

AGENDA

FOR THE
GREATER SHEPPARTON CITY COUNCIL

ORDINARY COUNCIL MEETING

TO BE HELD ON
TUESDAY 19 JUNE, 2018
AT 5.30PM

IN THE
COUNCIL BOARDROOM

COUNCILLORS:

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

VISION

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

**A G E N D A
FOR THE
ORDINARY COUNCIL MEETING
TO BE HELD ON
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**CHAIR
CR KIM O'KEEFFE**

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RISK LEVEL MATRIX LEGEND

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

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

Extreme Intolerable – Immediate action is required to mitigate this risk to an acceptable level. Event/Project/Activity is not to proceed without authorisation

High Intolerable – Attention is needed to treat risk.

Medium Variable – May be willing to accept the risk in conjunction with monitoring and controls

Low Tolerable – Managed by routine procedures

PRESENT:

1. ACKNOWLEDGEMENT

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

2. PRIVACY NOTICE

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

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

3. APOLOGIES

4. DECLARATIONS OF CONFLICT OF INTEREST

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

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

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

RECOMMENDATION

That the minutes of the Ordinary Council meeting held 15 May 2018 and the Special Council Meetings held 15 May 2018 and 5 June 2018 as circulated, be confirmed.

6. PUBLIC QUESTION TIME

7. INFRASTRUCTURE DIRECTORATE

7.1 Proposed Sale of 17 Wanganui Road, 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: Coordinator Property, Property Officer

Proof reader(s): Acting Manager Strategic Assets

Approved by: Director Infrastructure

Other: Team Leader Development, Acting Team Leader Statutory Planning, Team Leader Engineering Investigation Design, Team Leader Parks, Sport & Recreation and Team Leader Works

Executive Summary

The land at 17 Wanganui Road, Shepparton is land set aside for drainage purposes and is not accessible by road. The land is too small to be used for a retardation basin and Council Officers have not identified any alternative use or requirements for the land. Council has been approached by the abutting landowner, requesting to purchase the land.

RECOMMENDATION

That the Council:

1. in accordance with Clause 3 of Schedule 10 and Sections 206 and 223 of the Local Government Act 1989 (the Act), give public notice of its intention to remove the reserve status off the land at 17 Wanganui Road, Shepparton for the purposes of being consolidated and sold, at valuation, to an abutting owner and the public notice stipulate that persons may make submissions on this proposal;
2. authorise the Chief Executive Officer to undertake the administrative procedures necessary to carry out the functions under Section 223 of the Act in relation to this matter;
3. if any submissions are received under Section 223 of the Act;
 - a) hold a special meeting of the Council to hear from any persons who request to be heard in support of their written submission.
 - b) a report on Section 223 submissions received by the Council, along with a summary of any hearings held, be provided to the Ordinary Council Meeting;
4. if no submissions are received within the prescribed period, resolve to formally remove the reserve status without further resolution of the Council and authorise the Chief Executive Officer to sign all documentation to enable the transfer of the reserve to the abutting landowner.

7. INFRASTRUCTURE DIRECTORATE

7.1 Proposed Sale of 17 Wanganui Road, Shepparton (continued)

Background

The land was originally purchased and set aside for drainage purposes many years ago, however Council has not made use of this land.

Council officers investigated the need for the land and identified that it is no longer required or suitable for drainage purposes. The abutting land owner has expressed an interest in buying the land. The surrounding land is owned by the same owner, therefore no other abutting owners would be interested in purchasing the land.

Creating access to the land and advertising it as a stand-alone block would be cost prohibitive in that an access reserve would need to be purchased from the abutting owner to create the reserve.

Council Plan/Key Strategic Activity

One of the objectives of the Council Plan is “*Urban and rural development is sustainable and prosperous*” and this proposal fits with this objective.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Retain the land in its current form.	Low	Low	Low	Facilitate a transfer of the land to an abutting owner.

Policy Considerations

This report does not conflict with any current Council proposals.

Financial Implications

A formal valuation as per the resolution will be obtained closer to the sale.

Legal/Statutory Implications

Sale of this land will be conducted in accordance with the Local Government Act 1989 and other relevant legislation.

Environmental/Sustainability Impacts

There are no environmental/sustainability impact.

Social Implications

Sale of this land will provide a better outcome for the abutting landowner.

Economic Impacts

Sale of this land will result in an income being received by the Council. There will be a cost to the Council for the time put in by Council officers investigating and preparing this report.

Consultation

The sale of this land will be advertised as per the resolution to allow appropriate consultation to take place. This proposal has been reviewed by Council’s Planning, Drainage, Works, Engineering, Risk and Parks departments and no objection has been raised.

7. INFRASTRUCTURE DIRECTORATE

7.1 Proposed Sale of 17 Wanganui Road, Shepparton (continued)

Strategic Links

a) Greater Shepparton 2030 Strategy

This report does not conflict with this Strategy.

b) Other strategic links

There has been no conflicts identified with any Council strategies during the investigation of this proposal.

Conclusion

That the land at 17 Wanganui Road be advertised for sale and submissions invited under Section 223 of the Local Government Act 1989.

Attachments

Map of 17 Wanganui Road, Shepparton

7. INFRASTRUCTURE DIRECTORATE

7.2 Contract 1838 - Electric Line Clearance Tree Pruning

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 Parks, Sport & Recreation

Proof reader(s): Manager Parks, Sport & Recreation

Approved by: Director Infrastructure

Executive Summary

Council must meet its obligations under the Electrical Line Clearance Safety Regulations 2015 as set out in the Electrical Line Clearance Management Plan approved by Energy Safe Victoria.

This contract is for the provision of powerline tree pruning services which are to be carried out in the Shepparton, Tatura and Mooroopna declared areas. This is a schedule of rates contract for a 3 year period. Council advertised for these works on TenderSearch and received four submissions.

RECOMMENDATION

That the Council:

1. accept the tender submitted by Active Tree Services for Contract No.1838 - Electric Line Clearance Tree Pruning for the schedule of rates price estimate of \$504,180 (inclusive of GST) over a three year period;
2. authorise the Chief Executive Officer to award the contract for a term of three years;
3. authorise the Chief Executive Officer to sign and seal the contract documents.

Contract Details

This contract is for the provision of electric line clearance tree pruning. Works performed under the contract will be pruning of Council owned street and park trees to meet regulations.

The regulations require Council to develop an Electric Line Clearance Management Plan for approval by Energy Safe Victoria each year, with the main objective of maintaining a space between the vegetation and powerlines.

Council has three declared areas prescribed under the State Electricity Act 1998 being the Shepparton, Mooroopna and Tatura township boundaries as they were in 1986.

An annual audit (separate procurement) will be conducted each year to determine the quantity of trees requiring pruning, with the successful contractor being engaged to prune nominated trees to ensure we meet the objectives of the management plan.

7. INFRASTRUCTURE DIRECTORATE

7.2 Contract 1838 - Electric Line Clearance Tree Pruning (continued)

The tender evaluation panel is satisfied that Active Trees Services meets all the necessary assessment criteria and that they will provide value for money to Council.

Tenders

Tenders were received from:

Tenderers
A1 Tree Services
Treespan Pty Ltd t/as Utility Trees
Asplundh Tree Expert Australia
Active Tree Services

Tender Evaluation

Tenders were evaluated by:

Title	Branch
Manager Parks, Sport & Recreation	Parks, Sport & Recreation
Team Leader Parks, Open Spaces & Sportsfields	Parks, Sport & Recreation
Group Coordinator Arboriculture	Parks, Sport & Recreation
Moderator	Procurement

Evaluation Criteria

Tenders were evaluated on the following criteria:

Evaluation Criteria	Weighting
Price	50%
Relevant previous experience	15%
OHS systems	15%
Benefit to local region	10%
Environmental Sustainability	10%

Council Plan/Key Strategic Activity

Council Plan 2017-2021

Quality Infrastructure (Built)

We will provide and maintain urban and rural infrastructure to support the development and liveability of our communities.

5.1 Greening Greater Shepparton has created an attractive, vibrant and liveable place with well-connected green spaces that are valued by the community.

7. INFRASTRUCTURE DIRECTORATE

7.2 Contract 1838 - Electric Line Clearance Tree Pruning (continued)

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Traffic, Pedestrian and Buses /Trucks management during works	Likely	Moderate	Moderate	Traffic management and work methodology to provide for vehicle and pedestrian access
Accident or injury to public or contractor staff.	Possible	Moderate	Moderate	Site inductions, Safe Work Method Statement, Job Safety Analysis's and OH&S management Safety Management during construction –compulsory use of traffic control and “spotters” for overhead lines
Damage to assets owned by other authorities.	Likely	Moderate	Moderate	Consult with relevant authority to identify the proposed lines.

Policy Considerations

There are no conflicts with Council Policy.

Financial Implications

	Approved Budget Estimate for this proposal ¹ \$	This Proposal GST Exclusive \$	Variance to Approved Budget Estimate \$	This Proposal GST Inclusive ² \$
Revenue				
Expense	\$152,782	\$152,782		\$504,180
Net Total	\$152,782	\$152,782		\$504,180

¹ Budgets are GST exclusive

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

The annual expenditure value of this contract is subject to the number of trees identified as requiring clearance to meet obligations set out in Council's Electric Line Clearance Management Plan. The figures above are determined using an average number of trees pruned in the past 3 years.

Legal/Statutory Implications

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

7. INFRASTRUCTURE DIRECTORATE

7.2 Contract 1838 - Electric Line Clearance Tree Pruning (continued)

Environmental/Sustainability Impacts

Companies were evaluated on their experience in managing, and commitment to, environmental sustainability. Companies were asked to supply to Council their Environmental Management Plan (EMP) and demonstrate the implementation of their EMP.

Strategic Links

a) Greater Shepparton 2030 Strategy

Infrastructure – The provision and restructure of urban and rural infrastructure to enhance the performance of the municipality and facilitate growth.

b) Other strategic links

Greater Shepparton Urban Forest Strategy

Conclusion

The tender evaluation panel are satisfied that Active Tree Services offers best value and have the appropriate resources, skills and qualifications to complete the work and recommends that they be awarded the contract.

Attachments

Nil

8. COMMUNITY DIRECTORATE

8.1 Appointing Members to Greater Shepparton Disability Advisory 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: Access and Inclusion Officer

**Proof reader(s): Team Leader Assessment and Inclusion Services,
Manager Neighbourhoods Team Leader Assessment Services Manager**

Approved by: Director Community

Executive Summary

The Disability Advisory Committee was formally established by resolution of Council on 11 November 2008 ensuring that there is consultation and participation mechanisms in place for people with disabilities, their families, carers, advocates and service providers to enable meaningful input into Councils service planning and policy development.

The outgoing Advisory Committee's term expired in February 2018. Advertisements were placed in the Shepparton News and the Tatura Guardian on 18 February calling for nominations. A notice calling for nominations was also placed on Council's website for the same period. Nominations closed on 5 March 2018.

The terms of reference indicate that the Committee must include between five and nine members, including those with disabilities and their carer's, and in addition up to two service provider representatives appointed by resolution of the Council.

RECOMMENDATION

That the Council:

1. having considered nominations received for appointment to the Disability Advisory Committee, appoint the following members for a term of three (3) years commencing on 20 June 2018 and expiring on 20 June 2021:
 - Kelly Barber
 - Cherie Bolton
 - Margaret Cranko
 - Jenny Crowe
 - Barry Kruse
 - Jenny Mallamaci
 - Emily Slaughter
 - Clair Smith
 - Athena Papadatos
 - Family Care
 - West Hume Regional Communication Service

8. COMMUNITY DIRECTORATE

8.1 Appointing Members to Greater Shepparton Disability Advisory Committee (continued)

Background

The Disability Advisory Committee was formally established by resolution of Council on 11 November 2008. The Disability Advisory Committee continues to form a strong link between Council and people living with disabilities in our community. The Disability Advisory Committee meets monthly and provides advice and recommended actions to Council, that ensure the needs of people with disabilities in our community are identified and steps taken to address the need.

The Disability Advisory Committee ensures there is a consultation and participation mechanism in place for people with disabilities, their families, carers, advocates and service providers to enable meaningful input into Councils service planning and policy development. The Disability Advisory Committee:

- Works in partnership with the community and Council towards acknowledging and valuing people with disabilities
- Informs and educates Council and the community about issues for people with disabilities, their families and carers.
- Identifies and prioritises their concerns and contribute to the planning to address these issues; and
- Provides advice and assistance to Council in achieving capital works and services that are accessible and inclusive of people with disabilities.

One of the key challenges of the Committee has been the recruitment of people with disabilities who have been able to fulfil their roles as members of the Disability Advisory Committee, on a consistent basis due to their needs associated with their disabilities.

This means it is often difficult to obtain a quorum at meetings and has seen many meetings cancelled due to low attendance, especially over colder months. It is hoped that increased membership will create opportunities for the committee to continue to function without interruption year round.

The committee has previously undergone recruitment cycles in 2012 & 2015.

Council Plan/Key Strategic Activity

The appointment of nominations to the Disability Advisory Committee is intrinsically linked to the Council Plan 2018-2021, in particular the following objectives:

- Social - Develop resilient, inclusive, healthy communities that make Greater Shepparton a safe and harmonious place to live, work, learn, and play.
- Built - Provide and support appealing relevant infrastructure that makes Greater Shepparton an attractive, liveable regional city

8. COMMUNITY DIRECTORATE

8.1 Appointing Members to Greater Shepparton Disability Advisory Committee (continued)

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.

Financial Implications

It is anticipated that the majority of actions identified in the Disability Advisory Committee will be met within existing budget allocations. Any initiatives endorsed within the action plan which require additional Council funding will be referred for consideration as part of the annual budget process.

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/sustainability impacts identified for this recommendation.

Social Implications

Appointing new community members to the Disability Advisory Committee will help build a sense of community as it raises the profile of people with disabilities.

There are many benefits to consider including:

- Sense of community – stakeholder participation for people with disabilities in our community and social cohesion.
- Community Services – improve the range and quality of services for different groups such as people with disabilities, 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

8. COMMUNITY DIRECTORATE

8.1 Appointing Members to Greater Shepparton Disability Advisory Committee (continued)

- 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 – access to transport options that meet the individual needs of people with disabilities living in our communities.

Economic Impacts

There are no negative economic impacts arising from this proposal.

Consultation

Advertisements calling for nominations for applicants to fill the vacant positions on the Disability Advisory Committee were placed in the Shepparton News and the Tatura Guardian on 18 February 2018. A notice calling for nominations was also placed on Council's website for the same period. Nominations closed on 5 March 2018.

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Keep informed	<ul style="list-style-type: none"> • Newspaper advertisements • Consultation with committee members
Involve	Work together. Feedback is incorporated into Councils decision making processes.	<ul style="list-style-type: none"> • Council to consult with the committee in relation to matters relating to people with disabilities in Greater Shepparton.
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"> • Advisory Committee consisting of community members to be appointed. • A Councillor is appointed to the committee. • The committee is supported by the Team Leader - Assessment and Inclusion Services and the Access and Inclusion Officer. • Council will consider funding requests where possible to undertake desired projects

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

Strategic Links

a) Greater Shepparton 2030 Strategy

Report No 3: Community Life

2.2 The Direction – Community Life

Enhance social connectedness, physical and mental health and wellbeing, education and participatory opportunities in order to improve liveability and provide a greater range of community services.

8.1.2 Accessibility

8.2 Objective 2: To provide accessible environments in public spaces and new developments.

8. COMMUNITY DIRECTORATE

8.1 Appointing Members to Greater Shepparton Disability Advisory Committee (continued)

b) Other strategic links

Council Plan 2017- 2021

Universal Access and Inclusion Plan 2013-2017

Draft Universal Access and Inclusion Plan 2018-2021

Conclusion

The Disability Advisory Committee continues to be instrumental in providing advice and recommended actions to Council that ensure the needs of people with disabilities in our community are identified and steps taken to address the need. It is anticipated that the increased membership will ensure the committee continues to function without interruption year round.

Attachments

Nil

8. COMMUNITY DIRECTORATE

8.2 Appointing Members to the Greater Shepparton Positive Ageing Advisory 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: Access and Inclusion Officer

**Proof reader(s): Team Leader Assessment Services,
Manager - Neighbourhoods**

Approved by: Director Community

Executive Summary

The current Positive Ageing Advisory Committee (PAAC) was appointed by Council resolution at the Ordinary Council Meeting held 16 May 2017. Vacancies have recently arisen as a result of resignations received from two committee members.

Advertisements calling for nominations for applicants to fill the vacant positions were placed in the Shepparton News and the Tatura Guardian on 16 March 2018. A notice calling for nominations was also placed on Council's website for the same period. Nominations closed on Monday 30 March 2018.

The PAAC forms a strong link between Council and the older people living in our community. The PAAC meets monthly and provides advice and recommended actions to Council that ensure the needs of older people are considered in our community.

RECOMMENDATION

That the Council:

1. having considered nominations received for appointment to the Positive Ageing Advisory Committee, appoint the following members for a term of two years, commencing on 20 June 2018 and concluding 20 June 2020:
 - Simon Wyatt (Community member)
 - Rosita Young (Community member)
2. acknowledge the contribution made to the Positive Ageing Advisory Committee by Annie Nicholls and David Baker.

Background

In 2008 Council adopted the Positive Ageing Strategy, and one of the recommendations for action was the establishment of an Older Person's Advisory Committee (OPAC). A media campaign was subsequently conducted in the second half of 2010, seeking community members to apply as a representative on the committee. New committee members were appointed in April 2013. The appointments of all the committee members appointed in April 2013, expired in April of 2016.

8. COMMUNITY DIRECTORATE

8.2 Appointing Members to the Greater Shepparton Positive Ageing Advisory Committee (continued)

Subsequently a decision was taken to extend the terms of the current committee members appointed in April 2013 until December 2016. A further round of recruitment took place in early 2017 with a new committee appointed in June 2017 for a term of 3 years.

As a result of natural attrition, two vacancies have arisen over the last 12 months. As a result of the resignations, advertising was placed in the Shepparton News, the Tatura Guardian and on Councils website on 16 March 2018.

A number of residents applied and all were interviewed, with two being recommended for appointment to fill the existing vacancies. It was considered that the successful candidates represented a good cross section of the community including an even gender split.

The PAAC forms a strong link between Council and the older people living in our community. The PAAC meets monthly and provides advice and recommended actions to Council that ensure the needs of older people are considered in our community.

Council Plan/Key Strategic Activity

The appointment of nominations to the Positive Ageing Advisory Committee is intrinsically linked to the Council Plan 2018-2021, in particular the following objectives:

- Social - Develop resilient, inclusive, healthy communities that make Greater Shepparton a safe and harmonious place to live, work, learn, and play.
- Built - Provide and support appealing relevant infrastructure that makes Greater Shepparton an attractive, liveable regional city.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
The PAAC 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.

8. COMMUNITY DIRECTORATE

8.2 Appointing Members to the Greater Shepparton Positive Ageing Advisory Committee (continued)

Financial Implications

It is anticipated that the majority of actions identified in the Positive Ageing Advisory Committee will be met within existing budget allocations.

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.

Social Implications

Appointing new community members to the Positive Ageing Advisory Committee will help build a sense of community as it raises the profile of positive ageing within our community.

There are many social benefits of the Positive Ageing Advisory Committee including:

- Sense of community – Stakeholder participation for the older people in our community and social cohesion.
- Community Services – improve the range and quality of services for different groups such as elderly people, 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 the older person.

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 PAAC were placed in the Shepparton News and the Tatura Guardian on 16 March 2018. A notice calling for nominations was also placed on Council's website for the same period. Nominations closed on Monday 30 March 2018.

This recommendation has been made with the support of the Positive Ageing Advisory Committee Members and Council's Governance officers.

8. COMMUNITY DIRECTORATE

8.2 Appointing Members to the Greater Shepparton Positive Ageing Advisory Committee (continued)

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Keep informed	Newspaper advertisements. Consultation with committee members.
Consult	The PAAC is consulted on matters relating to positive ageing in Greater Shepparton.	Council to consult with the committee in relation to matters relating to positive ageing in Greater Shepparton. Invite Council Officers to PAAC meetings to discuss projects and seek input of committee.
Involve	Involve the committee in promoting positive ageing in Greater Shepparton.	Committee members to participate in Seniors festival activities that promote positive ageing.
Collaborate	Feedback and advice received from the Committee will be incorporated into decisions to the maximum level possible. Council will give due consideration to implementation of the committee's recommendations.	Advisory Committee consisting of community members to be appointed. A Councillor is appointed to the committee. The committee is supported by the Team Leader Assessment & Inclusion and the Access and Inclusion Officer. Council will consider funding requests where possible to undertake desired projects
Empower	Committee members to promote positive ageing within Greater Shepparton.	Committee members engage with their communities to promote positive ageing.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

Report No 3: Community Life

2.2 The Direction – Community Life

Enhance social connectedness, physical and mental health and wellbeing, education and participatory opportunities in order to improve liveability and provide a greater range of community services.

8.1.2 Accessibility

8.2 Objective 2: To provide accessible environments in public spaces and new developments.

b) Other strategic links

Council Plan 2017- 2021

Universal Access and Inclusion Plan 2013-2017

Draft Universal Access and Inclusion Plan 2018-2021

8. COMMUNITY DIRECTORATE

8.2 Appointing Members to the Greater Shepparton Positive Ageing Advisory Committee (continued)

Conclusion

The Positive Ageing Advisory Committee (previously known as the Older Person's Advisory Committee) has been operational for the past ten years. The Committee continues to be instrumental in providing advice and recommended actions to Council that ensure the needs are met of older people in our community.

Attachments

Nil

8. COMMUNITY DIRECTORATE

8.3 Management of the Ballantyne Centre

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

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

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

Council Officers involved in producing this report

Author: Committees & Cemeteries Operations Officer, Property Coordinator

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

Approved by: Director Community

Executive Summary

In September 2000 Greater Shepparton City Council established a Special Committee known as the Ballantyne Centre Committee of Management under Section 86 of the *Local Government Act 1989*. This Committee was delegated the responsibility to oversee the management and operations of this Council owned community facility and have continued to do so since that time.

For many years the Tatura Football Netball Club have co-ordinated the hiring of the facility on behalf of the Ballantyne Centre Committee of Management.

After consultation with the Ballantyne Centre Committee of Management, Tatura Football Netball Club and Council staff, it is recommended that Council enter into a lease with the Tatura Football Netball Club directly and dissolve the Committee of Management.

RECOMMENDATION

That the Council:

1. in accordance with Clause 3 of Schedule 10 and Section 206 and 223 of *Local Government Act 1989* (the Act), give public notice in the Shepparton News of the Council's intention to enter into a lease of the Ballantyne Centre with the Tatura Football Netball Club Inc for a period of 5 years with two five year options and that the public notice must stipulate that persons may make submissions on the proposed lease in accordance the Act;
2. authorise the Chief Executive Officer to undertake the administrative procedures necessary to carry out the functions under Section 223 of the Act in relation to this matter;
3. if any submissions are received under Section 223 of the Act:
 - a) hold a special meeting of the Council to hear from any person or persons who request to be heard in support of a Section 223 written submission and, if required, the special council meeting be held at a time and date to be determined in the Council Offices at 90 Welsford Street, Shepparton, and
 - b) a report on any Section 223 submissions received by the Council, along with a summary of any hearings held, be provided to the ordinary council meeting;

8. COMMUNITY DIRECTORATE

8.3 Management of the Ballantyne Centre (continued)

4. if no submissions are received within the prescribed period, resolve to authorise the Chief Executive Officer to sign and seal all the documents necessary to facilitate the granting of the lease, without any further resolution of the Council;
5. acknowledge the contribution made by the following people to the management and operation of the Ballantyne Centre Committee of Management and rescind their membership effective from 1 July 2018:
 - Graeme DONALDSON
 - Daryl EATON
 - Sue MORETON
 - Graham PAYTEN
 - Barbara TWITE
6. dissolve the Ballantyne Centre Committee of Management effective 1 July 2018;
7. revoke *Greater Shepparton City Council Instrument Delegation Ballantyne Centre Committee of Management* adopted by Council on 17 October 2017 effective 1 July 2018;
8. adopt the *Guidelines – Committee Delegations Section 86 Halls, Community Centres & Recreation Reserves Committees of Management* amended to remove reference to the “Ballantyne Centre Committee of Management” effective 1 July 2018.

Background

At the Ordinary Council meeting held on 5 September 2000 Greater Shepparton City Council endorsed the establishment of the Ballantyne Centre Committee of Management under Section 86 of the *Local Government Act 1989* with seven community members appointed.

This Committee was delegated the responsibility of managing and operating the then newly constructed community facility located at Tatura Park in Hastie Street, Tatura known as the Ballantyne Centre. The two story facility comprises a large function space, meeting room, office, commercial kitchen and bar area, dance floor and toilet facilities together with downstairs change room facilities, umpire rooms, kiosk and bar which are utilised by the Tatura Football Netball Club.

The facility is hired to community members, businesses and organisations for private functions, meetings and events with catering and bar facilities available. Facility bookings for hire of the function and meeting rooms are coordinated by the Tatura Football Netball Club on behalf of the Committee of Management. With hiring the facility being undertaken by the Tatura Football Club for many years, discussions were undertaken with the Ballantyne Centre Committee of Management regarding the committee’s role and its feasibility into the future.

In June 2017 Council commenced discussions with the Ballantyne Centre Committee of Management and the Tatura Football Netball Club regarding a proposal to transition the Ballantyne Centre to a Lease arrangement with the Tatura Football Netball Club. Both groups have provided their support for this transition and believe that this will provide a good outcome for the future of the facility.

8. COMMUNITY DIRECTORATE

8.3 Management of the Ballantyne Centre (continued)

The Tatura Football Netball Club have confirmed their intent to continue to offer the function spaces for hire for the benefit of the community as is currently the case.

A lease between Greater Shepparton City Council and the Tatura Football Netball Club Inc has been negotiated and agreed upon.

With the establishment of a Lease, the role undertaken by the Ballantyne Centre Committee of Management is no longer required. This was previously discussed with the Committee and all members have indicated their support of this outcome. This report recommends rescinding the membership of the existing five members appointed to the Ballantyne Centre Committee of Management and dissolving the committee. Also recommended is to revoke all associated delegations and guidelines in relation to this Committee as they are no longer required.

Council Plan/Key Strategic Activity

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

Leadership and Governance

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

Social

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

Built

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

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
That the Committee of Management be allowed to continue managing the centre	Low	Low	Low	Continue discussions with all parties to ensure compliance
That the Tatura Football Netball Club Inc fail to enter into a lease	Low	Low	Low	Ensure that the Football Club is aware of negotiations and happy to proceed

8. COMMUNITY DIRECTORATE

8.3 Management of the Ballantyne Centre (continued)

Policy Considerations

There are no conflicts with existing Council policies

Financial Implications

There will be a minor change to financial implications with the change over to a lease. The Tatura Football Netball Club will pay an amount of \$5,000 for the lease of the site and will be responsible for minor maintenance. Council will continue to be responsible for any major maintenance issues on the premises.

Legal/Statutory Implications

By dissolving the Ballantyne Centre Committee of Management Council and revoking all associated Instruments of Delegation, Council is ensuring that its responsibilities under Section 86 of the *Local Government Act 1989* have been met.

The lease will be entered into in accordance with all requirements under the *Local Government Act 1989*.

Environmental/Sustainability Impacts

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

Social Implications

The establishment of a Lease between Council and a local sporting club will assist with building a sense of community by increasing stakeholder involvement in the facilities operations. This proposed Lease also details and ensures that the facilities will be available to the broader community as is the current situation.

Economic Impacts

With no change proposed to the way that the hiring of the Ballantyne Centre is currently managed there are no anticipated economic impacts arising from this report.

Consultation

Consultation has been undertaken with the Ballantyne Centre Committee of Management, Tatura Football Netball Club and Council staff in relation to the proposal to establish a Lease and dissolve the Ballantyne Centre Committee of Management. The required public notice period as per recommendation 5 will also be undertaken.

Level of public participation	Promises to the public/stakeholders	Techniques
Inform	Keep informed	<ul style="list-style-type: none"> • Meetings with Committee of Management and Club • Emails and Letters • Letters to outgoing committee members
Consult	Informed, listen, acknowledge	Council has consulted with its committee of management prior to making decisions that relate to the facility.

8. COMMUNITY DIRECTORATE

8.3 Management of the Ballantyne Centre (continued)

Level of public participation	Promises to the public/stakeholders	Techniques
Involve	Work together. Feedback is an input into decision making.	Committees provide an important source of feedback for Council to manage the facilities. Feedback from the Football Netball Club was obtained and considered in the establishment of the Lease
Collaborate	Feedback will be incorporated into decisions to the maximum level possible.	Council collaborated with its committee and the Tatura Football Netball Club prior to making decisions that relate to the facilities.
Empower	We will implement what the public decide.	Council will undertake the steps required to establish the negotiated Lease and enable its requirement to be fulfilled.

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 link

Local Government Act 1989

Conclusion

The Ballantyne Centre Committee of Management has undertaken a valuable role in managing and operating an important community and Council asset over the past 18 years. Council recognises the substantial contribution that all committee members, past and present, have made in maintaining and improving the Ballantyne Centre.

That a lease be entered into with the Tatura Football Netball Club who will take on the management and operation of the Ballantyne Centre as at 1 July 2018.

Attachments

Guidelines - Committee Delegation S86 Halls, Community Centres & Recreation Reserves

8. COMMUNITY DIRECTORATE

8.4 Greater Shepparton Womens Charter Advisory Committee Terms of Reference

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 Community Strengthening

Proof reader(s): Manager Neighbourhoods

Approved by: Director Community

Executive Summary

The Greater Shepparton Women's Charter Alliance Advisory Committee (GSWCAAC) was established by Greater Shepparton City Council in 2011 with the purpose to provide advice to Greater Shepparton City Council (Council) on the promotion of women in leadership and decision making roles. Since this time the Committee has continued to evolve and recently undertook a review of its Terms of Reference to ensure these correctly reflected the operations of the Committee in its current capacity. Council's Governance area also provided advice regarding any changes to ensure they were consistent with Council's Governance Framework and the role of Advisory Committee's across Council.

The GSWCAAC has now completed the review of its Terms of Reference and made changes to better support and reflect its operation. These are now presented for Council's endorsement. This includes a name change to the Greater Shepparton Women's Charter Advisory Committee (GSWCAC).

RECOMMENDATION

That Council endorse the amended Terms of Reference for the Greater Shepparton Women's Charter Advisory Committee.

Background

The Women's Charter was first launched by the Women's Participation in Local Government Coalition in 1996. The Charter's three principles of Gender Equity, Diversity and Active Citizenship are now supported by more than 60 local governments.

Greater Shepparton City Council officially endorsed its commitment to the Women's Charter in 2010 and an action plan followed. In 2011 an advisory committee was initiated and was officially endorsed by Council in February 2012. The Committee is known as the Greater Shepparton Women's Charter Alliance Advisory Committee (GSWCAAC).

The aim of the Advisory Committee is to support and promote women in leadership roles and all levels of decision-making, including business or workplace positions, community groups or boards of management. All of the GSWCAAC's work is based around the three principles of Gender Equity, Diversity, and Active Citizenship, and is delivered through an Action Plan.

8. COMMUNITY DIRECTORATE

8.4 Greater Shepparton Womens Charter Advisory Committee Terms of Reference (continued)

The Terms of Reference for the Advisory Committee were due to be reviewed in April 2018. This review has been undertaken with all members of the Advisory Committee throughout January- April 2018. The revised Terms of Reference have been attached to this report.

The major changes to the Terms of Reference include:

- name change to the 'Greater Shepparton Women's Charter Advisory Committee' (removal of alliance)
- total membership reduced from 20 to 15 (4.1.1)
- chair and deputy chair tenure change from two months to six months (8.2 and 8.3)
- addition of a leave of absence clause (4.4.4)
- inclusion of email vote (only when necessary) (8.1.3)
- membership to be assessed by two Council Officers not a Committee working group (4.3.3), Council officers to make a direct recommendation to Council to endorse membership(4.3.4)
- total number of working groups reduced (5.2)

The Advisory Committee approved by an all in favour vote the proposed Terms of Reference (attached) at the Advisory Committee meeting held on 23 April 2018. These Terms of Reference are now presented to Council for endorsement.

Council Plan/Key Strategic Activity

Council Plan

- 1.6 Gender equity and equality is embedded into Council policy and decision making and employment processes.
- 2.1 Greater Shepparton is a welcoming, inclusive and safe place for all.
- 2.4 Social, cultural, educational and employment opportunities are created to enable children, young people, individuals and families to actively participate in their community.

Risk Management

Officers have not identified any moderate to extreme risk associated with this report.

Policy Considerations

Officers have not identified any current policy implications associated with this report. However it may be noted that the aim of the Committee is to support and promote women in leadership roles and all levels of decision-making in Greater Shepparton, including business or workplace positions, community groups or boards of management

Financial Implications

There are no financial implications associated with this report

Legal/Statutory Implications

Officers have considered the Legal/Statutory implications associated with this report as the GSWCAC is considered an Advisory Committee to Council under the Local Government Act. The Terms of Reference have been developed with the support of the Governance team to ensure they complement and are in line with the Act.

8. COMMUNITY DIRECTORATE

8.4 Greater Shepparton Womens Charter Advisory Committee Terms of Reference (continued)

Environmental/Sustainability Impacts

Officers have not identified any Environmental/Sustainability implications associated with this report.

Social Implications

The aim of the Committee is to support and promote women in leadership roles and all levels of decision-making in Greater Shepparton, including business or workplace positions, community groups or boards of management. GSWCAC has adopted a three point action plan focusing on Diversity, Active Citizenship and Gender Equity to guide the key strategic objectives of this Committee.

Economic Impacts

The aim of the Committee is to support and promote women in leadership roles and all levels of decision-making in Greater Shepparton, including business or workplace positions. The GSWCAC will continue to deliver information to the community that is aimed at informing, educating and supporting women in their pursuits – including participation in the workforce.

Consultation

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

Strategic Links

a) Greater Shepparton 2030 Strategy

Nil

b) Other strategic links

Nil

Conclusion

The GSWCAAC has now completed the review of its Terms of Reference and made changes to better support and reflect its operation. These are now presented for Council's endorsement. This includes a name change to the Greater Shepparton Women's Charter Advisory Committee (GSWCAC).

Attachments

Greater Shepparton Womens Charter Advisory Committee Terms of Reference

8. COMMUNITY DIRECTORATE

8.5 Draft 2018-2021 Universal Access and Inclusion 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: Access and Inclusion Officer

**Proof reader(s): Team Leader Assessment Services,
Manager Neighbourhoods**

Approved by: Director Community

Executive Summary

Council has a statutory obligation under the Disability Discrimination Act to have a Disability Action Plan. The *Universal Access and Inclusion Plan 2018-2021* (UAIP) fulfils this requirement, and builds on the successes of the previous plan, contributing to the development of a community which is accessible and inclusive of all. The Plan outlines the Council's objectives to ensure that information, services and facilities are accessible to all people living in, or visiting the municipality, by the elimination of barriers.

The draft Universal Access and Inclusion Plan 2018-2021 has a broad scope designed to identify and address the barriers that all sectors of the community encounter in their day-to-day life. The Universal Access and Inclusion Plan 2018 - 2021 outlines the ways in which Council intends to improve access for all citizens. The implementation and related actions of the Plan will be monitored by the Disability Advisory Committee and other relevant advisory bodies. The Disability Advisory Committee will assist in the annual review of the action plan to ensure its relevance to those who experience barriers in the community.

RECOMMENDATION

That the Council endorse the release of the Draft *Universal Access and Inclusion Plan 2018-2021* for public display for a period of three weeks commencing on 20 June 2018 until 13 July 2018 and invite feedback from the community and key stakeholders.

Background

Greater Shepparton has a diverse community of more than 65,000 residents. Many sectors of the community experience barriers in 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.

This Plan includes a range of actions targeted at barriers that people encounter when accessing services, information, support and using Council infrastructure. Implementation of the Plan will take place over the next four years. Importantly, the Plan will be monitored through the implementation period by relevant community advisory committees to ensure its effectiveness.

8. COMMUNITY DIRECTORATE

8.5 Draft 2018-2021 Universal Access and Inclusion Plan (continued)

Council Plan/Key Strategic Activity

This plan ensures that council meets all strategic goals as set out in the Council Plan 2017 - 2021 from the perspective of providing accessible communities for people with barriers or disabilities that would otherwise prevent them from participating fully in the community.

Risk Management

Council has a statutory obligation under the Disability Discrimination Act to have a Disability Action Plan. The Universal Access and Inclusion Plan will reduce Council's risk of litigation by providing clear guidance and direction on priorities for action.

Policy Considerations

There are no conflicts with any current Council policy documents and follows as an extension to Council's previous Universal Access and Inclusion Plan 2013- 2017.

Financial Implications

Costs to develop this strategy are allowed for in the current budget. The financial implications inherent in the action plan will be required to form part of the relevant Departments future budgets.

Legal/Statutory Implications

Adoption of the Plan will ensure Council is either compliant with or actively supporting the following legislative arrangements:

International

United Nations Universal Declaration of Human Rights 1948

United Nations Convention on the Rights of Persons with Disabilities 2008

National

The Commonwealth Disability Discrimination Act 1992

National Disability Strategy 2010 – 2020

Commonwealth State Territory Disability Agreement 1991

Australian Standards 1428 – Design for Access and Mobility (2009)

Disability (Access to Premises- Building) Standard-2010

State

Victorian Disability Act (2006)

The Victoria Charter of Human Rights and Responsibilities Act 2006

The Local Government Act (1989)

Victorian State Disability Plan 2017–2020

Victorian Equal Opportunity and Human Rights Commission Strategic Plan 2017-22

Environmental/Sustainability Impacts

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

Social Implications

The implementation of the draft Universal Access and Inclusion Plan 2018-2021 will provide many social benefits for all community members including:

- Improved health and wellbeing of people with disabilities due to greater community access at Council owned and operated facilities, events and festivals, parks and open spaces
- Improved feeling of social connectedness for people with disabilities of all ages
- Improved service delivery by all departments of Council to people with disabilities
- Reduced attitudinal barriers experienced by people with disabilities

8. COMMUNITY DIRECTORATE

8.5 Draft 2018-2021 Universal Access and Inclusion Plan (continued)

- People with disabilities participate in their community as citizens and experience same rights as everyone.

Economic Impacts

Through the implementation of the draft Universal Access and Inclusion Plan 2018-2021, the City of Greater Shepparton can demonstrate and promote itself as an inclusive and accessible destination which will attract a larger segment of the tourist market, which will also have a positive flow-on effect for local business.

Consultation

The initial consultation period identified access and inclusion barriers to participation in Council activities and facilities throughout the community which have been incorporated into the development of the draft Universal Access and Inclusion Plan 2018-2021.

Internal consultation has occurred with Council Officers.

External consultations has been undertaken with Disability Service Providers, Community Groups, CALD Community, Deaf Community, Transport Groups, School sector, Health Services, Disability Advisory Committee, Advocacy Services, Religious Groups, Retailers, Sporting Services, Aged Services, Aboriginal Services.

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Keep informed	<ul style="list-style-type: none"> • Newspaper articles
Consult	Informed, listen, acknowledge	<ul style="list-style-type: none"> • Surveys placed at council for the public to fill in. • Disability Service Providers emailed directly asking for feedback on the Draft Access and Inclusion Plan 2018-2021
Involve	Work together. Feedback is an input into decision- making	<ul style="list-style-type: none"> • The Access and Inclusion Officer is available to meet with disability service providers and their clients about the Universal Access and Inclusion Plan
Collaborate	Feedback will be incorporated into decisions to the maximum level possible	<ul style="list-style-type: none"> • Ongoing input into the development of the plan through the Disability Advisory Committee and internal staff consultation. The Disability Advisory Committee will monitor the implementation of the plan

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

8. COMMUNITY DIRECTORATE

8.5 Draft 2018-2021 Universal Access and Inclusion Plan (continued)

Strategic Links

a) Greater Shepparton 2030 Strategy

Report No 3: Community Life

2.2 The Direction – Community Life

Enhance social connectedness, physical and mental health and wellbeing, education and participatory opportunities in order to improve liveability and provide a greater range of community services.

8.1.2 Accessibility

8.2 Objective 2: To provide accessible environments in public spaces and new developments.

b) Other strategic links

Council Plan 2017- 2021

Municipal Emergency Management Plan

Cultural Diversity and Inclusion Strategy 2015- 2018

Communication Style Guide (internal document)

Greater Shepparton Urban Design Manual

Infrastructure Design Manual

Conclusion

The draft Universal Access and Inclusion Plan 2018-2021 has a broad scope designed to identify and address the barriers that all sectors of the community encounter in their day-to-day life. The Universal Access and Inclusion Plan 2018 - 2021 outlines the ways in which Council intends to improve access for all citizens. The implementation and related actions of the Plan will be monitored by the Disability Advisory Committee and other relevant advisory bodies. The Disability Advisory Committee will assist in the annual review of the action plan to ensure its relevance to those who experience barriers in the community.

Attachments

Draft Universal Access and Inclusion Plan 2018 - 2021

9. CORPORATE SERVICES DIRECTORATE

9.1 May 2018 Monthly Financial Report

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

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

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

Council Officers involved in producing this report

Author: Manager Finance & Rates

Proof Reader: Manager Finance & Rates

Approved by: Director Corporate Services

Executive Summary

The report presents Council's actual financial performance compared to the budget for the eleven months ended 31 May 2018.

RECOMMENDATION

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

Background

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

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

On 20 February 2018, Council adopted the 2017/2018 Q2 Forecast Review with revenue of \$128.3 million, expenditure of \$120.96 million and an accounting surplus of \$7.34 million. The forecast increase in accounting surplus of \$1.2 million was mainly due to \$1 million increase in non-cash Gifted Assets from Developers at Jammjack and Kialla Lakes Estates. The 2017/2018 Q2 Adopted Forecast also included \$39.57 million in capital works, which is a slight decrease of \$761,691 from the Q1 Adopted Forecast.

On 17 April 2018, Council adopted the 2017/2018 Q3 Forecast Review with revenue of \$129.9 million, expenditure of \$119.6 million and an accounting surplus of \$10.35 million. The forecast increase in accounting surplus of \$3.01 million was mainly due to \$2.45 million increase in non-cash developer gifted assets along with savings in Employee Costs and Materials and Services. The 2017/2018 Q3 Adopted Forecast also included \$35.11 million in capital works, a decrease of \$4.45 million from the Q2 Adopted Forecast. \$3.18 million of this reduction will be considered for re-budgeting in future financial years.

9. CORPORATE SERVICES DIRECTORATE

9.1 May 2018 Monthly Financial Report (continued)

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

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

- Operating Performance
- Capital Works Performance
- Income Statement
- Balance Sheet
- Cash Flow Statement
- Capital Works Statement

Council Plan/Key Strategic Activity

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

Council Plan/Key Strategic Activity

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

Risk Management

There are no risks identified in providing this financial report.

Policy Considerations

There are no conflicts with existing Council policies.

Financial Implications

There are no financial implications arising from this proposal.

Legal/Statutory Implications

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

Environmental/Sustainability Impacts

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

Social Implications

There are no social implications associated with this report.

Economic Impacts

There are no economic implications in providing this financial report.

9. CORPORATE SERVICES DIRECTORATE

9.1 May 2018 Monthly Financial Report (continued)

Consultation

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

Conclusion

The report presents Council's actual financial performance compared to the budget for the eleven months ended 31 May 2018.

Attachments

May 2018 - Monthly Financial Statements

9. CORPORATE SERVICES DIRECTORATE

9.2 Contracts Awarded Under Delegation

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 Contracts and Procurement
Proof reader(s): Manager Corporate Governance
Approved by: Director Corporate Services

Executive Summary

To inform the Council of the status of requests for tenders that have been awarded under delegation and those that have been publicly advertised but are yet to be awarded.

RECOMMENDATION

That the Council note the publicly advertised contracts awarded under delegated authority and tenders that have been advertised but yet to be awarded.

Tendered Contracts Awarded under Delegated Authority by the CEO

Contract Number	Contract Name	Contract details, including terms and provisions for extensions	Value inclusive of GST	Awarded to
1819	Construction of GMW Drain Crossing & Associated Civil Works, Da Vinci Drive	Lump Sum Contract for Construction of GMW Drain Crossing & Associated Civil Works, Da Vinci Drive	\$319,873.25	Mawson Construction Pty Ltd
1820	Provision of Centre Road Parking & Installation of Street Trees, Nixon St.	Lump Sum Contract for Provision of Centre Road Parking & Installation of Street Trees, Nixon St.	\$181,059.45	Jarvis Delahey Pty Ltd
1857	Construction of Cosgrove 2 Cell 4 Clay Liner Lift 4&5	Lump Sum Contract for Construction of Cosgrove 2 Cell 4 Clay Liner Lift 4&5	\$328,945.98	Apex Earthworks Pty Ltd (t/a Pearse Earthmoving)

9. CORPORATE SERVICES DIRECTORATE

9.2 Contracts Awarded Under Delegation (continued)

Tendered Contracts Awarded under Delegated Authority by a Director

Contract Number	Contract Name	Contract details, including terms and provisions for extensions	Value inclusive of GST	Awarded to
1869	Concept Design of Pedestrian Overpass at Shepparton Railway Station	Lump Sum Contract for Concept Design of Pedestrian Overpass at Shepparton Railway Station	\$97,000.00	Chong Meng Tan Arcadis Pty Ltd

Requests for Tenders advertised but not yet awarded

Contract No.	Contract Name	Contract detail, including terms and provisions for extensions	Status
1838	Provision Of Powerline Tree Pruning Services	Schedule of Rates Contract for the Provision Of Powerline Tree Pruning Services	The tender forms part of the June Ordinary Council Meeting Agenda.
1839	Provision of Tree Maintenance Services	Schedule of Rates Contract for the Provision Of Tree Maintenance Services	Tender closed on 9 May 2018. Tender currently being evaluated.
1840	Demolition of building and associated works - 289 Maude Street	Lump Sum Contract Demolition of building and associated works - 289 Maude Street	Tender closed on 6 June 2018. Tender currently being evaluated.
1859	GVW Main Relocation - Maude Street Stage 1 Upgrade, Shepparton	Lump Sum Contract for GVW Main Relocation - Maude Street Stage 1 Upgrade, Shepparton	Tender closed on 11 May 2018. Tender currently being evaluated.
1866	Supply and Installation of Aquamoves Gym Floor Coverings	Lump Sum Contract Supply and Installation of Aquamoves Gym Floor Coverings	Tender closed on 30 May 2018. Tender currently being evaluated.

Policy Considerations

Through the *Instrument of Delegation to the Chief Executive Officer* the Council has delegated authority to the Chief Executive Officer to award a contract up to the value of \$500,000 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.

9. CORPORATE SERVICES DIRECTORATE

9.2 Contracts Awarded Under Delegation (continued)

Legal/Statutory Implications

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

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

Conclusion

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

Attachments

Nil

9. CORPORATE SERVICES DIRECTORATE

9.3 Local Law No.1 - Community Living

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

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

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

Council Officers involved in producing this report

Author: Manager Citizen Services

Proof reader(s): Team Leader Regulatory Services,

Co-Ordinator Local Laws Animal Management

Approved by: Director Corporate Services

Executive Summary

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

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

In order to comply with Sections 119(2) and 223 of the Local Government Act 1989, Council resolved at the 20 March 2018 Ordinary Council Meeting to commence the statutory process necessary to make a new Local Law, which is proposed to be titled Law No.1 - Community Living Local 2018 ('the proposed Local Law').

The purpose of this report is to adopt the new local law to support peace, order and good governance of Greater Shepparton for the next ten years.

RECOMMENDATION

That the Council:

1. having complied with the requirements of 119(2) and 223 of the Local Government Act 1989 and having received submissions under Section 223 of the Act:
 - a) adopt the Local Law No.1 – Community Living;
 - b) give notice of the making of the Local Law No.1 Community Living in the Victorian Government Gazette and a public notice in Shepparton News in accordance with Section 119(3) of the Act;
 - c) having made the Local Law No.1 – Community Living to send a copy to the Minister for Local Government in accordance with Section 119(4) of the Act;
 - d) revoke the previous Local Law No.1 – Community Living adopted on 1 July 2008.

9. CORPORATE SERVICES DIRECTORATE

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

Background

Section 111(1) of the Act enables councils to make Local Laws about any “act, matter or thing in respect of which the Council has a function or power under this Act or any other Act”.. The Greater Shepparton City Council current Community Living Local Law No.1 (2008) came into effect on 3 July 2008 and sunsets on 3 July 2018.

The proposed new Local Law, to be known as Local Law No. 1 – Community Living 2018 (‘the proposed Local Law’) supports the principles of the Act. It takes into consideration community interest and applies a range of controls and permit mechanisms to support the health and amenity of the local community, and to help protect community assets and infrastructure

In determining to give public notice of the proposed Local Law, Council has considered a Community Impact Statement. Preparation of the proposed Local Law has taken into consideration feedback from Councillors regarding the operation of the current Local Law and advice from the Police, CFA and Council's solicitors.

The proposed Local Law has been prepared based on the current Local Law with amendments to:

1. ‘definitions’, eg: changed ‘highway’ to ‘road’;
2. where ‘person’ is a Corporation, includes officer in effective control and any Director;
3. consolidates numerous ‘like’ clauses;
4. removes numerous clauses where powers under other legislation are better able to be utilised;
5. broadens the scope of the clause relating to ‘inappropriate language’;
6. creates offence for failing to comply with an official sign;
7. changed requirements for a permit to circumstances where camping on private land exceeds 14 days within any 90 day period;
8. includes new clause to support safety and amenity around naturestrips;
9. is more streamlined, by relying on one impounding clause in ‘General’ provisions
10. creates an events clause to streamline event permit process;
11. simplifies provisions for keeping of animals, particularly through use of a table to determine if permit is required;
12. provides that there will be no roosters in residential areas without a permit;
13. clarifies requirements surrounding beehives;
14. removes all clauses specifically related to the Mall; such issues to be managed via clauses that apply to all Council land;
15. removes schedule of approved reserves in relation to consumption of liquor; removes the averment clause;
16. ensures owner onus applies in respect of offences relating to motor vehicles;
17. removes dog leash law which will be dealt with under the *Domestic Animals Act 1994*;
18. increases prohibited road to include very high conservation value roads;
19. removes livestock at large local law as addressed under the Impounding of Livestock Act 1994;
20. expanded the definition of unsightly to include maintaining any building in a state of good repair and appearance, including undertaking temporary repairs as required and to avoid the appearance of neglect out of character with other allotments in the vicinity;

9. CORPORATE SERVICES DIRECTORATE

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

21. includes a schedule of infringement penalties;
22. increases the infringement penalty for unsightly land from two penalty units to four penalty units;
23. increases the infringement penalty for fire to be extinguished from two penalty units to five penalty units;
and
24. introduces a local law regarding shipping containers.

To assist in drafting and effectively communicating the content of the proposed local law, a “Local Law Community Impact Statement” was also prepared and exhibited for review with the proposed Local Law.

At the Council meeting on 20 March 2018, the Council resolved to commence the statutory process to make the local law. The statutory period for making submissions is 28 days and submitters were given the opportunity to make written submissions. Any person making a submission was entitled to request to be heard in support of their submission.

Notice of the proposed Local Law was given in the Shepparton News on 23 March 2018 and in the Government Gazette on 29 March 2018. The proposed Local Law was also made available for inspection on the Council Website and at the Council Office inviting public submissions. In accordance with section 223 of the Act, submissions closed on 27 April 2018.

Following the public notice period two submissions were received and no submitters requested to be heard in support of their written submission.

The submissions in general contained suggestions under the following headings for consideration:

- Definitions
- Administrative corrections
- Requests for items to remain in the proposed Local Law
- Requests for matters of environmental significance

As the proposed Local Law No.1 – Community Living did not require any submissions to be heard in person, all matters were considered by Council on 22 May 2018 to consider the written submissions received. Having considered the written submissions some of these suggestions have subsequently been incorporated in the Local Law No. 1 – Community Living.

This report recommends that the Council, having considered the submissions received, make the Local Law as set out in the attachment.

Council Plan/Key Strategic Activity

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

- 1.3 Council demonstrates strong leadership and sound decision making in the best interests of the community.
- 1.7 Council advocates on issues, priorities and needs that matter to our community in partnership with key stakeholders.

9. CORPORATE SERVICES DIRECTORATE

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

- 1.8 Consultation that is transparent, robust and accessible, and clear, consistent and timely communication provided to inform, educate and engage with the community.
- 2.9 Public places, open space and community facilities are safe and accessible for all and presented to a high quality.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Review not complete prior to sunset of current Local Laws (extensions not available)	Possible	Major	High	Project planning local law review. Consultations with key stakeholders
Negative response from the community in relation to proposed changes	Possible	Minor	Low	Detailed explanation will be provided of any proposed changes in the Local Law Community Impact Statement

Policy Considerations

The review of Council's Low Laws presents no conflict with existing Council policy.

Financial Implications

There are no financial implications associated with this report.

Legal/Statutory Implications

The detailed and timely review of Council's Local Laws ensures that Council is meeting its statutory obligations under Section 91 and Section 111(1) of the Local Government Act 1989. The Local Law No.1 – Community Living has also been considered by legal representatives to check and verify the legality of the proposed Local Law.

Environmental/Sustainability Impacts

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

Social Implications

There are no social implications associated with this report.

Economic Impacts

There are no economic impacts associated with this proposal.

Consultation

As part of the detailed review process, extensive consultation has been undertaken with relevant stakeholders. In addition, a formal Section 223 process has been undertaken on the draft Local Law, prior to presenting to Council for adoption in its final form.

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

9. CORPORATE SERVICES DIRECTORATE

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

Strategic Links

a) Greater Shepparton 2030 Strategy

There are no direct links with the 2030 strategy.

b) Other strategic links

Nil

Conclusion

This report recommends that the Council, having considered submissions received, adopt the Local Law No.1 – Community Living.

Attachments

Community Living Local Law 2018

9. CORPORATE SERVICES DIRECTORATE

9.4 Local Law No.2 - Procedures for Council Meetings and Common Seal

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

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

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

Council Officers involved in producing this report

Author: Team Leader Governance

Proof reader(s): Manager Corporate Governance

Approved by: Director Corporate Services

Executive Summary

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

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

At its meeting on 20 March 2018 the Council resolved to commence the statutory process necessary under Sections 119(2) and 223 of the *Local Government Act 1989* to make a new Local Law, titled Local Law No.2 – *Procedures for Council Meetings and Common Seal* ('the proposed Local Law').

The purpose of this report is to adopt the new local law to regulate the use of Council's common seal; election of the Mayor and Deputy Mayor and governs the conduct of meetings of the Council and Special Committees.

RECOMMENDATION

That the Council;

1. having complied with the requirements of Section 119(2) of the *Local Government Act 1989* and having received submissions under Section 223 of the Act:
 - a) note that a Special Meeting of the Council was conducted on 15 May 2018 to consider submissions regarding the proposed Local Law;
 - b) adopt Local Law No.2 – Procedures for Council Meetings and Common Seal;
 - c) affix the common seal to the Law No.2 – Procedures for Council Meetings and Common Seal;
 - d) give notice of the making of the Local Law No.2 – Procedures for Council Meetings and Common Seal in the Victorian Government Gazette and a public notice in Shepparton News in accordance with Section 119(3) of the Act;

9. CORPORATE SERVICES DIRECTORATE

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

- e) having made the Law No.2 – Procedures for Council Meetings and Common Seal send a copy to the Minister for Local Government in accordance with Section 119(4) of the Act;
- f) revoke the previous Local Law No.2 “Processes of Local Government and (Meeting and Common Seal) adopted on 5 May 2009.

Background

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

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

The Local Law No. 2 – Procedures for Council Meetings and Common Seal has been prepared based on the current Local Law with amendments to:

1. increase use of plain English
2. remove out of date requirements and clauses that unnecessarily duplicate the Act
3. clarify the powers of the Chair during meetings
5. provide for no Urgent Business at Special Meetings
6. clarify power of Chief Executive Officer to vary agenda
7. include provisions relating to reports from Councillors
8. remove procedural motions, except laying motion on the table
9. remove reference to deputations; and
10. simplify Common Seal provisions

To assist in drafting and effectively communicating the content of the proposed local law, a “Local Law Community Impact Statement” was also prepared and exhibited for review with the proposed Local Law.

At the Council meeting on 20 March 2018 the Council resolved to commence the statutory process to make the local law. The statutory period for making submissions is 28 days and submitters were given the opportunity to make written submissions. Any person making a submission was entitled to request to be heard in support of their submission.

Notice of the proposed Local Law was given in the Shepparton News on 23 March 2018 and in the Government Gazette on 29 March 2018. The proposed Local Law was also made available for inspection on the council website and at the Council Office inviting public submissions. In accordance with section 223 of the Act submissions closed on 27 April 2018.

Following the public notice period two submissions were received and one submitter requested to be heard in support of their written submission.

9. CORPORATE SERVICES DIRECTORATE

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

The submissions in general contained suggestions under the following headings for consideration:

- Definitions
- Confirmations of Minutes
- Administrative corrections
- Addressing Councillors and officers
- Public Question Time
- Recording of Divisions
- Petitions
- Right of Reply
- Moving a Motion

A Special Meeting of the Council was convened on 15 May 2018 to hear the submitter who had requested to be heard in support of their submission. Council also meet on 22 May 2018 to consider the submissions received. Having considered the written submissions some of these suggestions have subsequently been incorporated in the Local Law No.2 – Procedures for Council Meetings and Common Seal.

Council Plan/Key Strategic Activity

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

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

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Review not completed prior to sunset of current Local Laws (extensions not available)	Possible	Major	High	Project planning local law review. Consultations with key stakeholders.
Negative response from Community in relation to proposed changes	Possible	Minor	Low	Detailed explanation will be provided of any proposed changes in the Local Law Community Impact Statement

9. CORPORATE SERVICES DIRECTORATE

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

Policy Considerations

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

Financial Implications

There are no financial implications associated with this report.

Legal/Statutory Implications

The detailed and timely review of Councils Local Laws ensures that council is meeting its statutory obligations under Section 91 and Section 111(1) of the Local Government Act 1989. The Local Law has also been reviewed by legal representatives to check and verify the legality of the Local Law.

Environmental/Sustainability Impacts

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

Social Implications

There are no social impacts associated with this report.

Economic Impacts

There are no economic impacts associated with this proposal.

Consultation

As part of the detailed review process, extensive consultation has been undertaken with relevant stakeholders. In addition, a formal Section 223 process has been undertaken on the draft Local Law. A special council meeting was held on 15 May 2018 to hear from a submitter in support of their submission.

Strategic Links

a) Greater Shepparton 2030 Strategy

There are no direct links with the 2030 strategy.

b) Other Strategic Links

Nil

Conclusion

This report recommends that the Council having considered submissions received adopt the Local Law No.2 – Procedures for Council Meetings and Common Seal.

Attachments

Local Law No 2 - Procedures for Council Meetings and Common Seal

9. CORPORATE SERVICES DIRECTORATE

9.5 Adoption of Procurement 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: Team Leader Contracts and Procurement

Proof reader(s): Manager Corporate Governance

Approved by: Director Corporate Services

Executive Summary

The Procurement Policy (Policy) has been reviewed in accordance with section 186A of the *Local Government Act 1989 (Act)*. The Act required the Procurement Policy to be reviewed every 12 months.

RECOMMENDATION

That the Council adopt the Procurement Policy 13.POL1.

Background

Section 186A (7) of the Act requires that each council review its *Procurement Policy* at least once each financial year.

The Policy review was conducted with consultation of internal stakeholders. Additionally, an external best practice peer review was sought from ArcBlue in line with the MAV Procurement (Municipal Association of Victoria) LEAP Program, of which the GVRCA member councils are all committed participants.

ArcBlue are a best practice organisation that provides procurement support, professional advice and guidance to local council's Australia wide.

Council Plan/Key Strategic Activity

The proposed *Procurement Policy* is consistent with the principles, strategic goals and aims of the *Council Plan 2017/21*, ie:

- a) Leadership and Governance objective 1.1 – Council demonstrates strong leadership and sound decision making in the best interests of the community; and
- b) Leadership and Governance objective 1.2 – Financial management is responsible and effective in responding to challenges and constraints with a focus on the financial sustainability of the Council.

9. CORPORATE SERVICES DIRECTORATE

9.5 Adoption of Procurement Policy (continued)

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Non-compliance with the procurement provisions of section 186 of the Act.	Possible	Details of non-complaint contracts have to be included in a public register.	Low	Improvement of reporting, better management of contract extensions and re-tendering.
Contracts expire without being extended by the due date or re-tendered.	Possible	The current contractor is engaged (if possible) on a short term basis with the potential for further non-compliance.	Moderate	Improvement of reporting, better management of contract extensions and re-tendering.
	Possible	The current contractor declines offer of a short term contract and Council is forced to engage another contractor or re-establish in-house service provision	High	Improvement of reporting, better management of contract extensions and re-tendering.
Exposure of non-compliant procurement activities as a result of a protected Disclosure, a freedom of information request, inspection of the public register or an inspection by the Local Government Investigations and Compliance Inspectorate.	Possible	Unfavourable reporting.	Moderate	Improvement of reporting and more frequent reporting to Executive, the Audit Committee and Council.

Policy Considerations

There are no conflicts with any other Council policy.

Financial Implications

There are no financial implications in adopting an updated *Procurement Policy*. This Policy is in place to put controls around spend across the organisation.

9. CORPORATE SERVICES DIRECTORATE

9.5 Adoption of Procurement Policy (continued)

Legal/Statutory Implications

Council has a statutory requirement to adopt and annually review its *Procurement Policy*.

Environmental/Sustainability Impacts

There are no environmental/sustainability implications in adopting an updated *Procurement Policy*.

Social Implications

There are no social implications in adopting an updated *Procurement Policy*.

Economic Impacts

There are no economic implications in adopting an updated *Procurement Policy*.

Consultation

There was no statutory requirement for community consultation.

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	The Act requires that the <i>Procurement Policy</i> be publicly available.	The <i>Procurement Policy</i> is available at the Civic Centre and on the Council website.
	Local Government (Planning and Reporting) Regulations 2014 require that in their annual reports, Councils report on their procurement policy.	Inclusion of the required information in the Annual Report 2017/18.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

There are no direct links to the Greater Shepparton 2030 Strategy

b) Other strategic links

The proposed *Procurement Policy* is consistent with Council's GVRCA commitments

Conclusion

The proposed *Procurement Policy* is a statutory requirement. The policy will again be reviewed in the 2018/2019 financial year.

Attachments

Procurement Policy

9. CORPORATE SERVICES DIRECTORATE

9.6 Budget 2018/2019

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 Finance and Rates

Proof Reader: Manager Finance and Rates

Approved by: Director Corporate Services

Executive Summary

The report presents the Budget 2018/2019 for Adoption.

The Budget 2018/2019 was endorsed by Council on 24 April 2018. Public notice was given on 27 April 2018 and submissions invited. The submission period ended on 25 May 2018 and thirty-nine submissions were received. Thirteen of the written submitters elected to be heard at a Special Council Meeting on 5 June 2018.

The Budget 2018/2019 Budget proposes a 2.25 per cent increase in rates revenue and 2 per cent increase in kerbside collection charges which will generate \$76.48 million, excluding supplementary valuations. The proposed rating structure for 2018/2019 has been informed by the Rating Strategy 2017-2021, however, sees a reduction in the number of rating differentials and a reduction in the municipal charge.

RECOMMENDATION

That the Council having publicly advertised the preparation of the Budget 2018/2019 and after consideration of the public submissions received, adopt the Budget 2018/2019 as presented including;

- a) in accordance with section 158 and section 223 of the *Local Government Act 1989* declare the following rates and charges for the 2018/2019 financial year:

1. Amount intended to be raised

An amount of \$76,481,570 excluding GST (or such other amount as is lawfully raised as a consequence of this resolution) be declared as the amount which the Council intends to raise by general rates, the municipal charge, annual service charges and the cultural and recreational rate later described in this resolution, which amount is calculated as follows:

- General Rates \$60,863,107
- Municipal Charges \$5,893,680
- Annual Services Charges \$9,671,725
- Cultural and Recreational Rate \$53,058

2. General rates

- 2.1. A general rate be declared in respect of the 2018/2019 rating year, being the period 1 July 2018 to 30 June 2019.

9. CORPORATE SERVICES DIRECTORATE

9.6 Budget 2018/2019 (continued)

- 2.2. In accordance with section 161 of the Local Government Act 1989, declare that the general rate be raised by the application of differential rates.
- 2.3. A differential rate be respectively declared for rateable land having the respective characteristics specified in Appendix B of the budget document.
- 2.4. It be confirmed that no amount is fixed as the minimum amount payable by way of general rate in respect of each rateable land within the municipal district.
- 2.5. Each differential rate will be determined by multiplying the Capital Improved Value of each rateable land (categorised by the characteristics described in Appendix A of the budget document) by the relevant rate in dollar indicated as follows:

<u>Category</u>	<u>Rate in the \$</u>
• General	0.00515660
• Farm Land	0.00464094
• Commercial/Industrial	0.01057103

3. Cultural and recreational rates

- 3.1. In accordance with section 4(4) of the *Cultural and Recreational Lands Act 1963*, the amount in lieu of rates payable in respect of each rateable land to which that Act applied be determined by multiplying the Capital Improved Value of that rateable land by 0.00376432 where the rateable land has the following characteristics:

Rateable outdoor recreational lands developed primarily for regional use as evidenced by paid administrative support and/or commercial business dealings in the operation or management of same.

Such rateable land as described below:

Property Location

71 Gowrie Street TATURA
 160-200 Ross Street TATURA
 7580 Goulburn Valley Highway KIALLA
 2 Fairway Drive MOORoopna
 15 Golf Drive SHEPPARTON
 55 Rudd Road SHEPPARTON
 7582 Goulburn Valley Highway KIALLA

4. Municipal Charge

- 4.1. In accordance with section 159 of the *Local Government Act 1989*, declare a municipal charge for 2018/2019 for the purposes of covering some of the administrative costs of Council.

4.1.1. The municipal charge be \$195.00 for each rateable land (or part) within the municipal district in respect of which a municipal charge may be levied.

9. CORPORATE SERVICES DIRECTORATE

9.6 Budget 2018/2019 (continued)

5. Annual Service Charge

5.1. In accordance with section 162 of the *Local Government Act 1989*, declare an annual service charge for 2018/2019 for the dual service of kerbside collection and disposal of refuse along with kerbside collection of recyclables.

5.1.1 The service charge be the sum of, and based on the criteria specified as follows:

5.1.1.1 Collection and disposal of contents of 80 litre refuse bin and either a 120 litre or 240 litre recyclable bin - \$183.00** per service.

5.1.1.2 Collection and disposal of contents of 120 litre refuse bin and either a 120 litre or 240 litre recyclable bin - \$244.00** per service.

5.1.1.3 Collection and disposal of contents of 240 litre refuse bin and either a 120 litre or 240 litre recyclable bin - \$409.00** per service.

for each land (or part), other than land on which no building is erected, in respect of which an annual service charge may be levied.

5.2. In accordance with section 162 of the *Local Government Act 1989*, declare an annual service charge for 2018/2019 for the kerbside collection of recyclables only.

5.2.1 The service charge be the sum of, and based on the criteria specified as follows:

5.2.1.1 Collection and disposal of contents of either a 120 litre or 240 litre recyclable only bin - \$83.00** per service

for each land (or part), other than land on which no building is erected, in respect of which an annual recyclable only service is requested and provided.

5.3. In accordance with section 162 of the *Local Government Act 1989*, declare an annual service charge for 2018/2019 for the kerbside collection of green organic waste.

5.3.1 The service charge be the sum of, and based on the criteria specified as follows:

5.3.1.1 Collection and disposal of contents of either a 120 litre or 240 litre green organics bin - \$83.00** per service

for each land (or part), other than land on which no building is erected, in respect of which an annual service charge may be levied.

[**Note: These charges do not include GST which applies to all service charges that are levied against non-residential and non-rural properties.]

9. CORPORATE SERVICES DIRECTORATE

9.6 Budget 2018/2019 (continued)

6. Setting of interest rate on unpaid rates and charges

That in accordance with section 172 of the *Local Government Act 1989*, the Council charge interest for rates and charges which have not been paid by the due dates, as specified under section 167 of the *Local Government Act 1989*.

7. Payment of rates and charges

That in accordance with section 167 of the Local Government Act 1989, the Council declare that a person can pay a rate or charge (other than a special rate or charge) by:

7.1. Four (4) instalments which are due and payable on the dates fixed by the Minister by notice published in the Government Gazette; or

7.2 Ten (10) instalments which are due and payable in the ten month period that commences September and ends in June.

8. Consequential

8.1 That the Chief Executive Officer be authorised to levy and recover the general rates, municipal charge and service charges in accordance with the *Local Government Act 1989*.

- b.) changes to the draft budget as disclosed in Appendix D of the Budget 2018/2019 document including a net increase in operating income of \$6.35 million, an additional \$2.147 million of re-budgeted capital works from 2017/2018, transfer of proposed 2018/2019 capital works of \$5.62 million to be proposed in 2019/2020 and changes from public submissions and other new items of \$233k; and
- c.) changes to the Greater Shepparton City Council 2017-2021 Rating Strategy with the reduction in the number of rating differentials to be General, Farm and Commercial/Industrial, while maintaining the Cultural and Recreational rate, and reducing the amount raised by the municipal charge to below 10% of the total revenue collected from general rates and municipal charge; and
- d.) authorise the Chief Executive Officer to give notice of the adoption of the Budget in accordance with section 130 of the Local Government Act 1989.

Background

The Budget 2018/2019 has been prepared in accordance with the requirements of the *Local Government Act 1989*.

Council updates its Strategic Resource Plan as part of its corporate planning framework to assist in preparing a budget within a longer term framework. The Budget 2018/2019 reflects years one to four of the updated Strategic Resource Plan and takes into account the activities and initiatives which contribute to achieving the strategic objectives specified in the Council Plan.

Refer to Appendix C for the long term financial sustainability indicators as per the updated Strategic Resource Plan and Long Term Financial Plan.

9. CORPORATE SERVICES DIRECTORATE

9.6 Budget 2018/2019 (continued)

2017/2018 Forecast/Actual

The Budget 2018/2019 provides comparisons with the 2017/2018 financial year forecast. The Q3 Adopted Forecast adopted at the 17 April 2018 Ordinary Council Meeting has been used as the basis for the 2017/2018 Forecast/Actual in the Budget document.

Budget 2018/2019 – Rates and Charges Revenue

The Budget 2018/2019 proposes a 2.25 per cent increase in total rates revenue and 2.0 per cent increase in kerbside collection charges, both excluding supplementary valuations, which will generate \$76.48 million.

Section 4.1.2(l) of the Budget 2018/2019 document confirms Council's compliance with the State Government's Fair Go Rates System (Rate Cap).

A further \$765,000 in supplementary rates and \$180,000 in penalty interest is budgeted for 2018/2019 taking the total rates and charges figure to \$77.43 million. Note these items do not form part of the rate cap.

Changes to 2018/2019 Rating Differentials

The rating structure for the 2018/2019 year has been informed by the Rating Strategy 2017-2021 and consultation undertaken by Greater Shepparton City Council during February 2018.

Earlier this year Council proposed a change to the number of rating differentials for the 2018/2019 financial year. A number of community information and feedback sessions were held, combined with a mail out and online survey to inform ratepayers and capture feedback.

Importantly, the proposed changes to the rating strategy does not influence the total amount of rates collected by Council, instead it determines only the share of revenue contributed by each property. These changes have been proposed to make Greater Shepparton's rating strategy easier to understand, simpler to administer while maintaining fairness for all ratepayers.

The Draft Budget 2018/2019 was based on the PROPOSED option which reduced the number of rating differentials and the municipal charge. However, the Draft Budget 2018/2019 document also included the CURRENT rating strategy to allow readers to compare both options during the public submission period.

The Budget 2018/2019 proposes a reduction in the number of rating differentials and a reduction in the municipal charge.

Rates and Charges - 2018 General Valuation

The Budget 2018/2019 includes valuation data as at 1 January 2018, certified by the Victorian Valuer General on 7 June 2018. All rating information contained within the budget, including rates in the dollars, are based on these updated valuations.

Movements in individual property valuations (Capital Improved Value or CIV) will have an impact on individual rate notices and are difficult to communicate through the Budget 2018/2019 document.

9. CORPORATE SERVICES DIRECTORATE

9.6 Budget 2018/2019 (continued)

Section 4.1.2(f) of the Budget 2018/2019 provides an indication of the valuation movements for each rating differential group, however, individual property valuation movements will not be advised until the 2018/2019 annual rates notices for each property are distributed.

Budget 2018/2019 – Key Points

The Budget 2018/2019 provides for an Operating Surplus of \$19.27 million. Refer to Section 4.1 of the Budget 2018/2019 document.

The Budget 2018/2019 Schedule of Fees and Charges is included as Appendix A. It is budgeted that the adopted fees and charges will raise \$22.26 million during the 2018/2019 financial year.

The Budget 2018/2019 provides for a \$46.36 million capital works program. Incorporated in the capital works program is \$23.37 million for renewal works and \$12.22 million for new works. Refer to Section 4.5 of the Budget 2018/2019 document for further information.

Funding sources for the capital works program include \$36.75 million from Council operations, cash reserves and investments and \$9.61 million from external grants and cash contributions.

Any grants or contributions received by Council prior to 30 June 2018 will be considered as Council Cash for the purposes of the Budget 2018/2019 as Council was in possession of the funds at the commencement of the budget year.

Budget 2018/2019 Financial Performance Indicators

Section 5 of the Budget 2018/2019 document highlights Council's current and projected performance across a range of key financial indicators. These indicators provide a useful analysis of Council's financial position and performance and should be used in the context of the organisation's objectives.

External and Internal Budget Influences

In preparing the Budget 2018/2019, a number of internal and external influences have been taken into consideration, as they impact significantly on the services delivered by the Council in the budget period.

For example, in 2016/2017 the Victorian State Government introduced a cap on rating increases. The cap for 2018/2019 has been set at 2.25 per cent which is also the state-wide Consumer Price Index (CPI) forecast increase for the year.

The Budget 2018/2019 has also been impacted by the Federal Government's early payment of 50 per cent (\$6.1 million) of the 2018/2019 Federal Financial Assistance Grant funds recorded as income in 2017/2018.

Other external issues placing financial pressure on Council for 2018/2019 and future years include increasing costs for collection and disposal of recyclable materials and increasing electricity costs.

9. CORPORATE SERVICES DIRECTORATE

9.6 Budget 2018/2019 (continued)

Public Submissions

The Budget 2018/2019 was endorsed by Council on 24 April 2018. Public notice was given on 27 April 2018 and submissions invited. The submission period ended on 25 May 2018 and thirty-nine submissions were received. Thirteen of the written submitters elected to be heard at a Special Council Meeting on 5 June 2018.

The submissions ranged in content however generally contained the following themes:

- Off leash dog park – infrastructure improvements (28 submissions);
- Support for the funding of the Australian Botanic Gardens (3 submissions);
- Mooroopna Community Plan (1 submission);
- Shepparton East Community Plan (1 submission); and
- Tatura Community Plan (1 submission)

Amendments to draft budget including public submissions and capital re-budgets

Since the endorsement of the draft budget 2018/2019 on 24 April 2018, and in consideration of revised information made available since that date including public submissions received by Council during the Section 223 process, the following amendments to the budget 2018/2019 have been made:

Amendment	\$ Change (fav)/unfav
Early receipt of 50% (\$6.1m) of 2018/2019 Federal Financial Assistance Grant funding (to be received as income in 2017/2018)	\$6.1m
Confirmation of Fire Services Levy administration grant funding from State Revenue Office	(\$64k)
Re-budgeted (carry forward) capital works from 2017/2018 to 2018/2019	
<i>a) Plant renewals</i>	\$628k
<i>b) Vic Park Lake Masterplan – Northern Plaza toilet & playground</i>	\$516k
<i>c) Southdown Precinct – Southdown Street road upgrade</i>	\$250k
<i>d) Safe Systems Roads Infrastructure Program (VicRoads fully funded)</i>	\$233k
<i>e) BMX Start Hill</i>	\$194k
<i>f) Welsford Street Stage 4 Design</i>	\$156k
<i>g) Bicycle Strategy Works</i>	\$120k
<i>h) South Growth Corridor – Seven Creeks Wetland Planting</i>	\$40k
<i>i) Mt Major Walking Track</i>	\$10k
Total	\$2.147m
Re-budget of proposed 2018/2019 capital works to proposed 2019/2020	
<i>a) Welsford St Stage 4 Construction (based on re-budget of design works)</i>	(\$3.12m)
<i>b) SAM Construction (based on revised project construction timelines)</i>	(\$2.5m)
Total	(\$5.62m)
New items including those resulting from Public Submissions	
a) Maude Street Mall – detailed design of eventual adopted option	\$100k
b) Mooroopna – McLennan St Masterplan – landscaping design first stage	\$50k
c) Balaclava Verney Dookie Rd Intersection – service relocation works	\$30k
d) Maternal & Child Health – Child Development Info System (operating)	\$28k
e) Off Leash Dog Park – capital improvements to existing park	\$15k

9. CORPORATE SERVICES DIRECTORATE

9.6 Budget 2018/2019 (continued)

f) Shepparton Food Share – increased contribution (operating budget)	\$10k <u>\$233k</u>
Increase in the estimate of non-monetary contributions (assets transferred to the responsibility of Greater Shepparton City Council – non cash item)	(\$11.8m)

Note: All amendments are disclosed in Appendix D of the Budget 2018/2019 document

Recycling Strategic Resource Plan

Council Plan/Key Strategic Activity

The Budget 2018/2019 is consistent with the five strategic goals of the Council Plan which include:

1. Leadership and Governance
2. Social
3. Economic
4. Built
5. Environment

The Budget 2018/2019 also includes 13 Service Performance Outcome indicators and 12 Financial Performance indicators (sections 2 and 5) as required by the *Local Government (Planning and Reporting) Regulations 2014 No. 17*. The final outcomes of these indicators will be reported in the 2018/2019 audited annual report.

Risk Management

A well planned budget will reduce the risk that Council will not be able to provide the services expected and required by the community.

Risks	Likelihood	Consequence	Rating	Mitigation Action
Failure to comply with the Local Government Act 1989	Unlikely	1	High	Recommendations for council to authorise the provision of public notice for the Draft Budget 2018/2019
Operating surplus not achieved	Possible	3	Medium	Monthly financial performance and Quarterly Forecast Reviews reported to Council
Capital works budget not delivered within the financial year	Possible	3	Medium	Performance reporting, greater focus on 10 year capital works planning

Policy Considerations

There are no conflicts with Council policy. The annual budget resources the Council Plan to enable the outcomes in the Council Plan to be achieved, including Council policies.

9. CORPORATE SERVICES DIRECTORATE

9.6 Budget 2018/2019 (continued)

Financial Implications

The full financial implications are outlined in the background section of this report and within the attachments.

	2017/2018 Forecast/Actual ('000s)	2018/2019 Budget ('000s)	Variance \$ ('000s)	Comments
Revenue	136,240	143,946	(7,706)	Increases in rates and charges revenue and non-monetary contributions
Expense	119,601	124,675	5,074	Increases in employee costs as per EB Agreement and increases in depreciation expense
Net Surplus	16,639	19,271	(2,632)	

Legal/Statutory Implications

The Budget 2018/2019 has been prepared in accordance with the requirements of the *Local Government Act 1989 (the Act)* and the *Local Government (Planning and Reporting) Regulations 2014 No. 17*.

In accordance with section 127 of the Act, Council must prepare a Budget for each financial year containing the relevant financial statements and a detailed list of capital works expenditure.

Section 129 of the *Local Government Act 1989* requires the Council to give public notice of the preparation of the budget and a person has a right to make a submission on any proposal contained in the budget (as per section 223 of the Act).

Environmental/Sustainability Impacts

Environmental and sustainability impacts have been considered when developing the Budget 2018/2019.

Social Implications

The Budget 2018/2019 provides resources for the implementation of various strategies, plans, works and the delivery of services required to achieve the objectives of the Council plan including an active and engaged community.

Economic Impacts

The boost from the Greater Shepparton City Council capital works program is important with \$46.36 million of infrastructure works proposed for the 2018/2019 financial year to encourage economic activity.

Consultation

Public notice was given in the Shepparton News on Friday 27 April 2018 that Council's Draft Budget 2018/2019 had been prepared and was available for inspection on Council's website, or at Council's offices in Welsford Street and Doyles Road and that written submissions were invited in accordance with Section 223 of the *Local Government Act 1989*.

9. CORPORATE SERVICES DIRECTORATE

9.6 Budget 2018/2019 (continued)

Submissions were to be received by 5.00pm Friday 25 May 2018. A Special Council meeting was held on 5 June 2018 for those submitters who wished to speak in support of their written submissions.

The Council Website and advertisements were utilised to raise awareness of the Draft Budget 2018/2019 and encourage the community to seek further information. Two budget information sessions were held at Council offices in Welsford St on 7 May 2018 and 16 May 2018.

Members of the public were able to ask questions on the budget through Council's website and organise appointments with the Manager Finance and Rates should they wish to obtain further information.

Consultation on the proposed changes to the rating strategy was undertaken in February 2018. A number of community information and feedback sessions were held, combined with a mail out to 24,000 ratepayers and an online survey to inform ratepayers and capture feedback.

The Draft Budget 2018/2019 made available for submissions was based on the PROPOSED option which reduced the number of rating differentials and the municipal charge. However, the Draft Budget 2018/2019 document also included the CURRENT rating strategy to allow readers to compare both options during the public submission period and allow submissions to be made on the proposed change.

Strategic Links

a) Greater Shepparton 2030 Strategy

The Budget 2018/2019 is linked to the *Greater Shepparton 2030 Strategy* via the Council Plan.

b) Other strategic links

The Budget 2018/2019 is linked to the Council Plan by the funding of the Strategic Objectives contained in the Council Plan.

Conclusion

The Budget 2018/2019 is presented for adoption.

Attachments

2018/2019 Budget

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.1 Sustainable Decision Making 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: Team Leader Sustainability and Environment

Proof reader(s): Manager Environment

Approved by: Director Sustainable Development

Executive Summary

In line with council requirements, the Greater Shepparton City Council Sustainable Decision Making Policy has been reviewed.

The policy has evolved over the years, first adopted by Council in 2012 as the Sustainability Policy; the name changed to Sustainable Decision Making Policy at the direction of the Executive Leadership Team in 2013 before being adopted by Council in 2014.

Minor changes have occurred in this version including: the addition in the Purpose of an image and explanation of the Triple Bottom Line Principle; inclusion of a definition for Sustainable; deletion of Sustainability definition; and update to the definition of Sustainable Development.

RECOMMENDATION

That the Council adopt the revised Sustainable Decision Making Policy 31.POL2.

Background

In January 2012, Council adopted Greater Shepparton City Council's first Sustainability Policy. This initial Policy was developed through the Sustainable Development Working Group with the aim of promoting and developing sustainable practice as a strategic and operational function of Council.

Through the Policy Review in June 2013, Environment Department officers transferred the policy into the new Policy template.

During the Council approval process, it was determined at the Executive Meeting 18 November 2013 that the policy should be renamed the Sustainable Decision Making Policy to better reflect the objectives and principles of the Sustainability Policy. The Sustainable Decision Making Policy refers to the Triple Bottom Line Principles of economic, social and environmental management and applies to all facets of Council's operations.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.1 Sustainable Decision Making Policy (continued)

This latest review has seen changes to the definitions as a result of workshopping by the Sustainability and Environment team. A definition is provided for Sustainable and the Sustainability definition is deleted. The adjective Sustainable was accepted for the following reasons:

- the Policy in question is the Sustainable Decision Making Policy hence a definition of Sustainable is required;
- The definition of Sustainable is considered more relevant to Council than the noun Sustainability;
- The noun Sustainability has the same meaning but with the verb *possess* becoming *possessing*;
- This definition provides for the recognition that council must own the skill and the means (of staff/policy/procedures/resources) to improve the organisations capacity to endure through time. It also recognises Kaizen (continuous improvement) - a desire to not only continue as we are into the future, but to continuously improve the way things are done.

The updated definition of Sustainable Development brings the policy into line with best practice. This definition recognises that advances in best practice taking into account scientific and research based knowledge and learnings are constantly changing. Flexibility and responsiveness is required to ensure economic development within Greater Shepparton City Council delivers improvements for people and environmental protection for natural resources. This will ensure the municipality is capable of enduring into the long-term future without depleting resources and opportunities for future generations.

Sustainable decision making has the potential to enable Council to achieve its community vision and aspirations for a thriving economy in the foodbowl of Victoria with excellent lifestyles, innovative agriculture, a diverse community and abundant opportunities within a healthy natural environment.

Sustainable Decision Making requires a value proposition to be at the centre of decision-making along with clarity on what Council considers valuable. The Sustainable Decision Making Policy provides guidance to those values.

A number of principles are at the heart of the Sustainable Decision Making Policy. They are Governance; Natural Environment; Efficient use of resources; Urban planning and building design; Community Health and Wellbeing; Vibrant Local Economy and Think Global Act Local.

A number of key current strategic documents direct Council to act sustainably. These include the Council Plan 2017 - 2021, Greater Shepparton 2030 Strategy, Procurement Policy and the Greater Shepparton Environmental Sustainability Strategy. Officers identified the need for the Sustainable Decision Making Policy to provide consistent guidance to all Council staff on how to achieve these objectives.

The document acts as an overarching guide for all Council decisions, functions and activities in relation to Sustainability. It is therefore essential that all Council staff are informed of the policy and read it.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.1 Sustainable Decision Making Policy (continued)

Council Plan/Key Strategic Activity

Leadership and Governance:

1.1 Council demonstrates strong regional and local partnerships to improve health and wellbeing access and inequity.

1.3 Council demonstrates strong leadership and sound decision making in the best interests of the community.

1.4 Financial management is responsible and effective in responding to challenges and constraints with a focus on the financial sustainability of the Council.

1.6 Gender equity and equality is embedded into Council policy and decision making and employment processes.

1.7 Council advocates on issues, priorities and needs that matter to our community in partnership with key stakeholders.

Social:

2.1 Greater Shepparton is a welcoming, inclusive and safe place for all.

2.2 Our community is supported to achieve and sustain physical, emotional and spiritual health and wellbeing.

Economic:

3.1 The Greater Shepparton economy is prosperous, high value and a focus of choice for business, investment and employment.

3.2 Strong global, national and local business connections are developed and nurtured.

3.4 Water is protected and managed to optimise sustainable benefits for industry, the environment and the community.

3.5 Shepparton is the regional city centre supported by well-planned and designed existing and emerging commercial activity centres.

Built:

4.1 Growth is well planned and managed for the future.

4.2 Urban and rural development is sustainable and prosperous.

4.3 Greater Shepparton's heritage places, cultural landscapes, and objects are protected and conserved for future generations.

4.4 Quality infrastructure is provided and maintained to acceptable standards.

Environment:

5.1 Greening Greater Shepparton has created an attractive, vibrant and liveable place with well-connected green spaces that are valued by the community.

5.2 The region's environmental assets are planned and managed to ensure they are enhanced and sustainable for future generations.

5.3 Waste is managed in a sustainable way that is environmentally friendly, reliable and sustainable for future generations.

5.4 Council has positioned itself to be a leader in building Greater Shepparton's response to climate change issues, in partnership with key stakeholders.

5.5 Alternative energy sources with both environmental and economic gains are promoted and encouraged.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.1 Sustainable Decision Making Policy (continued)

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Staff are hesitant to engage in the behaviour change required	C	Minor	Low	Ensure all staff are informed of policy and supporting processes are in place
Council's capacity to become a sustainable organisation and municipality is limited if policy is not adopted	A	Moderate	Moderate	Council adopt the policy and all staff are made aware of it.

Policy Considerations

This review of the Sustainable Decision Making Policy provides Council with a high level document that will apply to all of Council's strategic and operational functions. This includes the review and development of all other Council procedures, policies and guidelines with regard to sustainability.

Financial Implications

There are no financial implications from adopting the Sustainability Policy.

Legal/Statutory Implications

This policy will conform with the Local Government Act 1989 and all other relevant legislation.

Environmental/Sustainability Impacts

This policy will provide guidance on all sustainability considerations for Council's strategic and operational functions. It will have a key role in ensuring that Council is showing consideration for sustainable governance.

Social Implications

This policy will have no direct social implications but will have positive indirect impacts through providing assurance to the community that Council has committed to sustainable governance. Through this policy, Council will have direction to ensure that it is able to efficiently use resources; ensuring that town planning design and growth of the local economy will help to create a vibrant and healthy community.

Economic Impacts

The policy will assist Council to create a vibrant local economy through the consideration of sustainable planning decisions and diverse industries.

It is likely that through considered sustainable decision making and purchasing, that Council will experience a reduction in financial costs through energy efficiencies; less waste and less consumption if the principles are adopted through every department, policy and corporate procedure.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.1 Sustainable Decision Making Policy (continued)

Consultation

This policy review required limited consultation within the Sustainability and Environment team and the Governance team. The initial policy development involved comprehensive consultation with internal departments such as Procurement, Neighbourhoods, Governance and Planning.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

3 Principles Guiding Growth; 3.1 Sustainability and 3.2 Supporting Principles

b) Other strategic links

Greater Shepparton City Council Environmental Sustainability Strategy Discussion Paper 2012

Greater Shepparton City Council Climate Adaptation Plan 2016

Greater Shepparton City Council Energy Reduction Plan 2015

Greater Shepparton City Council Waste Management Strategy 2013-2023

Municipal Health and Wellbeing Action Plan

Goulburn Broken Local Government Regional Climate Change Adaptation Plan 2011

Hume Strategy for Sustainable Communities 2010-2020

Hume Regional Growth Plan

Victoria's Climate Change Adaptation Plan 2017-2020

Conclusion

The Sustainability Policy is an overarching document that will provide guiding principles to Council on how to become a more environmentally, socially and economically sustainable organisation. It is vital that once the policy is adopted, all staff are made aware of it, and its role, in the future development and implementation of Councils strategic documents and operational functions.

Attachments

Sustainable Decision Making Policy 2018

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Goulburn River Valley Tourism Memorandum of Understanding (MOU) and Greater Shepparton City Council

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 Tourism and Major Events

Proof reader(s): Acting Manager Economic Development

Approved by: Director Sustainable Development

Executive Summary

A Memorandum of Understanding (MOU) between Goulburn River Valley Tourism (GRVT) and the Council has been developed for years 2018 to 2021 to detail how both parties will support each other to achieve common outcomes. The MOU will allow Council to further develop and achieve mutually beneficial objectives and goals in relation to the tourism and visitor economy sectors and increasing visitation to the region.

The objectives and roles outlined within the proposed MOU are detailed in the background section of this report. It should also be noted that a MOU between GRVT and Council was formally adopted at the Council meeting on 19 December 2017. Since the adoption changes have been made to the MOU to reflect Greater Shepparton City Council's other Council's commitment period to the MOU and in relation to office accommodation. The MOU has therefore been amended and needs to be re-presented to Council for adoption.

RECOMMENDATION

That the Council;

1. note the proposed Memorandum of Understanding (MOU) between the Greater Shepparton City Council and Goulburn River Valley Tourism (GRVT) commencing on 1 July 2018;
2. endorse entering into the amended Memorandum of Understanding (MOU) with Goulburn River Valley Tourism (GRVT) commencing on 1 July 2018 for one year until 30 June 2019 with the option of a one year extension;
3. authorise the Chief Executive Officer to sign the Memorandum of Understanding on behalf of the Council for a one year period with the option of a one year extension.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Goulburn River Valley Tourism Memorandum of Understanding (MOU) and Greater Shepparton City Council (continued)

Background

GRVT was formally established as a legal entity, a company limited by guarantee, in March 2011.

GRVT is the independent peak regional tourism body for the municipalities served by Greater Shepparton City Council, Mitchell Shire Council, Murrindindi Shire Council and Strathbogie Shire Council.

It should be noted that MOU's covering the periods 1 July 2009 – 30 June 2012, 1 July 2012 – 30 June 2015 and 1 July 2015 – 30 June 2018 have been in place by member councils to provide funding to GRVT and its predecessor organisation 'United Approach to Tourism'.

The proposed MOU was drafted by GRVT to secure funding for a further three year period from 1 July 2018 – 30 June 2021.

It is however being recommended that Council enter into an MOU with GRVT which commits Council for a one year period (1 July 2018 – 30 June 2019) which allows for an extension of a second year being from 1 July 2019 to 30 June 2020.

It should be noted that the MOU between GRVT and Council was formally adopted at the Council meeting on 19 December 2017. Since the adoption changes have been made to the MOU that relate to other Council's commitments and in relation to office accommodation for GRVT. The MOU has therefore been amended and needs to be re-presented to Council for adoption. The following elements have now been removed from the MOU that was adopted in December:

- Section C – In kind support
- Strathbogie Shire Council
- Office space for the staff of Goulburn River Valley Tourism including all operational costs
- Two landline phones including full cost of usage

In addition the following changes have been included to Section C for Greater Shepparton City Council and Murrindindi Shire Council:

- Office space for the staff of Goulburn Valley River Tourism, including all operational cost, such as power, internet, tea/coffee facilities, printing.

The other three member Councils have also now provided direction on their commitment to this MOU. The following points have been added in the preamble of the MOU and subsequent terms of the MOU:

- This MOU has been drafted to secure funding with *Mitchell Shire Council* a further one year (1 July 2018 – 30 June 2019) with an option of a one year extension (1 July 2019 – 30 June 2020) for Goulburn River Valley Tourism.
- This MOU has been drafted to secure funding with *Murrindindi Shire Council* a further one year (1 July 2018 – 30 June 2019) for Goulburn River Valley Tourism.
- This MOU has been drafted to secure funding with *Strathbogie Shire Council* a further one year (1 July 2018 – 30 June 2019) for Goulburn River Valley Tourism.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Goulburn River Valley Tourism Memorandum of Understanding (MOU) and Greater Shepparton City Council (continued)

The role of GRVT for the duration of this MOU will be to:

- develop and oversee the delivery of the 2018 – 2021 Strategic Plan for the region
- develop and oversee the delivery of the yearly Business Plan for the organisation
- ensure industry relationships are nurtured and developed through communication channels, activities, events, professional development and other appropriate mechanisms
- ensure regular and formal communication with key stakeholders including Member Councils, Visit Victoria, Regional Tourism Boards, Local Tourism Associations, peak industry bodies and relevant government agencies
- develop and coordinate policy and mechanisms to provide a consistent approach and application to tourism activities across the region
- act as an independent voice and advocate on behalf of the tourism industry of the region
- provide Council and key stakeholders with quarterly statistical reports relating to tourism performance in the region
- work with other Regional Tourism Boards in particular North East Tourism, Murray Regional Tourism, Daylesford Macedon Ranges and Yarra Ranges Tourism (or their successors) to identify and engage in opportunities of benefit to operators in the Goulburn River Valley region
- develop self-generating funding to contribute towards the financial sustainability of the Company
- source, wherever possible, additional funding through industry and funding bodies to support the costs of delivery of projects
- adhere to all financial and legal responsibilities of the Company

Measurable targets have also been incorporated within the proposed MOU. The MOU as proposed by GRVT is attached to this report.

Council Plan/Key Strategic Activity

The strategy is consistent with the vision and strategic goals of the Greater Shepparton City Council: Council Plan 2017-2021. In particular, it relates to the following:

Goal 3: Economic

- 3.1 The Greater Shepparton economy is prosperous, high value and a focus of choice for business, investment and employment.
- 3.2 Strong global, national and local business connection are developed and nurtured.
- 3.3 Greater Shepparton is a major destination for events and tourism.

Risk Management

There are no risks associated with this MOU.

Policy Considerations

This proposal complies with all relevant policy.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Goulburn River Valley Tourism Memorandum of Understanding (MOU) and Greater Shepparton City Council (continued)

Financial Implications

The signing of this MOU between GRVT and Council does have financial implications for Council. In the 2017/2018 budget period Council allocated a budget of \$99,843. Should Council enter into the MOU the proposal would see a 2.2% increase (in contribution) per annum, which would see \$102,040 required for 2018/2019, \$104,285 required for 2019/2020 and \$106,579 required in 2020/2021 (should Council enter into the third year of the MOU).

	Approved Budget Estimate for this proposal ¹ \$	This Proposal GST Exclusive \$	Variance to Approved Budget Estimate \$	This Proposal GST Inclusive ² \$
Revenue	NIL	NIL	NIL	NIL
Expense	NIL	\$102,040	\$102,040	\$112,244
Net Total	NIL	\$102,040	\$102,040	\$112,244

¹ Budgets are GST exclusive

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

Note: The above table only includes expenditure related to year 1. Each year of the MOU will see an increase of 2.2% in expenditure.

Legal/Statutory Implications

The recommendations within this report aligns with relevant legal/statutory implications

Environmental/Sustainability Impacts

There are no environmental implications associated with the recommendations within this report.

Social Implications

Working alongside GRVT through this MOU will enhance an already strong relationship between both parties and aims to capitalise on developing the visitor economy offering within the region. Enhancing the visitor economy will have positive social implications for the Greater Shepparton region.

Economic Impacts

The MOU between Council and Goulburn River Valley Tourism has been developed with the objective of increasing economic outcomes for GRVT and Greater Shepparton through a combined effort towards growing the visitor economy.

Consultation

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

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Goulburn River Valley Tourism Memorandum of Understanding (MOU) and Greater Shepparton City Council (continued)

Strategic Links

a) Greater Shepparton 2030 Strategy

This strategy produced in 2006 makes reference to encourage tourism growth with strategy 1.1 stating to support tourism enterprises to achieve an increase in bed stays and visits to the municipality.

b) Other strategic links

Economic Development Tourism and Major Events Strategy 2017 – 2021

Conclusion

Entering into an MOU between GRVT and Council will allow Council to further develop and achieve mutually beneficial objectives and goals relating to the enhancement of the visitor economy within the region.

Attachments

Goulburn River Valley Tourism Memorandum of Understanding

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 St Andrews Road - Planning Application 2018-118

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

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

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

Council Officers involved in producing this report

Author: Statutory Planner

Proof reader(s): Manager Building and Planning

Approved by: Director Sustainable Development

Executive Summary

The application seeks planning permission to use and develop land at 2-8 St Andrews Road, Shepparton for a residential drug and alcohol rehabilitation facility and construction of a front fence in the General Residential Zone 1.

The subject land comprises of four lots, known as 2-8 St Andrews Road, Shepparton, totalling 2,852 square metres in area. The subject land is within the General Residential Zone 1 (GRZ1) and is not affected by any overlays.

In the GRZ1, the use of the land for a residential drug and alcohol facility is a Section 2 use, which requires a planning permission. The use of the site is predominantly residential in nature, with all rehabilitation-related programs/workshops being held off-site. Planning permission is also required for construction of a front fence over 1.5 metres in height within three metres of a street in the GRZ1.

In addition, Clause 52.06 seeks to ensure that an appropriate number of car parking spaces are provided. A car parking demand assessment has been undertaken by Spiire which identifies a parking demand of 10 spaces. Submitted plans provide for 13 on site spaces therefore an acceptable level of onsite parking is provided.

The application has been advertised and to date Council has received 189 objections. The concerns raised in objections are summarised below.

- Property devaluation.
- Reduced safety of property nearby, including increased risk of burglary and property damage.
- Increased risks to residents in the neighbourhood and endangerment to children attending nearby schools and kindergartens due to unwanted behaviours, violence and other criminal activities from residents.
- Increased stress, anxiety and associated health issues due to fear of residents' behaviour and associated impacts on property valuation.
- High fence does not respect the existing or preferred neighbourhood character.
- The use does not suit the family friendly and educational nature of the area.
- Increased parking and traffic issues, and lack of street lighting, leading to safety concerns.
- Rubbish and rubbish bins.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 St Andrews Road - Planning Application 2018-118 (continued)

The majority of objections also raise concerns regarding the use commencing without planning permission and the resultant enforcement process. Although this matter is an important consideration for Council, it is a separate issue and is not addressed in detail in this report.

In addition to the objections, 94 letters of support have been received, which support the application for the reasons outlined below.

- Provision of safe, stable accommodation for residents to access rehabilitation services as well as other health services in the region.
- Facilities have improved the value and spirit of the area.
- Provision of a service to assist with solving a growing problem in society.
- The facility enables and supports individuals to reintegrate back into work, education and social opportunities.
- The blocks have been tidied up and improved the aesthetics of the area.

The planning scheme is silent about the preferred location for drug and alcohol rehabilitation facilities and, as such, decisions about their location are undertaken on a site by site basis. Officers have considered the *Planning and Environment Act 1987* and have assessed the application against the provisions of the planning scheme.

The main assessment concern associated with the application is whether the location of the use would have an unacceptable impact on the amenity of the area so as to warrant refusal of the application.

Mr S Morris in the Planning Appeals Board in *Zerb and Anor v City of Doncaster and Templestowe* 12 APAD 201 described amenity as:

Amenity is an elusive but invaluable concept in town planning. The amenity of the neighbourhood is a complex of many attributes. It goes much further than mere 'pleasantness' and 'agreeableness'. In town planning terms it embraces all the features, benefits and advantages inherent in the environment in question.

Officers have made enquiries with the applicant as to whether residents are referred to the Cottage through the Court system. The applicant's response is below:

The Cottage does receive Bail orders but the process is fairly rigorous. The Cottage undertake a thorough assessment of whether these people are suitable to the Cottage, then the Magistrates undertakes rigorous assessment on whether they are suitable to be bailed to the Cottage.

The assessment the Cottage undertakes includes whether the family members associated with these people will be suitable to the Cottage too. This ensure visitors of residents do not impact others residing at The Cottage.

Clause 10.01 of the scheme states the following:

Responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

Officers are satisfied that the proposal achieves an acceptable planning outcomes for the reasons summarised below.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 St Andrews Road - Planning Application 2018-118 (continued)

- The application is for a residential drug and alcohol rehabilitation facility, which is a predominantly residential use, in a zone that seeks to encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- The concerns raised in objections regarding the behaviour of residents at the rehabilitation facility, and resultant safety and amenity concerns, are acknowledged. It is perfectly reasonable for residents to hold the fears they do, however, Council must be satisfied that there is a factual basis to those fears in order for it to conclude that the use will result in any unreasonable impacts on residential amenity.
- In response to the objectors' concerns, officers will require a management plan and security measures to protect the amenity of the neighbourhood. Officers consider that for the centre to manage the amenity impacts 24 hour stand up staffing of the centre is required (not a tenant of the centre), permit conditions are recommended to implement this requirement.
- The proposal does not conflict with the State Planning Policy Framework or the Local Planning Policy Framework and implements the objective of planning in Victoria, to facilitate development that provides for the fair, orderly, economic and sustainable use, and development of land.

Officers recommend that Council issues a Notice of Decision to grant a planning permit with the conditions included in the recommendation.

RECOMMENDATION

In relation to Planning Application 2018-118, on the basis of the information before Council and having considered all relevant matters as required by the *Planning and Environment Act 1987*, Council resolves to issue a notice of decision to grant a planning permit subject to the following conditions:

Plans Required

Within one month of the issue of this permit, site layout plan(s) drawn to scale and with dimensions must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must show and/or include:

- All existing buildings;
- Parking areas for staff and visitors; and
- Provision for solid waste disposal.

Layout Not Altered

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

Except with the prior written permission of the responsible authority this permit requires 4 St Andrews Road, Shepparton to be available for car parking in association with the permitted use. This permit ceases to have effect if 4 St Andrews Road ceases to be available for the use of the residential drug and alcohol rehabilitation facility.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 St Andrews Road - Planning Application 2018-118 (continued)

Unsealed Car Park

Within one month of the issue of this permit, areas set aside for the parking of 13 vehicles together with the aisles and driveways must be paved with crushed rock or gravel of adequate thickness as necessary to prevent the formation of potholes and depressions according to the nature of the subgrade and vehicles which will use the areas. The areas must be constructed, drained and maintained in a continuously useable condition to the satisfaction of the responsible authority.

Use of Parking Areas

Areas set aside for the parking and movement of vehicles as shown on the endorsed plans must be made available for such use and must not be used for any other purpose.

Car Parking to be Clearly Identified

The boundaries of all car spaces, access and egress lanes must be clearly indicated on the ground to the satisfaction of the responsible authority.

Rear Boundary Fencing

Within one month of the issue of this permit rear boundary fencing to 6 and 8 St Andrews Road must be constructed to a height of 2m. The cost of such fencing shall be borne by the permit holder.

General Amenity

The use must not adversely affect the amenity of the locality, including, but not limited to, by way of noise generated within the subject site being audible outside the subject site.

Maximum Number of Persons

No more than 23 residential clients may be accommodated on the land at any time.

Staff Members to be On Site

Between 7:30am and 10:00pm, when residents are on the site, a minimum of two staff members shall be present on the site.

Between the hours of 10:00pm to 7.30am there must be no less than one stand up staff member present on the site.

Such staff must be suitably qualified and experienced in the management and supervision of people with drug and alcohol dependency.

Complaints Handling Procedure

Prior to the commencement of the use, the operator under this permit must prepare a "Complaints Handling Procedure", to the satisfaction of the responsible authority, including (but not necessarily limited to) the following matters:

- a) a register of complaints that sets out:
 - the date of a complaint;
 - details of the complaint with name, contact number and address, if relevant;
 - action to rectify the complaint and date of the action;
 - details of subsequent contact with the complainant regarding the action to resolve the complaint; and

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 St Andrews Road - Planning Application 2018-118 (continued)

- a process and timeframe for the review of the Complaints Handling Procedure by senior staff and management.
- b) a process and timeframe for the operator to consult with and consider solutions proposed by local community members to resolve any identified issues.
- c) a process and timeframe for the regular submission of copies of the Complaints Handling Procedure to the responsible authority.

The complaints register and “*Complaints Handling Procedure*” shall be made available for examination by the responsible authority at all reasonable times on request by the responsible authority.

Time for Starting and Completion

- a) This permit will expire if one of the following circumstances applies:
- b) the development and use are not started within **two (2) years** of the date of this permit;
- c) the development is not completed within **four (4) years** of the date of this permit.

That the Council resolve to:

authorise the Chief Executive Officer (who may in turn delegate these authorisations to any of his or her delegates) to:

- a) take whatever steps as they see fit so as to implement this resolution, including but not limited to engaging legal representatives and appointing expert witnesses;
- b) comply with any directions of VCAT given to the Council as the responsible authority;
- c) provide authority for officers to participate in a VCAT compulsory conference; and
- d) instruct the Council’s legal representatives regardless of Council’s position to provide draft conditions to VCAT.

Property Details

Address of land	2-8 St Andrews Road, Shepparton, including: <ul style="list-style-type: none"> - Lot 2 on LP18294; - CA2049; - CA2048; and - Lot 36 on LP18294.
Zones and overlays	General Residential Zone 1 (GRZ1). No overlays.
Why is a permit required?	Use of land for a residential drug and alcohol facility in the GRZ1; Development of land for a Section 2 use in the GRZ1; Construction of a front fence over 1.5 metres in height within three metres of a street in the GRZ1; and
Covenants/Section 173 Agreement	None

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 St Andrews Road - Planning Application 2018-118 (continued)

Figure 1: Locality Plan

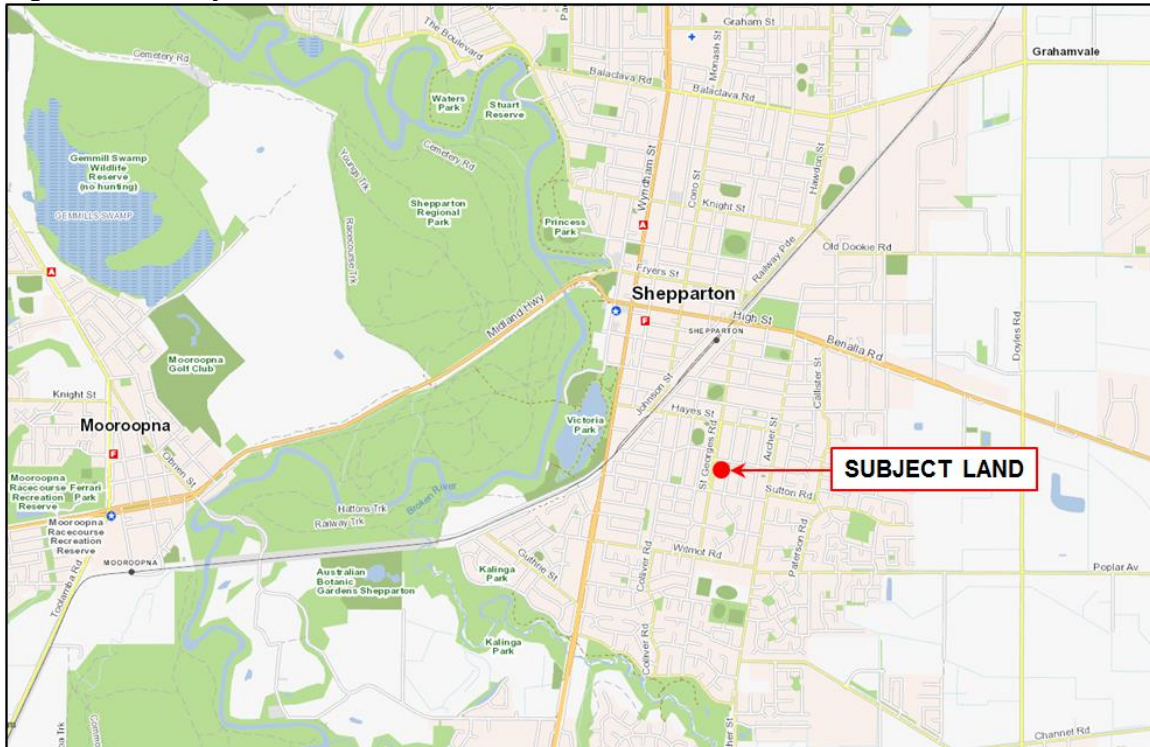


Figure 2: Aerial



10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 St Andrews Road - Planning Application 2018-118 (continued)

Figure 3: Zones and Overlays

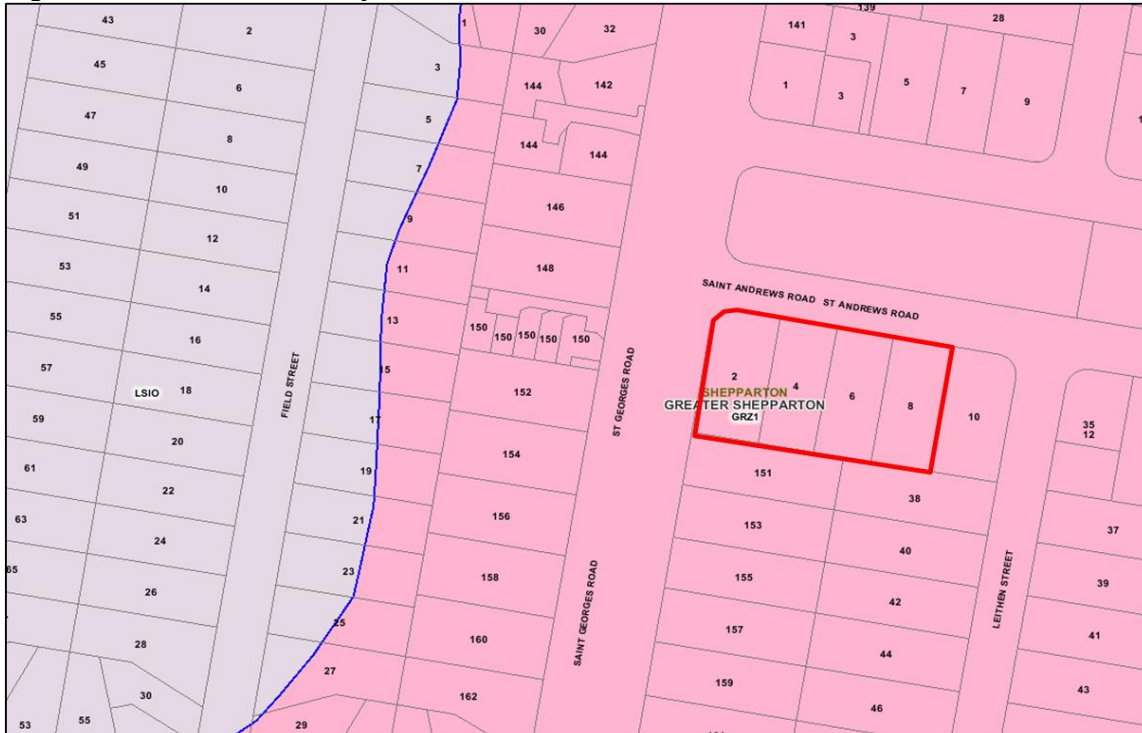


Figure 4: Spiire Site Plan



10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 St Andrews Road - Planning Application 2018-118 (continued)

Proposal in Detail

The planning application was lodged on 8 May 2018. The application included a planning report, which provided the following information.

Planning approval is sought for the use of land at 2-8 St Andrews Road, Shepparton for short term accommodation for addiction rehabilitation.

In summary the following will be provided:

- Short term accommodation for people recovering from addictions.
- Communal/shared accommodation and activities.
- Residents to attend external programs/workshops off-site include Goulburn Valley Community Health programs, alcohol or narcotics anonymous meetings and “12 step” workshops.

SHADAC Inc. is currently using the three existing dwellings at 2, 6 and 8 St Andrews Road for temporary/short term accommodation for people needing safe and secure, intoxicant free housing, including recovering addicts who have completed externally provided addiction rehabilitation programs. People in need of accommodation often have no other suitable accommodation options. The accommodation at The Cottage is temporary until such time as the residents have found suitable accommodation.

The purpose of The Cottage is:

“We commit to building a transformational model, healing the challenges of disconnection. We encourage self-leadership, empowering people to experience freedom from addiction.”

Importantly:

1. The Cottage is a safe, secure, alcohol and drug free residence for people wanting to learn to live an empowered life.
2. SHADAC Inc trades as “The Cottage”. It is a not for profit incorporated association registered by The Australian Charities and Not for profit Commission (ACNC). It is a sustainable charity without government funding.
3. The Cottage residences operate as a microcosm of a well functioning family, supporting each other in a safe environment.

The following summarises the operation of the “The Cottage”:

- There is a resident manager and up to three paid staff on site between 7:30am and 10:00pm each day.
- Each dwelling has a lead tenant who is responsible for the residents of that dwelling between 10:00pm and 7:30am.
- Security cameras are located throughout the site, including within dwellings. These cameras are directly linked to the resident manager’s mobile phone and at least one other mobile phone belonging to a person nominated by the Board and/or the resident manager.
- Both men and women can reside at The Cottage, in separate dwellings for sleeping, with use of the dwelling at 2 St Andrews Road for communal dining and recreation.
- All residents must be ‘in recovery’, which means they must be totally abstaining from their addiction, be that alcohol or drugs of any kind.
- Residents must demonstrate they are keen to consolidate their new found freedom from addiction, and be willing to change thinking patterns by participating in future based conversations and external training programs.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 St Andrews Road - Planning Application 2018-118 (continued)

- As appropriate, residents are encouraged to integrate with the community, either through employment or education.
- Residents are responsible for their laundry and for grocery shopping.
- Residents accepted into The Cottage have to fulfil strict criteria, including finding considerable financial support to cover all living expenses and external training participation.
- It is proposed to have up to 23 beds, 5-8 beds in each dwelling.
- The residents can stay between 2 weeks and 16 weeks, with potential to be extended to 6 months
- The Cottage provides transportation for residents to all appointments and meetings.

On 10 May 2018 officers requested further information including:

- Site plan and elevations showing the existing and proposed buildings;
- Details of the proposed front fence to be appropriately designed to enhance the character of the area;
- Plan showing garden areas as per Clause 32.08-4; and
- Car parking demand assessment as per Clause 52.06-7.

The lapse date for this further information request was 11 June 2018. A satisfactory response to the request for information was provided on 28 May 2018.

A detailed planning assessment is included in the Assessment under the Planning and Environment Act section of this report.

Officers undertook a site inspection of the land on 22 May 2018 and observed the operation of the facility and met with residents and the operators. Based on this inspection and the application documents officers are satisfied that the use of land is for residential purposes.

A second site visit was undertaken by officers and Councillors on 5 June 2018.

Summary of Key Issues

The application seeks planning permission to use and develop land at 2-8 St Andrews Road, Shepparton for a residential drug and alcohol rehabilitation facility and construction of a front fence in the General Residential Zone 1, and reduction of car parking requirements.

The application has been advertised in accordance with the *Planning and Environment Act 1987*.

The application was notified to Goulburn Valley Water, who did not object subject to conditions.

189 objections have been received by Council. The concerns raised in objections are considered in detail in the Referrals/Public Notice section of this report.

A number of concerns raised in objections are related to the behaviour of residents at the rehabilitation facility, and resultant safety and amenity concerns. It is acknowledged and perfectly reasonable for residents to hold the fears they do, however, Council must be satisfied that there is a factual basis to those fears in order for it to conclude that the use will result in any unreasonable impacts on residential amenity.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 St Andrews Road - Planning Application 2018-118 (continued)

The application has been assessed against all relevant policy and officers consider that the achieves an acceptable planning outcome.

Background

Following an enquiry by a member of the public, a site inspection was conducted by Council's Planning Investigations Officer on 26 February 2018. Prior to this inspection, Planning Officers were unaware that The Cottage was operating from the land.

On the same day, Officers sought legal advice to assist in determining if a planning permit was required.

On 6 April 2018 legal advice was received from Holding Redlich advising Planning permission was required.

A deadline of 8 May 2018 was provided for a Planning Permit application to be made.

The planning application was received on 8 May 2018.

An enforcement application was lodged in VCAT on 10 May 2018. The application seeks the following orders:

1. The use of land at 2 - 8 St Andrews Road, Shepparton, namely the use of land for a residential drug and alcohol rehabilitation centre is in breach of clause 32.08-2 of the Greater Shepparton Planning Scheme.
2. The Respondents must cease to use the land as a residential drug and alcohol rehabilitation centre within 7 days of the date of this order.
3. Costs

The matter is scheduled to be heard at VCAT on 29 October 2018.

Assessment under the Planning and Environment Act

Section 4 of the *Planning and Environment Act 1987* seeks to facilitate development in accordance with the objectives of planning in Victoria. The relevant objectives included in the Act are:

- a) *to provide for the fair, orderly, economic and sustainable use, and development of land;*
- c) *to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
- d) *to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);*
- e) *to balance the present and future interests of all Victorians.*

Clause 31 provides the following direction about making decision about section 2 uses:

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

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 St Andrews Road - Planning Application 2018-118 (continued)

The subject land is within the General Residential Zone 1 (GRZ1). The purposes of this zone are:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other nonresidential uses to serve local community needs in appropriate locations.

In the GRZ1, the use of the land for a residential drug and alcohol facility is a Section 2 use, which requires a planning permit.

The use of the site is predominantly residential in nature, with all rehabilitation-related programs/workshops being held off-site. Under the provisions of the GRZ1, a planning permit is also required for buildings and works associated with a Section 2 use. The State Planning Policy Framework at Clause 11.07-1 Regional planning seeks to promote liveable regional settlements and healthy communities by responding to changing community needs and facilitating timely provision of, and access to, social infrastructure and services, and improving the availability of a diverse range of affordable accommodation, including social housing, in regional cities and locations with good access to transport, commercial facilities and community services.

Clause 11.12-3 seeks to facilitate growth and development specifically in the regional cities of Shepparton, Wangaratta and Wodonga, and in Benalla.

Clause 16.01-1 Integrated housing seeks to promote a housing market that meets community needs, and Clause 16.01-4 Housing diversity seeks to provide for a range of housing types to meet increasingly diverse needs.

The Local Planning Policy Framework at Clause 21.04-5 Community life seeks to provide an equitable and efficient distribution of community facilities and services, includes a strategy to encourage “supported living” (nursing homes, hostels) in proximity to community and commercial services and activities.

It is not considered that the particular provisions of Clause 52.22 Crisis Accommodation, Clause 52.23 Shared Housing or Clause 52.24 Community Care unit apply to the proposal for the reasons outlined below.

- The proposal exceeds the requirement for Crisis Accommodation and Shared Housing to have no more than 10 habitable rooms; and
- The proposal does not meet the requirements for Community Care Unit that the service be funded by the Department of Health and Human Services.

Clause 52.06 Car Parking applies to the application. This clause seeks to, among other things, ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.

This clause includes a table that outlines car parking requirements. Pursuant to Clause 52.06-6, where a use is not specified in the table, car parking spaces must be provided to the satisfaction of the responsible authority.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 St Andrews Road - Planning Application 2018-118 (continued)

The use of land for a residential drug and alcohol rehabilitation facility is not specified in the table. However, given the strong residential component of the application, the car parking requirement listed for residential village is appropriate. This requires two car parking spaces to each three or more bedroom dwelling. Utilising this car parking rate, six car parking spaces are required to be provided. Submitted plans provide for 13 on site spaces which provides an acceptable level of car parking.

As the use is primarily residential, the provisions of Clause 21.04-6 Non residential uses and the Decision Guidelines of the GRZ1 regarding Non-residential use and development do not apply.

Notwithstanding this, the common theme in the objections received by Council raises concerns regarding the amenity impacts on the residential area. As such, impacts of non-residential use and development have been considered in the assessment of this application, as outlined below.

Clause 21.04-6 Non-Residential Uses Objectives

- To ensure that non residential uses are appropriately located.
- To allow complementary non-residential uses to be integrated into residential areas.
- To ensure that non residential uses are appropriately located having regard to:
 - The intensity and hours of operation of the proposed activity.
 - The siting and design of proposed buildings and works, including car parking areas and advertising signs and telecommunications facilities.
 - The location of access points.
- To ensure that the appearance and scale of non residential development in residential zones is consistent with nearby housing.

Strategies

- Ensure non residential uses are located in areas that are appropriate to the intensity and scale of the proposed use and that will have minimal impact on the amenity of nearby residential properties.
- Ensure major facilities serving catchments beyond the local level are located in commercial areas or sited on roads which avoid the generation of additional through traffic on residential streets.
- Discourage service stations and car washes in residential areas.
- Ensure the siting and design of buildings and works (including car parking areas) responds to the surrounding housing and streetscape and includes features to reduce the noise, loss of privacy and to enhance the appearance of the development, including landscaping, screening, acoustic fencing.

General Residential Zone

32.08-12 Decision Guidelines

Non-residential use and development

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 St Andrews Road - Planning Application 2018-118 (continued)

- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

The use is generally residential in nature, including five to eight residents per dwelling, which is compatible with the neighbourhood. The activity on the land is typical of a normal residence, including cooking, cleaning, gardening, informal recreation and traffic movements consistent with daily activities. The residents are transported from the site to workshops/programs off-site to assist in rehabilitation – such programs are not undertaken on the land. It is intended that the residents are integrated into the community and, as such, will support local business in the same manner as other surrounding residences.

The use generally serves the local community needs by providing a safe, controlled environment for both the immediate neighbourhood as well as the wider Goulburn Valley region, as necessary.

The scale and intensity of the proposal is not beyond that normal for a dwelling on each of the four lots, which is appropriate within a residential context. Scale, height, setback and appearance of the buildings, as well as landscaping are generally consistent with the residential context.

Council Plan/Key Strategic Activity

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

Council purpose: To serve our community through providing leadership, making decisions, and advocating for equitable services and infrastructure.

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

Objective 2.1: Greater Shepparton is a welcoming, inclusive and safe place for all.

Objective 2.2: Our community is supported to achieve and sustain physical, emotional and spiritual health and wellbeing.

Risk Management

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

Policy Considerations

The application has been assessed against the State and Local Planning Policy Framework, as well as adopted Council policy. The application achieves an acceptable planning outcome and does not conflict with any adopted Council policy.

Financial Implications

If a review is lodged through the Victorian Civil and Administrative Tribunal (VCAT) to review Council's decision, Council may require legal representation. Such representation would result in financial implications for Council, although these costs would be funded within existing budgets.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 St Andrews Road - Planning Application 2018-118 (continued)

Legal/Statutory Implications

The application will not result in any legal/statutory implications for Council. The recommendation does not remove the rights of the applicant or objector(s) for Council's decision to be reviewed through VCAT.

Should Council or VCAT issue a planning permit, The Cottage must obtain the necessary approvals from Council's Health Officers and building permits.

Cultural Heritage

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

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

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

Environmental/Sustainability Impacts

Section 60(1) of the *Planning and Environment Act 1987* states:

Before deciding on an application, the responsible authority must consider –

- (e) *any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development;*

The application will not result in any environmental or sustainability impacts.

Social Implications

Section 60(1) of the *Planning and Environment Act 1987* states:

Before deciding on an application, the responsible authority must consider –

- (f) *any significant social effects and economic effects which the responsible authority considers the use or development may have.*

Senior Member Laurie Hewet and Member Ann Keddie in *Australian Community Support Organisation Ltd v Moira SC (No.2) [2017] VCAT 1133*, which considered an application for use of land for a residential alcohol and drug rehabilitation centre, provided the following comments.

- 71 *Concerns about resident safety associated with the behaviour of patients/residents at the rehabilitation centre, are acknowledged. The Tribunal has consistently emphasised, in considering applications of this type, that a distinction must be drawn between what people perceive the impacts of this use will be and the reality of those impacts, based on an objective and dispassionate review of relevant material. In a number of recent decisions the Tribunal has commented that it is perfectly reasonable for residents to hold the fears they do, but the Tribunal must be satisfied that there is a factual basis to those fears in*

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 St Andrews Road - Planning Application 2018-118 (continued)

order for it to conclude that the use will result in the amenity impacts alleged by the residents.

72 *The submissions we received in relation to this matter have not persuaded us that there is a factual basis sufficient for us to conclude that the use will result in the alleged amenity impacts. It is also appropriate for us to consider the management regime associated with the proposed use in assessing the objector concerns. We were provided with a draft management plan and we are satisfied that it provides a reasonable framework around which the day to day operations of the facility will function.*

Economic Impacts

Section 60(1)(f) requires the responsible authority to consider economic impacts. As above, concerns regarding perceived economic impacts, including devaluation of property, are reasonable. However, no evidence has been provided to substantiate this perceived impact. Given that the application is for a predominantly residential use in a residential zone, it is not expected that the proposal will result in any significant economic impacts.

Referrals/Public Notice

The application has been advertised in accordance with the *Planning and Environment Act 1987*, by:

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

Council has received 189 objections. The concerns raised in objections and Council officers' consideration is outlined below.

Grounds of objection	Council officers' response
The use commenced without planning permission	Enforcement is an important consideration for Council and an enforcement process is being undertaken regarding this use. However, this is a separate issue and cannot be addressed in detail in this report.
The use will set a precedent for rehabilitation facilities being established in residential areas (potentially without planning permission)	The planning scheme is silent about the preferred location for drug and alcohol rehabilitation facilities and, as such, decisions about their location are undertaken on a site by site basis.
Property devaluation	Concerns regarding perceived economic impacts, including devaluation of property, are reasonable. However, no evidence has been provided to substantiate this perceived impact.
Reduced safety of property nearby, including increased risk of burglary and property damage	Concerns about resident safety associated with the behaviour of residents at the rehabilitation facility are acknowledged. However, no evidence has been provided to substantiate this perceived impact. Given that the application is for a predominantly residential use in a residential zone, it is not expected that the proposal will result in any significant impacts to personal or property safety.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 St Andrews Road - Planning Application 2018-118 (continued)

Grounds of objection	Council officers' response
Reduced safety due to the presence of drugs and/or alcohol on the site	The rehabilitation facility is primarily a residential facility that provides residents with access to rehabilitation programs off-site. The application does not seek permission for drug or alcohol related activity. Drug use is a criminal issue that cannot be considered through the planning permit process.
Increased risks to residents in the neighbourhood and endangerment to children attending nearby schools and kindergartens due to unwanted behaviours, violence and other criminal activities from residents	Concerns about resident safety associated with the behaviour of residents at the rehabilitation facility are acknowledged. However, no evidence has been provided to substantiate this perceived impact. Given that the application is for a predominantly residential use in a residential zone, it is not expected that the proposal will result in any significant impacts to personal or property safety.
Increased stress, anxiety and associated health issues due to fear of residents' behaviour and associated impacts on property valuation	Concerns about resident safety associated with the behaviour of residents at the rehabilitation facility are acknowledged. However, no evidence has been provided to substantiate this perceived impact. Given that the application is for a predominantly residential use in a residential zone, it is not expected that the proposal will result in any significant impacts to personal or property safety.
High fence does not respect the existing or preferred neighbourhood character	In the immediate neighbourhood on St Georges Road and St Andrews Road, there are fences of similar height and style. There is no adopted local policy on preferred neighbourhood character. As such, it is considered that the fence does not detrimentally impact on the character of the area.
Use does not suit the family friendly and educational nature of the area	The land is within a residential zone and within an established residential area. The use is primarily residential and, as such, is appropriate to be undertaken in a residential zone.
Increased parking and traffic issues, and lack of street lighting, leading to safety concerns	The application proposes the provision of 13 on site car parking spaces. Officers consider that this level of parking is acceptable.
Rubbish and rubbish bins	It is unclear in objections what this concern specifically relates to. However, the site will be required to be maintained in accordance with Local Laws regulations. Currently rubbish disposal is as per any other normal household where bins are issued for each dwelling and are routinely collected.

A petition signed by 33 persons in support of the Cottage was received on 24 May 2018.

Copies of all objections and submissions to the application have been provided to Council.

All objectors and submitters were invited to brief Council on 12 June 2018.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 St Andrews Road - Planning Application 2018-118 (continued)

The application was referred to Goulburn Valley Water and internally to Council's Development Engineering and Environmental Health Teams, none of which raised any objections or conditions to be included on any permit.

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

Strategic Links

a) Greater Shepparton 2030 Strategy, 2006

Topic: Community Life

Direction: Enhance social connectedness, physical and mental health and wellbeing, education and participatory opportunities in order to improve liveability and provide a greater range of community service.

b) Other strategic links

Nil

Conclusion

Officers, having undertaken an assessment of the application, have concluded that the application achieves acceptable planning outcomes when assessed against all relevant policy. As such, a Notice of Decision to grant a planning permit should be issued.

Attachments

Nil

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Adoption of Amendment C193 Part 2 and combined Planning Permit 2016-269 (Shepparton North - Lascorp proposal)

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): Acting Team Leader Strategic Planning,
Manager Building and Planning**

Approved by: Director Sustainable Development

Executive Summary

Amendment C192 to the Greater Shepparton Planning Scheme ("**Planning Scheme**") which was approved by the Minister for Planning on 21 May 2018, implemented the general recommendations of the *Commercial Activity Centres Strategy, November 2015* ("**CACS**"). Amongst other things, the CACS identifies that a second full-line supermarket is currently required in Shepparton North to service this growing catchment.

Combined Amendment C193 to the Planning Scheme and the associated planning permit application 2016-269 ("**Permit**") seek to implement the recommendations of CACS in relation to Shepparton North by way of facilitating a second full-line supermarket in Shepparton North, to apply a Public Acquisition Overlay over land to allow for the realisation of the Shepparton North Regional Catchment Basin and related infrastructure.

All submissions to Amendments C192 and C193 were considered by an independent Planning Panel ("**Panel**") appointed by the Minister for Planning. The hearing of the Panel was held from 24 July to 11 August 2017, in Shepparton and Melbourne, and the *Planning Report Greater Shepparton Planning Scheme Amendments C192 and C193/Planning Permit Application 2016-269 Commercial Strategy and Lascorp proposal, 9 October 2017* ("**Panel Report**") was received by Council on 9 October 2017 (see *Attachment 1 – Amendments C192 and C193 Panel Report, 9 October 2017*).

The Panel recommended that Amendment C193 be split into Part 1 (Public Acquisition Overlay) and Part 2 (Lascorp proposal), and in broad terms that Part 2 be deferred until Council is, in effect, satisfied the proposed site is a suitable location for a second full line supermarket in Shepparton North.

The Panel Report identified various possible paths by which Council may proceed with Amendment C193 Part 2 and the application for the Permit.

The Panel Report also stated in effect that if the owners of the IGA site were unable to provide confirmation of securing a tenant for an additional supermarket on their site, Amendment C193 Part 2 and the Permit should be approved.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Adoption of Amendment C193 Part 2 and combined Planning Permit 2016-269 (Shepparton North - Lascorp proposal) (continued)

At the Ordinary Council Meeting held on 21 November 2017 (“**November 2017 OCM**”), Council considered the Panel Report, and Amendments C192 and C193 (see Attachment 2 - *Extract from the confirmed minutes of the Ordinary Council Meeting held on 21 November 2017 - Amendments C192 & C193*).

In summary, Council resolved to split Amendment C193 into Part 1 (Public Acquisition Overlay) and Part 2 (Lascorp proposal). Council also resolved to adopt Amendments C192 and C193 Part 1, to submit Amendments C192 and C193 Part 1 to the Minister for Planning for approval, to defer the consideration of Amendment C193 Part 2 for six months and sought to delegate to the Chief Executive Officer the power to make a decision on Amendment C193 Part 2 after this time, subject to certain conditions.

Amendment C193 Part 2 seeks to rezone land from the Commercial 2 Zone to the Commercial 1 Zone to facilitate a second full-line supermarket in Shepparton North. Amendment C193 Part 2 includes the application for the Permit which would allow the use of the subject land for place of assembly (community meeting space), buildings and works in the Commercial 1 Zone, erection and display of business identification signs, a packaged liquor license and the creation of access to a Road Zone Category 1. The rezoning and Permit will allow for the development of the land for a supermarket, with associated packaged liquor store, retail speciality shops, car parking and business identification signage.

In addition, a Section 173 Agreement has been signed by the proponent that relates to infrastructure provision ensuring that a contribution is made towards the cost of drainage and intersection works.

On 21 December 2017, MinterEllison Pty Ltd, on behalf of Shepparton Pty Ltd, lodged an application (“**VCAT Application**”) with the Victorian Civil and Administrative Tribunal (“**VCAT**”) under Section 39 of the *Planning and Environment Act 1987* (“**Act**”). The VCAT Application was on the basis of alleged procedural defects with regard to Council’s resolution at the November 2017 OCM in relation to Amendment C192 and Amendments C193 Part 1 and Part 2. The VCAT Application alleged procedural defects in relation to resolutions 2, 4, 7 and 8. Of relevance to Amendment C193 Part 2, the VCAT Application alleged that the resolution to delegate power to the Chief Executive Officer to adopt Amendment C193 Part 2 at a later date did not comply with the Act.

This proceeding was subsequently resolved by way of consent orders which required Council to remake the above resolutions and address certain matters.

At the Ordinary Council Meeting held on 20 March 2018 (“**March 2018 OCM**”), Council further considered the resolutions 1 to 5 of the Council in relation to Item 10.6 of the Agenda of the November 2017 OCM (Attachment 3 - *Extract from the confirmed minutes of the Ordinary Council Meeting held on 20 March 2018 - Amendments C192 and C193 Part 1*).

Consistent with the Panel recommendations, Council re-resolved to split Amendment C193 into Part 1 (Public Acquisition Overlay) and Part 2 (Lascorp proposal). Council also resolved to adopt Amendments C192 and C193 Part 1, and to submit Amendments C192 and C193 Part 1 to the Minister for Planning for approval.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Adoption of Amendment C193 Part 2 and combined Planning Permit 2016-269 (Shepparton North - Lascorp proposal) (continued)

This report relates to the final part of the process for Council relating to Amendments C192, C193 Part 1 and C193 Part 2, being its response to the recommendations of the Panel in relation to Amendment C193 Part 2 and the Permit and whether to abandon or adopt (with or without changes) the amendment and whether to recommend granting of the Permit.

One partial divergence between the recommendations in the Panel Report and the recommendations in this report relate to Panel recommendation 5, concerning the timing of the preparation of a structure plan.

Council officers consider that there is already a sufficiently clear definition of the Shepparton North Activity Centre (“**SNAC**”) for the purposes of the Lascorp proposal and that the finalisation of a structure plan prior to the adoption of Amendment C193 Part 2 is not warranted.

Council officers are supportive of a structure plan, however given the facts and circumstances, consider that it is appropriate that it be completed at a later date and as part of the *Shepparton Mooroopna 2050: Regional City Growth Plan* (“**Growth Plan**”). The Growth Plan will provide long term guidance for future land use and strategic planning, investment decisions and approvals up to 2050.

In relation to Panel recommendation 6, the Permit, Council officers recommend that the Permit be amended to better reflect the current facts and circumstances and also the time period that has elapsed following the Panel Hearing and publishing of the Panel Report.

RECOMMENDATION

That, further to resolutions 6 to 9 of the Council in relation to Item 10.6 of the Agenda of the Ordinary Meeting of the Council of 21 November 2017, and in substitution of those resolutions having regard to the orders of the Tribunal in proceeding P2930/2017, having further considered the report of the Planning Panel appointed for Amendments C192 and C193 to the Greater Shepparton Planning Scheme dated 9 October 2017 (Panel Report), in accordance with sections 27 and 29 of the *Planning and Environment Act 1987* (Act), Council, in its capacity as the planning authority under the Act in relation to Amendment C193 Part 2 and planning permit application 2016-269, resolves to:

1. adopt recommendation 2 of the Planning Panel and confirms that a review of the amendment with regard to consistency with Ministerial Direction No. 17 on the Form and Content of Planning Schemes does not require any material change to the amendment;
2. adopt in part recommendation 5 of the Planning Panel at page 58 of the Panel Report, in that although Council proposes to prepare a structure plan for the Shepparton North Activity Centre, it does not agree to defer the consideration of Amendment C193 Part 2 until after a structure plan is completed for the reasons set out in the accompanying report;
3. adopt Amendment C193 Part 2 without change;

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Adoption of Amendment C193 Part 2 and combined Planning Permit 2016-269 (Shepparton North - Lascorp proposal) (continued)

4. adopt in part recommendation 6 of the Planning Panel at page 68 of the Panel Report, in that although Council agrees to amend condition 14 of Planning Permit 2016-269 as recommended by the Panel, it proposes a further amendment to condition 14 for the reasons set out in the accompanying report;
5. pursuant to section 96G of the Act, recommend to the Minister that a planning permit be issued under Division 5 of Part 4 of the Act with the changes recommended by the Panel at Appendix F of the Panel Report and with the further changes that the first paragraph is deleted and paragraph "a)" is deleted of Condition 14 of the draft planning permit;
6. submit Amendment C193 Part 2 (as adopted by Council in this resolution with changes) to the Minister for approval in accordance with section 31(1) of the Act; and
7. submit the recommendation and the proposed permit to the Minister (as adopted by Council in this resolution with changes) in accordance with section 96H(1) of the Act.

Background

Over the years, Greater Shepparton City Council has undertaken a number of strategic planning projects that have provided guidance for growth in residential areas and for supporting infrastructure. Council also recognises that extensive retail and commercial growth has occurred, retail trends have changed, new zones have been introduced and there was a need to provide a new strategy that provides for commercial development in the expanding activity centres in the municipality.

Given the level of growth experienced to date and the predicted level of growth in the future, Council commissioned Essential Economics Pty Ltd to prepare the CACS. The primary objective of the CACS is to ensure that Shepparton Central Business District ("**CBD**") remains the primary focus for retail and commercial investment in the region. The CACS also provides guidance on the level of growth that can be supported in activity centres across the municipality. In relation to Shepparton North, the CACS identifies that a second full-line supermarket is currently required to service this growing catchment.

Council adopted the CACS at the Ordinary Council Meeting held on 16 February 2016 and resolved to prepare and exhibit a planning scheme amendment to give effect to the CACS. This planning scheme amendment was Amendment C192 to the Planning Scheme.

Amendment C192, which was approved by the Minister for Planning on 21 May 2018, implemented the general recommendations of CACS, updating the Municipal Strategic Statement and Activity Centre Zone, rezoning Commercial 2 Zone land along Wyndham Street and Benalla Road to Activity Centre Zone, and rezoning Commercial 1 Zone and General Residential Zone land to Activity Centre Zone to facilitate the redevelopment of Shepparton Marketplace.

Amendment C192 was exhibited from 7 July to 8 August 2016. Council received 13 submissions. Submissions were in relation to specific recommendations within CACS regarding Shepparton North.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Adoption of Amendment C193 Part 2 and combined Planning Permit 2016-269 (Shepparton North - Lascorp proposal) (continued)

Amongst other things, the submissions indicated that the current retail and commercial offerings in the north were insufficient, and additional retail, in the form of a second full line supermarket was required. The submissions included matters relating to the proposed timing and location of any additional retail in Shepparton North.

In July 2016, Council received a request from Lascorp Pty Ltd, to prepare and exhibit Amendment C193 rezoning land in Shepparton North near the corner of Numurkah Road and Ford Road from Commercial 2 Zone to Commercial 1 Zone. It was accompanied by the application for the Permit that sought to develop a supermarket (Woolworths), with an associated packaged liquor store, retail specialty shops, car parking, and advertising signs. Additionally, Amendment C193 proposed to apply a Public Acquisition Overlay over land to allow for the Shepparton North Regional Catchment Basin and related infrastructure. At its Ordinary Council Meeting on 16 August 2016, Council resolved to prepare and exhibit the combined amendment and planning permit, see Figures 1 and 2.

Amendment C193 was exhibited from 20 April to 30 May 2017. Council received 20 submissions that were almost wholly concerned with the proposed location and timing of a second full line supermarket in Shepparton North. In light of the similarity in many submissions between Amendments C192 and C193, Council officers considered that significant cost savings would be achieved if the Planning Panels for both amendments were combined, which was subsequently approved by the Minister for Planning.

Planning Panel

The Planning Panel is an independent body appointed by the Minister for Planning and is tasked with considering all submissions to a planning scheme amendment that object or request changes that the planning authority is unwilling to make. The Minister for Planning makes the final decision on whether or not a planning scheme amendment is approved.

Under Section 27 of the Act, Council in its capacity as the planning authority under the Act, must consider the recommendations of the Panel before making a decision regarding the amendment. Council does not have to adopt all of the recommendations of a Panel Report, but if not, it should state the reasons why it does not adopt a recommendation.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Adoption of Amendment C193 Part 2 and combined Planning Permit 2016-269 (Shepparton North - Lascorp proposal) (continued)

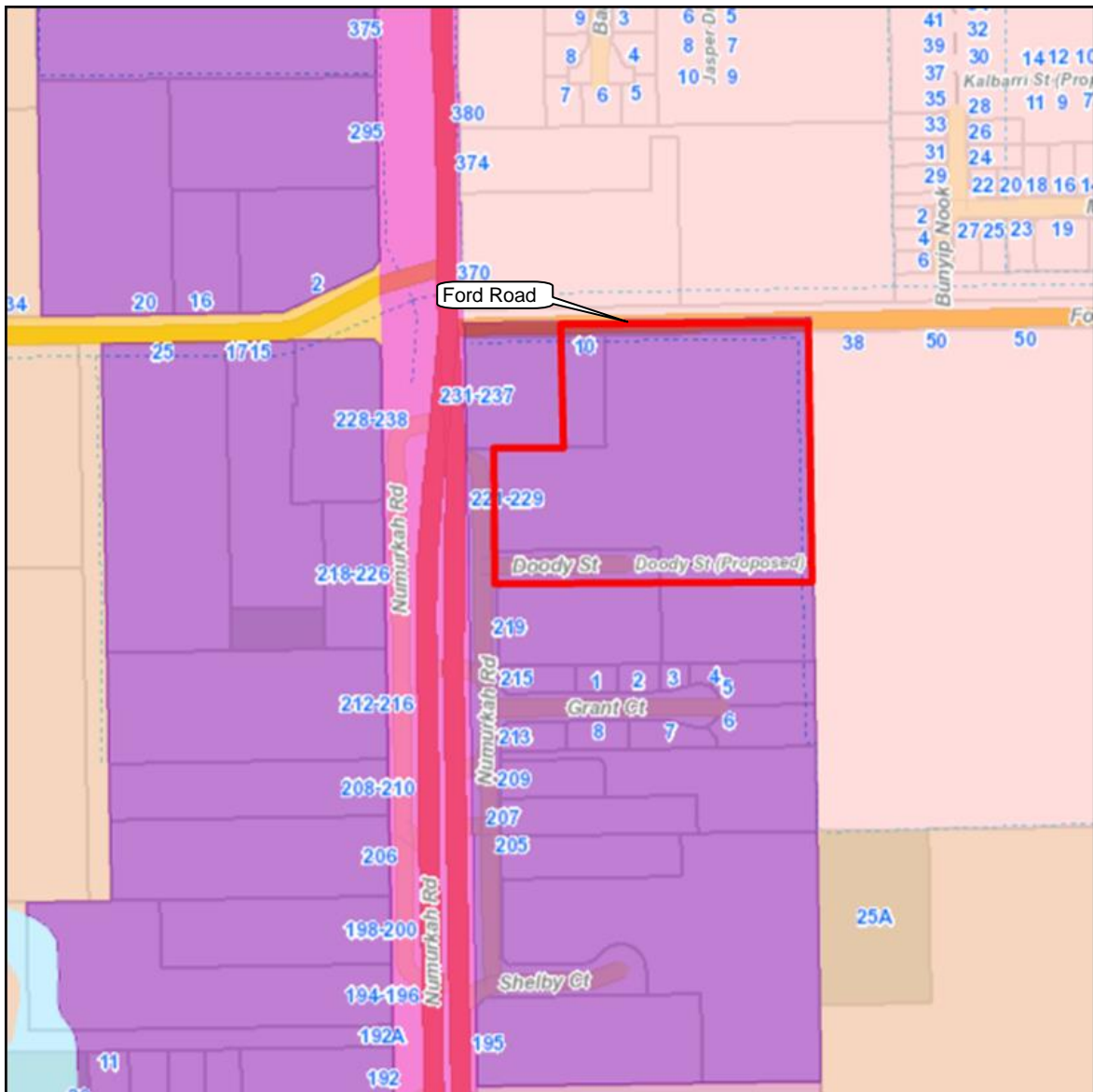


Figure 1 - land proposed to be rezoned outlined in red.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Adoption of Amendment C193 Part 2 and combined Planning Permit 2016-269 (Shepparton North - Lascorp proposal) (continued)

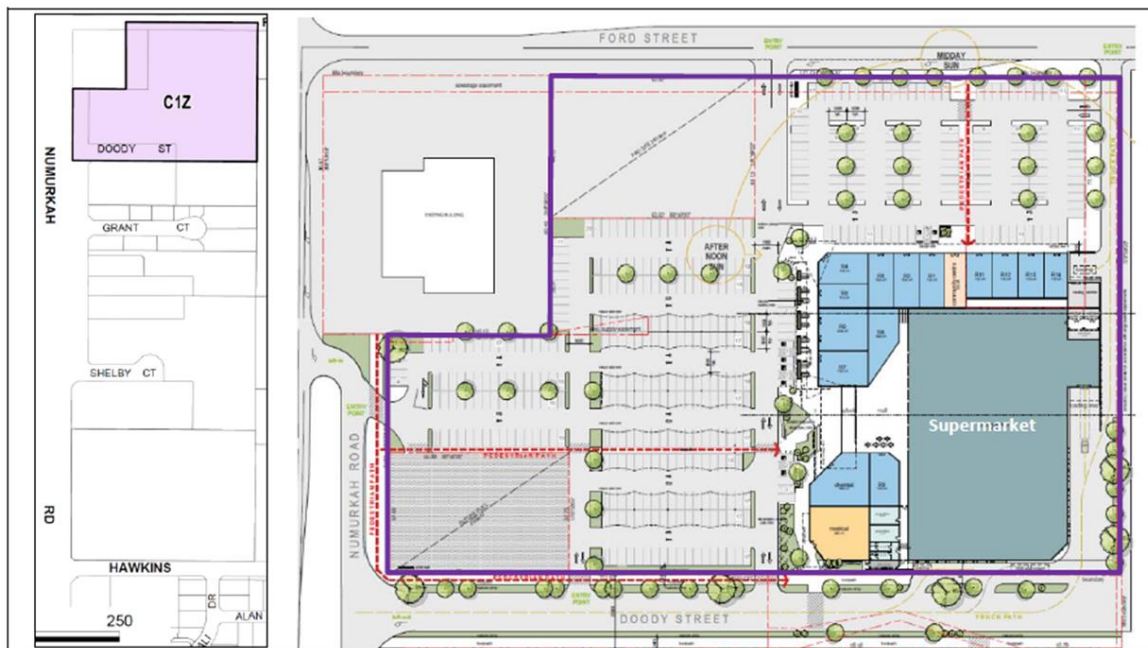


Figure 2 - Amendment C193 forms part of a combined planning scheme amendment and planning permit application (2016-269), pursuant to Section 96A of the Planning and Environment Act 1987.

Submissions to Amendments C192 and C193 were considered by the Panel. The hearing of the Panel was held from 24 July to 11 August 2017, in Shepparton and Melbourne, and the Panel Report was received by Council on 9 October 2017 (see Attachment 1 – *Amendments C192 & C193 Panel Report, 9 October 2017*).

Given that the majority of submissions to Amendment C193 related to the proposed location and timing of a second full line supermarket in Shepparton North, amongst other things, the Panel considered:

- whether a second full line supermarket and associated commercial and community facilities was required in Shepparton North; and
- what was the most appropriate location for this second supermarket?

Table 4 of the Panel Report provides a summary of the chronology of matters relevant to its deliberations, see *Table 1: Extract from the Panel Report*.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Adoption of Amendment C193 Part 2 and combined Planning Permit 2016-269 (Shepparton North - Lascorp proposal) (continued)

Table 4 Background

1978	A 4,000 square-metre supermarket began operating at 177-193 Numurkah Road, Shepparton (Fairley's IGA supermarket); a predominantly industrial corridor
1985	An approximately 1,000 square-metre warehouse was added to the rear of the supermarket
2011	Metcash (a wholesale distribution and marketing company specialising in grocery, fresh food, liquor and hardware) purchased the supermarket centre from the Gaylard Family
12 April 2012	In response to a request from Gordon Undera Pty Ltd, the supermarket centre land: <ul style="list-style-type: none"> - was rezoned to the Business 1 Zone (now Commercial 1 Zone) with an 8,000 square-metre permit threshold for Shop (Amendment C119) - was granted a permit for the first stage of a shopping centre development, comprising a new 4,000 square metre supermarket and speciality shops (which has not been acted upon)
2012	Marl Enterprises (part of the Lorenz Group of companies) purchased the Fairley's Supa IGA business
2015	Metcash advised Marl Enterprises that since changing its policy to developing its sites, it would sell the supermarket centre to an experience retail property developer
15 September 2016	Council approved Metcash's permit application to extended the planning permit – see revised dates below
17 January 2017	Planning permit 2008-436/A – Council endorsed further plans (Figure 4)
January 2017	A new permit application was lodged for revised development plans (Figure 5)
12 April 2017	Planning permit 2008-436/A – original expiry date if development did not commence
30 May 2017	Marl Enterprises, through its Aeroten Pty Ltd company name, made a submission in response to the exhibition of Amendment C193 and PPA 2016-269
11 August 2017	18 Pty Ltd (part of the Herzberg family companies), previously a prospective purchaser, purchased the supermarket site (44,000 square metres of Commercial 1 Zone land)
11 August 2017	Panel Hearing final day
12 April 2018	Planning permit 2008-436/A – extended expiry date if development did not commence
12 April 2019	Planning permit 2008-436/A – original expiry date if development was not completed
12 April 2020	Planning permit 2008-436/A – extend expiry date if development was not completed

Table 1: Extract from the Panel Report.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Adoption of Amendment C193 Part 2 and combined Planning Permit 2016-269 (Shepparton North - Lascorp proposal) (continued)

Panel's Recommendations

By way of context, in reviewing CACS, the Panel found that, *'in the main, it is a robust and comprehensive document that, subject to some minor recommendations, should be supported and adopted.'*

Specifically, the Panel Report included the following recommendations (the specific recommendations in relation to Amendment C193 Part 2 relevant to this Council Report are highlighted in bold):

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

Panel's Substantive Considerations

In the executive summary in the Panel Report, the Panel noted:

While parties and the economic witnesses generally agreed that Shepparton North could support a second full line supermarket in the short term future, there was significant debate at the Hearing about the location of that supermarket. The key issue related to whether the supermarket should be co-located with the existing supermarket, or on the Lascorp site as part of a potential activity centre.

The Panel Report in effect acknowledges that both the IGA site and the Lascorp site would be suitable.

The Panel Report stated in the executive summary that the *'retail component of Amendment C193 was hotly contested. The proposed site is near but not adjacent to an existing IGA supermarket, where a planning permit has been issued for its expansion, and where a new permit application was lodged more recently to provide for a second supermarket on the site. The current permit has not been acted upon'*, see Figures 3 and 4.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Adoption of Amendment C193 Part 2 and combined Planning Permit 2016-269 (Shepparton North - Lascorp proposal) (continued)

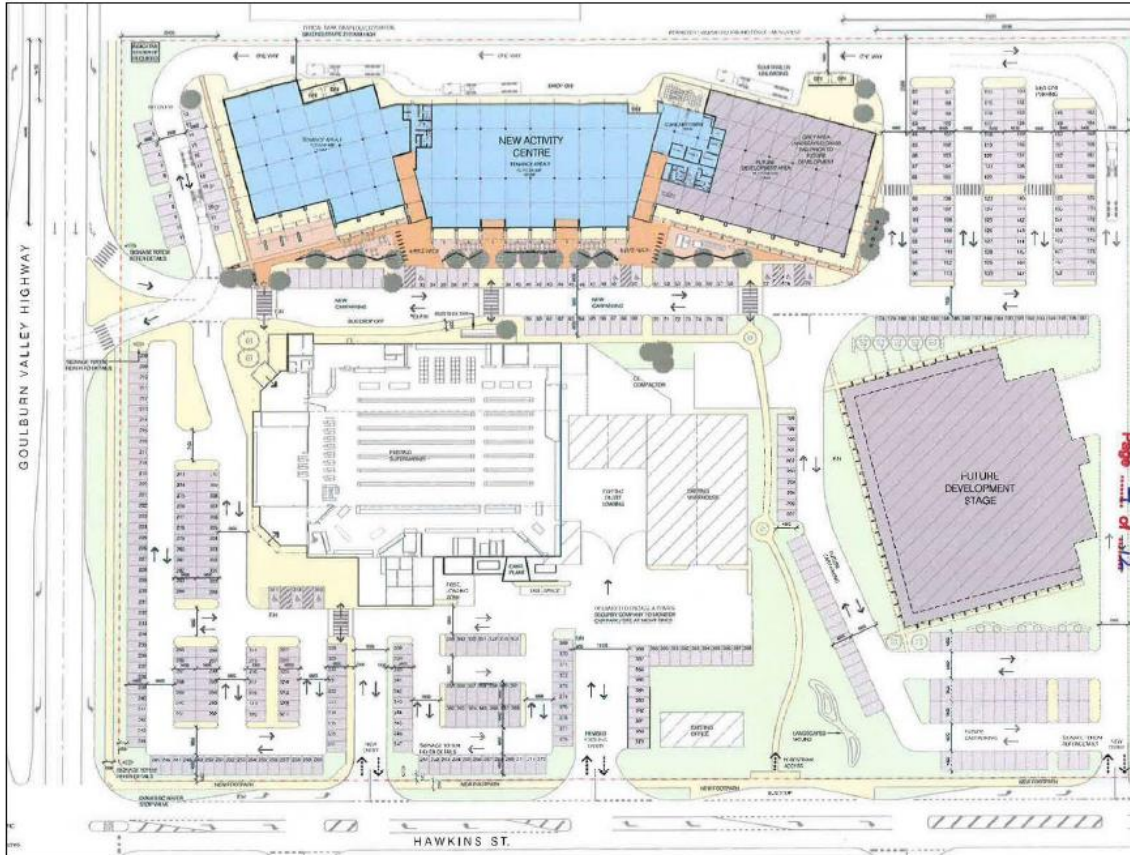


Figure 3 – original IGA redevelopment plans considered as part of Amendment C119 to the Planning Scheme (approved March 2012) and endorsed under planning permit 2008-436/a on 17 January 2017.

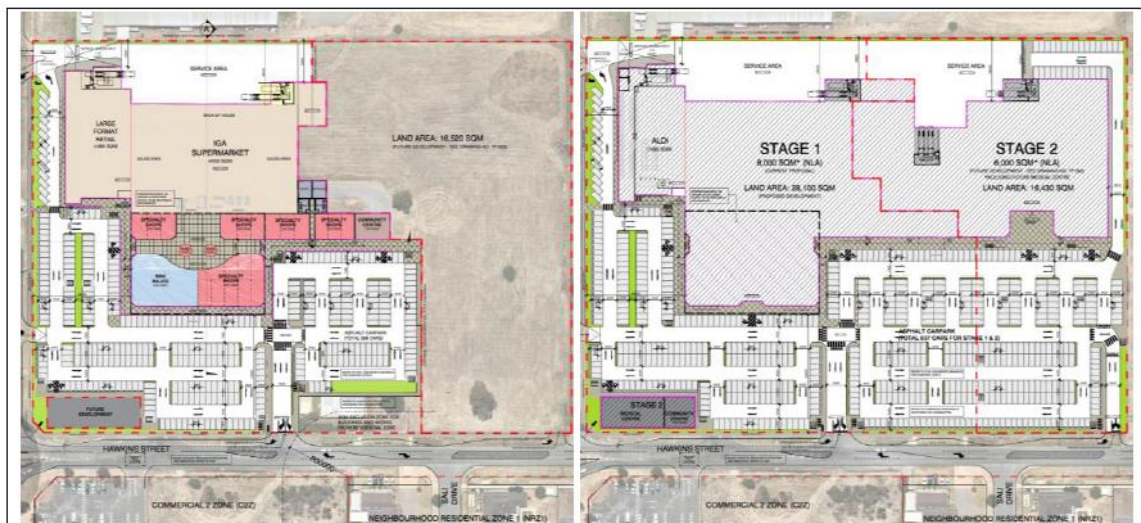


Figure 4 – revised plans for the IGA redevelopment Stage 1 (left) and proposed Stage 2 (right) plans, submitted January 2017.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Adoption of Amendment C193 Part 2 and combined Planning Permit 2016-269 (Shepparton North - Lascorp proposal) (continued)

Taking into consideration the history of Shepparton North, the Panel in the executive summary stated:

There is merit in both arguments and ultimately the Panel finds that in terms of what is best for the long term future of the Shepparton North community, and what represents good planning, an opportunity should be provided for Council to:

- *properly define a Shepparton North Activity Centre;*
- *prepare a considered Structure Plan for the centre; and*
- *provide the opportunity to re-think the existing IGA site so that it can develop as a catalyst for a co-located supermarket site.*

The Panel received submissions and economic evidence regarding the timing for a third full-line supermarket to the effect that one would not be warranted until at or around 2026 to 2031, dependent upon population growth and retail expenditure rates.

The Need for a Structure Plan

The Panel received submissions and expert evidence for and against the need for a structure plan.

Although the Panel ultimately made a recommendation to the effect that in its view a structure plan was warranted before C193 Part 2 was determined, discussion in the Panel Report indicated that the Panel also considered that the Lascorp proposal could proceed in the absence of a structure plan under certain circumstances.

The Panel Report stated in the executive summary:

However, this opportunity has a time imperative. Lascorp is ready to go with its proposal and former owner (Metcash) has pontificated on its existing planning permit. The new property owner (18 Pty Ltd) seeks a new permit to allow for a second supermarket – but without an identified tenant. A likely reason is because the second supermarket does not have main road frontage or clear access. If 18 Pty Ltd is willing to re-think its site development, be open to re-siting its supermarket to share the main road (Numurkah Road) frontage and access, and be involved in the Structure Plan process, then the Panel considers adoption of the retail component of Amendment C193 should be deferred to allow these considerations and work to be undertaken.

It should be noted that Shepparton Pty Ltd (not 18 Pty Ltd) is now the proponent for the second supermarket at the IGA site.

Importantly, the Panel then stated in the executive summary that:

This work should be undertaken within a reasonable time period, otherwise the Panel recommends that Amendment C193 Part 2 be adopted and a permit issued for the Lascorp site and proposal.'

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Adoption of Amendment C193 Part 2 and combined Planning Permit 2016-269 (Shepparton North - Lascorp proposal) (continued)

At page 55 of the Panel Report the Panel stated:

...the Panel recommends that Amendment C193 Part 2 be deferred to allow the opportunity for a further review of the 18 Pty Ltd planning permits and to undertake a structure planning process.

At page 56 of the Panel Report the Panel stated, in relation to 18 Pty Ltd obtaining a signed up full-line supermarket tenant:

If this commitment is unable to be made, the Panel considers the Lascorp rezoning and permit application should be approved and permitted.

And at page 56 of the Panel Report the Panel stated:

Equally, if Council embarks on a structure plan process and it does not eventuate, or if 18 Pty Ltd is not able to review its current and revised planning permit application, the Panel considers the Lascorp proposal should proceed.

As discussed above, the Panel Report recommends that Council prepare a structure plan to define the SNAC before Amendment C193 Part 2 is adopted by Council.

Consistent with Council's submissions to the Panel and the evidence of Mr Clarke, Council officers consider that there is already a sufficiently clear definition of the SNAC.

Council officers consider that should the IGA site accommodate a second full line supermarket in the short term, this would form the initial core for the SNAC, and it is unlikely that a further supermarket would be commercially viable at the Lascorp site in the short term.

To date, however, there has been no evidence of a confirmed second full line supermarket operator for the IGA site. It is noted that at the time of preparing this report, there is no confirmed second full line supermarket tenant and it has been nearly 10 months since the end of the Panel hearing, where it was indicated that a full line supermarket tenant would be found.

Different to the circumstance with the IGA site, Lascorp, convincingly demonstrated at the Panel Hearing and afterwards that it has a confirmed tenant for its site, and is ready and able to initiate the development of a second full line supermarket on its site without delay.

If the Lascorp proposal was to proceed, it would form a part of the SNAC as would the existing IGA supermarket site.

Council officers are of the view that both sites have positive and negative aspects, and both sites are capable of providing and contributing to an upgraded Shepparton North Activity Centre as envisioned by CACS.

There are various planning documents that identify the location of the SNAC.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Adoption of Amendment C193 Part 2 and combined Planning Permit 2016-269 (Shepparton North - Lascorp proposal) (continued)

One such document is the revised Shepparton Business Framework Plan at Clause 21.06 *Economic Development* that was recently approved by the Minister for Planning as part of Amendment C192. Amendment C192 will come into effect when notice of its approval is published in the *Victoria Government Gazette*. This Framework Plan shows the IGA site, the Lascorp site and the land in between as being “potential site for Shepparton North activity centre expansion”. It is noted that this land is the only land identified for the purpose of an activity centre at Shepparton North (refer to Figure 5).

A concept plan was also prepared for land to the east of the Lascorp site to inform the overall regional drainage solution for these drainage catchments and to show how this land could be subdivided in the future (refer to Figure 6).

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Adoption of Amendment C193 Part 2 and combined Planning Permit 2016-269 (Shepparton North - Lascorp proposal) (continued)

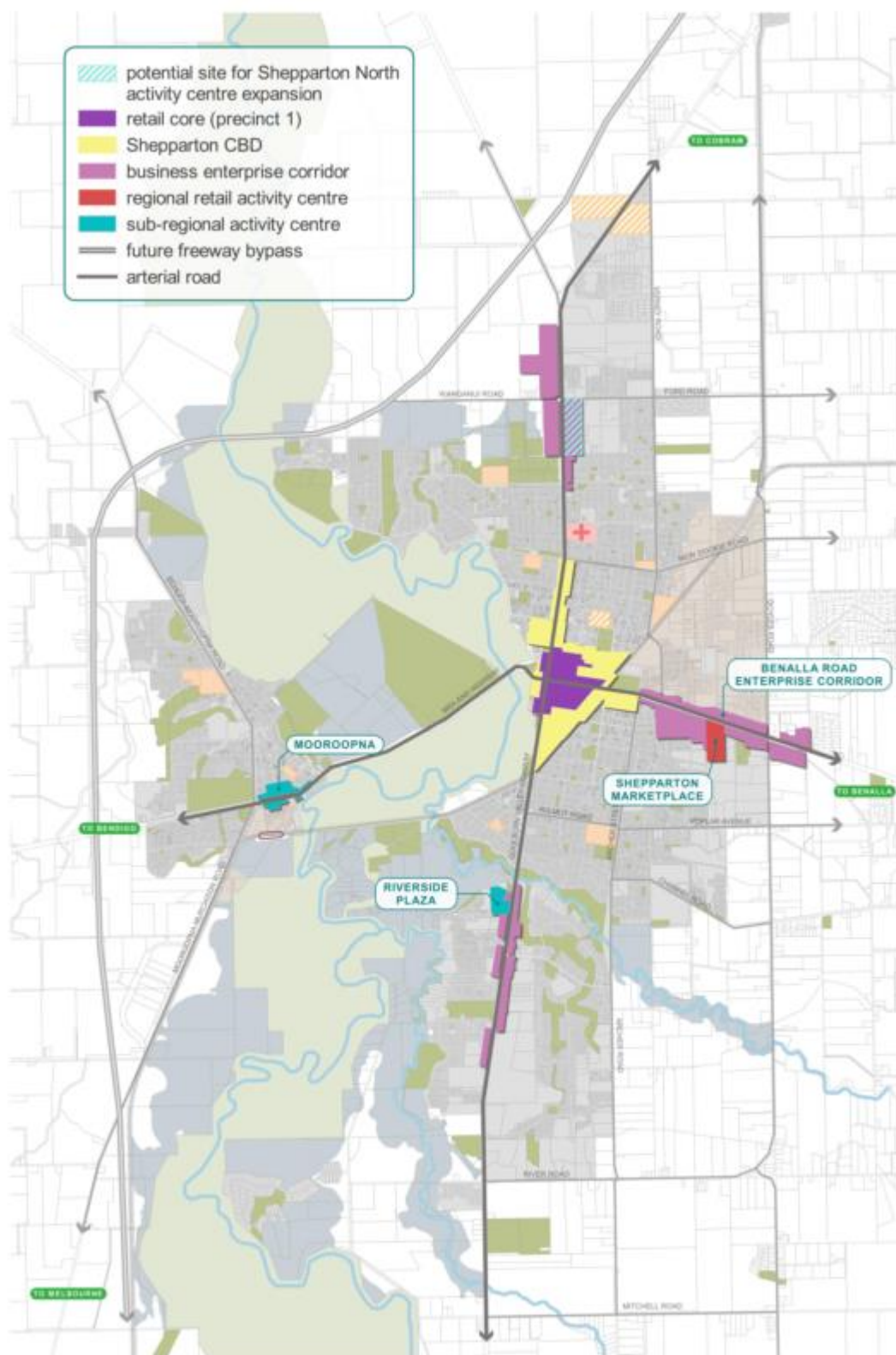


Figure 5: Business Framework Plan extracted from Clause 21.06 Economic Development of the Greater Shepparton Planning Scheme.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Adoption of Amendment C193 Part 2 and combined Planning Permit 2016-269 (Shepparton North - Lascorp proposal) (continued)

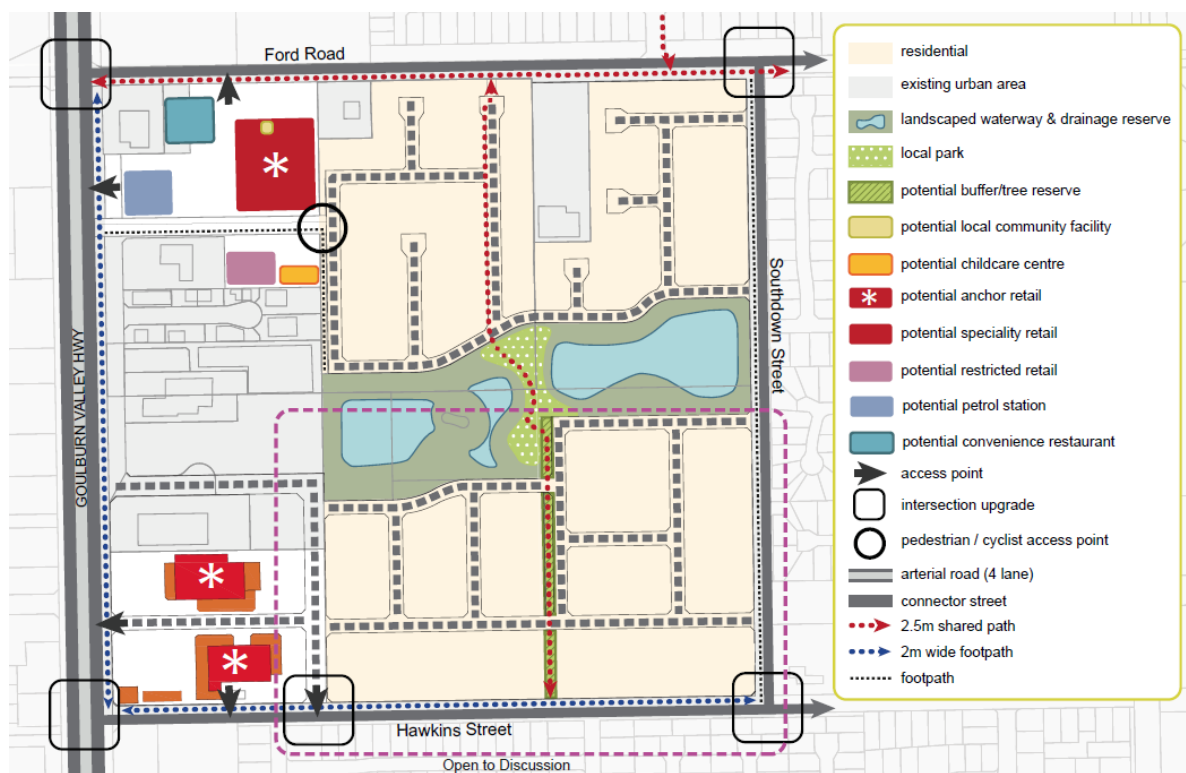


Figure 6 Shepparton North Infill Development Plan

In broad terms, a structure plan, amongst other things, is to give direction as to the scale and location of development within an activity centre. In the current case the location and extent of the SNAC is sufficiently defined such that the Lascorp site is clearly within the SNAC.

Council officers are of the view that there is sufficient clarity with regard to the SNAC boundaries to allow the current proposal to be supported, without the need to first complete a structure plan.

It is considered likely that the delay to the Lascorp proposal by way of the preparation of a structure plan is unnecessary and, amongst other things, would delay the economic and other benefits to the local community. There is also a risk that unnecessary delay may jeopardise the viability of the proposal and result in the opportunity for a second full line supermarket in the short term future being lost.

The discussion above is consistent with paragraphs 71-74 of *Golden Ridge Investments Pty Ltd v Whitehorse City Council (Mitcham Towers) VCAT [2004] VCAT 1706*.

Notwithstanding the above, Council officers remain supportive of a structure plan, however, given the facts and circumstances, it is considered that it would be appropriate that it be done at a later date and as part of the *Shepparton Mooropna 2050: Regional City Growth Plan (Growth Plan)*. The Growth Plan aims to prepare a Strategic Framework Plan for Shepparton and Mooropna. The Plan will set a vision for to guide sustainable growth and development to 2050.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Adoption of Amendment C193 Part 2 and combined Planning Permit 2016-269 (Shepparton North - Lascorp proposal) (continued)

The key elements supporting the Growth Plan is to identify the growth needs and opportunities within Shepparton and Mooroopna area to 2050 (and beyond). Underpinning the Growth Plan is extensive community and agency engagement defining key principles and objectives to allow for the planning of future urban residential, commercial and industrial growth precincts. This will be underpinned by extensive background analysis concerning environmental constraints and infrastructure opportunities.

The outcome of the Growth Plan will be to provide a high level strategic document that will guide and direct future development as well as and build on the opportunities and strategic advantages of Shepparton / Mooroopna.

The Panel Report suggested timeframes for actions to occur. On page 56 of the Panel Report, the Panel listed the following actions as items that 'could' be included in the development of a structure plan:

1. *Council work with 18 Pty Ltd to revisit approved and proposed permits for the existing Commercial 1 Zone land to explore whether the activity centre should expand towards, and be integrated with, land to its north.*
2. *18 Pty Ltd engage with potential supermarket operators within a reasonable timeframe specified by Council.*
3. *Council prepare a robust structure plan which includes an urban development framework and details how the existing Commercial 1 Zone land will integrate with the Commercial 2 Zone land to its north.*
4. *Council investigate how the drainage basin will form part of the broader open space network and how the open space will connect with the activity centre and surrounding existing and emerging residential areas.*
5. *If 18 Pty Ltd is unwilling to meet the actions above, Council consider land directly north of the existing Commercial 1 Zone land.*
6. *If land contiguous to the existing Commercial 1 Zone land is not possible, consider additional Commercial 1 Zone land in a location not contiguous to the existing Commercial 1 Zone land.*

The Panel Report provides suggested timeframes to allow this to occur stating that it considers this work could be completed in 12 months from the date of release of the Panel Report. The Panel Report, however, then, by way of a qualification, states '*this can only occur if Council is willing, and 18 Pty Ltd is proactive in reviewing its permit and actively seeking a committed and signed up tenant for a second supermarket.*' A new timeframe for this action is then introduced with the Panel Report stating that '*this commitment by 18 Pty Ltd should be made in writing to Council within six months from the date of release of this report.*'

The above statement in relation to commitment of a tenant is followed by the statement '*if this commitment is unable to be made, the Panel considers the Lascorp rezoning and permit application should be approved and permitted.*'

While the Panel Report on page 56 relates to the preparation of a structure plan, including looking at other available sites, it then acknowledges at page 57 that with regard to deferring proceeding with C193 Part 2: "... *Council may not accept that outcome.*".

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Adoption of Amendment C193 Part 2 and combined Planning Permit 2016-269 (Shepparton North - Lascorp proposal) (continued)

Council officers understand the statements referred to above as envisaging a scenario where Council may resolve to undertake a structure plan, but also to allow for a scenario whereby Council does not complete a structure plan prior to proceeding with Amendment C193 Part 2.

There is discussion in the Panel Report regarding the options for Council. Council must make a decision in its capacity as the planning authority under the Act as to what it considers is an acceptable outcome in terms of relevant policy considerations and the relevant matters before it.

Council officers consider that, amongst other things, having regard to Clause 10.01 *Integrated Decision Making* of the Planning Scheme, the ultimate approval of Amendment C193 Part 2 and the Permit would integrate relevant policies in favour of net community benefit and sustainable development for the benefit of present and future generations.

Approval of Amendment C193 Part 2 and the Permit will assist in the activation of Shepparton North.

The Draft Planning Permit 2016-269

The Panel Report recommended that the draft planning permit 2016-269 be amended to delay the start date for development on the Lascorp site by two years from the date of the permit.

Subsequent to the Panel hearing and the Publishing of the Panel Report a permit was issued for the IGA site that allowed for a second full line supermarket on that site. There is also a section 173 agreement associated with that permit that relates to infrastructure provision and the restriction of floor space for certain retail uses should a second full line supermarket use not commence.

Given the considerable time period from the Panel Hearing and the publishing of the Panel Report, to when Amendment C193 Part 2 and the Permit may be approved (if they are approved), it is recommended that the amended version of condition 14 recommended by the Panel be further amended by way of deleting the first paragraph of the condition and by deleting paragraph "a)" of that condition.

The reasoning for this suggested change to condition 14 is to avoid excessive delay in Lascorp being able to act in reliance upon the Permit, given that the Panel hearing concluded in July 2017, the Panel Report was first considered by Council at its public meeting on 21 November 2017, and in the event that Council was to adopt the Amendment and the Permit at this meeting, there may likely be a further, potentially significant period before the amendment and permit may be approved (if at all).

A copy of the Planning Permit, including the changes recommended by Council officers, is provided at Attachment 6 to this report.

A Section 173 Agreement has been signed by the proponent that relates to infrastructure provision ensuring that a contribution is made towards the cost of drainage and intersection works. The proponent has also agreed to sign an additional Section 173 Agreement restricting the use of the land so as to prevent certain types of shop uses, such as cinema and department store.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Adoption of Amendment C193 Part 2 and combined Planning Permit 2016-269 (Shepparton North - Lascorp proposal) (continued)

Context - IGA proposal

The Panel stated at page 56 of the Panel Report that the proposal by 18 Pty Ltd at the date of the Panel Hearing for the IGA site, while not part of Amendments C192 and C193, did not;

...lend itself to being part of an integrated structure plan for the SNAC. It turns its back on the land to the north and does not seem to be designed in a way that encourages a second supermarket on the site to have 'equal billing.'

The IGA proposal has since been the subject of a VCAT Hearing. Following significant redesign of the proposal, Council resolved to support the revised development before VCAT at the Ordinary Council Meeting held on 21 March 2018 (see Attachment 4 - *Extract from the confirmed minutes of the Ordinary Council Meeting held on 20 March 2018 - amended development proposal (IGA), 177-193 Numurkah Road, Shepparton.*

A permit has now been issued at the direction of VCAT in relation to the IGA site that authorises a second full-line supermarket (refer to Figure 7), however, to date there is no evidence of any confirmed second supermarket operator for the IGA site.

The Panel Report outlines a potential process for delivering a second supermarket in Shepparton North, requiring, amongst other things, Council to consider the integration of the proposals with surrounding land uses. In order to do this, Council was encouraged to work further with proponent to determine whether a second full line supermarket can be realised on the IGA site.

The Panel Report states at page 56 that;

However, this can only occur if Council is willing, and 18 Pty Ltd (now Shepparton Pty Ltd) is proactive in reviewing its permit and actively seeking a committed and signed up tenant for a second supermarket.'

It is understood that the Panel recommendations, amongst other things, seek to avoid an outcome whereby there ends up being three full-line supermarkets in Shepparton North before the market can accommodate them.

Second full line supermarket

Given that the IGA permit effectively 'soaks up' all of the floorspace in Shepparton North and in theory provides for a second supermarket, Council will need to consider the impact of approving an extra 6,000m² at the Lascorp site, which effectively creates 20,000m² on paper.

The grant of the IGA permit does not guarantee that a second full line supermarket will, in fact, be constructed and operated at the IGA land. For example, amongst other things, it is possible that the approval may not be acted upon for commercial reasons relating to the protection of the existing retail operations at the site.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Adoption of Amendment C193 Part 2 and combined Planning Permit 2016-269 (Shepparton North - Lascorp proposal) (continued)

Further, it may be that this site is not attractive to potential operators of a full line supermarket. A letter was received from Woolworths Limited, dated 4 June 2018, which states that the IGA site is not Woolworths' preferred location for a second full line supermarket and, if the preferred location (being the Lascorp site) does not proceed, Woolworths would not locate at the IGA site and Woolworths funding would be withdrawn from Shepparton North.

In any event, Council, as the planning authority, must deal with Amendment C193 Part 2 and the application for the Permit on merit, within the relevant legal framework. The commercial circumstances relating to the IGA site are not relevant to Council's determination regarding Amendment C193 Part 2 and the Permit, other than whether or not there is in fact a real prospect of a second full line supermarket being delivered on that site in the immediate future, as considered by the Panel.

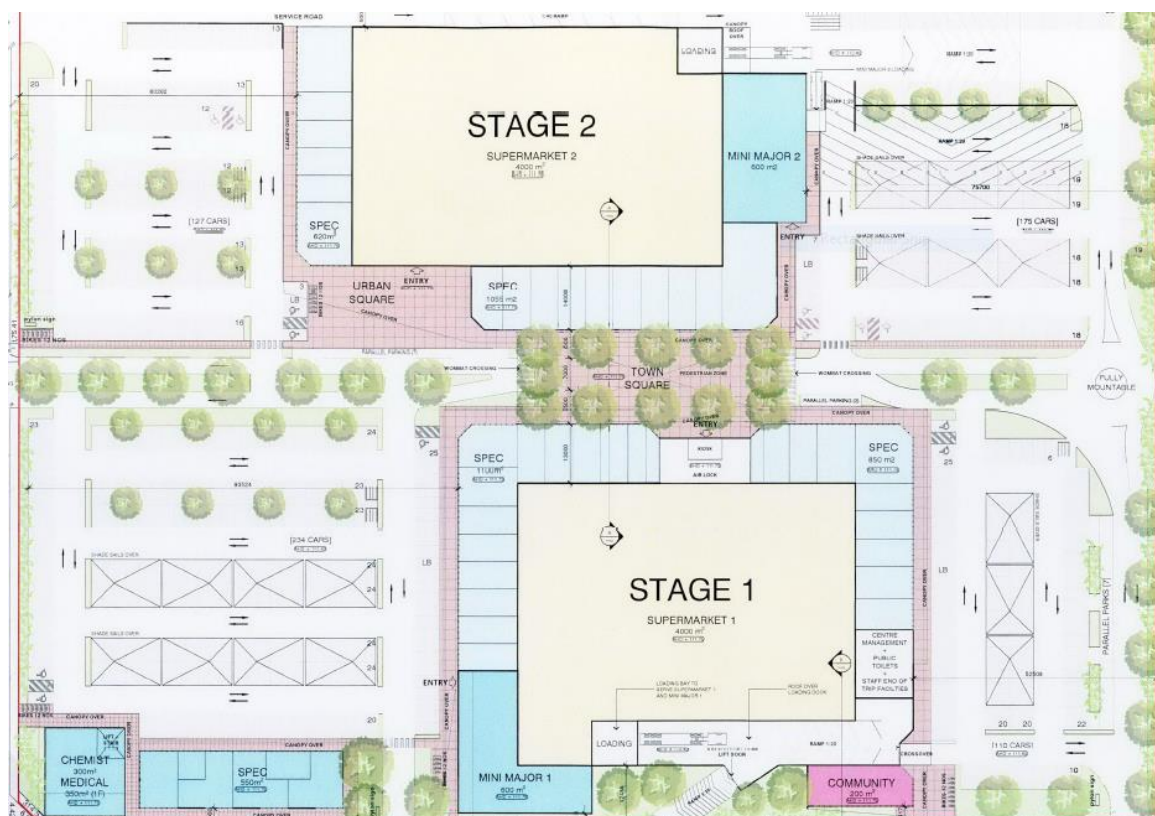


Figure 7: Final layout plans submitted to the Compulsory Conference at VCAT 23 April 2018.

The proposed Lascorp development at 221-229 Numurkah Road being considered in Amendment C193 - Part 2 incorporates a full-line supermarket, specialty shops and some limited medical/community uses totalling approximately 6,300m². This includes 6,000m² of 'shop' floorspace, which would sit under the cap applying to the site.

In combination with the Fairley's IGA site (14,000m²), if the Lascorp proposal (6,000m²) is approved the total shop floorspace in Shepparton North that could potentially be developed is up to 20,000m². Note that this would be subject to any restrictions associated with Section 173 agreements or other relevant controls on selected shop uses, such as cinema and department store.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Adoption of Amendment C193 Part 2 and combined Planning Permit 2016-269 (Shepparton North - Lascorp proposal) (continued)

It is important to recognise that this would be the 'approved' shop floorspace in Shepparton North rather than actual operating floorspace. Since the 8,000m² shop floorspace cap was applied on the Fairley's IGA site some years ago, the approved shop floorspace in the Shepparton North activity centre has, for many years, been well in excess of actual operational floorspace.

As a result, given the history of Shepparton North and the strong direction contained in the CACS related to ensuring delivery of additional development in actual, rather than theoretical terms, the distinction between approved and actual floorspace is an important consideration for Council.

It is noted that, in contrast to the Fairley's IGA site, a major supermarket operator (Woolworths) has made a commercial commitment to the Lascorp proposal and would develop a full-line supermarket if Amendment C193 - Part 2 was approved. This is a level of certainty simply not associated with the Fairley's IGA approval based on long-standing previous experience of inaction, combined with the lack of a current commitment from a second supermarket operator. Therefore, it is commercially likely that only two supermarkets will exist and only 14,000m² will be utilised, as envisaged by the CACS.

A copy of advice from Essential Economics Pty Ltd in relation to the above matters is provided at Attachment 7 to this report.

Initial Resolution of Council

At the November 2017 OCM, Council considered the Panel Report, and Amendments C192 and C193 (see Attachment 2 - *Extract from the confirmed minutes of the Ordinary Council Meeting held on 21 November 2017 - Amendments C192 & C193*). Council resolved to:

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

1. adopt the recommendations of the Independent Planning Panel for Amendment C192 as outlined in the Panel Report dated 9 October 2017;
2. adopt Amendment C192 with post-exhibition changes in accordance with Section 29 of the *Planning and Environment Act 1987*;
3. adopt the recommendation of the Independent Planning Panel for Amendment C193 as outlined in the Panel Report dated 9 October 2017 to:
 - split Amendment C193 into Part 1 (Public Acquisition Overlay) and Part 2 (Lascorp proposal).
4. adopt Amendment C193 Part 1 in accordance with Section 29 of the *Planning and Environment Act 1987* with changes to align with Ministerial Direction 13 and relevant recommendations of the Independent Planning Panel;
5. submit Amendment C192 and Amendment C193 Part 1 to the Minister for Planning for approval in accordance with Section 31 of the *Planning and Environment Act 1987*;

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Adoption of Amendment C193 Part 2 and combined Planning Permit 2016-269 (Shepparton North - Lascorp proposal) (continued)

6. defer consideration of Amendment C193 Part 2 and planning permit application 2016-269 by six months, to allow the owners of the IGA site an opportunity to work with Council to determine the capacity of the site to provide a second full line supermarket and integration with surrounding land uses;
7. delegate to the Chief Executive Officer the power to adopt Amendment C193 Part 2 and planning permit application 2016-269 (including revisions to condition 14 of the draft permit as shown in the attached copy of the draft permit, in variance to the version of condition 14 as recommended by the Panel for the reasons outlined in the Officer's report) and submit it to the Minister for Planning for approval, should Shepparton Pty Ltd (formerly known as 18 Pty Ltd) not confirm in writing that a tenant has been secured for a second full line supermarket at 177-193 Numurkah Road, Shepparton, and/or Shepparton Pty Ltd not confirm that the second full line supermarket will be fully operational by 21 May 2020, and/or Shepparton Pty Ltd not demonstrate appropriate integration within the regional context, to the satisfaction of the Chief Executive Officer, by no later than 21 May 2018;
8. delegate to the Chief Executive Officer the power to adopt Amendment C193 Part 2 and planning permit application 2016-269 (including revisions to condition 14 of the draft permit as shown in the attached copy of the draft permit, in variance to the version of condition 14 as recommended by the Panel for the reasons outlined in the Officer's report) and submit it to the Minister for Planning for approval, should Shepparton Pty Ltd provide written advice to the Council on or before 21 May 2018, to the effect that it is not seeking to secure a tenant for a second full line supermarket at 177-193 Numurkah Road, Shepparton, and/or should Shepparton Pty Ltd provide written advice to the effect that a second full line supermarket at 177-193 Numurkah Road, Shepparton, would not be fully operation by 21 May 2020; and
9. should Shepparton Pty Ltd satisfactorily confirm to the Chief Executive Officer that a tenant has been secured for a second full line supermarket at 177-193 Numurkah Road, Shepparton, and satisfactorily confirm to the Chief Executive Officer that the second full line supermarket will be fully operational by 21 May 2020, and satisfactorily confirm to the Chief Executive Officer that there is appropriate demonstration of integration within the regional context, by no later than 21 May 2018, Amendment C193 Part 2 and planning permit 2016-269 must be referred back to Council for reconsideration.

Amendment C193 Part 2 relates to a proposal by Lascorp to rezone land at 221-229 Numurkah Road and 10 Ford Road, Shepparton North from the Commercial 2 Zone to the Commercial 1 Zone. It was accompanied by a planning permit application that sought the use of the land for place of assembly (community meeting space), buildings and works in the Commercial 1 Zone, erection and display of business identification signs, a packaged liquor license and the creation of access to a Road Zone Category 1.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Adoption of Amendment C193 Part 2 and combined Planning Permit 2016-269 (Shepparton North - Lascorp proposal) (continued)

Further Resolution of Council

On 21 December 2017, MinterEllison Lawyers, on behalf of Shepparton Pty Ltd, lodged an application with the Victorian Civil and Administrative Tribunal (VCAT) under Section 39 of the Planning and Environment Act 1987 (the Act). The application was on the basis of alleged procedural defects with regard to Council's resolution at the November 2017 OCM in relation to Amendment C192 and Amendments C193 Part 1 and Part 2. The application P2930/2017 alleged procedural defects in relation to resolutions 2, 4, 7 and 8.

This proceeding was the subject of a Practice Day Hearing at VCAT on 23 February 2018 at which it was agreed that orders by consent be made to settle the proceeding with regard to Amendments C192 and C193 Part 1.

At the March 2018 OCM, Council made resolutions in relation to Item 10.6 of the Agenda of the November 2017 OCM (*Attachment 3 - Extract from the confirmed minutes of the Ordinary Council Meeting held on 20 March 2018 - Amendments C192 and C193 Part 1*). Council resolved:

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

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

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Adoption of Amendment C193 Part 2 and combined Planning Permit 2016-269 (Shepparton North - Lascorp proposal) (continued)

Consideration of the Panel Recommendations in relation to Amendment C193 Part 2

The VCAT consent orders required that the resolution concerning the adoption of C193 Part 2 be set aside and the matter remitted back to Council for reconsideration.

Consistent with the VCAT orders a recommendation is provided to Council in relation to its decision regarding C193 Part 2. It is open to Council to determine to abandon the amendment under section 28 of the Act, or to adopt the amendment (with or without changes) in accordance with section 29 of the Act. Council must also determine whether to recommend the granting of the Permit under section 96G of the Act.

It should be noted that it is the exhibited version of Amendment C193 Part 2 and Permit that forms the basis for Council consideration.

Council officers are of the view that Amendment C193 Part 2 should be adopted with changes for the reasons outlined in this report (refer to Attachment 5 – amendment documentation for adoption).

Council Plan/Key Strategic Activity

Amendment C193 Part 2 is supported by the *Greater Shepparton Council Plan 2017-2021* as follows:

Economic

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

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

Built

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

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

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

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

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

Risk Management

Risks associated should the amendment and permit be adopted include proceedings being filed by competing commercial operators for commercial reasons.

Policy Considerations

The Amendment is consistent with relevant planning policy, and is consistent with Council policy concerning economic development.

Financial Implications

The costs of Amendment C193 Part 2, including the cost of the Planning Panel (which have already been incurred), will be met in part by Lascorp Pty Ltd, as proponents for the amendment.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Adoption of Amendment C193 Part 2 and combined Planning Permit 2016-269 (Shepparton North - Lascorp proposal) (continued)

Legal/Statutory Implications

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

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

In addition, VCAT's declaration in proceeding P2930/2017 to the effect that Council's previous resolution be set aside and the matter remitted back to Council for reconsideration has been followed.

Environmental/Sustainability Impacts

It is not envisaged that the proposed combined amendment and planning permit will have any significant adverse environmental impacts.

Social Implications

The proposed combined Amendment and Planning Permit Application includes an area for community meeting space and a childcare centre.

It is not expected that there will be any negative social impacts on adjoining land as a result of this proposed combined amendment and planning permit. The proposal will result in a net community benefit by providing a pleasant and safe working and recreational environment in the northern corridor of Shepparton.

Economic Impacts

In relation to Shepparton North, CACS found that there was currently and an undersupply of retail and commercial facilities available for the area, and its recommendations were aimed at ensuring the provision of a sub-regional sized centre in the near future.

Amendment C193 Part 2 seeks to provide additional supermarket floor space in Shepparton North, which has been identified as a requirement in the CACS. The development would provide an additional 252 ongoing jobs and cost approximately \$10 million to develop.

The provision of an additional supermarket in Shepparton North will also ensure that the area continues to serve a sub-regional function within the activity centre hierarchy for Greater Shepparton.

Consultation

Amendment C193 Part 2 implements the findings of the CACS, which was prepared with extensive input from relevant authorities, key stakeholders and members of the community.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Adoption of Amendment C193 Part 2 and combined Planning Permit 2016-269 (Shepparton North - Lascorp proposal) (continued)

Amendment C193

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

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

Council received twenty submissions. Seven submissions were received from referral authorities that did not object or provided support for the proposed Amendment. Three submissions were received that support the proposed Amendment. Ten submissions were received that objected to the proposed Amendment. Two of these submissions related solely to Amendment C193 Part 1.

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

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

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

Strategic Links

a) Greater Shepparton 2030 Strategy 2006

Topic: Settlement and Housing

Theme: Growth

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

Topic: Economic Development

Theme: Retail/Commercial Centres

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

b) Other strategic links

Greater Shepparton Commercial Activity Centres Strategy, November 2015

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

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Adoption of Amendment C193 Part 2 and combined Planning Permit 2016-269 (Shepparton North - Lascorp proposal) (continued)

Conclusion

Amendment C193 Part 2 seeks to implement the recommendations of CACS to facilitate the realisation of a second full-line supermarket in Shepparton North.

In assessing Amendment C193 Part 2, Council officers undertook a number of accompanying strategic assessments, to ensure the proposal integrated with the surrounding land uses, any impacts on Numurkah Road were mitigated and that the proposal allowed for coordinated, well thought-out growth of the centre into the future.

Council officers considered that there had been significant opportunity, over the past two decades and particularly over the past 5 years, for this centre to have been developed to a centre capable of servicing the surrounding community. To date of this report, Shepparton Pty Ltd has not provided a committed and signed up tenant for their site, although they have since received planning approval for the development proposal at the IGA site by way of VCAT orders.

Following exhibition of Amendment C193 Part 2, a Planning Panel was appointed and a hearing was held within the period from the 24 July to 11 August 2017, in Shepparton and Melbourne, to consider all submissions received on the Amendment and the Panel Report was received on 9 October 2017.

In reviewing CACS, the Panel found that, *'in the main, it is a robust and comprehensive document that, subject to some minor recommendations, should be supported and adopted.'* The Panel recommended that Amendment C192 be adopted with post-exhibition changes. The Panel also recommended that Amendment C193 be split into Part 1 (Public Acquisition Overlay) and Part 2 (Lascorp proposal), and that Part 2 be deferred until Council is satisfied this is the best location for a second full line supermarket in Shepparton North as defined through a structure planning process.

At the Ordinary Council Meeting held on 21 November 2017, Council considered the Panel Report, and Amendments C192 and C193. Council resolved to split Amendment C193 into Part 1 (Public Acquisition Overlay) and Part 2 (Lascorp proposal).

Amendment C193 Part 2 is a combined planning scheme amendment and planning permit. Amendment C193 Part 2 seeks to rezone land from the Commercial 2 Zone to the Commercial 1 zone to facilitate a second full-line supermarket in Shepparton North. Amendment C193 Part 2 includes an application for the Planning Permit for the use of the land for place of assembly (community meeting space), buildings and works in the Commercial 1 Zone, erection and display of business identification signs, a packaged liquor license and the creation of access to a Road Zone Category 1. The rezoning and planning permit would allow for the development of the land for a supermarket, with associated packaged liquor store, retail speciality shops, car parking and business identification signage.

In relation to Amendment C193 Part 2, the Panel recommended that consideration of the amendment be deferred until Council is satisfied that the subject land is the best location for a second full line supermarket in Shepparton North, as defined through a structure planning process. The Panel also recommended that Council amend the planning permit 2016-269 (Woolworths site) to update Condition 14 (Time for Starting and Completion) to delay the commencement of the Lascorp proposal for a two year period.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Adoption of Amendment C193 Part 2 and combined Planning Permit 2016-269 (Shepparton North - Lascorp proposal) (continued)

The Lascorp proposal relates to one of two sites within 400 metres of each other in Shepparton North (the other being the IGA site).

The IGA site comprises an existing supermarket, with an unacted upon permit for redevelopment and a proposal to enlarge the centre; however, with no evidence to support the direction or timing of this growth.

The Lascorp proposal, is for a new centre that is accompanied by a significant number of strategic documents supporting the proposal, includes a confirmed tenant and articulated direction for growth.

The Panel Report considers that Council should prepare a structure plan to define the Shepparton North Activity Centre and the extent to which it should develop before Amendment C193 Part 2 is adopted by Council.

Council officers consider that there is a sufficiently clear definition of the Activity Centre in Shepparton North. Council officers agree that the preparation of a structure plan is worthwhile, but that the timing of the completion of the structure plan does not need to precede the rezoning and development of the Lascorp site as proposed.

Council officers have drafted the resolution associated with this report to address the matters required by the VCAT orders and are satisfied that all attempts have been made to reasonably minimise further litigation on this matter.

Council is now required to consider the recommendations of the Panel Report and to make a decision regarding Amendment C193 Part 2 and the Planning Permit.

Attachments

1. Amendments C192 and C193 Panel Report, 9 October 2017
2. Extract from the confirmed minutes of the Ordinary Council Meeting held on 21 November 2017 - Amendments C192 & C193
3. Extract from the confirmed minutes of the Ordinary Council Meeting held on 20 March 2018 - Amendments C192 and C193 Part 1
4. Extract from the confirmed minutes of the Ordinary Council Meeting held on 20 March 2018 - amended development proposal (IGA), 177-193 Numurkah Road, Shepparton
5. Amendment C193 Part 2 - amendment documentation for adoption
6. Planning Permit 2016-269
7. Advice from Essential Economics Shepparton North Advice 30 May

11. TABLED MOTIONS

Nil Received

12. REPORTS FROM COUNCIL DELEGATES TO OTHER BODIES

Nil Received

13. REPORTS FROM SPECIAL COMMITTEES AND ADVISORY COMMITTEES

Nil Received

14. NOTICE OF MOTION, AMENDMENT OR RESCISSION

Nil Received

15. DOCUMENTS FOR SIGNING AND SEALING

Nil Received

16. COUNCILLOR ACTIVITIES

16.1 Councillors Community Interaction and Briefing Program

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

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

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

Councillors' Community Interaction and Briefing Program

From 1 May 2018 to 31 May 2018, some or all of the Councillors have been involved in the following activities:

- State Budget Update | \$313M Shepparton Line Upgrade - Stage 2
- Sports Hall of Fame | Advisory Committee Meeting
- Grand Opening | Olivers
- SA Royal Commission
- University of Melbourne | 2018 Masters of Public Health Graduation - Local Aboriginal Students
- Politician's in the Pub | Minister for Agriculture & Water - The Hon David Littleproud & Damian Drum
- Small Town Meeting - Mooroopna
- Shepparton Legacy | 68 Annual Luncheon
- Development Hearing Panel
- Calder Woodburn Memorial Avenue Advisory Committee Meeting
- Vesak Day 2018
- 'Wow' Women | Lift Off Fundraising – Luncheon
- Shepparton Legacy | 68 Annual Luncheon
- Dinner - Albanian Minister Visit
- Off Leash Dog Park Meeting
- Goulburn River Valley Tourism Planning Day
- Heritage Advisory Committee Meeting
- Friendship Cafe | Interacting with the Mayor Cr Kim O'Keeffe
- SAM Advisory Committee Meeting
- Greater Shepparton City Council Audit and Risk Committee
- Shepparton Education Plan Meeting – Mooroopna Working Party
- Celebrating Cultural Heritage | The Past Around Us : How Victoria Saved its Heritage – Bruce Wilson Biennial Lecture
- Senior Combined Partners Meeting
- Greater Shepparton Positive Ageing Advisory Committee
- Resident Visit | Rodney Park Nursing Home
- Public Health Advisory Committee Meeting
- Coffee | Minister for Regional Development, The Hon John McVeigh
- Shepparton Saleyards Advisory Committee
- Afternoon Tea with Minister for Multicultural Affairs, The Hon Robin Scott MP
- Australian Botanic Gardens Committee Meeting
- Goulburn River Valley Tourism | Destination Management Plan & GRTV and GOTAFE Diploma of Travel & Tourism Management
- IDAHOBIT Celebration
- Leadership Victoria | Williamson 2018
- MAV | State Council Meeting - May 2018
- 2018 Victorian Young Achiever Awards

16. COUNCILLOR ACTIVITIES

16.1 Councillors Community Interaction and Briefing Program (continued)

- Shepparton Show Me Committee Meeting
- Opening RV Dump Point
- Shepparton Showgrounds Advisory Committee
- Shepparton ACE | Annual General Meeting
- Volunteer Recognition Awards
- 2 Cool 4 School | Graduation - Mayor Guest Speaker
- 'Sorry Day' Commemoration | National Reconciliation Week 2018
- SAM | Exhibition opening - Raquel Ormella
- Presentation of Awards | Arts Grant – Shepparton South Community Centre
- Under the Wisteria
- Australian Botanic Gardens | Open Day 2018
- Remembrance Service – Local Indigenous Servicemen and Servicewomen
- Citizenship Ceremony
- Business Awards Launch
- MAV Rural & Regional Planning Conference and Dinner
- Shepparton Education Plan – Strategic Advisory Group
- VLGA - Regional Meeting
- Greater Shepparton Women's Charter Alliance Advisory Committee Meeting
- Indigenous Female Street Art Project Launch

RECOMMENDATION

That the summary of the Councillors' community interaction and briefing program be received.

Attachments

Nil

17. ASSEMBLIES OF COUNCILLORS

17.1 Assemblies of Councillors

CEO and Councillor Catch up – 1 May 2018		
Councillors	Cr O'Keeffe, Cr Giovanetti, Cr Hazelman, Cr Patterson and Cr Sutton	
Officers:	Peter Harriott	
Matter No.	Matters discussed	Councillors Present for Discussion
1.	State Budget	<ul style="list-style-type: none"> • Cr O'Keeffe • Cr Giovanetti • Cr Hazelman • Cr Patterson • Cr Sutton
2.	Murray Darling Association	<ul style="list-style-type: none"> • Cr O'Keeffe • Cr Giovanetti • Cr Hazelman • Cr Patterson • Cr Sutton
3.	St Andrews Road Development	<ul style="list-style-type: none"> • Cr O'Keeffe • Cr Giovanetti • Cr Hazelman • Cr Patterson • Cr Sutton
4.	Ford Road	<ul style="list-style-type: none"> • Cr O'Keeffe • Cr Giovanetti • Cr Hazelman • Cr Patterson • Cr Sutton
Conflict of Interest Disclosures		
Matter No.	Names of Councillors who disclosed conflicts of interest	Did the Councillor leave the meeting?
	Nil	

17. ASSEMBLIES OF COUNCILLORS
17.1 Assemblies of Councillors (continued)

Councillor Briefing Session – 1 May 2018		
Councillors	Cr Kim O’Keeffe, Cr Bruce Giovanetti, Cr Chris Hazelman, Cr Dennis Patterson and Cr Shelley Sutton	
Officers:	Peter Harriott, Geraldine Christou, Phillip Hoare, Kaye Thomson and Chris Teitzel, David Atley, Anthony Nicolaci, Michael Carrafa, Tim Russell and Maree Martin	
Matter No.	Matters discussed	Councillors Present for Discussion
1.	Road Closure of Crown Roads abutting Pine Lodge Cemetery	Cr O’Keeffe (Chair) Cr Giovanetti Cr Hazelman Cr Patterson Cr Sutton
2.	Chamber of Commerce MOU	Cr O’Keeffe (Chair) Cr Giovanetti Cr Hazelman Cr Patterson Cr Sutton
Conflict of Interest Disclosures		
Matter No.	Names of Councillors who disclosed conflicts of interest	Did the Councillor leave the meeting?
	Nil	

Aerodrome Advisory Committee Meeting 5 April 2018	
Councillors:	Cr Dennis Patterson
Officers:	Phil Hoare, Maree Walker, Russell Hardie, Sue Whitcombe

17. ASSEMBLIES OF COUNCILLORS

17.1 Assemblies of Councillors (continued)

Matter No.	Matters discussed	Councillors Present for Discussion
1	Landing Fees	Cr Patterson
2	Widening of Runway	Cr Patterson
3	Inwards and Outwards Correspondence	Cr Patterson
4	Maintenance works performed	Cr Patterson
5	Aerodrome Reporting Officers Training	Cr Patterson
6	Outstanding CASA items update	Cr Patterson
7	Aerodrome Fees	Cr Patterson
8	Incident Reports	Cr Patterson
9	Permanent office for Aerodrome Manager at Aerodrome	Cr Patterson
10	Terms of Office for Committee Members	Cr Patterson

Conflict of Interest Disclosures

Matter No.	Names of Councillors who disclosed conflicts of interest	Did the Councillor leave the meeting?
	Nil	

Development Hearings Panel – 4 May 2018

Councillors:	Cr Chris Hazelman
Officers:	Colin Kalms, Jonathan Griffin, Grace Docker, Sarah van Meurs, Tracey Mercuri and Steve Bugoss

17. ASSEMBLIES OF COUNCILLORS
17.1 Assemblies of Councillors (continued)

Matter No.	Matters discussed	Councillors Present for Discussion
1	Planning Application 2017-225 for 435 Goulburn Valley Highway, Shepparton North seeking permission for the use of the land for materials recycling	Cr Hazelman
2	Planning Application 2017-66/A for 600 Turnbull Road, Ardmona seeking permission to amend Planning Permit 2017/66 and remove condition 3, 4 (a) & (b) and make amendments to the preamble	Cr Hazelman
Conflict of Interest Disclosures		
Matter No.	Names of Councillors who disclosed conflicts of interest	Did the Councillor leave the meeting?
	Nil	

Councillor Briefing Session – 8 May 2018

Councillors	Cr Kim O’Keeffe, Cr Abdullah, Cr Adem, Cr Bruce Giovanetti, Cr Chris Hazelman, Cr Dennis Patterson, Cr Summer and Cr Shelley Sutton	
Officers:	Peter Harriott, Geraldine Christou, Phillip Hoare, Kaye Thomson and Chris Teitzel, Sharlene Still, Amanda Tingay, Jason Watts, Brigid Herring-Neumann, Colin Kalms, Michael MacDonagh and Maree Martin	
Matter No.	Matters discussed	Councillors Present for Discussion
1.	Adoption of Procurement Policy	Cr O’Keeffe (Chair) Cr Abdullah Cr Adem Cr Giovanetti Cr Hazelman Cr Patterson Cr Summer Cr Sutton

17. ASSEMBLIES OF COUNCILLORS

17.1 Assemblies of Councillors (continued)

2.	Local Law No. 2 - Procedures for Council Meetings and Common Seal 2018 - Update on Submissions	Cr O'Keeffe (Chair) Cr Abdullah Cr Adem Cr Giovanetti Cr Hazelman Cr Patterson Cr Summer Cr Sutton
3.	Home and Community Care	Cr O'Keeffe (Chair) Cr Abdullah Cr Adem Cr Giovanetti Cr Hazelman Cr Oroszvary (partial) Cr Patterson Cr Summer Cr Sutton
4.	Review Draft Agenda	Cr O'Keeffe (Chair) Cr Abdullah Cr Adem Cr Giovanetti Cr Hazelman Cr Oroszvary Cr Patterson Cr Summer Cr Sutton
5.	C193 – Part 2	Cr O'Keeffe (Chair) Cr Abdullah Cr Adem Cr Giovanetti Cr Hazelman Cr Oroszvary Cr Patterson Cr Summer Cr Sutton
Conflict of Interest Disclosures		
Matter No.	Names of Councillors who disclosed conflicts of interest	Did the Councillor leave the meeting?
	Nil	

17. ASSEMBLIES OF COUNCILLORS
17.1 Assemblies of Councillors (continued)

CEO and Councillor Catch up – 8 May 2018		
Councillors	Cr O’Keeffe, Cr Abdullah, Cr Adem, Cr Giovanetti, Cr Hazelman, Cr Patterson Cr Summer and Cr Sutton	
Officers:	Peter Harriott	
Matter No.	Matters discussed	Councillors Present for Discussion
1.	Bangarang	Cr O’Keeffe, Cr Abdullah, Cr Adem, Cr Giovanetti, Cr Hazelman, Cr Patterson Cr Summer Cr Sutton
2.	Ford Road Consultation	Cr O’Keeffe, Cr Abdullah, Cr Adem, Cr Giovanetti, Cr Hazelman, Cr Patterson Cr Summer Cr Sutton
3.	HRLFG Meeting	Cr O’Keeffe, Cr Abdullah, Cr Adem, Cr Giovanetti, Cr Hazelman, Cr Patterson Cr Summer Cr Sutton
4.	G.R.V.T. Meeting	Cr O’Keeffe, Cr Abdullah, Cr Adem, Cr Giovanetti, Cr Hazelman, Cr Patterson Cr Summer Cr Sutton

17. ASSEMBLIES OF COUNCILLORS
17.1 Assemblies of Councillors (continued)

Matter No.	Matters discussed	Councillors Present for Discussion
5.	East Shepparton Bowls Club	Cr O'Keeffe, Cr Abdullah, Cr Adem, Cr Giovanetti, Cr Hazelman, Cr Patterson Cr Summer Cr Sutton
6.	Civic Reception for Commonwealth Games Participants	Cr O'Keeffe, Cr Abdullah, Cr Adem, Cr Giovanetti, Cr Hazelman, Cr Patterson Cr Summer Cr Sutton
Conflict of Interest Disclosures		
Matter No.	Names of Councillors who disclosed conflicts of interest	Did the Councillor leave the meeting?
	Nil	Nil

Councillor Briefing Session – 15 May 2018	
Councillors	Cr Kim O'Keeffe, Cr Abdullah, Cr Bruce Giovanetti, Cr Chris Hazelman, Cr Dennis Patterson and Cr Shelley Sutton
Officers:	Peter Harriott, Geraldine Christou, Phillip Hoare, Kaye Thomson and Chris Teitzel, Amanda Tingay, Rachael Duncombe, Andrew Dainton, Michael MacDonagh and Maree Martin

17. ASSEMBLIES OF COUNCILLORS
17.1 Assemblies of Councillors (continued)

Matter No.	Matters discussed	Councillors Present for Discussion
1.	Remembrance Parks Central Victoria	Cr O'Keeffe (Chair) Cr Abdullah Cr Giovanetti Cr Hazelman Cr Patterson Cr Sutton
2.	Response to Amendment C193	Cr O'Keeffe (Chair) Cr Abdullah Cr Giovanetti Cr Hazelman Cr Patterson Cr Sutton
3.	Shepparton FoodShare	Cr O'Keeffe (Chair) Cr Abdullah Cr Giovanetti Cr Hazelman Cr Patterson Cr Sutton
Conflict of Interest Disclosures		
Matter No.	Names of Councillors who disclosed conflicts of interest	Did the Councillor leave the meeting?
	Nil	

CEO and Councillor Catch up – 15 May 2018	
Councillors	Cr O'Keeffe, Cr Abdullah, Cr Giovanetti, Cr Hazelman, Cr Patterson and Cr Sutton
Officers:	Peter Harriott

17. ASSEMBLIES OF COUNCILLORS
17.1 Assemblies of Councillors (continued)

Matter No.	Matters discussed	Councillors Present for Discussion
1.	Agenda Business	Cr O'Keeffe, Cr Abdullah, Cr Giovanetti, Cr Hazelman, Cr Patterson Cr Sutton
2.	Verney Road NBN	Cr O'Keeffe, Cr Abdullah, Cr Giovanetti, Cr Hazelman, Cr Patterson Cr Sutton
3.	SAM Foundation	Cr O'Keeffe, Cr Abdullah, Cr Giovanetti, Cr Hazelman, Cr Patterson Cr Sutton
Conflict of Interest Disclosures		
Matter No.	Names of Councillors who disclosed conflicts of interest	Did the Councillor leave the meeting?
	Nil	Nil

Councillor Briefing Session – 22 May 2018

Councillors	Cr Kim O'Keeffe, Cr Abdullah, Cr Bruce Giovanetti, Cr Chris Hazelman, Cr Dennis Patterson, Cr Fern Summer and Cr Shelley Sutton
Officers:	Peter Harriott, Geraldine Christou, Phillip Hoare, Chris Teitzel, Amanda Tingay, Colin Kalms, Michael MacDonagh, Sharlene Still, Laurienne Winbanks, Alison Greenwood, James Nolan, Anthony Nicolaci, Michael Carrafa and Maree Martin

17. ASSEMBLIES OF COUNCILLORS
17.1 Assemblies of Councillors (continued)

Matter No.	Matters discussed	Councillors Present for Discussion
1.	Lascorp Development Group Amendment C193 – Part 2	Cr O’Keeffe (Chair) Cr Abdullah Cr Giovanetti Cr Hazelman Cr Patterson Cr Summer Cr Sutton
2.	‘Draft’ Local Law No.2 Procedures for Council Meetings and Common Seal 2018	Cr O’Keeffe (Chair) Cr Abdullah Cr Giovanetti Cr Hazelman Cr Patterson Cr Summer Cr Sutton
3.	‘Draft’ Local Law No.1 - Community Living	Cr O’Keeffe (Chair) Cr Abdullah Cr Giovanetti Cr Hazelman Cr Patterson Cr Summer Cr Sutton
4.	Council Plan Progress Report	Cr O’Keeffe (Chair) Cr Abdullah Cr Giovanetti Cr Hazelman Cr Patterson Cr Summer Cr Sutton
5.	Shepparton Art Museum (SAM) Ltd - Nominate representatives for Board of Directors	Cr O’Keeffe (Chair) Cr Abdullah Cr Giovanetti Cr Hazelman Cr Patterson Cr Summer Cr Sutton

17. ASSEMBLIES OF COUNCILLORS
17.1 Assemblies of Councillors (continued)

Matter No.	Matters discussed	Councillors Present for Discussion
6.	Lighting of Telstra Tower in CBD	Cr O'Keeffe (Chair) Cr Abdullah Cr Giovanetti Cr Hazelman Cr Patterson Cr Summer Cr Sutton
Conflict of Interest Disclosures		
Matter No.	Names of Councillors who disclosed conflicts of interest	Did the Councillor leave the meeting?
	Nil	

CEO and Councillor Catch up – 22 May 2018		
Councillors	Cr O'Keeffe, Cr Abdullah, Cr Giovanetti, Cr Hazelman, Cr Patterson, Cr Summer and Cr Sutton	
Officers:	Peter Harriott	
Matter No.	Matters discussed	Councillors Present for Discussion
1.	SAM	Cr O'Keeffe, Cr Abdullah, Cr Giovanetti, Cr Hazelman, Cr Patterson Cr Summer Cr Sutton
2.	Goulburn Valley River Tourism	Cr O'Keeffe, Cr Abdullah, Cr Giovanetti, Cr Hazelman, Cr Patterson Cr Summer Cr Sutton

17. ASSEMBLIES OF COUNCILLORS
17.1 Assemblies of Councillors (continued)

Matter No.	Matters discussed	Councillors Present for Discussion
3.	Hume Regional Local Government Network	Cr O’Keeffe, Cr Abdullah, Cr Giovanetti, Cr Hazelman, Cr Patterson Cr Summer Cr Sutton
4.	Waste Recycling	Cr O’Keeffe, Cr Abdullah, Cr Giovanetti, Cr Hazelman, Cr Patterson Cr Summer Cr Sutton
Conflict of Interest Disclosures		
Matter No.	Names of Councillors who disclosed conflicts of interest	Did the Councillor leave the meeting?
	Nil	

RECOMMENDATION

That the Council note the record of Assemblies of Councillors.

18. URGENT AND OTHER BUSINESS NOT INCLUDED ON THE AGENDA

19. CONFIDENTIAL MANAGEMENT REPORTS

19.1 Designation of Confidentiality of Information – Report Attachments

RECOMMENDATION

In accordance with section 77(2)(b) of the *Local Government Act 1989* (the Act) the Council designates as confidential all documents used to prepare the following agenda item:

1. Report 7.2: Contract 1838 - Electric Line Clearance Tree Pruning

designated by the Chief Executive Officer in writing as confidential under section 77(2)(c) of the Act as this document relates to contractual matters which are relevant grounds applying under sections 89(2) of the Act.

19.2 Designation of Confidentiality of Information

RECOMMENDATION

That pursuant to section 89(2)(d) of the *Local Government Act 1989* the Council meeting be closed to members of the public for consideration of a confidential item.

19.3 Amendment for Additional Payments under Recycling Contract

19.4 Reopening of the Council Meeting to Members of the Public