

AGENDA

FOR THE
GREATER SHEPPARTON CITY COUNCIL

ORDINARY COUNCIL MEETING

TO BE HELD ON
TUESDAY 18 SEPTEMBER 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

A G E N D A
FOR THE
ORDINARY COUNCIL MEETING
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CHAIR
CR MICHAEL POLAN

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PRESENT:

1. ACKNOWLEDGEMENT

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

2. TABLING OF VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL ORDER

A copy of the Victorian Civil and Administrative Tribunal Orders issued in response to an application to the tribunal from the Minister for Local Government is attached for Councillor information.

3. APOLOGIES

4. DECLARATIONS OF CONFLICTS OF INTEREST

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

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

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

RECOMMENDATION

That the Minutes of the Special Council Meeting held on 28 August 2012 and the Ordinary Council Meeting held on 21 August 2012, as circulated, be adopted.

6. DEPUTATIONS AND PETITION

RISK LEVEL MATRIX LEGEND

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

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

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

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

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

Low Operational, manage through usual procedures and accountabilities

Insignificant Operational, add treatments where appropriate

7. MANAGEMENT REPORTS

FROM THE INFRASTRUCTURE DIRECTORATE

7.1 Shepparton Airport – Business Case for Relocation of the Shepparton Airport

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

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

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

Council Officers involved in producing this report

Author: Team Leader Delivery Branch

Proof reader(s): Manager Projects Branch

Approved by: Director Infrastructure

Other: Works Superintendent Delivery Branch

Purpose

The purpose of this report is to provide information to the Council regarding the contents of the Shepparton Airport Relocation Business Case Consultancy and seek their decision on future options for the Shepparton Airport.

RECOMMENDATION

That the Council resolve to:

1. receive and note the report titled “Business Case for Relocation of Shepparton Airport” by Rehbein Airport Consulting
2. maintain the Shepparton Airport in its current location for at least another 10 years, ie until 2022, and review the airport relocation business case in five years time (ie 2017)

Background

The Council resolved in November 2007 that the Shepparton Airport would remain at the current location for at least 10 years, ie until 2018. In the interim investigations as to possible relocation were to be undertaken. The development of a business case for relocation is an integral element of those investigations.

Council engaged Rehbein Airport Consultants to prepare a business case for the relocation of the existing Shepparton Airport. The business case was built on the review and validation of previous aerodrome reports in 2007 and 2008, together with current assumptions, research and analysis by the consultants.

The business case has determined that for a number of discounted cashflow scenarios, the relocation of the airport would result in a significant cost to Council. The Net Present Value (NPV) analysis provides financial shortfalls within the range \$17m to \$19m.

7. MANAGEMENT REPORTS

7.1 Shepparton Airport – Business Case for Relocation of the Shepparton Airport

The business case is based on the progressive or staged development (three stages over 25 years) of a new airport within a 30 year investment window.

The proposed airport layout considered would improve the Shepparton Airport's capability, including the introduction of Regular Public Transport (RPT) services.

The business case is based on the redevelopment of the Shepparton Airport occurring in three stages:

- Stage 1 – Replacement of existing facilities (1378m long and 18m wide)(Year 0).
- Stage 2A – Runway extension to 1600m long and 30m wide (Year 10).
- Stage 2B – Runway extension to 1800m long and additional pavement strengthening to allow increase loading (Year 25).

Further to the business case information, Council officers contacted representatives of the following major regional airports for information on RPT services using their airports. The airports contacted were:

- Albury
- Ballarat
- Bendigo
- Wangaratta
- Warrnambool.

Albury Airport is the only regional airport with RPT services.

Council resolved in November 2007 that the Shepparton Airport would remain at the current location for at least 10 years, ie until 2018.

The current Shepparton Airport is under increasing pressure from surrounding developments, in particular residential developments. There are increasing on-going operational risks with the airport in its current location. Current developments within the vicinity of the airport have S173 agreements attached to land titles that advise landowners of the presence and operation of the airport. Purchasers are therefore informed when they make the purchase decision.

The ongoing residential development surrounding the airport will result in the removal of any emergency landing areas that currently exist with the open paddocks on east and south sides, and subsequently increasing the risk of a plane crashing into a residential property. The fatal plane crash that occurred in February 2009 was on land approximately 50metres from the airport's east boundary and the Kialla Lakes Estate. Council would have been exposed to increased pressure to re-consider the airport's future if the crash had occurred in the residential estate.

There are no opportunities to expand the airport facilities at the current site due to the developments at each end of the main runway, and width of the site.

The business case NPV outputs indicate a financial shortfall ranges from \$17m to \$19m over a 30 year investment review timeframe.

7. MANAGEMENT REPORTS

7.1 Shepparton Airport – Business Case for Relocation of the Shepparton Airport

The NPV analysis does not include the planning, design and development fees and costs that are estimated to be between 8% to 12% of the total capital cost, approximately \$1.6m to \$2.4m for Stage 1.

The estimated income from the sale of the current 57ha site is \$7.5m. This estimate was provided by Council's valuers, and is based on a mixed redevelopment of the airport site. This amount has been included in the business case.

The business case considers the staged implementation of the new infrastructure to minimize up-front funding requirements. The proposed staging is indicated above.

The consultants, Rehbein, spoke with three regional airlines during their investigations. They spoke with; Qantaslink, Rex and Brindabella regarding the operation of RPT services at Shepparton. Only Brindabella expressed any interest at the time. The likelihood of RPT services occurring is low at this stage. The low population base, and Shepparton's proximity to both Melbourne and Albury are factors that would make RPT services by larger planes unsustainable.

The increased interest in fast passenger rail services also needs to be considered. If the Melbourne to Sydney fast passenger rail service was to pass through, or near, Shepparton the need for an improved level of service at Shepparton Airport, and the likelihood of an RPT service operating at Shepparton Airport would be significantly reduced.

Officers have gathered information from Ballarat, Bendigo, Wangaratta and Warrnambool City Councils regarding the usage of their regional airports. None of these airports have RPT.

The business case assumptions include Shepparton being a source of labour resources for the mining industry, with one Fly in – Fly out (FIFO) flight per week commencing in Year 26.

No potential future site has been identified. The business case was developed on the assumption that a new airport site would be within 15-20km of the Shepparton City centre.

Albury Airport, is a significant regional airport with RPT services, and they were contacted to gather information regarding the number of passengers, the number of RPT flights annually and revenue generated by the RPT services.

Albury Airport is the only regional airport with RPT services. Albury has a longer, wider and stronger runway pavement than the current Shepparton configuration. Current configurations are given below:

Airport:	Length:	Width:	Pavement strength comments:
Albury	1900m	30m	RPT to 29,000kg (Dash 8-400)
Shepparton	1378m	18m	General Aviation up to 5700kg

7. MANAGEMENT REPORTS

7.1 Shepparton Airport – Business Case for Relocation of the Shepparton Airport

The proposed airport layout in the business case will result in an 1800m runway at the completion of the relocation, ie Stage 2B. This is shorter than the current Albury Airport runway.

The following information relating to Albury Airport is provided from discussions with the Albury Airport Operations Manager:

Albury Airport current conditions:

RPT services to Sydney, Melbourne and Canberra, as well as other regional centres. Current passenger numbers approaching 300,000 per year (Approx 284,000 in 2011/2012).

RPT flights: 10,400 per year.

Airport operates at a profit.

Charges aircraft landing fees and passenger fees. (Passenger fee revenue approx \$4.25m pa).

Charges carparking fees.

Close to township (5km from Albury and Lavington town centres).

Shepparton Airport current conditions:

No RPT services.

General Aviation only (Plane Maximum Take Off Weight (MTOW) < 5,700kg).

Runway configuration limits aeroplane access – length width and strength.

Not charging aircraft landing fees.

Not charging carparking fees.

Close to township (7km from Shepparton CBD).

Shepparton Airport proposed conditions:

Staged construction – eventually available for RPT services. Business case identifies minimal interest in provision of services by current minor aircraft operators. Business case assumption identified.

Runway configuration (Stage 2B) will be based on Fokker 100 (MTOW = 45,000kg).

Charging of aircraft landing fees.

Not charging carparking fees.

Not close to township centre (15-20km radius).

Based on the information contained in this Council Report, and the Business Case, there will be a significant financial shortfall (\$17m to \$19m) to relocate the Shepparton Airport making the project unviable. The ability to offset this cost is unlikely given there is little foreseeable demand for RPT services at Shepparton Airport.

Council Plan/Key Strategic Activity

The relocation of the Shepparton Airport is not mentioned in the Council Plan. The need for the relocation of the airport is identified in the Greater Shepparton 2030 Strategy as outlined below in “Strategic Links”.

Risk Management

The Business Case identifies a number of high-level risks relating to the continued safe and sustainable operations of the current airport. These are included in the table below:

7. MANAGEMENT REPORTS

7.1 Shepparton Airport – Business Case for Relocation of the Shepparton Airport

Risks	Likelihood	Consequence	Rating	Mitigation Action
Noise impact in vicinity of airport	A	4	Moderate	<ul style="list-style-type: none"> Development approvals require S173 agreements Planning permit conditions on building construction requirements
Emergency landings – lack of space around airport for emergency landings	D	1	High	<ul style="list-style-type: none"> Residential development permitted around airport. Require re-zoning and/or acquisition of land Accept risk
Economic development opportunities lost.	B	3	Moderate	<ul style="list-style-type: none"> Council to decide on definite timeframes for closure or relocation Accept risk
Lack of Regular Passenger Transport (RPT) services	A	3	High	<ul style="list-style-type: none"> Accept risk as this service is not viable as assessed by the providers
Relocate the airport to another site and sell existing site resulting in financial shortfall	A	1	Extreme	<ul style="list-style-type: none"> Do not relocate the airport at this time.

Policy Considerations

It is considered that this report does not conflict with any Council Policy.

Financial Implications

The business case identifies that the relocation of the airport now is expected to yield a financial shortfall and would not be a viable proposition at this time.

The Net Present Value (NPV) analysis provides financial shortfalls within the range \$17m to \$19m. The assumptions of the business case are listed in the report.

The business case is based on the progressive or staged development (three stages over 25 years) of a new aerodrome within a 30 year investment window.

7. MANAGEMENT REPORTS

7.1 Shepparton Airport – Business Case for Relocation of the Shepparton Airport

There is no funding allocation in the 2012/2013 Budget for further works relating to the relocation of the Shepparton Airport.

Legal/Statutory Implications

This proposal is consistent with the requirements of the Local government Act 1989.

Environmental/Sustainability Impacts

Neutral impact

Social Implications

The relocation of the airport will provide improved residential amenity around the airport, and allow for the redevelopment of the current site into a mix of commercial development fronting the Goulburn Valley Highway, and the remainder of the site being medium and high density residential development.

Economic Impacts

Based on the business case and the associated assumptions, the project is not viable at this time.

Consultation

The consultation process was targeted at members of the aviation community to determine their opinions on the current facility and future demand options and expectations.

The consultants developed a questionnaire that was circulated to the following:

- Leaseholders at the airport
- Members of the GV Aero Club

They also spoke with representatives of the following companies:

- SPC Ardmona
- Rubicon Systems
- Tatura Milk
- Visy Foods
- Snow Brand
- Qantaslink
- Brindabella Airlines
- Rex Airlines

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Keep informed	Articles in local newspapers Interview with TV reporter at airport
Consult	Questionnaire sent to relevant stakeholders	Questionnaire sent to relevant stakeholders Telephone discussions/questions to relevant stakeholders

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

7. MANAGEMENT REPORTS

7.1 Shepparton Airport – Business Case for Relocation of the Shepparton Airport

Strategic Links

a) Greater Shepparton 2030 Strategy

The *Greater Shepparton 2030 Strategy* refers to the threat to the existing airport through the encroachment of residential development around the airport, and that the options for relocation out of the city are to be explored. Refer Greater Shepparton 2030 Infrastructure Report:

- Figure 2
- Section 3.2
- Section 4.1.5
- Table 1 - Objective 3, and associated strategies

Options For Consideration

Based on the business case output, the relocation of the Shepparton Airport would not be viable. This would result in maintaining the airport in the current location. The Council will need to consider further options, including:

1 - Establishing another timeframe for continued use of the airport at the current site, and subsequently review/revisit the business case during that extended life period. The new timeframe would provide some security of tenure for operators and businesses at the airport.

The Council can undertake another business case in say 5–10 years when economic circumstances may have changed, and a different output achieved.

2 - The Council can decide to continue with the airport at the current level of service until it decides that it is no longer satisfactory to have the airport in this location surrounded by residential development, and then close the airport, and either sell the land for development, or maintain it as open space or some combination.

3 - Investigate possible relocation sites within the area identified in the business case and if a suitable site is located then reserve that area for a future airport in the Shepparton Planning Scheme.

It is important to note that the Council is required to maintain the airport to satisfy Civil Aviation Safety Authority standards, eg Manual of Standards 139 - Aerodromes.

Conclusion

The Business Case for the Relocation of Shepparton Airport indicates that that there would be significant costs to Council over the modelled 30 year timeframe for the staged development, and that relocation at this stage would be an unviable proposition.

Options for the future of the airport have been briefly considered.

Given this information, it is recommended that the Shepparton Airport remain in its current location for at least 10 years (ie until at least 2022), that the business case be reviewed in five years (ie 2017) and at that time consider commencing investigations into identifying a possible future site and the site reserved in the Shepparton Planning Scheme for a new airport.

Attachment

Nil.

7. MANAGEMENT REPORTS

FROM THE COMMUNITY DIRECTORATE

7.2 Council Representation on Goulburn River Valley Tourism Board

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

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

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

Council Officers involved in producing this report

Author: Manager Tourism & Events

Proof reader(s): Event Support Officer

Approved by: Acting Director Community

Purpose

Following the resignation of Councillor Cherie Crawford from the Goulburn River Valley Tourism Board, Council is required, as outlined in the Goulburn River Valley Tourism Constitution, to nominate a representative to the role of representative Director Goulburn River Valley Tourism.

RECOMMENDATION

That the Manager Tourism & Events be appointed as Council's representative on the Goulburn River Valley Tourism Board effective immediately.

Background

Goulburn River Valley Tourism (GRVT) was established in August 2009 under the 'United Approach to Tourism' brand as a joint initiative of the Greater Shepparton, Mitchell, Murrindindi and Strathbogie Councils to facilitate and encourage a cooperative approach to tourism development, skills training, product development and marketing in the region. The organisation was established as a not for profit Company limited by Guarantee. Directors were officially appointed at the Annual General Meeting in November 2011 following the development and signing of a Constitution by all member Council CEO's.

Under the structure of the GRVT Constitution the Mitchell, Murrindindi, Strathbogie and Greater Shepparton City Councils are 'Members' of the Company and as such each Council must nominate one representative Director.

The representative Director as outlined in the Constitution must either;

hold office as a councillor of the relevant member; or
be employed as Chief Executive Office or other senior employee of the relevant member.
Councillor Crawford was appointed as the representative Director on the GRVT board at the board's first Annual General Meeting on Thursday 10th November 2011.

Council appointed representative Directors nominated by other Councils include;

7. MANAGEMENT REPORTS

7.2 Council Representation on Goulburn River Valley Tourism Board (Continued)

Strathbogie representative Director - Manager Communications
Murrindindi representative Director – Manager Economic Development & Tourism
Mitchell representative Director – Manager Economic Development, Marketing & Communications

The current activity and focus of the GRVT board relies heavily on the support and engagement of Council Departments and internal staff to ensure adequate coordination and prevent duplication of activities.

Councillor Crawford has suggested that this role would be better served by an officer as per the arrangement with the other cooperative Councils as the discussions at a Board Director level are of both a strategic and operational nature and therefore there are limitations on the input that a Councillor can provide.

It is proposed that the Greater Shepparton City Council Manager Tourism & Events be appointed as the Greater Shepparton City Council representative. The current Manager Tourism & Events has a background in tourism and events management, holds a Masters of Business, Tourism Management from Victoria University and has detailed industry experience including tourism development, events management and destination marketing.

The Tourism & Events Manager represents the Council's interest on the Tourism Greater Shepparton Board. This appointment to the GRVT Board will ensure an open line of communication is maintained between GRVT and TGS and that the interests of the Greater Shepparton region are actively represented.

It should be noted that the GRVT Board is a voluntary board.

The next GRVT Board meeting is scheduled for Thursday 11 October, 2012

Council Plan/Key Strategic Activity

Economic Development – 24. Ensure a coordinated and effective approach to economic and tourism development is maintained at all times.

Risk Management

The following risks have been identified in relation to this recommendation;
Doing nothing - The Council contributes \$90,000 per annum to the cooperative marketing of the GRVT region. Should no appointment be made following the resignation of Councillor Crawford, the GSCC and the region are at risk of reduced representation. It should be noted that Sandra Vazzoler from Longleat Wines at Murchison is currently on the board.
Industry perception – There is a potential risk that the removal of a Councillor from the GRVT Board may be perceived by industry as a lack of commitment from GSCC to the Tourism industry. However this risk is mitigated by the Tourism & Events Manager having the support of the TGS Board.

7. MANAGEMENT REPORTS

7.2 Council Representation on Goulburn River Valley Tourism Board (Continued)

Risks	Likelihood	Consequence	Rating	Mitigation Action
No GSCC representative on the Board	D	3	Medium	Communication to industry on GSCC's position on Tourism. Ensure continued communication with Sandra Vazzoler to remain informed on issues facing GRVT.

Policy Considerations

There are no conflicts with Council policy.

Financial Implications

As per the GRVT MOU, GSCC contributes \$90,000 per annum to the cooperative marketing of the GRVT region.

	2011/2012 Approved Budget for this proposal*\$	This Proposal	Variance to Approved Budget	Comments
Revenue	90,000	0	0	No budget implications
Expense	600	0	0	Some travel required for meetings
Net Result	90,600	0	0	

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

Legal/Statutory Implications

This report is consistent with the Local Government Act 1989.

Environmental/Sustainability Impacts

No environmental/Sustainability impacts.

Social Implications

According to Tourism Victoria's Regional Tourism Action Plan 2009-2012, effective regional industry structures are a key factor in building successful tourism destinations. Regional tourism organisations such as GRVT play a lead role in the development of a sustainable tourism industry and directly influence visitation, yield and visitor satisfaction.

Economic Impacts

Despite Victoria's regional tourism industry being impacted by the flat domestic tourism sector, in 2011 Greater Shepparton received an estimated 2.57 million visitors per annum including 615,894 (24%) overnight visitors and 1,950,331 (76%) daytrip visitors.

Day trippers main purpose of visit includes holiday and leisure (48%) and visiting friends and relatives (25%); whilst Overnight visitors largely consist of those visiting friends and relatives (49%), followed by those visiting for holiday and leisure (27%).

7. MANAGEMENT REPORTS

7.2 Council Representation on Goulburn River Valley Tourism Board (Continued)

Most visitors to Greater Shepparton engaged in ‘social or other activities’ including visiting friends and relatives, eating out, shopping, picnics and BBQ’s, pubs and discos, organized sporting events and general sightseeing – reflecting the strength and draw of Shepparton CBD.

Consultation

The GRVT Board and the Tourism Greater Shepparton Board have been consulted regarding the proposed appointment. Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Consult	TGS was consulted in regards to this appointment	Discussed at the TGS monthly board meeting.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

Economic Development – Tourism. To encourage tourism growth and in particular promote the tourism opportunities of the irrigated rural landscape and the food growing and processing industries.

b) Other strategic links

Goulburn River Valley Tourism Marketing Strategy
 Tourism Victoria’s Regional Tourism Action Plan 2009-2012

Options for Consideration

Do nothing.

Appoint the Tourism & Events Manager as the council’s representative on the board.
 Recommend another person to be Council’s representative on the board. NB: At the time of writing this report the position of Manager, Arts, Culture & Tourism was yet to be advertised.

Conclusion

As previously outlined in this report, it is recommended that the Manager Tourism & Events be appointed as Council’s representative on the Manager Board effective immediately.

Attachments

1. Letter of support TGS
2. Resignation Letter from Cherie Crawford
3. GRVT Constitution

7. MANAGEMENT REPORTS

7.3 Safer City Camera Project – Network Coverage Area

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.

Council Officers involved in producing this report

Author: Community Safety Officer

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

Approved by: Acting Director Community

Purpose

For Council to formally adopt the Shepparton CBD Safer City Camera Project network area footprint as determined in consultation with Victoria Police and the wider community.

RECOMMENDATION

That the Council:

1. acknowledge the submissions and contributions made by the community and Victoria Police during the Safer City Camera Project Network Coverage Area consultation process
2. confirm that the solid red outline marked on the Safer City Camera network area footprint is the priority camera coverage area for delivery within the preliminary Safer City Camera Project phase, funding permitting; and
3. consider the pink, orange, yellow and green dashed areas for delivery in the preliminary Safer City Camera Project phase if funding permits. Delivery of these areas will be prioritised in consultation with Shepparton Victoria Police recommendations.

Background

Greater Shepparton City Council is committed to identifying and acting on local community safety priorities to ensure that Greater Shepparton's diverse community feel safe, respected, proud and resilient.

On 21 June 2011 Council adopted the Safer City Strategy 2011-14 for the Central Business District (CBD) and Victoria Park Lake Precinct. This document was developed after extensive community consultation and identifies initiatives to address community safety issues (perceived and actual) together with some broader strategies. A key priority within this Strategy is the installation of a "Safe City Camera Program" (Closed Circuit Television [CCTV]) to monitor hot spots of crime and anti-social behaviour.

A Project Management Team (PMT) was established in July 2012 incorporating key stakeholders from Council together with a representative from the Shepparton Victoria Police. Determining the most effective and appropriate Safer City Camera Project network area was identified as the fundamental priority to delivering successful outcomes for this project.

7. MANAGEMENT REPORTS

7.3 Safer City Camera Project – Network Coverage Area (Continued)

Victoria Police provided Council with an outline of the areas within the CBD which they believe are the key priority areas for cameras, based on Police statistics and local knowledge. In mapping the proposed network coverage area for community consultation, Council considered this information together with prior submissions made by the community.

Community consultation commenced on 9 July 2012 with the consultation period closing on 5 August 2012. During this period media releases and social media posts were issued to provide the community the opportunity to provide feedback in relation to the proposed network coverage area. On 24 July 2012 a voxpop survey was conducted in the Maude Street Mall with a Community Information Session held the following day to obtain further feedback from the community. A panel discussion was also undertaken on 2 August 2012 with organisations providing their feedback and the opportunity for broader project discussions. See attachment for detailed consultation outcomes (M12/45305).

Feedback provided by the community, Council and Shepparton Victoria Police has informed the development of the attached Safer Camera City Project network coverage area which is now presented to Council for adoption. The solid red outline encompasses the area considered as high priority for installation of Safer City Cameras. The 'dashed' areas identified on the map are considered to be secondary priority areas which will be considered for delivery in the current project installation should budget parameters permit and prioritised by Shepparton Victoria Police recommendations. Additional project funding may need to be sought in the future if these areas are unable to be delivered during the preliminary phase of the project. If relocation of the Maude Street bus interchange proceeds, the bus interchange's new location may be considered as an additional coverage area over and above what is available within this initial project.

It is anticipated that the network area attached will provide comprehensive camera coverage in identified key high risk areas, where reported and non-reported crime is evident, and locations of concern due to poor safety perceptions and areas of congregation. It is believed that the recommended camera footprint provides Council and Victoria Police with the most effective coverage area to deliver the anticipated community safety outcomes for the area.

Council Plan/Key Strategic Activity

This project is consistent with the Council Plan 2009-2013 under the following strategic objectives:

Settlement and Planning - Revitalise and promote the Shepparton CBD as the region's premier retail and entertainment destination

Community Life - Provide a safe and family friendly community

Community Life - Develop and pursue strategies to improve community health and wellbeing

Risk Management

Consideration has been given to risk management issues for delivery of the Safer City Camera Project as a whole and provided to Council under previous reports. A comprehensive risk assessment is incorporated in the Project Initiation Documentation (PID) for the Safer City Camera Project.

Specific risks in relation to development of the Safer City Camera Project network coverage area are identified as follows:

7. MANAGEMENT REPORTS

7.3 Safer City Camera Project – Network Coverage Area (Continued)

Risks	Likelihood	Consequence	Rating	Mitigation Action
Not all key hotspot areas have been incorporated into the Safer City Camera Project network coverage area	Possible (C)	Moderate (3)	Moderate	The high priority network coverage area has been developed in conjunction with Shepparton Victoria Police, utilising current Victoria Police statistics and local knowledge.
Not all community members have provided feedback	Possible (C)	Moderate (3)	Moderate	Opportunity has been provided through local media and social media, community information sessions, voxpop and panel discussion for any issues to be raised. Further areas may be considered in the future if expansion of the project is considered viable.

Policy Considerations

Recommendations contained in this report are consistent with Council Policy. A review of Policy Number 37.610.1.4 Incident Detection Cameras and Images adopted 18 May 2010 will be undertaken as part of the Safer City Camera Project.

Financial Implications

The Safe City Camera Project has been funded in part by the Department of Justice (\$250,000) with Council making a capital budget allocation (\$186,000) to support project delivery. The development of the network will be done in line with this budget and the coverage area may be scaled back to come in line with the adopted budget.

Additional ongoing budget implications are relevant to the continuing operation, monitoring and maintenance of the network. Ongoing annual cost estimates were previously presented to Council on 12 April 2011 and contained within the 'Investigation into Safe City Camera Systems' paper. This paper estimated annual network maintenance costs, based on a 23 camera part fibre part wireless model, including an emergency repair/callout contract, at \$48,000 with an active monitoring component of 20 hours per week estimated to cost \$31,200 per annum. These ongoing costs will be considered in further detail by Council once more accurate network information become available pending the development of the system design.

7. MANAGEMENT REPORTS

7.3 Safer City Camera Project – Network Coverage Area (Continued)

	2012/2013 Approved Budget for this proposal*\$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue	\$250,000	0	0	Funding received from Department of Justice
Expense	\$436,000	0	0	There are no budget implications directly related to this recommendation
Net Result	\$186,000	0	0	Capital budget allocation. This project has been fully budgeted for.

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

Legal/Statutory Implications

This report is consistent with the *Local Government Act 1989* and does not limit any of the human rights provided for under the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Environmental/Sustainability Impacts

The recommendations contained in this report may have some environmental impacts during the installation phase of the Safer City Camera Project. This impact cannot yet be accurately determined until further work is undertaken to develop the network design.

Social Implications

- Sense of community – Encourage community participation in activities within the Shepparton central business district due to an expected increase in positive perceptions of safety.
- Transport – Provide a safer walking route between late night venues within the Shepparton central business district.
- Community safety – Increase positive perceptions of safety within the network area. Through positive promotion of outcomes achieved post network implementation it is anticipated that community confidence and perceptions will be increased and maintained.
- Partnership – Successful delivery of the project is reliant on developing and maintaining a strong partnership with Shepparton Victoria Police. Partnerships with other agencies required to assist with project delivery, such as Powercor, will also be further developed throughout this project.

Economic Impacts

- It is anticipated that positive economic outcomes may be felt by the Greater Shepparton central business district as a result of an increase in the communities positive perception of safety within the Maude Street Mall and areas within its vicinity.
- A decrease of costs to the community in terms of assaults, burglary and vandalism in terms of resultant onflow costs post incident (eg: hospitalization, sick leave, carers leave, Centrelink carers payments, etc).
- Possibility for engagement of local staff if an active monitoring model is adopted by Council.

7. MANAGEMENT REPORTS

7.3 Safer City Camera Project – Network Coverage Area (Continued)

- Local businesses will be eligible to submit tenders and quotes, pursuant to Council's procurement policy, to assist with the development, implementation and ongoing maintenance of the network.

Consultation

A detailed Community Consultation Plan was previously developed and presented to Council in July 2012. Methodology included social and other media coverage together with the following activities:

- Voxpop survey conducted in the Maude Street Mall on 24 July 2012 - all comments supported the implementation of the Safer City Camera Project with 74 proposed camera network coverage area consultation handouts provided
- Community Information Session held on 25 July 2012 – providing an overview of the proposed camera network coverage and the opportunity for feedback and discussion
- Targeted panel discussion (focus group) on 2 August 2012 – providing the opportunity for general discussion around the proposed camera network area and feedback

This plan has now been delivered with the outcomes detailed in the Consultation Outcomes paper attached to this report and presented to the Executive Team on 20 August 2012 and at a Councillor Briefing on 28 August 2012. These outcomes have been considered in determining the Safer City Camera Project network coverage area which is now presented to Council for adoption.

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Consult	Inform, listen, acknowledge, consider	<ul style="list-style-type: none"> Public comment Focus group Information Session Voxpop Social media Media releases

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

Strategic Links

a) Greater Shepparton 2030 Strategy

Direction 1 - Settlement and Housing

Direction 2 - Community Life

Direction 4 – Economic Development

Direction 5 - Infrastructure

b) Other strategic links

Greater Shepparton City Council – Safer City Strategy 2011 - 2014

Greater Shepparton City Council – Public Health Plan

Greater Shepparton City Council – Community Development Framework

Greater Shepparton City Council – Community Engagement Strategy

Options for Consideration

- Do Nothing – if a Safer City Camera network area is not established and adopted, the project cannot progress and ultimately the project will be unable to be delivered.

7. MANAGEMENT REPORTS

7.3 Safer City Camera Project – Network Coverage Area (Continued)

- Adopt 'Safe City Camera Network Coverage Area' – project delivery can continue and progress in line with proposed timeline.
- Increase or decrease the scale of the network coverage area to adjust the cost impacts and community outcomes.

Conclusion

In determining the network area it is essential that the ultimate project goal of obtaining the best community safety outcomes within the project budget remains at the forefront of this decision. In line with this, Council has ensured that the network coverage area determined for this project is matched to local crime statistics, local Victoria Police knowledge and community expectations. Prioritisation of network areas has been undertaken to ensure that key target priority areas are addressed first with other identified areas considered secondly pending project budget parameters.

Adequate community consultation has been undertaken in accordance with the Community Consultation Plan presented to Council in July 2012 with the feedback received during this process considered.

Attachments

1. Camera Network Coverage Consultation Outcomes July/August 2012
2. Safer City Camera Network Coverage Area

7. MANAGEMENT REPORTS

7.4 Best Start Early Years Plan 2011-2014

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

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

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

Council Officers involved in producing this report

Author: Best Start Coordinator

Proof reader(s): Acting Manager Youth & Children's Services

Approved by: Acting Director Community

Purpose

The Greater Shepparton Best Start Early Years Plan 2011-2014 is the new four year plan to improve learning, development, wellbeing and health outcomes for children aged 0 to 6 years living in our municipality. The new plan will provide the strategic direction for the Best Start Early Years Partnership, early year's services and relevant workgroups responsible for implementing the plan.

The Partnership has approved the plan and is now seeking its adoption by Council. A briefing was held with Councillors on Tuesday 14 February and a 4 week community consultation process was completed.

RECOMMENDATION

That Council adopts the Greater Shepparton Best Start Early Years Plan 2011-2014.

Background

Greater Shepparton was one of the first Best Start demonstration sites from 2003 to 2005 and has continued as a funded extension site since 2006. At this time Municipal Early Years Plans (MEYP) were introduced by the Municipal Association of Victoria and Councils were required to develop a plan for the children living in their municipality. The Partnership group made the decision to merge the Best Start Plan and MEYP into one, given both cover the same age group, same priorities and the Partnership was already established to provide strategic direction. The most recent plan finished in December 2010.

In October 2010 Greater Shepparton was named one of two Enhanced Best Start sites in Victoria. The focus for Enhanced Best Start is to increase breastfeeding rates; and to increase access to and participation in Maternal and Child Health and kindergarten services for children known to ChildFIRST and child protection.

Since January 2011 the Partnership and Best Start project team have undertaken extensive community consultations to identify priorities for the new plan. Interviews and focus groups with parents, forums with service providers and the Partnership, and review of the evaluation report from the 2008-2010 plan has resulted in the development of the new Greater Shepparton Best Start Early Years Plan 2011-2014.

Following Council endorsed public consultation the following changes were made:

- Changed the partnership members list to a list of nominations to the partnership because as a Council advisory group the membership requires Council nomination

7. MANAGEMENT REPORTS

7.4 Best Start Early Years Plan 2011-2014 (Continued)

- Changed named individuals to organisational positions as each individual represents their organisation or professional group.
- Added a list of individuals involved in implementation of the previous plan and development of this plan to ensure that appropriate acknowledgement was made despite the change noted in the previous point.
- Corrected some minor formatting.

Council Plan/Key Strategic Activity

Council Plan 2009-2013

Specific links to this document under Community Life strategies – ‘provide a safe and family friendly community’ and ‘develop and pursue strategies to improve community health and wellbeing’

The Best Start Early Years Plan 2011-2014 refers to the Council Plan on page 27 under the heading ‘Council’s Role’. It states that the policy context for Council is outlined in its Council Plan and that this is summarised in Greater Shepparton’s vision statement and further articulated in its strategic objectives, specifically the theme of Community Life.

Risk Management

Insignificant to Low risks have been identified and will be addressed at the operational level. The long term impact of not adopting the BSEYP and failing to meet the needs of young children and their families are well documented; lower literacy / numeracy skills, lower school retention rates, higher unemployment rates and poorer community participation. This plan and the strategies that come from it significantly improve life outcomes for our community.

Policy Considerations

There are no conflicts with Council policy. The adoption of this plan will meet Council’s responsibility to provide a Municipal Early Years Plan and references Council’s Municipal Public Health Plan

Financial Implications

	2012/2013 Approved Budget for this proposal*\$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue	\$300,000	\$300,000	No variance	The actions in the plan will be fully incorporated within the current Budget; the Best Start and Enhanced Best Start Department of Education and Early Childhood Development grant of \$300K per annum. Council contributes \$20,000 annually to support the development and evaluation of the Municipal Early Years Plan component. Specific strategies are identified, with appropriate budget, through the life of the plan. In addition, continuous evaluation impacts on future strategies and budget.
Expense	\$320,000	\$320,000	No variance	
Net Result	\$20,000	\$20,000	\$0	

7. MANAGEMENT REPORTS

7.4 Best Start Early Years Plan 2011-2014 (Continued)

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

Legal/Statutory Implications

This recommendation is consistent with the Local Government Act 1989.

Environmental/Sustainability Impacts

No environmental/Sustainability impacts.

Social Implications

Actions resulting from the Best Start Early Years Plan are based on well documented national and international research and evaluation. The aim of the plan and its actions is positive outcomes for children and families within the municipality. These include health and safety, literacy and numeracy and community life.

Economic Impacts

The long term economic impacts of the plan actions include improved literacy and numeracy skills, lower unemployment, improved health and well being and increased community connectedness.

Consultation

Parents, community members, early years service providers, workgroup members and Partnership members were consulted in the development of the new plan. Consultation was undertaken broadly through early years networks, with focus groups and a series of 1-on-1 interviews. A community consultation report has been developed.

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform		
Consult		<ul style="list-style-type: none"> • 1:1 interviews • Focus groups with parents. • A series of forums with local service providers. • A formal forum with Partnership members. • Plan available for public viewing for 4 weeks during April.
Involve		
Collaborate	The Best Start Early Years Plan is a genuine collaboration with local service providers and community members to understand and meet the needs of the community. Actions and strategies will be subject to ongoing evaluation by the	While partnership members represent their own organisations there is an authentic process of collaboration when the initial draft plan is presented, adapted, evaluated and

6. MANAGEMENT REPORTS

7.4 Best Start Early Years Plan 2011-2014 (Continued)

	partnership.	re-presented to meet the needs of differing elements in the community. The implementation of the plan will continue the evaluation and adaptation of the strategies to meet changing needs.
Empower		

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration. The full consultation report can be found at Trim M11/59184.

Strategic Links

a) Greater Shepparton 2030 Strategy

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

b) Other strategic links

Municipal Public Health Plan 2009-2013

Links to the importance of the early years and specifically childhood immunisation

Community Development Framework

Links to the importance of early childhood, families and communities in building a strong community

Options for Consideration

- Do nothing
- Undertake further consultation – as the plan was developed following extensive consultation this option would add little value to the result and would entail additional costs. Funding for this would have to be sourced from the current Budget and would decrease funds available for completing actions. It would be difficult to ascertain appropriate additional consultation partners
- Alterations to the plan could be included under advice from Council. Opportunity for input has been provided both before the draft plan was submitted and while the plan was in draft form. Councillors asked relevant questions at the original council briefing which were appropriately answered.

Conclusion

The Best Start Early Years Plan was developed after extensive consultation with stakeholders in the early years sector – providers and clients. The Action Areas are based on the outcome of these consultations as well as local, national and international research and evaluation. Each Action Area has clear objectives, strategies and measures of success. The nominated partners have made strong commitments to the plan and it's actions. Both Council officers and community partners are ready to implement the plan for the benefit of our community.

Attachments

1. Greater Shepparton BSMEYP 2011-2014 final copy July 2012
2. Community Consultation Report Final Nov 2011

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7.5 Youth Strategy and Action Plan 2012 – 2015

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

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

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

Council Officers involved in producing this report

Author: Community Youth Development Officer

Proof reader(s): Acting Manager Youth and Children's Services

Approved by: Director Community

Purpose

At the Ordinary Council Meeting on 19 June 2012, Council resolved to release the draft Youth Strategy for public feedback, with submissions invited from young people, key stakeholders and the wider community. Feedback received indicated widespread support to the adoption of the strategy, with some minor alternations made to the document following submissions from the public. The Youth Strategy and Action Plan is being presented to Council for adoption.

RECOMMENDATION

That Council adopt the Youth Strategy and Action Plan 2012 – 2015.

Background

Greater Shepparton City Council recognises the significant contribution that young people make to our local community through their vibrancy, passion, innovation and enthusiasm. The development of the *Youth Strategy and Action Plan 2012 – 2015* demonstrates Council's commitment to young people and informs the role of Council in supporting our young people and the youth sector. The *Youth Strategy and Action Plan 2012 – 2015* is the first of its kind for Greater Shepparton City Council. The Strategy builds on the work previously undertaken and will strengthen partnerships between Council, young people and the youth sector.

Five strategic directions have been created to frame the directions Council will undertake to support young people and the youth sector in the future.

1. Sector Coordination, Support, Advocacy and Facilitation

Council is in a unique position to facilitate the development of youth sector partnerships; acknowledging that collaborative approaches will ultimately lead to greater outcomes for our community.

2. Engagement and Partnerships

Council is committed to engaging young people on issues of importance to them. Participation in community life is essential to building a vibrant young community.

3. Celebrate Youth Culture

Council will promote the development of an inclusive community that values and encourages the contribution of our young people.

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7.5 Youth Strategy and Action Plan 2012 – 2015 (Continued)

4. Building Capacity

Council will create opportunities to build the capacity of young people to reach their full potential through experience, employment, leadership development and entrepreneurship.

5. Safer Places and Spaces

Council will work with the community to build a safe, vibrant and connected CBD for our young people through developing mechanisms and initiatives that increase perceptions of safety, improve built infrastructure and explore activities that build connections with the young community.

The Action Plan has defined priorities for the achievement, the review and evaluation of these actions and will inform the development of new priorities in the following years.

Council Plan/Key Strategic Activity

The adoption of the Youth Strategy and Action Plan 2012 – 2015 is intrinsically linked to the Council Plan 2009 – 2013, in particular the following objectives;

- Community Life - Council will enhance social connectedness, physical and mental health and wellbeing, education and participatory opportunities in order to improve liveability and a greater range of community services.
- Economic Development - Council will promote economic growth, business development and diversification with a focus on strengthening the agricultural industry.

Risk Management

The adoption of the Youth Strategy and Action Plan 2012-2015 will strengthen community centric planning and result in reduced risk for Council.

Risks	Likelihood	Consequence	Rating	Mitigation Action
Stakeholder and community dissatisfaction	C	4	Low	Extensive consultation has been undertaken throughout the development of the strategy and on release of the draft document.
Unable to deliver initiatives within specified timelines	C	4	Low	Consideration has been given for setting realistic timelines that span the four year period of the strategy

Policy Considerations

The adoption of the Youth Strategy and Action Plan will support existing Council policies.

Financial Implications

The *Youth Strategy and Action Plan 2012 – 2015* is set within the Council context of existing financial constraints and staff capacity. Any actions requiring additional funding will be considered through the annual budget processes.

7. MANAGEMENT REPORTS

7.5 Youth Strategy and Action Plan 2012 – 2015 (Continued)

Grant opportunities will also be sought by Council Officers through government and non government funding bodies to implement actions requiring additional funding. Greater Shepparton City Council has provided in kind support for the development of the Youth Strategy and Action Plan. This in kind support will continue into the future as the strategy is implemented.

The Greater Shepparton Youth Sector Leadership Group may collectively investigate external funding opportunities to develop and expand programs and projects that will ultimately benefit young people within our community.

	2012/2013 Approved Budget for this proposal*\$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue	0	0	0	No revenue associated with the Youth Strategy and Action Plan.
Expense	30,000	30,000	0	Full details of estimate budget expenditure see attachment M12/45598
Net Result	(30,000)	(30,000)	0	Costs of implementing the budget will be reviewed as part of annual budgetary processes.

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

Legal/Statutory Implications

The *Youth Strategy and Action Plan 2012 – 2015* is consistent with the *Local Government Act 1989* and the *Victorian Charter of Human Rights and Responsibilities Act (2006)*.

Environmental/Sustainability Impacts

The adoption of this policy will not have any environmental impacts.

Social Implications

The *Youth Strategy and Action Plan 2012 -2015* recognises the diversity of our regions young people. The strategy is inclusive of all young people, acknowledging and valuing their diversity. Many of the actions stated within the strategy promote the inclusion of young people in areas of Council business and wider community activities and facilities.

Economic Impacts

The *Youth Strategy and Action Plan 2012 – 2015* does not have any direct economic implications. The indirect economic impacts are that the strategy promotes the Council providing and supporting experience and employment of young people within the region.

Consultation

The *Youth Strategy and Action Plan 2012 - 2015* was developed from extensive consultation with young people, youth sector and internal Council staff.

7. MANAGEMENT REPORTS

7.5 Youth Strategy and Action Plan 2012 – 2015 (Continued)

The draft Strategy was placed on public exhibition from 19 June 2012 and 23 July 2012. A copy of the strategy was emailed to the youth sector who participated in the development of the strategy. A feedback forum was held on 19 July 2012 with the Youth Sector representative to collectively discuss and consider the draft document.

Council consulted with over 350 young people through an activity where young people were asked to prioritise proposed actions.

The feedback from the recent consultations has indicated strong support of the adoption of the directions and actions within the strategy. Further feedback proposed that Council;

- Clarify the definition of ‘youth sector’
- Bring forward timelines for a number of initiatives including feasibility of youth nightclub and actively promote young people’s use of community facilities, reflective from the consultation sessions with young people
- Update the strategy to utilise initial 2011 ABS Census Data
- Continue to consult and engage with young people over the implementation of the action plan.

The Executive Team were briefed on the final document on 20 August 2012 and Councillor’s on 28 August 2012.

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Keep informed	<ul style="list-style-type: none"> • Public notice • Media release • Website • Email out to designated stakeholders
Consult	Discussion regarding key component of the strategy and possible changes	<ul style="list-style-type: none"> • Focus groups with young people • Feedback display using Dot Democracy • Online Surveys to prioritise key actions.
Involve	Work together. Feedback is an important input into decision making	<ul style="list-style-type: none"> • Forum with Youth Sector representatives
Collaborate	Partner with stakeholders and community organisation in the development of projects and programs contained within the strategy.	<ul style="list-style-type: none"> • Establishment of Youth Sector Leadership Group which will oversee the many of the initiatives in the Youth Strategy and Action Plan
Empower	N/A	N/A

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

Strategic Links

a) Greater Shepparton 2030 Strategy

Direction 2 – Community Life

Direction 5 – Infrastructure

7. MANAGEMENT REPORTS

7.5 Youth Strategy and Action Plan 2012 – 2015 (Continued)

b) Other strategic links

Greater Shepparton City Council - Community Development Framework

Greater Shepparton City Council – Community Engagement Strategy

Greater Shepparton City Council – Public Health Plan

Greater Shepparton City Council – CBD Strategy 2008

Greater Shepparton City Council - Safer City Strategy 2011 – 2014

Greater Shepparton City Council - Victoria Local Government Women's Charter

Greater Shepparton City Council - Cultural Diversity and Inclusion Strategy 2012 - 2015

Youth Safety Consultation Report 2011

Other Options for Consideration

Option 1 - Council does not adopt the strategy.

Not adopting the policy will jeopardise perceptions of Council's commitment to young people.

Option 2 – Council adopts part of the strategy.

Adopting only part of the strategy will not allow Council to work with and support young people and the youth sector to its full potential.

Option 3 - Council adopts the Youth Strategy and Action Plan 2012 – 2015.

Adopting the strategy demonstrates Council's commitment to young people and ensures the Council's role in the youth space is clearly defined.

Conclusion

The Greater Shepparton Youth Strategy and Action Plan 2012 – 2015 has been developed through extensive consultation with young people, the youth sector, the wider community and internal Council departments. The Youth Strategy is the first of its kind for Council and informs the role of Council in supporting young people and the youth sector.

This strategy should be adopted to demonstrate Council's commitment to young people and enable the delivery of the actions associated with the plan.

Attachments

1. Youth Strategy and Action Plan 2012 – 2015
2. Summary of Changes – Draft to Final
3. Budget Implications for Youth Strategy and Action Plan
4. Youth Strategy Consultation Plan

7. MANAGEMENT REPORTS

FROM THE BUSINESS DIRECTORATE

7.6 2012 General Valuation

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.

Council Officers involved in producing this report

Author: Revenue and Rates Manager

Proof reader(s): Team Leader Rates and Valuations

Approved by: Acting Director Business

Purpose

The report details the General Revaluation of all rateable properties within the municipal boundaries of the City of Greater Shepparton as required pursuant to the *Valuation of Land Act 1960*.

RECOMMENDATION

That the Council:

1. receive the General Valuation Return and Report
2. receive the Certificate of Valuation and Return 2012 General Revaluation Form signed by Marcus L Hann of L G Valuation Services Pty Ltd
3. apply the valuations returned by LG Valuation Services Pty Ltd from 1 July 2012 for use in both the 2012/2013 and 2013/2014 rating years
4. receive the Declaration from the Minister for Environment and Climate Change under section 7AF of the *Valuation of Land Act 1960*.

Background

Every two years, all Victorian councils are required to re-assess the property values in their municipality to take market changes into account. The revaluation is performed in accordance with all relevant Acts, in particular the *Local Government Act 1989* and the *Valuation of Land Act 1960*, as well as the Valuer-General Victoria's *Valuation Best Practice 2012 Specification Guidelines*.

At the Ordinary Council meeting held on 17 May 2011, Council resolved to undertake a General Valuation of all properties within the City of Greater Shepparton, in accordance with all relevant Acts, to be made as at 1 January 2012 for rating purposes effective from 1 July 2012. The revaluation, known as the 2012 General Valuation, has been completed.

LG Valuation Services Pty Ltd have been contracted to provide municipal valuation services relating to the 2012 General Valuation. Part of the contractual and statutory

7. MANAGEMENT REPORTS

7.6 2012 General Valuation (Continued)

requirement for the revaluation is that all valuations must be submitted to the Valuer-General Victoria for analysis and formal acceptance on a progressive basis. The final submission of the revaluation has been returned by the contract valuers and the Valuer-General Victoria has declared that the work completed for the 2012 General Valuation is in accordance with the standards required and is considered satisfactory. The Minister for Environment and Climate Change has declared that the 2012 General Valuation of the municipality is generally true and correct and is suitable to be adopted and used as the valuation for rating purposes.

Three valuations are returned for each property:

- Site Value (SV)
- Capital Improved Value (CIV)
- Net Annual Value (NAV)

A revaluation may redistribute the burden of rates throughout a municipality. Total rate revenue may stay the same but the change of values will re-apportion the rates liable to be paid to for each property. Council's rate notices generally consist of three key items:

- A general rate which is calculated by multiplying the CIV of a property with the applicable rate in the dollar for that property's differential rating classification;
- A fixed municipal charge which all properties pay regardless of value or property type (although single farm enterprises only pay the charge once); and
- A fixed user charge for properties with a kerbside waste/recycling or organics collection.

The revaluation, effective from 1 July 2012, will be applied for use in both the 2012/2013 and 2013/2014 rating years.

Council Plan/Key Strategic Activity

The proposal is consistent with the *Council Plan 2009-2013*. The key strategic objective, Council Organisation and Management, 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."

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Budget estimates for valuation objections and supplementary rates not representative of actual details.	C	3	Moderate	Closely monitor and if necessary adjust budgets.

Policy Considerations

There are no conflicts with Council policy.

Financial Implications

Rates have been raised on these valuations in accordance with the adopted 2012/2013 budget.

7. MANAGEMENT REPORTS

7.6 2012 General Valuation (Continued)

Along with the total amount of rates and charges declared for 2012/2013 as part of Council's budget process, an estimate of \$390,000 for valuation objections and supplementary rates has been made.

	2012/2013 Approved Budget for this proposal* \$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue	180,000	180,000	0	Approximately half of the costs associated with undertaking the 2012 General Valuation are recouped from the State Revenue Office, which also uses the valuation data for land tax purposes.
Expense	42,000	42,000	0	The 2012 General Valuation is conducted over consecutive financial years, with the majority of work being budgeted for in 2011/2012.
Net Result	138,000	138,000	0	

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

Legal/Statutory Implications

The 2012 General Valuation has been performed in accordance with all relevant Acts, in particular the *Local Government Act 1989* and the *Valuation of Land Act 1960*, as well as the Valuer-General Victoria's *Valuation Best Practice 2012 Specification Guidelines*.

All ratepayers have rights under the *Valuation of Land Act 1960* to make an enquiry or to lodge a formal objection if not satisfied with the result of their valuation. Objections must be lodged on the prescribed form within two months of the date of the Council's annual rate notices. Objections that fall outside this statutory time limit cannot be accepted. Ratepayers are also given the opportunity to discuss their objection with Council's contract valuers. If not satisfied with the valuer's decision, ratepayers can appeal to the Victorian Civil and Administrative Tribunal (VCAT) or the Supreme Court to have the objection reviewed.

This proposal does not limit any of the human rights embodied in the Victorian *Charter of Human Rights and Responsibilities Act (2006)*.

Environmental/Sustainability Impacts

There are no environmental/sustainability impacts with this proposal.

Social Implications

A revaluation can cause a redistribution of the rate burden, which can have social implications.

7. MANAGEMENT REPORTS

7.6 2012 General Valuation (Continued)

Economic Impacts

The General Valuation is central to Council's rating strategy and its accuracy is essential in ensuring this strategy remains equitable across the municipality.

Consultation

The return of the 2012 General Valuation has been undertaken by independent, licensed, contract valuers, LG Valuation Services Pty Ltd, and has been monitored by Council staff and the Valuer-General Victoria.

The 2012/2013 Valuation, Rate and Charge Notices include the new valuations and all ratepayers have rights under the *Valuation of Land Act 1960* to make an enquiry or to lodge a formal objection if not satisfied with the result of their valuation. Objections must be lodged on the prescribed form within two months of the date of the Council's annual rate notices. Objections that fall outside this statutory time limit cannot be accepted. Ratepayers are also given the opportunity to discuss their objection with Council's contract valuers. If not satisfied with the valuer's decision, ratepayers can appeal to the Victorian Civil and Administrative Tribunal (VCAT) or the Supreme Court to have the objection reviewed.

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Keep informed	<ul style="list-style-type: none"> • Media - Various articles relating to rates and valuations appear in Our Greater Shepparton Updates • Website – Information on rates and valuations, links to MAV Fact Sheets on rates and valuations • Information brochure – Information on rates and valuations included with 2012/2013 Rate Notices • Rate Notices – Information on rates and valuations included on rate notices
Consult	Inform, listen, acknowledge	<ul style="list-style-type: none"> • Budget community forums – seven sessions held after release of 2012/2013 Draft Budget, which all each of which included information on rates and valuations

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*.

7. MANAGEMENT REPORTS

7.6 2012 General Valuation (Continued)

b) Other strategic links

The proposal is consistent with the Valuer-General Victoria's *Valuation Best Practice 2012 Specification Guidelines*.

Options for Consideration

Option 1 – Do nothing – **not recommended** – Council has a statutory obligation to undertake a revaluation every two years

Option 2 – Receive the General Valuation Return and related reports and apply the valuations from 1 July 2012 for use in both the 2012/2013 and 2013/2014 rating years - **recommended**

Conclusion

The 2012 General Valuation of all properties within the City of Greater Shepparton has been completed in accordance with all relevant Acts; in particular the *Local Government Act 1989* and the *Valuation of Land Act 1960*, as well as the Valuer-General Victoria's *Valuation Best Practice 2012 Specification Guidelines*.

Attachments

1. Report of General Valuation from Marcus Hann, LG Valuation Services Pty Ltd
2. Certificate of Valuation and Return 2012 General Revaluation Form from L G Valuation Services Pty Ltd
3. Certification from the Valuer-General Victoria in accordance with section 7AC of the *Valuation of Land Act 1960*
4. Declaration of the Minister for Environment and Climate Change in accordance with section 7AF of the *Valuation of Land Act 1960*

7. MANAGEMENT REPORTS

7.7 Financial Report – August 2012

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

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

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

Council Officers involved in producing this report

Author: Acting Director Business

Proof reader(s): Executive Assistant to Director Business

Approved by: Acting Director Business

Purpose

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

RECOMMENDATION

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

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:

- Overview Commentary
- Income Statement
- Balance Sheet
- Cash Flow Statement
- Councillor Expense Report.

Other schedules have been included for the information of Councillors:

- Strategic Objective Reports (both Operating and Capital)
- Investment Reports
- Sundry Debtor Report
- Rates Report.

Council Plan/Key Strategic Activity

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

Risk Management

No risk has been identified in providing this financial report.

7. MANAGEMENT REPORTS

7.7 Financial Report – August 2012 (Continued)

Policy Considerations

There are no conflicts with existing Council policies. (Table may be removed for matters that have minor and no financial implications)

Financial Implications

There are no financial implications arising from this proposal.

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.

Environmental/Sustainability Impacts

No Environmental or Sustainability impacts have been identified.

Social Implications

No Social implications have been identified.

Economic Impacts

No Economic impacts have been identified.

Consultation

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.

Options for Consideration

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

Conclusion

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

Strategic Links

a) Greater Shepparton 2030 Strategy

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

b) Other strategic links

No other strategic links have been identified.

Attachments

August 2012 Financial Report containing:

1. Overview Commentary
2. Income Statement
3. Balance Sheet
4. Cash Flow Statement
5. Strategic Objective Reports (both Operating and Capital)
6. Investment Reports
7. Sundry Debtor Report
8. Rates Report
9. Councillor Expense Report.

7. MANAGEMENT REPORTS

7.8 Future of Shell Service Station Site

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

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

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

Council Officers involved in producing this report

Author: Manager Property and Procurement

Proof reader: Executive Assistant to Director Business

Approved by: Director Business

Purpose

The Shell Company of Australia Limited (Shell) lease Council owned land at 530-532 Wyndham Street Shepparton, located at the Victoria Park Lake foreshore. The lease will expire 31 May 2017, with no further options to renew. The area has been identified in the Victoria Park Precinct Master Plan to be redeveloped with improved Visitor Information Centre and Cafe facilities. Shell should be formally advised that a new lease will not be offered for the site.

RECOMMENDATION

That the Council:

1. formally advise The Shell Company of Australia Limited that at the expiration of its lease at 530-532 Wyndham Street, Shepparton on 31 May 2017, a new lease will not be provided
2. direct Council officers to commence discussions with The Shell Company of Australia Limited on the winding up of the current lease and the management of the removal of infrastructure in accordance with the lease conditions.

Background

The lease to Shell commenced in 1 June 1987 for an initial ten year period with four options of five years available. Shell has licensed operation of the site to Coles Express, with the cafe subsequently sub-let to an independent operator.

The final option for the lease has recently been executed and will expire on 31 May 2017. Shell has requested the opportunity to enter into negotiations for a new lease.

Lake Precinct Redevelopment

The leased site is located on the foreshore of the Victoria Park Lake, and the lake precinct is subject to a master plan to guide its development over the next 10-15 years. A review of the Victoria Park Lake Master Plan was commenced in 2007, and consideration of the options for the redevelopment of Victoria Park Lake commenced in early 2008. The Council, lake users and the community had opportunities to make submissions and have input into the development of the Victoria Park Lake.

Council, at its meeting on 1 September 2008, resolved to give in-principle support for Master Plan Option 6a for the redevelopment of the Victoria Park Lake and to invite submissions from the community.

7. MANAGEMENT REPORTS

7.8 Future of Shell Service Station Site (Continued)

The Council actively solicited community input through newspaper advertisements and public meetings. A significant number of submissions were made and given due consideration by the Council and the architects.

The key matters set out in the submissions which included removal of the service station were reported in the minutes of the Ordinary Council Meeting held on 7 October 2008.

The Council report stated:

“Matters that are not addressed in the Master Plan, and are not recommended for inclusion in this Master Plan include:

- *The relocation of the service station. This facility currently has a long lease and its continuity will be considered closer to the end of the lease.”*

In 2011 additional work was undertaken with an Issues and Options Report commissioned by the Council. The intention of the Issues and Options Report was to provide the Council with a comprehensive understanding of the various issues associated with implementation of the Victoria Park Master Plan (2008) and allow other developments proposed in the Master Plan process to be examined. One of the key priorities identified in the report was to initiate the removal of the service station at the expiration of the lease to allow for redevelopment of this south east precinct.

If the recommendations of the Issues and Options Report are supported, it is appropriate that the Council resolve to provide Shell with notice as soon as possible. If Council determined that the site is to continue as a service station, a competitive tender process inviting submissions from all interested parties for the new lease would be recommended.

Council Plan/Key Strategic Activity

A theme under Community Life is to increase the range and acceptability of recreation and open space options and promotion of development which provides a safe and accessible environment. An action is to enhance and upgrade the Victoria Park Lake precinct to ensure it remains Shepparton’s premier public open space.

Risk Management

The following risks have been identified as relevant to providing notice that a new lease will not be offered at the expiration of the current lease.

Risks	Likelihood	Consequence	Rating	Mitigation Action
Shell may vacate site prior to end of lease & leave derelict until clearing site requirement can be enforced at the end of term	D	3	moderate	Negotiate with Shell for clearing of the site to be managed to achieve the best outcome for both parties
Shell may vacate the site & refuse to rehabilitate or clear the site	D	2	moderate	Take legal measures & seek EPA support to enforce conditions of the lease
Shell may vacate the site early	D	3	moderate	Temporary minor beautification works would

7. MANAGEMENT REPORTS

7.8 Future of Shell Service Station Site (Continued)

leaving a period of time prior to the Council's staged planning for redeveloping the site			ensure public use of site. Schedule of works can be reassessed considering if redevelopment works could be prioritised over other lake foreshore works
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Policy Considerations

There are no conflicts with Council policy.

Financial Implications

Providing notice to Shell that the Council does not intend to provide a new lease for continuation of the service station does not have any financial implications for the current financial year. However, council receives \$157,000 per annum for the lease and this will cease when the lease expires in May 2017.

Detailed design of future redevelopment of the site would need to be undertaken to establish the long term financial impacts. Redevelopment may also attract external funding as a contribution.

As it is the lessee's responsibility to remove infrastructure, it is not anticipated that restoration of the site will have a financial impact on Council. It is proposed that Shell will be notified of the finalisation of the lease and requirement regarding clearing of the site, including underground fuel tanks. The Council will request acknowledgement of the required works to be undertaken and a timeframe for this so that both parties can work towards a mutually suitable resolution.

Legal/Statutory Implications

As the lease will expire in May 2017, there is no legal implication to providing Shell notice that a new lease will not be offered.

The current lease stipulates the following requirement which will require the Lessee to make good the site:

Clause 11.3 *The Lessee may at or prior to the determination of this Lease (and will if so required by the Lessor at or about the time of the expiration or sooner determination of the said term) take, remove and carry away from the demised premises all signs, petrol pumps, electronic equipment and chattels upon the demised premises brought upon the demised premises by the Lessee with the consent of the Lessor but the Lessee shall in such removal do no damage to the demised premises or shall forthwith make good any damage which the Lessee may occasion thereto save as provided in this clause all fixtures, fittings and capital improvements made by, or brought upon the demised premises by the Lessee shall at the expiration of (or prior determination) of the Lease become the sole property of the Lessor.*

Environmental/Sustainability Impacts

Site restoration will need to be managed appropriately as the underground fuel tanks must be removed and environmental contamination from this infrastructure avoided.

7. MANAGEMENT REPORTS

7.8 Future of Shell Service Station Site (Continued)

The EPA provides guidelines which refer to the Australian standards AS4976-2008, *the removal and disposal of underground petroleum storage tanks* in setting out the requirements to be met by the owners/operators of underground fuel tanks. Shell is the occupier of the site and both the owner and operator of the underground fuel tanks and would be required to decommission and remove tanks in accordance with AS4976-2008 and would have the obligations imposed by applicable legislation.

The regulatory duties supporting responsible environmental management of underground fuel tanks are included in the *Dangerous Goods Act 1985, Dangerous Goods (Storage & Handling) Regulations 2000, Environmental Protection Act 1970 and the State Environmental Protection Policy (Groundwaters of Victoria)*.

Social Implications

Shell, along with Coles Express has run a successful business at the lakeside site for 20 years. While the site could be considered the optimum site for a service station, it was identified for removal as part of the Victoria Park Lake Precinct Master Plan review in 2011.

During the development of the Master Plan, the Council actively solicited community input through newspaper advertisements and public meetings. A significant number of submissions were made and given due consideration by the Council and the architects. The key matters set out in the submissions were reported in the minutes of the Ordinary Council Meeting held on 7 October 2008, specifically including the proposal to remove the service station.

Due to the remaining term of the lease this recommendation was not included in the Master Plan, however it has been considered in the more recent issues and options report where alternative development for the site has been identified.

There are two other service stations on the same side of Wyndham Street, both on the outskirts of Shepparton and four service stations on the east side of Wyndham Street. The Shell Service Station is a valued and established business in Shepparton and ideally it would relocate to an alternative site, potentially on the same side of Wyndham Street and continue trading.

An example of an alternative site is the development known as Riverside Plaza. Planning amendment C78 for the redevelopment of the (then) drive in site included provision for a service station to be located between KFC and Clark Rubber. As Coles is a major tenant of the site, this site may be an attractive site to relocate the Coles Express aligned service station to. Service Stations may also be located in Residential zoning so potentially there may be alternative sites suitable for redevelopment on the same size of Wyndham Street.

Economic Impacts

The relocation of the service station to an alternative site would result in a minimal economic impact as jobs would be retained and service delivery continued. If the service station business chose not to re-establish in Shepparton, it may result in some job loss and a reduction in service station numbers in Shepparton.

As the leased site at the Victoria Park Lake is to be redeveloped with enhanced tourist and cafe facilities, a positive economic benefit may be realised from tourism.

7. MANAGEMENT REPORTS

7.8 Future of Shell Service Station Site (Continued)

Consultation

Significant consultation was undertaken during the development of the Master Plan, with the Council actively soliciting community input through user group feedback, newspaper advertisements and public meetings. 52 people attended a Community Information Session on 10th September 2008.

The following is an excerpt from Pg 16 of the Issues and Options Report which sets out the extent of consultation undertaken as part of the formation of the report recommendations.

Issues and Options Report Consultation:

This report was commissioned by the Greater Shepparton City Council and guided by a Reference Group from the Council staff.

This report was informed by assessment of previous studies and strategic documents and by extensive consultation with individuals from the following:-

- *Urban Initiatives Pty Ltd - the architects of the Master Plan*
- *Staff members from many departments of the Greater Shepparton City Council*
- *The Goulburn Broken Catchment Management Authority*
- *Department of Sustainability and Environment (DSE)*
- *VicRoads*
- *Powercor*
- *Goulburn Valley Water*
- *The Shepparton Lawn Tennis Club*
- *Members of the Lake User Group*

Individual and collective analysis was performed by the project team whose members contribute a range of skills and experience in strategy development, planning, urban development and civil engineering.

Consultation with the general public was beyond the scope of this study. However, the partnering consultants involved in the study are all Greater Shepparton residents with an extensive accumulated knowledge of the Lake and its role within the community.

Attention has been paid to many years of public and media debate regarding development of the Lake precinct.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

The Greater Shepparton 2030 Strategy, October 2006 identifies the environs of Victoria Park Lake as a key issue under Recreation and Open Space.

b) Other strategic links

No other strategic links have been identified.

Options for Consideration

- Do nothing – let the lease expire and make a decision in the future
- Provide Shell with notice that, if a service station were to remain at the site a tender process for a new lease would be undertaken
- Agree to negotiate a new lease with Shell

7. MANAGEMENT REPORTS

7.8 Future of Shell Service Station Site (Continued)

Conclusion

Notice should be provided to Shell that a further lease will not be provided for the site.

Attachments

Nil.

7. MANAGEMENT REPORTS

7.9 Financial statements, standard statements and performance statement for year ended 30 June 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.

Council Officers involved in producing this report

Author: Acting Director Business

Proof reader(s): Executive Assistant to Director Business

Approved by: Acting Director Business

Purpose

The purpose of the report is to present the financial statements, standard statements and performance statement for the year ended 30 June 2012 for approval in principle.

RECOMMENDATION

That the Council:

1. approves in principle the financial statements for the year ended 30 June 2012 and authorises the Mayor, Cr Michael Polan and the Deputy Mayor, Cr Chris Hazelman, to sign the statements in their final form after any changes recommended or agreed to by the auditor, have been made.
2. approves in principle the standard statements for the year ended 30 June 2012 and authorises the Mayor, Cr Michael Polan and the Deputy Mayor, Cr Chris Hazelman, to sign the statements in their final form after any changes recommended or agreed to by the auditor, have been made.
3. approves in principle the performance statement for the year ended 30 June 2012 and authorises the Mayor, Cr Michael Polan and the Deputy Mayor, Cr Chris Hazelman, to sign the statements in their final form after any changes recommended or agreed to by the auditor, have been made.
4. designates Gavin Cator, Chief Executive Officer, as Principal Accounting Officer.

Background

The Council is required to prepare an Annual Report for presentation to the Minister for Local Government and the community. The Annual Report must include a report of the Council's operations during the financial year, Financial Statements, Standard Statements and Performance Statement.

The Council's Audit Committee has reviewed the Statements for 2011-2012 in conjunction with the Auditor General's Director Financial Audit and formally recommends that the Council approve in principle the financial statements, standard statements and performance statement.

Income Statement:

The Income statement shows that Council returned an accounting surplus of \$11.4 million for the year ended 30 June 2011 compared to a revised forecast surplus position

7. MANAGEMENT REPORTS

7.9 Financial statements, standard statements and performance statement for year ended 30 June 2012 (Continued)

of \$15.3 million. This is not a cash surplus; it is prepared to comply with accounting standards and includes non cash items, including a defined benefit superannuation liability detailed further below.

To explain this forecast surplus of \$15.3 million further, Council received a number of grants throughout the 2011/2012 financial year that were not budgeted for. The significant items were:

- \$2 million Local Government Improvement Program funding
- \$2 million Building Better Regional Cities (BBRC) funding
- \$5.3 million Grants Commission funding received in advance

Receipt of this \$9.3 million, in addition to a number of other forecasted adjustments to budget resulted in the revised budget surplus of \$5.5 million moving to an end of year forecast of \$15.3 million, as identified in the 2012/2013 Budget. It is important to note that these funds have been held as investments for use in future financial years including 2012/2013.

The final audited surplus for 2012/2013 is \$11.4 million, approximately \$4 million less than forecast. There are a number of smaller items across the organisation that contribute to this variance; however the significant contributing factor is the recognition in the financial statements of the liability to Vision Super for a call made on the Defined Benefits Superannuation Scheme, an amount of \$5.87 million. Details relating to this liability are included at Note 31 on page 30 of the attached Financial Report as well as in a detailed report to Council as part of this Council Agenda. The recording of this liability is shown as an expense in the income statement and as a non current liability in the Balance Sheet. This effectively means it is a debt that is known to Council however has not yet been paid. Payment options for this liability will be a decision placed in front of the Council post election.

Assets:

The value of assets under Council's control has increased from \$674 million at 30 June 2011 to \$694 million at 30 June 2012 and is a direct result of works for the year, contributed assets and the revaluation of land, land improvements and buildings.

The financial statements, standard statements and performance statements must be certified by the Principal Accounting Officer.

Investments:

As part of the Annual Report it is reflected that Council has cash and cash equivalents of approximately \$37 million. This is broken down to include cash at bank of \$2.7 million, non-discretionary investments (Reserves) of \$32.9 million and Long Service Leave reserve of \$1.3 million. Non Discretionary investments includes significant funds held for capital projects carried forward, developer contributions, trust deposits, grants commission received in advance, operational grants received in advance and flood funding.

Borrowings:

Council reports loan borrowings at 30 June 2012 of \$15.2 million. Borrowings are considered an important revenue source for Governments, recognising that the

7. MANAGEMENT REPORTS

7.9 Financial statements, standard statements and performance statement for year ended 30 June 2012 (Continued)

infrastructure provided by Local Government generally have considerable life spans and as such support the concept of intergenerational equity, whereby borrowings are used to pay for an asset and repayments are paid for by future generations. In giving consideration to borrowings, Council's strategy focuses on a debt position that provides for future flexibility without unduly exposing Council to a high debt burden. Comparisons with regional cities and neighbouring Councils place Council's debt levels as low. In addition Council's indebtedness measures are well below levels of concern for the Victorian Auditor General's Office and Local Government Victoria.

Principal Accounting Officer:

Dwight Graham was designated as the Principal Accounting Officer and is no longer a member of Council staff. It is therefore necessary to designate another person to be the Principal Accounting Officer.

It is appropriate that the Chief Executive Officer be designated as the Principal Accounting Officer for the purpose of certifying the statements.

Council Plan/Key Strategic Activity

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

Risk Management

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

Risks	Likelihood	Consequence	Rating	Mitigation Action
Council does not meet to approve in principle the statements	Rare	2	Moderate	A special meeting could be called

Policy Considerations

The reports have been prepared in accordance with all relevant Council Policies. In particular, all significant accounting policies have been reviewed and applied in accordance with relevant accounting standards.

Financial Implications

There are no financial implications.

Legal/Statutory Implications

This proposal is consistent with sections 131 and 132 of the *Local Government Act 1989* which, amongst other things, requires the Council to "approve in principle" the Financial Statements, Standard Statements and Performance Statement, authorise two Councillors to sign the statements and submit to the Minister by 30 September 2012.

Environmental/Sustainability Impacts

There are no Environmental / Sustainability impacts.

Social Implications

There are no Social implications.

7. MANAGEMENT REPORTS

7.9 Financial statements, standard statements and performance statement for year ended 30 June 2012 (Continued)

Economic Impacts

There are no Economic impacts.

Consultation

Council staff and Council's external auditor, the Victorian Auditor General's Office and Council's Audit Committee have been consulted as part of the preparation of these reports.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

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

b) Other strategic links

No other strategic links have been identified.

Options for Consideration

This is a statutory process and there are no options.

Conclusion

1. The Council approves in principle the financial statements, standard statements and performance statement for the year ended 30 June 2012.
2. The Council designates Gavin Cator, Chief Executive Officer, as Principal Accounting Officer.

Attachments

1. Financial Statements for the year ended 30 June 2012
2. Standard Statements for the year ended 30 June 2012
3. Performance Statement for the year ended 30 June 2012.

7. MANAGEMENT REPORTS

7.10 Council Budget Review – August 2012

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

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

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

Council Officers involved in producing this report

Author: Acting Manager Finance and Rates

Proof reader(s): Acting Manager Corporate Performance, Management Accountant

Approved by: Acting Director Business

Purpose

To identify and adopt as part of the 2012/2013 August Budget Review (R1), any projects where funds were received or held in a prior financial year and will be expended in the current financial year.

RECOMMENDATION

That the Council:

1. Receive this Council Budget Review – August 2012 report.
2. Approve the changes to the Operating and Capital Budgets totalling \$951,645 as identified in the body of this report.

Background

Under section 138 of the Local Government Act 1989 the Chief Executive Officer at least every 3 months must ensure quarterly statements comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date are presented to the Council. Prudent financial management sees this Council provide a detailed monthly financial report each month.

A quarterly review process is being implemented at Council which is designed to increase the robustness of budget to actual reporting by addressing any identified variances reflected in monthly forecasting formally each quarter. This report would ordinarily be a first quarter review; however with the ensuing Council Caretaker period to commence on 25 September 2012, the review period has been shortened to include the months of July and August.

The Council considered and adopted its 2012/2013 Budget at the Ordinary Council Meeting held on Tuesday 17 July 2012. With only a relatively short period of time lapsing since the adoption of the Budget and with a significant organisational restructure in progress with final realignments yet to be completed, no significant changes are being proposed for adoption at this time. This review will only consider items that relate to funding received or held from last financial year that was not included as part of the Adopted Budget and that relates to specific projects which have been confirmed that they will be delivered in the current financial year.

7. MANAGEMENT REPORTS

7.10 Council Budget Review – August 2012 (Continued)

The items being considered as part of this review are as follows:

<u>Operating</u>	\$
1 Sir Murray Bouchier Memorial Funds	10,000
2 Flood Resilience Funding	110,000
3 Community Connections Funding	204,463
4 LEAD Funding	251,817
5 Flood Mitigation Studies	119,592
6 Preschool Coordination	25,000
<hr/>	
Transfer from NDI Cash Reserve	720,872
<u>Capital</u>	
7 Roads to Recovery - Pavement Rehabilitation	37,773
8 Roads to Recovery - Bridge works	110,000
9 GV Link - Easement	83,000
<hr/>	
Transfer from NDI Cash Reserve	230,773
<hr/>	
Total funds to be transferred from Reserve	951,645

As at 30 June 2012 funds identified above totalling \$951,645 were held as part of the overall non-discretionary investment (NDI) value. This review will add the above items to the August Budget Review providing council approval for expenditure within the 2012/2013 financial year. This will see an overall reduction in investment levels of this value.

For noting:

There are a number of items that Council has become aware of since formally adopting the budget in July this year. As the Council will shortly be entering the caretaker election period it is considered not appropriate to consider significant changes to the budget during the September Council Meeting. It is however appropriate to provide details to the Council of the significant known variances at this stage. These variances will form part of a half yearly review which will be presented to the Council for final consideration early in the new calendar year.

1. Defined Benefit Superannuation Scheme

Recently announced Defined Benefits Superannuation Liability, which is a scheme introduced to Local Government in 1982. In December 2011 an actuarial review of the fund was carried out, which revealed a large shortfall in the Defined Benefit Scheme fund of \$406 million. This shortfall is required to be paid on 1 July 2013 and is predicted forward to that date to be a shortfall of \$453 million. The difference from the December 2011 figure being the required growth of the fund, which is 7.5% plus contributions tax.

7. MANAGEMENT REPORTS

7.10 Council Budget Review – August 2012 (Continued)

Greater Shepparton City Council's (GSCC's) share of this shortfall is \$5,631,820, which is made up of \$4,787,047 shortfall contribution plus \$844,773 contributions tax.

In addition, it is believed likely that the Goulburn Valley Regional Library Corporation (GVRLC) will be unable to meet their liability of \$388,042 (incl contributions tax) and that the member Councils will have to fund the shortfall. This would almost certainly be allocated to Councils on a per capita basis, the same as the annual Operating grant. The result is that GSCC would have to fund \$239,655 of GVRLC's liability.

The total amount due for GSCC including the portion for GVRLC, is \$5,871,475.

Officers have begun briefing the Council in relation to the history of the scheme, current shortfall levels and funding options available to pay Council's liability. A report will be presented to the Council for information and a final report will be provided to the Council for consideration and decision during the half yearly budget review, post the election period.

2. Grants Commission Funding Reduction

Each year the Commonwealth Government provides a pool of funds under a general revenue assistance program, with the Victorian Grants Commission calculating and allocating to Local Government annual allocations.

Indicative allocations are generally provided after the Council has considered its budget and therefore an officer estimate is calculated for the purpose of budget adoption. As part of finalising the 2012/2013 grant allocation, it has been established by the Commonwealth Government that the 2011/2012 allocations were over estimated and the 2012/2013 allocation will be reduced to offset this over payment last financial year.

Council has now received advice of the final allocations and is required to reduce overall grant commission revenue in the 2012/2013 financial year by a total of \$315,000. The actual over allocation totals some \$502,000, however budget estimates were conservative at the time of predicting income and therefore the reduction required is less than the actual over allocation.

3. Organisational restructure

Following the arrival of a new Chief Executive Officer earlier this year a review of the organisation was undertaken to gain a better understanding of the functional alignments across the organisation, the current state and culture of the organisation and to identify any improvement opportunities.

This organisational scan has seen a number of changes made to the organisational structure, which are at various degrees of implementation. In addition a final report and a transitional management report were developed and adopted by Council at the July 2012 Ordinary Council Meeting.

As a result of the changes to the organisation structure and the implementation of the transitional management plan adjustments will be required to the budget, however it is too early to determine exact changes. It is expected that these changes will be identified over the coming few months and will form part of the half yearly review to commence in December 2012.

4. Half Year Review – December 2012

As indicated earlier in this report the appropriate time to consider any significant changes to the annual budget will be following the election period. Therefore it is proposed that the

7. MANAGEMENT REPORTS

7.10 Council Budget Review – August 2012 (Continued)

above changes will be identified and formally considered as part of the next quarter review which is the December 2012 review. This review will be considered by the Council post election in January and February 2013.

Report

Financial Statements

The following table details the Income Statement for the financial year and compares the Adopted Budget 2012/2013 to the proposed August Budget Review 2012/2013.

Category	Adopted Budget	August Budget Review	Variance
	2012/2013 \$'000	2012/2013 \$'000	
Revenues from operating activities			
Rates and Charges	56,411	56,411	0
Operating grants and contributions	15,909	15,909	0
User Charges	14,298	14,298	0
Statutory Fees	2,445	2,445	0
Other	2,181	2,181	0
Parking Fees and Fines	1,984	1,984	0
Rent	591	591	0
Total Operating Revenue	93,819	93,819	0
Expenses from operating activities			
Employee Benefits	38,101	38,180	79
Materials and Consumables	26,623	27,265	642
External Contracts	10,060	10,060	0
Utilities	2,707	2,707	0
Borrowing Costs	1,330	1,330	0
Depreciation and amortisation	17,649	17,649	0
Total Operating Expenses	96,470	97,191	721
UNDERLYING OPERATING RESULT	(2,651)	(3,372)	(721)
Non-operating Income and Expenditure			
Proceeds on disposal of Assets	345	345	0
Capital Grants and Contributions	5,475	5,475	0
Assets sold (WDV)	(358)	(358)	0
Contributed Assets	3,000	3,000	0
ACCOUNTING SURPLUS/(DEFICIT) FOR THE YEAR	5,811	5,090	(721)

7. MANAGEMENT REPORTS

7.10 Council Budget Review – August 2012 (Continued)

The changes proposed total an increase in operating expenditure of \$720,872 resulting in a decrease to the overall accounting surplus for the year to \$5.09 million.

<u>Operating</u>	\$
1 Sir Murray Bouchier Memorial Funds	10,000
2 Flood Resilience Funding	110,000
3 Community Connections Funding	204,463
4 LEAD Funding	251,817
5 Flood Mitigation Studies	119,592
6 Preschool Coordination	25,000

Transfer from NDI Cash Reserve	720,872
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The following table details the Capital Works Statement for the financial year and compares the Adopted Budget 2012/2013 to the proposed August Budget Review 2012/2013.

7. MANAGEMENT REPORTS

7.10 Council Budget Review – August 2012 (Continued)

	Adopted Budget	August Budget Review	
	2012/2013	2012/2013	Variance
Capital Works Areas	\$'000	\$'000	\$'000
Roads	12,778	12,926	148
Drains	4,159	4,242	83
Open space	4,283	4,283	0
Buildings	2,676	2,676	0
Plant, equipment and other	3,092	3,092	0
Waste Management	2,658	2,658	0
Other	1,726	1,726	0
Total capital works	31,372	31,603	231
Represented by:			
Renewal	17,558	17,558	0
Upgrade/expansion	6,053	6,201	148
New assets	7,761	7,844	83
Total capital works	31,372	31,603	231
Property, Plant and Equipment movement reconciliation worksheet	2012/2013	2012/2013	Variance
	\$'000	\$'000	\$'000
<i>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:</i>			
Total Capital works	31,372	31,603	231
Asset revaluation movement	0	0	0
Depreciation and amortization	(17,649)	(17,649)	0
Written down value of assets sold	(358)	(358)	0
Contributed assets	3,000	3,000	0
Net movement in property, plant and equipment	16,365	16,596	231

As a result of the proposed changes shown below, the August Budget Review will see the capital works program increase by \$230,733 to a total of \$31.60 million.

Capital

7 Roads to Recovery - Pavement Rehabilitation	37,773
8 Roads to Recovery - Bridge works	110,000
9 GV Link - Easement	83,000
Transfer from NDI Cash Reserve	230,773

7. MANAGEMENT REPORTS

7.10 Council Budget Review – August 2012 (Continued)

The following table details the Balance Sheet for the financial year and compares the Adopted Budget 2012/2013 to the proposed August Budget Review 2012/2013.

	Adopted Budget 2012/2013 \$'000	August Budget Review 2012/2013 \$'000	Variance \$'000
<u>ASSETS: CURRENT</u>			
Cash	1,000	1,000	0
Receivables	6,000	6,000	0
Investments	22,626	21,674	(952)
Other	500	500	0
Total Current Asset	30,126	29,174	(952)
<u>NON CURRENT ASSETS</u>			
Infrastructure etc	667,662	667,893	231
Other	1,371	1,371	0
Total Non Current Assets	669,033	669,264	231
TOTAL ASSETS	699,159	698,438	(721)
<u>LIABILITIES: CURRENT</u>			
Payables	8,236	8,236	0
Interest bearing liabilities	100	100	0
Trust funds	2,000	2,000	0
Employee Benefits	7,900	7,900	0
Other	220	220	0
Total Current Liabilities	18,456	18,456	0
<u>NON CURRENT LIABILITIES</u>			
Payables	200	200	0
Employee Benefits	800	800	0
Interest Bearing Liabilities	15,238	15,238	0
Total Non Current Liabilities	16,238	16,238	0
TOTAL LIABILITIES	34,694	34,694	0
NET ASSETS	664,465	663,744	(721)
<u>REPRESENTED BY:</u>			
Accumulated Surplus	304,344	303,623	(721)
Reserves	360,121	360,121	0
TOTAL EQUITY	664,465	663,744	(721)

7. MANAGEMENT REPORTS

7.10 Council Budget Review – August 2012 (Continued)

As discussed earlier in the report a total amount of \$951,645 is proposed to be transferred out of non-discretionary investments held at 30 June 2012 and used to fund the items shown in the previous two tables. This balance sheet represents that as a reduction in investments of \$952k, an increase in asset base of \$231k (Capital) and a decrease in accumulated surplus of \$721k (Operating).

The following table details the Cash Flow Statement for the financial year and compares the Adopted Budget 2012/2013 to the proposed August Budget Review 2012/2013.

	Adopted Budget 2012/2013 \$'000	August Budget Review 2012/2013 \$'000	Variance \$'000
<i>Cash flows from operating activities</i>			
Receipts from customers	71,071	71,071	0
Payments to suppliers	(77,491)	(78,212)	(721)
Net cash inflow (outflow) from customers/suppliers	(6,420)	(7,141)	(721)
Interest received	1,598	1,598	0
Government receipts	26,625	26,625	0
Interest paid	(1,330)	(1,330)	0
Net cash inflow (outflow) from operating activities	20,473	19,752	(721)
<i>Cash flows from investing activities</i>			
Proceeds from sale of property, plant and equipment, infrastructure	345	345	0
Payments for property, plant and equipment, infrastructure	(31,372)	(31,603)	(231)
Net cash inflow (outflow) from investing activities	(31,027)	(31,258)	(231)
<i>Cash flows from financing activities</i>			
Proceeds from interest bearing loans and borrowings	0	0	0
Repayment of interest bearing loans and borrowings	(362)	(362)	0
Net cash inflow (outflow) from financing activities	(362)	(362)	0
<i>Net increase (decrease) in cash and cash equivalents</i>	(10,916)	(11,868)	(952)
Cash and cash equivalents at the beginning of the year	34,542	34,542	0
Cash and cash equivalents at the end of the year	23,626	22,674	(952)

7. MANAGEMENT REPORTS

7.10 Council Budget Review – August 2012 (Continued)

The statement above reflects the use of \$952k of investment funds to deliver the works outlined throughout this report.

Council Plan/Key Strategic Activity

Council Organisation and Management.

Risk Management

Monitoring of the 2013/2013 Adopted Budget provides for prudent financial management and ensures that Council is made aware of any known or potential financial risks.

Risks	Likelihood	Consequence	Rating	Mitigation Action
Inability to achieve current budget due to: <ol style="list-style-type: none"> 1. operational costs or capital projects exceeding budget; or 2. Operational or capital income not reaching budgeted levels Exposing the Council to cash deficit budgets.	Likely	Moderate (3)	Moderate	<ol style="list-style-type: none"> 1. Continually review internal controls are in place; and 2. Review detailed monthly financial reports and take corrective action where forecast varies against budget.
Breaching the Local Government Act by expending funds against line items without endorsed budget.	Possibly	Moderate (3)	Moderate	Undertake quarterly budget reviews to formally consider and adjust for any known variances.

Policy Considerations

There are no identified conflicts with existing Council Policies

Financial Implications

Detailed throughout the attached report.

Legal/Statutory Implications

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

Environmental/Sustainability Impacts

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

Social Implications

There are no social impacts that will arise from this proposal. The community however will benefit from prudent financial management combined with open and transparent governance.

Economic Impacts

There are no identified economic impacts.

7. MANAGEMENT REPORTS

7.10 Council Budget Review – August 2012 (Continued)

Consultation

Nil external consultation have occurred on the general contents of this report. Specific consultation, however, has and will take place on some specific items within the budget as and when appropriate.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

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

b) Other strategic links

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

Options for Consideration

Not applicable

Conclusion

This report has been prepared and presented to identify specific amounts held in reserve from last financial year and seek endorsement for inclusion at this August Council Budget Review where it confirmed projects will be delivered during the 2012/2013 financial year.

Attachments

Nil.

7. MANAGEMENT REPORTS

7.11 Local Authority Superannuation Fund (LASF) Defined Benefit Plan - 31 Dec 2011 Actuarial Investigation

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

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

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

Council Officers involved in producing this report

Author: Acting Director Business

Proof reader(s): Executive Assistant Director Business

Approved by: Acting Director Business

Purpose

The purpose of this report is to inform Council of the results of the actuarial investigation in relation to the Local Authority Superannuation Fund (LASF) Defined Benefit Plan and to outline possible options to pay the liability

RECOMMENDATION

That Council:

1. note the contents of this report;
2. note the Defined Benefit Superannuation Fund is a legislated fund which compels Local Government to comply with any contribution obligations;
3. note the Council will continue to lobby Government to return the Defined Benefit Fund to an exempt fund for Local Government;
4. note that this call is based on an actuarial review undertaken in December 2011 and does not entirely cover the known shortfall, therefore Council understands there may be future calls made against this fund unless the investment returns of the fund improve into the future
5. approve early payment of the Defined Benefit Superannuation Liability for the Greater Shepparton City Council, in the total amount \$5,334,219.73 prior to 30 September 2012, from existing cash reserves taking advantage of a discount in the amount of \$297,600.23.
6. refer this matter to the December 31 budget review post the election for consideration and determination of the approach to be taken to fund the liability and to replenish the cash reserves used for early payment.

Background

The local authority superannuation fund (LASF) defined benefit scheme (DBS) is a superannuation scheme introduced to Local Government in 1982. The scheme gives retired members a guaranteed pension based on a percentage of their earnings on the last few years of their employment. The basic fundamental of the scheme is that it needs the markets

7. MANAGEMENT REPORTS

7.11 Local Authority Superannuation Fund (LASF) Defined Benefit Plan - 31 Dec 2011 Actuarial Investigation (Continued)

to perform well to ensure there was enough money in the DBS fund to pay out the entitlements of its retirees.

This issue was recognised in 1988 and the State Government put in place a 30 year funding program to ensure that there were sufficient funds in the DBS.

However, in 1993, the State Government closed the DBS to new members and abandoned the 30 year funding program. This left a liability in the fund, which has remained since, despite a number of calls to top up the fund. Changes to both State and Federal Government legislation in 1998 required that liabilities in the DBS would be funded by the employer, being the local authorities.

Past calls to ensure the fund has sufficient funds made on Greater Shepparton City Council are as follows:

1. 1996/1997 – Call total \$321 million - Greater Shepparton Contribution \$3,386,256
2. 2002/2003 – Call total \$127 million - Greater Shepparton Contribution \$1,538,311
3. 2009/2010 – Call total \$71 million - Greater Shepparton Contribution \$1,033,006

Current call:

4. 2011/2012 – Call total \$453 million - Greater Shepparton Contribution \$5,631,820

Actuarial Review

In December 2011 an actuarial review of the fund was carried out, which revealed a large shortfall in the DBS funds of \$406 million. This shortfall is required to be paid, as per the operational rules of the DFS on or before 1 July 2013 and is predicted forward to that date to be \$453 million. The difference from the December 2011 figure and the July 2013 figure is the required growth of the fund, which is 7.5% plus the required federal contributions tax.

Greater Shepparton City Council's (GSCC's) share of this shortfall is \$5,631,820, which is made up of \$4,787,047 shortfall contribution plus the \$844,773 contributions tax (attachment 1). The due date for this payment is 1 July 2013. As the fund requires growth of 7.5% (plus contributions tax), paying before the due date will result in a discount proportional to the growth rates and the amount of time before the due date. Preliminary calculations are that GSCC's liability would be reduced by approximately \$30,000 for every month early that payment is made.

Repayment Plan

Vision Super will provide a payment plan over 15 years to spread the impact for councils. However, it should be noted that the repayment plan will almost certainly incur interest at the growth rate (plus contributions tax) of approximately 8.7% per annum. At present Council receives slightly under 5% for its investments and the latest rates for Council borrowing are approximately 6.4%. Therefore Council should consider options for paying the liability other than the Vision Super payment plan.

Some preliminary options are outlined in the options section of this report.

Early Payment

Noting that an early payment would attract a discount and that the repayment plan offered by Vision Super would be at a higher interest rate, discount confirmation was requested and

7. MANAGEMENT REPORTS

7.11 Local Authority Superannuation Fund (LASF) Defined Benefit Plan - 31 Dec 2011 Actuarial Investigation (Continued)

received from Vision Super. Payment of the liability prior to 30 September 2012 would see the Council's portion of the liability discounted by \$297,600.23 to \$5,334,219.73

This saving however would be reduced by the loss of investment interest which on \$5,334,219, is estimated at \$192,000 for the remainder of this financial year. Therefore early payment in September 2012 from council's cash reserves will provide an overall saving in the order of \$105,000 and as such is recommended to Council.

A further report will be presented to the Council at the December Budget review which will be after the election period to consider specific options to fund the liability and replenish cash reserves, noting that early payment of the bill will utilise cash reserves in September to take advantage of the discount.

This payment in itself is not a determination as to how to fund the liability. Funding options to replenish cash reserves have been broadly outlined further in this report for information and will be subject to further exploration, discussion and final determination at the half yearly budget review.

Goulburn Valley Regional Library Corporation

In addition, it is believed likely that the Goulburn Valley Regional Library Corporation (GVRLC) will be unable to meet their liability of \$388,042 (incl contributions tax) and that the member Councils will have to fund the shortfall. This would almost certainly be allocated to Councils on a per capita basis, the same as the annual Operating grant. The result is that GSCC would have to fund \$239,655 of GVRLC's liability.

The total amount due for GSCC including the portion for GVRLC, is \$5,871,475 made up of \$5,631,820 direct increased in Defined Benefit Super contribution and \$239,654 increased library contribution as GSCC share of library increased Defined Benefit Super contribution.

Municipal Association of Victoria Actions

The Municipal Association of Victoria (MAV) are lobbying both State and Federal Governments to (for details refer to Attachment 3):

1. Achieve a return of the scheme as an exempt public sector superannuation scheme
2. Provide access to Treasury Corporation of Victoria (TCV) borrowings to reduce the cost to councils
3. Exemption of Commonwealth Government contributions tax and state WorkCover premiums from payments made by councils to fund the shortfall.

However, the outlook for success on any of these is questionable.

In addition the MAV has put together a taskforce and the CEO (GSCC) has been appointed to the taskforce. The first meeting of this taskforce has been undertaken, however it was a meeting that provided considerable background information for all members.

Other Actions

A number of Councils from the Echuca/Bendigo region are forming a group to address the issue. The group has only just formed and details of their likely action are not yet known.

7. MANAGEMENT REPORTS

7.11 Local Authority Superannuation Fund (LASF) Defined Benefit Plan - 31 Dec 2011 Actuarial Investigation (Continued)

2011/12 annual Financial Statements

Attachment 2 from Local Government Victoria, outlines the requirement to show the amount due as both an expense and as a liability in the 2011/12 annual financial accounts. This is due to the actuarial having been carried out during the 2011/12 year and that the amount is known prior to adoption of the financial statements. It should also be noted that Council's balance sheet (financial statement) will reflect the outstanding balance as a liability, which will look like debt. This will continue until the amount is completely cleared.

Further Work Required

Some options are outlined in the options section of this report. These options require further investigation and analysis. As well the outcome of the MAV lobbying may be more clear.

Council Plan/Key Strategic Activity

Council Organisation and Management

Risk Management

No direct risks are incurred as result of this report. However a general risk relates to the financial sustainability of Council in relation to funding unknown future liabilities.

Policy Considerations

No policy considerations have been identified.

Financial Implications

Due to the nature of the fund and current legislation Local Government is compelled to make contributions when a call is made. As is the case here it is only after an actuarial review is undertaken and a shortfall identified that Councils are notified of a liability and therefore council is unable to predict any future liabilities.

In relation to this call, the financial implications of this issue is that when Council determines how it will fund the contribution to both Vision Super and the Regional Library Corporation it will also assess the need to undertake a Revised Budget process, which is likely to depend on funding options.

The *Local Government Act 1989* provides as follows:

128. Revised budget

(1) A Council must prepare a revised budget if circumstances arise which cause a material change in the budget and which affects the financial operations and position of the Council.

(2) The Council must ensure that a revised budget is prepared as soon as is practicable after the Council becomes aware of the change in the budget.

(3) The Council must ensure that a revised budget contains all the details required by the regulations

And;

7. MANAGEMENT REPORTS

7.11 Local Authority Superannuation Fund (LASF) Defined Benefit Plan - 31 Dec 2011 Actuarial Investigation (Continued)

146. Budget or revised budget must include proposed borrowings

(1) A Council cannot borrow money for ordinary purposes or the purposes of municipal enterprises unless the proposed borrowings were included in a budget or revised budget.

As the Council is due to enter the Caretaker period in regard to the Council elections it is considered appropriate that this issue should be referred to the new Council to determine which option should be adopted.

	2012/2013 Approved Budget for this proposal*\$	This Proposal excluding any discount for early payment \$	Variance to Approved Budget \$	Comments
Revenue				
Expense		5,871,475	-5,871,475	Includes GSCC portion of GVRLC debt.
Net Result		-5,871,475	5,871,475	

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

Legal/Statutory Implications

Commonwealth legislation requires Councils to fully fund the Vision Super DBS

Environmental/Sustainability Impacts

No Environmental or Sustainability Impacts have been identified.

Social Implications

No Social Implications have been identified.

Economic Impacts

No Economic Impacts have been identified.

Consultation

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Councillors informed through 3 briefings	

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 2009-2012 'Council Organisation and Management'.

7. MANAGEMENT REPORTS

7.11 Local Authority Superannuation Fund (LASF) Defined Benefit Plan - 31 Dec 2011 Actuarial Investigation (Continued)

c) Other strategic links

This issue will necessitate changes to the Long Term Financial Plan and the Strategic resources Plan.

Options for Consideration

As well as the option to pay early and receive a discount of 8.7% per annum pro rated, a number of options exist to fund the liability.

Option 1 Use the Vision Super payment plan.

This effectively incurs 8.7% per annum on the outstanding balance. It therefore should be considered the least attractive option.

Option 2 GSCC to Borrow

As GSCC can at present borrow at approximately 6.4% interest rate, borrowing would achieve a saving of 2.3% in interest. This would amount to approximately \$95,000 in savings per annum. Due to the savings, this option should be considered.

Option 3 GSCC to fund from reduction in services or deferral of capital projects

In order to fund the liability, Council may consider the provision of services and capital projects adopted in the 2012/2013 Budget with a view to reduce or defer individual items. The appropriate time for Council to undertake this review of the current 2012/2013 Budget will be at the half yearly budget review.

Option 4 GSCC to fund from Cash -

At present GSCC has significant funds set aside for a number of developments. The developments are progressing but there is likely a cash surplus in 2012/13 that could fund this payment in the short term.

It is envisaged that borrowings or a reduction in services or capital projects or a combination of both will be necessary in the future to replenish these funds. This will be subject to further discussion during the half yearly review in December 2012 and may also effect the 2013/14 financial year.

Conclusion

This document is provided to Council to ensure they have the latest information on the issue. It is requested that Council approve the early payment of the liability by 30 September 2012 to take advantage of the discount and that an updated document be presented to the Council post-election for a funding determination prior to the mid-year review.

Attachments

1. LASF Defined Benefit Plan - 31 December 2011 Actuarial Investigation (GSCC), from Vision Super, dated 31 July 2012
2. Unfunded Superannuation Liability, from the Department of Planning and Community Development, dated 31 July 2012
3. Update on MAV advocacy on Defined Benefits Shortfall, from MAV, dated 1 August 2012
4. LASF Defined Benefit Plan - 31 December 2011 Actuarial Investigation (GVRLC), from Vision Super, dated 31 July 2012
5. DLA PIPER, Local Authorities Superannuation Fund, Legal Questions and Answers.

7. MANAGEMENT REPORTS

7.12 Sealing of Creation of Easement documents for 55-75 Wanganui Road, Shepparton

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

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

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

Council Officers involved in producing this report

Author: Manager Business Support

Proof reader(s): Business and Property Administration Officer

Approved by: Acting Director Business

Purpose

This report relates to documents signed and sealed for the registration of an easement acquired by Goulburn-Valley Water on Council owned properties located at 55 and 75 Wanganui Road, Shepparton.

RECOMMENDATION

That the Council retrospectively authorise the signing and sealing of the Creation of Easement document by the Chief Executive Officer to satisfy the requirement for the registration of the easement benefiting Goulburn-Valley Water on the titles to the properties at 55 and 75 Wanganui Road, Shepparton being certificate of titles volume 7103 folio 570 and volume 11042 folio 107.

Background

Goulburn-Valley Water compulsorily acquired an easement along the front boundary of Council owned properties located at 55 and 75 Wanganui Road, Shepparton being certificate of titles volume 7103 folio 570 and volume 11042 folio 107, for the installation of sewer pipes for Campbell's rising sewer main. Compensation for the acquisition has been agreed to be paid to Council based on an independent valuation and in accordance with the *Land Acquisition and Compensation Act 1986*.

To enable the easement to be registered on the property titles the Council was required to sign and seal the Creation of Easement document, in accordance with Section 45(1) *Transfer of Land Act 1958*. Council's Local Law No. 2 requires that the Council provide authorisation prior to the seal being affixed to a document. It has now been discovered that the seal was inadvertently affixed prior to a Council resolution being obtained, and the document submitted for registration. The Council is requested to provide retrospective authorisation for the signing and sealing of the Creation of Easement document.

Council Plan/Key Strategic Activity

There are not direct links to the Council Plan.

Risk Management

No moderate or extreme risks were identified in requiring the signing and sealing of the documents.

7. MANAGEMENT REPORTS

7.12 Sealing of Creation of Easement documents for 55-75 Wanganui Road, Shepparton (Continued)

Policy Considerations

There are no policy implications

Financial Implications

Goulburn-Valley Water has agreed to pay compensation totalling \$24,675 to the Council for the acquisition. All associated costs were met by Goulburn-Valley Water.

Legal/Statutory Implications

Council's Local Law No. 2 sets out the procedure for the sealing of documents.

Environmental/Sustainability Impacts

No Environmental or Sustainability impacts have been identified.

Social Implications

No Social implications have been identified.

Economic Impacts

No Economic impacts have been identified.

Consultation

As Goulburn-Valley Water was the acquiring authority in this matter, the extent of consultation undertaken by the Council was limited to internal staff to ensure the acquired easement was aligned to minimise the impact on the future development of the affected land.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

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

b) Other strategic links

There are no other strategic links.

Options for Consideration

Not applicable.

Conclusion

Not applicable.

Attachments

Nil.

7. MANAGEMENT REPORTS

FROM THE SUSTAINABILITY DIRECTORATE

7.13 Planning Application 2004-393B Seeks to Delete Condition 17 (Temporary Use) of the Planning Permit

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.

Council Officers involved in producing this report

Author: Statutory Planner

Proof reader(s): Team Leader Statutory Planning and Manager of Planning

Approved by: Director Sustainable Development

Purpose

The purpose of this report is for the Council as the responsible authority to consider the merits of the application to amend planning permit 2004-393 to delete condition 17 of the permit (temporary use) and decide on the amended planning application.

To assist the Council in reaching its decision, the Planning Department has undertaken an assessment of the application against the relevant planning scheme provisions.

RECOMMENDATION

That in relation to Planning Application 2004-393B, 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 refuse to grant an amended permit.

Should the applicant apply for a review of the Council's decision at the Victorian Civil and Administrative Tribunal to refuse to grant an amended permit, the Council not oppose the deletion of condition 17, to allow for an ongoing use, subject to revised permit conditions which are generally in accordance with the attached revised permit conditions to provide the permit holder a reasonable time frame being two years to relocate to a more appropriate location.

That the Council instructs the Council's Planning Department to commence an investigation into the creation of a resource recovery precinct within the municipality.

Should the operator of Commo's Metals Pty Ltd not apply for a review by VCAT of Council's refusal decision within the 60 day time period allowed by the Act then the operator of the business and the owner of the land are both to be formally advised that the use of the site for materials recycling is unlawful under the Greater Shepparton Planning Scheme and such use must cease within the following 12 month period.

7. MANAGEMENT REPORTS

7.13 Planning Application 2004-393B Seeks to Delete Condition 17 (Temporary Use) of the Planning Permit (Continued)

Property Details

Land/Address	6315 Midland Highway, Tatura
Zones and Overlays	Farming Zone No Overlays
Why is a permit required	The application seeks to amend condition 17 of planning permit 2004-393A

Proposal in Detail

The application proposes to delete the temporary use condition No. 17, which if deleted would allow the use to operate on an ongoing basis.

The rezoning of the land from the Rural Zone to the FZ on 8 Dec 2005 has a significant impact on this application by moving 'Materials recycling' from a permit required use to a prohibited use. Planning scheme amendment C55 which introduced the FZ stated the following within the explanatory report:

The translation of the zoning of all land in the Rural Zone to the Farming Zone implements the Government's commitment to introducing new zones for rural Victoria. The zone has a clearer purpose and tighter controls with a focus on the protection of productive agricultural land. The Farming Zone caters for agriculture as an industry and encourages the use of land for a range of agricultural activities.

The Department of Planning and Community Development (DPCD) have recently released a proposed revision of Farming Zone provisions for consultation purposes. Under the proposed revised Farming Zone, the use of land for materials recycling would change from a prohibited use to a permit required use. In the event that the Minister for Planning approved such an amendment to the FZ provisions then an application for a new permit for Materials recycling could be considered

The applicant is critical of the Planning Department for not giving a reminder that the permit was due to expire in October 2007. The Planning Department response is that it is responsibility of the permit holder to be aware of the requirements of the permit including expiry dates and as such no reminders are provided to permit holders.

Summary of Key Issues

Planning permit 2004-393 was issued on 11 October 2004 and allowed the land to be used for metal and plastic bumper bar recycling centre (materials recycling).

The applicant has applied to amend the permit to delete condition 17 of the permit which states the following:

The use of the land for materials recycling as authorised by this planning permit is initially limited to a three year period. The planning permit may be extended with the written consent of the responsible authority, which will be based on satisfactory compliance with the conditions of this permit.

The permit was issued on 11 October 2004 under the Rural Zone. The Rural Zone included materials recycling as a section two (permit required) use.

7. MANAGEMENT REPORTS

7.13 Planning Application 2004-393B Seeks to Delete Condition 17 (Temporary Use) of the Planning Permit (Continued)

In December 2005, land within the Rural Zone transitioned to the Farming Zone, within the FZ use of land for materials recycling was listed as a section three (prohibited) use.

The Council's Planning Department has over a long period of time been required to undertake enforcement action against the permit holder including through Victorian Civil and Administrative Tribunal (VCAT) to ensure compliance with the planning permit.

Planning permit 2004-393 allowed for a temporary use of the land for materials recycling for a three year period. This three year period ended on 11 October 2007.

The applicant did not apply to extend the permit within this three year period.

The Planning Department initially formed the view that the permit has expired as no formal request had been made by the permit holder to extend the permit within the three year period between 11 October 2004 to 11 October 2007.

The Council's lawyers, Russell Kennedy Solicitors (RK) reviewed this view and informed the following:

We consider the most legally correct view is that the permit, has expired. As a result, the Council is unable to amend the permit to in effect allow an extension of time, and cannot extend the permit as such an application would be out of time. The refusal of any such application would provide the permit-holder with rights of review in the (VCAT)

As the Planning Department is of the view that the permit has expired, there is no ability to amend the permit to delete condition 17. On this basis the Planning Department recommend that the Council refuse to grant the amended permit.

Background

Planning permit issued on 11 October 2004 to use land for metal and plastic bumper bar recycling centre:

1. Condition 17 allowed for a temporary use which was initially limited to a three year period (until 11 October 2007)
2. Following planning enforcement action regarding the use operating outside of permitted hours, an application to amend the condition relating to operation hours was lodged on 8 December 2010.
3. Following initial assessment of the amended application to extend operating hours Planning Officers raise concerns that the permit has expired.
4. On 12 January 2011, the Planning and Development Branch seek advice from RK to determine if the permit has expired
5. On 7 February 2011 RK advice that the most legally correct view is that the permit has expired as no written request was made to extend the permit before 11 October 2007
6. On 10 February 2011, a meeting was held with the permit holder and Mr Sibio during which they were informed the permit had expired. A letter was also provided on the same date formally informing of the permit expiry.
7. 5 April 2011, applicants engage CPG Consulting act on their behalf

7. MANAGEMENT REPORTS

7.13 Planning Application 2004-393B Seeks to Delete Condition 17 (Temporary Use) of the Planning Permit (Continued)

8. 28 April 2011, Mr Phil Pearce (CEO) responds to a letter of concern of Mr Sibio's dated 15 April 2011. Mr Pearce informed he sympathised with Mr Sibio's position although the Farming Zone provides no discretion to allow the use. Mr Pearce informed he would raise this matter with the Minister for Planning. The Minister response was received on 30 May 2011, which stated the Government is committed to reviewing the Victorian Planning Provisions. On 19 August 2011, Mr Rochfort informed Mr Sibio in writing of the Ministers response.
9. Following the Council's and applicant's lawyers reviewing the expiry condition, RK write to Best Hooper Solicitors on 16 August 2011 raising possibility of amending the permit to delete condition 17.
10. 29 August 2011, RK advise that the permit has expired and that the Council does not have the ability to amend the permit to delete condition 17, which in effect would have allowed the use to continue.
11. 31 August 2011, Ms Julie Salomon in the capacity of Acting Chief Executive Officer informed applicant in writing that existing use rights for the land are not established and that the permit has expired and the Council could not approve an application to delete condition 17. Ms Salomon informed should a VCAT review be sought by the applicant, Planning officers would not oppose the VCAT application.
12. 5 September 2011, Mr Commisso informed Planning officer during a meeting that further legal advice was being obtained regarding existing use rights for the land. Mr Commisso was critical of Planning Officers for not reminding him of the permit expiry in October 2007.
13. 15 September 2011, Ms Christou in the capacity of the Acting General Manager of Sustainable Development informed Mr Sibio of the Planning Department's position. Ms Christou informed the Planning Department would not commence enforcement proceedings until a final decision is made on the matter.
14. 27 September 2011, a meeting was held between Mr Sibio and the Councillors. The outcome of this meeting was for Mr Sibio to make an application to amend the permit to delete condition 17. As discussed at this meeting the applicant was informed the application would be decided by the Council at a Council meeting
15. 22 November 2011, the Planning Department organised a phone conference between RK and Mr Commisso. RK informed that Mr Commisso could make an application to delete condition 17, of which the Council would likely refuse, which would allow Mr Commisso to review the Council's decision at VCAT
16. 15 December 2011, Colin Taylor on behalf of the permit holder writes to the Planning Department and informs they will seek to amend the permit to delete condition 17
17. 17 April 2012, Colin Taylor makes formal application which applies to delete condition 17 from the permit
18. 12 July 2012, planning officers met with the permit applicants to discuss a revised set of draft permit conditions, which are designed to better protect the amenity of the neighborhood
19. 16 July 2012, an information session was held between the objectors and planning officers which was chaired by Peter O'Leary. Cr's Crawford, Houlihan and Dobson also attended this meeting. During this meeting the objectors were informed of the Planning Department's view of the application, which is that the permit has expired and it is beyond the Council's powers to extend the permit.

7. MANAGEMENT REPORTS

7.13 Planning Application 2004-393B Seeks to Delete Condition 17 (Temporary Use) of the Planning Permit (Continued)

Assessment under the Planning and Environment Act

The application seeks to delete condition 17 under the permit, which relates to the temporary use of the land.

As set out above it is the view of the Planning Department that the permit expired on 11 October 2007, as no formal request was made to extend the permit. This view is supported by RK, who have informed an application such as this should be refused by the Council.

The applicant disagrees with this position and submits that the application to amend the permit can occur and relies on *Fosters Group v Mornington Peninsula Shire Council* (VCAT) and *Seventh Colombo* (Supreme Court).

VCAT's summary of these decisions is below:

T'Gallant, a Mornington Peninsula winery and restaurant, seeks to amend one of its permits to consolidate all aspects of its use and development into the one permit, to increase patron numbers in the restaurant from 60 to 274, to use the land for a function centre, and for new buildings and works that will significantly increase the floor area.

A new permit for restaurant or function centre could not be granted today because of limits on these uses in the Green Wedge Zone, which restrict the number of persons on the site to 150 and require the land to be at least 40 hectares in area. Notwithstanding this, the applicant says that an existing permit may be amended in a way that would not be permitted if a new application for permit was made.

The Supreme Court in the Seventh Colombo case held that conditions in a permit that establishes an existing use right can be amended. Therefore, legally it would be possible to amend the permit to allow an increase in restaurant patron numbers above the limit specified in the planning scheme. However, the ability to amend a permit does not extend to allowing a new, prohibited use. Therefore, it is not possible to allow the new use of function centre. On planning grounds though, the scale and intensity of the proposed changes that might be made cannot be supported and the conclusion is that the permit should not be amended.

Based on *Seventh Colombo* a permit can be amended in the following circumstances:

- The use is now prohibited
- The conditions are contrary to the planning scheme

The use of land for materials recycling is now prohibited under the FZ, however the difference between *Seventh Colombo* and this application is, that planning permit 2004-393 is expired, which removes the opportunity for the Council to amend the permit, as there is no live permit for the Council to amend.

As it is the view of the Planning Department, which is supported by the Council's legal advice, that the permit is expired, the permit is unable to be amended by the Council and therefore it is recommended that the Council refuse to grant the amended permit.

7. MANAGEMENT REPORTS

7.13 Planning Application 2004-393B Seeks to Delete Condition 17 (Temporary Use) of the Planning Permit (Continued)

By refusing to grant the amended permit, it provides an avenue of appeal to VCAT for the applicant, at which the Council would not oppose a VCAT exercising its discretion to review of the matter.

VCAT Positions

It is possible that if the Council decides to refuse to grant the amended permit, the applicant will seek a VCAT review of the Council's decision. If this were to occur, the Council will need to determine its position at VCAT.

A Court of Appeal decision (Harvey & Anor v Mutsaers 2012) has recently decided that VCAT is able to use Clause 62 of the *Victorian Civil and Administrative Tribunal Act, 1998* to disregard all forms of failure to comply with statutory requirements. In other words this Court of Appeal decision has ruled VCAT has the power to extend an expired permit, such as this permit.

The Planning Department is of the view that should the matter be reviewed to VCAT, the Council should not oppose VCAT amending the permit to delete the temporary use of the permit subject to, the applicant consenting to the following revised permit conditions. The purpose of these revised conditions is to provide improved amenity protection to the residents of Minchin Road.

The extension of the permit to which the Council would not oppose is for a limited period of two years to allow the permit holder an opportunity to relocate the business to a more appropriately located site.

A revised set of draft permit conditions have been provided to both the applicant and objectors whose comments are summarised as:

Applicant

- The extension of the temporary use should be for at least nine years to end the use when the current lease terminates
- Not require the provision of a noise compliance report up front, rather require a noise report if complaints are received from neighbours
- Not prohibited the use from being conducted on public holidays

Objectors

- Extension of temporary use limited to allow reasonable time of about one year to relocate the business
- Require that vehicles enter and exit the site in a forwards direction

Planning Department

Following having had the opportunity to consider the applicants and objectors comments regarding the draft revised conditions, the conditions require:

- Extension of temporary use for a two year period
- Require submission of noise testing if complaints are lodged by neighboring properties
- Require that alternative vehicle access arrangements be established to allow all vehicles entering the site can exit in a forwards direction
- Increased height of the boundary fence from 1.8m to 2.8m in height

7. MANAGEMENT REPORTS

7.13 Planning Application 2004-393B Seeks to Delete Condition 17 (Temporary Use) of the Planning Permit (Continued)

- Limiting hours of operation to Monday to Friday between 7am to 7pm and 9am to 5pm on Saturdays
- All loading and unloading to be undertaken on the land
- Allow the stock piling of materials to 3.5m above ground level

If the Council and ultimately VCAT decide not to amend the permit, this will result in Commo's Metals being required to vacate the land. The hardship this will cause is significant, to assist Commo's in any process of relocation it would be recommended that the Council instruct the Council's Strategic Planners to identify and make available an appropriate area of industrial land within the municipality for offensive uses such as Commo's Metals.

Council Plan/Key Strategic Activity

Council Plan

Strategy 11 - Ensure social issues are actively considered when making planning decisions

Strategy 23 – Pursue opportunities to increase the range of businesses and industries in the region, to further strengthen our economy

Helping current businesses grow and encouraging new businesses and industries to start up or move to our region makes the local economy stronger and provides improved job opportunities for the community. The Council encourages this growth through investment attraction programs, by providing training and development for existing and new businesses and by helping businesses find people with the skills they need to be successful.

We will plan for future expansion of industrial businesses across the municipality through an industrial land strategy, which will look to protect and grow the significant industrial activities in Shepparton, Mooroopna and Tatura.

The application has been advertised to provide an opportunity for interested persons to be involved in the planning process.

This recommendation is inconsistent with strategy 23 of the Council Plan as the recommendation if upheld by the Council and VCAT will require the business to relocate. Whilst this is not an ideal outcome, the permit has expired and use is not allowed in the FZ.

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 correct planning processes.

The proposed recommendation within this report to refuse to grant an amended permit, is consistent with the Council's legal advice, which further reduces potential risk to the Council.

7. MANAGEMENT REPORTS

7.13 Planning Application 2004-393B Seeks to Delete Condition 17 (Temporary Use) of the Planning Permit (Continued)

If the Council decided to grant the amended permit to delete the condition an objector could review this decision to VCAT.

If this were to occur it is likely that VCAT would find the Council did not have the ability to amend the permit which would result in VCAT cancelling the permit. If the permit was cancelled there is right to compensation under section 94 of the Act, which may be significant in relation to a commercial enterprise. It is also likely costs would be awarded against the Council.

Risks	Likelihood	Consequence	Rating	Mitigation Action
Road safety with vehicles exiting the land to Minchin Road	A	5	Low	Proposed revised conditions require all vehicles enter and exit the site in a forwards direction hereby improving road safety of the use
Third party notice and objections to the application	A	5	Low	The application has been properly advertised which allowed objections to be lodged with the Council. These objectors will be informed of the Council's decision and made party to any future VCAT reviews.
Recommendation to refuse to grant the amended permit	B	5	Low	The Planning Department's recommendation to refuse to grant an amended permit, is consistent with the Council's legal advice

Insignificant to Low risks have been identified and will be addressed at the operational level, through the enforcement of the revised planning permit conditions.

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.

7. MANAGEMENT REPORTS

7.13 Planning Application 2004-393B Seeks to Delete Condition 17 (Temporary Use) of the Planning Permit (Continued)

To allow the Planning Department to undertake the investigation into a resource recovery precinct, funding of \$35,000 is sought to be allocated to the project at the half year budget review. This would allow the preparation of the investigation to commence in the first half of 2013.

Legal/Statutory Implications

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

Victorian Charter of Human Rights and Responsibilities Act 2006 Implications

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

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.

Aboriginal Heritage Act, 2006

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

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

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

Environmental/Sustainability Impacts

Clause 19.03-5 of the Greater Shepparton Planning Scheme deals with waste and resource recovery.

7. MANAGEMENT REPORTS

7.13 Planning Application 2004-393B Seeks to Delete Condition 17 (Temporary Use) of the Planning Permit (Continued)

The objective of this clause is *to avoid, minimise and generate less waste to reduce damage to the environment caused by waste, pollution, land degradation and unsustainable waste practices.*

The clause encourages the establishment of appropriately sited waste recovery uses to divert waste from landfill and help implement Victoria towards zero waste.

Uses such as Commo's Metals are of significant environmental benefit as waste materials are reused and recycled and diverted from land fill.

Social Implications

Section 60(1A)(a) 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*

Minawood Pty Ltd V Bayside (Red Dot) VCAT 440 March 2009 considered the nature of significant social effects within the meaning of section 60(1A)(a) of the Act.

Deputy President Gibson was the presiding member and made the following comments:

We do not agree with the proposition that the number of objections alone creates a significant social effect or that the number of objections alone should be given any weight.

In our view, the conclusion which can be drawn from the approach to considering significant social effects in the context of the [Planning and Environment Act 1987](#), is that to be relevant, the proposed use or development must give rise to demonstrable social impacts on the community (as distinct from individuals) of an identifiable scale or extent.

This application does not raise any significant social issues that influence the planning officer's view for the following reason:

- The objections to the application relate predominately to amenity grounds rather than social grounds

Economic Impacts

The proposed recommendation would result in the need for the business to relocate from the current site, which will cause hardship to the business operator.

To assist in this relocation, it is recommended that the Council instruct the Planning Department to commence an investigation into the establishment of a resource recovery precinct within the municipality.

The industrial land review initially identified Daldy Road and the land adjacent Wanganui Road as the future resource recovery precinct, however Goulburn Valley Water have now withdrawn their support for this development on their land.

7. MANAGEMENT REPORTS

7.13 Planning Application 2004-393B Seeks to Delete Condition 17 (Temporary Use) of the Planning Permit (Continued)

The undertaking of this investigation will identify an appropriate location for these important offensive industries, which achieve significant environmental benefits in the diversion of waste from landfill.

Referrals/Public Notice

The planning application was advertised by written notice to adjoining land owners and a sign on site.

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

Each of the objectors received acknowledgement of their receipt by the Planning Department.

A information meeting was held on 13 June 2012 which was attended by the applicant and most objectors. This meeting allowed the applicant and objectors to discuss the application in a controlled environment. The following were the key points raised in this meeting:

Objectors' comments:

- Commo's have outgrown the site and their use subsequently spreads to adjoining land and road reserves
- Trucks exiting Commo's reverse from the site which results in a loss of road safety
- Large metal collection bins are stored in the road reserve which reduce site lines and detrimentally affects road safety
- The use of the road reserves causes dust and mud on the roads
- Fires have occurred on the land which affect residents amenity
- The Council had failed to properly enforce the permit conditions which led to amenity impacts

Permit holder's comments:

- Commo's works hard to be a good neighbour
- Commo's acknowledges breaches of the permit conditions had occurred in the past (such as hours of operation and height of materials), they are however working to comply with conditions
- Commo's would consider contributing to the upgrade of the road to improve road safety and reduce dust and mud
- Commo's seeking consent to exit the land to the south, which would remove the trucks reversing from the land to the road
- Commo's seek to continue their business from the land as they are unable to find a suitable industrial site to the west of the Goulburn River
- Commo's sought a meeting with the Planning Department to discuss amendments to permit conditions to improve impacts of amenity to the area

Planning Department comments:

- Enforcement action had on two occasions been pursued against Commo's to require compliance with the permit
- On the first occasion of enforcement, the Council sought a VCAT enforcement order to ensure compliance, the application for the order was later withdrawn as the Council's enforcement officer was satisfied compliance with the permit conditions

7. MANAGEMENT REPORTS

7.13 Planning Application 2004-393B Seeks to Delete Condition 17 (Temporary Use) of the Planning Permit (Continued)

was achieved

- The second enforcement file has resulted in this application to amend the permit to remove the temporary nature of the permit
- The application will be referred to the August Council meeting for a Council decision

The grounds of objections related to the following:

Ground of objection	Officers response
The use does not comply with original application being a small scale bumper bar recycler	Planning permit 2004-393 allowed 'the land to be used for metal and plastic bumper bar recycling centre (materials recycling) with associated works'. It is accepted by all parties that the use has grown significantly to what was first envisaged. Despite this the use is still within what was allowed under the permit and intensification of a use does not change the use of the land.
The use is inappropriate in a rural residential area	The land and surrounding land is within the Farming Zone which is not classified as a residential zone. At the time of deciding to grant a permit under the rural zone, the use was allowable subject to the grant of a permit. The use under the FZ is prohibited and no permit could grant for a fresh application in the FZ.
The use of heavy vehicles to the site, particularly reversing from the land to Minchin Road creates an unsafe road environment	It is acknowledged by all that heavy vehicle movements to the site are problematic and the practice of truck reversing from the land to Minchin Road is unacceptable and in breach of permit conditions. The applicant has proposed an alternative truck route to allow vehicles to enter and exit the land in a forwards direction.
The use has not complied with its planning permit over a long period of time	At the information meeting the permit holder acknowledged that conditions of the permit were not being complied with such as, height of materials, vehicles not exiting the site in a forwards direction, hours of operation and parking of vehicles on the road reserve
The use of land results in a significant loss of amenity to the rural residential area	The surrounding land is within the FZ and therefore cannot expect the same residential amenity as would be expected in a Residential 1 Zone, however it is accepted by the planning officer that the use of land for materials recycling does result in offsite amenity impacts such as noise, dust, hours of operation, appearance and deliveries. If there was the ability it is likely that improved permit conditions could adequately deal with the amenity impacts of the use to the dwellings within the FZ. The permit holder has indicated that is prepared to work cooperatively to prepare alternative conditions to manage the amenity impacts of the area.

7. MANAGEMENT REPORTS

7.13 Planning Application 2004-393B Seeks to Delete Condition 17 (Temporary Use) of the Planning Permit (Continued)

A second information session was held between the Council and objectors only on 16 July 2012. This information session was chaired by a specialist mediator being Peter O'Leary.

The key outcomes of this session were as follows:

- Planning officers informed the objectors, it was the Planning Department's view that the permit had expired and it was beyond the Council's powers to amend to permit, therefore the Planning Department would recommend that the application be refused by the Council
- Planning officers prior to this meeting provided a draft set of revised permit conditions to the objectors for discussion purposes, which would be attached to the officer's report to the Council. The purpose of these revised conditions is to provide improved road safety and amenity outcomes to allow a limited time extension to the permit, to allow relocation of the business. The objectors raised concern about the length of the temporary nature being nine years of the proposed revised permit
- Objectors informed be more prepared to accept a limited extension of one year to allow the business to relocate
- Objectors were informed by O'Leary of the VCAT procedures to review the Council's decision and VCAT process to consider the application to extend the expired permit. O'Leary informed it is likely VCAT would provide an opportunity for objectors to be made a party to the application
- Cr Dobson informed the objectors before VCAT can become involved the Council need to consider and decide on the submitted application

Although the objections raise relevant planning issues such as amenity, vehicle access and compliance with conditions, the objections are not the principal reason for the recommendation to refuse to grant an amended permit.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

Industry

The current MSS designates areas for future industrial use. There are approximately 100 hectares of vacant land zoned for industrial use. There is no detailed evidence of a shortage in demand due to slow take up of areas already zoned for industrial use.

Further rezoning for industrial purposes will need to be justified by an industrial land supply and demand study, particularly for Tatura.

The municipality has a number of supply constraints for large areas of industrial land, namely, lack of access to main roads, existence of floodway zones, locations of agricultural enterprises and potential conflict with residential areas.

In recent times the Council has resolved to adopt the Industrial Land Review which made the following comments:

7. MANAGEMENT REPORTS

7.13 Planning Application 2004-393B Seeks to Delete Condition 17 (Temporary Use) of the Planning Permit (Continued)

It is noted that the GS2030SP suggested that the need to rezone land in Tatura to cater for additional industrial development would require close scrutiny. The research undertaken for the ILR relating to planning and development data and existing supply capabilities suggests the supply situation in Tatura is not as good as Shepparton and may be less than 10 years. This shortage has recently been exacerbated by the sale of the 13 hectares on the eastern side of Dhurringile Road by Tatura Milk for the purposes of a retirement village.

This leaves only 4 hectares of available development land which, according to consumption figures, is a critical shortage. Some zoning and supply options are discussed in the recommendations and in section 3.4 of this report. These recommendations offer the option of extending the supply of land for Tatura beyond 20 years.

Whilst the Industrial Land Review (ILU) identifies a shortage of industrial zoned land in Tatura, which makes it difficult for Commo's to relocate, the ILU has identified options for future industrial zoned land in Tatura which can be investigated by the Council's Strategic Planners.

The ILU discusses a resource recovery precinct (RRP) and considers interest in such a precinct has reached a 'critical mass'. The ILU intended the RRP to be located in Daldy Road, however the land owner Goulburn Valley Water is unwilling to develop the land for RRP.

Therefore it is necessary for further investigations to be undertaken to find an alternative location for a RRP.

Options for Consideration

The Planning Department are of the view the only option available to the Council is to refuse to grant an amended permit, as the permit has expired, and it is beyond the Council's powers to amend an expired permit.

Conclusion

Based on the above report it is the Planning Departments view that the most correct planning decision is to refuse to grant the amended permit.

Despite this, the Planning Department recognises it will take time for the relocation of the business and subject to the inclusion of revised conditions to provide improved road safety and amenity controls, it is recommended the Council not oppose VCAT granting a two year extension to the permit to allow the business an adequate time frame to relocate.

It is also identified that the Council should continue to build on the Industrial Land Review and take a proactive approach to the planning of a resource recovery precinct within the municipality. It is therefore recommended that the Council instruct the Planning Department to commence an investigation into the establishment of a resource recovery precinct.

Attachment

Draft Revised Permit Conditions

7. MANAGEMENT REPORTS

7.14 Shepparton North East Growth Corridor – Update on Draft Precinct Structure Plan and Development Contributions Plan

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

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

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

Council Officers involved in producing this report

Author: Principal Strategic Planner

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

Approved by: Director Sustainable Development

Purpose

The purpose of this report is to update the Council on the progress of the draft Precinct Structure Plan and Development Contributions Plan for the Shepparton North East Growth Corridor.

RECOMMENDATION

That the Council note the progress of the Precinct Structure Plan and Development Contributions Plan for the Shepparton North East Growth Corridor.

Property Details

Land / Address	The subject land is 95-185 Verney Road, 65-139 Grahamvale Road and 240 Ford Road, Shepparton. Several internal Goulburn Murray Water irrigation channels and drains are also included.
Zones and Overlays	The subject land is within the Farming Zone, with the irrigation channels and drains within the Public Use Zone.
Why a planning scheme amendment is required	A planning scheme amendment is required to incorporate the Precinct Structure Plan and Development Contributions Plan into the Greater Shepparton Planning Scheme.

Proposal in Detail

The Shepparton North East Growth Corridor is situated in the northeast corner of Shepparton. It has a total area of approximately 168 hectares, and has traditionally been used for horticultural production. The existing Grahamvale Primary School and Shepparton Christian College, as well as several small ‘rural residential’ lots are included in the growth corridor.

7. MANAGEMENT REPORTS

7.14 Shepparton North East Growth Corridor – Update on Draft Precinct Structure Plan and Development Contributions Plan (Continued)

The area is bounded by Grahamvale Road (Shepparton Alternative Route) to the east, Ford Road and a small rural living area to the north, Verney Road to the west, and Goulburn Murray Water Drain No. 3 to the south. Existing residential areas are beyond Verney Road and the western end of the drain, and an industrial area is situated beyond Verney Road and the eastern end of the drain.

The growth corridor will consist of approximately 2,000 dwellings, which will accommodate about 5,500 residents. A variety of residential densities will be provided in accordance with the Greater Shepparton Housing Strategy, including a range of residential lot sizes and dwelling types.

An activity centre is proposed in the northwest area and adjacent to Verney Road. This will consist of a supermarket and specialised retail premises, and a local community facility that will include a kindergarten and flexible community centre that could include a maternal and child health centre.

Significant public open space will be provided, consisting of parks, drainage basins (which will integrate with the parks), a shared pathway network, and attractive road reserves. The internal road network will include a potential bus route, and will seek to resolve existing access issues onto Grahamvale Road.

Summary of Key Issues

The key issues with the Shepparton North Growth Corridor project are:

- Ensuring adequate project management, including partnership with the primary development proponent to prepare the plans and documentation, and consultation with key stakeholders.
- Ensuring the efficient delivery of infrastructure associated with the development.
- Provision of an appropriate mix of dwelling types and lot sizes, to support diversity in household sizes and stages in life, and assist in the provision of affordable housing.
- Ensuring integration with existing residential areas adjacent to the growth corridor, including residential character, and road, cycle and pedestrian connectivity.
- Ensuring adequate management of stormwater runoff, including design and integration of drainage basins.
- Provision of adequate public open space, including parks and shared pathways.
- Provision of an appropriate internal road network, including bus route/s.
- Provision of suitable access onto Grahamvale Road (Shepparton Alternative Route), including improving the current access for the Grahamvale Primary School.
- Ensuring appropriate retail and community facilities are provided within the proposed activity centre.
- Provision for future expansion of the Grahamvale Primary School and Shepparton Christian College.
- Provision of adequate buffers to adjacent industrial land, Grahamvale and Ford Roads, and the Tocumwal Railway Line.
- Management of the transition of land uses within the growth corridor from horticulture to residential.

Background

The Shepparton North East Growth Corridor was first identified in 2006 for short- and

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7.14 Shepparton North East Growth Corridor – Update on Draft Precinct Structure Plan and Development Contributions Plan (Continued)

long-term future residential growth in the Shepparton 2030 Strategy. This was later ratified in the Greater Shepparton Housing Strategy (July 2009; updated in May 2011).

In July 2007, the Council was approached by a developer who controlled the majority of the area to commence planning for residential development. At its Ordinary Meeting on 1 July 2008, Council resolved to sign a Memorandum of Understanding with the developer to prepare the structure plan, development contributions plan and planning scheme amendment. This was finalised on 28 July 2008.

The Council was briefed on the progress of this project in November 2007 and September 2009.

Since this time, Council has been working with the proponent to prepare the background reports, and to consult with key stakeholders such as landowners, and State agencies and authorities. There have been issues with the earlier drainage design and access to Grahamvale Road, which have now been resolved.

It is intended that the draft Precinct Structure Plan and Development Contributions Plan will be completed by the end of 2012, after which the associated planning scheme amendment will then proceed through the statutory process. Pre-development agreements will be used where possible for developers to provide infrastructure, in order to simplify the development contributions plan and minimise costs to the Council.

Assessment under the *Planning and Environment Act 1987*

The proposal complies with the requirements of the *Planning and Environment Act 1987* for the amendment of planning schemes. It complies with the Victorian Planning Provisions and relevant State planning guidelines and directions.

Council Plan / Key Strategic Activity

Strategic Objective 1 – Settlement and Housing

Objective 1: Encourage innovative, appropriate, sustainable and affordable housing solutions.

- Action: Adopt a Housing Strategy and implement the recommendations.

Objective 2: Encourage sustainable municipal growth and development.

- Action: Engage stakeholders to ensure that growth management plans incorporate user views on priorities, infrastructure needs and future demand.
- Action: Complete structure plans for growth areas, including development contribution plans.

Risk Management

Insignificant to Low risks have been identified and will be addressed at the operational level.

Policy Considerations

The proposal seeks to implement the directions of the Greater Shepparton Planning Scheme and the Greater Shepparton Housing Strategy.

There are no conflicts with existing Council policy.

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7.14 Shepparton North East Growth Corridor – Update on Draft Precinct Structure Plan and Development Contributions Plan (Continued)

Financial Implications

The main proponent for the development of the Shepparton North East Growth Corridor signed a Memorandum of Understanding with Council in 2008 to pay for the majority of costs associated with the preparation of the Precinct Structure Plan and Development Contributions Plan, and associated planning scheme amendment. It is intended that these costs will be recoverable by the developer through the Development Contributions Plan.

Finances have been included in the budget for the 2012/13 financial year to fund Council's responsibilities to complete the draft Precinct Structure Plan and Development Contributions Plan. The majority of work is being done by Council staff, with the budget required for external specialist reports.

	2011/2012 Approved Budget for this proposal*	This Proposal	Variance to Approved Budget	Comments
	\$0	\$0	\$0	
Expense	\$30,000	\$0	\$0	See above
Net Result	-\$30,000	\$0	\$0	

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

The Development Contributions Plan, pre-development agreements and/or planning permit requirements are proposed to fund the provision of infrastructure required for the development of the growth corridor.

Legal / Statutory Implications

The Precinct Structure Plan and Development Contributions Plan, and associated planning scheme amendment will need to comply with the relevant legal and statutory requirements under the *Planning and Environment Act 1987* and *Local Government Act 1989*.

There will be no potential limitations to human rights embodied in the Victorian *Charter of Human Rights and Responsibilities Act (2006)*.

Cultural Heritage

The Cultural Heritage Assessment undertaken as part of the project found that the growth corridor is unlikely to contribute to indigenous cultural heritage. The assessment found one early 20th century dwelling that is considered having potential historical cultural heritage – this will be assessed further as part of the Precinct Structure Plan or subsequent planning permits.

Environmental / Sustainability Impacts

The proposal seeks to achieve the sustainable development of the Shepparton North East Growth Corridor, and also that of the wider Shepparton area. This is through positive responses to matters such as housing diversity, residential amenity and liveability, cycle, pedestrian and public transport connectivity, and water sensitive urban design.

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7.14 Shepparton North East Growth Corridor – Update on Draft Precinct Structure Plan and Development Contributions Plan (Continued)

The Environmental Assessment undertaken as part of the project found that there are limited natural environmental values on the land due to its historical use and management for horticulture. The land is suitable for residential development, with minor matters relating to land contamination being able to be resolved as part of the Precinct Structure Plan or subsequent planning permits.

Social Implications

The proposal seeks to provide for a liveable and diverse community in the Shepparton North East Growth Corridor, which will integrate with the existing community in North Shepparton and contribute to addressing current social issues.

This is through the provision of new housing for approximately 5,000 residents, which will be at a variety of dwelling types and lot sizes to respond to changing demographics and household types. An activity centre is proposed to provide for local shopping and community facilities (including a kindergarten and provision for maternal and child health), and a number of parks will provide for both passive and active recreation. Residential land will be connected to the activity centre, parks, surrounding residential areas and the Shepparton CBD through public transport, shared pathways and roads. Provision will also be made for the growth of the Grahamvale Primary School and Shepparton Christian College.

Economic Impacts

The proposal seeks to contribute to the economy of the area through the release of new residential land to support the construction sector, and provision of retail premises in the activity centre. Residents will also have access to employment in the Shepparton CBD and the wider area. The long-term viability of nearby industrial and farming enterprises will also be supported by managing potential land uses conflicts with the new residential area.

Referrals / Public Notice

Ongoing consultation is taking place as part of the preparation of the draft Precinct Structure Plan and Development Contributions Plan. This includes landowners within the growth corridor, and relevant State agencies or public authorities such as the Department of Planning and Community Development, VicRoads, Goulburn Valley Water, Goulburn Murray Water and the Department of Education and Early Childhood Development.

Relevant internal stakeholders are also being engaged in the project, through an internal working group and individual meetings. These include:

- Sustainability and Environment
- Statutory Planning
- Projects
- Recreation and Parks
- Neighbourhood
- Youth and Child Services

Officers believe that appropriate consultation has occurred to date in the preparation of the draft Precinct Structure Plan and Development Contributions Plan, and that this will continue as it is finalised and through the associated planning scheme amendment.

Statutory consultation will be undertaken once the Minister of Planning has provided authorisation to prepare the planning scheme amendment. This consultation will include

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public notice to allow affected landholders and the general community to make submissions about the proposal, as well as formal referrals to the relevant State agencies or public authorities.

Strategic Links

a) Greater Shepparton 2030 Strategy

Strategic Direction 1: Settlement

Commitment to growth within a consolidated and sustainable development framework.

b) Other strategic links

Greater Shepparton Housing Strategy (updated May 2011)

Action A.A3 – Facilitate rezoning of land in accordance with the Growth Management Plans when appropriate.

Action A.A4 – Facilitate and/or prepare Outline Development Plans and Development Contribution Plans or equivalent for significant expansion areas to ensure that the strategies of the GSHS are implemented.

Action A.A7 – Identify opportunities to integrate the identification of community needs into the strategic planning process.

Action A.A8 – Work with infrastructure providers to ensure that servicing infrastructure requirements are incorporated into their planning processes.

Action B.A5 – Identify opportunities and develop guidelines that provide for the coordination of land use planning and transport.

Action C.A4 – Inventory existing footpath / cycle networks; identify strategic improvements to enhance accessibility and plan for future key footpath and bicycle links in future residential areas.

D.A2 – Identify opportunities for (re)development at increased densities to create a diversity of housing options.

D.A3 – Adopt a mandatory lot size mix for new residential subdivisions appropriate for particular locations.

A.A10 – Investigate opportunities for the continued improvement of the residential development assessment process.

A.A11 – Investigate different zone options for implementation in growth areas.

C.A8 – Investigate means to improve the usability and function of the open space network, including potentially increasing the minimum open space contribution in new residential developments and/or the more innovative use of space such as for community food production areas.

D.A7 – Investigate the feasibility of adopting local policies relating to affordable housing.

The proposal also has linkages to, and seeks to contribute to the implementation of, the following Council policies and strategies:

Greater Shepparton Planning Scheme

Greater Shepparton Bicycle Strategy Review (currently under review)

Greater Shepparton Recreation and Open Space Strategy

Infrastructure Design Manual

Greater Shepparton Stormwater Management Plan

Cultural Diversity and Inclusion Strategy (draft)

Positive Ageing Strategy 2009-2014

Universal Access and Inclusion Plan 2012-2016 (draft)

Public Health Plan 2009-2013

Early Years Service Review and Future Demand Analysis

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Options for Consideration

There are no options for consideration.

Conclusion

It is recommended that the Council note the progress of the draft Precinct Structure Plan and Development Contributions Plan for the Shepparton North East Growth Corridor. On this basis, Council Officers will continue to finalise these plans, and the associated Planning Scheme Amendment. This is likely to include preparation of agreements with developer/s and/or landowners relating to implementation of the plans.

Attachments

Nil.

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7.15 Consideration if an Economic and Social Impact Submission Should be Made by the Council to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) Relating to the Relocation of the Shepparton Club

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.

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

Purpose
 The purpose of this report is to inform the Council of the proposed relocation of the Shepparton Club from its current premises at 455 Wyndham Street to 517 Wyndham Street, Shepparton.

This report deals with the matters under the Gambling Regulation Act, 2003 and recommends whether the proposal in the Planning Department's view satisfies the tests under the *Gambling Regulation Act, 2003*.

RECOMMENDATION

That the Council makes a submission to the Victorian Commission for Gambling and Liquor Regulation that it has no objection to the approval being granted for the new premises at 523 Wyndham Street to be used for 65 machines.

Property Details

Land/Address	517 Wyndham Street, Shepparton
Zones and Overlays	Business 5 Zone Design and Development Overlay 5 Land Subject to Inundation Overlay

Proposal in Detail

The application is made under the *Gambling Regulation Act, 2003* and seeks to facilitate the relocation of the Shepparton Club from its current location at 455 Wyndham Street, Shepparton to 517 Wyndham Street, Shepparton (the land).

The land is located within Shepparton's central business district and is about 600 metres to the south of the existing venue.

The application is seeking approval for 65 Electronic Gaming Machines (EGM's) although the application is seeking to operate only 46 EGM's. Should the club decide to operate the additional 15 EGM's entitlements must be transferred from another venue within the municipality.

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The application has been accompanied by the following information:

- Social and Economic Impact Statement for relocation of the club
- Financial forecasts
- Lodgement of expert evidence by Compliance officer of the Mercury Group
- Lodgement of expert evidence by various club officials

The application including supporting documents has been review by the Council's expert being X Consulting Group.

Summary of Key Issues

Consent for the proposal is required for the 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

The Council is required to advise the Victorian Commission for Gambling and Liquor Regulation that it intends to make a submission on the application by 5 October 2012.

Submissions are due to be received by the commission on 29 October 2012, extensions will only be granted by the commission in exceptional circumstances.

X Consulting was engaged by the Planning Department 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 relocation of the Shepparton Club from its existing premises to 517 -523 Wyndham Street would have no material or greater detrimental social or economic impact.

The proposed location and development offers advantages in diminishing the convenience of gaming machines in a retail environment and a better location and layout of the facilities relative to the public domain.

In most other respects the outcomes would be constant given the close proximity of the existing and proposed sites to each other and the presence of the same club and operating

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7.15 Consideration if an Economic and Social Impact Submission Should be Made by the Council to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) Relating to the Relocation of the Shepparton Club (Continued)

environment.

There is merit in supporting an approval of the premises for 65 machines despite the current entitlement to only 46 machines.

Despite a small pocket of social disadvantage in the immediate environs of the two sites the presence of this club in this locality with 61 machines is an existing and accepted condition. Both locations are also surrounded by locations of relative advantage.

If Council is not to support the establishment of new venues in decentralised locations, remote from the CBD, such as the current application to establish a gaming venue at the Peppermill Inn, then there is strategic merit and justification in supporting proposals that will facilitate desired outcomes and the redistribution of machines within the limitations of the regional cap. Approval of increased capacity removes uncertainty about the likely success of securing approval for additional entitlements.

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 relocate the gaming entitlements from the existing Shepparton Club to the proposed Shepparton Club. This proposal does not allow the number of machines to increase above 329.

The table below details the number and location of EGM's within the Municipality and the net EGM expenditure in 2010/2011

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	-4	\$5,306,405.40
Peppermill Hotel	0	20	+20**	
Total	329	329		\$30,281,878.19

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

** Proposed currently being review by the Victorian Civil and Administrative Tribunal

The club has informed they have entitlements for 46 EGM's, however their application seeks approval for 65 EGM's. Given the regional cap of 329 EGM's, the Club will not be able to operate these 15 EGM's unless gaming entitlements are transferred within the municipality.

In this regard it is considered that the central issue is not the relocation of the existing 46 EGM's but the proposed increase in the number of EGM's to 65. It is noted that a final decision on an application at the Peppermill Inn for the use 20 EGM's is still awaited.

Therefore the impact of the current proposal on the EGM cap for the Municipality should be considered.

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

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.

A concurrent Planning Permit is also being independently assessed. The Planning Permit being assessed is to amend a permit number 2005-542 from the permitted four storey office building to allow for an area on the ground floor and first floor to be used as a restricted place of assembly, the sale and consumption of liquor and 65 gaming machines.

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In contrast to the locational considerations under the *Planning and Environment Act, 1987*, 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.

The application has been assessed using the following framework:

- Accessible but not convenient;
- Choice and diversity of entertainment and recreation;
- Vulnerable communities and problem gamblers;
- Contributions to the economy and the community

Accessible but not convenient

The resiting of the Shepparton Club to the proposed premises would be a positive outcome in the balance of accessibility without enhanced convenience.

While the existing club premises are in a highly accessible location in the centre of the city, they have the disadvantage, from a gaming perspective, to also be highly exposed to a retail environment in which considerable convenience is offered to persons with money to spend. The co-location of a major supply of short term, off street parking at the front door accentuates the convenience of the premises. This is an opportunistic and threatening context for problem gamblers and one not supported by the intent of the planning control prohibiting or discouraging gaming in a shopping environment.

On the other hand the proposed premises are at the periphery of the city centre and removed from a concentration of shopping, in a highly accessible location on the main arterial route in to the CBD, and directly opposite the lake, a location favoured by tourists and visitors to the city.

Choice and diversity of entertainment and recreation

The existing location has marginally greater accessibility to a broader range of more convenient entertainment and recreation choices but not sufficient to override the merits of the proposed location. The lake and its environs are a major alternative recreational attractions and the CBD is only a short walkable distance away.

There is a choice of restaurants and visitor accommodation in the section of Wyndham Street between the railway line and Sobraon Street, which is the frontage shared with Lake and its environs and easily accessed from the proposed new premises.

Vulnerable communities and problem gamblers

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7.15 Consideration if an Economic and Social Impact Submission Should be Made by the Council to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) Relating to the Relocation of the Shepparton Club (Continued)

The socio-economic index for areas (SEIFA) indicates that Shepparton has a socio-economic disadvantage index score of 968, relative to a State average of 1000 and a regional Victoria score of 983. Against this index Shepparton is more disadvantaged than Warrnambool, Horsham, Ballarat, Greater Geelong and Bendigo. The municipality was the 19th most disadvantaged local government area in the State.

In a 2006 comparison of the Greater Shepparton LGA with Regional Victoria, the Shepparton community had:

A notably greater percentage of households with an income less than \$20,800

A higher unemployment rate,

A higher proportion of young persons not engaged in training and further education,

A greater proportion of public housing,

A greater proportion of single parent families,

A notably higher rate of persons with low English proficiency.

A review of the SEIFA index of Disadvantage at a Census Collector District (CCD) level shows that the existing club is located in a CCD in the mid range 5-6 deciles while the proposed facility is located within a CCD in the lowest decile (Plan 5).

While on these facts alone it might be held that the existing club is set in a location with notably less social and economic disadvantage, this conclusion is overly simplistic.

The definition of the CCD boundaries places the club in a narrow elongated precinct running east of and parallel to the highway and encompassing a considerable number of business premises. The proposed location is included in a CCD defined by the railway, the highway, the CCD in which the existing club is located and Fryers Street. In practical terms both the existing and proposed locations are essentially as close to an area of greater disadvantage but they are also opposite or surrounded by areas of relative advantage.

In practical terms the existing club is opposite the small residential area on the east side of Maude Street that is contained by the business areas to the north and the railway to the east. The proposed location abuts the small residential community on Somers Avenue but is limited in its immediate access to other residential areas by the railway line on its eastern boundary.

Accordingly there is nothing in the SEIFA CCD data or the site conditions to materially differentiate between the two locations on the basis of impacts upon problem gamblers and vulnerable communities.

Contributions to the economy and the community

The Shepparton Club has a long and established social and community role and the evidence submitted by the applicant demonstrates both a growth in membership and continuous contributions to various local service and community facilities.

It is appropriate that the Council recognise this history and when appropriate seek to facilitate outcomes that enhance the quality and range of service offered and the sustainability of the club. All other things being equal support for the proposed venue would contribute to such an outcome, which also includes a choice of pursuits other than gaming. The establishment of a new facility offers the prospect of short-term gains in terms of jobs and revenues arising from the building works.

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It is assumed that employment will remain broadly constant despite the fact that the Shepparton Club has a current entitlement of 46 machines and the proposal provides for a target of 65 machines. Until a month ago the club operated 61 machines but this was reduced following the auction on operators licenses. Approval for 65 machines would generate marginally greater revenues.

This is not a case of deciding the differences and economic implications between having and not having the venue. Essentially it is assumed that the transfer will deliver a relatively constant outcome and implications.

Additional machines and new venues

The net outcome of supporting the proposal would be no increase in venues and an increase of 4 or 19 gaming machines depending upon whether the frame of reference was pre or post August 2012.

The argument favouring the support of the higher figure (65 machines) might be based upon recognition of the role and implications of the regional cap and creating potential capacity in preferred locations. In identifying preferred locations where gaming machines would be supported by approving capacity ahead of availability of machines, Council can positively influence the future distribution and location of machines in the local market and achieve a positive outcome for harm minimisation strategies.

The argument against supporting an increased capacity in excess of the 46 machine current entitlement could be that both the existing and current location are located in or immediately adjacent to an area of social disadvantage.

The management of these competing considerations is addressed in the conclusions to this report.

Layout, design and amenity

The proposed building and location offers benefits over and above the existing premises in terms of harm minimisation from a layout and design perspective. The location of the gaming room on the first floor at the rear, southern boundary of the site places the facility adjacent to the railway and the Pizza Hut and removed from residential areas. The facility will be visually removed from casual observance.

The off site amenity implications of the gaming would be immaterial relative to the broader activities associated with the re-establishment of the club.

Council Plan/Key Strategic Activity

Strategy 9 – Develop and pursue strategies to improve community health and well being
Public Health Plan 2009-13

Strategy 4 – Safe and supported community

Evaluate current standards and implement appropriate planning requirements for alcohol and gaming outlets.

Risk Management

The Council is minimizing any risk by making a submission to the Victorian Commission for Gambling and Liquor Regulation and engaging a qualified consultant to make a submission.

Policy Considerations

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

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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.

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 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 EGMS to be used and installed, consents need to be granted under both Acts.

Environmental/Sustainability Impacts

There are no identified environmental/sustainability impacts associated with the proposal.

Social Implications

The applicant relies upon the most recent (2006) SEIFA Index analysis and also the older 2006 Census of population data. The estimates of population growth that the applicant relies upon have not been as great as recorded by the 2011 census (60,449 persons as opposed to an estimate of approximately 63,000 persons).

While there have been marginal variations between 2006 and 2011 the broad observations made by the applicant about the characteristics of the Greater Shepparton population are essentially sound.

The socio-economic index for areas (SEIFA) indicates that Shepparton has a socio-economic disadvantage index score of 968, relative to a State average of 1000 and a regional Victoria score of 983. Against this index Shepparton is more disadvantaged than Warrnambool, Horsham, Ballarat, Greater Geelong and Bendigo. The municipality was the 19th most disadvantaged local government area in the State.

In a 2006 comparison of the Greater Shepparton LGA with Regional Victoria, the Shepparton community had:

- A notably greater percentage of households with an income less than \$20,800
- A higher unemployment rate,
- A higher proportion of young persons not engaged in training and further education,
- A greater proportion of public housing,
- A greater proportion of single parent families,
- A notably higher rate of persons with low English proficiency.

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7.15 Consideration if an Economic and Social Impact Submission Should be Made by the Council to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) Relating to the Relocation of the Shepparton Club (Continued)

A review of the SEIFA index of Disadvantage at a Census Collector District (CCD) level shows that the existing club is located in a CCD in the mid range 5-6 deciles while the proposed facility is located within a CCD in the lowest decile (Plan 5).

While on these facts alone it might be held that the existing club is set in a location with notably less social and economic disadvantage, this conclusion is overly simplistic.

The definition of the CCD boundaries places the club in a narrow elongated precinct running east of and parallel to the highway and encompassing a considerable number of business premises. The proposed location is included in a CCD defined by the railway, the highway, the CCD in which the existing club is located and Fryers Street. In practical terms both the existing and proposed locations are essentially as close to an area of greater disadvantage but they are also opposite or surrounded by areas of relative advantage.

In practical terms the existing club is opposite the small residential area on the east side of Maude Street that is contained by the business areas to the north and the railway to the east. The proposed location abuts the small residential community on Somers Avenue but is limited in its immediate access to other residential areas by the railway line on its eastern boundary.

Accordingly there is nothing in the SEIFA CCD data or the site conditions to materially differentiate between the two locations on the basis of impacts upon problem gamblers and vulnerable communities.

Economic Impacts

Gaming can make positive contributions to a local economy in both the short and long term, through construction, employment and wages, attracting visitation and tourism to a location and spending into the local economy. There is also the opportunity to secure contributions towards local community development and facilities. The converse impact occurs with the closure of venues and regard should be had to the lost economic opportunity that flows from a decision not to support a proposal.

The Shepparton Club has a long and established social and community role and the evidence submitted by the applicant demonstrates both a growth in membership and continuous contributions to various local service and community facilities.

It is considered appropriate that the Council recognise this history and when appropriate seek to facilitate outcomes that enhance the quality and range of service offered and the sustainability of the club. All other things being equal support for the proposed venue would contribute to such an outcome, which also includes a choice of pursuits other than gaming.

The establishment of a new facility offers the prospect of short-term gains in terms of jobs and revenues arising from the building works.

It is assumed that employment will remain broadly constant despite the fact that the Shepparton Club has a current entitlement of 46 machines and the proposal provides for a target of 65 machines. Until a month ago the club operated 61 machines but this was

7. MANAGEMENT REPORTS

7.15 Consideration if an Economic and Social Impact Submission Should be Made by the Council to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) Relating to the Relocation of the Shepparton Club (Continued)

reduced following the auction on operators licenses. Approval for 65 machines would generate marginally greater revenues.

This is not a case of deciding the differences and economic implications between having and not having the venue. Essentially it is assumed that the transfer will deliver a relatively constant outcome and implications.

Public Notice

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.

Further public notice for the planning application will be given at the appropriate time.

Strategic Links

a) Greater Shepparton 2030 Strategy (GS2030)

Section 6 of *Greater Shepparton 2030 Strategy* states the Shepparton CBD is a regional centre.

Greater Shepparton 2030 Strategy describes the features of a regional centre as:

Regional centre with a mall; two discount department stores; many speciality shops, especially fashion; bulky goods sales on the periphery; cinema and other entertainment; regional offices and large commercial sector.

Section 6.1.2 states the following:

The Shepparton CBD has a well-established role as the major regional centre for retailing and other activities, but there is increasing competition from the Shepparton Marketplace, particularly in convenience-type retailing.

If the Shepparton CBD is to maintain its primary regional role, there is a need to emphasise the CBD's opportunities as a location for entertainment, tourism and specialty retailing, and as the location for higher-order professional and community services, etc. The provision of an appropriate range of retail and entertainment facilities, as well as other higher-order services (such as health, legal, accounting, etc) has the potential to generate increased spending by residents and visitors.

Section 6.1.4 states:

The Shepparton CBD will continue to be the primary regional centre and provide a range of high order shops, speciality retail, tourist shops and higher-order services. A vibrant centre would also include a range of entertainment venues such as cinemas, clubs, cafes and restaurants.

Greater Shepparton 2030 Strategy provides clear strategic direction that entertainment uses such as clubs should be located within Shepparton's CBD to ensure a vibrant activity centre.

7. MANAGEMENT REPORTS

7.15 Consideration if an Economic and Social Impact Submission Should be Made by the Council to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) Relating to the Relocation of the Shepparton Club (Continued)

Based on the *Greater Shepparton 2030 Strategy*, the most appropriate location for club uses is within Shepparton’s CBD.

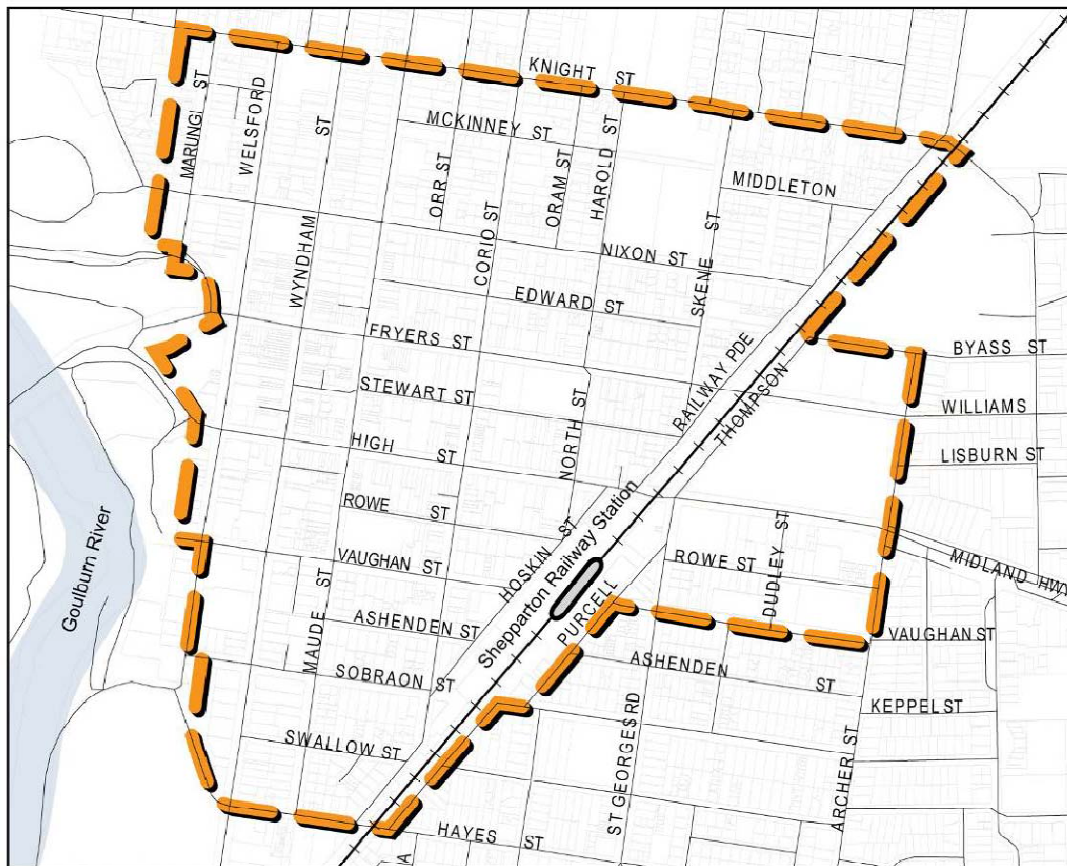
b) Other strategic links
Shepparton CBD Strategy

The CBD strategy was adopted by the Council in October 2008.

Both the Council parking precinct plan and proposed activity centre zone provide the southern boundary of the CBD at the Wyndham Street rail crossing.

Additional the Design and Development Overlay 6 encourages buildings to a height of 20 metres between Hayes Street and the Wyndham Street rail crossing.

Despite this, the CBD strategy identifies the southern boundary of the CBD as Hayes Street.



7. MANAGEMENT REPORTS

7.15 Consideration if an Economic and Social Impact Submission Should be Made by the Council to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) Relating to the Relocation of the Shepparton Club (Continued)

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%).*

Options for Consideration

The Council are required to consider whether the application will have a positive or negative social and economic impact on the community and therefore consider making a submission to the commission.

A pertinent element of this consideration would be the following:

- Would the proposal have an impact negative or positive social impact on the community;
- Would the potential new machines have a positive or negative social and economic impact on the community;

Having regard to the above, the expert report notes that:

- from a gaming perspective, the relocation of the Shepparton Club from its existing premises to 517 -523 Wyndham Street would have no material or greater detrimental social or economic impact.
- the proposed location and development offers advantages in diminishing the convenience of gaming machines in a retail environment and a better location and layout of the facilities relative to the public domain.

Conclusion

Based on the report of 10 Consulting Group, the Council should consider supporting the relocation of the existing 46 EGM's and not opposing the increase of EGM's at the relocated Shepparton Club.

Attachment

Report prepared by 10 Consulting Group.

7. MANAGEMENT REPORTS

7.16 Building Better Regional Cities (BBRC) Funding Program – Compliance with Milestone Two of the Funding Agreement

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

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

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

Council Officers involved in producing this report:

Author: Senior Strategic Planner

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

Approved by: Director Sustainability

Purpose

On 28 June 2012, the Council authorised the CEO to sign the Building Better Regional Cities Funding Agreement with the Commonwealth Government at a Special Council Meeting.

Owing to the complexity of the agreements and contracts with the developers and Registered Housing Agencies (RHAs), which Milestone Two of the Funding Agreement required to be entered into by 30 September 2012, the Planning Department submitted an extension of time request for Milestone Two to the Commonwealth Government on 08 July 2012. The Commonwealth Government subsequently sought to only approve a time extension to 31 December 2012 for the finalisation of the agreements and contracts with developers and RHAs. As such, the Commonwealth Government is seeking to maintain the 30 September 2012 deadline for the remaining provisions of Milestone Two – namely the submission of the Project Plan and Project Budget, and the continuation of the land acquisition processes.

The Council's approval that the remaining provisions of Milestone Two of the BBRC Funding Agreement have been fulfilled or are being commenced as required by the Agreement is also sought. In addition, the Council's approval of this extension of time for the completion of the binding legal arrangements with developers and RHAs to 31 December 2012 is also sought.

RECOMMENDATION

That the Council:

1. notes and accepts the recent extension of time granted by the Commonwealth Government, which now requires the Council to have successfully entered into agreements or contracts with the relevant developers and Registered Housing Agencies by 31 December 2012 to complete this Project.
2. having considered the terms of Milestone Two of the BBRC Funding Agreement, is satisfied that each of the items listed for this Milestone have been fulfilled or are being commenced as required by the Funding Agreement by 30 September 2012 and 31 December 2012.

7. MANAGEMENT REPORTS

7.16 Building Better Regional Cities (BBRC) Funding Program – Compliance with Milestone Two of the Funding Agreement (Continued)

Background

At a Special Council Meeting on 28 June 2012, the Council authorised the CEO to sign the Building Better Regional Cities Funding Agreement with the Commonwealth Government. The Council's recommendation stated:

That, having considered the terms of the BBRC Program, the Council authorise the CEO to sign the Funding Agreement with the Commonwealth Government and note that:

- *Upon signing of the Agreement, the Council receives \$2million, against which expenditure can only be incurred following the successful completion of Milestone Two as described in the Agreement;*
- *Milestone Two of the Agreement requires the Council to have successfully entered into agreements or contracts with the relevant developers and Registered Housing Agencies to complete this Project; and*
- *If contracts cannot be secured, that the \$2million must be returned to the Commonwealth consistent with the terms of the Agreement.*

The Council's officers determined that the preparation of agreements with developers operating within the Mooroopna West Growth Corridor and the length of time required to conduct an expression of interest process with RHAs, in accordance with the *Local Government Act 1989*, could not be completed by the 30 September 2012 deadline stipulated in Milestone Two of the BBRC Funding Agreement. The Planning Department subsequently submitted an extension of time request for Milestone Two to the Commonwealth Government on 08 July 2012. The Commonwealth Government sought to only approve a time extension to 31 December 2012 for the finalisation of the agreements and contracts with developers and RHAs. As such, the Commonwealth Government sought to maintain the 30 September 2012 deadline for the remaining provisions of Milestone Two – namely the submission of the Project Plan and Project Budget, and the continuation of the land acquisition processes.

The Council's approval that the remaining provisions of Milestone Two of the BBRC Funding Agreement have been fulfilled or are being commenced as required by the Agreement is also sought. In addition, the Council's approval of this extension of time for the completion of the binding legal arrangements with developers and RHAs to 31 December 2012 is also sought.

The Council should note the following terms of the BBRC Funding Agreement, as revised by the extension of time to Milestone Two in July 2012:

- Future expenditure of the \$2,000,000 already received from the Commonwealth Government at the end of the 2011-'12 financial year can only be incurred following the successful completion of Milestone Two as described in the Funding Agreement;
- Milestone Two of the Funding Agreement requires the Council to have successfully entered into agreements or contracts with the relevant developers and Registered Housing Agencies by 31 December 2012 to complete this Project;
- These agreements or contracts with the relevant developers and Registered Housing Agencies are confidential in nature and must be treated as such; and
- If agreements or contracts with the relevant developers and Registered Housing Agencies cannot be secured, that the \$2,000,000 must be returned to the Commonwealth Government consistent with the terms of the Funding Agreement.

7. MANAGEMENT REPORTS

7.16 Building Better Regional Cities (BBRC) Funding Program – Compliance with Milestone Two of the Funding Agreement (Continued)

Council Plan/Key Strategic Activity

Strategic Objective 1 – Settlement and Housing

Objective 1: Encourage innovative, appropriate, sustainable and affordable housing solutions.

“Our population growth is the envy of most other regional and rural councils. Increases in population also lead to increases in demand for housing however and this can drive up prices and reduce the available options for those looking to rent or purchase a home.

In partnership with developers, housing organisations and providers we will develop policies and strategies to promote universal housing and provide a mix of medium density, low density and rural living options across the municipality.”

In the next four years:

Adopt a Housing Strategy and implement the recommendations

Risk Management

By signing the Funding Agreement and accepting \$5,432,396 under the BBRC Program, the Council is required to undertake flood mitigation works valued at \$7,432,396 by June 2014 in order to realise \$5,432,396 worth of affordable housing lots with dwellings constructed on or before June 2016. Given the very tight timeframes involved, there are a number of significant risks.

The major risks with this Funding Program revolve around the ability of developers to supply finished lots to the Council in lieu of their development contributions and the capacity of RHAs to supply the completed housing.

To mitigate these risks, the Planning Department sought a number of revisions to the draft Funding Agreement explicitly outlining the need for a number of key criteria and contracts to be agreed upon and signed by Milestone Two. Following the extension of time, this Milestone is effectively split into two separate sub-milestones comprising of the advancement of land acquisition processes, the finalisation of infrastructure works design and approvals and the submission of the project plan, project budget and site plans to the Commonwealth all by 30 September 2012, and subsequently the completion of binding legal arrangements with developers and RHAs on or before the 31 December 2012.

The completion of the legally binding agreement and contracts with developers and RHAs, with explicit timeframes for delivery of the finished lots and dwellings in order to guarantee the delivery of affordable dwellings by June 2016, are being progressed. If these agreements and contracts are not finalised and signed by the 31 December 2012 as required by the recently revised Milestone Two, the Funding Agreement will still allow for the Council to terminate the agreement and return any monies received to the Commonwealth Government. As such, no expenditure will be incurred on the project until Milestone Two is fully satisfied.

7. MANAGEMENT REPORTS

7.16 Building Better Regional Cities (BBRC) Funding Program – Compliance with Milestone Two of the Funding Agreement (Continued)

This will negate any risk involved and, in conjunction with the contracts with developers and RHAs, will guarantee that all of the project's key milestones are met by all parties involved in the funding program.

Policy Considerations

There are no conflicts with existing Council policy.

Financial Implications

There are significant financial implications for the Council. By agreeing to the receipt of the \$5,432,396, as applied for under the BBRC Program, to undertake flood mitigation works within the Corridor, the Council is agreeing to the dedication of \$5,432,396 worth of finished lots. These lots are in lieu of development contributions and must be allocated to realise a number of completed affordable dwellings within the Corridor by June 2016.

Given the tight timeframes involved, the Council must complete all of the required initial land acquisition, infrastructure site works and embellishment of the Floodway before June 2014 to allow RHAs to apply for building permits and to construct the dwellings. This would be undertaken in conjunction with individual developers completing their subdivisions and transferring a number of completed lots in lieu of their development contributions. If the development contributions are not received from the developers in the form of finished lots before this deadline, the Council will be obliged to fund the purchase of \$5,432,396 worth of lots, or the balance between this figure and the value of any transferred finished lots within the Corridor. Owing to the fact that there are a number of development fronts within the Corridor and a variety of lot types and locations, these lots should be easily sourced. However, this would have additional demands on the Council's 2012/13, 2013/14 and 2014/15 financial year budgets.

However, if the Council abandons the BBRC funding program, it will need to continue to allocate funding to the Corridor as the initial stages of development will not cover all of the costs associated with the required flood mitigation infrastructure. The Council will eventually receive all of the development contributions accruing to these infrastructure items when all of the unzoned lands within the Corridor, which also contribute to the flood mitigation infrastructure items, are developed in turn.

The Council has estimated that the in-kind contribution it will make to administering the project, over the three years the housing affordability mechanism will operate, will be approximately one half day per week of officers' time or 500 hours in total. It has determined a per hour cost of \$100 to cover salary, administrative support, and infrastructure overheads to arrive at an in-kind contribution of \$50,000.

Although, there may be significant financial implications for the Council, the completion of all of the initial infrastructure works that are required within the Corridor will allow for considerable residential development to occur. This will have substantial socio-economic benefits for the immediate area and the wider Municipality.

Legal/Statutory Implications

There are significant legal implications inherent in the BBRC Funding Program. By signing the Funding Agreement and accepting \$5,432,396 under the BBRC Program, the Council is required to undertake flood mitigation works valued at \$7,432,396 by June 2014 in order to

7. MANAGEMENT REPORTS

7.16 Building Better Regional Cities (BBRC) Funding Program – Compliance with Milestone Two of the Funding Agreement (Continued)

realise \$5,432,396 worth of affordable housing lots with dwellings constructed on or before June 2016. Given the very tight timeframes involved, there are a number of significant risks.

To mitigate these risks, the Funding Agreement provides for the completion of legally binding agreement and contracts with developers and RHAs, with explicit timeframes for the delivery of the finished lots and dwellings, in order to guarantee the delivery of affordable dwellings by June 2016 to satisfy the requirements of the Agreement.

If these agreements and contracts are not finalised and signed by the 31 December 2012 as required by the recently revised Milestone Two, the Funding Agreement will still allow for the Council to terminate the agreement and return any monies received to the Commonwealth Government. This will negate any risk involved and, in conjunction with the contracts with developers and RHAs, will guarantee that all of the project's key milestones are met by all parties involved in the funding program.

Environmental/Sustainability Impacts

There are no environmental or sustainability implications associated with the BBRC Funding Program.

Social Implications

There are significant and positive social implications inherent in the BBRC Funding Program. The provision of funding, to allow the Council to undertake the initial infrastructure items within the Corridor, is predicted to be of significant benefit to low to moderate income earners. By partnering with RHAs, the Council will benefit from the RHA's affordable housing expertise in targeting the delivery of affordable housing to the most suitable low to moderate income earners. It is foreseen that the successful RHA or RHAs will offer affordable housing for both rent and sale to low to moderate income earners. As a result, it is predicted that the number of dwellings for rent to low income earners will be increased providing a number of dwelling types for a variety of different households placing downward pressure on rental prices within the area and the wider City. In addition, the most suitable low to moderate income earners who wish to buy a house will also have an opportunity to do so. This is also predicted to create downward pressure on land prices in residential estates elsewhere in Mooroopna and the wider City.

In addition, by funding the works within the Corridor, the current disincentive in developing residential land within the Corridor and releasing it onto the residential market will be removed. A rapid release of land in Mooroopna, where lower market prices for housing already exists, will clearly benefit low to moderate income earners who aspire to rent or purchase their own home.

By partnering with RHAs, the Council will benefit from the RHA's affordable housing expertise in targeting the delivery of affordable housing to the most suitable low to moderate income earners.

The BBRC funding program will also facilitate the construction of dwellings by RHAs despite the recent withdrawal of State and Commonwealth funding for such purposes. RHAs have indicated their strong support for the Council's partnership initiative. The reduced cost of realising affordable housing as a result of this partnership could enable RHAs to leverage a lower percentage of their assets to borrow against, increasing the viability of developing

7. MANAGEMENT REPORTS

7.16 Building Better Regional Cities (BBRC) Funding Program – Compliance with Milestone Two of the Funding Agreement (Continued)

these properties while reducing their development risks. This will solidify the worthy social works undertaken by RHAs.

Economic Impacts

There are significant economic impacts inherent in the BBRC Funding Program. By removing the current disincentive in developing residential land within the Corridor, the BBRC Funding Program promises to stimulate the development and release of 1,600 residential lots within the Corridor. This will result in an increase in the overall supply of land throughout the Mooroopna-Shepparton urban area, as will the number of development fronts. This would create downward pressure on land prices in residential estates elsewhere in the Municipality. This will help make housing more affordable. This has clear social and economic outcomes for the entire Municipality.

The BBRC funding program will also facilitate the construction of a significant number of dwellings before June 2016, which will have a significant impact upon employment rates within the area and the wider Municipality.

If the Council is unsuccessful in generating \$5,432,396 worth of finished lots in lieu of development contributions, the Council will need to directly purchase finished lots in the Corridor on behalf of RHAs. Currently, there are three active developers operating within the Corridor each of whom have a live planning permit seeking permission for subdivisions with approximately 450 lots. Owing to the fact that there are a number of development fronts within the Corridor and a variety of lot types and locations, these lots should be easily sourced. However, this would have additional demands on the Council's 2012/13, 2013/14 and 2014/15 financial year budgets.

Consultation

There is no requirement for consultation to occur at any point in the preparation or implementation of the BBRC Funding Program.

Discussions with developers and RHAs have taken place to assess their capacity to aid in the realisation of affordable housing under this Funding Program. RHAs have indicated their strong support for the Council's partnership initiative as it allows them to limit their financial liability and replaces the recent reduction in Commonwealth and State funding. Developers have also enthusiastically embraced the initiative as it has the potential to provide a guaranteed number of lot sales or allows them to transfer finished lots in lieu of cash, and its associated funding costs, as well as the realisation of the initial flood mitigation works to allow them to continue constructing dwellings as demand arises

Strategic Links

a) Greater Shepparton 2030 Strategy

Strategic Directions

Direction 1: Settlement

Commitment to growth within a consolidated and sustainable development framework.

b) Other strategic links

Greater Shepparton Council Plan and Strategic Resource Plan 2009-2013:

Strategic Objective 1 – Strategy 1 – Encourage innovative, appropriate, sustainable and affordable housing solutions.

7. MANAGEMENT REPORTS

7.16 Building Better Regional Cities (BBRC) Funding Program – Compliance with Milestone Two of the Funding Agreement (Continued)

Strategic Objective 1 – Strategy 2 – Encourage sustainable municipal growth and development.

Greater Shepparton Housing Strategy 2011:

Housing Affordability objectives include encouraging:

- Competition between developments;
- Housing diversity to contribute to choice and affordability;
- Partnerships with Registered Housing Authorities to deliver affordable housing, strengthened links with affordable housing stakeholders; and

Investigating possibilities of adopting local affordable housing policies and how Council can assist in funding housing affordability initiatives.

Mooroopna West Growth Corridor Structure Plan 2009:

The Plan outlines a range of lot sizes (650-350sqm) to increase densities and lower lot sizes in order to make a significant portion of these dwellings more affordable.

Options for Consideration

Option One: To continue supporting the BBRC Funding Agreement to aid in the realisation of the flood mitigation infrastructure required within the Mooroopna West Growth Corridor and a significant number of affordable housing by June 2016.

Option Two: Abandon the BBRC Funding Agreement, which would have significant, social, economic and financial implications for the Council and impact upon the delivery of affordability housing objectives outlined within the Council's Planning Scheme.

Conclusion

It is recommended that the Council continue supporting the BBRC Funding Agreement to aid in the realisation of the flood mitigation infrastructure required within the Mooroopna West Growth Corridor and a significant number of affordable housing by June 2016.

Attachments

Nil.

7. MANAGEMENT REPORTS

7.17 Heritage Advisory Committee – Cultural Heritage Awards Guidelines and Cultural Heritage Awards 2013

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

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

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

Council Officers involved in producing this report:

Author: Senior Strategic Planner

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

Approved by: Director Sustainable Development

Purpose

The Council authorised the formation of the Heritage Advisory Committee (the Committee) on 17 January 2012, in accordance with the proposed Terms of Reference. The primary purpose of the Committee is to provide the best possible advice to the Council on how to conserve and promote the unique cultural heritage of Greater Shepparton, and to act as an advocate for all cultural heritage matters within the Municipality.

At the Committee's February 2012 meeting, the Committee resolved to host a Cultural Heritage Awards ceremony in order to raise awareness of cultural heritage issues within the Municipality, as well as recognising good conservation practices. The Awards are a critical way of promoting community participation in cultural heritage issues within the Municipality.

The Committee's Terms of Reference were subsequently revised to allow the Committee to organise and host an Awards ceremony. The revised Terms of Reference were adopted by the Council on 15 May 2012.

The Committee now requests that the Council adopt the Cultural Heritage Awards Guidelines, which provide an overarching framework for all future award ceremonies, and resolve to host a Cultural Heritage Awards ceremony in 2013. This Awards ceremony will be guided by the recommendations of the Greater Shepparton Heritage Advisory Committee.

RECOMMENDATION

That the Council adopt the Cultural Heritage Awards Guidelines and resolve to host a Cultural Heritage Awards ceremony in 2013.

Background

At the Ordinary Council Meeting held on 17 January 2012, the Council authorised the formation of the Heritage Advisory Committee. The primary purposes of the Committee are to provide the best possible advice to the Council and delegated officers on how to conserve and promote the unique cultural heritage of Greater Shepparton, and to act as an advocate for all cultural heritage matters within the Municipality.

7. MANAGEMENT REPORTS

7.17 Heritage Advisory Committee – Cultural Heritage Awards Guidelines and Cultural Heritage Awards 2013 (Continued)

At the Committee's February meeting, the Committee resolved to host a Cultural Heritage Awards ceremony to raise awareness of cultural heritage issues within the Municipality, as well as recognising good conservation practice. The Awards are also seen as a critical way of promoting community participation in cultural heritage issues within the Municipality. These are fundamental roles outlined in the Committee's adopted Terms of Reference, the Greater Shepparton Council Plan and Strategic Resource Plan 2009-2013 (Strategic Objective 3 - Strategy 18 and Strategic Objective 6 - Strategy 31). The Awards Ceremony would satisfy two of the primary purposes of the Committee:

- to provide the best possible advice to the Council on how to conserve and promote the unique cultural heritage of Greater Shepparton, and
- to act as an advocate for all cultural heritage matters within the Municipality.

The Committee now requests that the Council adopt the Cultural Heritage Awards Guidelines, which will provide an overarching framework for such award ceremonies. The Guidelines include eleven award categories, the awards procedure, and the award assessment criteria and conditions. The six highest scoring nominations will then be honoured at a special Cultural Heritage Awards ceremony.

The Committee also requests that the Council resolve to host a Cultural Heritage Awards ceremony in 2013, generally in accordance with the following proposed programme:

1. An extensive public nomination process will begin in December 2012 where members of the public will nominate places, works, volunteers, publications, etc, for one or more of the award categories.
2. A short-list of nominations will be prepared and be assessed by a judging panel comprising of representatives from the Heritage Advisory Committee in late February and early March 2013.
3. The Judging Panel will advise the Council of its recommendations for winning entries in April 2013.
4. The six highest scoring nominations will be honoured at a Cultural Heritage Awards ceremony to coincide with Australia Heritage Week 2013, which is scheduled to take place from Saturday, 13 April to Sunday, 21 April.

The Committee requests that the Council adopt the Cultural Heritage Awards Guidelines and resolves to host a Cultural Heritage Awards ceremony in 2013, which will be guided by the recommendations of the Greater Shepparton Heritage Advisory Committee.

Council Plan/Key Strategic Activity

Hosting a Cultural Heritage Awards ceremony is consistent with the following objectives outlined in the Council Plan:

- Strategic Objective 3 - Strategy 18: Identify and respect our significant cultural and environmental assets.
- Strategic Objective 6 - Strategy 31: Engage our community when making decisions.

Risk Management

There are no risks associated with the hosting of a Cultural Heritage Awards ceremony.

Policy Considerations

There are no conflicts with existing Council policy.

7. MANAGEMENT REPORTS

7.17 Heritage Advisory Committee – Cultural Heritage Awards Guidelines and Cultural Heritage Awards 2013 (Continued)

Financial Implications

There will be minor hosting, advertising and award prize costs associated with the hosting of a Cultural Heritage Awards Ceremony in 2013. However, it is envisaged that the ceremony could be hosted in the Eastbank Centre, which is available free of charge for Council functions, that the advertising and promotion can be largely undertaken by the individual groups, societies and organisations represented on the Committee and that the award prizes are likely to be a framed certificate and a hamper of locally sourced produce, which can be inexpensively sourced.

	2012/2013 Approved Budget for this proposal \$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue	0	0	0	Nil
Expense	5,000	5,000	0	Nil
Net Result	0	0	0	Nil

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

The approved budget for a Cultural Heritage Advisory Committee can accommodate the expected expense associated with the hosting of an awards ceremony in 2013. However, the hosting of an annual or biannual Cultural Heritage Awards ceremony would require a budget allocation.

Legal/Statutory Implications

There are no legal or statutory implications to hosting a Cultural Heritage Awards ceremony. The Heritage Advisory Committee is not a Section 86 Committee under the *Local Government Act 1989*. The Awards will be hosted by the Council.

The hosting of an Awards ceremony accords with the *Victorian Charter of Human Rights and Responsibilities Act, 2006* and *Local Government Act, 1989*. No human rights were negatively impacted upon through the preparation of the Cultural Heritage Awards Guidelines. The hosting of an awards ceremony is not foreseen to impact upon the rights of all individuals and groups with regard to Freedom of Expression, Right to be Heard, Entitlement to Participate in Public Life and Property Rights.

Environmental/Sustainability Impacts

There are no environmental or sustainability impacts associated with the Cultural Heritage Awards ceremony.

Social Implications

There are no direct social impacts associated with the Cultural Heritage Awards ceremony. The Committee has determined that an Awards ceremony would help raise awareness of cultural heritage issues within the Municipality and promote good conservation practices – skills that are in decline. The Awards are also seen as a critical way of promoting community participation in cultural heritage generally.

Economic Impacts

There are no economic impacts associated with the Cultural Heritage Awards ceremony.

7. MANAGEMENT REPORTS

7.17 Heritage Advisory Committee – Cultural Heritage Awards Guidelines and Cultural Heritage Awards 2013 (Continued)

Consultation

As part of the preparation of Cultural Heritage Awards Guidelines, extensive consultation took place with all Committee members, some of whom in turn have reported the contents of the Guidelines to their respective societies, groups and organisations that they represent on the Heritage Advisory Committee.

If the Council approved the hosting of an awards ceremony in 2013, extensive co-publicising of the event would occur by the Council and the Heritage Advisory Committee to promote the Cultural Heritage Awards and to call for nominations. It is envisaged that public notices will appear in local newspapers and be announced on the Council's radio station programme.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

The hosting of a Cultural Heritage Awards is consistent with the objectives, strategies and actions outlined in the Environment Section of the *Greater Shepparton 2030 Strategy*, specifically:

- Direction 3: Environment: Conservation and enhancement of significant natural environments and cultural heritage.

b) Other strategic links

The hosting of a Cultural Heritage Awards will also develop and implement the initiatives outlined in the *Greater Shepparton Heritage Study Stage IIB*.

Options for Consideration

Option One: To host a Cultural Heritage Awards Ceremony, which would help raise awareness of cultural heritage issues, recognise good conservation practices and promote community participation in cultural heritage issues within the Municipality.

Option Two: Do not host a Cultural Heritage Awards Ceremony, which would not help raise awareness of cultural heritage issues, promote good conservation practices or promote community participation in cultural heritage issues within the Municipality.

Conclusion

It is recommended that the Council adopt the Cultural Heritage Awards Guidelines and resolve to host a Cultural Heritage Awards ceremony in 2013. The Awards will be guided by the recommendations of the Heritage Advisory Committee. The Committee has determined that an awards ceremony is a critical way of raising awareness of cultural heritage issues within the Municipality, as well as recognising good conservation practices. The Awards are also seen as a critical way of promoting community participation in cultural heritage issues. A budget for the Heritage Advisory Committee has been approved in the 2012-13 financial year to promote cultural heritage within the Municipality and the Committee have resolved to dedicate this to an Awards Ceremony.

By resolving not to host a Cultural Heritage Awards ceremony, the Council risks missing an opportunity of being involved in a cost-effective, strongly supported initiative for promoting the Municipality's unique cultural heritage.

7. MANAGEMENT REPORTS

7.17 Heritage Advisory Committee – Cultural Heritage Awards Guidelines and Cultural Heritage Awards 2013 (Continued)

Attachments

Cultural Heritage Awards Guidelines

Greater Shepparton Cultural Heritage Awards 2013 – Indicative Timeline

Greater Shepparton Cultural Heritage Awards 2013 – Indicative Timeline Gantt Chart

7. MANAGEMENT REPORTS

7.18 Amendment C151 (TMI rezoning to SUZ) Consideration of Panel Report and Adoption of Amendment

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

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

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

Council Officers involved in producing this report

Author: Graduate Strategic Planner (Amendments)

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

Approved by: Director Sustainable Development

Purpose

Amendment C151 to the Greater Shepparton Planning Scheme applies to industrial land within the township of Tatura, specifically to land owned and developed by Tatura Milk Industries (TMI). The amendment proposes to implement the findings of the *Strategic Review of Tatura Industrial Land, City of Greater Shepparton, June 2011* (Strategic Review).

The amendment has been through exhibition, consideration of submissions and panel processes in accordance with the requirements of the *Planning and Environment Act 1987*. The Council is now required to consider the recommendations of the Independent Planning Panel, and must make a determination on the amendment.

RECOMMENDATION

That the Council, having considered the Independent Planning Panel Report for Amendment C151 to the Greater Shepparton Planning Scheme, in accordance with Section 27 of the *Planning and Environment Act 1987*:

1. adopt the recommendations of the Independent Planning Panel;
2. in accordance with Section 29 of the Act, adopt Amendment C151 with the changes recommended by the Panel; and
3. in accordance with Section 31 of the Act, submit Amendment C151 to the Minister for Planning for approval.

Property Details

Amendment C151 to the Greater Shepparton Planning Scheme applies to industrial land within the township of Tatura, specifically to land owned and developed by Tatura Milk Industries (TMI). This includes land generally bounded by Dhurringile Road, Hogan Street, Hanlon Street, Brown Street, Mactier Street and the railway line.

The land is currently within six different zones. A rationalised zoning regime is necessary for the TMI site that enables use and development provisions to be tailored to suit the objective of ensuring compatibility between the industrial needs of the company and the neighbouring land uses.

7. MANAGEMENT REPORTS

7.18 Amendment C151 (TMI rezoning to SUZ) Consideration of Panel Report and Adoption of Amendment (Continued)

Proposal in Detail

The amendment proposes to implement the findings of the *Strategic Review of Tatura Industrial Land, City of Greater Shepparton, June 2011*, in relation to TMI's land.

Specifically, the amendment proposes to:

- Amend the Tatura Framework Plan at Clause 21.04 in accordance with the findings of the Strategic Review;
- Amend Clause 21.06-3 to include references to the importance of the food related industries in Tatura in accordance with the findings of the Strategic Review;
- Amend Clause 21.06-7 by inserting changes to the Strategic Work Program;
- Amend Clause 21.08 by inserting changes to the General Implementation of Zones and Overlays – Economic Development;
- Amend Clause 21.09 to include the Greater Shepparton Planning Scheme Strategic Review of Tatura Industrial Land June 2011 as a reference document;
- Rezone the Tatura Milk Industries' land to the Special Use Zone;
- Include a new Schedule to the Special Use Zone (SUZ9);
- Amend Clause 81 to include the *Greater Shepparton Planning Scheme Tatura Milk Industries Master Plan 2011* as an incorporated document.

The amendment is required to facilitate the continued growth and development of TMI on the existing site.

The Special Use Zone enables use and development provisions to be tailored to ensure compatibility between the industrial needs of the company, and the neighbouring land uses.

As part of the amendment, a Master Plan has been prepared in association with the Council to:

- Establish a long term framework for land use planning and development on the site;
- Outline an economic development framework to guide investment and promote the continued economic prosperity of Tatura.

7. MANAGEMENT REPORTS

7.18 Amendment C151 (TMI rezoning to SUZ) Consideration of Panel Report and Adoption of Amendment (Continued)

Figure 1 – Current zoning

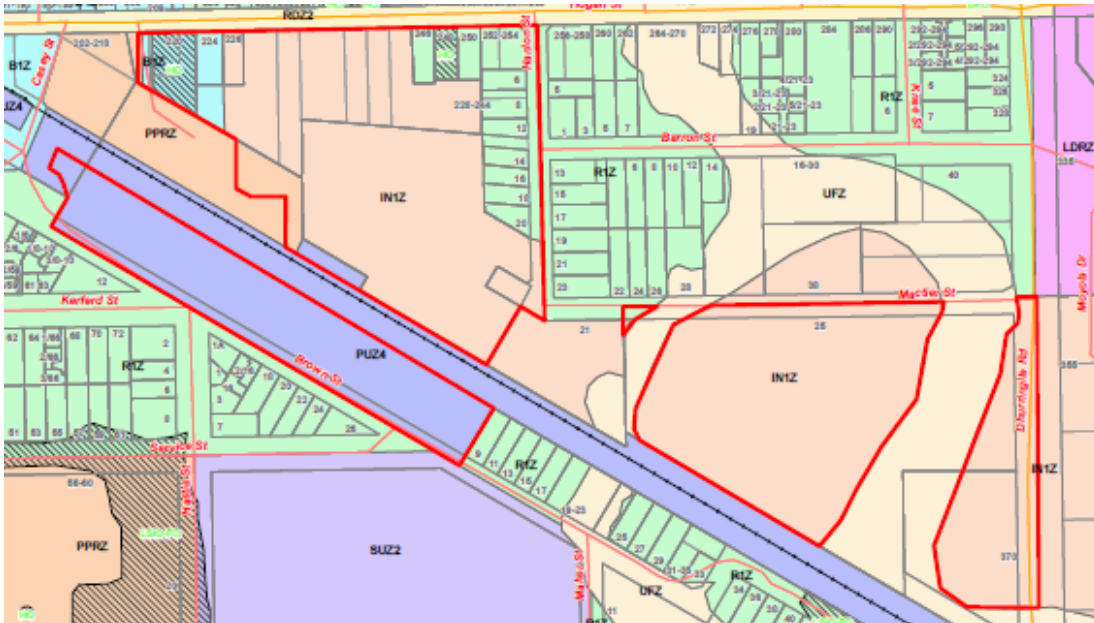
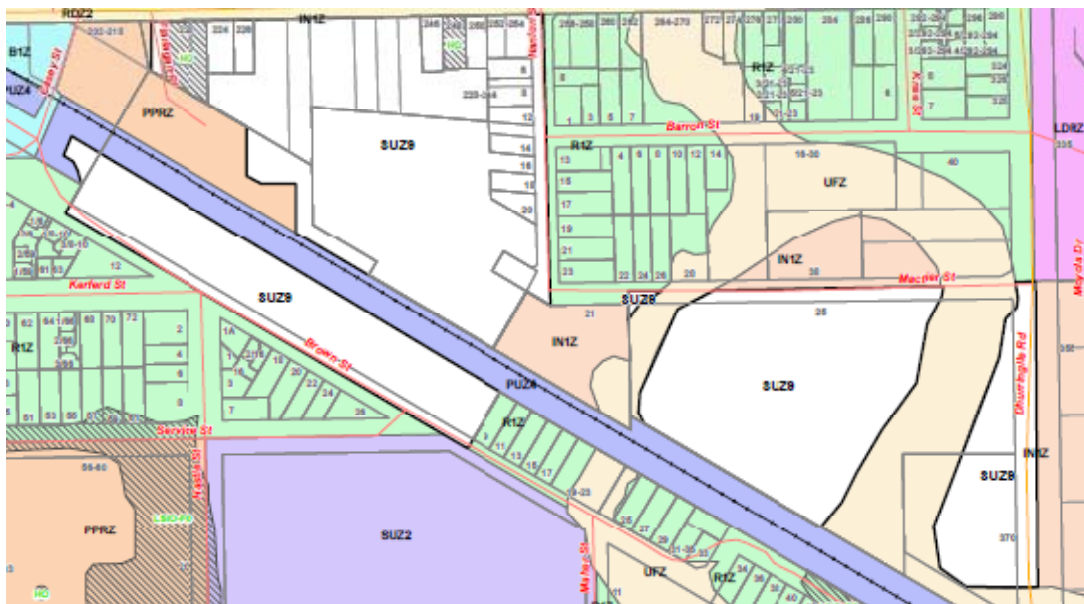


Figure 2 – Proposed zoning



Summary of Key Issues

The amendment was exhibited from 8 December 2011 to 30 January 2012 and sixteen submissions were received. Of these, eight requested changes to the amendment. The other submissions were from public authorities and did not recommend any changes to the exhibited amendment. As a result of unresolved objections, the amendment was

7. MANAGEMENT REPORTS

7.18 Amendment C151 (TMI rezoning to SUZ) Consideration of Panel Report and Adoption of Amendment (Continued)

referred to an Independent Planning Panel. The Panel Report has now been received by the Council and must be considered before a determination is made on the amendment.

Background

The Greater Shepparton City Council has completed a review of industrial land in Tatura, focusing largely on three major industrial sites, including:

- The Tatura Abattoir;
- Tatura Milk Industries; and
- Unilever.

The Council has undertaken a strategic review of the three sites and seeks to implement (as appropriate) recommendations into the planning scheme. The Strategic Review included:

- Consideration of all relevant strategic planning issues;
- An analysis of the relevance of the existing Municipal Strategic Statement (MSS) and local policies;
- A commentary on the adequacy of existing zones, overlays and schedules (as appropriate) for the three sites;
- An analysis of options for alternative zones, overlays and schedules to reflect the Master Plan and other adopted strategic work; and
- Provision of a suite of modified (draft) planning controls for the three sites.

The strategic analysis supports the continued growth and development of TMI on the existing site, notwithstanding the fact that the land is currently within six different zones. A rationalised zoning regime is necessary for the TMI site that enables use and development provisions to be tailored to suit the objective of ensuring compatibility between the industrial needs of the company and the neighbouring land uses.

On the 19 July 2011 the Council resolved to adopt the *Strategic Review of Tatura Industrial Land, City of Greater Shepparton, June 2011* and agreed to the preparation of an amendment to the Greater Shepparton Planning Scheme to implement this into the scheme.

Submissions

The amendment was exhibited from 8 December 2011 to 30 January 2012 and sixteen submissions were received. Of these submissions, eight requested changes to the amendment. The main concerns raised by submissions seeking changes included:

- Blocking of views / construction of high walls;
- Removal of vegetation;
- Parking and traffic management;
- Increased noise;
- Devaluation of property;
- Lack of information regarding hours of operation;
- Inappropriate location of the industry;
- Inappropriate zoning;
- Lack of information regarding landscape buffering;
- Losing the residential buffer along Hanlon Street; and
- Minor changes to mapping required in the Master Plan.

7. MANAGEMENT REPORTS

7.18 Amendment C151 (TMI rezoning to SUZ) Consideration of Panel Report and Adoption of Amendment (Continued)

Council officers met with objectors individually in an attempt to discuss concerns and provide acceptable solutions. Council officers provided the following initial response to the submissions:

- TMI have produced further visual information regarding landscape buffering, which is to be included in the Incorporated Document;
- The Master Plan is to be amended to include the mapping changes suggested by one submitter;
- A Traffic Management Plan is required to the satisfaction of the responsible authority in accordance with Schedule 9 to the Special Use Zone;
- It is beyond the scope of the amendment to address issues regarding existing use rights and potential property valuation impacts. Noise reduction concerns are an EPA works approval issue and are not able to be addressed through the amendment.

In view of the fact that submissions could not be resolved, the Council officers proposed to undertake a mediation session to see if they could be further explored and resolved.

Mediation

A mediation session was held on 30 April 2012. Two representatives from the Disputes Settlement Centre (Department of Justice) mediated the meeting, which was also attended by representatives from the Council, TMI, Chris Smith & Associates and the Department of Business and Innovation, as well as the submitters. Ten residents attended this mediation session.

The mediation, whilst not necessarily resolving all the issues (many of which were concerns about the existing operation of the plant), was beneficial in terms of providing residents the opportunity to speak directly to TMI staff about their concerns. Residents were also able to gain an improved understanding of the project and how issues such as noise and other amenity concerns would be addressed into the future as a result of an expanded TMI plant.

Independent Planning Panel Report

Following exhibition of the amendment and the facilitated mediation session, the submissions were referred to an Independent Planning Panel in accordance with Section 23 of the *Planning and Environment Act 1987*. A Directions Hearing was held on 15 June 2012 and the Panel Hearing was held on 17 July 2012.

Following the Panel Hearing, a number of changes to the documentation were made by the Council and circulated to the relevant parties. These included a number of alterations to the Strategic Review, Schedule to the Special Use Zone and the Masterplan (see *Attachment 1 – Strategic Review, Attachment 2 – Schedule to SUZ and Attachment 3 – Masterplan*).

The Panel Report was received by the Council on 28 August 2012. The Panel Report supports the intent of the amendment, recommending that Amendment C151 be adopted subject to some changes.

“The Panel recommends:

Adopt Amendment C151 to the Greater Shepparton Planning Scheme subject to the application of the:

7. MANAGEMENT REPORTS

7.18 Amendment C151 (TMI rezoning to SUZ) Consideration of Panel Report and Adoption of Amendment (Continued)

- Revised *Special Use Zone in Appendix B of this report*
- Revised Incorporated Document in Appendix C of this Report (text only); and
- Implementation of the mapping changes for the Incorporated Document as shown in *Appendix D of this report.*”

These changes align with those made and circulated by the Council following the Panel Hearing. Revised documentation as recommended by the Independent Planning Panel is included as *Attachment 4 – Documentation recommended by Panel.*

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 planning 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 C151 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 recommendations of the Independent Planning Panel 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.

Council Plan/Key Strategic Activity

“Strategic Objective 3 – Environment

Point 18: Identify and respect our significant cultural and environmental assets.

Our heritage is important and as we plan for the future, it is vital not to lose our past. We will work with community groups, government departments and other authorities to identify and protect significant built and natural environments across the municipality.

In the next four years:

- *Complete and implement heritage study 2B”*

“Strategic Objective 4 – Economic Development

Point 23: Pursue opportunities to increase the range of businesses and industries in the region, to further strengthen our economy.

Helping current businesses grow and encouraging new businesses and industries to start up or move to our region makes the local economy stronger and provides improved job opportunities for the community. The Council encourages this growth through investment attraction programs, by providing training and development for existing and new businesses and by helping businesses find people with the skills they need to be successful.

7. MANAGEMENT REPORTS

7.18 Amendment C151 (TMI rezoning to SUZ) Consideration of Panel Report and Adoption of Amendment (Continued)

We will plan for future expansion of industrial businesses across the municipality through an industrial land strategy, which will look to protect and grow the significant industrial activities in Shepparton, Mooroopna and Tatura.

We continue to promote our region as a fantastic place to work, live and invest.”

Risk Management

In accordance with Section 27 of the *Planning and Environment Act 1987*, the Council is required to consider the recommendations of the Independent Planning Panel before deciding whether or not to adopt the amendment. The Council is not required to adopt the recommendations of the Panel under the Act. As the Panel is appointed by the Minister for Planning, and is required to make recommendations based on net community benefit in the interests of all Victorians, it is possible that not accepting the Panel's recommendations could result in the amendment not receiving approval from the Minister for Planning, resulting in unnecessary financial and resource costs for the Council.

Policy Considerations

There are no conflicts with existing Council policy.

Financial Implications

The *Planning and Environment (Fees) Interim Regulations 2012* sets the statutory fees for the preparation, exhibition and adoption of planning scheme amendments. The Greater Shepparton City Council is the proponent of this amendment and is responsible for all costs associated with the amendment process, including the costs of the Independent Planning Panel.

As a result of the amendment, it is expected that there will be a reduction in planning permit applications for use and development of the subject land. This will be a favourable outcome, resulting in less resource costs for the Council.

Legal/Statutory Implications

Procedures associated with Amendment C151 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 recommendations of the Independent Planning Panel before deciding whether or not to adopt the amendment.

This Planning Scheme Amendment has been assessed in accordance with the requirements of the *Planning and Environment Act 1987* and the Greater Shepparton Planning Scheme. The assessment is considered to be in accordance with the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

7. MANAGEMENT REPORTS

7.18 Amendment C151 (TMI rezoning to SUZ) Consideration of Panel Report and Adoption of Amendment (Continued)

No human rights were negatively impacted upon through the amendment process, including during the exhibition, consideration of submissions, panel hearing and adoption stages. The rights of all individuals and groups with regard to Freedom of Expression, Right to be Heard, Entitlement to Participate in Public Life and Property Rights were upheld.

The Charter recognises that reasonable restrictions may be placed on the use and development of land, and that there may, on occasion, be reasonable and acceptable 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 compatible with the Charter.

The proposal has been considered in accordance with the relevant parts of the *Planning and Environment Act 1987*, and it is not expected that adoption and approval of this amendment will contravene the Charter in any way.

Cultural Heritage

Four places of cultural heritage significance have previously been identified on the lands owned by TMI and have been included in the Heritage Overlay. These places include 220 Hogan Street, the former courthouse and police station, 224 and 248 Hogan Street, former dwellings and 250-252 Hogan Street, a former dwelling and hospital.

220 Hogan Street was identified as being of cultural heritage significance in the *Greater Shepparton Heritage Study Stage II* and was included in the Heritage Overlay following the approval of Amendment C-50 in September 2007. The overlay was designated to include the former courthouse, neighbouring police station and an appropriate curtilage to the south of both structures to allow for both the understanding and appreciation of these structures, as well as to provide for the future reuse and redevelopment of these important structures.

The Council undertook an additional heritage study, the *Greater Shepparton Heritage Study Stage IIB*. During its preparation, the Council identified additional places of cultural heritage significance which were deemed to be worthy of inclusion within the Heritage Overlay.

During the course of this process, a building permit seeking the demolition of 248 Hogan Street was received by the Council. The Council subsequently proposed the inclusion of 248 Hogan Street in the Heritage Overlay as part of Amendment C106 citing its cultural heritage significance in late 2008. 248 Hogan Street has subsequently been demolished owing to the fact that it was deemed to be structurally unsound.

The *Greater Shepparton Heritage Study Stage IIB* identified 224 Hogan Street, a former dwelling now owned by TMI and used for administrative purposes, and 250-252 Hogan Street, a former residence and hospital as being of cultural heritage significance, and proposed their inclusion in the Heritage Overlay as 'contributory' places within a proposed Tatura Township Precinct. This study was adopted by the Council in September 2010. At this time, the Council also resolved to: "*Revise the authorisation request for Amendment C110 to exclude the properties at 3, 5, 7, 9 and 11 Corio Avenue, Shepparton; 305, 307, 309 and 311 Maude Street, Shepparton; 73, 75, 77 and 79-81 Wyndham Street, Shepparton and 248 Hogan Street, Tatura*".

7. MANAGEMENT REPORTS

7.18 Amendment C151 (TMI rezoning to SUZ) Consideration of Panel Report and Adoption of Amendment (Continued)

Amendment C110 was subsequently prepared by the Council to integrate the findings and recommendations of this study into the Planning Scheme and excluded each of the places of cultural heritage significance outlined above. During the course of this process, a building permit seeking the demolition of 224 Hogan Street was received by the Council. The Masterplan prepared as part of Amendment C151 identified the site for the construction of an administrative building and the demolition of the former dwelling was required to facilitate this process. The permit has recently been granted by the Council. Amendment C110 proposes to include 220 Hogan Street as an 'individually significant' place and 250-252 Hogan Street as a 'contributory' place in the proposed Tatura Township Precinct.

The land is not within an area of Aboriginal Cultural Heritage Sensitivity.

Environmental/Sustainability Impacts

As the site is already being utilised for TMI operations, it is not expected that the proposed rezoning of the land will have sustainability/environmental impacts. It is expected that the continued development of the subject site will better enable TMI to meet EPA noise reduction requirements, which is considered to be a beneficial outcome.

Social Implications

As the site is already being utilised for TMI operations, it is not expected that the proposed rezoning of the land will have adverse social implications.

Economic Impacts

As the site is already being utilised for TMI operations, it is not expected that the proposed rezoning of the land will have adverse economic impacts. The amendment will assist in providing an economic development framework to guide investment and promote economic prosperity in the town.

Consultation

Public notice of the amendment, in accordance with the *Planning and Environment Act 1987*, was given from 8 December 2011 to 30 January 2012. Formal notice was given to affected landowners, relevant referral authorities and prescribed Ministers. Notices appeared in the Victoria Government Gazette, Tatura Guardian and Shepparton News.

During and since the statutory exhibition period, Council officers have met on multiple occasions with submitters to discuss the amendment and concerns raised in submissions.

Two Council officers met with members of the Community Plan Steering Group and TMI staff to explain the amendment and the process involved on 11 January 2012.

On 11 April 2012, Council officers met with TMI staff, Chris Smith and Associates, the Department of Business and Innovation. At this meeting, it was agreed to engage the Department of Justice (Dispute Settlement Centre) to run a mediation session to address the concerns raised in the submissions.

7. MANAGEMENT REPORTS

7.18 Amendment C151 (TMI rezoning to SUZ) Consideration of Panel Report and Adoption of Amendment (Continued)

Between January and April 2012, TMI developed some photomontages to address some of the submitters' concerns. The Council also had cross sections prepared by Hansen Pty Ltd.

On 17 April 2012, TMI staff met with Council officers to present the final photo montages they intended to bring to the mediation session.

The mediation session was held on 30 April 2012 to engage the submitters, Council officers, Tatura Milk Industries, Department of Business and Innovation and Chris Smith and Associates, and was mediated by representatives from the Department of Justice (Dispute Settlement Centre) as outlined above.

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

Strategic Links

a) Greater Shepparton 2030 Strategy Plan

Direction 4: Economic Development

"Promote economic growth, business development and diversification, with a focus on strengthening the agricultural industry."

Theme: Industry

Objective 1 – *"To sustain a growing and diverse industrial base."*

Strategy 1.1 – *"Provide for and support the expansion of the industrial base of Greater Shepparton in appropriate locations."*

Direction 3: Environment

"Conservation and enhancement of significant natural environments and cultural heritage."

Theme: Cultural Heritage (post settlement)

Objective 1 – *"To identify, protect and enhance sites and areas of recognised historic significance."*

Strategy 1.1 – *"Promote the protection of heritage buildings and sites so that heritage significance is not diminished or irreversibly damaged through proposed use or development."*

Strategy 1.2 – *"Encourage the retention, adaptation and appropriate renovation of significant historic buildings and works, gardens and other areas as a viable alternative to demolition."*

Strategy 1.3 – *"Ensure that any alteration or addition to identified heritage buildings and areas, or redevelopment on adjacent land, is in keeping with identified streetscape or neighbourhood character and appearance (as appropriate)."*

7. MANAGEMENT REPORTS

7.18 Amendment C151 (TMI rezoning to SUZ) Consideration of Panel Report and Adoption of Amendment (Continued)

b) Other strategic links

Greater Shepparton Planning Scheme Strategic Review of Tatura Industrial Land

The Greater Shepparton City Council requires a 'review' of the existing suite of planning controls that apply to the Tatura Milk Industries Site. The Strategic Review includes (in summary):

- Consideration of all relevant strategic planning reviews
- An analysis of the relevance of the existing Municipal Strategic Statement (MSS) and local policies
- A commentary on the degree to which the existing Local Planning Policy Framework (and other parts of the planning scheme) meet the objectives of the TMI Master Plan and other strategic work
- A commentary on the adequacy of existing zones, overlays and schedules (as appropriate) on the three sites
- An analysis of options for alternative zones, overlays and schedules
- An assessment of the TMI Master Plan
- Recommendations on modified zones, overlays and schedules to reflect the Master Plan and other adopted strategic work
- Provision of a suite of modified (draft) planning controls for the three sites.

Greater Shepparton Heritage Study Stage IIB (HSIIB)

Identifies gaps in the previous heritage studies and recommends a list of places of cultural heritage significance that should be considered as part of a cultural heritage amendment.

HSIIB was adopted by the Council in September 2010 and Amendment C110 to the Greater Shepparton Planning Scheme has been exhibited and referred to an Independent Planning Panel for review. Amendment C110 proposes to integrate the findings of the Study into the Planning Scheme.

Options for Consideration

In accordance with Section 27 of the *Planning and Environment Act 1987*, the Council must consider the recommendations of the Independent Planning Panel before deciding whether or not to adopt the amendment.

- The Council may abandon the amendment under Section 28 of the Act.
- The Council may adopt the amendment under Section 29 of the Act.

The Council submits the amendment to the Minister for approval under Section 31 of the Act.

Conclusion

It is recommended that Report of the Independent Panel Report be considered by the Council and the amendment be adopted and submitted to the Minister for approval.

Attachments

1. Strategic Review
2. Schedule to SUZ
3. Masterplan
4. Documentation recommended by Panel

7. MANAGEMENT REPORTS

7.19 Amendment C159 (G-MW rezoning in Tatura) Consideration of Panel Report & Adoption of Amendment

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

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

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

Council Officers involved in producing this report

Author: Graduate Strategic Planner (Amendments)

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

Approved by: Director Sustainable Development

Purpose

Amendment C159 to the Greater Shepparton Planning Scheme seeks to rezone land at 1-25 Ross Street and 26-44 Cussen Street, Tatura from the Industrial 1 Zone to the Public Use Zone 1 – Service and Utility. This will reflect the public ownership of the land, and will facilitate further development on the site.

The amendment has been through exhibition, consideration of submissions and panel processes in accordance with the requirements of the *Planning and Environment Act 1987*. The Council is now required to consider the recommendations of the Independent Planning Panel, and must make a determination on the amendment.

RECOMMENDATION

That the Council, having considered the Independent Planning Report for Amendment C159 to the Greater Shepparton Planning Scheme, in accordance with Section 27 of the *Planning and Environment Act 1987*:

1. adopt the recommendation of the Independent Planning Panel;
2. in accordance with Section 29 of the Act, adopt Amendment C159 with the minor mapping change as recommended by the Panel; and
3. in accordance with Section 31 of the Act, submit Amendment C159 to the Minister for Planning for approval.

Property Details

Amendment C159 applies to land at 1-25 Ross Street and 26-44 Cussen Street, Tatura (Lots 7 and 8 on LP5248). The subject land has a combined area of approximately 5ha, and is situated just south of the Ross Street/Tatura Railway intersection. The land is currently used for G-MW operations and is mainly within the Industrial 1 Zone (IN1Z). A small portion of land in the north-west corner is within the Urban Floodway Zone (UFZ) and Land Subject to Inundation Overlay (LSIO).

Proposal in Detail

Amendment C159 to the Greater Shepparton Planning Scheme has been prepared at

7. MANAGEMENT REPORTS

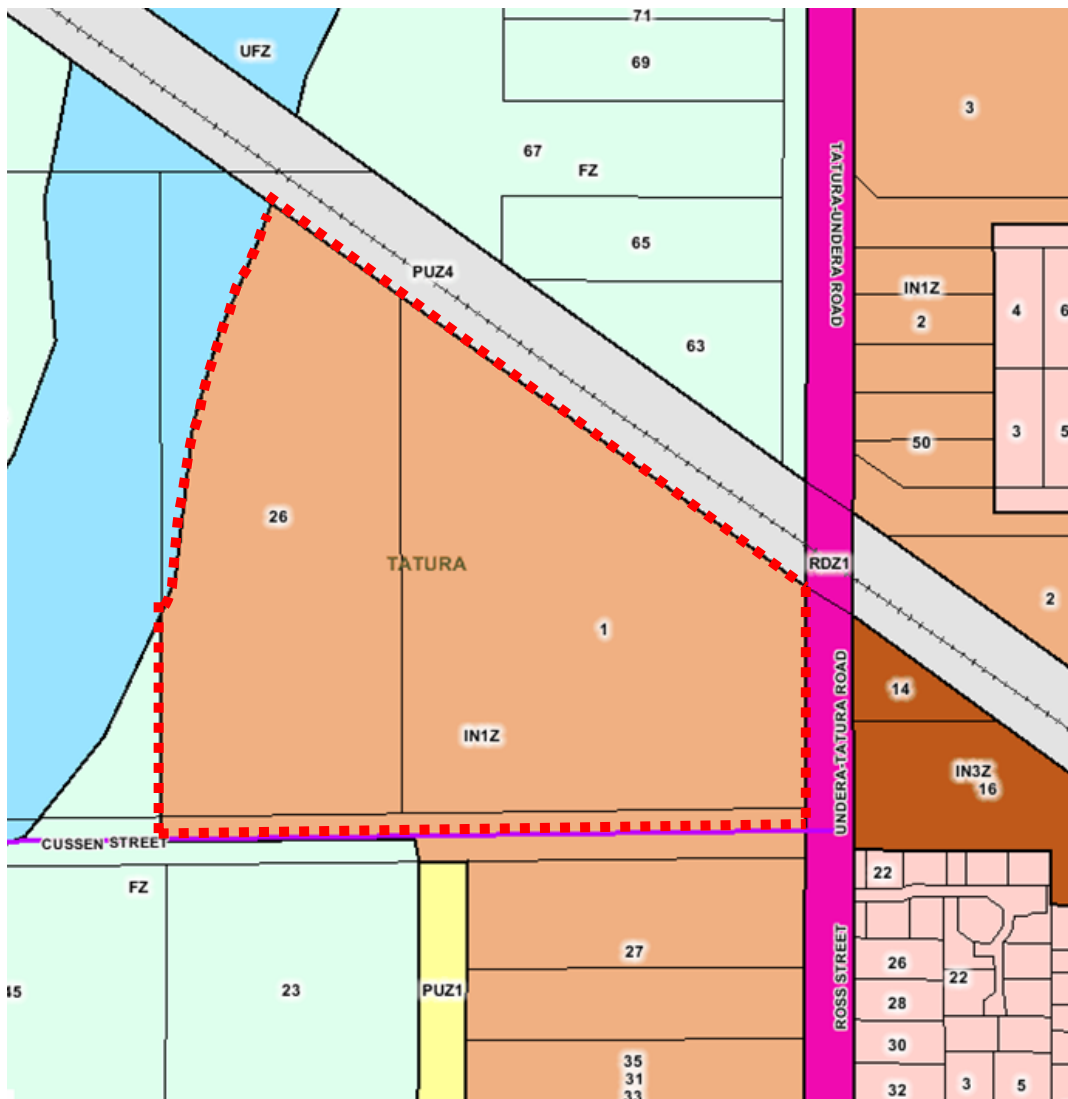
7.19 Amendment C159 (G-MW rezoning in Tatura) Consideration of Panel Report & Adoption of Amendment (Continued)

the request of Chris Smith & Associates, on behalf of Goulburn-Murray Water (G-MW). The amendment is required to meet the needs of G-MW in order to ensure flexibility in the use of the land for public purposes.

The existing land use zone (IN1Z) does not provide flexibility in use and prevents further expansion of the existing office complex, which is expected to exceed the five hundred square metre limit of the IN1Z. Rezoning to the Public Use Zone 1 – Service and Utility (PUZ1) will better reflect the public ownership of this land and is considered to be the most appropriate zone to facilitate further development on the site for G-MW operations.

As G-MW is a public authority, it is considered appropriate to rezone the land from the IN1Z to the PUZ1. The small portion of land within the UFZ is not part of this amendment.

Figure 1 – Current zoning



7. MANAGEMENT REPORTS

7.19 Amendment C159 (G-MW rezoning in Tatura) Consideration of Panel Report & Adoption of Amendment (Continued)

Summary of Key Issues

The amendment was exhibited from 9 February 2012 to 12 March 2012. Eight submissions were received by the Council. Seven of these submissions were from referral authorities, of whom none objected to the proposal. One submission objected to the amendment and as a result, the amendment was referred to an Independent Planning Panel. The Panel Report has now been received by the Council and must be considered before a determination is made on the amendment.

Background

Amendment C159 to the Greater Shepparton Planning Scheme proposes to rezone land at 1 – 25 Ross Street and 26 – 44 Cussen Street, Tatura from the IN1Z to the PUZ1. This will facilitate the development of the land for operations associated with Goulburn-Murray Rural Water Corporation (G-MW). The amendment seeks to recognise the public ownership of the land, and to ensure flexibility in the use of the land for public purposes to facilitate development

The amendment was placed on exhibition from 9 February 2012 to 12 March 2012. Notices appeared in the Government Gazette, Shepparton News and Tatura Guardian.

Eight submissions were received by the Council and of these, one objected to the amendment. Council Officers along with representatives from G-MW and Chris Smith and Associates (CS&A) met with the objector to discuss the concerns raised in the submission.

Following this meeting, the objector was given an opportunity to withdraw their submission so that the amendment could be progressed. The objector did not take this opportunity. As a result, under delegated authority on 22 May 2012, the amendment was referred to an Independent Planning Panel, which is appointed by the Minister for Planning, to consider the submissions.

A Directions Hearing was held on 15 June 2012 and the Panel Hearing was held on 10 July 2012.

The Panel Report was received by the Council on 30 July 2012.

Submissions

During the exhibition period, eight submissions were received by the Council. Of these, seven were from referral authorities, none of which objected to the proposed amendment, including:

- VicRoads;
- Goulburn-Broken Catchment Management Authority;
- Goulburn Valley Water;
- Environmental Protection Agency Victoria;
- Department of Sustainability & Environment;
- Goulburn-Murray Water; and
- Department of Transport.

One objection was received by the Council. This objection was largely made on the following grounds:

7. MANAGEMENT REPORTS

7.19 Amendment C159 (G-MW rezoning in Tatura) Consideration of Panel Report & Adoption of Amendment (Continued)

- G-MW is a semi-privatised body and the PUZ is therefore inappropriate;
- The inclusion of Cussen Street, adjacent to the subject land, in the rezoning to PUZ is inappropriate;
- Objects to the rezoning of the land to PUZ for the purpose proposed (being office extensions);
- The exhibited zoning map shows incorrect land boundary.

Following exhibition, Council Planning Officers met with the objector, along with representatives from CS&A and G-MW on site in Tatura, to discuss the concerns raised in the submission and to facilitate an appropriate outcome. Council Officers provided the following response to the objection:

- G-MW is listed under the *Water Act 1989* as a public authority. The *Planning and Environment Act 1987* defines a public authority as a body established for a public purpose under any Act. Therefore, under the relevant legislation, G-MW is considered to be a public authority and the PUZ is deemed appropriate;
- Minor roads in the Municipality do not have their own land use zone – they take on the zone(s) of adjacent land parcels. The Council Officers will request amended mapping to remove the southern half of Cussen Street from the PUZ as appropriate;
- The existing land use zone (IN1Z) prohibits the proposed expansion of the office complex. Although a Business Zone would accommodate this expansion, the isolated rezoning of the subject land to a Business Zone potentially allowing an isolated site for any other commercial business to purchase and develop if the land were to be sold in the future. The PUZ is considered to be the most appropriate zone for the subject land as it restricts development to that which is associated with G-MW operations;
- The exhibited zoning map shows only the boundary of the zone, not the boundary of the subject land. The Council Officers will request amended mapping to make the boundary between Cussen Street and the subject land apparent.

Further to this, Council Planning Officers met with Council Design & Traffic Engineering Officers to discuss road and signage improvements along Cussen Street and at the Cussen Street/Ross Street intersection. Council Planning Officers also contacted the Department of Planning and Community Development to request revised mapping to be included in the Planning Scheme Maps. This was to ensure the mapping showed the cadastral lot boundaries of the land and to remove the southern half of Cussen Street from the PUZ as agreed at the meeting. The objector did not withdraw their submission following this meeting.

Independent Planning Panel Report

Following exhibition of the amendment, the submissions were referred to an Independent Planning Panel in accordance with Section 23 of the *Planning and Environment Act 1987*. A Directions Hearing was held on 15 June 2012 and the Panel Hearing was held on 10 July 2012.

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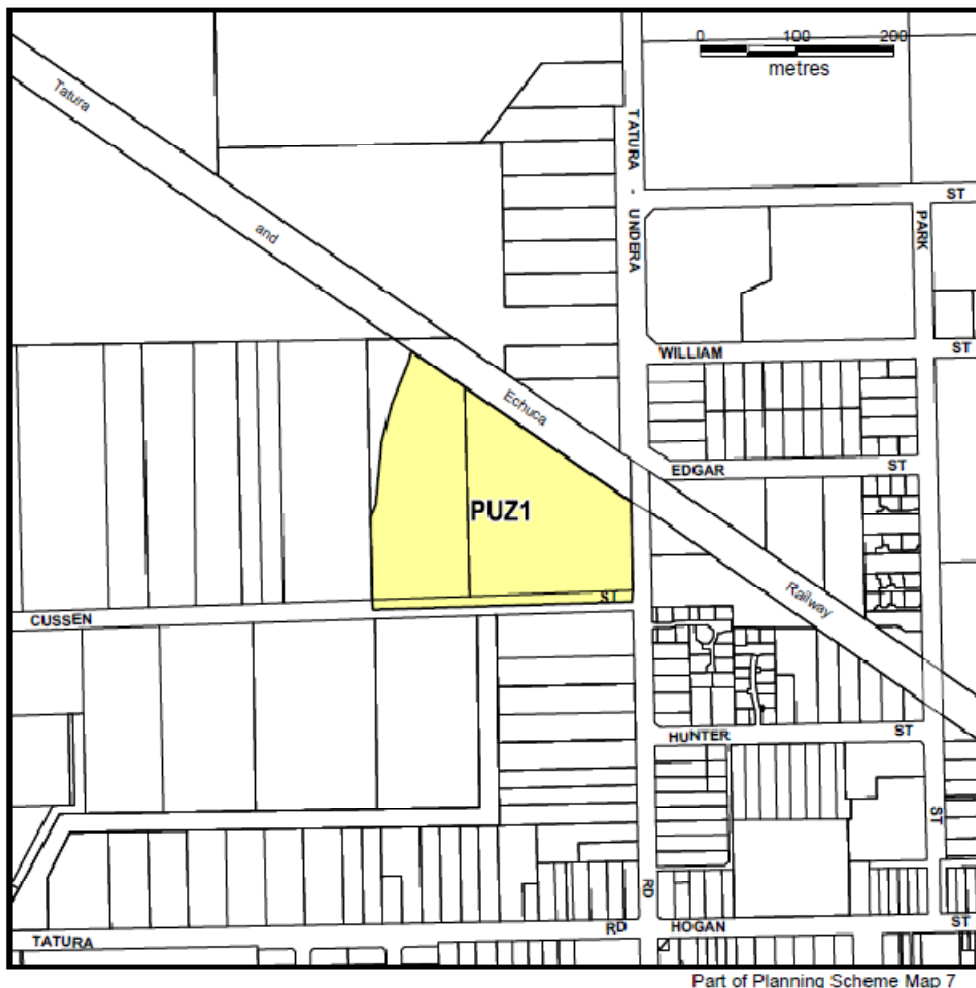
7.19 Amendment C159 (G-MW rezoning in Tatura) Consideration of Panel Report & Adoption of Amendment (Continued)

The Panel Report was received by the Council on 30 July 2012. The Panel recommends that:

“Greater Shepparton Planning Scheme Amendment C159 should be adopted as exhibited subject to the minor mapping change to move the southern PUZ1 boundary to the centreline of Cussen Street.”

This minor mapping change was supported by Council Officers as it fixed an error in the mapping by bringing the boundary of the PUZ to the centre of the road which reflects standard planning practice for land use zones on roads. The mapping change had already been requested by the Council Officers and received from the Department of Planning and Community Development prior to the Panel Hearing.

Figure 1 – Amended Mapping



LEGEND

PUZ1 PUBLIC USE ZONE -SERVICE AND UTILITY

7. MANAGEMENT REPORTS

7.19 Amendment C159 (G-MW rezoning in Tatura) Consideration of Panel Report & Adoption of Amendment (Continued)

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 planning 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 C159 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 under Section 29 of the Act, with or without changes.

Council Plan/Key Strategic Activity

"Strategic Objective 4 – Economic Development

Point 20: Develop and pursue strategies to protect and enhance our irrigation based agricultural economy.

Water reform offers the potential for new areas to be opened up for intensive production and provides an opportunity for expansion in the region's level of agricultural production. For this reason, we support the modernisation of the region's irrigation infrastructure, in order to increase water security and encourage new investment and the expansion of existing industries."

The proposed amendment supports the retention and expansion the water-based agriculture in the Goulburn Valley region through providing flexibility to facilitate the development of the Goulburn-Murray Water operations on the subject land. This will promote the fair, orderly, economic and sustainable use and development of the land.

Risk Management

In accordance with Section 27 of the *Planning and Environment Act 1987*, the Council is required to consider the Independent Planning Panel's report before deciding whether or not to adopt the amendment. The Council is not required to adopt the recommendations of the Panel under the Act. As the Panel is appointed by the Minister for Planning, and is required to make recommendations based on net community benefit in the interests of all Victorians, it is possible that not accepting the Panel's recommendations could result in the amendment not receiving approval from the Minister for Planning, resulting in financial and resource costs for the Council.

Policy Considerations

There are no conflicts with existing Council policy.

Financial Implications

The *Planning and Environment (Fees) Regulations 2000* sets the statutory fees for the preparation, exhibition and adoption of planning scheme amendments. CS&A, on behalf of G-MW are the proponent of this amendment and are responsible for all costs associated with the amendment process, including the costs of the Panel.

7. MANAGEMENT REPORTS

7.19 Amendment C159 (G-MW rezoning in Tatura) Consideration of Panel Report & Adoption of Amendment (Continued)

Legal/Statutory Implications

Procedures associated with Amendment C159 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 or not to adopt the amendment.

This Planning Scheme Amendment has been assessed in accordance with the requirements of the *Planning and Environment Act 1987* and the Greater Shepparton Planning Scheme. The assessment is considered to accord with the *Victorian Charter of Human Rights and Responsibilities Act 2006*. No human rights were negatively impacted upon through the amendment process, including during the exhibition, consideration of submissions and panel hearing stages. The rights of all individuals and groups with regard to Freedom of Expression, Right to be Heard, Entitlement to Participate in Public Life and Property Rights were upheld.

The Charter recognises that reasonable restrictions may be placed on the use and development of land, and that there may on occasion be reasonable and acceptable 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.

The proposal has been considered in accordance with the relevant parts of the *Planning and Environment Act 1987*, and it is not expected that adoption and approval of this amendment will contravene the Charter in any way.

Cultural Heritage

The site affected by the amendment is not considered to be of Cultural Heritage Significance – it is not currently within the Heritage Overlay and has not been highlighted in the Greater Shepparton Heritage Study Stage IIB for inclusion in the Heritage Overlay.

The land is within an area of Aboriginal Cultural Heritage Sensitivity and as a result, a Cultural Heritage Management Plan may be required for development that occurs on the site.

Environmental/Sustainability Impacts

As the site is already being utilised for G-MW operations, it is not expected that the proposed rezoning of the land will have sustainability/environmental impacts.

7. MANAGEMENT REPORTS

7.19 Amendment C159 (G-MW rezoning in Tatura) Consideration of Panel Report & Adoption of Amendment (Continued)

Social Implications

As the site is already being utilised for G-MW operations, it is not expected that the proposed rezoning of the land will have social implications.

Economic Impacts

As the site is already being utilised for G-MW operations, it is not expected that the proposed rezoning of the land will have economic impacts.

Consultation

The amendment was placed on exhibition from 9 February 2012 to 12 March 2012. Notices appeared in the Government Gazette, the Shepparton News and the Tatura Guardian.

As required by the *Planning and Environment Act 1987*, formal notice of Amendment C159 was given to the prescribed Ministers, relevant referral authorities and affected landowners.

Council Officers met with the objector and representatives from both G-MW and CS&A on 24 April 2012 to discuss concerns raised in the submission.

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

Strategic Links

a) Greater Shepparton 2030 – Strategy Plan:

Direction 5 – Infrastructure: “*The provision and restructure of urban and rural infrastructure to enhance the performance of the municipality and facilitate growth.*”

b) Other strategic links:

No other strategic links have been identified.

Options for Consideration

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

- The Council may abandon the amendment under Section 28 of the Act.
- The Council may adopt the amendment under Section 29 of the Act.

The Council submits the amendment to the Minister for approval under Section 31 of the Act.

Conclusion

It is recommended that recommendation of the Independent Panel Report be considered by the Council and the amendment be adopted and submitted to the Minister for approval.

Attachments

Nil.

7. MANAGEMENT REPORTS

7.20 Amendment C163 (Kialla rezoning from R1Z to B4Z) Adoption of Amendment

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

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

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

Council Officers involved in producing this report

Author: Graduate Strategic Planner (Amendments)

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

Approved by: Director Sustainable Development

Purpose

Amendment C163 to the Greater Shepparton Planning Scheme seeks to rezone land at 7977 Goulburn Valley Highway, Kialla from the Residential 1 Zone (R1Z) to the Business 4 Zone (B4Z). This will allow for further development of the precinct for bulky goods retail in that area without requiring a permit for the use of the land.

The amendment has been through exhibition and consideration of submissions in accordance with the requirements of the *Planning and Environment Act 1987*. The Council is now required to consider and make a determination on the amendment.

RECOMMENDATION

That the Council, having considered the submissions to Amendment C163 to the Greater Shepparton Planning Scheme in accordance with Section 22 of the *Planning and Environment Act 1987*:

1. adopt Amendment C163 without changes, in accordance with Section 29 of the Act
2. submit Amendment C163 to the Secretary to the Department of Planning and Community Development for certification, in accordance with Section 35A of the Act; and
3. subject to receipt of certification where the intent of the amendment has not been materially altered, approve the amendment in the form certified by the Secretary to the Department of Planning and Community Development, in accordance with Section 35B of the Act.

Property Details

Amendment C163 applies to land at 7977 Goulburn Valley Highway, Kialla (being Lot 2 on LP61837). The site is 950m² within the R1Z and currently contains a single dwelling. To the north, land owned and managed by McPherson Motors is currently zoned B4Z and is used for motor vehicle sales.

7. MANAGEMENT REPORTS

7.20 Amendment C163 (Kialla rezoning from R1Z to B4Z) Adoption of Amendment (Continued)

The amendment has been made at the request of Land Management Surveys (Shepparton) on behalf of Bradshaw Nominees Investments Pty Ltd, the owners of the land.

Proposal in Detail

Amendment C163 proposes to rezone land at 7977 Goulburn Valley Highway, Kialla, from the R1Z to the B4Z.

The current land use zone (R1Z), use of land for retail premises (including motor vehicle sales), which is the intended use of the site, is prohibited. The rezoning of the subject land to B4Z will allow for further development of the precinct for bulky goods retail in that area. A permit will be required for both the use of the land for motor vehicle sales as well as any associated development of the land including buildings and works, advertising, etc.

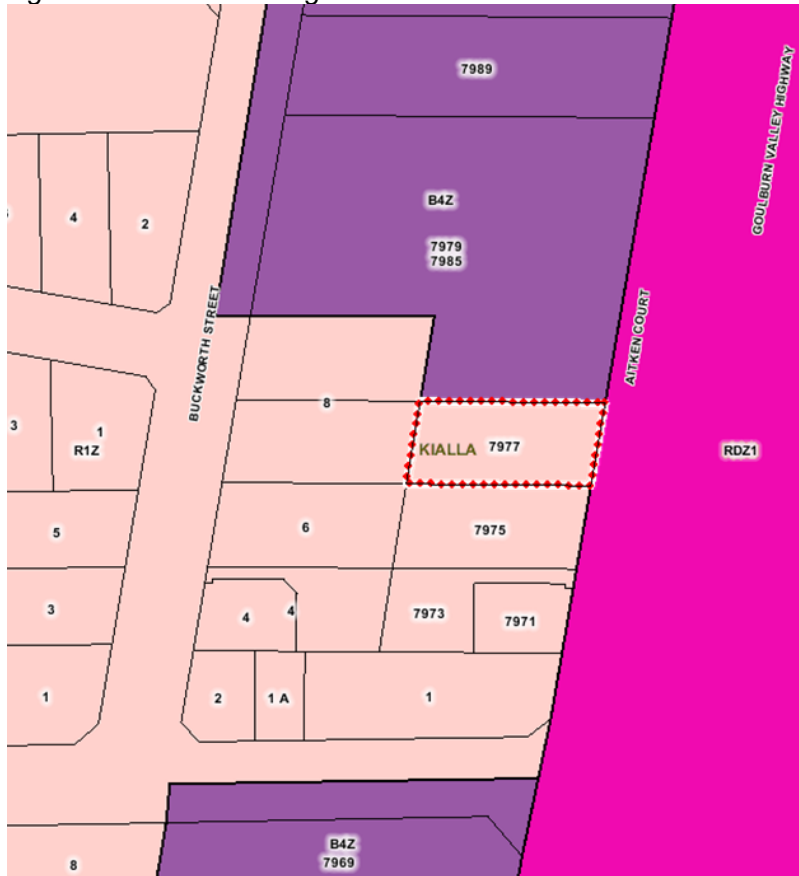
The amendment proposes to facilitate the development of the current car dealership by allowing expansion onto the subject land. The need for the expansion is driven by existing site and building constraints, which are limiting the company's operations and business development potential.

The amendment is required to facilitate development on the site for commercial purposes as designated in the Outline Development Plan (ODP) (*see Attachment 1 – South Shepparton Outline Development Plan A*). The intention of this ODP is to direct development that is business/commercial in nature towards the Goulburn Valley Highway. This includes the cluster of lots currently within the R1Z between Buckworth Street and the Goulburn Valley Highway (including the subject land). The planning outcome intended for this cluster is gradual conversion of the land uses from residential to commercial. In time, this will close the gap between the existing strips of commercial development fronting the highway to the north and south of the subject land.

7. MANAGEMENT REPORTS

7.20 Amendment C163 (Kialla rezoning from R1Z to B4Z) Adoption of Amendment (Continued)

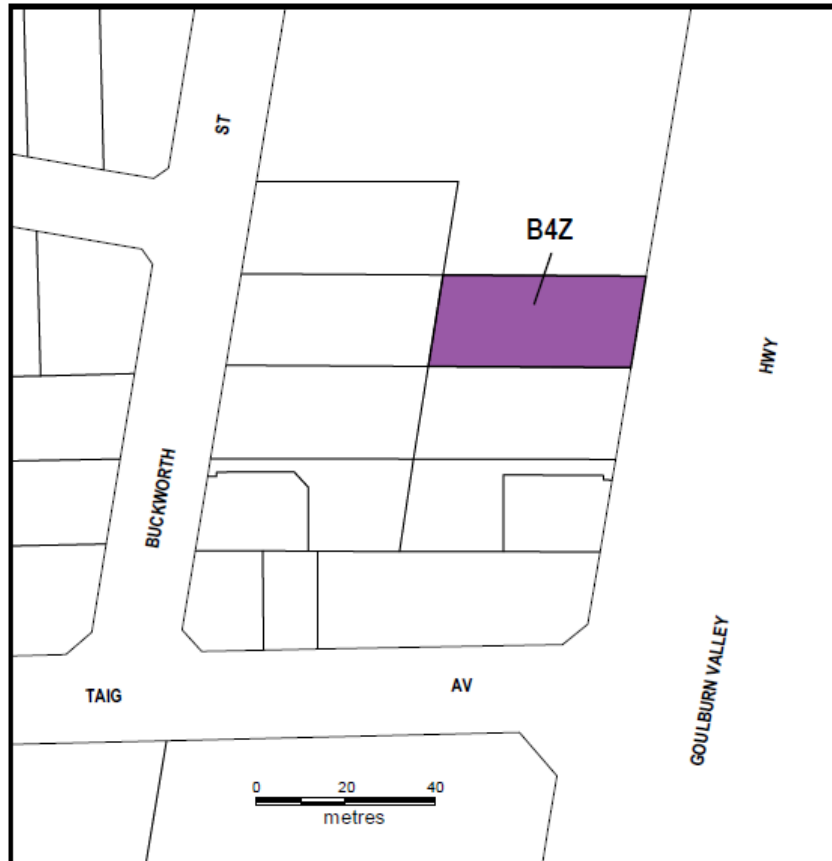
Figure 1 – Current Zoning



7. MANAGEMENT REPORTS

7.20 Amendment C163 (Kialla rezoning from R1Z to B4Z) Adoption of Amendment (Continued)

Figure 2 – Proposed Rezoning



Summary of Key Issues

Amendment C163 was on exhibition from 21 June 2012 to 6 August 2012. No objections were received by the Council.

The Council may adopt an amendment in accordance with Section 29 of the *Planning and Environment Act 1987*.

Background

Authorisation was received from the Department of Planning and Community Development to prepare Amendment C163 to the Greater Shepparton Planning Scheme on 23 April 2012 (A02237).

The amendment was on public exhibition from 21 June 2012 to 6 August 2012. Notices appeared in the Shepparton News and the Government Gazette. Letters were posted to affected land owners, prescribed Ministers and referral authorities.

During the exhibition period six submissions were received. All of these submissions were from public authorities and none raised any objections to the proposed amendment.

Submissions were received from the following referral authorities:

- Department of Sustainability and Environment;
- Goulburn-Murray Water;

7. MANAGEMENT REPORTS

7.20 Amendment C163 (Kialla rezoning from R1Z to B4Z) Adoption of Amendment (Continued)

- Goulburn Broken Catchment Management Authority;
- Goulburn Valley Water;
- Environmental Protection Agency (Victoria);
- VicRoads;

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 planning 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 region. This amendment is expected to achieve acceptable planning outcomes through the facilitation of development whilst minimising social, economic and environmental effects.

All Amendment C163 procedures comply with legislative requirements for amendment preparation, exhibition, consideration of submissions, adoption, certification and approval in accordance with the *Planning and Environment Act 1987*.

Under Section 22 of the Act, the Council must consider submissions to the amendment and the Council then adopts or abandons an amendment under Sections 28 and 29 of the Act, with or without changes.

Section 35 of the Act requires the Council to seek certification of the amendment from the Secretary to the Department of Planning and Community Development and to approve the amendment in the form certified by the Secretary.

Council Plan/Key Strategic Activity

Strategic Objective 4 – Economic Development

“Objective 23: Pursue opportunities to increase the range of businesses and industries in the region, to further strengthen our economy

Helping current businesses grow and encouraging new businesses and industries to start up or move to our region makes the local economy stronger and provides improved job opportunities for the community. The Council encourages this growth through investment attraction programs, by providing training and development for existing and new businesses and by helping businesses find people with the skills they need to be successful.

We continue to promote our region as a fantastic place to work, live and invest.”

“In the next four years:

- *Continue to develop and implement a range of business expansion and retention initiatives”*

Risk Management

The proposal implements the objectives of planning in Victoria, as well as objectives and strategies outlined in State and Local Policy. The amendment proposes to facilitate the development of land for commercial purposes in a designated commercial strip with an Outline Development Plan to ensure the coordinated development of this land over time.

7. MANAGEMENT REPORTS

7.20 Amendment C163 (Kialla rezoning from R1Z to B4Z) Adoption of Amendment (Continued)

Failure to adopt and approve this amendment contradicts State and Local Policy, including the Municipal Strategic Statement, and limits commercial development in a designated future commercial strip.

Policy Considerations

There are no conflicts with existing Council policy.

Financial Implications

The *Planning and Environment (Fees) Interim Regulations 2011* sets the statutory fees for the preparation, exhibition and adoption of planning scheme amendments. Land Management Surveys (Shepparton) on behalf of their client are the proponent of this amendment and are responsible for all costs associated with the amendment process. There are no financial implications for the Council.

Legal/Statutory Implications

All procedures associated with Amendment C163 comply with legislative requirements for amendment preparation, exhibition, submission consideration 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.

This Planning Scheme Amendment has been assessed in accordance with the requirements of the *Planning and Environment Act 1987* and the Greater Shepparton Planning Scheme. The amendment is considered to accord with the *Victorian Charter of Human Rights and Responsibilities Act 2006*. No human rights were negatively impacted upon through the amendment process, including during the exhibition, consideration of submissions and panel hearing stages. The rights of all individuals and groups with regard to Freedom of Expression, Right to be Heard, Entitlement to Participate in Public Life and Property Rights were upheld.

The Charter recognises that reasonable restrictions may be placed on the use and development of land, and that there may on occasion be reasonable and acceptable 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.

The proposal has been considered in accordance with the relevant parts of the *Planning and Environment Act 1987* and the Greater Shepparton Planning Scheme, and it is not expected that adoption and approval of this amendment will contravene the Charter in any way.

Cultural Heritage

The site affected by the amendment is not considered to be a place of cultural heritage significance – it is not currently within the Heritage Overlay and has not been

7. MANAGEMENT REPORTS

7.20 Amendment C163 (Kialla rezoning from R1Z to B4Z) Adoption of Amendment (Continued)

recommended in the *Greater Shepparton Heritage Study Stage IIB* for inclusion in the Heritage Overlay.

The land is not within an Area of Aboriginal Cultural Heritage Sensitivity.

Environmental/Sustainability Impacts

This site is already being utilised for residential purposes. The proposal will facilitate further development of the site to allow commercial use of the land. It is not expected that the proposed rezoning will have negative sustainability/environmental impacts.

Social Implications

The proposal will facilitate further development of the site to allow commercial use of the land. It is not expected that the amendment will have negative social implications.

Economic Impacts

The proposal will facilitate further development of the site to allow commercial use of the land. It is not expected that the amendment will have negative economic impacts.

Consultation

In accordance with the *Planning and Environment Act 1987*, the amendment was placed on exhibition from 21 June 2012 to 6 August 2012. Notices appeared in the Government Gazette and the Shepparton News.

Formal notice of the amendment was given to the prescribed Ministers, referral authorities and any affected landowners.

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

Strategic Links

Greater Shepparton 2030 – Strategy Plan:

Direction 4: Economic Development – *“Promote economic growth, business development and diversification, with a focus on strengthening the agricultural industry.”*

Objective 5: *“To agglomerate peripheral sales and highway services nodes in accessible and appropriately serviced locations.”*

Strategy 5.1: *“Encourage and promote the location of peripheral sales, bulky goods and restricted retail...”*

Any other strategic links:

Nil.

Options for Consideration

- The Council may abandon the amendment under Section 28 of the Act;
- The Council may adopt the amendment under Section 29 of the Act;
- The Council may submit the amendment to the Secretary for certification under Section 35A of the Act;
- The Council may approve the amendment under Section 35B of the Act.

7. MANAGEMENT REPORTS

7.20 Amendment C163 (Kialla rezoning from R1Z to B4Z) Adoption of Amendment (Continued)

Conclusion

It is recommended that the Council adopt Amendment C163 to the Greater Shepparton Planning Scheme, submit the amendment to the Secretary for certification and, subject to receipt of certification where the intent of the amendment has not been materially altered, approve the amendment in the form certified by the Secretary.

Attachments

South Shepparton Outline Development Plan A

7. MANAGEMENT REPORTS

7.21 Environmental Sustainability Strategy – Discussion Paper

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.

Council Officers involved in producing this report

Author: Sustainability and Environment Officer

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

Approved by: Director Sustainable Development

Others: The 19 members of the Environmental Sustainability Strategy Stakeholder Reference Committee

Purpose

Greater Shepparton City Council has gained \$30,000 in Victorian Sustainability Accord funding for the development of an Environmental Sustainability Strategy (the Strategy). A major step in the development of the Strategy was to write a discussion paper to instigate community, stakeholder and internal staff discussion about Greater Shepparton City Council's environmental sustainability management activities. This discussion paper was produced with the aim of providing stakeholders and the general community with background information relevant to the development of the Strategy. This will ensure that anyone who reads this document will have the knowledge and understanding required to give input into the development of the Strategy.

Feedback and discussions generated from this paper will be used to guide the development of the Draft - Greater Shepparton Environmental Sustainability Strategy. Providing feedback to this discussion paper is one step in a series of opportunities that the community has to actively participate in the development of the Environmental Sustainability Strategy. Council has already conducted a community survey to identify environmental priorities and issues for our municipality. Several community discussion sessions will be scheduled during the discussion paper comment period and the Draft - Greater Shepparton Environmental Sustainability Strategy will be available for public comment later this year.

This document has been developed by the Environmental Sustainability Strategy Stakeholder Reference Committee whom is endorsed by Council to develop the Strategy. The contents of this paper have been collated from relevant literature reviews, discussions held in Greater Shepparton Environmental Sustainability Strategy Stakeholder Reference Committee (SRC) meetings, and responses to internal staff and community environmental sustainability surveys.

RECOMMENDATION

That the Council endorse and release the Greater Shepparton Environmental Sustainability Strategy – Discussion Paper for community comment, a key step in the community consultation process for the development of the Greater Shepparton Environmental Sustainability Strategy.

Background

Greater Shepparton City Council has successfully gained \$30,000 in Victorian Sustainability Accord funding for the development of an Environmental Sustainability Strategy

7. MANAGEMENT REPORTS

7.21 Environmental Sustainability Strategy – Discussion Paper (Continued)

(the Strategy). The development of the Strategy will enable Council to identify and prioritise sustainability and climate change activities with improved integration across Council strategies and plans. The Strategy will also increase the capacity and understanding of environmental and sustainability issues across Council and the community.

Whilst sustainability projects may be mentioned in some lower order strategies or the Local Environmental Sustainability Priority Statement (LESPPS), the Strategy will provide Council with a process that enables in-depth consideration of sustainability issues and prioritisations that will integrate sustainability into key Council plans and documents.

The Strategy will also address issues that have arisen through the development of Council's LESPPS, and strategic implementation actions identified in the Municipal Strategic Statement (MSS) namely:

- Prepare an Environmental Strategy incorporating Local Biodiversity Action Plans.
- Prepare an integrated Strategy to address all aspects of the environment and to cooperate in the development of regional environmental plans.
- Proactively incorporate sustainability and environmental issues into Council projects and programs.
- Communicate and promote Council's environmental and sustainability commitment and achievements, internally as well as to ratepayers and the wider community.

Council Plan/Key Strategic Activity

Council Plan 2009-13

The Environmental Sustainability Strategy will be aligned is consistent with the environmental strategic objectives outlined in the *Council Plan 2009-2013*:

- Objective 17: Promote and demonstrate environmental sustainability.
- Objective 18: Identify and respect our significant cultural and environmental assets.
- Objective 19: Enhance the communities use and appreciation of the Goulburn and Broken rivers.

The strategy is also relevant to the following objectives under Strategy Objectives 6: Council Organisation and Management:

- Objective 31: Engage our community when making decisions.
- Objective 32: Develop strong partnerships with the state and federal governments.
- Objective 33: Pursue organisational development and improvement.
- Objective 34: Ensure our long term strategic vision for Greater Shepparton remains relevant and accurate.

Greater Shepparton 2030 Strategy

The proposed Environmental Sustainability Strategy is consistent with the objectives, strategies and actions outlined in the environment section of the *Greater Shepparton 2030 Strategy*.

Other strategic links

The proposed Environmental Sustainability Strategy will also develop and implement the environment initiatives outlined in the:

- Greater Shepparton City Council – Community Engagement Policy
- Victorian Government - Hume Strategy for Sustainable Communities 2010 - 2020
- Goulburn Broken Catchment Management Authority - Regional Catchment Strategy
- Goulburn Broken Climate Change Impact Analysis Project (CCIAP)
- Victorian Government - Securing our Natural Future: A white paper for land and biodiversity at a time of climate change.

7. MANAGEMENT REPORTS

7.21 Environmental Sustainability Strategy – Discussion Paper (Continued)

Risk Management

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

Risks	Likelihood	Consequence	Rating	Mitigation Action
The funding Council has received from the Victorian Local Sustainability Accord must be returned if the Strategy is not completed.	A	3	High	The Discussion paper needs to be endorsed so we can continue to develop the Strategy
Future Victorian Local Sustainability Accord (DSE) will be severely limited as funding is dependent upon Strategy listed actions and projects. This would severely reduce council's capacity for environmental sustainability management improvements.	A	3	High	The Discussion paper needs to be endorsed so we can continue to develop the Strategy
Considerable community engagement has already occurred, so failure to complete the Strategy would lead to community disappointment and dissatisfaction.	B	3	Moderate	The Discussion paper needs to be endorsed so we can continue to develop the Strategy
Failure to complete the Strategy will reduce Council's adaptation capabilities and responses to the impacts of climate change.	A	3	High	The Discussion paper needs to be endorsed so we can continue to develop the Strategy

The risks identified in the table below are associated with Council following the recommended course of action.

Risks	Likelihood	Consequence	Rating	Mitigation Action
The community builds unrealistic expectations around Council's ability to increase environmental sustainability capabilities and performance which could lead to community disappointment and dissatisfaction.	B	3	Moderate	The Strategy will clearly outline Council's roles and responsibilities in environmental sustainability management. Implementation of many actions will be clearly identified as being dependant on funding opportunities from the State or Federal Government.

Policy Considerations

There are no conflicts with any Council policies.

7. MANAGEMENT REPORTS

7.21 Environmental Sustainability Strategy – Discussion Paper (Continued)

Financial Implications

100% of the Strategy's 2012-13 budget allocation (for Strategy development) is provided via Victorian Sustainability Accord funding from the State Government.

The Strategy has not been written yet so it is impossible to include future specific budget figures. It is anticipated that some finances will be involved to implement the Strategy's actions once the Strategy is adopted (early in the 2013-14 financial year) because the Strategy will provide the direction for Council's environmental sustainability management activities. Some Strategy actions will cover environmental legislative requirements whilst other actions will explore Council's role as an advocator, partner, manager, educator, facilitator, provider, regulator, lobbyist, encourager and community leader, so budgetary impacts will vary accordingly. The intent is to utilise funding and partnership opportunities where ever possible to fulfil Strategy objectives, however there will be budgetary impacts which will be included in normal budgetary processes over the coming years.

Legal/Statutory Implications

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

Environmental/Sustainability Impacts

The Environmental Sustainability Strategy will help Council identify and prioritise environmental sustainability activities across Council strategies and plans and will increase the capacity and understanding of environmental sustainability issues across Council and the community.

Social Implications

There will be important positive social implications involved once the Strategy has been developed. It is anticipated that some actions in the Strategy will include community education and awareness programs and exploring opportunities to better utilize community volunteers. Opportunities to increase community knowledge, skills, resilience, mutuality and trust within the community will also be explored.

Economic Impacts

It is anticipated that the development of the Strategy will not have any direct and indirect economic implications on the Greater Shepparton community.

Consultation

The project supports local capacity building through a strong engagement program both across Council business units and within the local community. A project Strategic Community Engagement Plan and Communications Plan has been developed according to the guidelines and requirements of the Greater Shepparton Community Engagement Strategy and Community Engagement Toolkit. The PACE team will also assist in community engagement activities.

In accordance with the Greater Shepparton Community Engagement Strategy the desired level of community participation will be Involve/Collaborate. "To work collaboratively with community groups, organisations and stakeholders to plan, develop and manage projects and programs".

Key stakeholders have been and will continue to be identified and actively engaged in the scoping and development of the Strategy. The Discussion Paper will be open to community

7. MANAGEMENT REPORTS

7.21 Environmental Sustainability Strategy – Discussion Paper (Continued)

comment for a 4 week period. The Discussion Paper and feedback received will then guide the development of the Draft - Environmental Sustainability Strategy which will be presented to Council for endorsement prior to public comment being sought. The Draft - Environmental Sustainability Strategy will also be open to community comment for 4 weeks.

Key Internal Stakeholders identified to date include:

- Council Executive and Councillors
- Sustainability and Development Working Group
- Community Engagement Access and Inclusion Working Group
- Community Engagement Officers
- Planning and Development Branch
- Economic Development Branch
- Community Strengthening Branch
- Aged and Children's Services Branch
- Recreation and Parks Branch
- Waste Branch
- Communications Branch
- River Connect Coordinator
- Transport Connections Team Leader
- Strategic Traffic Coordinator.

Key External Stakeholders identified to date include:

- Goulburn Broken Catchment Management Authority
- Goulburn Murray Landcare Network
- Goulburn Valley Environment Group
- Goulburn Broken Greenhouse Alliance
- Department of Sustainability and Environment
- Resource GV
- Department of Primary Industries
- Goulburn-Murray Water
- Goulburn Valley Water
- Yorta Yorta Nation
- Parks Victoria
- other sectors of the community.

7. MANAGEMENT REPORTS

7.21 Environmental Sustainability Strategy – Discussion Paper (Continued)

Strategic Links

a) Greater Shepparton 2030 Strategy

The proposed Environmental Sustainability Strategy is consistent with the objectives, strategies and actions outlined in the environment section of the *Greater Shepparton 2030 Strategy*.

b) Any other strategic links

The proposed Environmental Sustainability Strategy will also develop and implement the environment initiatives outlined in the:

- Greater Shepparton City Council – Community Engagement Policy
- Victorian Government - Hume Strategy for Sustainable Communities 2010 - 2020
- Goulburn Broken Catchment Management Authority - Regional Catchment Strategy
- Goulburn Broken Climate Change Impact Analysis Project (CCIAP)
- Victorian Government - Securing our Natural Future: A white paper for land and biodiversity at a time of climate change.

Options for Consideration

Greater Shepparton Environmental Sustainability Strategy – Discussion Paper needs to be endorsed by Council so that it can be released for community comment. This is a vital step in the development of the Greater Shepparton Environmental Sustainability Strategy and the development of this Strategy cannot progress without endorsement of the Discussion Paper.

Conclusion

Greater Shepparton City Council has many environmental sustainability legislative responsibilities to comply with, and many environmental policies, strategies and projects to implement. There are however, many opportunities present that might bring about better environmental sustainability outcomes and address previously identified challenges and barriers. The Greater Shepparton Environmental Sustainability Strategy will be the driving document to achieve the environmental sustainability objectives outlined in the Council Plan and Greater Shepparton 2030 Strategy to transition Greater Shepparton to an environmentally sustainable region.

Attachments

1. Discussion Paper - Greater Shepparton Environmental Sustainability Strategy
2. Discussion Paper Appendices Document - Greater Shepparton Environmental Sustainability Strategy

7. MANAGEMENT REPORTS

7.22 Integrated Fire Management Project – Draft Municipal Fire Management Plan

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.

Council Officers involved in producing this report

Author: Manager Sustainability and Environment

Proof reader(s): Director Sustainable Development

Approved by: Director Sustainable Development

Purpose

To provide Council with a Draft Municipal Fire Management Plan.

RECOMMENDATION

That the Council:

1. adopt the draft Municipal Fire Management Plan
2. release the plan for public consultation following the Caretaker period.

Background

The Integrated Fire Management Plan (IFMP) Framework was established as a result of recommendations made from the Victorian Bushfire Inquiry in 2003. The Framework is the vehicle for improvement in fire management planning and outlines a consistent and comprehensive approach across the State and at Regional and municipal levels.

The key element of IFMP is bringing together a range of key agencies and organisations to discuss, plan and manage fire in the community. These organisations are responsible for fire prevention, preparedness, response, recovery and cultural and environmental uses of fire.

By working together, they will ensure a more strategic and integrated approach to fire management planning, reducing the impact of fire in Victoria.

IFMP will assist in establishing a consistent, state-wide planning approach and develop processes for continuous improvement.

IFMP involves organisations through the establishment of state, regional and municipal committees, through which members have the opportunity to better understand each other's roles in fire management planning and bring their individual plans together.

Greater Shepparton Council together with the members of the Greater Shepparton IFMP Committee have been meeting since late 2011 to develop the draft Municipal Fire Management Plan. The Committee has been assisted in the development of the Plan by an officer appointed through the IFMP process.

The Committee formed under the auspice of the Municipal Fire Prevention Officer (MFPO), included representatives from the following organisations; Murchison Fire Brigade, Shepparton Fire Brigade, Mooroopna Fire Brigade (these representatives were

7. MANAGEMENT REPORTS

7.22 Integrated Fire Management Project – Draft Municipal Fire Management Plan (Continued)

representing the 20 Brigades throughout the Municipality), Vic Police, Goulburn Valley Water, Country Fire Brigade District 22, Department of Sustainability & Environment, Parks Vic and Council Municipal Fire Prevention Officers plus the officer from the Regional office of IFMP. The process in developing the plan has followed a process initiated by IFMP across the State and followed a template that had been previously developed. The strategic intent of the Fire Management Plan is to:

- Reduce the likelihood and consequence of fire hazards within local communities;
- Identify and prioritise the risks and vulnerabilities across the municipal area;
- Manage local priorities relating to protection of communities and assets;
- Develop and implement works programs for the management of fires, including hazard removal and fuel management;
- Engage community activities;
- Identify reliable water supplies;
- Encourage increased responsibility by the community;
- Give consideration to planning across municipal boundaries;
- Elevate matters to the Hume Regional Fire Management Planning Committee when appropriate.

Council Plan/Key Strategic Activity

Community Life

Strategy – Provide a safe and family friendly Community

Risk Management

The purpose of the plan is to identify numerous risks associated with bushfire. These risks are identified from a social, economic, Environment and planning perspective.

These risks are presented and expanded upon within the body of the document.

Policy Considerations

This is a new plan to be adopted by the Council after a public consultation period to follow the Caretaker Period.

The plan will be a sub plan under the Municipal Emergency Plan.

Financial Implications

There may be financial implications for the Council once the Plan has been adopted. The financial implications will be addressed annually through the normal budgetary process.

Whilst there will not be any financial implication this financial year, it is anticipated that actions for fire management, in future financial years, may total up to an estimated \$50,000 per annum.

The Council currently undertake fire suppression activity through road maintenance activities such as roadside slashing.

Future expenditure may be done in conjunction and with the support of the Country Fire Authority.

7. MANAGEMENT REPORTS

7.22 Integrated Fire Management Project – Draft Municipal Fire Management Plan (Continued)

Legal/Statutory Implications

The recommended action arising from this report is in compliance with the Emergency Management Act 1986, Country Fire Authority Act 1958, Emergency Management Manual Victoria (Guidelines), and the Integrated Fire Management Planning Framework.

Environmental/Sustainability Impacts

Fire management activities will take account of environmental and sustainability issues, in particular road side management of native vegetation in accordance with Council's Roadside Management Plan.

Social Implications

it is expected that the adoption of the final plan will lead to a better analysis of management of fire risk within the community.

Economic Impacts

Fire has the potential to impose significant financial impact on agriculture, public infrastructure and residential areas and this plan is intended to help mitigate this risk.

Consultation

The draft Plan has been overseen by a Committee comprised of members of the Country Fire Authority including representatives from the agencies and groups listed above under the heading **Background** under the auspice of the MFPO.

Once the Plan has been adopted as a draft by the Council, the Plan will be presented to the Municipal Emergency Management Committee (20 September) and will then be forwarded to the Regional Municipal Fire Management Committee for their consideration and approval.

Following this process and after the completion of the Caretaker Period the Plan will be released for public information and consultation prior to returning to the Council for final adoption.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

This matter is not inconsistent with Council's 2030 Strategy.

b) Other strategic links

Council's Community Living Local Law No. 1.

7. MANAGEMENT REPORTS

7.22 Integrated Fire Management Project – Draft Municipal Fire Management Plan (Continued)

Options for Consideration

No options provided.

Conclusion

By adopting this plan, the Council will be compliant in addressing bushfire risk and management thereby proving a safer community.

Attachments

Draft Municipal Fire Management Plan.

7. MANAGEMENT REPORTS

7.23 Reformed zones proposed by DPCD for Victoria

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

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

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

Council Officers involved in producing this report

Author: Team Leader Strategic & Community Planning

Proof reader(s): Manager Planning and Team Leader-Statutory Planning

Approved by: Director Sustainable Development

Purpose

To inform Council of the proposed changes to the planning zones by the Department of Planning and Community Development, and to consider the response prepared by Council officers, which is required to be submitted by 21 September 2012.

RECOMMENDATION

That the Council consider the changes proposed by the Department of Planning and Community Development to the existing zones and to approve the submission prepared by Council officers relating to the planning implications these changes may have on the Greater Shepparton municipality.

Background

Part of the current State Government's election promise was to 'develop a zone reform package to ensure that we have the right planning tools in place to achieve strategic outcomes'. The Victorian Planning System Ministerial Advisory Committee was commissioned in June 2011 to examine all aspects of the system, including possible zone reform. Recommendations around review of Victoria's zone structure were subsequently made.

Community and industry stakeholders were asked to make submissions on ways to improve the system, and the perceived restrictions and requirements in the planning zones was seen as one of the main issues of concern.

The impetus for the proposed reforms has been drawn from a number of relevant inquiries, notably:

- The Victorian Competition and Efficiency Commission (VCEC) Inquiry into Victoria's regulatory framework 2011
- The Productivity Commission Report on economic Structure and Performance of the Australian Retail Industry 2011; as well as some key findings:
 - Greater economic investment can occur by improving regulatory systems
 - The planning system can create unnecessary uncertainty, time delays, costs to business and constrain productivity growth
 - Reforms are needed to free up the planning processes around commercial investment

7. MANAGEMENT REPORTS

7.23 Reformed zones proposed by DPCD for Victoria (Continued)

- There should be an early review of the Farming Zones

There are currently thirty two (32) State standard zones. The reforms propose to:

- Delete nine existing zones
- Create five new zones
- Amend 12 existing zones

Council officers have prepared a submission in response to the changes to the zones (please see attachment). The following is a summary of the proposed changes, and feedback being provided to the Department from Council:

Rural Zones

Proposed Changes: There are no new rural zones proposed, but the existing zones are being revised to support agricultural activity, tourism related uses and population retention. More permit exemptions are proposed. The Rural Living Zone minimum lot size has been reduced from 8 hectares to 2 hectares.

Council Response:

- There is general support for the changes proposed. There is the potential for positive outcomes in relation to tourism operations and the ability for the expansion of existing uses for garden supplies, materials recycling businesses, etc. Council has previously written to the Minister for Planning urging the increase of these in the Farming Zone
- However, there is also potential for conflict arising from agricultural and non-agricultural uses operating in close proximity to each other, such as landscape supply businesses, light industries, etc; which will need to be managed with strong local policies
- Exempting some farming related uses from a permit is welcomed as is the reduced restriction for alterations and extensions to dwelling and farm buildings
- Making fewer uses prohibited and more uses discretionary including retail and commercial uses may have unintended impacts, as may removing the prohibition on different types of accommodation and schools allowing a permit application. This may have upward pressure on rates and constrain a farmer's ability to expand and/or undertake agriculture
- The inclusion of industry could cause industrial 'leakage' out of industrial zone land into cheaper farming zone land
- There will be greater discretion creating inconsistencies in how Section 2 use is dealt with across the state and the likelihood of more matters before VCAT
- Council may need a policy response to address the above concerns, ie. Non-rural uses in the Farming Zones, which discourages industrial uses

Residential Zones

Proposed Changes: The existing Residential 1 Zone, Residential 2 Zone and Residential 3 Zone are to be abolished and replaced by three new residential zones: Residential Growth Zone, Residential Zone and Neighbourhood Residential Zone. Changes are also proposed to the existing Low Density Residential Zone so that land can be subdivided into lots of 2000 sqm where sewerage is connected.

Council Response:

- Introducing the three new zones is supported and their clearly distinct purpose is useful

7. MANAGEMENT REPORTS

7.23 Reformed zones proposed by DPCD for Victoria (Continued)

- ResCode should be varied to align to the zone purpose, which would also reduce the cost and time for Council to do further strategic work and amendments
- The changes to the three existing zones is generally supported - Council wrote to the Minister recently with regard to the Low Density Residential Zone to request the ability to vary schedule where reticulated services are provided
- Low Density Residential Zone, Mixed Use Zone and Township Zone are generally acceptable, however create some confusion in terms of the relationship of the LDRZ to the Rural Living Zone
- Conflicts with objective to consolidate activity in centres through expanded range of permit required uses (and not under height limits)
- May work against sustainability, liveability and transport oriented development

Commercial Zones

Proposed Changes: The five existing business zones are proposed to be consolidated into two new commercial zones:

- Commercial 1 Zone - Replaces Business 1, Business 2 and Business 5 Zones
- Commercial 2 Zone – Replaces Business 3 and Business 4 Zones

Council Response:

- The principle of consolidating the Business 1, Business 2 and Business 5 zones to create more vibrant 'multi-use' areas is more reflective of current thinking around commercial centres, and the consolidation of the Business 3 and 4 zones is generally supported. However, Council does not support allowing shops into previous Business 5 areas as this will lead to 'leakage' and will result in increasing the size of the CBD, while reducing its vitality
- The proposed changes have the potential to undermine Council's strategic work relating to the retail hierarchy, and the central objectives of the CBD Strategy. Additionally, office restriction is not supported, as it has the potential to result in more leakage resulting in the decline of the role, function and future of the CBD
- The thinking behind permitting 2000m² supermarkets also needs further consideration. This is a significant floor area for most council areas, and there is concern that such development will be directed away from key commercial centres and undermine the significant work councils have done on structure planning for their main streets and commercial centres.

Industrial Zones

Proposed Changes: All the industrial zones are to be amended. These changes will remove the default floor space area restriction for an office in the Industrial 1 Zone, Industrial 2 Zone and Industrial 3 Zone. It will allow a small scale supermarket of up to 2000sqm in the Industrial 3 zone.

Council Response:

- The removal of office floor space restrictions in the Industrial 1, 2 and 3 zones is generally supported. The way industries now operate is significantly different to previously and this change makes the zones more contemporary.
- The as-of-right supermarkets up to 2000m² in the Industrial 3 zone is not supported, as it has the potential to undermine the industrial uses.

7. MANAGEMENT REPORTS

7.23 Reformed zones proposed by DPCD for Victoria (Continued)

Council Plan/Key Strategic Activity

02 – Encourage sustainable municipal growth and development.

In consultation with the Victorian Government and community stakeholders, we will continue to develop a planning framework that ensures that our growth and development does not compromise our enviable lifestyle

Risk Management

There are no risks associated with providing a comprehensive and considered response from the Council.

Policy Considerations

There are no policy considerations associated with providing a response to the changes to zoning proposed by DPCD.

However, the proposed changes to the planning zones, if they come into effect, may impact significantly on current policies and result in the need to develop a number of new local policies.

Financial Implications

There are no financial implications associated with providing a response to the changes to zoning proposed by DPCD.

It is difficult to quantify the financial implications of the proposed planning zone changes if/when they come into effect, as the impacts may be far-reaching with respect to the implications for CBD investment and potential impacts on rate valuations.

Legal/Statutory Implications

There are no legal or statutory implications of providing a response to the changes proposed by DPCD to the current zones.

If the proposed zones come into effect, they will result in the need for significant changes to the Municipal Strategic Statement and will require the development of new local policies, and the revision of existing ones in order to mitigate any negative effects from the changes.

Environmental/Sustainability Impacts

The impact of the proposed changes to the zones if they are implemented, may include the fragmentation of the CBD, which in turn will affect public and private transport costs in terms of the need for extended travel routes

Social Implications

If the proposed zones are implemented, the likely expansion and dilution of the CBD as a thriving retail core will create a challenge to meet the access needs for those with mobility issues, and will increase reliance on transport to reach retail services. The fragmentation of the CBD may have other social effects, such as weakening the sense of identity and place in the community, if there are a number of different 'central' areas.

Economic Impacts

The implementation of the proposed zones will undermine the CBD Strategy's objectives

7. MANAGEMENT REPORTS

7.23 Reformed zones proposed by DPCD for Victoria (Continued)

of strengthening the CBD area to create a vibrant, safe, active place with passive surveillance integrated into its design.

Consultation

The Planning Department was involved in the preparation of the response from the Council, as DPCD are seeking submissions from Councils at this stage of the process. The Department of Planning and Community Development will engage with the broader community at a later stage of the process.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

Settlement and Housing

1. To provide for sufficient suitable additional land for urban growth

b) Other strategic links

Planning Department Plan – 2012/13

2. Encourage sustainable municipal growth and development

Options for Consideration

- Council agrees to approve the submission by Council officers relating to the planning implications the proposed rezoning may have on the Greater Shepparton municipality, unchanged.
- Council agrees to approve the submission prepared by Council officers relating to the planning implications the proposed rezoning may have on the Greater Shepparton municipality, with some changes.
- Council does not agree to Council officers submitting a response to DPCD in relation to the proposed changes to zoning in Victoria.

Conclusion

Full details of the proposed changes to the zones were made available from 17 July 2012. Councils have until 21 September 2012 to prepare and submit comments and feedback.

A Council Planning Department working group has been formed around the proposed changes to the zones, which aims to pre-empt actions that will be required in the near future to accommodate the changes into the Greater Shepparton Planning Scheme and to mitigate any negative effects that have been identified.

Attachment

Greater Shepparton City Council response to proposed planning zone reform

7. MANAGEMENT REPORTS

FROM THE ORGANISATION DIRECTORATE

7.24 Cussen Park Advisory Committee

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.

Council Officers involved in producing this report

Author: Acting Committees Coordinator

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

Approved by: Acting Director Organisation

Purpose

The Cussen Park Committee of Management was established via resolution by the former Shire of Rodney passed on 1 August 1994. The purpose of this report is to formally revoke the Instrument of Delegation previously issued to the Committee, to re-establish it as an advisory committee of Council and to call for applications from any community members who are interested in joining the committee.

RECOMMENDATION

That the Council:

1. revoke the current Shire of Rodney delegation to the Cussen Park Management Committee dated 1 August 1994
2. establish a Cussen Park Advisory Committee consisting of:
 - a. between five and eleven community representatives, and
 - b. the Manager Sustainability and Environment (in a non-voting role)
3. adopt the Guidelines Applying to the Cussen Park Advisory Committee
4. call for applications for interested community members to join the committee.

Background

On 1 August 1994 the former Shire of Rodney established the Cussen Park Management Committee in order to manage Cussen Park, Tatura on behalf of the Council.

Since the last Council elections held in November 2008 Council officers have been working with the members of the existing committee to assess the relevance, necessity and legality of the committee and to determine the most appropriate structure for the committee. Discussions have centred around the differences between having the committee continue as a Committee of Management established in accordance with section 86 of the *Local Government Act 1989* or changing the committee structure to being an advisory committee of Council.

At a meeting with the current committee members held on Thursday 19 July 2012 it was agreed that the committee is best placed to be formally established as an advisory committee. Once the committee structure and proposed guidelines have been formally

7. MANAGEMENT REPORTS

7.24 Cussen Park Advisory Committee (Continued)

adopted by Council a recruitment process will commence, calling for interested members. It is recommended that the committee be made up of between five and 11 community representatives along with the Manager Sustainability and Environment who will also act as the minute taker.

Council Plan/Key Strategic Activity

Although Cussen Park is not specifically mentioned in the *Council Plan 2009-2013* the establishment of a Committee to advise on the ongoing management of the reserve could be seen to support Objective 18 of the plan: “*Identify and respect our significant cultural and environmental assets*”.

The review of the committee structure and proposed change to creating an advisory committee also supports Objective 35: “*Provide best practice management and administrative systems and structures to support the delivery of Council services and programs*”.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Lack of communication between the committee and Council	Possible	Minor	Low	Council’s Manager Sustainability and Environment will be appointed to the Committee.
Advisory Committee Members not covered under Council’s Insurance Policy	Possible	Minor	Low	All committee members will be required to complete volunteer registration forms prior to commencement in their role.

Policy Considerations

There are no conflicts with existing Council Policies.

Financial Implications

There are no financial implications arising from this proposal. The committee currently controls a bank account and in accordance with the proposed guidelines any funds currently held in that account will be transferred to Council to be held in trust until such time as the committee determines how they would like to spend those funds.

Legal/Statutory Implications

The proposal is consistent with the *Local Government Act 1989* and necessary to ensure compliance with this Act.

In accordance with the *Local Government Act 1989* Council will be unable to advertise the vacant positions on the committee during the Caretaker Period prior to the next Council elections in October 2012. Subject to the resolution passed at this meeting it is proposed to commence advertising following the elections with a report appointing

7. MANAGEMENT REPORTS

7.24 Cussen Park Advisory Committee (Continued)

committee members to be presented to the new Council at the Ordinary Council Meeting scheduled for 19 December 2012.

Environmental/Sustainability Impacts

Cussen Park and its associated wetlands were established to cater for a wide range of passive recreation needs, educational values and to provide partial biological treatment for Tatura's stormwater. The Cussen Park Advisory Committee is being established to provide community input into the development and management of Cussen Park in accordance with the Cussen Park Environmental Management Plan.

Social Implications

Appointing community members to the Cussen Park Advisory Committee will help to build a sense of community as it increases stakeholder participation and pride in their local environment.

Economic Impacts

There are no economic impacts arising from this proposal.

Consultation

Council offices have attended several meetings with the current members of the Tatura Park Management Committee over the last few years to help determine the most appropriate structure for the committee. The proposed Guidelines applying to the Cussen Park Committee have been developed as a result of these discussions. These guidelines allow for the document to be reviewed after the first twelve months of the committee's operation to determine if the guidelines remain relevant and they can be amended at that time if required.

Once the committee structure has been formalised, Council will call for applications from interested community members through advertisements in the Shepparton News and the Tatura Guardian. Additional advertising may be arranged in the Tatura Bulletin subject to advertising deadlines. This will help to ensure that any interested community members have the chance to find out about the opportunity to join the committee.

Once the committee has been established and members appointed genuine consultation will take place between the Committee and Council regarding ongoing management of the facility. All activities undertaken by the committee members in relation to the ongoing maintenance of the facility and the regulating of water flows through the park will not be undertaken without first gaining approval from Council.

7. MANAGEMENT REPORTS

7.24 Cussen Park Advisory Committee (Continued)

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Keep informed	<ul style="list-style-type: none"> • Newspaper advertisements • Consultation with committee members
Consult	Informed, listen, acknowledge	<ul style="list-style-type: none"> • Consultation with existing members when determining proposed committee structure. • Review of guidelines with new committee 12 months after appointment. • Council to consult with the Advisory Committee in relation to the facility including prior to the commencement of any new capital works.
Involve	Work together. Feedback is an input into decision-making.	<ul style="list-style-type: none"> • Council to consult with the committee in relation to management of the facility.
Collaborate	Feedback and advice received from the Committee will be incorporated into decisions the maximum level possible.	<ul style="list-style-type: none"> • Advisory Committee consisting of community members to be appointed. • Manager Sustainability and Environment to be an appointed member of the committee to facilitate collaboration.
Empower	Council will give due consideration to implementation of the committee's recommendations.	<ul style="list-style-type: none"> • Completion of volunteer registration forms by committee members will enable them to be actively involved in minor maintenance and management of the facility. However any actions undertaken by the Committee members such as minor maintenance and regulating water flows will not be done without first obtaining Council approval. • Council will agree to funding requests where possible to enable the committee to undertake desired projects.

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

7. MANAGEMENT REPORTS

7.24 Cussen Park Advisory Committee (Continued)

Strategic Links

a) Greater Shepparton 2030 Strategy

The formalisation of the Cussen Park Advisory Committee will help to support the Environment objectives of the Greater Shepparton 2030 Strategy through the committee's involvement in supporting the management of Cussen Park.

b) Other strategic links

The Cussen Park Environmental Management Plan sets out the roles and responsibilities of the Cussen Park Committee of Management in its capacity as a formal Committee of Management formed by the Council under section 86 of the *Local Government Act 1989*. Although this proposal recommends changing the structure of the committee to that of an advisory committee of Council, the committee will continue to play a key role in helping to support the management plan.

Options for Consideration

During discussions with the existing committee members two options were considered. These were:

1. Re-establishing the committee as a Section 86 Committee with a revised Instrument of Delegation and guidelines.
2. Changing the committee to an advisory committee and having the members complete Volunteer Registration Forms in order to ensure that they are covered under Council's insurance policy.
3. The entire management of Cussen park is the responsibility of the Council and is not run by any form of committee.

The Section 86 option was initially preferred by the existing committee members due to the fact that they currently have a bank account along with the fact that they have a more hands-on role looking after the facility that is the case with members of Council's other advisory committees. Further discussions, however, revealed that aside from those two issues, the committee is effectively running as an advisory committee currently with all decisions being made in consultation with Council's Manager Sustainability and Environment. The committee has no income apart from occasional community donations so it is not necessary for them to actually have their own bank account.

At a meeting of the committee held on 19 July 2012 it was agreed that it would be possible for the committee to change to become an advisory committee as it was possible for the members to complete Volunteer Registration Forms, thus covering them for public and personal liability insurance through Council. At the same time, any funds currently held by the committee in their bank account will be transferred to Council to be held in trust until such time as the Committee determines how they would like to see the funds spent. These funds would be held separately from Council's general operating budget. With these two modifications incorporated into the attached guidelines document, the existing committee members were happy to move forward under the proposed structure.

Another option that could have been considered was bringing the entire management of the facility back in-house with Council making all of the decisions in relation to the future management of the park. This is certainly not the preferred option as it leaves little room for the Tatura community to be involved in the ongoing management of a valuable facility within their area.

7. MANAGEMENT REPORTS

7.24 Cussen Park Advisory Committee (Continued)

Conclusion

The process of reviewing the Instrument of Delegation and Guidelines to the Cussen Park Management Committee began following the 2008 Council elections. The process has taken a considerable amount of time as it was important to consider the implications of the different options available for the future structure of the committee. However, it has now been agreed between Council Officers and committee members that an advisory committee is the best structure for the committee to take in the future. It is therefore recommended that the Council formally establish the Cussen Park Advisory Committee with the attached Guidelines Applying to the Cussen Park Advisory Committee and authorise Council officers to proceed with the member recruitment process following the 2012 Council elections.

Attachment

Guidelines Applying to the Cussen Park Advisory Committee

7. MANAGEMENT REPORTS

7.25 2012/13 Insurance Renewals – Councillor and Officer Liability

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

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

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

Council Officers involved in producing this report

Author: Team Leader Risk Management

Proof reader(s): Acting Manager Corporate Performance

Approved by: Acting Director Organisation

Other: Chief Executive Officer

Purpose

In compliance with section 76 of the *Local Government Act 1989*, Council “must indemnify and keep indemnified each Councillor, member of a Council committee, member of Council staff and any person exercising any function or power on behalf of a Council against all actions or claims (whether arising during or after the term of office or employment of that Councillor or member) in respect of any act or thing done or omitted to be done in good faith in the exercise or purported exercise of any function or power conferred on the Council or Council committee or any Councillor, member of the Council committee or member of Council staff by or under this or any other Act.”

As part of the renewal process for Council’s 2012/2013 insurance portfolio, Council’s “*Councillors / Directors and Officers Liability / Employment Practices Liability*” policy details a significant exclusion as follows:

“Councillor Milvan Muto has been deleted from Councils Councillors / Directors and Officers Liability / Employment Practices Liability” policy for the 2012/2013 renewal due to significant claims experience, where the risk with Councillor Muto has become unacceptable from the insurers perspective.”

Council’s 2012/2013 insurance portfolio became operative on 1 July 2012 and as such Council was working with our Insurer, Zurich to negotiate a solution for coverage as the above exclusion posed varied risks associated with self-insurance of Councillor Muto.

Council at its confidential meeting of the 17 July 2012 resolved as follows:

That Council note that:

- the ‘*Councillors/Directors and Officers Liability/Employment Practices Liability*’ insurance excludes coverage for Cr Muto effective 1 July 2012
- it is now self insured in respect to Cr Muto and ‘*Councillors/Directors and Officers Liability/Employment Practices Liability*’ insurance
- officers will continue to negotiate a suitable solution with Council’s Insurers and Underwriters and/or seek alternate insurance.

Following this meeting The CEO has been in negotiations with Jardine Lloyd Thomson (JLT) councils insurance brokers as well as Zurich as the insurers.

This report provides the conclusion of these negotiations with both entities

7. MANAGEMENT REPORTS

7.25 2012/13 Insurance Renewals – Councillor and Officer Liability (Continued)

RECOMMENDATION

That the Council:

1. note that the amendments to Councils 'Councillors/Directors and Officers Liability/Employment Practices Liability' insurance coverage
2. request Cr Muto to provide written advice to
 - a. Zurich as soon as possible of any circumstances that he may have been aware of before 30 June 2012 that may subsequently give rise to a claim against him in the future.
 - b. Zurich as soon as possible of any claim that may have been made against him before 30 June 2012.
 - c. Council as soon as possible of any circumstances that he may have been aware of before 30 June 2012 that may subsequently give rise to a claim against him in the future.
 - d. Council as soon as possible of any claim that may have been made against him before 30 June 2012.

Background

The report provided in the 17 July 2012 in summary detailed the following:

- Council's 2012/2013 insurance portfolio became operative on 1 July 2012 and as such Council currently has no Councillor's Liability insurance in place in respect to Councillor Muto.
- It is unlikely due to past claims history and the current denial of liability that any other Insurer would accept the risks and cover Cr Muto. Further investigations are currently underway to seek alternate insurance.
- JLT put to Zurich a clause for their consideration, which will provide cover to Cr Muto and Council, which reflects S76 of the LGA.
This proposed clause was emailed to Zurich for their consideration. The clause is designed to give Cr Muto and Council full cover under the policy (for the various sections of cover), subject to the important requirements reflected in section 76 of the *Local Government Act 1989*.
- Council would undertake further negotiations with Councils insurer, Zurich to reach a suitable compromise for all parties involved.

The 17 July report detailed the following recommendations:

That Council note that:

- the 'Councillors/Directors and Officers Liability/Employment Practices Liability' insurance excludes coverage for Cr Muto effective 1 July 2012
- it is now self insured in respect to Cr Muto and 'Councillors/Directors and Officers Liability/Employment Practices Liability' insurance

7. MANAGEMENT REPORTS

7.25 2012/13 Insurance Renewals – Councillor and Officer Liability (Continued)

- officers will continue to negotiate a suitable solution with Council's Insurers and Underwriters and/or seek alternate insurance.

Following the 17 July Council meeting the CEO has meet with representatives of JLT and Zurich in an attempt to negotiate an outcome. Both parties were sympathetic to the view provided that the council and the community should not be completely disadvantaged due to the actions of one councillor.

As a result of the negotiations, Zurich has confirmed the following alterations to Councils '*Councillors/Directors and Officers Liability/Employment Practices Liability*' cover:

- The policy will respond to a claim against Cr Muto, if the claim was made prior to 4.00pm 30 June 2012 subject to the following:
 - Policy terms and conditions.
 - Cr Muto notifying Zurich of any circumstances that may activate the policy within the coverage period.
 - Any late notification of an actual claim may not be excluded; however the Insurer can reduce the amount of the claim based on their prejudice of the late notification.
- From 1 July 2012 to 13th August 2012, Cr Muto has no cover under the *Councillors/Directors and Officers Liability/Employment Practices Liability* policy.

In compliance with section 76 of the *Local Government Act 1989*, Council:

“must indemnify and keep indemnified each Councillor, member of a Council committee, member of Council staff and any person exercising any function or power on behalf of a Council against all actions or claims (whether arising during or after the term of office or employment of that Councillor or member) in respect of any act or thing done or omitted to be done in good faith in the exercise or purported exercise of any function or power conferred on the Council or Council committee or any Councillor, member of the Council committee or member of Council staff by or under this or any other Act.”

Therefore Council is required by legislation to indemnify Cr Muto, despite Cr Muto no longer having cover under the *Councillors/Directors and Officers Liability/Employment Practices Liability* policy.

Council however will be able to assess any claim made along the same lines that Zurich does and any claim that it believes is outside the provisions and protections required by the Local Government Act, no liability would exist on council to pay and claim that may be proven. This however will require council to seek legal advice to determine if any liability pursuant to s76 of the act.

Council should write to Cr Muto and request Cr Muto to notify Council of any circumstances that may activate the policy within the coverage period. While any late notification of an actual claim may not mean exclusion Council should advise Cr Muto that this may mean a reduction in the amount of the claim based on their prejudice of the late notification.

7. MANAGEMENT REPORTS

7.25 2012/13 Insurance Renewals – Councillor and Officer Liability (Continued)

- Effective as of 14 August 2012, the Insurer will pay on behalf of Council the financial loss resulting as a consequence of a claim against Cr Muto.

“2. Council reimbursement

We will pay on behalf of the council the financial loss of an insured person which arises from or is a consequence of any claim first made against such insured person during the period of insurance or the extended reporting period (if applicable) but only to the extent the council has indemnified the insured person.”

The above extension will be subjected to the following:

- Policy terms and conditions
- To claims where Council is required to indemnify Cr Muto under Section 76 of the *Local Government Act 1989*.
- The applicable \$100,000.00 excess (applicable to Cr Muto only). Due to the past claims history Zurich will not negotiate any further in lowering the excess.

NOTE: Due to Cr Muto specific exclusion from the policy the higher excess is applicable only to claims brought against him. Should any other claims activate the policy the standard \$5,000.00 excess applies.

Claims

In the instance where a claim is made against Cr Muto, during the policy period leading up until the 30 June 2012 and as per the definition of “claims” under the insurer wording, the *“Councillors / Directors and Officers Liability / Employment Practices Liability”* policy would be triggered and Zurich will continue to insure Cr Muto, subject to the policy, terms and conditions.

The insurer, Zurich, may not refuse to pay the claim by reason of “late notification”, but the insurer’s liability in respect of the claim is reduced by the amount that fairly represents the extent to which the insurer’s interests were prejudiced as a result of the “late notification”.

Zurich may therefore, for example, choose to pay only half of the legal costs etc. if it can establish that they have been prejudiced by that late notification (i.e. legal costs too expensive).

Therefore Council should request Cr Muto to provide

- a. Zurich as soon as possible of any circumstances that he may have been aware of before 30 June 2012 that may subsequently give rise to a claim against him in the future
- b. Zurich as soon as possible of any claim that may have been made against him before 30 June 2012
- c. Council as soon as possible of any circumstances that he may have been aware of before 30 June 2012 that may subsequently give rise to a claim against him in the future

7. MANAGEMENT REPORTS

7.25 2012/13 Insurance Renewals – Councillor and Officer Liability (Continued)

- d. Council as soon as possible of any claim that may have been made against him before 30 June 2012

Council Plan/Key Strategic Activity

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

Risk Management

The amendment to the "*Councillors / Directors and Officers Liability / Employment Practices Liability*" policy have minimised Councils financial risks, however, given the increase of excess for claims brought against Cr Muto, Council will still be liable for the first \$100,000.00 of each claim.

As such, Council is self insured up to \$100,000.00.

Self insurance is the term used to describe a situation whereby Council retains some of its potential financial risks, rather than transfer those risks to a third party.

Self-insurance can potentially leave the organisation exposed to large financial loss associated with impending arising claims. Although as of 14 August 2012, the Insurer will pay on behalf of Council the financial loss as a result of a claim against Cr Muto the applicable excess and volatile claims history still expose Council to the potential large financial loss.

Claims management is unpredictable and not measurable enough to aggregate and estimate the amount that needs to be set aside to pay for future losses.

Risks	Likelihood	Consequence	Rating	Mitigation Action
Financial impact of increased excess (self insurance up to \$100,000.00) and volatile claims history.	A	2	Extreme	Negotiated policy amendments with Insurer decreasing financial risk for claims above \$100,000.00.

Policy Considerations

There are no conflicts with existing Council Policy.

Financial Implications

Financial implications of insurance matters cannot be estimated due to the volatile nature of claims management however, the recent negotiations with Zurich reduce the financial risk associated with this matter.

Legal/Statutory Implications

In compliance with section 76 of the *Local Government Act 1989*, Council:

"must indemnify and keep indemnified each Councillor, member of a Council committee, member of Council staff and any person exercising any function or power on behalf of a Council against all actions or claims (whether arising during or after the term of office or employment of that Councillor or member) in respect of

7. MANAGEMENT REPORTS

7.25 2012/13 Insurance Renewals – Councillor and Officer Liability (Continued)

any act or thing done or omitted to be done in good faith in the exercise or purported exercise of any function or power conferred on the Council or Council committee or any Councillor, member of the Council committee or member of Council staff by or under this or any other Act.”

Therefore Council is required by legislation to indemnify and keep indemnified Cr Muto, despite, Cr Muto no longer having cover under the *Councillors/Directors and Officers Liability/Employment Practices Liability* policy.

Environmental/Sustainability Impacts

There are no known environmental / sustainability impacts associated with the details within this report.

Social Implications

Insurance implications cannot be estimated due to the volatile nature of claims management however, the recent negotiations with Zurich reduce the risks associated with this matter.

Economic Impacts

There are no known economic impacts associated with the details within this report.

Consultation

Only necessary officers have been involved in the development of this report and the resolution of the matter.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

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

b) Other strategic links

No other strategic links have been identified.

Options for Consideration

To consider and approve the recommendation contained with this report.

Conclusion

The negotiated amendments to Councils *Councillors/Directors and Officers Liability/Employment Practices Liability* policy has reduced Council financial loss exposure for claims against Cr Muto.

As detailed throughout this report, restricted coverage for any claims against Cr Muto became operational from 14 August 2012; however the organisation remains exposed to financial loss with the increased excess of \$100,000 per claim for claims directly against Cr Muto.

Attachments

“Councillors / Directors and Officers Liability / Employment Practices Liability” policy.

7. MANAGEMENT REPORTS

7.26 Committees of Management – Appointment of Members

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.

Council Officers involved in producing this report

Author: Acting Committees Officer

Proof reader(s): Acting Manager Corporate Performance and Team Leader Governance

Approved by: Acting Director Organisation

Purpose

The term of appointment for the seven current members of the Lemnos Recreation Reserve Committee of Management is due to expire on 21 September 2012. This report recommends the appointment of a new committee to manage the facility for a term of two years commencing 22 September 2012.

RECOMMENDATION

That the Council:

1. having considered the nominations received for appointment to the Lemnos Recreation Reserve Committee of Management, appoint the following five members for a two year term commencing on 22 September 2012 and expiring on 21 September 2014:

Ron COBBLEDICK
Len DARCY
Jill GUERRA
Vivienne JEFFERY
Robert WATERS

2. resolve that all members (who are not Councillors or nominated Officers) of the Lemnos Recreation Reserve Committee of Management be exempt from the requirement to complete Interest Returns in exercise of power granted to Council under Section 81 (2A) of the *Local Government Act 1989*.

Background

At the Ordinary Council Meeting held on 21 September 2010 five members were appointed to the Lemnos Recreation Reserve Committee of Management. Two subsequent members were appointed at the Ordinary Council Meeting held on 19 April 2011. The term of appointment for the seven members of the Committee is due to expire and it is necessary to appoint a new committee to manage the facility. An advertisement calling for applications to fill between 5 and 11 places on the committee was placed in the Shepparton News and letters were sent to the outgoing committee members encouraging them to reapply. Five applications have been received and these are listed below:

7. MANAGEMENT REPORTS

7.26 Committees of Management – Appointment of Members (Continued)

Ron COBBLEDICK
 Len DARCY
 Jill GUERRA
 Vivienne JEFFERY
 Robert WATERS

It is recommended that all five applicants be appointed to the Lemnos Recreation Reserve Committee of Management for a term of two years.

Council Plan/Key Strategic Activity

This proposal supports the key strategic activity no. 6 of the *Council Plan 2009-2013*: “Council Organisation and Management” it that it helps council to “*deliver best practice management, governance administrative and financial systems that support the delivery of Council programs to the community of Greater Shepparton*”.

Risk Management

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

Policy Considerations

There are no conflicts with existing Council policies.

Financial Implications

There are no financial implications arising from this proposal.

Legal/Statutory Implications

The Lemnos Recreation Reserve Committee of Management has been established under section 86 of the *Local Government Act 1989* and has been issued with an Instrument of Delegation and Guidelines outlining their responsibilities.

The appointment of members of special committees by formal resolution of the Council ensures that the powers, functions and duties delegated to these committees are able to be exercised legally.

Environmental/Sustainability Impacts

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

7. MANAGEMENT REPORTS

7.26 Committees of Management – Appointment of Members (Continued)

Social Implications

The appointment of community members to committees helps to build a sense of community by increasing stakeholder participation and giving community members a greater sense of pride and involvement in their local community.

Economic Impacts

There are no economic impacts arising from this proposal.

Consultation

Letters were sent to outgoing members of the committee inviting them to apply for another term on the committee. They were also encouraged to talk to other members of their community who may be interested in joining the committee.

Advertisements calling for applications from community members interested in joining the Lemnos Recreation Reserve Committee of Management were placed in the Shepparton News on Friday 3 August and 10 August 2012.

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Keep informed	<ul style="list-style-type: none"> • Newspaper advertisements • Website announcement • Letters to outgoing committee members
Consult	Informed, listen, acknowledge	Council will consult with its committees prior to making decisions that relate to the relevant facilities.
Involve	Work together. Feedback is an input into decision-making	Committees provide an important source of feedback for Council to manage their facilities.
Collaborate	Feedback will be incorporated into decisions to the maximum level possible	Council collaborates with its committees when making decisions about facility upgrades and maintenance.
Empower	We will implement what the public decide.	Committees of Management have delegated powers to make decisions in relation to the day to day management of the facilities that they are responsible for.

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

7. MANAGEMENT REPORTS

7.26 Committees of Management – Appointment of Members (Continued)

Strategic Links

a) Greater Shepparton 2030 Strategy

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

b) Other strategic links

There are no other strategic links applicable to this proposal.

Options for Consideration

Councillors could choose not to appoint all or some of the applicants to the Lemnos Recreation Reserve Committee of Management.

Conclusion

It is recommended that Council appoint all of the listed applicants to the committee as it:

- helps to increase the involvement of the local community in the ongoing management of important facilities
- reduces the amount of responsibility on the other committee members, and
- reduces the need for Council to directly manage the facility.

Attachments

Nil.

8. TABLED MOTIONS

8.1 Itinerant Traders Policy and Procedures

At the Ordinary Council Meeting held on 21 August 2012 Cr Houlihan moved:

Moved by Cr Houlihan
Seconded by Cr Hazelman

That some urgent business be considered today as it was an item that was listed on the previous Council Agenda, and a motion was moved about the Itinerant Traders Policy that it would be brought back to the August meeting. I believe we should do that as it was part of a resolution, so I would like to ask the Councillors to consider that as urgent business today.

CARRIED

At the Ordinary Council Meeting held on 21 August 2012 Cr Houlihan then moved, a second motion:

Moved by Cr Houlihan
Seconded by Cr Dobson

I move that, in the view of the recent feedback received on the Itinerant Traders Policy that the matter is laid on the table for one month until such information from the recent community consultation is adequately assessed and considered.

CARRIED

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

RECOMMENDATION

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

The Itinerant Traders Policy originally went to the Ordinary Council Meeting held on 17 July 2012.

8. TABLED MOTIONS

8.2 Itinerant Traders Policy and Procedures

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.

Council Officers involved in producing this report

Author: Manager Sustainability and Environment

Proof reader(s): Manager Sustainability and Environment

Approved by: Director Sustainable Development

Purpose

The purpose of this report is to provide the council with a proposed Itinerant Traders Policy with associated procedures for adoption.

RECOMMENDATION

That the Council adopt the proposed Itinerant Traders Policy and Procedures.

Background

The Council had an Itinerant Traders Policy that lapsed in 2009. As a result of an approach by two people who wanted to undertake trading from food vans on council managed property a decision was made to have this determined by the council due to the lapsed policy. In the meantime a current operator operating without a valid permit was instructed to cease operation. This decision was later revised and permission was granted by the then CEO to the current operator to continue to trade. Recent information indicates that the operator may again be in trading. Officers are currently investigating this claim.

Food vans need a Food Act registration to enable them to sell food. They are not allowed to sell cigarettes or alcohol from a food van. If they are to operate from Council owned or managed land they also need a local laws permit. The Itinerant Traders Policy and Procedures allows Council Officers to manage the process of issuing permits.

In determining the Policy, Council Officers had regard to comments made by Vic Police. Vic Police have indicated that as a result of issues surrounding persons within the CBD who gather ostensibly to cause trouble, the police together with the Council, community leaders, liquor licence holders, chamber of commerce members, justice agencies and other interested parties have developed a number of initiatives which are designed to lessen the problems that have and are occurring.

These initiatives include;

- Dedicated uniform foot patrols of the Shepparton CBD on Friday and Saturday evenings, between the hours of 7.00 p.m. and 3.00 p.m. These police members are rostered to provide a visible police presence and to deal with crime and anti-social issues on the streets, which primarily relate to licensed venues. This places an enormous strain on station rostering and is in addition to normal night shift rostering.
- The implementation of a 3.00 a.m. 'lockout' at all late night venues, which significantly reduces the numbers of persons wandering between venues after 3.00 a.m.
- The establishment of the 'Street Rider – Night Bus Service' which has been very successful in reducing the number of persons walking home from late night venues.

8. TABLED MOTIONS

8.2 Itinerant Traders Policy and Procedures (Continued)

- The introduction of targeted operations, utilising specialist police from across the State.
- The recent implementation of a 'Barred Patrons' policy, which effectively means that troublesome patrons will be barred from entering all late night establishments for a specified period of time.
- Targeted enforcement of liquor licensing laws.

Whilst these initiatives are working and have reduced the number of incidences in the streets they are not aimed at reducing the numbers of people at licensed premises. The concerns about the Itinerant Traders include;

1. Congregation of people after licensed premises have closed providing an atmosphere that may lead to assaults and anti-social behaviour.
2. The location of vans in Wyndham Street which can be a hazard with vehicle traffic on a major highway.
3. Patrons leaving venues after 3.00am to grab a quick bite to eat before trying to enter another venue after the voluntary 'lock-out' time and the potential impact this may have on adjacent licensed premises and their staff
4. The presence of food vans outside licensed premises that may attract under-aged youth and others who have been banned from licensed premises
5. Existing permanent food operators are open and cater better for numbers of people seeking food.

Discussions were also had with the manager of a local licensed premises who indicated that they would not support the location of a food van adjacent to their premises. The reason expressed was that once the premises closed for the evening they wished to see their patrons clear the immediate area of their premises. There was also a concern that other persons who were not patrons of their premises may be 'hanging' around these food vans and this may lead to confrontations.

A previous operator and a previous applicant for a food van permit do not support a ban on Food van operations. They both believe that the food vans provide a service to the community especially those who have been attending nightclubs. This was also evidenced by a number of people who attended the recent public meeting.

The lapsed Itinerant Traders Policy only allowed the operation of food vans and other forms of itinerant traders at specific locations including two at the Victoria Park Lake (one opposite Hayes Street within the park and one adjacent to the car park at the northern end of the lake), one in the Maude Street Mall and one at Ferrari Park in Mooroopna. These sites were identified for use during daylight hours. The Policy required the calling for tenders to operate for all sites. This was never undertaken as the demand has not, until recently, been there. It also allows for only two food vans to operate within residential areas of the Municipality (these are typically ice cream vendors operating during daylight hours). Both the previous operator and one of the previous applicants would like to see the availability of operation with sites being identified in Wyndham Street (where the current operator operates from) and in High Street outside Corporate Express.

Following the additional consultation the following key themes emerged;

- Impact on food businesses in the Victoria Park Lake precinct
- Concern about food vans on amenity of Victoria Park Lake after recent redevelopment
- Positive role of late night trading provides to late night revellers

8. TABLED MOTIONS

8.2 Itinerant Traders Policy and Procedures (Continued)

- Inflexibility surrounding set sites within CBD

In the proposed Itinerant Traders Policy and associated Procedures sites have been identified in the following areas:

1. Ferrari Park – Mooroopna – one site
2. 2 sites within Shepparton's CBD – to be determined after consultation with successful tenderers and a Council Authorised Officer.

Permits will still be offered through a tendering process that will occur on an annual basis. Where there is an event approved by a council in an area where there may be an itinerant trader operating, the itinerant trader will be able to continue to trade during the event.

Coffee vans and 'smoko' vans will not be covered by this policy as they operate on private property when they call at business place of works.

Council Plan/Key Strategic Activity

Community Life – develop and pursue strategies to improve community health and wellbeing

Economic development – pursue opportunities to increase the range of businesses and industries in the region to further strengthen our economy

Risk Management

The risks associated with Itinerant Traders operating include public safety issues and littering.

Risks	Likelihood	Consequence	Rating	Mitigation Action
Litter	Almost certain	Minor	Moderate	Conditions on permit
Public safety issues	Likely	Moderate	Moderate	Conditions on permit

Policy Considerations

The Policy represents a direction for Council to continue in managing Itinerant Traders for a period of three years prior to review.

Financial Implications

It is not expected that the adoption of the policy will have an impact on the financial resources of the Council. Income may be derived through the tendering process but it is expected that this will be offset by issuing of permits and occasional patrols of sites.

Legal/Statutory Implications

The permit system will operate under the Council's Local Law No. 1 – Community Living

Environmental/Sustainability Impacts

Litter has a potential impact on the environment with excess litter potentially being washed into Council's drainage system and eventually into the river. This will be managed by conditions on the permit.

8. TABLED MOTIONS

8.2 Itinerant Traders Policy and Procedures (Continued)

Social Implications

During the consultation process it was evident that the current itinerant trader provides a social focus for late night patrons and it was apparent that this focus was a positive benefit to young people.

Economic Impacts

It is difficult to determine what economic impact the provision of itinerant traders provide to the district economy.

Consultation

In developing this paper that author spoke to representatives from Vic Police, a representative from a licensed premises, Council Officers, a previous applicant and a previous operator.

A public meeting was held on Wednesday 15th August to further consider this matter. The information that has been received from Council both through the meeting and via normal Council feedback channels. A copy of letters and comments received as well as the feedback received at the public meeting has been provided to the Council.

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Keep informed	Flyer distribution
Consult	Informed, listen, acknowledge	Public meeting
Involve		
Collaborate		
Empower		

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

Strategic Links

a) Greater Shepparton 2030 Strategy

This matter is not inconsistent with the *Greater Shepparton 2030 Strategy*.

b) Other strategic links

Council's Community Living Local Law No. 1.

Options for Consideration

Not to adopt the policy and procedure in its current form.

Conclusion

That Council adopt the proposed Itinerant Traders Policy and Procedures.

Attachments

1. Copy of proposed Itinerant Traders Policy
2. Copy of proposed Itinerant Traders Procedures

9. REPORTS FROM COUNCIL DELEGATES TO OTHER BODIES

10. REPORTS FROM SPECIAL COMMITTEES AND ADVISORY COMMITTEES

11. NOTICES OF MOTION, AMENDMENT OR RESCISSION

12. DOCUMENTS FOR SIGNING AND SEALING

Disclosures of Conflicts of interest in relation to advice being provided in this report:

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

Memorandum of Understanding (MOU) – This is a MOU between Greater Shepparton City Council and the State Revenue Office (SRO) for the provision of valuation data by the Council to the SRO for the 2012-2013 Valuation Cycle. The purpose of this agreement is to facilitate the provision of valuations of land by the Council to the Commissioner of State Revenue, to apply site values for land tax assessment purposes. It also outlines the payment of fees by the Commissioner to the Council for these valuations.

RECOMMENDATION

That the Council authorise the Chief Executive Officer to sign and seal the Memorandum of Understanding between Greater Shepparton City Council and the State Revenue Office (SRO) for the provision of valuation data by the Council to the SRO for the 2012-2013 Valuation Cycle.

13. COUNCILLOR ACTIVITIES

Councillors' Community Interaction and Briefing Program

Councillor's Community Interaction and Briefing program 7 August 2012 – 7 September 2012

- Morning Tea reception with Japanese Students (Cultural Exchange Wanganui Secondary College)
- Meeting with Corio Street Residents
- Weeknights covering story on SAM Museum Award
- Meeting Shepparton Show Me - Reference Panel Group
- Older Person's Advisory Committee Meeting
- Tatura Urban Fire Brigade Dinner
- Scouts 50th Anniversary Celebration [North Shepparton Scout Group]
- Greater Shepparton Flood Recovery - Community BBQ & Recovery Update – Congupna
- Shepparton Library - Annual General Meeting
- Greater Shepparton Flood Recovery - Community BBQ & Recovery Update – Tallygaroopna
- Shepparton Art Museum Advisory Committee Meeting
- RiverConnect Implementation Advisory Committee
- L2P meeting
- Moira Councillor Information Session
- Presenting to the Shepparton South Rotary Club
- Greater Shepparton Flood Recovery - Community BBQ & Recovery Update – Katandra
- Public Consultation for Itinerant Traders Policy
- Lucy Scott's Honorary Dinner
- Municipal Health Panel Meeting
- Deakin Reserve Committee of Management meeting
- Shepparton Show Me Committee monthly meeting
- Greater Shepparton Safer Communities Advisory committee
- Goulburn Valley Vietnam Veterans Association – Shepparton Memorial Park
- Speaking role at the opening of the Battle of the Bands
- Mooroopna - 'Buy Local Campaign'
- Australian National Piano Awards - Cocktail Party Launch
- Opening and Launch of the Variety Bash 2012
- GV BRaIN Dinner - Michael Malthouse
- 67th Anniversary of the Independence Day of the Republic of Indonesia
- Goulburn Valley Regional Waste Management Group
- Best Start - Municipal Best Start Early Years Plan
- TruckWeek 2012 at Graham Thomson Motors
- Tatura Community House – AGM
- Presentation to the Shepparton High School - Year 12 students on the Murray Darling Basin Plan
- Monash Park Underpass Mural Project - Panel Meeting
- RCV | Celebrating Regional Cities Week
- Family Care - Father of the Year Awards
- MDBP - Minister Peter Walsh – meeting in Cohuna
- Shepparton 'Big Blokes' Luncheon
- Italian Social Club - Fathers Day

13. COUNCILLOR ACTIVITIES

Councillors' Community Interaction and Briefing Program

- Inaugurate Community Program - Malayalee Community (India)
- RedR Humanitarian Logistics Training Course visit to Shepparton Airport
- 2012 Keep Australia Beautiful Victoria - Tidy Towns - Sustainable Community Awards
- Probus Club of Mooroopna Inc
- Farewell Breakfast for Oshu City Students / Mooroopna Secondary College
- Mooroopna Identity Meeting
- VicRoads | Discuss Shepparton Bypass with DoT
- Senior Partners meeting hosted GBCMA
- Dookie Campus Tour for Councillors

Councillor Briefing & SDS

7 August 2012 – 7 September 2012

Councillor Briefing & SDS August – 7 August CANCELLED

All items were rescheduled to the Councillor Briefing on Tuesday 14 August

Councillor Briefing & SDS – 14 August

- Corio Avenue - Parking Options
- Corio Avenue - Parking Option (with the Corio Avenue Residents)
- Councillors Caretaker Training
- Shepparton Show Me Reference Group - Appointed Members
- Proposed Sister City Relationship - Korce, Albania
- Shepparton Hotel Signage
- Commo's Metals
- Draft Municipal Fire Management Plan
- Proposed Shared Services - Strathbogie & Moira Shires

Councillor Briefing & SDS – 21 August

- Cultural Heritage Award Guidelines & Awards 2013
- Cussen Park Advisory Committee - Establishment of Committee
- Older Person's Advisory Committee - Terms of Reference
- Disability Advisory Committee - Terms of Reference
- Contract 1382 - SAN & Blade Renewal Tender
- Commo's Metals [Condition's paperwork]
- Defined Benefits Superannuation
- Financial Report to the Councillors

Ordinary Council Meeting – 21 August

Councillor Briefing & SDS – 28 August

- Safe City Camera Project
- Sustainability & Environment Discussion Paper
- Council Plan Consultation
- Youth Strategy
- Best Start Early Years Plan
- Launch of Mooroopna Men's Shed
- Special Meeting
- Amendment C159 [GMW rezoning in Tatura]
- Amendment C163 [Kialla rezoning from R1Z - B4Z]

13. COUNCILLOR ACTIVITIES

Councillors' Community Interaction and Briefing Program

- Reformed Zones proposed by DPCD for Victoria
- Shepparton Club Relocation
- Vaughan Street Precinct
- Shepparton North East Growth Corridor
- BBRC Mooroopna Growth Corridor
- Shepparton Aerodrome
- Draft - Municipal Fire Plan
- Future of Shell Service Station
- Shepparton Town Entry

Councillor Briefing & SDS – 4 September

- Isabelle Pearce kindergarten
- Advocacy Act surrounding Councillor Conduct
- Financial Statements - Standard & Performance
- 2012 General Valuation
- Council Budget Review
- Defined Benefits Superannuation

RECOMMENDATION

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

Attachments

Assemblies of Councillors Records:

- Health and Wellbeing Panel Meeting Two - 15 February 2012
- Health and Wellbeing Panel Meeting Three – 18 April 2012
- Disability Advisory Committee – 22 June 2012
- Heritage Advisory Committee – 9 July 2012
- Older Persons Advisory Committee – 13 July 2012
- Health and Wellbeing Panel Meeting Four – 18 July 2012
- Disability Advisory Committee – 27 July 2012
- RiverConnect Implementation Advisory Committee Meeting – 15 August 2012
- Women's Charter Alliance Advisory Committee Meeting – 20 August 2012
- Councillor Briefing – 21 August 2012
- Councillor Briefing – 4 September 2012
- Health and Wellbeing Panel Meeting One – 19 September 2012

The minutes from the meetings of the Older Person's Advisory Committee held on 13 July 2012, the Disability Advisory Committee meetings held on 22 June, and 27 July 2012, the Heritage Advisory Committee meeting held on 9 July 2012 and the Health and Wellbeing Panel meetings held on 15 February, 18 April and 18 July 2012 were inadvertently omitted from previous Council Meeting Agendas so are now included for the information of Councillors and the public.

14 URGENT AND OTHER BUSINESS NOT INCLUDED ON THE AGENDA

15. PUBLIC QUESTION TIME

16. CONFIDENTIAL MANAGEMENT REPORTS

16.1 Designation of Confidentiality of Information – Report Attachments

RECOMMENDATION

In accordance with section 77(2)(b) of the *Local Government Act 1989* (the Act) the Council designates as confidential all documents used to prepare the following agenda item 6.1 'Shepparton Airport – Business Case for Relocation of the Shepparton Airport' 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:

16.2 Designation of Confidentiality of Information

RECOMMENDATION

That pursuant to section 89(2)(d) of the *Local Government Act 1989* the Council meeting be closed to members of the public for consideration of a confidential item.

16.3 Building Better Regional Cities - Acquisition of Land in the Mooroopna West Growth Corridor

16.4 Vaughan Street Road Works

16.5 Reopening of the Council Meeting to Members of the Public