

AGENDA

FOR THE
GREATER SHEPPARTON CITY COUNCIL

ORDINARY COUNCIL MEETING

TO BE HELD ON
TUESDAY 17 SEPTEMBER, 2019
AT 5.30PM

IN THE COUNCIL BOARDROOM

COUNCILLORS:

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

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
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TUESDAY 17 SEPTEMBER, 2019 AT 5.30PM**

**CHAIR
CR KIM O'KEEFFE**

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RISK LEVEL MATRIX LEGEND

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

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

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

PRESENT:

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

That the apologies from Cr Oroszvary and Cr Sutton be noted, and a leave of absence granted.

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 ammended minutes of the Ordinary Council meeting held 20 August 2019, as circulated, be confirmed.

6. PUBLIC QUESTION TIME

7. INFRASTRUCTURE DIRECTORATE

7.1 Re-opening of Southdown Street to Through Traffic

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: Project Engineer

Proof reader(s): Manager Projects

Approved by: Director Infrastructure

Executive Summary

Southdown Street was an unsealed gravel road which created dust related issues for the residents of Hawkins Heights estate. The street was closed to through traffic following Council resolution in May 2017. The street is now reconstructed with kerb and channel for half the length of the street and will be sealed for the remaining half with a temporary seal. The temporary seal is intended to be in place only until that half of the street is reconstructed in conjunction with an adjacent development.

RECOMMENDATION

That the Council:

1. approve the placement of a temporary seal on the 360m unsealed section of Southdown Street, Shepparton at an approximate cost of \$21,450 (GST inclusive);
2. approve the removal of the temporary road closure and open the street to through traffic between Ford Road and Hawkins Street, Shepparton.

Background

Southdown Street was a gravel road located in the north end of Shepparton and connects Ford Road to Hawkins Street, backing onto the Hawkins Heights residential estate. The use of Southdown Street increased as development of residential estates to the north continued and this led to a number of complaints from residents of the Hawkins Heights estate regarding dust. Efforts were made to suppress the dust however following ongoing concerns a decision was reached by Council to close the street to through traffic in May 2017 and bollards were installed.

Recently, as part of the “The Vines” development, the street was partly reconstructed including an asphalt layer for a length of approximately 360m.

Reopening of Southdown Street to through traffic will better service residents of the new “The Vines” estate and allow for a more natural distribution of traffic in the area, easing some of the burden adjacent streets have experienced over the past two years.

Typically the remaining length of the street (approx. 360m or 50%) would remain as a gravel road until the adjacent land is developed. Council is not aware of the proposed timeframe for development of the adjacent land however it is likely to be a number of

7. INFRASTRUCTURE DIRECTORATE

7.1 Re-opening of Southdown Street to Through Traffic (continued)

years. In the meantime, Council officers are recommending that Southdown Street be reopened to through traffic to service The Vines development.

To facilitate the reopening of the street and to avoid recreating dust issues it is proposed to seal the existing gravel formation as a temporary measure. The street will ultimately be reconstructed in conjunction with the development of the land adjacent to the southern section of Southdown Street.

Opening this section of the road will also provide a route for local residents to avoid intersections where major works are planned over the next 12 months.



Council Plan/Key Strategic Activity

This request is consistent with the strategic objective in the Council Plan for 2017-2021, to “provide and support appealing relevant infrastructure that makes Greater Shepparton an attractive, liveable regional city.”

7. INFRASTRUCTURE DIRECTORATE

7.1 Re-opening of Southdown Street to Through Traffic (continued)

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Deterioration of the seal	Likely	Moderate	Medium	Monitor / Maintenance of the seal
Dust	Unlikely	Moderate	Low	Monitor / Maintenance of the seal
Speeding traffic	Likely	Major	High	Speed restrictions

Policy Considerations

There are no conflicts with Council Policy

Financial Implications

Minimal costs

- Removal of bollards (included in the Southdown Street construction contract) \$1250.00
- Prep works & temporary sealing of the southern section (included in the Southdown Street construction contract) - \$19,264
- Public notice \$650.00

Legal/Statutory Implications

Local Government Act 1989 No. 11 - Schedule 11 – Clause 5 & 10

Environmental/Sustainability Impacts

There are no environmental or sustainability impacts anticipated from this proposal. The contractor has standard requirements under the contract to ensure appropriate environmental measures are in place to manage environmental aspects during the works.

The temporary seal will address the dust issues that were previously encountered until the road is formally developed.

Social Implications

- Improved connectivity to 'The Vines' residential estate.
- Through traffic will discourage anti-social elements on the street

Economic Impacts

- Council asset will be utilised to its potential.
- More efficient and direct access to CBD for residents.

Consultation

The issues that resulted in the closure of the street were related to dust. Residents were sent letters prior to the closure of the street advising of the proposed action.

Prior to opening the street, the adjoining residents will be informed of the road re-opening via letter and public notices will be published in media.

Officers believe that the matter is now ready for Council consideration.

7. INFRASTRUCTURE DIRECTORATE

7.1 Re-opening of Southdown Street to Through Traffic (continued)

Strategic Links

a) Greater Shepparton 2030

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

b) Other Strategic Links

Asset Management Strategy 2007

Conclusion

The re-opening of Southdown Street will better service residents of the new “The Vines” estate and allow for a more natural distribution of traffic in the area, easing some of the burden adjacent streets have experienced over the past two years. The installation of a temporary seal on the southern half of the street will avoid the recurrence of the previous dust issues that led to the closure of the road.

Opening this section of the road will also provide a route for local residents to avoid intersections where major works are planned over the next 12 months.

Attachments

Nil

8. COMMUNITY DIRECTORATE

8.1 Community Planning Summary 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: Acting Community Development Coordinator

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

Approved by: Director Community

Executive Summary

Greater Shepparton City Council is committed to working in partnership with community members to implement the Community Planning program. In total, Council has endorsed Community Plans in ten small towns, four neighbourhoods and three localities.

This summary includes updates on five year reviews, completed projects from community plans as well as other community development and community capacity building initiatives that have been undertaken in the reporting period.

RECOMMENDATION

That the Council:

1. note the achievements of the Greater Shepparton Community Planning groups over the 2018/2019 financial year; and
2. thank the many volunteers that contribute to Community Planning in Greater Shepparton.

Background

A Community Plan is a written document which identifies a community's vision for the future and the priorities it has identified to achieve this vision. Currently ten small towns, four neighbourhoods and three localities have endorsed Community Plans within the municipality.

Each Community Plan has a steering committee or group that meets to identify, evaluate and action priorities to develop and implement the plans. Community planning is based on capacity building and therefore each Community Plan Committee or Group is responsible for driving its plan with support provided by Council Officers as needed. The timing and importance of projects is dependent on the committee's capacity at any given time and every effort is made to balance this with the community's needs. This summary report provides updates on completed projects from Community Plans as well as other Community Planning and community capacity building initiatives that have been undertaken in the past 12 months.

8. COMMUNITY DIRECTORATE

8.1 Community Planning Summary 2018 / 2019 (continued)

1. Community Planning and Development initiatives Overview

Ramp it Up & Youth SPOTS

The Ramp it Up Committee has continued to meet over the past 12 months to discuss the planning and implementation of the Youth SPOTS across Greater Shepparton. Stage One has been completed in Undera, Congupna and Murchison, stages 1 and 2 have been completed in Dookie. Three stage one projects are included in the Capital budget 2018/19. The Committee are focusing on activating the current Youth SPOTS.

Action Plan Reviews

In line with the Community Planning procedure, each Community Plan group conducts an annual review of their Action Plan. Reviewing the Action Plans provide the community with an opportunity to review their achievements, determine upcoming priorities for the next 12 months and identify emerging priorities. A summary of the updated Action Plans were presented at the February Ordinary Council Meeting. The 2018 Action Plan reviews are currently underway.

Community Plan Celebration Dinner

Council hosts an annual Celebration Dinner to thank the Community Plan Committees for their work and dedication to their local community for the past year. 2018 dinner was hosted at the Shepparton Golf Club on the 8th of November. Guest speakers included the St Georges Road Community Planning Group and Tallygaroopna Men's shed and highlighted significant project delivered within their neighbourhood and small town.

It's Your Plan

It's Your Plan is an annual skill development and networking event for Community Plan Committees. This year's event was held on 5th of June at the Kialla Park Bowls Club and provided an opportunity for Community Plan Committee to meeting with a diverse range of Council Departments and continue to development relationships that could benefit our Community Plan communities.

The Messenger

Council distributes an electronic newsletter to each Community Plan Committee member at least four times per year. The newsletter includes information about current projects Community Plan groups are working on, upcoming events and other information of relevance. Each Committee are invited to submit content for the newsletter.

Greater Shepparton Men's Sheds

Greater Shepparton has a very active and productive collective of Men's Sheds achieving amazing outcomes for men and their communities.

Sheds are located in Murchison, Tatura, Mooroopna, Shepparton, Dookie, Tallygaroopna and Katandra West with an emerging Shed in Shepparton East.

In 2019/2019 the Shed's held a display at Bunnings during National Men's Shed Week in September rostering members to host each day. On 1 May 2019 the 3rd Celebrating Men's Sheds Day was hosted by the new Tallygaroopna Men's Shed with 100 men attending across all the sheds together with representatives from Kensington Gardens Men's Sheds.

8. COMMUNITY DIRECTORATE

8.1 Community Planning Summary 2018 / 2019 (continued)

Project	Amount	Funding Source	Status
Celebrating Men's Shed Day	\$2000	2018/2019 CP Capital	Completed

Community Matching Grant Scheme

In 2018/2019 we piloted an increase in the funding offered from \$2500 to up to \$5,000. This was successful with the full funding allocation being expended for the first time in several years.

To assist community with applying for Council grants including the community matching grant the Community Development team in collaboration with Council Grants Coordinator host a Grants and Fundraising in the Community forum in June 2019.

23 Projects were successful with fully or partially funded.

Project	Amount	Funding Source
Community Matching Grant Scheme	\$75,000	2018/2019 Capital Budget

Community Leadership Program / Series

Victoria University polytechnic facilitated the delivery of the 2018 Community Leadership program with 24 community members participating in the program and delivered five projects.

In response to the withdrawal of Victoria University Polytechnic and alternative Community Leadership Series was developed with 6 workshop being delivered focusing on a different aspects of leadership with the first session delivered in June 2019.

Project	Amount	Funding Source
Community Leadership Program	\$37,400	2018/2019 Capital Budget
Community Leadership Series Session One	\$2,200	2018/2019 Capital Budget

2. First 5 Year Review Tallygaroopna

A full review of the Tallygaroopna Community Plan was undertaken in 2018/19. Tallygaroopna has made significant achievements towards their identified priorities. New priorities were identified as well as identification of key priorities that will continue from the original plan. The updated Community Plan, together with the revised action plan has provided direction for the Committee. Tallygaroopna's new Community Plan was endorsed by Council in June 2019.

3. Annual Community Plans Update by Town/ Locality

Arcadia Community Plan

The Arcadia Community Plan was endorsed by Council in September 2014.

The Community Plan group has completed or been involved in the following projects over the past 12 months:

Project	Amount	Funding Source	Status
Recreation Reserve Carpark Redevelopment	\$ 64,500	2018/19 Capital	Complete

8. COMMUNITY DIRECTORATE

8.1 Community Planning Summary 2018 / 2019 (continued)

- Competed design of Arcadia History Sign
- Advocacy for shade Sail over playground
- Participated in One Tree Per Child Community planting weekend

Boulevard and Golf Estates

The Boulevard and Golf Estates Community Plan was endorsed by Council in December 2016.

Future projects include towards a street library and basketball half court for the community

The Community Plan group have completed the following projects or activities over the past 12 months:

Project	Amount	Funding Source	Status
Basketball workshop	\$1113	Community Plan Implementation Fund	Postponed

Other community projects they have been working on:

- Community are currently working on support for a basketball hoop and Street library.

Congupna Community Plan

The Congupna Community Plan was endorsed by Council in December 2013.

Over the past the 12 months the projects they have been working on are:

Project	Amount	Funding Source	Status
Shade Sails at Recreation Reserve Playground	\$2790	2018/19 Capital	Complete

The Community Plan group have also been involved in the following projects over the past 12 months:

- Continued advocacy for Draft Reserve Masterplan to be completed in 2019/2020 financial year
- Completion of stage 1 – Congupna Youth Spot – stronger communities funding
- Netball court resurfacing – committee successful in obtaining my sporting future grant- completed in March 2019
- Investigate options for updates to town hall ie. heating and cooling
- Continued advocacy and planning for safer turning lanes for Congupna/ Katamatite Road

Dookie & District Community Plan

Five year review was completed and endorsed by Council at the August Ordinary Council 2017. The Community Plan group have completed the following projects over the past 12 months:

- Initial stage of Mt Major walking path, acquitting a 'Stronger Communities Grant of \$10,000
- Progress on part two of Mt Major
- Completion of Stage 3 Youth SPOT
- Dookie Business event was conducted in February 2019

8. COMMUNITY DIRECTORATE

8.1 Community Planning Summary 2018 / 2019 (continued)

Ongoing:

DDDF supporting Men's Shed renovation project

The Community Plan group have completed the following projects over the past 12 months

Project	Amount	Funding Source	Status
Mt Major Walking Track (part one)	\$89,265	2018/19 Capital & Stronger Communities Grant (\$10,000)	Complete

Other community projects they have been working on:

- Dookie Men's Shed Project
- Rail Trail Stage 2 which was awarded funding for the 19/20 financial year.
- Mt Major (Part two) signage, bollards & seating

Dhurringile Community Plan

The Dhurringile Community Plan was endorsed by Council in December 2016.

Over the past twelve months the projects that they have been working on are:

Project	Amount	Funding Source	Status
Shelter, table and water fountain installation	\$39,540	2018/19 Capital	Complete

Other community projects they have been working on:

- Dhurringile draft Recreation Reserve masterplan

Katandra West Community Plan

The Katandra West Community Plan was endorsed by Council in March 2013 and a full review was undertaken in 2018. The 5 year review was endorsed at the September 2018 Ordinary Council Meeting.

Project	Amount	Funding Source	Status
Katandra West 5 Year Review	\$300	Community Plan Implementation	Completed

The Community Plan group have completed the following projects over the past 12 months:

- Community consultation and implementation of the Katandra West Community Plan (5 year review)
- Installation of Telstra antenna in the centre of town to address black spot issues
- Improved mobile reception: successful advocacy for inclusion in black spot program
- Advocacy and planning for improved town directional signage
- Advocating for improvements to roads: ongoing advocacy for improvements to identified roads
- Planning for stage 1 Youth Spot
- Advocacy and support for the Katandra West Men's Shed

Kialla Lakes Neighbourhood Plan

8. COMMUNITY DIRECTORATE

8.1 Community Planning Summary 2018 / 2019 (continued)

The Kialla Lakes Community Plan was endorsed by Council in October 2014.

The Community Plan group have completed the following projects over the past 12 months:

Project	Amount	Funding Source	Status
2018 Christmas celebration	\$960	Community Plan Implementation Fund	Completed

Other community projects they have been working on:

- Capital bid for Ganaway Reserve path lighting
- Waranga Drive speed calming

Merrigum Community Plan

The Merrigum Community Plan was endorsed by Council in August 2018 after the completion of a full review.

The Community Plan group have completed the following projects over the past 12 months:

Project	Amount	Funding Source	Status
Splash Park	\$315,416	Grants, Capital & Community Contribution DHHS grant \$200,000	Completed
Cricket Net upgrade	\$3400	Community Plan Implementation Fund	Completed

Other projects they have been working on:

- Delivery of an Australia Day event.

Mooroopna Community Plan

The Mooroopna Community Plan was endorsed by Council in 2010, with the revision endorsed by Council in October 2015.

Over the past 12 months the group have been working on the following projects:

- McLennan Street Masterplan
- Supporting Stevens Crescent Community BBQ
- Exploring water fountain for Ferrari Park
- Advocacy with V/Line and Vic Track for safer pedestrian access to the Mooroopna Railway Station
- Support the development of a Business Traders Working group
- Participating in Ramp it Up Committee and the development of Council's Youth Recreation Spaces Strategy.

Murchison and District Community Plan

The Murchison Community Plan was endorsed by Council in 2011. A 5 year review of the Community Plan was undertaken in 2017.

8. COMMUNITY DIRECTORATE

8.1 Community Planning Summary 2018 / 2019 (continued)

Over the past 12 months the group have been working on the following projects:

Project	Amount	Funding Source	Status
Murchison East Iconic Entrance Concept Plan	\$5,000	Community Plan Implementation Fund	Complete

Other community projects they have been working on:

- 50 year Meteorite celebration

Seven Creeks Neighbourhood Plan

The Seven Creeks Community Neighbourhood Plan was endorsed by Council in May 2013.

Over the past 12 months the group have been working on the following projects:

Project	Amount	Funding Source	Status
Seven Creeks Christmas celebration	\$ 860	Community Plan Implementation Fund	Complete

Other community projects they have been working on:

- Continued advocacy for the estate to be linked in with the shared path network
- Continued advocacy for nature path around the back of the wetland
- Continued advocacy for half basketball court

Shepparton East Locality Plan

The Shepparton East Locality Plan was endorsed by Council in December 2015.

Over the past 12 months the group have been working on the following projects:

Project	Amount	Funding Source	Status
Shepparton East Walking Path	\$90,000	2018/19 Capital	Ongoing
Flix in the Stix	\$2,501	Community Plan Implementation Fund and Projects	Complete

Other community projects they have been working on:

- Shepparton East Men's Shed, committee creation
- Advocacy for Stage two Walking Path
- Shepparton East Newsletter - ongoing

St George's Road Neighbourhood Plan

The St George's Road Neighbourhood Plan was endorsed by Council in December 2015.

Over the past 12 months the group have been working on the following projects:

Project	Amount	Funding Source	Status
Commercial Precinct upgrades -	\$30,000	2018/19 Capital	Complete
Family Fun Night – Multicultural Sports	\$4,275	Community Planning Implementation Fund	Complete March 19

8. COMMUNITY DIRECTORATE

8.1 Community Planning Summary 2018 / 2019 (continued)

Other community projects they have been working on:

- Advocate for inclusion in the Councils public toilet policy
- Progress further wall mural projects
- Plan a deliver more community events in the area

Tallygaroopna Community Plan

The Tallygaroopna Community Plan was endorsed by Council in June 2019 after a full review during the 2018/19 FY.

Over the past 12 months the group have been working on the following projects:

- Ongoing newsletters
- Continuation of Walking Loop from Slaughterhouse Rd to Parkland Drive.
- Investigation of potential Silo Art project
- Investigation of Community Noticeboard

Tatura Community Plan

The Tatura Community Plan was endorsed by Council in 2010, with the revision being presented to Council for endorsement in October 2015. 2020 will see the Plan celebrate 10 years

Over the past 12 month the group have been working on the following:

Project	Amount	Funding Source	Status
Tatura Museum - Extension	\$330,000	2018/2019 Capital	Ongoing
What's Happening in Your Town	\$250	Community Plan Implementation Fund	Completed
Mactier Park – Review	\$6,511	Community Plan Implementation Fund	Completed
Skate Park	\$4,000	Community Plan Implementation Fund	Completed
End of Year Community Celebration	\$300	Community Plan Implementation Fund	Completed
Shade Sail – Northlinks Playground	\$26,470	2018/2019 CP Capital	Completed
Christmas Decoration	\$10,000	2018/2019 Capital	Ongoing

Other actions that the community are working towards include:

- Mactier Park remains the #1 priority for the Tatura Community Plan. They continue to advocate for the implementation of the Mactier Park Master Plan specifically the negotiations with Council and VicTrack re the contaminated land.
- Advocate for an RV Friendly carpark in Douglas Street Tatura.
- Working to establish a Transport Project Working Group to address the transport challenges for Tatura residents
- Develop opportunities for Newcomers. TatGathering has been commenced by the Tatura Community House
- Work with the Race Course Committee re the progression of the 10 km loop.

8. COMMUNITY DIRECTORATE

8.1 Community Planning Summary 2018 / 2019 (continued)

Toolamba and District Community Plan

The Toolamba and District Community Plan was endorsed by Council in 2011. The group completed a 5 year review of their Community Plan in 2016.

The Toolamba and District Community Plan have undergone significant change with the introduction of a strategic plan.

Over the past 12 months the group have been working on the following projects:

Project	Amount	Funding Source	Status
Colaura Gardens under 5 playground	\$60,000	2018/19 Capital	completed

The group have been working on the following projects this year:

- Future What's Happening in Your Town event
- New bridge advocacy

Undera Community Plan

The Undera Community Plan was endorsed by Council in August 2009, with the revision being presented to Council for endorsement in September 2014.

The Undera Community Plan Committee is currently undergoing a restructure with a number of positions currently vacant and community activation opportunities being explored.

Other community projects that members of the community are looking into:

- Investigation into potential musical event
- Supporting membership to the Undera Memorial Hall Committee

Council Plan/Key Strategic Activity

This summary is intrinsically linked to the Council Plan 2017 – 2021, in particular the following objectives:

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
- 2.6 Volunteering is promoted and encouraged along with other measures to improve community resilience.

Risk Management

There are no moderate to extreme risks identified with this report.

Policy Considerations

This summary report supports existing Council policies including but not limited to Council's Community Planning Policy and Procedure.

Financial Implications

Community Planning is set within the Council context of existing financial constraints and allocated budget. Community Planning priorities were assessed through the existing Community Planning Implementation budget, external government departments, philanthropic trusts and / or community fundraising. For some of these priorities,

8. COMMUNITY DIRECTORATE

8.1 Community Planning Summary 2018 / 2019 (continued)

Community Plan Steering Committees may provide in kind support to the implementation of these initiatives or look for external funding to support actions and initiatives.

Legal/Statutory Implications

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

Environmental/Sustainability Impacts

This summary report does not have any environmental impacts.

Social Implications

Community Planning is a bottom up approach to planning for the future of an area that is led by the community themselves. The Community Planning process in Greater Shepparton is underpinned by the asset base community development (ABCD) approach which is a large global movement that considers local assets as the primary building blocks of sustainable communities.

Economic Impacts

Where possible, local purchases are made and used locally. Of note, some items completed this financial year will attract out of town interest and trade.

Consultation

There has been many varied consultations that have been undertaken with the Community Plan groups throughout the past 12 months. Community Plan Steering Committees meet regularly in each of the small towns, neighbourhoods and localities supported by Council Officers. Each Community Plan project has also included further consultation with key stakeholders and the wider community. The annual reviews are undertaken every year and include extensive consultation with the wider community through surveys and local community events.

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Keeping the community informed about community plan activities	Media releases Surveys Flyers Social media
Consult	Discuss achievements and priorities	Consultation events
Involve	Feedback is important to contribute to decision making	Forums / events for Committees to build their capacity.
Collaborate	Feedback will be incorporated into decision making to the maximum level possible	Partnerships between Council and Community Plan groups and the wider community
Empower	The communities have ownership of this plan and continue to actively drive the implementation of the priorities within it.	Plans are endorsed, not adopted by Council thus creating ownership

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

8. COMMUNITY DIRECTORATE

8.1 Community Planning Summary 2018 / 2019 (continued)

Strategic Links

a) Greater Shepparton 2030 Strategy

Direction 2 – Community Life

b) Other strategic links

Greater Shepparton City Council – Community Development Framework

Greater Shepparton City Council – Community Engagement Strategy

Greater Shepparton City Council – Community Plan Implementation Policy

Conclusion

This summary report contains some of the achievements made in the Community Planning program over the past 12 months. Community Plan Steering Committees/ Groups have successfully completed many community projects resulting in fantastic outcomes for their communities. Committees have also continued to plan and scope for upcoming projects and advocate on behalf of their communities. Council Officers have facilitated a number of events to build the capacity of the Committees and acknowledge the fantastic work residents do for their local communities.

Attachments

Nil

8. COMMUNITY DIRECTORATE

8.2 Shepparton Art Museum Advisory Committee Membership

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

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

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

Council Officers involved in producing this report

Author: SAM Administration Officer

Proof reader(s): SAM Director

Approved by: SAM Director

Other: Director Community

Executive Summary

The purpose of the Shepparton Art Museum (SAM) Advisory Committee is to facilitate and support SAM in its mission to create excellent visual art experiences and to grow and care for the art collection to this end.

The Shepparton Art Museum Director discussed a possible change to the Terms of Reference with the current Advisory Committee at the meeting on 26 June 2019 due to the expiry of one member's term. Due to the upcoming transition to new SAM and SAM Ltd, it was recommended that the term be extended to allow the Member, Kris Medson, to stay on the Advisory Committee until the transition of governance.

RECOMMENDATION

That the Council extends the term of Kris Medson on the Shepparton Art Museum Advisory Committee until transition of governance to SAM Ltd on 30 June 2020.

Background

The purpose of the Shepparton Art Museum (SAM) Advisory Committee is to facilitate and support SAM in its mission to create excellent visual art experiences and to grow and care for the art collection to this end. It is the role of the Committee to support SAM by ensuring that the Collection Development Strategy is followed and artworks presented for acquisition into the collection fall within collection areas and are in line with the objectives and particulars of the strategy. The SAM Advisory Committee meets on a six weekly basis, eight times per year. The Committee endorses artworks to be acquired into the SAM Collection through the advice of SAM staff provided through acquisition assessment documents.

Council Plan/Key Strategic Activity

Active & Engaged Community (Social)

The SAM Advisory Committee provides a transparent way for the community to be involved with the growth of the art collection. It creates a learning and development opportunity for members and is an integral way the community is able to be part of and engaged with the activities of the Art Museum. In particular the work of the Committee contributes to the following strategic activities from the Greater Shepparton Council Plan:

1.5 Embrace and strengthen cultural harmony and diversity.

1.16 Value Arts Culture and Heritage as an integral part of our dynamic community.

8. COMMUNITY DIRECTORATE

8.2 Shepparton Arts Museum Advisory Committee Membership (continued)

Risk Management

There are no identified risks associated with this report.

Policy Considerations

There is no impact on existing policies associated with this report.

Financial Implications

There are no financial implications associated with this report.

Legal/Statutory Implications

There are no legal implications associated with this report.

Environmental/Sustainability Impacts

There are no environmental or sustainability impacts associated with this report

Social Implications

The role and function of the SAM Advisory Committee is a way for the community to engage with the Art Museum's operations.

Economic Impacts

There are no economic implications associated with this report.

Consultation

Consultation has been undertaken with the existing SAM Advisory Committee at the meeting held on Wednesday 26 June 2019, which is a representative body comprising members of the Friends of SAM, SAM Director, independent community representatives and chaired by Councillor Chris Hazelman OAM. Those present at the SAM Advisory Committee meeting on 26 June 2019 recommended extending the terms of any Advisory Committee Member until transition of governance to New SAM. It was unanimously moved and seconded.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

The proposal is in line with the 2030 Strategy, report no 3. Community Life Objective 2, 'To encourage and implement activities that will strengthen community spirit' and Economic Development Objective 2, 'To develop the Shepparton CBD as the regional centre for commerce and entertainment'.

Conclusion

Based on the information provided in this report and through consultation with the SAM Advisory Committee, it is recommended that the term for the Advisory Committee Member be extended.

Attachments

Terms of Reference [↓](#) Page 110

8. COMMUNITY DIRECTORATE

8.3 Greater Shepparton Women's Charter Advisory Committee Membership Appointments

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: Project Administration Officer Neighbourhoods

Proof Reader(s): Manager Neighbourhoods

Approved by: Manager Neighbourhoods, Director Community

Other: Acting Coordinator Community Development, People and Workforce Officer

Executive Summary

The Greater Shepparton Women's Advisory Committee (GSWCAC) was established by Greater Shepparton City Council in 2011 to promote women in leadership at all levels of decision making in Greater Shepparton. Since this time the Committee has undertaken many activities to promote women's participation. The GSWCAC are seeking the endorsement of four Committee members (one returning and three new) to fill four vacancies, as per the GSWCAC Terms of Reference.

RECOMMENDATION

That the Council appoint the following Community Members to the Greater Shepparton Women's Charter Advisory Committee for a period of two years, commencing on 18 September 2019 and concluding on 19 July 2021:

- Angela MCLEOD
- Mariam MGOTER
- Marwa ABOUD
- Anna TORRES-ABLITT

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 commenced with its first meeting being held on 4 November 2011. The Committee was officially endorsed by Council on 21 February 2012, and is now known as the Greater Shepparton Women's Charter Advisory Committee (GSWCAC).

In line with the Terms of Reference, adopted by Resolution of Council on 19 June 2018, the Committee can include up to 14 community members, up to 3 Council staff and one Councillor as the Charter Champion, but shall not exceed 15 members in total.

As per the Terms of Reference a membership drive has been undertaken to fill seven initial vacancies. Two Council Officers reviewed and assessed the 18 applications using the assessment matrix and responses provided in the membership applications. Council

8. COMMUNITY DIRECTORATE

8.3 Greater Shepparton Women's Charter Advisory Committee Membership Appointments (continued)

endorsed the appointment of seven members and now have an additional four membership opportunities. Council officers recommend the appointment of Angela MCLEOD, Mariam MGOTER, Marwa ABBOD and Anna TORRES-ABBLITT for a twenty two (22) month term effective immediately and concluding on 19 July 2021.

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

No financial implications have been identified associated with the Report.

Legal/Statutory Implications

Officers have not identified any Legal/Statutory implications associated with this report.

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. This focus is on addressing social disadvantage and increasing women's participation.

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

Memberships opened on 15 April and closed on 13 May 2019. Membership was advertised in the Shepparton News via public notice on 19 & 26 April and in the Advisor on 17 & 24 April. Membership was also advertised on Council's Facebook site, Council's

8. COMMUNITY DIRECTORATE

8.3 Greater Shepparton Women's Charter Advisory Committee Membership Appointments (continued)

website and shared via Council Staff and Committee members. Further promotion was gained by interviews with ABC Radio on 16 April and One FM on 26 April and a newspaper article in the Advisor on 24 April.

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration. The Committee are aware that the membership drive resulted in 18 applications and that an appropriate process was undertaken to review and assess applications in line with the Terms of Reference.

Strategic Links

a) Greater Shepparton 2030 Strategy

Direction 2 – Community Life

b) Other strategic links

Greater Shepparton Women's Charter Alliance Advisory Committee 3x3 Action Plan 2018-2021

Conclusion

GSWCAC is encouraged by the calibre and quality of all applications and believe that the four successful members will add further strength, diversity and capability to the Committee and support the achievement of its Action Plan moving forward.

Attachments

Nil

9. CORPORATE SERVICES DIRECTORATE

9.1 Shepparton Show Me Committee Membership

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

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

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

Council Officers involved in producing this report

Author: Shepparton Show Me Administration Officer

Proof Reader(s): Manager Shepparton Show Me

Approved by: Director Corporate Services

**Other: Acting Shepparton Show Me Co-ordinator
Manager Marketing and Communications**

Executive Summary

Terms of four industry representatives of the Shepparton Show Me (SSM) Committee (Kristina Marko, Andrew Pogue, Simon Quattrocchi and Helen Sofra) were temporarily extended for a two month period to enable the next five year marketing strategy to be finalised and adopted. This recommendation was approved at the 2019 July Ordinary Council Meeting for their terms to expire on 30 September 2019.

In addition there were two vacant industry positions following the resignation of Chris Reisner in April 2019 and Olivia Smith in July 2019.

This has resulted in six industry positions being vacant at the present time.

Expressions of interest for the six available positions were advertised with seven applications being received.

Voting members of the Committee have undertaken the assessment of the applicants against the selection criteria and are now recommending the appointment of the successful applicants.

RECOMMENDATION

That the Council:

1. appoint the following candidates to the Shepparton Show Me Committee for a two year term, commencing on 17 September 2019 and concluding on the 21 September 2021:
 - Mr Simon Quattrocchi – GV Finance Brokers
 - Mr Andrew Pogue – Kevin Hicks Real Estate
 - Ms Helen Jane Sofra – Collins Booksellers
2. appoint the following candidates to the Shepparton Show Me Committee for a one year term, commencing on 17 September 2019 and concluding on the 15 September 2020:
 - Ms Kristina Marko – La Trobe University
 - Mr Zane Foott – Foott Waste Solutions

9. CORPORATE SERVICES DIRECTORATE

9.1 Shepparton Show Me Committee Membership (continued)

Background

As stated in the Shepparton Show Me (SSM) Guidelines - Committee Delegations:

- 8.1.1 *The Committee shall comprise of between six (6) and nine (9) members representative of the Shepparton business community.*
- 8.4 *Business community members will be appointed for a period of two years, however a 12 month term can also be considered. Business community members may be removed by the Council at any time. Nominations will take place each year, with 50 per cent of the Committee positions eligible for nomination every 12 months. A member of the Committee shall be eligible for re-appointment at the expiration of his or her period of office.*
- 8.7 *The Council will call for registrations of interest from the community by way of a notice in the public notices section of a local newspaper before appointing business community representatives to the Committee.*

The nomination, assessment and recommendation process in the appointment of business representatives to the SSM Committee has been undertaken in accordance with the SSM Guidelines - Committee Delegations and SSM Committee Appointment Process requirements.

Expressions of Interest for the six available Committee positions were placed in the public notices section of the Shepparton News on Friday 5 and 12 July and Wednesday 10 and 17 July in the Shepparton Adviser. The availability of positions was further promoted via the SSM website and direct email to SSM members.

Applications for the positions closed at 5:00pm on Friday 19 July 2019.

Following the promotion of the availability of positions on the Committee seven expressions of interests were received.

One of the applicants was identified as being ineligible as their place of business is located outside of the SSM boundary, while a second applicant withdrew their application as they recently accepted a new role hence were no longer able to commit the required time.

Voting members of the Committee assessed the five applications for the six available positions.

The applications were assessed against the following criteria:

- Established networks with a range of Shepparton businesses
- A willingness to work in a team environment
- Experience in marketing and communication
- Relevant qualifications, skills and experience that will contribute to SSM
- An understanding of business issues across a broad range of industry sectors
- Potential conflicts of interest – yes /no response
- Previous SSM member and length of service – yes/no response
- Previous application made to SSM – yes/no response

9. CORPORATE SERVICES DIRECTORATE

9.1 Shepparton Show Me Committee Membership (continued)

A score from 0 – 4 was used to assess the criteria:

SCORE	DESCRIPTION	DEFINITION
0	Does not meet criteria	Shows no understanding of or has no experience in the key issues/criteria
1	Partially meets criteria	Shows only a limited understanding of or has limited experience in the key issues; covers some key points only
2	Meets all criteria	Demonstrates an understanding of the issues and covers the key points, but shows no additional initiative or innovation
3	Partially exceeds criteria	Has extensive relevant experience in and knowledge of key criteria and shows initiative or innovation on some key points or criteria
4	Exceeds all criteria	Has extensive relevant experience in and knowledge of key criteria and provides innovative and creative responses on all points

Each assessor individually evaluated each applicant with the total of the scores tallied to reveal the results.

The following available Shepparton Show Me Committee voting members scored the applications on 30 July 2019:

1. Cr Les Oroszvary – Councillor representative
2. Cr Dinny Adem – Councillor representative
3. Ms Geraldine Christou – Director Sustainable Development
4. Mr Shane Sali – Industry representative
5. Mr Stephen Schneider – Industry representative
6. Mr John Montagner – Industry representative

Based on the assessment outcomes the following candidates are recommended to be appointed to the SSM Committee:

#	Candidate	Business	Length of term
1.	Mr Quattrocchi	GV Finance Brokers	2 years
2.	Mr Andrew Pogue	Kevin Hicks Real Estate	2 years
3.	Ms Helen Sofra	Collins Booksellers	2 years
4.	Ms Kristina Marko	La Trobe University	1 year
5.	Mr Zane Foott	Foott Waste Solutions	1 year

Please note that as per the SSM Guidelines - Committee Delegations “*The Committee shall comprise of between six (6) and nine (9) members representative of the Shepparton business community*”, hence not all of the nine positions need to be filled at any one time.

Council Plan/Key Strategic Activity

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

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

3.3 Greater Shepparton is a major destination for events and tourism.

9. CORPORATE SERVICES DIRECTORATE

9.1 Shepparton Show Me Committee Membership (continued)

Risk Management

The appointment of replacement members through formal resolution of the Council reduces governance risks by ensuring that all members appointed to a committee are covered by the Council's public liability insurance.

The review panel assessed the applicants based on their responses to the selection criteria and have ensured their recommendations for committee members are representative of the broader business community.

Policy Considerations

There are no policy considerations in relation to this report.

Financial Implications

There are no financial implications in relation to this report.

Legal/Statutory Implications

The proposal conforms to legislation set out in section 86(2) of the Local Government Act 1989 – a Council may appoint members to a special committee and may at any time remove a member of a special committee.

Environmental/Sustainability Impacts

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

Social Implications

There are no social implications associated with this report.

Economic Impacts

Having a broader representation of business members assists SSM in increasing the range of marketing campaigns undertaken and directly supporting a more diverse range of SSM members

Consultation

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Availability of six Committee positions for either a two or one year term.	Public notes. SSM website promotion. Email to SSM members.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

The SSM Committee is an important component of the development and delivery of the Council's objectives for the enhancement of the Shepparton business community. The Committee supports the retail strategies outlined in the Greater Shepparton 2030 plan.

9. CORPORATE SERVICES DIRECTORATE

9.1 Shepparton Show Me Committee Membership (continued)

Conclusion

The appointment of nominated candidates provides a good mix of existing and new SSM Committee members which will ensure that existing projects get followed through as well as creating the opportunity for new ideas and opinions to be embraced. The appointment of the recommended new candidates further diversifies the industry sectors that are represented on the Committee. It is anticipated that the nominated candidates will be strong contributors to the SSM initiative.

Attachments

- | | |
|---|-------------|
| 1. Shepparton Show Me Committee of Management Appointment Process ↓ | Page
115 |
| 2. Instrument of Delegation - Shepparton Show Me Committee ↓ | Page
118 |

9. CORPORATE SERVICES DIRECTORATE

9.2 August 2019 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: Team Leader Management Accounting

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 two months ended 31 August 2019.

RECOMMENDATION

That the Council receive and note the August 2019 Monthly Financial Report.

Background

The 2019/2020 Budget was adopted at the Ordinary Council Meeting held 18 June 2019. The 2019/2020 Budget provided for an operating surplus of \$25.33 million with revenue of \$153.32 million and expenditure of \$127.99 million. The 2019/2020 Budget also provided for capital works of \$73.68 million.

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

The August 2019 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*.

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.

9. CORPORATE SERVICES DIRECTORATE

9.2 August 2019 Monthly Financial Report (continued)

Legal/Statutory Implications

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

Environmental/Sustainability Impacts

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

Social Implications

There are no social implications associated with this report.

Economic Impacts

There are no economic implications in providing this financial report.

Consultation

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

Conclusion

The report presents Council's actual financial performance compared to the budget for the two months ended 31 August 2019.

Attachments

August 2019 Monthly Financial Report [↓](#) Page 123

9. CORPORATE SERVICES DIRECTORATE

9.3 Council Plan 2018-2019 Quarter 4 Progress 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: Corporate Planning Analyst

Proof reader: Manager Corporate Governance

Approved by: Director Corporate Services

Executive Summary

In accordance with Section 125 of the *Local Government Act 1989*, Council developed and adopted a four year Council Plan on 20 June 2017. The Council Plan contained Key Strategic Objectives and Strategies to achieve those objectives.

This report provides the fourth quarter update of 2018-19 in relation to the actions taken to achieve the Key Strategic Objectives identified in the 2017-2021 Council Plan and forms part of council's accountability framework. The report also includes progress made in achieving the Key Strategic Activities contained within the 2018-19 Budget which form Council's Performance Statement.

The Council Plan becomes the organisational focus for the development of Directorate and Business Unit plans and ultimately the individual responsibilities of officers which are subsequently reflected in those officers' annual appraisals.

Of the identified general actions for progress reporting in relation to measuring achievement, the vast majority of actions (44 out of 52) are on target.

RECOMMENDATION

That the Council note the progress report for the 2017-2021 Council Plan which provides details in relation to achieving the Measures of Success identified in the Council Plan 2017-2021.

Background

The 2017-2021 Council Plan identified Goals, Key Strategic Objectives and Strategies for implementation across the life of the plan.

Based on the outcomes of the community consultations, Council identified five themes to describe what we are working towards in achieving the community's vision of a Greater Shepparton - Greater Future. As these goals explicitly align with the Municipal Public Health Planning Framework (Department of Health Services, 2001) with the emphasis on the built, social, economic and natural environments, the Council Plan also addresses the legislative requirements for the Municipal Health and Wellbeing Plan.

9. CORPORATE SERVICES DIRECTORATE

9.3 Council Plan 2018-2019 Quarter 4 Progress Report (continued)

These five themes are:

1. Leadership and Governance - Provide strong civic leadership, advocacy and good governance in the operation of Greater Shepparton City Council.
2. Social - Develop resilient, inclusive, healthy communities that make Greater Shepparton a safe and harmonious place to live, work, learn and play.
3. Economic - Build a thriving, resilient economy where Greater Shepparton is recognised as a competitive place to invest and grow business.
4. Built - Provide and support appealing relevant infrastructure that makes Greater Shepparton an attractive, liveable regional city.
5. Environment - Enhance and protect the clean, green environment that makes Greater Shepparton the unique place it is.

Council Plan/Key Strategic Activity

Council is high performing; customer focused and is marked by great people and quality outcomes. (Leadership and Governance)

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Failure to report to Council and the community	Unlikely	Moderate	Moderate	Continue quarterly reports to Council

Policy Considerations

There are no policy considerations associated with this report.

Financial Implications

The report contains no financial implications, however many of the initiatives contained within the Council Plan required Council to allocate funds in its 2018-19 budget to provide the finances to continue implementation of the Council Plan.

Legal/Statutory Implications

The report complies with councils obligations to monitor and report on progress in relation to achieving the strategic objectives and strategies contained within the council plan. The provision of regular reporting, in addition to the Annual Report, provides an opportunity for Council and the community to consider the progress made towards achieving the targets set by Council against the Council Plan.

Environmental/Sustainability Impacts

The report contains no environmental/sustainability impacts, however many of the initiatives contained within the Council Plan were targeted at improving Greater Shepparton's sustainability, both as an organisation and a municipality.

Social Implications

The report contains no social implications, however there are a number of initiatives contained in the Council Plan that were aimed at improving the health and well-being of the Greater Shepparton communities and the wider municipality. This is expected to improve social outcomes.

Economic Impacts

The report contains no economic impacts however there were a number of initiatives contained in the Council Plan that were aimed at improving the economic wellbeing of the Greater Shepparton municipality.

9. CORPORATE SERVICES DIRECTORATE

9.3 Council Plan 2018-2019 Quarter 4 Progress Report (continued)

Consultation

Internal consultation occurred with the responsible officers regularly updating individual actions and the overall review of all plans by the Executive Team.

Community consultation was achieved by publishing quarterly reports in the Council meeting agenda and including the plan and quarterly updates on Councils website.

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Keep Informed	Council Meeting Minutes Council Website

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

Strategic Links

a) Greater Shepparton 2030 Strategy

The Council Plan 2017-2021 plays a pivotal role in the delivery of the short term plans and aspirations of council and the community whilst following the long term strategies of Greater Shepparton 2030.

b) Council Plan 2017-2021

The Council Plan 2017-2021 supports the short term direction of the organisation (4 years) and provides linkage to the strategies developed and or implemented over the duration of the plan

c) The Annual Budget 2018-19

The Annual Budget 2018-19 supports the short term direction of the organisation (1 year)

Conclusion

This report provides the fourth quarter 2018-19 update with progress on achieving the Key Strategic Objectives contained within the 2017-2021 Council Plan and the Key Strategic Activities contained within the 2018-19 Budget.

Attachments

Council Plan 2018-2019 Quarter 4 Progress Report [↓](#) Page 134

9. CORPORATE SERVICES DIRECTORATE

9.4 Instrument of Delegation to the Chief Executive Officer

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

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

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

Council Officers involved in producing this report

Author: Team Leader Governance

Proof reader(s): Manager Corporate Governance

Approved by: Director Corporate Services

Executive Summary

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

RECOMMENDATION

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

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

9. CORPORATE SERVICES DIRECTORATE

9.4 Instrument of Delegation to the Chief Executive Officer (continued)

Background

The previous Instrument of Delegation from the Council to the CEO was authorised by resolution at a Council meeting on 17 October 2017.

This review has been conducted as a best practice process, with only minor administrative changes made such as the updating of dates within the Instrument.

Council Plan/Key Strategic Activity

The review and adoption of a revised delegation to the CEO directly supports Objective 1.3 Leadership and Governance “*Council demonstrates strong leadership and sound decision making in the best interest of the community*”.

Risk Management

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

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

Policy Considerations

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

There are no conflicts with Council policies associated with the matters outlined in this report.

Financial Implications

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

Legal/Statutory Implications

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

Environmental/Sustainability Impacts

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

Social Implications

There are no social implications associated with this report.

Economic Impacts

There are no economic impacts associated with this report.

Consultation

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

9. CORPORATE SERVICES DIRECTORATE

9.4 Instrument of Delegation to the Chief Executive Officer (continued)

Strategic Links

a) Greater Shepparton 2030 Strategy

There are no direct links to Greater Shepparton 2030 Strategy

b) Other strategic links

No other strategic links have been identified.

Conclusion

It is recommended that the amended Instrument of Delegation to the Chief Executive Officer be approved, as regular reviews are undertaken in accordance with best practice guidelines.

Attachments

S5. Instrument of Delegation to Chief Executive Officer [↓](#) Page 191

9. CORPORATE SERVICES DIRECTORATE

9.5 Instrument of Delegation - Members of Staff and Development Hearings Panel

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

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

Council Officers involved in producing this report

Author: Team Leader Governance

Proof reader(s): Manager Corporate Governance

Approved by: Director Corporate Services

Executive Summary

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

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

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

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

The Instrument of Delegation to Members of Staff and Development Hearings Panel was last adopted by Council on 21 May 2019 and has since been reviewed and updated to reflect changes to legislation, position titles and reporting lines within the organisation. These changes are essential to ensuring officers are authorised with the appropriate powers, duties and functions to perform their roles effectively.

RECOMMENDATION

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

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

9. CORPORATE SERVICES DIRECTORATE

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

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

Background

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

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

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

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

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

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

Council Plan/Key Strategic Activity

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

Risk Management

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

9. CORPORATE SERVICES DIRECTORATE

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

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

Policy Considerations

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

Financial Implications

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

Legal/Statutory Implications

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

Environmental/Sustainability Impacts

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

Social Implications

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

Economic Impacts

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

Consultation

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

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

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

Strategic Links

a) Greater Shepparton 2030 Strategy

There are no direct links to the Greater Shepparton 2030 Strategy

b) Other strategic links

There are no other strategic links

9. CORPORATE SERVICES DIRECTORATE

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

Conclusion

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

Attachments

S6 Instrument of Delegation - Members of Staff and Development Hearings [↓](#) Page 196

9. CORPORATE SERVICES DIRECTORATE

9.6 Councillor Expenses and Entitlements 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 Governance

Proof reader(s): Manager Corporate Governance

Approved by: Acting Director Corporate Services

Executive Summary

The *Councillor Expenses and Entitlements Policy 37.POL3* was first adopted in August 2007 and is reviewed regularly, to ensure it reflects current legislation and the requirements of the organisation.

Section 75 of the *Local Government Act 1989* (the Act) provides for the reimbursement of necessary out-of-pocket expenses incurred while performing duties as a councillor. Council recognises that the Mayor and Councillors may incur additional expenses in the performance of their duties.

Following recent external audits, advice was provided to Council on the need to further strengthen this reimbursement process to ensure all claims are supported by evidentiary documentation. The Policy has now been amended to reflect these changes.

RECOMMENDATION

That the Council adopt the *Councillor Expenses and Entitlements Policy 37.POL3*.

Background

The *Councillor Expenses and Entitlements* policy was introduced to help alleviate some of the costs that a Councillor incurs by performing their duties. This includes professional development opportunities they participate in.

The Greater Shepparton City Council recognises the benefits gained from the Councillor's undertaking professional development, which contributes to good governance and decision making.

One of the key changes to the Policy as part of this review has been to combine the training allocation for all Councillor's, recognising that some Councillors will attend more training than others, particularly those who are newly elected.

Council also allocates funds via its annual budget process to meet expenses for approved reimbursements and professional development needs of Councillors, which is inclusive of expenses relating to the attendance of conferences, seminars, forums and delegations. The policy has also been amended to strengthen this reimbursement process to ensure all claims are supported by an approved form of evidentiary documentation. This change has been recommended following a recent audit undertaken by the Victorian Auditor General's Office (VAGO).

9. CORPORATE SERVICES DIRECTORATE

9.6 Councillor Expenses and Entitlements Policy (continued)

The policy has also been amended to further recognise the entitlements provided Councillors to support them in undertaking their civic duties. This includes the provision of a parking permit to each Councillor, which provides them with free parking throughout the municipality when undertaking official Council business.

Council Plan/Key Strategic Activity

There are no direct links to the Council Plan / Key Strategic Activities.

Risk Management

There are no identified risks associated with the amended policy.

Policy Considerations

There are no conflicts with other Council policies.

Financial Implications

Budgetary provision is made annually to meet the anticipated cost of the Councillor Expenses and Entitlements Policy.

Legal/Statutory Implications

There are no legal/statutory implications associated with amending this policy. Section 75 of the *Local Government Act 1989* provides for the reimbursement of necessary out of pocket expenses incurred while performing duties as a Councillor.

Environmental/Sustainability Impacts

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

Social Implications

There are no social impacts associated with this report.

Economic Impacts

There are no economic impacts associated with this report.

Consultation

Internal consultation has been undertaken to ensure the policy is consistent with existing corporate documents and processes.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

No strategic links to the Greater Shepparton 2030 Strategy have been identified.

Conclusion

This policy provides direction on the provision of specific equipment, services, consumables, financial assistance reimbursement, training and development which the Council will provide to the Mayor and Councillors in carrying out their duties.

This policy has been reviewed in detail and is now presented for Council consideration.

Attachments

Councillor Expenses and Entitlements Policy [↓](#) Page 284

9. CORPORATE SERVICES DIRECTORATE

9.7 Taking of the Question From the Table - Election Caretaker Provisions Policy

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

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

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

At the Ordinary Council Meeting held on 20 August 2019, Cr Summer moved:

Moved by Cr Summer
Seconded by Cr Giovanetti

That the recommendation lay on the table until the next Ordinary Council Meeting

CARRIED UNOPPOSED.

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

RECOMMENDATION

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

9. CORPORATE SERVICES DIRECTORATE

9.8 Election Caretaker Provisions 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 Governance

Proof reader(s): Manager Corporate Governance

Approved by: Acting Director Corporate Services

Executive Summary

In accordance with Section 93B(2)(b) of the *Local Government Act 1989* (the Act), Council must review its Election Period Policy no later than 12 months prior to the commencement of each general election period.

Council had previously adopted an Election Caretaker Provisions Policy on 15 March 2016 prior to the last general election. This Policy has now been reviewed and updated with some minor changes proposed.

RECOMMENDATION

That the Council adopt the Election Caretaker Provisions Policy 37.POL4.

Background

The election period commences at midnight on Friday 22 September 2020 and concludes at 6.00pm, Saturday 24 October 2020 (election day).

During this time, specific provisions of the Act must be adhered to, in order to ensure that Council actions do not in any way, influence the outcome of an election. These provisions include limitations to Council decision making, publications and events, community consultation and the use of Council resources.

This policy has been developed to clearly outline the roles and responsibilities of both staff and Councillors during the election period, to ensure these provisions are well understood and upheld.

Some minor additions have been made to the policy as part of this review, which provide guidance in the following areas during an election period:

- Councillor attendance at Committee meetings
- Community Information Sessions and 'Small Town Catch Ups'
- Dispute Resolution Procedures

Council Plan/Key Strategic Activity

This report is consistent with Objective 1.3 of the 2017-2021 Council Plan: 'Council demonstrates strong leadership and sound decision making in the best interest of the community.'

9. CORPORATE SERVICES DIRECTORATE

9.8 Election Caretaker Provisions Policy (continued)

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Councillors using Council resources for campaigning	Unlikely	Major	Moderate	Covered in s76D in the act with a 600 penalty unit
Having to deal with a major policy decision during the caretaker period	Unlikely	Moderate	Moderate	The Council can apply for a Ministerial Exemption
Releasing a publication or other information which has not been certified by the CEO	Unlikely	Major	Moderate	An internal procedure has been developed and training will be provided to all senior managers on the requirements of the Caretaker period.
CEO certifying a publication which contains electoral matter	Rare	Major	Moderate	All documents will be checked by the Manager Corporate Governance before proceeding to the CEO for certification.

Policy Considerations

The adoption of this Policy does not present any conflicts with existing Council Policy.

Financial Implications

The financial implications identified relate to the penalties set out in the Act. The Act contains offences for breaches of section 55D. A breach may be prosecuted in Court and, if a person is found guilty, he or she may be convicted and fined up to 60 penalty units. This includes:

- A CEO who intentionally or recklessly certifies a publication containing electoral matter.
- A Councillor or member of Council staff who intentionally or recklessly authorises, prints, publishes or distributes an uncertified publication containing electoral matter.

It should also be noted that section 76D of the Act, which imposes serious penalties (600 penalty units or imprisonment for 5 years) on a Councillor who misuses his or her position for private benefit, identified improper use of public resources as a misuse of position.

Legal/Statutory Implications

The adoption of an Election Policy within 12 months prior to a general election period is a requirement of the Act. By establishing these clear procedures in relation to Councils requirements during the election period, officers can minimise the risk of any breaches and therefore, liability on Council.

Environmental/Sustainability Impacts

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

9. CORPORATE SERVICES DIRECTORATE

9.8 Election Caretaker Provisions Policy (continued)

Social Implications

There are no social implications associated with this report.

Economic Impacts

There are no economic impacts associated with this report.

Consultation

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

Strategic Links

a) Greater Shepparton 2030 Strategy

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

Conclusion

The Election Caretaker Provisions Policy has been drafted in accordance with current legislation. This document clearly defines the restrictions applied to Council during the election period, and the processes which both staff and Councillors must follow to ensure no breaches occur.

Given the statutory requirement to review Councils election policy, it is recommended that the Council adopt the Election Caretaker Provisions Policy, either in its current format, or with minor amendments.

Attachments

Election Caretaker Provisions Policy [↓](#) Page 295

9. CORPORATE SERVICES DIRECTORATE

9.9 Contracts Awarded Under Delegation and Contracts Advertised but yet to be Awarded

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:

1. tendered contracts awarded under delegated authority by the Chief Executive Officer;
2. contracts awarded under delegated authority by a Director;
3. requests for tenders advertised but not yet 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
1950	GVW Main Replacements – Balaclava Road Section, Shepparton	Lump Sum Contract for the GVW Main Replacements – Balaclava Road Section, Shepparton	197,907.60	DKM Utilities Services Pty Ltd
1951	GVW Main Replacements – New Dookie Road Section, Shepparton	Request for Tender, Lump Sum Contract for the GVW Main Replacements – New Dookie Road Section, Shepparton	294,481.00	NL Drainage and Concrete Pty Ltd

9. CORPORATE SERVICES DIRECTORATE
9.9 Contracts Awarded Under Delegation and Contracts Advertised but yet to be Awarded (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
1947	Construction of Final Sideline Lift – Cosgrove 2 Landfill – Cell 4	Lump Sum Contract for the Construction of Final Sideline Lift – Cosgrove 2 Landfill – Cell 4	61,989.40	Apex Earthworks Pty Ltd
1966	Provision of Playground Strategy Consultant	Lump Sum Contract for the Provision of Playground Strategy Consultant	53,460.00	Spiire Australia Pty Ltd

Requests for Tenders advertised but not yet awarded

Contract No.	Contract Name	Contract detail, including terms and provisions for extensions	Status
1939	Provision of Ardmona Resource Recovery Centre E-Waste Shed	Request for Quote, Lump Sum Contract for the Provision of Ardmona Resource Recover Centre (ARRC) E-Waste Shed	Tender closed on 9 August 2019. Tender currently being evaluated.
1940	Provision of Shepparton Resource Recovery Centre E-Waste Shed	Request for Quote, Lump Sum Contract for the Provision of Shepparton Resource Recover Centre (SRRC) E-Waste Shed	Tender closed on 9 August 2019. Tender currently being evaluated.
1955	Provision of Services for a Creative Director for the Shepparton Art Museum Opening Celebrations	Request for Quotation (RFQ), Lump Sum Contract for the Provision of Services for a Creative Director for the Shepparton Art Museum Opening Celebrations, (Select RFQ - Invitation only)	Tender closed 26 July 2019. Tender currently being evaluated.
1958	Supply and Delivery of Concrete	Schedule of Rates & Panel of Suppliers Contract for Supply and Delivery of Concrete	Tender closed 4 September 2019.
1959	Supply and Delivery of Bituminous Products	Schedule of Rates & Panel of Suppliers Contract for Supply and Delivery of Bituminous Products within GSCC	Tender closed on 7 August 2019. Tender currently being evaluated.

9. CORPORATE SERVICES DIRECTORATE

9.9 Contracts Awarded Under Delegation and Contracts Advertised but yet to be Awarded (continued)

Contract No.	Contract Name	Contract detail, including terms and provisions for extensions	Status
1963	Provision of Heritage Expert for Amendment C205 to the Greater Shepparton Planning Scheme	Request for Quotation (RFQ), Lump Sum Contract for the Provision of professional Heritage Expert for Amendment C205 to the Greater Shepparton Planning Scheme, (Select RFQ - Invitation only)	Abandoned – one non-conforming tender received
1965	Provision of Heritage Advisory Service	Request for Quotation (RFQ), Lump Sum Contract for the Provision of Heritage Advisory Service for 2019/2020 Financial Year, (Select RFQ - Invitation only)	Tender closed 17 July 2019. Tender currently being evaluated.
1967	Provision of Maude St Mall Service Locating	Request for Quote, Lump Sum Contract for the Provision of Maude Street Mall Services Locating	Tender closed on 21 August 2019. Tender currently being evaluated.
1970	Aboriginal Engagement Plan Consultant	Request for Quotation (RFQ), Lump Sum Contract for the Provision of Consultant to develop the Aboriginal Engagement Plan for SAM, (Select RFQ - Invitation only)	Tender closed on 5 August 2019. 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 Director Corporate Services to approve a contract up to the value of \$500,000 and the Director Infrastructure, Director Community and Director Sustainable Development to approve a contract up to the value of \$150,000 for goods and services and \$200,000 for works.

Legal/Statutory Implications

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

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

9. CORPORATE SERVICES DIRECTORATE

9.9 Contracts Awarded Under Delegation and Contracts Advertised but yet to be Awarded (continued)

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 1 August 2019 to 31 August 2019.

Attachments

Nil

9. CORPORATE SERVICES DIRECTORATE

9.10 Ordinary Council Meeting Dates

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

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

Council Officers involved in producing this report

Author: Governance Officer

Proof reader(s): Team Leader Governance, Manager Corporate Governance

Approved by: Director Corporate Services

Executive Summary

The purpose of this report is to set the commencement date for the 2020 Ordinary Council meeting cycle. Ordinary Council Meetings are held once per month, currently on the third Tuesday commencing at 5.30pm.

As has been the practice in previous years, it is proposed that no ordinary Council Meeting be held in January 2020, with the meeting cycle to resume on Tuesday 18 February 2020.

RECOMMENDATION

That the Council endorse that no Ordinary Council Meeting be held during January 2020; with the last Ordinary Council Meeting of 2019 being held on Tuesday 17 December, and the cycle resuming on Tuesday 18 February 2020.

Background

Ordinary Council Meetings are held once per month, currently on the third Tuesday of the month at 5.30pm.

The last Ordinary Council meeting for 2019 will be held on Tuesday 17 December. As in previous years, it is proposed that no ordinary meeting be held in January 2020, with the meeting cycle to resume on the third Tuesday of February 2020.

This period is generally a quiet time for the organisation with many suppliers shutting down over Christmas and remaining closed well into the month of January. Many staff take this quiet period as an opportunity to catch up on other work, or to take additional leave.

During the interim period, Council operations will continue to be delivered and Special Council Meetings can be called if required to consider any urgent business.

It is considered that Councillors will not be required during the holiday period and will resume Councillor commitments from Monday 27 January 2020.

Council Plan/Key Strategic Activity

There are no direct links to the Council Plan.

9. CORPORATE SERVICES DIRECTORATE

9.10 Ordinary Council Meeting Dates (continued)

Risk Management

There is no risk associated with the proposed meeting cycle. Special Council Meetings may be called at any time to address items of business requiring Council resolution during the December / January period.

Policy Considerations

There are no conflicts with existing Council Policies.

Financial Implications

There are no financial implications arising from this proposal.

Legal/Statutory Implications

This proposal conforms with the *Local Government Act 1989* and all other relevant legislation.

Environmental/Sustainability Impacts

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

Social Implications

There are no social impacts associated with this report.

Economic Impacts

There are no economic impacts arising from this proposal

Consultation

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Staff and public will be informed of the change of meeting dates for the 2020 Calendar year.	Public Notice and Council Website

Council officers believe that appropriate consultation has taken place and the matter is ready for consideration.

Strategic Links

a) Greater Shepparton 2030 Strategy

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

b) Other strategic links

There are no objective links to the *Council Plan 2017-2021*.

Conclusion

It is recommended that there be no Ordinary Council meeting held in January 2020 and if required, a Special meeting may be called to consider any business arising during this interim period.

Attachments

Nil

9. CORPORATE SERVICES DIRECTORATE

9.11 2019/2020 Christmas Arrangements

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

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

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

Council Officers involved in producing this report

Author: Governance Officer

Proof reader(s): Team Leader Governance, Manager Corporate Governance

Approved by: Director Corporate Services

Executive Summary

The Council Office in Welsford Street and the Doyles Road Complex closes over the Christmas and New Year period each year, with the length of closure varying slightly, depending on when each public holiday falls.

This year, Christmas Day falls on a Wednesday and therefore it is proposed that the office closes from 3.00pm Tuesday 24 December 2019 and reopens at 8.15am, Thursday 2 January 2020. This length of closure is consistent with previous years and has been widely accepted by staff and the community.

It is important to note that this closure relates mainly to Council administration, and many of Councils services will still be available during this time. Directors will make appropriate staffing arrangements to ensure that Council services and programs required to operate during this period continue to do so without interruption.

RECOMMENDATION

That the Council resolve to close Council offices at 3.00pm on Tuesday 24 December 2019 and reopen at 8.15am, Thursday 2 January 2020.

Background

The period between Christmas and New Year is a very quiet time for the organisation with most businesses and traders in the area closing prior to Christmas and remaining closed well into January.

As Christmas Day falls on a Wednesday this year, it is proposed that the office closes from 3.00pm Tuesday 24 December 2019 and reopens at 8.15am, Thursday 2 January 2020. This would require the majority of staff to take three days of leave, with staff involved in delivering essential services and programs continuing to operate throughout this period as required.

Council Plan/Key Strategic Activity

There are no direct links to the Council Plan.

Risk Management

There is no risk associated with closing the Council Offices over the Christmas and New Year period. Arrangements will be put in place to ensure programs and services continue to operate during this period.

9. CORPORATE SERVICES DIRECTORATE

9.11 2019/2020 Christmas Arrangements (continued)

Policy Considerations

There are no conflicts with existing Council Policies.

Financial Implications

There are no financial implications arising from this proposal.

Legal/Statutory Implications

This proposal conforms with the *Local Government Act 1989* and all other relevant legislation.

Environmental/Sustainability Impacts

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

Social Implications

There are no social implications associated with closing the Council Offices over Christmas and New Year.

Economic Impacts

There are no economic impacts arising from this proposal.

Consultation

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Staff and public will be informed of the closure period once resolved by Council.	<u>External Communication:</u> <ul style="list-style-type: none"> • Flyer at Welsford Street main entrance • GSCC Website / Social Media <u>Internal Communication:</u> <ul style="list-style-type: none"> • Insite • Email to all staff • Internal newsletters

Council officers believe that appropriate consultation has been scheduled and the matter is ready for consideration.

Strategic Links

a) Greater Shepparton 2030 Strategy

There are no strategic links to the *Greater Shepparton 230 Strategy*.

b) Other strategic links

There are no objective links to the *Council Plan 2017-2021*.

Conclusion

The proposed closure period will provide staff with an adequate break over the festive season with minimal disruption to daily business and services to the public.

Attachments

Nil

9. CORPORATE SERVICES DIRECTORATE

9.12 Financial Statements and Performance Statement for Year Ended 30 June 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(s): Director Corporate Services

Approved by: Director Corporate Services

Executive Summary

The report presents the final financial statements and performance statement for the financial year ending 30 June 2019 for in principle approval by the Council prior to submission to the Victorian Auditor-General and the Minister in accordance with the *Local Government Act 1989*.

The Act also requires that the Council authorise two Councillors to certify the financial statements and to approve the performance statement in their final form, after any changes recommended, or agreed to, by the auditor have been made.

It should be noted that the Manager Finance and Rates will be signatory to the financial statements as the Principal Accounting Officer.

RECOMMENDATION

That the Council:

1. approve in principle the financial statements and performance statement for the financial year ended 30 June 2019; and
2. authorise the Mayor, Cr Kim O’Keeffe, the Deputy Mayor, Cr Shelley Sutton and the Chief Executive, Peter Harriott, to certify the financial statements and to certify the performance statement in their final form after any changes recommended or agreed to by the auditor, have been made.

Background

In accordance with the *Local Government Act 1989* (the Act), the Council is required to prepare financial statements and a performance statement at the end of each financial year.

The Act requires Council to approve in principle the final financial statements and performance statement prior to submission to the Victorian Auditor-General and the Minister.

The Act also requires that the Council authorise two Councillors to certify the financial statements and to certify the performance statement in their final form, after any changes recommended, or agreed to, by the auditor have been made.

9. CORPORATE SERVICES DIRECTORATE

9.12 Financial Statements and Performance Statement for Year Ended 30 June 2019 (continued)

At its special meeting on 11 September 2019 the Council's Audit and Risk Management Committee reviewed the statements in conjunction with the Victorian Auditor-General's Appointed Auditor and formally recommended that the Council approve in principle the financial statements and performance statement for the financial year ended 30 June 2019.

Council Plan/Key Strategic Activity

The report is consistent with the Leadership and Governance key theme contained in the Greater Shepparton Council Plan 2017-2021.

Risk Management

Council has addressed any risks associated with the preparation of the reports by applying accepted accounting standards, where applicable.

Risks	Likelihood	Consequence	Rating	Mitigation Action
Risk of material misstatement	Possible	Major	High	Strong internal controls and external audit by RSD Audit.
Council does not approve the Statements in principle	Rare	Major	Moderate	Statements also reviewed by Council's Audit and Risk Management Committee
Signed Statements not submitted to the Minister by 30 September 2019	Unlikely	Major	Moderate	Established process to ensure target date is achieved

Policy Considerations

The Financial Statements have been prepared in accordance with accounting policies as detailed throughout the notes of the Financial Statements.

Financial Implications

The financial implications are detailed within the financial statements and performance statement for the year ended 30 June 2019.

Legal/Statutory Implications

This proposal is consistent with sections 131 and 132 of the *Local Government Act 1989* and the Local Government (Planning and Reporting) Regulations 2014 Part 4 Divisions 2 and 3.

Environmental/Sustainability Impacts

No environmental or sustainability impacts have been identified.

Social Implications

No social implications have been identified.

Economic Impacts

No economic impacts have been identified.

9. CORPORATE SERVICES DIRECTORATE

9.12 Financial Statements and Performance Statement for Year Ended 30 June 2019 (continued)

Consultation

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

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Keep informed	Council's Annual Report

Strategic Links

No Strategic Links have been identified in relation to this report.

Conclusion

The report presents the final financial statements and performance statement for the financial year ending 30 June 2019 for in principle approval prior to submission to the Victorian Auditor-General and the Minister in accordance with the *Local Government Act 1989*.

Attachments

1. Greater Shepparton City Council Annual Financial Statements 2018-2019 [↓](#) Page 306
2. Greater Shepparton City Council Performance Statement 2018-2019 [↓](#) Page 307

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.1 Draft Shepparton and Mooroopna 2050: Regional City Growth Plan 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: Team Leader Strategic Planner

Proof reader(s): Manager Building and Planning

Approved by: Director Sustainable Development

Other: Graduate Strategic Planner Projects

Executive Summary

The *Shepparton and Mooroopna 2050: Regional City Growth Plan* (the Growth Plan) will integrate Council's considerable strategic work relating to growth, land use planning and infrastructure requirements into a cohesive framework, incorporating the various components into a blueprint for the future.

The Growth Plan will address residential, commercial and industrial needs, major infrastructure requirements and staging options, such as drainage, recreation and open space networks, and provide for the future needs of the transport network.

Preliminary consultation with key stakeholders, such as referral authorities, agencies and service providers, has been undertaken. This preliminary consultation included a workshop on 17 April 2018 as well as individual consultation sessions on 1, 2 and 3 May 2018. The purpose of this preliminary consultation was to confirm draft issues and opportunities, test principles and outcomes, identify additional issues and develop a draft vision statement.

The *Shepparton and Mooroopna 2050: Regional Growth Plan Key Issues and Opportunities Report, February 2019* was released for public consultation between 22 February and 25 March 2019, and the results were summarised in the *Shepparton and Mooroopna 2050: Regional City Growth Plan – Key Issues and Opportunities Report, Community Engagement Summary Report, June 2019* (see Attachment 1: *Shepparton and Mooroopna 2050: Regional City Growth Plan – Key Issues and Opportunities Report, Community Engagement Summary Report, June 2019*).

The *Draft Shepparton and Mooroopna 2050: Regional City Growth Plan 2019* (Growth Plan) builds on the key issues and opportunities for the area identified in the *Shepparton and Mooroopna 2050: Regional City Growth Plan - Key Issues and Opportunities Paper, February 2019*, which encompasses a review of existing literature and the results of consultation with key stakeholders (see Attachment 2: *Draft Shepparton and Mooroopna 2050: Regional City Growth Plan 2019*).

The objectives of the Growth Plan have been grouped under four key headings:

- Growth and character;
- Economy and employment;
- Environment and water; and
- Infrastructure.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.1 Draft Shepparton and Mooroopna 2050: Regional City Growth Plan 2019 (continued)

It is recommended that Council endorse the Growth Plan and release it for public comment from 20 September 2019 to 1 November 2019. Feedback received will inform the preparation of a final Growth Plan.

RECOMMENDATION

That the Council:

1. receive and note the *Shepparton and Mooroopna 2050: Regional City Growth Plan – Key Issues and Opportunities Report, Community Engagement Summary Report, June 2019*;
2. authorise for exhibition the *Draft Shepparton and Mooroopna 2050: Regional City Growth Plan 2019* for public comment for a period of four weeks commencing on 20 September 2019 and concluding on 1 November 2019; and
3. note that Council officers will report back to Council on any feedback, comments and submissions received from the public during the consultation period.

Background

Shepparton is nominated as a regional city forecast for major growth in the *Hume Regional Growth Plan 2014* and *Plan Melbourne 2017-2050*. To inform this future growth, Council and the Victorian Planning Authority (VPA) are preparing the *Shepparton and Mooroopna 2050: Regional City Growth Plan* (the Growth Plan). The Growth Plan identifies Shepparton and Mooroopna's strategic advantages, addresses key challenges, and sets a vision to guide sustainable growth and development to 2050.

The Growth Plan is a high-level and broad strategy that:

- compiles and reviews existing strategies;
- identifies gaps in the provision and services of key infrastructure, such as drainage and transport networks;
- prepares reports where gaps have been identified;
- sets out the future vision for Shepparton and Mooroopna;
- guides sustainable future growth and development over the next 30 years;
- identifies the steps needed to manage growth;
- defines key projects and infrastructure required to support growth; and
- provides an improved and more certain environment for making both public and private investment decisions.

To inform the development of the Growth Plan, the *Shepparton and Mooroopna 2050: Regional City Growth Plan - Key Issues and Opportunities Paper, February 2019* (Paper) was prepared. The key issues and opportunities for the area were based on a review of existing literature and consultation with key stakeholders.

The Growth Plan will be used to coordinate, guide and inform the preparation and consideration of future more detailed local plans and planning permit applications. The current Framework Plan for Greater Shepparton is the *Greater Shepparton 2030 Strategy* which was adopted in 2006. This document provides a blueprint for building sustainable economic activity and maximising the quality of life in Greater Shepparton.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.1 Draft Shepparton and Mooroopna 2050: Regional City Growth Plan 2019 (continued)

Since the finalisation of this Strategy, Greater Shepparton has experienced a significant amount of growth, particularly in Shepparton and Mooroopna, and investment in infrastructure from the Commonwealth and Victorian Governments. It was considered necessary to prepare a revised Framework Plan to adequately plan for Shepparton and Mooroopna's future.

Council were successful in attaining funding of \$200,000 from the Streamlining for Growth Fund, administered by the VPA in the 2016/2017 financial year. This funding allowed Council to undertake a Drainage Strategy and an Open Space Report to resolve gaps in the provision of infrastructure within the area.

The Open Space Project Report was completed by local consultants Spiire Australia Pty Ltd in June 2018. The Drainage Catchment Analysis and Strategy was completed by Water Technology Pty Ltd in July 2018. In addition to the above background reports, updated population forecasts were completed by .id consulting Pty Ltd in June 2018.

Council successfully applied for additional funding of \$200,000 from the Streamlining for Growth Fund in the 2017/2018 financial year, to prepare the draft Growth Plan, which has been informed by the Drainage and Open Space studies and previous strategic work. The VPA is providing \$150,000 of resources to the project, while \$50,000 is to be utilised for additional consultancy work, where required. Council is contributing \$100,000 towards the project in the form of in-house assistance.

Preliminary consultation with key stakeholders was undertaken, including a workshop on 17 April 2018 and individual consultation sessions on 1, 2 and 3 May 2018. The purpose of this preliminary consultation was to confirm draft issues and opportunities, test principles and outcomes, identify additional issues and develop a draft vision statement.

The *Shepparton and Mooroopna 2050: Regional Growth Plan Key Issues and Opportunities Report, February 2019* was released for public consultation between 22 February and 25 March 2019, and the results were summarised in the *Shepparton and Mooroopna 2050: Regional City Growth Plan – Key Issues and Opportunities Report, Community Engagement Summary Report, June 2019* (see Attachment 1: *Shepparton and Mooroopna 2050: Regional City Growth Plan – Key Issues and Opportunities Report, Community Engagement Summary Report, June 2019*). The VPA also prepared the *Shepparton and Mooroopna 2050: Primary School Engagement Report October 2018* to summarise the consultation undertaken with primary schools in Shepparton and Mooroopna.

The community are now invited to comment on the draft Growth Plan (see Attachment 2: *Draft Shepparton and Mooroopna 2050: Regional City Growth Plan 2019*). It is recommended that Council authorise the Paper for release for public comment from 20 September 2019 to 1 November 2019.

Council Plan/Key Strategic Activity

Key theme: Built

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

Key objectives

4.1 *Growth is well planned and managed for the future.*

4.2 *Urban and rural development is sustainable and prosperous.*

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.1 Draft Shepparton and Mooroopna 2050: Regional City Growth Plan 2019 (continued)

Risk Management

There are no risks associated with releasing the Growth Plan for public comment. Consultation will be undertaken in accordance with Council's community consultation policies and procedures.

Policy Considerations

The Growth Plan supports and builds upon existing Council policy, including the *Shepparton 2030 Strategy 2006*, the *Greater Shepparton Housing Strategy 2011* and the Greater Shepparton Planning Scheme. The recommendation does not conflict with any existing Council policy.

Financial Implications

The recommendation will not result in any financial implications for Council. The VPA is providing \$150,000 of resources to the project, while \$50,000 is to be utilised for additional consultancy work, where required. Council is contributing \$100,000 towards the project in the form of in-house assistance.

Legal/Statutory Implications

The recommendation will not result in any legal or statutory implications.

Environmental/Sustainability Impacts

A key component of the Growth Plan is a Drainage Catchment Analysis and Strategy, undertaken by Water Technology Pty Ltd. This document considers the impact of flooding and drainage on development in the area and explores how considered development might improve flooding, drainage, water quality and amenity and incorporate integrated water management opportunities.

The findings of this document have been utilised in the preparation of the Growth Plan to ensure that any potential impacts on the environment can be appropriately mitigated.

The recommendation will not result in any adverse environmental or sustainability impacts.

Social Implications

The Growth Plan will, among other things, identify strategic infill sites for residential development within Shepparton and Mooroopna. The preparation of a comprehensive Growth Plan will assist in the release of additional land for development and allow for greater housing choice and diversity. This will result in positive social outcomes for Greater Shepparton.

The recommendation will not result in any adverse social implications.

Economic Impacts

The Growth Plan will provide clear direction and certainty to developers regarding areas suitable for development. It will identify opportunities for investment in infrastructure and development of residential areas, as well as industrial/commercial areas. It is expected this will lead to continued growth in construction, as well as economic growth associated with overall population growth.

The recommendation will not result in any adverse economic implications.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.1 Draft Shepparton and Mooroopna 2050: Regional City Growth Plan 2019 (continued)

Consultation

Preliminary consultation with key stakeholders, such as referral authorities, agencies and service providers, has been undertaken. This preliminary consultation included a workshop on 17 April 2018 as well as individual consultation sessions on 1, 2 and 3 May 2018. The purpose of this preliminary consultation was to confirm draft issues and opportunities, test principles and outcomes, identify additional issues and develop a draft vision statement.

The *Shepparton and Mooroopna 2050: Regional Growth Plan Key Issues and Opportunities Report, February 2019* was released for public consultation between 22 February and 25 March 2019, and the results were released in the *Key Issues and Opportunities Community Engagement Report June 2019*.

Council officers believe that appropriate consultation has occurred in previous stages and that the draft Growth Plan is now ready for Council authorisation to exhibit.

It is recommended that Council authorise the Growth Plan for release for public comment from 20 September 2019 to 1 November 2019. The Growth Plan will be made available online on the Council and the VPA's websites. Any feedback received will inform the preparation of a final Growth Plan.

Strategic Links

a) Greater Shepparton 2030 Strategy 2006

Relevant objectives:

- To provide for sufficient suitable additional land for urban growth
- To release land efficiently in terms of location, supply of services and infrastructure.
- To recognise the constraints of the floodplain on the development of land and minimise the future economic impacts of flooding.
- To locate industrial developments effectively, by utilising existing and planning infrastructure, and consolidating the existing main industrial areas.
- To provide sustainable infrastructure to support the growth and development of the municipality
- To provide for a broader range of dwelling densities and types of housing to meet current and future community needs and differing lifestyles
- To increase the supply of medium density housing in appropriate locations
- To provide a restricted amount of land for rural residential purposes, without impacting on the long-term growth potential of urban centres and productive agricultural land.

b) Other strategic links

- *Shepparton CBD Strategy 2008*
- *Greater Shepparton Housing Strategy 2011*
- *Industrial Land Review, City of Greater Shepparton, 2011*
- *Hume Regional Growth Plan 2014*
- *City of Greater Shepparton Commercial Activity Centres Strategy 2015*
- *Greater Shepparton Planning Scheme*

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.1 Draft Shepparton and Mooroopna 2050: Regional City Growth Plan 2019 (continued)

Conclusion

The Growth Plan will integrate the strategic work undertaken by Council relating to growth, land use planning and infrastructure into a cohesive framework, incorporating the various components into a blueprint for the future.

Relevant background reports have now been completed. These reports informed the preparation of the *Shepparton and Mooroopna 2050: Regional City Growth Plan - Key Issues and Opportunities Paper, February 2019*. The Paper identified the key issues and opportunities for the area based on a review of existing literature and consultation with key stakeholders, which have in turn informed the development of the draft Growth Plan

It is recommended that Council authorise the Growth Plan for release for public comment from 20 September 2019 to 1 November 2019. Feedback received will inform the preparation of a final Growth Plan.

Attachments

1. Shepparton and Mooroopna 2050: Regional City Growth Plan – Key Issues and Opportunities Report, Community Engagement Summary Report, June 2019 [↓](#) Page 309
2. Draft Shepparton and Mooroopna 2050: Regional City Growth Plan 2019 [↓](#) Page 331

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Adoption of Amendment C211 to the Greater Shepparton Planning Scheme

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

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

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

Council Officers involved in producing this report

Author: Senior Strategic Planner

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

Approved by: Director Sustainable Development

Other: Principal Strategic Planner

Executive Summary

The Munarra Centre for Regional Excellence (MCRE) received a funding commitment of \$23 million from the State government in the 2018/2019 Victorian State Budget. This funding commitment contains key milestones to deliver the MCRE.

Amendment C211 to the Greater Shepparton Planning Scheme (Planning Scheme) was prepared to expedite the delivery of the MCRE, the Rumbalara Re-life Project (Rumba Re-life), Shepparton Sports and Education Centre (SSEC) and associated drainage infrastructure. The Amendment will facilitate the timely delivery of the MCRE and Rumba Re-life in accordance with the key milestones of the funding agreement and the future development of the SSEC once funding has been secured.

Amendment C211 proposes to introduce a new Incorporated Document, a new Clause 45.12 *Specific Controls Overlay* and a Schedule to Clause 45.12 *Specific Controls Overlay* to the Greater Shepparton Planning Scheme (see Attachment 1 – *Amendment C211 – Post Exhibition Documentation*).

Amendment C211 was exhibited from 17 January 2019 to 4 March 2019 in accordance with the *Planning and Environment Act 1987* (the Act). Council held drop-in sessions on 6 February 2019 to give interested stakeholders the opportunity to discuss the Amendment with Council officers.

A total of 15 submissions were received in response to notification of the Amendment (see Attachment 2 – *Submissions Recorder*). Six (6) of the submissions received objected to the Amendment either wholly or in part. Council officers have worked to resolve the content of submissions, where possible, prior to the Panel Hearing. The concerns outlined in three (3) submissions could not be resolved.

All submissions to Amendment C211 were considered by an Independent Planning Panel (the Panel) appointed by the Minister for Planning. The Panel Hearing was held on 16 and 17 July 2019 in Shepparton. The *Greater Shepparton Planning Scheme Amendment C211 Munarra Centre for Regional Excellence and Shepparton Sports and Events Centre Panel Report* (the Panel Report) was received by Council on 12 August 2019 (see Attachment 3 – *Amendment C211 Panel Report*).

The Panel Report recommended that Amendment C211 be adopted with post-exhibition changes. Council officers agree with all of these recommendations except recommendation 1 and recommendation 2(h). Recommendation 1 recommends that

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Adoption of Amendment C211 to the Greater Shepparton Planning Scheme (continued)

Council reduce the extent of the Specific Controls Overlay (SCO) to only apply to the land subject to the proposed MCRE, Rumba Re-life and the SSEC. Recommendation 2(h) recommends that Council prepare a broad concept plan for the three (3) proposed projects and include it within the Incorporated Document.

Council officers consider that the SCO must apply to all land required to realise all drainage infrastructure necessary to facilitate the MCRE, Rumba Re-life and the SSEC. The extent of the exhibited SCO is proposed to be reduced to remove land already developed for sporting and infrastructure purposes.

Detailed consultation for the MCRE is currently being undertaken by the Department of Premier and Cabinet with the community and all key stakeholders to ensure the community's vision for the MCRE informs the development of a future concept design. For this reason, the inclusion of a concept plan in the Incorporated Document is premature.

Council is now required to consider the recommendations of the Panel Report and to make a decision on Amendment C211. If adopted, the Amendment would be sent to the Minister for Planning for approval.

Following approval, the Amendment would then be published in the Victoria Government Gazette, at which point it would take effect in the Planning Scheme.

RECOMMENDATION

That, having considered the report of the Planning Panel appointed for Amendment C211 to the Greater Shepparton Planning Scheme dated 12 August 2019, in accordance with Sections 27 and 29 of the *Planning and Environment Act 1987*, Council in its capacity as the planning authority under the Act in relation to Amendment C211, resolves to:

1. adopt in part recommendation 1 of the Independent Planning Panel Report for Amendment C211, in that although Council proposes to reduce the extent of the Specific Controls Overlay, it does not agree to reduce it to only cover the land subject to the proposed Munarra Centre for Regional Excellence, Rumba Re-life and the Shepparton Sports and Events Centre for the reasons set out in this report;
2. adopt recommendation 2 (a), (b), (c), (d), (e), (f), (g), (i) and (j) of the Independent Planning Panel Report for Amendment C211;
3. not adopt recommendation 2 (h) to prepare a broad concept plan for the three projects and include it in the Incorporated Document for the reasons outlined in this report; and
4. submit Amendment C211 to the Minister for Planning for approval in accordance with Section 31(1) of the *Planning and Environment Act 1987*.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Adoption of Amendment C211 to the Greater Shepparton Planning Scheme (continued)

Background

Greater Shepparton is experiencing a sustained period of growth with the municipality's total population forecast to reach 83,200 residents, or an additional 18,000 people by 2036. This anticipated growth has necessitated planning for a variety of transformational projects that will ensure that the long term economic and social benefits are further leveraged to benefit all residents of Greater Shepparton.

In 2008, the Rumbalara Football Netball Club (RFNC) promoted the concept of the MCRE in Shepparton and sought to acquire funding from the Victorian State Government. The 2018/2019 Victorian Budget allocated \$23 million of funding towards the delivery of the MCRE. The funding allows for the construction of a purpose-built state of the art facility which will provide for a new educational, sporting and community centre that will position Indigenous knowledge transfer and cultural exchange at the heart of its activities.

Amongst other benefits to the region, the development of the MCRE is expected to create over 80 direct and 300 indirect construction jobs as well as further ongoing jobs when complete.

The MCRE will act as a multipurpose facility hosting the University of Melbourne's (UoM) Munarra Academy, the future home for the Academy of Sport, Health and Education (ASHE). The State Government funding includes a redevelopment of the current RFNC sporting facilities (including a potential refurbishment of the RFNC changing rooms and grandstand) which were envisaged as part of the Rumba Re-life project.

Shepparton hosts several national and state level outdoor sporting events; however, the existing facilities at the SSEC are in need of major redevelopment to remain competitive with other regional centres to host indoor sporting events. It is proposed to create a regionally significant sporting, entertainment and events complex that caters for a variety of users.

Why is Amendment C211 Required?

Amendment C211 is required to expedite the delivery of the MCRE, Rumba Re-life and the SSEC. The Amendment will facilitate the timely delivery of the MCRE and facilitate the future development of the SSEC once further funding has been secured.

At exhibition, Amendment C211 proposed to:

- introduces Clause 45.12 Specific Controls Overlay and the Schedule to Clause 45.12 Specific Controls Overlay into the Greater Shepparton Planning Scheme;
- amend the Schedule to Clause 72.04 *Table of Documents Incorporated in this Scheme* to include a new Incorporated Document titled *Munarra Centre for Regional Excellence and Shepparton Sports and Events Centre October 2018* in the Planning Scheme; and
- insert Planning Scheme Map Nos. 13SCO and 14SCO to apply a Specific Controls Overlay to the subject land.

The Incorporated Document will remove the requirement for a planning permit for development associated with the MCRE, Rumba Re-life, SSEC and associated drainage infrastructure within the SCO.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Adoption of Amendment C211 to the Greater Shepparton Planning Scheme (continued)

Several background technical documents have been prepared to guide the requirements of the Incorporated Document. This will ensure that development constraints of the site are known and mitigated. In addition, prior to the commencement of any works, further background technical documents must be prepared to the satisfaction of Council and relevant referral authorities. The detailed design, once finalised, will ensure that there are no negative environmental impacts associated with the development of the land.

Specific Controls Overlay

The SCO was introduced through Amendment VC148 to the Victoria Planning Provisions. The SCO is an overlay that can be applied to land and the future development of the land is guided by an Incorporated Document. The SCO and associated Incorporated Document will facilitate the development of the MCRE, Rumba Re-life, the SSEC and associated drainage infrastructure by removing the need to obtain planning permissions for aspects of the project therefore providing certainty when funding is provided.

Exhibited Specific Controls Overlay

The Amendment initially proposed to apply to approximately 70 hectares of land comprising:

- the existing Shepparton Sports Stadium;
- the site for the MCRE;
- the RFNC and the broader sports precinct; and
- associated areas for drainage infrastructure.

An outline of the exhibited extent of the SCO is contained in *Figure 1 – Aerial Map*.

Zones

The land proposed to be included within the SCO is within the Public Park and Recreation Zone (PPRZ), Urban Floodway Zone (UFZ), the Industrial 1 Zone (IN1Z), Public Use Zone 1 (PUZ1) and the Commercial 2 Zone (C2Z) (see *Figure 2 – Existing Zone Map*).

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Adoption of Amendment C211 to the Greater Shepparton Planning Scheme (continued)



Figure 1 – Aerial Map (Exhibited land affected by the SCO is outlined in red).

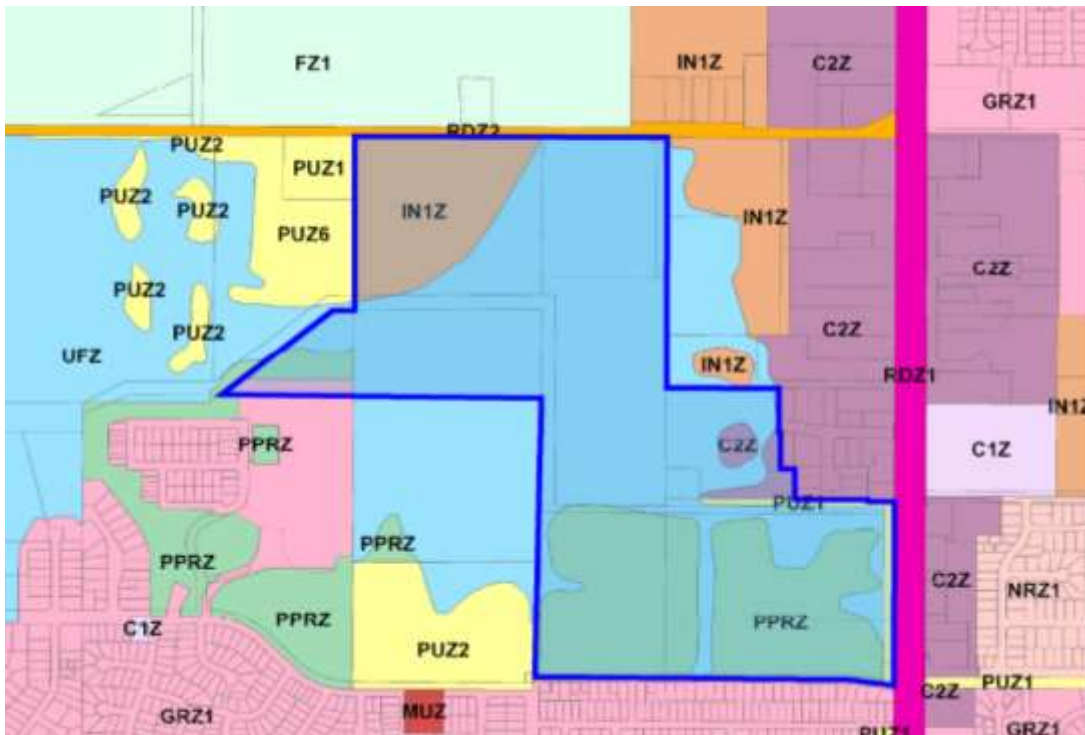


Figure 2 – Existing Zone Map (exhibited land affected by the Amendment is outlined in blue).

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Adoption of Amendment C211 to the Greater Shepparton Planning Scheme (continued)

Overlays

The land is largely affected by the Land Subject to Inundation Overlay (LSIO) (see *Figure 3 – Existing Overlay Map*). Further investigation is required to determine the quantum of drainage and flooding infrastructure required to support the future development of the land, particularly as development progresses for both sites. Prior to the commencement of any development, an Integrated Water Management Plan is required to be completed to the satisfaction of relevant authorities to ensure there are no negative environmental impacts associated with the Amendment. This consideration is a requirement of the Incorporated Document.

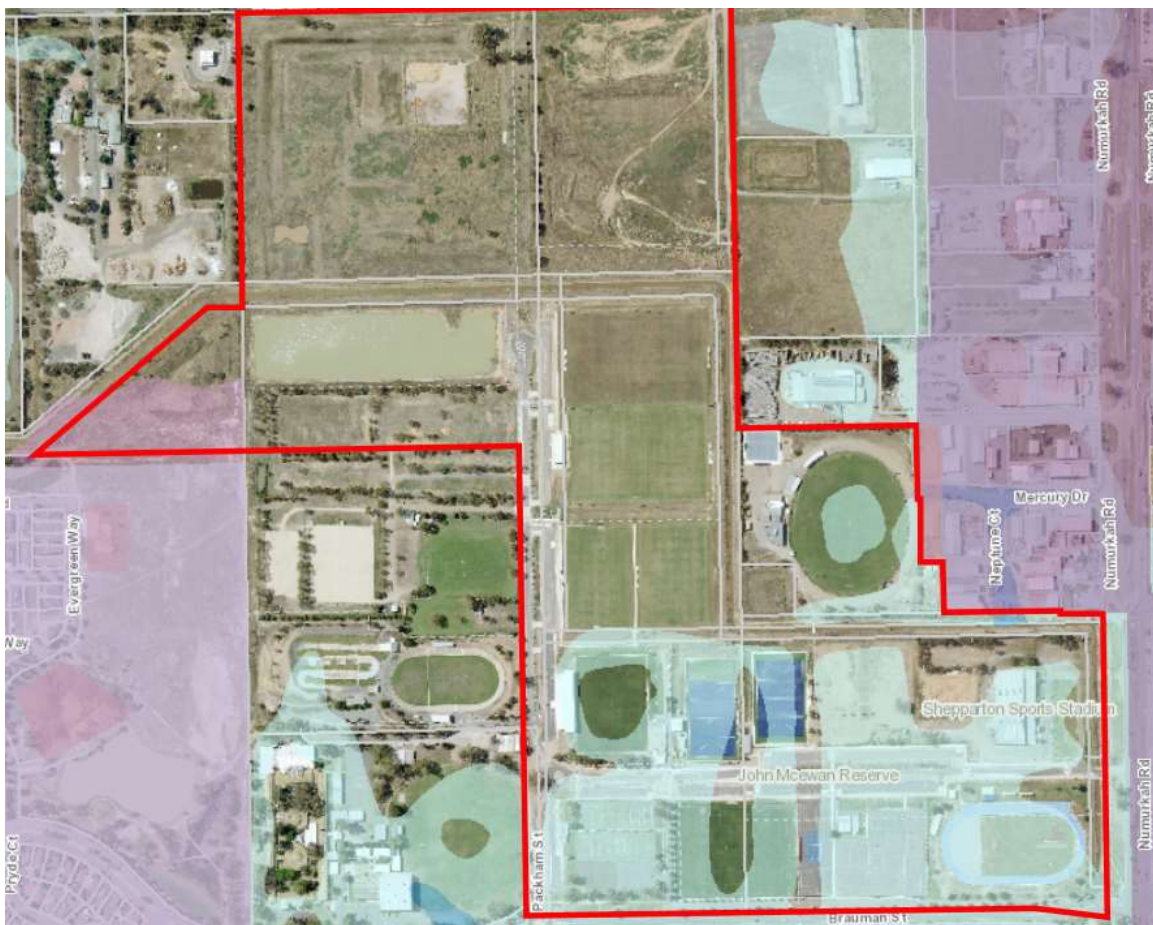


Figure 3 – Existing Overlay Map (exhibited land affected by the Amendment is outlined in red).

The Rumbalara Football ground is owned by the Rumbalara Aboriginal Co-Operative Ltd (see *Figure 4 – Map of Land Owners*).

Public Exhibition and Engagement

Referral agency consultation was undertaken throughout the preparation of the Amendment documentation. Amendment C211 was exhibited from Thursday, 17 January 2019 and Monday, 4 March 2019.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Adoption of Amendment C211 to the Greater Shepparton Planning Scheme (continued)

In addition, interested stakeholders were given the opportunity to engage in one-to-one meetings with Council officers to discuss the Amendment and any concerns that they may have regarding it. This was held on Wednesday, 6 February 2019. Two meetings were held on this day.



Figure 4 – Map of Land Owners.

Submissions

Council received 15 submissions in total (see Attachment 2 – *Submissions Recorder*). Of these submissions, six submissions objected or requested changes to the proposed Amendment. The concerns raised in these submissions are summarised below:

- the application of the Specific Controls Overlay (SCO) is premature;
- a Structure Plan needs to be completed for Shepparton North prior to development commencing on site;
- the Amendment will impact on the future development plans for the Rumbalara Aboriginal Co-Operative Ltd;
- the consultation for the Amendment process has been inadequate;
- a traffic, car parking and drainage solution must be reached prior to construction of the MCRE and the SSEC; and
- changes to the wording in the Incorporated Document to ensure the appropriate authorities are consulted with during the preparation of the detailed plans and documentation.

Council provided a copy of all submissions to the Panel prior to the Directions Hearing. A copy of all submissions made in regard to the Amendment was made available on Council's external website and at the front foyer of Council offices, at 90 Welsford Street,

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Adoption of Amendment C211 to the Greater Shepparton Planning Scheme (continued)

Shepparton. Council provided a written response to all submissions made to the Amendment.

Council worked with all submitters to resolve all concerns prior to the Directions Hearing. Council recommended post-exhibition changes to the Amendment documentation which resolved the concerns of three of the six outstanding submissions. Three submissions were unresolved and, as a result, all submissions were referred to an Independent Planning Panel for consideration.

The Panel is an independent body appointed by the Minister for Planning. The Panel Hearing was held on the 16 and 17 July 2019 at the Shepparton Masonic Hall. Council must now consider the recommendations of the Panel and make a decision on the Amendment.

Panel's Recommendations

The Panel Report was received by Council on 12 August 2019 (see Attachment 3 – *Panel Report*). The Panel Report recommended that Council adopt Amendment C211 as exhibited, subject to the following changes:

1. Reduce the extent of the Specific Controls Overlay so that it only applies to the land subject to the proposed Munarra Centre for Regional Excellence, Rumba Re-life and the Shepparton Sports and Events Centre.
2. Amend the *Munarra Centre for Regional Excellence and Shepparton Sports and Events Centre Incorporated Document, October 2018*, as show in Appendix B (of the Panel Report), to:
 - a. Revise the last two points in section 4 to “creating or altering access and “any traffic treatment works”
 - b. Require a Design Plan in section 5 to show the location of any future connection to Wanganui Road
 - c. Require a Traffic Impact Assessment Report in section 5 to:
 - i. Be prepared to the satisfaction of the relevant road authority
 - ii. Provide details on altering or creating access to the road in Road Zone Category 1, including any traffic treatment works or installations
 - d. Require in section 5 that the use not adversely affect traffic
 - e. Require a Flood Management Report in section 5 to be prepared to the satisfaction of the relevant floodplain management authority
 - f. Require in Condition 5(l) that plans be prepared and submitted to the satisfaction of relevant authorities
 - g. Extend the document's expiry dates
 - h. Revise Figure 1 to add a broad concept plan for the three proposed projects and change its title to “*Figure 1 – Munarra Centre for Regional Excellence, Rumba Re-life and Shepparton Sports and Events Centre Concept Plan*” to ensure clarity and certainty
 - i. Not require a permit if the use and development is in accordance with the specific controls of the document and generally in accordance with the concept plan
 - j. Make drafting related changes which improve it clarity and operation

Council officers agree with the majority of the Panel's recommendations; however, do not fully agree with recommendation 1 and do not agree with recommendation 2(h).

Reduction in the extent of the Specific Controls Overlay

Council officers agree, in part, with recommendation 1 of the Panel Report.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Adoption of Amendment C211 to the Greater Shepparton Planning Scheme (continued)

The SCO was exhibited to apply to all land within the Shepparton Sports Stadium, the site for the MCRE, the RFNC and the broader sports precinct, and associated areas for drainage infrastructure to facilitate the development of this land. Some of this land is already developed and will not be further developed as a result of Amendment C211 (specifically land part of 85 Packham Street, Shepparton and part of 55 Wanganui Road, Shepparton).

To facilitate the development of the MCRE, Rumba Re-life and the SSEC, significant additional areas of land are required to provide the ultimate drainage infrastructure necessary to facilitate these three developments. By not including this land within the SCO, the delivery of the MCRE and Rumba Re-life in accordance with the timelines included in the funding agreement could be jeopardised.

As a result, Council officers recommend that the Council seek to adopt recommendation 1 of the Panel Report, in part, to revise the extent of the SCO to apply to the three developments recommended by the panel but also to include the land required to facilitate the construction of the associated drainage infrastructure. The reduced extent for the SCO is outlined in *Figure 5 – Proposed Post-Panel Hearing Changes to the curtilage of the Specific Controls Overlay*.

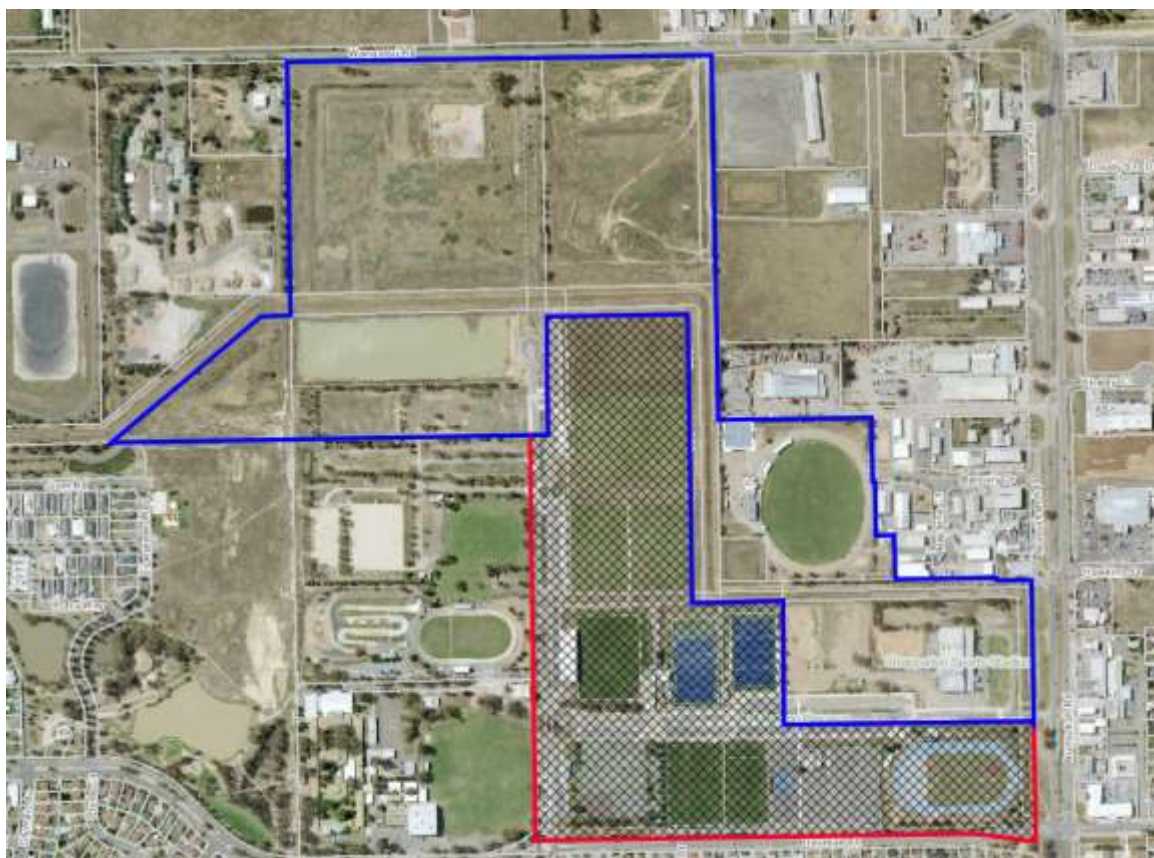


Figure 5 – Proposed Post-Panel Hearing Changes to the extent of the Specific Controls Overlay (area to be removed from the exhibited SCO is hatched in black).

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Adoption of Amendment C211 to the Greater Shepparton Planning Scheme (continued)

Preparation of a broad concept plan

Council officers do not agree with recommendation 2(h) of the Panel Report. In 2017, a preliminary master plan concept design was prepared by Gresley Abas Architects & Gregory Burgess Architects Pty Ltd for the MCRE to inform the development of a functional brief and preliminary cost plan. The functional brief was based on the proposed set of services to be provided at the MCRE, understanding that should the project successfully secure funding then further detailed community engagements and consultation would be required.

The preliminary master plan concept design is not representative of the detailed planning and engineering work undertaken over the past year by all project partners following the Victorian Budget announcement in 2018/19. Further detailed consultation is currently being undertaken by the Department of Premier and Cabinet with the community and all key stakeholders to ensure the community's vision for the MCRE informs the development of a future concept design.

Based on the above, Council officers do not agree to the inclusion of a broad concept plan in the Incorporated Document.

Council is now required to consider the recommendations of the Panel Report and to make a decision on Amendment C211. If adopted, the Amendment would be sent to the Minister for Planning for approval.

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

Council Plan/Key Strategic Activity

The *Greater Shepparton Council Plan 2017-2021* contains the following objectives relative to Amendment C211:

- Objective 2.4 which seeks to ensure social and cultural, educational and employment opportunities are created to enable children, young people, individuals and families to actively participate in their community;
- Objective 3.3 which seeks to ensure Greater Shepparton is a major destination for events and tourism; and
- Objective 4.4 which seeks to ensure quality infrastructure is provided and maintained to acceptable standards.

Risk Management

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

In accordance with Ministerial Direction No. 15, under Section 29 of the Act, Council must make a decision on the Amendment. If no submissions have been referred to a Panel under section 23 of the Act, the planning authority must make a decision within 60 business days of the closing date for submissions.

It is recommended that Council consider the Panel Report and make a decision on the proposed Amendment.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Adoption of Amendment C211 to the Greater Shepparton Planning Scheme (continued)

Council is not required to adopt the recommendations of the Panel Report. As the Panel is appointed by the Minister for Planning, and the Minister for Planning is required to make recommendations based on net community benefit in the interests of all Victorians, it is possible that not accepting the Panel's recommendations could result in the Amendment not being approved by the Minister for Planning.

Policy Considerations

The Amendment is consistent with relevant planning policy, and is consistent with Council policy concerning economic development and the provision of development infrastructure.

Financial Implications

The Victorian State Government provided \$23 Million in funding towards the delivery of the MCRE, which is expected to cover construction and development works.

Council has currently committed \$3 million for the development of the SSEC in its ten year Capital Works Plan. Funding from the Federal and State Governments as well as Basketball Victoria Country is required to be secured before construction can commence.

All costs associated with the proposed Amendment have been met by Council, including the cost of the Panel.

A fee of \$481.30 must be paid to the Department of Environment, Land, Water and Planning for approval of the Amendment.

Legal/Statutory Implications

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

The assessment is considered to accord with the *Victorian Charter of Human Rights and Responsibilities Act 2006* (the Charter). No human rights have been negatively impacted upon throughout the process.

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

Environmental/Sustainability Impacts

The development of the Incorporated Document was undertaken in close partnership with the Goulburn Broken Catchment Management Authority and Goulburn-Murray Water to ensure that there are no negative drainage and flooding impacts on surrounding properties.

In addition, prior to the commencement of any works, further background technical documents must be prepared to the satisfaction of Council and relevant referral authorities.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Adoption of Amendment C211 to the Greater Shepparton Planning Scheme (continued)

Social Implications

The Amendment will provide for works associated with a purpose-built educational, sporting, cultural and community centre, which provides pathways to employment and further education for Indigenous Australians and migrants in the region.

The MCRE seeks to promote a strong sense of cultural identity, pride and awareness by enabling shared experiences through both planned and incidental contact, providing an opportunity for people to feel connected to their community. It will offer a place of social inclusion, bringing people together to enhance place attachment and belonging, while simultaneously highlighting the precinct, and adjoining destinations and features.

Redevelopment of the SSEC will generate direct and indirect employment opportunities through construction and ongoing operations. Participation in sporting and recreational activities also assists new migrant communities to establish new social networks and to develop marketable skills.

The Amendment does not result in any negative social implications

Economic Impacts

The integrated facilities offered by the MCRE and the SSEC will enable significantly expanded capacity to host major sporting, educational and cultural events, which will increase tourist visitation to Greater Shepparton.

It is projected that the SSEC redevelopment will result in a four-fold increase in the number of events per year. As well as increasing the number of events secured in existing sports, many new opportunities are expected in activities not currently able to be hosted at the Stadium. Increased visitation generated by the project will have positive flow on effects to the region's retail and hospitality sectors, creating investment opportunities within the City, and contributing to the sustained growth of Greater Shepparton.

The Amendment does not result in any negative economic impacts.

Consultation

Amendment C211 was exhibited from 17 January 2019 to 4 March 2019 in accordance with *the Planning and Environment Act 1987*. Exhibition included the following notice:

- a letter to adjacent land owners and occupiers (14 January 2019);
- a letter to relevant referral authorities (14 January);
- a letter to prescribed ministers and referral authorities (14 January 2019);
- notice in the Shepparton News (15 January 2019);
- notice in the Victoria Government Gazette (17 January 2019);
- notice on the Greater Shepparton City Council website and social media;
- notice on the Department of Environment, Land, Water and Planning website; and
- copy of the exhibition documentation in the foyer of the Council offices at 90 Welsford Street, Shepparton.

In addition, interested stakeholders were given the opportunity to engage in a one-to-one meeting with Council officers to discuss the Amendment and any concerns that they may

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Adoption of Amendment C211 to the Greater Shepparton Planning Scheme (continued)

have regarding it. This was held on Wednesday, 6 February 2019. Two meetings were held on this day.

Council received 15 submissions to the Amendment. Of these submissions, six objected or requested changes to the proposed Amendment. All submissions were assessed by Council officers and three of the six outstanding submissions were resolved. A copy of all submissions made in regard to the Amendment was made available on Council's external website and at the front foyer of Council offices, at 90 Welsford Street, Shepparton. Council provided a written response to all submissions made to the Amendment.

Three submissions that objected to or requested changes could not be resolved and, as such, all submissions were referred to the Panel.

The design process for the MCRE is still in its infancy and will be informed by an extensive stakeholder and community consultation. This consultation has already commenced and it is intended to further advance over the next four-six months.

After comprehensive engagement with the Aboriginal community has been undertaken, wider consultation with the community stakeholders will commence to raise awareness of the project and address any community concerns.

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

Strategic Links

a) Greater Shepparton 2030 Strategy 2006

Topic: Community Life

Theme: Health and Social Services

To encourage and implement activities that will strengthen community spirit.

Conclusion

Amendment C211 is required to expedite the delivery of the MCRE, Rumba Re-life and the SSEC. The Amendment will facilitate the timely delivery of the MCRE and Rumba Re-life, and facilitate the future development of the SSEC once further funding has been secured. The Amendment proposes to include a new Incorporated Document and insert a new Clause and Schedule to the Planning Scheme (see Attachment 1 – *Amendment C211 – Post Exhibition Documentation*).

Amendment C211 was exhibited from Thursday, 17 January 2019 and Monday, 4 March 2019 in accordance with the *Planning and Environment Act 1987*. Council has received 15 submissions in total (see Attachment 2 – *Submissions Recorder*). Of these submissions, six objected to or requested changes to the Amendment. Three submissions could not be resolved and all submissions were referred to an Independent Planning Panel for consideration.

The Panel Hearing was held on 16 and 17 July 2019 in Shepparton. The *Greater Shepparton Planning Scheme Amendment C211 Munarra Centre for Regional*

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Adoption of Amendment C211 to the Greater Shepparton Planning Scheme (continued)

Excellence and Shepparton Sports and Events Centre Panel Report (the Panel Report) was received by Council on (see Attachment 3 – *Amendment C211 Panel Report*).

The Panel Report recommended that Amendment C211 be adopted with post-exhibition changes. Council officers agree with all of these recommendations except recommendation 1 and recommendation 2(h). Recommendation 1 recommends that Council reduce the extent of the Specific Controls Overlay (SCO) to only apply to the land subject to the proposed MCRE, Rumba Re-life and the SSEC. Recommendation 2(h) recommends that Council prepare a broad concept plan for the three (3) proposed projects and include it within the Incorporated Document.

Council officers consider that the SCO must apply to all land required to realise all drainage infrastructure necessary to facilitate the MCRE, Rumba Re-life and the SSEC. The extent of the exhibited SCO is proposed to be reduced to remove land already developed for sporting and infrastructure purposes.

Detailed consultation for the MCRE is currently being undertaken by the Department of Premier and Cabinet with the community and all key stakeholders to ensure the community's vision for the MCRE informs the development of a future concept design. For this reason, the inclusion of a concept plan in the Incorporated Document is premature.

Council is now required to consider the recommendations of the Panel Report and to make a decision on Amendment C211. If adopted, the Amendment would be sent to the Minister for Planning for approval.

Following approval, the Amendment would then be published in the Victoria Government Gazette, at which point it would take effect in the Planning Scheme.

Attachments

1. Post-Exhibition Documentation [↓](#) Page 400
2. Submissions Recorder [↓](#) Page 425
3. Amendment C211 Panel Report [↓](#) Page 431

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Planning Permit Application 2019-10 for a Two Lot Subdivision at 7185 Goulburn Valley Highway, Kialla West

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

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

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

Council Officers involved in producing this report

Author: Team Leader Statutory Planning

Proof reader(s): Manager Planning and Building

Approved by: Director Sustainable Development

Executive Summary

The application proposes to subdivide the land at 7185 Goulburn Valley Highway into two lots in the Farming Zone.

Lot 1 is proposed to be located wholly on the northern side of an existing carriageway easement on the land, with an area of 46.32 ha. A new boundary running generally north-south will be created at the western side of the lot.

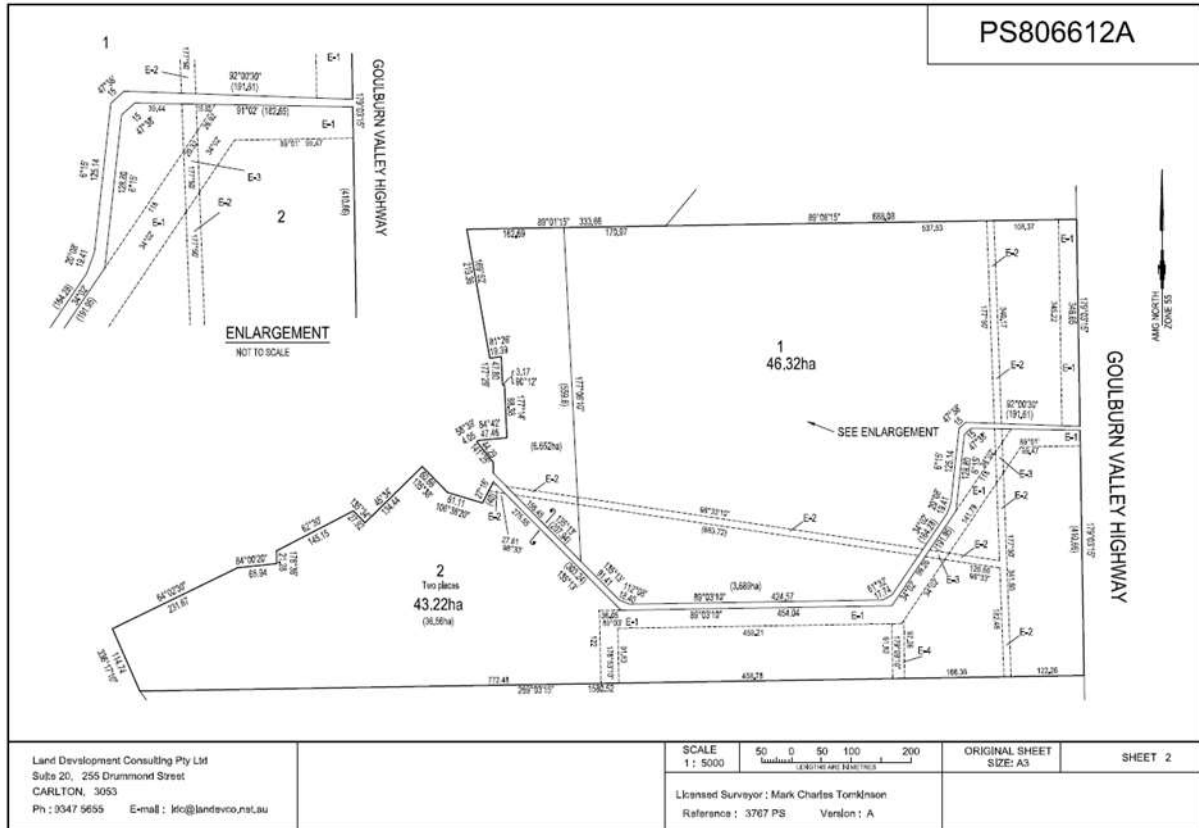
Lot 2 is proposed to be in two pieces, with 36.56 ha located at the southern side of the carriageway easement and a further 6.652 ha located on the northern side of the carriageway, to the west of proposed Lot 1.

The existing carriageway easement is proposed to provide access to both of the proposed allotments.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Planning Permit Application 2019-10 for a Two Lot Subdivision at 7185 Goulburn Valley Highway, Kialla West (continued)

A plan of the subdivision is shown below:



The land is within the Farming Zone and is partially affected by the Bushfire Management Overlay, Floodway Overlay and Land Subject to Inundation Overlay.

A planning permit is required to subdivide land in the Farming Zone, Bushfire Management Overlay, Floodway Overlay and Land Subject to Inundation Overlay.

Officers have advertised the application and 10 objections have been received. The objections largely relate to the proposed subdivision not providing for the use of land for agriculture or encouraging the retention of productive agricultural land.

The application was referred to the Country Fire Authority, the Goulburn Broken Catchment Management Authority and notified to Goulburn-Murray Water and Powercor. The authorities had no objections to the proposal subject to standard planning permit conditions. The application was also notified to VicRoads who did not respond within the required timeframe and therefore consent is deemed.

The most significant assessment considerations are:

- Whether the proposal is consistent with the purposes of the Farming Zone.
- Whether the proposal will result in an acceptable outcome having regard to the Decision Guidelines of the Farming Zone.
- Whether the proposal is consistent with the relevant policies relating to agricultural land.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Planning Permit Application 2019-10 for a Two Lot Subdivision at 7185 Goulburn Valley Highway, Kialla West (continued)

In considering the objections, relevant planning policy and purpose and decision guidelines of the Farming Zone, officers consider that the proposal achieves unacceptable planning outcomes for the following reasons:

- The proposal will not guarantee the retention of land for agricultural purposes.
- The application does not demonstrate how the proposed lot 2 constitutes a viable farming lot.
- The proposed subdivision would lead to the fragmentation of agricultural land.

RECOMMENDATION

In relation to Planning Application 2019-10, on the basis of the information before the Council and having considered all relevant matters as required by the *Planning and Environment Act 1987*, Council resolves to refuse the application on the following grounds:

1. The proposal does not support the purposes of Clause 35.07 - Farming Zone to provide for the use of land for agriculture and to encourage the retention of agricultural land.
2. The proposal represents an unacceptable outcome with respect to Clause 35.07-6 Decision guidelines of the Farming Zone as it has not been appropriately demonstrated how the proposal relates to sustainable land management, how the proposal would support or enhance agricultural production or how the proposed lots would have the capacity to sustain an agricultural use.
3. The proposal is not in accordance with Local Planning Policy, in particular Clause 21.06-1, as it would result in the further fragmentation of land within the Farming Zone and therefore has the potential to impact on the productivity of agricultural land which underpins the local economy of Greater Shepparton.

Property Details

Land/Address	7185 Goulburn Valley Highway KIALLA WEST
Zones and Overlays	Farming Zone Schedule 1 Part Bushfire Management Overlay Part Floodway Overlay Part Land Subject to Inundation Overlay Abuts land in a Road Zone, Category 1 (RDZ1)
Why is a permit required	Clause 35.07-3 – Subdivide land in the Farming Zone Clause 44.06-2 Subdivision in the Bushfire Management Overlay Clause 44.03-3 Subdivision in the Floodway Overlay Clause 44.04-3 Subdivision in the Land Subject to Inundation Overlay Clause 52.29-2 Subdivision adjacent to Road Zone, Category 1

Locality Plan

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Planning Permit Application 2019-10 for a Two Lot Subdivision at 7185 Goulburn Valley Highway, Kialla West (continued)



The land is known as 7185 Goulburn Valley Highway, Kialla West, and is located on the western side of the Goulburn Valley Highway approximately 12 kilometres generally south of Shepparton.

The land comprises one allotment with title description of Lot 1 on Plan of Subdivision 605121. The Title reveals the lot being in two parts, separated by a 12 metre wide access track that forms part of the land at 7187 Goulburn Valley Highway (Lot 1 on Plan of Subdivision 605121), adjoining the site to the rear (west).

The northern part of the site has an area of 52.47 hectares, and the southern part of the site has an area of 36.53 hectares, giving the site a total area of 89.27 hectares.

The access track that separates the two parts of the site is affected by a carriageway easement that provides access to the application site.

Other key features of the site are described as follows:

- The lot contains an existing dwelling located on the southern part of the property, setback approximately 140 metres from the highway frontage of the site.
- A rural water supply channel, protected by an easement on title, runs along the highway frontage of the northern part of the site, before returning into the site across the southern part of the lot and running generally along the northern boundary of this part of the land, then crossing the southern boundary of the property about half way along the southern boundary.
- An area of native vegetation is present at the North West corner of the site.
- Some other scattered (generally non-native) trees are located across the site.
- The land has been levelled and used for irrigated agriculture, predominantly cropping.
- The land is relatively flat.

Proposal in Detail

The application was lodged on 29 January 2019.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Planning Permit Application 2019-10 for a Two Lot Subdivision at 7185 Goulburn Valley Highway, Kialla West (continued)

Further information was requested on 13 February 2019 and included a request for: A written submission detailing the purpose of the proposed subdivision and a response to the decision guidelines of the Farming Zone and Council's Local Policy on Subdivision in Rural Areas (Clause 21.06-2).

The applicant responded to this request on 12 March 2019 and provided an earthworks plan that formed part of an expired planning permit (2015-312) showing a pivot irrigation system to be located on the proposed lot 1. The response also included a brief written report detailing the intent to create two 40ha allotments that could be sold separately and independently farmed.

Following meetings with Council officers to discuss the merits of the application and the concerns of objectors, the applicant has since provided further information in relation to the possible future uses of the proposed lots forming part of the subdivision.

The applicant has indicated that the current leasee would continue to farm the land on the proposed lot 1 subject to investment from the landowner to construct a pivot irrigation system. A letter has also been provided from the leasee confirming this potential arrangement.

The applicant has stated that the proposed lot 2 would be sold to generate income for the construction of the pivot irrigation system and that once sold it could be used for the agistment of horses, vegetable farming or other agricultural enterprises.

Summary of Key Issues

The application proposes a two lot subdivision of the land at 7185 Goulburn Valley Highway, Kialla.

The site is located within an area zoned Farming (Schedule 1) and the area is predominantly characterised by agricultural uses and rural living properties.

The land is identified as being outside the settlement boundary, and is therefore in an area where residential growth is not generally supported.

The key considerations for this application are:

- Whether the proposal is consistent with the purposes of the Farming Zone.
- Whether the proposal will result in an acceptable outcome having regard to the Decision Guidelines of the Farming Zone.
- Whether the proposal is consistent with the relevant policies relating to agricultural land.

Officers have advertised the application and 10 objections have been received. The objections largely relate to the proposed subdivision not providing for the use of land for agriculture or encouraging the retention of productive agricultural land.

The applicant has provided information in relation to the possible future use of both the proposed allotments.

Background

Prior to lodging the application, the applicant did not undertake any pre-application discussions with Council Officers about the proposal.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Planning Permit Application 2019-10 for a Two Lot Subdivision at 7185 Goulburn Valley Highway, Kialla West (continued)

Planning permit 2015-312 was issued for earthworks and removal of native vegetation on the land this permit has not been acted upon and has since expired.

Planning permit 2005-425 allowed for a two lot subdivision that created the land subject to this planning permit application (Lot 1 on Plan of Subdivision 605121).

Assessment under the Planning and Environment Act

The zoning of the land

The land falls within the **Farming Zone, Schedule 1**.

The relevant purposes of the zone include to:

- implement the Municipal Planning Strategy and Planning Policy Framework;
- to provide for the use of land for agriculture;
- to encourage the retention of productive agricultural land;
- Clause 35.07-3 identifies that a permit is required to subdivide land.

Each lot must be the area specified for the land in a schedule to the zone. If no schedule is specified, each lot must be at least 40 hectares. The land is in the Schedule 1 area identifies the same 40 hectare minimum lot size for subdivision.

The minimum area for which no permit is required to use land for a dwelling in the FZ1 area is 60 hectares. No approval for a dwelling(s) is being sought under this application.

The land comprises one existing allotment and the proposed subdivision seeks to create two new lots, with each lot satisfying the minimum lot size requirements of the Scheme.

The Zone identifies a number of Decision Guidelines, the relevant guidelines are identified and responded to as follows:

General

How the use or development relates to sustainable land management.

The application has not appropriately demonstrated how the proposal relates to sustainable land management, particularly in relation to the proposed lot 2.

The applicant submission states that “*both proposed lots are viable farming propositions*”, “*both lots created provide an opportunity for smaller scale and specialised agriculture*” and “*both lots can be independently farmed*”, however the submission has not adequately how the proposed subdivision will support sustainable land management of the proposed lot 2.

The applicant has submitted a copy of a whole farm plan for the land that includes a pivot irrigation system within the proposed lot 1. No approvals currently exist for this whole farm plan.

The whole farm plan does not appear to have been prepared in support of the subdivision, but rather shows the whole of the existing parent title to which the subdivision application applies.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Planning Permit Application 2019-10 for a Two Lot Subdivision at 7185 Goulburn Valley Highway, Kialla West (continued)

While information submitted with the application indicates that implementation of the pivot system could lead to the proposed lot 1 being farmed more productively there is no guarantee this will occur on approval of the subdivision.

There is also no requirement for the land to be subdivided to allow for the construction of the pivot irrigation system.

Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.

The application is for subdivision only and does not propose any new use.

The applicant has submitted that the proposed new lot sizes are suitable for ongoing smaller scale and specialised agriculture. No detailed agricultural proposal been provided in support of the proposed lot 2.

The site is located in an area broadly zoned for farming, and many of the adjoining and nearby properties are used accordingly.

The application has provided some information on how the proposal could support the agricultural use of the land on the proposed lot 1, however, as identified above the pivot irrigation system could be implemented without subdividing the land.

How the use and development makes use of existing infrastructure and services.
The applicant submission details that vehicle access exists to the site and irrigated water supply is available to the land.

Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.

The proposed subdivision is unlikely to impact soil quality.

The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.

The application proposes the subdivision of the land only.
No new dwellings are proposed and any proposal for a new dwelling would be subject to planning approval as the minimum lot size for a dwelling to be as of right (60 hectares) is not satisfied by the proposed lots.

The capacity of the site to sustain the agricultural use

The application is for the subdivision of the land into two new lots only.

The application has not been supported by material demonstrating how the subdivision will support an agricultural use(s) on the proposed lot 2.

Any integrated land management plan prepared for the site.
There is no integrated land management plan for the whole of the site.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Planning Permit Application 2019-10 for a Two Lot Subdivision at 7185 Goulburn Valley Highway, Kialla West (continued)

Overlay Controls

The land is affected by the **Land Subject to Inundation Overlay**. The relevant purposes of the Overlay are:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

Clause 44.04-3 identifies that a permit is required to subdivide land under the Overlay.

- Clause 44.04-4 identifies that an application must be accompanied by any information specified in a schedule to the Overlay. The schedule to the Overlay does not identify any application requirements.
- The application was referred to the Goulburn Broken Catchment Management Authority, who consented to the proposal. The CMA offered no objection to the application, and their consent was not subject to any conditions.

The land falls within the **Floodway Overlay**. The relevant purposes of the Overlay are:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

A permit is required to subdivide land under the Floodway Overlay. A permit may only be granted to subdivide land if the following apply:

- The subdivision does not create any new lots, which are entirely within this overlay. This does not apply if the subdivision creates a lot, which by agreement between the owner and the relevant floodplain management authority, is to be transferred to an authority for a public purpose.
- The subdivision is the re-subdivision of existing lots and the number of lots is not increased, unless a local floodplain development plan incorporated into this scheme specifically provides otherwise.

The first point is satisfied by the subdivision as there are parts of each proposed lot that will be wholly unaffected by the Floodway Overlay. The application is not proposing a re-subdivision of land.

The application was referred to the CMA as part of the application process. No objections to the proposal were received, and no conditions identified.

The land is affected by the **Bushfire Management Overlay**. The relevant purposes of the Overlay are:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Planning Permit Application 2019-10 for a Two Lot Subdivision at 7185 Goulburn Valley Highway, Kialla West (continued)

- To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.
- To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

Clause 44.06-2 identifies that a permit is required to subdivide land under the Bushfire Management Overlay.

Clause 44.06-3 identifies application requirements for applications under the Overlay:

- A bushfire hazard site assessment.
- A bushfire hazard landscape assessment.
- A bushfire management statement.

The Clause identifies that, if in the opinion of the responsible authority any part of these requirements is not relevant to the assessment of an application, the responsible authority may waive, vary or reduce the requirement.

The application was not accompanied by a Bushfire Management Statement or Bushfire Management Plan. The application was referred to the CFA for comment. As the proposal does not create a new lot on which a dwelling could be developed without the need for a further planning permit, and as the CFA consented to the application, it was considered acceptable to waive the requirement for these assessments.

The Planning Policy Framework (PPF)

The Local Planning Policy Framework (LPPF) - including the Municipal Strategic Statement (MSS), local planning policies and Structure Plans

Clause 21.04-1 identifies that land supply to accommodate housing demand should be within a consolidated and sustainable development framework, while ensuring there are settlement boundaries for the extent of urban expansion to ensure the sustainability of the urban community and the wellbeing of productive agricultural land.

The subject site is located to the south of the area mapped as the Kialla and Shepparton South Framework Plan, therefore located outside the settlement boundary, and outside the area identified for longer term future residential growth. Clause 21.04-1 identifies that residential growth outside the nominated settlement boundaries will generally not be supported. It is recognised by Council that urban expansion into agricultural areas can result in conflict at the urban/rural interface.

Clause 21.06-1 Agriculture identifies irrigated primary production and the processing of that product underpins the municipality and the region's economy. The level of production is nationally important and the region is responsible for significant parts of the nation's milk production, deciduous canned fruit production, stone fruit crop and tomato processing production. The region's workforce is heavily dependent on the agricultural sector with many people directly involved in agricultural production on farms, and an estimated similar number involved directly and indirectly in the processing and transport of that product.

It is increasingly evident that prospective agricultural investment is jeopardized, deterred, or completely lost by land uses and developments that have the potential to compromise

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Planning Permit Application 2019-10 for a Two Lot Subdivision at 7185 Goulburn Valley Highway, Kialla West (continued)

the scale and location of such investment. In particular, agricultural investment is far less likely where land is already fragmented in ownership with housing dispersed throughout.

The relevant objectives for agriculture are:

- To ensure that agriculture is and remains the major economic driver in the region
- To facilitate growth of existing farm businesses
- To facilitate growth of new agricultural investment
- To provide for small scale, specialized agriculture

Relevant strategies are identified as to:

- Discourage land uses and development in the Farming Zone, Schedule 1 that would compromise the future agricultural use of the land, including farm related tourism.
- Identify 'growth', 'consolidation' and 'niche' areas in the Farming Zone.
- Encourage growth and expansion of existing farm businesses and new investment in 'growth' and 'consolidation' areas.
- Encourage value adding and new enterprises for agricultural production.
- Discourage non-agricultural development in rural areas except where development is dependent on a rural location, and cannot be accommodated within existing industrial or business zoned land.

The Regional Rural Land Use Strategy (RRLUS) is a reference document in the planning scheme and applies to the proposal. The strategy states on page 45 "the rural areas of the Greater City are considered to be productive agricultural land based on the soil types, subdivision pattern and climate and the significant level of irrigation infrastructure. Protection and retention of this land for agriculture is of primary strategic importance to the Greater City and it is recommended that it should be included in the Farming Zone".

With respect to subdivisions and excisions, the strategy at pages 79-80 states "subdivisions and house lot excisions within the region are associated with the ongoing demand for rural property for lifestyle reasons, and well as with legitimate farm restructure activity. The prevailing trend in the region across the main agricultural industries is one of expansion and consolidation to, both contiguous and non-contiguous, larger farms.

Larger lot subdivisions of rural land are also occurring in the region and appear to be largely driven by the lifestyle market, or less often, those seeking to pursue newer or alternative forms of agriculture. As with dwellings, the legitimacy and value of such proposals is difficult to assess. Assessment is heightened by the problem of ensuring in the long term land is not lost to agriculture."

The applicant gives no surety that the land will not be lost to agriculture once the land has been subdivided. The subdivision of the land is not in line with current trends where rural land is often subdivided or re-subdivided to allow for the consolidation or growth of agricultural operations.

Clause 21.06-2 – Subdivision in Rural Areas aims to limit further fragmentation of rural land by subdivision.

Response: It is considered that the proposal is inconsistent with the objectives for rural subdivision and protection of Agricultural Land and does not appropriately address the

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Planning Permit Application 2019-10 for a Two Lot Subdivision at 7185 Goulburn Valley Highway, Kialla West (continued)

considerations for subdivisions in the Regional Rural Land Use Strategy and Greater Shepparton Planning Scheme as it will lead to the fragmentation of agricultural land and does not adequately provide for the future use of the land for agriculture.

The proposal is not considered to be consistent with local policy objectives that relate to the protection of productive agricultural land. The subdivision of the land to create two lots of approximately 40 hectares each outside the settlement boundary should not be supported as the application has not adequately demonstrated how the proposal will support the ongoing use or enhancement of the land for agriculture, particularly in relation to the proposed lot 2.

No specific proposal for lot 2 has been identified and the Whole Farm Plan submitted with the application is based on the existing lot layout, meaning the pivot irrigation system could be implemented without the need to subdivide the land.

Council Plan/Key Strategic Activity

Council Vision

Greater Shepparton, Greater Future.

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

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Incorrect notification	A	5	Low	The application has been properly advertised which has resulted in objections being lodged with Council. These objectors will be informed of Council's decision on the application.

Policy Considerations

The application has been considered against the relevant policies contained within the Greater Shepparton Planning Scheme and found to achieve unacceptable planning outcomes with respect to facilitating the fragmentation of agricultural land without demonstrating how all of the land could continue to be farmed productively.

Financial Implications

This planning application has no significant financial implications for Council.

Legal/Statutory Implications

Should the applicant or objectors be dis-satisfied with Council's decision and application for review can be lodged at VCAT.

Cultural Heritage

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

The *Aboriginal Heritage Act 2006* introduces a requirement to prepare a Cultural Heritage Management Plan (CHMP) if all or part of the activity is a listed high impact

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Planning Permit Application 2019-10 for a Two Lot Subdivision at 7185 Goulburn Valley Highway, Kialla West (continued)

activity, resulting in significant ground disturbance, and all or part of the activity area is an area of cultural heritage sensitivity, which has not been subject to significant ground disturbance.



The 'Area of Cultural Heritage Sensitivity in Victoria' does include the land within an area of cultural heritage sensitivity. A two lot subdivision does not trigger a requirement for a CHMP.

Environmental/Sustainability Impacts

Approval of the application has the potential to lead to the loss of productive agricultural land. This could impact on the sustainability of agriculture in the area by encouraging additional rural living opportunities on land identified as suitable for productive agriculture.

Social Implications

This planning application has no significant social implications for Council.

Economic Impacts

This planning application has no significant social implications for Council.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Planning Permit Application 2019-10 for a Two Lot Subdivision at 7185 Goulburn Valley Highway, Kialla West (continued)

Referrals/Public Notice

External Referrals/Notices Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
Country Fire Authority	Clause 66.03 <i>Clause 44.06-6 (BMO)</i>	Recommending	<p>No objections to the proposal were received from the CFA.</p> <p>CFA consent was not subject to any conditions.</p> <p>CFA provided the following comments: CFA is satisfied that any future dwelling could readily be sited at multiple locations within the newly created lots meeting;</p> <ul style="list-style-type: none"> The defensible space in accordance with Table 2 Columns A, B or C and Table 6 to Clause 53.02-5; The approved measures in Clause 53.02-4.1 and Clause 53.02-4.3. <p>CFA consents under Section 9 of the <i>Subdivision Act 1988</i> to the Certification of the Plan of Subdivision. CFA does not want the Plan of Subdivision for this planning permit application referred under Section 8 of the <i>Subdivision Act 1988</i>.</p> <p>CFA also consents to the Statement of Compliance for Subdivision under the <i>Subdivision Act 1988</i>.</p>
Goulburn Broken Catchment Management Authority	Clause 66.03 <i>Clause 44.03-6 (FO) and Clause 44.04-7 (LSIO)</i>	Recommending	<p>The GBCMA offered no objection to the proposal.</p> <p>The GBCMA provided advice with respect to their best estimate of the 100 year ARI flood level for the site, which varies from 114.9 metres AHD on the south to 114.5 metres AHD on the north.</p> <p>The GBCMA consent was not subject to any conditions.</p>

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Planning Permit Application 2019-10 for a Two Lot Subdivision at 7185 Goulburn Valley Highway, Kialla West (continued)

External Notice to Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
Goulburn-Murray Water.	<p>G-MW were referred the application under Section 52 of the Act due to their interest in surface and ground water quality, use and disposal. To satisfy G-MW, proposals must not impact detrimental on Goulburn Murray Water’s infrastructure and the flow and quality of surface water and groundwater.</p> <p>No objection to the proposal was received, subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Any Plan of Subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act. 2. Any Goulburn Murray Water existing easement(s)/reserve(s) pertaining to Goulburn Murray Water assets affected by the subdivision must remain and be shown on any Plan of Subdivision submitted for Certification. 3. For subdivision of property holding delivery shares the applicant must either: <ol style="list-style-type: none"> a) make application to Goulburn Murray Water pursuant to sections 224 and 229 of the Water Act 1989 to: terminate or transfer the delivery shares in relation to the property; make a declaration that the property cease to be a serviced property (to effect excision from the district); or alternatively b) demonstrate to Goulburn Murray Water reasonable satisfaction the means by which a Goulburn Murray Water water supply will be metered and delivered to the lots created by the subdivision, bearing in mind requirements for water use licences and annual use limits. <p><u>Planning Notes:</u> Consultation with the Shepparton Irrigation Area Office is recommended in relation to access to water for the proposal by calling 1800 013 357. The procurement of water for the proposal is the responsibility of the applicant and not addressed through the planning permit referrals process.</p>

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Planning Permit Application 2019-10 for a Two Lot Subdivision at 7185 Goulburn Valley Highway, Kialla West (continued)

Section 52 - Notice Authority	Advice/Response/Conditions										
Powercor	<p>No objections to the proposal were received from Powercor, subject to the following conditions:</p> <ol style="list-style-type: none"> 1. This letter shall be supplied to the applicant in its entirety. 2. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act. 3. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR). <p>Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.</p> <ol style="list-style-type: none"> 4. The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new power lines to service the lots or adjust the positioning existing easements. <p>Notes:</p> <ul style="list-style-type: none"> • Existing easements may need to be amended to meet the Distributor's requirements • Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows: <table border="1" data-bbox="472 1368 1406 1610"> <thead> <tr> <th data-bbox="472 1368 663 1473">Easement Reference</th> <th data-bbox="663 1368 810 1473">Purpose</th> <th data-bbox="810 1368 967 1473">Width (Metres)</th> <th data-bbox="967 1368 1203 1473">Origin</th> <th data-bbox="1203 1368 1406 1473">Land Benefited / In Favour Of</th> </tr> </thead> <tbody> <tr> <td data-bbox="472 1473 663 1610"></td> <td data-bbox="663 1473 810 1610">Power Line</td> <td data-bbox="810 1473 967 1610"></td> <td data-bbox="967 1473 1203 1610">Section 88 – Electricity Industry Act 2000</td> <td data-bbox="1203 1473 1406 1610">Powercor Australia Ltd</td> </tr> </tbody> </table>	Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited / In Favour Of		Power Line		Section 88 – Electricity Industry Act 2000	Powercor Australia Ltd
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited / In Favour Of							
	Power Line		Section 88 – Electricity Industry Act 2000	Powercor Australia Ltd							
VicRoads	No response within the required timeframe therefore consent deemed.										

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description: Two lot subdivision in the Farming Zone, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing a sign on site.
- Ten objections to the proposal have been received. The reasons for objection are addressed and considered as follows.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE
10.3 Planning Permit Application 2019-10 for a Two Lot Subdivision at 7185 Goulburn Valley Highway, Kialla West (continued)

Reason for Objection	Planning Response
<p>The subdivision does not meet the purpose of the Farming Zone as it does not provide for the use of land for agriculture or encourage the retention of productive agricultural land.</p>	<p>This is a key consideration for the application as the purposes of the Farming Zone include to provide for the use of land for agriculture and to encourage the retention of productive agricultural land.</p> <p>The applicant has provided a written submission in support of the proposal, relating to the subdivision providing for increased opportunity for smaller scale and specialised agriculture.</p> <p>The submission however fails to guarantee the subdivision will provide for or encourage the retention of agricultural land.</p>
<p>The proposed lots do not constitute viable farming enterprises.</p> <p>The lots (especially proposed Lot 2) are constrained with Lot 2 in four parts due to the alignment of a channel (E1 and E4 on the Plan) and an existing carriageway easement over 7185 Goulburn Valley Highway. Less than 40 ha of viable farm land that does not enhance agricultural use.</p>	<p>This is a key consideration for the application as the Decision Guidelines of the Zone require Council to consider whether the development will support and enhance agricultural production.</p> <p>The applicant submission does not adequately demonstrate the viability of the proposed new lots. No justification for the proposed lot layout has been provided, other than statements relating to a potential future pivot irrigation system on lot 1. Lot 2 would be in two parts, with a smaller area on the northern side of the existing access. No information has been provided to illustrate how this would result in a practical, viable outcome for a future landowner.</p> <p>The proposed subdivision has not been addressed or considered as part of the Whole Farm Plan submitted with the application which shows the whole of the subject land, and the installation of a Pivot Irrigation system on the northern part of the site. It appears that the Pivot Irrigation System could be installed based on the existing lot arrangement.</p> <p>The Whole Farm Plan does not address / support the subdivision of the land or illustrate how each of the lots would be independently viable are more beneficial than the site would otherwise be remaining as a single entity. The application as not adequately addressed how the proposed lots constitute viable farming lots.</p>

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Planning Permit Application 2019-10 for a Two Lot Subdivision at 7185 Goulburn Valley Highway, Kialla West (continued)

Reason for Objection	Planning Response
<p>The subdivision creates two lots sized to allow for the development of a new dwelling on each lot.</p>	<p>There is an existing dwelling located at the eastern part of the site. This dwelling is to be retained and would ultimately be located on proposed Lot 2 as a result of the subdivision.</p> <p>Proposed Lot 1 would not contain a dwelling. This lot is proposed to have an area of approximately 46 hectares. Under the provisions of the Farming Zone Schedule 1, the minimum land area for which no permit is required for a dwelling is 60 hectares. As this minimum lot size is not satisfied, no dwelling could be developed on the vacant lot without requiring planning approval, at which time the relevant purposes and decision guidelines of the Farming Zone would need to be further considered.</p> <p>It is not considered that the application could reasonably be refused on the basis as any new dwelling on the land would be subject to planning approval, and no request for such proposal forms part of this application.</p>
<p>The subdivision will detract from the amenity of the land and will encourage a proliferation of hobby farms. Hobby farmers generally do not have the equipment to properly manage the land, leading to a degradation of under-utilised land.</p>	<p>The application is for subdivision only. It is however considered that the application has not appropriately demonstrated how the subdivision will support the use of the land for agriculture, and this may result in future uses of a nature or scale that represent an underutilisation of existing Farming Zoned land.</p>
<p>Impacts of the creation of an additional lot on the existing carriageway access, which forms part of the adjoining land at 7187 Goulburn Valley Highway (maintenance costs).</p>	<p>The access to the application site forms part of the adjoining land to the west, which is protected by a carriageway easement.</p> <p>The existing access / carriageway easement is proposed to be used to service both proposed lots. Whilst it is acknowledged that an additional lot would likely increase the use of the carriageway easement and therefore place added pressure on this infrastructure with respect to maintenance.</p> <p>There is no existing schedule for maintenance of the easement registered on title that indicates who is responsible for ongoing maintenance. This would continue to be the case, with the maintenance of the space to be a private matter between the land owners.</p>

10. SUSTAINABLE DEVELOPMENT DIRECTORATE
10.3 Planning Permit Application 2019-10 for a Two Lot Subdivision at 7185 Goulburn Valley Highway, Kialla West (continued)

Reason for Objection	Planning Response
<p>Section 173 Agreement registered on Title prevents further subdivision, and there is no proposal for intensive agriculture to justify the removal of the Agreement.</p>	<p>A Section 173 Agreement is registered on the title to the land.</p> <p>The Agreement prevents further subdivision of the adjoining lot to the west (Lot 2 PS605121, known as 7187 Goulburn Valley Highway).</p> <p>The Agreement does not prevent the further subdivision of the application site Lot 1 PS605121, 7185 Goulburn Valley Highway, Kialla.</p> <p>The applicant has not requested the removal of the Agreement.</p> <p>As the proposal does not breach the Agreement, it does not represent a barrier to Council's consideration of the application on its merit or ability to approve the application should it form the view the proposal should be supported.</p>
<p>Existing access track is not located on the carriageway easement as shown on the existing Plan of Subdivision.</p>	<p>This objection was raised by the owner of Lot 2 PS605121, known as 7187 Goulburn Valley Highway. Access to both this objector's property and the application site is via an established access track / driveway off the Goulburn Valley Highway. The access forms part of the objectors land, and is affected by a carriageway easement that provides access to the application site.</p> <p>The objection states that the access track is not located within the alignment of the carriageway easement. In order to resolve the situation, the objector has suggested that either the driveway would need to be reconstructed within the alignment of the easement, or a new Plan of Subdivision prepared to reflect the alignment of the existing access track (and a subsequent land swap between the parties).</p> <p>No evidence has been provided by either the objector or applicant to demonstrate / confirm whether the alignment of the access track matches the alignment of the easement. To confirm whether there is an issue with the alignments, a survey would need to be undertaken. No such information has been provided.</p> <p>If there is an issue with the alignments, then this is an existing matter that would need to be resolved by the two parties should they wish to rectify the situation (i.e. it is not an issue created by the proposed subdivision).</p>

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Planning Permit Application 2019-10 for a Two Lot Subdivision at 7185 Goulburn Valley Highway, Kialla West (continued)

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

Strategic Links

Greater Shepparton 2030 Strategy

Agriculture

The key objectives for agriculture are:

- To protect the productive agricultural land base and the valuable regional resource of irrigated land.
- To support developing and emerging agribusinesses and their increasing requirement for high technical infrastructure.
- To develop and promote the municipality as a regional centre for food and primary industry research and development.
- To ensure the sustainable development of business in strategic locations and to minimise conflict at the urban fringe / agricultural land interface.

Officers consider that the application is not in accordance with the relevant objectives of GSC2030 as it will lead to the fragmentation of agricultural land creating the potential for conflict between the urban fringe and agricultural land interface.

Conclusion

Officers having undertaken an assessment of the application have determined that on balance, the proposal achieves an unacceptable planning outcome when considered against the relevant planning policy and zone requirements applying to the land and should not be supported by Council for the reasons outlined in this report.

Attachments

Nil

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Planning Permit Application 2018-264 - Two lot subdivision at 560 Archer Road, Kialla

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.

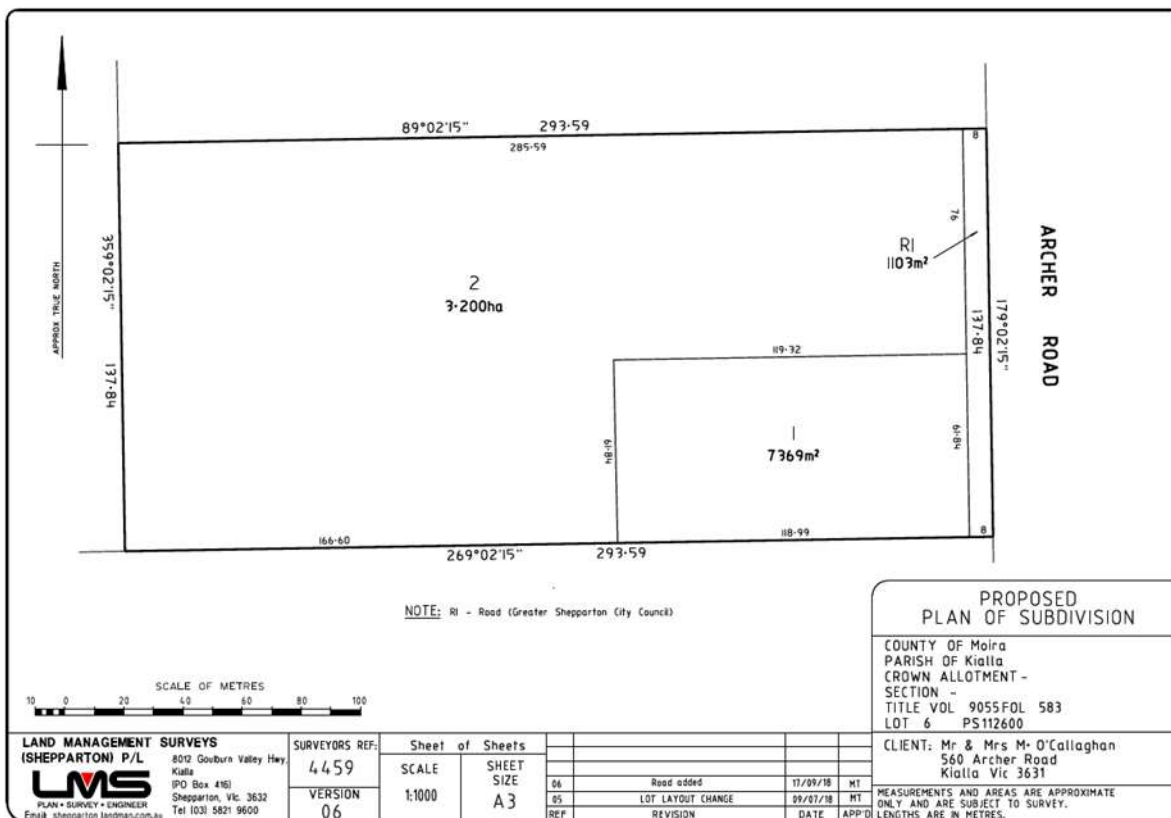
Council’s Manager of Building and Planning has made a declaration of interest regarding the matter under consideration and has had no involvement in the preparation of this report.

Council Officers involved in producing this report
Author: Team Leader Statutory Planning
Proof reader(s): Principal Statutory Planner
Approved by: Director Sustainable Development

Executive Summary

The application proposes a two lot subdivision of land at 560 Archer Road, Kialla to create a lot for an existing dwelling and a balance lot for future subdivision.

A plan of the proposed subdivision is shown below:



The application originally proposed the removal of two covenants from the title and an electricity easement.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Planning Permit Application 2018-264 - Two lot subdivision at 560 Archer Road, Kialla (continued)

ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT as to part G001244 28/11/2001

COVENANT as to part G948354 28/11/2001

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

G1244 relates to the gas transmission line crossing the front of the land and protects the pipeline from interference. G948354 provides restrictions in relation to the original rural residential development of the land. The application has since been amended to remove the request for removal of G948354 following discussions with another beneficiary of the covenant who objected to the application. Following the amendment of the application, to withdraw the request to remove G948354, the objection was subsequently withdrawn.

The land is within the General Residential Zone and Development Plan Overlay. The land is also partially affected by the Design and Development Overlay and Land Subject to Inundation Overlay.

A planning permit is required to subdivide in the General Residential Zone, the Design and Development Overlay and Land Subject to Inundation Overlay. A planning permit is also required to remove an existing electricity supply easement and covenant G001244.

The application was referred to the relevant external authorities who ultimately had no objections to the proposal.

RECOMMENDATION

In relation to Planning Application 2018-264, on the basis of the information before the Council and having considered all relevant matters as required by the *Planning and Environment Act 1987*, Council resolves to refuse the application on the following grounds:

- The proposal is not in general accordance with the principles of the Marlboro Drive Concept Plan in relation to the pedestrian and bicycle network and the circulation of vehicles on the existing and future road network.
- The proposal is not in accordance with local planning policy strategies for urban consolidation and growth which seek to safely link bicycle paths to create connectivity between Shepparton, Mooroopna and Kialla.
- The proposal is not in accordance with local planning policy strategies for urban design which seek to create walkable neighbourhoods that afford priority to pedestrians and provide safe pedestrian routes through residential neighbourhoods.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Planning Permit Application 2018-264 - Two lot subdivision at 560 Archer Road, Kialla (continued)

Property Details

Land/Address	560 Archer Road Kialla
Zones and Overlays	General Residential Zone Development Plan Overlay 8 Land Subject to Inundation Overlay Design and Development Overlay 2
Why is a permit required	Subdivision in the GRZ under 32.08-2 Subdivision of land in the DDO2 under 43.02-3 Subdivision of land in the LSIO under 44.04-2 Removal of electricity supply easements and covenant G001244 under 52.02

Locality Plan



The land has an approximate area of 4 hectares. The land is located on the west side of Archer Road approximately 140 metres south of the Marlboro Drive intersection.

The land contains a dwelling, garden, outbuildings and functions as a rural residential property. Rows of planted shelter belt trees are located along the boundaries and adjacent to paddock fencing, while the balance of the land is established for grazing.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Planning Permit Application 2018-264 - Two lot subdivision at 560 Archer Road, Kialla (continued)

Surrounding land is predominantly rural living to the east and residential to the north, south and west. Photos below show existing vehicle crossing arrangements for the land.



Existing vehicle access on the south side of the land



Main vehicle access to the land

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Planning Permit Application 2018-264 - Two lot subdivision at 560 Archer Road, Kialla (continued)

Proposal in Detail

The application was lodged on 2 October 2018.

No requests for further information were made.

The application included a development plan report in accordance with the relevant requirements of the Development Plan Schedule 8 in relation to the Marlboro Drive Development Plan. The report stated that the two lot subdivision will allow for the excision of the existing dwelling to allow the future sale of the proposed balance lot for further development in accordance with the Marlboro Drive Development Plan.

The application also included a request to remove an electrical supply easement and two existing covenants.

The proposed plan of subdivision also showed an 8 metre section of the land along the frontage of the site to be set aside as road for future road widening purposes.

A copy of a draft planning permit was sent to the applicant on 16 February 2019 noting that Council Officers would be in a position to issue a planning permit subject to the applicant agreeing to sign a pre-development agreement that deals with the following:

- Payment of Developer contributions for lot 1 as per Marlboro Drive Development Plan prior to issue of Statement of Compliance.
- Waiver of the requirement for a payment of public open space for lot 1 in lieu of provision of an 8m strip of land as shown on the proposed plan of subdivision.
- Removal of the two existing vehicle access points to Archer Road at the time legal vehicle access is provided to the proposed lot 1 as a result of the further subdivision of the proposed lot 2.

Summary of Key Issues

Officers and the applicant have been unable to reach an agreement on a suitable timeframe for the surrendering of vehicle access to Archer Road. The surrendering of vehicle access to Archer Road will assist in facilitating the construction of a safe shared path along the frontage of the land in accordance with the Marlboro Drive Concept Plan and Greater Shepparton City Council Cycling Strategy.

This is the only matter of dispute between Council Officers and the applicant.

Background

Two previous planning permit applications have been lodged to subdivide the land, 2017-228 and 2016-483. Both these applications included the subdivision of the existing dwelling and the subdivision of the balance of the land for residential purposes. Both applications were withdrawn when agreement could not be reached in regard to a suitable timeframe to surrender vehicle access to Archer Road.

Assessment under the Planning and Environment Act

The zoning of the land

The land is located within the **General Residential Zone (GRZ)**. The application is in accordance with the relevant purposes of the zone and in particular would assist in encouraging the subdivision of the balance of the land to provide for a diversity of housing types and housing growth in a location offering good access to services and transport.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Planning Permit Application 2018-264 - Two lot subdivision at 560 Archer Road, Kialla (continued)

A planning permit is required to subdivide land in the GRZ. An application to subdivide land in the GRZ is required to meet the relevant requirements of Clause 56 – Residential Subdivision of the Greater Shepparton Planning Scheme. The application included a written report demonstrating compliance with the relevant requirements of Clause 56.

The application meets the relevant decision guidelines of the GRZ as the proposed subdivision will not prevent the further subdivision of the land to provide for future residential development.

Overlay Controls

The land is affected by the **Land Subject to Inundation Overlay**. The relevant purposes of the Overlay are:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

Clause 44.04-3 identifies that a permit is required to subdivide land under the Overlay.

Clause 44.04-4 identifies that an application must be accompanied by any information specified in a schedule to the Overlay. The schedule to the Overlay does not identify any application requirements.

The application was referred to the Goulburn Broken Catchment Management Authority, who consented to the proposal. The CMA offered no objection to the application, and their consent was not subject to any conditions.

The land is partially affected by the **Design and Development Overlay – Schedule 2 Airport Environs**.

Clause 43.02-3 identifies that a planning permit is required to subdivide land in the Design and Development Overlay unless a schedule to this overlay specifically states that a permit is not required. Schedule 2 to the Overlay does not specifically state that a permit is not required. Schedule 2 – Airport Environs requires consideration in relation to buildings and works that may impact on safe aircraft operation at Shepparton Airport. The schedule does not specifically mention subdivision or have any relevant considerations in relation to the proposed subdivision. Notice of the application was given to the Aerodrome Committee who did not provide any objections to the proposal.

The land is affected by the **Development Plan Overlay Schedule 8 – Marlboro Drive Development Plan**.

A key purpose of the Development Plan Overlay is to identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop land.

Schedule 8 requires a development plan to be endorsed for the land before any subdivision of the land commences.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Planning Permit Application 2018-264 - Two lot subdivision at 560 Archer Road, Kialla (continued)

A development plan has been provided with the application. The submitted development plan and two previous planning permit applications for the land have demonstrated that the land could be subdivided to provide for additional residential allotments that would be in accordance with the Marlboro Drive Concept Plan.

A number of versions of a pre-development Section 173 Agreement have been prepared in an attempt to clarify infrastructure and development contribution requirements between Council officers and the applicant. While the majority of these requirements have been clarified and agreed to by both parties, no agreement has been reached on the surrender of direct vehicle access to Archer Road from the land once it has been further subdivided for residential purposes.

The Marlboro Drive Concept and Plan Planning Report identifies the need for the future widening of Archer road to facilitate an improved intersection with Marlboro Drive, the provision of buffer plantings along Archer Road and the interconnection of pedestrian paths to create networks of passive and active recreational space. The provision of direct vehicle access onto Archer Road has the potential to impact on the safety of these pedestrian connections. This is in direct conflict with the Marlboro Drive Concept Plan which shows vehicles access to land within the concept plan area coming from internal access roads, with access onto Archer Road via Marlboro Drive.

Additionally failure to reach agreement on a suitable timeframe for the surrender of vehicle access to Archer Road jeopardises the requirements of Schedule 8 to provide a safe and convenient shared path environment for pedestrians and cyclists.

The Planning Policy Framework (PPF)

Clause 21.04-1 – Urban Consolidation and Growth aims to contain urban growth to identified growth areas. The proposed subdivision will help to facilitate growth within an identified urban growth area by providing approximately 3ha of land for further residential subdivision.

Council officers have attempted to address the relevant policy guidelines for urban growth areas by requiring the applicant to enter into a pre-development agreement securing future development contributions and the widening of Archer Road for the purpose of shared path connectivity. To date this has been unable to be secured due to disagreements between officers and the applicant in relation to the surrender of vehicle access to Archer Road.

Clause 21.04-4 Urban Design seeks to ensure the creation of walkable neighbourhoods that afford priority to pedestrians and provide safe and sheltered pedestrian routes within and through residential neighbourhoods. The failure to secure a suitable timeframe for the surrender of vehicle access to Archer Road from the land, at a time when other legal access options are provided, will jeopardise the extension of a shared path network along Archer Road that prioritises the safety of pedestrians and cyclists. A key intent of the Marlboro Drive Concept Plan is to minimise direct vehicle access onto Archer Road to ensure a safe flow of pedestrians and cyclist along Archer Road.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Planning Permit Application 2018-264 - Two lot subdivision at 560 Archer Road, Kialla (continued)

Particular Provisions

Clause 52.02 Easements, Restrictions and Reserves seeks to enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered. A planning permit is required for the removal of an easement and restrictive covenant. The removal of the easement and covenant was advertised in accordance with due process. Removal of these restrictions will help facilitate a subdivision in an identified urban growth area.

Council Plan/Key Strategic Activity

Leadership and Governance

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

Built

4.1 Growth is well planned and managed for the future.

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

When planning for residential growth it has been common practice to minimise direct vehicle access to collector and arterial roads in order to ensure better traffic flow and improve safety for pedestrians and cyclists. Where new precinct structure plans have been prepared by Council they have been assessed using this approach of minimising direct vehicle access onto main roads. Council officer's recommendation in relation to this application is consistent with this approach.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Incorrect notification	A	5	Low	The application has been properly advertised.

Policy Considerations

The application has been considered against the relevant policies contained within the Greater Shepparton Planning Scheme and found to achieve unacceptable planning outcomes with respect to securing the provision of safe and convenient cyclist and pedestrian access along Archer Road.

Financial Implications

If agreement can be reached in relation to the timing for the surrender of direct vehicle access from the land to Archer Road, the applicant will provide Council with a 8m strip of land to facilitate the construction of a shared path along Archer Road. If no agreement can be reached the Council will need to undertake a land acquisition process.

Legal/Statutory Implications

Should the applicant or objectors be dis-satisfied with Council's decision and application for review can be lodged at VCAT.

Cultural Heritage

The land is not located in an area of Aboriginal Cultural Heritage Sensitivity and therefore a Cultural Heritage Management Plan is not required.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Planning Permit Application 2018-264 - Two lot subdivision at 560 Archer Road, Kialla (continued)

Environmental/Sustainability Impacts

This planning permit application has no significant environmental or sustainability impacts for Council.

Social Implications

This planning application has no significant social implications for Council.

Economic Impacts

This planning application has no significant social implications for Council.

Referrals/Public Notice

External Referrals Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
CMA	44.04-5	Recommending	No objections and no conditions
APA VTS*	66.01	Determining	No objections and no conditions

*subdivide land crossed by a gas transmission pipeline easement

External Notice to Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
APA	No objections, does not require referral of plan of sub and consents to SOC at required time.
Goulburn Valley Water	No objections subject to standard conditions.

Internal Notice:

Internal Council Notices	Advice/Response/Conditions
Development Engineers	Consented with standard conditions.
Aerodrome Committee	No objections to the proposal or conditions were required.

Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description removal of an electricity supply easement, removal of covenant G001244 and removal of covenant G948354, by:

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

The application received one objection in relation to the removal of the covenant G001244. Following a meeting between the applicant, Council planning officers and the

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Planning Permit Application 2018-264 - Two lot subdivision at 560 Archer Road, Kialla (continued)

objector, the objection was withdrawn following the amendment of the application to withdraw the request to remove G948354.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

Settlement and Housing:

A priority on and active community with walking and cycle networks lined to major attractions as a major consideration.

b) Other strategic links

Greater Shepparton City Council Cycling Strategy

Conclusion

Officers, having undertaken an assessment of the application, have determined that on balance the application will not achieve a net community benefit. The proposal achieves an unacceptable planning outcome when considered against the relevant planning policy and development plan requirements applying to the land. The application will not facilitate a safe environment for pedestrians and cyclists in accordance with the requirements of local planning policy and the Marlboro Drive Concept Plan.

Attachments

1. Marlboro Drive Concept Plan [↓](#) Page 479
2. Marlboro Drive Concept Plan Planning Report [↓](#) Page 480

11. REPORTS FROM COUNCILLORS

Nil Received

12. REPORTS FROM SPECIAL AND ADVISORY COMMITTEES

Nil Received

13. NOTICE OF MOTION, AMENDMENT OR RESCISSION

Nil Received

14. DOCUMENTS FOR SIGNING AND SEALING

Nil Received

15. COUNCILLOR ACTIVITIES

15.1 Councillors Community Interaction and Briefing Program

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

Under section 80C of the *Local Government Act 1989* 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 August 2019 to 31 August 2019, some or all of the Councillors have been involved in the following activities:

- La Trobe University | Minister for Training and Skills & Higher Education – The Hon Gayle Tierney
- Fairleys IGA Shepparton | Cheque Presentation
- Toyoake Japan Students | Visiting Greater Shepparton
- Waste and Resource Recovery Group & Department Environment, Land, Water and Planning Meeting
- 2019 Small Towns Meeting | Mooroopna
- Shepparton Education First Youth Foyer | 3rd Birthday Party & Open Day
- Hockey Australia Country Championship
- Heritage Advisory Committee Meeting
- Shepparton Festival | Annual General Meeting
- Oshu City Visit | Meet & Greet and Gift Exchange
- FLEDGE - Founding Leadership with an EDGE | Goulburn Valley Pride
- Shepparton Education Plan Project Board
- Sports Hall of Fame Advisory Committee
- Aerodrome Advisory Committee Meeting
- Disability Advisory Committee Meeting
- Greater Shepparton Safety Community
- McGuire College | Students Experiencing Homelessness
- Public Meeting | Shepparton Super School
- Greater Shepparton Positive Ageing Advisory Committee Meeting
- Dungala Kaiela Oration 2019
- Dungala Kaiela Oration Dinner 2019 | Committee for Greater Shepparton
- The Australian Ballet - Coppelia | Pre-Performance Dinner and Performance
- National Hockey Championships
- Australian Early Development Census Summit 1: Our Children, Our Data, Our Responsibility
- Regional Cities Victoria Cocktail Function | Melbourne
- Best Start Early Years Partnership Meeting
- Goulburn Valley Waste Resource Recovery Group Board meeting
- Regional Cities Victoria Annual Forum | Melbourne
- Multicultural Women's Event | Women Only | Africa House
- Sports Hall of Fame Induction Ceremony | Honour Roll and Junior Honour Roll
- Shepparton Malayalee Association [SHEMA] | Volleyball Tournament Shepparton
- Soccer Club | 60th Year Anniversary
- 550th Parkash Utsav of Guru Nanka [Birth Anniversary] | The Sikh Community - Community Tree Planting

15. COUNCILLOR ACTIVITIES

15.1 Councillors Community Interaction and Briefing Program (continued)

- Vietnam Veteran's Association Australia | Vietnam Conflict Commemoration | Celebration
- Goulburn Valley Squash International | Presentation of Medals
- 'All About You' Group
- McGuire College | School Visit – Year 12 | Council and Mayoral Role
- RiverConnect Implementation Advisory Committee Meeting
- Sports Hall of Fame Meeting
- Development Hearing Panel
- Shepparton Running Festival
- Greater Shepparton Women's Charter Advisory Committee Meeting
- Shepparton Chamber of Commerce | Business Breakfast
- Country Women's Association | Spring Conference
- Greater Shepparton Women's Charter Advisory Committee | Visit to Parliament House, Melbourne
- Municipal Emergency Management Planning (MEMP) Executive Committee Meeting
- Goulburn Valley Local Government Waste Forum Meeting

In accordance with section 80A of the *Local Government Act 1989* records of the Assemblies of Councillors are attached.

RECOMMENDATION

That the summary of the Councillors' community interaction and briefing program be received, and record of Assemblies of Councillors be noted.

Attachments

- | | | | |
|-----|--|-------------------|----------|
| 1. | Audit and Risk Management Committee meeting - 6 Feb 2019 | ↓ | Page 503 |
| 2. | Audit and Risk Management Committee meeting - 1 May 2019 | ↓ | Page 505 |
| 3. | Audit and Risk Management Committee meeting - 19 June 2019 | ↓ | Page 507 |
| 4. | Best Start Early Years Partnership - 20 June 2019 | ↓ | Page 509 |
| 5. | CEO and Councillor Catch Up - 6 August 2019 | ↓ | Page 512 |
| 6. | Councillor Briefing Session - 6 August 2019 | ↓ | Page 513 |
| 7. | Shepparton Saleyards Advisory Committee - 7 August 2019 | ↓ | Page 514 |
| 8. | CEO and Councillor Catch Up - 13 August 2019 | ↓ | Page 515 |
| 9. | Councillor Briefing Session - 13 August 2019 | ↓ | Page 516 |
| 10. | Best Start Early Years Partnership - 15 August 2019 | ↓ | Page 517 |
| 11. | CEO and Councillor Catch Up - 20 August 2019 | ↓ | Page 518 |
| 12. | Councillor Briefing Session - 20 August 2019 | ↓ | Page 519 |
| 13. | Development Hearings Plan - 23 August 2019 | ↓ | Page 520 |
| 14. | CEO and Councillor Catch Up - 27 August 2019 | ↓ | Page 573 |
| 15. | Councillor Briefing Session - 27 August 2019 | ↓ | Page 574 |
| 16. | Heritage Advisory Committee - 2 September, 2019 | ↓ | Page 577 |
| 17. | Councillor Briefing Session - 3 September 2019 | ↓ | Page 578 |
| 18. | CEO and Councillor Catch Up - 3 September 2019 | ↓ | Page 580 |

16. URGENT BUSINESS NOT INCLUDED ON THE AGENDA

17. CONFIDENTIAL MANAGEMENT REPORTS

17.1 Designation of Confidentiality of Information

RECOMMENDATION

That the Council:

1. pursuant to section 89(2)(h) of the *Local Government Act 1989* resolve that the Council meeting be closed to members of the public for consideration of a confidential item;
2. permit officers to disclose any information necessary in relation to the confidential item to enable them to effectively implement the Council decision.

17.2 Drainage Notice - 12 Beaumaris Street, Shepparton

17.3 Reopening of the Council Meeting to Members of the Public