

MINUTES

FOR THE
GREATER SHEPPARTON CITY COUNCIL

ORDINARY COUNCIL MEETING

HELD ON
TUESDAY 19 FEBRUARY 2013
AT 5.30PM

IN THE COUNCIL BOARD ROOM
90 WELSFORD STREET

COUNCILLORS:

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

VISION

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

M I N U T E S
FOR THE
ORDINARY COUNCIL MEETING
HELD ON
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CHAIR
CR JENNY HOULIHAN

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RISK LEVEL MATRIX LEGEND

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

Likelihood	Consequences				
	Negligible (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

PRESENT: Councillors Jenny Houlihan, Les Oroszvary, Dennis Patterson,
Michael Polan, Fern Summer and Kevin Ryan

OFFICERS: Gavin Cator – Chief Executive Officer
Steve Bowmaker – Director Infrastructure
Justin Finlayson – Director Business
Stephen O’Kane – Director Organisation
Simon Rose – Acting Director Sustainable Development
Kaye Thompson – Director Community
Fiona Sawyer – Official Minute Taker
Sharlene Still – Assistant Minute Taker

1. ACKNOWLEDGEMENT

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

2. APOLOGIES

3. 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.

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

**Moved by Cr Polan
Seconded by Cr Oroszvary**

That the Minutes of the Ordinary Council Meeting held on 18 December 2012, as circulated, be adopted.

CARRIED

5. DEPUTATIONS AND PETITIONS

On Wednesday 12 December 2012 a deputation consisting of Gavin Cator and Cr Jenny Houlihan presented to the following ministers at Parliament House, Melbourne:

- Minister Hall, Minister for Education and Higher Skills - Brief on Greater Shepparton Greater Future
- Minister Mulder, Minister for Public Transport - Brief on Greater Shepparton Greater Future
- Minister Lovell - Brief on Greater Shepparton Greater Future

Moved by Cr Oroszvary
Seconded by Cr Patterson

That the deputation be noted.

CARRIED

6. MANAGEMENT REPORTS

FROM THE COMMUNITY DIRECTORATE

6.1 Katandra West Community 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: Strategic Planner - Communities

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

Neighbourhoods Approved by: Director Community

Purpose

Over recent months, the Katandra West Community Plan Steering Committee, with support from a consultant, conducted extensive community engagement regarding key priorities for Katandra West. Informed by these consultations a draft plan was developed, highlighting the needs, wants and aspirations of the community. A final round of consultation has now occurred on the draft document. The Katandra West Community Plan 2012 is now being presented to Council for endorsement.

Moved by Cr Summer

Seconded by Cr Ryan

That the Council:

1. endorse the Katandra West Community Plan 2012.
2. acknowledge the contribution that the Katandra West Community has made during the creation of the plan.

CARRIED

Background

Currently Council's Community Plan Policy identifies that Community Plan's will be developed for the ten small towns within the municipality. Throughout 2012 Katandra West have been working towards the development of their first Community Plan.

The Katandra West Community Plan Steering Committee was established in February 2012 to oversee and actively assist with the development of the Katandra West Community Plan. A consultant, Communityvibe was appointed to help facilitate the community consultation component of the project and to prepare the final plan. The aim of the committee was to engage with as many community members as possible to ascertain their vision and priorities for the future.

6. MANAGEMENT REPORTS

6.1 Katandra West Community Plan (continued)

The process they followed was:

- A review of previous literature such as Council strategies and policies and other relevant external strategic documents.
- A demographic analysis
- Key stakeholder interviews including coffee van at the local store and football game, children's art exhibition, free community BBQ and key stakeholder meetings
- Community surveys (106 completed)

The information gained from these processes were then analysed to ascertain the demographics and key priorities of the Katandra West community.

Over July and August 2012 there was extensive community consultation that occurred which resulted in 284 individuals contributing their ideas and thoughts, representing 38% of the population. However it is acknowledged that there is a possibility of doubling up if participants chose to go to more than one of the consultative activities. Prior to feedback period (3 weeks) the Draft Community Plan was presented by the consultant to various branches within Council, including but not limited to Planning, Neighbourhoods, Health, Recreation and Parks, Projects, Works and Assets for their feedback.

The Katandra West Community Plan has identified 17 priorities including associated actions to meet these strategies. These include:

- Construction of a skate park
- Construct a Community Centre at the Recreation Reserve
- Events in Katandra West for people of all ages
- Encourage the establishment of more businesses
- Extend the walking / cycling track
- Attract more people to live in Katandra West
- Advocate for improved mobile phone reception
- Improve storm water drainage to reduce potential of flooding
- Further development of the Recreation Reserve
- Advocate for improvements to all roads
- Advocate for improvements to footpaths
- Improve street lighting.

These key strategy areas identify a range of diverse priorities to be undertaken, some requiring limited resources (funding or otherwise), larger funding resources, advocacy roles and community capacity building opportunities.

Council Plan/Key Strategic Activity

The endorsement of the Katandra West Community Plan is linked to Council Plan 2009 – 2013, in particular the following objectives:

- Council Organisation and Management

Risk Management

The endorsement of the Katandra West Community Plan will strengthen community planning and result in reduced risk for Council.

6. MANAGEMENT REPORTS

6.1 Katandra West Community Plan (continued)

Risks	Likelihood	Consequence	Rating	Mitigation Action
Community expectation that all initiatives will be funded by Council	C	4	Low	Ensuring that the community are aware of budget constraints and processes.
Community do not drive the implementation of the plan	C	4	Low	The community have been extensively consulted and the Steering Committee will drive its implementation.

Policy Considerations

The endorsement of the Katandra West Community Plan creation will support existing Council policies.

Financial Implications

The endorsement of the Katandra West Community Plan is set within the Council context of existing financial constraints. Community planning priorities requiring funding will be assessed through the Community Plan Implementation Budget, state and federal funding and /or philanthropic trusts. It is anticipated that the Community will provide in kind support (materials, labour, financial) to the implementation of these priorities.

	2012/2013 Approved Budget for this proposal*\$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue	N/A	N/A	N/A	There is no revenue associated with the creation of a community plan
Expense	\$40,000 (Total budget allocation for community plan development /review throughout the municipality)	21,159.77	0	The cost of the creation of this community plan aligns with allocated budget
Net Result	\$40,000	21,159.77	0	Costs of implementing the Katandra West Community Plan will be subject to individual project proposals

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

6. MANAGEMENT REPORTS

6.1 Katandra West Community Plan (continued)

Legal/Statutory Implications

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

Environmental/Sustainability Impacts

The endorsement of the Katandra West Community Plan will not have any environmental impacts.

Social Implications

The Katandra West Community Plan 2012 has been developed in consultation with the wider community ensuring that the plan is reflective of the needs and aspirations of the local community. With community members identifying and developing priorities for their town it demonstrates asset based community development and ensures an ongoing commitment to the implementation of the plan, driven by the people who live there. The plan identifies many social benefits to the local community including connectivity through activities, community information distribution and facilities such as skatepark, recreational equipment such as playground, walking cycling track and community centre.

Economic Impacts

The Katandra West Community Plan 2012 includes initiatives such as promoting and developing the local economy through encouraging the establishment of new businesses.

Consultation

The Katandra West Community Plan has been developed from extensive consultation with the Katandra West community. A survey was distributed to every household in Katandra West and the surveys were also used as part of one on one interviews conducted in front of the general store and at a football match. A total of 106 surveys were completed. An art exhibition occurred where children at the local kindergarten and school developed a piece of art depicting their vision for Katandra West in the future. A total of 107 artworks were obtained and 145 community members attended the art exhibition. Further stakeholder meetings occurred with 23 community based clubs and organisations.

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Keeping the community informed about the development of the community plan	Surveys Flyers
Consult	Discuss ideas for future priorities for the town	Community consultation events such as coffee consultation at the local store and art exhibition / community BBQ.
Involve	Feedback is an important input into decision making	Three week feedback period for community members to make comment on the draft community plan document.

6. MANAGEMENT REPORTS

6.1 Katandra West Community Plan (continued)

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Collaborate	Feedback will be incorporated into decisions to the maximum level possible We will implement what the community decides	Partnership between Council and Katandra West Community Plan Steering Committee. Collaborate through meetings. Workshops with the community. With the assistance of Council/ consultant the community have develop this plan.
Empower	The Katandra West community have ownership of this plan and will actively drive the priorities within it.	Plan is endorsed and not adopted by Council thus creating community ownership.

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

b) Council Plan 2009 - 2015

Key Strategic Objective 6 – Council Organisation & Management

Number 31: Engage our community when making decisions.

Continue to develop small town and other community plans across the municipality and foster a shared vision for the future.

b) Other strategic links

Greater Shepparton City Council – Community Development Framework

Greater Shepparton City Council – Community Engagement Strategy

Greater Shepparton City Council – Community Plan Implementation Policy

Options for Consideration

Option 1: Do nothing

This option would not be preferable as it would not meet expectations of the Katandra West community and cause significant community angst given the community has and will continue to drive the plan.

Option 2: Council adopt not endorse the Katandra West Community Plan

By adopting (rather than endorsing) the Katandra West Community Plan, Council would take full responsibility and implementation of the plan, therefore not building the community's capacity. The Katandra West Community Plan has been lead by the Katandra West community in partnership with an external consultant and Council staff. This option does not align with Council's current community planning processes.

Option 3: Endorse the Katandra West Community Plan

Endorsing the Community Plan will ensure that the priorities and goals of the Katandra West community are captured within this strategic document and used to drive the implementation of initiatives.

6. MANAGEMENT REPORTS

6.1 Katandra West Community Plan (continued)

Conclusion

The Katandra West Community Plan has been developed through widespread consultation with the local community. This process has been driven by the community through the Katandra West Community Plan Steering Committee with support from Communityvibe and Council staff. The draft document has also been presented to key internal stakeholders such as Planning, Neighbourhoods, Health, Recreation and Parks, Projects, Works and Assets for their feedback.

This plan should be endorsed by Council to ensure that the actions, initiative and priorities that have been identified are highlighted within this strategic document, providing a platform to progress.

Attachments

1. Katandra West Community Plan
2. Katandra West Community Plan Appendix

6. MANAGEMENT REPORTS

6.2 Community Matching Grants 2012/2013

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: Community Development Officer

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

Approved by: Director Community

Purpose

The Community Matching Grants Scheme (CMG) has a total budget of \$50,000 for the 2012 /2013 financial year. Over November and December 2012, Round Two for 2012/2013 was advertised with a total of 27 applications received. The applications were assessed by an internal review panel and the Executive, who have recommended 13 projects be funded. Council is asked to review and approve these recommendations for funding.

Moved by Cr Oroszvary

Seconded by Cr Patterson

That Council:

- approve the funding of 13 projects, as detailed below to the value of \$24,171.40, representing Round Two of the 2012/2013 Community Matching Grants Scheme:

Organisation	Project	Allocation
Australian Breast Feeding Association	Outdoor Play area/equipment	\$1655.40
Dookie Men's Shed	Formation of a Men's Shed	\$500
Dookie United Football/Netball Club	Mum's Returning to Netball	\$2238
Faith & Light	Community Lunch	(part-funded) \$1100
GV Hospice Care	Palliative Care Week Event	\$2500
Mooroopna Men's Shed	Raised Garden Bed	\$350
Murchison Tennis Club	Accessible Drinking Fountain	\$2100
Shepparton South Girl Guides	Camping Program	\$2000
Tatura Community House	Monster Garage Sale	\$2500
Tatura Men's Shed	Men in the Kitchen	\$2500

6. MANAGEMENT REPORTS

6.2 Community Matching Grants 2012/2013 (continued)

Tatura Rotary Community Art Show	Nursing Homes Day	\$1728
Toolamba Recreation Reserve	Beautification Project	\$2500
Undera Primary School	Linking the Generations	\$2500
	TOTAL	\$24,171.40

2. write to the unsuccessful applicants notifying them of the decision and encouraging further contact with a Council staff member for future applications.

Amendment moved by Cr Polan Seconded by Cr Ryan

Organisation	Project	Allocation
Australian Breast Feeding Association	Outdoor Play area/equipment	\$1655.40
Dookie Men's Shed	Formation of a Men's Shed	\$500
Dookie United Football/Netball Club	Mum's Returning to Netball	\$2238
Faith & Light	Community Lunch	(part-funded) \$1100
GV Hospice Care	Palliative Care Week Event	\$2500
Mooroopna Men's Shed	Raised Garden Bed	\$350
Murchison Tennis Club	Accessible Drinking Fountain	\$2100
Shepparton South Girl Guides	Camping Program	\$2000
Tatura Community House	Monster Garage Sale	\$2500
Tatura Men's Shed	Men in the Kitchen	\$2500
Tatura Rotary Community Art Show	Nursing Homes Day	\$1728
Toolamba Recreation Reserve	Beautification Project	\$2500
Undera Primary School	Linking the Generations	\$2500
Friends of the Botanic Gardens	Container Upgrade and Communication Equipment	\$1000
	TOTAL	\$25,171.40

Cr Houlihan left the Chair to speak to the motion and Cr Oroszvary assumed the Chair.

Cr Houlihan resumed the Chair

6. MANAGEMENT REPORTS

6.2 Community Matching Grants 2012/2013 (continued)

The amendment was put and lost.

The original motion was put and carried.

Background

Greater Shepparton City Council launched the Community Matching Grants program in September 2011. Community Matching Grants are designed to support projects originating from the Greater Shepparton community which:

- Build new social connections and partnerships within communities, or reinforce those that already exist.
- Allow participation in a community activity, at all stages of the project from planning to completion.
- Enable community members to acquire or develop a new skill.
- Create, renew or revitalise places and spaces within the community.
- Where possible, make the event or project accessible for all people within the community.
- Where appropriate, provide information showing that the project or event is sustainable for the future.

Grants are available to a maximum of \$2,500 with each project required to provide a 'matching' component of the total project cost, either through a cash or in-kind (material or labour) contribution. The scheme wishes to be as flexible as possible regarding matching funding so there are no concrete rules about the size of the matching contribution. As a guide, however it is anticipated that the group applying will contribute around half of the total project cost, with no more than half of the applicant's contribution being in-kind. The ability to provide financial and in-kind support to a project by the applicants is taken into account during the review process to ensure a fair distribution of grant funds.

The current round opened on 13 November 2012, closing on 21 December 2012. The 27 applications received were considered at a meeting of the Grant Review Panel on 9 January 2013. The panel included representation from a range of internal Council Departments, Teri Bennet-Meyer (Neighbourhoods), Claire Tarelli (Planning), Geraldine Christou (Investment Attraction), Travis Turner (Sustainability and Environment), Colin Gleeson (Recreation & Parks), Sally Rose (Children & Youth Services) and Carrie Donaldson (Art, Tourism & Events).

Anna Janson (Acting Grants Officer/Investment Attraction) and Heather East (Community Development Officer/Neighbourhoods) were in attendance to support the process.

The Panel recommended that 14 applications should receive funding under this round of Community Matching Grants:

The recommendations of the panel were reviewed at the January 21 meeting of the Council Executive team. The recommendation from the panel was overruled for one project, as an annual allocation of funding was already provided by Council.

6. MANAGEMENT REPORTS

6.2 Community Matching Grants 2012/2013 (continued)

The following 13 applications are recommended for funding. All recommended applications meet the eligibility requirements.

- Australian Breast Feeding Association – Outdoor Play area/equipment - \$1655.40
- Dookie Men's Shed – Formation of a Men's Shed - \$500
- Dookie United Football/Netball Club – Mum's Returning to Netball - \$2238
- Faith & Light – Faith & Light Community Lunch - \$1100 (part-funded)
- GV Hospice Care – Palliative Care Week Event - \$2500
- Mooroopna Men's Shed – Raised Garden Bed - \$350
- Murchison Tennis Club – Accessible Drinking Fountain – \$2100
- Shepparton South Girl Guides – Camping Program - \$2000
- Tatura Community House – Monster Garage Sale - \$2500
- Tatura Men's Shed – Men in the Kitchen - \$2500
- Tatura Rotary Community Art Show – Nursing Homes Day - \$1728
- Toolamba Recreation Reserve – Beautification Project - \$2500
- Undera Primary School – Linking the Generations - \$2500

The following 14 applications were unsuccessful. The unsuccessful applicants will be notified in writing and encouraged to arrange a convenient time to discuss their application in more detail with a Council staff member.

- Christmas for those Alone Association – Christmas Day Lunch - \$2500
- Friends of Botanical Gardens – Container upgrade/ communication equip - \$1000
- GV Afghan Association - The Centre for Dari Persian Studies - \$2500
- GV Afghan Association - Nehal Newsletter - \$2500
- GV Health Foundation – Biennial Open Day & Fun Fair - \$2500
- GV Show Jumping Club – Tatura Indoor Show Jumping Classic - \$2500
- GV University of the Third Age Inc – Defibrillator and Training - \$1100
- Kialla West Recreation Reserve – Playground Seating – \$1553.20
- Kialla West Tennis Club – Tennis Court Seating - \$1765.20
- Little Steps Playgroup – Playgroup Room Renovation - \$2500
- Mooroopna Education & Activity Centre – Celebrating 30 years - \$1960
- Mooroopna Harness Racing Club – Community Gala Day - \$2500
- Murchison Primary School – Master Plan for the School Building and Grounds - \$2500
- Vision Australia – Participation Pathways – \$2090

Council Plan/Key Strategic Activity

The endorsement of the Community Matching Grants is intrinsically linked to the Council Plan 2009 - 2013, in particular the following objectives:

- Community Life

Risk Management

Potential exists for adverse consequences while projects are being carried out by community groups. All grantees will be required to consult fully with Council representatives prior to, and during their projects to identify any potential adverse consequences, and to devise a strategy to minimise any risks. Applicants have been asked to confirm that they have necessary public liability insurances for projects where activities are being undertaken by the Grantees themselves. This will be confirmed prior to the release of any funds.

6. MANAGEMENT REPORTS

6.2 Community Matching Grants 2012/2013 (continued)

Risks	Likelihood	Consequence	Rating	Mitigation Action
Community expectation that all initiatives will be funded by Council	C	4	Low	Ensuring that the community are aware of budget constraints and processes
Community do not complete their project	D	4	Low	The community have been consulted and Community Development Officers are available to assist/advise applicants during the grant writing, implementation and acquittal process.
Perception that Council is responsible for project liability	C	4	Low	Grant recipients will provide their own Public Liability Insurance which will reduce risk for Council

Policy Considerations

The endorsement of the Community Matching Grants will support existing Council policies.

Financial Implications

Council has committed a total of \$50,000 for the 2012/2013 financial year for the Community Matching Grants scheme. It is recommended that \$24,171.40 is approved for 13 projects in Round Two. Each of the 13 grants incorporates a matching component of up to 50 per cent where the community group share the costs with Council. This matched contribution may be financial or in kind (labour or materials).

	2012/2013 Approved Budget for this proposal*\$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue	N/A	N/A	N/A	There is no revenue associated with Community Matching Grants

6. MANAGEMENT REPORTS

6.2 Community Matching Grants 2012/2013 (continued)

	2012/2013 Approved Budget for this proposal*\$	This Proposal \$	Variance to Approved Budget \$	Comments
Expense	\$50,000	\$24,171.40	\$ 8,926.40	Allocated budget is \$50,000.
Net Result	\$50,000	R1 - \$34,755.00 R2 - <u>\$24,171.40</u> <u>\$58,926.40</u>	Nil	This is the final round for the 2012/2013 financial year. All funds are expended.

* 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 Community Matching Grants Scheme is consistent with the *Local Government Act 1989* and the *Victorian Charter of Human Rights and Responsibilities Act (2006)*.

Environmental/Sustainability Impacts

The approval of recommendations for the Community Matching Grants will not have any environmental impacts.

Social Implications

The diversity of projects recommended for approval provides many opportunities for the community to engage in activities that will improve community connections and enhance the social capacity of individuals and families in the community. The applications target a broad range of age groups from early year's playgroups, projects targeting seniors and those with disabilities, to projects that have whole of community outcomes. All projects recommended are community driven initiatives that will be implemented by groups in the community bringing a sense of ownership and pride. Community infrastructure and facilities will also see additional equipment and renovations improving places for the community to meet and enjoy recreation activities.

Economic Impacts

Some of the recommended grants include projects which will promote local business and support the economy of small communities e.g. Tatura Monster Garage Sale day.

Consultation

On release of the current grant round on 13 November 2012, the grant was advertised to the wider community through Council's webpage, social media as well as the information being distributed to local community groups. In addition, four information sessions were held across the municipality to allow groups the opportunity to hear more about the grant

6. MANAGEMENT REPORTS

6.2 Community Matching Grants 2012/2013 (continued)

process and to talk with Council Officers about their ideas. These sessions were held in November 2012 in Tatura, Dookie and two sessions in Shepparton.

There has been discussion with a broad range of Council departments through participation in the Grants Review Panel.

The recommendation was presented to Executive on 21 January 2013 and to Councillors on 29 January 2013.

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Ensuring that the information about the application process was widespread.	Media Release Website Social Media
Consult	Grant information sessions in three different towns to assist with the application process.	Information sessions x 4
Involve	Community Development Officers provided assistance to community groups with the application process	Consultation on individual basis
Collaborate	Successful community groups / members will be responsible for the implementation of their projects which will provide the opportunity for community capacity building	Successful applicants will drive their own community initiative.
Empower	Whilst decision making regarding successful grant application is made by Council, community groups will be responsible for the delivery of projects.	Community groups will drive the delivery of their projects

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

b) Council Plan 2009 - 2013

Community Life

Greater Shepparton City Council – Community Development Framework

Greater Shepparton City Council – Community Engagement Strategy

Greater Shepparton City Council – Community Plan Implementation Policy

Options for Consideration

Option 1 – Council only approve some of the applications recommended by the Grant Review Panel

The Grant Review Panel has extensively reviewed the grant applications and made informed recommendations. To only fund some of the applications would limit Council's potential to take advantage of the communities commitment to the projects listed and the opportunities created for community capacity building.

6. MANAGEMENT REPORTS

6.2 Community Matching Grants 2012/2013 (continued)

Option 2 – Approve the Recommendations made by the Grant Review Panel

That Council approve the recommendations made by the Grant Review Panel regarding the funding of 13 projects for Round Two of the 2012/2013 Community Matching Grants Scheme. All of the recommended projects meet the intent of the funding as well as all of the other eligibility requirements.

Conclusion

Funding applications for the Community Matching Grants Round Two have been extensively reviewed by an internal Grant Review Panel and have recommended 13 projects to be funded. All of these projects meet eligibility requirements and all aim to build or strengthen the Greater Shepparton community. All recommendations should be approved to ensure that Council takes advantage of the communities commitment to the projects listed. The Community Matching Grant Scheme will be reviewed prior to the next round being offered in the 2013/2014 financial year.

Attachments

Nil.

6. MANAGEMENT REPORTS

FROM THE BUSINESS DIRECTORATE

6.3 January Monthly Financial Report

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

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

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

Council Officers involved in producing this report

Author: Manager Finance and Rates

Proof reader(s): Management Accountant

Approved by: Director Business

Purpose

The report provides details of Council's actual financial performance compared to budget for the seven months ended 31 January 2013.

Moved by Cr Polan
Seconded by Cr Oroszvary

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

CARRIED

Background

The Council adopted its 2012/2013 Budget at its Ordinary Meeting on 17 July 2012. The Budget comprised revenue of \$103m, expenditure of, an operating surplus of \$6m and a Capital Works Program of \$32m.

At its Ordinary Meeting on 18 September 2012, as part of the first quarter budget review the Council approved changes to its 2012/2013 Operating and Capital Works Program Budgets totalling \$0.95m. The updated 2012/13 Budget contained revenue of \$102m, expenditure of \$98m, an operating surplus of \$5m and a Capital Works Program of \$32m. Changes from the adopted 2012/13 Budget included:

<u>Operating Budget</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
Subtotal	720,872
<u>Capital Works Program</u>	
7. Roads to Recovery – Pavement Rehabilitation	37,773
8. Roads to Recovery – Bridge Works	110,000
9. GV Link – Easement	83,000
Subtotal	230,773
Total	951,645

6. MANAGEMENT REPORTS

6.3 January Monthly Financial Report (continued)

The following reports have been prepared and are presented to Council as part of the January 2013 Financial Report:

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

Policy Considerations

There are no conflicts with existing Council policies.

Financial Implications

There are no financial implications arising from this proposal.

Legal/Statutory Implications

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

Environmental/Sustainability Impacts

No Environmental or Sustainability impacts have been identified.

Social Implications

No Social implications have been identified.

Economic Impacts

No Economic impacts have been identified.

6. MANAGEMENT REPORTS

6.3 January Monthly Financial Report (continued)

Consultation

All officers responsible for works included in the 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

The report provides details of Council's financial performance as at 31 January 2013.

Strategic Links

a) Greater Shepparton 2030 Strategy

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

b) Council Plan

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

c) Other strategic links

No other strategic links have been identified.

Attachment

January 2013 Financial Report

6. MANAGEMENT REPORTS

6.4 Draft 2012-2013 Mid Year Budget Review

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

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

Council Officers involved in producing this report

Author: Manager Finance and Rates

Proof reader(s): Team Leader Corporate Accounting

Approved by: Director Business

Purpose

The report presents updated forecast financial performance for the 2012-2013 financial year compared to budget as identified in the Mid Year Budget Review.

Moved by Cr Ryan

Seconded by Cr Summer

That:

1. the Council approve the changes to the Operating and Capital budgets as identified in the 2012-2013 Mid Year Budget Report.
2. having considered the Defined Benefits Liability as part of this Review, the Council as part of the development of the 2013-2014 Strategic Resource Plan and the 2013-2014 Budget, consider identified savings in conjunction with Council's projected financial position, when considering how to fund its defined benefits superannuation call.

CARRIED

Background

In July 2012 the Council adopted the 2012-2013 Budget. It is now over six months since Council set the original budget and in that time a number of factors which influence the budget have changed. It is prudent that Council reviews and updates its forecast financial performance for the 2012-2013 financial year based on what is now known.

The Mid Year Budget Review process involves the Senior Leadership Group reviewing each of their departmental areas actual incomes and spends against forecasted budgets. Any instances of variation require the Manager to update forecasts to reflect the year end result.

The Executive, in conjunction with the Finance Department and the Senior Leadership Group, then undertake a number of reviews to understand and confirm forecast variations.

Report

The Mid Year Budget Review covers the six months to the end of December 2012.

The Review forecasts an increase in operating income of \$2.06 million, to \$104.7 million which includes an increase in operating grants of \$1.55 million. Operating expenditure is forecast to increase by \$739,000.

6. MANAGEMENT REPORTS

6.4 Draft 2012-2013 Mid Year Budget Review (continued)

Overall changes result in an increase operating surplus of \$1.32 million, taking the forecast operating surplus to \$6.41 million. It is forecast that there will be an underlying cash surplus of \$751,715 at the end of the financial year.

Forecast capital expenditure will decrease by \$5.36 million, bringing the forecast capital works program to \$26.45 million. The majority of this decrease relates to projects that are still proceeding however will not be as far progressed as originally expected by 30 June 2013 or will be delayed until the 2013-2014 financial year.

The allocated funding for these projects will still be required in order for the projects to be completed in the 2013-2014 financial year.

Cash Surplus

The term surplus is often perceived to be cash. Table 1 below provides a high level summary as to how the forecast cash surplus is established from the starting point of the accounting surplus on the Income Statement.

The surplus reported in the Income Statement is an accounting surplus, which is accrual based and required for compliance with accounting standards. It should be noted that it contains both cash and non-cash items. It is important that from an operating level the Council delivers a cash surplus which is used to fund the capital works program which is not shown as expenditure on the Income Statement but as an increase in assets in the Balance Sheet.

Table 1: High Level Summary - Income Statement Surplus Converted to Cash

Surplus from the Income Statement		\$6,410,850
<i><u>Less cash items not included in Income Statement</u></i>		
Capital Works Expenditure	\$26,247,637	
Loan Repayments - Principal	\$362,000	
Transfers from Reserves *	(\$14,090,708)	
Transfers to Reserves #	\$8,093,784	
Sub total		\$20,612,713
<i><u>Add non cash items included in the Income Statement</u></i>		
Depreciation	\$17,646,000	
Assets Sold	\$357,800	
Internal Charges	(\$50,222)	
Contributed Assets	(\$3,000,000)	
		\$14,953,578
UNDERLYING CASH SURPLUS FORECAST AT 30 JUNE 2013		\$751,715

6. MANAGEMENT REPORTS

6.4 Draft 2012-2013 Mid Year Budget Review (continued)

Note:

Transfers from Reserves include both operating and capital funds received in past financial years or project allocations carried forward.

* Transfers from reserves include the following items: Grants Commission \$5.3 million, Community Connections \$163k, Flood Resilience \$73k, LEAD \$200k, Council of Australian Governments' Healthy Communities \$153k. It also includes Saleyards, Parking and Waste Management capital projects \$2.3 million, Soccer Complex \$500k, Mooroopna West DCP \$328k, 2011/12 and project carry forwards \$4.8 million, with the balance being minor movements.

#Transfers to reserves include the following items: operational surpluses from Saleyards, Parking and Waste Management services \$3.2 million, flood recovery funding relating to 2011/12 \$500k, Defined Benefits Superannuation Liability funding \$700k, recreational land fund contributions \$200k. Capital transfers to reserve include Building Better Regional Cities Mooroopna West \$2 million and a number of smaller projects that are not expected to be completed in the current financial year \$1.2 million.

Table 2 reconciles the movements between the September Quarter Budget Review and this proposed Mid Year Budget Review.

Table 2: Movements between the September Review and the Mid Year Budget Review

Income Statement - increase in surplus		(\$1,321,553)
Increases in internal charges (non-cash)	\$93,672	
Reserve Transfer Movements - Operating	\$1,224,634	
Decrease in Capital Works Program	\$5,355,608	
Reserve Transfer Movements - Capital	(\$4,642,646)	
		\$2,031,268
		\$709,715
Cash surplus from September Quarter Budget Review		\$42,000
Forecast Underlying cash surplus at Mid Year Budget Review		\$751,715

Items to note:

As part of the First Quarter Budget Review, Council became aware of a number of items which were deferred to the Mid Year Budget Review for further consideration, primarily due to the caretaker period where it is not appropriate for Council to consider significant changes. It is important to note that these matters have been considered and are discussed below.

1. Defined Benefit Superannuation Scheme

The Defined Benefits Superannuation Liability 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

6. MANAGEMENT REPORTS

6.4 Draft 2012-2013 Mid Year Budget Review (continued)

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.

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 (inc 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 also have to fund \$239,655 of GVRLC's liability.

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

At its meeting on 18 September 2011 the Council approved early payment of the Defined Benefits Superannuation Liability in September 2012 from existing cash reserves taking advantage of a \$297,600 discount.

The payment was made using funds held in a specific Developer Contributions Plan reserve due to delays being experienced in that area, namely Mooroopna West and Vaughan Street developments. The Council also resolved at that meeting that this matter be referred to the Mid Year Budget Review for consideration and determination of the approach to be taken to fund the liability and to replenish the cash reserves used for early payment.

It is proposed that further consideration of the defined benefits liability be carried out during the development of the Strategic Resource Plan 2013-2017 and the 2013/2014 Budget, which will provide the opportunity to consider Council's projected financial position as well as any other options that may be considered.

2. Organisational restructure

Following the arrival of a new Chief Executive Officer in January 2012 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 stages of implementation. In addition a final report and a transitional management report were developed and adopted by Council at its July 2012 Ordinary Meeting, with updates provided each quarter.

As a result of the changes to the organisation structure and the implementation of the transitional management plan adjustments have been required to the budget to ensure the budget aligns to the new functional based organisational structure. Generally it has resulted in a shift between account classifications, for example where staffing vacancies have existed there have been instances where Council has used external labour to provide support, and this would reflect a movement as a decrease in salaries and an increase in external labour or consultant consumables.

The 2012 restructure changes are now reflected within the proposed Mid Year Budget Review with some refinements still to occur.

6. MANAGEMENT REPORTS

6.4 Draft 2012-2013 Mid Year Budget Review (continued)

Council Plan/Key Strategic Activity

This proposal is consistent with the strategic objective 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: 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	Moderate	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 <i>Local Government Act 1989</i> by expending funds against line items without endorsed budget.	Possible	Moderate	Moderate	Undertake quarterly budget reviews to formally consider and adjust for any known variances.
Unfunded Defined Benefits Superannuation Call impacts short term financial sustainability.	Likely	Moderate	High	Strategy to replenish cash reserves included in 2013-2017 Strategic Resource Plan.

Policy Considerations

There are no identified conflicts with existing Council Policies.

Financial Implications

Detailed throughout the attached report.

Legal/Statutory Implications

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

Environmental/Sustainability Impacts

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

6. MANAGEMENT REPORTS

6.4 Draft 2012-2013 Mid Year Budget Review (continued)

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.

Consultation

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

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

Strategic Links

a) Greater Shepparton 2030 Strategy

No strategic links have been identified.

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

1. That the Council not adopt the revised forecasts identified by the 2012-2013 Mid Year Budget Review.

This option is not recommended.

2. The Council adopt the revised forecasts identified by the 2012-2013 Mid Year Budget Review (with or without further amendment).

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

Conclusion

This report has been prepared and presented to identify and reflect known variances in the end of year financial forecasts for the Operating and Capital Budgets.

It is recommended that as part of the development of the Strategic Resource Plan 2013-2017 and the 2013-2014 Budget that Council consider the proposed savings identified in this review, in conjunction with Council's projected financial position, when considering how to fund the defined benefits superannuation call.

Attachment

Draft 2012-2013 Mid Year Budget Review Report.

6. MANAGEMENT REPORTS

6.5 Proposed Closure of Part of Elizabeth Street, Tatura

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(s): Senior Business and Property Officer

Approved by: Director Business

Other: Planning Officer

Purpose

The report proposes the discontinuance of part of the unmade road reserve known as Elizabeth Street, Tatura for the purpose of consolidating the land with Cussen Park.

Moved by Cr Ryan

Seconded by Cr Oroszvary

That:

1. in accordance with Clause 3 of Schedule 10 and Sections 206 and 223 of the *Local Government Act 1989* ("the Act"), public notice be given in the *Shepparton News* and the *Tatura Guardian* of the Council's intention to discontinue part of the unmade road reserve, being an approximate area of 5,625m², known as Elizabeth Street, Tatura located between Ross and Park Streets, Tatura for the purpose of consolidating the land with the abutting Cussen Park property, being certificate of title volume 9363 folio 250.
2. the public notice stipulate that persons may make a submission on the proposed road discontinuance, in accordance with Section 223 of the Act and that written submissions must be received by the specified date that is at least 28 days after the publication of the notice.
3. the Chief Executive Officer be authorised to undertake the administrative procedures necessary to enable the Council to carry out its functions under section 223 of the Act in relation to this matter.
4. that if submissions are received under section 223 of the Act:
 - a) a special meeting of the Council be convened to hear from any person or persons who request to be heard in support of a section 223 written submission and, if required, the special council meeting be held "at a time and date to be determined" in the Council Offices at 90 Welsford Street, Shepparton, and
 - b) report on any section 223 submissions received by the council, along with a summary of any hearings held, be provided to the ordinary council meeting; and
5. if no submissions are received within the prescribed period, the Council resolves to formally discontinue the road reserve without further resolution of the Council.

CARRIED

6. MANAGEMENT REPORTS

6.5 Proposed Closure of Part of Elizabeth Street, Tatura (continued)

Background

Elizabeth Street, Tatura is an unmade road reserve abutting Cussen Park. The road reserve is well vegetated and appears to be part of the parkland. Cussen Park is freehold land owned and maintained by the Council and supported by the Cussen Park Advisory Committee. Council's consideration of this road discontinuance was initiated by a request from Cussen Park Advisory Committee members seeking to protect the existing and well established vegetation and maintain the amenity of the parkland. Discontinuing the road would enable the land to be consolidated with Cussen Park.

While sections of the road reserve may be required to be constructed as public road in the future, the section between Ross and Park Street, being an approximate area of 5,625m² is suitable to be considered for formal closure. This section of the road reserve has never formally been used as a road. The two privately owned parcels of land adjoining it are Industrial zoned and have existing road access. The Council's Planning and Development Department has advised that it would not support an application to have this section of road constructed in the future.

Council Plan/Key Strategic Activity

This proposal is consistent with this document. The strategic objective, Environment, identifies "Work with others to achieve positive environmental outcomes for our communities".

Risk Management

Risks identified and responses are as follows:

Risks	Likelihood	Consequence	Rating	Mitigation Action
The road may be required for future use as a result of adjoining property development	Possible	Moderate	Moderate	The Planning and Development Department has advised that any adjoining developer would be required to use Williams Street as its access point
The public may not support the formal closure of the road reserve	Unlikely	Moderate	Moderate	Public notice and submission process will enable support or opposition to be gauged

Policy Implications

The proposed closure of the unused road does not conflict with Council's policies.

6. MANAGEMENT REPORTS

6.5 Proposed Closure of Part of Elizabeth Street, Tatura (continued)

Financial Implications

The land contained in the road reserve is currently maintained as parkland by the Council. Discontinuance of the road reserve will not require additional maintenance by the Council.

	2011/2012 Approved Budget for this proposal*\$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue				
Expense	Less than \$2,000	\$2,000		Costs for public notice and creation of a plan of subdivision of road reserve
Net Result	Less than \$2,000	\$2,000		

Legal/Statutory Implications

Section 206 and Clause 3 of schedule 10 of the *Local Government Act 1989* provides the Council with the power to discontinue a road reserve or part of a road, by a notice published in the Government Gazette.

Environmental/Sustainability Impacts

The outcome will provide an additional area for revegetation and plantings and protect existing plantings, resulting in positive environmental impacts.

Social Implications

This area has always appeared to be part of Cussen Park and has been incorporated into community use of the parkland. Council's support of the Advisory Committees request to discontinue the road reserve demonstrates that the Council values the social benefits of community driven projects.

Economic Impacts

There would be no additional financial impacts on the Council as this portion of Elizabeth has always been considered to be part of the parkland and has been maintained accordingly.

Adjoining Industrial land owners may consider that the road reserve may be needed in the future to service their lots, and consider the road discontinuance to have an economic impact on them. The properties have alternative road access options which will provide for additional future development.

Consultation Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Keep informed	Public notice to be given to advise of the proposal. Adjoining land holders will be contacted directly
Consult	Informed, listen, acknowledge	Public notice to be given and submissions invited

6. MANAGEMENT REPORTS

6.5 Proposed Closure of Part of Elizabeth Street, Tatura (continued)

A number of relevant Council officers have been consulted, including Planning and Development, Operations and Asset staff. Relevant authorities, being Telstra, APA Group (gas), DSE and Vic Road have been approached with no objections to the proposal subject to Telstra assets not being affected. As no additional works are planned as part of this proposal, if Telstra assets are present they would not be affected.

Community members participating in the Cussen Park Advisory Committee are supportive of the proposed road closure.

Public notice in accordance with the *Local Government Act 1989* section 223 will provide any person who may be affected by the proposed closure to lodge a submission and to be heard by Council in respect to their submission.

Officers believe appropriate consultation has occurred and the matter is now ready for Council consideration as to whether to give public notice of the proposal.

Strategic Links

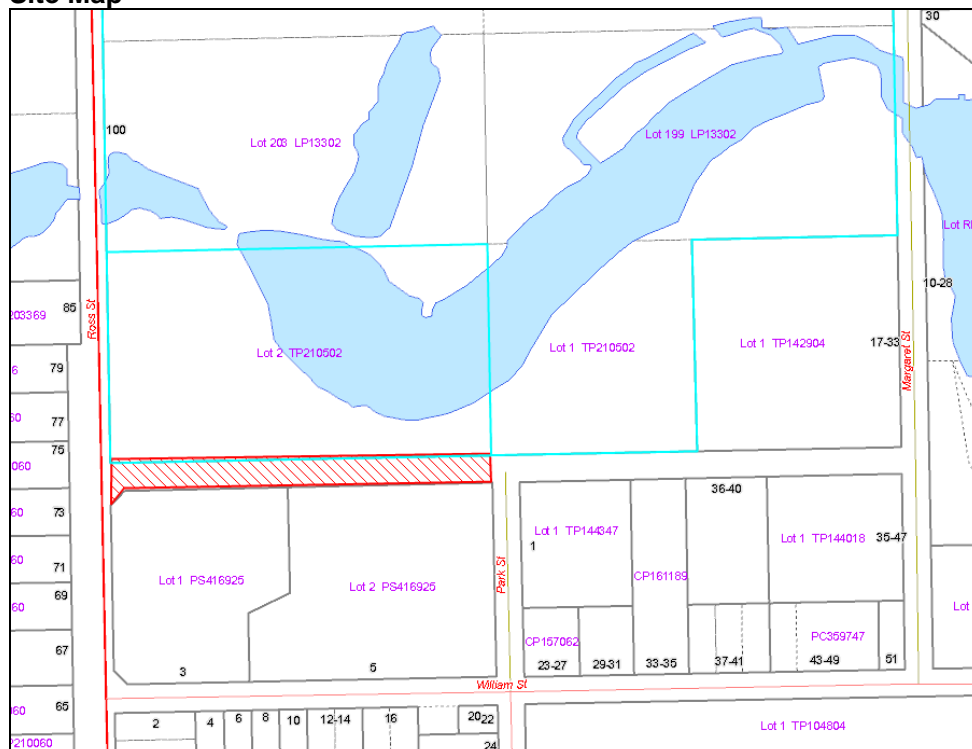
a) Greater Shepparton 2030 Strategy

This proposal is consistent with the GS 2030 Strategy as one of the supporting principles identified within the Environment section is “Conservation and enhancement of significant natural environments.”

Attachments

Nil.

Site Map



6. MANAGEMENT REPORTS

6.5 Proposed Closure of Part of Elizabeth Street, Tatura (continued)

Aerial Photo



6. MANAGEMENT REPORTS

6.6 Procurement Policy (continued)

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(s): Procurement Advisor

Approved by: Director Business

Purpose

The report presents proposed changes to the Council's existing Procurement Policy in response to the "Greater Shepparton City Council Organisations Scan – Good to Great" and the release of the *Victorian Local Government Draft Best Practice Procurement Guidelines August 2012* .

It is proposed that the effective commencement date of the revised Policy will be 1 July 2013, to enable:

- suppliers to be informed of the tender administration requirements of the Local Economic Impact Statement
- supporting guidelines and templates to be amended to reflect the revised Policy
- training to be undertaken to ensure compliance with the Policy when it comes into effect.

Moved by Cr Summer

Seconded by Cr Ryan

That the Council:

1. adopt the revised Procurement Policy, which will come into effect on 1 July 2013.
2. inform its suppliers of changes to the Procurement Policy, including the requirement for all tenders greater than \$250,000 including GST to include a Local Economic Impact Statement.

CARRIED

Background

The Council adopted a Procurement Policy in 2009, in compliance with Section 186A of the *Local Government Act 1989* (the Act). The Council last considered its Procurement Policy in August 2012 without amendment.

Each year Victorian Council's collectively spend in excess of \$3 billion procuring goods and services in a wide variety of areas. Greater Shepparton City Council spends on average \$74 million each year on procuring goods, services and works. Across the local government sector there has been a growing awareness and focus on improving

6. MANAGEMENT REPORTS

6.6 Procurement Policy (continued)

procurement practices, as councils strive towards achieving best practice outcomes for their community. A wide variety of initiatives have been introduced including the *Victorian Local Government Draft Best Practice Procurement Guidelines August 2012* released by the Department of Planning and Community Development.

The Chief Executive Officer on commencing with the Greater Shepparton City Council on the 16 January 2012 started a review of the processes, systems and human and physical resources of the organisation. It became apparent that considerable effort was required to focus the organisation and make the organisation accountable for its actions and undertakings. An organisational scan was undertaken with the purpose of identifying where the organisation can improve its performance and long term sustainability through:

- increased ownership and alignment to the Council Plan
- increased operating efficiency in service delivery
- informing the proposed service planning that will be undertaken
- enabling deployment and ownership of the human and physical assets of the organisation

The resulting "Greater Shepparton City Council Organisations Scan – "Good to Great" included a transitional management plan. With respect to procurement the transitional plan identified the following:

- Council has no policy for local content in its purchasing
- A review of procurement delegations and the development of policy and directives was required
- A major review of procurement processes and contract performance management was required
- A review and establishment of preferred provider panels would provide efficiency in purchasing

A major review of existing procurement and contracting practises has been undertaken. The Procurement Review Report found that:

- A procurement reference group has been established
- There is no procurement strategy guiding and aligning the strategic approach to Council's procurement
- The current Procurement Policy is very brief and inadequate
- There is no contract management system in place
- The existing prequalification system requires review for relevance
- There is no monitoring of procurement spend to determine vendor compliance
- There are numerous examples where the aggregated spend of multiple purchases from a single supplier is significantly over the public tender threshold for single contracts
- There are no procurement management reports being produced
- There are standard contract documents that are based on VicRoads standards
- There are four lengthy contract and procurement manuals owned by separate areas of Council resulting in lengthy and confusing guidance
- A sample review of contract documents reveals staff making decisions outside their delegation when the contract should have gone to Council for a decision, contract documents not complete with dates missing, signatures missing and Council reports incomplete when it comes to clearly assessing the tenders against the evaluation criteria
- The financial delegations limits the CEO delegation to \$750,000

6. MANAGEMENT REPORTS

6.6 Procurement Policy (continued)

- Risk management is not integrated into procurement practices
- Project management practices are being developed with some good examples of process
- Occupational health and safety awareness and focus needs to be increased and integrated strongly into procurement practices

To assist the Council implementing a procurement framework the Procurement Review Report recommended:

- Set the context and establish a procurement vision for Council including clearly articulating the key drivers for change
- Key documentation needs to be developed commencing with a Procurement Strategy flowing from the Procurement Policy that is aligned to the Council direction and sets clear outcomes for the organisation to improve
- Briefing information sessions to be prepared for key stakeholder groups to engage them in the process and to take them on the same improvement journey
- Undertake immediate training via an external specialist around the legislative framework associated with procurement in the local government sector and delegations
- A project control group needs to be established and charged with the responsibility to implement the recommendations
- Utilise the Business Excellence approach and apply it to the project of implementing a strategic procurement framework
- Establish a centre led service delivery model made up of a small team of procurement professionals combined with nominated business unit representatives for procurement
- Introduce a category management framework to ensure leverage and visibility of day to day strategic expenditure
- Collaborate with other councils and where appropriate use Procurement Australia and MAV contracts
- Undertake a review of systems options as a whole focusing on purchasing a contract management system
- Implement contract management processes to provide a structured assessment of supplier performance on major contracts
- Integrate risk management into procurement practices
- Integrate project management practices as a priority requiring every project to have a project plan
- Regular management reporting needs to be developed and should include contractor performance against contract key performance indicators, vendor compliance against contract spend and supplier spend against the public tender thresholds
- Prepare a communications strategy/plan to clearly articulate the context for change
- Develop a tailored training program for all relevant staff

The Procurement Review Report was considered by the Audit and Risk Management Committee at its meeting in December 2012. Progress reports on the implementation of recommendations of the Procurement Review Report will be presented to inform the Committee of any risks and non-compliance identified and the steps officers are taking to minimise risk and move toward compliance.

6. MANAGEMENT REPORTS

6.6 Procurement Policy (continued)

In addition the following progress has been made implementing transitional plan recommendations:

- The revised Procurement Policy specifies how local content in procurement will be considered, incorporates the Council's existing Sustainable Purchasing Policy and reflects the financial delegations as adopted by Council in December 2012.
- A cross functional team has been established to improve Council's procurement practices including the review of procurement processes and contract management.
- The establishment of additional supplier panels has commenced in February 2013 which aims to leverage aggregate spend, rather than treating each discrete arrangement as a separate procurement exercise. Additionally contracts available through Procurement Australia, MAV and State Government will be accessed where it is considered to provide best value.

The intent of Council's Procurement Policy is to achieve best value outcomes and ensure high standards of probity and accountability in Council's procurement of goods, services and works. The purpose of this Policy is to ensure that Council's procurement principles, policies, processes and procedures, achieve the following objectives:

1. Value for money, innovation and continuous improvement in the provision of services for the community
2. A strategic approach to procurement planning, implementation and evaluation.
3. Enabling sustainable outcomes including economic, environmental and social sustainability.
4. Efficient and effective use of Council resources;
5. Utilising collaboration and partnership opportunities;
6. High standards of probity, transparency, accountability and risk management; and
7. Compliance with legislation, Council objectives, Council policies and industry standards.

The revised Procurement Policy provides an improved procurement framework for service delivery at the Greater Shepparton City Council.

It is proposed that the effective commencement date of the revised Policy will be 1 July 2013, to enable:

- suppliers to be informed of the tender administration requirements of the Local Economic Impact Statement
- supporting guidelines and templates to be amended to reflect the revised Policy
- training to be undertaken to ensure compliance with the Policy when it comes into effect.

Council Plan/Key Strategic Activity

This proposal is consistent with the strategic objective "Provide best practice management and administrative systems and structures to support the delivery of Council services and programs". The Procurement Policy provides guiding principles for the procurement of goods, services and works.

6. MANAGEMENT REPORTS

6.6 Procurement Policy (continued)

Risk Management

The revised Procurement Policy better reflects the Council's procurement principles, processes and procedures which are to be applied to all purchases of goods, services and works.

Risks	Likelihood	Consequence	Rating	Mitigation Action
That the policy does not continue to meet the organisations needs or legislative requirements	Possible	Major	High	Cross organisational working group will continue to review and improve procurement practices Reports will be presented to the Audit and Risk Management Committee to monitor

Policy Considerations

The revised Procurement Policy takes into consideration the draft Local Government Best Practice Guidelines for Procurement. The suite of policies and procedures relevant to the procurement functions of the Council will be reviewed in their entirety to reflect the revised Procurement Policy.

Financial Implications

Council paid \$74 million on procuring goods, services and works during the 2011/12 financial year. The Procurement Policy specifies that procurement activities will be carried out on the basis of obtaining value for money.

The Policy will provide an improved framework for procurement activities, which may initially incur additional costs in establishing contracts and a contract management system that will be offset by improved efficiencies and value for money by leveraging aggregated spends.

Legal/Statutory Implications

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

Section 186 does not require Council to accept the lowest tender or to accept any tender.

6. MANAGEMENT REPORTS

6.6 Procurement Policy (continued)

Section 186 does not apply if the:

- a) Council resolves that the contract must be entered into because of an emergency; or
- b) contract is entered into with a Council acting as the agent for a group of Councils and the Council has otherwise complied with this Act; or
- c) contract is entered into in accordance with arrangements approved by the Minister

Section 186(6) requires that whenever practicable, a Council must give effective and substantial preference to contracts for the purchase of goods, machinery or material manufactured or produced in Australia or New Zealand.

Section 186A of the Act requires Council to prepare, approve and comply with a Procurement Policy encompassing the principles, processes and procedures applied to all purchases of goods, services and works by the Council. The Council must review the Procurement Policy at least once in each financial year and make it available for public inspection at Council office and website.

Environmental/Sustainability Impacts

Sustainable procurement was governed by Council's adopted Sustainable Purchasing Policy, which provided that a 10 per cent weighting will be applied to recognise recycled and environmentally preferable products, to encourage the purchase of such products of comparable standard to non-environmentally preferred products. This provision has been incorporated into the revised policy.

Social Implications

To encourage a focus on local industry, including creating local employment and improving local businesses the revised Procurement Policy proposes requirements that:

- Council officers must seek at least one quotation from a local supplier, if available.
- In addition, for all tenders greater than \$250,000 including GST, a Local Economic Impact Statement will be submitted by tenderer's that will detail the level of local content including labour, materials, plant and supervision.
- Where tenders are within 5% of the weighted tender evaluation of the highest ranked tender, the tender evaluation will take into consideration the merit of Local Economic Impact Statements when assessing the preferred tender.

It is proposed that Council inform its suppliers regarding the tender administrative requirements of the Local Economic Impact Statement prior to the revised Procurement Policy coming into effect on 1 July 2013.

Economic Impacts

Council's procurement activities will be carried out on the basis of obtaining value for money. This means minimising the total cost of ownership over the lifetime of the requirement, consistent with acceptable quality, reliability and delivery considerations. Lowest price is not the sole determinate of value for money.

A public tender process must be undertaken when purchases of goods or services may exceed \$150,000 including GST, or purchases for the carrying out of works may exceed \$200,000 including GST.

6. MANAGEMENT REPORTS

6.6 Procurement Policy (continued)

Where significant sums are spent which aggregate to greater than \$150,000 for goods and services or \$200,000 for works with one supplier or on one service, it is necessary to structure procurement proposals as requests for tenders or quotations to achieve greatest value and supplier performance by leveraging this aggregate spend, rather than treating each discrete arrangement as a separate procurement exercise.

There is no specific time limit applying to the length of a contract which is subject to the tender threshold. Rather the optimum period of a contract should be first determined on the basis of value for money and the efficiency and effectiveness of the procurement.

Additional supplier panels will be established to leverage aggregate spend and increase efficiency in purchasing.

Consultation

Both the Organisational Scan and Procurement Review involved interviews with many Council staff, with feedback contributing to the findings and recommendations of the Procurement Review Report which has been taken into consideration when proposing changes to the Policy.

A cross functional team established to improve Council's procurement practices has contributed to the review of the Procurement Policy. It is proposed that Council inform its suppliers of the changes to the Procurement Policy, including the requirement for all tenders greater than \$250,000 including GST to include a Local Economic Impact Statement, prior to the revised Procurement Policy coming into effect on 1 July 2013.

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Information on Policy changes to be made available to the public and suppliers	Website e-newsletter workshops e-tendering tender documents
Consult	Workshops to be conducted to build local businesses capacity in tendering for Council and government contracts	industry networks workshops
Involve		
Collaborate	Access collaborative contracts where suitable	State Govt, Procurement Australia and MAV contracts
Empower		

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

6. MANAGEMENT REPORTS

6.6 Procurement Policy (continued)

Strategic Links

a) Greater Shepparton 2030 Strategy

Nil

b) Other strategic links

The Procurement Policy takes into account and should be read in conjunction with the following:

- Code of Conduct Policy
- Conflict of Interest in Local Government Feb 2009
- Exercise of Delegations
- Gifts and Benefits Policy
- Risk Management Policy
- Sustainable Purchasing Policy

Options for Consideration

3. That the Council not adopt the proposed changes to its existing Procurement Policy.

This option is not recommended as it has been identified in the recent review of Council's procedures and processes that improvements need to be undertaken. The current Policy is also not adequate for the purposes of complying with the Act.

4. The Council adopt the revised Procurement Policy immediately without informing its suppliers of the amendments.

This option is not recommended as suppliers will not be aware of our requirements before they tender for Council works and services. Immediate implementation will also not provide sufficient time for the required guidelines for staff to be developed to ensure all staff are both aware and trained on the new policy requirements.

5. The Council adopt the revised Procurement Policy, with an effective commencement date of 1 July 2013 and inform local suppliers of amendments prior to this implementation date.

This option is recommended as it will provide adequate lead time for local suppliers to prepare for the amended requirements to tender on Council works and services and the organisation sufficient time to prepare guidelines as well as inform and train staff on the new Policy.

Conclusion

The revised Procurement Policy will enhance the Council's ability to demonstrate best value outcomes and ensure high standards of probity and accountability in the procurement of goods, services and works.

Attachments

1. Revised Procurement Policy
2. Procurement Policy Number 13.POL1

6. MANAGEMENT REPORTS

FROM THE SUSTAINABILITY DIRECTORATE

6.7 Amendment C-145 – 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: Acting Principal Strategic Planner

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

Approved by: Acting Director Sustainable Development

Other: Graduate Strategic Planner (Amendments)

Purpose

The proposed amendment seeks to correct existing errors and anomalies in the Greater Shepparton Planning Scheme. As a result of these anomalies, the mechanisms of the planning process have created situations that are unjust, clearly in error and/or conflict with the obvious intent of the provisions in the scheme.

The Design and Development Overlays (Schedules 3 to 7) affecting land within the Shepparton urban area are unnecessarily restrictive – applying mandatory controls regarding setbacks which cannot be altered with a permit. The amendment seeks to allow some variation to these controls, subject to a planning permit, if the proposal achieves the design objectives of the relevant overlay.

Environment Audit Overlays and Development Plan Overlays still remain over some land in the Municipality where the development plan has been approved or the environmental audit has already been undertaken to the satisfaction of the Council. The amendment seeks to remove these land parcels from within the EAO and DPO as required.

Some land parcels (including 7882 Goulburn Valley Highway, Kialla, 345 Verney Road, Grahamvale and 315 Verney Road, Grahamvale) previously owned by or managed by public authorities, are now in private ownership, therefore the PUZ is deemed inappropriate and a more suitable land use zone is sought through the proposed amendment.

Land at 130 Rutherford Road, Toolamba was included in the Heritage Overlay as part of Amendment C50 to the Greater Shepparton Planning Scheme. The mapping associated with this overlay for the land at 130 Rutherford Road, Toolamba was anomalously not included as part of the amendment, despite the property being listed in Clause 43.01. This amendment now proposes to apply the Heritage Overlay mapping to the subject land, as appropriate.

Land at 155 Rutherford Road, Toolamba, and 1 McCubbin Drive and 66 Paterson Road, Shepparton are within land use zones that do not reflect the existing use of the land, which has been occurring on both subject lands for over a decade. This amendment proposes rezoning to better reflect the current use of the land.

6. MANAGEMENT REPORTS

6.7 Amendment C-145 – Adoption of Amendment (continued)

The correction of these errors and anomalies will assist in providing for the fair, orderly, economic and sustainable use and development of land in the Municipality.

**Moved by Cr Polan
Seconded by Cr Patterson**

That the Council,:

1. in accordance with section 29 of the *Planning and Environment Act 1987 (the Act)* adopt Amendment C145 to the Greater Shepparton Planning Scheme; and
2. in accordance with Section 31 of the Act, submit Amendment C145 to the Minister for Planning for approval.

CARRIED

Property Details

Amendment C145 applies to various parcels of land within Greater Shepparton, including:

- Land within the Design and Development Overlay (DDO) Schedules 3, 4, 5, 6 and 7;
- Land within the Environmental Audit Overlay (EAO);
- Land within the Development Plan Overlay (DPO);
- Land within the Public Use Zone (PUZ), including:
 - Part of 7882 Goulburn Valley Highway, Kialla (Lot 3 on PS649025);
 - Part of 345 Verney Road, Grahamvale (Lot 2 on PS347731);
 - Part of 315 Verney Road, Grahamvale (Lot 2 on LP219260);
- Part of 155 Rutherford Road, Toolamba (Lot 1 on TP243977);
- 1 McCubbin Drive and 66 Paterson Road, Shepparton (Lot 175 on LP203945);
- 130 Rutherford Road, Toolamba (Lot 1 on TP423755);
- Part of 7882 Goulburn Valley Highway, Kialla (Lot 4 on PS649025).

Proposal in Detail

The amendment proposes to correct a number of errors and anomalies in the Greater Shepparton Planning Scheme, including:

- Remove restrictive mandatory controls regarding building heights and setbacks within the DDO3, DDO4, DDO5, DDO6 and DDO7 (DDO3 – DDO7);
- Remove the EAO from land where the environmental audit has been undertaken to the Council's approval;
- Remove the DPO from land where the development plan has been completed to the Council's approval;
- Rezone part of the land at 7882 Goulburn Valley Highway, Kialla (Lot 3 on PS649025) from the Public Use Zone (PUZ) to the Industrial 3 Zone (IN3Z).
- Rezone part of 345 Verney Road, Grahamvale (Lot 2 on PS347731) and 315 Verney Road, Grahamvale (Lot 2 on LP219260) from the Public Use Zone (PUZ) to the Farming Zone (FZ);
- Rezone part of the land at 155 Rutherford Road, Toolamba (Lot 1 on TP243977) from the Farming Zone (FZ) to the Township Zone (TZ);
- Rezone the land at 1 McCubbin Drive and 66 Paterson Road, Shepparton (Lot 175 on LP203945) from the Business 1 Zone (B1Z) to the Residential 1 Zone (R1Z);

6. MANAGEMENT REPORTS

6.7 Amendment C-145 – Adoption of Amendment (continued)

- Apply Heritage Overlay mapping to land at 130 Rutherford Road, Toolamba (Lot 1 on TP423755);
- Rezone part of 7882 Goulburn Valley Highway, Kialla (Lot 4 on PS649025) from the Rural Living Zone (RLZ) to the Industrial 3 Zone (IN3Z);

Summary of Key Issues

In accordance with the Department of Planning and Community Development's (DPCD) authorisation, a limited amendment notification period was undertaken with the referral authorities and prescribed Ministers, none of whom objected or requested changes to the proposed amendment.

The Council may adopt the amendment under Section 29 of the *Planning and Environment Act 1987* before submitting it to the Minister for approval under Section 31 of the Act.

Background

This amendment proposes to correct a number of errors and anomalies in the Greater Shepparton Planning Scheme through the removal of redundant overlays, correction of mapping errors and the rezoning of incorrectly zoned land parcels.

The DDOs (Schedules 3 to 7) affecting land within the Shepparton urban area are unnecessarily restrictive – applying mandatory controls regarding setbacks which cannot be altered with a permit. This does not allow for variation in cases where the mandatory controls cannot be adhered to, such as development on corner lots. The proposed amendment seeks to allow some variation to these controls, subject to a planning permit, if the proposal achieves the design objectives of the relevant overlay.

EAOs and DPOs have been applied to land in Greater Shepparton as necessary, however these overlays still remain over some land in the Municipality where the development plan has been approved or the environmental audit has already been undertaken to the satisfaction of the Council. In these cases, the EAO/DPO is now redundant. The proposed amendment seeks to remove these land parcels from within the EAO and DPO as required.

Many decommissioned channels, previously owned by Goulburn-Murray Water (G-MW), and other land parcels previously owned by or managed by public authorities, are now in private ownership, therefore the PUZ is deemed inappropriate and a more suitable land use zone is sought through the proposed amendment. Land at 7882 Goulburn Valley Highway, Kialla, 345 Verney Road, Grahamvale and 315 Verney Road, Grahamvale is erroneously zoned as a result of the decommissioning of a G-MW channel.

Land at 130 Rutherford Road, Toolamba was included in the Heritage Overlay as part of Amendment C50 to the Greater Shepparton Planning Scheme. As part of Amendment C50, the property owners were notified and the property was added to the Schedule to the Heritage Overlay at Clause 43.01, listed as HO123. The mapping associated with this overlay for the land at 130 Rutherford Road, Toolamba was anomalously not included as part of the amendment, despite the property being listed in Clause 43.01. This amendment now proposes to apply the Heritage Overlay mapping to the subject land, as appropriate.

6. MANAGEMENT REPORTS

6.7 Amendment C-145 – Adoption of Amendment (continued)

Land at 155 Rutherford Road, Toolamba, and 1 McCubbin Drive and 66 Paterson Road, Shepparton are within land use zones that do not reflect the existing use of the land, which has been occurring on both subject lands for over a decade. This amendment proposes rezoning to TZ and R1z respectively to better reflect the current use of the lands.

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 C145 procedures comply with legislative requirements for amendment preparation, exhibition and adoption under the *Planning and Environment Act 1987*.

Under Section 20(2) of the Act, the Minister for Planning may exempt a planning authority from the notice requirements outlined in the Act. This allows the Council to effectively fast track procedural amendments such as this for the correction of errors and anomalies in the Planning Scheme. Exemption from notice under Section 20(2) of the Act was authorised by the Minister for the following reasons:

- the number of affected land owners makes it impractical to give individual notice;
- the amendment relaxes existing controls and does not impose any new restrictions on land;
- anomalous provisions apply and a simple correction is required to ensure that the intent of the Planning Scheme is not compromised; and
- it is not expected that any persons or parties will experience material detriment as a result of this amendment.

In accordance with the authorisation for Amendment C145, notice was not issued to affected landowners and notice was not advertised in either the Victorian Government Gazette or the local newspapers; however formal notice was issued to relevant referral authorities and prescribed ministers.

A planning authority adopts an amendment under Section 29 of the Act and refers it to the Minister for Planning under Section 31 of the Act.

Council Plan/Key Strategic Activity

“Strategic Objective 1 – Settlement and Housing

Point 02: Encourage sustainable municipal growth and development.

As one of Australia’s fastest growing inland regional cities, it is important to manage growth in a structured and sustainable manner.

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.

6. MANAGEMENT REPORTS

6.7 Amendment C-145 – Adoption of Amendment (continued)

In the next four years:

1. Engage stakeholders to ensure that growth management plans incorporate user views on priorities, infrastructure needs and future demand
2. Complete structure plans for growth areas, including developer contribution plans
3. Review Municipal Strategic Statement"

The proposed amendment will correct a number of errors and anomalies in the Greater Shepparton Planning Scheme. This will assist in providing for the fair, orderly, economic and sustainable use and development of land in the Municipality.

Risk Management

There are no risks associated with adopting this amendment as it corrects identified anomalies in the Planning Scheme and will implement the objectives of planning in Victoria by providing sound, strategic and coordinated planning of the use and development of land in the municipality as required by Section 12(1)(a) and (b) of the *Planning and Environment Act 1987*.

There are continued risks however if this amendment is not adopted by the Council and approved by the Minister as there are numerous errors and anomalies that have created situations that are unjust, clearly in error and/or conflict with the obvious intent of the provisions in the scheme

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. The Council is the proponent of this amendment and is responsible for all costs associated with the amendment process.

Legal/Statutory Implications

Procedures associated with Amendment C145 comply with legislative requirements for amendment preparation, exhibition 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 assessment is considered to accord with the *Victorian Charter of Human Rights and Responsibilities Act 2006*. No human rights were negatively impacted

6. MANAGEMENT REPORTS

6.7 Amendment C-145 – Adoption of Amendment (continued)

upon through the amendment process, including during the exhibition and consideration of submissions 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

Land at 130 Rutherford Road, Toolamba was deemed to have cultural heritage significance and the City of Greater Shepparton Heritage Study Stage II (HSII) recommended that the property be included within the Heritage Overlay.

Amendment C50 to the Greater Shepparton Planning Scheme proposed the inclusion of this property in the Heritage Overlay. As part of this amendment process, the property owners were notified and the property was added to the Schedule to the Heritage Overlay at Clause 43.01, listed as HO123. However, the mapping associated with this overlay for the land at 130 Rutherford Road, Toolamba was anomalously not included as part of the amendment, despite the property being listed in Clause 43.01. This amendment now proposes to apply the Heritage Overlay mapping to the subject land, as appropriate. The inclusion of this property within the Heritage Overlay will allow for the continued preservation of the cultural heritage significance of this place.

Environmental/Sustainability Impacts

It is not expected that there will be any environmental implications as a result of this amendment.

Social Implications

It is not expected that there will be any social implications as a result of this amendment.

Economic Impacts

The amendment should have positive economic effects as it will reduce the need for landowners to apply for planning permits for buildings or works on land that is incorrectly included in an overlay or land use zone, and will facilitate development of land that is included in an overlay with existing restrictive mandatory controls.

Referrals/Public Notice

Authorisation A02403 provided the Council with an exemption from the requirements of sections 19(2) and 19(3) of the *Planning and Environment Act 1987*. As a result, the Council was not required to give notice of the amendment in local newspapers or the Victorian Government Gazette.

6. MANAGEMENT REPORTS

6.7 Amendment C-145 – Adoption of Amendment (continued)

In respect of the need to give notice to prescribed affected property owners and occupiers in accordance with Section 19(1) of the Act and the *Planning and Environment Regulations 2005*, the authorisation A02403 stated that the extent of the notice given was at the Council's discretion. Owing to the fact that this amendment corrected errors and anomalies in the planning scheme, Council officers determined that formal notification to the affected landowners was unwarranted.

As required by the *Planning and Environment Act 1987*, formal notice of Amendment C145 was given to the prescribed Ministers and each of the relevant referral authorities. The amendment was placed on exhibition with these authorities from Tuesday, 08 January 2013 to Wednesday, 23 January 2013.

No objections were received from the relevant authorities or the prescribed ministers. Council officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Strategic Links

Greater Shepparton 2030 – Strategy Plan:

Owing to the fact that this amendment mainly proposes to correct a number of zoning and overlay errors and anomalies within the Planning Scheme, there are no specific strategic directions that specifically support this amendment. However, as the amendment proposes to remove a number of redundant overlays, correction of mapping errors and the rezoning of incorrectly zoned land parcels, it will assist in providing for the fair, orderly, economic and sustainable use and development of land in the municipality. This approach is strongly supported by the *Greater Shepparton 2030 – Strategy Plan*.

Any other strategic links:

No other strategic links have been identified.

Options for Consideration

The Council has two main options in relation to Amendment C145:

- The Council may abandon the amendment under Section 28 of the *Planning and Environment Act 1987*.
- The Council may adopt the amendment under Section 29 of the Act.

If the Council chooses to adopt the amendment, it must then submit the amendment to the Minister for Planning for approval under Section 31 of the Act.

Conclusion

It is recommended that the Council adopt the Amendment C145 to the Greater Shepparton Planning Scheme and submit it to the Minister for approval.

Attachments

1. Locations of subject sites
2. Aerial photographs of subject sites
3. Zoning and overlay maps for subject sites

6. MANAGEMENT REPORTS

6.8 Contract No. 1387 – Supply of Plant and Operation for Crushing Recycled Concrete

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: Environmental Officer – Waste Services

Proof reader(s): Manager – Waste Services, Team Leader – Waste Services

Approved by: Acting Director – Sustainable Development

Other: Contracts Engineer – Engineering Projects (contract evaluation panel member)

Purpose

The purpose of this report is to recommend a panel of suppliers contract for the crushing of concrete and brick at Shepparton Transfer Station and provide information to Councilors so they can make an informed decision to:

- a) support the recommendation, or
- b) reject the recommendation, or
- c) defer a decision pending provision of further information

Moved by Cr Ryan

Seconded by Cr Patterson

That the Council:

1. awards the tender for Contract 1387: “Supply of plant and operations for crushing recycled concrete and brick”, to Lima South Quarry Pty Ltd, CZL Group Pty Ltd, Local Mix Quarries Pty Ltd, Ecocrete Pty Ltd, and Mansfield Constructions Pty Ltd for a contract amount as approved in the annual Council budget.
2. note that these tenderers will form a panel of suppliers under a Standing Offer Agreement based on schedule of rates for the onsite crushing of concrete and brick at the Shepparton Transfer Station.
3. note that the initial contract period will be for two years from the date Council receives a signed formal instrument of agreement and that the contract allows for two one year extensions at the Council’s option.
4. authorise the Chief Executive Officer to sign and seal the contract documents.

CARRIED

6. MANAGEMENT REPORTS

6.8 Contract No. 1387 – Supply of Plant and Operation for Crushing Recycled Concrete (continued)

Contract Details

This is a panel of suppliers schedule of rates Contract that involves the following services:

Concrete Crushing

Crushing of recycled concrete at the Shepparton Transfer Station to a size nominated by council to be sold to residents and used by council for works around the municipality including landscaping, footpaths and as a road base.

Brick Crushing

Crushing of recycled bricks at the Shepparton Transfer Station to a size nominated by council to be sold to the public and internally within council for works around the municipality including footpaths and landscaping.

Tenders

Tenders were received from:

Tenderers
Lima South Quarry Pty Ltd
CZL Group Pty Ltd
Local Mix Quarries Pty Ltd
Ecocrete Pty Ltd
Mansfield Constructions Pty Ltd

Tender Evaluation

Tenders were evaluated by:

Title	Branch
Team Leader	Waste Services
Environmental Officer	Waste Services
Contracts Engineer	Engineering Projects

Evaluation Criteria

Tenders were evaluated on the following criteria:

Evaluation Criteria	Weighting
Initial contract period price	45%
Price for extension periods	15%
Capability and relevant experience	10%
Quality	10%
Occupational health and safety and risk management	10%
Past Performance	10%

6. MANAGEMENT REPORTS

6.8 Contract No. 1387 – Supply of Plant and Operation for Crushing Recycled Concrete (continued)

Council Plan/Key Strategic Activity

Council Plan

Objective 17: Promote and demonstrate environmental sustainability

The proposal links with this strategic objective as it produces a reusable product from a waste material that was formally disposed of at landfill.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Injury or death from public access	D	2	Moderate	Safe Work Method Statements to be completed. Traffic management to be implemented for the crushing period so that public vehicles are restricted from the crushing area
Excessive amounts of dust created from crushing process	C	4	Low	Contractors will have dust suppression practices in place
Excessive amounts of noise	C	5	Low	Keep a complaints register and monitor noise levels. Works are restricted to business hours.

Policy Considerations

The contract is in line with Councils Waste Management Strategy, the Council Plan, State Government, Council Procurement Policy and Council policies to reduce waste to landfill and greenhouse gas emissions.

Financial Implications

There are no new financial implications with this proposal. Concrete and brick crushing has been budgeted for in the Shepparton Transfer Stations regular operating costs to the amount of \$220,000 annually. During the current market creation stage the objective is to be cost neutral with this operation. That is the revenue derived from concrete disposal and sales offsets the crushing and handling costs.

6. MANAGEMENT REPORTS

6.8 Contract No. 1387 – Supply of Plant and Operation for Crushing Recycled Concrete (continued)

	2012/2013 Approved Budget for this proposal* \$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue	\$220,000	\$	\$0	Income from raw concrete disposal and crushed concrete and brick sales
Expense	\$220,000	\$	\$0	Crushing and handling costs
Net Result	\$0	\$0	\$0	The intention is to maintain a cost neutral service. That is the cost to crush the material will be offset by the disposal charge and sales income.

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

Legal/Statutory Implications

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

Environmental/Sustainability Impacts

Positive Impacts

Recycling concrete and brick currently diverts approximately 12,000 tonnes of material from landfill annually and creates a useful end product. Diverting this material significantly extends the operating life of the landfill as this represents a quarter of incoming waste.

The waste concrete is recycled into a product that can be used as a substitute for quarried rock in many cases.

Crushed concrete and brick is used by council in various projects including footpaths, road sub bases and landscaping.

Negative Impacts

Staff time will be used to manage the contract and the process.

Strategic Links

a) Greater Shepparton 2030 Strategy

Directly relates to the Greater Shepparton 2030 Strategy

- **Topic:** Environment: Conservation and enhancement of significant natural environments and cultural heritage.
- **Objective:** 4.To reduce greenhouse gas emissions by local action, in the interests of current and future generations
- **Action:** 4.3 – Encourages recycling by providing a worthwhile service and setting an example

6. MANAGEMENT REPORTS

6.8 Contract No. 1387 – Supply of Plant and Operation for Crushing Recycled Concrete (continued)

b) Other strategic links

- Victorian Government – Towards Zero Waste
- Greater Shepparton City Council – Waste Management Strategy

Options for Consideration

a) Do Nothing

Positives

- Council Officers would not have to spend time contributing to managing the contract

Negatives

- Each year approximately 12,000 tonnes of concrete and brick would need to be buried in landfill
- Council would take a backwards step in its goals of reducing waste to landfill and also setting a poor example to residents.

b) Proceed with the contract

Positives

- Council will continue to divert 12,000 tonnes of material from landfill
- The community and council will continue to benefit from a low cost, environmentally friendly alternative to quarried rock

Negatives

Staff will have to spend time contributing to managing the contract

Conclusion

Local Mix Quarries has the highest score in the tender evaluation which is reflective of their prices for the full potential contract period. CZL, Lima South Quarries, Ecocrete and Mansfield Constructions scored extremely closely. Some of the more noteworthy points of the evaluation are as follows:

- All contractors scored highly for past performance (referee comments)
- Ecocrete's tender scored significantly lower than the rest of the tenderers for Occupational Health and Safety and Risk Management due to a lack of documents provided in comparison to the other tenders.
- Ecocrete is the cheapest for the initial contract period; Local Mix Quarries is the cheapest over the full period while Mansfield Constructions is the most expensive.

The evaluation showed similar outcomes for all tenders with only four points separating the highest scoring tender from the lowest scoring. The nature of the works means that reasonably short notice is often required and availability of the contractors can vary. With these factors and the outcomes of the evaluation in mind, the recommendation is that all five contractors be accepted onto the panel of suppliers for crushing concrete and brick at Shepparton Transfer Station.

Attachments

Nil

6. MANAGEMENT REPORTS

6.9 Naming of Bridge – Locky’s Bridge

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: Administration Officer Statutory Planning

Proof reader(s): Manager Planning

Approved by: Acting Director Sustainability

Purpose

The Council received a request from the Hon Jeanette Powell MP to formally name the bridge that crosses the billabongs on Riverview Drive, Kialla as Locky's Bridge.

Moved by Cr Summer

Seconded by Cr Patterson

That Council approve the name Lockys Bridge in accordance with Guidelines for Geographic Names Victoria and the *Geographic Place Names Act 1998* and submit the name for approval to the registrar of Geographic Names.

CARRIED

Background

Lachlan Jai Collins was an 8 year old boy who lost his life whilst swimming in the billabong near the bridge on 17 January 2011.

Lachlan is the fourth generation who resided with his grandfather and his family in Kialla.

Council has received correspondence from Jeanette Powell MP indicating she has received correspondence from the Collins Family asking that the bridge near the family home be named in honour of Locky. Council has undertaken public consultation and considered the requirements of the guidelines for geographic names in Victoria.

Council Plan/Key Strategic Activity

This is a procedural matter, therefore the Council Plan doesn't provide guidance.

Risk Management

Name has been through the community consultation process via public notice, no submissions or objections were received.

Risks	Likelihood	Consequence	Rating	Mitigation Action
<ul style="list-style-type: none"> Minimal risk related to naming this bridge 	E	5	Insignificant	

6. MANAGEMENT REPORTS

6.9 Naming of Bridge – Locky’s Bridge (continued)

Risks	Likelihood	Consequence	Rating	Mitigation Action
<ul style="list-style-type: none"> Not naming the bridge could cause negative reaction by the family and/or community 	B	4	Moderate	Assessed against guidelines and advertised proposal by public notice
Risk that someone hasn't seen the notice and objects when the sign is erected.	D	4	Low	Public Notice was undertaken in accordance with naming guidelines

Policy Considerations

Council Officer assesses names in accordance with Guidelines for Geographic Names in Victoria and *Geographic Place Names Act 1998*.

Financial Implications

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

	2012/2013 Approved Budget for this proposal*\$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue	Nil			
Expense	Nil	\$1000.00	-	Parks & Rec
Net Result				

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

Legal/Statutory Implications

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

Environmental/Sustainability Impacts

There are no environmental impacts associated. The erection of the signage is the only requirement.

Social Implications

There are no social implication associated with the naming of the bridge.

Economic Impacts

There are no economic impacts associated with the naming of the bridge.

Consultation

Lockys Bridge was placed on Public Notice in the Shepparton News on 9 November 2012. There were no submissions received. The statutory planning administration officer has also had direct contact with Mr Collins (Lachlan's father).

6. MANAGEMENT REPORTS

6.9 Naming of Bridge – Locky’s Bridge (continued)

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Public Notice	Shepparton News
Consult	Family have been consulted	Discussions
Involve	Family have had input	Telephone conversations
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

There are links as this is procedural.

b) Other strategic links

There are links as this is procedural.

Options for Consideration

- Bridge be named
- Bridge remain unnamed

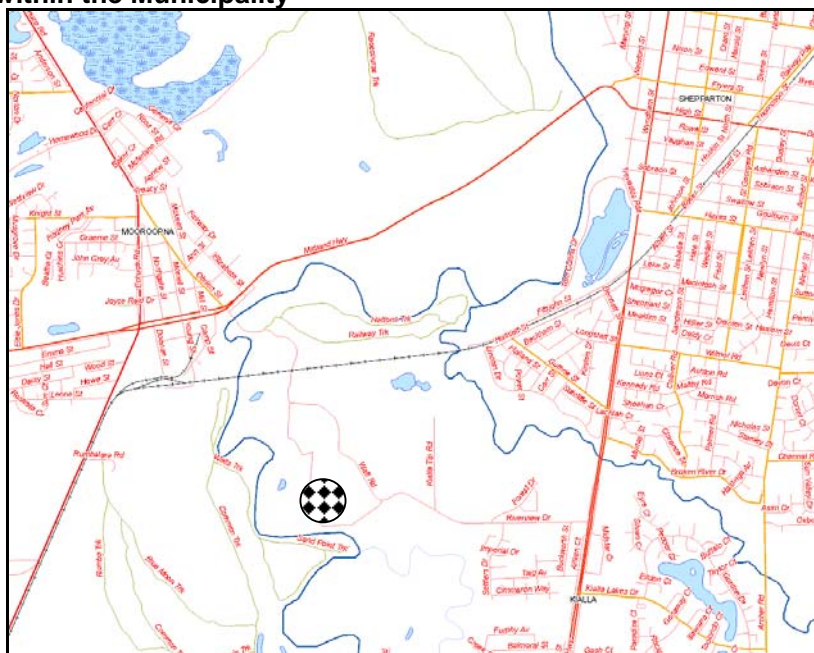
Conclusion

That this request be approved in honour of Lachlan.

In the absence of a policy the naming request meets all the criteria under the current guidelines, however there is a need for further guidelines or a council policy around naming where fatalities have occurred.

Site Plans and Aerial Photo

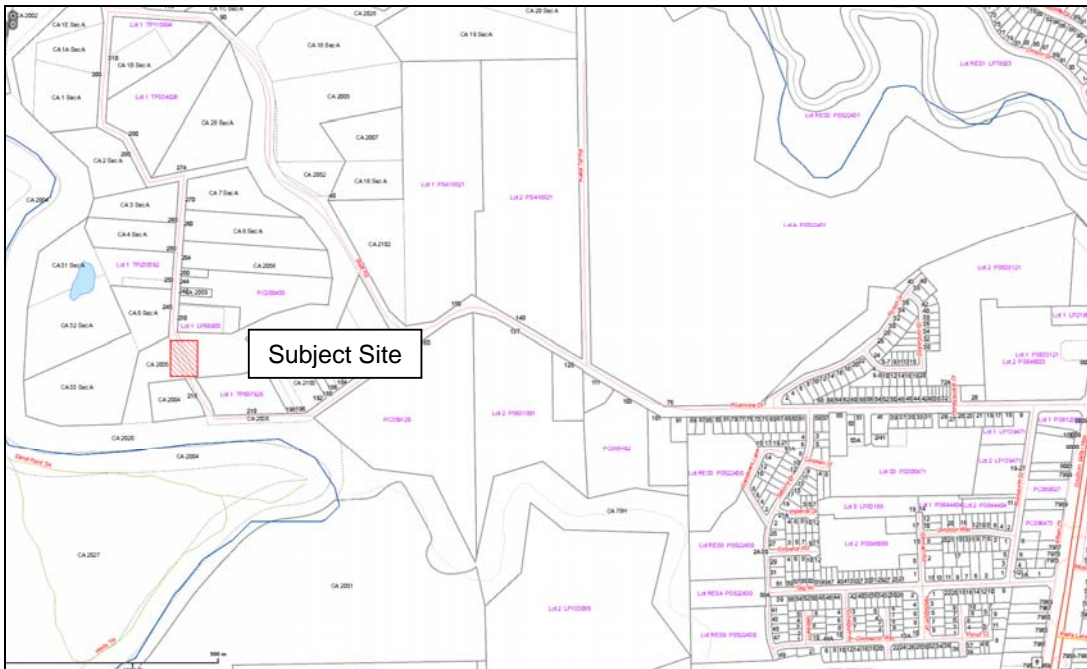
Location within the Municipality



6. MANAGEMENT REPORTS

6.9 Naming of Bridge – Locky's Bridge (continued)

Site Photo (Bridge Hatched)



Site Plan (Aerial Photo)



6. MANAGEMENT REPORTS

6.10 Park Naming – Colaura Gardens

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: Administration Officer Statutory Planning

Proof reader(s): Manager Planning

Approved by: Acting Director Sustainability

Purpose

The Council received a request from the Toolamba Community Plan Steering Committee to formally name the reserve on the corner of Wren Street and Daunt Street, Toolamba as Colaura Gardens.

Moved by Cr Patterson
Seconded by Cr Summer

That Council approve Colaura Gardens in accordance with Guidelines for Geographic Names Victoria and the *Geographic Place Names Act 1998* and submit the name for approval to the registrar of Geographic Names.

CARRIED

Background

The gardens in Toolamba were created by the efforts of many people and organisations as a memorial to the lives of Colleen and Laura Irwin, who were murdered in January 2006. The letter from the community group asks for Collaura with two l's, however the parents have confirmed the spelling to only have one l.

Council Plan/Key Strategic Activity

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

Risk Management

Name has been through the community consultation process via public notice, no submissions or objections were received – strong community support.

Risks	Likelihood	Consequence	Rating	Mitigation Action
Little risk related to naming of garden	E	5	Insignificant	
Not naming the gardens could cause a negative reaction by the family and the community	B	4	Moderate	Assessed against guidelines and advertised proposal by public notice

6. MANAGEMENT REPORTS

6.10 Park Naming – Colaura Gardens (continued)

Risks	Likelihood	Consequence	Rating	Mitigation Action
The gardens will not be listed on Emergency Services mapping databases	C	4	Low	
Risk that someone hasn't been the notice and objects when the sign is erected	D	4	Low	Public Notice was undertaken in accordance with Naming Guidelines

From this there is deemed no risk to naming this garden.

Policy Considerations

Council Officer assesses names in accordance with Guidelines for Geographic Names in Victoria and *Geographic Place Names Act 1998*.

Financial Implications

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

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

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

Legal/Statutory Implications

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

The naming of these gardens does not limit any human right provided for under the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

Environmental/Sustainability Impacts

There are no implications as this is procedural.

Social Implications

There are no implications as this is procedural.

Economic Impacts

There are no implications as this is procedural.

6. MANAGEMENT REPORTS

6.10 Park Naming – Colaura Gardens (continued)

Consultation

Colaura Gardens was placed on Public Notice in the Shepparton News in June 2012. There were no submissions received. Council staff have had direct dealings with the parents of Laura and Colleen and they are in full support of this proposal.

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Public Notice	Shepparton News
Consult	Contact with community group	Telephone conversations
Involve	Family have had input	Various means

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

Strategic Links

a) Greater Shepparton 2030 Strategy

There are no links as this is procedural

b) Other strategic links

There are no links as this is procedural

Options for Consideration

- Gardens remain unnamed
- Gardens be named

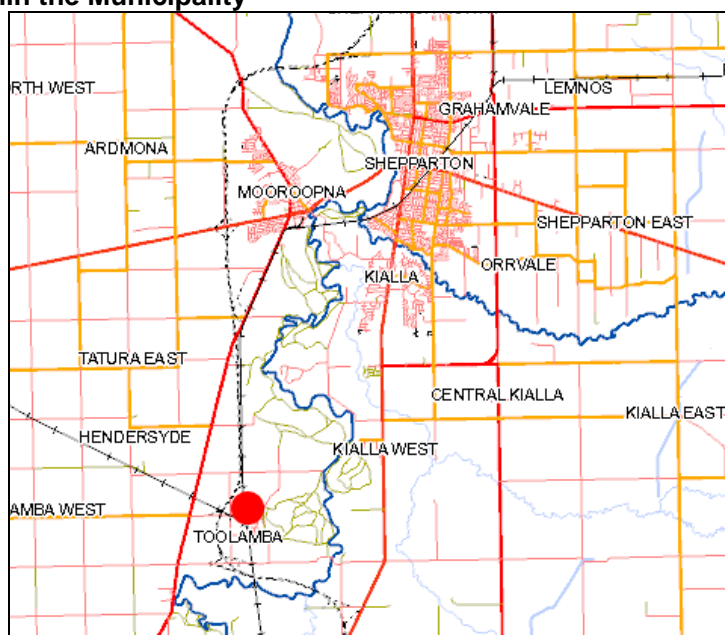
Conclusion

That this request be approved in honour of two girls from the local community.

Attachments

Nil.

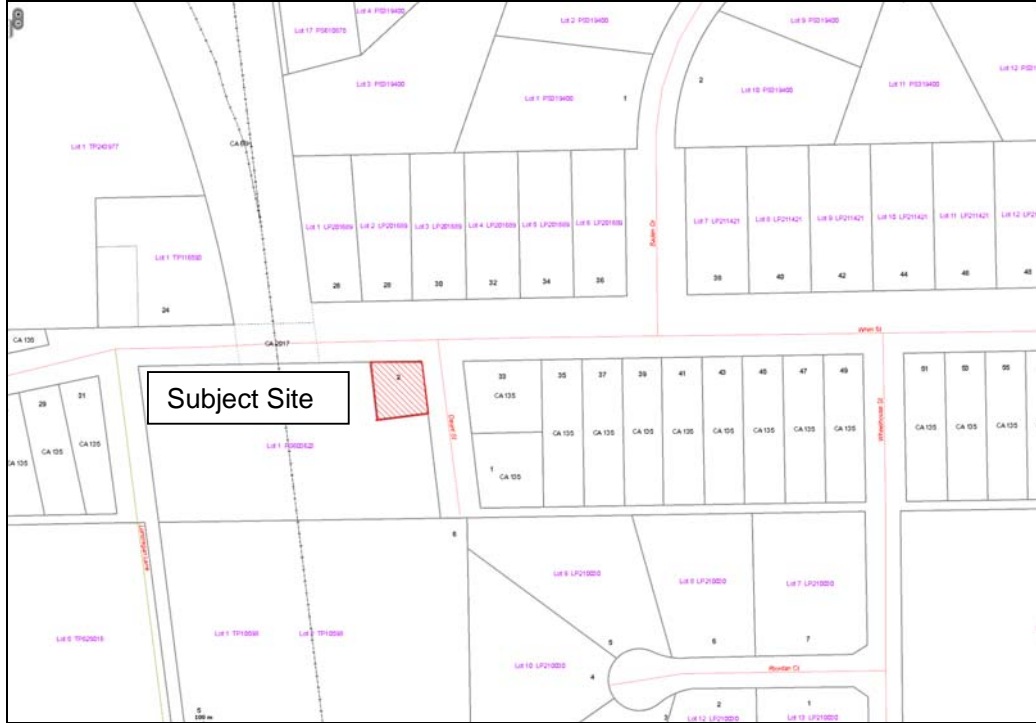
Location within the Municipality



6. MANAGEMENT REPORTS

6.10 Park Naming – Colaura Gardens (continued)

Site Map




Aerial Photo



6. MANAGEMENT REPORTS

6.10 Park Naming – Colaura Gardens (continued)

Letter from the Toolamba Community Steering Committee

18 th April 2012	Greater Shepparton C 20 MAY 2012 Forwarded To Copies To
Janine Saxon Administration Officer Statutory Planning Greater Shepparton City Council Locked Bag 1000 SHEPPARTON VIC 3630	
Dear Janine	
NAMING OF TOOLAMBA MEMORIAL GARDENS	
<p>As Chair of the Toolamba Community Plan Steering Committee I am writing to you to request the current gardens in Wren St be named "Collaura Gardens". I have attached a map of the exact site for your reference.</p>	
<p>The gardens in Toolamba were created by the efforts of many people and organisations as a memorial to the lives of Colleen and Laura Irwin, who were murdered on the 28th January 2006. Close friends of the family, Mark Little and Des Good along with others, formed a committee with the aim establish a memorial garden.</p>	
<p>The group worked closely with The Greater Shepparton City Council and its Urban Design department to purchase land from VicTrack, then designed a garden which incorporated touches that the sisters had created during their short lives. Tiles created by Angie Rossi reflect a photograph taken by Colleen and a poem written in part by Laura. Donations of money, labour, materials and support came from many areas, and the gardens were officially opened on the 14th January 2007.</p>	
<p>The gardens are used in a variety of ways by the Toolamba community; small family groups can be seen having a BBQ, the Toolamba Lions Club has had a free BBQ and coffee morning featuring some historic cars as a way to get the community to stop and spend time talking and catching up with one another. The Toolamba Community Planning group has held a youth event featuring live music. People passing through Toolamba also utilise the gardens as a place to stop, eat and drink. In 2011, the Gardens became an interest point with a large gum tree being illuminated and other festive lights adorning the fence line.</p>	
<p>When Shirley Irwin was asked about the gardens have an official name, without hesitation she asked for them to be named the 'Collaura Gardens'. Shirley said that this dates back to when the girls were much younger and she would call for them but get the names mixed up resulting in 'Collaura'.</p>	
<p>I hope you will consider this request favourably as it would mean a great deal to the community of Toolamba.</p>	
Yours sincerely	
Kate Montgomery Chairperson Toolamba Community Steering Committee 	

6. MANAGEMENT REPORTS

FROM THE ORGANISATION DIRECTORATE

6.11 Committee Membership

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

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

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

Council Officers involved in producing this report

Author: Acting Committees Officer

Proof reader(s): Team Leader Governance and Manager Corporate Performance

Approved by: Director Organisation

Purpose

The purpose of this report is to extend the current term of office for members of the Katandra West Community Facilities Committee of Management, the Deakin Reserve Advisory Committee and the Tatura Park Advisory Board.

Moved by Cr Oroszvary

Seconded by Cr Patterson

That the Council:

1. extend the current term of office for the members of the Katandra West Community Facilities Committee to 15 April 2013
2. extend the current term of office for the members of the Tatura Park Advisory Board to 15 April 2013
3. appoint Cr Ryan to the Tatura Park Advisory Board as the second Councillor Representative
4. extend the current term of office for the following members of the Deakin Reserve Advisory Committee to 31 December 2013:
Greg BEER
Marianne CONTI
John HYDE
Mark LAMBOURN
Christopher SMITH
5. extend the current term of office for the following members of the Deakin Reserve Advisory Committee to 31 December 2014:
Ian FITZSIMMONS
Ian HOWARD
Don KILGOUR
Paul McGRATH
Barry SENIOR.

CARRIED

6. MANAGEMENT REPORTS

6.11 Committee Membership (continued)

Background

1. Katandra West Community Facilities Committee of Management

The current members of the Katandra West Community Facilities Committee of Management were appointed at the Ordinary Council Meeting held on 15 February 2011. Their term of office expired on 14 February 2013. The February appointment/expiry dates for this committee has meant that in previous years recruitment has been undertaken during the Christmas Period which reduces the possible recruitment opportunities for members of the community who may be on holidays when the recruitment is undertaken. Extending the current term of office to 15 April 2013 allows for the recruitment process to be moved away from the holiday period. It is proposed to commence recruitment in early February with the new committee being appointed at the April Ordinary Council Meeting.

2. Tatura Park Advisory Board

The current community members of the Tatura Park Advisory Board were also appointed at the Ordinary Council Meeting Held on 15 February 2011 with their term of office expiring on 14 February 2013. As with the Katandra West Community Facilities Committee of Management it is proposed to extend the current term to 14 April 2013 to allow for the recruitment process to be undertaken at a time when community members are more likely to find out about the opportunity to nominate for the committee. It is proposed to commence recruitment in early February 2013 with the new committee to be appointed at the April Ordinary Council Meeting.

Since the Tatura Park Advisory Board was established in February 2011 Cr Ryan has served as one of the two Councillor representatives to the committee. When Council reviewed their representation on Council's various committees at the Ordinary Council Meeting held on 20 November 2012 Cr Ryan was omitted in error. It is proposed to rectify this and appoint Cr Ryan to the committee. There is no requirement to amend the current Terms of Reference applying to the committee as it currently allows for two Councillor representatives.

3. Deakin Reserve Advisory Committee

The members of the Deakin Reserve Advisory Committee are currently recruited on a rotational basis with 5 of the 10 community representative positions being appointed each year. Currently the term of office for Greg Beer, Marianne Conti, John Hyde, Mark Lambourn and Christopher Smith finishes on 14 November 2013 while the term of office for Ian Fitzsimmons, Ian Howard, Don Kilgour, Paul McGrath and Barry Senior expires on 15 October 2014. The Committee has requested that their current terms be extended so that they end on 31 December. It is proposed that future appointments will be made at the December Ordinary Council Meeting each year with those members being appointed for the following calendar year. This will enable the committee to undertake their election of office bearers at the first meeting of each calendar year with the office bearers serving for the next twelve months.

Council Plan/Key Strategic Activity

This proposal supports objective 31 of the *Council Plan 2009-2013* – provide best practice management and administrative systems and structures to support the delivery of Council services and programs.

6. MANAGEMENT REPORTS

6.11 Committee Membership (continued)

Risk Management

Extending the current terms of office for the members of the Katandra West Community Facilities Committee of Management and the Tatura Park Advisory Board reduces the risk of Council being unable to obtain sufficient applicants to establish these committees.

Ensuring that the members of all of Council's Committees of Management are appointed by Council helps to reduce the governance risks associated with the delegation of Council powers to those committees.

Policy Considerations

There are no conflicts with existing Council policies.

Financial Implications

There are no financial implications arising from this proposal.

Legal/Statutory Implications

This proposal conforms with the requirements of the *Local Government Act 1989*.

Environmental/Sustainability Impacts

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

Social Implications

The appointment of community members to committees helps to build a sense of community by increasing stakeholder participation and giving community members a greater sense of pride and involvement in their local community.

Economic Impacts

There are no economic impacts arising from this proposal.

Consultation

All of the existing community members have been consulted and have agreed to the extension of their current terms.

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Keep informed	<ul style="list-style-type: none"> • Consultation with committee members
Involve	Work together. Feedback is an input into decision making.	<ul style="list-style-type: none"> • Council consulted with the committees in relation to the changes to their terms of office.
Collaborate	Feedback and advice received from the committee will be incorporated into decisions to the maximum level possible.	<ul style="list-style-type: none"> • The Deakin Reserve Advisory Committee requested that their appointment dates be moved to better align with their processes.

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

6. MANAGEMENT REPORTS

6.11 Committee Membership (continued)

Strategic Links

a) Greater Shepparton 2030 Strategy

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

b) Other strategic links

No other strategic links have been identified.

Options for Consideration

Councillors could choose to not extend the current terms of office for all or some of these committees or appoint Cr Ryan to the Tatura Park Advisory Board but this would:

1. leave the Katandra West community facilities without a functioning Committee of Management until such time as a new committee can be recruited
2. leave the community with no input into the functioning of Tatura Park until such time as a new committee can be recruited.

Conclusion

It is recommended that the terms of appointment for members of the three committees be amended in accordance with the recommendations in this report and for Cr Ryan to be appointed as the second Councillor representative on the Tatura Park Advisory Board.

Attachments

Nil.

6. MANAGEMENT REPORTS

6.12 Audit and Risk Management Committee – Appointment of External Members

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

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

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

Council Officers involved in producing this report

Author: Team Leader Risk Management

Proof reader(s): Manager Corporate Performance

Approved by: Director Organisation

Purpose

In compliance with section 139 of the *Local Government Act 1989*, Council must establish an audit committee (committee) as an independent advisory committee and follow the guidelines developed by the Minister.

A component of the guidelines is to establish Terms of Reference in the form of a Charter; the Charter is required to be reviewed on an annual basis.

As detailed in the Charter “*The committee will comprise a minimum of six members – two (2) Councillors and four (4) external independent persons.*”

The purpose of this report is to seek approval in the appointment of the detailed applicants from the recently advertised positions.

Moved by Cr Polan
Seconded by Cr Ryan

That Council resolve to appoint Mr Graeme Jolly and Mr Geoff Cobbledick (external members) to Council’s Audit and Risk Management Committee for a term of three years expiring in February 2016.

CARRIED

Background

At the Ordinary Council Meeting held on 18 December 2012 Council resolved to adopt the reviewed Charter of which included an amendment to membership from three external members to four.

Due to the resignation of the committee’s chair and the change to membership, the committee advertised for two external positions closing 1 February 2013.

The following applications were received:

- Mr Graeme Jolly
- Mr Geoff Cobbledick

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”

6. MANAGEMENT REPORTS

6.12 Audit and Risk Management Committee – Appointment of External Members (continued)

Risk Management

The Audit and Risk Management Committee are to provide guidance to Council in internal and external audit, annual financial reporting, insurance and risk exposures, compliance and assessment and review, all of which are high risk components of Councils roles.

Risks	Likelihood	Consequence	Rating	Mitigation Action
Quorum requirements not filled due to inadequate numbers of external members.	D	3	Moderate	Advertised for two external members to fill all roles.
Committee not meeting charter membership requirements breaching section 139 of the <i>Local Government Act 1989</i> .	E	3	Moderate	Advertised for two external members to fill all roles. Two applicants applied.

Policy Considerations

There are no conflicts with existing Council policy.

Financial Implications

Financial implications for the ongoing fees associated with the Audit and Risk Management Committee is included in approved budgets.

Legal/Statutory Implications

In compliance with section 139 of the *Local Government Act 1989*, Council must establish an audit committee as an independent advisory committee.

Environmental/Sustainability Impacts

There are no known environmental / sustainability impacts associated with the details within this report.

Social Implications

Social implications associated with the Audit and Risk Management Committee have been addressed within the Charter.

Economic Impacts

There are no known economic impacts associated with the details within this report.

Consultation

Applications received have been reviewed by the current external members of the committee in addition to Council's Executive Team who support the recommended appointments.

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

6. MANAGEMENT REPORTS

6.12 Audit and Risk Management Committee – Appointment of External Members (continued)

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 appointment of Mr Graeme Jolly and Mr Geoff Cobbledick (external members) to Councils Audit and Risk Management Committee meets the charter requirements and provides further skill and knowledge for the committee to meet the primary objectives of their formation.

Attachments

Nil

7. TABLED MOTIONS

Nil received.

8. REPORTS FROM COUNCIL DELEGATES TO OTHER BODIES

Nil received.

9. REPORTS FROM SPECIAL COMMITTEES AND ADVISORY COMMITTEES

Nil received.

10. NOTICES OF MOTION, AMENDMENT OR RESCISSION

Nil received.

11. DOCUMENTS FOR SIGNING AND SEALING

Documents for Signing and Sealing

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

Under section 80C of the *Local Government Act 1989* 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.

Deed of renewal of lease – The Greater Shepparton City Council entered into a lease with the Shell Company of Australia Limited (“the lessee”) on 28 September 1987 for part of Victoria Park Reserve, for a period of 10 years with four further terms of 5 years each. The lessee has exercised its option to renew the lease for the final term of 5 years commencing on 1 June 2012 and expiring on 31 May 2017. The Deed of Renewal of Lease document will formalise the lessee’s tenancy for the final 5 year term.

Moved by Cr Polan
Seconded by Cr Patterson

That the Council authorise the signing and sealing of the Deed of Renewal of Lease with the Shell Company of Australia Limited..

CARRIED

12. COUNCILLOR ACTIVITIES

Councillors' Community Interaction and Briefing Program

From 8 December 2012 to 10 February 2013, some or all of the Councillors have been involved in the following activities:

- Kialla Landfill - Australian Botanical Gardens - Working Bee
- Cultural Heritage Awards
- Visit by Shangqiu City (China) delegation - regarding proposed sister city agreement
- Street Rider Night Bus - Xmas Function
- 2012 GOTAFE Trades Awards and Graduation [Shepparton & Seymour Campuses]
- CEO & Mayor visit Minister Lovell, Minister Mulder & Minister Hall – Parliament House
- Carols by Candlelight - Media Opportunity
- Monash Park Mural Launch
- Best Start Partnership Meeting
- L2P - Thank You Xmas Party
- Shepparton Aerodrome Advisory Committee meeting
- HRLGN Meeting & Christmas Lunch
- Turn on the lights at Dookie
- SSM Reference Group Meeting
- Mactier Park & Lake Bartlett Master Plan Consultation
- Carols by Candlelight - Mooroopna
- Heritage Advisory Committee meeting - last meeting for 2012
- Rating Strategy Group Meeting
- Shepparton High School - Presentation Evening
- Media Photo Opportunity - Undera Community [Council replaced Christmas Bow]
- AFL - Youth Girls National Championships - Media Launch
- Councillor, Executive & Partners Xmas Dinner
- Audit and Risk Management Committee Meeting
- DAC Christmas Meeting and Break-up
- Sir Murray Bouchier Meeting
- RiverConnect Implementation Advisory Committee Meeting
- Xmas Civic Reception & Thank You from Council to Community Representatives
- GV Regional Library - Xmas Break Up
- Council Staff Christmas Break Up at the Doyles Road Complex
- Shepparton Carols by Candlelight
- Rotary Mooroopna Club - Car Raffle draw
- Rating Strategy Reference Group - Meeting 2
- Meeting with Professor Hal Swerissen, La Trobe University, Shepparton
- SSM January Meeting
- Kialla Landfill workshop with Rob Cooper
- Smoke Free Dining Community session
- Minister Visit - The Hon Denis Napthine & The Hon Wendy Lovell – Greater Shepparton Council offices
- Summer Stroll Series - Tatura
- GV African Community - Welcoming of the New Year
- Multi Cultural Islamic Food Festival
- Shepparton Harness Gold Cup
- Australian Open Office of the Premier Invitation
- Rating Strategy Reference Group - Meeting 3

12. COUNCILLOR ACTIVITIES

Councillors' Community Interaction and Briefing Program (continued)

- Kialla Landfill Meeting
- Dairy Week - Walk Around
- Kialla Landfill Site Tour – Cr Houlihan & Cr Summer
- International Dairy Week - Presentations
- Australia Day Committee and Guests - Pre Dinner Drinks meeting
- Australia Day Celebrations - Dookie
- Australia Day Celebrations - Murchison
- Australia Day Celebrations - Arcadia
- Australia Day Celebrations - Tatura
- Australia Day Celebrations - Mooropna
- Australia Day Celebrations - Toolamba
- Australia Day Celebrations - Shepparton
- Tour - Shepparton Transfer Station and Animal Shelter
- Media Announcement - Australian Grand Prix [visit on 9 March]
- Rating Strategy Reference Group Meeting
- Hume Alliance Executive Group meeting – Wangaratta
- Summer Stroll Series - Katandra West
- Meeting with Trent McCrae - Principal of Shepparton East Primary School
- Greater Shepparton Environmental Sustainability Strategy - Stakeholder Reference Committee Meeting
- Rural Health Academic Centre - Orientation Week - Speak to Medical Students
- Launch of Fairley Leadership Program 2013
- Media Interview & Filming - Get Moooving Greater Shepparton [Victoria Park Lake]
- Rating Strategy Reference Group - Meeting 4
- Ministerial Funding Announcement - Shepparton Showgrounds
- Executive & Councillors -Development of Council Plan Workshop weekend - 8 & 9 February 2013

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

Moved by Cr Oroszvary Seconded by Cr Ryan

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

CARRIED

Attachments

Assemblies of Councillors Records:

- Heritage Advisory Committee - 6 August 2012
- Heritage Advisory Committee - 3 September 2012
- Heritage Advisory Committee - 1 October 2012
- Older Persons Advisory Committee - 13 October 2012
- Disability Advisory Committee - 26 October 2012
- Heritage Advisory Committee - 26 November 2012
- Councillor Briefing Session - 11 December 2012
- Rating Strategy Reference Group – 17 December 2012
- Councillor Briefing Session - 18 December 2012

12. COUNCILLOR ACTIVITIES

Councillors' Community Interaction and Briefing Program (continued)

- Shepparton Art Museum Advisory Committee Meeting - 19 December 2012
- Rating Strategy Reference Group – 10 January 2013
- Rating Strategy Reference Group – 17 January 2013
- Councillor Briefing Session – 22 January 2013
- Councillor Briefing Session – 29 January 2013
- Rating Strategy Reference Group – 30 January 2013
- Councillor Briefing Session – 5 February 2013
- Rating Strategy Reference Group – 7 February 2013

13 URGENT AND OTHER BUSINESS NOT INCLUDED ON THE AGENDA

Nil received.

14. PUBLIC QUESTION TIME

Question 1 (John Gray)

It is pleasing (a) that Council invites interested members of the public to attend, as observers, the regular meetings of the Shepparton Show Me Committee and (b) that that invitation is included in public advertising of each such meeting. In the further interests of municipal transparency why are a lot more of Council committees, the membership of which often comprises public nominees, not open to the public, and further who determines which committee meetings are open and which are not?

Response

Under Section 89 of the Local Government Act 1989, all meetings of Special Committees of Council are required to be open to members of the public unless the committee resolves to close the meeting to consider a confidential item of business. Members of the public are welcome to attend any meeting of a Special Committee. Annual General Meetings of these committees are currently advertised by way of a public notice in the Shepparton News. Council is currently reviewing the process for publishing the dates and times of upcoming committee meetings including publicising the dates on Council's website.

All vacancies of the Special Committees are advertised in the Shepparton News with the decision of the successful nominees being made at an Ordinary Council meeting open to the public.

There is no requirement under the Act for meetings of Advisory Committees to be open to members of the public. Council does not at this stage intend to make it mandatory for Advisory committees to be open to the public.

Question 2 (John Gray)

More than twelve months ago an application was made for the "Median Strip, McLennan St Mooroopna - Morrell St to Echuca Rd", to be considered for inclusion on the Greater Shepparton Planning Scheme Heritage Overlay for historical, cultural and aesthetic reasons. No notification of progress of that application seems to have been forthcoming. Can some information be expedited in respect of this matter?

Response

The Strategic Planning Team received a letter and accompanying photographs from John and Barbara Gray on 18 August 2011 stating that the median strip located along McLennan Street, Mooroopna was of historical, aesthetic and cultural significance. The letter recommended that the strip be included within the Heritage Overlay.

The Council responded with a letter dated stating that the Council had recently adopted the latest heritage study, the *Greater Shepparton Heritage Study Stage IIB* (HSIIB), in September 2010. This study recommended a list of places that should be considered for inclusion within the Heritage Overlay as part of a future planning scheme amendment. Council officers issued a copy of the letter to the Council's Heritage Advisor for their consideration for potential inclusion in any future heritage study and to the Asset Development Team for consideration in any future scheme they may propose for the strip in the interim.

14. PUBLIC QUESTION TIME

At that time, Amendment C110 (to integrate the recommendations of HSIIB into the planning scheme) was largely in draft form and it was not then possible to retrofit the adopted study to include the median strip. As a result, it was agreed that the strip should be assessed as part of a future heritage study, specifically the rural heritage study. It is foreseen that this study (subject to budget provisions) will be and undertaken in the 2013-2014 financial year and will include the assessment of the median strip. The Council's Heritage Advisor is likely to consider the strip to be a place of cultural heritage significance and recommend its inclusion within the heritage overlay.

Question 1 (Edgar Betts)

As a background to my question, I understand each property owner is responsible for the care of the nature strip in front of their property. Some plant nice lawns, some even use artificial grass. I spent a considerable sum in preparation and covering my nature strip with fine pebbles, to save water and labour as I am 90 years of age. Since Council created centre of the road parking in Marungi Street, on most weekdays before 9am all parking spaces are occupied from Nixon Street halfway to Knight Street, some days all the way. There is rarely a space near my home for visitors. Why is it illegal for me to park my car on the nature strip in an emergency or to make way for visitors?

Response

Rule 197 of the Road Safety Road Rules 2009 states that a driver must not stop on a nature strip adjacent to a length of road in a built-up area, unless certain conditions apply, for example, the vehicle is a motor cycle and does not obstruct pedestrian or vehicle traffic, or there are parking control signs permitting vehicles to park.

Question 2 (Edgar Betts)

As a background to question, I have seen people washing cars on nature strips which seems a good practical water saving action. However this must also be illegal. I notice in some narrow streets where little space is left on the roadway, if a car is parked on each side against the kerb, that people park on the nature strip or place 2 wheels up on the nature strip. This must also be illegal. I note that in a number of residential streets in the central part of Shepparton, it is very difficult for residents where all day parking monopolizes the streets. Question 2 Will Council instruct its Parking Officers to be more considerate of this supposed offence and use some initiative as to whether there is a real problem parking a car on a nature strip?

Response

It is illegal to park on the nature strip while washing cars. It is also illegal to park with two wheels up on the nature strip, although in narrow streets parking officers do use discretion in assessing whether there is sufficient cause to issue an infringement notice.

Question 1 (Peter Twomey)

At the Ordinary Council meeting on the 18th September 2012 Council resolved to make the payment of \$5,334,219.73 prior to 30th September 2012 from existing cash reserves to cover a shortfall in the above fund. At that same meeting Council resolved to continue to lobby Government to return the DBP to an exempt fund for Local Government.

Has Council since 30/09/2012 made representation to the State and Federal Governments in this matter particularly:

- a. To return the Defined Benefit Fund to an exempt fund for Local Government?
- b. Seek the Commonwealth Government to forego the contributions tax which increases the shortfall by 15% and to also waive Work Cover premiums charged on the shortfall?

14. PUBLIC QUESTION TIME

Response

Council, through its Chief Executive Officer, has participated in the Municipal Association of Victoria Defined Benefit Taskforce which was established in response to concerns by councils' regarding the Defined Benefit Superannuation call. One of the key objectives of the taskforce was to campaign for the reinstatement of the Local Authorities Superannuation Fund Defined Benefits Plan as an exempt public sector scheme. The Taskforce in its Final Report December 2012 made 19 recommendations including government, fund and employer reforms to reduce the current and future liabilities facing councils. The report acknowledges that waiving or rebating the contributions tax would result in a significant benefit to employers and the community and should be pursued further, with a recommendation to write to the Commonwealth and obtain a definitive position on contributions tax. The report also questions whether the application of the Work Cover Act is equitable and recommends an investigation into the actuaries analysis of remuneration returns.

The final report is available for viewing on the MAV website.

Question 2 (Peter Twomey)

We trust that Councillors realize how unjust an expense this payment is for ratepayers as a great many of them are in superannuation funds and have to accept their funds results which on occasions are disappointing due to investment performance, yet these same ratepayers have to contribute to make up for poor results of the LASF DBP to benefit Council employees.

- a. How many of the current employees of the Greater Shepparton City Council are members of the LASF DBP and their possible length of employment?

Response

Effective 14 February 2013, the Council has 38 contributing members. Noting that the fund closed on 31 December 1993, the length of service for these employees ranges from 20 years through to 39 years.

- b. How many former employees are now benefiting from this Fund?

Response:

The method in which the fund contributions are calculated is such that former employees could be benefiting from the fund, however Council is not provided details of past employees who are still benefiting members.

- c. Does the partner of the employee continue to receive the benefit under this Fund after the death of the former employee?

Response:

Yes, the benefit is transferred to the surviving partner of an employee.

- d. Has Council considered requesting employees who will benefit from this plan making larger contributions to the Fund to help make up the shortfall?

Response:

In addition to the legislated employer contribution, employees of the LASF Defined Benefits Scheme are required to make a further compulsory contribution of 6% of salary to their Defined Benefit Fund.

With the fund being closed in 1993, employees are not permitted to make additional contributions to their Defined Benefit Superannuation Fund.

15. CONFIDENTIAL MANAGEMENT REPORTS

15.1 Designation of Confidentiality of Information

**Moved by Cr Summer
Seconded by Cr Polan**

That pursuant to section 89(2)(a)(d)(f) and (h) of the *Local Government Act 1989* the Council meeting be closed to members of the public for consideration of a confidential item.

CARRIED

15.2 Shepparton Show Me Reference Group – Recommendations

15.3 Reopening of the Council Meeting to Members of the Public

**Moved by Cr Polan
Seconded by Cr Ryan**

That the Council meeting be re-opened to members of the public.

CARRIED

15.4 Designation of Confidentiality of Information – Report Attachments

**Moved by Cr Ryan
Seconded by Cr Oroszvary**

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 agenda report 6.6 'Contract No. 1387 – Supply of Plant and Operation for Crushing Recycled Concrete' 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:

MEETING CLOSED: 6.55PM

CONFIRMED

CHAIR