant funding.

#### **Caravan Park Study**

A second Feasibility Study is concurrently being prepared relating to the Victoria Park Lake caravan park. Preliminary advice indicates that the optimal solution to this site is aligned with the New SAM project. Project officers are working to ensure that both reports are concurrently presented with a cohesive vision for the Southern End of Victoria Park Lake.

#### **Council Plan/Key Strategic Activity**

The undertaking of a feasibility study into a new SAM is listed as a key activity to be achieved in the 2013 -17 Council Plan;

Active & Engaged Community (Social)

#### **6. Value arts culture and heritage as an integral part of our dynamic community.**

- *Establish the Shepparton Art Museum Foundation.*
- *Continue the feasibility investigations for a new location for the Shepparton Art Museum (SAM).*

The project drivers of a New SAM surround the diversification of industry in Shepparton as an economic objective of the region's future sustainability, and as such are linked to this part of the Council Plan.

Economic Prosperity (Economic)

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

- *Develop and implement a Strategy which identifies resources needed to attract new business and industry to Greater Shepparton as well as retaining our existing businesses and industry.*
- *Develop and implement a strategy promoting Shepparton as the regional capital.*

## 7. COMMUNITY DIRECTORATE

### 7.3 Business Case for a New Art Museum in Shepparton (continued)

#### Risk Management

| Risks                         | Likelihood | Consequence                      | Rating   | Mitigation Action  |
|-------------------------------|------------|----------------------------------|----------|--|
| Perception of value for money | C          | Reduction in consumer confidence | Low      | The Project board has worked closely with the consultants to ensure a good outcome for the Community and will communicate this transparently   |
| Media reporting               | B          | Debate is framed inaccurately    | Moderate | Work with Marketing and Communications team to frame the media response, work with local media partners early on providing briefings and FAQ and implement a strong community engagement plan as outlined. |

#### Policy Considerations

Policy considerations with respect to the recommended option are in line with Council's reporting procedure.

#### Financial Implications

The report outlines the predicted cost of a new Art Museum for Shepparton as outlined in the background detail of this report. Releasing the Business case / Feasibility report has no financial impact on Council.

Future consideration will need to be given to the proposed capital costs of a new building.

The cost of the Feasibility study is a current adopted budget line item.

|            | 2014/2015<br>Approved<br>Budget for this<br>proposal*\$ | This<br>Proposal<br>\$ | Variance to<br>Approved<br>Budget<br>\$ | Comments                                    |
|------------|---|------------------------|---|---|
| Revenue    | \$125000  | NIL                    | NIL                                     | RDV to be invoiced                          |
| Expense    | \$250000  | NIL                    | NIL                                     | Final invoice to be paid                    |
| Net Result | \$125000  | NIL                    | NIL                                     | Project completed on time and within budget |

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

#### Legal/Statutory Implications

It is an expectation of the State Government that the Feasibility reports will be made available to progress conversations on the project.

#### Environmental/Sustainability Impacts

The proposed new Sam project aligns with the Victoria Park Lake Master plan, and the Victorian Park Lake Planning Scheme in particular Schedule 5.

## 7. COMMUNITY DIRECTORATE

### 7.3 Business Case for a New Art Museum in Shepparton (continued)

The plan to create an elevated building, with a reduced footprint at the site of the existing Shell Service Station on Victoria Park Lake has been supported by CMA.

#### **Social Implications**

The social implication of releasing the Business Case is that the community feels informed and able to influence decision making of the Council. The social implications of the new SAM project are detailed in the report.

#### **Economic Impacts**

There are no direct economic impacts as a result of releasing the reports to the community. The project economic impacts are as detailed in the report.

#### **Consultation**

It is recommended that the documents are released for a period of eight weeks prior to Council decision on the recommendations. It is recommended that the Executive Summary is made available for download or collection, and the full Business Case and Attachments made available upon request to any interested party.

| Level of public participation | Promises to the public/stakeholders  | Examples of techniques to use  |
|-------------------------------|--|--|
| Inform                        | Share the final reports with interested parties  | Stakeholder briefing<br>Two page FAQ sheet<br>Download of reports and hard copy collection available<br>Media Advisory Event<br>New Sam Concept presentation |
| Consult                       | Listen and acknowledge   | Keep track of feedback, letters to editor, email and verbal advise through public meetings   |
| Involve                       | Work with key stakeholders in the project, to communicate and shape messages   | Attendance at meetings and face to face discussion   |
| Collaborate                   | Work with the project team overseeing the Caravan Park Feasibility Study and key influencing stakeholders including SAM Foundation, Gallery Kialla, V.I.C. Friends of SAM, Committee for Shepparton and local media. |  |
| Empower                       | We will implement the best outcome for the community based on capacity for delivery.   | Council decision   |

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

#### **Strategic Links**

##### a) Greater Shepparton 2030 Strategy

This proposal is in line with the GS2030 strategy to develop tourist attractions, create opportunities for diverse cultural engagement and develop new income streams.

## 7. COMMUNITY DIRECTORATE

### **7.3 Business Case for a New Art Museum in Shepparton (continued)**

In particular the GS2030 Strategy, report no 3. Community Life Objective 2, 'To encourage and implement activities that will strengthen community spirit' and Economic Development Objective 2.' To develop the Shepparton CBD as the regional centre for commerce and entertainment.

#### b) Other strategic links

Committee for Greater Shepparton Strategic Directions  
SAM Foundation Constitution

#### **Options for Consideration**

##### **Not release the documents to the community**

The Council could decide not to release the Business Case to the community for review and comment. This is likely to create an extremely adverse reaction to the Council for with-holding information on a high profile project with significant stakeholders across all tiers of the community.

##### **Do nothing**

The 'do nothing' option for SAM is explored as a benchmark in the feasibility report and presents a grim picture for the future of Shepparton with a decline in annual economic impact flowing from SAM equalling -\$10.73 million by 2024. This decline is founded on the Museum loosing current and future philanthropic opportunities, and a declining competitive advantage over time leading to a drop in tourist visitation affecting the region. Despite this, the do nothing option would enable SAM to operate, all-be-it with declining impact and effectiveness.

An important consideration with the 'do nothing' option, is that this decision will diminish the growth of the Art Museum and its impact in the region for some decades with the project unlikely to gain momentum, and required support following the rejection of the current Business Case.

Other considerations are that the \$2+ m Gantner Aboriginal Art collection will not be gifted, the \$1.5m Copulos Family pledge will not be forthcoming.

##### **Concept of SAM taking over existing Council offices and relocating the Council administration to an alternative site.**

This idea has been floated but the feasibility study before Council is based upon the recommended option from community consultation and projected impact and feasibility of the project. This data and its associated recommendation is not transferable to another concept for SAM as the quality of visitor experience, and capacity for external financial support for the project, are based on the recommended option. Cornerstone issues which are incumbent to gaining support for the project are the building of an iconic purpose built, stand-alone building, and a significant, high profile public site. External funders will not support a refurbishment of an existing building or the funding of a Council administration building.

Should the administration building be repurposed for an expanded Art Museum and the Council Administration be relocated to a new facility, the cost of this project would be borne by the Council alone. A second feasibility study into this option could be funded by the Council.

## 7. COMMUNITY DIRECTORATE

### **7.3 Business Case for a New Art Museum in Shepparton (continued)**

#### **Conclusion**

The Feasibility Study into future options for Shepparton Art Museum has been completed on time and on budget and completes an important task identified in the Council Plan. The Business Case is a comprehensive document which outlines an extremely exciting opportunity for the region which will provide enormous economic and social benefit and an exceptional return on investment. The project is only feasible with the support of State, Federal and Philanthropic stakeholders and will require a new governance structure for the Art Museum. Following the recommended Community consultation process, Council will have a better understanding of Community support for this project and be able to make an informed decision on the Business case recommendations.

#### **Attachments**

Executive Summary Business Case for a New Shepparton Art Museum



## 7. COMMUNITY DIRECTORATE

### 7.4 Shepparton Sports Stadium Future Direction 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: Team Leader Leisure Facilities**

**Proof reader(s): Manager Active Living**

**Approved by: Director Community**

#### **Executive Summary**

The Shepparton Sports Stadium Future Direction Plan is now ready for adoption by Council.

Objective 3 of Strategic Goal 3 'Economic Prosperity' in the Council Plan 2013-2017 is to 'Make Greater Shepparton the regional sporting capital of Victoria and a leading sporting destination' and it specifically identifies a strategy to, "develop plans and prepare a feasibility study for the redevelopment of the Shepparton Sports Stadium".

A Feasibility Study, of which a draft has previously been presented to Council, was completed in June 2014. Key information from this document was summarised in the 'Shepparton Sports Stadium Future Direction Plan' (Stadium FDP) to promote the overall project to the community. The Stadium FDP is a visionary document that is dependent on accessing future funds.

The Active Living Department provided the opportunity for the community to submit feedback on the Stadium FDP for the period of 5.00pm Friday 3 October 2014 to 5.00pm 31 October 2014.

The Stadium FDP feedback was overwhelmingly positive, with significant community and state sporting association support. Key themes included the need for two new courts including a show court, significant upgrades, the inclusion of squash, and benefits such as increases in participation and positive social and economic impacts of tourism to the region. It was also noted by 11% of respondents that there is a need for Greater Shepparton to undertake this development so as to compete with other regional cities such as Ballarat, Bendigo and Geelong.

The feedback supports the potential staged approach of the Stadium development with 51% of respondents indicating that the 'Stage 1' construction of two new courts including a show court is the major priority. A range of suggestions and considerations have been made which will be factored in during the detailed design stage.

A significant level of work has been undertaken by both Council Officers and external consultants to produce a feasibility study and the Stadium FDP. This has included extensive consultation with key stakeholders and the broader community which has generated positive responses and support for the proposed future direction of the facility. The Stadium FDP is now ready for adoption by Council.

## 7. COMMUNITY DIRECTORATE

### 7.4 Shepparton Sports Stadium Future Direction Plan (continued)

#### RECOMMENDATION

That the Council:

1. adopt the Shepparton Sports Stadium Future Direction Plan
2. consider the Shepparton Sports Stadium Future Direction Plan in managing priority projects through the capital budget assessment process
3. continue to pursue external funding opportunities for planning and development of priority projects.

#### Background

Objective 3 of Strategic Goal 3 'Economic Prosperity' in the Council Plan 2013-2017 is to 'Make Greater Shepparton the regional sporting capital of Victoria and a leading sporting destination' and it specifically identifies a strategy to, "develop plans and prepare a feasibility study for the redevelopment of the Shepparton Sports Stadium".

A Feasibility Study, of which a draft has previously been presented to Council, was completed in June 2014. Key information from this document was summarised in the 'Shepparton Sports Stadium Future Direction Plan' (Stadium FDP) to promote the overall project to the community. The Stadium FDP is a visionary document that is dependent on accessing future funds.

The Active Living Department provided the opportunity for the community to submit feedback on the Stadium FDP for the period of 5.00pm Friday 3 October 2014 to 5.00pm 31 October 2014.

The Stadium FDP was distributed throughout the community via the Council page in the Shepparton News and Advisor, Council website, Public Notice, Council Facebook page ('shared' by KidsTown and Aquamoves), and hard copies at the Welsford St Council Office, Aquamoves, KidsTown and Shepparton Sports Stadium. The Stadium FDP was also directly distributed to the Greater Shepparton Indoor Sports Facilities user groups and GV Squash Club, relevant Council staff, a range of key sporting organisations including Basketball Australia, Basketball Victoria, Basketball Victoria Country Council, Basketball Managers Inc., Squash & Racquetball Victoria, Netball Victoria, Badminton Victoria, Table Tennis Victoria, the Regional Stadium Managers Network, the Senior Development Officer (Hume Region) at Sport and Recreation Victoria and ValleySport (for inclusion in their newsletter to clubs).

In all direct communication, recipients were encouraged to provide feedback and also forward onto their networks to promote the opportunity for feedback to others. At the Shepparton Sports Stadium, hardcopy forms were provided to prompt participants and spectators to provide feedback whilst at the facility. There was also an opinion piece written in the Shepparton News on Saturday October 11 by Darren Linton which would've provided further awareness of the Stadium FDP.

At the conclusion of the feedback period, 108 individual submissions were received from the community. The following table provides a summary of key themes identified throughout the feedback and the number of responses supporting each theme.

## 7. COMMUNITY DIRECTORATE

### 7.4 Shepparton Sports Stadium Future Direction Plan (continued)

A complete table of all community feedback is provided as an attachment, as is a letter from one interested resident.

| THEME  | SUPPORT | % OF TOTAL |
|--|---------|------------|
| Positive response                              | 107     | 99%        |
| More courts required                           | 55      | 51%        |
| Upgrade of facilities required                 | 49      | 45%        |
| Encourage increase in participation            | 33      | 30%        |
| Squash inclusion/new facilities required       | 22      | 20%        |
| Multi-use venue/ events space                  | 21      | 19%        |
| Tourism benefits                               | 21      | 19%        |
| Need to compete with other regional facilities | 12      | 11%        |
| Health benefits                                | 7       | 6%         |

Key state sporting associations also provided feedback on the Stadium FDP, with Basketball Victoria Country Council, Netball Victoria and Squash & Racquetball Victoria all submitting responses. The following table highlights key points of support for the development from each association. The full submissions are included as attachments.

| ASSOCIATION                         | KEY POINTS OF SUPPORT  |
|-------------------------------------|--|
| Basketball Victoria Country Council | <ul style="list-style-type: none"> <li>- Strong, active and healthy communities such as Shepparton need well designed and managed facilities for sport and recreation activities.</li> <li>- BVC supports the introduction of two new courts as Stage 1 of the new development.</li> <li>- BVC would agree with the findings in the Future Direction Plan Report that further development of the stadium will only increase the ability of the area to hold/conduct major basketball events.</li> </ul>  |
| Netball Victoria                    | <ul style="list-style-type: none"> <li>- Expansion of the facility will allow netball to grow.</li> <li>- Support the development of a number of complaint netball courts within the City.</li> <li>- Our netball events will enhance the reputation of the stadium and positively contribute to tourism in the City.</li> <li>- This new development would encourage NV to host a range of events at the stadium, including Regional State League, School Championships, VACSAL tournaments, Association Championship and player, coach and umpire development clinics.</li> <li>- Your show court with 500 seats supports a NV Regional Netball Facility.</li> </ul> |
| Squash & Racquetball Victoria       | <ul style="list-style-type: none"> <li>- Squash &amp; Racquetball Victoria is delighted to see provision for squash facilities in the Shepparton Sports Stadium Plans.</li> <li>- The proposed 6 squash court Plan would see Shepparton classed as a 'regional facility' capable of being used for International, National and Regional squash and racquetball events, high performance activities as well as club, social, school and introductory programs. It would also provide a resource for surrounding clubs.</li> </ul>   |

## 7. COMMUNITY DIRECTORATE

### 7.4 Shepparton Sports Stadium Future Direction Plan (continued)

|  |  |
|--|--|
|  | <ul style="list-style-type: none"> <li>- The GV Squash Club has been extremely active in recent years, especially in the junior area (5 of the 16 Junior State Team members were from the GV club) and with events. The inaugural Shepparton International was held this year and with Council committed to further support in 2015-2017 we look forward to supporting Council's vision of Greater Shepparton as 'the regional sporting capital of Victoria' and a destination of choice on the Australian Squash Tour.</li> </ul> |
|--|--|

The Stadium FDP feedback was overwhelmingly positive, with significant community and state sporting association support. Key themes included the need for two new courts including a show court, significant upgrades, the inclusion of squash, and benefits such as increases in participation and positive social and economic impacts of tourism to the region. It was also noted by 11% of respondents that there is a need for Greater Shepparton to undertake this development so as to compete with other regional cities such as Ballarat, Bendigo and Geelong. The feedback supports the potential staged approach of the Stadium development with 51% of respondents indicating that the 'Stage 1' construction of two new courts including a show court is the major priority. A range of suggestions and considerations have been made which will be factored in during the detailed design stage.

#### **Council Plan/Key Strategic Activity**

Objective 3 of Strategic Goal 3 'Economic Prosperity' is to 'Make Greater Shepparton the regional sporting capital of Victoria and a leading sporting destination' and it specifically identifies a strategy to, "develop plans and prepare a feasibility study for the redevelopment of the Shepparton Sports Stadium".

#### **Risk Management**

The Stadium FDP was well promoted to the community through numerous methods aimed at creating awareness of the opportunity to provide feedback. Ample time was provided to submit a response. With the key statement at the beginning of the Stadium FDP outlining that it "is a visionary document that is dependent on accessing future funds", there is no identified risks associated with the recommendation.

#### **Policy Considerations**

There are no identified Council policies conflicting with the recommendation.

#### **Financial Implications**

There are no identified financial implications of the recommendation.

#### **Legal/Statutory Implications**

There are no identified legal/statutory implications of the recommendation.

#### **Environmental/Sustainability Impacts**

There are no identified environmental/sustainability implications of the recommendation.

#### **Social Implications**

The Stadium and indoor sport community, particularly through the sports of basketball, badminton, table tennis and netball, will be excited by the adoption of the Stadium FDP as it is a progression towards a goal of an improved facility. This will also be true for the GV Squash Club who face an uncertain future in their current leased premises.

## 7. COMMUNITY DIRECTORATE

### 7.4 Shepparton Sports Stadium Future Direction Plan (continued)

Conversely, by not adopting the Stadium FDP, the indoor sporting community will be disappointed to not see hope of potential improvement of their facility and growth of their sports.

#### **Economic Impacts**

There are no identified economic impacts of the recommendation.

#### **Consultation**

Extensive consultation was undertaken with key stakeholders in the development of the Feasibility Study. The Stadium FDP feedback period provided key stakeholders and the broader community with the opportunity to provide feedback and input. Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

#### **Strategic Links**

##### a) Greater Shepparton 2030 Strategy

Community Life: Recreation and open space

- Objective: To protect and enhance the network of public open space that contributes to the amenity of the municipality and advances the image of the community.
  - o Action: Prepare master plans of major parks and open space areas, recreation reserves and sports facilities, including the potential expansion of Aquamoves to enable its all year round use.
- Objective: To ensure that facilities, services and policies are accessible and inclusive, and appropriate to the sporting and recreation needs of the community.
  - o Strategy: Encourage parks and facilities to cater for a range of recreational and sporting activities.
  - o Strategy: Promote a healthy lifestyle and the use of recreation and sporting facilities.

Community Life: Health and social services

- Objective: To provide an equitable and efficient distribution of community facilities and services.

Community Life: Safe and accessible environments

- Objective: To address community safety in the planning and management of the urban environment.
  - o Strategy: Ensure recreation areas and sporting facilities are designed with safety considerations.

Economic Development: Tourism

- Objective: To encourage tourism growth and in particular promote the tourism opportunities of the irrigated rural landscape and the food growing and processing industries.
  - o Strategy: Encourage the integration of tourism with heritage, recreation and activity centres.

Infrastructure: Urban and rural services

- Objective: To provide sustainable infrastructure to support the growth and development of the municipality.

##### b) Other strategic links

Council Plan 2013 – 2017

## 7. COMMUNITY DIRECTORATE

### 7.4 Shepparton Sports Stadium Future Direction Plan (continued)

#### **Options for Consideration**

1. Do nothing. Do not adopt the Stadium FDP and leave it in 'feedback' form.  
This is not the recommended option as it will not result in an adopted plan for the Shepparton Sports Stadium.
2. Do not adopt the Stadium FDP, however finalise the document.  
This is not the recommended option as it will not result in an adopted plan for the Shepparton Sports Stadium.
3. Adopt the finalised Stadium FDP.  
This is the recommended option as it will provide an adopted Future Direction Plan for the Shepparton Sports Stadium.

#### **Conclusion**

A significant level of work has been undertaken by both Council Officers and external consultants to produce a feasibility study and the Stadium FDP. This has included extensive consultation with key stakeholders and the broader community which has generated positive responses and support for the proposed future direction of the facility. The Stadium FDP is now ready for adoption by Council.

#### **Attachments**

1. DRAFT Shepparton Sports Stadium Future Direction Plan - Final
2. Stadium Future Direction Plan Feedback
3. Netball Victoria Response - Shepparton Sports Stadium Future Direction Plan
4. Submission to GSCC Shepp Sports Stadium
5. Feedback - Shepparton Sports Stadium (Squash & Racquetball Victoria)
6. Shepparton Sports Stadium - Future Direction Plan Submission 15.10.14

## 8. BUSINESS DIRECTORATE

### 8.1 2014/2015 Mid Year Budget Review

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

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

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

#### **Council Officers involved in producing this report**

**Author: Acting Management Accountant**

**Proof reader(s): Manager Finance and Rates**

**Approved by: Director Business**

#### **Executive Summary**

The report presents the draft forecast financial performance for the 2014/2015 financial year compared to budget based on the Mid Year Budget Review submitted by responsible Managers.

Council's forecast performance is an accounting surplus of \$1.51 million, \$2.39 million less than September Quarter budget, and a capital works program of \$33.73 million, a decrease of \$5.1 million.

The accounting surplus is accrual based and contains both cash and non-cash items. Excluding transfers to and from restricted investments and non-cash items, such as depreciation and contributed assets, the forecast cash performance is a cash deficit of \$1.22 million, an improvement of \$3.54 million from the September Quarter budget.

While Council's forecast working capital is a healthy \$16.2 million, which demonstrates Council has the necessary funds to cover debts, the remaining balance should not be treated as being available for discretionary use. Council has a forecast restricted investment balance of \$22.65 million which needs to be covered by Council's available working capital.

#### **RECOMMENDATION**

That the Council adopt the revised forecasts identified by the 2014/2015 Mid Year Budget Review.

#### **Background**

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

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

The 2014/2015 Budget was adopted by Council at a special meeting on 6 August 2014. The adopted budget provided for an accounting surplus of \$9.24 million with revenue of \$119.97 million and expenditure of 110.73 million. The adopted budget also provided for capital works of \$37.42 million.

## 8. BUSINESS DIRECTORATE

### 8.1 2014/2015 Mid Year Budget Review (continued)

On 28 October 2014, Council adopted the 2014/2015 September Quarter Budget Review that resulted in a decrease to the budgeted accounting surplus to \$3.89 million with revenue of \$121.67 million and expenditure of \$117.78 million. The September Quarter Budget Review provided for capital works of \$38.83 million.

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

#### Report

As a result of the 2014/2015 Mid Year Budget Review, forecast year end variances compared to the 2014/2015 September Quarter budget include:

- September Quarter accounting surplus of \$3.89 million, forecast to decrease by \$2.39 million due to:

| Expense Area  | Amount \$ '000 | Explanation  |
|---|----------------|--|
| Income to be received in 2014/2015 which was not budgeted with offsetting expenditure | 32             | Increased income that has expenditure commitments with it. For example, 50% contribution from Strathbogie Shire Council for the Goulburn Valley Region Collaborative Alliance service planning (\$93k contribution towards \$185k expense)   |
| Income to be received which was not budgeted with no offsetting expenditure           | (30)           | Increased income of \$30k that was not budgeted and exclusive of any expenditure commitments. This mainly relates to an additional grant in children's services management.  |
| Decreases in income with no offsetting expenditure reduction                          | 2,197          | Decrease in income with no offsetting expenditure reductions including a \$1.5 million reduction in grants for the Greater Shepparton Regional Sports Precinct (to be received in 15/16) and a \$430k reduction in proceeds from plant sales due to a reduced plant replacement program.                                     |
| Capital Contributions and Grants with offsetting expenditure in Capital Works         | (70)           | Increase in capital grants and contributions income to be received in 2014/2015 which was not budgeted of \$70k which is an additional grant for the Philippine House restoration project.   |
| Expenditure savings   | (1,311)        | Identified expenditure savings which includes \$642k due to purchase orders received in previous years that were no longer required or were greater than the actual invoice received.  |
| Requests for additional expenditure - cash  | 1,569          | Requests for additional expenditure includes \$511k for the payment of the art gallery restricted investment to the newly formed SAM Foundation, \$195k saleyards water main relocation which has been transferred from the capital budget and \$50k for the development of an urban forest strategy for Greater Shepparton. |
| <b>Total</b>  | <b>2,387</b>   |  |



## 8. BUSINESS DIRECTORATE

### 8.1 2014/2015 Mid Year Budget Review (continued)

- September Quarter Budgeted capital works program of \$38.83 million, forecast to decrease by \$5.1 million due to:

| Expense Area   | Amount<br>\$ '000 | Explanation   |
|--|-------------------|---|
| Re-budgeted Items/<br>Restricted Investment<br>Transfers | (2,326)           | Includes transfer in/from restricted investments for Shepparton show ground toilet upgrade (\$105k) and Aquamoves bike lockers (\$22k). Offset by items such as \$2.24m reduction in expenditure for the Greater Shepparton Regional Sports Precinct which will be considered for re-budget in 2015/16. |
| Expenditure not budgeted offset by income                | 188               | Additional expenditure of \$188k for the Philippine House Restoration project. Additional grants of \$88k and \$70k have been received for this project.  |
| Requests for additional expenditure - cash               | 1,087             | Requests for additional expenditure include \$525k for Shepparton show grounds grassed area, \$250k for Central Park recreation reserve and \$115k for the Victoria Park Lake Caravan Park fire services upgrade.   |
| Expenditure savings                                      | (4,051)           | Expenditure savings including \$2 million in reduced plant purchases, \$525k from three projects to offset the Shepparton show grounds grassed area and \$195k Saleyards water main relocation transferred to the operating budget.   |
| <b>Total</b>   | <b>(5,444)</b>    |   |

Further analysis is contained within the attached 2014/2015 Mid Year Budget Review report.

#### Cash Surplus

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

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

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

## 8. BUSINESS DIRECTORATE

### 8.1 2014/2015 Mid Year Budget Review (continued)

| Table 1: high Level Summary – Income Statement Accounting Surplus Converted to Cash |                                       |                                 |                                 |   |
|---|---------------------------------------|---------------------------------|---------------------------------|---|
|   | Adopted Budget<br>2014/2015<br>\$'000 | Sept Qtr<br>2014/2015<br>\$'000 | Mid Year<br>2014/2015<br>\$'000 | Variance<br>Sept Qtr v Mid Year<br>\$'000 |
| <b>ACCOUNTING SURPLUS/(DEFICIT)</b>   | <b>9,244</b>                          | <b>3,895</b>                    | <b>1,508</b>                    | <b>(2,387)</b>                            |
| <b>Less cash costs not included in operating result</b>                             |                                       |                                 |                                 |   |
| Capital Works Expenditure   | 37,415                                | 38,827                          | 33,725                          | (5,102)                                   |
| Loan Borrowings less Repayments (principal)   | (1,545)                               | (1,545)                         | (1,545)                         | 0   |
| Transfer from restricted investments*   | (8,640)                               | (18,004)                        | (18,092)                        | (88)                                      |
| Transfer to restricted investments <sup>A</sup>                                     | 5,000                                 | 8,246                           | 7,411                           | (835)                                     |
| <b>Sub Total</b>  | <b>32,230</b>                         | <b>27,524</b>                   | <b>21,499</b>                   | <b>(6,025)</b>                            |
| <b>Plus non cash costs included in operating result</b>                             |                                       |                                 |                                 |   |
| Depreciation  | 21,013                                | 21,013                          | 21,013                          | 0   |
| Assets sold (Written Down Value)  | 860                                   | 860                             | 762                             | (98)                                      |
| Contributed assets  | (3,000)                               | (3,000)                         | (3,000)                         | 0   |
| <b>Sub Total</b>  | <b>18,873</b>                         | <b>18,873</b>                   | <b>18,775</b>                   | <b>(98)</b>                               |
| <b>CASH SURPLUS/(DEFICIT) FOR THE YEAR</b>  | <b>(4,113)</b>                        | <b>(4,756)</b>                  | <b>(1,216)</b>                  | <b>3,540</b>                              |

The forecast underlying cash deficit of \$1.22 million is a \$3.54 million improvement on the 2014/2015 September Quarter Budget.

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

\*Transfers from Restricted Investments include \$7.91 million in re-budgeted capital works from 2013/14, \$1.52 million to waste management capital works, \$511k transfer of funds to the SAM Foundation and \$340k for parking operations and CBD capital works.

<sup>A</sup>Transfers to Restricted Investments include \$3.1 million from waste management operations (to fund existing and future capital works/operations), \$1.92 million in capital works from 2014/15 to be considered for re-budget in 2015/16, \$476k from parking operations (to fund future capital works/operations) and \$350k for the Defined Benefits Scheme future liability.

#### Operating Expenditure - Consultants

The attached report forecasts a \$625k increase in consultant expenditure across the organisation with a total forecast of \$3.9 million.

A recent internal audit conducted by HLB Mann Judd identified that expenses for consultants and/or contractors are not allocated to the appropriate general ledger codes.

A significant amount of the consultants forecast therefore relates to contractors/labour hire, in other words, temporary staff engaged to backfill vacant positions and would not meet the true definition of a consultant. Caution should therefore be taken when interpreting the forecast for the consultants sub-account (362).

The internal auditors have recommended that sub account 362 Consultants should be used exclusively where an agreed definition of a consultant (to be determined) is met, and expenditure for contractual staff, labour hire and contractor payments should be charged to different codes, for example, 372 External Labour.

A review of all 362 Consultants expenditure and forecasts will now be undertaken with any adjustments to be reflected in the March quarter budget review.

## 8. BUSINESS DIRECTORATE

### 8.1 2014/2015 Mid Year Budget Review (continued)

#### Council Plan/Key Strategic Activity

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

#### Risk Management

Monitoring of performance against the 2014/2015 September Quarter budget as well as the forecast year end position provides for prudent financial management and ensures that Council is made aware of any known or potential financial risks.

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

#### Policy Considerations

There are no identified conflicts with existing Council policies.

#### Financial Implications

Forecast variances to the 2014/2015 September Quarter budget are detailed throughout the attached report.

|                   | 2014/2015<br>Sept Qtr Budget<br>\$'000 | 2014/2015<br>Mid Year Budget<br>\$'000 | Variance to<br>Sept Qtr Budget<br>\$'000 |
|-------------------|--|--|--|
| Revenue           | 121,679                                | 119,583                                | 2,096                                    |
| Expense           | 117,784                                | 118,075                                | 291                                      |
| <b>Net Result</b> | <b>3,895</b>                           | <b>1,508</b>                           | <b>2,387</b>                             |

The forecast end of year result is expected to be an accounting surplus of \$1.51 million which is \$2.39 million less than the September Quarter budget.

#### Capital works

Capital works of \$33.73 million are forecast to be expended during the 2014/15 financial year which is \$5.1 million less than the September Quarter budget.

|               | 2014/2015<br>Sept Qtr Budget<br>\$'000 | 2014/2015<br>Mid Year Budget<br>\$'000 | Variance to<br>Sept Qtr Budget<br>\$'000 |
|---------------|--|--|--|
| Capital works | 38,826                                 | 33,725                                 | (5,101)                                  |

## 8. BUSINESS DIRECTORATE

### 8.1 2014/2015 Mid Year Budget Review (continued)

#### Net current assets

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

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

|                                  | 2014/2015<br>Sept Qtr Budget<br>\$'000 | 2014/2015<br>Mid Year Budget<br>\$'000 | Variance to<br>Sept Qtr Budget<br>\$'000 |
|----------------------------------|--|--|--|
| Net current assets               | 12,727                                 | 16,203                                 | (3,476)                                  |
| Less -Restricted investments     | (23,621)                               | (22,647)                               | (974)                                    |
| <b>Underlying current assets</b> | <b>(10,894)</b>                        | <b>(6,444)</b>                         | <b>(4,450)</b>                           |

The table above demonstrates that Council has sufficient working capital to meet its obligations when they fall due. However, the \$16.2 million working capital should not be treated as available for discretionary use. Council has a forecast restricted investment balance of \$22.65 million containing significant commitments that need to be covered by Council's available working capital.

#### Legal/Statutory Implications

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

#### Environmental/Sustainability Impacts

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

#### Social Implications

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

#### Economic Impacts

There are no identified economic impacts.

#### Consultation

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

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

## **8. BUSINESS DIRECTORATE**

### **8.1 2014/2015 Mid Year Budget Review (continued)**

#### **Strategic Links**

##### a) Greater Shepparton 2030 Strategy

Nil

##### b) Other strategic links

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

#### **Options for Consideration**

1. That the Council not adopt the revised forecasts identified by the 2014/2015 Mid Year Budget Review.

This option is not recommended.

2. The Council adopt the revised forecasts identified by the 2014/2015 Mid Year Budget Review (with or without further amendment).

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

#### **Conclusion**

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

#### **Attachments**

2014/2015 Mid Year Budget Review Report

## 8. BUSINESS DIRECTORATE

### 8.2 January 2015 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: Director Business**

#### **Executive Summary**

The report presents Council's actual financial performance compared to the budget for the seven months ended 31 January 2015.

### **RECOMMENDATION**

That the Council receive and note the January 2015 Monthly Financial Report.

#### **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 provided 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 provided for capital works of \$37.42 million.

On 28 October 2014, Council adopted the 2014/2015 September Quarter Budget Review with revenue of \$121.67 million and expenditure of \$117.78 million resulting in an operating surplus of \$3.89 million for the full financial year.

The forecast decrease in operating surplus of \$5.35 million is mainly due to the timing of payments for Building Better Regional Cities Mooroopna West Rebates (\$2.52 million) and the Goulburn Broken Greenhouse Alliance Street Lighting Project (\$1.72 million).

The 2014/2015 September Quarter Budget Review also included \$38.83 million in capital works, a forecast increase of \$ 1.41 million mainly due to re-budgeted prior year projects.

Council's actual financial performance compared to the budget is presented to Council on a monthly basis. The Mid-Year Budget Review will be presented to Council for consideration at its Ordinary Meeting on 17 February 2015.

The January 2015 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

## 8. BUSINESS DIRECTORATE

### **8.2 January 2015 Monthly Financial Report (continued)**

- Investment Summary
- Rates Debtors Report
- Sundry Debtors Report
- Councillor Expense Report

#### **Council Plan/Key Strategic Activity**

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

#### **Risk Management**

No risks have been identified in providing this financial report.

#### **Policy Considerations**

There are no conflicts with existing Council policies.

#### **Financial Implications**

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 seven months ended 31 January 2015.

#### **Attachments**

January 2015 Monthly Financial Report

## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 9.1 RiverConnect Annual Report 2013/2014

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

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

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

#### **Council Officers involved in producing this report**

**Author:** RiverConnect Project Officer

**Proof reader(s):** Manager Environment,

**Team Leader Sustainability and Environment**

**Approved by:** Director Sustainability Development

**Other:** RiverConnect Education Project Officer

#### **Executive Summary**

RiverConnect is a unique project to Shepparton and Mooroopna's urban floodplains and Rivers. It focuses on a multi-agency and whole of community approach to land management and community education.

Currently co-funded by Greater Shepparton City Council and Goulburn Broken Catchment Management Authority (GBCMA), it provides a platform for strong partnerships between a range of community groups and agency departments to ensure project objectives are achieved.

Since RiverConnects inception in 2006, many significant milestones have been achieved, including:

- RiverConnect Adopt – a – Reach program
- The Flats Interpretive signage
- RiverConnect VCAL program
- Building strong partnerships with a range of agency and community stakeholders
- *RiverConnect An Aboriginal Oral History* publication

RiverConnect has continued to achieve much in the 2013/2014 financial year. Some of the main accomplishments include:

- Historical Flood Markers
- RiverConnect Paths Master Plan progression
- Presented at the 5<sup>th</sup> National NRM Knowledge Conference
- Draft Boulevard Bush Reserve Environmental Management Plan
- 1383 new students at the River
- Over 1250 community members and students attended a RiverConnect event.

A full report of RiverConnects achievements for 2013/2014 can be viewed in Attachment One.

#### **RECOMMENDATION**

That the Council adopts the RiverConnect Annual Report 2013-2014.



## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 9.1 RiverConnect Annual Report 2013/2014 (continued)

#### **Background**

In the past, the Shepparton and Mooroopna communities have largely turned their back on the rivers at their door steps. The built environments have not taken advantage of the aesthetic values of the river systems and their environmental, recreational, economic and cultural significance have been greatly undervalued. These rare and delicate ecosystems have largely been used as a dumping ground.

In response to a groundswell of interest from the community to the current state and lack of respect for the rivers and floodplains, preliminary discussions between local agencies and community groups highlighted the merits of a multi-agency and whole of community approach to future management of the Goulburn and Broken Rivers and their floodplains. It was this community response and drive that led to the establishment of the RiverConnect project in 2006.

The RiverConnect vision for the Shepparton and Mooroopna areas is summarised below:

*Shepparton and Mooroopna will be widely recognised as river towns where features of living here include:*

- *A thriving natural environment*
- *A connection with that environment*
- *A culture that is enriched by the traditional owners' connection with the area*

*People value and respect our rivers and floodplains, whilst using them as part of their daily lives for recreation, relaxation and education. The community, government and land managers, together with the traditional owners, work in partnership to protect and enhance the value of our rivers.*

In order to achieve this vision, it was identified that a strong partnership was required between community groups and agency department stakeholders, with each having an important role in guiding the project.

The RiverConnect Implementation Advisory Committee (IAC) comprises high level representatives from all relevant local agencies and major environmental and educational organisations and is a valuable advisory committee for all partners.

The RiverConnect IAC contains representatives from:

- Goulburn Broken Catchment Management Authority (2)
- Greater Shepparton City Council (2)
- Parks Victoria
- Yorta Yorta Nation Aboriginal Corporation
- Rumbalara Aboriginal Cooperative
- Department of Education and Early Childhood Development
- Goulburn Murray Landcare Network
- Word and Mouth
- Goulburn Valley Environment Group
- Community representatives (3)
- Yorta Yorta Joint Body (vacant)
- Department of Environment and Primary Industries (vacant)

## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 9.1 RiverConnect Annual Report 2013/2014 (continued)

Four working groups support the RiverConnect IAC. They assist in delivering on ground actions, activities and events in each of their focus areas and provide expert advice to the IAC. Each working group chair sits on the RiverConnect IAC to ensure effective two-way communication between all partners.

The four RiverConnect working groups include:

- Land Management Working Group
- Aboriginal Action Group
- Education Working Group
- Communications Working Group

RiverConnect has achieved many significant milestones between 2006 and 2014, some of which are listed below.

Significant milestones include:

- RiverConnect Strategic Plan
- *RiverConnect An Aboriginal Oral History* publication
- RiverConnect Adopt – a – Reach program
- RiverConnect VCAL program
- The Flats Interpretive signage
- Building and maintaining strong partnerships with a range of agency and community stakeholders
- RiverConnect Website
- Draft RiverConnect Paths Master Plan – ongoing
- Educators Professional Development sessions
- Winner of the Environment and Sustainability Award in the 2010 Regional Achievement and Community Awards
- Over 150 community events such as Spotlight walks, guided bus tours, guided canoeing tours, art and photography along the River
- A number of community education publications such as Goulburn River Access guide, flood markers and species information flyers
- Approximately 10,000 student visits and over 17,500 student hours spent along the Rivers

RiverConnects greatest strength is its ability to facilitate coordinated partnerships to meet program objectives.

RiverConnects structure provides a platform for partners to connect directly with agencies, organisations, community groups, school groups, visitors and the Aboriginal community. RiverConnect facilitates two-way communication, information exchange and project coordination between its partners.

RiverConnect exceeded its education and community engagement targets for 2013/2014 financial year however it was slightly down on its revegetation and fencing targets. Some of RiverConnects key accomplishments in the 2013/2014 financial year include:

- Educators Professional Development training – a series of workshops to assist local teachers on environment as a topic that showcased examples of how they could interact with their reach.
- Design and Installation of Historical Flood Markers
- Draft RiverConnect Paths Master Plan progression – successful grant application and Council matching funds to engage a consultant. Formed focus group, appointed consultant and held wider stakeholder group workshop.
- ASHE VCAL program development

## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 9.1 RiverConnect Annual Report 2013/2014 (continued)

- Presented at the 5<sup>th</sup> National NRM Knowledge Conference – opportunity to showcase RiverConnects unique approach to land management at a national level.
- Draft Boulevard Bush Reserve Environmental Management Plan – developed draft plan utilising existing community and agency groups.
- 1383 new students participating in environmental education activities on the River
- Over 1250 community members and students attended a RiverConnect event

Many of these accomplishments would not have been achieved by one agency alone. The responsibility, resources and networks do not exist in any one agency. They have been achieved only because of RiverConnects extensive partnerships and its function in drawing people, groups and funding together.

A good example of this is the Historical Flood Markers which GB CMA, GSCC, Department of Environment and Primary Industries, State Emergency Service and RiverConnect have expressed a need for many years as there were no visual aids that indicated prior flood levels previously. With an understanding of partner agencies key outputs, RiverConnect was able to satisfy these outputs and complete its own strategic objectives, through the implementation of the flood markers. RiverConnect was able to leverage funding from these partner agencies and provide project coordination between partners on design, including Quick Reference (QR) codes, manufacture and installation. It is due to its multi-agency approach, RiverConnect is able to achieve collaborative outcomes that would not be achieved by one agency on their own.

A full report of RiverConnects achievements for 2013/2014 can be viewed in Attachment One.

#### **Council Plan/Key Strategic Activity**

The Greater Shepparton City Council Plan 2013 – 2017:

- Goal 1: Active and Engaged Communities
  - Ensure liveability options are always considered in our decision making activities
- Goal 2: Enhancing the Environment
  - Ensure the environment is a major priority in planning for the future
- Goal 4: High Performing Organisation
  - 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.

#### **Risk Management**

No risks have been identified in relation to this matter.

#### **Policy Considerations**

The above recommendation does not conflict with any Council Policy.

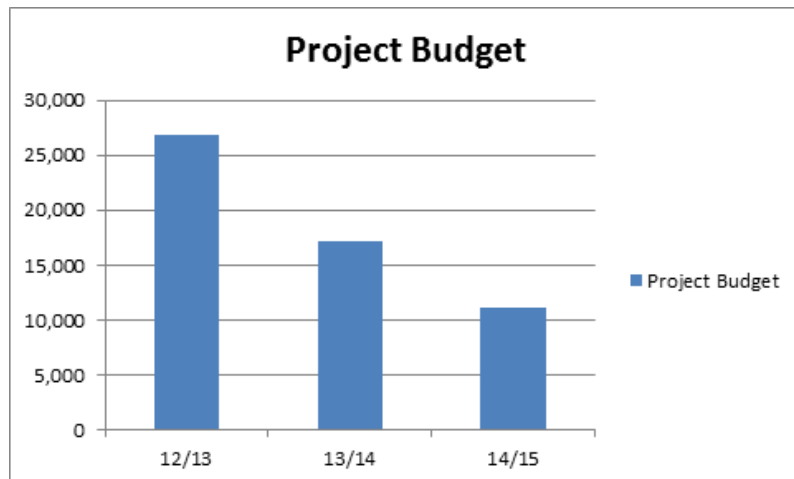
#### **Financial Implications**

RiverConnect is currently auspiced by the Greater Shepparton City Council. It is co-funded by Greater Shepparton City Council and the Goulburn Broken Catchment Management Authority, with each agency contributing \$80,000 annually to the project.

## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 9.1 RiverConnect Annual Report 2013/2014 (continued)

RiverConnects' annual budget has not increased since the projects inception eight years ago. Increases in staff salaries and on costs have resulted in a significant decline in RiverConnects operating budget, which directly impacts on the ability to achieve project goals and objectives.



**Figure 1:** RiverConnect General Expenses Budget from 2012/2013 to 2014/2015 Financial years.

RiverConnect has been successful in leveraging additional funding for some individual projects through partner agencies and other external sources. This additional funding has helped to minimise the impacts of this declining budget; however, this approach is not sustainable long term.

Recent discussions with the Goulburn Broken Catchment Management Authority (GB CMA) have highlighted these budget constraints as a major issue for the RiverConnect Program. Whilst RiverConnect continues to be a high priority project for the GB CMA, declining State and Federal budgets make it difficult to commit anything more secure than annual funding to the project.

#### **Legal/Statutory Implications**

The above recommendation does not inflict any legal or statutory implication.

#### **Environmental/Sustainability Impacts**

The above recommendation does not have any negative Environmental or Sustainability impacts.

RiverConnect aims to protect and improve our River, floodplain and wetland systems.

#### **Social Implications**

The above recommendation does not have any negative social implications. RiverConnect aims to increase the connection the Shepparton and Mooroopna communities and their visitors have with the River, floodplain and wetland systems.

#### **Economic Impacts**

The above recommendation does not have any negative economic impacts.

## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 9.1 RiverConnect Annual Report 2013/2014 (continued)

#### Consultation

| Level of public participation | Promises to the public/stakeholders   | Examples of techniques to use  |
|-------------------------------|---|--|
| Inform                        | To inform the community and funding agencies of RiverConnect achievements for the 2013-2014 financial year. | Annual report paper displayed on the RiverConnect website and highlighted in the RiverConnect Newsletter |

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

#### Strategic Links

##### a) Greater Shepparton 2030 Strategy

The proposal is consistent with the Community Life and the Environment topics within the strategy, specifically outcomes:

- 4.3.3 A Balance of Urban Settlements and a Beautiful Rural Environment
- 4.3.4 The Municipality is More Attractive
- 4.3.7 The Municipality is Greener
- 4.3.13 The Municipality is More Active

##### b) Other strategic links

RiverConnect Strategic Plan

#### Options for Consideration

The options for consideration are:

1. Adopt the RiverConnect 2013-2014 Annual Report
2. Don't adopt the RiverConnect 2013-2014 Annual Report

#### Conclusion

The substantial achievements of RiverConnect to date are testimony to the success of a multi-agency and whole of community approach to land management and community education. The key to RiverConnects accomplishments has been the strong emphasis on partnerships and community ownership. Limited budget continues to be RiverConnects greatest limitation in achieving its full potential

#### Attachments

RiverConnect Annual Report 2013 - 2014

## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 9.2 Consideration of Submissions - Amendment C98 to the Greater Shepparton Planning Scheme (Verney North Growth Corridor Rezoning)

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

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

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

#### **Council Officers involved in producing this report**

**Author: Senior Strategic Planner**

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

**Approved by: Director Sustainable Development**

**Other: Principal Strategic Planner**

#### **Executive Summary**

Proposed Amendment C98 to the Greater Shepparton Planning Scheme seeks to rezone land from the Farming 1 Zone to the Low Density Residential Zone and apply the Development Plan Overlay to the land.

Council officers exhibited the amendment from 19 June 2014 to 4 August 2014. Ten submissions were received by Council. Of these, five requested clarification or changes to the amendment.

The main concerns raised in submissions included:

- Development within the Environment Significance Overlay for the Shepparton Waste Water Treatment Complex;
- Provision of public open space;
- Highway buffers;
- Access and traffic management, including the future of Grace Road;
- Drainage and flooding; and
- Shared paths and other infrastructure improvements.

Mediation sessions have been held to discuss concerns raised in submissions. The amendment documentation has been revised to address concerns as appropriate.

There are now no outstanding submissions regarding the northern portion of the amendment site. There are two outstanding submissions regarding the southern portion of the amendment site.

These outstanding submissions raise concerns flooding and drainage in North Shepparton and the future of Grace Road.

Council officers' position at an Independent Planning Panel regarding these two outstanding submissions are as follows:

- Existing drainage issues cannot be used as grounds to prevent the rezoning from proceeding to panel;
- Officers consider that the proposed development can appropriately manage drainage with no negative off-site impacts to neighbouring land owners;
- Officers believe that the Schedule to the Development Plan Overlay provides certainty that drainage will be appropriately managed to prevent negative off-site impacts;

## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 9.2 Consideration of Submissions - Amendment C98 to the Greater Shepparton Planning Scheme (Verney North Growth Corridor Rezoning) (continued)

- Officers support an outcome where the retardation basin within the proposed development can be expanded to accommodate drainage associated with dwellings along Verney North Road. The viability of this outcome is subject to detailed design and a potential cost-sharing arrangement and legal agreement (pursuant to Section 173 of the *Planning and Environment Act 1987*). This would occur at the subdivision stage of development.
- VicRoads has provided advice to Council officers stating that a new access into the development between Grace Road and Verney North Road will not provide a safe traffic outcome if Grace Road remains open;
- Council officers support an outcome where Grace Road remains open only if traffic movements can be accommodated safely; and
- Recent discussions with VicRoads and the proponent indicate that it may be possible to alter the alignment of Grace Road slightly to improve traffic movements and allow Grace Road to serve both the new development and the schools. Council officers support this outcome subject to VicRoads' approval. This outcome will be subject to agreement between the proponent and the Catholic Education Office with regard to infrastructure costs.

To avoid delay, it is now proposed to split the proposed amendment into two parts. Part 1 includes the southern portion of the site, to the south of Grace Road. Part 2 is the northern portion of the site, north of Grace Road (see *Figure 4*).

Officers recommend that amendment C98 Part 1 is adopted by Council and submitted to the Minister for Planning for approval.

It is recommended that amendment C98 Part 2 is heard by an Independent Planning Panel for consideration of submissions.

#### **RECOMMENDATION**

That the Council:

1. splits Amendment C98 to the Greater Shepparton Planning Scheme into two parts:
  - 1.1 Part 1 being the land south of Grace Road, excluding Grace Road and excluding the school within Schedule 8 to the Special Use Zone; and
  - 1.2 Part 2 being the land north of Grace Road, including Grace Road and excluding the school within Schedule 8 to the Special Use Zone.
2. adopts Amendment C98 Part 1 to the Greater Shepparton Planning Scheme in accordance with Section 29 of the *Planning and Environment Act 1987* (the Act) and submits Amendment C98 Part 1 to the Minister for Planning for approval in accordance with Section 31 of the Act; and
3. endorses Council officers' position at an Independent Planning Panel Hearing for Amendment C98 Part 2 to the Greater Shepparton Planning Scheme as outlined in this report and confirms that representations are to be made to the Independent Planning Panel appointed in relation to this proposal generally in accordance with this report.

## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### **9.2 Consideration of Submissions - Amendment C98 to the Greater Shepparton Planning Scheme (Verney North Growth Corridor Rezoning) (continued)**

#### **Background**

Council received a request for an amendment to the Greater Shepparton Planning Scheme to rezone land from the Farming 1 Zone to the Low Density Residential Zone and apply a Development Plan Overlay to the land.

Proposed Amendment C98 applies to approximately 125ha of land in north Shepparton, generally bounded by the Barmah-Shepparton Road to the south west, Goulburn Valley Highway to the south east and the Public Acquisition Overlay for the proposed Goulburn Valley Highway – Shepparton Bypass to the north and north west (see *Figure 1 – Locality Plan* and *Figure 2 – Development Area*).

It is proposed to rezone the land from the Farming 1 Zone to the Low Density Residential Zone and apply the Development Plan Overlay to the land with a site specific Schedule. This will facilitate low density residential development of the land into serviced lots (connected to reticulated water and sewerage) of a minimum subdivision size of 2000m<sup>2</sup>. This allows an approximate lot yield of 300 lots across the subject site.

#### **Strategic Assessment**

The proposed amendment has sound strategic justification (see *Attachment 1 – Exhibited Explanatory Report*).

The proposed amendment achieves objectives a, c and g of Section 4(1) the *Planning and Environment Act 1987* by facilitating orderly, coordinated development in a designated growth area.

The subject land is highlighted at Clause 21.04 *Settlement* of the Greater Shepparton Planning Scheme for “Potential Low Density” development and is within the settlement boundary for Shepparton North. A supply and demand analysis has been undertaken and demonstrates reasonable demand.

The proposed amendment is consistent with the *Greater Shepparton Housing Strategy 2011* and implements the objectives within this Strategy for the Shepparton North area.



**9. SUSTAINABLE DEVELOPMENT DIRECTORATE**

**9.2 Consideration of Submissions - Amendment C98 to the Greater Shepparton Planning Scheme (Verney North Growth Corridor Rezoning) (continued)**

Figure 1 – Locality Plan

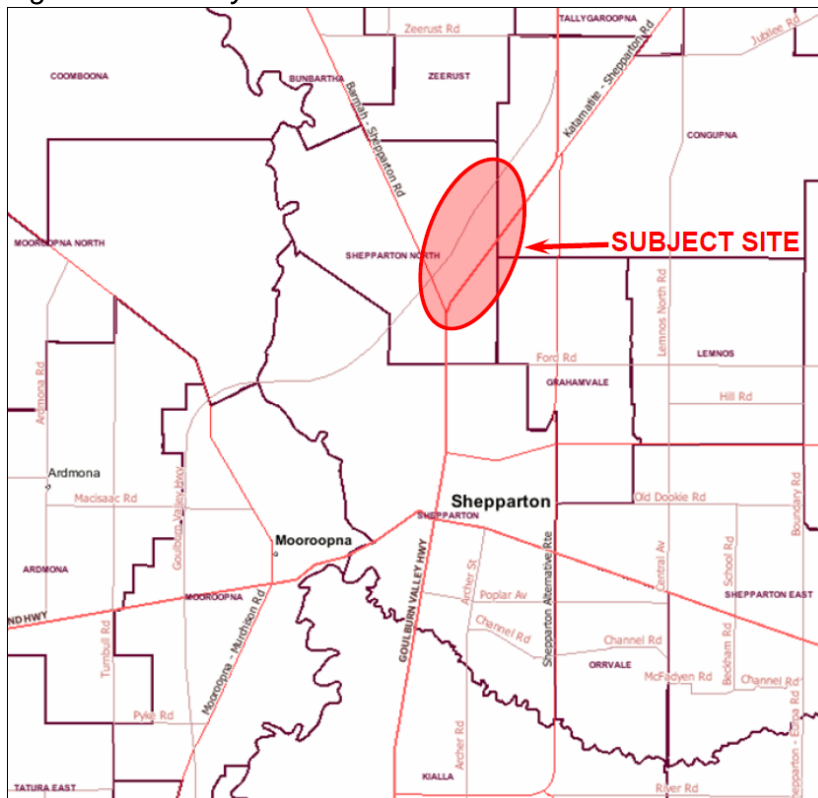
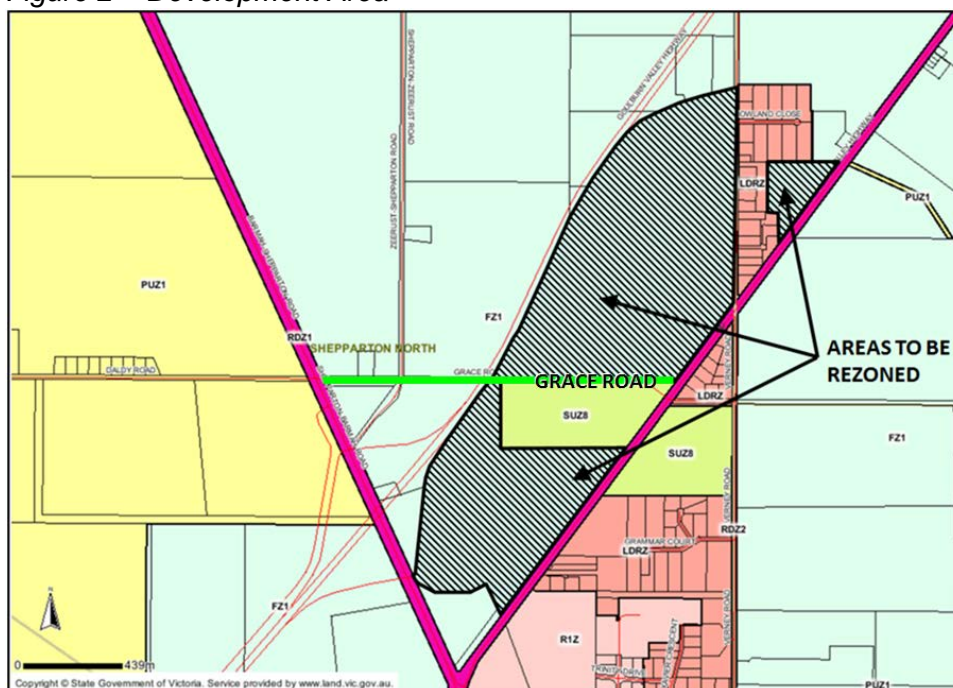


Figure 2 – Development Area



## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 9.2 Consideration of Submissions - Amendment C98 to the Greater Shepparton Planning Scheme (Verney North Growth Corridor Rezoning) (continued)

#### Exhibition and Submissions

Amendment C98 to the Greater Shepparton Planning Scheme was exhibited from 19 June 2014 to 4 August 2014 in accordance with the *Planning and Environment Act 1987*.

Exhibition included the following:

- Letters to owners and occupiers of land within the development area and surrounds;
- Letters to relevant referral authorities;
- Letters to prescribed Ministers;
- Notice in the Shepparton News;
- Notice in the Victorian Government Gazette; and
- Notice on the Greater Shepparton City Council website.

Council received ten submissions to Amendment C98. Of these, five requested clarification or changes to the proposed amendment (see *Attachment 2 – Submissions Recorder*).

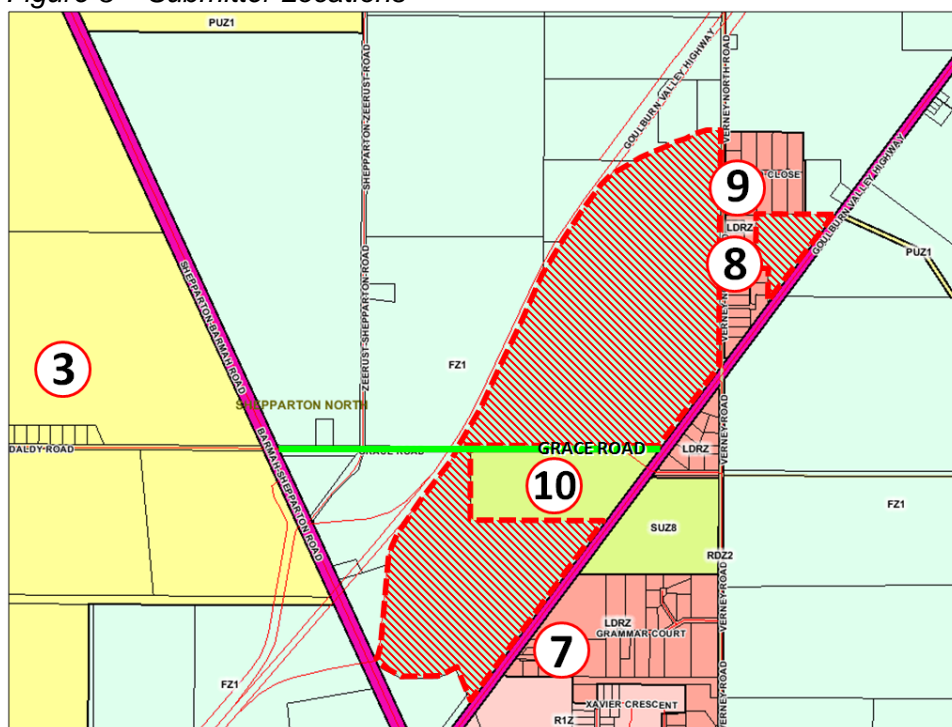
Submission Nos. 1, 2, 4, 5 and 6 raised no objection to the proposed amendment.

Two submissions were received that related to the southern portion of the amendment area. These were Submission Nos. 3 and 7.

Three submissions were received that related to the northern portion of the amendment area. These were Submission Nos. 8, 9 and 10.

The locations of each of these submitters are shown on *Figure 3 – Submitter Locations*.

*Figure 3 – Submitter Locations*



## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### **9.2 Consideration of Submissions - Amendment C98 to the Greater Shepparton Planning Scheme (Verney North Growth Corridor Rezoning) (continued)**

#### *Submission Nos. 1, 2, 4, 5 and 6 (Referral Authorities)*

Five submissions were received from referral authorities. These authorities raised no objections and requested no changes to the exhibited amendment. These authorities include:

- Goulburn Broken Catchment Management Authority
- VicRoad
- Country Fire Authority (Hume Region)
- Department of Environment and Primary Industries; and
- The Environment Protection Authority Victoria.

#### *Submissions regarding the southern portion of the amendment area.*

Submission No. 3 was from Goulburn Valley Water (GV Water). This submission did not object to the amendment, but raised concerns regarding new dwellings being located within the Environmental Significance Overlay for the Shepparton Waste Water Treatment Complex (ESO2).

To address this concern, a notation has been added to the Concept Plan stating that no building envelopes are to be located on land affected by ESO2.

The revised Concept Plan has been circulated to GV Water. GV Water has stated that their concerns have now been addressed and they require no further changes to the proposed amendment documentation.

Submission No. 7 was received from land owners to the east of the amendment area. This submission raised concerns regarding the future development of the site, including:

- Public open space
- Highway buffers
- Traffic and access
- Shared paths

Council officers met with the submitters to address the concerns raised in the submission. A notation has been added to the Concept Plan showing a shared path along the Goulburn Valley Highway frontage. The Schedule to the Development Plan Overlay has also been amended.

This revised amendment documentation (see *Attachment 3 – Post-Exhibition Changes to the Development Plan Overlay Schedule and Concept Plan*) has been circulated and the submitters are now satisfied with the proposed planning scheme amendment.

No further changes are required to the amendment documentation to address this submission. This submission is not required to be considered by an Independent Planning Panel.

#### *Submissions regarding the northern portion of the amendment area.*

## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### **9.2 Consideration of Submissions - Amendment C98 to the Greater Shepparton Planning Scheme (Verney North Growth Corridor Rezoning) (continued)**

Submission No. 8 was received from land owners to the east of the land affected by the amendment.

This submission raised concerns regarding flooding and drainage. In particular, the submission stated that the current drainage system is inadequate and the future development of the land will exacerbate this issue. The submission also stated that the location of the access point onto Verney North Road, as shown on the Concept Plan, will increase the likelihood of flooding on adjoining land.

Officers acknowledge that there are issues with flooding and drainage in the North Shepparton area. Council undertook a site visit and was briefed on 11 March 2014 regarding the drainage solution for this proposed development (see *Attachment 4 – Drainage Solution*). Council were satisfied that drainage could be appropriately managed.

Council officers met with the submitters to address the concerns raised in the submission. However, the issues raised could not be resolved as they largely related to pre-existing drainage conditions. Council officers' response to this submission is detailed further in the 'Independent Planning Panel' section of this report.

Officers recommend that this submission is considered by an Independent Planning Panel.

Submission No. 9 was received from a land owner to the east of the land affected by the amendment.

This submission supports the proposed planning scheme amendment and the future development of the land. The submission sought clarification regarding the future subdivision layout, improvements/extensions to infrastructure, location of road entrances, roadways, pedestrian ways, lighting, etc. and the location of land for public. The submission did not raise an objection, nor did it request changes to the proposal.

Council officers met with the submitter to provide clarification. The future development of the land will be guided by the Schedule to the Development Plan Overlay and the Concept Plan. Details such as those listed above are to be made available once the development plan is prepared and exhibited as part of a separate process. The submitter will be consulted as part of the informal notification associated with the development plan process.

No changes are required to the amendment documentation to address this submission. This submission does not need to be considered by an Independent Planning Panel.

Submission No. 10 was received from the Catholic Education Office, Diocese of Sandhurst, on behalf of Notre Dame College and St Luke's Primary School, which are located centrally to, but excluded from, the land affected by the amendment. This submission objects to any shared pathway to be constructed on land owned by the schools, and to any potential closure of Grace Road.

Council officers met with the submitters to address the concerns raised in the submission. There is no requirement for a shared path to be constructed as part of this planning scheme amendment. The potential closure of Grace Road was based on the

## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 9.2 Consideration of Submissions - Amendment C98 to the Greater Shepparton Planning Scheme (Verney North Growth Corridor Rezoning) (continued)

proposed development gaining a new access off the Goulburn Valley Highway. The proponent has now entered into discussions with the Catholic Education Office to re-route Grace Road for access into the development, rather than closing Grace Road. These discussions are ongoing and are subject to agreement of the Catholic Education Officer and the proponent.

The submission should be considered by an Independent Planning Panel. Council officers' position at the Panel Hearing is outlined in the 'Independent Planning Panel' section of this report.

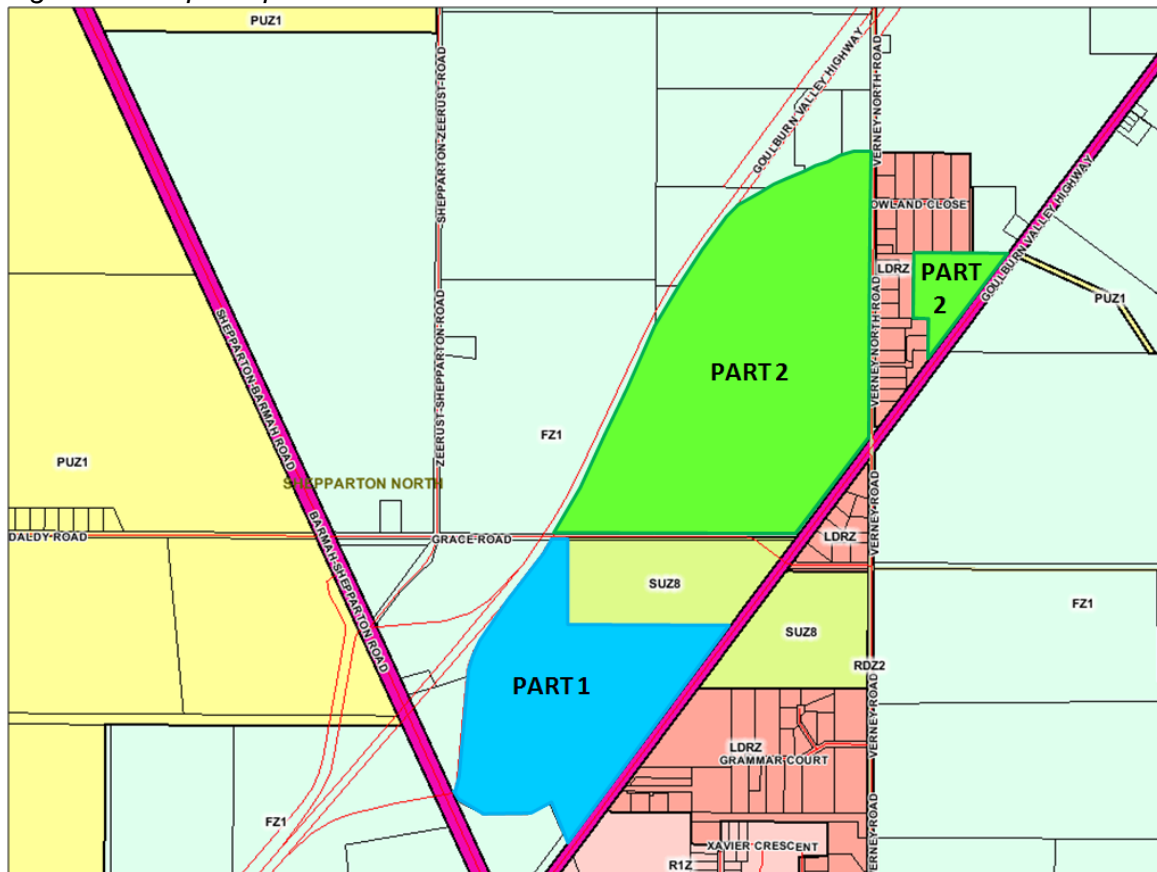
#### Splitting the Amendment

All concerns raised in submissions regarding the southern portion of the corridor are resolved. Council officers advise that these submissions do not need to be referred to an Independent Planning Panel for consideration.

Some of the concerns raised in submissions regarding the northern portion of the corridor remain unresolved. Officers are recommending that these submissions are considered by an Independent Planning Panel.

In order to avoid any unnecessary delay to the northern portion of the corridor, the proposed planning scheme amendment is to be split into two parts (see *Figure 4 – Map of Split Amendment Areas*).

*Figure 4 – Map of Split Amendment Areas*



## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### **9.2 Consideration of Submissions - Amendment C98 to the Greater Shepparton Planning Scheme (Verney North Growth Corridor Rezoning) (continued)**

#### Independent Planning Panel

It is recommended that amendment C98 Part 2 is referred to an Independent Planning Panel. The Independent Planning Panel will consider the outstanding submissions relevant to the proposed planning scheme amendment, being Submission No. 8 and Submission No. 10.

Council officers' position, for which Council endorsement is required, is as follows.

#### *Submission No. 8*

- Council officers acknowledge that there are existing issues with drainage and flooding in the North Shepparton area. Council recently undertook several upgrades to existing drainage infrastructure at Verney North Road, Grace Road and the Goulburn Valley Highway to improve the drainage situation in this area;
- Council officers are continuing to explore options to improve drainage across the municipality, including in the North Shepparton area;
- The proposed rezoning cannot be refused on the basis of existing drainage issues. These are matters that Council officers are currently working towards resolving;
- The proponent of the development is required to ensure that the land affected by the rezoning can be adequately drained. Council officers are confident that the proposed development can appropriately manage drainage with no negative off-site impacts to neighbouring land owners;
- Council officers believe that the Schedule to the Development Plan Overlay provides certainty that drainage will be appropriately managed to prevent negative off-site impacts;
- More detailed information regarding the drainage solution will be required at the development plan stage. The final drainage solution will meet the requirements of the Infrastructure Design Manual and best practice; and
- Council officers support an outcome where the retardation basin within the proposed development can be expanded to accommodate drainage associated with dwellings along Verney North Road. The viability of this outcome is subject to detailed design and a potential cost-sharing arrangement and legal agreement (pursuant to Section 173 of the *Planning and Environment Act 1987*). This would occur at the subdivision stage of development.

#### *Submission No. 10*

- Council officers are working with VicRoads to reach an outcome whereby the traffic movements are acceptable;
- VicRoads has provided advice to Council officers stating that a new access into the development between Grace Road and Verney North Road will not provide a safe traffic outcome if Grace Road remains open;
- Council officers support an outcome where Grace Road remains open only if traffic movements can be accommodated safely; and
- Recent discussions with VicRoads and the proponent indicate that it may be possible to alter the alignment of Grace Road slightly to improve traffic movements and allow Grace Road to serve both the new development and the schools. Council officers would support this outcome subject to VicRoads' approval. This outcome will be subject to agreement between the proponent and the Catholic Education Office with regard to infrastructure costs.

## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 9.2 Consideration of Submissions - Amendment C98 to the Greater Shepparton Planning Scheme (Verney North Growth Corridor Rezoning) (continued)

#### **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 by Ministerial Direction No. 15 'The Planning Scheme Amendment Process'. This Ministerial Direction requires each stage of the planning scheme amendment process to be undertaken within set timeframes.

In accordance with Ministerial Direction No. 15, 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.

Council officers have requested and received an exemption from the requirements of Ministerial Direction No. 15 for this planning scheme amendment. This exemption has been granted on the basis that Council makes a decision on the amendment in the near future.

#### **Policy Considerations**

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

#### **Financial Implications**

All costs associated with the planning scheme amendment process to date have been met by the proponent. Council will not incur any additional costs as a result of this planning scheme amendment. The proponent will be required to meet all costs associated with an Independent Planning Panel.

#### **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**

Rezoning the subject land to the Low Density Residential Zone will allow it to be developed with serviced lots of a minimum subdivision size of 2000m<sup>2</sup>. This will achieve an appropriate outcome for land that has been subject to significant environmental change in the past.

## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### **9.2 Consideration of Submissions - Amendment C98 to the Greater Shepparton Planning Scheme (Verney North Growth Corridor Rezoning) (continued)**

The large allotment size and vegetation buffers will result in the landscape quality being improved. The landscape quality will continue to improve as the land is revegetated with public parks, tree reserves and private gardens.

An acoustic assessment completed for the land identified the need to provide an acoustic barrier along the western boundary of 625 Goulburn Valley Highway (address acoustic issues associated with the Shepparton Distillery). Appropriate buffers along the Goulburn Valley Highway frontage and the future Shepparton Bypass alignment have also been provided to minimise any acoustic impact.

There is an Environmental Significance Overlay that applies to part of the land. This Overlay encourages the protection of the Shepparton Waste Water Treatment Complex. Goulburn Valley Water lodged a submission to the proposed amendment to ensure that their interests would not be negatively impacted as a result of this amendment. The proposed amendment ensures the protection of the Shepparton Waste Water Treatment Complex by not allowing building envelopes to be located within the land affected by the Environmental Significance Overlay.

There are no negative environmental/sustainability outcomes associated with adopting Amendment C98 Part 1 and submitting it to the Minister for Planning for approval.

Submission No. 8 raised concerns regarding flooding and drainage in the area. These concerns largely related to existing issues and highlighted concerns that the proposed development may exacerbate these issues. This submission relates to Part 2 (being the northern portion) of the amendment area only. By referring this submission to an Independent Planning Panel for consideration, these concerns can be appropriately addressed. There are no negative environmental/sustainability outcomes associated with referring Amendment C98 Part 2 to an Independent Planning Panel for consideration of submissions.

#### **Social Implications**

The proposed amendment will achieve a positive social outcome. It will facilitate new and unique housing opportunities at a density for which there is currently a limited supply in Greater Shepparton.

The land is in proximity to a number of educational facilities including St Luke's Primary School and the Notre Dame College Emmaus Campus located adjacent to the development plan area and Goulburn Valley Grammar School to the east.

The proposed amendment will result in a net community benefit by providing a pleasant and safe living environment that satisfies demand for low density residential opportunities in the North Shepparton area.

There are no negative social implications associated with adopting Amendment C98 Part 1 and submitting it to the Minister for Planning for approval.

No submissions were received for Part 2 of the amendment area that raised social concerns. There are no negative social outcomes associated with referring Amendment C98 Part 2 to an Independent Planning Panel for consideration of submissions.



## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 9.2 Consideration of Submissions - Amendment C98 to the Greater Shepparton Planning Scheme (Verney North Growth Corridor Rezoning) (continued)

#### **Economic Impacts**

It is no longer feasible that the land remain within the Farming 1 Zone, due to the existing land uses and subdivision pattern of the subject area. The land is already highly fragmented with many lots approximately 20 hectares in area, occasionally used for limited agricultural purposes such as cattle grazing. Therefore, the proposed amendment will not result in adverse impacts upon the local economy due to loss of any agricultural land.

New housing to be provided on the site will facilitate economic growth within the municipality by providing housing opportunities to cater for the growing population.

There are no negative economic impacts associated with adopting Amendment C98 Part 1 and submitting it to the Minister for Planning for approval.

No submissions were received for Part 2 of the amendment area that raised economic concerns. There are no negative economic outcomes associated with referring Amendment C98 Part 2 to an Independent Planning Panel for consideration of submissions.

#### **Consultation**

Amendment C98 was exhibited in accordance with the *Planning and Environment Act 1987*. This included the following:

- Notice in the Shepparton News on 17 June 2014;
- Notice in the Victorian Government Gazette on 19 June 2014;
- Letters to affected land owners and occupiers on 16 June 2014;
- Letters to relevant referral authorities on 16 June 2014;
- Letters to prescribed ministers on 16 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 six weeks and submissions closed on 4 August 2014.

Ten submissions were received by Council. These are discussed in the 'Background' section 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 2006

##### *Direction 1: Settlement and Housing*

*Commitment to growth within a consolidated and sustainable development program.*

##### b) Other strategic links

Nil

## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### **9.2 Consideration of Submissions - Amendment C98 to the Greater Shepparton Planning Scheme (Verney North Growth Corridor Rezoning) (continued)**

#### **Options for Consideration**

1. Council splits the amendment into two parts, adopts Part 1 in accordance with Section 29 of the *Planning and Environment Act 1987* (the Act) and submits it to the Minister for Planning for approval in accordance with Section 31 of the Act and endorses Council officers' position at an Independent Planning Panel for Part 2 (preferred);
2. Council splits the amendment into two parts, adopts Part 1 in accordance with Section 29 of the Act and submits it to the Minister for Planning for approval in accordance with Section 31 of the Act and abandons Part 2 in accordance with Section 28 of the Act.
3. Council does not split the amendment and refers the entire amendment to an Independent Planning Panel;
4. Council does not split the amendment and abandons the amendment under Section 28 of the Act; or
5. Any combination of the above.

#### **Conclusion**

Amendment C98 to the Greater Shepparton Planning Scheme proposes to rezone the land from the Farming 1 Zone to the Low Density Residential Zone and apply the Development Plan Overlay to the land.

The amendment was exhibited and ten submissions were received by Council. Of these, five requested clarification or changes to the amendment.

It is now proposed to split the planning scheme amendment into two parts.

Amendment C98 Part 1 is to be adopted and submitted to the Minister for Planning for approval.

Amendment C98 Part 2 is to be heard by an Independent Planning Panel for consideration of submissions. Council is to endorse Council officers' position at the Panel Hearing.

#### **Attachments**

1. Exhibited Explanatory Report
2. Submissions Recorder
3. Post-Exhibition Changes to the Development Plan Overlay Schedule and Concept Plan
4. Drainage Solution

## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 9.3 Kialla Lakes South Park Names

#### **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 Planning Support Officer**

**Proof reader(s): Manager Planning**

**Approved by: Director Sustainable Development**

#### **Executive Summary**

The Council received a request from Kavant Management (Developer) to formally name three reserves within the Kialla Lakes South subdivision. Park 1 – Pelican Park, Park 2 - Falcon Park and Park 3 – Waterbird Park.

The proposed names were advertised and no objections/submissions were received.

The names have been assessed against the Guidelines for Geographic Names Victoria and the *Geographic Place Names Act 1998* and the name meets the necessary requirements.

The *Guidelines for Geographic Names 2010* sets out the process for Council approval of place names. This includes justification and evidence supporting the name and a requirement for the proposed name to be publicly advertised. Council must then approve the name and the minutes must be provided to Registrar of Geographic Names.

#### **RECOMMENDATION**

That the Council approve Pelican Park, Falcon Park and Waterbird Park in accordance with Guidelines for Geographic Names Victoria and the *Geographic Place Names Act 1998* and submit the names for approval to the Registrar of Geographic Names.

#### **Background**

The Council received a request from Kavant Management (Developer) to formally name three reserves within the Kialla Lakes South subdivision. Park 1 – Pelican Park, Park 2 - Falcon Park and Park 3 – Waterbird Park.

Pelican and Falcon have been requested as park names after birds with links to the bird life related to the Kialla Lakes Estate and Waterbird links the name of the park to the Waterbird Creek which flows through the land.

The *Guidelines for Geographic Names 2010* sets out the process for council approval of place names. This includes justification and evidence supporting the name and requires the proposed name to be publicly advertised. Council must then approve the name and the minutes be provided to Registrar of Geographic Names.

## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 9.3 Kialla Lakes South Park Names (continued)

#### Council Plan/Key Strategic Activity

There is no link to the Council Plan as this is a procedural matter.

#### Risk Management

The proposed name has been through the community consultation process via public notice. No objections were received.

| Risks   | Likelihood | Consequence | Rating        | Mitigation Action   |
|---|------------|-------------|---------------|---|
| Little risk related to naming of park                                       | E          | 5           | Insignificant |   |
| Not naming the parks could cause a negative reaction by local residents     | B          | 4           | Moderate      | Assessed against Naming Guidelines and advertised proposal by public notice |
| The reserve will not be listed on Emergency Services mapping databases      | C          | 4           | Low           |   |
| Risk that someone hasn't seen the notice and objects when signs are erected | D          | 4           | Low           | Public Notice was undertaken in accordance with Naming Guidelines           |

#### Policy Considerations

Council Officers assess names in accordance with Guidelines for Geographic Names in Victoria and *Geographic Place Names Act 1998* (Naming Guidelines).

#### Financial Implications

There are no fees associated with the formal approval and/or lodgement of park names. There may be some costs associated with the erection of signage.

|            | 2012/2013 Approved Budget for this proposal*\$ | This Proposal \$ | Variance to Approved Budget \$ | Comments    |
|------------|--|------------------|--------------------------------|-------------|
| Revenue    | Nil  |                  |                                |             |
| Expense    |  | \$2000.00        |                                | Parks & Rec |
| Net Result |  |                  |                                |             |

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

From this there is deemed no risk in naming these reserves.

#### Legal/Statutory Implications

Assessment of names has been undertaken in accordance with the *Geographic Places Names Act 1998*. The proposed name complies with this legislation.

#### Environmental/Sustainability Impacts

There are no implications as this is a procedural matter.

## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### **9.3 Kialla Lakes South Park Names (continued)**

#### **Social Implications**

There are no implications as this is a procedural matter.

#### **Economic Impacts**

There are no implications as this is a procedural matter.

#### **Consultation**

The proposed names Pelican Park, Falcon Park and Waterbird Park were placed on Public Notice in the Shepparton News on Friday 18 October 2014. No submissions were received.

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 links as this is procedural

##### b) Other strategic links

There are no links as this is procedural

#### **Options for Consideration**

Reserves be named in accordance with recommendation in this report.

Reserves remain unnamed

#### **Conclusion**

As the request meets the naming guidelines, and no objections have been received it is recommended that the reserves be named Pelican Park, Falcon Park and Waterbird Park.

#### **Attachments**

Pelican, Falcon & Waterbird - Aerial & Locality Plan for Council Report

## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### **9.4 Adoption of Amendment C171 to the Greater Shepparton Planning Scheme**

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

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

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

#### **Council Officers involved in producing this report**

**Author: Senior Strategic Planner**

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

**Approved by: Director Sustainable Development**

**Other: Principal Strategic Planner**

#### **Executive Summary**

Proposed Amendment C171 to the Greater Shepparton Planning Scheme seeks to rezone land at River Road, Kialla from the Farming 1 Zone to the Rural Living Zone. It also seeks to reduce the minimum lot size for subdivision and the minimum lot size for which no permit is required for a new dwelling to 2ha. The proposed amendment also seeks to include the land within the Development Plan Overlay with a new schedule to ensure that orderly and integrated development is achieved.

The amendment was exhibited from 24 July 2014 to 25 August 2014 in accordance with the *Planning and Environment Act 1987*.

Seven submissions were received by Council. Five of these did not object to or request changes to the proposed amendment. Two of these objected to or requested changes to the proposed amendment.

#### **Submissions that did not object or request changes:**

- Three of the submissions were from referral authorities, none of which raised an objection to the proposed amendment.
- Two of the submissions were from landowners, neither of which raised an objection to the proposed amendment. These submissions generally supported the amendment and requested clarification or requested to be included in a future rezoning.

#### **Submissions that objected or requested changes:**

- One of the submissions, received from VicRoads, objected to a shared access onto Doyles Road that would be required as part of the future development of the land.
- One of the submissions, received from an adjoining landowner, was generally supportive of the proposed amendment but raised concerns regarding access, traffic management and landscaping.

Council officers have met with the submitters and accordingly have revised the amendment documentation to address the concerns raised in submissions. Revised amendment documentation has been circulated to all parties. The submitters have reviewed the revised amendment documentation and agree that no further changes are required to address their concerns. Both submissions are now resolved and have been withdrawn. As a result, an Independent Planning Panel is not required to consider submissions.

## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### **9.4 Adoption of Amendment C171 to the Greater Shepparton Planning Scheme (continued)**

The subject land is designated in Clause 21.04 (Settlement) of the Greater Shepparton Planning Scheme for 'Potential Rural Living' development and is within the settlement boundary for Kialla and Shepparton South.

The proposed rezoning has strategic support in the *Greater Shepparton Housing Strategy 2011*. Growth Management Plans within this document have earmarked the subject land as a potential rural living area.

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 submitted to the Minister for Planning for approval.

Following approval, the amendment will be published in the Victorian Government Gazette, at which point it will be included in the Greater Shepparton Planning Scheme.

#### **RECOMMENDATION**

That the Council:

1. adopts Amendment C171 to the Greater Shepparton Planning Scheme in accordance with Section 29 of the *Planning and Environment Act 1987* (the Act); and
2. submits Amendment C171 to the Greater Shepparton Planning Scheme to the Minister for Planning for approval in accordance with Section 31 of the Act.

#### **Background**

Council received a request from a landowner for a planning scheme amendment to rezone land at River Road, Kialla. The subject land is generally bounded by River Road to the south, Doyles Road and Moores Road to the west, the Broken River to the north and the rural residential estate known as Laws Drive Estate to the east (see *Figure 1 – Locality Plan* and *Figure 2 – Zone Map*).

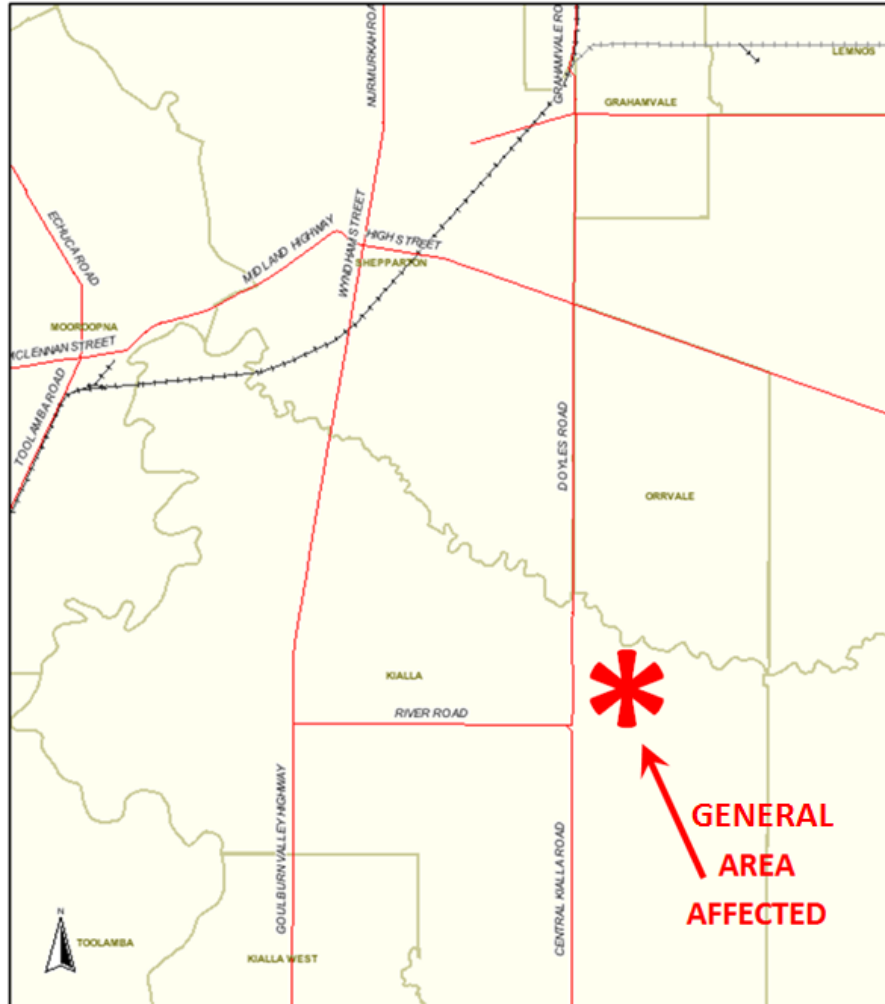
The request seeks to rezone approximately 105ha of land from the Farming 1 Zone to the Rural Living Zone and to reduce the minimum lot size for subdivision and the minimum lot size for which no permit is required for a new dwelling to 2ha. The proposed amendment also seeks to include the land within the Development Plan Overlay with a new schedule to ensure that orderly and integrated development is achieved.

This rezoning and change to the schedule will facilitate and coordinate rural residential development of the subject land. The proposed planning scheme amendment will allow an approximate lot yield of 30 to 40 lots with a variety of lot sizes ranging from 2ha to 8ha.

**9. SUSTAINABLE DEVELOPMENT DIRECTORATE**

**9.4 Adoption of Amendment C171 to the Greater Shepparton Planning Scheme (continued)**

Figure 1 – Locality Plan

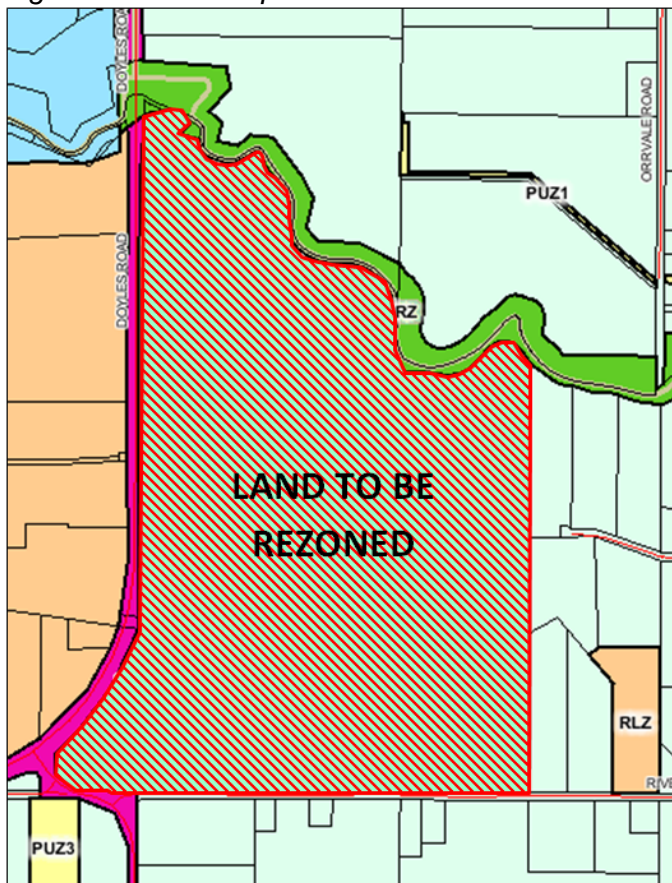




## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 9.4 Adoption of Amendment C171 to the Greater Shepparton Planning Scheme (continued)

Figure 2 – Zone Map



Once the land is rezoned, but prior to development, a Development Plan must be prepared. This Development Plan must be generally in accordance with the Concept Plan included within the Schedule to the Development Plan Overlay (see *Attachment 1 – Revised Schedule to the Development Plan Overlay and Concept Plan*). Any future planning applications for subdivision of the land must be in accordance with the approved Development Plan.

The subject land includes 36 parcels of land with a variety of lot sizes ranging from approximately 0.5ha to 45ha. The proposed planning scheme amendment will rezone land that is already being utilised for rural living purposes to a more appropriate zone, and will also facilitate rural residential development on the larger lots that have not yet been subdivided.

#### Strategic assessment

The proposed amendment has sound strategic justification (see *Attachment 2 – Exhibited Explanatory Report*).

The proposed planning scheme amendment implements objectives a, b, c and g of planning Victoria in Part 1 Section 4(1) of the *Planning and Environment Act 1987* by facilitating orderly, coordinated development in an area designated for rural residential development. The proposal seeks to balance the interests of the community through the provision of rural residential land to meet the needs of a growing municipality.

## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 9.4 Adoption of Amendment C171 to the Greater Shepparton Planning Scheme (continued)

The subject land is designated in Clause 21.04 (Settlement) of the Greater Shepparton Planning Scheme for 'Potential Rural Living' development and is within the settlement boundary for Kialla and Shepparton South.

The proposed rezoning has strategic support in the *Greater Shepparton Housing Strategy 2011*. Growth Management Plans within this document have earmarked the subject land as a potential rural living area.

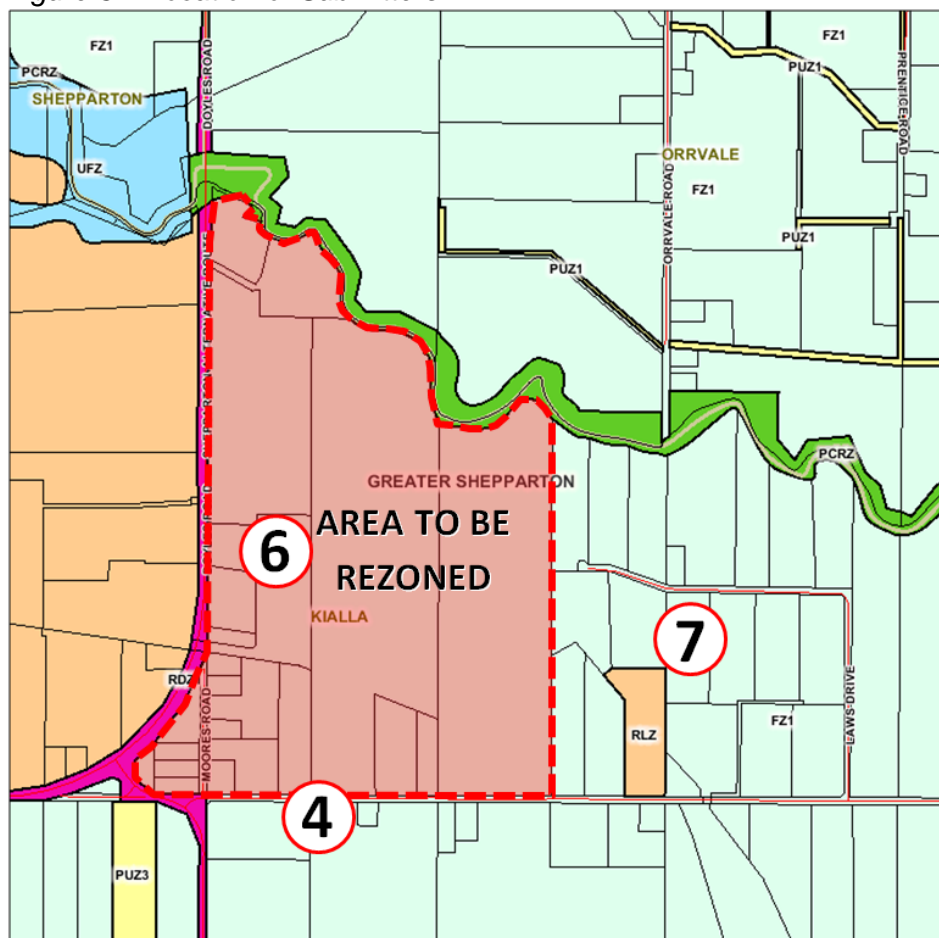
The subject land sits between a large rural living precinct to the west (already within the Rural Living Zone) and Laws Drive Estate to the east, which remains within the Farming Zone but has an established rural living character and has been earmarked to be rezoned to the Rural Living Zone in the future.

#### Submissions

The amendment was exhibited from 24 July 2014 to 25 August 2014 in accordance with the *Planning and Environment Act 1987*.

Seven submissions were received by Council (see *Attachment 3 – Submissions Recorder* and *Figure 3 – Location of Submitters*).

Figure 3 – Location of Submitters



## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### **9.4 Adoption of Amendment C171 to the Greater Shepparton Planning Scheme (continued)**

#### *Submission Nos. 2, 3 and 5*

Three of these were received from referral authorities, none of which objected or requested changes to the proposed amendment. These authorities are:

- Goulburn Valley Water;
- Goulburn Broken Catchment Management Authority; and
- Environment Protection Authority Victoria.

These submissions do not need to be referred to an Independent Planning Panel for consideration.

#### *Submission Nos. 6 and 7 (see Figure 3 – Locations of Submitters)*

Two submissions were received from landowners that support the proposed planning scheme amendment:

- A landowner within the rezoning area is supportive of the proposed rezoning. They have requested to be included in further consultation regarding the exact location of the proposed road to ensure the best fit for their property and for their existing dwelling.
- This landowner will receive notification during the consultation associated with the Development Plan process. The consultation at the Development Plan stage is informal notification. Although landowners are invited to comment during this process, there are no third party appeal rights.
- Landowners located to the east of the rezoning area support the proposed planning scheme amendment. They have requested that Council consider rezoning the land immediately to the east of the rezoning area once Amendment C171 is finalised.
- The land immediately east of the rezoning area is within the settlement boundary for Kialla and Shepparton South and designated for 'potential rural living'. This provides strategic justification for the rezoning to be considered. Council officers have held preliminary discussions with a landowner in the area regarding this proposed rezoning.

These submissions did not request changes to the proposed planning scheme amendment and do not need to be referred to an Independent Planning Panel for consideration.

#### *Submission No. 1 (VicRoads)*

A submission was received from VicRoads. The submission objected to the proposed temporary access onto Doyles Road.

VicRoads have provided revised wording in the Schedule to the Development Plan Overlay. The revised schedule has been circulated to all stakeholders (see *Attachment 1 – Revised Development Plan Overlay Schedule and Concept Plan*).

VicRoads have stated that they are satisfied with the revised wording and require no further changes to the amendment documentation.

This submission is resolved and does not need to be referred to an Independent Planning Panel for consideration.

## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### **9.4 Adoption of Amendment C171 to the Greater Shepparton Planning Scheme (continued)**

*Submission No. 4 (see Figure 3 – Location of Submitters)*

A submission was received from an adjoining landowner on the southern side of River Road. The submission generally supported the proposed amendment and raised concerns regarding the location of access points and roadways, traffic safety and management and landscaping along River Road.

Council officers met with this landowner to discuss the concerns raised in the submission. The Schedule to the Development Plan Overlay has been revised to address these concerns. This revised Schedule has been circulated to all stakeholders (see *Attachment 1 – Revised Development Plan Overlay Schedule and Concept Plan*).

The landowner has stated that they are now satisfied with the revised wording and require no further changes to the amendment documentation.

This submission is resolved and does not need to be referred to an Independent Planning Panel for consideration.

#### **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.

An exemption from the requirements of Ministerial Direction No. 15 has been sought to allow Council additional time to consider submissions and make a decision on the proposed planning scheme amendment.

#### **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. Submissions have now been resolved and an Independent Planning Panel is not required to consider submissions. This has reduced the costs for Council.

## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 9.4 Adoption of Amendment C171 to the Greater Shepparton Planning Scheme (continued)

#### **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**

The land has been subject to significant environmental land use change in the past. Many of the larger lots in the precinct are no longer used for agricultural purposes and are too large to be managed as 'residential' land. Lots of a more manageable size will result from this proposed planning scheme amendment, creating a positive environmental outcome.

Land capability assessments have been undertaken and concluded that waste water can be treated and disposed of onsite. All proposed lots are capable of housing and retaining an on-site effluent disposal system.

The proposal has been referred to Council's Development Engineering Team to assess potential flooding and drainage concerns. The proponent produced a preliminary indicative drainage plan to show how the area will address any flooding and drainage concerns. The Development Engineering Team has reviewed this plan and has given "in principle" support for the proposal. The Development Engineering Team states that the current plans are sufficient to provide confidence that any drainage issues can be resolved as detailed design progresses.

There are no negative environmental/sustainability implications associated with adopting Amendment C171 to the Greater Shepparton Planning Scheme and submitting it to the Minister for Planning for approval.

#### **Social Implications**

The proposal is considered to have positive social effects by making more efficient use of large underutilised parcels of land on the fringe of an existing urban area. The development of this land will deliver employment opportunities during construction and provide additional residential land to cater for future residents.

The amendment will achieve a positive social outcome, as it will facilitate new and unique housing opportunities, at a density that is not readily available in Shepparton. The land is in proximity to a number of commercial, educational and transport facilities, and is adequately supported by an appropriate level of social infrastructure.

## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### **9.4 Adoption of Amendment C171 to the Greater Shepparton Planning Scheme (continued)**

The amendment will result in a net community benefit by providing a pleasant and safe living environment that satisfies demand for low density residential opportunities close to the existing urban centre.

There are no negative social implications associated with adopting Amendment C171 to the Greater Shepparton Planning Scheme and submitting it to the Minister for Planning for approval.

#### **Economic Impacts**

Given the existing land uses and subdivision pattern of the subject area, together with the surrounding land uses and activities, it is not considered feasible that the land remain within the Farming 1 Zone. Therefore, the proposed Planning Scheme Amendment will not result in any adverse impacts on the local economy due to the loss of agricultural land.

New housing to be provided on the site will facilitate economic growth within the municipality by providing housing to cater for the growing population. This will also improve housing choice and aid in relieving housing affordability issues within the area.

There are no negative economic implications associated with adopting Amendment C171 to the Greater Shepparton Planning Scheme and submitting it to the Minister for Planning for approval.

#### **Consultation**

Amendment C171 was exhibited in accordance with the *Planning and Environment Act 1987*. This included the following:

- Notice in the Shepparton News on 22 July 2014;
- Notice in the Victorian Government Gazette on 24 July 2014;
- Letters to affected landowners and occupiers on 21 July 2014;
- Letters to relevant referral authorities on 21 July 2014;
- Letters to prescribed ministers on 21 July 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 25 August 2014. Submissions are discussed in detail in the 'Background' section 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 2006**

*Direction 1: Settlement and Housing*

*Commitment to growth within a consolidated and sustainable development program.*

##### **b) Other strategic links**

Nil

## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### **9.4 Adoption of Amendment C171 to the Greater Shepparton Planning Scheme (continued)**

#### **Options for Consideration**

1. Adopt Amendment C171 to the Greater Shepparton Planning Scheme and refer it to the Minister for Planning for approval; or
2. Abandon Amendment C171 to the Greater Shepparton Planning Scheme.

#### **Conclusion**

Proposed Amendment C171 to the Greater Shepparton Planning Scheme seeks to rezone land at River Road, Kialla from the Farming 1 Zone to the Rural Living Zone. It also seeks to reduce the minimum lot size for which no permit is required for a new dwelling or subdivision to 2ha. The proposed amendment also seeks to include the land within the Development Plan Overlay with a new schedule to ensure orderly and integrated development is achieved.

An Independent Planning Panel is not required to consider submissions.

The subject land is designated in Clause 21.04 (Settlement) of the Greater Shepparton Planning Scheme for 'Potential Rural Living' development and is within the settlement boundary for Kialla and Shepparton South.

The proposed rezoning has strategic support in the *Greater Shepparton Housing Strategy 2011*. Growth Management Plans within this document have earmarked the subject land as a potential rural living area.

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 submitted 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.

#### **Attachments**

1. Revised Schedule to the Development Plan Overlay and Concept Plan
2. Exhibited Explanatory Report
3. Submissions Recorder

## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 9.5 Crouching Emu Revegetation Project - Final Report and Handover Report 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: Sustainability and Environment Officer**

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

**Approved by: Director Sustainable Development**

#### **Executive Summary**

The Crouching Emu Revegetation Project was a Council managed, Tatura community driven project. The project ran for seven years from December 2006 to June 2013. Council provided an initial financial commitment of \$12,000 per year for the first five years, then an additional budget of \$6,000 per year for the final two years.

The Project's mission was to establish an environmental corridor containing indigenous species along Dhurringile Road, Tatura. The Project's major stakeholders formed the Crouching Emu Revegetation Project Committee in 2006 to achieve the project's environmental and community engagement objectives. The project revegetated the roadside with over 13,000 indigenous plants to create an 8km length of environmental corridor.

The Project is now complete and the committee disbanded. Council Officers and the Project Committee have finalised a handover report (attachment 1) and a final report (attachment 2). The handover report details the transfer of management of the revegetated roadside areas to Greater Shepparton City Council's Landscaping and Native Open Space Branch. The final report evaluates the projects achievements and learnings and will allow Council and other project stakeholders to communicate the Project's successes to others undertaking landscape restoration activities in the wider community. Council Officers anticipate that its contents will assist other environmental/community projects to achieve similar successes.

#### **RECOMMENDATION**

That the Council receive and note the Crouching Emu Revegetation Project Final Report and Handover Report.

#### **Background**

The Crouching Emu Revegetation Project was a Council managed, Tatura community driven project that commenced in 2006 and concluded at the end of June 2013. Greater Shepparton City Councillor Bruce Wilson officially launched the project on 6 December 2006 with an initial financial commitment from Council of \$12,000 per year for five years. Council continued to support the Project with an operational budget of \$6,000 per year for the two financial years that followed (2011/12 and 2012/13).



## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 9.5 Crouching Emu Revegetation Project - Final Report and Handover Report 2014 (continued)

The re-development of the Tatura multi-sports complex in 2005 resulted in the removal of a number of indigenous trees. An outcome of the community consultation process was that Council commit to work with the Tatura community to undertake roadside revegetation as voluntary offsets for these removals along Dhurringile Road, Tatura. The committee selected Dhurringile Road as it contained some high quality patches of remnant native vegetation. This provided an ideal opportunity to create an environmental corridor linking these isolated vegetation communities and fauna species to the north and south of Tatura.

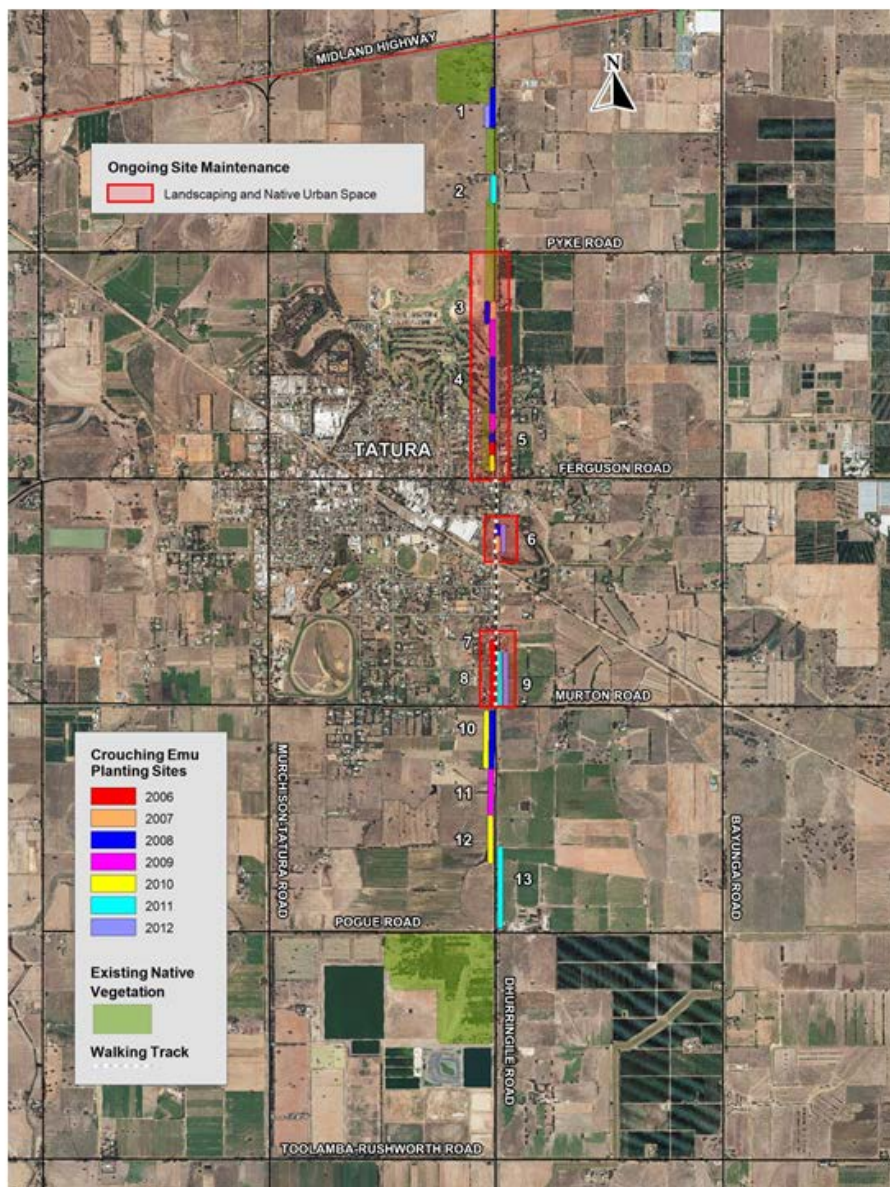


Figure 1: Crouching Emu roadside revegetation sites and walking path location map

## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 9.5 Crouching Emu Revegetation Project - Final Report and Handover Report 2014 (continued)

The Project's mission was to establish an environmental corridor containing indigenous species along Dhurringile Road, Tatura. Key components of the Project were to protect and enhance the remnant native vegetation present along Dhurringile Road through extensive revegetation activities whilst utilising a strong community engagement focus to maximise the community involvement and interest. The Project had both environmental and community engagement objectives.

The project's major stakeholders formed the Crouching Emu Revegetation Project Committee in 2006 to achieve the project objectives. This committee contained local representatives from:

- Greater Shepparton City Council (Sustainability and Environment Officer)
- Goulburn Murray Landcare Network (GMLN)
- Dhurringile and District Local Area Plan/ Dhurringile and District Landcare Group
- Department of Primary Industries (DPI)
- Tatura Revitalisation Committee
- Generations Church ACC, Tatura
- Transition Towns Tatura.

Between 2006 and 2013, this committee (and the organisations and groups they represent) contributed project management, site management, planting and site maintenance, coordination of school and community planting days, and other school and community education activities.

Along with the Dhurringile Road residents and the wider Tatura community, the following schools and groups made significant contributions to the outcomes of the project:

- Tatura Primary School
- Sacred Heart School
- Bethel Christian College
- Mooroopna Secondary College
- Tatura Girl Guides
- Mooroopna Girl Guides and Scouts

The success of the Project can also be contributed to the Mission Australia National Green Jobs Corps work crew (formerly known as the Goulburn Valley Regional Environment Employment Program (GVREEP)), who provided many hours of labour at no charge. The Goulburn Broken Catchment Management Authority (GB CMA) also provided financial support to the Project via several community education and awareness grants.

#### Key project objectives and achievements

| Project objectives  | Project achievements   |
|---|--|
| 1. Establish an environmental corridor, primarily containing indigenous species.<br>2. Conserve areas less affected by disturbance and containing significant indigenous plant species. | <ul style="list-style-type: none"> <li>• Environmental corridor (approximately 8km in length) containing mostly indigenous vegetation now links the pre-project patches of remnant native vegetation.</li> <li>• The density and diversity of native species along Dhurringile Road has greatly increased with over 13,000 indigenous plants planted by hand.</li> </ul> |

## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 9.5 Crouching Emu Revegetation Project - Final Report and Handover Report 2014 (continued)

| Project objectives   | Project achievements   |
|--|--|
| 3. Increase the conservation value of the vegetation communities along Dhurringile Rd.                             | <ul style="list-style-type: none"> <li>Roadside ecological assessments conducted over the life of the project have demonstrated that the ecological value of the roadsides has significantly increased.</li> </ul>   |
| 4. Significantly reduce pest plants through weed management coordinated in collaboration with adjacent landowners. | <ul style="list-style-type: none"> <li>Reduction in weed species density and diversity.</li> <li>Woody weeds such as willow and peppercorn are now largely absent from the roadside.</li> </ul>  |
| 5. Increase community awareness and education, especially concerning indigenous plants and weed management.        | <ul style="list-style-type: none"> <li>Bird surveys and free indigenous plants provided to interested landholders.</li> <li>Walking paths constructed through the planted vegetation to allow for increased accessibility and appreciation of these enhanced areas.</li> <li>Four Crouching Emu project signs installed along Dhurringile Road.</li> <li>A community “walk and talk” held to discuss the ecological function of the native vegetation and the environmental benefits provided to native wildlife and the local community.</li> <li>Three project brochures produced and distributed to the Tatura community.</li> <li>The Shepparton News, Tatura Guardian and Tatura Area Community Bulletin published many articles about project activities.</li> <li>Two television stories aired on “Weeknights” on Southern Cross Television promoted National Tree Day and celebrated the Tidy Town Award announcements.</li> </ul> |
| 6. Enhance town entrances, and encourage pedestrian and bicycle access.  | <ul style="list-style-type: none"> <li>Aesthetics of town entrances greatly enhanced.</li> <li>Walking paths constructed through the planted vegetation to encourage pedestrian and bicycle use.</li> </ul>  |

Council Officers nominated the Project for two Keep Australia Beautiful Victoria (KABV) Tidy Towns Sustainable Communities Awards in 2013, receiving a “highly commended” in the Government Partnership category and a state finalist certificate in the Protection of the Environment category. In 2011, the Project was nominated for two KABV Tidy Towns Sustainable Communities Awards (state finalist in the Community-Government Partnership category).

#### Final Report

Council Officers and the Project Committee have written a Final Report (Attachment 2) to provide further detail on the projects major achievements, an evaluation of project successes, outline key project learnings and make recommendations for the future management of the Dhurringile Road road reserve. The Final Report will allow Council and other project stakeholders to communicate the Project’s successes to others undertaking landscape restoration activities in the wider community. The report will be posted to relevant environmental groups and agencies and available to download on Council’s website. The committee and Council Officers expect that its contents will assist other environmental/community projects to achieve similar successes.

## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 9.5 Crouching Emu Revegetation Project - Final Report and Handover Report 2014 (continued)

#### Project handover

The Sustainability and Environment Team managed the implementation of the project; however, the intention was for the community developed revegetated assets to be handed over to the Recreation and Parks Branch at the completion of the project.

Council Officers have completed a handover report (Attachment 1) in consultation with the committee to assist in transferring the management of the revegetated roadside areas from the Crouching Emu Revegetation Project Committee to Greater Shepparton City Council's Landscaping and Native Open Space Branch.

#### **Council Plan/Key Strategic Activity**

##### Council Plan 2013 - 2017

The Crouching Emu Revegetation Project helped Council achieve the following goals and objectives of the Council Plan 2013 - 2017:

- *Active and engaged community:*
  - Objective 1: Continue to enhance community capacity building.
  - Objective 4: Provide sustainable community services to our community.
- *Enhancing the environment*
  - Objective 1: Ensure that the environment is a major priority in planning for the future.
- *High performing organisation*
  - Objective 1: Develop and implement best practice communication strategies.
  - Objective 3: Ensure strong internal systems and processes to ensure best practice delivery of services for the community.

#### **Risk Management**

The risks identified in the following table are associated with Council not following the recommended course of action.

| Risks   | Likelihood | Consequence | Rating | Mitigation Action   |
|---|------------|-------------|--------|---|
| The environmental values of the revegetated roadside would deteriorate if not adequately maintained.  | A          | C           | High   | That Council acknowledges the Crouching Emu Revegetation Project Final Report and supports the implementation of the recommendations of the Crouching Emu Revegetation Project Handover Report. |
| Council's reputation would suffer because community members who were involved with enhancing the roadsides and the general Tatura community have provided consistent feedback to Council Officers that they expect Council to maintain the sites. | A          | C           | High   |   |

Council Officers have not identified any risks associated with Council following the recommended course of action.

## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 9.5 Crouching Emu Revegetation Project - Final Report and Handover Report 2014 (continued)

#### **Policy Considerations**

Relevant Council policies and CEO Directives have been considered during the development of the Crouching Emu Revegetation Project Handover Report and Final Report.

#### **Financial Implications**

The maintenance outlined in the handover report will be conducted by Council's Native Open Space Team. The costs associated to perform this maintenance is estimated to be \$8,500 annually. This will be covered by the Landscaping and Native Open Space annual operational budget.

#### **Legal/Statutory Implications**

The final report and handover reports conform with the *Local Government Act 1989* and all other relevant legislation.

#### **Environmental/Sustainability Impacts**

Council would achieve positive environmental impacts by implementing the Handover Report. The environmental values of the road reserves that have been greatly improved by the Tatura community will continue to improve if Council performs adequate maintenance. The Final Report identified that the ecological value of the roadsides has significantly increased and many of the revegetated species are now naturally regenerating. Ongoing weed control will suppress weed diversity and density to assist the native plants to continue to grow and regenerate. The final report also identified that the bird species inhabiting the reserves also increases with the age of the revegetated shrubs.

#### **Social Implications**

Important positive social implications will result from Council maintaining the revegetated areas of the Dhurringile Road roadsides. The project had both social and environmental objectives and the community has invested a considerable amount of time and effort to protect and enhance these areas. Now that the committee has disbanded, it is time for Council to demonstrate to the community that we value their efforts by ensuring the sites are adequately maintained. The walking path through the revegetated road reserve receives high use by the community (including elderly residents of Moyola cottages retirement village). This has been a very popular component of the Project providing health and wellbeing benefits to the Tatura community. It is important that the path be maintained to the appropriate condition.

#### **Economic Impacts**

There are no negative economic impacts from the Project. The Project may provide some opportunity for tourism.

#### **Consultation**

Members of the Tatura community, adjacent landholders, the Crouching Emu Revegetation Project Committee and relevant Landscaping and Native Open Space Branch Officers were consulted during the development of the final report and handover report. Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### **9.5 Crouching Emu Revegetation Project - Final Report and Handover Report 2014 (continued)**

#### **Strategic Links**

##### **a) Greater Shepparton 2030 Strategy**

The final report and project handover report are aligned with the objectives, strategies and actions outlined in the environment and other sections of the Greater Shepparton 2030 Strategy.

Outcomes:

- 4.3.3 A Balance of Urban Settlements and a Beautiful Rural Environment
- 4.3.4 The Municipality is More Attractive
- 4.3.7 The Municipality is Greener
- 4.3.10 The Municipality is Healthier
- 4.3.13 The Municipality is more active

##### **b) Other strategic links**

The Final Report and Project Handover Report were also developed according to the environment objectives and initiatives outlined in, but not limited to the following documents:

- Greater Shepparton Environmental Sustainability Strategy (2014-2030)
- Environmental Partnerships (Victorian Government)
- Goulburn Broken Regional Catchment Strategy 2013 - 2019
- Greater Shepparton Local Environmental Sustainability Priority Statement (LESPTS)
- Municipal Strategic Statement (MSS), Greater Shepparton Planning Scheme

#### **Options for Consideration**

1. That Council acknowledges the Crouching Emu Revegetation Project Final Report and supports the implementation of the recommendations of the Crouching Emu Revegetation Project Handover Report.
2. Council not acknowledge the Crouching Emu Revegetation Project Final Report or supports the implementation of the recommendations of the Crouching Emu Revegetation Project Handover Report.

The recommendation contains the preferred option.

#### **Conclusion**

The substantial achievements of the Crouching Emu Revegetation Project are proof that Council facilitated, community partnership projects can make extensive improvements to the local environment over very short time periods. The key to achieving these successes has been a strong emphasis on community engagement and establishing strong partnerships between state and local government, community groups and the community themselves. Other important components of the Project were monitoring the success of revegetation activities across the sites and evaluating the community's awareness of the Project over time.

The revegetated environmental corridor along Dhurringile Road will be the lasting legacy of the Crouching Emu Revegetation Project to be enjoyed by future generations of the Tatura community.

#### **Attachments**

1. Crouching Emu Revegetation Project - Handover Report
2. Crouching Emu Revegetation Project - Final Project Report

## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### **9.6 Amendment C112 (Infrastructure Design Manual) - Consideration of Submissions**

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

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

#### **Council Officers involved in producing this report**

**Author: Senior Strategic Planner**

**Proof reader(s): Team Leader Strategic Planning**

**Approved by: Acting Director Sustainability**

#### **Executive Summary**

Greater Shepparton City Council has been using the Infrastructure Design Manual (IDM) since 2007. Greater Shepparton City Council was one of the original authors of the IDM, along with the Councils of Campaspe and Greater Bendigo.

The IDM is designed to clearly document and standardise Councils' requirements for the design and development of municipal infrastructure. It aims to expedite Councils' engineering approvals and ensure that minimum design criteria are met in regard to the design and construction of municipal infrastructure regardless of whether it is constructed by a Council or a developer.

Gradually other Councils have subscribed to the IDM and, as of February 2013, it is estimated that nearly 40 rural and regional Councils now use the IDM. Despite its extensive use, the IDM has very limited recognition in planning schemes across the state. Many Councils currently use the IDM without the document having any formal recognition in the planning scheme.

The IDM Board seeks to redress this by giving the document clear and unambiguous status in every planning scheme in which it is used.

Keaney Planning Pty Ltd, the IDM Board and officers from the former Department of Planning and Community Development agreed that it would be preferable to have a 'champion' Council integrate the IDM into their scheme, and to have the document tested by an Independent Planning Panel or an Advisory Committee. It was considered that the Greater Shepparton Planning Scheme was the most appropriate example. Following implementation, other Councils would be able to include the IDM within their respective planning schemes using a streamlined planning scheme amendment process.

Amendment C112 to the Greater Shepparton Planning Scheme is now seeking to give formal recognition to the Infrastructure Design Manual (IDM) in the Greater Shepparton Planning Scheme.

Amendment C112 was exhibited from 9 October 2014 to 8 December 2014. Thirty submissions have been received by Council. The majority of these submissions support the amendment.

## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### **9.6 Amendment C112 (Infrastructure Design Manual) - Consideration of Submissions (continued)**

A number of the submissions that support the amendment also include recommendations regarding the IDM and/or the implementation of the document. These recommendations have been considered by Council officers and Amendment C112 has been revised accordingly.

#### Submissions

Thirty submissions were received by Council (see *Attachment 2 – Submissions Recorder*), of which three objected to the amendment.

Council Officers position in relation to these submissions is detailed in the section entitled 'Submissions: Council Officers' Assessment'. However, it should be noted that no submission opposes the rationale of the amendment per se, but rather raises some concerns that have been requested to be addressed at the Panel and Advisory Committee Hearing.

Submissions that objected to the amendment have been received by:

- VicRoads
- Urban Development Institute of Australia (Victoria)
- Housing Industry Association Ltd

The objection from VicRoads has been addressed and is now mainly resolved. The principal issue related to updating the IDM wording, terminology and language to reflect current standards and documents.

While a number of meetings have taken place with the Urban Development Institute of Australia (Victoria) and the Housing Industry Association Ltd, these objections have not been fully resolved. A revised submission was received from the UDIA on 30 January 2015, which recognises that the aim of the IDM is to provide consistency across regional Victoria. The UDIA supports this intention and the amendment in general. However, the position on seeking a review of Clause 56 is still being sought by their submission and the opportunity to raise this at planning panel and advisory committee level is being continued to be pursued.

As there are still submissions that have not been resolved they will be referred to an Independent Planning Panel and Advisory Committee for consideration. The purpose of the Advisory Committee is to advise the Minister for Planning on the method, application and implications of the introducing the IDM into Regional Council Planning Schemes. It should be noted that even if these submissions were resolved that a Hearing would still take place.

This is because an Advisory Committee has been requested to formally assess the amendment, consider any implications for the rest of the State and make recommendations to the Minister for Planning.

#### **RECOMMENDATION**

That the Council:

1. endorse Council Officers' position at an Independent Planning Panel Hearing and Advisory Committee Hearing for Amendment C112, and



## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 9.6 Amendment C112 (Infrastructure Design Manual) - Consideration of Submissions (continued)

2. confirm that representations are to be made to the panel in relation to this proposal generally in accordance with the contents of the subject report.

#### **Background**

##### Infrastructure Design Manual

In September 2004, Campaspe Shire Council, Greater Shepparton City Council and City of Greater Bendigo began to develop a common engineering manual documenting infrastructure standards that could be uniformly used across the borders of the three municipalities.

The IDM is designed to clearly document and standardise Councils' requirements for the design and development of municipal infrastructure. It also aims to expedite Councils' engineering approvals and ensure that minimum design criteria are met in regard to the design and construction of municipal infrastructure regardless of whether it is constructed by a Council or a developer.

In December 2006, a draft IDM was exhibited for a seven week consultation period and the first version of the IDM came into use in October 2007. Gradually, other Councils have subscribed to the Manual and as of February 2013, it is estimated that nearly 40 rural and regional Councils now use the IDM.

The consideration of the provisions of the IDM is allowed for in Clause 56 (Residential Subdivision) of the planning scheme, which states that the standard 'should' normally be met but that an 'alternative design solution' may be considered.

Despite its extensive use, the IDM has no formal recognition in the planning scheme other than being included in the planning schemes of Campaspe Shire Council, Greater Shepparton City Council and City of Greater Bendigo as a 'Reference Document' (albeit with different titles). Greater Shepparton City Council's Planning Scheme also includes a brief reference to the IDM and its content in the Municipal Strategic Statement at Clause 21.07 (Infrastructure). It states: *'the Council encourages a high standard of infrastructure provision for new development in accordance with the Infrastructure Design Manual, which in some cases requires a higher standard to be achieved'*.

The IDM Board seeks to redress this by giving the document clear and unambiguous status in every planning scheme in which it is used.

##### Amendment C112 to the Greater Shepparton Planning Scheme

Keaney Planning Pty Ltd briefed the IDM Board in November 2012 on options for the implementation of the IDM into the Planning Scheme. As an outcome of that meeting, a sub-committee of the IDM Board engaged Keaney Planning Pty Ltd to liaise with the former Department of Planning and Community Development (DPCD) to determine whether there was 'in principle' support for the inclusion of the IDM, in some form, into any planning scheme.

A meeting was held with the former DPCD in February 2013. DPCD officers considered the IDM to be a seriously entertained planning tool and appreciated the risk in having the IDM staying outside of the planning scheme.

## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### **9.6 Amendment C112 (Infrastructure Design Manual) - Consideration of Submissions (continued)**

DPCD officers agreed that it would be preferable to have a ‘champion’ Council integrate the IDM into their scheme and to have the document tested by an Independent Planning Panel or an Advisory Committee. It was considered that the Greater Shepparton Planning Scheme was the most appropriate example. The Independent Planning Panel or Advisory Committee could analyse the IDM in detail and provide guidance to all others on ultimate implementation into all relevant planning schemes.

In the view of DPCD, a simple Municipal Strategic Statement clause, some accompanying objectives and strategies, and the inclusion of the IDM as a ‘Reference Document’ at Clause 21.09 of the planning scheme would be sufficient.

Amendment C112 to the Greater Shepparton Planning Scheme seeks to insert references to the IDM in Clauses 21.07-1 (Transport), 21.07-2 (Urban and Rural Services) and 21.07-3 (Urban Stormwater Management). Amendment C112 also seeks to insert a new Clause 21.07-4 (Infrastructure Design Manual), which outlines the benefits of the IDM as well as its objectives and strategies

#### Exhibition

Amendment C112 was exhibited from 9 October 2014 to 8 December 2014 (see *Attachment 1 – Amendment Documentation*).

As a result of Amendment C112 to the Greater Shepparton Planning Scheme, it is expected that other Councils will have an opportunity to include the Infrastructure Design Manual in their respective planning schemes through a Section 20(4) “fast track” amendment. This would mean that these Councils would not be required to exhibit their respective planning scheme amendments. Consequently, exhibition of this amendment is being extended to include stakeholders across the state.

Exhibition included the following:

- Notice in the Shepparton News;
- Notice in the Victorian Government Gazette;
- Letters to referral authorities across the state (approximately 100 letters);
- Letters to prescribed Ministers;
- Letters to stakeholders of the IDM across the state (over 500 letters);
- Six ‘consultation workshops’ held in the following centres:
  - Horsham;
  - Warrnambool;
  - Bendigo;
  - Wangaratta;
  - Geelong; and
  - Morwell (La Trobe).
- Notice on the Greater Shepparton City Council Website; and
- Notice on the Department of Transport, Planning and Local Infrastructure website.

#### Submissions

Thirty submissions were received by Council (see *Attachment 2 – Submissions Recorder*). Of these, three submissions objected to the amendment or part of the amendment. Objections were received from the following agencies:

- Urban Development Institute of Australia (Victoria)
- VicRoads
- Housing Industry Association Ltd

## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### **9.6 Amendment C112 (Infrastructure Design Manual) - Consideration of Submissions (continued)**

The objection from VicRoads has been addressed and is now resolved. The objections from the Urban Development Institute of Australia (Victoria) and the Housing Industry Association Ltd cannot be resolved and will be referred to an Independent Planning Panel and Advisory Committee for consideration.

#### Council Officers' Assessment

##### *VicRoads – Submission No. 9*

VicRoads have formally objected to the amendment. However, it is considered that the issues they have raised have been resolved. Their submission requests that references within the IDM be updated to reflect current VicRoads documents and terminology and that correct wording and references be used. As the IDM is a 'living' document that is constantly being updated so it remains current, it is expected that these changes can be made as part of future version. VicRoads submission does not therefore 'object' to the intent and rationale behind the amendment, and as such these changes can easily be addressed during the next review of the IDM.

##### *Urban Development Institute of Australia – Submission No. 7*

Council officers have since met with the Urban Development Institute of Australia (UDIA) twice to discuss their submission. While the UDIA do not have any major concerns with the amendment the submission raises some issues, of which the main ones are summarised as follows:

- The IDM is premature given it is likely that further design standards and changes are likely to occur.
- The Metropolitan Planning Authority (MPA) has a regional aspect to its planning and infrastructure considerations. The MPA should lead a project that consolidates both the IDM and the Engineering Design and Construction Manual (EDCM) into a single document with consistent standards. The EDCM is a design manual used in Growth Council areas.
- The UDIA has asked the Department of Transport, Planning and Local Infrastructure to review Clause 56. A review of engineering standards and Clause 56 would determine the best way to give statutory effect to the type of requirements outlined in the IDM.

##### *Housing Industry Association – Submission No. 14*

Council officers have also met with the Housing Industry Association (HIA) a number of times to discuss their submission. The issues raised by the HIA are similar to those identified by the UDIA, and can be summarised as follows:

- It is premature to give formal recognition to the IDM as other matters need prior rigorous consideration, including other documents with similar intent. For example, the EDCM.
- A review of Clause 56 should be initiated.
- Whether it is appropriate that the IDM sit within the Planning Scheme. The HIA question whether technical detail for civil and traffic engineering requirements was ever intended as part of a planning assessment and determination.

## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### **9.6 Amendment C112 (Infrastructure Design Manual) - Consideration of Submissions (continued)**

The issues raised by the UDIA and HIA are similar. In relation to the issues of the IDM being premature, it is considered that this is not the case. By including the IDM as a Reference Document in a Planning Scheme, this will only happen for those Councils that have adopted the IDM. Any other Council, for example Growth Area Councils, will still be able to adopt the EDCM as their preference for applying design standards.

If the IDM becomes a Reference Document in a Planning Scheme, this does not mean that a review of Clause 56 is not necessary. This is because the IDM is the 'alternative design solution' that is referenced in the Clause 56 and would remain as a stand-alone set of design requirements and standards. If Clause 56 changes in the future then it is possible to update the IDM and release a revised version to include these changes.

Council Officers feel that it is appropriate to introduce the IDM into the Planning Scheme and part of the planning system assessment process. The IDM becoming a Reference Document is that it is clear and unambiguous to designers, applicants and developers where the required design standards can be found. The detail of the IDM is not provided within the Planning Scheme itself, which would be overly technical and impractical. Referencing the IDM would result in a similar situation to Australian Standards, which are also referenced in the Planning Scheme for purposes of clarity.

The IDM is not simply about residential subdivision, but also covers all other development issues (such as commercial and industrial type subdivisions and development). It provides support in considering planning applications and justification for planning permit conditions. Also, individual rural Councils are the drainage authority in regional Victoria, whereas in metropolitan Melbourne, Councils can rely on Melbourne Water which set the standards for drainage infrastructure and design. At the last meeting with the UDIA and its Alliance members (21 February 2015), it was indicated that they support the planning scheme amendment on an interim basis and that their submission will be revised to reflect this.

An Independent Planning Panel and Advisory Committee will soon be appointed by the Minister for Planning. The Panel Hearing is likely to be held on 16 March 2015.

The Panel and Advisory will hear all submissions and provide a report to the Minister for Planning on the applicability and suitability of referencing the IDM in the Planning Scheme and updating policy sections in the Municipal Strategic Statement.

#### **Council Plan/Key Strategic Activity**

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

#### **Strategic Goal No. 4: Quality Infrastructure (Built)**

*4.1 Ensure the community has access to high quality facilities.*

*4.2 Ensure the community has access to appropriate transportation infrastructure.*

#### **Risk Management**

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

## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 9.6 Amendment C112 (Infrastructure Design Manual) - Consideration of Submissions (continued)

In accordance with Ministerial Direction No. 15, Council must request the appointment of an Independent Planning Panel, if required, within 40 business days of the closing date for submissions.

If required, Council officers can request an exemptions from the timelines of Ministerial Direction No. 15.

#### **Policy Considerations**

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

#### **Financial Implications**

Council will be required to meet the costs incurred by an Independent Planning Panel and Advisory Committee Hearing, including any costs associated with legal advice and/or representation. These costs have been accounted for in the 2014/15 Planning Panels budget.

#### **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**

The amendment will have positive environmental effects. The IDM provides design criteria for future development to ensure that development does not impact negatively on the environment and is undertaken in an environmentally sustainable manner.

#### **Social Implications**

The IDM is designed to clearly document and standardise Council's requirements for the design and development of municipal infrastructure. It also aims to expedite Council's engineering approvals and ensure that minimum design criteria are met in regard to the design and construction of municipal infrastructure. Furthermore, Councils and developers are able to more accurately determine feasibility of developments. The social effects of this amendment are considered to be beneficial to both Council and the community.

#### **Economic Impacts**

The inclusion of the revised IDM in the planning scheme will provide certainty around the requirements for the provision of infrastructure. This will improve efficiency in planning processes and lead to a reduction in financial implications and greater surety at development stage. The proposed amendment is considered to have significant economic benefit to Council and the community.

## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### **9.6 Amendment C112 (Infrastructure Design Manual) - Consideration of Submissions (continued)**

#### **Consultation**

Amendment C112 was exhibited in accordance with the *Planning and Environment Act 1987*. This included the following:

- Notice in the Shepparton News;
- Notice in the Victorian Government Gazette;
- Letters to referral authorities across the state (approximately 100 letters);
- Letters to prescribed Ministers;
- Letters to stakeholders of the IDM across the state (over 500 letters);
- Six 'consultation workshops' held in the following centres:
  - Horsham;
  - Warrnambool;
  - Bendigo;
  - Wangaratta;
  - Geelong; and
  - Morwell (La Trobe).
- Notice on the Greater Shepparton City Council Website; and
- Notice on the Department of Transport, Planning and Local Infrastructure website.

The exhibition period was open for two months and submissions closed on 8 December 2014.

The exhibition of this amendment and submissions received by Council are discussed in detail in the 'Background' section 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**

###### *Direction 5: Infrastructure*

*The provision and restructure of urban and rural infrastructure to enhance the performance of the municipality and facilitate growth.*

##### **b) Other strategic links**

Nil

#### **Options for Consideration**

1. Council endorses Council officers' position at an Independent Planning Panel and Advisory Panel Hearing regarding Amendment C112.
2. Council does not endorse Council officers' position at an Independent Planning Panel and Advisory Panel Hearing regarding Amendment C112 and puts forward an alternative position.
3. Council abandons Amendment C112.

#### **Conclusion**

Amendment C112 to the Greater Shepparton Planning Scheme seeks to give formal recognition to the Infrastructure Design Manual (IDM) in the Greater Shepparton Planning Scheme.

Amendment C112 was exhibited from 9 October 2014 to 8 December 2014.

## 9. SUSTAINABLE DEVELOPMENT DIRECTORATE

### **9.6 Amendment C112 (Infrastructure Design Manual) - Consideration of Submissions (continued)**

Thirty submissions have been received by Council. The majority of these submissions support the amendment.

Three of the submissions received by Council object to the amendment.

The objection from VicRoads has been addressed and is now resolved. The objections from the Urban Development Institute of Australia (Victoria) and the Housing Industry Association Ltd cannot be resolved and will be referred to an Independent Planning Panel and Advisory Committee for consideration.

It is recommended that Council endorses Council officers' position at an Independent Planning Panel and Advisory Committee Hearing.

#### **Attachments**

1. Amendment Documentation
2. Submissions Recorder

## 10. TABLED MOTIONS

Nil Received

## 11. REPORTS FROM COUNCIL DELEGATES TO OTHER BODIES

### 11.1 MAV Smart Urban Future

Given the world's population is set to double in 40 years, now is an essential time to consider the implications of overcrowding and street congestion. This is particularly true for Greater Shepparton, which is one of the fastest growing regional centres in Victoria. The 'Smart Urban Futures' conference argued walkability goes hand in hand with liveability. Melbourne has been voted the world's most liveable city numerous times, which supports this hypothesis. Considering the visual improvements Melbourne has made to enhance open spaces and retrofit infrastructure for improved alternative transport access, Spring St was an inspired choice of venue. Those who control roads and public infrastructure largely direct how and why people are transported throughout an area, because ultimately, transport is not just about transporting cars, it's about transporting people.

Early on, the point was made that politicians rarely have their photo snapped in front of pedestrian crossings, but media would flock to open a new bypass. Walking is largely undervalued in terms of health, social connectivity and reduced urban sprawl.

Our local retailers petition to encourage car parking, yet the slower we travel, the more time we spend lingering in front of shop windows, turning around to see something we've missed and actually interact in conversation with shop keepers and passers-by. Economic gains were questioned, but a study in Auckland demonstrated car parks brought \$6 per hour to nearby businesses, whereas a bicycle rank brought \$31 per hour. My questions are, how do we measure that locally? Is there a way to compare profits in the Maude St Mall to businesses on High St? Or, can we trial locking Fryers St off to traffic, then analyse results? Also, could this be piloted over weekends, in conjunction with extended business hours? If we include shop managers in data collection and the projected economic impact is favourable, it's doubtful businesses would object to removing car park spaces.

In San Francisco there is such a thing as a 'Walk Score' to judge property values. A high walk score increased property values by \$700 - \$3000. This has a direct correlation with council, because our rates are based on property values.

#### **Case Study – NYC**

Temporary material was used to close the most notorious intersection in the world (Times Square) to traffic. Temporary timber boards and paint is cheaper and (being a pilot) allowed for data evaluation to ascertain whether it was a worthy initiative. NYC subscribed to the idea that being on foot is better for business, but instead of a top-down approach, they allowed funding for businesses to do their own research on whether the purpose of customer's visit was to shop or drive (we could collaborate with businesses, SSM and the Chamber of Commerce). In the end, businesses in NYC were petitioning for road closure!

Something funny to come from this – once the streets were closed, NYC had no street furniture, so they went to all the hardware stores and bought lawn chairs. People loved it. Anyone considering a road closer should purchase lawn chairs :)



## 11. REPORTS FROM COUNCIL DELEGATES TO OTHER BODIES

### 11.1 MAV Smart Urban Future (continued)

Seems the pressure for walkable cities is coming from both sides – the young and the old. Interesting to note that Gen Y-Zs are less likely to drive or own a car and generally chose where they are going to live before looking for a job, which makes high density residential areas attractive. Greater Shepparton tends to lose much of its young population, perhaps because we are not keeping up with appealing, walkable infrastructure. This has implications for the Western Corridor, because rather than catering for our growing tertiary institutions, we are producing an urban sprawl that only suits families with double garages and 2 - 3 4WDs. We are in danger of becoming a 'Donut City, from people moving out the fringe, with a dead centre.

We already know lower class people generally dwell on the inner fringe, due to walkable access to services and shops. Encouraging more of a business/youth class to live above shops will help dilute the perceived 'ferals' and potentially assist in breaking the welfare cycle.

We already know walking is a great way for seniors for maintain independence and stave off both mental and physical degeneration. Further, despite perceptions, seniors are no more at risk of injury than other pedestrians – it's actually more risky when seniors are forced to drive for shopping trips or medical appointments. Hazards include uneven footpaths, off leash dogs, poor lighting, cyclists off the road (no bike lane), traffic lights turning green too soon, etc. Generally seniors walk the same distance as younger people, but value it more. The reason most seniors give for walking is to "buy something". This is supported by data under VISTA, which is an authoritative body that can be found online.

Melbourne is aiming at becoming a 20-minute city, so a lot of investment has gone into metropolitan areas. As an example, Port Phillip contributes \$2mil per annum towards walking/cycling infrastructure. In Melbourne you will see coloured express bus lanes, wide tram lanes, green bicycle lanes, large bike racks and a huge number of taxis. These commitments to alternative transport methods are visual, public and durable. Seems personal vehicles feature last on Melbourne's traffic hierarchy in a deliberate attempt by Melbourne Council to discourage driving. Since roads and footpaths are something Councils do directly control, perhaps we should follow Melbourne's lead? I'm certain Shepparton would benefit from more frequent and direct bus services.

Further, Melbourne launched an active campaign called 'Melbourne 3000' to improve walkability by increasing the density of its CBD along transport corridors. This campaign by City of Melbourne demonstrated how old buildings could be converted to residences, set back from the front façade of the building so there was no obvious density. The program was so successful that rapid growth became largely uncontrolled under the current Minister - it's a developer free-for-all and needs reform.

There is opportunity in what we can't see. Underground stormwater catchments and underground parking bays were mentioned as sustainable space savers. Water storage, below the central median, polishes and cleans storm water to be recycled. I was reminded of 'Dobson's Plan' for the Causeway and began wondering if we could do this beneath Welsford St. Permeable asphalt or blue stones can offer ground cover, yet also feed water to trees and catchment areas during storms. Although we are blessed with vast open spaces in Greater Shepparton, it doesn't hurt to consider space saving devices to compact our city and accommodate future growth.

## 11. REPORTS FROM COUNCIL DELEGATES TO OTHER BODIES

### 11.1 MAV Smart Urban Future (continued)

Something I was very pleased about was the mention of 'Collaborative Consumption', something Time magazine listed as "one of the top ten things that will change the world". In the 'Smart Urban Living' context, it meant sharing property to live, sharing backyards to plant food, carpooling and even sharing retail space to operate two businesses.

We already know trees are nature's air conditioner. If we can develop a heat map of our municipality by satellite images, we could incorporate it into our Tree Policy to reduce the city's temperature in hotter months. Mortality rates, quality of life, work productivity and social interaction will improve over summer. Further, have we considered a rate rebate for solar energy or gardens on top of rooves? I'd like a report on all community gardens within Greater Shepparton to show people what is already being done and encourage others to do the same.

#### **Solar Strategy**

We heard from the instigator of a successful project that encouraged retrofitting existing properties to 6 Star energy ratings. A large barrier in purchasing solar panels is that if the property was ever sold, it's likely the tenderer would still be paying off solar panels post sale. It's possible for local government to run a program that attaches the loan to the property, rather than the person. This is by collaborating with private investment and offering more than simply solar panels, but other comfort 'mod-cons' that come with renovations, as well as rebates for more energy saving initiatives. Uptake with solar panels alone is unfortunately scarce.

There are a huge number of jobs under the 'climate change' banner – solar panel manufacturing, installation, energy systems, salesmen, to name a few. Considering we desperately need to introduce more industry to Greater Shepparton, perhaps this is where we should be looking?

As far as the Maude St Mall goes, we need to support and promote things you can't find online. Small creative kiosks and food vans were mentioned as a form of passive surveillance – described at the "eyes and ears of Melbourne at night". Pool halls, laser wars, karaoke, card houses, street art, advertising, music, mini golf, chess, science exhibits and outdoor dining tables are all examples of things that encourage interaction and prevent kids from loitering on the street.

There were a few myth busters too. Interesting that kids who walk to school have increased academic ability and are less likely to need after-school classes. We've essentially replaced children's free activity and play, with adult mobility devices \*cue glum child looking out window\*. Driving faster may save a few minutes, but we pay for it by working harder to pay for driving further. It's recommended we assess our transportation habits by analysing 'effective speed', which covers 'all of time' costs. The fastest effective speed for the fastest car in Australia is only 13.8kph, when you consider what we lose by going further, faster. Cycling is faster in Melbourne's peak hour traffic!

There is an international push to lower speed limits in CBD areas to at least 40kph, but some areas are as low as 15kph. Berlin has 30kph at night in all built up areas, but many places in Europe have no speed limits on the open road. If local government is capable of emulating these 'no limit' highways in terms of safety, we can dramatically increase connectivity between rural areas.

## 11. REPORTS FROM COUNCIL DELEGATES TO OTHER BODIES

### **11.1 MAV Smart Urban Future (continued)**

The take home message was that providing infrastructure is not enough to get people walking/cycling. We'd also need to normalise alternative forms of transport through behaviour change initiatives like 'ride to work', 'school walking busses' (which only works in some pockets), proving Ebikes across the CBD, as well as education via Aquamoves and the Council offices, for instance. The trick is promoting collective responsibility rather than individual responsibility. For example, to make it safe for kids to be dropped off at school, fewer parents need to drive them (irony!). Collective responsibility can be actioned with Community Based Social Marketing.

Let's be frank, 'comfort shoppers' will always drive to Riverside or Marketplace, despite parking at the far end of the car park and walking further than it would take to walk from Nixon St (free parking) to the CBD.

We have an opportunity to combine infrastructure with initiative, to create another point of difference for Greater Shepparton that could potentially cater for even more people. Let's focus on Shepparton's CBD being pedestrian friendly, shopper friendly, disability friendly, youth friendly and senior friendly by discouraging drivers who would generally bypass that area anyway.

## 12. REPORTS FROM SPECIAL COMMITTEES AND ADVISORY COMMITTEES

### 12.1 Special Committees and Advisory Committees Report

#### Cr Jenny Houlihan

| Name of Committee                                       | Date of Meeting Attended | Key Items  |
|---|--------------------------|--|
| Australian Botanic Gardens Shepparton Special Committee | 21 January 2015          | <ul style="list-style-type: none"> <li>• Shade cloth installation for propagation area</li> <li>• Security – Fencing and Signage</li> <li>• Directional and tourism signage</li> <li>• Update on GBCMA partnership project for bush land area of site</li> <li>• Invitation to speak at the National Friends of Botanic Gardens Conference in Geelong</li> <li>• Funding and selection of the next themed garden to be developed</li> <li>• Report from the Friends Group</li> <li>• Monthly 98.5 One FM radio presentation</li> <li>• Update on development of the Weaving Garden and The Residence Garden</li> </ul> |
| Heritage Advisory Committee                             | 2 February 2015          | <ul style="list-style-type: none"> <li>• Draft Greater Shepparton Heritage Strategy 2015-2019</li> <li>• Reports from Sub-Committees</li> <li>• Heritage Committee Annual Report</li> <li>• Community Representatives positions to be advertised</li> <li>• Heritage Study Stage 3: Rural</li> <li>• Master Class by Ian Pleydell: Development of reserved Land in local area.</li> </ul>  |

#### Cr Michael Polan

| Name of Committee                   | Date of Meeting Attended | Key Items  |
|-------------------------------------|--------------------------|--|
| Audit and Risk Management Committee | 22 January 2015          | <ul style="list-style-type: none"> <li>• OHS</li> <li>• Risk Management Reports</li> <li>• New Membership</li> <li>• Discussion with Sharmiso Kamunga from HLB Judd</li> </ul> |

### 13. NOTICE OF MOTION, AMENDMENT OR RESCISSION

Nil Received

### 14. DOCUMENTS FOR SIGNING AND SEALING

#### 14.1 Documents for Signing and Sealing

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

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

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

The following documents have been presented for signing and sealing:

- **Lease** – between Council and Pentrans Cargo Pty Ltd for Hangar site 13, Shepparton Aerodrome, 7810 Goulburn Valley Highway, Kialla for a period of 7 years from 1 July 2013.

#### **RECOMMENDATION**

That the Council authorise the Chief Executive Officer to sign and seal the document listed above.

## 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 December 2014 to 31 January 2015, some or all of the Councillors have been involved in the following activities:

- Presentation of Prizes to Students - Community Safety Month Primary School Competition
- Community Safety Month Primary School Competition, Dhurringile, Currawa, St Brendan's and Wilmot Road Primary Schools
- The Kar Shed Project | DECA
- "Youth" Promotional Video
- Shepparton Access | 2014 IDPwD 'The Promise of Technology'
- RiverConnect Draft Paths MP - Feedback Review and Discussion
- Celebrate "International Day of People with Disability"
- Deakin Reserve Advisory Committee Meeting
- MAV | Mayoral Program
- Best Start Partnerships Meeting
- Harmony Village Shepparton | Christmas Function
- 2014 Fairley Leadership - Graduation Dinner
- MAV Regional Forum | Benalla
- (Hume Regional Local Government Network) Meeting | Benalla
- Committee for Greater Shepparton | Board Meeting
- RoadSafe | 25th Annual Meeting 'Goulburn Valley 2013-2014'
- Goulburn Valley Water | Appreciation Refreshments
- Basketball Games & Mayor to Present Trophies
- 2014 Goulburn Ovens TAFE | Trade Awards Dinner [Shepparton & Seymour Campuses]
- The McAuley Champagnat Programme & Notre Dame College | True Colours Presentation
- Street Rider Night Bus Service | Appreciation of Contribution
- RiverConnect Implementation Advisory Committee Meeting
- Civic Reception - Council's Thank you to the Community | Christmas Function
- Neighbouring Council Meeting | Strathbogie
- Councillors & Staff Preview - The Rennie Ellis Photography Exhibition
- Aerodrome Advisory Committee Meeting
- Meeting with The SAM Foundation, Chairman and Board Members
- Positive Ageing Advisory Committee Meeting
- The Friends of Shepparton Art Museum | Opening of the Rennie Ellis Show & Christmas Party
- Seven Creeks Neighbourhood Christmas Party
- Shepparton Show Me | Ordinary Meeting

## 15. COUNCILLOR ACTIVITIES

### 15.1 Councillors Community Interaction and Briefing Program (continued)

- Official Awards Ceremony | Shepparton High School
- SAM Foundation | MOU Signing & Photo
- Councillors, Executive & Partners Xmas Dinner
- Telstra's 4GX Launch
- Regional Cities Victoria | Dinner and Final Meeting
- Disability Advisory Committee Meeting
- #illridewithyou | Candlelight Vigil
- Carol's by Candelight | Shepparton
- Rumbalara Elders Facility | Resident's and Family Christmas Luncheon
- Rotary Club of Mooroopna | Mooroopna Mardi Grae - Mayor to Draw the Raffle
- Australiasian Speedway Solo Championships
- Positive Ageing Advisory Committee Meeting
- Agricultural Tour of Victoria | Danish Farm Visits Shepparton Regional Saleyards
- Visit from the Minister for Local Government - Hon Natalie Hutchins  
(Victorian Local Government Association) | Mayoral Leadership Conference
- 2015 Shepparton Festival - Launch
- Shepparton Show Me Ordinary Meeting
- International Dairy Week – Breakfast
- International Dairy Week Site Visit for Councillors & Executive  
(Development Hearings Panel) Meeting
- Greater Shepparton City Council - Audit and Risk Management Committee
- Katandra Community Plan Group Meeting
- Women's Charter Alliance Advisory Committee Meeting
- Disability Advisory Committee Meeting
- Shepparton Harness Racing Club | Shepparton Gold Cup
- Australia Day Ambassadors | Civic Reception
- Australia Day Celebrations | Dookie
- Australia Day Celebrations | Mooroopna
- Australia Day Celebrations | Shepparton
- Australia Day Celebrations | Murchison
- Australia Day Celebrations | Tatura
- Australia Day Celebrations | Arcadia
- SAM Exhibition | The Art Room and Self/Expression
- 2015 Shepparton 24 Hour Mega Swim

Councillors were also briefed on the following matters:

- Committee for Greater Shepparton - Council Membership and Memorandum of Understanding
- Redevelopment of the Shepparton Courts Facility
- Greater Shepparton Women's Charter Alliance Advisory Committee - Endorsement of New Committee Members
- Shepparton Showgrounds Arena Upgrade
- 15/16 Budget - Strategic Resource Plan, Long Term Financial Plan and Rating Strategy
- Councillor Christmas Message
- Truly Deeply Presentation to Councillors
- Goulburn Valley Regional Collaborative Alliance
- Maude Street Mall Activation

## 15. COUNCILLOR ACTIVITIES

### **15.1 Councillors Community Interaction and Briefing Program (continued)**

- 15/16 Budget - Strategic Resource Plan (SRP), Long Term Financial Plan (LTFP) and Rating Strategy
- Kialla Lakes South Park Names
- Adoption of Amendment C171 to the Greater Shepparton Planning Scheme
- Crouching Emu Revegetation Project - Final Report and Handover Report 2014
- Contract 1574 - Supply of Plant & Operations
- Appointment of Disability Advisory Committee Members February 2015 – 2018
- Key Performance Indicators Discussion
- 2013 - 2014 Shepparton Show Me Annual Report
- Instrument of Delegation - Members of Staff and Development Hearings Panel
- Delegation to the Chief Executive Officer
- Legal Expenses
- 2014/2015 Mid-Year Budget Review

### **Councillor Activities 1 January – 10 February 2015 – Cr Houlihan**

- 4/1 Australian Botanic Gardens Shepparton Committee and Friends Working Bee
- 12/1 Australian Botanic Gardens Shepparton Grants funding discussion
- 14/1 Meeting with Hon Natalie Hutchins, Minister for Local Government
- 18/1 Australian Botanic Gardens Shepparton Committee and Friends Working Bee
- 19/1 Launch of the Shepparton Festival
- 21/1 Inspection of Deakin Reserve with Deakin Reserve Committee members Don Kilgour and Ian Howard
- 21/1 Australian Botanic Gardens Shepparton Section 86 Committee meeting
- 25/1 Australia Day Ambassadors Civic Reception
- 26/1 Australia Day Celebrations at Ferrari Park, Mooroopna
- 27/1 Councillor Briefings Session
- 30/1 SAM Exhibition Launch 'The Art Room and Self Expression'
- 1/2 Australian Botanic Gardens Shepparton Committee and Friends Working Bee
- 2/2 Heritage Advisory Committee Meeting
- 3/2 Councillor Briefings Session
- 4/2 Inspection of Work for the Dole activities program at Botanic Gardens Project with Federal Assistant Minister for Employment Luke Hartsuyker.
- Fairley leadership Program Launch
- 10/2 Councillor Briefings Session

### **Councillor Activities 9 December – 17 February 2015 – Cr Summer**

- 9/12 Street Rider Night Bus Service – Appreciation on Contributing
- 10/12 Civic Reception - Council's Thank you to the Community - Christmas Function
- 21/12 Carols by Candlelight
- 9/1 Positive Aging Advisory Committee
- 14/1 Meeting with Hon Natalie Hutchins and Jaclyn Symes
- 15/16 MAV Mayoral Program
- 19/1 SheppARTon Fest launch
- 21/1 International Diary Week
- 25/1 Australia Day Ambassadors
- 3/2 Best Start discussion
- 9/2 Weeknights interview (fruit fly)
- 9/2 Advisor interview (fruit fly)
- 10/2 Queensland Fruit Fly Emergency Meeting



## 15. COUNCILLOR ACTIVITIES

### 15.1 Councillors Community Interaction and Briefing Program (continued)

- 11/2 Senior combined partners meeting (Ag floodplains)
- 12/2 Reconciliation/Apology breakfast preparation
- 12/2 Aquamoves energy project
- 12/2 Radio interview 3SR
- 12/2 Report Racism Shepparton Launch
- 13/2 National Apology Breakfast - 13th Feb
- 14/2 Yapaneyepuk event
- 17/2 AFL / Carlton Preseason visit - Civic welcome

In accordance with section 80A of the *Local Government Act 1989* records of the Assemblies of Councillors are attached.

### **RECOMMENDATION**

That the summary of the Councillors' community interaction and briefing program be received.

### **Attachments**

1. Record of Assembly of Councillors - Riverconnect 2014-06
2. Minutes Positive Ageing Advisory Committee 8 August 2014
3. Disability Advisory Committee Meeting 22 August 2014
4. Minutes Positive Ageing Advisory Committee Meeting 12 September 2014
5. Disability Advisory Committee Meeting 26 September 2014
6. Minutes Positive Ageing Advisory Committee Meeting 6 October 2014
7. Councillor Briefing Session - 21 October 2014
8. Disability Advisory Committee Meeting 24 October 2014
9. Record of Assembly of Councillors - Women's Charter Alliance Advisory Committee meeting 28 November 2014
10. Disability Advisory Committee Meeting Minutes 28 November 2014
11. Councillor Briefing Session - 2 December 2014
12. Record of Assembly of Councillors - Aerodrome Advisory Committee meeting - 12 December 2014
13. Councillor Briefing Session - 16 December 2014
14. Councillor Briefing Session - 27 January 2015

**16. URGENT AND OTHER BUSINESS NOT INCLUDED ON THE AGENDA**

**17. PUBLIC QUESTION TIME**

**18. CONFIDENTIAL MANAGEMENT REPORTS**

**18.1 Designation of Confidentiality of Information – Report Attachment**

**RECOMMENDATION**

That the Council 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 5.5: Appointment of Independent Member to the Audit and Risk Management Committee. This document relates to a matter which the Council or special committee considers would prejudice the Council or any person, which is a relevant ground applying under section 89(2)(h) of the Act.

**18.2 Designation of Confidentiality of Information**

**RECOMMENDATION**

That the Council:

1. pursuant to sections 89(2)(d)(h)(a) of the *Local Government Act 1989* close the meeting to members of the public during discussion of contractual matters and declare the following matters as confidential:
  - a. Variation to Contract 1488 - Blackspot Funding - Labuan Road / Jubilee Road Marionvale Intersection Realignment
  - b. Audit and Risk Management Committee Meeting Minutes
  - c. Contract 1574 - Supply of Plant & Operators - Cosgrove Landfill - Tender Panel Report
  - d. Chief Executive Officer Performance Plan
  - e. Notice of Motion – Cr Polan
2. Upon the meeting being re-opened to the public, the chairperson is to announce any motion carried as a consequence of that confidential discussion.

**18.3 Variation to Contract 1488 - Blackspot Funding - Labuan Road / Jubilee Road Marionvale Intersection Realignment**

**18.4 Audit and Risk Management Committee Meeting Minutes**

**18.5 Contract 1574 - Supply of Plant & Operators - Cosgrove Landfill - Tender Panel Report**

**18.6 Chief Executive Officer Performance Plan**

**19. CONFIDENTIAL NOTICE OF MOTION**

**19.1 Notice of Motion - Cr Polan**

**19.2 Reopening of the Council Meeting to Members of the Public**