

MINUTES

FOR THE
GREATER SHEPPARTON CITY COUNCIL

ORDINARY COUNCIL MEETING

HELD ON
TUESDAY 21 February 2012
AT 1.00PM

IN THE COUNCIL BOARD ROOM
90 WELSFORD STREET

COUNCILLORS:

Cr Michael Polan (Mayor)
Cr Chris Hazelman (Deputy Mayor)
Cr Cherie Crawford
Cr Geoff Dobson
Cr Jenny Houlihan
Cr Milvan Muto
Cr Kevin Ryan

VISION

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

M I N U T E S
FOR THE
ORDINARY COUNCIL MEETING
HELD ON
TUESDAY 21 February 2012 AT 1.00PM

CHAIR
CR MICHAEL POLAN

INDEX

1. ACKNOWLEDGEMENT	3
2. APOLOGIES	3
3. DECLARATIONS OF CONFLICTS OF INTEREST	3
4. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	4
5. MANAGEMENT REPORTS	5
FROM THE ASSET DEVELOPMENT DEPARTMENT	5
5.1 Contract No. 1364 – Rehabilitation of the Murchison Landfill.....	5
FROM THE COMMUNITY DEVELOPMENT DEPARTMENT	8
5.2 Greater Shepparton Women's Charter Alliance	8
FROM THE CORPORATE SERVICES DEPARTMENT	13
5.3 Councillor Expense Report – January 2012.....	13
5.4 Financial Report – January 2012	15
5.5 2011/2012 Mid Year Budget Review	17
FROM THE SUSTAINABLE DEVELOPMENT DEPARTMENT	20
5.6 Planning Application 2012-4 Installation and Use of 20 Electronic Gaming Machines ...	20
5.7 Consideration if an Economic and Social impact submission should be made by the Council to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) to use and install 20 EGM's at Peppermill Inn, Kialla.....	38
5.8 Kialla Landfill Site Australian Botanic Gardens Shepparton.....	45
5.9 Planning Application 2005-306 – 45 Apollo Drive Shepparton	47
5.10 Amendment C103 – Consideration of Panel Report and Adoption of Amendment	52
5.11 Enforcement Order Application – 57- 59 Hogan Street, Tatura.....	62
5.12 Amendment C148 – Consideration of Panel Report and Adoption of Amendment	69
6. TABLED MOTIONS	73
7. REPORTS FROM COUNCIL DELEGATES TO OTHER BODIES	73
8. REPORTS FROM SPECIAL COMMITTEES AND ADVISORY COMMITTEES	73
9. NOTICES OF MOTION, AMENDMENT OR RESCISSION.....	73
10. DOCUMENTS FOR SIGNING AND SEALING	73
11. COUNCILLOR ACTIVITIES.....	74
11.1 Councillors' Community Interaction and Briefing Program	74
12 URGENT AND OTHER BUSINESS NOT INCLUDED ON THE AGENDA.....	74
13. PUBLIC QUESTION TIME.....	75
14. CONFIDENTIAL MANAGEMENT REPORTS	76
14.1 Designation of Confidentiality of Information – Report Attachments	76

PRESENT: Councillors: Michael Polan, Chris Hazelman, Geoff Dobson, Cherie Crawford, Jenny Houlihan, Kevin Ryan and Milvan Muto

**OFFICERS: Gavin Cator – Chief Executive Officer
Julie Salomon – General Manager Community Development
Dwight Graham – General Manager Corporate Services
Dean Rochfort – General Manager Sustainable Development
Russell Parker – Executive Manager Organisational Performance
Georgina Beasley – Official Minute Taker
Lyn Martin – Assistant Minute Taker**

1. ACKNOWLEDGEMENT

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

2. APOLOGIES

Nil.

3. DECLARATIONS OF CONFLICTS OF INTEREST

Nil.

Cr Crawford made the following personal statement in relation to comments made by Cr Muto at the Ordinary Council Meeting held on 17 January 2012:

At the Ordinary Council Meeting held on Tuesday 17 January 2012 Councillor Muto made an inaccurate statement with reference to my involvement in the decision making in relation to the Mooroopna North West Corridor and the management and funding process that Council has in process. Councillor Muto has distorted the facts and I believe that this is misleading and unfair on the public and the community who he has made a commitment on election to represent. Therefore I would like to state the correct and accurate facts that are documented in the Council records.

1. The Council decision for re-zoning and the future uses of my property were well underway before my election to Council in December 2008.
2. I had declared a Conflict of Interest and left the Council Chamber at the formal Council Meeting previously when there was a Recommendation put forward in relation to the development area. I believe that this can be verified by the reporting in the local newspaper as well as the Council records.
3. I was not present and neither was Councillor Muto at the briefing meeting when Council met with Kavant Nominees last year in reference to the development and proposed future plans of this area.
4. I was not present at the briefing on the 22 November 2011, once again neither was Councillor Muto. When the Mooroopna North West Project was discussed at a Councillor Officer level.

3. DECLARATIONS OF CONFLICTS OF INTEREST

All of these facts, and I emphasise the word “facts”, are on record and can be proven if there is any doubt as to the accuracy of my statement. There are many other landowners and stakeholders that will be involved in and affected by this process so would actually question the Conflict of Interest's relevance under the current Conflict of Interest Provisions in the Local Government Act, as in an interest held in common, even if the accusations had been correct. I am only one of many with a common interest. It is actually VicRoads and the Shepparton ByPass that is going to have a major impact on my property not the Council.

So once again Councillor Muto is grandstanding and attention seeking with his attempt to discredit me by using these bullying tactics. However I will not be intimidated by this unacceptable behaviour and stand firm on my own principles of honesty and integrity.

Cr Muto made the following personal statement in relation to Cr Crawford's personal statement:

Reading from the record of Assembly of Councillor's held on the 24th of January, items discussed North Tatura Industrial Land Investigation, number nine Mooroopna West Growth Corridor. Councillors present during those discussions of the Mooroopna West Growth Corridor were Cr Polan, Cr Dobson, Cr Crawford, Cr Hazelman, Cr Houlihan, Cr Muto. Staff Gavin Cator Peter Harriott, Dean Rochfort, Tony Tranter and Russell Parker.

Everything that Cr Crawford has just said to the public is incorrect and liable. She has taken part in discussions on the Mooroopna West Growth Corridor and it is there in plain black and white if anyone would like to see.

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved by Cr Dobson

Seconded by Cr Crawford

That the Minutes of the Ordinary Council Meeting held on 17 January 2012 as circulated, be adopted.

Moved by Cr Muto

Seconded by Cr Houlihan

That the Minutes of the Ordinary Council Meeting held on 17 January 2012 as circulated, be adopted, with the following change:

Under the heading 'Present' on page 3 of the Ordinary Council Meeting 17 January 2012 remove Councillor Ryan's name.

CARRIED

5. MANAGEMENT REPORTS

FROM THE ASSET DEVELOPMENT DEPARTMENT

5.1 Contract No. 1364 – Rehabilitation of the Murchison Landfill

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

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.

Summary

With the establishment of a transfer station at Murchison during 2011 the existing landfill site has now been closed. This contract is for the rehabilitation of the former Murchison landfill. Works will involve re-shaping the existing landfill mound to facilitate drainage and the establishment of grass. A compacted clay cap will then be constructed over the mound to keep rainwater out. The area will finally be top soiled and planted out with native grasses. All works will be performed in accordance with current Environmental Protection Authority (EPA) best practice guidelines.

Moved by Cr Dobson

Seconded by Cr Ryan

That the Council:

1. accept the tender submitted by Pearse Earthmoving Pty Ltd of Congupna, Victoria for Contract No. 1364 Rehabilitation of the Murchison Landfill for the Lump Sum price of \$282,933.25 (including GST).
2. authorise the Chief Executive Officer to sign and seal the contract documents.

CARRIED

Contract Details

The contract is a lump sum contract not subject to price adjustment for rise and fall in prices. Works are programmed to commence during March 2012 and subject to weather should be completed within three months.

Tenders

Two tenders were received at the closing time of 4pm on the 14 December 2011.

1. Pearse Earthmoving Pty Ltd
2. Mawson Constructions Shepparton Pty Ltd

Tenders are listed in order of price, lowest to highest.

Tender Assessment

Tenders were assessed by:

- Graeme Long – Manager Waste Services
- Matthew Glavina – Environmental Officer Waste Services

5. MANAGEMENT REPORTS

5.1 Contract No. 1364 – Rehabilitation of the Murchison Landfill (Continued)

Tenders were evaluated using the following criteria:

Criteria	Weighting
Price	70 per cent
Integrated Management System	10 per cent
Previous Relevant Experience, and Capability of Organisations	10 per cent
Prices Supplied For Additional Work	10 per cent

The Engineers estimate is \$345,526 including GST

After applying the evaluation criteria outlined in the tender document, the tender submitted by Pearce Earthmoving Pty Ltd for the lump sum price of \$282,933.25 (including GST) was found to offer the best value to the Council.

A separate confidential tender evaluation report has been provided to all councillors.

Risk Management

A risk assessment has been performed and all identified risks except the weather have been assessed as low. Risks associated with the project development and contractor management are controlled through existing internal procedures. This project also has a high level of earthwork control requiring independent soil engineers to monitor works on site continually.

Inclement weather that could cause delay of the project has been assessed as moderate. This risk has been mitigated as much as possible by programming works during the autumn when severe rainfall is not expected.

This project requires a small number of native trees that have established themselves on the landfill mound to be removed. A planning permit is required to remove these trees.

The permit process is currently well advanced however a delay with the issue of the permit would set back the work schedule.

All landfill operations must comply with the Environment Protection Act. Proposed works are in accordance with EPA guidelines and completion of this project will satisfy the Council's landfill rehabilitation obligations associated with this landfill. The Council will however still have post landfill closure maintenance obligations under the EPA guidelines.

Policy Implications

There are no policy implications with this project

Best Value Implications

The project has been developed in accordance with Best Value principles.

Financial Implications

In the 2011/2012 mid-year budget \$340,000 (excluding GST) has been allowed to complete this project. This amount will cover the contract sum, contingency, fencing, soil testing and purchase of soil.

Victorian Charter of Human Rights and Responsibilities Act 2006 Implications

This proposal does not limit any of the human rights provided for under the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

5. MANAGEMENT REPORTS

5.1 Contract No. 1364 – Rehabilitation of the Murchison Landfill (Continued)

Community Consultation

This project has been through the normal Council budget process which provides for community comment. No comments were received regarding this project.

Legal/Statutory Implications

This project requires a planning permit and is subject to EPA best practice guidelines. The implications of these two requirements are discussed under Risk Management.

Strategic Links

a) Greater Shepparton 2030 Strategy

The required works are in accordance with the GS 2030 Strategy under Infrastructure, Urban Rural Services, Objective 1 – To provide sustainable infrastructure to support the growth and development of the municipality.

b) Council Plan

The required works are consistent with the Council Plan under “Environment” – Promote and demonstrate environmental sustainability.

c) Other strategic links

The works are consistent with the Council’s Waste Management Strategy

Attachments

Nil.

5. MANAGEMENT REPORTS

FROM THE COMMUNITY DEVELOPMENT DEPARTMENT

5.2 Greater Shepparton Women's Charter Alliance

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

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.

Summary

Greater Shepparton City Council endorsed the Victorian Local Government Women's Charter and nominated Cr Jenny Houlihan as Charter Champion to steer the development of a Greater Shepparton 3 x 3 Local Government Women's Charter Action Plan to promote more active citizenship and way forward in Greater Shepparton. The Action Plan, which has been developed by an internal working group, has identified the need to establish a Greater Shepparton Women's Charter Alliance Advisory Committee, in accordance with the proposed Terms of Reference.

The Greater Shepparton Women's Charter Alliance Advisory Committee will be made up of interested Council staff and community members to consider the three key areas identified in the Action Plan: gender equity, diversity and active citizenship. These key areas should create innovative ways to encourage leadership roles for women in all aspects of Council and community decision making processes.

It is proposed that the Greater Shepparton Women's Charter Alliance Advisory Committee form in early 2012, with Committee Terms of Reference and membership to be reviewed annually.

5. MANAGEMENT REPORTS

5.2 Greater Shepparton Women's Charter Alliance (Continued)

RECOMMENDATION

That Council:

1. Note the formation of the Greater Shepparton Women's Charter Alliance Advisory Committee and its members, being:

Council representatives:	Community representatives:
Cr Jenny Houlihan – Charter Champion	Carla Ralph
Amanda McRoy	Fran Smullen
Amanda Tingay	Jennifer Broadbent
Amy Jones	Nancy Thon
Belinda Collins	Patricia Moran
Fiona Sawyer	
Jacklyn Lamb – Support Person	
Julie Salomon	
Kayelene Kuch	
Leeanne Higgins	
Lisa Eade	
Michelle Latorre	
2. Adopt the proposed Greater Shepparton Women's Charter Alliance Advisory Committee Terms of Reference;
3. Adopt the proposed Greater Shepparton 3 x 3 Local Government Women's Charter Action Plan.

5. MANAGEMENT REPORTS

5.2 Greater Shepparton Women's Charter Alliance (Continued)

Moved by Cr Houlihan

Seconded by Cr Crawford

That Council:

1. Note the formation of the Greater Shepparton Women's Charter Alliance Advisory Committee and its members, being:

Council representatives:

Cr Jenny Houlihan – Charter Champion
Amanda McRoy
Amanda Tingay
Amy Jones
Belinda Collins
Fiona Sawyer
Jacklyn Lamb – Support Person
Julie Salomon
Kaylene Kuch
Leeanne Higgins
Lisa Eade
Michelle Latorre
Nattalie Brown
Rosemary Pellegrino
Sally Rose
Virginia Boyd
Wendy Clark

Community representatives:

Carla Ralph
Fran Smullen
Jennifer Broadbent
Nancy Thon
Patricia Moran

2. Adopt the proposed Greater Shepparton Women's Charter Alliance Advisory Committee Terms of Reference;
3. Adopt the proposed Greater Shepparton 3 x 3 Local Government Women's Charter Action Plan.

CARRIED

Background

The aim of the Victorian Local Government Women's Charter (Charter) is to support increased participation by women in local government, especially in the areas of gender equity, diversity and public participation. Local Governments, in their capacity as the governments closest to communities, are in a unique position to contribute to the global goal of gender equity for women. This Charter is consistent with state, national and international protocols which highlight equal rights and opportunities as central to good local governance including: the Declaration on the Role of Australian Local Government (1997), the Worldwide Declaration on Women in Local Government (1998), the Victorian Code of Good Governance (2000) and the National Framework for Women in Local Government 2007, Victorian Human Rights and Responsibilities Charter 2006.

5. MANAGEMENT REPORTS

5.2 Greater Shepparton Women's Charter Alliance (Continued)

At the ordinary Council meeting held 17 August 2010, the Council:

- Endorsed the Victorian Local Government Women's Charter initiated by the Women's Participation in Local Government Coalition
- Authorised the Chief Executive Officer to complete the Victorian Local Government Women's Charter, Charter Endorsement Council Register documentation for return to the Municipal Association of Victoria; and
- Nominated Councillor Houlihan as the Champion Charter Champion and steer the development of a Greater Shepparton 3 x 3 Local Government Women's Charter Action Plan to promote more active citizenship and way forward in Greater Shepparton.

An internal working group of interested Council officers was formed to develop and progress the Action Plan. As part of this Action Plan the committee proposed to develop a Women's Charter Alliance Advisory Committee made up of interested Council Officers and community members to progress the Action Plan and create innovative ways to encourage leadership roles for women in all aspects of Council and community decision-making processes.

Proposed Terms of Reference have been developed that articulate the roles and functions of the Committee.

The working group recently advertised an expression of interest seeking nominations for membership. These interested persons will form the Committee.

It is anticipated that the Greater Shepparton Women's Charter Alliance Advisory Committee form in early 2012 and look to advise Council staff to hold events throughout the year, particularly on 8 March - International Women's Day, that aim to progress the Charter principles through a range of forums on key issues.

Risk Management

There is no risk in Council endorsing the formation of this Committee.

Policy Implications

This recommendation is consistent with all relevant Council policies.

Best Value Implications

This proposal is consistent with all Best Value principles.

Financial Implications

It is anticipated that the majority of actions identified in the 3 x 3 Local Government Women's Charter Action Plan will be met within existing budget allocations. Any initiatives endorsed within the action plan which require additional Council funding will be referred to Council as part of the annual budget process.

Victorian Charter of Human Rights and Responsibilities Act 2006 Implications

This proposal is aligned with and supports the human rights principles provided for under the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

5. MANAGEMENT REPORTS

5.2 Greater Shepparton Women's Charter Alliance (Continued)

Legal/Statutory Implications

This report is consistent with the *Local Government Act 1989*.

Consultation

This recommendation has been made with the support of the MAV and the VLGA.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

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

b) Council Plan

This recommendation is consistent with the Community Life objectives within the *Council Plan 2009-2013*.

c) Other strategic links

This recommendation is consistent with national and international protocols which highlight equal rights and opportunities as central to good governance including the Declaration on the Role of Australian Local Government (1997), the Worldwide Declaration on Women in Local Government (1998), the Victorian Code of Good Governance (2000) and the National Framework for Women in Local Government (2001).

Attachments

- Proposed Greater Shepparton Women's Charter Alliance Advisory Committee Terms of Reference
- Greater Shepparton 3 x 3 Local Government Women's Charter Action Plan

5. MANAGEMENT REPORTS

FROM THE CORPORATE SERVICES DEPARTMENT

5.3 Councillor Expense Report – January 2012

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

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.

Summary

The purpose of the report is to provide details of Councillor expense payments.

Moved by Cr Hazelman

Seconded by Cr Ryan

That the Council receive and note the Councillor expenses report for the month of January 2012.

CARRIED

Background

The report has been prepared in accordance with the *Council Plan 2009 – 2013* Strategic Objective 6 “Council Organisation and Management”. This provides that:

“Greater Shepparton City Council will deliver best practice management, governance, administrative and financial systems that support the delivery of Council programs to the community of Greater Shepparton”.

This report will be presented to Council on a monthly basis to make councillor expenses more transparent.

Risk Management

There are no identified risks associated with this report.

Policy Implications

There are no conflicts with other Council policies.

Best Value Implications

The public presentation of Councillor expenses is in line with Best Value principles.

Financial Implications

The 2011/2012 Budget provides a basis for measurement of actual performance/position to July 2012.

Victorian Charter of Human Rights and Responsibilities Act 2006 Implications

The report does not limit any human rights provided for under the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

Legal/Statutory Implications

There are no legal/statutory implications.

Consultation

No consultation is required for this matter.

5. MANAGEMENT REPORTS

5.3 Councillor Expense Report – January 2012 (Continued)

Strategic Links

a) Greater Shepparton 2030 Strategy

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

b) Council Plan

The report is consistent with the governance principal of Strategic Objective 6 of the *Council Plan 2009 – 2013* “Council Organisation and Management”.

c) Other strategic links

No other strategic links have been identified.

Attachment

January 2012 Councillor Expense Report.

5. MANAGEMENT REPORTS

5.4 Financial Report – January 2012

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

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.

Summary

This report provides interim details of Council's financial position at 31 January 2012.

Moved by Cr Dobson

Seconded by Cr Crawford

That the Council receive and note the financial report and position as at 31 January 2012.

CARRIED

Background

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. Ongoing monthly reports will provide the basis for this.

Council adopted a revised \$104M Operating Budget and a \$36M Capital Works Program for 2011/2012. Council expects to have another successful year in delivering a multitude of Capital and Community based projects.

The following reports have been prepared and are presented to Council to facilitate decision making:

1. Overview Commentary
2. Income Statement
3. Balance Sheet
4. Cash Flow Statement.

Other schedules have been included for the information of Councillors:

5. Strategic Objective Reports (both Operating and Capital)
6. Investment Reports
7. Sundry Debtor Report
8. Rates Report.

Risk Management

Risks identified as part of the preparation of this report include works being undertaken with invoices not yet received.

Policy Implications

There are no conflicts with existing Council policies.

Best Value Implications

Close monitoring of budgets is in line with Best Value principles.

Financial Implications

The 2011/2012 Budget provides a basis for measurement of actual performance/position to July 2012.

5. MANAGEMENT REPORTS

5.4 Financial Report – January 2012 (Continued)

Victorian Charter of Human Rights and Responsibilities Act 2006 Implications

The report does not limit any human rights provided for under the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

Legal/Statutory Implications

Section 138 of the *Local Government Act 1989* requires quarterly statements comparing budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date to be presented to the Council at a Council meeting which is open to the public. This report satisfies that requirement.

Consultation

All officers responsible for works included in the 2011/2012 Budget have been consulted in preparing this report.

Council 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) Council Plan

The report is consistent with the governance principle of Strategic Objective 6 of the *Council Plan 2009-2013* "Council Organisation and Management".

c) Other strategic links

No other strategic links have been identified.

Attachments

January 2012 Financial Report containing:

- Overview Commentary
- Income Statement
- Balance Sheet
- Cash Flow Statement
- Strategic Objective Reports (both Operating and Capital)
- Investment Reports
- Sundry Debtor Report
- Rates Report.

5. MANAGEMENT REPORTS

5.5 2011/2012 Mid Year Budget Review

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

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.

Summary

The 2011/2012 Mid Year Budget Review provides an opportunity to undertake a detailed review of the Council's Operating and Capital Budgets which also involves estimating the end of the financial year position on all programs within Council's Strategic Objectives. In addition it also provides an opportunity to assess the previous financial years result against the budgeted outcomes.

At the time of formal consideration and subsequent adoption of the 2011/2012 Budget in June last year, the Council endorsed the decision to reduce borrowings from \$4.5 million to \$3.0 million, as proposed in the draft budget, with the intention of funding this decrease from savings identified during the 2010/2011 financial year forecasting processes. At the end of the 2010/2011 financial year however, savings of this amount were unable to be recognised and as such one of the key objectives for this mid year review was to investigate and identify savings in this order.

In addition to the adopted 2011/2012 Budget borrowings of \$3.0 million, a further \$3.0 million in borrowings were endorsed during a Revised Budget process in the later months of 2011. Community feedback during the consultation process for the budget revision urged Council to find savings internally and reduce borrowings. Hence, a further objective of the mid year process was to assess the requirement of borrowings for the 2011/2012 year and if required to what level.

In summary, as a result of the review some variations to the adopted Operating and Capital Works Budgets were identified and have been incorporated into the 2011/2012 Mid year Budget Review. In line with the objectives of the review, the budget was able to be adjusted to achieve savings of \$1.5 million as well as reducing borrowings from \$6.0 million to \$5.0 million.

Moved by Cr Dobson
Seconded by Cr Houlihan

That the Council:

1. Receive the 2011/2012 Mid Year Review Report.
2. Approve the changes to the Operating and Capital Budgets as identified in the attachments.

CARRIED

Background

The Council's 2011/2012 budget was prepared in accordance with the *Local Government Act 1989* and was formally adopted at the Special Council Meeting held on 28 June 2011. In addition to the annual adopted budget a 2011/2012 Revised Budget was prepared which specifically addressed changes relating to confirmation of the final costs associated with the purchase of land for GV Link and was formally adopted at the

5. MANAGEMENT REPORTS

5.5 2011/2012 Mid Year Budget Review (Continued)

Ordinary Council Meeting held on 20 December 2011. A full midyear review has now been carried out and compared with this revised budget.

Overall, there has been a number of line item changes incorporated into both the operating and capital budgets through this review process.

Explanations of variances along with appropriate financial statements are contained within the attached report and commentary.

Risk Management

Monitoring of the 2011/2012 Adopted Budget provides for prudent financial management and ensures that Council is made aware of any known or potential financial risks. This review has made adjustments for known variances and therefore reduces the risk that the actual results will significantly differ from the budget..

Policy Implications

There are no known policy implications.

Best Value Implications

Close monitoring of budgets is in line with Best Value principles.

Financial Implications

The financial implications are clearly detailed in the attached 2011/2012 Mid Year Budget Review report. There is a change to the budgeted surplus increasing from \$4.53 million to \$7.92 million with the increase predominantly relating to additional grant funds associated with capital works projects. In terms of changes to the capital works program, the midyear review has seen a minor change to the total program cost decreasing from \$35.93 million to \$34.79 million.

Victorian Charter of Human Rights and Responsibilities Act 2006 Implications

This report does not limit any human rights provided for under the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Legal/Statutory Implications

There are no statutory or legal implications. The *Local Government Act 1989* allows for a reallocation.

Consultation

The 2011/2012 Mid Year Budget Review has been prepared through consultation with the Executive Leadership Team and Responsibility Managers across the organisation who have direct responsibility for the management of budgeted financial resources. The Mid Year Budget Review has also been the subject of a councillor briefing. The review provides the opportunity to allocate funding for local community needs identified through councillor and community consultation processes.

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

5. MANAGEMENT REPORTS

5.5 2011/2012 Mid Year Budget Review (Continued)

Strategic Links

a) Greater Shepparton 2030 Strategy

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

b) Council Plan

The report is consistent with the governance principle of Strategic Objective 6 of the *Council Plan 2009-2013* "Council organisation and Management".

c) Other strategic links

The Mid Year Budget Review remains consistent with Council's Strategic Financial Plan and Strategic Resource Plan.

Attachments

2011/2012 Mid Year Budget Review report containing:

- Overview commentary
- Income Statement
- Balance Sheet
- Cash Flow Statement
- Strategic Objective Reports (both operating and capital).

5. MANAGEMENT REPORTS

FROM THE SUSTAINABLE DEVELOPMENT DEPARTMENT

5.6 Planning Application 2012-4 Installation and Use of 20 Electronic Gaming Machines

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

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

Summary

Urbis Pty Ltd (the applicant) has made a planning application to use and install 20 electronic gaming machines (EGM's), associated buildings and works and reduction in car parking requirements at the Peppermill Hotel, Kialla.

The proposal is summarised as follows:

- Use and install 20 EGM's
- 87sqm extension to existing hotel (plus enclosure of bottle shop area additional 55sqm)
- 114sqm gaming area and 23sqm outdoor gaming lounge
- 18 additional on site car parking spaces are required of which 10 are provided, therefore the application seeks a reduction of eight on site car spaces
- No change to operating hours (close 1am Monday to Saturday, 11pm on Sunday's)
- \$30,000 in donations to the community per year

This report considers the merits of the proposal under the *Planning and Environment Act, 1987* and Greater Shepparton Planning Scheme. Key considerations include:

- Tests under section 60 of the Act – social and economic effects
- Whether the proposal achieves acceptable outcomes based on relevant provisions in the scheme including the Business 4 Zone (B4Z), Overlays, clause 52.06 (parking), clause 52.28 (gaming), clause 65 and section 60 of the Act
- Clause 10.04 states responsible authorities should endeavour to

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

A detailed assessment of the application is provided under the 'assessment' section of this report.

Public notice of the planning application was undertaken and five objections were received.

Based on our assessment of the application, it is recommended that a planning permit issue as the application achieves acceptable outcomes as the location of the hotel is unlikely to lead to unplanned gaming (that is, gamers will have to make a conscious decision to travel to the venue for gaming, rather than being able to walk past in transit to another location and decide to enter) and the proposed development complies with the

5. MANAGEMENT REPORTS

5.6 Planning Application 2012-4 Installation and Use of 20 Electronic Gaming Machines (Continued)

relevant policies and decision guidelines including the Design and Development Overlay 7 (DDO7).

Whilst this report considers the planning aspects of the proposal, the matter of whether the Council should make a submission to the Victorian Commission for Gaming Regulation under the *Gambling Regulation Act, 2003* in relation to the social and economic impacts of the EGM's is addressed in a separate report.

RECOMMENDATION

That in relation to Planning Application 2012-4, on the basis of the information before the Council and having considered all relevant matters as required by the *Planning and Environment Act 1987*, the Council resolves to issue a Notice of Decision to Grant a Permit.

Moved by Cr Crawford
Seconded by Cr Houlihan

That the Notice of Decision to refuse a permit be issued based on the basis of the Social and Economic Report provided by CPG.

Cr Polan sought an extension of time for Cr Houlihan to speak to the motion.

GRANTED

Moved by Cr Muto

That the motion be now put.

In accordance with clause 92.7 of *Local Law No. 2 Process of Local Government (Meetings and Common Seal)* the Chair determined not to accept the motion for closure as, in the Chair's opinion, the motion had not been sufficiently debated.

Moved by Cr Muto

That the question be not now put.

LOST

That the motion was put and lost.

5. MANAGEMENT REPORTS

5.6 Planning Application 2012-4 Installation and Use of 20 Electronic Gaming Machines (Continued)

Cr Muto called a division.

Those voting in favour: Cr Crawford, Cr Hazelman, Cr Muto and Cr Houlihan.

Those voting against: Cr Dobson, Cr Ryan and Cr Polan.

The motion was carried on division.

Applicant/Property Details

The planning application was made by Urbis on 3 January 2012.

The land is located at 7900 Goulburn Valley Highway, Kialla and is accessed by an existing service road. The land is currently used for the hotel which was established in 1989, which incorporates the following:

- Bistro
- Public Bars
- TAB
- Accommodation

- Bottle shop
- Outdoor dining area
- Large car parking areas

The hotel has a general liquor licence with permitted operating hours between 7.00am to 1.00am the following morning on Monday to Saturday and 10.00am to 11.00pm on Sunday's and 12 (noon) to 11.00pm on Good Friday and ANZAC day.

The proposed application does not seek to extend these operating hours.

Surrounding land uses include, commercial uses on the east side of the Highway including Neat Line Homes, on the western side of the Highway there is the Kialla Sports precinct which includes Cricket Club, Tennis Club, Bowls Club and community facilities including a kindergarten and Cub hall. Further to the south east of the land is the Shepparton Aerodrome and then further east again the Kialla Lakes residential estate.

Proposal in Detail

The proposed application requires a planning permit for the following:

- Buildings and works in the B4Z under clause 34.04-4
- Buildings and works in the DDO under clause 43.02-2
- Buildings and works in the Land Subject to Inundation Overlay (LSIO) under clause 44.04-1
- Use and installation of electronic gaming machines under clause 52.28-2

Development

The proposed development includes the conversion of the existing bottle shop into a gaming lounge, two new outdoor lounges, covering of an existing outdoor dining area to the rear of the hotel, proposed tropical style outdoor area, new front entry to the hotel, cool room, and store and outdoor service yard.

The development component of the proposal represents a straight forward development proposal with the main considerations being streetscape amenity which is satisfactory.

5. MANAGEMENT REPORTS

5.6 Planning Application 2012-4 Installation and Use of 20 Electronic Gaming Machines (Continued)

Flooding

The land is within the LSIO, which triggers a permit for buildings and works in the LSIO. The application was referred to the GBCMA who consented to the issue of a permit subject to one condition, relating to floor levels.

The condition allows the extended area to be constructed at the same floor level (in terms of flood levels) as the existing hotel as extensions to the hotel have not exceeded 50% of the size of the original hotel as developed in the late 1980's.

Car Parking

The proposed development increases the floor area of the hotel by 87sqm, creating the need for an additional 18 on site car parking spaces. Of the 18 additional required car spaces the applicant seeks the permit provides permission to reduce the requirement by eight spaces, therefore ten additional on site spaces are provided.

Despite this application for a reduction, it is considered there is enough vacant land to provide the parking as required by clause 52.06. Therefore permit conditions will require that the development provide 18 additional on site car spaces to comply with clause 52.06.

Electronic Gaming Machines

The application proposes to use and install 20 EGM's at the hotel, which currently does not include any EGM's. The EGM's are proposed to be located in a gaming lounge where the existing bottle shop is located. The gaming lounge is 114sqm in size and includes an outdoor area, bar, toilets, seating and cashier.

Background

The Greater Shepparton Local Government area has a cap of 329 gaming machines. These gaming machines are within seven venues in Shepparton, Mooroopna and Tatura.

The application seeks to increase the number of venues with EGM's from seven to eight but does not increase the number of EGM's above 329.

Venue	Number of machines	Entitlements purchased	Change in machine entitlements
Goulburn Valley Hotel	40	40	0
Hill Top Golf and Country Club	20	20	0
Mooroopna Golf Club	44	40	-4
Shepparton Club	61	46	-15
Shepparton RSL	80	80	0
Sherbourne Terrace	39	43	+4
Victoria Hotel	45	40	-5
Peppermill Hotel	0	20	+20
Total	329	329	

5. MANAGEMENT REPORTS

5.6 Planning Application 2012-4 Installation and Use of 20 Electronic Gaming Machines (Continued)

The City of Greater Shepparton hold a low score on the 2006 SEIFA index of Relative Socio-Economic Disadvantage which occurs when the area has many families of low income and many people with little training and in unskilled occupations.

A comparison made in the Hume region show that City of Greater Shepparton is listed second most disadvantaged city after Benalla Rural City.

Greater Shepparton has a relatively high number of electronic gaming machines on a per adult basis, 6.96 EGM's per 1000 adults, and a relatively low socio-economic ranking on a state basis as shown on the below table.

Area	REGM's per 1,000	Expenditure per adult	Adults per venue
City of Shepparton	6.96	\$640	6,756
City of Warrnambool	9.36	\$765	4,165
Rural City of Horsham	9.84	\$640	3,733
City of Ballarat	9.09	\$759	5,162
City of Greater Geelong	7.92	\$670	6,730
City of Greater Bendigo	6.91	\$559	7,192
Regional Victoria	6.65	\$503	8,271

Assessment under the *Planning and Environment Act, 1987*

EGM'S

The assessment of a planning application under the Act and an application under the GRA Act provides for different considerations and was summarised in *Drayton Manor P/L v Greater Bendigo 2011 (VCAT 628)* as follows:

The planning permission is focused upon whether it is an appropriate location suitable for gaming and, secondly, the social and economic impacts of the location. The gaming considerations include whether the net economic and social impact of the machines would or would not be detrimental to the wellbeing of the community of the municipal district in which the premises are located. Hence, it is our view that a more detailed analysis of the economic and social impacts upon the community is a matter that is best dealt with as part of the consideration under the Gambling Regulation Act rather than as part of the planning application.

In *Beretta's Langwarrin P/L v Frankston (Red Dot) 2009 (VCAT 74)*, the following comment was made regarding the considerations under 52.28:

we are conscious that the relevant planning permit trigger here is Clause 52.28 of the Planning Scheme. In setting out below the purposes of Clause 52.28, there is a clear intention that the planning decision maker focus on the locational attributes of this type of gaming proposal

It is the Council's role under planning to review:

- *to what extent the proposal can be supported when assessed by Clause 52.28 of the Planning Scheme,*
- *any relevant planning issues; and*

- *whether on balance the proposal ultimately deserves planning approval.*

5. MANAGEMENT REPORTS

5.6 Planning Application 2012-4 Installation and Use of 20 Electronic Gaming Machines (Continued)

Clause 52.28-1 (Gaming) purposes are:

1. To ensure that gaming machines are situated in appropriate locations and premises.
2. To ensure the social and economic impacts of the location of gaming machines are considered.
3. To prohibit gaming machines in specified shopping complexes and strip shopping centres.

Clause 52.28-2 triggers a permit to use and install a gaming machine.

Clause 52.28-5 includes the following decision guidelines:

- The State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF), including the Municipal Strategic Statement and local planning policies.
- The compatibility of the proposal with adjoining and nearby land uses.
- The capability of the site to accommodate the proposal.
- Whether the gaming premises provides a full range of hotel facilities or services to patrons or a full range of club facilities or services to members and patrons.

The SPPF does not include any specific policy on EGM's. The Council's local policies contain no reference to EGM's.

First purpose of 52.28 - Are the EGM's in an appropriate location and in appropriate premises

The land is within a B4Z which includes a hotel as a section 2 use. The hotel has operated from the land since the late 1980's. The hotel is located on the Goulburn Valley Highway, which is a four lane road and can easily accommodate the vehicular traffic from the hotel.

The nearest residential neighbourhoods are on the western side of the Goulburn Valley Highway and to the eastern side of the Industrial land.

The site is large and is currently used for a hotel and accommodation. The site has adequate on site car parking and provides safe access by a service road to the land from the Goulburn Valley Highway.

The hotel currently offers a full range of services and this proposal seeks to provide additional access to these services by way of an enlarged bistro, additional outdoor areas and increased on site car parking.

The hotel is not proposing to become exclusively an EGM venue it will operate as a venue that provides opportunities for a range of entertainment which would include dining, drinking, gambling, accommodation, playing pool and live music.

Based on the existing hotel operations and proposed services it is clear the hotel offers a full range of hotel services and these services will be increased by the proposed improvements to the hotel. The applicant in part justifies the EGM's with the improved hotel facilities, therefore permit conditions will require that the EGM's are not operated

until the hotel facilities are upgraded as shown on the endorsed plans and described in the applicants planning report.

5. MANAGEMENT REPORTS

5.6 Planning Application 2012-4 Installation and Use of 20 Electronic Gaming Machines (Continued)

Given the hotel is existing and this proposal does not seek to extend operating hours, the hotel is an appropriate in terms of location and premises.

Second purpose of 52.28 - Consideration of the social and economic impacts of the location of the EGM's

The land is located on the southern approach to Shepparton and is separated from sensitive uses by commercial zonings to the east and a four lane highway to the west. The land is not located on a major pedestrian route as the pedestrian route linking to the residential areas is on the western side of the Highway.

There is a number of sporting clubs and community uses opposite the land in the Kialla Sports precinct, although to access the hotel from this precinct would require the crossing of a four lane highway. There is no footpath connectivity from the sports precinct to the hotel and the nearest controlled crossing is at Kialla Lakes Drive which is 700 metres to the north.

A consideration of EGM's is whether the location of the land is likely to lead to unplanned gaming. An example of this would be an EGM venue in a strip shopping centre, when a planned trip to a bakery or newsagent could lead to an unplanned trip to an EGM venue in the same strip shopping centre.

Given the hotel is not located in a strip shopping centre or shopping plaza it is more likely that to access the proposed EGM's a conscious decision will need to be made to travel by car to the hotel to access the EGM's.

Third purpose of 52.28 - Shopping Complex and Strip Shopping Centres

The application is not prohibited by 52.28-3 or 52.28-4 as the hotel is not within a shopping complex or in a strip shopping centre.

A strip shopping centre is an area that meets all of the following requirements:

- it is zoned for business use
- it consists of at least two separate buildings on at least two separate and adjoining lots
- it is an area in which a significant proportion of the buildings are shops;
- it is an area in which a significant proportion of the lots abut a road accessible to the public generally.

Strip Shopping Centre	Response	Reasons
it is zoned for business use	Yes	The frontage of the land is within the B4Z and rear of the land in the IN3Z, both of which allow for business use
it consists of at least two separate buildings on at least two separate and adjoining lots	Yes	Separate and adjoining lots are developed with buildings to the north and south along the Highway
it is an area in which a significant proportion of the buildings are shops	No	The B4Z prohibits use of land for a shop. There is buildings which appear as shops within the immediate area

5. MANAGEMENT REPORTS

5.6 Planning Application 2012-4 Installation and Use of 20 Electronic Gaming Machines (Continued)

Strip Shopping Centre	Response	Reasons
it is an area in which a significant proportion of the lots abut a road accessible to the public generally	Yes	Most if not all lots have direct access to the Goulburn Valley Highway
Shopping Complex	No	The land is not within a shopping complex.

Therefore the application is not prohibited by 52.28-3 or 52.28-4 as the hotel is not within a shopping complex or in a strip shopping centre.

Clause 52.28 – Decision Guidelines

First decision guideline - The compatibility of the proposal with adjoining and nearby land uses

The hotel is located on the Goulburn Valley Highway and is separated from sensitive land uses by commercially zoned land to the east and the four lane road to the west.

On the western side of the Goulburn Valley Highway is the Kialla Sports precinct and kindergarten, however the highway and landscaping provides a barrier between the two uses.

The land is large and is capable of accommodating on site car parking without relying on street car parking. The size of the land also allows the expansion of the hotel to accommodate the gaming lounge with ease and without reducing the setback of the hotel to the street.

Second decision guideline - The capability of the site to accommodate the proposal

The land currently is used as a hotel, which provides adequate on site car parking, safe access to the Goulburn Valley Highway and the proposed extensions can easily be accommodated on the land to comply with the relevant design requirements as listed in the DDO's.

Third decision guideline - Whether the gaming premises provides a full range of hotel facilities or services to patrons or a full range of club facilities or services to members and patrons

The hotel provides a range of services including accommodation, dining, bars, TAB, outdoor areas and entertainment such as pool and live music.

Based on the above assessment, it is the Planning and Development Branch's view that the proposal achieves acceptable outcomes against clause 52.28.

Section 60 - Social Considerations

Section 60(1A) of the Act states the following:

Before deciding on an application, the responsible authority, if the circumstances appear to so require, may consider—

any significant social and economic effects of the use or development for which the application is made;

5. MANAGEMENT REPORTS

5.6 Planning Application 2012-4 Installation and Use of 20 Electronic Gaming Machines (Continued)

In *Tabcorp Holdings v Moreland City Council* 2004 (VCAT 693) the following comments were made regarding section 60 considerations relating to EGM's.

The social effects of gaming is a difficult issue. It is notorious that gaming does have some adverse social effect, but it is equally true that gaming is a recreational activity for many people. The complexity of the social effects of gaming, including wagering, can be contrasted with the simplicity of the policy positions that different members of the community may adopt in relation to such activity, which are often black and white in nature.

This is because attitudes to gaming are primarily determined, not so much by detailed sociological or economic evidence as to the impact of gaming, but by philosophical or moral values, sometimes even religious values. When it comes to exercising powers pursuant to the [Planning and Environment Act](#) in relation to social effects, I do not believe that it is appropriate to simply apply philosophical or moral or religious values. Rather it is necessary to make such decisions on the basis of a true empirical understanding of the facts of the situation.

The municipality operates within a capped number of EGM's being 329. The regional caps were introduced by the Victorian Government in 2001 in an attempt to reduce accessibility of gaming machines in vulnerable areas.

Currently all 329 EGM's entitlements are controlled by EGM operators and the hotel has purchased 20 EGM entitlements from other venues within the municipality which have decided to their reduced EGM entitlements.

This application will continue to see the number of EGM's within Greater Shepparton is at or below 329, but not above. There is a Ministerial Direction that prevents the Victorian Commission for Gambling Regulation from allowing more than 329 EGM's to operate within Greater Shepparton.

Based on this cap the number of EGM's in Greater Shepparton will not alter as a result of this application, although the number of EGM venues will increase from seven to eight.

Both the applicant and the Council have obtained social and economic reports (report) on the application, which have conflicting recommendations.

Urbis Social and Economic Impact Assessment '*believe the net social and economic benefits likely to flow from the addition of 20 EGM's to the Peppermill Inn are such that this application deserves favourable consideration by the Commission*'

Whereas the Council's report prepared by CPG Consulting stated:

The introduction of EGMs in Shepparton will produce a net loss to the community on social grounds (loss of one of only two venues where one can socialise in a pub type environment with friends without being within walking distance to an EGM) while is likely to be virtually neutral in terms of economic benefit.

5. MANAGEMENT REPORTS

5.6 Planning Application 2012-4 Installation and Use of 20 Electronic Gaming Machines (Continued)

This is due to the fact that the Peppermill Inn is currently one of only two venues in Shepparton where one can socialise in a pub type environment without being within walking distance to an EGM.

The proposed EGM operating hours are between Monday to Saturday 10.00am to 1.00am the following morning and 10.00am to 11.00pm on Sundays. These operating

hours are significantly less than existing hotel venues with EGM's in Shepparton which are open for up to 20 hours a day.

It is also required to consider the positive benefits of the proposed EGM's which include, additional limited employment opportunity at the hotel, annual community donations by the hotel totaling \$30,000 and additional option for those who enjoy EGM's as a recreational activity.

On balance it is considered the proposed EGM venue does not so much social harm in planning terms that it is fatal to an application. The main harm the application causes is increasing the number of venues with EGM's from seven to eight. However this is balanced by no overall increase in EGM's in Greater Shepparton, the location of the venue not being in an activity centre, operating hours of the venue and community donations to be made by the applicant and the improved social outcome of the upgraded hotel.

Conclusion on EGM's

It is considered the proposal to use and install 20 EGM's at the hotel achieves acceptable planning outcomes for the following reasons:

- The application responds positively to the purposes and decision guidelines of clause 52.28
- The application is not prohibited by being in a shopping centre or strip shopping area
- The application does not increase the overall number of EGM's within the municipality
- The location of the hotel is such that it is unlikely that people will 'impulse gambling' at the hotel, it is more likely it will take a conscious decision to travel to the venue to access the EGM's
- The EGM's operating hours are limited to reasonable times that prevent all night gaming

Design and Development Overlay 7

The proposed development complies with the DDO7 as described in the below table.

5. MANAGEMENT REPORTS

5.6 Planning Application 2012-4 Installation and Use of 20 Electronic Gaming Machines (Continued)

Design Requirement	Officers response
Maximum height of 14.5 metres Street wall height should not exceed three storeys	The proposed extensions maximum height is 4.2m -Complies
Building setback should be 20 metres from the front boundary	The proposed front setback exceeds 20 metres -Complies
Front fences should have a maximum height of 1.2m	No front fence is proposed -Complies
Minimum of three metre landscape buffer along rear boundary A minimum of 15% of the area of the lot frontage must be landscaped including with one mature canopy tree (These requirements cannot be varied with a permit)	A permit condition will require the submission of a landscape plan to comply with the landscape requirements under the DDO7 -Complies
Building appearance	The proposed extensions provide an improved entry façade to the building which incorporates a mixture of building materials and avoids the appearance of blank walls. -Complies
Parking and access	The proposal relies on the existing vehicle accesses from the service road. The Council engineers have reviewed the proposed car park and advised that the layout is acceptable. -Complies
Advertising Signs	No additional advertising signs are being proposed as part of this application -Complies

Risk Management

The application has been considered in accordance with the provisions of the Act, which includes public notice of the proposal, which reduces possible risk to the Council.

The applicant or an objector could review the Council's decision, however it is unlikely that VCAT would award costs against the Council, given the Council has followed the planning processes.

Policy Implications

There are no conflicts with the Council's planning policies.

Financial Implications

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

Victorian Charter of Human Rights and Responsibilities Act 2006 Implications

In Smith v Hobsons Bay (Red Dot) 2010 (VCAT 668) consider the link between planning decisions and the Charter.

5. MANAGEMENT REPORTS

5.6 Planning Application 2012-4 Installation and Use of 20 Electronic Gaming Machines (Continued)

The Charter does not manifestly change the role and responsibility of the Tribunal. Implicitly, the Tribunal already considers the reasonableness of potential infringements on a person's privacy and home in its day-to-day decision making, in dealing with issues such as overlooking (as in this case), overshadowing, noise, environmental constraints and a variety of other issues and potential amenity impacts within the planning regulatory framework. That framework recognises that reasonable restrictions may be placed on the use and development of land, and that there may on occasion be reasonable and acceptable off-site impacts on others. There is an emphasis on performance based policies, objectives and guidelines that deal with a range of potential amenity impacts on a person's privacy and home. Provided these issues are properly considered, it would be a rare and exceptional case where the exercise of a planning discretion in accordance with the regulatory framework is not Charter compatible.

Given the proposed planning application has been considered in accordance with the relevant parts of the Greater Shepparton Planning Scheme, the decision does not contravene the Charter.

Legal/Statutory Implications

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

Given the decisions under the *Gambling Regulation Act, 2003* and *Planning and Environment Act, 1987* are subject to different considerations, it is possible that the Commission and Council could reach different determinations. For 20 EGMS to be used and installed, consents need to be granted under both Acts.

Consultation

The planning application was advertised by written notice to adjoining land owners and within the Shepparton News. The public notice period was extended as the sign on site was not at first satisfactorily displayed.

In response to this public notice five objections were lodged with the Council.

Each of the objectors received acknowledgement of their receipt by the Planning and Development Branch.

The permit applicant prepared a written response to the objections; this response was provided to each of the objectors.

The grounds of objections related to the following:

5. MANAGEMENT REPORTS

5.6 Planning Application 2012-4 Installation and Use of 20 Electronic Gaming Machines (Continued)

Ground of objection	Officers response
20 additional EGM's are not in the social and economic interests of Greater Shepparton	The application does not increase the overall number of EGM's within the municipality; however the application does introduce EGM's to a venue which currently does not have EGM's.
This application represents the intrusion of EGM's within Kialla	The application does propose to use and install EGM's within Kialla which currently has no EGM's.
The number of EGM's in Greater Shepparton exceeds the state average	Greater Shepparton has 6.96 EGM's per 1000 persons which exceeds the regional average of 6.65 EGM's per 1000 persons. The average expenditure per adult in Greater Shepparton is \$640 which is higher than the regional Victoria average of \$503. Despite this, this planning application does not seek to increase the number of EGM's within Greater Shepparton, the application seeks to move EGM's between existing venues to allow the hotel to have a 20 EGM gaming lounge.
EGM's, particularly problem gambling leads to negative socio-economic impacts on some parts of the community	It is not disputed that EGM's can drastically affect problem gamblers and their families and friends. However the planning application largely considers the location of the EGM's. The social and economic impacts of EGM's are best considered under the GRA and have been considered in the CPG report.

Although the objections raise important social issues, the objections are not considered to be fatal to the planning application.

Strategic Links

a) Greater Shepparton 2030 Strategy

The key features to note about the population of Shepparton:

- From 1996 to 2003 Shepparton has experienced higher population growth rates than other urban centres in the municipality, and higher than averages for Regional Victoria and Victoria.
- Shepparton has a relatively young population and high proportion of people of working age
- Shepparton is a multicultural city. It has a higher proportion of residents who were born overseas when compared to Regional Victoria
- The average household size in Shepparton is higher than the average for Regional Victoria and Victoria
- Per capita income levels are higher than the average for Regional Victoria

5. MANAGEMENT REPORTS

5.6 Planning Application 2012-4 Installation and Use of 20 Electronic Gaming Machines (Continued)

b) Council Plan

Key strategic objective 2 – community life

(11) Ensure social issues are actively considered when making planning decisions.

c) Other strategic links

Greater Shepparton Public Health Plan

Council is committed to promoting and supporting healthy living in all the communities which make up Greater Shepparton

Attachment

Site plan

5. MANAGEMENT REPORTS

5.6 Planning Application 2012-4 Installation and Use of 20 Electronic Gaming Machines (Continued)

NOTICE OF DECISION

APPLICATION NO: 2012-4

PLANNING SCHEME: GREATER SHEPPARTON PLANNING SCHEME

RESPONSIBLE AUTHORITY: GREATER SHEPPARTON CITY COUNCIL

THE RESPONSIBLE AUTHORITY HAS DECIDED TO GRANT A PERMIT.

THE PERMIT HAS NOT BEEN ISSUED.

ADDRESS OF THE LAND: 7900 GOULBURN VALLEY HIGHWAY
KIALLA VIC 3631

WHAT THE PERMIT WILL ALLOW: BUILDINGS AND WORKS FOR THE
REDEVELOPMENT OF AN EXISTING
HOTEL, USE AND INSTALLATION OF 20
ELECTRONIC GAMING MACHINES

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

Amended Plans Required

Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of two copies must be provided. Such plan must be generally in accordance with the plan submitted with the application but modified to show:

- Plans to show provision of additional eight car spaces so that not less than an additional 26 on site car spaces are provided
- Plans to show the building additions to be setback at least 20 metres from the properties boundary to the service road
- A bicycle rail that accommodates at least two bicycles
- Cigarette disposal bin at the entry to the hotel
- Screened electrical substation if one is required

Layout Not Altered

The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

5. MANAGEMENT REPORTS

5.6 Planning Application 2012-4 Installation and Use of 20 Electronic Gaming Machines (Continued)

Electronic Gaming Machines

No more than 20 electronic gaming machines are permitted to be installed or used within the land.

The electronic gaming machines must only be available for use between the hours of 10.00am to 1.00am Monday to Saturday and 10.00am to 11.00pm on Sunday's.

Before the use of the 20 electronic gaming machines commences the hotel redevelopment as shown on the endorsed plans and described in the Urbis planning report (dated December 2011 report number 001) must be completed to the satisfaction of the responsible authority.

Drainage Discharge Plan

Before the development starts, a drainage plan with computations prepared by a suitably qualified person to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of two copies must be provided. The plans must be in accordance with council's Infrastructure Design Manual and include:

- how the land will be drained;
- underground pipe drains conveying stormwater to the legal point of discharge
- measures to enhance stormwater discharge quality from the site and protect downstream waterways or as otherwise agreed to in writing by the responsible authority
- provision of an electronic copy of the MUSIC model (or equivalent) demonstrating achievement of the required reduction of pollutant removal

Before the occupation of the hotel redevelopment all drainage works required by the drainage plan must completed to the satisfaction of the responsible authority.

Landscape Plan

Before the development starts a landscape plan must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The landscaping plan must be in accordance with the landscape requirements under the Design and Development Overlay 7 and show:

- a survey of all existing vegetation and natural features showing plants (greater than 1200mm diameter) to be removed;
- a schedule of all proposed trees, shrubs and ground cover, including the location, number and size at maturity of all plants, the botanical names and the location of areas to be covered by grass, lawn or other surface materials as specified;
- the method of preparing, draining, watering and maintaining the landscaped area;
- details of surface finishes of pathways and driveways;
- garden bed heights above car-park surface;
- all areas where vehicle overhang will occur;
- all landscaped areas to be used for stormwater retardation;

All species selected must be to the satisfaction of the responsible authority.

The landscape plan must also indicate that an in-ground irrigation system is to be provided to

5. MANAGEMENT REPORTS

5.6 Planning Application 2012-4 Installation and Use of 20 Electronic Gaming Machines (Continued)

all landscaped areas.

All trees planted as part of the landscape works must be a minimum height of 1.5 metres at the time of planting.

Before the occupation of the hotel redevelopment or by such a later date as is approved by the responsible authority in writing, landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority.

Car Park Plan

Before the development starts, a car park plan must be submitted to and approved by the responsible authority. When approved, the plan will then form part of the permit. Three copies of the plan must be submitted. The plan must provide but is not limited to the following:

- Location of disabled car parking bays
- Detailed plan of the car parking with no less than 26 additional car parking spaces
- Dimensions of the access aisles and car parking spaces
- Once approved the Car Park Plan will be endorsed to form part of this permit.

The approved plan can be amended to the satisfaction of the responsible authority. The car park must be managed in accordance with the approved Car Park Plan to the satisfaction of the responsible authority.

Before the occupation of the hotel redevelopment the works set out in this condition must be completed to the satisfaction of the responsible authority, including:

- An all-weather seal coat surface
- Drainage in accordance with an approved drainage pla.
- Line-marking to indicate each car space and all access lanes.
- Proper illumination with lighting designed, baffled and located to prevent any adverse effect on adjoining land.
- Measures taken to prevent damage to fences or landscaped areas of adjoining properties and to prevent direct vehicle access to an adjoining road other than by a vehicle crossing
- Provision of traffic control signage and or structures as required
- Signage directing drivers to the area set aside for car parking. Such signs are to be located and maintained to the satisfaction of the responsible authority. This sign must not exceed 0.3 square metres.
- All redundant vehicle crossings be removed and replaced with concrete kerb and channel

Car parking areas must be constructed, and drained to prevent diversion of floor or drainage waters and maintained in a continuously useable condition to the satisfaction of the responsible authority.

Car spaces and access lanes must not be used for any other use, to the satisfaction of the responsible authority.

5. MANAGEMENT REPORTS

5.6 Planning Application 2012-4 Installation and Use of 20 Electronic Gaming Machines (Continued)

General Exterior Treatment

Before the development starts, a schedule of materials, external finishes and colours to the satisfaction of the responsible authority, must be submitted to and approved by the responsible authority. When approved, the schedule will be endorsed and will then form part of the permit.

The exterior treatment of the buildings must be maintained to the satisfaction of the responsible authority.

Construction Phase

Before the development starts, a construction management plan shall be submitted to and approved by the responsible authority. The plan must detail measures to be employed for the effective management of matters including, mud on roads, dust generation and erosion and sediment control on the land, during the construction phase. When approved the plan will be endorsed and form part of the permit. The construction management plan must provide contact details of the site manager.

During the construction of buildings and/or works approved by this permit, measures must be employed to minimise mud, crushed rock or other debris being carried onto public roads and/or footpaths from the land, to the satisfaction of the responsible authority.

Dust suppression must be undertaken to ensure that dust caused on the land does not cause a nuisance to neighbouring land to the satisfaction of the responsible authority.

Roof Plant

Before the occupation of the hotel redevelopment, additional plant equipment, vents and other mechanical equipment on the roof must be screened so that it is not visible from Goulburn Valley Highway to the satisfaction of the responsible authority.

- An all-weather seal coat surface.

Time for Starting and Completion

This permit will expire if one of the following circumstances applies:

- the development and use are not started within **two years** of the date of this permit
- the development is not completed within **four years** of the date of this permit.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within three (3) months afterwards.

5. MANAGEMENT REPORTS

5.7 Consideration if an Economic and Social impact submission should be made by the Council to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) to use and install 20 EGM's at Peppermill Inn, Kialla

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

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

Summary

An application has been received by Bazzani Scully Brand Lawyers (the applicant) to use and install 20 electronic gaming machines (EGM's) at the Peppermill Hotel, Kialla. In this matter consent is required for the 20 EGM's in the form of a planning permit and a license from the Victorian Commission for Gambling and Liquor Regulation (commission). Both consents have different considerations in reaching a decision as to whether the application achieves acceptable outcomes.

Section 3.4.19(1) of the *Gambling Regulation Act, 2003* (the Act) allows the Council to make a submission to the commission in respect of the following:

- The social and economic impact of the proposed amendment on the well being of the community of the municipal district in which the approved venue is located; and
- Taking into account the impact of the proposed amendment on the surrounding municipal districts

The prescribed form 'Economic and Social Impact Submission Form for local authority', states submissions are to address the following questions:

- What is the net social and economic impact of this application
- Will this proposal result in net social and economic detriment to the community

Submissions are due to be received by the commission on 5 March 2012, extensions will only be granted by the commission in exceptional circumstances.

CPG Australia (CPG) was engaged by the Council to review the applicants report and prepare for the Council an economic and social impact submission to the commission. The report concludes the following:

The introduction of EGMs in Shepparton will produce a net loss to the community on social grounds (loss of one of only two venues where one can socialise in a pub type environment with friends without being within walking distance to an EGM) while is likely to be virtually neutral in terms of economic benefit.

While this report considers the commission's aspects of this proposal, the matter of whether Council should decide to grant a planning permit in relation to the planning impacts of the EGM's is addressed in a separate report.

5. MANAGEMENT REPORTS

5.7 Consideration if an Economic and Social impact submission should be made by the Council to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) to use and install 20 EGM's at Peppermill Inn, Kialla (Continued)

Moved by Cr Houlihan
Seconded by Cr Crawford

Based on the CPG report and the introduction of an additional EGM venue in Greater Shepparton, it is recommended that the Council make a social and economic impact submission to the commission opposing the gaming application.

CARRIED

Background

The Greater Shepparton local government area currently has a cap of 329 gaming machines. These gaming machines are within seven venues in Shepparton, Mooroopna and Tatura.

The application seeks to increase the number of venues with EGM's from seven to eight but does not increase the number of EGM's above 329.

Venue	Number of machines	Entitlements purchased	Change in machine entitlements	Net EGM Expenditure 2010/11
Goulburn Valley Hotel	40	40	0	\$5,820,505.73
Hill Top Golf and Country Club	20	20	0	\$593,669.66
Mooroopna Golf Club	44	40	-4	\$3,519,643.40
Shepparton Club	61	46	-15	\$4,501,593.61
Shepparton RSL	80	80	0	\$5,210,719.47
Sherbourne Terrace	39	43	+4	\$5,329,340.92
Victoria Hotel	45	40	-5	\$5,306,405.40
Peppermill Hotel	0	20	+20	
Total	329	329		\$30,281,878.19

Note: Net EGM expenditure is the total amount lost by players

The City of Greater Shepparton hold a low score on the 2006 SEIFA index of Relative Socio-Economic Disadvantage which occurs when the area has many families of low income and many people with little training and in unskilled occupations.

A comparison made in the Hume region show that City of Greater Shepparton is listed second most disadvantaged city after Benalla Rural City.

5. MANAGEMENT REPORTS

5.7 Consideration if an Economic and Social impact submission should be made by the Council to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) to use and install 20 EGM's at Peppermill Inn, Kialla (Continued)

Greater Shepparton has a relatively high number of electronic gaming machines on a per adult basis, 6.96 EGM's per 1000 adults, and a relatively low socio-economic ranking on a state basis as shown on the below table.

Area	REGM's per 1,000	Expenditure per adult	Adults per venue
City of Shepparton	6.96	\$640	6,756
City of Warrnambool	9.36	\$765	4,165
Rural City of Horsham	9.84	\$640	3,733
City of Ballarat	9.09	\$759	5,162
City of Greater Geelong	7.92	\$670	6,730
City of Greater Bendigo	6.91	\$559	7,192
Regional Victoria	6.65	\$503	8,271

Assessment

This assessment under the Gaming Regulation Act (GRA) considers whether the application will have a positive or negative social and economic impact on the community and therefore considers making a submission to the commission.

It is the Planning and Development Branch's recommendation, based on the CPG report and the introduction of one additional EGM venue, that the Council should make a submission opposing the application under the GRA to the commission.

In contrast to the locational considerations under the act, which is being dealt with as part of the planning permit assessment, the gaming commission must consider if the 'net economic and social benefit of approval will not be detrimental to the wellbeing of the community of the municipal district in which the premises are located'.

For the majority of EGM gamblers, gaming is a form of enjoyable recreation and social contact. People gamble for a variety of reasons, including reduction of boredom, isolation and loneliness, to win money and for excitement. Women gamblers in particular have reported that they feel safe accessing gambling venues alone, unlike other forms of similar entertainment.

A small but significant proportion of the population, known as problem gamblers, has difficulty containing the amount of time and money they spend playing EGM's, often with adverse consequences for them, their families and the community.

A telephone interview undertaken among community support and counselling services in Shepparton showed that it is estimated that 32 people within the Shepparton area have a serious gambling problem relating to EGMs. When applying the industry point of reference of 15 people affected for every one person with a gaming problem, it is expected and estimated 480 people are also impacted in the community by the effects of problem gambling.

5. MANAGEMENT REPORTS

5.7 Consideration if an Economic and Social impact submission should be made by the Council to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) to use and install 20 EGM's at Peppermill Inn, Kialla (Continued)

Research has shown that these small portions of problem gamblers are responsible for a significant proportion of gaming expenditure. The social costs associated with the adverse consequences of problem gaming are high relative to other forms of gambling.

There are few clear socio-economic factors that pre-dispose people to a higher likelihood of problem gambling. A recent survey undertaken in Victoria showed that people who live in low income households are under-represented in the population of problem gamblers in Victoria, while those with moderate incomes are over represented.

All over, research support discouraging 'convenience gambling' indicates that limiting accessibility to EGMs is likely to decrease issues associated with problem gaming and protect vulnerable communities.

The risk that provision of gaming opportunities will produce an overall negative net benefit for a community will vary depending on local conditions, in particular the vulnerability of the local population and the accessibility of the gaming opportunities provided.

In 2006 the Victorian Government released *Taking Action on Problem Gambling: A Strategy for Combating Problem Gambling in Victoria*. Under Action Area Four – *Protecting Vulnerable Communities*, the Strategy suggests that some communities are more at risk than others from the harm caused by problem gambling indicators of at-risk communities referred to in the Strategy are:

- Low levels of workforce participation
- Lower educational and literacy levels
- Health risks associated with higher incidence of smoking and alcohol abuse.

Shepparton has an Index of Relative Socio-Economic Disadvantage score of 968. This score places Shepparton as the 19th most disadvantaged local government area in Victoria. (Source SEIFA 2006, Department of Human Services).

Shepparton has a higher rate of unemployment than the regional state in average, 7.2% versus 5.8% in regional Victoria. It similarly has a higher rate of young persons not engaged in any school, work or further education and training.

It is recognised under the Gambling Regulation Act (GRA) that gaming has both positive and negative impacts upon local communities. The GRA requires the commission to consider whether the net social and economic impacts will be detrimental to the well-being of the community when considering approval of premises suitable for gaming.

In determining the expected social and economic benefits of the 20 EGMs requested to be introduced to the Peppermill Inn, the CPG report regard it important to consider the viability of the development under the following scenarios:

1. Operating 20 EGMs, versus
2. not operating the EGMs

5. MANAGEMENT REPORTS

5.7 Consideration if an Economic and Social impact submission should be made by the Council to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) to use and install 20 EGM's at Peppermill Inn, Kialla (Continued)

If operating the 20 EGMs, Peppermill Inn could expect to be ahead by \$17.7M by 2021. Without the EGMs it is expected the return on the \$800,000 re-development through increased meal/beverage sales is likely to be in the order of 13% or more than twice the

risk fee rate. On this evaluation, if, as the applicant for Peppermill Inn contends, that gaming is not their core business, the development at peppermill Inn should not be contingent upon the granting of the EGM license. On this basis, it is expected that even without the Poker machines licenses, the redevelopment of peppermill Inn will be attractive enough to an investor at some point within the foreseeable future to make the proposed investment in redevelopment since the returns will be attractive enough to warrant the investment.

In addition to monies directed to the Community Support Fund (CSF), the applicant proposes to put in place a Community Development Program. The program would make available \$30,000 per annum for 10 years for community projects. Further, the applicant proposes to spend \$800,000 on the redevelopment of the Peppermill venue.

It is estimated that revenue spent into the proposed EGMs (net losses) at the hotel will be \$1,940,000 (net) annually.

At present Peppermill Inn provides opportunity for visitors to socialise and dine at a venue which is not within walking distance from a convenience gaming venue. This makes Peppermill one of only two venues in Greater Shepparton which is not within walking distance from a EGM venue. Hence, if you are a problem gambler trying to socialise with family and friends in Shepparton in a location where you can be safely excluded from the attraction of EGMs, the hotel offers one of just two such socialising options.

The report from CPG Australia concluded that:

The introduction of EGMs in Shepparton will produce a net loss to the community on social grounds (loss of one of only two venues where one can socialise in a pub type environment with friends without being within walking distance to an EGM) while is likely to be virtually neutral in terms of economic benefit.

Based on the above mentioned research and social and economic report from CPG it is the Council's Planning and Development Branch's view that the additional EGM venue will have a negative social impact on the community for the following reasons:

- Peppermill Inn is currently one of only two pub type dining venues in Shepparton which is not within walking distance from an EGM venue. This is pertinent to anyone with a gaming problem trying to stay on a self exclusion program.
- Gaming problems causes harm to not only the gambler but also to approximately 15 people in their surrounds. In Shepparton it is estimated that there are 32 problem gamblers seeking help for their gambling addiction.
- It does not follow that the Shepparton community will benefit from the one-off \$800,000 infrastructure spend or the \$30,000 community contribution in return for the \$1,94M (net) expected to be lost at this venue per year.

5. MANAGEMENT REPORTS

5.7 Consideration if an Economic and Social impact submission should be made by the Council to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) to use and install 20 EGM's at Peppermill Inn, Kialla (Continued)

Risk Management

This report considers whether the Council should make a submission to the commission regarding the EGM's. Whether the Council decides to make a submission or not, no significant risk is associated with this decision.

Policy Implications

No conflicts with the Council's planning policies has been identified.

Financial Implications

Should the matter proceed to a Gaming Hearing, the Council will need to engage lawyers and expert witnesses to present its case to the hearing.

Victorian Charter of Human Rights and Responsibilities Act 2006 Implications

This proposal does not limit any of the human rights provided for under the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

Legal/Statutory Implications

If the Council decides to make a submission to the gaming commission, the Council will need to make representations to the gaming hearing.

Like a liquor license application, multiple consents are required. i.e. planning permit and the liquor license. In this matter consent is required for the 20 EGM's in the form of a planning permit and a license from the commission. Both consents have different considerations in reaching a decision as to whether the application achieves acceptable outcomes.

Given the decisions under the *Gambling Regulation Act, 2003* and *Planning and Environment Act, 1987* are subject to different considerations, it is possible that the commission and Council could reach different determinations. For 20 EGMS to be used and installed, consents need to be granted under both Acts.

Consultation

A requirement of the commission is for the applicant to notify the local community of the application within a metropolitan or major local newspaper. Within this notice community members are provided with an opportunity to lodge a submission with the commission.

Strategic Links

a) Greater Shepparton 2030 Strategy

Community Life

A healthier community with strong community building and diverse cultural activities.

Economic Development

Continued Economic growth and diversification, that the municipality will be more attractive and enticing.

b) Council Plan

Key strategic objective 2 – Community life

(11) Ensure social issues are actively considered when making planning decisions.

c) Other strategic links

Greater Shepparton Public Health Plan

5. MANAGEMENT REPORTS

5.7 Consideration if an Economic and Social impact submission should be made by the Council to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) to use and install 20 EGM's at Peppermill Inn, Kialla (Continued)

Council is committed to promoting and supporting healthy living in all the communities which make up Greater Shepparton.

Greater Shepparton Community Development Framework

Focus area 2: Place

Supporting active, healthy and connected communities.

Greater Shepparton Community Profile informed decisions (id)

- *Analysis of household income levels in the City of Greater Shepparton in 2006 compared to Victoria shows that there was a smaller proportion of high income households (those earning \$1,700 per week or more) but a larger proportion of low income households (those earning less than \$500 per week).*
- *Shepparton is a multicultural city. It has a higher proportion of residents who were born overseas when compared to Regional Victoria.*
- *The size of the City of Greater Shepparton's labour force in 2006 was 26,857 persons of which 8,519 were employed part-time (31.7%) and 15,965 were full time workers (59.4%).*

Attachments

Site plan

CPG Report

5. MANAGEMENT REPORTS

5.8 Kialla Landfill Site Australian Botanic Gardens Shepparton

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

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.

Summary

The Council at the Ordinary Council Meeting, held on 15 November 2011, determined to seek approval to name the former Kialla Landfill Site. The proposal was placed on Public Notice in the Shepparton News dated Friday 16 December 2011 and there were no submissions received.

Moved by Cr Houlihan

Seconded by Cr Crawford

That the Council:

1. Approve the proposed name of "Australian Botanic Gardens Shepparton" as the official name for the site known as the former Kialla Landfill is located at the northern end of Kialla Tip Road, Kialla, in accordance with Guidelines for Geographic Names Victoria and the *Geographic Place Names Act 1998*
2. Submit the name for approval to the Registrar of Geographic Names.

CARRIED

Background

This name was requested by the Kialla Landfill Site Special Committee as part of the Kialla Landfill Site Development and Management Plan.

Risk Management

As the proposed name was formally put on public notice and no submissions were received, there are no Risk Management implications.

Policy Implications

The proposed name was assessed in accordance with Guidelines for Geographic Names in Victoria and *Geographic Place Names Act 1998*.

Best Value Implications

The name has been approved in response to requests from the wider community.

Financial Implications

There are no fees associated with the formal approval and/or lodgement of park names.

Victorian Charter of Human Rights and Responsibilities Act 2006 Implications

The naming of this site does not limit any human rights provided for under the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

5. MANAGEMENT REPORTS

5.8 Kialla Landfill Site Australian Botanic Gardens Shepparton

Legal/Statutory Implications

Assessment of the name has been undertaken in accordance with the *Geographic Place Names Act 1998*.

Consultation

Australian Botanic Gardens Shepparton was placed on Public Notice in the Shepparton News on Friday 16 December 2011. No submissions were received.

Council 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 strategic links to the *Greater Shepparton 2030 Strategy*.

b) Council Plan

This proposal supports objective 35 of the *Council Plan 2009-2013*: “*Provide best practice management and administrative systems and structures to support the delivery of Council services and programs*” in order to meet our statutory obligations, in this case under the *Geographic Place Names Act 1998*.

c) Other strategic links

There are no other strategic links.

Attachments

Nil.

5. MANAGEMENT REPORTS

5.9 Planning Application 2005-306 – 45 Apollo Drive Shepparton

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

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

Summary

Planning permit 2005-306 was issued by the Victorian Civil and Administrative Tribunal (VCAT) on 6 June 2006 and allowed the use and development of the land for a brothel. Condition 29 of the permit required that the use and development be commenced within two years of the date of the permit and that the development be completed with four years of the date of the permit.

On 22 December 2008, VCAT ordered the extension of time to the permit for the commencement of the development, and therefore required the development be completed by 31 August 2011.

Senior Member Horsfall made the following comment:

'An extension for a brothel permit is entitled to consideration on the same basis as an extension of a permit for a factory, medium density housing or any other permit, irrespective of views on the morality or acceptability of brothels'.

On 18 August 2011, the permit applicant sought an extension to the completion date of the permit to 31 December 2011.

On 23 September 2011, following a resolution of the Council, the permit was extended by four months to require completion of the development and commencement of use by 31 December 2011.

As the development is not complete the permit holder has sought to extend the permit until 31 March 2012 to allow completion of the works and commencement of the use.

It is important to note that the merits of the use and development of the land for a brothel are not being reconsidered. This application is limited to deciding if the application to extend the completion date should be granted.

The two most substantive considerations are:

1. Has there been significant change to planning policies which would prevent the re-issue of the permit?
2. Has the development been substantially commenced?

Since the issue of the permit in June 2006, the zoning of the land and surrounding land is unchanged, there has been no significant change to the planning policies relating to brothels. Therefore, it is likely if this permit was to expire and a fresh application was applied for a permit would be re-issued, most likely at the direction of VCAT.

At the time of the previous extension request in September 2011, the development was described as being at lock up stage. The applicant has informed that since the previous extension internal works have been progressed such as plastering, bathrooms, electrical works and tiling.

5. MANAGEMENT REPORTS

5.9 Planning Application 2005-306 – 45 Apollo Drive Shepparton (Continued)

The applicant made assurances that the previous extension would allow works to be completed, including

'the writer (Mr Albon) says no further request for extension of time will come forward, at least not one in his name'.

The application for extension made by Mr Albon goes against this previous undertaking. Whilst this is less than ideal, it is not a valid planning reason to deny an extension based on a non binding assurance provided to the Council and its planning officers.

Given the applicant continues to satisfy the two substantive considerations, it is the Planning and Development Branch's view that there is no practical planning purpose in not allowing an extension of time to allow the development to be completed and the use to commence.

RECOMMENDATION

That in relation to the extension of time to the completion date for Planning Permit 2005-306 for use and development of a brothel at 45 Apollo Drive, Shepparton, on the basis of the information before the Council and having considered all relevant matters as required by the *Greater Shepparton Planning Scheme*, in accordance with Section 69(2) of the *Planning and Environment Act 1987* the Council extends the permit as follows:

1. The time in which the permit will expire if the development is not completed is extended to 31 March 2012
2. The time in which the permit will expire if the use is not started is extended to 31 March 2012.

Moved by Cr Houlihan

That this matter lay on the table for one month only, subject to Council being supplied with a detailed works program for completion.

CARRIED

Assessment under the Planning and Environment Act

When submitting a request for an extension of time to a permit it is generally accepted, that the applicant is obliged to advance some reason in support of the application.

In the written request for the extension the following reasons were provided by the applicant in support of the application:

The works undertaken since the previous extension of time are – plastering of the entire building, near completion of showers, their screens and the associated tiling, vanities. Completion of all electrical wiring and half way through fit out, west wall completed in tiling of bluestone blocks. Erection of two wings that are fencing. Additional signage. Near completion of air-conditioning. All door jams completed and doors in place in most instances. Purchase of further communication equipment, and completion of security system wiring and monitoring. Installation of lockers near completed, facilities for working women advanced and all storm water pipes laid, hot water services installed. Installation of cabling for computer systems.

5. MANAGEMENT REPORTS

5.9 Planning Application 2005-306 – 45 Apollo Drive Shepparton (Continued)

All insulation in internal and exterior walls completed. All underground cabling for lighting has been completed. General cleaning of site and building. Removal of excessive building material from the site.

It is proposed to commence the use on 14 February 2012. It follows that the permit should extend until that date, but erring on the side of caution and with regard to my personal health which has seen me hospitalised on two occasions during November and December 2011 that massively impacted on the project not being completed and the operation commenced by 31 December 2011, let us say, an extension to 31 March 2012.

The applicant's proposal to commence the use on 14 February 2012, is seven days before the February Council meeting, at which it will be decided if the permit extension is granted. The applicant has been informed the use cannot commence until this application is decided on by the Council, or VCAT if necessary.

Kantor & Ors v Murrindindi Shire Council 18 AATR 285 at 313 and Juric v Banyule set out relevant considerations for the application to extend the completion date, which are considered below.

Whether there has been a change of planning policy.

Since the issue of the permit in 2006, the zoning of the land and surrounding land is unchanged. There has been no major changes to either State or Local planning policies relating to the use and development of land for brothels.

Whether the landowner is seeking to 'warehouse' the permit.

The *Planning and Environment Act, 1987* (The Act) does not support a permit holder extending a permit so that the owner may obtain a windfall by selling the land. If the owner was reasonably considered to be seeking to warehouse the permit, this would negatively influence the issue of an extension.

The warehousing test generally relates to an application to extend time for a commencement of a development. Given the project is substantially completed and continues to progress towards completion, this test is of little relevance.

Intervening circumstances bearing on grant or refusal of the extension.

This ground relates to circumstances that have arisen since the granting of the permit and which are not entirely under the control of the permit holder and which have reasonably caused a delay in being able to act upon the permit. Such matters would need to be of significance (beyond life's common setbacks), such as unusual seasonal conditions, natural disasters, actions by third parties, sudden and significant changes to markets and unexpected delays in obtaining other necessary approvals.

The applicant states that recent hospitalisations of the permit holder has 'massively impacted' on the completion of the development.

5. MANAGEMENT REPORTS

5.9 Planning Application 2005-306 – 45 Apollo Drive Shepparton (Continued)

The total elapse of time and whether the time limit originally imposed was adequate.

An extension would tend not to be supported if the permit has become excessively old and it is appropriate that all issues be reconsidered and any interested parties or referral authorities be given an opportunity for input by way of a fresh application. Given there has been no significant changes in policy since the issue of the permit, the total elapse of time does not either negatively or positively impact on the application to extend the completion date.

The economic burden imposed on the landowner by the permit.

The applicant would have investigated significantly in the development by obtaining the permit and in construction costs incurred to date.

The probability of a fresh permit issuing should a fresh application be made.

This test is determinative as to whether the original permit is still appropriate. If the extension was refused, how likely is it that a similar permit would be issued. If it is likely that a permit would re-issue, this leads to the extension of a permit.

This test triggers consideration if there would be any practical planning purpose by refusing to extend the permit and force the permit holder to apply for a fresh permit.

Also relevant to this ground is whether or not a fresh permit would be issued subject to similar conditions. If the circumstances had changed to the extent that significantly different conditions would be appropriate, this would negatively influence the grant of an extension to the completion date.

It is considered that if this request for an extension to the completion date was refused, and a fresh application was made, it is likely to be granted. This is primarily based on the fact that there has been no significant change to planning policies relating to the land or brothels.

Based on this, there is no practical purpose served in preventing the development from being completed.

Substantial Commencement

This test specifically relates to applications seeking to extend the completion date, such as this application. It considers how far the development has proceeded and if the developer has committed to the proposal by progressing towards completion.

The applicant has sought a short extension period (three months) for the development to be completed.

The applicant has obviously expended significant amounts of money on progressing the development to a point of near completion. In doing this the developer has complied with numerous planning permit conditions including, submission of design plans and drainage plans, urban vehicle crossings and signage.

Given that the development has clearly substantial commenced, to now prevent a development that is said to be 90% complete provides no beneficial planning outcome.

5. MANAGEMENT REPORTS

5.9 Planning Application 2005-306 – 45 Apollo Drive Shepparton (Continued)

Risk Management

There are no identified risks associated with this report if it is decided to extend the permit. Should it be decided to refuse to extend the permit it is possible that VCAT could overturn the Council's decision and award costs against the Council.

Policy Implications

There are no conflicts with existing Council policy.

Financial Implications

In the event of an application for review by VCAT, each respective party will be required to bear its own costs.

Victorian Charter of Human Rights and Responsibilities Act 2006 Implications

This proposal does not limit any of the human rights provided for under the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

Legal/Statutory Implications

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

Consultation

There is no statutory requirement to provide public notice of an application to extend a planning permit.

Despite this, one interested person informed the Planning and Development Branch of their concern with the planning application being extended by the Council.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

Greater Shepparton 2030 does not contain any objectives that specifically relate to this proposal.

b) Council Plan

There are no direct links to the Council Plan.

c) Other strategic links

There are no Strategic Links.

Attachment

Site photos

5. MANAGEMENT REPORTS

5.10 Amendment C103 – Consideration of Panel Report and Adoption of Amendment

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

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

Summary

Amendment C103 affects land known as 47-61 Wyndham Street and 48-60 Maude Street, Shepparton, which is the site of the Alexander Miller Memorial Homes (Miller Homes Cottages). This Amendment proposes to:

- Retract the area of Heritage Overlay HO96 (HO) applying to 48-60 Maude Street and part of 47-61 Wyndham Street, Shepparton; and
- Rezone land at 47-61 Wyndham Street from the Residential 1 Zone (R1Z) to the Business 5 Zone (B5Z).

At the close of the exhibition period, the Council had received five submissions. Four submissions raised no objections to the Amendment, whilst one submission sought a change to the Amendment. As a result, it was referred to an Independent Planning Panel. The Panel strongly supported Amendment C103 as exhibited and recommended that the Amendment be adopted without any changes.

Moved by Cr Dobson Seconded by Cr Houlihan

That having considered all submissions under section 22 of the *Planning and Environment Act 1987* and the Report of the Independent Planning Panel for Amendment C103 under Section 27 of the *Planning and Environment Act 1987*, the Council:

1. Adopt the Panel Report for Amendment C103;
2. Adopt Amendment C103, in accordance with section 29 of the *Planning and Environment Act 1987*; and
3. Submit the Amendment to the Minister for Planning for approval in accordance with section 31 of the *Planning and Environment Act 1987*.

CARRIED

Background

Subject Site

This Amendment applies to a rectangular shaped parcel of land fronting onto both Wyndham and Maude Streets. The site has recently been subdivided into two lots, one to the west fronting onto Wyndham Street and the other to the east fronting onto Maude Street. The lot fronting onto Maude Street has recently experienced significant redevelopment (see Figures One and Two).

The northern portion of the site contains ten cottages of local cultural heritage significance. The cottages were constructed by the philanthropist Alexander Miller from 1919-1933 to provide housing for the elderly - eight of these cottages are located on the northern portion of the lot addressing Wyndham Street and the remaining two cottages are located on the lot addressing Maude Street.

5. MANAGEMENT REPORTS

5.10 Amendment C103 – Consideration of Panel Report and Adoption of Amendment (Continued)

To the south of the eight cottages, on the same lot, there are a number of 1960s social housing units. These units were part of a larger scheme of 20 units constructed in the 1960s that extended across the entirety of the eastern lot. The units on the eastern lot have recently been demolished to allow for the construction of an aged-persons' development. The two Miller Homes Cottages on this lot have been renovated, extended and converted to serve as an administrative centre and a community centre for the aged-persons' facility. The site is currently owned and operated by the Alexander Miller Memorial Homes Philanthropic Trust Fund.

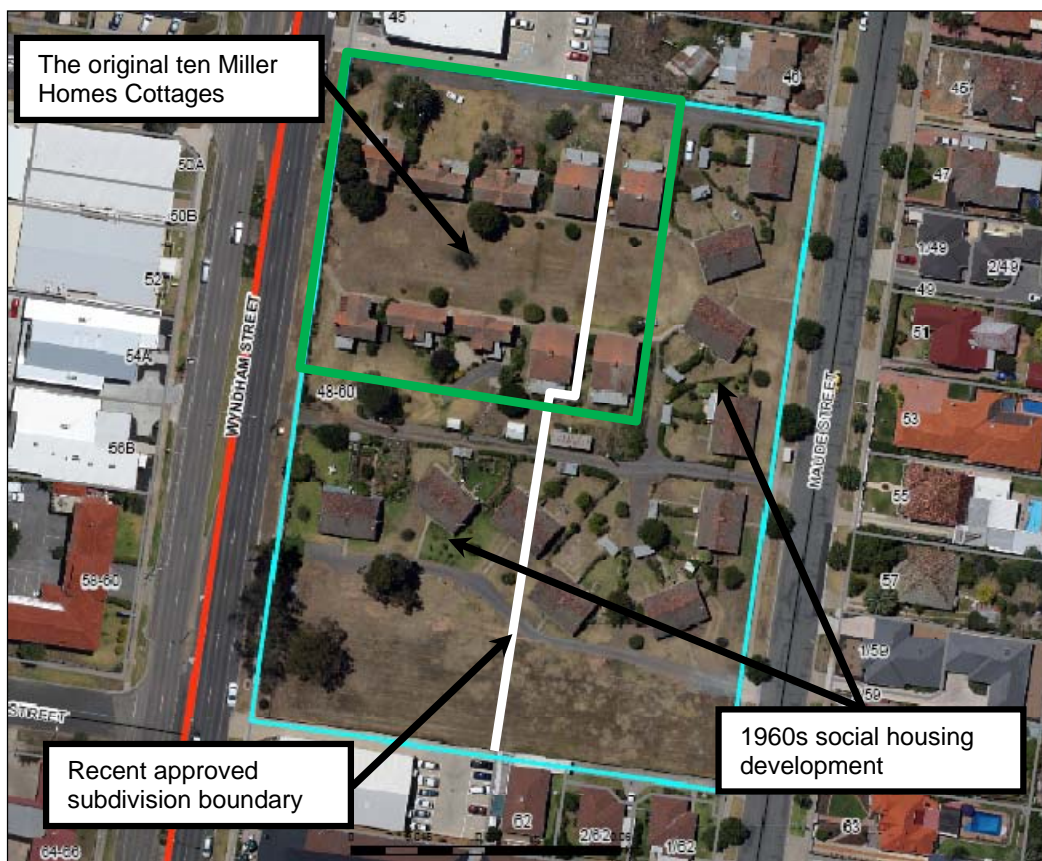


Figure One: The previous layout of the site before the recent construction of the aged-persons' development on the eastern lot.

5. MANAGEMENT REPORTS

5.10 Amendment C103 – Consideration of Panel Report and Adoption of Amendment (Continued)

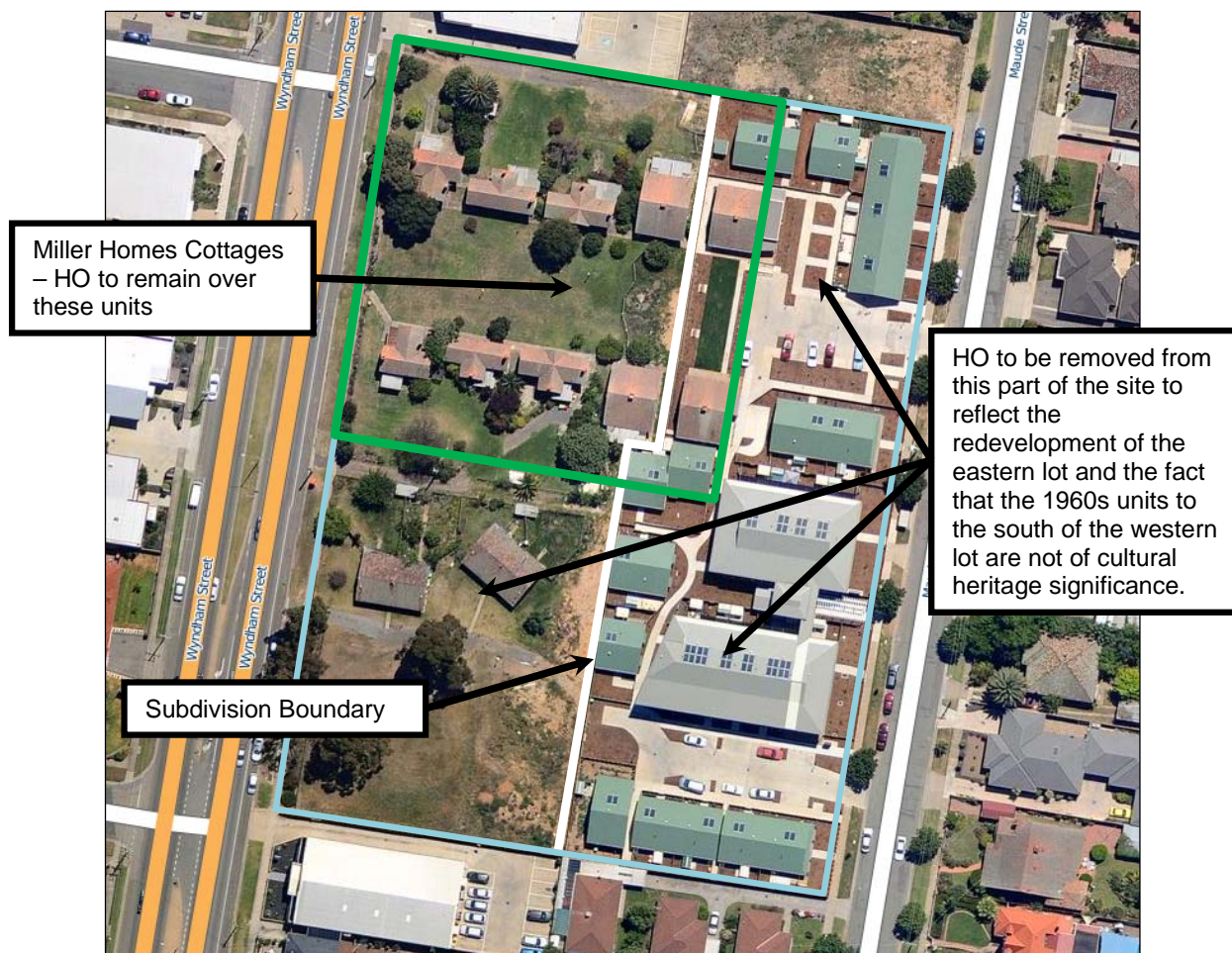


Figure Two: The current layout of the site following the construction of the aged-persons' development on the eastern lot. Note the extent of the revised Heritage Overlay, which reflects the redevelopment of the eastern lot and the fact that the remaining 1960s units, to the south of the western lot, are not deemed to be of any cultural heritage significance.

The Miller Homes Philanthropic Trust Fund and Wintringham Housing Ltd

The Miller Homes Philanthropic Trust Fund provides low cost housing for the elderly throughout Victoria. The Fund was established after the death of Alexander Miller. The Trust continues to construct and maintain a number of houses for the elderly throughout Victoria. One of the issues that they face today is that many of the earlier homes, particularly those from the early 20th Century, no longer meet current requirements and/or standards for the elderly. This is the case with the existing homes in Shepparton.

The Trust approached the Council to initiate the Amendment to facilitate for the site's redevelopment for social housing and to consider the possibility of commercial development along the Wyndham Street frontage. Wintringham Housing Ltd (Wintringham) is a not-for-profit organisation involved in housing provision for frail and elderly persons on low incomes. Wintringham worked together with the Trust, as

5. MANAGEMENT REPORTS

5.10 Amendment C103 – Consideration of Panel Report and Adoption of Amendment (Continued)

landowner, to develop the lot addressing Maude Street. Wintringham is the objecting submitter to this Amendment.

Current Land-Use Zoning Objective and Overlay

Each lot is currently zoned R1Z. Heritage Overlay (HO96) applies to the whole of the site. This HO was included over the site as part of Amendment C50, which introduced cultural heritage controls following the completion of the *City of Greater Shepparton Heritage Study Stage II*. The Heritage Study is a Reference Document at Clause 21.07 of the Municipal Strategic Statement in the Council's Planning Scheme.

The 10 Miller Homes Cottages are of local social, historic and aesthetic cultural heritage significance. This significance can be briefly summarised as follows:

- the architectural diversity of the four unit designs arranged around a common open space area adds to the aesthetic importance of the buildings. They have a strong relationship to the English Arts and Crafts movement – they are characterised by a very evocative vernacular architecture, as well as a quaintness and human scale which add to their value;
- the design and layout of the homes demonstrate early planning and design principles, which were developed in association with the ideals of the British Garden City Movement - a rare local example of 19th and 20th century planning and design principles which recognised the health giving properties of fresh air, light and sunshine; and
- the complex provides physical evidence of the development of philanthropy in Shepparton - this is the only development funded philanthropically in Shepparton in the early 20th century.

The Study's Data Sheet includes the following cultural heritage significance citation:

"The Alexander Miller Memorial Homes are of local social, historic and aesthetic significance. They are one of a group of homes constructed by the prominent philanthropic businessman Alexander Miller and continue to provide low cost accommodation for the elderly. Aesthetically, they are unique within the municipality as a picturesque group of substantially intact Edwardian cottages arranged around a garden courtyard. The cream brick units are of no significance..."

Recommendation

- a) *Maintain original unpainted finish to face brickwork and investigate original paint colours.*
- b) *Retain central garden court.*
- c) *Ensure that any new buildings are sympathetic to the setting and style of the original buildings..."*

Development Facilitation

Prior to seeking authorisation for the preparation and exhibition of Amendment C103, considerable consultation occurred between the applicants, the Council's Heritage Adviser and the Department of Planning and Community Development (DPCD) in order to facilitate the applicants' development proposals.

5. MANAGEMENT REPORTS

5.10 Amendment C103 – Consideration of Panel Report and Adoption of Amendment (Continued)

This Amendment should be considered in conjunction with recent planning permits on the site that have approved the redevelopment of the lot fronting onto Maude Street;

1. Ministerial Planning Permit SH2009009009 was issued for the demolition of the 1960s units on the site and the construction of thirty-six aged-persons' units with associated car parking and alteration of access to a road in a Road Zone 1.
2. Planning Permit No. 2010-66 approved by the Council for a two-lot subdivision of the site, subdivides the land in a north-south direction (see Figure One).

In conjunction with this Amendment, these permits have and will facilitate for the appropriate redevelopment of the entire site. The planning permits have allowed for the demolition of the 1960s units on the site and the construction of an aged-persons' development on the lot addressing Maude Street (which is proposed to remain within R1Z in this Amendment), whilst the Wyndham Street frontage (which is proposed to be rezoned to B5Z in this Amendment) will facilitate for the commercial use and redevelopment of the Miller Homes Cottages. It will also provide for further commercial development on the southern portion of this lot that is currently vacant.

The subdivision boundary provided for two of the Miller Homes Cottages to be incorporated into the new social housing development fronting onto Maude Street. The remaining eight Miller Homes Cottages have been retained within the Wyndham Street lot of the subdivision and it is the intention of this Amendment to allow for their redevelopment as part of any future commercial development.

The applicants had requested the rezoning of the site as outlined in the Amendment; however they also requested the removal of the HO from the entire site. There was no strategic or cultural heritage conservation justification for the removal of the HO to the extent requested by the applicant. The removal of the HO from the ten Miller Homes Cottages would not allow for their continued preservation or guide future development to preserve their cultural heritage significance, as outlined in the Greater Shepparton Heritage Study Stage II.

Amendment C103

This Amendment is required to facilitate for the future commercial redevelopment of the Wyndham Street lot.

On this basis, the Council officers proceeded with an amendment which proposed to rezone the western lot, fronting onto Wyndham Street, from R1Z to B5Z. Such rezoning is consistent with the surrounding land fronting onto Wyndham Street. The eastern lot, fronting onto Maude Street, will remain within R1Z and will contain the two remaining Miller Homes Cottages. This retains the most appropriate land use zoning objective on the site to reflect the recently constructed aged-persons' development on the lot.

In addition, the retraction of the HO to only the 10 Miller Homes Cottages is in accordance with the applicants' proposed development plans for the entire site. It retains the ten Miller Homes Cottages within a HO to reflect their cultural heritage significance. The retention of the HO on this portion of the site will continue to guide future development proposals to protect the cultural heritage significance of the cottages. This

5. MANAGEMENT REPORTS

5.10 Amendment C103 – Consideration of Panel Report and Adoption of Amendment (Continued)

retraction will also reflect the recent demolition of a number of the 1960s social housing units on the lot addressing Maude Street that were deemed not to be of any cultural heritage significance. For this reason, the Amendment also proposes to retract the HO from the southern portion of the lot addressing Wyndham Street.

Amendment Exhibition

Five submissions to the amendment were received. The submission from Wintringham (in part) stated that:

“The key issue in the amendment in our submission is that all the housing within the proposed Business 5 Zone should be able to be demolished. The reason for this view is that the original aim of Alexander Miller was to maximize social housing in regional Victoria so as to assist those in need. Removal of the houses will maximize return which will be invested in future social housing-those in need will continue to benefit”.

The submission from Wintringham sought a further retraction of HO96 to allow for the demolition of the eight Miller Homes Cottages located within the proposed B5Z lot. Wintringham requested this further retraction in order to allow the land, which is proposed to be rezoned to B5Z to be sold on in an unencumbered state – thus making it potentially more valuable.

It has also been revealed there was only a very small chance that the proceeds from the sale of the land would be used in Shepparton. Rather, the funds would go into a pool to be used for social housing elsewhere in Victoria.

Panel Report

As a result of Wintringham’s objection, the Amendment was referred to an Independent Planning Panel. The Panel considered a number of issues proposed by Wintringham’s objection. The most relevant are:

1. Whether the retracted HO area, as exhibited Amendment, is warranted – namely whether the Miller Homes Cottages have local heritage significance?
2. Whether the perceived greater market value of an unencumbered site, and the potential to realise a greater amount of money for social housing purposes from the sale of such a site, is a factor which should be considered when the Amendment is being assessed? If this is the case, what weight, if any, should be given to this factor?
3. Whether the proposed retention of only two of the 10 original Miller Homes Cottages, and recording of the remainder, is an appropriate management approach to their cultural heritage value?

Having discussed the cultural heritage significance of the Miller Homes Cottages at length, the Panel made it explicitly clear that the buildings:

‘are clearly of local significance on historical/social and architectural/aesthetic bases. Their importance is enhanced by the form of the development clearly giving expression to the philosophical basis of the social housing intents’.

The Panel also stated that it was of the view that consideration of the local heritage significance of the site was the only proper matter for consideration when assessing the

5. MANAGEMENT REPORTS

5.10 Amendment C103 – Consideration of Panel Report and Adoption of Amendment (Continued)

extent of the HO to be retained on the land. The Panel considered that Wintringham was, in effect, requesting that the Panel and the Council make an immediate decision on the demolition of the cottages as part of the Amendment. The Panel did not support this approach.

The Panel considered the issues of returns to social housing on the sale of the land, as well as the appropriateness of retaining only two of the cottages and recording the remainder, to be 'a matter normally dealt with under a planning permit'. The Panel also considered that in the absence of a known redevelopment proposal that the decision cannot be appropriately made. A redevelopment proposal would enable the proper balancing of all considerations - the proposal needs to be known so that it can be brought into play in exercising discretion about the appropriateness of the loss of the Miller Homes Cottages.

The Panel considered that it is appropriate to remove the HO only to the extent proposed by the exhibited Amendment. The retention of the overlay over the Miller Homes Cottages and their courtyard would enable their cultural heritage value to be recognised and managed by the Council's Planning Scheme. The issue of the redevelopment of the Cottages could only be made as part of the assessment of a planning permit application that sought their demolition.

Discussion

Whilst Wintringham Housing is focussed on the outcome of achieving the maximum income possible from the sale of the B5Z land to accumulate funds for future housing projects, the Council must consider the local cultural heritage significance of the Miller Homes Cottages. This significance is extensive and the Cottages are a considerable cultural heritage asset within the Municipality.

The applicants' request to remove the HO from the entire site, citing a desire to achieve an unknown future market value for the site, is not a material planning consideration. The purpose of a HO is not to preclude demolition and development, but rather require a planning permit for demolition, and buildings and works. Redevelopment or potential partial demolition is still permissible under the HO. The HO simply ensures that all cultural heritage matters, including the setting of these structures, are given due consideration in the planning process. It also allows for third party input to achieve better planning, conservation and social outcomes. Councillors will be aware of other successful structures of cultural heritage significance being integrated into redevelopment schemes, notably the former Butter Factory site on Wyndham Street.

The removal of the HO from all of the Cottages would allow for their demolition without a planning permit. Given that the former Miller Homes in Benalla have recently been demolished and the Miller Homes in Euroa are currently being demolished, the Shepparton and Rushworth Homes are currently the only surviving representatives in the north-east area of Victoria. This adds additional weight to their important local cultural heritage significance.

In addition, there are a number of other Miller Homes throughout the state that have been refurbished and adapted as part of redevelopment schemes. It seems inequitable that Shepparton is not being considered in the same light - the impression is that Shepparton can provide the financial yield to support other social housing schemes and

5. MANAGEMENT REPORTS

5.10 Amendment C103 – Consideration of Panel Report and Adoption of Amendment (Continued)

that the cultural heritage value of these Cottages are of no real consequence for the residents of Shepparton. This site is one of the landmark entrances to Shepparton. The Council has already implemented a number of controls that will reinforce the importance of this entrance way. This includes a DDO and the heritage controls that are in place on the current Miller Homes Cottages. The use of these two controls will ensure that there is streetscape diversity – both in style of buildings, scale and massing, and the intensity of development. The Miller Homes Cottages provide an opportunity for adaptive re-use and could be used for a number of activities – medical suite, office, shop, cafe, etc. The proximity to a higher density residential area is also seen to support a variety of potential different uses that should assist in the redevelopment of this site.

The applicants have already been granted approval for:

- a) a 2-lot subdivision; and
- b) development of the units on the Maude Street frontage as proposed (through the demolition of a significant number of the c.1960s units) approved by the Minister for Planning, without having to first sell the Wyndham Street land, as they received funding through the Nation Building program.

The applicants' application stated that '*....the sale proceeds will contribute to the development of more appropriate housing fronting Maude Street...*' However, as a consequence of the Building Nation funding, Wintringham received the required funds for this project without the need to sell the Wyndham Street lot and they now have the capacity to raise extra funds from the sale of the lot for further social housing development in regional Victoria.

In addition, this amendment proposes to rezone the Wyndham Street land to B5Z. This will further facilitate the applicants in their goal of providing social housing by designating the site for a potentially higher value than it might achieve under its current land use zoning objective.

Conclusion and Officer's Recommendation

There is no strategic justification for the further retraction of the HO as requested in the Wintringham submission. The site has been identified in the Heritage Study and the HO has been placed over the site to protect the local cultural heritage significance of the ten Miller Homes Cottages. Had the Council requested authorisation for the removal of the HO to the extent now requested by the applicants, it is likely, given the lack of evidence to justify the removal of the HO, that the Department of Planning and Community Development would not have supported the amendment and the exhibition would not have been authorised.

The applicants' request to remove the HO to allow for the demolition of the Cottages, and sell the land unencumbered, to raise additional funds for social housing is not a material planning consideration. Whilst there is no doubt that the developers are genuine in their goal to provide additional social housing, it seems that Shepparton is being used to provide the funding for their ongoing work. The removal of the HO from the B5Z lot may enable a higher market price to be realised but it will come at the cost of a significant loss to any future interpretation and understanding of the cultural heritage significance of the Miller Homes Cottages.

5. MANAGEMENT REPORTS

5.10 Amendment C103 – Consideration of Panel Report and Adoption of Amendment (Continued)

It is recognised that the lot addressing Wyndham Street may not achieve the financial yield of an unencumbered site with the HO in place. However, the applicants have received the financial support required to redevelop the Maude Street lot and will still realise a substantial contribution from the sale of the western lot to contribute to their exemplary and laudable housing strategies.

The encouragement of a diversity of uses and the potential character of adaptive re-use of this site could also support a greater street life in this section of Wyndham Street and particularly during the weekend. When considering the design of the subdivision, Council officers took into account adaptive re-use, as well as modifications that might be included in any future change of use.

If the Council were to abandon this Amendment, the HO would remain over the whole of the site, despite the removal of the 1960s social housing that were deemed not to possess any cultural heritage significance. It would also mean that the lot addressing Wyndham Street would not be rezoned to B5Z. This option would not facilitate a good planning outcome for the applicants, the site or any future re-use of the Miller Homes Cottages.

Given the issues outlined above and the irrefutable argument made by the Panel in their report that the Cottages are of noted cultural heritage significance, the Council is respectfully requested to adopt this Amendment as exhibited and issue it to the Minister for approval.

Assessment under the Planning and Environment Act:

Under Section 12(1)(a) and (b) of the *Planning and Environment Act 1987*, the Council, as the responsible authority, must implement the objectives of planning in Victoria and provide sound, strategic and coordinated planning of the use and development of land in its area.

All Amendment C103 procedures comply with legislative requirements for amendment preparation, exhibition, submission consideration, panel stage and adoption under the *Planning and Environment Act 1987*.

Under Section 27 of the Act, the planning authority must consider the Panel's Report before deciding whether or not to adopt the amendment.

A planning authority adopts an amendment under Section 29 of the Act, with or without changes.

Risk Management

There are no known risks associated with the Amendment.

Policy Implications

There are no conflicts with existing Council policy. Amendment C103 is supported by the Council's cultural heritage, residential and commercial strategic directions.

Financial Implications

There are no financial implications with the Amendment. (Andrew Panel Costs or noted in other reports??)

5. MANAGEMENT REPORTS

5.10 Amendment C103 – Consideration of Panel Report and Adoption of Amendment (Continued)

Victorian Charter of Human Rights and Responsibilities Act 2006 Implications

The Amendment will not contravene this legislation.

Legal/Statutory Implications

All Amendment C103 procedures comply with legislative requirements for amendment preparation, exhibition, submission consideration, panel stage and adoption under the *Planning and Environment Act 1987*.

The amendment is:

1. Consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act.
2. Complies with Minister's Direction No 6, *Rural Residential Development*.
3. Complies with Minister's Direction No 11, *Strategic Assessment of Amendments* and practice note, *Strategic Assessment Guidelines – revised August 2004*.

Under the provisions of Section 27 of the *Planning and Environment Act 1987*, the Council must consider the Independent Planning Panel's Report before deciding whether or not to adopt the amendment.

Council 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 have been identified.

b) Council Plan

There are not direct links to the Council Plan.

c) Other strategic links

No other strategic links have been identified.

Attachments

Nil.

5. MANAGEMENT REPORTS

5.11 Enforcement Order Application – 57- 59 Hogan Street, Tatura

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

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

Summary

A panel beating business trading under the name 'Olds Cool Panel Shop' is currently trading from 57-59 Hogan Street Tatura. There has been no Council approval for the use on the land. The land is located within the Business 1 Zone (B1Z).

The Greater Shepparton Planning Scheme (Scheme) states that use of the land as a panel beating business within the B1Z is a prohibited use. Greater Shepparton City Council is the responsible authority, required by law, to efficiently administer and enforce the Scheme.

The Council's Planning and Development Branch were made aware of the prohibited use through a written complaint from a concerned resident in October 2009.

A Council planning officer investigated the complaint and subsequently advised 'Olds Cool Panel Shop' that the use was prohibited and requested that the business be vacated by 25 August 2010.

'Olds Cool Panel Shop' wrote to the Council on 2 September 2010 requesting an extension of time to relocate. They also advised that the business had only been operating from the site for a period of four years which meant they did not qualify for existing use rights.

The Council's Chief Executive Officer granted 'Olds Cool Panel Shop' an extension until 9 September 2011 to relocate.

An inspection of the premises on 28 September 2011 revealed that 'Olds Cool Panel Shop' was still operating from the land.

Moved by Cr Hazelman

Seconded by Cr Dobson

That based on the information before the Council and having considered all relevant matters as required by the *Planning and Environment Act 1987*, the Council resolves to support the continued enforcement action against 'Olds Cool Panel Shop', and lodge an Enforcement Order with the Victorian Civil and Administrative Tribunal, ordering 'Olds Cool Panel Shop' cease trading immediately, and vacate the business from the land within 30 days of the date of the order.

Cr Polan sought an extension of time for Cr Ryan to speak to the motion.

GRANTED

The motion was put and carried.

5. MANAGEMENT REPORTS

5.11 Enforcement Order Application – 57- 59 Hogan Street, Tatura (Continued)

Cr Muto called a division.

Those voting in favour of the motion: Cr Dobson, Cr Houlihan, Cr Hazelman, Cr Polan and Cr Crawford

Those voting against the motion: Cr Ryan and Cr Muto.

Applicant/Property Details

'Olds Cool Panel Shop' operator rents the premises at 57-59 Hogan Street Tatura.

The land is situated in the B1Z and is in the main street of Tatura.

Allotments located adjacent to the northern and eastern boundaries of the subject property are used for residential purposes, with existing dwellings located onsite.

Shire of Rodney Planning Scheme map shows 57-59 Hogan Street Tatura and adjoining sites along Hogan Street Tatura, were zoned Commercial A Zone. A 'Motor Body Works' was prohibited in that zone.

The site became B1Z under the new format planning scheme on 29 July 1999 under a neutral (no change) translation. Panel Beating is prohibited in the B1Z as an industrial use listed in clause 52.10 (uses with adverse amenity potential).

Proposal in Detail

Greater Shepparton City Council is the responsible authority, required by law, to efficiently administer and enforce the Scheme. Any person who uses or develops land in contravention of or fails to comply with the Scheme is guilty of an offence.

Enforcement action should occur when there is a clear breach of the Scheme, and the breach warrants enforcement, especially if it causes detriment to the community. The main emphasis of enforcement is on obtaining compliance rather than on prosecuting offenders.

The Council's Planning and Development Branch has already commenced enforcement action in this matter. A Council planning officer wrote to 'Olds Cool Panel Shop' in February 2010 advising the use was prohibited, and requested the business be vacated by the 25 August 2010. 'Olds Cool Panel Shop' wrote back to the Council in September 2010 requesting a 6 month extension. The Council's Chief Executive Officer granted 'Olds Cool Panel Shop' an extension until 9 September 2011 to vacate the business.

An inspection of the premises on 28 September 2011 revealed that 'Olds Cool Panel Shop' was still operating from the land.

The Council's Planning and Development Branch seek to lodge the Enforcement Order with the Victorian Civil and Administrative Tribunal (VCAT) due to failure to comply with the Council's requests. Council will be seeking an Enforcement Order for 'Olds Cool Panel Shop' to cease trading immediately and vacate the business from the land within 30 days. It should be noted that although the timeframe for the business to cease trading and vacate the premises may seem short, it is unlikely that the matter will be heard at VCAT before October 2012 given VCAT's current case load. 'Olds Cool Panel Shop' has

5. MANAGEMENT REPORTS

5.11 Enforcement Order Application – 57- 59 Hogan Street, Tatura (Continued)

also already had over two years to relocate since the Councils first notification of the prohibited use and required relocation of the business.

Background

A report of a panel beating business within the B1Z was reported to the Councils Planning and Development Branch in October 2009. The complainant advised of the following issues:

1. *Noise – The building is not sealed on the complainant's side on our side and we can hear all that is happening.*
2. *Pollution – (a) When they spray the cars they do not have a spray booth and on occasions do not shut the roller door which causes respiratory illness for those in my house.*
(b) They have installed a wood heater with a flue through the roof, the flue is not high enough so I cannot open the back door of my house or have my car in the backyard as the smoke and ash fills my backyard and that of my next door neighbour. Both of us cannot hang out clothes on the line either.
3. *Signage has been erected near my fence and takes away from the frontage of my residence as it is quite large and blocks my view.*
4. *Opening hours – Many Sundays – tenants have worked before 9am – usually 7am which means those of us that live around this business are awoken to the sound of a grinder or the roller door going up and down.*

The Councils Planning and Development Branch wrote to 'Olds Cool Panel Shop' in February 2010 advising the operators that the use was prohibited, and requested the business be vacated by the 25 August 2010.

On 3 September 2010 the Councils Economic Development Branch met with 'Olds Cool Panel Shop' to discuss sourcing of alternative premises.

'Olds Cool Panel Shop' wrote to the Councils Chief Executive Officer Phil Pearce in September 2010 requesting a 6 month extension.

The Councils Chief Executive Officer wrote back to 'Olds Cool Panel Shop' on 10 September 2010 advising they had an extension until 9 September 2011 to vacate the business. They were also offered assistance from the Councils Planning and Economic Branch to assist in sourcing alternative premises.

A site inspection of the premises on 28 September 2011 confirmed 'Olds Cool Panel Shop' was still operating from the land.

The matter was referred to the Council Solicitors, Russell Kennedy, on 30 September 2011 to commence legal action.

Russell Kennedy wrote to 'Olds Cool Panel Shop' and the landowners on 10 October 2011 giving 21 days to show cause as to why formal proceedings should not be commenced.

Beck Legal responded to Russell Kennedy on 7 November 2011 on behalf of 'Olds Cool Panel Shop'. Beck Legal advised that their client was still seeking alternate premises to

5. MANAGEMENT REPORTS

5.11 Enforcement Order Application – 57- 59 Hogan Street, Tatura (Continued)

relocate to, and requested that no enforcement action be taken against them until such time.

The Council's Economic Development Branch contacted 'Olds Cool Panel Shop' on 28 November 2011 offering assistance in finding a suitable alternative site for the business. A suitable site was not located however Council officers continue to search for a site.

After consultation with Russell Kennedy, Council's Planning and Development Branch now seek to lodge an Enforcement Order with VCAT, ordering 'Olds Cool Panel Shop' cease trading immediately, and vacate the business from the land within 30 days from the date of the order.

The Council's Planning and Development Branch have received a secondary complaint in relation to 'Olds Cool Panel Shop' on 20 January 2012. In summary the issues are:

1. Noise – The building is not adequately sealed and the noise of electric tools, air compressors, and revving of cars is a constant issue.
2. Opening hours – Workers are at the site as early as 7am and after 9pm. They work all days of the week including public holidays.
3. Fumes and seepage – A flue on the roof is creating pollution with burnt paper, soot and smoke filling neighbouring yards. Complainant claims that the fumes from the paint when cars are being sprayed, are making residents of the house sick including headaches from the fumes. As the building is not sealed adequately, paint is washing through to neighbouring properties.
4. Non compliance – Complaint of 'Olds Cool Panel Shop' not following the Council's regulations, as well as EPA Guidelines.
5. Quality of life – Being affected by the prohibited use of panel beating. Some days the complainant is unable to go outside of their own property due to the fumes and smoke.

Assessment under the Planning and Environment Act

Clause 34.01 Business 1 Zone – The purpose is to encourage the intensive development of business centres for retailing and other complementary commercial, entertainment and community uses.

Clause 34.01-2 Use of Land - states the following:

Amenity of the neighbourhood - A use must not detrimentally affect the amenity of the neighbourhood, including through the:

1. Transport of materials, goods or commodities to or from the land.
2. Appearance of any building, works or materials.
3. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

Clause 52.01 Uses With Adverse Amenity Potential – The purpose is to define those types of industries and warehouses which if not appropriately designed and located may cause offence or unacceptable risk to the neighbourhood.

61.01 Administration and enforcement of this Scheme - The responsible authority for the administration and enforcement of this Scheme or a provision of this Scheme is specified in this clause and the schedule to this clause.

5. MANAGEMENT REPORTS

5.11 Enforcement Order Application – 57- 59 Hogan Street, Tatura (Continued)

Schedule to Clause 61.01 - Responsible authority for administering and enforcing this Scheme: The Greater Shepparton City Council is the responsible authority for administering and enforcing the Scheme, except for matters specified in Clause 61.01-1 and matters listed in the schedule.

The land is located within the B1Z.

The use of the land for panel beating has been defined as Industry which is defined under the Scheme as land used for any of the following operations:

- any process of manufacture
- dismantling or breaking up of any article
- treating waste materials
- winning clay, gravel, rock, sand, soil, stone, or other materials (other than Mineral, stone, or soil extraction
- laundering, repairing, servicing or washing any article, machinery, or vehicle, other than on-site work on a building, works, or land; or
- any process of testing or analysis
- If on the same land as any of these operations, it also includes:
- storing goods used in the operation or resulting from it
- providing amenities for people engaged in the operation
- selling by wholesale, goods resulting from the operation and
- accounting or administration in connection with the operation
- If Materials recycling, goods resulting from the operation may be sold by retail.

Within the B1Z, the use of Industry is a section 2 Use. A section 2 use requires a permit, however any condition opposite the use must be met. If the condition is not met, the use is prohibited. The Scheme states that within the B1Z, the use of Industry requires a permit, however must not be listed in the table to Clause 52.10 Uses With Adverse Amenity Potential. The use of Panel Beating is listed in Clause 52.10, making it a prohibited use in the B1Z.

The use of the land for Panel Beating does not qualify for existing use rights. Information provided to the Council on 2 September 2010 by 'Olds Cool Panel Shop' stated they had only been operating from the site for a period of four years. Under Clause 63.01 and Clause 63.11 of the Scheme, existing use rights only apply where proof of continuous use of the site is established for a period of 15 years.

The Councils Planning and Development Branch is now seeking an Enforcement Order for 'Olds Cool Panel Shop' to cease trading immediately and vacate the business from the land within 30 days of the date of the order for the following reasons:

- The use of the land for Panel Beating is not consistent with the purpose of *Clause 34.01 Business 1 Zone* – which is:
- to encourage the intensive development of business centres for retailing and other complementary commercial, entertainment and community uses.
- The use of the land for Panel Beating is not consistent with *Clause 34.01-1 – Section 2 – Permit required* which states:

5. MANAGEMENT REPORTS

5.11 Enforcement Order Application – 57- 59 Hogan Street, Tatura (Continued)

- The use of Industry must not be a purpose listed in the table to Clause 52.10.
- The use of the land for Panel Beating is not consistent with *Clause 34.01-2 Use of Land – Amenity* of the neighbourhood which includes:
- A use must not detrimentally affect the amenity of the neighbourhood, including through the:
- Transport of materials, goods or commodities to or from the land
- Appearance of any building, works or materials
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

Risk Management

Continuing enforcement action in this matter may not be a popular political decision and may attract negative media and community feedback, however Council is the responsible authority required by law to enforce the Scheme.

If the Councils Planning and Development Branch take no action in this matter, the Council may also be liable for action taken by the complainant regarding the reported potential health impacts.

Policy Implications

There are no conflicts with existing Council policy.

Financial Implications

Solicitor Fees – the Council will be responsible for any fees incurred from legal advice and assistance in this matter from Russell Kennedy.

VCAT Fees - In the event of lodging an Enforcement Order with VCAT, Section 109(1) of the *Victorian Civil and Administrative Tribunal Act 1998* states that parties must bear their own costs.

Victorian Charter of Human Rights and Responsibilities Act 2006 Implications

If the Council choose to continue enforcement action, the proposal does not limit any of the human rights provided for under the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

Alternatively, if the Council choose not to continue enforcement action this could be limiting the human rights of the complainant provided for under this Act.

Legal/Statutory Implications

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

Consultation

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

Strategic Links

a) Greater Shepparton 2030 Strategy

No relevant strategies identified.

5. MANAGEMENT REPORTS

5.11 Enforcement Order Application – 57- 59 Hogan Street, Tatura (Continued)

b) Council Plan

Key Strategic objective – Community Life strategies

(9) Develop and pursue strategies to improve community health and wellbeing

c) Other strategic links

No other strategic links have been identified.

Attachments

Map of site.

Aerial map of site.

Photos taken of site on 28 September 2011.

Photos taken of site on 19 January 2012.

5. MANAGEMENT REPORTS

5.12 Amendment C148 – Consideration of Panel Report and Adoption of Amendment

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

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

Summary

The purpose of Amendment C148 is to allow VicRoads to acquire land, to facilitate the duplication of an existing roundabout at the corner of Benalla Rd (Midland Hwy) and Doyles Rd and for the future duplication of Doyles Rd north of Benalla Rd (Midland Hwy). The proposal is part of a larger project to duplicate Benalla Rd (Midland Hwy) between Florence St and Orrvale Rd.

The amendment was exhibited and seven submissions were received. Two of the submissions objected to the amendment and as a result, all submissions were referred to an Independent Planning Panel.

The Independent Planning Panel, appointed by the Minister to consider the submissions, has made its determination following the Panel hearing held on 14 November 2011.

The recommendation of the Independent Planning Panel is that “Amendment C148 to the Greater Shepparton Planning Scheme be adopted generally as exhibited but with minor changes to the area of application as shown in this report”.

Moved by Cr Houlihan Seconded by Cr Dobson

That having considered the Panel Report in accordance with Section 27(1) of the *Planning and Environment Act 1987*, the Council:

1. Adopt the Panel Report for Amendment C148;
2. Adopt Amendment C148, with the changes recommended by the Panel; and
3. In accordance with Section 31 of the *Planning and Environment Act 1987*, submit Amendment C148 to the Greater Shepparton Planning Scheme to the Minister for approval.

CARRIED

Proposal in detail

Amendment C148 relates to 1,469m² of land at 293-295 Benalla Road, Shepparton. The Amendment has been made at the request of CPG on behalf of VicRoads. The Amendment proposes to include the land within a Public Acquisition Overlay, to facilitate the future acquisition of the land by VicRoads for the duplication of both Doyles Road, and the existing roundabout at the intersection of Benalla Road / Midland Highway and Doyles Road. Following acquisition, the land will be rezoned to Road Zone Category 1.

5. MANAGEMENT REPORTS

5.12 Amendment C148 – Consideration of Panel Report and Adoption of Amendment (Continued)

Amendment C148 proposes to:

- Introduce a new map into the Planning Scheme to include the subject land in the Public Acquisition Overlay (PAO19)
- Amend the schedule to the Public Acquisition Overlay (at Clause 45.01) to include VicRoads as an acquiring authority; and
- Amend the Schedule to Clause 61.03 to include a new map

Panel report

The Amendment was exhibited and seven submissions were received. Four of the submissions were from the relevant public authorities, none of whom objected to the Amendment. One submission was from the Minister for Environment and Climate Change (through the Department of Sustainability and Environment), who did not object to the Amendment. Two submissions were received objecting to the Amendment; from a spokesperson, on behalf of the owner of the affected land, and from one of the land owners, on behalf of the other owners of the land. The submissions were referred to an Independent Planning Panel.

The spokesperson's submission concerned the future acquisition of the land as part of his assets and the impact that the acquisition will have on the Landmark business that is currently operating on the land. The Independent Planning Panel accepted the rationale for the location of the Public Acquisition Overlay and concluded that the processes for compensation should provide a just and equitable outcome for the spokesperson.

One of the land owners submission related to the potential impact that the works may have on the proposed use and development of his own land. The Independent Planning Panel concluded that the issues raised by an owner of the land were outside the scope of the Amendment.

The Council supports the Amendment on the basis that it addresses the policy objectives of the Greater Shepparton Planning Scheme that focus on the provision of safe and efficient infrastructure, and the development of an integrated road network which will minimise intrusive traffic volumes / movements into Shepparton (including road widening where appropriate).

After considering the submissions, the Independent Planning Panel stated that the duplication of the Doyles Road roundabout is strategically justified in planning terms, owing to existing and predicted traffic volumes. It was concluded that the use of a Public Acquisition Overlay is the most appropriate tool to achieve the desired outcome. The Independent Planning Panel recommends adopting Amendment C148 with minor changes including:

1. A minor increase in the area of the Public Acquisition Overlay related to a correction to the survey plan; and
2. An increase in the area of the Public Acquisition Overlay of 16m² to allow for a footpath on the verge of the west side of Doyles Road.

These changes were provided by VicRoads to Mr Caverzan, who provided no further comments on the plan and no further submission was received.

5. MANAGEMENT REPORTS

5.12 Amendment C148 – Consideration of Panel Report and Adoption of Amendment (Continued)

Assessment under the Planning and Environment Act 1987

Under Section 12(1)(a) and (b) of the *Planning and Environment Act 1987*, the Council, as the responsible authority, must implement the objectives of planning in Victoria and provide sound, strategic and coordinated planning of the use and development of land in its area.

All Amendment C148 procedures comply with legislative requirements for amendment preparation, exhibition, submission consideration, panel stage and adoption under the *Planning and Environment Act 1987*.

Under Section 27 of the Act, the planning authority must consider the Independent Planning Panel's Report before deciding whether or not to adopt the amendment.

A planning authority adopts an amendment pursuant to Section 29 of the Act, with or without changes.

Risk management

There are no known risks associated with the Amendment.

Policy implications

There are no conflicts with existing Council policy.

Financial implications

There are no financial implications for Council. In accordance with Regulations 6(5), (6), (7) and (8) of the *Planning and Environment (Fees) Regulations 2000*, the proponent of the amendment is responsible for all fees associated with the amendment process. In accordance with Section 156(3) of the *Planning and Environment Act 1987*, the proponent is required to meet all costs associated with the independent planning panel. In accordance with Section 109 of the *Planning and Environment Act 1987*, as the acquisition authority, VicRoads will be responsible for any costs associated with acquisition of the land.

Victorian Charter of Human Rights and Responsibilities Act 2006 implications

This proposal does not limit any of the human rights provided for under the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Legal/Statutory implications

All Amendment C148 procedures comply with legislative requirements for amendment preparation, exhibition, submission consideration, panel stage and adoption under the *Planning and Environment Act 1987*.

The amendment is:

- Consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act.
- Complies with Minister's Direction No 11, *Strategic Assessment of Amendments* and accompanying practice note, *Strategic Assessment Guidelines – revised August 2004*.

Under the provisions of Section 27 of the *Planning and Environment Act 1987*, the Council must consider the Independent Planning Panel's Report before deciding whether

5. MANAGEMENT REPORTS

5.12 Amendment C148 – Consideration of Panel Report and Adoption of Amendment (Continued)

or not to adopt the amendment.

Consultation

The amendment was placed on exhibition from 10 March 2011 until 11 April 2011. Notices appeared in both the Government Gazette and the Shepparton News.

As required by the *Planning and Environment Act 1987*, formal notice of Amendment C148 was given to the prescribed Ministers, relevant referral and statutory authorities and affected landowners.

Strategic links

a) Greater Shepparton 2030 Strategy

Any arterial road upgrades must be integrated with the route of the Shepparton Bypass. Integration with the Shepparton Bypass will ensure that clear linkages are available from the Shepparton Bypass to the preferred arterial road network to reduce local traffic intrusion in future years as well as prior to the development of the bypass.

b) Council Plan

Strategic Objective 5 – Infrastructure, Point 26 pursues the duplication of major highway entrances to Shepparton and Mooroopna.

The southern and western approaches to Shepparton and the eastern approach to Mooroopna have been significantly upgraded over the past few years, improving their appearance and traffic flow. Further work still needs to be done however, to upgrade the eastern and northern approaches to Shepparton, particularly as retail development extends east along Benalla Road and the western entrance to Mooroopna.

We will lobby the Victorian Government and VicRoads to extend the duplication of Benalla Road Shepparton and McLennan Street, Mooroopna, in order to improve road safety, support business development and improve the overall appearance of these busy highways.

Clause A states that in the next four years of the Plan's adoption to:

- Support VicRoads in seeking funding for the duplication of Benalla Road from Florence Street to Doyles Road.

c) Other strategic links

No other strategic links have been identified

Attachments

Nil

6. TABLED MOTIONS

Nil.

7. REPORTS FROM COUNCIL DELEGATES TO OTHER BODIES

Nil.

8. REPORTS FROM SPECIAL COMMITTEES AND ADVISORY COMMITTEES

Nil.

9. NOTICES OF MOTION, AMENDMENT OR RESCISSION**Notice of Motion 1/2012 – Cr Houlihan**

Moved by Cr Houlihan
Seconded by Cr Crawford

That a report be provided to Council which documents the positive and negative effects of banning smoking in outdoor dining areas in Greater Shepparton.

The report:

- a) must address relevant health, environmental, social, economic, and governance matters and
- b) be included on the agenda of the March or April 2012 Ordinary Council meeting.

Cr Muto left the room at 2.31pm

The motion was put and carried.

Cr Muto returned to the room at 2.35pm

10. DOCUMENTS FOR SIGNING AND SEALING

Nil.

11. COUNCILLOR ACTIVITIES

11.1 Councillors' Community Interaction and Briefing Program

From 8 December 2011 to 23 January 2012, some or all of the Councillors have been involved in the following activities:

- Murray Darling Basin Authority Public meeting
- Regional Issues Meeting with Ministers Powell and Napthine
- Disability Awareness Silent Morning Tea
- 'Shepparton Show Me' meeting
- International Dairy week opening

Councillors were also briefed on the following matters:

- Asset Management Presentation
- Off Leash Dog Park
- Cultural Diversity and Inclusion Strategy
- Library Redevelopment Proposal
- Victoria Park Lake issues

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

Moved by Cr Muto
Seconded by Cr Hazelman

That the summary of the Councillors' community interaction and briefing program be received.

CARRIED

Attachments

Assemblies of Councillors Records

- Short Discussion Session – 17 January 2012
- Short Discussion Session – 6 December 2011
- Short Discussion Session – 13 December 2011
- Short Discussion Session - 20 December 2011
- Art Gallery Advisory Committee Meeting – 19 October 2011
- Meeting with Ministers Napthine and Powell – 11 January 2012
- Record of Assembly of Councillors – Women's Charter Alliance planned meeting – 16 December 2011
- Women's Charter Alliance Planned Meeting – 23 January 2012
- Short Discussion Session – 24 January 2012

12 URGENT AND OTHER BUSINESS NOT INCLUDED ON THE AGENDA

Nil.

13. PUBLIC QUESTION TIME

Question 1 (John Gray)

According to Council's website a list, which has been there for in excess of six months at least, entitled "Our Mayors from 1927 to 2011", without acknowledging vastly different and vastly expanded geographic boundaries since November 1993, shows the former mayors of the former City of Shepparton, preceding the mayors of the Greater Shepparton City Council. No reference is made to the former titular heads of former Shire of Shepparton and Rodney, whose municipalities, with a minor excision from Rodney of a few square kilometres to Campaspe, together with very small portions of the former Shires of Tungamah, Violet Town, Euroa, Goulburn and Waranga, provided the bulk of Greater Shepparton's current domain.

In the interests of historical fact and the rejection of any grounds for residents, living outside of the former small area of the former City of Shepparton, deeming Council as "Sheppcentric", can the website list be appropriately corrected?

Response

This was unintentional, the list has been removed from the website and will be reinstated once the research has been completed and the list has been updated to include past Shire presidents of the former Shire of Shepparton and Shire of Rodney. Council will also acknowledge the inclusion of the small portion of the other municipalities, however will not list the Shire presidents from the former municipalities.

Question 2 (John Gray)

Following the formation of two more "advisory" committees at Council's January Ordinary Meeting can you please verbally indicate how many committees Council has in the following categories – Council internal committees, statutory committees, advisory committees and committees under Section 86 of the Local Government Act? Further would you please provide a list via email of all those committees?

Response

There are currently:-

19 - Advisory Committees

21 - Section 86 Committees

1 - Statutory Committees

The full list will be emailed to you at the conclusion of this meeting.

14. CONFIDENTIAL MANAGEMENT REPORTS

14.1 Designation of Confidentiality of Information – Report Attachments

Moved by Cr Dobson

Seconded by Cr Ryan

In accordance with section 77(2)(b) of the *Local Government Act* 1989 (the Act) the Council designates as confidential all documents used to prepare the following agenda item 14.1 'Contract No. 1364 – Rehabilitation of the Murchison Landfill' and designated by the Chief Executive Officer or his delegate in writing as confidential under section 77(2)(c) of the Act. These documents relate to contractual matters, which is a relevant ground applying under section 89(2)(d) of the Act.

CARRIED

MEETING CLOSED 2.39PM.

CONFIRMED

CHAIR

COUNCILLORS' EXPENSE REPORT FOR JANUARY 2011

	December	January	Total
<u>Geoff Dobson</u>			
Telephone Rent	\$40.86	\$40.86	\$154.77
Internet Connection			\$0.00
SMS	\$2.96	\$2.60	\$26.87
Calls	\$96.44	\$97.44	\$542.43
Travel			\$22.00
Other			\$1,316.10
Allowance	\$5,923.63		\$40,656.05
Vehicle			\$7,535.00
	\$6,063.89	\$140.90	\$50,253.22
<u>Kevin Ryan</u>			
Telephone Rent	\$40.86	\$40.86	\$153.66
Internet Connection	\$34.50	\$34.50	\$241.50
SMS			\$26.63
Calls	\$50.60	\$120.58	\$414.79
Travel			\$0.00
Other			\$24.33
Allowance	\$5,923.63		\$17,642.35
	\$6,049.59	\$195.94	\$18,503.26
<u>Jenny Houlihan</u>			
Telephone Rent	\$9.09	\$9.09	\$58.35
Internet Connection	\$50.00	\$50.00	\$350.00
SMS	\$1.65	\$1.42	\$18.36
Calls	\$54.63	\$56.77	\$362.55
Travel			\$0.00
Other			\$654.55
Allowance	\$5,923.63	\$443.26	\$18,085.61
	\$6,039.00	\$560.54	\$19,529.42
<u>Milvan Muto</u>			
Telephone Rent	\$40.86	\$40.86	\$154.77
Internet Connection		\$160.00	\$472.73
SMS	\$12.29	\$17.01	\$101.61
Calls	\$123.10	\$96.58	\$651.90
Travel			\$0.00
Other			\$12.72
Allowance	\$5,923.63		\$17,642.35
	\$6,099.88	\$314.45	\$19,036.08
<u>Michael Polan</u>			
Telephone Rent	\$40.86	\$40.86	\$154.77
Internet Connection			\$0.00
SMS	\$12.29	\$14.30	\$26.59
Calls	\$74.64	\$74.54	\$156.39
Travel			\$0.00
Other	\$100.00	\$14,518.18	\$14,618.18
Allowance	\$19,796.30	\$489.09	\$32,004.11
Vehicle	\$1,507.00	\$1,507.00	\$3,014.00
	\$21,531.09	\$16,643.97	\$49,974.04
<u>Cherie Crawford</u>			
Telephone Rent	\$40.86	\$40.86	\$154.77
Internet Connection	\$50.00	\$50.00	\$350.00
SMS			\$0.00
Calls	\$29.34	\$22.96	\$157.77
Travel			\$1,290.86
Other			\$0.00
Allowance	\$5,923.63		\$17,642.35
	\$6,043.83	\$113.82	\$19,595.75
<u>Chris Hazelman</u>			
Telephone Rent	\$36.31	\$36.31	\$140.05
Internet Connection	\$49.99	\$49.99	\$349.93
SMS	\$3.54	\$2.12	\$17.31
Calls	\$61.16	\$40.90	\$611.69
Travel			\$0.00
Other	\$875.36		\$2,167.50
Allowance	\$5,923.63		\$17,642.35
	\$6,949.99	\$129.32	\$20,928.83
Catering	\$1,130.27	\$2,290.10	\$13,281.37
Total	\$59,907.54	\$20,389.04	\$211,101.97

Councillors travel from different locations in the municipality to attend to Council business. This means different travel costs are reimbursed.

Catering includes catering for all Council meetings and briefings, together with civic functions and receptions.

Councillors also attend conferences and there may be travel costs associated with these conferences.

FINANCIAL STATEMENTS

2011-2012 FINANCIAL YEAR TO DATE AT
31 JANUARY 2012

TABLE OF CONTENTS

Financial Narrative	1
Income Statement	3
Balance Sheet	4
Cash Flow Statement	5
Operating Budget vs Actual	6
Capital Budget vs Actual	7
Budget vs Actual Notes	8
Investments Summary	10
Comparative Sundry Debtors	12
Comparative Rates Debtors	13

Greater Shepparton City Council

Financial Narrative**31 January 2012****Summary**

As at 31 January 2012, Greater Shepparton City Council reports an operating surplus of \$24.8m, which is \$3.6m higher than expected. This surplus comprises revenue of \$79.8m and expenditure of \$55m. The end-of-year forecast indicates that the operating surplus will be \$7.9m, \$3.4m more than the Revised Budget.

Capital expenditure totalling \$17.3m has been recorded to 31 January 2012. This equates to 48% of the capital expenditure budget, with a little more than half of the year passed. The end-of-year forecast for capital expenditure indicates that \$36.0m is required for works, which is \$0.1m more than the Revised Budget of \$35.9m. It should be noted that the forecasts are predictions of future capital expenditure and that final formal requests for additional expenditure will be submitted to the Mid-Year Budget Review process.

Income Statement

Operating revenue of \$79.8m is \$2.1m ahead of budget, while operating expenses of \$55m are \$1.5m under budget. The end-of-year forecast estimates that an additional \$4.6m of revenue is expected to be received, while expenditure is forecast to be over by \$1.2m.

1 Capital Grants and Contributions are \$0.67m ahead of budget. This is largely due to:

- Arts and Culture receiving R.D.V. Grants of \$0.6m for the Art Gallery upgrade.
- An unbudgeted \$0.01m contribution has been received for works undertaken on water mains
- The \$0.25m grant for the Vaughan St precinct has not been received due to delays with the project.

The end-of-year forecast for Capital Grants and Contributions has been increased to reflect the receipt of the unbudgeted grants from government funding from the LGIP Program (\$2.0m) and the Art Gallery upgrade (\$0.9m).

2 User Charges are \$0.69m ahead of budget. This is largely due to:

- Children's Services reviewing the distribution of income between user charges and grants.
- Town Planning experiencing higher income than anticipated, primarily due to unbudgeted income of \$0.13m for the Infrastructure Design Manual Working Group and general fees associated with subdivisions being ahead of budget \$0.05m

The User Charges' end-of-year forecast has been adjusted to reflect this additional income.

3 Materials and Consumables are \$0.69m behind budget. The most significant variances include:

- Emergency Management which is running \$0.42m behind budget due to less flood-related repairs than anticipated.
- Waste Management costs are lower than anticipated \$0.1m, in part due to lower usage at the Cosgrove Landfill site.
- The contributions to the Murchison Pool have not yet been fully paid, so reflect \$0.12m behind budget.

The Materials and Consumables forecast has been increased and includes \$0.26m for repairs to the Velodrome (fully funded by insurance contributions), \$0.25m for a contribution to the Mooroopna Historical Society (\$0.2m of this is funded), \$0.22m for the COAG Healthy Communities Project (fully funded by grant income), \$0.2m for the contribution to the Rumbalara Shared Path, \$0.2m for maintenance on Council buildings, and \$0.12m for Town Planning project work. Emergency Management has reduced its forecast to reflect less expenditure on flood-related repairs.

4 External Contracts are \$0.62m behind budget. The most significant variances are:

- Home Care is \$0.26m behind budget. A reconciliation of payments has been completed, with an additional payment to be made as well as forecasts to be reduced. These adjustments will bring this program back in line.
- Contribution to the GV Regional Library is \$0.13m behind budget, however will be brought back in line when the contribution is paid during February.
- Waste management is \$0.14m behind budget in the area of concrete crushing. This will be adjusted for as part of the Mid Year Review process.

The end-of-year forecast has been decreased to allow for savings in other areas.

Greater Shepparton City Council

Financial Narrative

31 January 2012

Balance Sheet

- 5 Receivables have increased by \$26.2m due to Rates and Charges being raised in July 2011.
- 6 Investments have declined by \$13.8m due to the redemption of a term deposit and the utilisation of cash for capital works and operations. Investments will increase to higher levels again in February with rates and grants commission funding falling due.
- 7 Payables have declined by \$2.8m largely due to the reduction in accrued expenses from 30 June 2011.
- 8 Total Equity has increased by \$24.8m, to \$666.7m, for the financial year to 31 January 2012.

Investments

Investments remain stable and at expected levels of \$12.7m. Investments will increase upon receipt of rates instalments and grants commission funding.

The average interest rate on investments is 5.5%.

Capital

Capital revenue of \$3.7m is \$0.6m ahead of budget, while capital expenditure of \$17.3m is \$1.6m behind budget. There are a number of individual items which explain these variances and these are provided in detail on page 8 of this report.

Managers are forecasting that the capital works program will cost \$36.0m, which is \$0.1m higher than budget. The capital income forecast has increased by \$0.1m. However, it should be noted that the forecasts are predictions of future capital expenditure and that final formal requests for budget adjustments will be submitted as part of the Mid-Year Budget Review process. The main drivers of the end-of-year forecast increase relate to the areas below:

Greater Shepparton City Council
Income Statement
for period ending January 2012

	2011/2012 Forecast	2011/2012 Revised Budget	2011/2012 YTD Budget	2011/2012 YTD Actual	2011/2012 YTD Variance (Fav)/Unfav	2011/2012 YTD Variance (Fav)/Unfav	Note
	\$	\$	\$	\$	\$	%	
Revenue							
Rates and Charges	53,779,568	53,479,568	53,379,568	53,732,063	(352,495)	(0.7%)	
Operating Grants and Contributions	19,623,859	18,524,501	10,129,595	10,539,497	(409,902)	(4.0%)	
Capital Grants and Contributions	8,729,894	5,860,000	2,875,350	3,542,070	(666,720)	(23.2%)	1
Interest	1,646,930	1,476,930	650,730	734,042	(83,312)	(12.8%)	
User Charges	12,729,507	12,536,814	7,046,503	7,733,029	(686,526)	(9.7%)	2
Statutory Fees	2,381,865	2,417,365	1,122,903	1,124,820	(1,917)	(0.2%)	
Proceeds from Sale of Assets	1,539,000	1,514,000	298,000	123,075	174,925	58.7%	
Other	1,085,051	1,100,140	616,779	774,603	(157,824)	(25.6%)	
Parking Fees and Fines	1,914,600	1,929,600	1,125,145	1,008,618	116,527	10.4%	
Rent	688,218	638,392	428,424	503,207	(74,783)	(17.5%)	
Total Revenue	104,118,492	99,477,310	77,672,997	79,815,025	(2,142,028)	(2.8%)	
Expenses							
Employee Benefits	35,634,985	35,839,037	20,861,859	20,846,283	(15,576)	(0.1%)	
Materials and Consumables	27,831,635	25,968,823	16,411,906	15,724,369	(687,537)	(4.2%)	3
External Contracts	10,457,028	10,640,998	6,246,020	5,624,889	(621,131)	(9.9%)	4
Utilities	2,356,241	2,423,860	1,402,820	1,255,316	(147,504)	(10.5%)	
Borrowing Costs	1,075,134	1,235,134	562,504	555,132	(7,372)	(1.3%)	
Depreciation and Amortisation	18,650,763	18,650,763	10,884,727	10,879,610	(5,117)	(0.0%)	
Written Down Value of Assets Sold	183,800	183,800	107,177	105,153	(2,024)	(1.9%)	
Total Expenses	96,189,585	94,942,415	56,477,013	54,990,752	(1,486,261)	(2.6%)	
Surplus/(Deficit) for the period	7,928,907	4,534,895	21,195,984	24,824,273	(3,628,289)	(17.1%)	

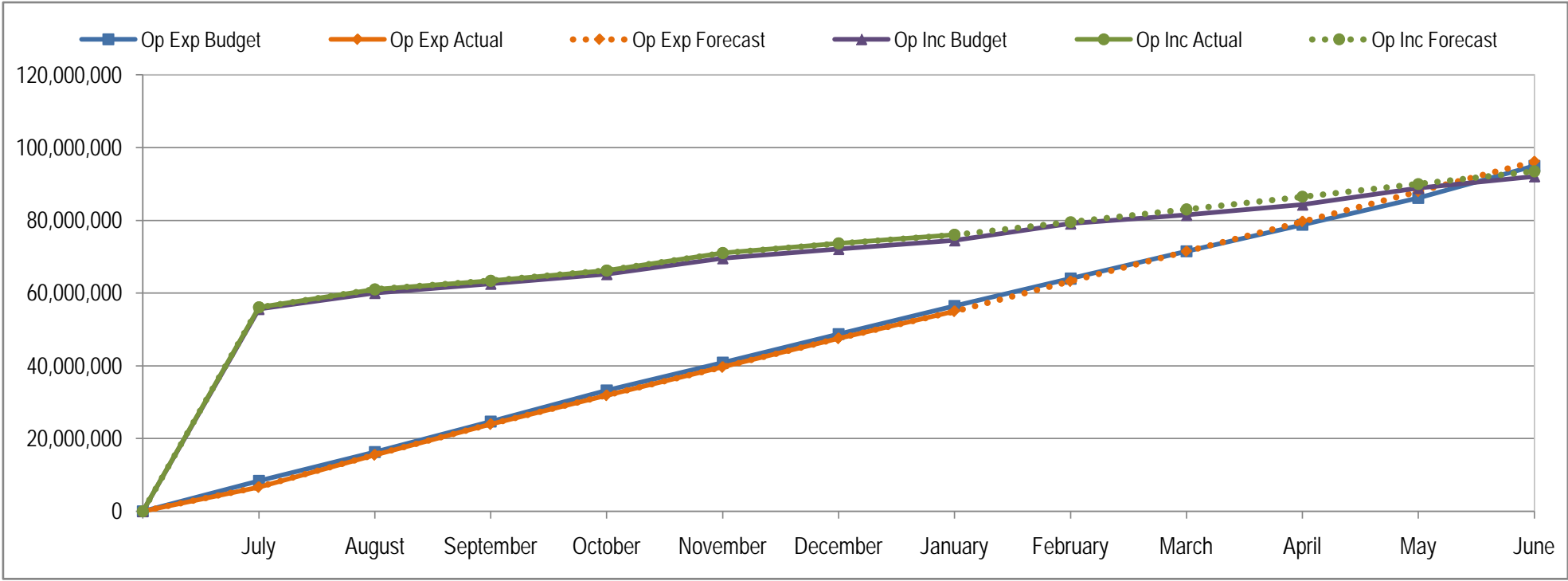
Greater Shepparton City Council
Balance Sheet
for period ending January 2012

	2011/2012 Revised Budget \$	June 2011 \$	January 2012 \$	Note
Current Assets				
Cash	3,082,000	2,017,104	3,344,829	
Receivables	5,402,000	6,129,104	32,321,325	5
Investments	17,293,000	26,554,082	12,694,528	6
Other	492,000	74,396	214,130	
Non Current Assets Held for Resale	72,000	-	-	
Total Current Assets	26,341,000	34,774,685	48,574,813	
Non Current Assets				
Receivables	8,000	0	0	
Infrastructure	678,373,000	637,096,890	644,912,895	
Other	2,386,000	1,371,049	1,371,049	
Total Non Current Assets	680,767,000	638,467,939	646,283,944	
Total Assets	707,108,000	673,242,625	694,858,757	
Current Liabilities				
Payables	11,371,000	7,744,926	4,863,335	7
Interest Bearing Liabilities	384,000	83,528	(121,583)	
Trust Funds	2,386,000	2,407,101	2,066,443	
Employee Benefits	6,473,000	7,290,255	7,268,148	
Other	335,000	-	242,152	
Total Current Liabilities	20,949,000	17,525,811	14,318,495	
Non Current Liabilities				
Payables	363,000	268,417	268,417	
Employee Benefits	711,000	731,778	731,778	
Interest Bearing Liabilities	18,199,000	12,824,518	12,823,693	
Total Non Current Liabilities	19,273,000	13,824,713	13,823,889	
Total Liabilities	40,222,000	31,350,524	28,142,384	
Net Assets	666,886,000	641,892,101	666,716,374	
Represented By				
Accumulated Surplus	289,781,000	283,271,194	308,095,467	
Reserves	377,105,000	358,620,906	358,620,906	
Total Equity	666,886,000	641,892,100	666,716,373	8

Greater Shepparton City Council
Cash Flow Statement
for period ending January 2012

	2011/2012 Revised Budget \$	2011/12 Actual January 2012 \$
<i>Cash flows from operating activities</i>		
Receipts from customers	72,102,000	38,264,302
Payments to suppliers	(75,057,000)	(47,232,285)
Net cash inflow(outflow) from customers(suppliers)	(2,955,000)	(8,967,983)
Interest received	1,477,000	734,042
Government receipts	21,433,000	14,081,568
Other	(1,280,000)	503,207
Net cash inflow(outflow) from operating activities	18,675,000	6,350,834
<i>Cash flows from investing activities</i>		
Property, plant & equipment, infrastructure - receipts	1,514,000	123,075
Property, plant & equipment, infrastructure - payments	(35,935,000)	(18,800,768)
Net cash inflow(outflow) from investing activities	(34,421,000)	(18,677,692)
<i>Cash flows from financing activities</i>		
Proceeds from interest bearing loans and borrowings	6,000,000	-
Repayment of interest-bearing loans and borrowings	(325,000)	(205,936)
Net cash inflow(outflow) from financing activities	5,675,000	(205,936)
Net increase(decrease) in cash and equivalents	(10,071,000)	(12,532,795)
Cash and equivalents at the beginning of the year	30,446,000	28,571,185
Cash and equivalents at the end of the year	20,375,000	16,038,391

Greater Shepparton City Council
Operating Budget vs Actual
 2011/2012 Financial Year to period ending January 2012



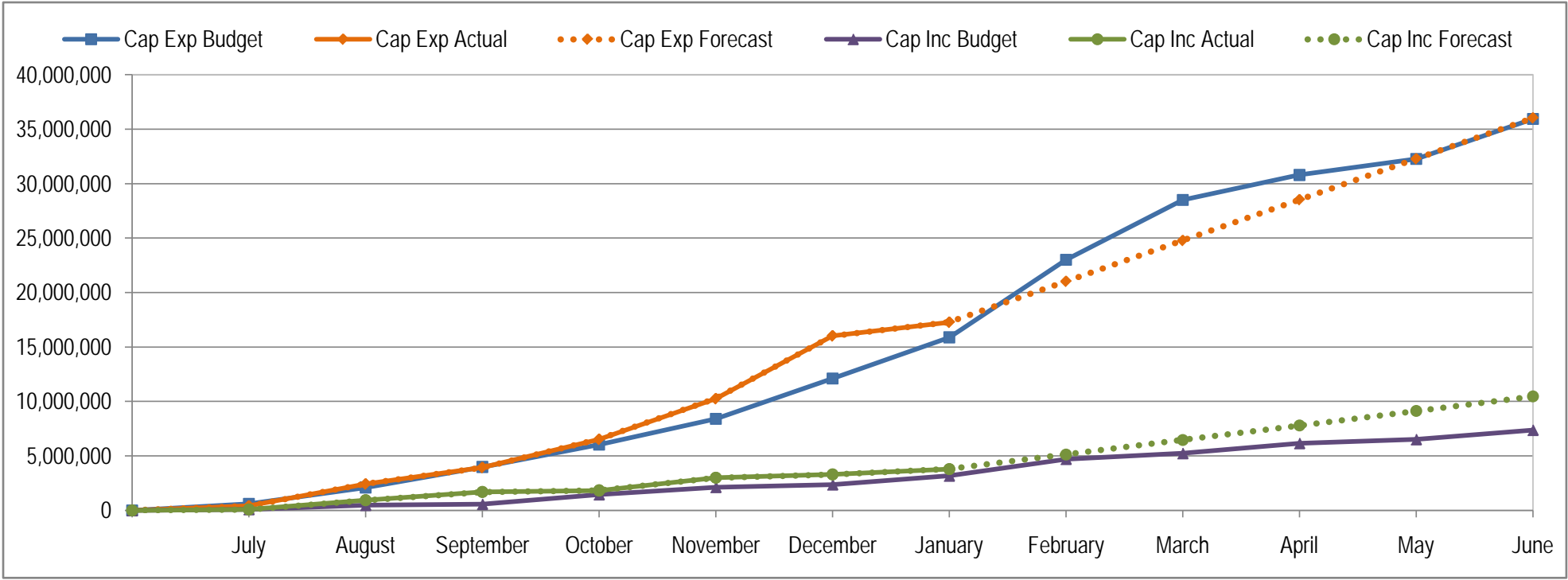
Expenditure

Strategic Objective	2011/2012 E.O.Y. Forecast	2011/2012 Revised Budget	2011/2012 YTD Budget	2011/2012 YTD Actuals	2011/2012 YTD Variance (Fav.)/Unfav.		
					Variance \$	Variance %	Note
Community Life	35,606,355	35,125,712	20,540,091	19,668,321	(871,770)	(4.2%)	1
Council Organisation and Management	14,095,241	13,677,286	8,523,071	8,718,778	195,707	2.3%	
Economic Development	6,172,188	6,310,706	4,043,288	3,737,961	(305,327)	(7.6%)	2
Environment	11,648,171	11,443,448	6,662,810	6,193,845	(468,965)	(7.0%)	3
Infrastructure	22,753,228	22,747,156	13,496,277	13,163,998	(332,279)	(2.5%)	
Settlement and Housing	5,868,609	5,638,107	3,211,476	3,507,849	296,373	9.2%	
Grand Total	96,143,792	94,942,415	56,477,013	54,990,752	(1,486,261)	(2.6%)	

Income

Strategic Objective	2011/2012 E.O.Y. Forecast	2011/2012 Revised Budget	2011/2012 YTD Budget	2011/2012 YTD Actuals	2011/2012 YTD Variance (Fav.)/Unfav.		
					Variance \$	Variance %	Note
Community Life	17,781,658	17,206,946	9,598,478	9,381,308	217,170	2.3%	
Council Organisation and Management	57,449,505	56,607,473	51,420,930	52,719,215	(1,298,285)	(2.5%)	4
Economic Development	3,050,901	2,946,430	1,714,397	2,018,334	(303,937)	(17.7%)	5
Environment	11,248,408	11,504,500	9,564,892	9,621,399	(56,507)	(0.6%)	
Infrastructure	2,241,264	2,213,061	1,326,468	1,212,050	114,418	8.6%	
Settlement and Housing	1,714,600	1,624,900	874,482	1,064,007	(189,525)	(21.7%)	
Grand Total	93,486,336	92,103,310	74,499,647	76,016,313	(1,516,666)	(2.0%)	

Greater Shepparton City Council
Capital Budget vs Actual
 2011/2012 Financial Year to period ending January 2012



Expenditure

Strategic Objective	2011/2012 E.O.Y. Forecast	2011/2012 Revised Budget	2011/2012 YTD Budget	2011/2012 YTD Actuals	2011/2012 YTD Variance (Fav.)/Unfav.		
					Variance \$	Variance %	Note
Community Life	7,263,976	7,266,650	4,252,492	3,493,920	(758,572)	(17.8%)	6
Council Organisation and Management	445,000	445,000	374,000	326,049	(47,951)	(12.8%)	
Economic Development	7,833,981	7,904,600	4,768,104	4,031,177	(736,927)	(15.5%)	7
Environment	3,925,100	3,902,500	1,820,870	1,102,522	(718,348)	(39.5%)	8
Infrastructure	13,846,625	13,765,870	7,149,306	8,167,665	1,018,359	14.2%	9
Settlement and Housing	2,705,200	2,650,000	523,077	151,697	(371,380)	(71.0%)	10
Grand Total	36,019,882	35,934,620	18,887,849	17,273,030	(1,614,819)	(8.5%)	

Income

Strategic Objective	2011/2012 E.O.Y. Forecast	2011/2012 Revised Budget	2011/2012 YTD Budget	2011/2012 YTD Actuals	2011/2012 YTD Variance (Fav.)/Unfav.		
					Variance \$	Variance %	Note
Community Life	1,128,600	169,000	0	719,542	(719,542)		11
Council Organisation and Management	0	0	0	0	0		
Economic Development	1,605,685	1,708,000	495,000	307,701	187,299	37.8%	
Environment	372,000	0	0	20,125	(20,125)		
Infrastructure	4,324,873	2,421,000	1,156,350	1,223,606	(67,256)	(5.8%)	
Settlement and Housing	3,029,000	3,076,000	1,522,000	1,527,737	(5,737)	(0.4%)	
Grand Total	10,460,158	7,374,000	3,173,350	3,798,712	(625,362)	(19.7%)	

Greater Shepparton City Council

Budget vs Actual Notes

31 January 2012

OPERATING

Expenditure

- 1 Community Life has underspent in operating by \$0.87m. The notable drivers of this variance are:
 - Aged & Disability Services has a \$0.19k underspend largely due to outstanding contract payments requiring reconciliation, which has been undertaken and will have adjustments made as part of the Mid Year Review process.
 - Aquatic Facilities has a \$0.13m underspend, with the largest contributor being \$0.75m contribution for the Murchison pool, which is not yet paid. Other areas currently underspent are expected to increase spending over the peak Summer period.
 - Arts and Culture reflects an underspend of \$0.4m, primarily in the areas of the Art Museum Indigenous Awards (\$0.8m), the GV Regional Library Contributions (\$0.013m) and Performing Arts & Conventions (\$0.13m) across a number of venues and relates to the timing of the scheduled shows. Expenditure is anticipated to still be in line with budget projections for the full financial year.
 - Children's Services has a \$0.3m underspend, largely due to employee benefits being \$0.18m behind budget. The additional budgeted staffing regulation requirements which commence in 2012 are expected to bring the actuals back in line with the budget, in both salary areas and general expenses associated with programming.
 - Development Facilities have an unbudgeted spend on the Mooroopna Historical Funding for contributions of \$0.25m. This is partially offset by a \$0.2m grant and reflected as part of the Mid Year Budget Review process.
- 2 Economic Development has an underspend of \$0.3m. The notable drivers of this variance are:
 - Development Services has a \$0.3m underspend, due to a number of programs running behind schedule or no longer requiring allocated budgets. Appropriate adjustments will be accounted for as part of the Mid Year Review Process.
- 3 Environment is \$0.47m underspent in operating. The main drivers of this variance are:
 - Environmental Management has a \$0.13m underspend, due to a number of programs including Cities for Climate Protection and Tree Planting/Carbon Sink running behind schedule.
 - Waste Management is underspent by \$0.3m primarily relating to the Cosgrove Landfill which is \$0.26m underspent as a result of generally receiving less waste.

Income

- 4 Council Organisation and Management has received \$1.3m more operating income than budgeted. The drivers of this variance are:
 - \$0.37m of additional income has been received to date from rates supplementary valuations, with objections to still be finalised.
 - An additional \$0.4m of insurance claim contributions were received for storm events over the past 2 years.
 - Treasury Investment Income is running \$0.05m ahead of budget.
 - Additional Grants Commission funding of \$0.14m has been received due to the timing of payments between financial years.
- 5 Economic Development has received \$0.3m more operating income than budgeted. The drivers of this variance are:
 - Tourism has additional income of \$0.16m, largely due to the United Approach income still coming under Council. The Budget will be adjusted during the Mid-Year Review process to reflect that this organisation is now operating separately from Council.
 - Development Facilities are \$0.14m ahead of budget. This is largely due to Town Planning, where additional income is primarily related to the Infrastructure Design Manual Working Group.

CAPITAL

Expenditure

- 6 Community Life reports a \$0.76m underspend against budget. The main drivers of this variance are:
 - Recreation renewals program underspent by \$0.2m. Scheduled works experiencing delays however are anticipated to occur in line with budget over coming months.
 - Street Tree Renewal program \$0.1m behind budget. A minor budget adjustment will be made as part of Mid Year Budget Review process with the remaining portion of the budget expected to be spent during Autumn in planting out new trees which have been ordered.
 - Senior citizen's Building works \$0.2m behind budget due to project experiencing delays in building engineering audits.
 - Isobel Pearce Extension works \$0.1m behind budget due to project experiencing delays.
- 7 Economic Development reports an \$0.74m underspend against budget. The main driver of this variance is:
 - Vaughan Street Development project being \$0.5m behind budget due to delays.

Greater Shepparton City Council
Budget vs Actual Notes
31 January 2012

CAPITAL

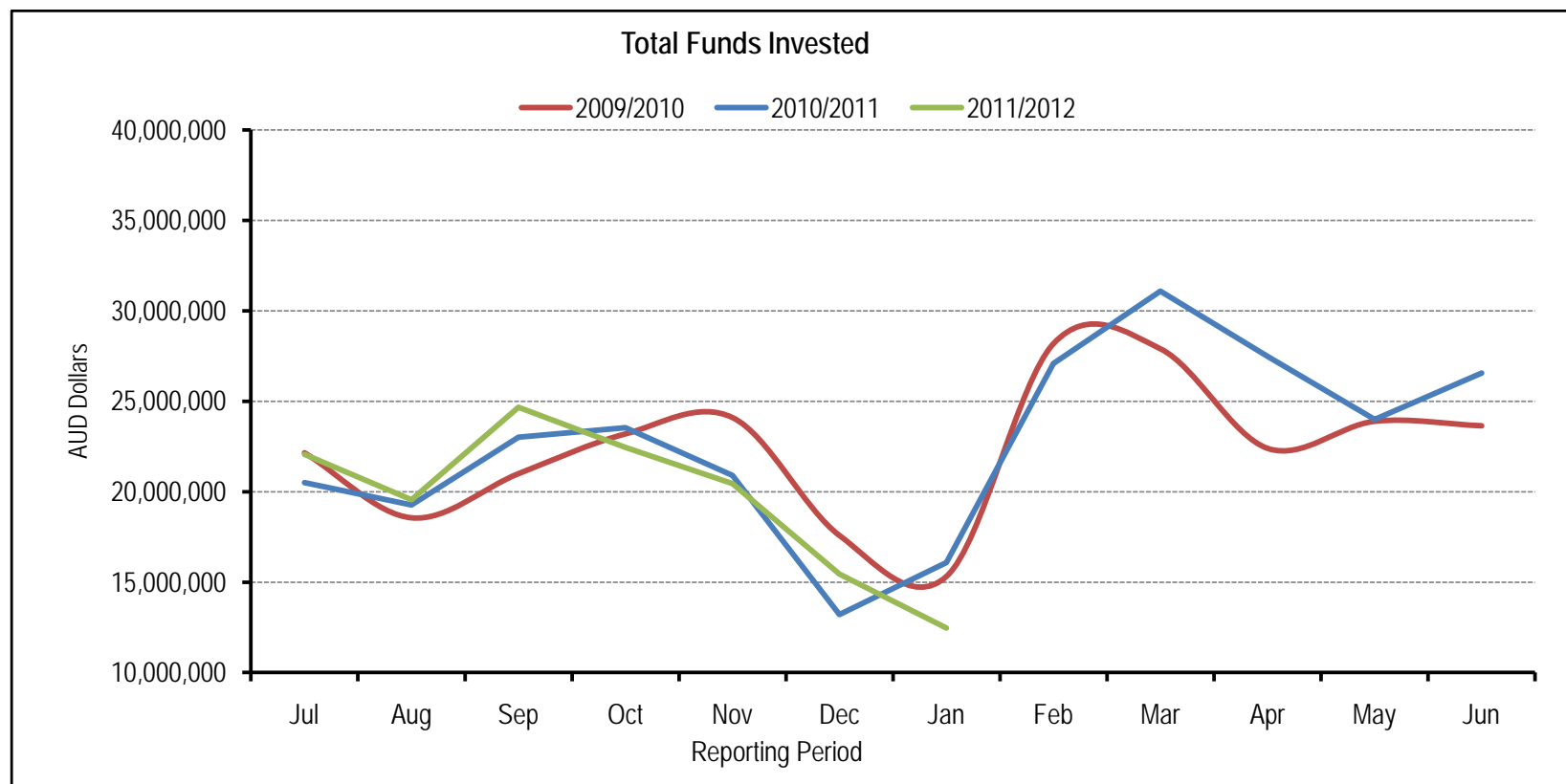
Expenditure

- 8 Environment is \$0.72m underspent in capital. The main drivers of this variance are:
- Tatura Flood Mitigation running \$0.23m behind budget due to delays largely due to weather.
 - The Drainage Replacement Program running \$0.35m behind budget.
- 9 Infrastructure is \$1.0m overspent in capital. The main driver of this variance are:
- Local Roads is \$1.0m ahead of budget, with significant overspends in the areas of Maintenance, Footpaths and Kerb and Channel, largely due to works being done earlier than expected due to the good weather conditions. This area is expected to come in on budget.
- 10 Settlement and Housing is \$0.37m behind budget. The main driver of this variance is:
- Community Plan Implementations showing \$0.3m behind budget. Significant work has gone into the development of community plans over the past 12 months with budget allocations to specific projects being finalised for the 2011/2012 year.

Income

- 11 Community Life has received \$0.72m more income than budgeted. The main driver of this variance is:
- Arts and Culture have received R.D.V. Grants of \$0.62m for the Art Gallery upgrade.

Greater Shepparton City Council
Investments Summary
 2011/2012 Financial Year to Date at 31 January 2012



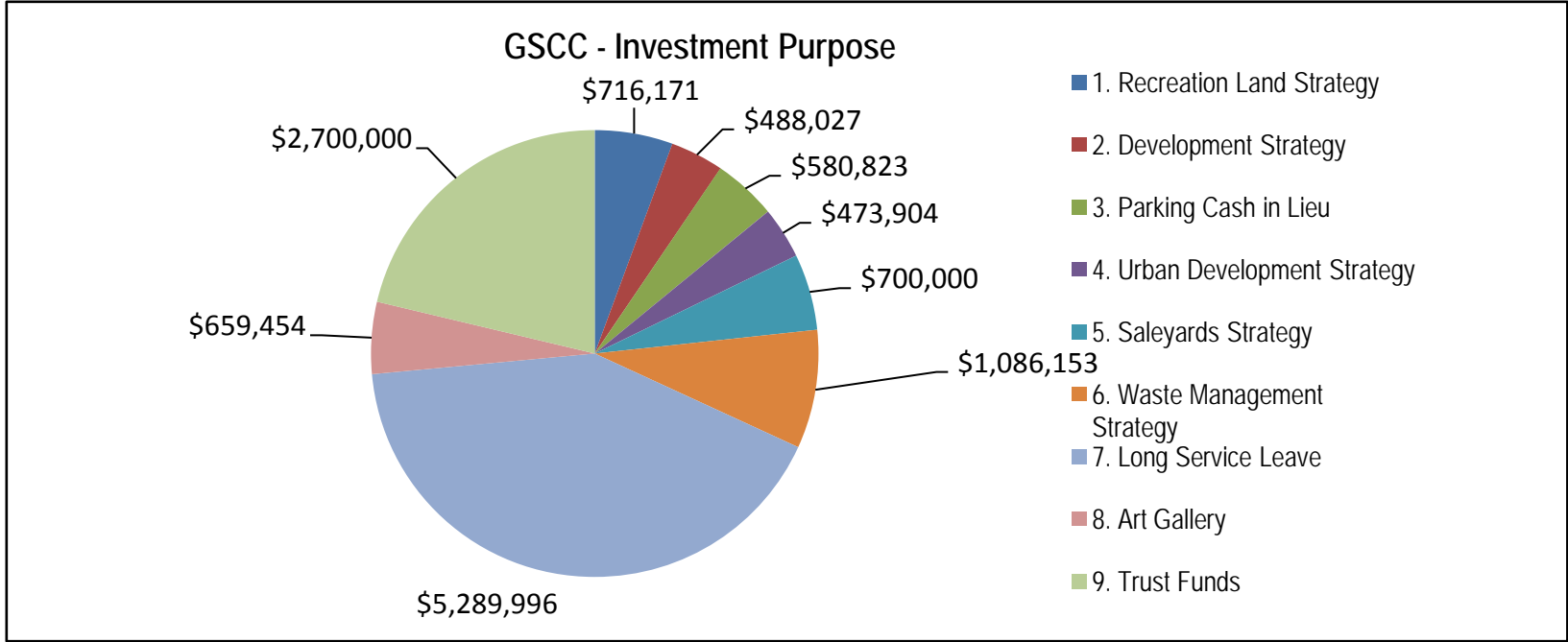
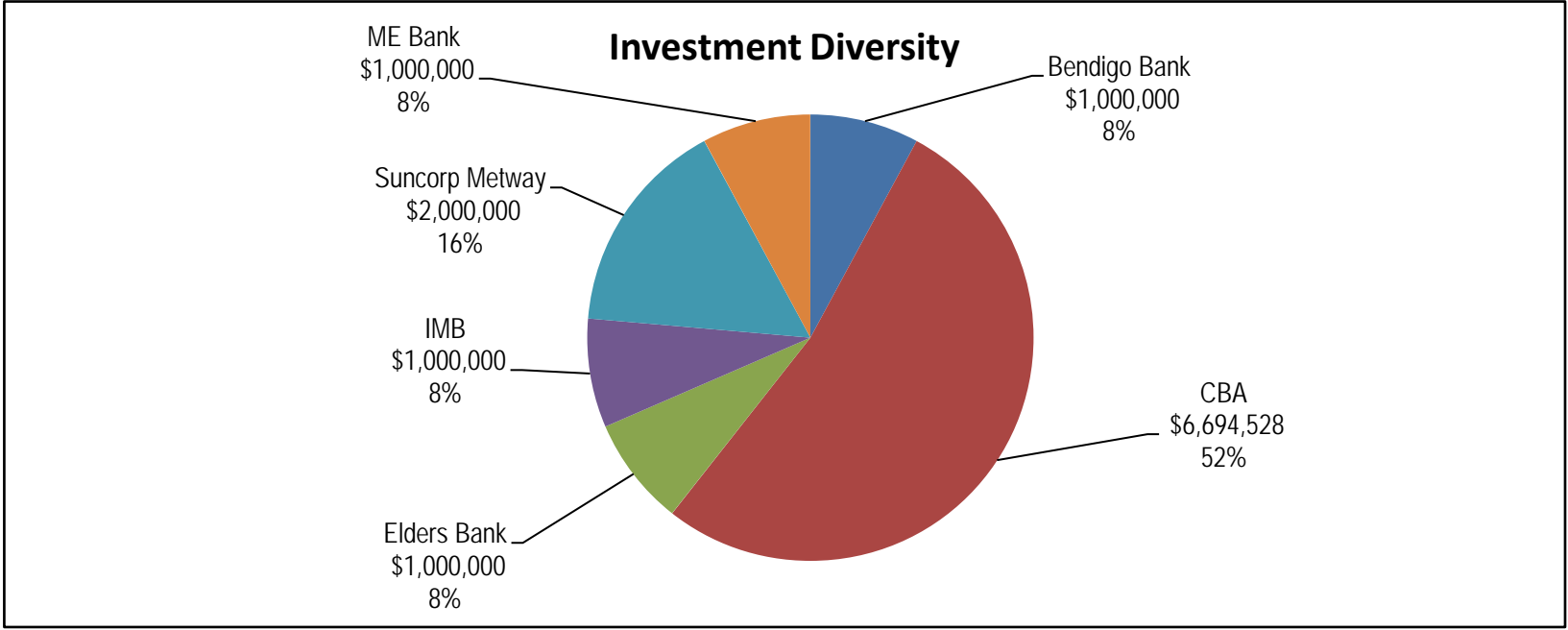
GREATER SHEPPARTON CITY COUNCIL INVESTMENT REGISTER AT 31 JANUARY 2012

Investment Body	Purpose of Investment	Rate	Maturity Date	Investment Amount
ANZ	General Fund	5.5800%	6/03/2012	1,000,000
Bendigo Bank	General Fund	5.8000%	12/04/2012	1,000,000
CBA	General Fund	4.1500%	AT CALL	0
CBA	Long Service Leave	5.3500%	3/04/2012	5,289,996
CBA	Art Gallery	5.4000%	11/04/2012	635,500
CBA	Fairley Bequest	5.4000%	11/04/2012	33,079
CBA	Rural Water	5.4000%	21/03/2012	35,953
CBA	Saleyards	4.1500%	AT CALL	300,000
CBA	Saleyards	5.4000%	15/02/2012	400,000
IMB	General Fund	5.7500%	3/04/2012	1,000,000
Suncorp Metway	General Fund	6.0000%	11/04/2012	1,000,000
Suncorp Metway	General Fund	6.0000%	13/04/2012	1,000,000
ME Bank	General Fund	5.8500%	5/04/2012	1,000,000
TOTAL				12,694,528

Greater Shepparton City Council

Investments Summary

2011/2012 Financial Year to Date at 31 January 2012



GSCC - INVESTMENT PURPOSE LISTING	
Purpose	Amount
1. Recreation Land Strategy	\$ 716,171
2. Development Strategy	\$ 488,027
3. Parking Cash in Lieu	\$ 580,823
4. Urban Development Strategy	\$ 473,904
5. Saleyards Strategy	\$ 700,000
6. Waste Management Strategy	\$ 1,086,153
7. Long Service Leave	\$ 5,289,996
8. Art Gallery	\$ 659,454
9. Trust Funds	\$ 2,700,000
	12,694,528

Funds Held Notes:

** Investments 1,2 and 3 relate to contributions received under planning permit conditions and are subject to use on specific developments which comply with relevant regulations.

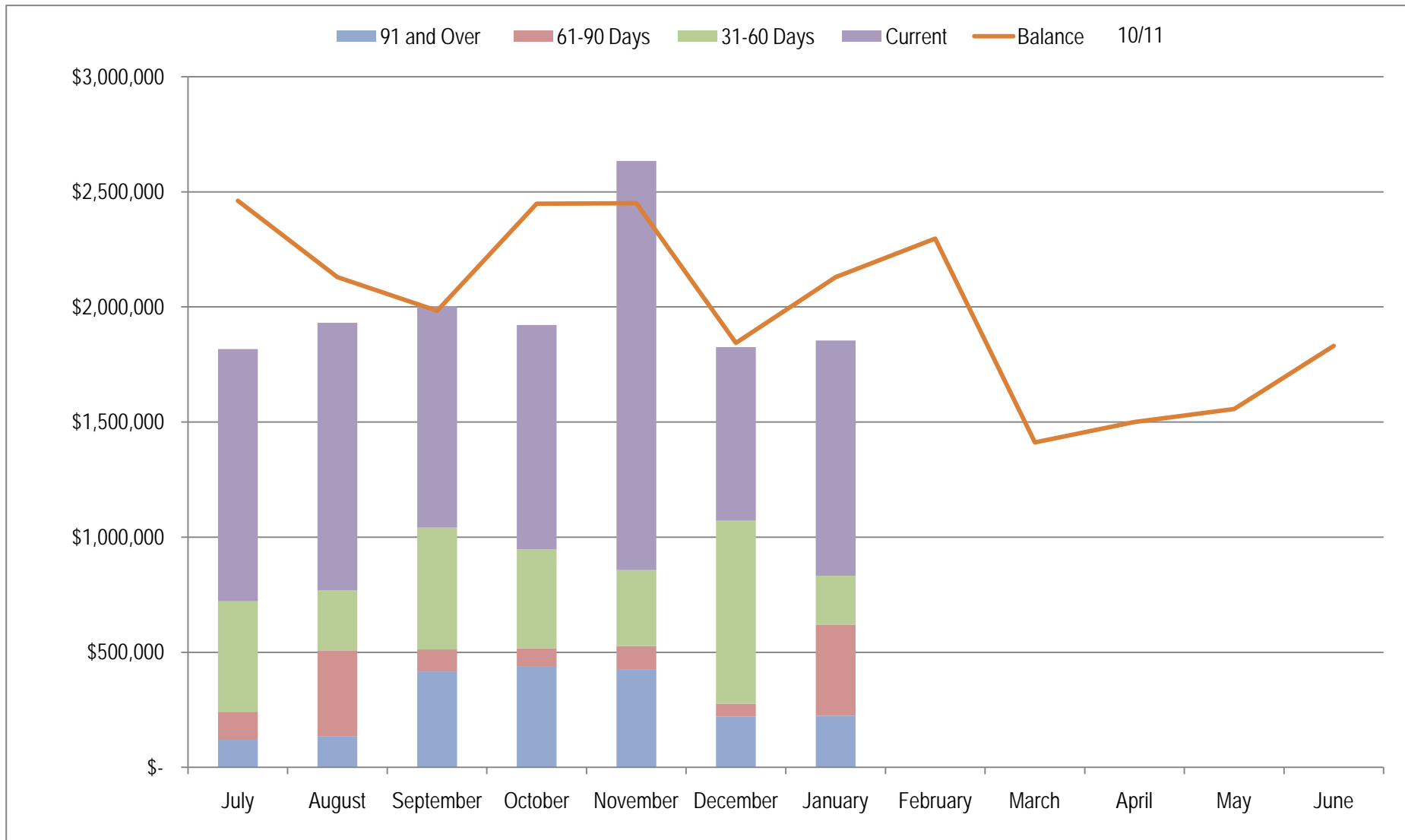
** Investments 4,5 and 6 relate to surplus operational funds maintained in accordance with council process to redirect to capital investments specific to these business areas.

**Investment 7 is in accordance with regulations requiring Council to hold funds relating to employee entitlements.

**Investment 8 relates to Art Work sale proceeds and are held for future collection acquisitions.

** Investment 9 are funds identified and held by council in trust and therefore unavailable for use by Council.

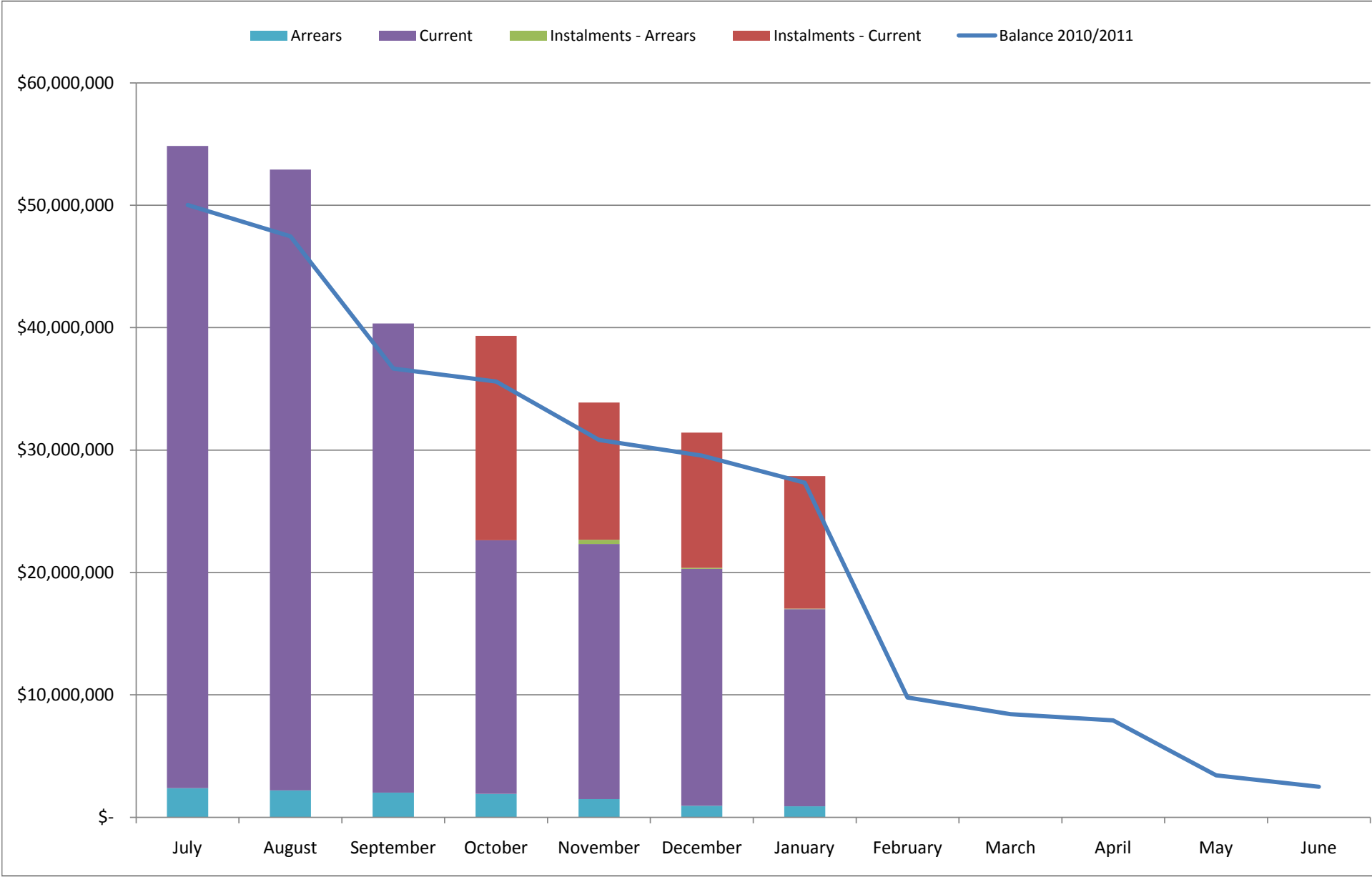
Greater Shepparton City Council
Comparative Sundry Debtors
31 January 2012



City Of Greater Shepparton

Comparative Rates Debtors

31 January 2012



MID YEAR BUDGET REVIEW

2011 - 2012 FINANCIAL YEAR



Greater Shepparton City Council

Financial narrative for 2011-2012 Mid Year Budget Review

Summary overview

The Mid Year Budget Review process is undertaken at the mid way point of the financial year and provides an opportunity to review the actual progress against the adopted budget. At the time of considering and subsequently adopting the 2011/2012 Budget the Council endorsed a decision to reduce borrowings from \$4.5 million to \$3 million and fund this reduction with savings identified during the 2010/2011 financial year forecasting processes. At the end of 2010/2011 savings of this amount were unable to be recognised and as such one key objective for this mid year review was to investigate and identify savings in this order.

A further objective of the review was to assess the level of borrowings provided for in the adopted and subsequent revised budgets in response to community feedback urging Council to find savings to minimise the level of borrowings.

In summary in line with the key objectives of the review, the budget has been adjusted to achieve savings of \$1.5 million as well as reduce borrowings from \$6 million to \$5 million. This report providing details of both operating and capital variations.

Income Statement

The 2011-2012 Revised Budget, as adopted by Council at the Special Council Meeting on 6 December 2011, reports a \$4.53m net surplus. The draft Mid Year Review reflects a net surplus of \$7.92m, which is an increase of \$3.38m. The following are explanations to the key variances contained within the review as reflected in the income statement.

Revenue

- * Rates and Charges reflects a \$0.3m increase and is a result of recognition of supplementary rates minus objections.
- * Operating grants and contributions reflect an increase of \$1.1m. A number of adjustments relate to increases which are offset by expense and include \$0.2m for the Mooropna Historical Society Auspiced funds, \$0.1m for the strengthening Basins program, \$0.14m for environmental grants, \$0.3m for insurance funds associated with storm damage, \$0.1m for United Approach to Tourism, \$0.23m for COAG healthy communities program, \$0.2m for Rumbalara contribution for works completed and \$0.12m for a grant received for the disposal of Analogue TV's.
Other significant adjustments also include \$0.28m additional grants commission funding and a reduction of \$0.5m relating to Childcare Benefit Grants (which is offset by an increase in user charges).
- * Capital grants and contributions show a \$2.89m increase and incorporates the following significant increases; \$2.0m successful LGIP funding, \$0.4m for Tatura Flood Mitigation project and \$0.9m relating to the development of the Art Museum. Reductions included \$0.25m for the Vaughan Street Development and \$0.2m for various developer contribution plans.
- * Investment Interest reports an increase of \$0.17m which is associated with higher investments expected to be held at 30 June, including \$2m of additional funding and carried forward DCP funds.
- * User Charges reflect an increase of \$0.19m, with significant variances being an additional \$0.5m in childcare user charges as well as a reduction of \$0.3m associated with less landfill usage in the waste management area.

Expenses

- * Employee Benefits reflects a decrease of \$0.2m which is relatively minor in percentage terms and relates to various adjustments across the Council.
- * Materials and Consumables reflect an increase of \$1.87m. Much of this increase is associated with correlating income including \$0.25m Mooropna Historical Society Auspiced funds, \$0.11m strengthening basins programs, \$0.7m environmental grants, \$0.3m insurance works, \$0.2 United Approach to Tourism, \$0.2m COAG Healthy Communities program, \$0.2m Rumbalara works and \$0.1m in costs associated with disposal of analogue TV's.
- * External Contracts reflect a decrease of \$0.2m, with significant variance being \$0.07m decrease in food services and \$0.15m reduced home care contract costs associated with change of contractor and resourcing levels.

Greater Shepparton City Council

Financial narrative for 2011-2012 Mid Year Budget Review

Expenses continued.

- * Borrowing costs reflect a decrease of \$0.16m are as a result of reducing planned borrowings to \$5m in this draft Mid Year Review, down from \$6m as in the 2011-2012 Revised budget. Borrowings have been scheduled to be drawn down late June to minimise costs.

Appendix 1 located at the back of this report provides a more detailed breakdown identifying individual changes to both operating income and expense areas by program.

Capital Works

The 2011-2012 Revised Budget shows total capital expenses as \$35.93m. This draft 2011-2012 Mid Year Review proposes a reduction in the capital works expense program of \$1.14m, to deliver a total program of \$34.8m. Capital revenues are proposed to increase by \$2.9m from \$7.4m in the 2011-2012 Revised Budget to \$10.3m in this Mid Year Review. Significant variances to both revenue and expenses are detailed below.

Revenue

- * Capital grants and contributions show a \$2.89m increase and incorporates the following significant increases; \$2.0m successful LGIP funding, \$0.4m for Tatura Flood Mitigation project and \$0.9m relating to the development of the Art Museum. Reductions included \$0.25m for the Vaughan Street Development and \$0.2m for various developer contribution plans.

Expenses

The following provides details of individual projects where significant increases or decreases have been identified.

Increases

The following Development Contributions have been increased in the 2011-2012 Mid Year Review generally to ensure compliance with planning permits and generally speaking are due to developers being further advanced in their individual stages of development than anticipated.

- * Northlinks \$0.24m increase
- * Seven Creeks \$0.22m increase
- * Zurcas Lane \$0.15m increase
- * Connolly Estate \$0.25m increase

Other increases include \$0.13m for Kialla Lakes Bridge culvert works, \$0.19m for Shepparton Showgrounds and \$0.11m for Tatura Flood Mitigation project.

Decreases

Decreases include \$0.6m for GV Link due to costs being lower than anticipated, \$0.36m for the Vaughan Street Development associated with a funding submission, \$0.35m for works at Vibert Reserve with the project experiencing delays, \$0.15m for Queen's Garden with final costs less than expected and \$0.6m reduction in waste renewal works with majority of costs this year associated with the purchase of Cosgrove 3 and cell capping.

The following reductions have also been required to bring the budget back in line \$0.1m for outdoor furniture renewals, \$0.15m in gravel resheeting, \$0.15m in road reseals, \$0.06m public toilet renewals and \$0.07m in feature lighting.

Appendix 2 located at the back of this report provides a detailed breakdown showing all changes to individual capital projects and associated incomes.

Greater Shepparton City Council

Mid Year Review Income Statement

for period ending January 2012

	January 2012 BvA	
	2011/2012 YTD Budget	2011/2012 YTD Actual
	\$	\$
Revenue		
Rates and Charges	53,379,568	53,732,063
Operating Grants and Contributions	10,129,595	10,539,497
Capital Grants and Contributions	2,875,350	3,542,070
Interest	650,730	734,042
User Charges	7,046,503	7,733,029
Statutory Fees	1,122,903	1,124,820
Proceeds from Sale of Assets	298,000	123,075
Other	616,779	774,603
Parking Fees and Fines	1,125,145	1,008,618
Rent	428,424	503,207
Total Revenue	77,672,997	79,815,025
Expenses		
Employee Benefits	20,861,859	20,846,283
Materials and Consumables	16,411,906	15,724,369
External Contracts	6,246,020	5,624,889
Utilities	1,402,820	1,255,316
Borrowing Costs	562,504	555,132
Depreciation and Amortisation	10,884,727	10,879,610
Written Down Value of Assets Sold	107,177	105,153
Total Expenses	56,477,013	54,990,752
Surplus/(Deficit) for the period	21,195,984	24,824,273

Mid Year Review			
2011/2012 Revised Budget	2011/2012 Mid Year Review	2011/2012 Variance	2011/2012 YTD Variance (Fav)/Unfav %
\$	\$		%
53,479,568	53,779,568	(300,000)	(0.6%)
18,524,501	19,623,859	(1,099,358)	(5.9%)
5,860,000	8,729,894	(2,869,894)	(49.0%)
1,476,930	1,646,930	(170,000)	(11.5%)
12,536,814	12,729,507	(192,693)	(1.5%)
2,417,365	2,381,865	35,500	1.5%
1,514,000	1,539,000	(25,000)	(1.7%)
1,100,140	1,085,051	15,089	1.4%
1,929,600	1,914,600	15,000	0.8%
638,392	688,218	(49,826)	(7.8%)
99,477,310	104,118,492	(4,641,182)	(4.7%)
35,839,037	35,634,985	(204,053)	(0.6%)
25,968,823	27,841,635	1,872,812	7.2%
10,640,998	10,457,028	(183,970)	(1.7%)
2,423,860	2,356,241	(67,619)	(2.8%)
1,235,134	1,075,134	(160,000)	(13.0%)
18,650,763	18,650,763	0	0.0%
183,800	183,800	0	0.0%
94,942,415	96,199,585	1,257,170	1.3%
4,534,895	7,918,907	(3,384,012)	(74.6%)

Greater Shepparton City Council

Mid Year Review Balance Sheet

for period ending 30 June 2012

	June 2011 \$	January 2012 \$
Current Assets		
Cash	2,017,104	3,344,829
Receivables	6,129,104	32,321,325
Investments	26,554,082	12,694,528
Other	74,396	214,130
Non Current Assets Held for Resale	-	-
Total Current Assets	34,774,685	48,574,813
Non Current Assets		
Receivables	0	0
Infrastructure	637,096,890	644,912,895
Other	1,371,049	1,371,049
Total Non Current Assets	638,467,939	646,283,944
Total Assets	673,242,625	694,858,757
Current Liabilities		
Payables	7,744,926	4,863,335
Interest Bearing Liabilities	83,528	(121,583)
Trust Funds	2,407,101	2,066,443
Employee Benefits	7,290,255	7,268,148
Other	-	242,152
Total Current Liabilities	17,525,811	14,318,495
Non Current Liabilities		
Payables	268,417	268,417
Employee Benefits	731,778	731,778
Interest Bearing Liabilities	12,824,518	12,823,693
Total Non Current Liabilities	13,824,713	13,823,889
Total Liabilities	31,350,524	28,142,384
Net Assets	641,892,101	666,716,374
Represented By		
Accumulated Surplus	283,271,194	308,095,467
Reserves	358,620,906	358,620,906
Total Equity	641,892,100	666,716,373

2011/2012 Revised Budget \$	2011/2012 Mid Year Review \$
3,082,000	3,000,000
5,402,000	6,000,000
17,293,000	19,251,360
492,000	75,000
72,000	-
26,341,000	28,326,360
8,000	-
678,373,000	672,236,248
2,386,000	2,400,000
680,767,000	674,636,248
707,108,000	702,962,608
11,371,000	9,286,728
384,000	300,355
2,386,000	2,200,000
6,473,000	7,000,000
335,000	-
20,949,000	18,787,083
363,000	300,000
711,000	740,000
18,199,000	17,324,518
19,273,000	18,364,518
40,222,000	37,151,601
666,886,000	665,811,007
289,781,000	291,190,101
377,105,000	374,620,906
666,886,000	665,811,007

Greater Shepparton City Council

Mid Year Review Cash Flow Statement

for the period ending 30 June 2012

	2011/2012 Revised Budget \$	2011/2012 Mid Year Review \$
<i>Cash flows from operating activities</i>		
Receipts from customers	72,102,000	72,578,809
Payments to suppliers	(75,057,000)	76,289,889
Net cash inflow(outflow) from customers(suppliers)	(2,955,000)	(3,711,080)
Interest received	1,477,000	1,646,930
Government receipts	21,433,000	25,353,753
Other	(1,280,000)	(1,075,134)
Net cash inflow(outflow) from operating activities	18,675,000	22,214,469
<i>Cash flows from investing activities</i>		
Property, plant & equipment, infrastructure - receipts	1,514,000	1,539,000
Property, plant & equipment, infrastructure - payments	(35,935,000)	(34,790,121)
Other	-	-
Net cash inflow(outflow) from investing activities	(34,421,000)	(33,251,121)
<i>Cash flows from financing activities</i>		
Proceeds from interest bearing loans and borrowings	6,000,000	5,000,000
Repayment of interest-bearing loans and borrowings	(325,000)	(283,173)
Other	-	-
Net cash inflow(outflow) from financing activities	5,675,000	4,716,827
Net increase(decrease) in cash and equivalents	(10,071,000)	(6,319,825)
Cash and equivalents at the beginning of the year	30,446,000	28,571,185
Cash and equivalents at the end of the year	20,375,000	22,251,360

Greater Shepparton City Council

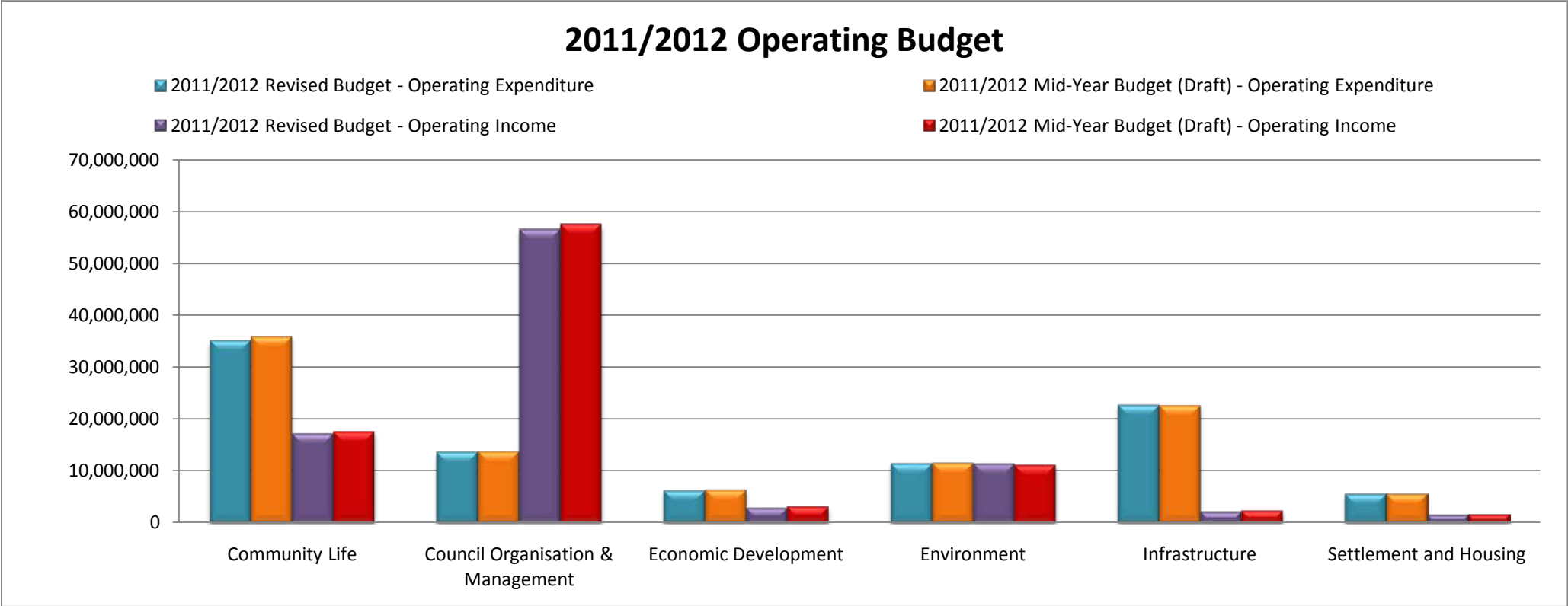
Mid Year Review Capital Works Statement

for the period ending 30 June 2012

Capital Works Areas	2011/2012 Revised Budget \$,000	2011/2012 Mid Year Review \$,000	Variance \$,000
Roads	11,802	11,741	(61)
Drains	4,447	5,105	658
Open space	5,381	5,026	(355)
Buildings	3,754	3,591	(163)
Plant, equipment and other	2,919	2,853	(66)
Waste Management	2,248	1,670	(578)
Other	5,384	4,813	(571)
Total capital works	35,935	34,799	(1,136)
Represented by:			
Renewal	17,326	16,347	(979)
Upgrade/Expansion	4,600	4,998	398
New assets	14,009	13,454	(555)
Total capital works	35,935	34,799	(1,136)

Property, Plant and Equipment movement reconciliation worksheet	11/12 \$,000	11/12 \$,000	Variance \$,000
The movement between the previous year and the current year in property, plant and equipment as shown in the Statement of Financial Position links to the net of the following items:			
Total Capital works	35,935	34,799	(1,136)
Asset revaluation movement	16,000	16,000	0
Depreciation and amortisation	(18,651)	(18,651)	0
Written down value of assets sold	(184)	(184)	0
Contributed assets	3,000	3,000	0
Net movement in property, plant and equipment	36,100	34,964	(1,136)

Greater Shepparton City Council
Operating Budget By Strategic Objective
2011/2012 Mid Year Budget (Draft) to period ending 2012



Expenditure

Strategic Objective	2011/2012 YTD Budget	2011/2012 YTD Actuals	2011/2012 YTD Variance		2011/2012 Revised Budget	2011/2012 Mid-Year	2011/2012 YTD Variance	
			Variance \$	Variance %			Variance \$	Variance %
Community Life	20,540,091	19,668,321	(871,770)	(4.2%)	35,125,712	35,988,397	862,685	2.5%
Council Organisation & Management	8,523,071	8,718,778	195,707	2.3%	13,677,286	13,830,096	152,810	1.1%
Economic Development	4,043,288	3,737,961	(305,327)	(7.6%)	6,310,706	6,452,965	142,259	2.3%
Environment	6,662,810	6,193,845	(468,965)	(7.0%)	11,443,448	11,613,171	169,723	1.5%
Infrastructure	13,496,277	13,163,998	(332,279)	(2.5%)	22,747,156	22,677,847	(69,309)	(0.3%)
Settlement and Housing	3,211,476	3,507,849	296,373	9.2%	5,638,107	5,637,109	(998)	(0.0%)
Grand Total	56,477,013	54,990,752	(1,486,261)	(2.6%)	94,942,415	96,199,585	1,257,170	1.3%

Income

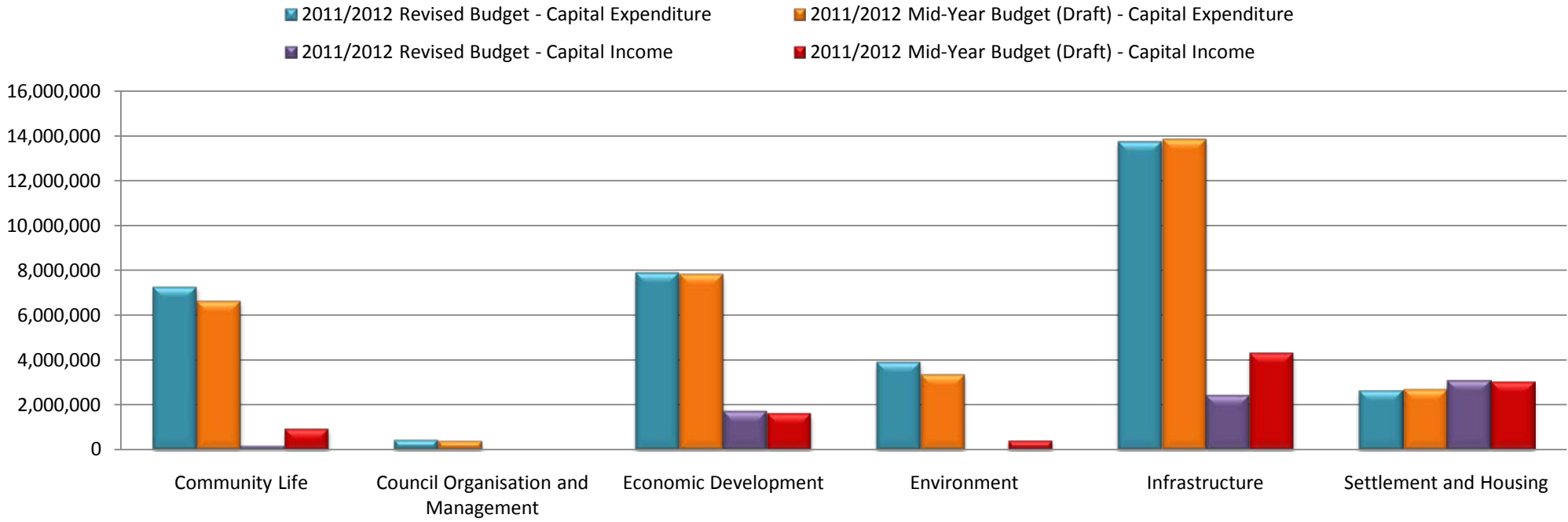
Strategic Objective	2011/2012 YTD Budget	2011/2012 YTD Actuals	2011/2012 YTD Variance		2011/2012 Revised Budget	2011/2012 Mid-Year	2011/2012 YTD Variance	
			Variance \$	Variance %			Variance \$	Variance %
Community Life	9,598,478	9,381,308	217,170	2.3%	17,206,946	17,704,274	497,328	2.8%
Council Organisation & Management	51,420,930	52,719,215	(1,298,285)	(2.5%)	56,607,473	57,598,405	990,932	1.7%
Economic Development	1,714,397	2,018,334	(303,937)	(17.7%)	2,946,430	3,205,901	259,471	8.1%
Environment	9,564,892	9,621,399	(56,507)	(0.6%)	11,504,500	11,248,408	(256,092)	(2.3%)
Infrastructure	1,326,468	1,212,050	114,418	8.6%	2,213,061	2,401,810	188,749	7.9%
Settlement and Housing	874,482	1,064,007	(189,525)	(21.7%)	1,624,900	1,690,800	65,900	3.9%
Grand Total	74,499,647	76,016,313	(1,516,666)	(2.0%)	92,103,310	93,849,598	1,746,288	1.9%

Greater Shepparton City Council

Capital Budget By Strategic Objective

2011/2012 Mid Year Budget (Draft) to period ending January 2012

2011/2012 Capital Budget



Expenditure

Strategic Objective	2011/2012 Revised	2011/2012 YTD Actuals	2011/2012 YTD Variance		2011/2012 Revised Budget	2011/2012 Mid-Year	Budget Variance (Fav.)/Unfav.	
			Variance \$	Variance %			Variance \$	Variance %
Community Life	4,252,492	3,493,920	(758,572)	(17.8%)	7,266,650	6,647,068	(619,582)	(8.5%)
Council Organisation and Management	374,000	326,049	(47,951)	(12.8%)	445,000	385,000	(60,000)	(13.5%)
Economic Development	1,768,104	4,031,177	2,263,073	128.0%	7,904,600	7,833,790	(70,810)	(0.9%)
Environment	1,820,870	1,102,522	(718,348)	(39.5%)	3,902,500	3,371,538	(530,962)	(13.6%)
Infrastructure	7,149,306	8,167,665	1,018,359	14.2%	13,765,870	13,856,260	90,390	0.7%
Settlement and Housing	523,077	151,697	(371,380)	(71.0%)	2,650,000	2,705,200	55,200	2.1%
Grand Total	15,887,849	17,273,030	1,385,181	8.7%	35,934,620	34,798,856	(1,135,764)	(3.2%)

Income

Strategic Objective	2011/2012 Revised	2011/2012 YTD Actuals	2011/2012 YTD Variance		2011/2012 Revised Budget	2011/2012 Mid-Year	2011/2012 YTD Variance	
			Variance \$	Variance %			Variance \$	Variance %
Community Life	0	719,542	719,542		169,000	940,076	(771,076)	(456.3%)
Council Organisation and Management	0	0	0		0	0	0	
Economic Development	495,000	307,701	(187,299)	(37.8%)	1,708,000	1,605,685	102,315	6.0%
Environment	0	20,125	20,125		0	405,360	(405,360)	
Infrastructure	1,156,350	1,223,606	67,256	5.8%	2,421,000	4,288,773	(1,867,773)	(77.1%)
Settlement and Housing	1,522,000	1,527,737	5,737	0.4%	3,076,000	3,029,000	47,000	1.5%
Grand Total	3,173,350	3,798,712	625,362	19.7%	7,374,000	10,268,894	(2,894,894)	(39.3%)

2011-2012 Draft Mid Year Budget Review
Operating Budget Summary by Program

Department	Account Type	Program	2011-2012 Revised Budget	2011/2012 Mid Year Review	Variance (Fav)/Unfav	
Asset Development	Operating Expense	Aerodrome	96,960	96,960	0	
		Arts and Culture	10,000	12,000	2,000	
		Development Facilities	485,000	770,000	285,000	
		Drainage	45,000	45,000	0	
		Law Order and Safety	29,000	45,000	16,000	
		Local Roads	5,830,000	5,845,324	15,324	
		Management (Directorate)	666,900	666,900	0	
		Operations Centre	2,823,020	2,718,020	(105,000)	
		Planning Investigation and Design	1,543,433	1,518,433	(25,000)	
		Plant	2,581,438	2,581,438	0	
		Public Buildings	81,000	91,000	10,000	
		Public Open Space	29,000	29,000	0	
		Recreation and Parks	6,378,400	6,366,514	(11,886)	
		Waste Management	8,860,000	8,958,090	98,090	
		Operating Expense Total		29,459,151	29,742,946	283,795
	Operating Income	Aerodrome	(72,510)	(72,510)	0	
		Financial Services	(150,000)	(150,000)	0	
		Local Roads	(21,000)	(21,000)	0	
		Operations Centre	(6,000)	(4,000)	2,000	
		Plant	(4,467,000)	(4,467,000)	0	
		Recreation and Parks	(317,400)	(317,400)	0	
		Waste Management	(11,464,500)	(11,072,500)	392,000	
	Operating Income Total		(16,498,410)	(16,104,410)	394,000	
	Asset Development Total			12,960,741	13,638,536	677,795
	Community Development	Operating Expense	Aged and Disability Services	5,315,410	5,109,754	(205,656)
			Aquatic Facilities	3,762,890	3,771,502	8,612
Arts and Culture			2,631,790	2,659,830	28,040	
Children Services			7,623,591	7,827,938	204,347	
Environmental Health			100,879	85,305	(15,574)	
Law Order and Safety			56,560	69,960	13,400	
Management (Directorate)			287,777	288,476	699	
Other Community Programs			2,334,068	2,592,379	258,311	
Public Open Space			2,500	2,500	0	
Sports Facilities			434,749	730,567	295,818	
Tourism			597,605	589,433	(8,172)	
Operating Expense Total		23,147,819	23,727,643	579,824		
Operating Income		Aged and Disability Services	(4,404,655)	(4,334,418)	70,237	
		Aquatic Facilities	(2,940,500)	(2,951,679)	(11,179)	
		Arts and Culture	(1,161,200)	(1,117,534)	43,666	
		Children Services	(6,402,324)	(6,506,234)	(103,910)	
		Environmental Health	0	(250)	(250)	
		Law Order and Safety	(12,370)	(24,468)	(12,098)	
Management (Directorate)		0	(50,154)	(50,154)		

Department	Account Type	Program	2011-2012 Revised Budget	2011/2012 Mid Year Review	Variance (Fav)/Unfav	
		Other Community Programs	(786,140)	(814,604)	(28,464)	
		Sports Facilities	(183,337)	(416,561)	(233,224)	
		Tourism	(464,412)	(429,383)	35,029	
	Operating Income Total		(16,354,938)	(16,645,285)	(290,347)	
Community Development Total			6,792,881	7,082,358	289,477	
Corporate Services	Operating Expense	Aerodrome	19,161	19,161	0	
		Aged and Disability Services	23,209	23,209	0	
		Aquatic Facilities	529,825	529,825	0	
		Arts and Culture	1,804,349	1,818,349	14,000	
		Children Services	126,748	126,748	0	
		Corporate Services	2,130,031	2,336,384	206,353	
		Development Facilities	297,308	297,308	0	
		Development Services	573,403	565,903	(7,500)	
		Drainage	1,116,987	1,116,987	0	
		Financial Services	6,276,533	6,559,533	283,000	
		Information Services	4,294,059	4,081,078	(212,981)	
		Law Order and Safety	723,521	623,521	(100,000)	
		Local Roads	10,362,004	10,362,004	0	
		Management (Directorate)	354,548	338,048	(16,500)	
		Operations Centre	162,194	162,194	0	
		Other Community Programs	138,901	138,901	0	
		Parking Management	181,180	181,180	0	
		Plant	1,446,335	1,446,335	0	
		Public Buildings	68,331	68,331	0	
		Public Open Space	1,165,903	1,165,903	0	
		Rates	135,000	130,000	(5,000)	
		Saleyards	1,048,162	1,048,162	0	
		Sports Facilities	1,226,628	1,226,628	0	
		Stock and Domestic Water Supply	25,720	25,720	0	
		Tourism	97,372	97,372	0	
		Waste Management	668,981	668,981	0	
	Operating Expense Total		34,996,393	35,157,765	161,372	
	Operating Income		Arts and Culture	(50,000)	(91,606)	(41,606)
			Corporate Services	(363,207)	(609,237)	(246,030)
			Development Services	(222,991)	(222,991)	0
			Financial Services	(13,650,283)	(13,948,889)	(298,606)
			Information Services	(121,000)	(41,000)	80,000
			Law Order and Safety	(110,000)	(128,000)	(18,000)
			Rates	(46,956,568)	(47,276,568)	(320,000)
			Saleyards	(1,219,527)	(1,224,527)	(5,000)
			Stock and Domestic Water Supply	(25,720)	(25,720)	0
		Tourism	(115,500)	(115,500)	0	
	Operating Income Total		(62,834,796)	(63,684,038)	(849,242)	
Corporate Services Total			(27,838,403)	(28,526,273)	(687,870)	
Organisation Performance	Operating Expense	Corporate Services	2,284,135	2,299,636	15,501	
		Governance	1,501,050	1,397,750	(103,300)	
	Operating Expense Total		3,785,185	3,697,386	(87,799)	

Department	Account Type	Program	2011-2012 Revised Budget	2011/2012 Mid Year Review	Variance (Fav)/Unfav
	Operating Income	Corporate Services	(500)	(12,079)	(11,579)
		Governance	(35,000)	(49,400)	(14,400)
	Operating Income Total		(35,500)	(61,479)	(25,979)
	Organisation Performance Total			3,749,685	3,635,907
Sustainable Development	Operating Expense	Arts and Culture	45,000	45,000	0
		Development Facilities	3,842,980	4,083,456	240,476
		Development Services	1,380,900	1,285,954	(94,946)
		Drainage	1,000	1,000	0
		Environmental Health	1,048,140	987,240	(60,900)
		Environmental Management	751,480	823,113	71,633
		Law Order and Safety	1,011,950	991,650	(20,300)
		Management (Directorate)	331,338	322,213	(9,125)
		Other Community Programs	32,405	32,405	0
		Parking Management	1,241,100	1,177,200	(63,900)
		Sports Facilities	360,030	360,030	0
		Tourism	2,515,629	2,752,506	236,877
	Operating Expense Total		12,561,952	12,861,767	299,815
	Operating Income	Arts and Culture	(2,500)	(3,000)	(500)
		Development Facilities	(1,654,000)	(2,079,000)	(425,000)
		Development Services	(455,500)	(586,000)	(130,500)
		Environmental Health	(354,900)	(355,800)	(900)
		Environmental Management	(40,000)	(175,908)	(135,908)
		Law Order and Safety	(779,800)	(759,800)	20,000
		Parking Management	(1,995,551)	(1,982,300)	13,251
		Sports Facilities	(141,000)	(141,000)	0
		Tourism	(84,500)	(269,500)	(185,000)
	Operating Income Total		(5,507,751)	(6,352,308)	(844,557)
Sustainable Development Total			7,054,201	6,509,459	(544,742)
Grand Total			2,719,105	2,339,987	(379,118)

2011-2012 Draft Mid Year Budget Review
Capital Budget by Project

Department	Account Type	Project Description	2011-2012 Revised Budget	2011/2012 Mid Year Review	Variance (Fav)/Unfav
Asset Development	Capital Expense	60019 Operations Centre Relocation	32,000	32,000	0
		60040 Car Parks Linemarking & Signs	90,800	90,800	0
		60047 Plant Purchases (New)	400,000	400,000	0
		60053 Public Halls Capital Renewal	30,000	30,000	0
		60061 Victoria Park Upgrades	0	3,286	3,286
		60085 Roads for Renewal program	1,388,870	1,481,291	92,421
		60088 Footpath Upgrade	0	967	967
		60098 Bus Shelters	20,000	20,000	0
		60107 RR Asphalt Overlay	300,000	300,000	0
		60108 RR Bridge Replacement	110,000	110,000	0
		60109 RR Kerb & Channel Works	200,000	0	(200,000)
		60110 RR Pavement Rehabilitation	403,000	453,000	50,000
		60112 RR Rural Reseal	250,000	350,000	100,000
		60113 RR Urban Reseal	200,000	250,000	50,000
		60119 Shared Paths	0	666	666
		60133 Murchison Transfer Station	11,000	45,000	34,000
		60158 Kialla Park Bowls Facility	0	0	0
		60168 Deakin Reserve Capital Upgrade	150,000	150,000	0
		60232 Safe Routes to School	5,000	5,000	0
		60237 Rural Intersection Upgrades	25,000	25,000	0
		60243 Cosgrove 3 Development	810,000	650,000	(160,000)
		60245 Kialla Landfill Rehabilitation	100,000	108,735	8,735
		60282 Queens Garden Works	323,500	246,900	(76,600)
		60293 Drainage Replacement (Urban)	674,000	674,000	0
		60307 Kerbside Waste Bin Purchase	170,000	170,000	0
		60313 Street Scape Maude St Mall	200,000	30,000	(170,000)
		60346 Cosgrove 3 Construction	40,000	10,000	(30,000)
		60349 Archer St Duplication	0	43,500	43,500
		60357 GV Link Development	3,630,000	3,354,000	(276,000)
		60358 GV Freight Hub Stage 1	1,000,000	687,000	(313,000)
		60382 Aerodrome Renewal	17,000	17,000	0
		60389 Cosgrove Landfill 2 Cell 4 Con	0	80,000	80,000
		60418 Sporting Future Program	120,000	120,000	0
		60421 Undera Public Toilets	0	560	560
		60444 Recreational Facilities Renew	829,000	157,000	(672,000)
		60451 Murch_ Rush Rail Trail Bridge	0	0	0
		60453 Auslink Black Spot Projects	37,000	17,130	(19,870)
		60455 Minor Dev_Shep Transfer Statio	100,000	144,438	44,438
		60462 Building Renewals	349,900	419,000	69,100
		60476 Operation Centre Building Alt	33,000	20,000	(13,000)
		60493 Public Toilets Renewal	100,000	35,000	(65,000)
		60495 Parks Renewals	304,300	30,000	(274,300)
		60496 Irrigation Systems Renewals	120,000	0	(120,000)
		60497 Roundabout Landscaping Prog	50,000	50,000	0
		60498 Town Entry Program	64,000	64,000	0
		60499 Tree Renewal_Major Streets	100,000	100,000	0

Department	Account Type	Project Description	2011-2012 Revised Budget	2011/2012 Mid Year Review	Variance (Fav)/Unfav
		60500 Melbourne Road Landscape Renew	250,000	320,000	70,000
		60501 Feature Lighting	174,000	104,000	(70,000)
		60505 Central Park Rec Res Oval Renew	0	195,000	195,000
		60507 Shepp Sports Precinct Irrigatio	60,000	0	(60,000)
		60508 Katandra West Community Centre	15,000	15,000	0
		60512 Waste Management infrast renew	0	100,000	100,000
		60513 Former Murchison Landfill Rehab	325,000	340,000	15,000
		60514 Cosgrove Landfill 2 Cell 3 Cap	55,000	70,000	15,000
		60516 Asset Pres Rural Reseals	680,000	510,000	(170,000)
		60517 Asset Pres Urban Reseals	430,000	250,000	(180,000)
		60518 Asset Pres Asphalt Overlay	500,000	500,000	0
		60519 Furniture & Equipment Renewal	190,200	190,200	0
		60520 Outdoor Furniture&Signag Renew	280,000	180,000	(100,000)
		60522 Asset Pres Gravel Resheeting	1,886,000	1,736,000	(150,000)
		60526 Asset Pres Kerb&Channel Renew	300,000	558,000	258,000
		60527 Asset Pres Footpath Renewal	650,000	650,000	0
		60529 Judd Park Merrigum	0	30,000	30,000
		60530 Jackson Park	0	80,000	80,000
		60533 Stuart Reserve	0	100,000	100,000
		60541 Park Signs	0	50,000	50,000
		60542 Pumps & Dams Improvement	0	30,973	30,973
		60543 Sports Use Toilets P.P.	0	0	0
		60545 Pavilion Renewals	0	40,000	40,000
		60546 Aluminium Seating	0	30,000	30,000
		60549 Playground Borders	0	34,300	34,300
		60550 Ferrari Park Playground	0	10,000	10,000
		60551 Moor Rec Res. Playground	0	0	0
		60552 Boundary Fence Renewals	0	32,000	32,000
		60553 Interchange Shelters	0	45,000	45,000
		60560 John Gray Oval Shelter	0	80,000	80,000
		60563 Vibert Reserve Community Recre	650,000	300,000	(350,000)
		60566 Vic Park_Aquamoves Landscaping	130,000	220,000	90,000
		60567 Vic Park_Wetland Plantings	120,000	120,000	0
		60568 Community Soccer Complex	100,000	400,000	300,000
		60570 Plant Purchases (Renewal)	1,614,100	1,614,100	0
		60573 Cosgrove Landfill 2 Gas System	60,000	60,000	0
		60574 Waste Management Renewals	666,500	0	(666,500)
		60575 Balaclava Rd Bicycle Lanes	40,000	0	(40,000)
		60580 Drainage Replacement (Rural)	333,000	333,000	0
		60590 Connors & Hockey Pavil Renewal	0	30,000	30,000
		60591 Rec Facilities Signage Renewal	0	30,000	30,000
		60592 Lemnos Rec Reserve Pavil Renew	0	50,000	50,000
		60593 Reg Tennis Complex Pavil Renew	0	40,000	40,000
		Capital Expense Total	22,640,170	20,796,664	(1,843,506)
	Capital Income	60085 Roads for Renewal program	0	(92,421)	(92,421)
		60098 Bus Shelters	(12,000)	(12,000)	0
		60111 RR Roads to Recovery Grant	(1,453,000)	(1,453,000)	0
		60270 Motor Vehicle	0	(414,000)	(414,000)
		60453 Auslink Black Spot Projects	(37,000)	(17,130)	19,870

Department	Account Type	Project Description	2011-2012 Revised Budget	2011/2012 Mid Year Review	Variance (Fav)/Unfav
		60561 Stuart Reserve (DPI Go Fish)	0	(18,000)	(18,000)
		60563 Vibert Reserve Community Recre	(156,000)	0	156,000
		60570 Plant Purchases (Renewal)	(414,000)	0	414,000
		60575 Balaclava Rd Bicycle Lanes	(40,000)	0	40,000
	Capital Income Total		(2,112,000)	(2,006,551)	105,449
Asset Development Total			20,528,170	18,790,113	(1,738,057)
Community Development	Capital Expense	60055 Ardmona KidsTown Upgrades	20,000	20,000	0
		60189 Senior Citizens Upgrade	180,000	180,000	0
		60190 Aquamoves Capital Replacement	10,000	10,000	0
		60246 Nth Shep Community Hub	0	792	792
		60250 Art Work Acquisitions	15,000	83,000	68,000
		60296 Eastbank Kitchen Upgrade	0	13,000	13,000
		60309 Aquamoves Cardio Equipment Ren	20,000	20,000	0
		60395 Indoor SF Asset Management	20,000	20,000	0
		60411 Rural Pools Capital Works	30,000	30,000	0
		60414 Shepp Sports Stadium West Wall	15,000	15,000	0
		60464 Aquamoves Replace RPM Bikes	10,000	18,726	8,726
		60465 Kidstown Shade Material Replac	10,000	10,000	0
		60484 Art Gallery Upgrade (New)	580,000	1,480,000	900,000
		60485 Preschool environmental works	40,000	40,000	0
		60486 Nancy Vibert OC Bathroom upgrd	0	20,657	20,657
		60488 Connection_Building Renewals	15,000	17,000	2,000
		60490 Court Surface Managmnt Program	15,000	6,500	(8,500)
		60510 Safety Strategy	186,000	186,000	0
		60559 Isobel Pearce Extension	222,800	222,800	0
		60569 Aquamoves Emergency System	36,750	36,750	0
		60576 Preschool & Minor Building Wks	121,000	21,000	(100,000)
		60577 Esson Street Hall Works	50,000	50,000	0
		60578 Aquatics Stadiums KidsTown Ren	321,600	303,600	(18,000)
		60584 KidsTown Miniature Train Renew	75,000	75,000	0
		60586 KidsTown Access Audit Projects	10,000	10,000	0
		60587 Artwork Conservation	15,000	15,000	0
		60588 Art Gallery Upgrade (Renewal)	153,000	130,000	(23,000)
	Capital Expense Total		2,171,150	3,034,825	863,675
	Capital Income	60250 Art Work Acquisitions	(13,000)	(22,076)	(9,076)
		60397 SPC Ardmona KidsTown New Play	0	0	0
		60484 Art Gallery Upgrade (New)	0	(900,000)	(900,000)
	Capital Income Total		(13,000)	(922,076)	(909,076)
Community Development Total			2,158,150	2,112,749	(45,401)
Corporate Services	Capital Expense	60015 Ford Road Subdivision Developm	30,000	30,000	0
		60038 Capital Tech. Purchases (New)	55,000	55,000	0
		60072 Street Trees Renewal Program	13,000	0	(13,000)
		60087 CBD Underground Power	48,000	0	(48,000)
		60196 Saleyards Improvements	200,000	200,000	0
		60282 Queens Garden Works	76,500	0	(76,500)
		60316 Tatura Flood Mitigation	283,000	0	(283,000)
		60376 Kialla Lakes Bridge Design	170,500	0	(170,500)

Department	Account Type	Project Description	2011-2012 Revised Budget	2011/2012 Mid Year Review	Variance (Fav)/Unfav
		60427 Land Purchase General	290,000	340,000	50,000
		60454 Saleyards Asset Replacement	158,600	158,600	0
		60455 Minor Dev_Shep Transfer Statio	10,000	0	(10,000)
		60476 Operation Centre Building Alt	2,000	0	(2,000)
		60481 TAT Abattoirs Infra Upgrade	38,000	0	(38,000)
		60484 Art Gallery Upgrade (New)	900,000	0	(900,000)
		60498 Town Entry Program	1,000	0	(1,000)
		60559 Isobel Pearce Extension	7,200	0	(7,200)
		60571 Capital Tech Purchases (Renew)	330,000	270,000	(60,000)
		60572 Capital Tech Purchases (Upgr)	60,000	60,000	0
	Capital Expense Total		2,672,800	1,113,600	(1,559,200)
	Capital Income	60012 Sale Council Land Various	(1,100,000)	(1,110,000)	(10,000)
		60214 Parkside Gardens Land Sales	(20,000)	(20,000)	0
		60364 Developer Gifted Assets	(3,000,000)	(3,000,000)	0
		60599 Land Sale _ Laneway	(10,000)	0	10,000
	Capital Income Total		(4,130,000)	(4,130,000)	0
Corporate Services Total			(1,457,200)	(3,016,400)	(1,559,200)
Sustainable Development	Capital Expense	60014 Tatura Park	100,000	129,809	29,809
		60041 On Street Parking Mtr Program	250,000	243,250	(6,750)
		60178 Northlinks Stages 2 3 & 5	0	240,000	240,000
		60205 Kialla Greens 1 2 3 4	0	5,850	5,850
		60217 Seven Creeks Estate Stages 345	0	215,000	215,000
		60226 Zurcas Lane/Benalla Road	60,000	209,000	149,000
		60284 Boulevard Development	0	12,099	12,099
		60294 Shepparton Drive In Drainage	70,000	0	(70,000)
		60308 Rafetry Road Reconstruction	300,000	300,000	0
		60316 Tatura Flood Mitigation	265,000	660,000	395,000
		60343 Mooroopna West DCP Flood Mitig	1,336,000	1,336,000	0
		60351 Coomes Lane Drainage Upgrade	0	4,440	4,440
		60356 Connolly Estate	0	249,870	249,870
		60376 Kialla Lakes Bridge Design	363,500	660,000	296,500
		60386 Gemmills Swamp Stormwater	0	1,100	1,100
		60400 Marlboro Drive Infrastructure	0	0	0
		60425 The Channels Estate	76,000	76,792	792
		60448 Vaughan Street Precinct	1,990,000	1,630,000	(360,000)
		60483 Community Plan Implementation	1,010,000	1,010,000	0
		60515 Moor Wst DCP NthSth Rd Wks	280,000	280,000	0
		60521 Moor Wst DCP MidHwy Traff Lgts	0	14,000	14,000
		60523 Pound Floor Improvements	20,000	19,100	(900)
		60528 Hassett Street	170,000	172,400	2,400
		60554 Shepp Showgrnds Redevelopment	200,000	385,339	185,339
		60556 Vaughan St upgrd Corio_Hoski	100,000	120,000	20,000
		60579 Vaughan St Precinct_Sobroan	250,000	250,000	0
		60581 Mpna Wst DCPPrecinctA Floodway	1,350,000	1,350,000	0
		60582 Nth Corridor DCP Collector Rd	10,000	50,408	40,408
		60583 Christmas Decorations	150,000	179,310	29,310
		60585 Council Contributions to Commu	100,000	50,000	(50,000)
	Capital Expense Total		8,450,500	9,853,767	1,403,267

Department	Account Type	Project Description	2011-2012 Revised Budget	2011/2012 Mid Year Review	Variance (Fav)/Unfav
	Capital Income	60205 Kialla Greens 1 2 3 4	(85,000)	(127,982)	(42,982)
		60217 Seven Creeks Estate Stages 345	(209,000)	(87,000)	122,000
		60226 Zurcas Lane/Benalla Road	0	(130,000)	(130,000)
		60284 Boulevard Development	0	(5,222)	(5,222)
		60316 Tatura Flood Mitigation	0	(405,360)	(405,360)
		60343 Mooroopna West DCP Flood Mitig	(218,000)		218,000
		60343 LGIP Funding	0	(2,000,000)	(2,000,000)
		60356 Connolly Estate	(247,000)	(240,000)	7,000
		60400 Marlboro Drive Infrastructure	0	(55,000)	(55,000)
		60425 The Channels Estate	(34,000)	(130,703)	(96,703)
		60448 Vaughan Street Precinct	(250,000)	0	250,000
		60582 Nth Corridor DCP Collector Rd	(5,000)	0	5,000
		60594 Charles St Footpath & Treescap	(42,000)	0	42,000
		60595 NthCorr DCP - Bicycle Path	(5,000)	(5,000)	0
		60596 NthCorr DCP - Turning Lanes	(2,000)	(2,000)	0
		60597 NthCorr DCP-Arterial Traff Man	(10,000)	(10,000)	0
		60598 NthCorr DCP-Drainage & Wetland	(12,000)	(12,000)	0
		Capital Income Total		(1,119,000)	(3,210,267)
	Sustainable Development Total			7,331,500	6,643,500
Grand Total			28,560,620	24,529,962	(4,030,658)



Peppermill Inn, Kialla

Social & Economic Impact Assessment

February 2011

Prepared by CPG Australia

CPG

© CPG Australia Pty Ltd

The information contained in this document is intended solely for the use of the client identified on the report cover for the purpose for which it has been prepared and no representation is made or is to be implied as being made to any third party. Other than for the exclusive use of our client, no part of this report may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying or otherwise, without the prior written permission of CPG Australia Pty Ltd.

Contents

1	Introduction	1
2	The Proposal	2
2.1	Estimated annual venue net machine income	2
3	Gaming and Problem Gaming	3
3.1	Gaming	3
3.1.1	Why people gamble	3
3.1.2	Problem Gaming	3
3.1.3	Vulnerability	5
3.1.4	Accessibility	5
3.2	Policy Responses	7
3.2.1	Regional Caps	7
3.2.2	Taking Action on Problem Gambling	7
3.3	Implications for this assessment	8
4	Existing Conditions	10
4.1	Gaming Profile	10
4.1.1	Venues Distribution	10
4.2	EGM Density	10
4.2.1	EGM Revenue	11
4.3	Socio-Economic Analysis	11
4.3.1	Regional	11
4.3.2	Social Indicators	12
5	Economic Assessment	14
5.1	Feasibility of redevelopment without gaming revenue	14
5.2	Positive Economic Impacts	18
5.3	Construction Benefits	18
5.4	Other benefits	18
6	Social Assessment	19
6.1	Community benefits from the application	19
6.2	Benefits to communities through taxation of gaming revenue	19
6.3	Community Contribution	19
6.4	Function Space	19
6.5	Exposure	19
6.6	Avoidance of venues/machines as a Self-Help Strategy	21
6.7	Sufficient Access Exists for those wishing to play the pokies in Shepparton	24

7	Overall Assessment	25
	Key findings 25	
8	Appendix I	26

1 Introduction

CPG Australia Pty Ltd has undertaken a Social Impact & Economic Impact Assessment in response to an application by Mt Dandenong Tourist Hotel Pty Ltd for 20 electronic gaming machines (EGMs) at Peppermill Inn.

The purpose of this report is to provide an assessment of the likely social and economic impacts associated with the introduction of 20 EGMs into Peppermill Inn.

This impact assessment is divided into the following sections:

- a summary of the political context and policy review
- some facts about problem gambling and social impacts of gambling
- a commentary on the policy and research context
- the existing conditions
- economic assessment
- social assessment
- final assessment and conclusions.

2 The Proposal

The application proposes the redevelopment of Peppermill Inn located on the Goulburn Highway, Kialla to accommodate a new gaming room for 20 EGMs.

The existing hotel includes a bar and bistro, conference and function facilities, bottle shop, TAB, accommodation with 26 rooms and 146 car parking spaces.

The proposal involves significant renovations *to make the venue more family friendly, with a range of facilities to cater for both families and tourists*. The applicant states that a substantial focus of the operation post approval would be providing good quality food by introducing a new menu at the Hotel.

Kialla is included within the Regional Capped Area of Shepparton. Therefore there can be no increase in EGMs. It is noted in the applicant's submission to the VCGR that the introduction of 20 EGMs to Peppermill Inn will be offset by a reduction in the number of machines at other venues within Shepparton including the Shepparton Club and the Mooroopna Golf Club.

2.1 Estimated annual venue net machine income

According to the Peppermill Inn Expenditure Report the:

- Annual expenditure would be \$1,939,545
- Transferred expenditure would be \$1,648,613 (or 85%)
- New expenditure would be \$290,932

3 Gaming and Problem Gaming

This Section provides an overview of the current policy position of the Victorian Government and an explanation of the research that informs this position.

3.1 Gaming

3.1.1 Why people gamble

For the majority of EGM gamblers, gaming is a form of enjoyable recreation and social contact. Gaming machine venues can provide increased recreational and entertainment opportunities and increased opportunities for social contact.

People gamble for a variety of reasons, including reduction of boredom, isolation and loneliness; to win money; for excitement and entertainment and for social contact (PC 1999; New Focus 2005). People are attracted to EGMs as a form of entertainment that provides contact in a non-confrontational and independent environment. Women gamblers in particular have reported that they feel safe accessing these venues alone, unlike other forms of similar entertainment (New Focus 2005).

3.1.2 Problem Gaming

A small but significant proportion of the population experience difficulty containing their spending on gaming (time and money) within an affordable range. These people are typically referred to as problem gamblers.

A number of screening techniques are used to identify problem gamblers within a population. Drawing on the most recent surveys which employ the Canadian Problem Gambling Index (CPGI), the Productivity Commission (2009) found that 0.75 per cent of Australian adults that score 8 or more on the Index (high risk group) while 1.75% score between 3 and 8 (moderate risk group). Around 40% of regular gamblers scoring in the moderate risk range experience harms as a result of their gambling, whereas virtually all people who score 8 or more on the index experience problems.

For Shepparton, the application of this benchmark represents around 355 people.

Table 3-1: The CPGI Survey and risk of experiencing gambling related problems

Risk Category	Proportion experiencing significant problems	Proportion of Adult Population
No risk - Low risk (CPGI 0-2)	2.5 - 8%	97.5%
Moderate risk (CPGI 3-7)	39.8%	1.75%
High Risk (CPGI 8+)	91.3%	0.75%

Source: PC 2009

The difference between money spent on gambling by problem gamblers and non problem gambler is marked. To illustrate, in its 1999 report the Productivity

Commission estimated that the average **problem gambler spends around \$12,000 per annum on gambling compared with around \$650 for non-problem gamblers**. In its 2010 report the PC estimated that in the case of EGMs, the CPGI 8+ group accounts for around 41 per cent of total gaming expenditure, and that the CPG 8+ and CPG 3+ groups combined account for approximately 58.5% of total spend).

When players spend more than they can afford this produces a range of repercussions for the player and the wider community. The adverse consequences which can result from problem gambling include:

- relationship breakdown
- bankruptcy
- lowered productivity and job loss
- depression and anxiety — although some may be depressed before their problems develop, gambling can exacerbate pre-existing conditions
- suicides
- crime (noting that gambling is one of the most common single motivations for fraud).

Adverse consequences such as those listed above result from EGM play more commonly than other forms of gambling and produce very high social costs for the community. As the table below illustrates the balance between the benefits and costs associated with particular gambling forms is more tightly balanced in the case of EGMs than is the case for other gambling modes.

Table 3-2: Consumer benefits, Social Costs and Net Impacts of Gambling by Mode

Mode	Net Consumer benefit (\$ Million)	Net Social Costs (\$ Million)	Net Benefit (\$ Million)*
Wagering	629 - 885	267 - 830	(201) - 617
Lotteries	1,232 - 1,498	34 - 106	1,126 - 1,464
Scratchies	219 - 266	24 - 74	145 - 243
EGMs	1,617 - 2,491	1,369 - 4,250	(2,624) – 1,122
Casino Gambling	581 - 771	48-150	431 - 723
Other	103-184	57-176	(73) - 127
All Gambling	4,365 - 6,076	1,800 - 5,856	(1,221) – 4,277

Source: PC 1999; * Figures in Brackets represent a loss

Applying the net social cost of EGMs relative to the total 'Gambling' social cost (from Table 3-2) of 72%, we may deduce that of the some 355 Shepparton residents with a gambling problem approximately 258 of those

in Shepparton with a gambling problem have a gambling problem specific to EGM use.

3.1.3 Vulnerability

The disadvantage experienced by certain communities may magnify the harm they experience due to problem gambling. For example, for those with limited financial means, impacts may be compounded or experienced sooner. This is because people with a lower socio-economic status tend to have fewer of life's financial 'safety nets' – such as insurance, a good credit record, friends and family with the means to lend financial support, employability through educational qualifications and a sound employment history.

Research has identified that for disadvantaged communities the negative impacts of gaming may be compounded or experienced sooner (Livingstone 2006; Doughney (1999).

3.1.4 Accessibility

The term accessibility relates to how much effort is required by a person to seek out an opportunity to play a gaming machine. Accessibility for a particular individual can be influenced by a number of factors, including travel distance to a venue, travel time, the availability of public transport, the desirability of a particular venue, venue opening hours, etc. The Productivity Commission (PC) found a positive relationship between accessibility to electronic gaming machines and the prevalence of problem gambling across Australia.

The number and distribution of gaming venues within an area has been shown to influence gaming behaviour. Specifically, evidence suggests that when there are significant time and space barriers to gambling, people are more likely to make planned decisions to gamble (and to set and stick to money and time limits), rather than gambling on impulse alone (DoJ, 2008, referencing (McDonnell Phillips 2006). Conversely, people who gamble at locally accessible venues are more likely to have higher expenditure, gamble more regularly and play for longer periods of time (ANU, 2004).

A number of studies are discussed below which illustrate the complexities surrounding this issue and the difficulties for policy makers in formulating effective strategies.

- Marshall *et. al.* (2004) found that regular club patrons in Tuggeranong who live within 3.5 kilometres of their preferred local club spend more on average than those who live further away (\$1,858 compared with \$580.
- In the same study, Marshall *et. al.* (2004) demonstrated that the catchment areas of different clubs vary markedly and that specific clubs tend to have distinctive EGM patron profiles. Clubs with spatially extensive catchments (up to 14km) were typically located close to large areas of community congregation whilst clubs with small catchment areas (up to 4 km) were

generally located some distance from large areas of community congregation, often in suburbs with pockets of relative socio-disadvantage. Clubs which drew their patrons from a more localised catchment tended to have patrons with heavier gambling profiles than clubs with wider reach into the surrounding area.

- Baker and Marshall (2005) constructed a space-time model of trips to EGM gaming venues in the Richmond-Tweed area of NSW. On average, EGM gamblers in the sample spent 40 minutes gambling per session and visited once per fortnight - the average trip distance was 4.24km and the return trip time was 0.5h. Average yearly expenditure was \$2,441. The segment of the gambler population known as the 'involved gamblers' (top 20 gamblers – average expenditure of \$16,653 p.a. on EGMs) spent 104 minutes gambling, 2.9 times per week and lived closer to their preferred venue (average of 2.05 km). In this study, the gambling behaviour of the 'involved gamblers' was extreme, suggestive of a link between proximity and problem gambling.
- A New Zealand Ministry of Health study (2008) found that gambling behaviour was significantly associated with accessibility of gaming venues. In particular, the results suggested that living in a neighbourhood closer to a gambling venue increased the odds that a person had gambled and was a problem gambler. If people had EGMs within 800m of the centre of their neighbourhood then they were more likely to have gambled on EGMs in the past year.
- A study by Thomas et al (2010) examined the multiple dimensions of accessibility and noted a distinct difference between the implications of social accessibility (a venue that is fun, social, affordable and safe) versus geo-temporal accessibility (a venue that is close and open at convenient times). It was found that persons who gamble because it is a geographically and temporally convenient escape from life problems are more likely to have the characteristics of problem gamblers (such as financial stress, irrational gambling cognitions and the like). This suggests that for those persons pre-disposed to problem gambling, proximity and accessibility of gambling venues could make avoidance of venues difficult.

Overall, the research supports discouraging 'convenience gambling' and indicates that limiting accessibility to EGMs is likely to reduce the socio-economic impact of gaming and protect vulnerable communities.

The Productivity Commission suggest a help seeking rate of between 8 and 17 per cent (Productivity Commission Chapter 7.1) which, taking the mid-point of 12.5%, would mean of the 258 people in Shepparton with a gaming problem relating to EGMs, approximately 32 people would be seeking assistance and indeed, seeking to avoid gaming venues.

3.2 Policy Responses

In recognition of the negative impacts which gaming can produce for some players, the Victorian Government has taken a number of steps to minimise the impact that gaming has for local communities. This is reflected in the following initiatives:

- a maximum of 27,500 machines across Victoria (outside the Melbourne casino)
- a minimum of 20% of machines outside metropolitan Melbourne
- a limit of 105 gaming machines for a single venue
- at least 50% of gaming machines to be operated within clubs
- a progressive tax structure for gaming machine revenue
- limits on the number of machines able to operate within certain regions in the State (Regional Caps).

3.2.1 Regional Caps

The Victorian Government introduced regional EGM caps in 2001 in an attempt to reduce the accessibility of gaming machines in vulnerable areas. Two rounds of caps were introduced; the first in 2001 and the second in 2006 (as part of the strategy *Taking Action on Problem Gambling*). There are now caps on gaming machines in 19 regions, which are set at 10 gaming machines per 1,000 people or at the gaming machine density in the region at the date the cap was imposed, whichever is lower. The geographic areas over which caps apply are those considered to be most at risk of problem gambling. The capped regions include the City of Greater Shepparton, where a cap limit of 329 machines currently applies.

3.2.2 Taking Action on Problem Gambling

In 2006 the Victorian Government released *Taking Action on Problem Gambling: A Strategy for Combating Problem Gambling in Victoria*. Under *Action Area Four - Protecting Vulnerable Communities*, the Strategy suggests that some communities are more at risk than others from the harm caused by problem gambling. Indicators of at-risk communities referred to in the Strategy are:

- Low levels of workforce participation and income.
- Lower educational and literacy levels.
- Health risks associated with a higher incidence of smoking and alcohol abuse.

The Strategy suggests that the location of gaming venues plays a part in determining the nature and magnitude of its associated positive and negative social and economic impacts. To illustrate, the document states that:

The Government is committed to effectively managing the distribution of gaming opportunities to better protect the communities most at risk from problem gambling (p 28).

A number of initiatives were introduced to protect vulnerable communities such as:

- Increasing the number of Capped Areas
- Extension of the capped area limit of 10 gaming machines per 1000 to all uncapped local government areas (with the exception of some areas within Melbourne).
- Changes to the Victoria Planning Provisions to require a council planning permit to be obtained for any new gaming venue or for any increase in the number of gaming machines at an existing venue.

3.3 Implications for this assessment

The preceding discussion provides an overview of the current policy position of the Victorian Government and the City of Shepparton I and an explanation of the reasoning and research which sits behind this position. The major points to note are:

- Gaming is a legitimate activity in Victoria and for the majority of players, gaming is a source of recreation.
- A small but significant proportion of the population (known as problem gamblers) have difficulty containing the amount of time and money they spend playing EGMs, often with adverse consequences for them, their families and the community. It is estimated 32 people within Shepparton have a serious gambling problem relating to EGMs and, applying the industry point of reference of 15 people affected for every one person with a gaming problem, it is expected an estimated 480 people are also impacted by these 32 people seeking to avoid EGMs.
- Although the proportion of the population that experience problems associated with the use of EGMs is small, the proportion of regular EGM players that experience problems is substantially higher.
- The social costs associated with the adverse consequences of problem gaming are high relative to other forms of gambling.
- The risk that provision of gaming opportunities will produce an overall negative net benefit for a community will vary depending on local conditions, in particular the vulnerability of the local population and the accessibility of the gaming opportunities provided.
- Accessibility is a broad construct that takes into account all the circumstances that either enable or constrain an individual in expressing a decision to gamble. A number of studies link measures of accessibility with increases in gaming expenditure.

- Convenient access to gaming is likely to increase issues associated with problem gaming for local communities.
- Overall, the research supports discouraging 'convenience gambling' and indicates that limiting accessibility to EGMs is likely to reduce the socio-economic impact of gaming and protect vulnerable communities.

4 Existing Conditions

4.1 Gaming Profile

4.1.1 Venues Distribution

There are currently seven gaming venues in the City of which contain a total of 329 gaming machines, exactly as many as is allowed under the existing regional cap. Three of the seven are hotels and four are club venues (See Table 3.0). The number of gaming venues per adult resident in Shepparton is relatively high compared with the Regional Victoria average and other regional cities (see Table 4.1). To illustrate, the number of adults per venue in Shepparton is 6,756 compared with the Victorian Country average of one venue per 8,271 adults.

Table 4-1 EGM Venues in Shepparton

Name of Venue	EGMs	Venue Type
Goulburn Valley Hotel	40	Hotel
Sherbourne Terrace	39	Hotel
Victoria Hotel (Shepparton)	45	Hotel
Mooroopna Golf Club	44	Club
Shepparton Club	61	Club
Shepparton RSL	80	Club
Hill Top Golf and Country Club	20	Club

Source: Victorian Commission for Gambling Regulation, 2011

4.2 EGM Density

Existing venues in Shepparton provide a total of 6.96 EGMs per 1,000 adults which exceeds the Victorian Country average (6.65 per 1,000). However, it should be noted that the Victorian Country average takes account of municipalities which do not have any EGMs and therefore the provision of EGMs in other regional cities provides a better comparison.

Table 4-2

Area	REGM's per 1,000	Expenditure per adult	Adults per venue
City of Shepparton	6.96	\$640	6,756
City of Warrnambool	9.36	\$765	4,165
Rural City of Horsham	9.84	\$640	3,733
City of Ballarat	9.09	\$759	5,162
City of Greater Geelong	7.92	\$670	6,730
City of Greater Bendigo	6.91	\$559	7,192
Regional Victoria	6.65	\$503	8,271

Source VCGR website

As the table above shows, EGM provision in Victoria's Regional cities regional cities varies considerably as does the expenditure per adult. These discrepancies reflect the popularity of gaming within local populations, and also the role of each City as a tourism destination and regional service centre. In any case, the expenditure per adult is relatively high in Shepparton, \$640, compared to the Regional Victoria average of \$503, representing expenditure 127% of that of the Regional Victorian average.

4.2.1 EGM Revenue

As noted above EGM expenditure per adult in Shepparton exceeds the Regional Victoria average by \$137.

4.3 Socio-Economic Analysis

To understand the impact of the application, it is necessary to examine the socio-economic characteristics of the community. This is because, some members of the community may be more vulnerable to problems when gambling than others. As the Productivity Commission (2010) noted:

Some groups of consumers — such as people with intellectual or mental health disabilities, poor English skills, and those who are emotionally fragile (say, due to grief) — may be particularly vulnerable to problems when gambling. That vulnerability is relevant when determining any alleged unconscionable conduct by gambling suppliers, and more generally for regulations... (p 3.8).

4.3.1 Regional

The Socio-Economic Indexes for Areas (SEIFA) consist of four different indexes. Shepparton has an Index of Relative Socio-Economic Disadvantage (IRSED) score of 968. This score is lower than the state average of 1000. This would suggest that Shepparton is relatively more disadvantaged than the state average. This score places Shepparton as the 19th most disadvantaged local government area in the state.

Table 4-3 highlights IRSED scores for regional Local Government Areas. It is evident, that Shepparton has a lower IRSED than the other regional cities listed in *Table 3.2* as well as the Victorian Country average. This indicates that these Shepparton has a greater level of disadvantage.

Table 4-3 IRSED scores for similar Local Government Areas

Local Government Area	IRESD
City of Greater Shepparton	968
City of Warrnambool	993
Rural City of Horsham	993
City of Ballarat	983
City of Greater Geelong	993
City of Greater Bendigo	989
Regional Victoria	983

Source: Measuring Disadvantage, SEIFA 2006, Department of Human Services, 2009

It is clear from *Table 4-3* that Shepparton's IRES score indicates a level of disadvantage that is greater to other regional cities. It is also important to note that Shepparton has a capped limit on the number of gaming machines. The regional gaming caps were introduced in regions with a high prevalence of disadvantage, significant access to gaming machines and high levels of spending on gaming machines.

4.3.2 Social Indicators

In the *Compendium of Social Inclusion Indicators* categories of people that are more likely to experience disadvantage are recognised¹. These categories include:

- Aged persons,
- Public housing renters
- Aboriginal and Torres Strait Islander peoples
- One-parent families
- People of non-English speaking backgrounds.

As previously mentioned in section 2.2.2, communities that are more vulnerable to problem gambling are signified by the following characteristics.

- Low levels of workforce participation and income.

¹ *Compendium of Social Inclusion Indicators, Australian Government, 2009*

- Lower educational and literacy levels.
- Higher incidence of smoking and alcohol abuse.

Table 4-4 highlights the prevalence of characteristics for the occurrence of disadvantage and characteristics of problem gambling in Regional Victoria and the City of Greater Shepparton.

Table 4-4 Indicators of Vulnerability

Area	Regional Victoria	Shepparton (LGA)
Population	1,383,233	47,294
Household income < \$20,800 p.a.	50.0%	38.5%
Unemployment rate	5.8%	7.2%
Young Persons - % of 15-19 year olds who are not engaged in school. Work or further education and training	19.0%	22.0%
Public Housing	4.8%	6.4%
Single Parent Families	15.4%	19.5%
Low English Proficiency	0.7%	18.3%

Source: ABS Census 2006

As the table above shows, the LGA of Greater Shepparton has a higher rate of unemployment than the regional state average. It similarly has a higher rate of young persons not engaged in any school, work or further education and training. It is also clear that there are a larger proportion of single parent families in Shepparton as well as public housing dwellings compared with regional Victoria. There is also a significant proportion of persons with low English proficiency relative to the regional state average.

Table 4-4 demonstrates that the proportion of the population with characteristics of problem gambling and disadvantage is significantly larger in Greater Shepparton compared with Regional Victoria. This suggests that a larger proportion of the population is likely to experience problem gaming in Shepparton than in Regional Victoria.

5 Economic Assessment

5.1 Feasibility of redevelopment without gaming revenue

In determining the expected social and economic benefits of the 20 EGMs requested to be introduced into Peppermill Inn, it is first important to consider the viability of the development under the scenarios as follows:

- a) operating 20 EGMs versus
- b) not operating the EGMs.

Almost every operator seeking new licences for EGMs reports the redevelopment will not be feasible without gaming revenue. In 2011, the applicant for Peppermill Inn presented exactly the same argument to the VCGR for the redevelopment of Rafferty's hotel in Warrnambool² and indeed, the payback period for Peppermill Inn with revenue from EGMs would be extremely short.

Peppermill Inn have paid \$80,660 per licence (\$1.61m total) for the rights to operate the EGMs for 10 years which, on expected revenue (\$1.94m annually paid by Shepparton residents into poker machines in the Peppermill Inn - PVS Report), the operators could expect to recoup their investment within 10 months. Further, ignoring the cost of the estimated one full-time position which would be required to service the Gaming room, the introduction of 20 EGMs into Peppermill Inn would offer a payback on Construction of a further 5 months.

Table 5-1 outlines the expected Cash Flow under the scenario of Peppermill Inn undertaking the redevelopment and operating 20 EGMs versus while Table 5-2 outlines the expected Cash Flow under the scenario of Peppermill Inn undertaking the redevelopment but not operating the EGMs.

If operating the 20 EGMs, Peppermill Inn could expect to have recorded profits of \$17.7m by 2021. Without the EGMs it is expected the return on the \$600,000 redevelopment through increased meal/beverage sales is likely to be in the order of \$2.1 million or 13%; more than twice the risk free rate. On this evaluation, if, as the applicant for Peppermill Inn contends, that gaming is not their core business, the development at Peppermill Inn would not be expected to be contingent upon the granting of the EGM licence.

On this basis, it is expected that even without the Poker Machines licences, the redevelopment of Peppermill Inn will be attractive enough to an investor at some point within the foreseeable future to make the proposed investment in redevelopment, since the returns will be attractive enough to warrant the investment.

The relevance of the business viability argument was supported *Whittlesea CC v George Adams Pty Ltd* [2011] VCAT 534 (7 April 2011) where it was noted:

² In the matter of an application under section 3.3.4 of the Gambling Regulation Act 2003 by SJ Beaumont Investments Pty Ltd for approval of premises at Rafferty's Tavern, cnr Walsh Road and Princes Highway, Warrnambool, as suitable for gaming with nineteen (19) gaming machines.

There were some differences, too, in the evidence presented by Mr Quick in his updated social and economic impact assessment. Some could properly be characterised as updated information on matters such as population growth and income in the Laurimar area. In addition he took into account the effect of the changed circumstances of the applicant. He said the withdrawal of the planned operator, and the absence of evidence of gaming industry experience and a commitment to best practice in respect of responsible gaming practices had not affected his conclusion there was a net social and economic benefit. Nor did he consider the absence of reliance on evidence that the proposal was not viable unless it contained EGM's detracted from his original conclusion. Mr Quick's original social and economic impact assessment provided to the VCGR, and his evidence before the VCGR indicated those were factors he had relied on in concluding there was a net benefit from the proposal. We consider therefore that despite Mr Quick's evidence they did not affect his conclusion, this, too, is a material difference between the case below and the case before us (Whittlesea CC v George Adams Pty Ltd [2011] VCAT 534 (7 April 2011))

Table 5.1: Scenario 1 – Expected Cash Flow at Peppermill Inn with Development and With 20 EGMs

Cash Flow										
	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Brought forward		-\$2,213,200	-\$4,700	\$2,203,800	\$4,412,300	\$6,620,800	\$8,829,300	\$11,037,800	\$13,246,300	\$15,454,800
Entitlements Paid	-\$1,613,200									
Construction	-\$600,000									
Revenue from EGM spend (net losses)		\$1,940,000	\$1,940,000	\$1,940,000	\$1,940,000	\$1,940,000	\$1,940,000	\$1,940,000	\$1,940,000	\$1,940,000
Additional staff member		-\$30,000	-\$30,000	-\$30,000	-\$30,000	-\$30,000	-\$30,000	-\$30,000	-\$30,000	-\$30,000
Net profit on additional meals*		\$328,500	\$328,500	\$328,500	\$328,500	\$328,500	\$328,500	\$328,500	\$328,500	\$328,500
Contribution to local community groups		-\$30,000	-\$30,000	-\$30,000	-\$30,000	-\$30,000	-\$30,000	-\$30,000	-\$30,000	-\$30,000
Net Position (Cumulative)	-\$2,213,200	-\$4,700	\$2,203,800	\$4,412,300	\$6,620,800	\$8,829,300	\$11,037,800	\$13,246,300	\$15,454,800	\$17,663,300

Note: 2012 dollars

*Net of all costs – ‘additional meals’ assumes 75% occupancy on additional 120 seats for one meal per day at \$10 net profit (applying Australian Hotels Association benchmarks of 33% profit)

Table 5.2: Scenario 3 – Expected Cash Flow at Peppermill Inn with Development and Without 20 EGMs

Cash Flow										
	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Brought forward		-\$600,000	-\$301,500	-\$3,000	\$295,500	\$594,000	\$892,500	\$1,191,000	\$1,489,500	\$1,788,000
Construction	-\$600,000									
Net profit on additional meals*		\$328,500	\$328,500	\$328,500	\$328,500	\$328,500	\$328,500	\$328,500	\$328,500	\$328,500
Contribution to local community groups		-\$30,000	-\$30,000	-\$30,000	-\$30,000	-\$30,000	-\$30,000	-\$30,000	-\$30,000	-\$30,000
Net Position (Cumulative)	-\$600,000	-\$301,500	-\$3,000	\$295,500	\$594,000	\$892,500	\$1,191,000	\$1,489,500	\$1,788,000	\$2,086,500

Note: 2012 dollars

*Net of all costs – 'additional meals' assumes 75% occupancy on additional 120 seats for one meal per day at \$10 net profit (applying Australian Hotels Association benchmarks of 33% profit)

5.2 Positive Economic Impacts

As the redevelopment of the venue will be viable even without the EGMs, the only Economic Benefits relevant to the assessment are those directly related to the EGMs rather than the extension of the dining room, playground, airlock at front door etc.

Since it is an unfortunate reality that people can only spend their money once, the additional expenditure Shepparton residents disburse at Peppermill Inn as a result of the venue offering gaming machines will in large be a transfer of expenditure either from:

- a) Another entertainment venue within Shepparton
- b) Another category of expenditure such as food purchased from the supermarket, take-away, butcher etc and/or beverages purchased from supermarket, liquor stores etc.

It is not considered likely the introduction of EGMs will significantly increase dining patronage to the Peppermill Inn over and above that which will be delivered through increasing the dining room from 130 seats to 250 seats.

5.3 Construction Benefits

Building works at a cost of \$600,000 to the operator are proposed for Peppermill Inn which represents approximately 2.5 job years within the Shepparton community. The applicant has noted that this expenditure will be delivered through their own construction business, limiting the multiplier of benefit for the Shepparton community.

5.4 Other benefits

The extent to which the benefits of offering an extended dining venue is not made clear by the applicant. It is noted that the Inn already advertises itself as containing a convention centre that can accommodate up to 120 people. Furthermore, other function rooms/conference centres in the local area include:

- The Emerald Bank Woolshed, a function centre located on the Goulburn Highway can accommodate weddings, conferences, functions and seminars.
- Olivehouse Restaurant located on the Goulburn Highway can accommodate weddings, functions and conferences.
- Kialla Park Community & Sports Club, located adjacent to the Goulburn Highway on Reserve Street can accommodate functions.

6 Social Assessment

6.1 Community benefits from the application

In evaluating social impacts of gambling both positive and negative impacts need to be considered.

6.2 Benefits to communities through taxation of gaming revenue

In Victoria, under the *Gambling Regulations Act* 2003, net gaming revenues from hotels with gaming machines are subject to an additional tax of 8.33%. The additional tax paid by hotels is directed to the Community Support Fund (CSF).

The applicant estimates that approximately \$290,932 of new gaming expenditure would be generated by the proposed EGMs, and therefore an additional \$24,235 would be directed the CSF.

6.3 Community Contribution

In addition to monies directed to the CSF, the applicant proposes to put in place a Community Development Program. The Program would make available \$30,000 per annum for 10 years for community projects. It should be noted that Urbis in their submission could not “establish what the current venue’s community contributions are” (Urbis, December 2011) however the Applicant commits to donating \$30,000 annually for a period of 10 years to community groups. **Given the Peppermill already supports local sporting clubs, not all of the \$30,000 should be counted as additional benefit since the existing benefit has not been acknowledged.**

6.4 Function Space

The proposal includes a reconfiguration of the existing floor plan, to expand existing function/conference facilities. The proposed modification would enable a private function to be held, while also allowing standard bistro service to continue and therefore contributes to the overall availability and diversity of community meeting space in Shepparton.

6.5 Exposure

At present, visitors to Peppermill Inn are able to socialise and dine at a distance regarded as being proximate to but not within walking range from convenience gaming venues. The Mooroopna Golf Club, Goulburn Valley Hotel, Sherbourne Terrace, Victoria Hotel (Shepparton), Shepparton Club and Shepparton RSL are located approximately 4.5-5 kilometres to the north of the subject site. The venue is not located in an area that local residents would visit to complete routine daily activities such as grocery shopping, banking or visiting friends. The venue is a

popular drinking and eating venue for Shepparton residents since it offers pub-style meals at reasonable prices. The venue offers both live entertainment and a children's playground area to cater for the family market. As such, it is reasonable to consider the Peppermill Inn as a destination venue. We do not believe that problem gamblers who are currently not seeking help will gamble a great deal more as a result of 20 machines being introduced into Peppermill Inn:

These results extend prior research and show that people do in fact see accessibility as multidimensional, and differentiate between gambling opportunities based on their temporal, social, within venue and retreat qualities as well as their geographical accessibility (Eltridge & Delfabbro, 2006; Marshall, et al., 2004; Productivity Commission, 1999). Geographical accessibility encouraged impulsive gambling and this theme involved accessibility provided by the relative proximity of venues to shopping centres, work, social venues and on commonly used routes as well as to home. These findings supported the argument that geographical accessibility must encompass more than simply the number of opportunities per capita or the relative distance/time between venues and home (Clarke, et al., 2006; Marshall, et al.; McMillen & Doran, 2006; Thomas, et al., 2009). The spatial distribution of venues meant that some problem gamblers had difficulty avoiding venues and limiting the amount of money they spent. (Thomas et al p.39)

We contend that the current benefit Peppermill Inn offers the estimated 32 residents of Shepparton who are problem gamblers seeking help, outweighs the benefits expected to accrue from installing 20 EGMs in Peppermill Inn. Peppermill Inn offers only one of two dining options not within walking distance to a pokies venue. Hence, if you are a problem gambler trying to socialise in Shepparton in a location where you are safely excluded from the attraction of EGMs (ie: with a transportation barrier to EGMs), Peppermill Inn offers one of just two such socialising options. Shepparton offers gaming within 5km of Peppermill Inn, thus providing access for those wishing to play EGMs. The economic and social detriment caused by removing this venue from the options to 'socialise with friends' for those with gaming problems seeking to avoid venues with EGMs is greater than the economic and social benefits of introducing 20 EGMs into Peppermill Inn.

Further, industry research suggests for every one person affected by problem gambling, 15 others are also affected. Thus, in addition to the 32 problem gamblers seeking help for their gambling addiction, a further 480 others are also affected. Assuming half of these are residents of Shepparton, this represents in the order of 270 impacted by problem gambling either directly or indirectly in the Shepparton community or 0.6% of the adult population. This small number of people will be impacted to various levels of detriment through the removal of one of just two venues where the

individual with the gambling problem trying to avoid EGMs can frequent safely.

6.6 Avoidance of venues/machines as a Self-Help Strategy

The absence of EGMs at the Peppermill Inn has the effect of offering one of only two venues allowing those wishing to avoid EGMs to assist in controlling their gambling a place to socialise with colleagues, friends or family which is not proximate to EGMs. As inferred from extract below, problem gamblers seeking to avoid EGM venues are more likely to be successful in controlling their gambling if they have opportunities to abstain from gambling venues and they are more likely to be successful in their efforts to abstain if they can socialise in venues that are not proximate to EGMs.

This supported other research finding that a popular self-regulation strategy for problem gamblers was to avoid gambling venues (Hodgins & El-Guebaly, 2000; Hodgins, et al., 1999), and that long term recovery was facilitated by incorporating lifestyle changes such as replacing gambling with more adaptive hobbies (Clarke & Clarkson, 2008; Griffiths, 2006; Hodgins & El-Guebaly; Hodgins, et al.; Petry, 2005a). While this type of behaviour can assist in controlling gambling, it can impose constraints on socialising if peer groups tend to congregate at gambling venues. (Thomas et al p 29)

While the above strategies were used by both problem and non-problem gamblers, problem gamblers generally needed additional, more powerful, strategies to control gambling. Some discussed the need to totally abstain from visiting gambling venues, either temporarily or permanently.Avoiding gambling venues completely could be difficult when the venue was a major social entertainment hub within the community. ... Decisions to follow peers into gambling venues could result in setbacks to abstinence goals: "No matter I said to myself I won't gamble but I do" (P27, M, 18 years, Vietnamese participant, PG). (Thomas et al p 44)

"While the above strategies were used by both problem and non-problem gamblers, they were more likely to constitute reliable and successful methods of self-regulation for nonproblem gamblers. Those who had experienced problems with their gambling discussed the need to implement additional, more restrictive control strategies.

Maintaining an abstinence from gambling venues was discussed as well as the need to replace gambling with other, more adaptive hobbies. While avoidance can be an effective method of control, geographical and temporal accessibility of venues made avoidance

difficult, and it could place constraints on socialising if peers frequented gambling venues.” Thomas 2010

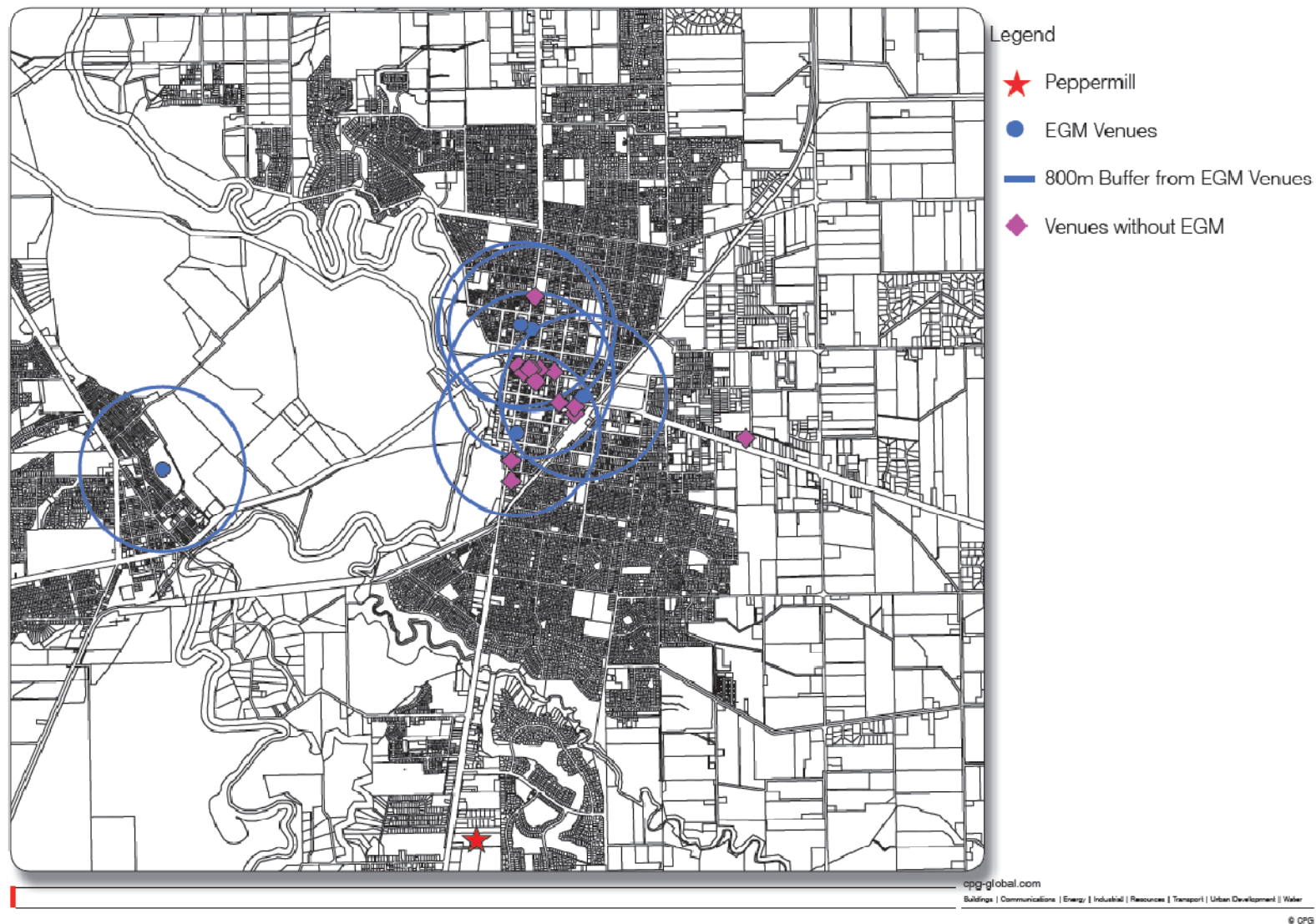
In *Whittlesea CC v George Adams Pty Ltd* [2011] VCAT 534 (7 April 2011) Her Honour Judge Hampel and AP Liston, Senior Member, found the following:

(c) The absence of other entertainment options in the area means that those who wish to use the other facilities offered by the proposal can only do so at a venue that also provides gaming. Introduction of EGM's in the proposed tavern would make them highly accessible in a community where they currently do not exist and where there are limited alternative options for entertainment.

In the case of Peppermill Inn, the absence of other venues which offer a pub type dining experience which is not within walking distance to an EGM provides a similar loss of opportunity to use the other facilities offered by the proposal without also do so at a venue that also provides gaming.

The map overleaf show the location of the following restaurants relative to EGM facilities

1. Sebastians Restaurant (65 Wyndham St)
2. Firenzes Restaurant (Maude St Mall)
3. Olivehouse Restaurant (7230 GV Hwy, Kialla)
4. Overlander (97 Benalla Road)
5. Teller Collective (55 Fryers Street)
6. Victorian Hotel,/Flannigans Irish Bar
7. Bullion Bar,
8. Sherbourne Terrace Hotel,
9. Australian Hotel,
10. Letiza's,
11. Friars Café
12. Cellar 47,
13. GV Hotel,
14. Terminus Hotel,
15. Bicaró's,
16. Park-lake Restaurant,
17. The Carrington,
18. Shepparton RSL,
19. Shepparton Club



6.7 Sufficient Access Exists for those wishing to play the pokies in Shepparton

In *Whittlesea CC v George Adams Pty Ltd* [2011] VCAT 534 (7 April 2011) Her Honour Judge Hampel and AP Liston, Senior Member, noted the following:

In addition, we note that the Bridge Inn at Mernda, less than five kilometres away from the Laurimar town centre has approval for the introduction of 40 EGM's. Five kilometres is within the distance research shows people will generally travel to access EGM's. It is not a convenience venue, but is accessible to those Laurimar residents who wish to gamble on EGM's.

Similarly, Peppermill Inn is 4 km to Shepparton CBD offering an option for EGM access within the distance research shows people will generally travel to access EGMs. Thus, EGMs are accessible to those Shepparton residents wishing to gamble on EGMs while not being convenient to diners and those socialising at Peppermill Inn.

7 Overall Assessment

The Auditor General noted one of the central reasons the full value of the EGM Auction did not realise the expected return for the community were the barriers to entry to new operators. The applicant has made strategic investments in Entitlements on the basis that they did not experience the barriers to entry as a result of owning EGM licences in other parts of the State and the applicant has now commercially applied their advantage to a range of venues (Rafferty's and Peppermill Inn – refer Appendix I) to increase the number of venues offering EGMs. While this is the prerogative of the Applicant, it does not follow that the Shepparton community will benefit from the very modest \$600,000 one-off infrastructure spend or the \$30,000 community contribution in return for the \$1.94 million expected to be lost at this venue per year. While it is appreciated that most of this money will be redirected from other venues, one might question the economic sense of redirecting \$1.83m away from current venues within Shepparton who presumably would be less viable operations in return for improving the viability of the Peppermill Inn.

It is this concluded: the introduction of EGMs in Shepparton will produce a net loss to the community on social grounds (loss of one of only two venues where one can socialise in a pub type environment with friends without being within walking distance to an EGM) while is likely to be virtually neutral in terms of economic benefit.

Key findings

- The key detriment of the application is the loss of one of just two venues where those residents of Shepparton seeking to avoid access to EGMs can dine and socialise at a location which is not within walking distance to an EGM.
- The key potential benefit of the application is the proposed increase community contributions comprising both indirect contributions through increased CSF payments and direct contributions through a proposed community fund of up to \$30,000 per annum however it is noted the Peppermill Inn is well-known in Shepparton for supporting local sports groups and hence the \$30,000 does not represent a net benefit.
- The weight that can be attributed to this benefit (the local community contributions) is somewhat unclear given uncertainty surrounding the amount of funding that will be available and to whom it will be distributed.
- Improvements to the Hotel and its function/conference facilities are considered to be a benefit of the application, although given that the Hotel already provides function facilities and they are not unique in the local area, then this benefit can be considered a marginal one.

Rafferty's redevelopers reveal pokie plans

PETER COLLINS

The Warrnambool Standard 15 Jun, 2011 05:00 AM

INVESTORS who want to buy Rafferty's Tavern for an \$800,000 revamp have revealed they need revenue from gaming machines to justify the development.

Melbourne-based SJ Beaumont Investments has lodged a planning permit application with Warrnambool City Council and sought approval from the Victorian Commission for Gambling Regulation to operate 19 pokies for which they paid \$2.47 million at an entitlements auction last year.

Company partners Peter Cook and Stephen Beaumont said if they could not get approval to operate the pokies their Warrnambool plans would not proceed.

"The proposed gaming machines are important to enable the venue to provide a full range of entertainment options for patrons at the venue," they said.

They unveiled their vision to turn the west Warrnambool venue into a large modern family dining and entertainment venue with an upstairs conference centre.

Its dining area will seat 330 people and there will be a children's playground.

The duo heads the Cook Beaumont and Partners Group which runs 28 hotel and accommodation premises in Victoria and Queensland. Eight have gaming machines.

"Gambling is not our core business," they said.

"Our aim is to seek sites that operate below their potential, buy them, renovate and kick the business on.

"Rafferty's fits our model. It's in a growth area and we saw it as an opportunity to renovate and provide a better offering for the western side of Warrnambool.

"It came to our attention about three years ago and we ascertained there was an opportunity to apply for gaming licences last year."

The company's 19 pokie entitlements would fit in the city's cap of 234 machines.

A submission from the council has been sent to the commission which is expected to announce its decision by October.

The council has been seeking community opinion on gambling and for many years has been concerned about the millions of dollars spent on pokies.

Last financial year players lost more than \$19m on Warrnambool gaming machines .

The Cook Beaumont group believes it will not worsen the gambling problem, but provide another venue for players who already visit other sites in the city.

It engaged research consultants who calculated that gaming expenditure in the municipality was expected to increase by less than one percent because a “significant” percentage of the existing gaming expenditure would be transferred from existing venues.

The research also played down concerns about nearby housing commission areas being more vulnerable.

“The adult population in the housing commission area is only 0.95 per cent of the adult population within five kilometres of the venue,” it says.

Warrnambool pub gets pokies approval

PETER COLLINS

27 Aug, 2011 05:00 AM

AN application to install 19 electronic gaming machines in a west Warrnambool hotel has been approved by the Victorian Commission for Gambling Regulation.

The approval is a major step forward for developers planning an \$800,000 revamp of Rafferty's Tavern to turn it into a major family dining area and convention venue.

Now they await the final approval step of a planning permit decision by Warrnambool City Council expected late September.

Detailed reasons for the VCGR decision will not be released for another fortnight, but developer partner Peter Cook told The Standard yesterday the gaming licence had been approved on socio-economic grounds.

"We are very happy with the decision and now await the outcome of the council process," he said.

"Hopefully there will be a favourable vote which will allow us to undertake working drawings for the project.

"We are looking to start construction soon after Christmas.

"The new gaming entitlements regime starts on August 16 next year and our aim is to be completed and ready to go by then."

The council withdrew its preliminary opposition submission to the VCGR hearing after a community survey showed the majority of respondents supported the redevelopment or had no issue with it.

It showed people would rather have pokies in the revamp than not have it at all, but there has been criticism in how the survey was undertaken.

Detailed survey results have not yet been released to the public.

Mr Cook said a local architectural-drafting firm had been engaged and district sub-contractors would be involved in construction.

Cook Beaumont, which owns several hotels and entertainment venues around the state, paid \$2.47m for its 19 gaming machine entitlements at open auction last year.

Meanwhile, the Flying Horse Bar and Brewery in east Warrnambool confirmed it too would apply for a VCGR licence for its eight gaming machine entitlements, changing earlier plans to sell them.

The family company has listed its 30 pokies entitlements for Moyne Shire for sale on the commission's website.

Comments

I still wonder how adding pokies to a venue achieves the stated purpose of being a 'family based venue'. The research on pokies in Victoria over the last 10 years shows that the regular users of these pokie machines will lose an average of \$5,500 per person each year or 3.5% of their disposable income using machines that are designed to provide profits (or as the industry refers to it 'Net Losses') without paying back to the gamblers over the long term. The government wins by taking 33-41% of these net losses and letting the venue holder keep the rest of your money.

Posted by **New local**, 27/08/2011 11:35:48 AM, on The Warrnambool Standard

Maybe they use the argument it creates jobs, debt recovery agencies and solicitors. Welfare agencies, family breakdown, and homes sold. What a wonderful world.

Posted by **Whitlams**, 28/08/2011 11:20:45 AM, on The Warrnambool Standard

If it is intended to remain as a Family Oriented Venue, wouldn't Pool Tables and Dart Boards be a better option than the Family Wrecking Pokie Machines.

Just stick to serving food and booze, as the booze does enough damage to families anyway

- Australian Bureau of Statistics (2006). *Census of Population and Housing*, www.abs.gov.au
- Australian Institute for Gambling Research (1996). Study 2. An Examination of the Socio-economic Effects of Gambling on Individuals, Families and the Community Including Research into the Costs of Problem Gambling in New South Wales. A report to the Casino Community Benefit Fund, NSW Government
- Australian Institute for Gambling Research (UWS Macarthur) (2000). *The Impact of the Expansion of Gaming on the Tourism, Entertainment and Leisure Industries*. Published by the Victorian Casino and Gaming Authority.
- Australian Institute for Primary Care, La Trobe University (Livingstone, C.) (2006) *The Changing Electronic Gaming Machine (EGM) Industry and Technology*
- Australian Medical Association (1999) Submission to the Productivity Commission's Inquiry into Australia's Gambling Industries
- Australian National University (ANU) Centre for Gambling Research (2004). *Gaming Machine Accessibility and Use in Suburban Canberra: A Detailed Analysis of the Tuggeranong Valley*, commissioned by the ACT Gambling and Racing Commission
- Baker, R., & Marshall, D. (2005). Modelling gambling time and economic assignments to weekly trip behaviour to gambling venues. *Journal of Geographic Systems*, 7.
- Brown S and Coventry L (1997). *Queen of Hearts. The Needs of Women with Gambling Problems*. Melbourne, Financial and Consumer Rights Council Inc.
- Consumer Affairs Victoria (2004a). *Discussion Paper: What do we mean by 'vulnerable' and 'disadvantaged' consumers?*, www.consumer.vic.gov.au
- Consumer Affairs Victoria, (2004b). *Liquor Licensing: A guide to liquor licensing in Victoria*, <http://www.consumer.vic.gov.au>
- Cultural Partners Australia Consortium (2000). *The Impact of Gaming on Specific Cultural Groups*, Victorian Commission for Gambling Regulation www.vcgr.vic.gov.au
- Department of Infrastructure (2002). *Melbourne 2030: Planning for Sustainable Growth*, Melbourne
- Department of Justice, Office of Gaming and Racing (2005). *Regional Electronic Gaming Machine Caps Review Panel: Final Report*, Melbourne.
- Department of Justice (2006). *Taking Action on Problem Gambling: a strategy for combating problem gambling in Victoria*, Melbourne

- Department of Justice (2008). *Destination Gaming: evaluating the benefits for Victoria*. Melbourne.
- Department of Justice (2009) *Study of Gambling in Victoria - Problem Gambling from a Public Health Perspective*
- Department of Victorian Communities (2006). *Indicators of Community Strength at the Local Government Area Level 2006*, Melbourne
- Department of Victorian Communities (2006) *Annual Report 2005-06*
- Doughney, J & Kelleher, T. (1999). *The Impact of Poker Machine Gambling on Low Income Municipalities – A Critical Survey of Key Issues*, Workplace Studies Centre, Victoria University, Melbourne.
- Jackson, A., Thomas, S., Thomason, N., Borrell, J., Crisp, B., Ho, W., Holt, T., and Smith, S. (1999). *Analysis of Clients Presenting to Problem Gambling Counselling Services July 1997 to June 1998*, Client and service analysis report no. 4, prepared for and published by the Victorian Department of Human Services
- Jackson, A. (2008). *Risk And Protective Factors In Problem Gambling*, Paper Presented At 7th European Conference On Gambling Studies and Policy Issues, Nova Gorica, Slovenia, July 1-4.
- Kirby, P. (2006). *The Review of Electronic Gaming Machine, Club Keno and Wagering Licenses, and Funding Arrangements for the Licensing Industry Post-2012*, Gambling Licenses Review, Office of Gaming and Racing, Melbourne.
- KPMG Consulting, (1999). *Report of the 1999 Longitudinal Community Impact Study*, Victorian Casino and Gaming Authority
- Legge K (1996). "A Jackpot society", in Cathcart M and Darien-Smith K (eds) *Place Your Bets: Gambling in Victoria*. Melbourne, The Australian Centre, University of Melbourne.
- Local Government Working Group on Gambling (2006). *Submission to the Licensing Arrangements*, Melbourne.
- Market Solutions (1999). *Hotel and Club Industry Gaming Impact Study: Final Report December 1999*, Victorian Commission for Gambling Regulation, www.vcgr.vic.gov.au
- McDonnell Phillips Pty Ltd, 2006, *Analysis of Gambler Pre-commitment Behaviour*, *Gambling Research Australia*, Department of Justice, Melbourne Australia
- McMillen, J., Marshall, D., Ahmed, E. & Winzel, M. (2004). *2003 Victorian longitudinal community attitudes survey*, Centre for Gambling Research ANU.
- McMillen, J. & Doran, B. (2006). *Problem gambling and gaming machine density: socio-spatial analysis of three Victorian localities*, *International Gambling Studies*

- New Focus Research (2005). Experiences of Problem Gamblers, their Loved Ones and Service Providers, Department of Justice, Melbourne.
- New Zealand Ministry of Health (2008) Raising the Odds? Gambling behaviour and neighbourhood access to gambling venues in New Zealand, Public Health Intelligence Occasional Bulletin No.47
- Productivity Commission (1999) *Australia's Gambling Industries*, Report No. 10, Canberra.
- Productivity Commission (2010) *Gambling*, Productivity Commission Inquiry Report
- SA Centre for Economic Studies (2005a). *Community Impact of Electronic Gaming Machine Gambling*, Victorian Gambling Research Panel
- SA Centre for Economic Studies (2005b). Study of the Impact of Caps on Electronic Gaming Machines.
- Stubbs J & Storer J. (2009) *Gambling Inquiry Submission*
- Thomas A, Moore S, Kyrios M, Bates G, Meredyth D & Jessop G. (2010) *Problem gambling vulnerability: The interaction between access, individual cognitions and group beliefs/preferences*, Final report prepared for the Office of Gaming and Racing, Department of Justice, Victorian Government.
- University of Melbourne (1998). Analysis of Clients Presenting to Problem Gambling Counselling Services July 1997—June 1998: Client and Service Analysis Report No. 4, Prepared for Department of Human Services, Melbourne.
- Victorian Auditor General (2010). *Taking Action on Problem Gambling*
- Victorian Commission for Gambling Regulation (1997). *Impact of Electronic Gaming Machines on Small Rural Communities*, www.vcgr.vic.gov.au
- Victorian Commission for Gambling Regulation (1997). *Impact of Electronic Gaming Machines on Small Rural Communities*, www.vcgr.vic.gov.au
- Victorian Commission for Gambling Regulation (2005). *Impact of Gaming Venues on Inner City Municipalities*, www.vcgr.vic.gov.au
- Victorian Commission for Gambling Regulation (1997). *Impact of Electronic Gaming Machines in Small Rural Communities*, www.vcgr.vic.gov.au
- Vinson, T. (2004). Community Adversity and Resilience: the distribution of social disadvantage in Victoria and New South Wales and the mediating role of social cohesion, Jesuit Social Services, Richmond
- Volberg RA and Abbott MW (1994). Lifetime prevalence estimates of pathological gambling in New Zealand. *Int J Epidemiol* 23: 976-983.
- Warrnambool Standard Newspaper (various) www.standard.net.au
- Whittlesea CC v George Adams Pty Ltd [2011] VCAT 534 (7 April 2011))

Map of 57-59 Hogan Street Tatura



Aerial Map of 57-59 Hogan Street Tatura



M12/4551

REFUSAL TO GRANT A PERMIT

APPLICATION NO: 2011-405

PLANNING SCHEME: GREATER SHEPPARTON PLANNING SCHEME

RESPONSIBLE AUTHORITY: GREATER SHEPPARTON CITY COUNCIL

ADDRESS OF THE LAND: 6890 Goulburn Valley Highway ARCADIA VIC 3631

WHAT HAS BEEN REFUSED: Display of advertising signage

WHAT ARE THE REASONS FOR THE REFUSAL?

The sign is prohibited under clause 52.05-10 of the Greater Shepparton Planning Scheme for the following reasons:

- The sign is not a section 1 or 2 sign under clause 52.05-10
- The sign is a 'promotion pole sign', which is a section 3, prohibited sign under clause 52.05-10

TERMS OF REFERENCE APPLYING TO THE GREATER SHEPPARTON WOMEN'S CHARTER ALLIANCE ADVISORY COMMITTEE



TERMS OF REFERENCE

INTRODUCTION

1. APPLICATION OF TERMS OF REFERENCE AND DATE EFFECTIVE

The Greater Shepparton Women's Charter Alliance Advisory Committee will provide advice in accordance with this Terms of Reference to promote women in leadership and decision making roles. These Terms were authorised by resolution of the Council on 21 February 2012 and have effect from this date.

2. DEFINITIONS

In this document, the following terms have the meanings indicated:

- 2.1 "Committee" means the Greater Shepparton Women's Charter Alliance Advisory Committee established by the Council
- 2.2 "Council" means the Greater Shepparton City Council.

COMMITTEE STRUCTURE

3. AIMS OF THE COMMITTEE

The committee will:

- 3.1 Provide advice to the Council on issues relating to the Victorian Local Government Women's Charter and the three keys issues of – gender equity, diversity and active citizenship that create innovative ways to encourage leadership roles for women in all aspects of Council and community decision-making processes;
- 3.2 Ensure there are opportunities for women in Greater Shepparton to access information about the Council and leadership opportunities;
- 3.3 Promote women in local leadership roles;
- 3.4 Support and mentor Council staff and the community about issues surrounding women obtaining leadership positions;
- 3.5 Provide a collaborative network;
- 3.6 Support Council staff and the community to coordinate projects and events to promote Women in local leadership roles;
- 3.7 Develop appropriate opportunities for women to build leadership capacity;

TERMS OF REFERENCE APPLYING TO THE GREATER SHEPPARTON WOMEN'S CHARTER ALLIANCE ADVISORY COMMITTEE



4. POLICY, RULES AND PROCEDURES

In furtherance of its responsibilities and functions, the Committee may:

- 4.1 Make recommendations to Council to encourage delivery of Victorian Local Government Women's Charter principles;
- 4.2 Coordinate meetings, forums, seminars or other activities as may be deemed of value by the Committee to meet or assist in meeting its objectives;
- 4.3 Liaise with the Council and its staff to ensure continuing cooperation and coordination of women in all levels of decision making;
- 4.4 Publicise and promote interest in the Committee.

5. REPORTING

The Committee shall provide a written report to the Council on the operation and activities of the Committee on an annual basis (which shall be deemed to be the Annual Report)

6. COMMITTEE MEMBERSHIP

The Committee shall:

- 6.1 Not exceed 30 members;
 - 6.2 Be appointed by resolution of the Council.
 - 6.3 The composition of the Committee will be:
 - 6.3.1 Up to 20 representatives from the Council, including:
 - a) One Councillor – Charter Champion
 - b) Secretary/Support position – Executive Assistant Community Development
 - 6.3.2 Up to 10 representatives from the Greater Shepparton community;
- All members, except the Support position, will have voting rights.
- 6.4 The term of office for appointed members will be for one year commencing with the date of appointment by the Council;
 - 6.5 The Council will call for nominations to fill vacant positions by way of an Expression of Interest in the public notice section of the Shepparton News and on the Council website. With the outgoing member/s eligible for reappointment;

TERMS OF REFERENCE APPLYING TO THE GREATER SHEPPARTON WOMEN'S CHARTER ALLIANCE ADVISORY COMMITTEE



- 6.6 Casual vacancies on the committee will be filled by application or co-option at the recommendation of a Committee member and with approval at a Committee meeting;
- 6.7 If a Committee member is absent for three meetings without an apology, a letter may be forwarded from the Charter Champion outlining their responsibilities as a member and asking for clarification of the situation.

7. MEETINGS

7.1 Annual General Meeting

7.1.1 The Committee shall hold an Annual General Meeting on a date fixed by the Support Person. The business of the Annual General Meeting shall be:

- a) To receive the annual report;
- b) To confirm the schedule for Chairperson (as per clause 9.1).

7.2 General Meetings

7.2.1 The Committee shall hold at least four other meetings during the year on such dates as the Support Person appoints.

7.2.2 The Support Person shall give reasonable notice of all meetings by distributing a notice of the meeting to all members at least seven clear days prior to the meeting.

7.3 Special Meetings

The Support Person may call a special meeting.

7.4 Workshops/Seminars/Events

The Committee may advise Council staff and/or Councillors, where applicable, on the need for Workshops/Seminars/Events to be held.

Members of the Committee may choose to assist in organising and holding these events.

8. MEETING PROCEDURES

- 8.1 The Committee is not required to comply with Council's Local Law No. 2 – Processes of Municipal Government (Meetings and Common Seal);
- 8.2 The quorum at any Committee meeting shall be a majority of members of the Committee. Motions cannot be adopted if a quorum does not exist;

TERMS OF REFERENCE APPLYING TO THE GREATER SHEPPARTON WOMEN'S CHARTER ALLIANCE ADVISORY COMMITTEE



- 8.3 The Chairperson shall take the chair at all meetings at which he or she is present. In the Chairperson's absence, the Deputy Chairperson will chair the meeting;
- 8.4 Minutes shall be kept of the proceedings at all meetings and they must be certified by the Chairperson of the meeting. Copies of minutes must be kept on record by Council and distributed to the Committee within 14 days of a meeting;
- 8.5 Communicating with Council – The nominated Councillor will provide Council with ad hoc briefings regarding the activities of the Committee;
- 8.6 Any issue on which the Committee requests Council advice or information will be communicated through the General Manager of Community Development and/or the Chief Executive Officer.
- 8.7 The Support Person will ask any Councillors in attendance at meetings to declare any conflicts of interest. The Support Person will fill out the Record of Assembly of Councillors form; stating all in attendance, Councillors in attendance, topics discussed and any conflicts declared. This information shall be stored as per Council policy.

9. OFFICE BEARERS

- 9.1 Chairperson
 - 9.1.1 The Chairperson will rotate at each meeting, to allow all Committee members to build their skills as a chairperson and leader.
 - 9.1.2 While all members are encouraged to participate in the rotation, a member may request to be excluded from the rotation and any such request will be granted by the Committee.
 - 9.1.3 The rotation will commence at the first formal meeting of the Committee and recommence at the meeting held immediately after new members are appointed to the Committee.
 - 9.1.4 At commencement and on each occasion of recommencement of the rotation, the rotation will be based on the alphabetical order of the Committee members' first names, starting with the member whose name comes first alphabetically.
 - 9.1.5 If a member is not able to attend the meeting at which they are scheduled to be Chair, they will act as Chair at the next meeting they attend, after which the alphabetical rotation will resume from the point at which it was interrupted.
 - 9.1.6 Clause 9.1.4 notwithstanding, a person who chairs a meeting out of sequence to cover for the absence the scheduled Chair will be

TERMS OF REFERENCE APPLYING TO THE GREATER SHEPPARTON WOMEN'S CHARTER ALLIANCE ADVISORY COMMITTEE



considered to have met their obligation to chair a meeting and be passed over when the alphabetical rotation resumes.

- 9.1.7 Nothing in this clause shall be read to prevent members from exchanging their obligation to Chair with another member by mutual agreement. A member who arranges an exchange must inform the Council Support Person of the details of the exchange.

9.2 Deputy Chairperson

- 9.2.1 The Deputy Chairperson will be the member whose name follows that of the Chairperson. This role will also rotate at each meeting.
- 9.2.2 The Deputy Chair will assume the Chair at any meeting at which the designated Chair is not in attendance.
- 9.2.3 If a member is not able to attend the meeting at which they are scheduled to be Deputy Chair, clauses 9.1.4, 9.1.5 and 9.1.6 will be applied as if the reference to "Chair" in those clauses was a reference to "Deputy Chair".

10. TERMS OF REVIEW

Every 12 months the Committee will have the opportunity to review these Terms and discuss any potential amendments.

Greater Shepparton Local Government Women's Charter Action Plan - Progress

To be actioned by the Greater Shepparton Women's Charter Alliance Advisory Committee



GREATER
SHEPPARTON

Key Areas	Action Plan Objectives	Activity/Event Planned	Key Partners	Action result or feedback	Event Co-ordinator
Gender Equity <i>To promote men and women have an equal right to be representatives in local Government, committees and decision making processes.</i>	Conduct an annual "Women Matter in Local Democracy" Workshop	Fiona to speak with Jenny Ashby to attend our next meeting			Fiona
	Establish a Greater Shepparton Women's Charter Action Plan	Establish a Women's Charter Action Plan for our Council	Councillors	Completed. Action Plan endorsed by Council – 17 May 2011	
	<ul style="list-style-type: none"> Internal working group established December 2010 Action Plan endorsed by Council – May 2011 Council Advisory Committee, including internal and external members, to be formed early 2012 Action Plan/Advisory Committee to be launched 'International Women's Day' 8 March 2012 	Establish a Women's Charter Alliance internal working group	Councillors Council Staff	Formed December 2010	
		Develop Advisory Committee Terms of Reference (ToR)		Proposed ToR to be adopted by Council at Feb 2012 Council meeting.	
		Expression of Interest process to be established linked with media release –Dec 2011		Completed – Advisory Committee Membership to be endorsed by Council at Feb 2012 Council meeting.	
		Action Plan/ Advisory Committee launch linked with 'International Women's Day' event		Plan event/activities to celebrate International Women's Day & launch Action Plan/Advisory Committee 8 Mar 2012	
	Plan and host Pre-election / Leadership Workshops for women in the lead up to the 2012 elections	Women's Heart Health Day, Women's History Month & other Celebrations		Group to consider events or activities	
	<ul style="list-style-type: none"> March, May, July 2012 ? 				

Greater Shepparton Local Government Women's Charter Action Plan - Progress

To be actioned by the Greater Shepparton Women's Charter Alliance Advisory Committee



Key Areas	Action Plan Objectives	Activity/Event Planned	Key Partners	Action result or feedback	Event Co-ordinator
Diversity <i>Different perspectives and experiences in local Government and community decision making processes strengthens local governance and builds cohesive communities.</i>	In partnership with women leaders/representatives from the culturally and linguistically diverse backgrounds (CALD) and Aboriginal groups, establish a scholarship program for young women to increase leadership capacity and civic participation.	Scholarship options to be further investigated via the Culture and Community Strengthening team. Investigate links with regional/Statewide initiatives.	DPCD Beacon Foundation		
	Establish a "Growing Local Democracy" program with Councillors and officers for schools focussing on: <ul style="list-style-type: none"> • Key local issues • Increasing diversity in local democracy and active civic participation • Women's leadership 	"Growing Local Democracy" to be linked to youth strategy and program opportunities to be developed and progressed in partnership with Word and Mouth (September 2011)	Youth Forum participants		
	Develop Community Inclusion and Communications policies that recognise the equal rights of all citizens / community members to participate in public life.	Follow up inclusion statements from other LGA's - Moreland, Port Phillip, Wodonga & Darebin Councils			

Greater Shepparton Local Government Women's Charter Action Plan - Progress

To be actioned by the Greater Shepparton Women's Charter Alliance Advisory Committee



Key Areas	Action Plan Objectives	Activity/Event Planned	Key Partners	Action result or feedback	Event Co-ordinator
Active Citizenship <i>Local Governments will work with community to increase numbers and participation of women in public life to clearly represent and reflect the interests and demographics of our community.</i>	Promote and publicise the Women's Charter Action Plan with local groups and seek their input on ideas, support and assistance to progress items.	Adoption of the Charter for consideration in the April/May Council cycle Media release following the formal adoption		Completed Action Plan endorsed by Council – 17 May 2011	
	Create an annual award for women in the Greater Shepparton community who have demonstrated community leadership	Investigate existing awards presented by Council, including Australia Day events, Volunteer Awards, to determine criteria for Award.	Council staff	Develop criteria and offer expression of interest prior to International Women's Day event	Small working group to investigate; Amanda Tingay, Amanda McRoy, Julie Salomon, Michelle Latorre & Michelle Patterson.
	Nominate a local active citizen for inclusion on the 2012 Victorian Women's Honour Roll and nominate a young woman community activist for the annual Sally Isaac Award in the 2012 Local Government Women's Charter Awards.	Cr Houlihan to approach the GS Soroptimists group for inclusion at their annual forum to be held at Parklake, 8 Mar 2012.	Council staff External Working group	Cr Houlihan advised that Council has been allocated ten minutes to present awards at annual Soroptimists event (refer small group)	Cr Houlihan
		Award criteria to be established by the Advisory Committee.		Develop criteria and offer expression of interest prior to International Women's Day Breakfast	Small working group to investigate; Amanda Tingay, Amanda McRoy, Caroline Smith, Julie Salomon, Michelle Latorre & Michelle Patterson.

Photos of 57-59 Hogan Street Tatura – Taken at site inspection on 28 September 2011





Photos of vehicles parked at 51-55 Hogan Street – Both sign written with 'OLDS COOL'



Photos taken at 61 Hogan Street Tatura – Taken at site inspection on 19 January 2012



Area where paint has been seeping through from 57-59 Hogan Street Tatura



Wall of 57-59 Hogan Street Tatura taken from 61 Hogan Street Tatura



View from the front yard of 61 Hogan Street Tatura

M12/3938