

MINUTES

FOR THE
GREATER SHEPPARTON CITY COUNCIL

ORDINARY COUNCIL MEETING

HELD ON
TUESDAY 19 MARCH 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, Kevin Ryan and Fern Summer

OFFICERS: Gavin Cator – Chief Executive Officer
Justin Finlayson – Director Business
Kaye Thompson – Director Community
Steve Bowmaker – Director Infrastructure
Fiona Sawyer – Official Minute Taker
Rebecca Bertone – 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 Oroszvary
Seconded by Cr Summer

That the Minutes of the Ordinary Council Meeting held on 19 February 2013, as circulated, be adopted.

CARRIED

5. DEPUTATIONS AND PETITIONS

5.1 Objection to the Planning Permit Application for the Development of Broiler Poultry Farm

A letter containing 121 signatures in relation to this matter has been submitted to Council for consideration. The letter provided some environmental and social reasons from the residents’ perspective and requests Council consideration of the impacts that the proposed development would have on the surrounding residential area.

Moved by Cr Oroszvary
Seconded by Cr Ryan

That the Council receive and note the contents of the petition.

CARRIED

6. MANAGEMENT REPORTS

FROM THE COMMUNITY DIRECTORATE

6.1 Greater Shepparton Women's Charter Alliance Advisory Committee – Appointment of new 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: Manager Neighbourhoods

Proof reader(s): Director Community

Approved by: Director Community

Summary

Greater Shepparton City Council endorsed the Victorian Local Government Women's Charter on 17 August 2010 and nominated Cr Jenny Houlihan as Charter Champion to steer the development of a Greater Shepparton 3 x 3 Local Government Women's Charter Action Plan to promote more active citizenship and way forward in Greater Shepparton. The Action Plan developed at this time identified the need to establish a Greater Shepparton Women's Charter Alliance Advisory Committee. The Greater Shepparton Women's Charter Alliance Advisory Committee formed in early 2012, with the Committee Terms of Reference and membership to be reviewed annually.

The Alliance Advisory Committee consists of interested Council staff and community members to progress the three key areas identified in the Action Plan - gender equity, diversity and active citizenship. These key areas create innovative ways to encourage leadership roles for women in all aspects of Council and community decision-making processes.

As stipulated in the Terms of Reference, up to 10 community members from the Greater Shepparton community are able to be appointed to this committee. Nominations for the next term of the Women's Charter Alliance Advisory Committee were sought in November and December 2012 with the following nominations being received. This report requests to appoint the community members and Council representatives listed below to the committee for a one year period commencing on the date of appointment by Council.

6. MANAGEMENT REPORTS

6.1 Greater Shepparton Women's Charter Alliance Advisory Committee – Appointment of new members (continued)

Moved by Cr Summer Seconded by Cr Patterson

That the Council consider the nominations received for appointment to the Women's Charter Alliance Advisory Committee and appoint the following members for a one year period commencing on the date of appointment by Council:

- Council representatives:
 - Cr Fern Summer – Charter Champion
 - Amanda Tingay
 - Jacklyn Lamb – Support Person
 - Michelle Bertoli
 - Sally Rose
 - Virginia Boyd
 - Louise Dwyer

- Community representatives:
 - Fran Smullen
 - Jennifer Broadbent
 - Patricia Moran
 - Elif Al-Tuhmanzy
 - Shira Lam
 - Leanne Raditsas
 - Connie O'Dea
 - Kerrin Tzountzourkas

CARRIED

Background

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

An internal working group of interested Council officers was formed to develop and progress the Action Plan. As part of this action plan the committee proposed to develop a Women's Charter Alliance Advisory Committee made up of interested Council officers and community members to progress the Action Plan and create innovative ways to encourage leadership roles for women in all aspects of Council and community decision-making processes. A revision of the current Action Plan is required to ensure that new priorities are reflected.

6. MANAGEMENT REPORTS

6.1 Greater Shepparton Women's Charter Alliance Advisory Committee – Appointment of new members (continued)

The Women's Charter Alliance Advisory Committee was formed in early 2012. Over the past 12 months the Committee has held a number of key events including an event to mark International Women's Day and an information session specifically for women who were interested in running for Council in the 2012 elections.

This year the International Women's Charter Committee aim to continue to progress the charter principles through a range of forums on a number of key issues. The current Committee have commenced discussions to host an International Women's Day event, "Connecting Mentors through Cooking, Culture and Comedy".

The Terms of Reference have been developed to articulate the roles and functions of the Committee. As stipulated in these Terms of Reference, expressions of interests were recently advertised seeking nominations for membership to the Committee for a 12 month period.

Council Plan/Key Strategic Activity

The appointment of nominations to the Greater Shepparton Women's Charter Alliance Advisory Committee is intrinsically linked to the Council Plan 2009-2013, in particular the Community Life objective.

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

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Lack of communication between the Committee and Council	C	4	Low	One Councillor is an appointed member of the Committee to provide a communication channel and directions.

Policy Implications

There are no conflicts with any current Council policy documents. This action relates to an existing Advisory Committee for which all policy considerations have been made.

6. MANAGEMENT REPORTS

6.1 Greater Shepparton Women's Charter Alliance Advisory Committee – Appointment of new members (continued)

Financial Implications

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

	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 Women's Charter Alliance Advisory Committee
Expense	\$13,000	\$0		
Net Result				

Legal/Statutory Implications

This report is consistent with the *Local Government Act 1989* and the *Victorian Charter of Human Rights and Responsibilities Act (2006)*.

Environmental/Sustainability Impacts

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

Social Implications

Appointing community members to the Women's Charter Alliance Advisory Committee will help to build a sense of community as it raises the profile of women within our community. This Committee meets objectives of improving self esteem and wellbeing of women.

Economic Impacts

Some actions of the Greater Shepparton Women's Charter Alliance will support the local economy. In particular the, International Women's Day Event "Connecting Mentors through Cooking, Culture and Comedy" will value add to the local economy, through the purchasing/hiring of materials and goods. The event will also be open to residents outside the municipality, providing an opportunity to showcase the Greater Shepparton region.

Consultation

Advertisements calling for nominations for applicants to fill the vacant positions on the Women's Charter Alliance Advisory Committee were placed in the Shepparton News on Friday 31 August and 7 September 2012. A notice calling for nominations was also placed on Council's website for the same period.

6. MANAGEMENT REPORTS

6.1 Greater Shepparton Women's Charter Alliance Advisory Committee – Appointment of new members (continued)

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Keep informed	<ul style="list-style-type: none"> Newspaper advertisements in Shepparton News on 30 November and 7 December 2012 and advertised on Council website for the same period Consultation with committee members
Involve	Work together. Feedback is an input into decision-making.	<ul style="list-style-type: none"> Council to consult with the committee in relation to women's issues
Collaborate	Feedback and advice received from the Committee will be incorporated into decisions the maximum level possible.	<ul style="list-style-type: none"> Advisory Committee consisting of community members to be appointed. Councillor appointee to the committee enables ongoing collaboration between the committee and the Council. Council will consider funding requests where possible to enable the committee to undertake desired projects.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

Direction 2 – Community Life

b) Council Plan 2009-2013

Direction 2 – Community Life

Greater Shepparton City Council – Community Development Framework

Options for Consideration

Option 1 – Council chooses not to appoint some or all of the applicants to the committee.

Council endorsed the Women's Charter Alliance Advisory Committee in February 2012.

As part of this endorsement a Terms of Reference was developed to support the operations of the committee. This option would not support recommendations listed in the Terms of Reference.

Option 2 - Council consider the nominations received for appointment to the Women's Charter Alliance Advisory Committee and appoint the members for a one year period, commencing with the date appointed by Council.

By appointing the received nominations to the Committee, a strong cohesive committee will be formed.

Attachment

Women's Charter Alliance Advisory Committee Update 2013

6. MANAGEMENT REPORTS

FROM THE BUSINESS DIRECTORATE

6.2 Discontinuance of crown roads abutting Kialla West Cemetery

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

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

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

Council Officers involved in producing this report

Author: Senior Business and Property Officer

Proof reader(s): Manager Property and Procurement

Approved by: Director Business

Purpose

The report presents the proposed discontinuance of three unused crown road reserves, abutting the north, east and south boundaries of the Kialla West Cemetery to enable the parcels to be consolidated with the title to the Cemetery property to allow for flood mitigation works and to provide additional areas for culturally diverse burials in the future.

The proposal was advertised in the Shepparton News on 30 March 2012 and two submissions were received. Following consideration of those submissions, it is proposed to discontinue the unused road on the eastern boundary only.

Moved by Cr Polan

Seconded by Cr Oroszvary

That the Council:

1. determine that the unused crown road reserve abutting the east boundary of crown allotment 14 Parish of Kialla, known as Kialla West Cemetery, 7374 Goulburn Valley Highway, Kialla, is not required for public use as a road and will be formally discontinued and notice given of the road discontinuance in the *Government Gazette*.
2. determine that the land contained within the closed road reserve be consolidated with the Kialla West Cemetery at 7374 Goulburn Valley Highway, Kialla.
3. authorise the signing and sealing of all documentation to complete the road discontinuance and consolidation of the land with Kialla West Cemetery.

CARRIED

Background

The Department of Sustainability and Environment (DSE) has provided written consent to formally discontinue the road reserves abutting the Kialla West Cemetery, which the Council can facilitate in accordance with section 206 and clause 3 of schedule 10 of the *Local Government Act 1989*. The Crown road reserves are unused roads and were not considered to be required for road use into the future. There is no existing public access to these road reserves as a channel has been constructed on a fourth crown road reserve which abuts the western side of the cemetery. The road reserves are being used

6. MANAGEMENT REPORTS

6.2 Discontinuance of crown roads abutting Kialla West Cemetery (continued)

by an adjoining property owner for grazing purposes, although the Department of Sustainability and Environment (DSE) had not issued a grazing licence.

Formally discontinuing the road reserves will remove the road status from the titles of the unused crown road reserves, which will enable the land to be consolidated with the Kialla West Cemetery property. As land used for cemetery purposes is Crown land, the ownership status will remain unchanged.

While the cemetery currently has capacity to provide for interments for 50 years or more based on existing trends, an emerging demand to establish new specific denominational areas provides additional challenges on this capacity. With the Goulburn Valley attracting settlers from different cultural backgrounds, the Kialla West Cemetery can provide for specific cultural burial needs.

Following identification of the possible available land, the Senior Business and Property Officer who is appointed as the trust secretary contacted DSE to obtain consent for the proposal.

The Council at its Ordinary Meeting on 20 March 2012 resolved that the Council:

1. in accordance with the provisions of section 223 of the *Local Government Act 1989*, give public notice of its intention to discontinue the three unused crown road reserves, abutting the north, east and south boundaries of crown allotment 14 Parish of Kialla, known as Kialla West Cemetery, 7374 Goulburn Valley Highway, Kialla to enable the parcels to be consolidated with the cemetery property; and
2. invite submissions from any person affected by the proposed discontinuance of those crown road reserves.

Submissions

The proposed discontinuance was advertised in the Shepparton News on 30 March 2012 and two written submissions were received. Copies of the submissions have been provided to the Councillors.

A submission was received from an adjoining property owner who demonstrated that discontinuance of the northern and southern road reserves would impact the legal access to their property titles.

A second submission was received on behalf of the Kialla West Primary School. The grounds for the objection were of traffic congestion during funerals and school drop-offs, and lack of parking for parents. The submission states that if the three roads were constructed, then parents could travel on those roads in a loop to drop their children off at school, thus alleviating congestion.

During the months of April and May consultation was had with all relevant authorities, including Goulburn-Murray Water (G-MW) and the Northern Victoria Irrigation Renewal Project (NVIRP). G-MW has a channel constructed on the western road reserve that is a major channel servicing a significant number of properties. G-MW and NVIRP have advised that there are no short or medium terms plans to remove the channel and have indicated that the channel will more than likely still be there in 10 to 20 years. G-MW

6. MANAGEMENT REPORTS

6.2 Discontinuance of crown roads abutting Kialla West Cemetery (continued)

requested an on-site meeting to discuss the road closure proposal. At an onsite meeting with G-MW on 15 May 2012, G-MW indicated that they were concerned that someone was driving along the banks of the channel which is located on the western road reserve and crossing over a bridge at the southern end of that western road reserve. The bridge has been established by G-MW to allow maintenance access to its infrastructure on the eastern side of the channel. It is not intended for use by the general public and is unsafe to do so. G-MW were concerned about the risks of this occurring and requested that the Council close the eastern and southern road reserve to force the adjoining property owner to access his property via the northern road, however this would require the property owner to establish a bridge across the channel. This proposal was not recommended as it will impose a burden on the neighbouring property owner to construct alternative access including a bridge.

At a Special Council Meeting on 19 June 2012 the Council received the two written submissions and met with the Principal of the Kialla West Primary School who had asked to be heard. At its Special Meeting the Council resolved that having publicly advertised its intent to discontinue three unmade Crown road reserves which abut the Kialla West Cemetery:

1. receive and note all written submissions
2. receive and note the presented submission
3. consider whether or not to proceed with the closure of any of the crown roads at the Ordinary Council Meeting to be held on Tuesday 21 August 2012.

Construction of the roads would be expensive and benefits would be restricted by the presence of the channel and the additional travel distance imposed on parents.

Kialla West Cemetery currently has 1-2 interments per year, with funeral times generally avoiding school drop off and pick up times, minimising any associated congestion.

Following consideration of the submissions it is recommended that only the road to the east of the Kialla West Cemetery be discontinued, as closure of the road reserves abutting the north and south boundaries of the Kialla West Cemetery would impact legal access to an adjoining land owner.

Council Plan/Key Strategic Activity

This proposal is consistent with the Council plan. The strategic objective Embrace and Strengthen Cultural Harmony and Diversity, supports the direction to “Ensure Council activities support and enhance its reputation for cultural harmony and inclusiveness”. By supporting this proposal, the Council is ensuring that sufficient land will be available to consider requests to accommodate the needs of different cultures in providing separate areas for burial.

Risk Management

A risk assessment was undertaken prior to seeking Council’s approval to advertise this proposal publicly. The assessment identified mostly positive outcomes and there was no unacceptable risk identified. Following public notice, submissions were received and the identified risk considered.

6. MANAGEMENT REPORTS

6.2 Discontinuance of crown roads abutting Kialla West Cemetery (continued)

Risks	Likelihood	Consequence	Rating	Mitigation Action
Objections received	Certain	Loss of amenity to neighbours	High	Objections heard and investigated, with proposal amended where applicable

Policy Considerations

The proposed discontinuance of the unused crown road and consolidation with the Kialla West Cemetery does not conflict with any Council policies.

Financial Implications

As the Cemetery is also situated on Crown land there will be no transfer or purchase costs.

Legal/Statutory Implications

The road discontinuance procedure is compliant with the *Local Government Act 1989*. Section 206 and Clause 3 of Schedule 10 provides the Council with the power to discontinue a road, or part of a road, by a notice published in the Government Gazette and sell the land from that road (if it is not Crown land), transfer the land to the Crown or itself or retain the land. The road belongs to the Crown and upon discontinuance will remain the property of the Crown and will be consolidated with the title to Kialla West Cemetery.

Environmental/Sustainability Impacts

The outcome will provide an additional area to improve flood mitigation works and vegetation plantings, resulting in positive environmental impacts.

Social Implications

Improving amenity at the cemetery will enhance the ability to provide our culturally diverse community with culturally appropriate options for interments. This is a very positive and forward thinking outcome for the community.

Economic Impacts

There would be no financial impacts on the cemetery other than the requirement to fence the unused road within the boundaries of the cemetery. Existing fences are at a standard that they require replacement, therefore this would not increase the financial impact and could be carried out in the normal maintenance budget of the cemetery. The estimated cost of replacing all existing fences is \$7,000.

Consultation

The proposal was advertised in the Shepparton News on 30 March 2012 and two objections were received, which have been referred to above. Consultation has also been undertaken with Goulburn-Murray Water, NVIRP and Department of Sustainability and Environment who are all supportive of the proposal.

6. MANAGEMENT REPORTS

6.2 Discontinuance of crown roads abutting Kialla West Cemetery (continued)

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Submissions invited Advise of Council decision	<ul style="list-style-type: none"> Public notice Shepparton News Letter to submitters
Consult	Informed, listen, acknowledge	<ul style="list-style-type: none"> Receiving and hearing submissions On site meeting with GM-Water

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

Strategic Links

a) Greater Shepparton 2030 Strategy

This proposal is consistent with the Greater Shepparton 2030 Strategy as one of the supporting principals is identified within the Infrastructure section as *“provision and restructure of urban and rural infrastructure to enhance the performance of the municipality and facilitate growth”*.

Options for Consideration

- In line with the recommended action, discontinue the unused road to the east only. This provides an opportunity for minor expansion and would not limit property access to other land owners.
- Determine not to discontinue any of the roads. This option would limit expansion of the cemetery and limit the cemetery’s ability to cater to future requirements of our culturally diverse community.
- Discontinue the unused roads to the north, east and south as originally proposed. The outcome of this option would restrict legal access to other properties and require alternative access routes to be constructed. The ability to alter access routes is hampered by the existing Goulburn-Murray Water irrigation channels, therefore this option is not recommended.
- Discontinue two of the three road reserves, retaining either the north or south road reserve. Discontinuing the road reserve to the north will reduce the neighbouring property owner’s opportunity to establish future access to the two adjoining parcels while the channel remains in situ. Discontinuing the road reserve to the south will impose a burden on the land owner to construct access along the north road reserve to retain legal access to the properties.

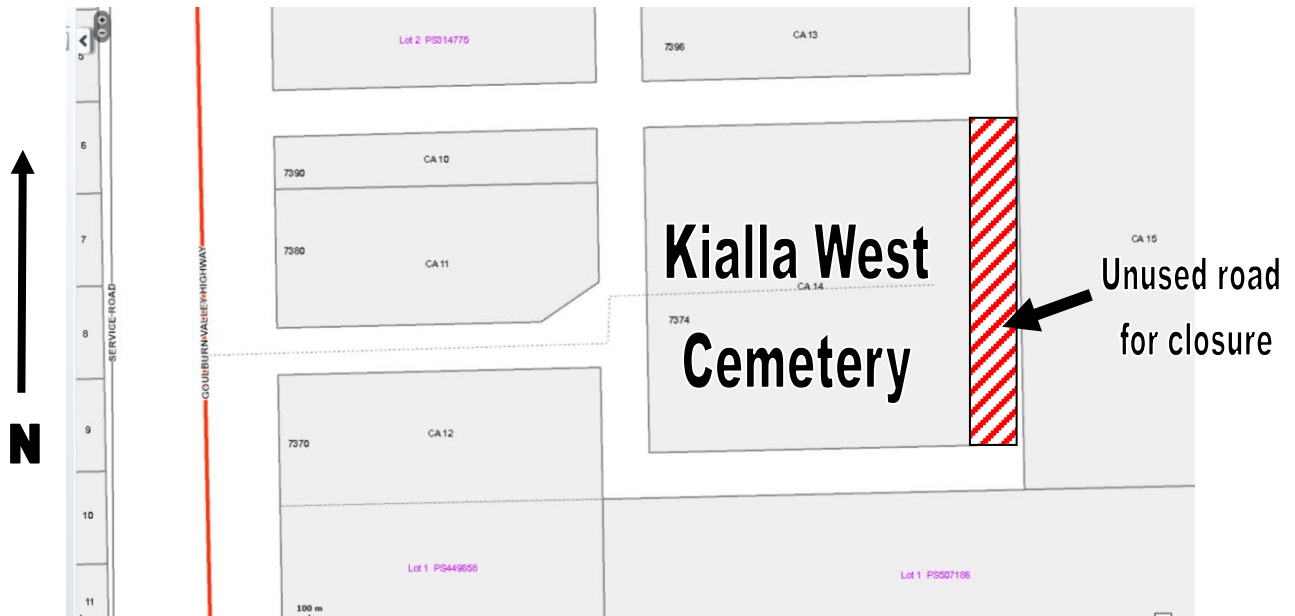
Conclusion

The revised proposed discontinuance of the road will provide increased capacity of the Kialla West Cemetery while still providing legal access to adjoining properties.

6. MANAGEMENT REPORTS

6.2 Discontinuance of crown roads abutting Kialla West Cemetery (continued)

Attachments
Plan of the site



6. MANAGEMENT REPORTS

6.3 Rating Strategy 2013-2017 Discussion Paper

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): Revenue and Rates Manager

Approved by: Director Business

Purpose

The report presents the Rating Strategy 2013-2017 Discussion Paper, as developed with the assistance of the Rating Strategy Reference Group. **The recommendations of the Reference Group as detailed in the Discussion Paper are not necessarily representative of the views and opinions of Council.**

It is proposed that the Council seek public comment regarding the recommendations of the Rating Strategy Reference Group prior to the development of the Council's Strategic Resource Plan 2013-2017 and 2013-2014 Budget.

Moved by Cr Oroszvary

Seconded by Cr Ryan

That the Council:

1. receive the Rating Strategy 2013-2017 Discussion Paper;
2. invite public comment regarding the Rating Strategy 2013-2017 Discussion Paper;
3. consider any public submissions regarding the Rating Strategy 2013-2017 Discussion Paper received by 5pm Thursday 18 April 2013;
4. hear any person wishing to be speak in support of their submission regarding the Rating Strategy 2013-2017 Discussion Paper at a Special Council Meeting to be held on Tuesday 23 April 2013 at 5.30pm;
5. consider the Rating Strategy 2013-2017 Discussion Paper and any subsequent public submissions during the development its Strategic Resource Plan 2013-2017 and 2013-2014 Budget; and
6. amend the Rating Strategy Reference Group Terms of Reference to extend the term of appointment to 30 June 2013.

CARRIED

6. MANAGEMENT REPORTS

6.3 Rating Strategy 2013-2017 Discussion Paper (continued)

Background

Following the release of the draft 2012/2013 Budget for public consultation, a total of 21 formal budget submissions were received and considered by Council prior to final adoption. The main areas of concern raised by submitters were in relation to the current level of rates being unsustainable, rate relief for commercial and industrial sectors and support for a review of the Rating Strategy.

In addition to the formal submissions, community feedback was received specifically in relation to the level of commercial and industrial rates and business sustainability across Greater Shepparton. Council's responses to those who provided formal submissions and feedback included an opportunity to become a member of the Council's Rating Strategy Reference Group.

At the Ordinary Council meeting held on 17 July 2012, Council approved a process to implement a review of the Council's Rating Strategy through the establishment of an advisory committee representing a cross section of rate-paying stakeholders and two Councillors.

As specified in the Rating Strategy Reference Group Terms of Reference the objectives of the Rating Strategy Reference Group are to act as an advisory group for the development of a new Rating Strategy, and in particular to:

- 1.1 Identify and recommend to the Council the principles that the Council should consider when striking general rates, particularly with regard to the creation and maintenance of any differential rates.
- 1.2 Make recommendations to the Council regarding the equitable sharing of the rates burden between various categories of ratepayers – e.g. Residential, Rural, Commercial and Industrial.
- 1.3 Recommend to the Council any changes to the structure of current charges and their relationship to general rates, e.g. Waste service charges and Municipal Charges. Identify any other special rates, charges or levies it believes the Council should consider.

Issues the Rating Strategy Reference Group were not to consider or comment upon included:

- 1.1 The amount of total rates and charges revenue to be collected;
- 1.2 Strategies and policies of the Council in general, except to the extent they relate directly to rating strategies;
- 1.3 Cost effectiveness and efficiency of providing Council services;
- 1.4 The merit or otherwise of the range of services and facilities provided by the Council; and
- 1.5 The Council's Capital Works Program.

At its meeting held on 20 November 2012, the Council adopted amendments to the Rating Strategy Reference Group Terms of Reference so that between five and seven community members, representing a cross section of ratepayer categories, could be appointed to the Group and remain in office until 31 March 2013. The Council also resolved to appoint applicants to fill six of the seven available positions for community representatives and the two Councillor representatives to the Rating Strategy Reference Group.

6. MANAGEMENT REPORTS

6.3 Rating Strategy 2013-2017 Discussion Paper (continued)

Subsequently at its meeting held on 18 December 2012, the council appointed three additional community representatives to the Rating Strategy Reference Group and amended the Terms of Reference to allow for the appointment of additional members.

The Rating Strategy Reference Group met six times before presenting a draft Rating Strategy 2013-2017 Discussion Paper to a Councillor Briefing on 19 February 2013.

Outcomes of Rating Strategy Reference Group

To assist the Council in preparing a new Rating Strategy the Rating Strategy Reference Group have made a number of recommendations to the Council, as detailed in the Rating Strategy 2013-2017 Discussion Paper.

The Discussion Paper provides details of the existing legislative rating framework, the rating principles the Council should consider when striking differential rates, the history of the Council's current rating system and concludes with 19 recommendations of the Rating Strategy Reference Group.

The Rating Strategy Reference Group have recommended that the Council's practices and decisions regarding rating should be underpinned by the following rating principles as detailed in section 3.3 of the Discussion Paper:

- Equity Principle, considering:
 - Property wealth tax (including both horizontal and vertical equity)
 - User benefit
 - Capacity to pay
- Incentive principle
- Comparative rates principle
- Simplicity principle
- Efficiency principle
- Legislative compliance principle

The recommendations of the Rating Strategy Reference Group regarding the equitable sharing of the rates burden between various categories of ratepayers are detailed in the Rating Strategy 2013-2017 Discussion Paper. The Rating Strategy Reference Group did not consider in detail or make recommendations to the Council regarding waste service charges or special rates, due to the attention given to differential rates and the municipal charge within the limited time available. Waste service charges and special rates will be the subject of future rating strategy reviews.

It is proposed that the Council seek public submissions regarding the Rating Strategy 2013-2017 Discussion Paper and that public submissions be heard at a Special Council Meeting to be held on Tuesday 23 April 2013 at 5.30pm.

During the public submission period an information session will be held during the day and a second information session will be held in the evening during the week commencing 8 April 2013.

To enable Rating Strategy Reference Group to assist the Council with the public consultation process it is proposed that the term of the Rating Strategy Reference Group be extend from 31 March 2013 to 30 June 2013.

6. MANAGEMENT REPORTS

6.3 Rating Strategy 2013-2017 Discussion Paper (continued)

A communications plan will be prepared to support the proposed public consultation process.

The Council will then consider the Rating Strategy 2013-2017 Discussion Paper and any subsequent public submissions during the development its Strategic Resource Plan 2013-2017 and 2013-2014 Budget.

Council Plan/Key Strategic Activity

The proposal is consistent with the *Council Plan 2009-2013*. The key strategic objective, Council Organisation and Management, includes an objective to “Review the Council’s financial model for long term sustainability.” There is a direct link to this objective as it incorporates the review of the Council’s Rating Strategy.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Unmet expectations.	C	3	Moderate	Adequate representation throughout the process. Clear communications regarding the objectives of the review.
Adverse public reaction particularly from those negatively affected by recommendations.	B	3	Moderate	Develop a robust communication and consultation process.
Discussion paper inadequately deals with anomalies, confusion created.	C	3	Moderate	Seek community input before again consulting with the community regarding the Draft 2013/2014 Budget.

Policy Considerations

There are no conflicts with Council policy. The Rating Strategy is included in Council’s Budget which enable outcomes of the Council Plan to be achieved.

Financial Implications

The Rating Strategy Reference Group has recommended to Council how rates revenue should be shared between categories of ratepayers and on what basis.

Legal/Statutory Implications

The options outlined in this report are consistent with the *Local Government Act 1989*. This proposal does not limit any of the human rights embodied in the *Victorian Charter of Human Rights and Responsibilities Act (2006)*.

6. MANAGEMENT REPORTS

6.3 Rating Strategy 2013-2017 Discussion Paper (continued)

Draft Ministerial Guidelines for Differential Rates have been released which specifies the types and classes of land appropriate for differential rating. Where differential rates are found to be inconsistent with the guidelines the Minister can seek an Order in Council to prohibit councils from applying such non-compliant differential rates.

Council was selected along with 11 other Victorian Council's to participate in the Victorian Auditor General's Rating Practices in Local Government Performance Audit which was tabled in Parliament in February 2013.

The report found that while councils work within a common rating framework comprising the Act and existing sector guidance, these lack clarity, detail and direction. In addition, the guidance material does not reflect all current practices or recent changes to the Act. This has contributed to inconsistencies in the rating practices of councils and the quality and soundness of council rating decisions. The Department of Planning and Community Development does not proactively support or guide councils and cannot provide assurance that the legislation is being applied by councils as required.

There is limited assurance that all councils:

- systematically and rigorously consider the information and evidence needed to adequately understand the impact of their rating proposals on their communities
- adequately consider the principles of stability, equity, efficiency and transparency in their rating decisions, although this is difficult due to rating framework issues
- consistently calculate, and transparently report, key rates and charges data in a manner that allows scrutiny of decisions, and comparability between councils.

Councils primarily rely on their annual budget development process to engage ratepayers about rating decisions. While they do respond to ratepayer submissions as part of this process, they do not always adequately explain how they have considered their issues in the rate setting process. Councils also undertake a range of other communication and engagement activities, and while there are some examples of good practice, more effective communication and engagement strategies are needed.

The reporting of rates and charges data should be improved and standardised so that it is used consistently across all municipalities, and ratepayers and the general community can readily interpret the data.

In establishing the Rating Strategy Reference Group Council is already well down the track to meeting the report's recommendations such as community consultation, engagement with the community about how rates are set, and developing a clear rating strategy.

Environmental/Sustainability Impacts

The Rating Strategy Reference Group considered a proposal to amend the rating system to encourage greater centralisation of the population through increased accommodation density to the centre of urban areas, however recommended that proposal requires further investigation, development, understanding and assessment.

6. MANAGEMENT REPORTS

6.3 Rating Strategy 2013-2017 Discussion Paper (continued)

Social Implications

The Rating Strategy Reference Group considered the principle of equity, including user benefits and capacity to pay, when making recommendations to the Council regarding the share of the rates burden between different categories of ratepayers.

It is important to note that the impact of changes as detailed within the Discussion Paper will be dependent upon property type and valuation, particularly when changing the level of the municipal charge.

Public input will assist the Council in understanding possible social implications of the Rating Strategy Reference Group recommendations.

Economic Impacts

The Rating Strategy Reference Group recommendations to the Council include a reduction in the relative industrial and commercial differential rates and highlighted how the rating system could be used to encourage the development of unimproved land.

Consultation

Communication has occurred to enable the establishment of the Rating Strategy Reference Group, with 11 community members appointed representing each of the differential property classes.

The Group met from December 2012 through to February 2013 and have assisted in the preparation of a Rating Strategy 2013-2017 Discussion Paper for further consideration by the wider community.

It is proposed that the Council seek public submissions regarding the Rating Strategy 2013-2017 Discussion Paper. Public submissions received by 5pm Thursday 18 April 2013 will be heard at a Special Council Meeting to be held on Tuesday 23 April 2013 at 5.30pm.

During the public submission period an information session will be held during the day and a second information session will be held in the evening during the week commencing 8 April 2013.

To enable Rating Strategy Reference Group to assist the Council with the public consultation process it is proposed that the term of the Rating Strategy Reference Group be extend from 31 March 2013 to 30 June 2013.

When making a submission regarding the Rating Strategy 2013-2017 Discussion Paper, community members may like to comment on the following points:

- Do you support the recommendations of the Rating Strategy Reference Group?
- Do you agree with the rating principles proposed? Are there any additional rating principles you would like the Council to consider?
- Should the Council maintain a municipal charge to offset some of the administrative costs of the Council?
- Are the proposed differential rates easy to understand?
- Do you think the proposed differential rate property types and classes are too broad or too narrow?

6. MANAGEMENT REPORTS

6.3 Rating Strategy 2013-2017 Discussion Paper (continued)

- Do the recommended differential rates reflect differing levels of Council services received by different property classes?
- Do you consider the proposed differential rates will be equitable with regard to capacity of different types and classes of property owner to pay?
- Which property types and classes should contribute to the promotion of
 - Shepparton or
 - Greater Shepparton?
- Should the Council waive rates for charitable or not-for-profit residential or retail premises?

Public comment will not be limited to the questions listed above however; these questions will be included on template submission form that members of the public will have the option to use when making a submission.

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Ensuring the community is aware of the Rating Strategy 2013-2017 Discussion Paper and the opportunity to make a submission to the Council	Media release Website Social Media
Consult	Inform, listen, acknowledge	Public submissions sought. Public information sessions. Further public comment will be sought following the release of Council's Draft 2013/2014 Budget.
Involve	Community members appointed to a rating strategy 'advisory committee'	Establishment of Rating Strategy Reference Group to assist Council in the development of a new Rating Strategy

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

Strategic Links

a) Greater Shepparton 2030 Strategy

The Rating Strategy is included in Council's Budget which is linked to the *Greater Shepparton 2030 Strategy* via the Council Plan.

b) Council Plan

The Rating Strategy review is linked to the governance principle of Strategic Objective of the *Council Plan 2009-2013* "Council Organisation and Management" and is consistent with the objective to "Review the Council's financial model for long term sustainability".

c) Other strategic links

No other strategic links have been identified.

6. MANAGEMENT REPORTS

6.3 Rating Strategy 2013-2017 Discussion Paper (continued)

Options for Consideration

Option 1 –Consider adoption of the Rating Strategy Reference Group recommendations before seeking further public comment. **Not recommended.**

This would enable the community to better understand the Council's view regarding the application of rating principles before public comment was sought. However this option is not recommended as the Council has not had an opportunity to receive input from the wider Greater Shepparton community regarding the recommendations of the Rating Strategy Reference Group.

Option 2 –Seek community input regarding the recommendations of the Rating Strategy Reference Group. **Recommended.**

This option would enable the Council to consult with the community regarding the proposed rating strategy principles and what is an equitable sharing of the rate burden before the Council considered adoption of a new Rating Strategy. As detailed in the terms of reference of the Rating Strategy Reference Group, this option would enable the Council to amend the recommendations of the Rating Strategy Reference Group after considering information obtained during subsequent consultation with the wider Greater Shepparton community.

Conclusion

The Rating Strategy Reference Group has made a number of recommendations regarding the development a new Rating Strategy. It is now proposed that public comment be sought on the Rating Strategy 2013-2017 Discussion Paper to assist the Council in determining what is an equitable distribution of the rate burden as part of the development of its Strategic Resource Plan 2013-2017 and 2013-2014 Budget.

Attachment

Rating Strategy 2013-2017 Discussion Paper

6. MANAGEMENT REPORTS

6.4 Future Management of Victoria Park Lake Caravan Park

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): Director Business

Approved by: Director Business

Purpose

The purpose of this report is to determine future management of the Victoria Lake Caravan Park. The proposal for the Council to directly manage the Caravan Park for a temporary period provides an opportunity for the future potential of the site to be further explored before deciding to commit to another long term lease of the site.

Moved by Cr Polan

Seconded by Cr Patterson

That the Council:

1. directly manage the Victoria Park Lake Caravan Park from 1 July 2013 for a period of up to two years;
2. investigate the long term future options for the Victoria Park Lake Caravan Park site as part of the development of a Victoria Park Lake Caravan Park site master plan.

CARRIED

Background

The Victoria Park Lake Caravan Park is subject to a lease agreement which commenced on 1 July 1998 and expires on 30 June 2013.

The Council resolved at its meeting of 21 September 2010 to:

1. *continue to provide this site as a tourist accommodation facility beyond 1 July 2013*
2. *complete the master plan for the site on the basis that this site will be developed, at some stage, into a 4 star or better tourist accommodation site in accordance with any Planning, DSE and GB CMA provisions which may apply to the site*
3. *advise the current lessee that the existing lease has no provision for extension beyond 1 July 2013 and therefore a new public process will be instigated for any future lease of the site beyond 1 July 2013*
4. *move to prepare new lease documents in readiness for 1 July 2013.*

6. MANAGEMENT REPORTS

6.4 Future Management of Victoria Park Lake Caravan Park (continued)

The Lessee was advised of the resolution by written correspondence in November 2010. In September 2012 Council officers met with the Lessee where it was agreed that if the Lessee would like to provide a written offer to the Council to purchase the Lessee's assets on the site, the Council would consider that offer. It was also agreed that the deadline for the offer to be received was 31 December 2012. There was no offer received. It is therefore anticipated that the site will be relinquished to the Council without cabins, onsite vans or forward bookings in place, however this will be confirmed in the coming months.

The Victoria Park Lake precinct has been subject to significant redevelopment in recent years, informed by master plans and community consultation. The area of the lake in which the Caravan Park is located, however was not subject to detailed planning in the Victoria Park Lake Master Plan, while noting that the site was leased.

The Caravan Park is situated on a significant location within the lake precinct, with a mix of Council owned land and Crown land of which Council is the committee of management. The site has been leased for many years, with the most recent lease being for a 15 year term. The expiration of the lease in June 2013 provides an opportunity for the Council to reconsider the future of the site.

The Council resolution of 21 September 2010 provided direction for the site to be retained as a tourism accommodation facility and for a master plan to be prepared on the basis that the site will be developed, at some stage, in to a 4 star or better tourist accommodation site. In consideration of this direction the Council needs to have an understanding of the desired benefits of allowing commercial use of public land, community benefits in terms of tourism and economic development and best fit solutions for its management and operation.

Therefore, while the Council resolution directed for new lease documents to be prepared in readiness for 1 July 2013, it is proposed that the Council assume management of the Caravan park directly rather than offer it for lease at this time. This will enable the Council to gain a better understanding of the business and the potential benefits for Greater Shepparton's community and tourists before deciding upon the future of the site.

To facilitate the direct management of the site, an experienced contract manager will be sought to manage the site for approximately two years which will enable the Council to gain a better understanding of the potential and preferred future for the site before offering it for lease. During this period the Council resolution to prepare a master plan for the site will be enacted.

This option will provide the Council with greater flexibility as it investigates the long term future options for the Victoria Park Lake Caravan Park site as part of the development of a Victoria Park lake Caravan Park site master plan.

Existing Caravan Park

The Caravan Park has AAA 3 star tourism rating and currently offers approximately 16 cabins which it is assumed will be removed by the Lessee at the expiration of the lease. As at the 1 July 2013 cabin accommodation will no longer be available, however the park has 137 usable powered sites and camping sites which will continue to be offered for rent to on site Caravan Park tenants and casual visitors.

6. MANAGEMENT REPORTS

6.4 Future Management of Victoria Park Lake Caravan Park (continued)

Some of the amenities within the park require renewal, which the Council can assess and schedule for renewal work as appropriate. While the original lease imposed requirements on the lessee to maintain all portions of the premises, the introduction of the Retail Leases Act 2003 transferred the responsibility to maintain built assets to the landlord. The Council has regularly invested in maintenance and capital improvements during the lease period.

Victoria Park Lake Precinct Master Plan

Over recent years the Council has continued to implement the master plan for the redevelopment of the lake precinct. The master plan has not considered redevelopment of the Caravan Park in any detail due to it being encumbered by a lease, however it did propose that the entrance to the Caravan Park could be set back further to the west to open the vista for the southern approach. Implementing this option would reduce the development opportunities for the Caravan Park due to the flood overlay on much of the site, therefore this proposal should be reviewed along with all aspects of the business and facilities.

It is proposed that allowing a two year period of direct management will enable Council to better understand the market and potential of the site and enable all options to be clearly considered. It is proposed that a business plan and master plan for this site be developed in the second year. This would include consideration of accommodation and tourism needs for Greater Shepparton, the appropriate supporting facilities to incorporate in a high standard Caravan Park or whether the site footprint should be altered to provide increased set back or other options.

The business plan and master plan would then inform the Council on future management, such as developing an appropriate lease to tender or if continued direct management provides better outcomes. It should also give consideration to alternative uses of this prime public land, through community consultation.

Council Plan/Key Strategic Activity

Council's key strategic objective "Environment" identify a strategic activity "ensure a coordinated and effective approach to economic and tourism development is maintained at all times".

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Camping and accommodation situated beneath significant and old gum trees poses risk of death or injury from falling limbs	Possible	Major /Catastrophic	1-2	Develop a tree management plan which includes assessment of each tree and establishes appropriate use of sites around trees

6. MANAGEMENT REPORTS

6.4 Future Management of Victoria Park Lake Caravan Park (continued)

Risks	Likelihood	Consequence	Rating	Mitigation Action
Reduction in income due to reduced accommodation options	Almost certain	Moderate	3	The opportunity to undertake a review and establish the best future outcomes and improve operational outcomes may return significantly improved income in the longer term
Reduction in amenity of site at end of lease	Almost Certain	Moderate	3	Employment of experienced manager to support business continuity. Alternative accommodation offered at other caravan parks.
Temporary reduction in tourism attracted to the site	Almost Certain	Moderate	3	Acknowledge the medium to long term benefits of ensuring most appropriate redevelopment of site. Alternative accommodation offered at other caravan parks.
Security. The site can be accessed by anyone at any time.	Likely	Moderate	3	Consider requirements in masterplan.
Flood Overlay could inhibit redevelopment opportunities	Likely	Moderate	3	Consider options in masterplan to maximise potential of developable footprint and design to be sympathetic to floodway requirements

Policy Considerations

Council's Asset Management Policy sets out the Council's commitment to manage and care for its assets in a way which assists in the achievement of its vision and meets the infrastructure needs of the community.

Financial Implications

The Council currently receives annual lease income for the site of \$120,000. If the Council directly managed the Caravan Park the Council would instead receive site fees

6. MANAGEMENT REPORTS

6.4 Future Management of Victoria Park Lake Caravan Park (continued)

and incur operational expenses. Operational income and expenses would not be ascertained until Council has direct control of the business. As it is assumed that cabin accommodation would not be available under Council's direct management it is expected that the Council would not receive the same level of net income as it would under a long term lease.

Revenue and expenses proposed for directly managing the site are estimates only. Details of current operating expenses and income are unknown as the Council does not have access to the Lessee's financial records.

It is difficult to make a direct financial comparison as the operation of the Caravan Park will be different in the short term and may be different in the long term. Once the Council has assumed control of the facility and gained an understanding of the business needs, a more detailed budget can be prepared.

	2013/2014 estimated Budget for this proposal \$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue	(120,000)	(220,000)	(100,000)	Estimate only
Expense	0	220,000	220,000	Estimate only
Net Result	(120,000)	0	120,000	

In addition it is estimated that it may cost \$50,000 to develop a master plan for the future use of the site. This would include examination of accommodation options and gaps, establishing the vision for the future and development of a business case to implement.

The increase in short term cost may be outweighed by the medium to long term benefits of ensuring most appropriate use and redevelopment of the site.

Legal/Statutory Implications

The Crown Land portion of the site is governed by the Crown Land (Reserves) Act 1978.

Caravan Parks are subject to the requirements of the Residential Tenancies (Caravan Parks and Moveable Dwellings Registration and Standards) Regulations 2010.

A lease for the operation of the Caravan Park would be subject to the Retail Leases Act 2003, unless exempt in accordance with the "15 year exemption" Ministerial Determination.

Environmental/Sustainability Impacts

The Caravan Park is situated on the Victoria Park Lake foreshore and close to the river environments which offer are valuable environmental aspects of Greater Shepparton for visitor's enjoyment.

Much of the site, including the entire Crown land portion, is subject to Urban Floodway Zoning which will influence any development and land use opportunities.

6. MANAGEMENT REPORTS

6.4 Future Management of Victoria Park Lake Caravan Park (continued)

The site contains significant native vegetation which will influence use of the site, both from the view of protecting the vegetation and managing the risk of camping beneath large red gum trees.

The existing lease includes provisions for the Lessee to undertake annual inspections of trees and take immediate action to repair any tree which posed a threat to the occupants of the premises.

It is proposed that in addition a tree management plan be developed for the site which would analyse the risk and suitability of allowing camping and other accommodation beneath significant and old gum trees. The assessment and plan is estimated to cost approximately \$10,000.

Social Implications

Council's management of the Caravan Park would result in Council's involvement in a competitive market, while it seeks to support Greater Shepparton tourism businesses overall.

Economic Impacts

The proposal provides the Council with the opportunity to consider the potential economic influence the site may perform for Greater Shepparton by reviewing the wider tourism and accommodation gaps it may address rather than making it available for commercial benefit to a single operator. While it may be appropriate to offer it for lease in the future, the Council will be better informed on how that lease should be structured.

Consultation

Internal consultation has been undertaken with the Council's Executive. The Lessee has been advised of the 2010 resolution of the Council.

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	The current tenant has been informed	Correspondence and meetings

Community consultation will be undertaken during the development of a master plan for the Victoria Park Lake Caravan Park site.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

The Strategy, sub heading Tourism considered that it was an objective *"To provide tourist services which suitably meet the needs of visitors to the municipality"*.

Options

1. Seek expressions of interest for a lease, to operate the Caravan Park mostly as it is without a requirement for improvement works. The current operation of the Caravan Park is below expected standards and may not be maximising the potential of the site. Not recommended.

6. MANAGEMENT REPORTS

6.4 Future Management of Victoria Park Lake Caravan Park (continued)

2. Return the site to open space. This option will remove a prime tourism facility from the community. If returned to open space, the urban floodway zoning would prohibit any future development on much of the site. This option could not be recommended without community consultation and consideration of the best use of the space.
3. It is recommended that Council directly manage the Caravan Park for a temporary period, to enable a master plan to be prepared, before committing to a long term lease of the site. This option provides an opportunity to further consider the potential of the site and determine the most appropriate future use, without closing the Caravan Park.
 - Provides the opportunity to consider the best use of the site
 - Further consider proposed set back of Caravan Park through a detail design.
 - Consider redevelopment of the Caravan Park to meet Greater Shepparton's tourism needs and gaps in accommodation options
 - Achieve balance between a profit driven business objectives and the outcomes the business can achieve for Greater Shepparton
 - Once development preferences are determined, examine lease versus direct management options
4. Seek expressions of interest for a lease, including proposal for redevelopment. Committing the site to a long term lease will encumber the Council's opportunity to ensure the site is developed in a manner that achieves best outcomes for commercial use of public land. Would require industry expert assistance to develop expression of interest documents and assess tenders. It would be difficult to maximise potential of the site if a new long term lease was to be in place by 1 July 2013. This option is not recommended.
5. Develop a master plan for redevelopment, setting out Council and Lessee obligations and seek expressions of interest/tenders for a new long term lease. Would require industry expert assistance in developing master plan and expression of interest documents. It is unlikely this could not be achieved by 1 July 2013. Not recommended.

Conclusion

The proposal for the Council to directly manage the Caravan Park for temporary period provides an opportunity for the future potential of the site to be evaluated and business planning and master planning to be undertaken before deciding to commit to another long term lease of the site.

Attachments

Victoria Park – Master Plan 2008 (upgraded to 2011 conditions)

6. MANAGEMENT REPORTS

6.4 Future Management of Victoria Park Lake Caravan Park (continued)

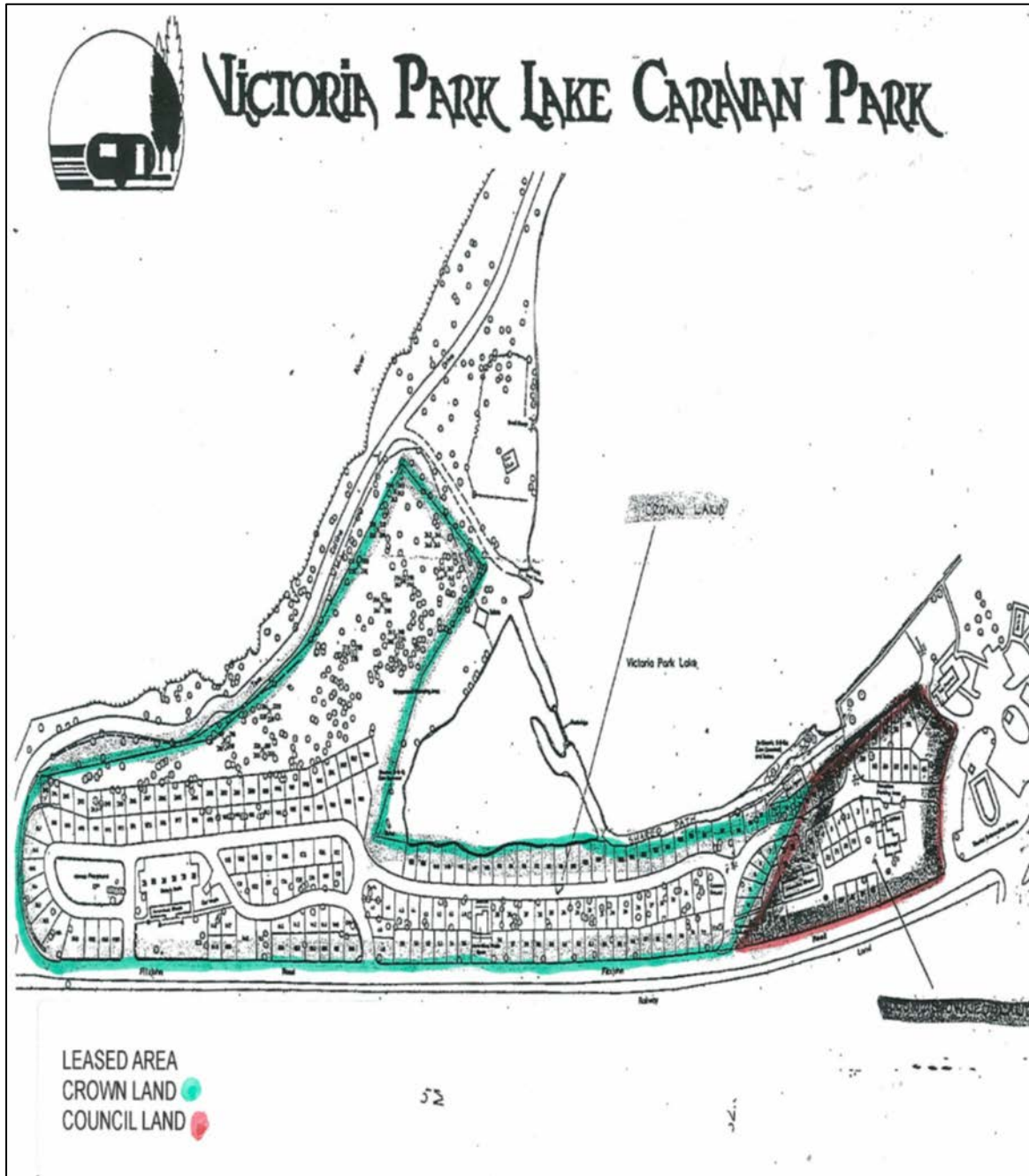
Aerial Picture



6. MANAGEMENT REPORTS

6.4 Future Management of Victoria Park Lake Caravan Park (continued)

Caravan Park Site Plan



6. MANAGEMENT REPORTS

6.5 Contracts Awarded Under Delegated Authority

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: Procurement Advisor

Proof reader(s): Manager Property and Procurement

Approved by: Director Business

Purpose

This report informs the Council of publicly advertised contracts awarded by Officers under delegated authority of the Council during the period 4 February to 25 February 2013. The report also provides details of the status of requests for tenders that have not yet been awarded.

Moved by Cr Polan
Seconded by Cr Ryan

That the Council note the publicly advertised contracts awarded by the Chief Executive Officer and Directors under delegated authority.

CARRIED

Tendered Contracts Awarded under Delegated Authority by the CEO

Contract Number	Contact Name	Contract details, including terms and provisions for extensions	Value inclusive of GST	Awarded to
Nil	Nil	Nil	Nil	Nil

Tendered Contracts Awarded under Delegated Authority by a Director

Contract Number	Contact Name	Contract details, including terms and provisions for extensions	Value inclusive of GST	Awarded to
1400	Powerline Pruning 2013	Lump Sum contract for pruning of trees to clear power lines in the municipality. Works will be carried out in March 2013.	\$178,768	Dominance Construction Group Pty Ltd

6. MANAGEMENT REPORTS

6.5 Contracts Awarded Under Delegated Authority (continued)

Contract Number	Contact Name	Contract details, including terms and provisions for extensions	Value inclusive of GST	Awarded to
1403	Construction of Multiuse Courts at Tallygaroopna	Lump Sum contract consisting of drainage works, reconstruction of courts, new fencing and lighting. Estimated contract period is 8 weeks.	\$180,000	Jarvis Delahey Construction Pty Ltd
1392	Fryers Street Streetscape	Lump Sum contract is for Fryers Street Streetscape works from Wyndham Street to Welsford Street	\$178,209	Awarded to Jarvis Delahey Contractors
1406	Watt Road Bridge Strengthening	Lump Sum contract for repair works to the Watt Road Bridge at Mooroopna. Works are expected to take 8 weeks.	\$197,978	Awarded to DC Projects PL

Requests for Tenders not yet awarded

Contract No.	Contract Name	Contract detail, including terms and provisions for extensions	Status
1386	Supply and Installation of Photocopiers 2013	Rental of seventeen photocopiers (sixteen are replacement units) and copy costs. Term of the contract is from 2 – 4 years depending on the preferred option	Tenders closed 13 March 2013. Depending on the value of the contract it may be awarded under delegated authority or by Council.
1396	Cosgrove Landfill – Cell 3 Cap	Lump Sum contract for construction of a Phyto Cap to Cell 3 of Council's Landfill at Cosgrove	Tenders closed 19 December 2012. Contract will be awarded under delegated authority in March 2013.

6. MANAGEMENT REPORTS

6.5 Contracts Awarded Under Delegated Authority (continued)

Contract No.	Contract Name	Contract detail, including terms and provisions for extensions	Status
1398	Construction of Culvert at Tatura	Lump Sum contract for construction of culvert. Works are expected to take around 6 weeks but weather dependant as jobsite is located in a depression.	Tenders closed 6 February 2013. Contract will be awarded under delegated authority in February 2013.
1405	Realignment of GM Water Drain 03	Realignment of Drain at Community Football Complex, Shepparton Sports Precinct	Tenders closing 20 March 2013. Contract will be awarded under delegated authority in March or early April 2013.
1414	Shepparton Showgrounds Outdoor Event Area	Lump Sum contract for construction of Showgrounds Outdoor Multi-Use Event Area Hardworks Stage 1, demolition of existing and construction of new pavement, drainage and supply of organic mulch rings. Works are expected to take 6 weeks.	Tenders closed 27 February 2013. Contract will be awarded under delegated authority in March 2013.

Policy Considerations

Through the *Instrument of Delegation to the Chief Executive Officer* the Council has delegated authority to the Chief Executive Officer to award a contract up to the value of \$750,000 including GST.

The Council through the *Exercise of Delegations Policy* has delegated authority to the Directors to approve a contract up to the value of \$150,000 for goods and services and \$200,000 for works.

Legal/Statutory Implications

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

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

Conclusion

It is important that decisions and actions taken under delegation be properly documented and transparent in nature. The report details the four publicly advertised contracts awarded by the Chief Executive Officer and Directors under delegated authority of the Council during the period 4 February 2012 to 25 February 2013.

6. MANAGEMENT REPORTS

6.6 February Financial Report

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

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

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

Council Officers involved in producing this report

Author: Team Leader Corporate Accounting

Proof reader(s): Management Accountant, Manager Finance and Rates

Approved by: Director Business

Purpose

The report presents Council's actual financial performance compared to budget for the seven months ended 28 February 2013.

Moved by Cr Oroszvary
Seconded by Cr Patterson

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

CARRIED

Background

The Council adopted its 2012/2013 Budget at its Ordinary Meeting on 17 July 2012. Since this time the September 2012 Quarterly Review and the 2012/13 Mid Year Budget Review have been completed.

At its meeting on 19 February 2013, the Council approved changes to the operating and capital budgets as identified as part of the Mid Year Budget Review.

As a result of the Mid year Budget Review there was a forecast increase in the operating surplus of \$1.32 million to \$6.41 million for the financial year ending 30 June 2013. The term surplus is often perceived to be cash however the operating surplus includes both cash and non-cash items. Non-cash items include contributed assets and depreciation expense. It is important to note that capital projects are not shown as operating expenditure but as an increase in the value of Council's assets.

The forecast capital works program reduced by \$5.36 million to \$26.45 million. The majority of this decrease relates to projects that are still proceeding however will not be as far progressed as previously expected by 30 June 2013 or will be delayed until the 2013/14 financial year.

6. MANAGEMENT REPORTS

6.6 February Financial Report (continued)

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

- Overview
- Income Statement
- Balance Sheet
- Cash Flow Statement
- Strategic Objective Reports (both Operating and Capital)
- Investment Summary
- Sundry Debtors Report
- Rates Debtors 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 risks have 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.

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.

6. MANAGEMENT REPORTS

6.6 February Financial Report (continued)

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 for the seven months ended 28 February 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

February 2013 Financial Report

6. MANAGEMENT REPORTS

FROM THE SUSTAINABLE DEVELOPMENT DIRECTORATE

6.7 Friendship City Relationship - Shangqiu City, China

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 Investment Attraction

Proof reader(s): Acting Director Sustainable Development

Approved by: Acting Director Sustainable Development

Purpose

The purpose of this report is to provide Councillors with the opportunity to consider whether to formalise the Friendship City relationship with Shangqiu City, China following a Letter of Intent that was signed between the two cities.

Moved by Cr Summer

Seconded by Cr Patterson

That the Council formalise the Friendship City Agreement with Shangqiu City, of the People's Republic of China.

CARRIED

Background

On Monday 10 December 2012, Council received a delegation from Shangqiu City of the People's Republic of China and signed an agreement regarding the establishment of a Friendship City Relationship to "agree to make a concerted effort, on the basis of equality and mutual benefit, to promote people-to-people friendly contacts and economic and trade interflow between the two cities, and actively carry out exchanges and cooperation in the fields of economy, trade, science and technology, culture, sports, health, education and personnel". The agreement would come into force after all the procedures had been gone through with both parties – in this Council's case, via Council resolving to formally enter into a Friendship City Relationship at a formal Council meeting. The agreement is valid for five years and upon expiration remains in force if neither party terminates the agreement.

According to the most recent census data (2011), 136 people reside in Greater Shepparton listing their birthplace as China, whilst 252 people listed their language spoken at home as Mandarin or Cantonese.

Source: Australian Bureau of Statistics, Census of Population and Housing 2006 and 2011.

6. MANAGEMENT REPORTS

6.7 Friendship City Relationship - Shangqiu City, China (continued)

Greater Shepparton City Council currently has a formalised relationship with the following cities:

- Baguio, Philippines
- City of Tieling, China
- City of Toyoake, Japan
- City of Korce, Albania*
- Oshu City, Japan (formerly Esashi City)
- Florina, Greece
- Lijiang City, China
- Novato, USA
- Resen, Yugoslavia
- Shangqiu City, China
- Shepperton, England

*Council resolved during 2012 to enter into a Sister City relationship with Korce, Albania, however this is yet to be formalised between the two Cities.

Council Plan/Key Strategic Activity

- Strategic Objective 3 – revitalise and promote the Shepparton CBD as the region's premier retail and entertainment destination.
- Strategic Objective 6 – Embrace and strengthen cultural harmony and diversity.
- Strategic Objective 16 – Value arts and culture as an integral part of a dynamic community.
- Strategic Objective 35 – provide best practice management and administrative systems and structures to support the delivery of Council services and programs.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
The main risk associated with the recommendation contained within this report is that the financial commitment required to maintain Friendship City relationships can be substantial.	Possible	Moderate	Moderate	Ensure adequate budget allocation and that all Sister City and Friendship City relationships are considered adequately prior to entering into them.

Policy Considerations

There are no conflicts with Council policy with any of the options presented for consideration within this report.

Financial Implications

There are no immediate, direct financial implications associated with the recommendations within this report. However, active exchanges between the two cities will incur expenditure in the future. Should Council send a delegation to Shangqiu City flights, accommodation and gifts would be the main costs incurred. Should Council receive a delegation from Shangqiu the main costs incurred would be gifts and hosting costs (such as a welcoming reception).

6. MANAGEMENT REPORTS

6.7 Friendship City Relationship - Shangqiu City, China (continued)

Legal/Statutory Implications

The options outlined in this report are consistent with the *Local Government Act 1989*.

Environmental/Sustainability Impacts

There are no environmental impacts associated with the recommendation within this report.

Social Implications

Through the establishment of a Friendship City relationship with Shangqiu City, located in the Henan Province of the People's Republic of China, for a deeper understanding of the cultures of the two countries (and cities) to be achieved. The latest 2011 Census Data identified 0.2 per cent of Greater Shepparton residents listed their birth place as China and Chinese residents in Greater Shepparton have a strong desire to continue these links with China, demonstrated by the strong support for the Chinese Gardens in Monash Park.

Economic Impacts

There is potential, through the establishment of a Friendship City relationship with Shangqiu City to investigate and realise export opportunities for businesses located within Greater Shepparton.

Consultation

This report was prepared following consultation between Greater Shepparton City Council and Shangqiu City, People's Republic of China. Further consultation was not required as the previous Council had already demonstrated a level of commitment via the signing of a Letter of Intent to enter into a Friendship City Agreement.

Level of public participation	Promises to the public/stakeholders	Examples of techniques used
Consult	Consultation has occurred with Shangqiu City, China to negotiate the terms of the Friendship City Agreement.	Email Face to face meeting

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

Strategic Links

a) Greater Shepparton 2030 Strategy

Report No. 5 – Economic Development Theme

b) Other strategic links

Nil

Options for Consideration

The Council could choose to not formalise the establishment of a Friendship City relationship with Shangqiu City, of the People's Republic of China.

Conclusion

It is recommended that Councillors note the recommendation contained within this report, and adopt accordingly.

Attachment

Agreement between Shangqiu City, People's Republic of China and Greater Shepparton City Council.

6. MANAGEMENT REPORTS

6.8 Contract 999 Kerbside Waste and Organics Collection – Extension of Contract

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 Waste Services

Proof reader: Acting Director Sustainable Development

Approved by: Acting Director Sustainable Development

Purpose

The purpose of this report is to request Council approval to extend the existing kerbside waste and organics collection service contract number 999 for up to 12 months.

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

That the Council

1. in accordance with Clause 4.2 of the contract that the Council take up the option to extend contract 999 Kerbside Waste and Organics Collection Service for up to a 12 month period at the current rates excluding the bin supply component, and
2. review the service standards for the existing kerbside waste and organics collection service prior to drafting and awarding a new Kerbside Waste and Organics Collection Service contract.

CARRIED

Background

The existing kerbside waste and organics collection service contract has a 7 year term that will expire on the 30 June 2013. The contract under clause 4.2 also allows for a maximum 1 year extension at the Council's option.

Council staff are currently drafting a revised Waste Management Strategy which may include consideration of a series of new service standards for kerbside collection in line with industry best practice. Once this draft is prepared a discussion paper will be presented to the Council for consideration and amendment if required prior to a public consultation process. The consultation process will ensure that our community is aware of what service standards are proposed and seek their comments. Following this the Council will consider these comments and amend the draft prior to adopting the waste management strategy.

It is expected that a draft strategy will be presented to the Council in April 2013 for Council comment.

As any service changes will be required to be included in the new contract, and these will not be available until after the Waste Management Strategy is adopted by the Council, it will be necessary to extend the existing collection contract.

6. MANAGEMENT REPORTS

6.8 Contract 999 Kerbside Waste and Organics Collection – Extension of Contract (continued)

The current contract payments include a bin purchase component as the Council is currently paying off the kerbside waste bins. This obligation will be completed at 30 June 2013 and this amount will be deducted from the normal collection rate during the extended period.

Council Plan/Key Strategic Activity

- Strategic objective 2 – Community Life
- Strategy 9 – Improve community health and wellbeing
- The collection and proper disposal of kerbside waste reduces the risk of disease in the community.
- Strategic objective 3
- Strategy 17 – We will become a leader in environmental sustainability
- The collection and processing of household organics into compost reduces greenhouse gas emissions and provides a product that can be reused.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Failure to extend contract may result in the Council being out of contract and in breach of section 186 of the <i>Local Government Act 1989</i> .	C	Moderate	Moderate	- Extend existing contract - Advertise new collection contract March 2013 with option to change service standards
Failure to provide service or breach Sect 186 of the LGA	E	Major	Moderate	Seek Ministers approval to temporarily not comply with Sect 186 of the LGA

Policy Considerations

The existing kerbside waste and organics collection service is currently performed in accordance with the Council's Waste Management Strategy. This strategy is currently under review and kerbside service standards may change. It is recommended that the new collection contract be delayed until any new service standards are identified.

Financial Implications	2012/2013 Approved Budget for this proposal* \$	This Proposal \$ (excl GST)	Variance to Approved Budget \$	Comments
Revenue 1	(\$4,190,546)	\$0	\$0	Garbage charge
Revenue 2	(\$1,165,000)	\$0	\$0	Organics charge
Expense 1	\$1,423,000	\$0	\$0	Waste collection
Expense 2	\$367,000	\$0	\$0	Organics collection
Expense 3	\$964,000	\$0	\$0	Waste disposal
Expense 4	\$912,000	\$0	\$0	Organics disposal
Net Result	(\$1,689,546)**	\$0	\$0	

**This income and expenditure forms part of the Waste Accumulating Fund that is balanced over a 20 year period. Some services within the fund have no income or income does not cover costs and must be supported by income elsewhere.

6. MANAGEMENT REPORTS

6.8 Contract 999 Kerbside Waste and Organics Collection – Extension of Contract (continued)

There are no financial implications with this proposal. The provision of this service is ongoing and forms part of the annual waste budget.

Legal/Statutory Implications

Failure to award a new contract or extend the existing contract for this service prior to 30 June 2013 could result in the Council being in breach of Section 186 of the Local Government Act.

The existing contract is a 7 year contract that expires on the 30 June 2013. Clause 4.2 of the contract provides for this term to be extended for up to 1 year by the Council at its option provided it gives notice to the contractor at least 30 days prior to the extension taking place.

At the ordinary meeting of the 2 May 2006 the Council resolved as follows:

That in relation to contract No. 999 – Kerbside Waste and Organics Collection Service that:

- 1. The Chief Executive Officer be authorised to commence negotiations with Wheelie Waste Pty Ltd for the performance of this contract at a projected annual cost of in the first year of \$1,182,636, and then adjusted in accordance with the contract provisions.*
- 2. In the event that agreement is not reached with Wheelie Waste Pty Ltd, that negotiations commence with Four Seasons Waste for the performance of this contract.*
- 3. That the Council authorise the signing and sealing of the contract documents.*

As can be seen by the resolution the Council did not provide as part of this resolution for the CEO to exercise the option and as such a resolution of the Council is required for this to occur.

It is recommended that the option to extend be taken up by the Council so that the new collection contract can include any service changes identified in the Waste management Strategy.

Environmental/Sustainability Impacts

Failure to properly manage household waste would have a negative impact on the environment. The collection and composting of household organics reduces greenhouse gaseous emissions at landfill and provides a useful soil conditioning product.

Social Implications

The provision of this service has the following social implications:

- It reduces the risk of disease in the community
- Performed at a commercial scale it minimises transport distances and costs compared to residents having to transport and dispose of the material individually
- As collection occurs at the front gate the service is available to all residents including the elderly, the disabled and those without transport. It is also more convenient for other residents.

6. MANAGEMENT REPORTS

6.8 Contract 999 Kerbside Waste and Organics Collection – Extension of Contract (continued)

Economic Impacts

The provision of this service has the following economic impacts:

- Waste transport and disposal costs are minimised
- Access to household waste disposal is improved

Consultation

The action required is an administrative matter and does not require consultation. Consultation will be performed however prior to any service levels being changed with the future contract.

It is considered best practice to consult and engage with the community when Council has adopted for consideration a new Waste Management Strategy. Councils communications team will be involved in developing a communications strategy that will not only endeavour to reach all in our community but also enable any member of our community to comment if they so desire.

Strategic Links

a) Greater Shepparton 2030 Strategy

Topic: Environment

Theme: Best practice land management

Objective 4: To reduce greenhouse gas emissions by local actions

Collection and processing of organics will reduce greenhouse gas emissions

b) Other strategic links

Greater Shepparton City Council – Waste Management Strategy 2005-15

This proposal complies with this strategy

Victorian Government – Towards zero waste

This proposal complies with this strategy

Options for Consideration

1. Do not provide a kerbside collection service
This option is not recommended as our community expects such a service to be provided by Local Government
2. Maintain existing service levels
This option would be straightforward as a new contract could be awarded to continue with the current service. Public consultation would not be required as service levels are maintained and it would not be necessary to extend the existing contract.

To comply with the Council's long term environmental and sustainability strategies however current best practice needs to be considered. The service currently has approximately 8000 or 30% large 240L waste bins. This size bin is no longer the industry standard. As Greater Shepparton also has the only municipal in vessel composting plant in Victoria the opportunity exists to extend the organics service to all customers.

This option would assist with diverting waste from landfill. Consequently the option to maintain the existing service levels is not recommended.

6. MANAGEMENT REPORTS

6.8 Contract 999 Kerbside Waste and Organics Collection – Extension of Contract (continued)

3. Extend the current contract and review the existing service levels
To meet longer term environmental objectives it is recommended that service levels be reviewed following a public consultation process. In this review for example, the Council could examine its efforts to minimise waste to landfill options. These options could include withdrawal of the existing 240L waste bins or the possible introduction of a full food waste service. If this option was pursued an organics service would need to be a standard service rather than optional.

As all options need to be carefully considered with appropriate and necessary community input, it will take some time to review the waste management strategy.

Conclusion

It is recommended that the Council review the current service standards associated with the kerbside waste and organics collection service as part of its Waste Management Strategy review.

To ensure that the Council complies with section 186 of the *Local Government Act 1989* it is also recommended that the existing contract number 999 be extended for up to 12 months.

Attachments

Nil

6. MANAGEMENT REPORTS

6.9 Draft Greater Shepparton Cycling Strategy 2013 – 2017 – Final Consultation

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 Transport Engineer

Proof reader(s): Team Leader Strategic Planning

Approved by: Manager Planning

Other: Manager Projects, Manager Arts, Events and Tourism, Team Leader Festivals and Events, Community Connections Project Officer, GTA Consultants (Vic) Pty Ltd

Purpose

The development and periodic review of Council's Cycling Strategy is in response to the Greater Shepparton 2030 Strategy, Council Plan 2009 - 2013 and Shepparton CBD Strategy.

This new Draft Strategy sets the direction for cycling in Greater Shepparton for the next five years and incorporates the vision for the next ten years.

The Strategy provides a cycling network framework that illustrates existing and future facilities which will be utilised to develop an Implementation Plan (Stage 2). The implementation Plan will contain prioritised capital works and funding strategy. Section 9 of the Strategy proposes an action plan to enable an Implementation Plan to be delivered.

A review of the cycling facilities that were implemented since adoption of the 2006 Strategy indicates that there has been a significant level of investment. These facilities could broadly be considered to be those which have been easily accommodated within the built environment. However, significant pinch points and missing links still remain.

The Draft Greater Shepparton Cycling Strategy 2013 - 2017 is ready to be endorsed and released for final public consultation in accordance with the Council's Community Engagement Strategy.

**Moved by Cr Summer
Seconded by Cr Patterson**

That the Council endorse the Draft Greater Shepparton Cycling Strategy and Action Plan 2013 – 2017 for final public consultation in accordance with the Council's Community Engagement Strategy.

CARRIED

6. MANAGEMENT REPORTS

6.9 Draft Greater Shepparton Cycling Strategy 2013 – 2017 – Final Consultation (continued)

Background

The current Bicycle Strategy was adopted in June 2006 with a ten year implementation plan.

Since establishing the current strategy council has achieved extensions and improvements to the cycle network that include:

- New Shared Paths - 5.1km, in addition to significant network extensions within new developments. Projects include Verney Rd Shared Path (1.6km) and Railway reserve between Hogan St and Park St, Tatura
- New On-Road bike lanes – 11.6km. Projects include Welsford St bike lane (1.3km) and Albert St Tatura (900m).
- Rail Trails
 - Dookie, 4.8km
 - Murchison – Rushworth, 55m Heritage Bridge
- Shared-Path Bridge renewal/replacement
 - 85m long steel bridge over the Broken River connecting Kialla Lakes to Colliver Road
 - 5 No. timber bridges replaced on the Yanha Gurtji (Goulburn River) path.

After 5 years many of the high priority projects have been completed but a review was needed to:

- Reassess the Transport Facility objectives within the plan
- Reassess the project priorities within the previous implementation plan
- Review the scope and classification of the actions contained in section 9 of the Greater Shepparton Bicycle Strategy 2006.
- Extend the strategy to include Recreational Sport (eg. Mountain Bike, BMX etc) and Tourism Cycling.

There are many opportunities to improve the cycling network in Greater Shepparton. The connectivity between existing cycle paths needs to be improved and new cycle paths are planned to ensure that all major destinations are accessible by bicycle and that these routes are safe and attractive.

The **Key Objectives** for the new Cycle Strategy 2013 - 2017 are:

To increase use of bicycles for commuting and recreation as an alternative to motorised traffic by:

- Reviewing the achievements of the 2006 Bicycle Strategy
- Assess the existing cycling network and facilities within Greater Shepparton
- Establish new directions with consideration of the State and National Strategies
- Identifying barriers to cycling and community expectations through analysis of the Bike Scope survey and the community engagement process.
- Improving the continuity, safety and accessibility of cycling facilities;
- Improving linkages to key destinations within the major towns;
- Improving route planning in development corridors and Review the Development Contributions requirements provided in the planning scheme for bicycle infrastructure.

6. MANAGEMENT REPORTS

6.9 Draft Greater Shepparton Cycling Strategy 2013 – 2017 – Final Consultation (continued)

To undertake a review of sports cycling and tourism cycling facilities within Greater Shepparton which:

- Identifies both perceived and real risks to both sports and tourism cyclists
- Identifies linkages to other regions and program which will increase cycling tourism visitation to Greater Shepparton
- Identifies barriers and provide solutions to increase sports cycling and cycling tourism
- Identifies future opportunities to actively encourage participation in all disciplines of cycling in Greater Shepparton

The action plan (section 9) in this new strategy has proposed a framework for extending our cycling facilities in response to these objectives.

The actions provide a range of initiatives that;

- Encourage all ages to consider a bicycle instead of a car for commuting, especially for trips less than 5km.
- Improve the network of Shared Paths for commuter and recreational riders.
- Provide more end of trip facilities such as bicycle parking and change facilities.
- Improvement to training and touring routes for groups of cyclists.
- Address the needs of Cycling Sports.
- Encourage Cycle Tourism and Events

Council Plan/Key Strategic Activity

Council Plan 2009 -2013:

Community Life, Action 9: “Promote riding and walking as viable and attractive alternatives to driving”

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
That the expectations of the stakeholder are not represented in the draft Strategy.	C	3	Moderate	In addition to the consultation program already undertaken, the draft Strategy be released for final public comment and all feedback acknowledged and incorporated into the final Strategy document where possible.
Insufficient funds available	C	4	Low	Extend the development of the implementation plans beyond 5 years.

Policy Considerations

The *Greater Shepparton Cycle Strategy 2013 - 2017* is consistent with the *Council Plan 2009-2013* and the *Greater Shepparton 2030 Strategy*.

6. MANAGEMENT REPORTS

6.9 Draft Greater Shepparton Cycling Strategy 2013 – 2017 – Final Consultation (continued)

Financial Implications

The *Greater Shepparton Cycle Strategy 2013 – 2017* is set within the Council context of existing financial constraints and staff capacity.

Costs in the action plan (\$60,000 pa. refer to section 9) are **indicative operating costs** required to implement the actions **over subsequent 5 years beyond 2012/13**. These costs represent the cost to prepare the Scoping documents, concept plans, feasibility assessment and prioritising (Action 8) within an implementation plan in accordance with methodology recommended in section 5.4. They do not represent capital costs to construct facilities or fund initiatives.

Any actions requiring additional funding from councils operating budget will be considered through the annual budget processes. Grant opportunities will also be sought by Council Officers through government and non-government funding bodies to implement actions requiring additional funding.

	2012/2013 Approved Operating Budget * \$	This Proposal \$	Variance to Approved Budget \$	Comments
Operating Revenue	0	0	0	Grant opportunities will be pursued.
Operating Expense				
Cycle Strategy implementation planning	15,000	15,000	0	Costs to undertake final consultation and enhance the amended document for adoption.
Events Support (37%)	90,000	90,000	0	Cycling event support
Sports Decentralisation (25%)	32,500	32,500	0	
Mt Major Cycling Facilities	15,000	15,000	0	
Community Connections	2,000	2,000	0	Ride to work day
Net Result	154,500	199,500	0	

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

Funding for capital works that are **generated by the resulting implementation plan** will be pursued by the responsible departments from development contributions and external grant programs. To date there has been a more short term focused process for prioritising cycling capital projects. Generally these have been determined by eligibility criteria to meet immediate external funding opportunities (eg VicRoads bicycle program), staging of developments and those projects which gained “quick wins”. The current capital expenditure with future commitment from Development Contributions Plans is summarised in Attachment 1.

6. MANAGEMENT REPORTS

6.9 Draft Greater Shepparton Cycling Strategy 2013 – 2017 – Final Consultation (continued)

Legal/Statutory Implications

Officers will be limited to powers provided in the *Local Government Act 1989* and the *Road Safety Regulations 1999*.

Environmental/Sustainability Impacts

Reducing Environmental impacts:

As bike riding does not emit any greenhouse gases, any shift from motorised transport modes to cycling should see a reduction in greenhouse gas emissions. This can be significant when it is considered that transport currently generates 15% of Australia's carbon emissions.

Social Implications

Community Health and well-being benefits:

Cycling is considered to be a preventative health measure, especially in terms of heart disease, type 2 diabetes and some cancers. It has also been found to lead to a reduction in depression, numbers of sick days, and stress and anxiety levels in individuals.

Employees cycling to work take on average one day less of sick leave per year than employees who do not cycle, saving organisations about \$61.9 million each year (2013-23 Victorian Cycling Strategy pp.8).

Economic Impacts

The development of cycling facilities generates additional jobs and markets. The Commonwealth stimulus package of \$40 million for cycling, when coupled with the additional \$60 million invested by local governments, generated an additional 1,314 jobs in Australia. Also, the bike and accessories market is estimated at \$1 billion per year with a work force of 10,000 in Australia. The continued increase in cycling within Greater Shepparton will generate ongoing demand for bicycles and accessories from the Bicycle Retailers.

Cycling has a modest initial start-up cost and negligible running costs (approximately 5% of a motor car). Alternatively, the private motor car has a high initial cost, and in terms of running costs, ranges between 40 and 85 cents per kilometre.

Greater Shepparton has hosted 59 significant cycling events between 2010 and 2012.

These events attracted 25,900 visitors (including participants and supporters) resulting in \$14.3 million direct expenditure. (Calculation based on Tourism Victoria data).

Consultation

In order to understand how the community perceives the current cycling environment in Greater Shepparton and where they want to see it head into the future, a range of targeted consultation mechanisms were developed by the Neighbourhoods Department. These enabled the steering committee to extract the relevant information from various groups for consideration and identification of the most feasible cycling facilities and initiatives. In this regard, information received revolved around new facilities, the maintenance and condition of existing facilities, and safety concerns.

6. MANAGEMENT REPORTS

6.9 Draft Greater Shepparton Cycling Strategy 2013 – 2017 – Final Consultation (continued)

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Community were well informed about the development strategy.	A dedicated cycling strategy page on the website was developed and the discussion paper was made available for public comment. A press release was issued resulting in the 2 newspaper articles and 2 Television news stories.
Consult	Broad community input was gained to inform community expectations.	Paper based and online surveys were distributed to involve community members and schools in the development of the strategy, this feedback was used in the development of the strategy. BikeScope user surveys and at annual cyclist counts informed current conditions.
Involve	Feedback was an input into decision-making.	Workshops were held with 7 small town planning committees and 9 bicycle groups in which feedback was gathered and incorporated into the strategy. A public workshop was held with in excess of 50 community members in attendance. Feedback was provided by cycling clubs and users groups on the discussion paper. This has been incorporated as applicable.

Officers believe that appropriate consultation has occurred (refer to appendices E & F of the Strategy) and the draft strategy is now ready to be released onto the council web site and made available for public comment before being finally adopted. The draft strategy will be forwarded to those community groups and key agencies that provided input to the strategy in the development stage of the project.

Strategic Links

a) Greater Shepparton 2030 Strategy

Traffic and Transport Systems section states the following objective and actions;

“To develop Walking/Bicycle and Public Transport networks that provide transport and accessibility options to segments of the community who have not or prefer not to use a motor car”.

- 5.1 Encourage appropriate developments *that are accessible by public transport and bicycle.*
- 5.3 *Encourage new subdivision and developments to promote walking and cycling between facilities, such as between homes and schools, open spaces and shops.*
- 5.4 *Provide road reservation widths to accommodate bicycle lanes on appropriate routes.*

6. MANAGEMENT REPORTS

6.9 Draft Greater Shepparton Cycling Strategy 2013 – 2017 – Final Consultation (continued)

b) Other strategic links

Shepparton CBD Strategy – 2008:

Objective: To encourage greater bicycle usage as a transport option to the Shepparton CBD for commuter and recreational cyclists.

Action: Encourage cycling as a transport option for recreational and commuter cyclists by providing adequate paths and end-of-trip facilities in the CBD and linking the CBD cycle network with the existing cycle network.

Victorian Cycling into the Future 2013 -23

Released in December 2012 the strategy states it will:

- “..... Develop a more coordinated strategic approach to cycling that responds to the diversity of cycling needs.”
- “..... better targeted investment in urban networks, **regional trails** and **specialist cycle sport** infrastructure.”

Options for Consideration

1. Not to support all or some of the directions within the draft Strategy and do not release it for final public consultation and stakeholder comment. This is not recommended.
2. Adopt the Greater Shepparton Cycling Strategy 2013 – 2017 without further public consultation. This is not recommended.
3. Support the directions contained within the Draft Greater Shepparton Cycling Strategy 2013 – 2017 and release for public consultation for one month and invite submissions from the community and key stakeholders.

Other considerations:

Review of Current Cycling Strategy:

An evaluation of the current cycling conditions, including a review of facilities that have been implemented as part of the 2006 Cycling Strategy were undertaken. The review indicates that a significant level of investment over the last five years has been completed. These facilities could broadly be considered to be those that have been able to be easily accommodated within the existing built environment. As such, there is the beginning of a connected and continuous bicycle network within Greater Shepparton.

However, there are still significant pinch points and missing links. To address these, the on-going consideration and investment in cycling facilities is required, and the purpose of the new Greater Shepparton Cycling Strategy is to identify, scope and prioritise the most feasible facilities and initiatives to be implemented that will see the largest increase in bicycle use in Greater Shepparton.

Conclusion

It is proposed that the Draft *Greater Shepparton Cycle Strategy and Action Plan 2013 – 2017* be endorsed and released for final community consultation prior to Council adoption.

Attachments

1. Capital Budget implications
2. Draft Greater Shepparton Cycling Strategy 2013 – 2017
3. Final Consultation Plan for Draft Cycling Strategy 2013 - 2017

6. MANAGEMENT REPORTS

6.10 Merrigum Fire Station Planning Permit

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

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

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

Council Officers involved in producing this report

Author: Statutory Planner

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

Approved by: Acting Director Sustainable Development

Purpose

The purpose of this report is for the Council to consider an application to use and develop 101-103 Waverley Avenue, Merrigum (the land) for an emergency services facility (fire station) in the Township Zone and Land Subject to Inundation Overlay.

The main issues that required consideration were:

- Whether the application achieves an acceptable outcome when assessed against the policies and guidelines of the Greater Shepparton Planning Scheme;
- Whether the use unreasonably impacts on the amenity of the locality; and
- The issues raised by objections, including traffic, devaluation of land and that the site should be used for commercial purposes.

RECOMMENDATION

That in relation to Planning Application 2012-359, on the basis of the information before the Council and having considered all relevant matters as required by the *Planning and Environment Act 1987*, the Council resolves to issue a notice of decision for planning permit application 2012-359 as included on page 15-19 of this report.

Moved by Cr Ryan

Seconded by Cr Summer

That in relation to Planning Application 2012-359, on the basis of the information before the Council and having considered all relevant matters as required by the *Planning and Environment Act 1987*, the Council resolves to issue a notice of decision for planning permit application 2012-359 as included on page 68-72 of this report.

CARRIED

6. MANAGEMENT REPORTS

6.10 Merrigum Fire Station Planning Permit (continued)

Property Details

Land/Address	101-103 Waverley Avenue, Merrigum
Zones and Overlays	Township Zone Abuts a Road Zone (Category 1) Land Subject to Inundation Overlay
Why is a permit required	Clause 32.05-1 – use of land for an emergency services facility. Clause 32.05-9 – buildings and works associated with a section 2 use. Clause 44.04-1 – buildings and works in the Land Subject to Inundation Overlay

Proposal in Detail

The application for a planning permit proposes the use and development of the land for an emergency services facility (fire station) in the Township Zone (TZ) and Land Subject to Inundation Overlay (LSIO).

The application proposes a single shed to be located in the north east corner of the allotment and is summarised as:

- A building consisting of a motor room for the storage of fire fighting vehicles, multipurpose area, office and amenities
- The building is about 228sqm in size
- Five on site car parking spaces
- All weather seal coat in areas of vehicle movements
- Vehicle access to Morrissey Street
- Landscaping within the front setback

The Country Fire Authority (CFA) has informed that this site has been selected due to:

- the existing site being too small to cater for these improvements and any future upgrades.
- upgrading of equipment;
- the catchment of the facility requiring an additional truck; and

This proposed use and development relocates the existing Merrigum fire station from 143 Waverley Avenue, Merrigum to the land. The existing fire station is within the LSIO and the Flood Overlay. The proposed relocated site is within the LSIO as is the abutting road network.

The application was referred to the Goulburn Broken Catchment Management Authority (GBCMA) who initially objected to the grant of a permit, however subsequently consented to the grant of a permit subject to conditions after discussions with the CFA regarding the existing Merrigum CFA site. As the CMA are the floodplain expert, the Planning Department relies on their expertise and deems the application achieve acceptable flooding outcomes.

Summary of Key Issues

- The application was notified with letters sent to surrounding properties and a sign placed on site. A total of seven objections were lodged.
- The Planning Department undertook an assessment of the grounds of objection and deemed that the objections are not fatal to the application.

6. MANAGEMENT REPORTS

6.10 Merrigum Fire Station Planning Permit (continued)

- The application was referred under section 55 to the GBCMA who initially objected on 19 November 2012 to the application on the grounds that the proposed fire station does not comply with the State Planning Policy Framework.
- The CMA objection has since been withdrawn on 22 January 2013 and conditional consent to the application provided, with further details provided under the planning assessment section of this report.
- The application was notified to the Goulburn Valley Regional Water Authority who do not object to the issue of a permit.
- A consultation session was held at Council offices between the CFA, objectors and Council officers, which was mediated by an external mediator.
- The key issue to come out of the mediation session was the objectors concerns that the site should be used for a commercial premise and that the loss of this key site would ultimately lead to the deterioration of services available to the community.
- The application for the use and development of the land for an emergency services facility must be considered on its own merits and not on what other uses may be more appropriate for the site.
- Based on the Planning Department's assessment of the application it is concluded the application achieves acceptable planning outcomes and produces a net community benefits for the following reasons:
 - The proposed fire station improves access to fire fighting services within the Township and wider locality of Merrigum
 - The use of land for a fire station is capable of not unreasonably affecting the amenity of the area subject to standard and specific conditions
 - The CMA being the floodplain expert has consented to the use and development of the land for a fire station within the LSIO
 - The use of land for a fire station given the lands central location and access to high order roads is an appropriate location for the use

Background

On 1 November 2012, a formal application for a CFA station was submitted to the Planning Department. The application specifically applied for the 'construction of Emergency Service Facility – Fire Station'. The application stated the estimated cost of works was \$397,000.

No pre-application discussions were held with planning officers prior to the lodgement. The Planning Department was satisfied with the application and supporting documents and did not request further information.

The application was placed on public notice on 12 November 2012 to which seven objections were lodged, which predominately raised issues regarding traffic, the devaluation of property and the commercial site not being suitable for a CFA shed.

A mediation session was held on 13 February 2013 attended by the CFA, 7 objectors and council officers, which did not result in any significant outcomes for the application, although the objectors did gain an improved understanding of the application and the relevant planning considerations.

6. MANAGEMENT REPORTS

6.10 Merrigum Fire Station Planning Permit (continued)

Assessment under the Planning and Environment Act

The determinative issues in this application are described as:

- Does the application achieve acceptable outcomes against the provisions of the Planning Scheme including flooding;
- Will the use of land for a fire station led to unacceptable amenity outcomes
- Will the proposed CFA shed result in a traffic hazard; and
- Is the use of the site unsuitable given the potential commercial opportunities for the land.

The application proposes to use and develop land for an emergency services facility. A emergency services facility is a section 2 use (permit required use in the TZ). Clause 31.02 of the scheme states the following:

Making decisions about section 2 uses

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

Flooding

The State policies relating to floodplain management direct that emergency facilities be located outside the 1 in 100 year floodplain (LSIO).

The GBCMA initially provided an objection to its referral under Section 55 of the *Planning and Environment Act 1987* based on the following ground:

- The proposed fire station does not comply with the State Planning Policy Framework objective because it is located within the 1 in 100 year floodplain.

The CMA after liaising with the CFA and further consideration of the application made the following recommendation in a letter dated 12 December 2012:

- The GBCMA recommends that an alternative site outside the 100 year ARI flood plain should be sought for the proposed fire station.

Subsequent discussions between the GBCMA and Regional Director from the CFA resulted in the GBCMA withdrawing its objection to the proposed development on 22 January 2013 for the following reasons:

- The proposed site at 101-103 Waverley Avenue, Merrigum has already been purchased by the CFA and there are no suitable alternative sites in the vicinity;
- The site is subject to significantly reduced risk of flooding than the existing premises;
- It is a significant improvement on the existing situation; and
- It allows Merrigum to retain a fully functional fire fighting capability effectively within the township.

The GBCMA requires the following conditions within any permit issued:

1. The floor level of the proposed amenities area must be constructed at least 300 millimetres above the 100-year ARI flood level of 108.05 metres AHD; i.e. 108.35 metres AHD, or higher floor level deemed necessary by the responsible authority.

6. MANAGEMENT REPORTS

6.10 Merrigum Fire Station Planning Permit (continued)

2. The floor level of the proposed engine bay must be constructed at least 200millimetres above the 100-year ARI flood level of 108.05 metres AHD; i.e. 108.25 metres AHD, or higher floor level deemed necessary by the responsible authority.

Based on the GBCMA referral response it is deemed the application achieves acceptable flooding outcomes.

Amenity

The land is within the TZ of which is a residential zone.

Purposes of the TZ are:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for residential development and a range of commercial, industrial and other uses in small towns.
- To encourage residential development that respects the neighbourhood character.

The TZ includes various as of right, permit required and prohibited uses. An emergency service facility (fire station) is a permit required use in the TZ and it is therefore open for the Council to decide in favour of the application.

Given the TZ is within the residential suite of zones and that a dwelling is an as of right use it is important to maintain a reasonable residential amenity within the area.

Surrounding land uses consist of:

- Abutting to the north – motor repairs / service station
- Abutting to the east – dwelling
- Adjacent to the south – pub, railway and public hall
- Adjacent to the west – open space, railway and community building

The land is within central Merrigum and is therefore within what would be considered the commercial street of the town; accordingly the level of residential amenity is less than would be expected in a wholly residential street within Merrigum. Equally as Merrigum is within a TZ, a non-residential use cannot operate as one would in a core Business 1 Zone property in Shepparton, Mooroopna or Tatura.

It is considered a reasonable level of amenity can be maintained with the use of conditions relating to:

- Limited use of sirens on vehicles except when responding to emergencies
- No loud speakers
- Limited use of land for maintenance and training activities between 9.00am and 8.00pm

In CFA v Indigo VCAT 1556 (12 August 2011), VCAT considered a fire station in a Residential 1 Zone of Beechworth. In this application amenity impacts on the residential zone was a significant issue of which led to the Council refusing to grant a permit.

6. MANAGEMENT REPORTS

6.10 Merrigum Fire Station Planning Permit (continued)

On review VCAT decided to grant a permit and made the following comments on amenity impact:

A fire station in a residential area would not be unusual. Many fire stations in Melbourne are located adjacent to dwellings. This site has been used to store and operate DSE fire fighting equipment. Whilst residents and council may prefer the site be used for dwellings, this is not before me. I must assess whether the use and development of this land for a fire station is a satisfactory outcome. I think that with appropriate management protocols, and in view of the low level of use, the CFA would be a good neighbour.

Traffic

The development of the land proposes access to and from Morrissey Street, the non-road zoned street. Objectors have raised the concern for the potential of trucks and vehicles entering and exiting the site to cause a hazard.

The Council's Senior Traffic Engineer has provided comment on the proposal, including turning movements which indicate vehicles will be able to enter and exit the site in a forward direction. The traffic engineer has informed the following:

This new layout has the building set back 21.1 metres from the street, with a driveway and concrete apron in front. This will make it very easy for an 8.0 metre vehicle to drive straight in and do a three point turn in the car park to reverse into the shed

The development is therefore considered to achieve an acceptable traffic outcome.

Other Preferable Land Uses

Objectors state that the use and development of this site removes an important commercial site from Merrigum of which had the potential to be developed for a large retail use such as supermarket.

In CFA v Indigo VCAT 1556 (12 August 2011) a matter raised by objectors was the appropriateness of the land and there were other options for a CFA Station.

VCAT stated the following:

In these cases it is usual that the planning merits of the particular site be considered, and no weight be given to other possible locations. The Tribunal would not usually have all the necessary information to determine if another site is more suitable than the site under review.

It would be preferable that a fire station enjoy direct access to a main road, and be within or close to an activity centre, as encouraged by policy.

In this application the land does enjoy direct access to a main road and is located with Merrigum's commercial street. Therefore not only is unnecessary to consider other possible locations, the site chosen for the CFA station strategically makes sense.

Neither the Municipal Strategic Statement nor the Merrigum Community Plan makes reference to the township of Merrigum and the location of emergency service facilities.

6. MANAGEMENT REPORTS

6.10 Merrigum Fire Station Planning Permit (continued)

Council Plan/Key Strategic Activity

Council Plan

Strategy 7 – Provide a safe and family friendly community

We recognise that well designed infrastructure and the environment in which we live are important contributors to community security and will

Strategy 9 – Develop and pursue strategies to improve community health and well being
 Responding swiftly and responsibly to natural and man-made disasters is critical to our community's sense of safety and peace of mind. Systems and procedures for emergency response will be examined, to ensure that they meet the community's expectations.

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

The proposed use and development for a fire station is consistent with the Council plan by:

- Improving safety within the Merrigum community by increasing access to fire fighting services
- Providing for additional emergency services capacity in Merrigum and its region to allow swift response to emergencies

The Planning Department has considered the social issues when assessing the application as required under section 60 of the *Planning and Environment Act 1987*.

Risk Management

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

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

Risks	Likelihood	Consequence	Rating	Mitigation Action
Road safety with emergency vehicles entering	A	5	Low	The application has been referred to the Council's Traffic Engineer, who has deemed that the development complies with the relevant road safety standards.
Third party notice and objections to the application	A	5	Low	The application has been properly advertised which allowed objections to be lodged with the Council. These objectors will be informed of the Council's decision and made party to any future VCAT review.

6. MANAGEMENT REPORTS

6.10 Merrigum Fire Station Planning Permit (continued)

Risks	Likelihood	Consequence	Rating	Mitigation Action
Referrals under section 55 of the <i>Planning and Environment Act 1987</i> .	A	5	Low	The application was referred to GBCMA, who did not object subject to conditions.

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

Policy Implications

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

Financial Implications

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

Legal/Statutory Implications

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

Victorian Charter of Human Rights and Responsibilities Act 2006 Implications

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

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

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

Aboriginal Heritage Act 2006

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

The *Aboriginal Heritage Act 2006* introduces a requirement to prepare a Cultural Heritage Management Plan (CHMP) if all or part of the activity is a listed high impact activity, resulting in significant ground disturbance, and all or part of the activity area is an

6. MANAGEMENT REPORTS

6.10 Merrigum Fire Station Planning Permit (continued)

area of cultural heritage sensitivity, which has not been subject to significant ground disturbance.

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

Environmental/Sustainability Impacts

The application was referred to the Goulburn Broken Catchment Management Authority who do not object to the issue of a permit.

Social Implications

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

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

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

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

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

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

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

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

- The objections to the application relate predominately to protecting the site for a commercial use

Economic Impacts

The applicant has informed Council that the proposed facility has a construction cost of \$397,000, which will generate short term construction jobs.

Referrals/Public Notice

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

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

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

6. MANAGEMENT REPORTS

6.10 Merrigum Fire Station Planning Permit (continued)

Ground of objection	Officers response
Traffic	The Council's Traffic Engineer has confirmed with a turning movement plan that the proposal archives an acceptable standard in allowing for vehicles to enter and exit the site in a forward motion. The CFA has further confirmed that its volunteers are required to obey any road rules, whether in a CFA vehicle or personal vehicle.
The land should be used for commercial purposes	The site is located in the TZ for which an emergency services facility is a permissible use, subject to the grant of a permit. The land has not been identified in any strategic documents to be set aside for commercial purposes.
Devaluation of surrounding land	It is well established in planning, that property devaluation is not a valid ground of objection. With respect to the devaluation of abutting land due to a proposed development Cimino cited in <i>Eckhardt v Monash CC (2006) VCAT 1047</i> "if adjoining land is devalued because of detriment to its amenity that is considered in relation to town planning, not the resulting devaluation (in relation to which there is seldom, if ever, any evidence in any event)".

An information meeting was held between all parties on 13 February 2013 of which was chaired by a specialist mediator being Peter O'Leary.

The key outcomes of this session were:

- The objectors main matters raised related to loss of opportunity for commercial development, site selection, lack of community consultation by the CFA and traffic management
- Planning officer's informed objectors that the application would be considered on its merits and referred to a Council meeting for decision
- CFA informed objectors of other sites considered for the fire station which included land near the football ground and school. Following consultation with local brigade members the CFA selected the land as the most suitable for their needs.
- CFA informed that there would be no emergency management conducted from the fire station
- Objectors were informed by mediator of the VCAT procedures to review the Council's decision and VCAT process to consider the application

It is not considered the grounds of objection are fatal to the planning application.

6. MANAGEMENT REPORTS

6.10 Merrigum Fire Station Planning Permit (continued)

Strategic Links

a) Greater Shepparton 2030 Strategy

The strategy identifies the locality with through mapping within the town centre, therefore it is envisaged as a suitable site for non-residential uses.

Options for Consideration

The decision on planning permit application 2012-359 for the use and development of the subject land for a emergency services facility in the Township Zone and Land subject to Inundation Overlay of which the options are:

1. Approve an Notice of Decision subject to conditions (attached); or
2. Grant a notice of refusal with appropriate grounds of refusal.

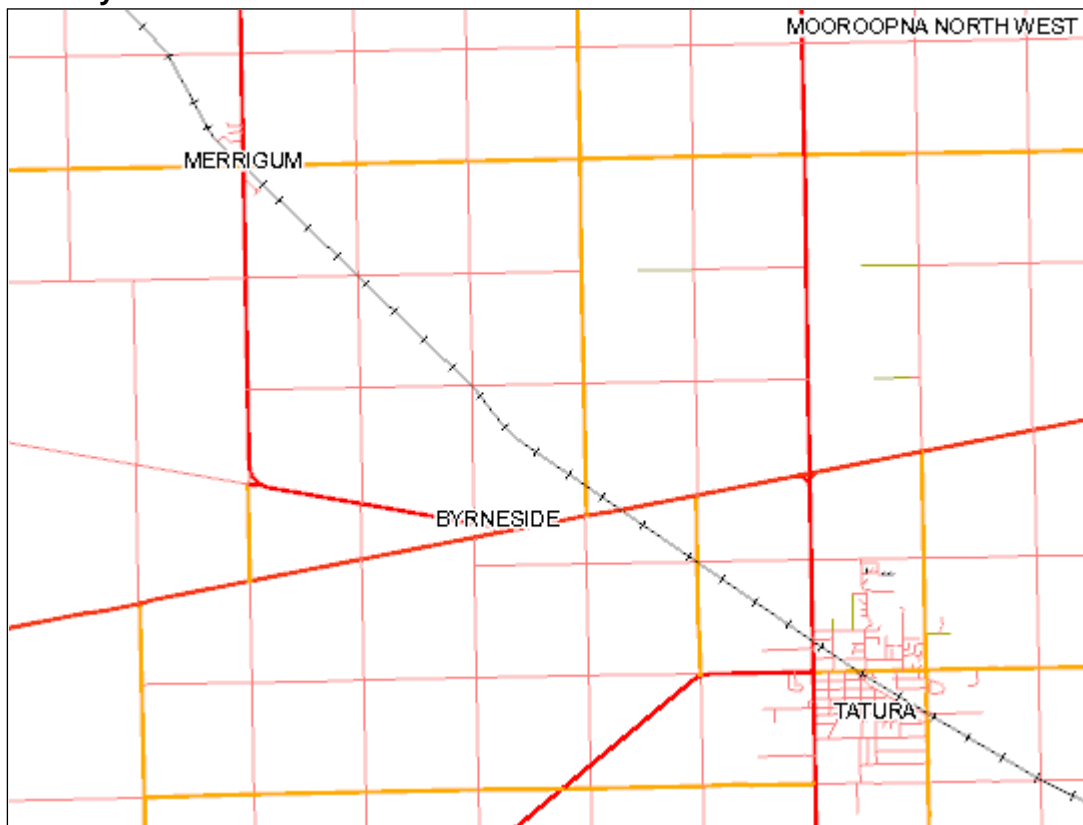
Conclusion

The proposed application for an emergency services facility has been advertised and seven objections received.

The application has been reviewed by the Planning Department against the relevant polices and has been found to achieve an acceptable outcome.

Based on the above assessment, it is considered the application will produce acceptable planning outcomes, therefore a Notice of Decision should be granted.

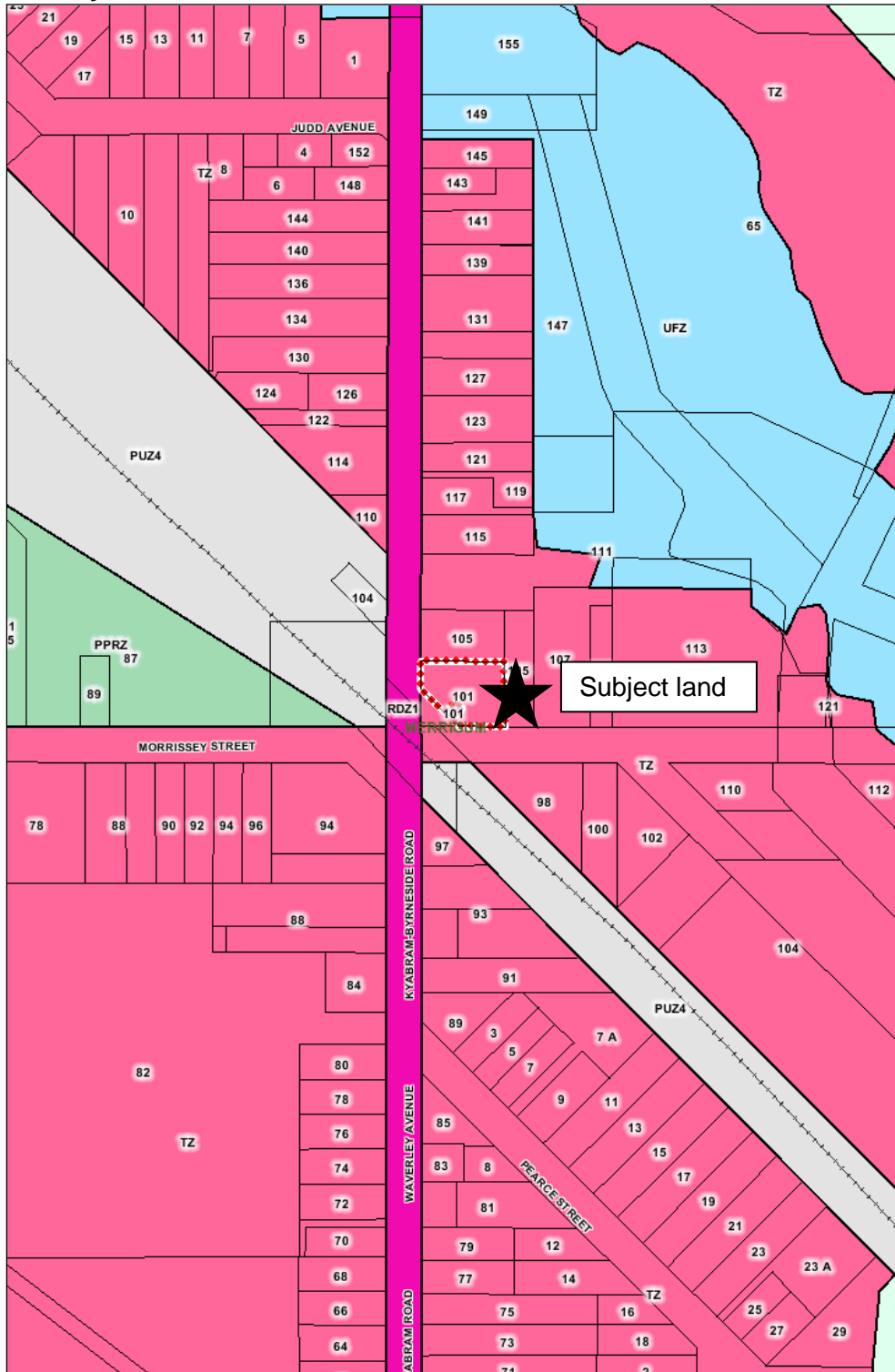
Locality Plan



6. MANAGEMENT REPORTS

6.10 Merrigum Fire Station Planning Permit (continued)

Locality Plan



6. MANAGEMENT REPORTS

6.10 Merrigum Fire Station Planning Permit (continued)

Aerial Photograph



6. MANAGEMENT REPORTS

6.10 Merrigum Fire Station Planning Permit (continued)

NOTICE OF DECISION

APPLICATION NO: 2012-359

PLANNING SCHEME: GREATER SHEPPARTON PLANNING SCHEME

RESPONSIBLE AUTHORITY: GREATER SHEPPARTON CITY COUNCIL

THE RESPONSIBLE AUTHORITY HAS DECIDED TO GRANT A PERMIT.

THE PERMIT HAS NOT BEEN ISSUED.

ADDRESS OF THE LAND: 101-103 WAVERLEY AVENUE MERRIGUM
VIC 3618

WHAT THE PERMIT WILL ALLOW: USE AND DEVELOPMENT OF THE LAND
FOR AN EMERGENCY SERVICES
FACILITY (FIRE STATION) IN THE
TOWNSHIP ZONE AND LAND SUBJECT
TO INUNDATION OVERLAY

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

1. Amended Plans Required

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

- a) Landscape schedule
- b) Inclusion of canopy trees within the landscape area to the east of the driveway
- c) 1.8 metre high boundary fencing on the north and east boundaries rather than 1.5 metre high boundary fencing as shown on the submitted plans
- d) 2.0 metre high acoustic fence along the eastern boundary of land from southern side of the existing brick garage to four metres from the Morrissey Street title boundary
- e) A 1.2 metre high colour bond fence on the eastern boundary from the Morrissey Street title boundary to the acoustic fence
- f) Removal of part of the crossover not used by 105 Morrissey Street, Merrigum and replacement with concrete kerb and channel

2. Layout Not Altered

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

6. MANAGEMENT REPORTS

6.10 Merrigum Fire Station Planning Permit (continued)

3. Drainage Discharge Plan

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

- a) how the land will be drained;
- b) underground pipe drains conveying stormwater to the legal point of discharge;
- c) measures to enhance stormwater discharge quality from the site and protect downstream waterways;
- d) The expected discharge quality emanating from the development output from Model for Urban Stormwater Improvement Conceptualisation (MUSIC)
- e) An electronic copy of treatment modelling (MUSIC or equivalent) to demonstrate proposed treatment results
- f) a maximum discharge rate from the site of 37 l/sec/ha;
- g) documentation demonstrating approval from the relevant authority for the legal point of discharge; and

Before the building is occupied, all drainage works required by the endorsed drainage plan must be completed to the satisfaction of the responsible authority.

4. Landscaping

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

5. Construction Phase

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

During the construction of buildings and/or works approved by this permit, measures must be employed to minimise mud, crushed rock or other debris

6. MANAGEMENT REPORTS

6.10 Merrigum Fire Station Planning Permit (continued)

being carried onto public roads and/or footpaths from the land, to the satisfaction of the responsible authority.

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

6. Car Park Construction Requirements

Before the occupation of the development starts, the area set aside for parking of vehicles and access lanes as shown on the endorsed plans must be:

- a) surfaced with an all-weather seal coat
- b) drained in accordance with an approved drainage plan;
- c) line-marked to indicate each car space and all access lanes;
- d) properly illuminated with lighting designed, baffled and located to prevent any adverse effect on adjoining land to the satisfaction of the responsibility authority.

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

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

All car parking spaces and access ways must be designed to allow vehicles to enter and exit the land in a direction to the satisfaction of the responsible authority.

7. Urban Vehicle Crossing Requirements

Before the occupation of the building the vehicular crossing must be constructed in accordance with the endorsed plan to the satisfaction of the responsible authority, and must:

- a) be constructed at right angles to the road, and any redundant crossing shall be removed and replaced with concrete (kerb and channel);
- b) be setback a minimum of 1.5 metres from any side-entry pit, power or telecommunications pole, manhole cover or marker, or street tree

8. Boundary fencing

Before the building is occupied boundary fencing as shown on the endorsed plans must be constructed to the satisfaction of the responsible authority.

9. Underground Connection

Before the occupation of the building, the electricity connection to the building must be undergrounded to the satisfaction of the responsible authority.

6. MANAGEMENT REPORTS

6.10 Merrigum Fire Station Planning Permit (continued)

10. Maintenance and Training Activities

Maintenance of emergency vehicles shall be permitted to be conducted on the site only between the hours of 9.00am and 8.00pm. In this context, *'maintenance of emergency vehicles'* means regular operational checks and restoration of equipment after emergency response or training, but does not include mechanical repairs or servicing or operational checks during an emergency event.

The rear service yard may only be used for equipment maintenance and/or CFA personnel training purposes between the hours of 9.00am and 8.00pm on any day to the satisfaction of the responsible authority.

11. General Amenity

The use of the land must not adversely affect the amenity of the area, by way of:

- a) processes carried on the land;
- b) the transportation of materials, goods or commodities to or from the land;
- c) the appearance of any buildings, works or materials;
- d) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil;

the presence of vermin to the satisfaction of the responsible authority.

12. Noise Controls

Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy Noise from Industry in Regional Victoria (NIRV).

In the event of complaints of noise from a nearby property, within one month of a request by the responsible authority, an acoustic report must be submitted to the responsible authority giving details of noise measurements to achieve compliance with the NIRV or later replacement policies, and if necessary, to recommend additional measures (physical construction and/or operation modifications) required to ensure compliance. Such measures must then be implemented as soon as practical to the satisfaction of the responsible authority.

Sirens must not be used on vehicles unless the vehicle is in transit to an emergency callout.

A public address system must not be used on the land that is audible from adjoining land to the satisfaction of the responsible authority.

13. Control of Light Spill

Before the occupation of the building, external lighting must be designed, baffled and located so as to prevent any unreasonable adverse effect on adjoining land to the satisfaction of the responsible authority.

6. MANAGEMENT REPORTS

6.10 Merrigum Fire Station Planning Permit (continued)

14. Goulburn Broken Catchment Management Authority Requirements

- a) The floor level of the proposed amenities area must be constructed at least 300 millimetres above the 100-year ARI flood level of 108.05 metres AHD; i.e. 108.35 metres AHD, or higher floor level deemed necessary by the responsible authority.
- b) The floor level of the proposed engine bay must be constructed at least 200 millimetres above the 100-year ARI flood level of 108.05 metres AHD; i.e. 108.25 metres AHD, or higher floor level deemed necessary by the responsible authority.

15. Goulburn Valley Region Water Corporation Requirements

Disconnection of any existing house connection drain, and each allotment to be independently and directly connected to a sewer main of the Goulburn Valley Region Water Corporation.

16. Time for Starting and Completion

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

- a) the development is not started within **two (2) years** of the date of this permit;
- b) the development is not completed within **four (4) years** of the date of this permit.

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

6. MANAGEMENT REPORTS

6.11 Planning Application 2012-306 seeks to develop the land for a portable building associated with the sale of school uniforms

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

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

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

Council Officers involved in producing this report

Author: Principal Statutory Planner

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

Approved by: Acting Director Sustainable Development

Purpose

The purpose of this report is for the Council to consider an application to develop 14 Corio Avenue, Shepparton for a portable building in association with a school uniform outlet.

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

The main issues that required consideration were:

- Is the transportable building associated with the approved use of land for a school uniform outlet
- Does the transportable building application conflict with the requirement of a previously issued VCAT permit being 2010-320
- Are the grounds of objection fatal to the application

Moved by Cr Polan

Seconded by Cr Oroszvary

That in relation to Planning Application 2012-306, on the basis of the information before the Council and having considered all relevant matters as required by the *Planning and Environment Act 1987*, the Council resolves to issue a notice of decision to grant a planning permit.

CARRIED

Property Details

Land/Address	121 -125 Knight Street, Shepparton (commonly known as 14 Corio Avenue, Shepparton)
Zones and Overlays	Residential 1 Zone (R1Z) No Overlays
Why is a permit required	Buildings and works in the R1Z associated with a section 2 use (education centre) under clause 32.01-6.

6. MANAGEMENT REPORTS

6.11 Planning Application 2012-306 seeks to develop the land for a portable building associated with the sale of school uniforms (continued)

Proposal in Detail

The application proposes (2012-306) to develop the land for 41sqm portable building which is to be used for *'activities associated with the operation of the uniform outlet, these activities will be office area and storage of stock'*. The portable building is to the rear of the existing building and does not prevent or hinder compliance with planning permit 2010-320.

Planning permit 2010-320 was issued on 1 May 2012, at the direction of the Victorian Civil and Administrative Tribunal (VCAT). This permit allows the use and development of an education centre, specifically the use of land is for the sale of uniforms and related items associated with Notre Dame College (NDC). To date 2010-320 has not been acted on.

As the permits do not conflict with each other, it is possible for more than one permit to apply to a piece of land.

Given 2010-320 allows for the use and development of land for an education centre subject to compliance with number conditions, of which are important to the acceptability of the land use, it is considered reasonable that the portable building should not be occupied until 2010-320 is complied with.

Summary of Key Issues

1. VCAT directed the issue of planning permit 2010-320 which allowed the land be used and developed for a school uniform outlet. To date planning permit 2010-320 has not been acted on.
2. This application proposes the development of a temporary building to be used for administration and storage associated with the use of land for a uniform outlet.
3. The application was advertised and 18 objections lodged. The grounds of objection have been considered within this report and it is deemed the objections are not fatal to application.
4. The Planning Department has obtained legal advice which states there is no bar to multiple permits applying to a piece of land.
5. The Planning Department has undertaken its own design testing of the application to ensure the grant of this permit will not prevent compliance being achieved with the VCAT permit 2010-320. This concept design indicates that the applicant's proposal does not prevent compliance with the VCAT permit being achieved (refer to plan within assessment section of the report).
6. The Planning Department's assessment of the application has concluded there are no planning reasons to prevent the Council issuing a notice of decision to grant a permit with appropriate conditions.
7. A permit condition requires that the permit holder comply with the VCAT permit 2010-320 before the temporary building allowed under 2012-320 is occupied (should a notice of decision to grant a permit be issued).

Background

1. Planning permit 2010-320 was issued following order by VCAT on 1 May 2012. The permit allowed the land to be used and developed for an education centre subject to compliance with numerous conditions. To date the permit has not been acted on.

6. MANAGEMENT REPORTS

6.11 Planning Application 2012-306 seeks to develop the land for a portable building associated with the sale of school uniforms (continued)

2. The current planning application 2012-306 was lodged with the Council on 24 September 2012.
3. A request for further information was made on 26 September 2012 seeking the following:
 - Written description of what the proposed portable building will be used for
 - Expected time frame that the portable building will be located on the land
4. NDC responded on 9 October 2012 and informed the following:
 - The building will be used to provide office space and stock storage area
 - It is envisaged the building will be in place for a period of five to seven years
5. A second request for further information was made on 9 October 2012 seeking the following:
 - Advise as to whether the proposed portable building will be used in association with the school uniform outlet or some other function of the school. If it is for another function of the school please describe
6. NDC responded on 15 October 2012 and informed the portable building will be used for activities associated with the operation of the uniform outlet.
7. On 16 October 2012, planning officers informed NDC that the submission of information was considered adequate to enable further processing of the application.
8. On 19 October 2012, the submitted application was advertised to nearby neighbours. In response to this public notice 18 objections were received.
9. On 23 November 2012, NDC were provided a copy of each objection.

Assessment under the Planning and Environment Act

The application seeks a planning permit to develop the land for a portable building associated with the school uniform outlet as approved under 2010-320.

VCAT in its consideration of 2010-320 identified and considered these two issues:

- Is the proposed use a retail shop or part of an education centre
- Will the development have any unreasonable negative impact on residential amenity through inappropriate location, unsympathetic design and traffic impact

Is the use a shop?

VCAT determined the use was not properly defined as a shop and made the following conclusions:

I conclude, therefore, that the uniform "shop" is essentially one component of the overall service provided by Notre Dame college to its community and should, in my view, be considered as ancillary to the dominant use - an education centre - which is the College itself.

Residential Amenity

VCAT determined the impact of the use resulted in acceptable amenity outcomes for the residents in Corio Avenue and stated the following:

An education centre is an appropriate non-residential use within a Residential 1 Zone especially when the adjoining land is already used for that purpose. I do not consider that there will be adverse amenity impacts as a result of allowing the land to be used as a uniform outlet.

6. MANAGEMENT REPORTS

6.11 Planning Application 2012-306 seeks to develop the land for a portable building associated with the sale of school uniforms (continued)

More than one permit applying to the land

The Planning Department sought legal advice relating to this application as if approved it would result in more than one permit applying to the land. Russell Kennedy Solicitors informed the following:

There is no bar to multiple permits applying to the same land, provided that any permits being relied upon, can be complied with fully.

In the current case, we understand that Permit 2010-320 could be complied with should a permit being issued in relation to application 2012-306. If this is the case, no particular permit condition is required in the new permit that refers to the Permit 2010-320, as among other things, the person or entity relying upon the permits (and the owner of the land) already has an obligation to comply with the conditions of both permits.

Subject to Council being satisfied that both the existing permit and any new permit can reasonably be fully complied with, there is no bar to Council issuing a permit in relation to permit application 2012-302.

Based on the above legal advice, it is open for the Council to grant a permit that results in more than one permit applying to the land.

Transportable Building

This application seeks to increase the size of the uniform outlet by adding the 41sqm building to the rear of the existing building.

The proposed building will be located to the rear of the existing building and therefore not visible from the street.

The applicant has informed the Council that the transportable building will be used for storage of goods used in the uniform outlet and administration of the uniform outlet.

There is a need to ensure that any approvals for this temporary building do not remove NDC's obligations under planning permit 2010-320. To ensure this does not eventuate it is recommended that a permit condition be attached to 2012-306 to not allow the temporary building to be occupied until planning permit 2010-320 has been complied with to the satisfaction of the responsible authority.

This condition will require that before the erection of the building improved fencing, removal of crossover, sealing of access ways and establishment of car parking is provided to the uniform outlet. These improvements will ensure (as VCAT found) the residential amenity of Corio Avenue is maintained to an acceptable level.

Potential Conflict with VCAT Permit

The layout proposed by the applicant located the temporary building to the rear of the existing building and shows three on site car parking spaces.

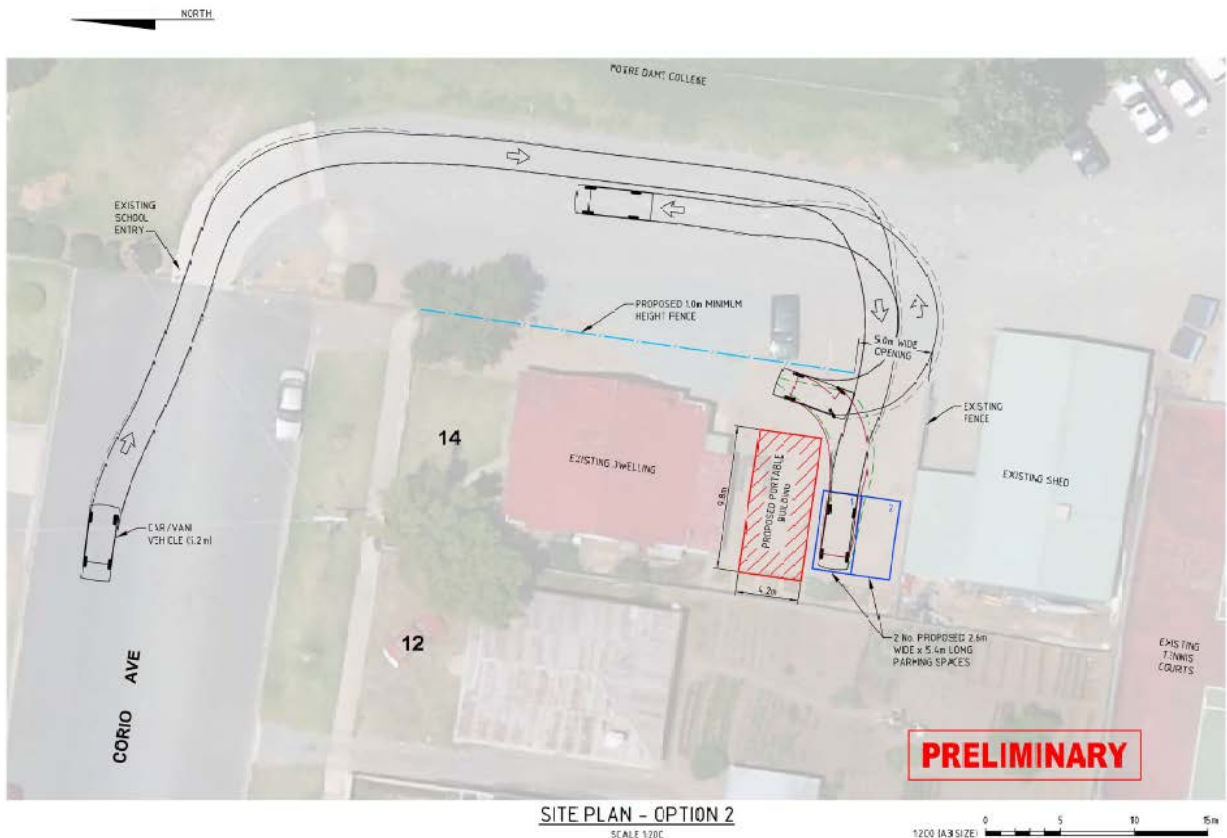
The plans submitted does not show various requirements as set out be the VCAT permit including boundary fence and five metre wide access to the land.

6. MANAGEMENT REPORTS

6.11 Planning Application 2012-306 seeks to develop the land for a portable building associated with the sale of school uniforms (continued)

To enable the Planning Department to be satisfied that the proposal can be implemented without conflicting with the VCAT permit, the design was reviewed by the Council's design engineers.

The review showed that, conceptually, the applicant's layout is able to be located on the land and comply with the VCAT permit. The Council's concept design is below:



Based on the above concept design the Planning Department is satisfied that the proposed application will not prevent the implementation of the VCAT permit.

It is considered that the proposed application achieves acceptable planning outcomes for the following reasons:

- The proposed development is associated with a permitted use of the land being the sale of NDC school uniforms
- The building is located to the rear of an existing building and therefore will not be visible from Corio Avenue
- The proposed design as provided by the applicant has been tested by the Council designers and it has been established that the design does not compromise the VCAT permit
- Permit conditions will not allow the building to be occupied until the VCAT conditions are complied with to the satisfaction of the responsible authority
- There is no bar to prevent more than one permit applying to a piece of land

6. MANAGEMENT REPORTS

6.11 Planning Application 2012-306 seeks to develop the land for a portable building associated with the sale of school uniforms (continued)

Referrals/Public Notice

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

In response to this public notice 18 objections were lodged with the Council. Each of the 18 objections was from a template; therefore all objections contained the same grounds of objection.

Each of the objectors received acknowledgement of their objection being received.

The grounds of objections related to the following:

Ground of objection	Officers response
Temporary building results in the conditions under 2010-320 not be capable of being complied with	The planning officers also shared this concern and have undertaken a review of the design which establishes the inclusion of the temporary building does not prevent compliance with the VCAT permit (2010-320).
Temporary building leads to loss of amenity within the area	The temporary building is to the rear of an existing building and will therefore not be visible from Corio Avenue. The temporary building is to be used for stock storage and administration associated with the school uniform outlet and therefore will not lead to an increased number of visitors to the land. VCAT as part of its consideration of 2010-320 decided that the use of land for a school uniform outlet amenity impacts associated with a school uniform outlet were acceptable.

The officers believe that appropriate consultation has occurred and that there is no possibility of mediation between the applicant and objectors and the matter is now ready for the Council's consideration.

Ongoing disputes between the school and Corio Avenue residents relating to the school's impact on Corio Avenue are not a matter for this application. However, Council officers continue to encourage the school and Corio Avenue residents to work through their points of difference to resolve the disputes. A status update of these matters is below:

- The Council has committed to undertake street tree planting in Corio Avenue
- The Council's parking compliance officers will undertake parking inspections within Corio Avenue to ensure compliance with on street parking rules in Corio Avenue, inspections are to occur at least twice a week
- Notre Dame College have informed Corio Avenue is no longer being used by large buses
- Early morning garbage collections via Corio Avenue are to cease

6. MANAGEMENT REPORTS

6.11 Planning Application 2012-306 seeks to develop the land for a portable building associated with the sale of school uniforms (continued)

In an effort to assist the Corio Avenue residents the Council has committed to undertaking street tree planting in Corio Avenue and instructing its parking to enforce compliance with on street parking rules in Corio Avenue.

Council Plan/Key Strategic Activity

Council Plan

- Strategy 8 – Increase education and learning opportunities for our community
- Strategy 11 - Ensure social issues are actively considered when making planning decisions

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

Risk Management

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

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

Risks	Likelihood	Consequence	Rating	Mitigation Action
Third party notice and objections to the application	A	5	Low	The application has been properly advertised which allowed objections to be lodged with the Council. These objectors will be informed of the Council's decision and made party to any future VCAT reviews.
Recommendation to grant planning permit	B	5	Low	The Planning Department's recommendation to grant a planning permit has been made following the correct planning process being undertaken including public notice

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

6. MANAGEMENT REPORTS

6.11 Planning Application 2012-306 seeks to develop the land for a portable building associated with the sale of school uniforms (continued)

Policy Implications

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

Financial Implications

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

Legal/Statutory Implications

The responsible authority's decision may be subject to an application for review by either the applicant or objectors to VCAT.

Victorian Charter of Human Rights and Responsibilities Act 2006 Implications

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

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

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

Aboriginal Heritage Act, 2006

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

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

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

6. MANAGEMENT REPORTS

6.11 Planning Application 2012-306 seeks to develop the land for a portable building associated with the sale of school uniforms (continued)

Environmental/Sustainability Impacts

As the building is portable in nature, the Council's building surveyors have informed the building will not be required to comply with the Section J (energy efficiency) requirements under the Building Code of Australia (BCA).

As a result of this exemption under the BCA the building will not be subject to energy requirements.

Social Implications

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

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

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

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

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

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

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

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

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

Economic Impacts

The application is minor in nature which is demonstrated by the applicant's estimated cost of works being \$1000.

Given the minor nature of this application, the application raises no significant economic impacts.

6. MANAGEMENT REPORTS

6.11 Planning Application 2012-306 seeks to develop the land for a portable building associated with the sale of school uniforms (continued)

Strategic Links

a) Greater Shepparton 2030 Strategy

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

Options for Consideration

1. The Planning Department's view that the application is acceptable is outlined within this report and it is recommended that a notice of decision to grant a permit issue
2. The Council could decide to issue a notice of decision to grant a permit with altered conditions
3. The Council could decide to refuse to grant a permit and provide planning related grounds of refusal that can if necessary be relied on a VCAT

Conclusion

The proposed application for a temporary building to be used in association with a school uniform shop is deemed to produce acceptable planning outcomes. The Planning Department was particularly concerned that this application did not conflict with the VCAT permit. To satisfy itself, a Council prepared design was undertaken which showed that the temporary building does not prevent compliance being achieved with the VCAT permit.

The Planning Department recommends the inclusion of permit conditions to require the applicant to comply with the VCAT permit 2010-320 before the occupation of the temporary building.

Based on the above assessment and the draft notice of decision to grant a permit it is recommended that the Council not oppose the submitted application.

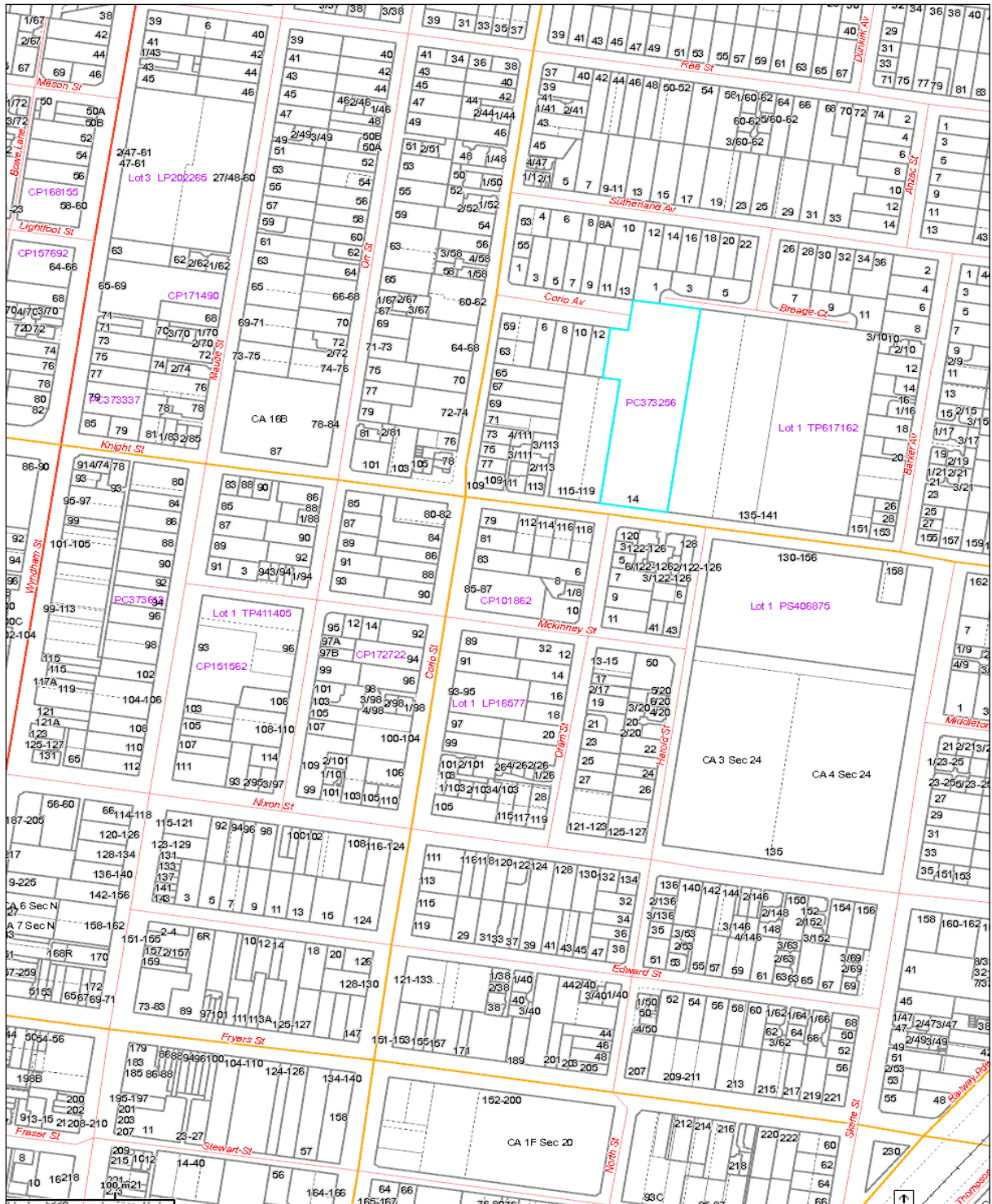
Attachment

Planning permit 2010-320 (VCAT permit)

6. MANAGEMENT REPORTS

6.11 Planning Application 2012-306 seeks to develop the land for a portable building associated with the sale of school uniforms (continued)

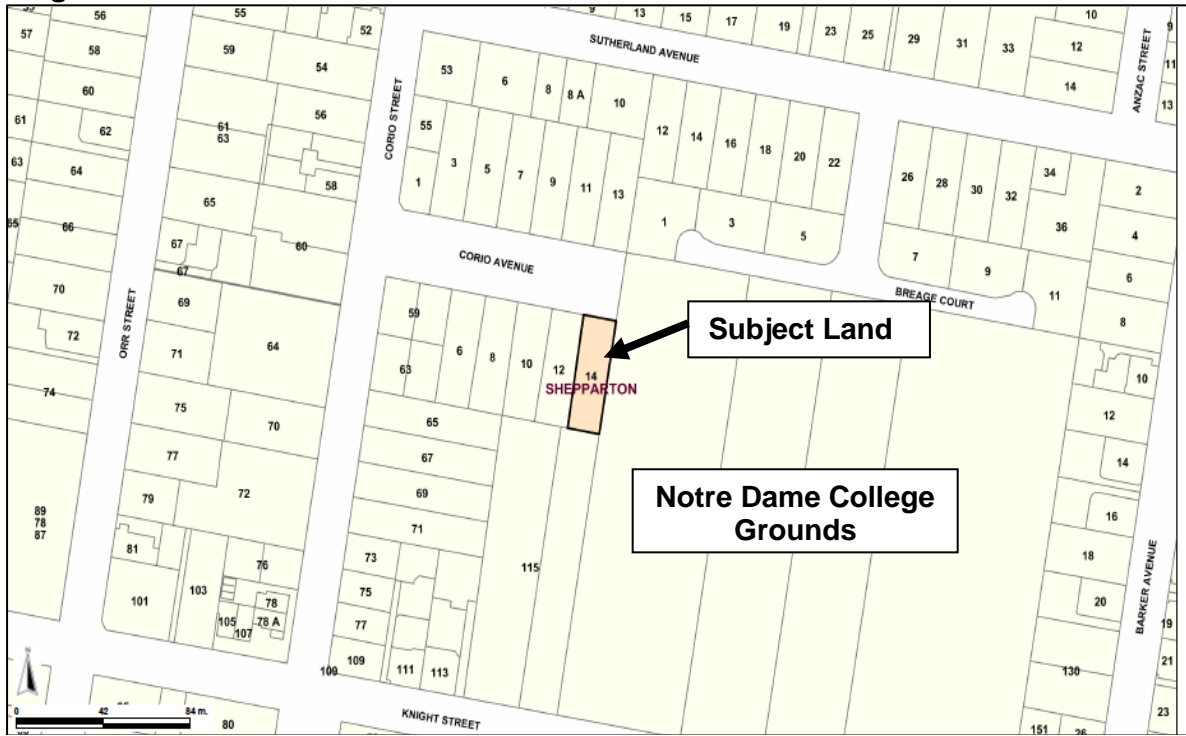
Locality Plan



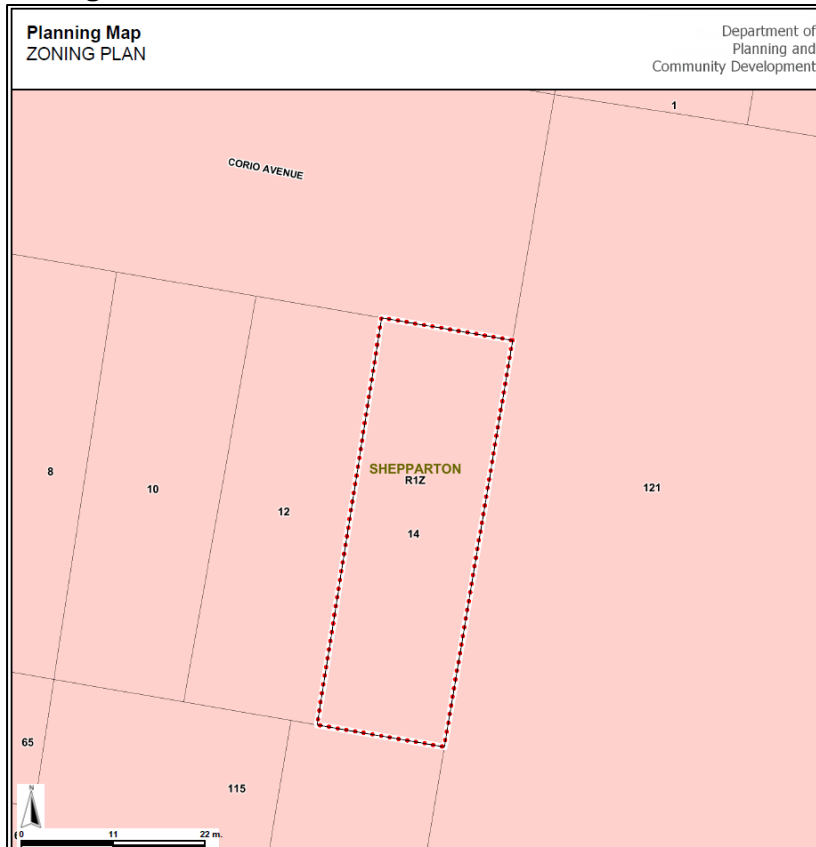
6. MANAGEMENT REPORTS

6.11 Planning Application 2012-306 seeks to develop the land for a portable building associated with the sale of school uniforms (continued)

Neighbourhood Plan



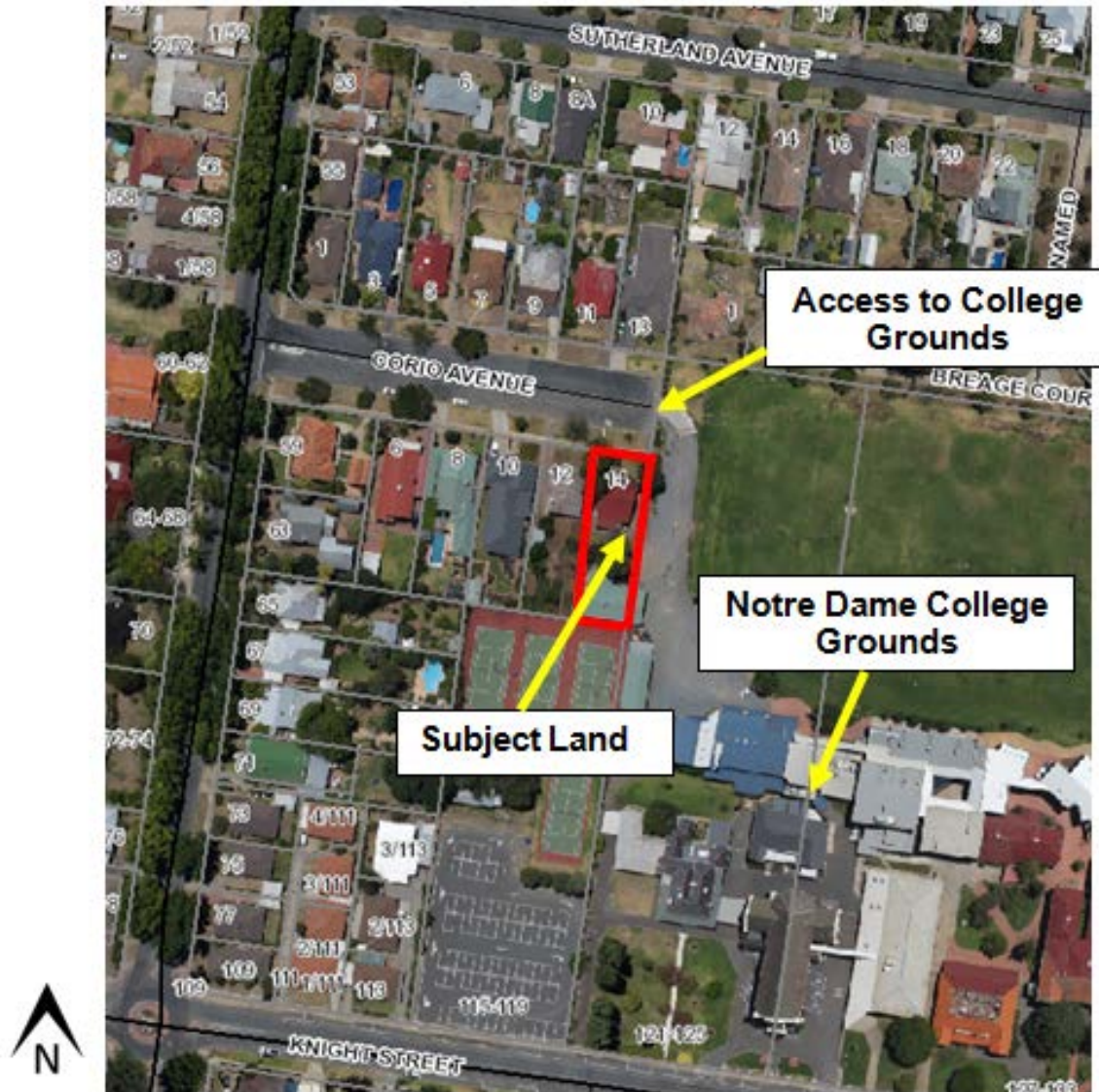
Zoning Plan



6. MANAGEMENT REPORTS

6.11 Planning Application 2012-306 seeks to develop the land for a portable building associated with the sale of school uniforms (continued)

Residential 1 Zone Aerial Plan



6. MANAGEMENT REPORTS

6.11 Planning Application 2012-306 seeks to develop the land for a portable building associated with the sale of school uniforms (continued)

DRAFT NOTICE OF DECISION

APPLICATION NO: 2012-306

PLANNING SCHEME: GREATER SHEPPARTON PLANNING SCHEME

RESPONSIBLE AUTHORITY: GREATER SHEPPARTON CITY COUNCIL

THE RESPONSIBLE AUTHORITY HAS DECIDED TO GRANT A PERMIT.

THE PERMIT HAS NOT BEEN ISSUED.

ADDRESS OF THE LAND: 121-125 KNIGHT STREET SHEPPARTON
VIC 3630

WHAT THE PERMIT WILL ALLOW: BUILDINGS AND WORKS IN THE
RESIDENTIAL 1 ZONE FOR A PORTABLE
BUILDING

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

1. Amended Plans Required

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

- a) A design that achieves compliance with planning permit 2010-320 including but not limited to boundary fencing, five metre wide access at rear of the land and two on site car parking spaces

2. Layout Not Altered

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

3. Compliance with 2010-320

Before the erection of the building allowed on the land under planning permit 2012-306, planning permit 2010-320 must be complied with to the satisfaction of the responsible authority.

6. MANAGEMENT REPORTS

6.11 Planning Application 2012-306 seeks to develop the land for a portable building associated with the sale of school uniforms (continued)

4. Urban Drainage - Works

Before the building is occupied all stormwater and surface water drainage from the land, buildings and works must be connected to the legal point of discharge by underground pipe drains to the satisfaction of the responsible authority. Effluent and/or polluted water must not be discharged to the Council's stormwater drainage system from the land.

5. Number of Staff

No more than four staff members (including volunteers) are to operate within the school uniform outlet and temporary building at any one time.

6. Use of Building

The building must not be used for any other purpose other than for stock storage and administration of the uniform outlet on the land to the satisfaction of the responsible authority.

The sale of school uniforms and related equipment must not be undertaken from the building.

7. Time for Starting and Completion

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

- c) the development are not started within **two (2) years** of the date of this permit;
- d) the development is not completed within **four (4) years** of the date of this permit.

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

6. MANAGEMENT REPORTS

6.12 Proposed 320,000 Broiler Farm

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

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

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

Council Officers involved in producing this report

Author: Statutory Planners

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

Approved by: Acting Director Sustainable Development

Purpose

The purpose of this report is for the Council as the responsible authority to consider the merits of the application to use and develop the land for a 320,000 broiler farm and care takers residence in the Farming Zone (FZ) and Land Subject to Inundation Overlay (LSIO) and alteration to an access onto a Road Zone Category 1 (RDZ1).

To assist the Council in reaching its decision, the Planning Department has engaged a broiler expert being Focus CDS Consultants (Focus) to undertake a peer review of the application against the Victorian Code for Broiler Farms (2009) and the Greater Shepparton Planning Scheme (attachment 1).

The main issues that required consideration were:

- Whether the application complies with the Victorian Code for Broiler Farms 2009 and the Greater Shepparton Planning Scheme; and
- The issues raised by objections, including odour, visual amenity, environmental impacts and land devaluation.

Moved by Cr Patterson

Seconded by Cr Summer

That in relation to Planning Application 2012-356, on the basis of the information before the Council and having considered all relevant matters as required by the *Planning and Environment Act 1987*, the Council resolves to issue a notice of decision for planning permit application 2012-356.

LOST

Moved by Cr Polan

Seconded by Cr Ryan

That officers bring a report to the next Council Meeting outlining the reasons for Council's refusal to grant a permit.

CARRIED

6. MANAGEMENT REPORTS

6.12 Proposed 320,000 Broiler Farm (continued)

Property Details

Land/Address	4695 Goulburn Valley Highway, Murchison East (comprising Lot 1 on TP392586L, Lot 1 on TP836805F and Crown allotments 113, 161 and 162 Parish of Dargalong)
Zones and Overlays	Farming Zone Partially affected by the Land Subject to Inundation Overlay. Abuts a Road Zone (category 1)
Why is a permit required	35.07-1 – use of land for a broiler farm and caretaker's residence in the Farming Zone. 35.07-4 – buildings and works associated with a section 2 (broiler farm and care takers residence) use in the Farming Zone. 44.04-1 – Buildings and works in the Land Subject to Inundation Overlay. 52.29 – alteration of an access to a Road Zone (category 1)

Proposal in Detail

The application proposes the use and development of the land for a Broiler Farm and caretaker's dwelling in the FZ and LSIO and the alteration of an access onto a Road Zone Category 1 being the old Goulburn Valley Highway.

The application proposes a complex of eight sheds which will accommodate up to 320,000 broilers at any one time. It is expected that a cycle will occur every 60 days, and five of these cycles will occur within one year. The chickens are housed in open format sheds and removed from the land from 33 days to 50 days and transported to Bendigo for processing.

The proposed broiler farm consists of:

- Eight shed complex housing 320,000 birds
- Ancillary buildings including machinery shed, work shop, amenities building, water and gas tanks, generator shed and silos
- Internal roads
- Caretakers house associated with the broiler complex
- Up graded vehicle access to the site from the Old Goulburn Valley Highway
- The proposed broiler sheds are 152m long by 16.75m wide, totaling 2546sqm. Each shed will house not more than 40,000 birds.

The *Victorian Code for Broiler Farms 2009* (the code) is an incorporated document within the Greater Shepparton Planning Scheme and an application must comply with the Code

6. MANAGEMENT REPORTS

6.12 Proposed 320,000 Broiler Farm (continued)

to be acceptable. This therefore forms the basis for the Planning, design, assessment, approval, construction, operation and management of broiler farms in Victoria.

Under the code the farm is classified as a class B farm which is defined as:

A broiler farm is classified as Class B if all of the following apply:

- *The farms capacity is less than or equal to 400,000 birds; and*
- *The development can meet the minimum separation distance requirement (as defined by formula 1) but this distance is not fully contained within the broiler farm boundary.*

The nearest dwelling is located 640 metres to the south of the land, which is within the Strathbogie Shire. The township of Murchison is located about 1800 metres from the proposed broiler complex.

The use of land for a broiler farm results in high amount of truck movements. Within a 55 day cycle there is according to the applicants planning report 153 truck movements of which 16 are B'double trucks.

Summary of Key Issues

Focus has undertaken a peer review of the application which included a site visit and reached the following conclusions:

- *The proposed use and development to allow for a broiler farm is appropriate for the site and should be of economic benefit to the municipality.*
- *The proposed use and development complies with the requirements of the Victorian Code for Broiler Farms 2009 for a Class B 320,000 bird farm, subject to the land to the north of the Government Road being included in the application.*
- *The proposed development should not impact upon the environment via the emission of noise, generation of dust or odour, impacts upon water quality or flows or on visual amenity.*
- *The proposed development satisfies the objectives and intent of the Greater Shepparton Planning Scheme through compliance with:*
 - *The requirements of the State Planning Policy Framework;*
 - *The purposes and objectives of the Local Planning Policy Framework, including the Municipal Strategic Statement as they apply to the site; and*
 - *The purpose and decision guidelines of the farming Zone, Clause 52.31 – Broiler Farms and Clause 65 – Decision Guidelines.*
- *It is therefore appropriate that a planning permit be issued subject to appropriate conditions being placed on the permit.*

On the 31 January 2013 the applicant made application to amend the Planning permit after notice under section 57A of the *Planning and Environment Act 1987* to include the land to the north in the application and site description as required by Focus.

The application was notified with letters sent to surrounding properties and the Murchison community plan group and a sign placed on site. A total of 21 objections were lodged and 1 partition with 122 signatures.

The Planning Department undertook an assessment of the grounds of objection and deemed that the objections are not fatal to the application.

6. MANAGEMENT REPORTS

6.12 Proposed 320,000 Broiler Farm (continued)

The application was referred under section 55 to the Goulburn Broken Catchment Management Authority and Vicroads, who do not object subject to conditions.

The application was notified to the Environmental Protection Authority and Goulburn-Murray Water, both of whom do not object subject to conditions.

Background

Pre application meetings were undertaken between the land owner and their representatives, which included planning officers undertaking an inspection of the applicants existing broiler farm in Strathbogie Shire.

On 15 June 2012 planning officers provided a letter to the applicant informing of the application requirements.

On 26 October 2012, a formal application for a broiler farm was submitted to the Council. The application specifically applied for the 'use and development of a broiler farm, manager's residence and associated infrastructure'. The application stated the estimated cost of works was six million dollars.

The application was placed on public notice on 13 November 2012 to which 21 objections were lodged and one partition with 122 signatures, which predominately raised issues regarding odour, inter agricultural conflict and diminishing tourism within the area.

An application to amend the application has been made under section 57A of the *Planning and Environment Act 1987* to refer to all land parcels within the application. The amendment to the application was not advertised or referred as the change is considered minor and the land included is already addressed under subject property's address.

Assessment under the Planning and Environment Act

The determinative issues in this application are described as:

- Does the application comply with the code
- Will the proposed broiler farm lead to unacceptable offsite amenity impacts particularly odour
- Inter agricultural conflicts particularly with wine production
- Can the additional traffic generated by the broiler farm be accommodated in the road network
- Is it acceptable to locate a broiler farm on land prone to flooding

The application proposes to use and develop land for a broiler farm in the FZ. A broiler farm is a section 2 use (permit required use in the FZ). Clause 31.02 of the scheme states the following:

6. MANAGEMENT REPORTS

6.12 Proposed 320,000 Broiler Farm (continued)

Making decisions about section 2 uses

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

The state policies relating to agricultural encourage the sustainable agricultural land use and include the following statement relating to poultry farms:

Facilitate the establishment and expansion of cattle feedlots, piggeries, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment.

The Council's local policy relating to agriculture sets out the importance of the agricultural sector to the municipalities economics prosperity and encourages the growth and expansion of primary industries in the agricultural sector.

The Rural Regional Land Use Strategy (RRLUS) proposes to include the land within the FZ1 – Growth. The RRLUS at table 10-1 (page 105) lists the likely agricultural activities within the growth area as:

Large scale dry land cropping and grazing businesses including – dairy, horticulture and broilers

The proposed use of the land for a caretaker's dwelling is considered to meet the provisions and objectives of the Greater Shepparton Planning Scheme, in that it is considered to be reasonably required for the proposed intense agricultural activity to operate effectively.

Clause 52.31 – Broiler Farm

The purpose of this clause is *to facilitate the establishment and expansion of broiler farms in a manner that is consistent with orderly and proper planning and the protection of the environment.*

A requirement of clause 52.31 is that the application must comply with the Victorian Code for Broiler Farms 2009, of which is an incorporated document in the scheme, with an assessment of the Code needing to address the following:

Broiler Code

The code applies to a planning permit application to use and develop land for a broiler farm that includes the establishment of a new broiler farm. An application under the Code must meet the following objectives, standards and approved measures for compliance with the code to be achieved.

Objectives: An objective describes the desired outcome to be achieved from the completed development and operation of the broiler farm. All permit applications must satisfy the objectives for each element.

6. MANAGEMENT REPORTS

6.12 Proposed 320,000 Broiler Farm (continued)

Standards: A standard contains the requirements to meet the objective. In most cases, a standard is expressed as a design or operational requirement. All permit applications must comply with all relevant standards.

All broiler farm planning permit applications (regardless of the farm classification) are required to meet the objectives and standards of the 6 Elements of the Code

Approved measures: An approved measure is an approach, action, practice or method that permit applicants should incorporate into their development proposal to comply with the standard. Where the development proposal adopts all the approved measures for a standard, the application is deemed to comply with the standard.

A full assessment of the application against the provisions of the Code and Greater Shepparton Planning Scheme undertaken by Focus and is included in attachment 1. The Focus assessment has deemed compliance of the application with the Code, as set out in summary of key issues.

The assessment provided through the peer review of the application has concluded that:

The proposed use an development complies with the requirements of the Victorian Code for Broiler Farms 2009 for a Class B 320,000 bird farm, subject to the land to the north of the Government Road being included in the Application.

Based on the Planning Department's expert broiler review by Focus and the Planning Department's own assessment of the application against the Code, the Planning Department is satisfied the application is capable of complying with the Code.

Traffic

The application has been supported by a traffic report prepared by Traffic Works.

The proposed broiler farm generates significant truck movements totalling 153 trips in a 55 day cycle, with the highest number of vehicle movements per day being 16.

The applicant has informed that the majority of trucks will either be accessing the land from Mooroopna to deliver feed or to transport birds to Bendigo for processing.

The site has good access to higher order roads that are within the RDZ1, being the Old Goulburn Valley Highway, Bendigo – Murchison Road and Murchison – Mooroopna Road.

Traffic Works have concluded that the proposed use and development is satisfactory for the following reasons:

- *The additional traffic generated by the proposed development will have minimal impact on the operation and safety of the Old Goulburn Valley Highway along the property frontage, with the current sealed shoulders providing adequate provision for the anticipated low volume of left and right turns into the property driveway;*
- *Driveway upgrading proposals comply with VicRoads standards for truck access to rural properties;*

6. MANAGEMENT REPORTS

6.12 Proposed 320,000 Broiler Farm (continued)

- *The buildings are located at least 50m from the road reserve and will be accompanied by screen plantings; and*
- *Safe Intersection Sight Distance (SISD) criteria are satisfied to the north and south of the access driveway.*

Additionally, the application has been provided to Vic Roads who have responded with no objection subject to conditions

Permit conditions are proposed to require that trucks use the RDZ1 network so as to reduce amenity impacts to the residents of Murchison.

Flooding

The land is partially within the LSIO.

Clause 13.02-1 of the scheme states uses including broiler farms must not be located in floodplains unless site design and management is such that potential conflict between uses and floodwaters is prevented.

The application was referred to the Goulburn Broken Catchment Management Authority who have responded with no objection subject to conditions.

It is considered the proposed use achieves acceptable planning outcomes in terms of flooding as the floodplain authority have consented to the grant of a permit..

Council Plan/Key Strategic Activity

Council Plan

- Strategy 11 - Ensure social issues are actively considered when making planning decisions.
- Strategy 22 – Develop and pursue strategies to protect and enhance our irrigation based agricultural economy.

The Planning Department has considered the social issues when assessing the application as required under section 60 of the *Planning and Environment Act 1987*. The proposed use is identified as a likely agricultural activity for the municipality in the Rural Regional Land Use Strategy which was adopted on 17 July 2012, a key recommendation of strategy 22.

Risk Management

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

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

6. MANAGEMENT REPORTS

6.12 Proposed 320,000 Broiler Farm (continued)

Risks	Likelihood	Consequence	Rating	Mitigation Action
Road safety with commercial vehicles exiting the land to the Old Goulburn Valley Highway	A	5	Low	Upgrading of the existing access to the land is being undertaken as required by Vic Roads who are the relevant Roads Authority.
Third party notice and objections to the application	A	5	Low	The application has been properly advertised which allowed objections to be lodged with the Council. These objectors will be informed of the Council's decision and made party to any future VCAT review.
Referrals under section 55 of the <i>Planning and Environment Act 1987</i> .	A	5	Low	Application referred to Goulburn Broken Catchment Management Authority and Vicroads, neither of whom object subject to conditions.

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

Policy Implications

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

Financial Implications

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

Legal/Statutory Implications

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

6. MANAGEMENT REPORTS

6.12 Proposed 320,000 Broiler Farm (continued)

Victorian Charter of Human Rights and Responsibilities Act 2006 Implications

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

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

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

Aboriginal Heritage Act 2006

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

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

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

Environmental/Sustainability Impacts

The application was referred to the Goulburn Broken Catchment Management Authority who do not object to the issue of a permit.

The applicant has submitted a Environmental Management Plan, which will need to be revised as per a permit condition for more site specific actions.

The Environmental Management Plan provides for strategies and measures to avoid or minimise environmental risks, an also contingency actions to manage environmental problems that may arise.

6. MANAGEMENT REPORTS

6.12 Proposed 320,000 Broiler Farm (continued)

Social Implications

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

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

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

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

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

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

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

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

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

Economic Impacts

the applicant has informed that the proposed broiler farm has a construction cost of six million dollars, which will generate short term construction jobs.

It is anticipated the broiler farm will generate one full time position and some casual positions.

Referrals/Public Notice

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

In response to this public notice 21 objections and 1 partition were lodged with the Council.

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

6. MANAGEMENT REPORTS

6.12 Proposed 320,000 Broiler Farm (continued)

Ground of objection	Officers response
The use will generate offensive odours.	The applicant was not required to submit odour modelling under the Code. The proposed development allows for an increased setback of which the Code requires from the nearest dwelling (not in the same ownership) being an additional 32 metres.
Contamination of the water catchment and underground water supplies through seepage.	The application was referred to the Goulburn Broken Catchment Management Authority and notified to Goulburn Murray Water, neither of whom objects to the issue of a permit, subject to conditions. The application complies with all three approved measure relating to waterway protection six measures of storm water drainage.
Visual amenity from the placement of the eight broilers sheds and associated equipment.	The applicant will be required through a condition (should a permit issue) and has shown on the plans a plantation of 10 metre wide vegetation buffer around the development. The buffer will be planted with a variety of vegetation species to ensure a sufficient screening. The Code requires that the applicant make a bank guarantee to be used for the maintenance of the vegetation buffer of which would form part of the permit, should one issue.
Buffer zone as identified in the Code impeding on abutting properties. The property to the south has identified that the buffer zone covers whole parcels of land in their ownership.	The code allows for the buffer zone to exceed the subject properties boundaries provided it does not overlap a sensitive land use (dwelling). Attachment 3 shows the title for the property to the south, which is not entirely covered by the buffer zone.
Devaluation of abutting and surrounding properties.	With respect to the devaluation of abutting land due to a proposed development Cimino cited in <i>Eckhardt v Monash CC (2006) VCAT 1047</i> "if adjoining land is devalued because of detriment to its amenity that is considered in relation to town planning, not the resulting devaluation (in relation to which there is seldom, if ever, any evidence in any event)". It is well established in planning, that property devaluation is not a valid ground of objection.
Impact of use on surrounding agricultural activities.	It is acknowledged there is a range of agricultural uses including vineyards in the area. The code makes no specific reference to separation distances between different agricultural uses.
Impact of proposed use on the tourism of the surrounding locality	The land is within the Farming Zone, in which subject to the grant of a permit, a broiler farm is an allowable land use. The Planning Scheme has no strategic direction that precludes intense agricultural activity from this area.
The potential of the proposed use to affected the rural residential character of the locality.	The surrounding land is zoned Farming, with the closest residential land the Township Zoned Murchison. A residential amenity cannot be guaranteed in the Farming Zone, with the primary purpose to provide land for the use of agriculture.

6. MANAGEMENT REPORTS

6.12 Proposed 320,000 Broiler Farm (continued)

Strategic Links

a) Greater Shepparton 2030 Strategy

The strategy identifies the objective of protecting the productive agricultural land base and the valuable regional resource of irrigated land and that the agricultural sector is a vital component of the regional, State and national economy.

The proposed development provides for increased agricultural output from the land, with the use of land for poultry identified to occur through access to irrigation water.

Options for Consideration

The decision on planning permit application 2012-356 for the use and development of the subject land for a 320,000 broiler farm and caretakers residence in the Farming Zone and Land Subject to Inundation Overlay and alteration to an access onto a Road Zone Category 1.

Conclusion

The proposed application for a broiler farm and caretaker's house has been widely advertised and 22 objections including one partition received.

The application has been reviewed by the Planning Department against the relevant polices and Code and has been found to achieve compliance

The planning Department engaged Focus to undertake a peer review of the application. Focus concluded that it was appropriate for a planning permit to issue.

Based on the above assessment, it is considered the application will produce acceptable planning outcomes, therefore a Notice of Decision should be granted.

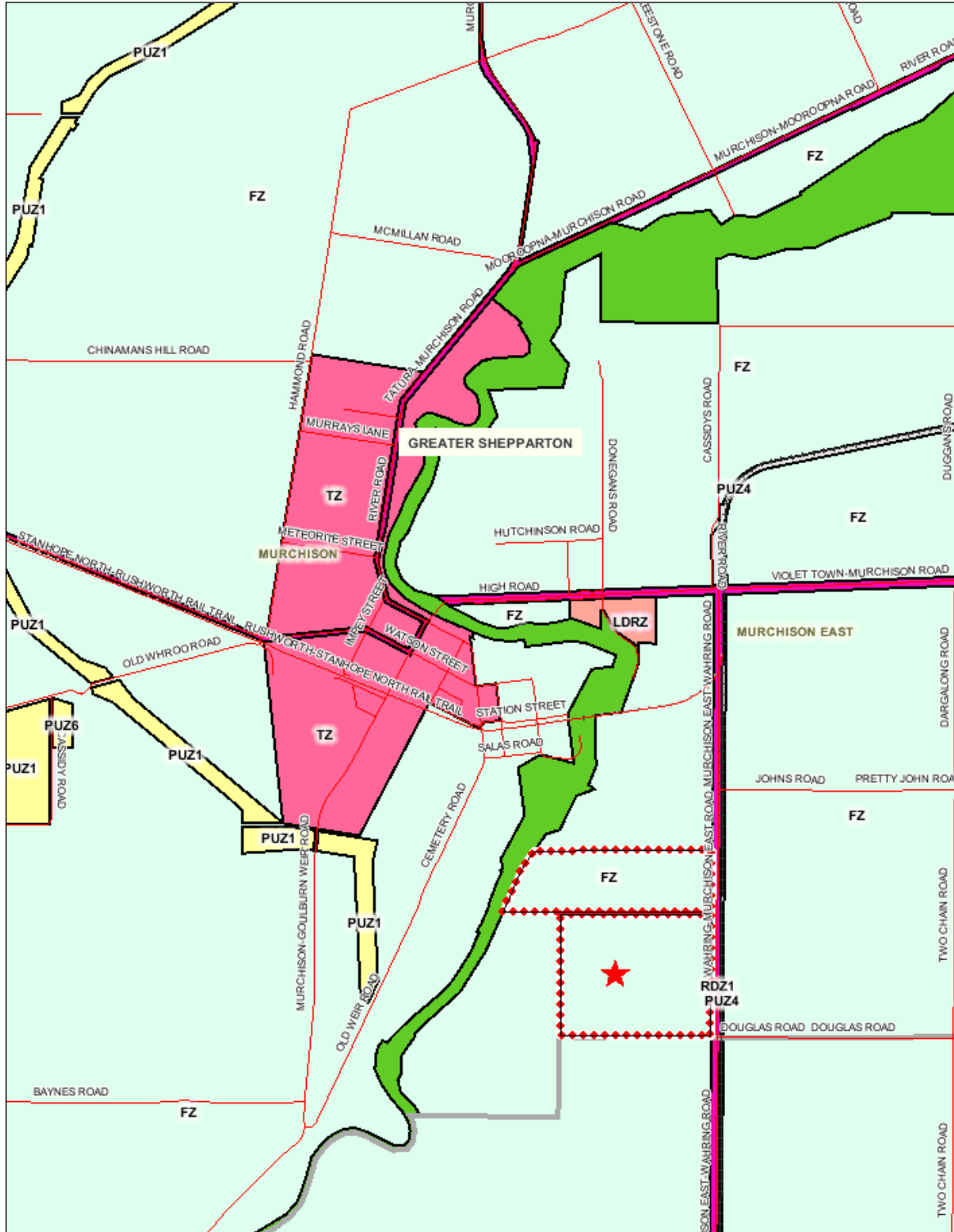
Attachment

Peer Review, Planning permit application No. 2012-356

6. MANAGEMENT REPORTS

6.12 Proposed 320,000 Broiler Farm (continued)

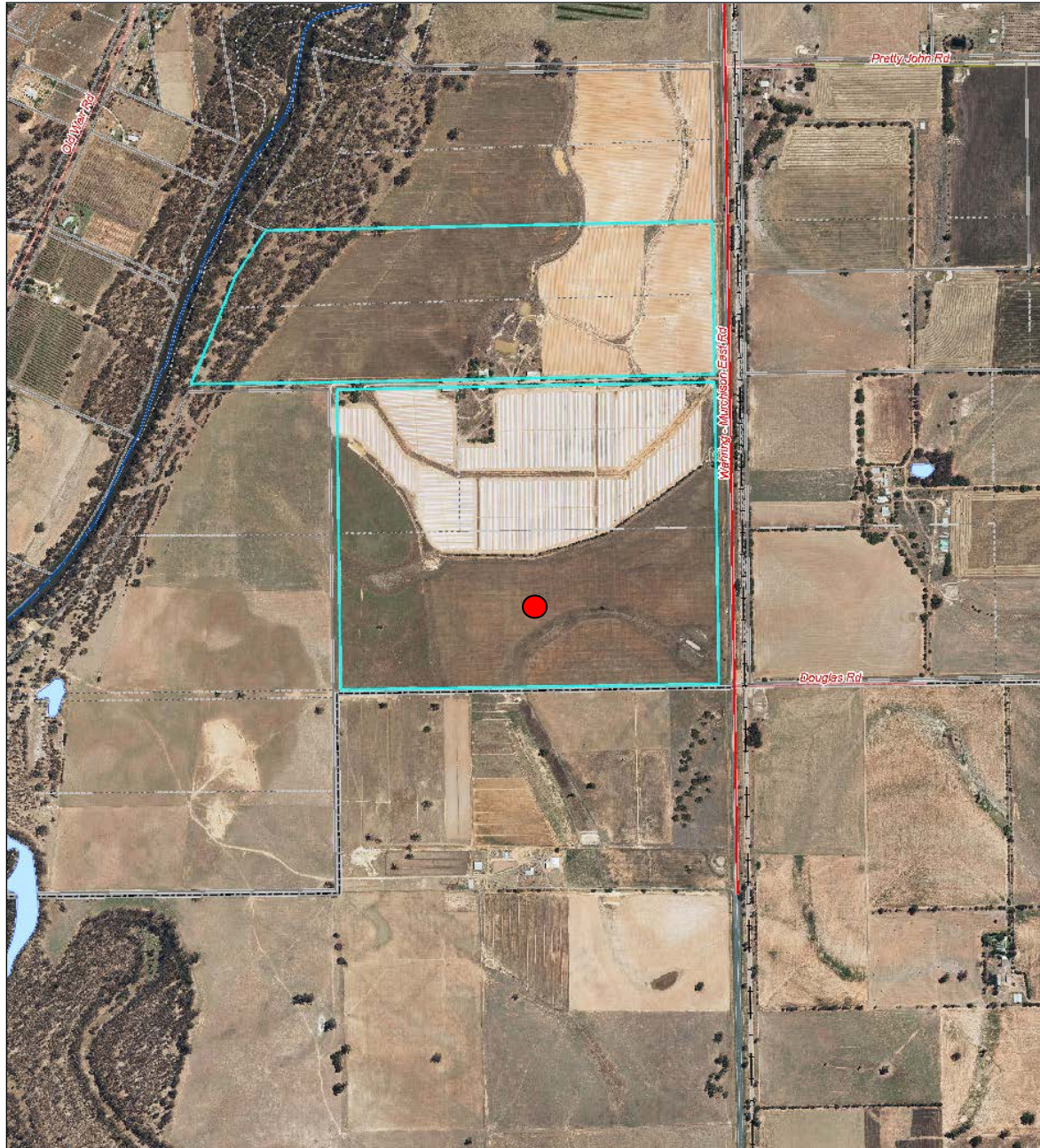
Locality Plan



6. MANAGEMENT REPORTS

6.12 Proposed 320,000 Broiler Farm (continued)

Aerial Photograph



6. MANAGEMENT REPORTS

6.12 Proposed 320,000 Broiler Farm (continued)

Draft Notice Of Decision

APPLICATION NO: 2012-356

PLANNING SCHEME: GREATER SHEPPARTON PLANNING SCHEME

RESPONSIBLE AUTHORITY: GREATER SHEPPARTON CITY COUNCIL

THE RESPONSIBLE AUTHORITY HAS DECIDED TO GRANT A PERMIT.

THE PERMIT HAS NOT BEEN ISSUED.

ADDRESS OF THE LAND: 4695 GOULBURN VALLEY HIGHWAY
MURCHISON EAST VIC 3610

WHAT THE PERMIT WILL ALLOW: USE AND DEVELOPMENT OF LAND FOR
A CLASS B 320,000 BIRD BROILER FARM
AND CARETAKERS DWELLING IN THE
FARMING ZONE AND THE LAND
SUBJECT TO INUNDATION AND THE
ALTERATION TO AN ACCESS ONTO A
ROAD ZONE 1

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

1. **Amended Plans Required**

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

- a) A landscape buffer of at least 20 metres distance from the side of the sheds;
- b) A setback of at least 30 metres for the gate on the access road to the property to ensure ample off-road standing for articulated vehicles;
- c) The proposed chemical storage shed with an impermeable concrete base and appropriate bunding to avoid contaminated runoff;
- d) Floor plans and elevations for the caretakers dwelling;
- e) The location and orientation of floodlighting and/or security lighting; and
- f) An amended EMP in accordance with condition 8.

6. MANAGEMENT REPORTS

6.12 Proposed 320,000 Broiler Farm (continued)

2. Drainage Discharge Plan

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

- h) how the land will be drained; and
- i) The capacity of the retention dam to retain run-off from a one-in-ten-year storm

Before the use begins all drainage works required by the drainage plan must be completed to the satisfaction of the responsible authority

3. ural Drainage

Before the building is occupied all stormwater and surface water drainage from the land, buildings and works must be connected to the legal point of discharge or retained on site to the satisfaction of the responsible authority.

4. Layout Not Altered

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

5. Section 173 Agreement

Prior to the occupation of the caretakers dwelling, the owner must enter into an agreement with the responsible authority, pursuant to Section 173 of the Planning and Environment Act 1987. This agreement must be registered on the title to the land pursuant to Section 181 of the Planning and Environment Act 1987. The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement. The agreement must provide that:

- a) *The caretakers dwelling may not be subdivided from the lot in the future, and the lot may not be subdivided to increase the number of lots, by excision or otherwise, unless each lot created complies with the minimum lot size required for the zone at that time.*
- b) *That the owner acknowledges and accepts the possibility of nuisance from adjoining agricultural operations including animal husbandry, spray drift, agricultural machinery use, pumps, trucks and associated hours of operation.*

The said agreement is to be prepared by the Council. The Council will undertake to have the agreement prepared upon written notification from the applicant. All costs associated with the preparation and registration of the agreement shall be borne by the applicant. All fees associated with the documentation must be fully paid prior to execution and registration of the document by Council.

6. MANAGEMENT REPORTS

6.12 Proposed 320,000 Broiler Farm (continued)

6. Construction Phase

All activities associated with the construction of the development permitted by this permit must be carried out to the satisfaction of the Responsible Authority and all care must be taken to minimise the effect of such activities on the amenity of the locality, including:

- a) Avoiding the transport of mud onto roads;
- b) Minimising the generation of dust during earthworks or vehicles accessing site;
- c) The retention of all silt and sediment on the site during the construction phase, in accordance with the sediment control principles outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991)' and;
- d) Maintaining a neat and tidy site.

7. Consolidation

Before the use begins, Lot 1 on TP836805, Lot 1 on TP3925686 and CA113 must be consolidated into one lot.

8. Amended Environmental Management Plan Required

- a) Prior to the commencement of buildings and works, an amended Environmental Management Plan (EMP) must be submitted to the Responsible Authority. This EMP must be to the satisfaction of, and approved by the Responsible Authority and once approved will then form part of the permit.
- b) The EMP submitted must be generally in accordance with the EMP submitted with the application but modified to be specific to the approved use and development. The EMP submitted must include (but is not limited to):
 - daily collection of dead birds from the broiler sheds
 - prompt freezing / chilling of dead birds
 - daily removal of the dead birds from the land
- c) The EMP must be prepared in accordance with Standard E6 S1 of the Victorian Code for Broiler Farms 2009.
- d) The amended EMP must require that within 12 months (or sooner if required by the responsible authority due to odour complaints) of the operation of the broiler farm commencing, the permit holder must submit to the responsible authority a report prepared by a suitably qualified odour consultant giving details of the level of compliance achieved by the broiler farm during either Autumn or Spring against the Victorian Code for Broiler Farms 2009 and SEPP (Air Quality Management).

6. MANAGEMENT REPORTS

6.12 Proposed 320,000 Broiler Farm (continued)

If it is found compliance is not being achieved the report must recommend additional measures (odour reduction technology and/or operation modifications) required to ensure compliance. Such measures must then be implemented as soon as practical by the permit holder to the satisfaction of the responsible authority.

- e) After 12 months from the date the operation of the broiler farm, the permit holder must submit to the responsible authority if requested by the responsible authority due to odour compliant(s) a report prepared by a suitably qualified odour consultant giving details of the level of compliance achieved by the broiler farm against the Victorian Code for Broiler Farms 2009 and SEPP (Air Quality Management).

If it is found compliance is not being achieved the report must recommend additional measures (odour reduction technology and/or operation modifications) required to ensure compliance. Such measures must then be implemented as soon as practical by the permit holder to the satisfaction of the responsible authority.

9. Environmental Management Plan (EMP) – Audits and Reviews

- a) Site performance inspections, site audits and reviews of the EMP must be undertaken in accordance with the Endorsed EMP. Any revision to the EMP must be submitted to and be to the satisfaction of the responsible authority. When approved, the revised EMP shall be endorsed and then form part of this permit.
- b) The use must be undertaken in accordance with the most current version of the endorsed EMP.

10. Broiler Farm

- a) Spent litter and associated waste must be removed from the subject land in accordance with the endorsed EMP and may not be stockpiled, composted or distributed on or over the subject land.
- b) Dead birds must not be incinerated or buried onsite, except in an emergency situation and with the approval of Council, the Environment Protection Agency and any other relevant authority including the Chief Veterinary Officer (Department of Primary Industries).
- c) Chemicals must be stored inside at all times when not in use.
- d) All goods and materials must be stored in accordance with the endorsed EMP and in all cases be out of view or stored to the satisfaction of the Responsible Authority so as not to be unsightly when viewed from nearby roads or land in other occupation.
- e) The broiler sheds hereby permitted may only be used for the accommodation of broiler chickens.
- f) Live broiler chickens must be kept and raised within the broiler sheds and must not be allowed in any free range/outdoor area.
- g) The poultry sheds and all feed stores must be vermin and bird proof to the satisfaction of the Responsible Authority.

6. MANAGEMENT REPORTS

6.12 Proposed 320,000 Broiler Farm (continued)

11. Concrete Floors

Prior to the use of the land commencing the sheds use for the keeping of broilers, must be sealed with concrete floors to the satisfaction of the Responsible Authority.

12. Vehicle Movements

All heavy vehicle movements to and from the property must use the Road Zone Category 1 network (i.e. Murchison East-Wahring, Bendigo-Murchison, Murchison Violet Town Roads and Goulburn Valley Highway) to the satisfaction of the Responsible Authority.

13. General Amenity

The use and/or development of the land must not adversely affect the amenity of the area, by way of:

- a) processes carried on the land;
- b) the transportation of materials, goods or commodities to or from the land;
- c) the appearance of any buildings, works or materials;
- d) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapor, steam, soot, ash, dust, waste water, waste products, grit, or oil; or
- e) the presence of vermin.

14. Control of Lightspill

Before occupation external lighting must be designed, baffled and located so as to prevent any unreasonable adverse effect on adjoining land to the satisfaction of the responsible authority.

15. Noise Control

Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy Noise from Industry in Regional Victoria (NIRV).

In the event of complaints of noise from a nearby property, within one month of a request by the responsible authority, an acoustic report must be submitted to the responsible authority giving details of noise measurements to achieve compliance with the NIRV or later replacement policies, and if necessary, to recommend additional measures (physical construction and/or operation modifications) required to ensure compliance. Such measures must then be implemented as soon as practical to the satisfaction of the responsible authority.

16. Internal Accesses

Before the use begins all internal access roads must be surfaced with crushed rock, formed, finished, drained and treated to prevent dust to the satisfaction of the responsible authority

6. MANAGEMENT REPORTS

6.12 Proposed 320,000 Broiler Farm (continued)

17. Landscaping

- a) Prior to the use of the land commencing all trees and shrubs included on the endorsed landscaping plan must be planted and must thereafter be maintained in a healthy condition to the satisfaction of the Responsible authority.
- b) Any dead or diseased trees must be replaced to the satisfaction of the responsible authority.
- c) Prior to the use commencing the applicant must provide to the responsible authority:
 - i. A quote from a reputable landscape business to implement the landscape plan, with sufficient detail to identify the costs of materials, plants and labour.
 - ii. A bond in the form of a bank guarantee based on the application of a 25 percent margin to the landscaping quote must be lodged with the responsible authority.

18. Health Requirements

Prior to the commencement of works for the proposed managers residence and amenities block the owner shall lodge with the Council an application to Install a Septic Tank System in accordance with the Code of Practice – Onsite Wastewater Management, Publication 891.1, September 2008.

The application to Install a Septic Tank System shall include:

- a) The application form provided by the Council completed, signed and dated by the owner.
- b) A floor plan of the proposed dwelling.
- c) A site plan indicating the location of the effluent disposal area.
- d) The design of the effluent disposal system including instructions for installation and working drawings.
- e) The current application fee.

19. Vicroads Requirements

- a) The proposed access from the subject land to the Goulburn Valley Highway shall be upgraded in accordance with the Guidelines for Truck Access To Rural Properties (Type B) as shown on the attached drawing (Drawing No. 720259A), including the provision of culvert and driveable endwalls, as per attached drawing SD 1991 A.
- b) Driveway must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the roadway).
- c) Prior to the commencement of the use hereby approved, the access lanes, driveways, crossovers and associated works must be provided and available for use and be:
 - a. Formed to such levels and drained so that they can be used in accordance with the plan.
 - b. Treated with an all-weather seal or some other durable surface.

6. MANAGEMENT REPORTS

6.12 Proposed 320,000 Broiler Farm (continued)

- d) All works associated with the above requirements are to be completed at no cost to VicRoads and the road reserve must be left in a neat and tidy condition.

The crossover and driveway are to be constructed to the satisfaction of the Roads Corporation prior to the commencement of the use hereby approved.

20. Goulburn Murray Water Requirements

- a) Construction must follow sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
- b) Buildings and sheds must be located at least 100 metres from any waterways.
- c) Any effluent or chemical storage areas must be bunded following the principles and guidelines outlined in Bunding Guidelines (EPA Publication #347, 1992).
- d) All catchment runoff must be diverted around the broiler shed sites and redirected to its natural flow path downstream of the site.
- e) Clean stormwater collection areas must be separated from areas that may be affected by broiler farm wastes.
- f) The stormwater retention basin must be appropriately sized through a water balance to cater for roof runoff, hardstand areas, average annual rainfall (Tatura or Murchison Bureau of Meteorology) and 1 in 100 year rain events.
- g) Any manure or wastewater discharged to land must be located at least 100 metres from any waterways.
- h) Litter is stored in accordance with the requirements of the Guideline for Manure Management.
- i) All wastewater from the proposed manager's dwelling and amenities building must be treated and disposed of using an EPA approved system, installed, operated and maintained in compliance with the relevant EPA Code of Practice and Certificate of Approval to the satisfaction of the Council's Environmental Health Department.
- j) The wastewater disposal area must be located at least 60 metres from any waterways, at least 60 metres from any dams and at least 20 metres from any bores.
- k) The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary field must be provided for use in the event that the primary field requires resting or has failed.
- l) The development must comply with the Victorian Code of Practice for Broiler Farms (2009)

21. Time for Starting and Completion

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

- e) The development is not started within **two (2) years** of the date of this permit;
- f) The development is not completed within **four (4) years** of the date of this permit.
- g) The use is not commenced within **four (4) years** of the date of this permit

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

6. MANAGEMENT REPORTS

6.13 Shepparton South East Growth Corridor Contract 1183 – Request for Council Resolution to Vary Contract

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

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

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

Council Officers involved in producing this report

Author: Principal Strategic Planner

Proof reader(s): Team Leader Strategic Planning

Approved by: Manager Planning, Acting Director Sustainable Development

Purpose

The purpose of this report is to present information and seek Council approval for a variation to the current Shepparton South East Growth Corridor contract, to increase it by \$67,085, which will enable the existing budget to be fully utilised and to seek an additional \$24,000 in the 2013/14 budget.

The existing contract between the Council and Hansen Partnership Pty Ltd was approved by the Council in October 2008. Additional work relating to drainage issues caused significant delays to the project timeline, and as a result, the contract with Hansen, which should have been completed in 2009, needs to allow for a review of existing work and the completion of other tasks that formed part of the original contract.

In order to complete this project, Council officers are seeking Council approval for a variation to the existing contract, including a new work program and revised fees. Under the Council's Exercise of Delegations policy, contracts between \$50,001 and \$250,000 that require more than a \$15,000 variation need Council approval. As the original Contract 1183 has a value of \$200,000 and the variation requested is for \$67,085, a Council resolution is now required.

Moved by Cr Polan

Seconded by Cr Oroszvary

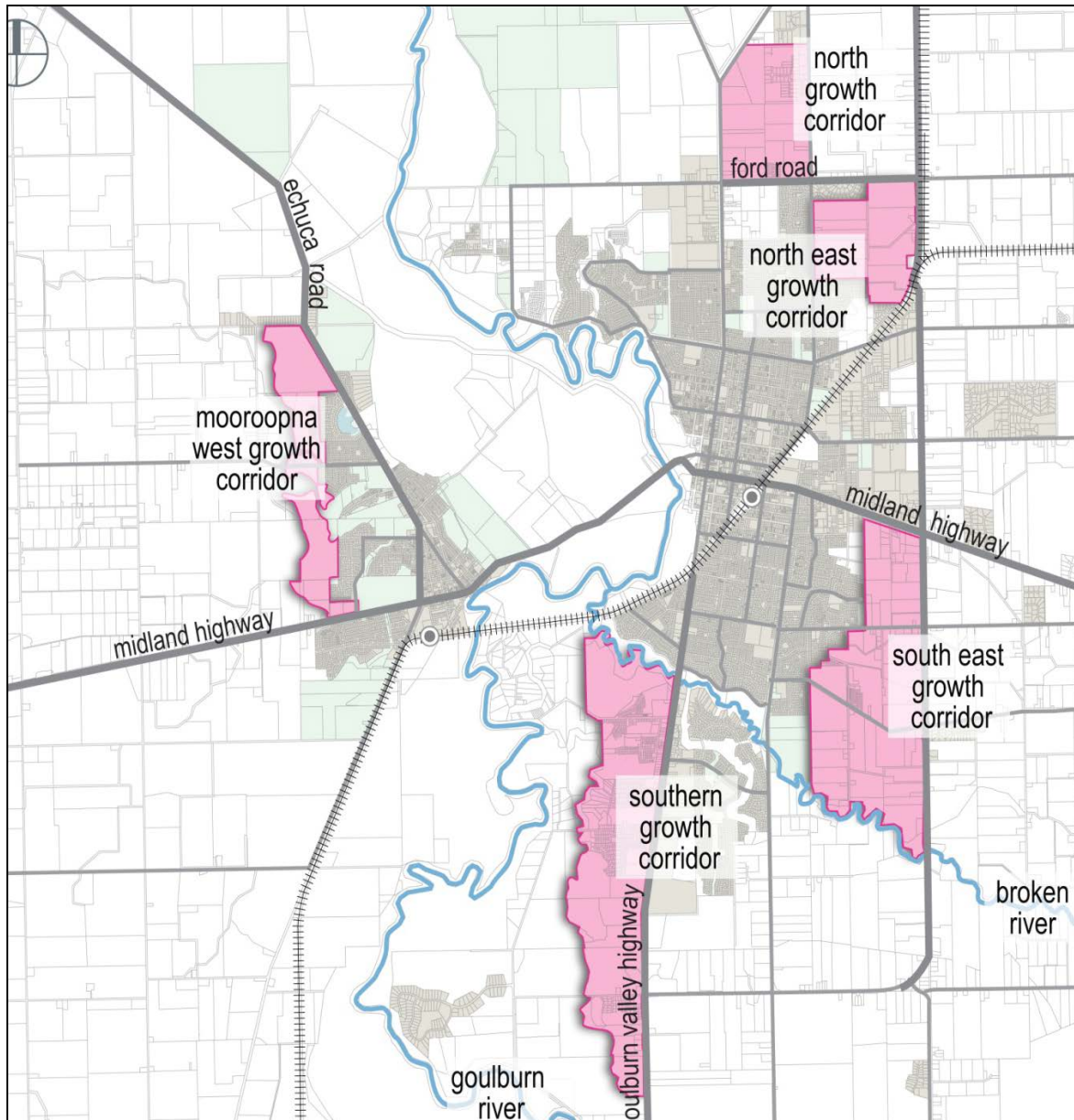
That the Council approve a variation to the South East Growth Corridor consultancy contract 1183 of \$67,085 so that a revision to the existing contract with the Hansen Partnership Pty Ltd can be executed.

CARRIED

6. MANAGEMENT REPORTS

6.13 Shepparton South East Growth Corridor Contract 1183 – Request for Council Resolution to Vary Contract (continued)

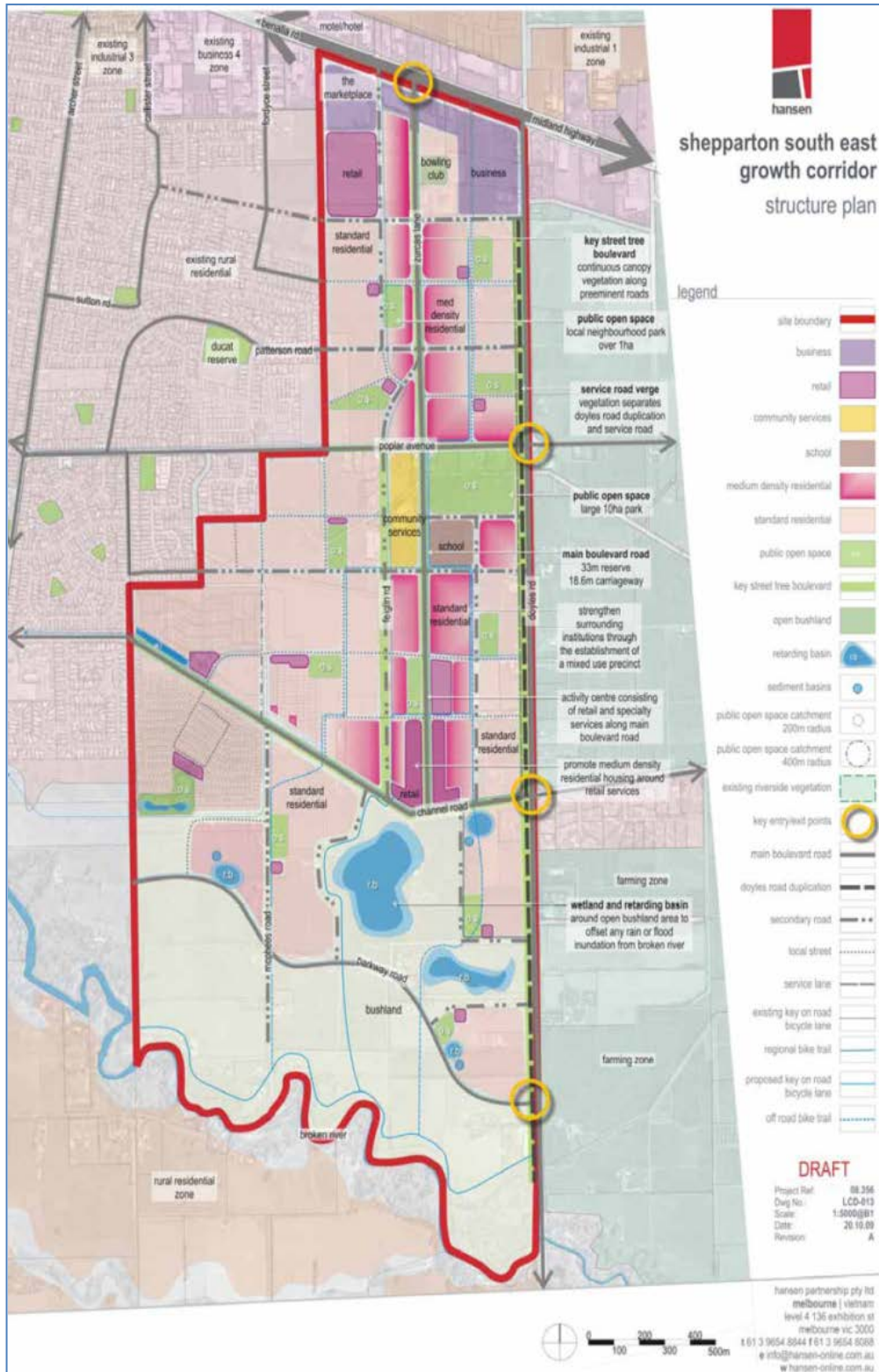
Growth Corridors in Greater Shepparton



6. MANAGEMENT REPORTS

6.13 Shepparton South East Growth Corridor Contract 1183 – Request for Council Resolution to Vary Contract (continued)

South-East Growth Corridor



6. MANAGEMENT REPORTS

6.13 Shepparton South East Growth Corridor Contract 1183 – Request for Council Resolution to Vary Contract (continued)

Planning Context

The Greater Shepparton 2030 Strategy Plan 2008 recognises four future growth corridors within the Shepparton-Mooroopna urban area, one of which is the Shepparton South East Growth Corridor (SSEGC). The SSEGC project was initiated by the Council and contract 1183 was approved at the Ordinary Council Meeting on 7 October 2008. The aim of the project is to facilitate the growth of the SSEGC.

The study area is made up of 475 hectares of land and abuts Doyles Road to the east, Benalla Road to the north, Broken Creek to the south and existing residential areas to the west.

Key features include:

- The majority of land is within the Farming Zone.
- There is an Urban Flood Zone (UFZ) along the Broken River.
- There is Business and Industrial Zoning along Benalla Road.
- There is some Residential 1 Zoning adjacent to existing residential areas.

The study area is largely used for agricultural activities in the form of orchard farming, however a number of the orchards have ceased operation and new residential development has recently been established in parts of the study area that are zoned residential. Most recently, Windsor Park residential estate, retirement living at Kensington Gardens and Shepparton Lifestyle Villages have established in the area along Channel Road. There is a network of channels and drains across the area.

The additional population for the area when fully developed is expected to be 3,365 people.

A Precinct Structure Plan for the SSEGC will provide the preferred direction for future growth of the area and will articulate how the growth can be managed over time. Future development within the study area will require various infrastructure items such as stormwater retention and treatment facilities, local and collector roads and intersection upgrades, public open space and parks, community and recreation facilities.

As part of this project, a Development Contributions Plan (DCP) will also be prepared, which will identify and estimate the costs of any shared infrastructure and apply an equitable apportionment across the study area.

Background

In late 2008, the Greater Shepparton City Council awarded the SSEGC contract to Hansen Partnership Pty Ltd. Schedule 3 to the contract identifies the following key phases, of which 3 have been completed, as well as a draft version of the Structure Plan:

1. Project inception
2. Background Information and Analysis
3. Visioning via *'Enquiry by Design'*
4. Preparation of Structure Plan
5. Preparation of Development Contributions Plan
6. Planning Scheme Implementation program

6. MANAGEMENT REPORTS

6.13 Shepparton South East Growth Corridor Contract 1183 – Request for Council Resolution to Vary Contract (continued)

As part of phase 2: *Background Information and Analysis* a series of background reports were produced in August 2009, including Engineering Infrastructure and Drainage and Flood Management. Following an *Enquiry by Design* session held in July 2009, and based on the background reports, a *draft* Structure Plan was produced in October 2009.

One of the key constraints for development of the SSEGC is the natural floodplain that runs through the corridor. As a consequence, any development of the corridor needs to take into consideration the management of this floodplain and its watercourses, together with any extant native vegetation. The original brief for the SSEGC required the design for storm water discharge, retention and treatment, including Water Sensitive Urban Design (WSUD), and outflow structures to the river, must be undertaken. The brief also required that flood modelling be undertaken to ensure that there are no adverse impacts on adjoining land.

Inappropriate drainage designs can severely impact upon drain depth and hence basin depth. The concept drainage design must be completed prior to the adoption of the layout for the corridor for the following reasons:

1. The size of the retardation basins will affect the area to be set-aside as public open space.
2. The location of the basins will be determined by the length and depth of drainage infrastructure associated with the main spine drainage network.
3. The basins should also be located to minimise the length of drainage infrastructure associated with the rising main outfall – at a suitable Goulburn Murray Water (GMW) drain.

If inappropriately designed, deeper drainage basin designs would require more land area, which would ultimately result in a significant reduction in the net developable area within the corridor. Owing to the critical role that a fit-for-purpose drainage design has on the final layout of a corridor's framework plan, any approval of a framework plan before the completion of an approved detailed drainage design would be extremely premature and counterproductive.

In addition, the preparation of an accurate DCP is wholly dependent upon the integrity of the Structure Plan's adopted drainage strategy in order to avoid future unforeseen costs that would most likely need to be funded by the Council.

As part of this process, a background drainage report was produced by Hyder Consulting Pty Ltd. However, during the course of the preparation of the Structure Plan itself, a need for a more detailed strategy and additional drainage work, beyond that identified in the brief, was identified by the Council's engineers. This further work was required due to the topography of the corridor.

Hansen Partnership Pty Ltd had sub-contracted the drainage and flood strategy work to Hyder Consulting Pty Ltd. The Council engineers determined that Hyder Consulting Pty Ltd's strategy could not be practically implemented given the topography of the corridor and that additional revised detailed drainage design work was required to ensure that development could occur in the future.

6. MANAGEMENT REPORTS

6.13 Shepparton South East Growth Corridor Contract 1183 – Request for Council Resolution to Vary Contract (continued)

Hyder Consulting Pty Ltd's strategy relied upon a number of basins that required large depths to operate effectively. The Council's engineers deem this to be an unsuitable design scenario in Greater Shepparton.

Hyder Consulting Pty Ltd was not prepared to alter the strategy. The Council subsequently determined that, in order for the project to proceed and to avoid holding-up landholders keen to develop, a Project Brief for the preparation of a revised Drainage Strategy for the SSEGC should be prepared and tendered to local drainage specialists. This brief included additional detailed drainage design work that did not feature in the original contract. This included:

1. Long sections of the proposed drainage lines with 100mm or less contours.
2. Typical sections of basins as determined by the drainage lines.
3. Evidence that the overland flow path will work.
4. GMW acceptance of points of discharge.
5. Rationalisation of pump sites.

Spiire Pty Ltd (formerly known as CPG Pty Ltd) was the successful applicant for this tender, as they demonstrated a good understanding of the local topography and undertook the work in late 2011. This was finalised in February 2012 with the production of a comprehensive Drainage Strategy for the subject area.

The need for the additional drainage design has altered the initial timeframe significantly and the project is currently two years behind the estimated timeframe as outlined in the original contract.

Given the delay, some of the original background reports have to be updated to align with current data recently made available from the 2011 Census, and state and local policies and guidelines. Further, the *draft* structure plan needs to be reworked to incorporate the new drainage strategy prepared by Spiire Pty Ltd.

Further to a meeting on 23 October 2012 with the contractor, Hansen Partnership Pty Ltd, the latter has provided an updated work program including additional tasks which will be required to bring the project to its conclusion. The additional work is critical to ensure that the design, infrastructure items and costs identified in the Development Contributions Plan are prepared to high level of accuracy.

Council Plan/Key Strategic Activity

Greater Shepparton Council Plan and Strategic Resource Plan 2009-2013

Objective 2

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.

In the next four years:

Complete structure plans for growth areas, including developer contribution plans.

6. MANAGEMENT REPORTS

6.13 Shepparton South East Growth Corridor Contract 1183 – Request for Council Resolution to Vary Contract (continued)

Risk Management

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

Policy Considerations

There are no conflicts with existing Council policy.

Financial Implications

No variation is required for the 2012/13 budget; however Council approval of the variation to the existing contract 1183 is required for the Hansen Partnership Pty Ltd to resume its work. If this approval is received, an additional \$24,000 will be required in the 2013/14 planning budget.

South East Growth Corridor Contract budget

	Existing total contract value (ex-GST) \$	New total contract value (ex-GST) \$	Variance to Approved contract Budget (ex-GST) \$	Comments
Revenue				
Expense	\$200,000	\$267,085	\$67,085	
Net result				

South East Growth Corridor Current Planning budget

	2012/2013 Approved Budget for this proposal \$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue				
Expense	\$93,750	NIL	NIL	No variance to budget is required in 2012/13, however any unspent funds will need to be carried forward to the 2013/14 financial year
Net Result				

The total variation to the existing contract no. 1183 of \$200,000 (ex-GST) is an additional \$67,085, bringing the total contract value to \$267,085. The total spend relating to Contract 1183 since its commencement is \$146,250.

The 2012/13 unspent project budget for the South East Growth Corridor is \$89,983. The bulk of these funds are forecast to be expended in the 2012/13 financial year if the variation to the contract is approved and the Hansen Partnership Pty Ltd is able to resume its work.

6. MANAGEMENT REPORTS

6.13 Shepparton South East Growth Corridor Contract 1183 – Request for Council Resolution to Vary Contract (continued)

Further to Council approval, the existing contract 1183 will be amended to reflect the new cost and payment schedule.

Legal/Statutory Implications

The proposal to vary a contract is relevant to the Council's *Exercise of Delegations* policy (updated 18 December 2012). This does not impose any limitations to the human rights embodied in the Victorian *Charter of Human Rights and Responsibilities Act (2006)*.

Environmental/Sustainability Impacts

The need to achieve sustainable development in Greater Shepparton is one of the greatest challenges facing the municipality. In responding to this challenge, planned residential development is the appropriate approach.

As residential development consumes significant areas of land which often causes habitat destruction and decline in local biodiversity, finding practical but effective solutions to raising the environmental standards of housing and neighborhood design will be necessary to ensure that the municipality's housing needs can be met now and in the future.

The Shepparton South East Growth Corridor brief includes the task of preparing an Environmental Values report to provide relevant background information about local biodiversity and environment values within the subject area to be considered in the preparation of the Structure Plan.

Social Implications

The purpose of developing a Structure Plan for a growth area is to set a blueprint for a diverse, compact and well-connected community that is well designed to include provision of affordable housing, private and public transport access, education facilities, amenities, services and culture.

The Shepparton South East Growth Corridor brief includes the preparation of a Social Planning report, Activity Centre report, Transport and Recreation and Public Open Space report to provide relevant background information to be considered in the preparation of the Structure Plan.

The Precinct Structure Plan and Development Contributions Plan will identify and plan for the future development of community infrastructure within the study area such as local and collector roads, open space and parks, community and recreation facilities.

Economic Impacts

Future development within the study area will require various costly infrastructure such as stormwater retention and treatment facilities, the development of local, access and collector roads and intersection upgrades, open space and parks, community and recreation facilities.

This proposal will mitigate the direct economic impact on the Council through the preparation of a Development Contributions Plan, which identifies infrastructure items, estimates the cost of any shared infrastructure and applies an equitable apportionment to all landowners across the study area, thereby reducing the economic burden to Council.

6. MANAGEMENT REPORTS

6.13 Shepparton South East Growth Corridor Contract 1183 – Request for Council Resolution to Vary Contract (continued)

Further, this project will create local employment opportunities as it promotes urban development and thereby supports the development and building industries.

Consultation

Consultation with the community and key stakeholders is integral to this project.

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Keep informed	Bulletins
Consult	Inform, listen, acknowledge	Public consultation sessions
Involve	Work together. Feedback is an input into decision- making	Enquiry by design

Consultation undertaken as part of this project so far:

- Bulletins
- Stakeholder sessions
- *Enquiry by Design* sessions

Future planned consultation:

- Bulletins
- Community consultation sessions presenting *draft* Structure Plan
- Councillor presentation of *draft* Structure Plan

Strategic Links

a) Greater Shepparton 2030 Strategy Report No: 2 Settlement and Housing

Objective 1

To provide for sufficient suitable additional land for urban growth until 2030.

Action

Prepare Development Plans for new growth areas prior to rezoning and permit application for subdivision/development.

b) Greater Shepparton Housing Strategy

Action A.A4

Facilitate and/or prepare Outline Development Plans and Development Contribution Plans or equivalent for significant expansion areas to ensure that the strategies of the Greater Shepparton Housing Strategy are implemented.

c) Greater Shepparton Council Plan

Objective 2

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

6.13 Shepparton South East Growth Corridor Contract 1183 – Request for Council Resolution to Vary Contract (continued)

In the next four years:

Complete structure plans for growth areas, including developer contribution plans.

Options for Consideration

1. Council does not agree to revise the contract
This option will prohibit the project from progressing any further and will result in the significant council funds already spent towards the project being wasted. This option will also mean that the strategic objectives identified in the GS2030, the Greater Shepparton Housing Strategy and the Council Plan 2009-13 not being fulfilled which will undermine the public's confidence in Council completing projects and using public funds effectively.
2. Re-tender for the South East Growth Corridor contract
Rather than approve the variation to the existing contract 1183, Council may decide to re-tender the preparation of Development Plan and Development Contributions Plan for the Shepparton South East Growth Corridor. This will be dependent on Council being able to extricate itself from the existing contract with Hansen, which may have legal implications. The time involved in the official tendering process will add months onto the project's timeline and will incur staff resource costs to execute. Council may not receive a submission that compares favourably with Hansen's quote to complete the work.
3. Approve the variation to the existing contract 1183
The project can re-commence in the 2012/13 financial year and be finalised in 2013/14.

Conclusion

Officers recommend that the variation to Contract 1183 be approved in order to proceed with the Shepparton South East Growth Corridor Precinct Structure Plan and Development Contributions Plan project.

Attachments

1. Council resolution to approve contract 1183; Minutes 7 October 2008 Ordinary Council Meeting
2. Memo from Hansen of revised work program and costs for the completion of the Shepparton South East Growth Corridor Precinct Structure Plan and Development Contributions Plan

6. MANAGEMENT REPORTS

FROM THE ORGANISATION DIRECTORATE

6.14 Report on the Greater Shepparton City Council General Elections 2012

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

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

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

Council Officers involved in producing this report

Author: Manager Corporate Performance

Proof reader(s): Team Leader Governance

Approved by: Director Organisation, Chief Executive Officer

Purpose

To provide Council with a copy of the report from the Victorian Electoral Commission (VEC) which was Councils Election Services provider in accordance with Schedule 3 Clause 14(3) of the *Local Government Act 1989*.

Moved by Cr Oroszvary

Seconded by Cr Polan

That Council note receiving this report from the Victorian Electoral Commission in relation to the Greater Shepparton City Council General Elections 2012.

CARRIED

Background

The VEC was appointed Councils Election Services provider for the 2012 General Council Elections through a tender process run by the Municipal Association of Victoria. With the Elections now conclude, the VEC has now provided a report on the 2012 elections as required under Schedule 3 Clause 14(2) of the *Local Government Act 1989*.

Council Plan/Key Strategic Activity

Strategic Objective 6 – Council Organisation and Management.

Risk Management

There are no identified risks associated risks with this report.

Policy Considerations

There are no policy considerations associated with this report.

Financial Implications

There are no financial implications associated with this report as the provision of Election Services is included in the adopted 2012/13 budget.

Legal/Statutory Implications

This report ensures compliance with Schedule 3 Clause 14(3) of the *Local Government Act 1989*.

6. MANAGEMENT REPORTS

6.14 Report on the Greater Shepparton City Council General Elections 2012 (continued)

Environmental/Sustainability Impacts.

There are no identified Environmental/Sustainability impacts associated with this report

Social Implications

There are no identified Social Implications associated with this report.

Economic Impacts

There are no identified Economic Impacts associated with this report.

Consultation

There has been no consultation associated with this report as it is not appropriate. The VEC and Council provided appropriate consultation throughout the election process and the provision of this report to Council will further inform the community in relation to the conduct of the elections.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

The provision of electoral services supporting the election of Council provides the key linkage to the establishment of policy and strategic directions of Council for the future.

b) Other strategic links

There are no other identified strategic links associated with this report.

Options for Consideration

There are no other options for consideration, as this report of for noting the Election Report received from the VEC and meeting the obligations of the Act.

Conclusion

The receiving of this report from the VEC by Council finalises the legislative obligations in relation to the Greater Shepparton City Council General Elections 2012.

Attachments

Victorian Electoral Commission - Election Report - Greater Shepparton City Council - General Elections 2012

6. MANAGEMENT REPORTS

6.15 Australian Botanic Gardens Shepparton Committee of Management – Appointment of 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: Committees Liaison Officer

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

Approved by: Director Organisation

Purpose

The purpose of this report is to change the name of the Kialla Landfill Site Special Committee to the Australian Botanic Gardens Shepparton Committee of Management (Committee) and to appoint new community members to the committee.

Moved by Cr Ryan

Seconded by Cr Summer

That the Council:

1. approve the renaming of the Kialla Landfill Site Special Committee to the Australian Botanic Gardens Shepparton Committee of Management
2. rescind the appointments of community members appointed to the committee at the Ordinary Council Meeting held on 17 May 2011
3. having considered nominations received for appointment to the committee, appoint the following members to the Australian Botanic Gardens Shepparton Committee of Management for a term of two years:

William BROWN
Lorinda FREEMAN
Jillian GRANT
Karen KILGOUR
Ed SCHOLL
Chris SMITH

CARRIED

Background

At the Ordinary Council Meeting held on 21 February 2012 Council resolved to change the name of the Kialla Landfill Site to the Australian Botanic Gardens Shepparton. The committee have requested that the name of the committee be changed to the Australian Botanic Gardens Shepparton Committee of Management to reflect that name of the facility.

At the Ordinary Council Meeting held on 17 May 2011 six members were appointed to the Committee. Since that time several members have resigned from the committee

6. MANAGEMENT REPORTS

6.15 Australian Botanic Gardens Shepparton Committee of Management – Appointment of Members (continued)

leaving the committee with insufficient members to function in accordance with its Instrument of Delegation and Guidelines

.As the term of the existing committee is due to expire on 16 May 2013 the committee has requested that the existing appointments be rescinded and that a new committee be appointed following a call for applications from community members interested in joining the committee. This will enable all committee members to have a consistent start and end date to their term of office and reduce the need to undertake two separate recruitment processes.

A public notice calling for applications from interested community members was placed in the *Shepparton News* on Friday 1 February and 8 February 2013. To date six applications have been received and it is recommended that all applicants be appointed to the committee for a term of two years.

Council Plan/Key Strategic Activity

This proposal supports objective 35 of the *Council Plan 2009-2013* in that it enables Council to provide best practice management and administrative systems and structure to support the delivery of Council services and programs.

Risk Management

By ensuring that committee members are correctly appointed to the committee in accordance with Section 86 of the *Local Government Act 1989* Council reduces governance risks associated with the delegation of Council powers to the committee.

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

Consultation was undertaken with the committee regarding the most appropriate way to respond to their declining membership and the decision taken to undertake a full recruitment at this point in time rather than a partial recruitment now and a full recruitment at the end of the current term of office.

6. MANAGEMENT REPORTS

6.15 Australian Botanic Gardens Shepparton Committee of Management – Appointment of Members (continued)

A public notice calling for applications from interested community members was placed in the *Shepparton News* on Friday 1 February and 8 February 2013.

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
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 committee have requested that the name of the committee be changed to reflect the new name of the facility.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

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

b) Other strategic links

No other strategic links have been identified.

Options for Consideration

Councillors could decide not to change the name of the committee and/or not to appoint all or some of the committee members. However, in accordance with the Instrument of Delegations and Guidelines issued to the committee a minimum of five community members is required to form the committee.

Conclusion

It is recommended that Councillors approve the change of name for the committee and appoint all six applicants.

Attachments

Nil.

6. MANAGEMENT REPORTS

6.16 Council Plan 2009-2013 Progress update

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, Corporate Performance

Proof reader(s): Team Leader Governance

Approved by: Director Organisation

Purpose

In accordance with *Local Government Act 1989* requirements, a progress report on status of achievement of Key Strategic Objectives contained within the Council Plan and Key Strategic Activities contained within the Budget is provided for Council.

The report details progress in relation to achieving the Key Strategic Objectives identified in the 2009/10 to 2012/13 Council Plan.

The report also includes reference to the progress made in achieving the twenty four Key Strategic Activities contained within the annual 2012/13 budget.

Of the identified actions for progress reporting to Council, the majority are well progressed towards completion.

Moved by Cr Summer

Seconded by Cr Ryan

That Council receive and note the Council Plan Update Report. This report provides details relating to progress in achieving the key strategic objectives contained within the amended 2009/10 to 2012/13 Council Plan and the Key Strategic Activities contained within the 2012/13 Budget.

CARRIED

Background

Council identified twenty four Key Strategic Activities in adopting its 2012/13 budget as activities specific to the 2012-13 financial year.

In addition the 2009/10 to 2012/13 Council Plan identified Goals, Key Strategic Objectives and Strategies for implementation across the life of the plan.

The council planning process is supported by departmental business plans, which are regularly reviewed by senior management.

The status comments contained within the current report may change with each quarterly status report and all reports should be kept for future reference.

6. MANAGEMENT REPORTS

6.16 Council Plan 2009-2013 Progress update (continued)

Council Plan/Key Strategic Activity

Council Organisation and Management – Provide best practice management and administrative systems and structures to support the delivery of Council services and programs.

Risk Management

The management of risk will be undertaken through regular reporting to Council and the community.

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

Policy Considerations

There are no policy considerations associated with this report.

Financial Implications

This report contains no financial implications.

Legal/Statutory Implications

This report complies with legislative requirements relating to progress reporting on objectives contained within the current Council Plan.

Environmental/Sustainability Impacts

The report contains no environmental implications.

Social Implications

The report contains no social implications.

Economic Impacts

The report contains no economic impacts

Consultation

Internal consultation occurs with the responsible officers regularly updating individual actions and the overall review of all plans by the Executive Leadership Team. Community consultation is achieved by publishing this report, including it on Councils website and as part of Councils Agenda.

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Keep informed	<ul style="list-style-type: none"> Council Meeting Minutes Web sites

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

6. MANAGEMENT REPORTS

6.16 Council Plan 2009-2013 Progress update (continued)

Strategic Links

a) Greater Shepparton 2030 Strategy

The Council Plan 2009/10 to 2012/13 plays a pivotal role in the delivery of the short term plans and aspirations of council and the community whilst following the long term strategies of Greater Shepparton 2030.

b) Other strategic links

The Council Plan supports the short term direction of the organisation (4 years) and provides a linkage to the strategies developed and or implemented over the duration of the plan. The plan contains Key Strategic Objectives for delivery across the period of the plan.

The Budget details the financial obligations of the organisation for the period and contains Key Strategic Activities for delivery across the year.

Options for Consideration

Noting the report will provide acknowledgement to the community that a review has been undertaken and that council has met with the requirements of the Local Government Act in relation to regular reporting to Council.

Not noting the report would fail to ensure ongoing compliance with the requirements of the *Local Government Act 1989* in relation to regular reporting to Council.

Conclusion

This report updates progress against achieving the Key Strategic Objectives contained within the 2009/10 to 2012-13 Council Plan and the Key Strategic Activities contained within the 2012-13 Budget.

Attachments

Council Plan 2012-13 update

6. MANAGEMENT REPORTS

6.17 Transition Plan

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

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

Council Officers involved in producing this report

Author: Manager Corporate Performance

Proof Reader: Chief Executive Officer, Committees Liaison Officer

Approved by: Director Organisation

Purpose

The Chief Executive is responsible for providing regularly updates to Council on the implementation of the Organisational Transition Plan. The last report was provided to Council in October 2012.

The purpose of this report is to update Council on the progress to date of implementing recommendations out of the "Greater Shepparton City Council – Organisational Transition Plan.

Moved by Cr Polan

Seconded by Cr Oroszvary

That Council note the March 2013 update of progress in implementing the "Greater Shepparton Greater Future – Organisation Transition Plan.

CARRIED

Background

Organisation Transition Plan

The final report contains a transitional management plan. The Plan provides for the issues that were identified, who is responsible, what attention is required. Of the 117 tasks set out in the plan, 33 per cent have been completed while 88 per cent have either been completed or have had a project plan implemented and are in the process of implementation.

A key project from the Transition Plan is to arrange for staff to move within the organisation to locations that will enable staff within departments to be accommodated together, thereby creating more effective and efficient use of work spaces and facilitating better communication within the organisation. This relocation process is nearing completion.

A copy of the progress against each Transition Plan item is shown in the attachment to this Report. It provides a status report for information.

Policy Considerations

There are no conflicts with Council Policy.

Best Value Implications

The Best Value principles have been taken into account and the proposal is consistent with them.

Financial Implication.

6. MANAGEMENT REPORTS

6.17 Transition Plan (continued)

The implementation of the Transitional Management Plan has been considered within the December review of the Annual Budget.

Legal/Statutory Implications

There are no identified Legal/Statutory Implications associated with this report.

Consultation

Officers believe that considerable consultation has occurred and continues to occur in managing the implementation of actions within the plan.

Strategic Links

a) Greater Shepparton 2030 Strategy

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

b) Council Plan

The amendment is consistent with the *Council Plan 2009-2013*.

c) Other strategic links

No other strategic links have been identified.

Conclusion

That Council note the March 2013 update of progress in implementing the “Greater Shepparton Greater Future – Organisation Transition Plan.

Attachment

Greater Shepparton City Council Organisation Transition Plan Update

7. TABLED MOTIONS

Nil.

8. REPORTS FROM COUNCIL DELEGATES TO OTHER BODIES

Nil.

9. REPORTS FROM SPECIAL COMMITTEES AND ADVISORY COMMITTEES

Nil.

10. NOTICES OF MOTION, AMENDMENT OR RESCISSION

10.1 Notice of Rescission 1/2013 – Cr Polan

Moved by Cr Polan
Seconded by Cr Patterson

That the Council rescind its decision made at the Ordinary Council Meeting held on 19 February 2013, being:

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.

This is due to the fact that two errors were identified in the exhibited amendment documentation following adoption by the Council. In the interim, two additional anomalies in the Greater Shepparton Planning Scheme have been identified and are now proposed to be included in the revised Amendment C145. This is in accordance with all advice received from the Department of Planning and Community Development since the Council resolved to adopt the exhibited amendment on 19 February 2013.

CARRIED

11. DOCUMENTS FOR SIGNING AND SEALING

Nil Received.

12. COUNCILLOR ACTIVITIES

Councillors' Community Interaction and Briefing Program

From 11 February 2013 to 6 March 2013, some or all of the Councillors have been involved in the following activities:

- Goulburn Murray Life Education | Mobile Learning Centre Launch
- Katandra West Primary School presentation
- Toolamba CFA Photo opportunity
- Meeting to discuss MAV Motion - Heritage Victoria
- Shepparton Reconciliation Group | Apology Breakfast
- Goulburn Valley West CWA | Open Conference
- Councillor Discussion with new staff – Induction
- Building a New Generation | Mayor Speaking Role
- Rating Strategy Reference Group
- Speak to Southern Cross Probus
- Birth of Our Prophet | Sa'Daat Foundation
- Present Badges to School Captains | Wilmot Road Primary School
- Goulburn Valley Fresh | Media Launch | Carlton
- FRRR McEwen Foundation Community Grants
- RiverConnect Implementation Advisory Committee Meeting
- MAV | Presidential Candidates Forum 2013
- Regional Cities Australia | Regionalism 2.0 | Geelong
- Presentation of Scholarship Certificates to Koorie Students | McGuire College
- DAC Meeting
- Media Opportunity | Deakin Reserve Scoreboard
- Australian Masters Cricketers Association | Cricket Match | Deakin Reserve
- Judging of Australia's Best Hot Cross Bun
- People Supporting People Benefit Concert
- Macedonian Soccer Cup Appearance | Meet and Greet
- Meeting | SLAP Seminar
- Dookie & District Development Forum | Community Plan Launch
- GBCMA Senior Combined Partners Group Meeting
- Saleyards Advisory Committee Meeting
- Campbell's New Plastic Line | Launch by The Hon Peter Ryan
- Business Luncheon | The Hon Peter Ryan
- Best Start | 10 Year Celebration
- GV BRaIN - Guest speakers Kevin Sheedy & Tom Hafey
- Presentation of School Leader badges | St Georges Road Primary School
- SheppARTon Festival | Official Opening
- Funding Announcement by Minister Hugh Delahunty | Murray Slee Pavilion, Shepparton Sports Precinct
- Emerge Festival meeting
- Koorie Art Opening | La Trobe University
- Taste of Tatura | Food & Wine Festival
- MS Celebrity Red Ride
- Community Matching Grants Afternoon Tea with the Mayor

12. COUNCILLOR ACTIVITIES

Councillors' Community Interaction and Briefing Program (continued)

Councillors were also briefed on the following matters:

- Mid Year Budget Discussion
- Procurement Policy
- Shepparton South East Growth Corridor Contract 1883
- Broiler Farm Site Tours
- Broiler Farm briefing
- Victoria Park Lake briefing
- SSM Discussion
- Rating Strategy Reference Group
- Information Communication Technology Strategy
- Broiler Farm – Objectors
- SSM Discussion
- Community Fund Goulburn Valley | Lisa McKenzie
- Kialla West Cemetery
- Proposed Temporary Car Park
- Notre Dame College
- South East Growth Corridor
- Silent Afternoon Tea
- Rating Strategy - Brief the Councillors
- Greater Shepparton Environmental Sustainability Strategy Update
- Greater Shepparton Cycle Strategy 2013-2017

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:

- Environmental Sustainability Strategy Stakeholder Reference Committee – 6 February 2013
- Councillor Briefing Session – 13 February 2013
- Councillor Briefing Session – 19 February 2013
- Shepparton Art Museum - Advisory Committee Meeting – 20 February 2013
- RiverConnect Implementation Advisory Committee Meeting – 20 February 2013
- Saleyards Advisory Committee Meeting – 26 February 2013

13 URGENT AND OTHER BUSINESS NOT INCLUDED ON THE AGENDA

13.1 NBN Lease at Katandra West Recreation Reserve – Admitting of Business

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

That the item relating to the NBN Lease at Katandra West Recreation Reserve be admitted as urgent Business.

CARRIED

13 URGENT AND OTHER BUSINESS NOT INCLUDED ON THE AGENDA**13.2 NBN Lease at Katandra West Recreation Reserve****Disclosures of conflicts of interest in relation to advice provided in this report**

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

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

Council Officers involved in producing this report

Author: Senior Business and Property Officer

Proof reader(s): Director Business

Approved by: Director Business

Purpose

The Council has been approached by Visionstream on behalf of NBN Co Ltd in relation to erecting an NBN tower at the Katandra West Recreation Reserve. The Katandra West Planning Group lobbied Visionstream to consider locating the tower on the recreation reserve so that the entire community could benefit from the commercial arrangement. NBN want to start construction on the tower and the lease needs to be in place so that this can happen.

The report proposes that Council approve the entering into the lease with NBN Co Ltd for a period of 20 years at \$8,000 per annum rent with a 2.5% annual increase.

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

1. That the Council in accordance with the provisions of section 190 of the *Local Government Act 1989*, give public notice of its intention to enter into a 20 year lease with NBN Co Ltd for the operation of a telecommunications tower on part of the Katandra West Recreation Reserve at 238-240 Hickey Road, Katandra West being part of the land in certificate of title volume 8536 folio 881 and invite submissions from any person affected by the proposed lease.
2. If no submissions are received, the Council authorise the signing and sealing of all documentation for Council to enter into the lease with NBN Co Ltd.

CARRIED**Background**

As part of the rollout of the National Broadband Network, the facilitator Visionstream is looking for locations to construct the appropriate telecommunications towers. Visionstream was in discussion with a local landholder at Katandra West. The Katandra West Recreation Reserve is freehold land owned by the Council. After representations from the Katandra West Planning Group, Visionstream indicated that they would be happy to locate the telecommunication tower on the Recreation Reserve so that the entire community could benefit from this commercial arrangement.

13 URGENT AND OTHER BUSINESS NOT INCLUDED ON THE AGENDA

13.2 NBN Lease at Katandra West Recreation Reserve (continued)

The proposed location of the tower abutting Union Road was found to be unsuitable due to its proximity to houses and is now to be located further east as identified on the attached site plan. There were initial community concerns regarding the new location but this has been addressed with Visionstream and the community and they are now in agreement.

Council Plan/Key Strategic Activity

Council's key strategic objective "Economic Development" identifies a strategic activity "to help current businesses grow and to encourage new businesses and industries to start up or move to our region".

Risk Management

A risk assessment was undertaken prior to seeking Council's approval to advertise this proposal publicly. The assessment identified a positive outcome for the community and there was no unacceptable risks identified.

Risks	Likelihood	Consequence	Rating	Mitigation Action
Tenant may decide not to construct tower at Recreation Reserve if lease not put in place quickly	Certain	Community will lose financial benefits from lease	Medium	Ensure the lease is put in place in a timely manner
That tower may not be constructed in a safe and appropriate manner	Unlikely	Tower could fall	Medium	Ensure appropriate plans are in place and tenant has expertise to complete the job safely.

Policy Considerations

The proposed lease does not conflict with any Council policies.

Financial Implications

There will be no costs to the Council associated with the lease to NBN Co Ltd. The tenant will be responsible for all costs of erecting the tower and all ongoing maintenance costs of the tower. Council will receive an annual income from the installation of the tower, commencing at \$8,000 per annum which will be increased annually.

Legal/Statutory Implications

The lease will be entered into in accordance with the provisions of the Local Government Act 1989.

Environmental/Sustainability Impacts

The telecommunication tower will be located on part of the recreation reserve so that it will have minimal impact on the activities currently carried out on the recreation reserve. There are no environmental/sustainability impacts.

13 URGENT AND OTHER BUSINESS NOT INCLUDED ON THE AGENDA
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13.2 NBN Lease at Katandra West Recreation Reserve (continued)

Social Implications

This is a very positive outcome for the local community at Katandra West as the community will derive a financial benefit from the funds being paid to the Council for the lease of a portion of the Recreation Reserve.

Economic Impacts

The Council will receive an annual income from the lease commencing at \$8,000.00 per annum with an annual increase.

Consultation

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Keep informed	Newspaper advertisement Council's web site Notice on site Letters to local residents as part of planning process

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

Strategic Links

a) Greater Shepparton 2030 Strategy

The proposal is consistent with the 2030 strategy which provides "proactively support the development of and access to competitive leading-edge telecommunication facilities and services.

b) Other strategic links

Not applicable.

Options for Consideration

1. Not agree to grant a lease to NBN Co Ltd which means that NBN Co Ltd will construct their telecommunication tower on private land.
2. Agree to grant a 20 year lease to NBN Co Ltd for the construction of a telecommunications tower.

Conclusion

The application by NBN Co Ltd to erect a telecommunications tower on the Katandra Recreation Reserve is supported by the community as it will provide financial benefit to the community by way of the rental paid.

Attachments

1. Draft Lease
2. Site plan

13 URGENT AND OTHER BUSINESS NOT INCLUDED ON THE AGENDA

13.3 Shepparton East Drainage Scheme – Admitting of Business

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

That the matter relating to the Shepparton East Drainage Scheme be admitted urgent business.

CARRIED

13 URGENT AND OTHER BUSINESS NOT INCLUDED ON THE AGENDA

13.4 Shepparton East Drainage Scheme

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

That Council:

1. Undertake the following:
 - a. A review of Councils Special Rates and Charges Policy and Procedure.
 - b. A review of the Shepparton East Drainage Scheme investigations that were abandoned at the Ordinary council meeting of 15 November 2011.
2. Receive a report relating to the areas (outside the proposed area contained within the former Shepparton East Drainage Scheme) which suffered inundation during this rainfall event (27 February 2013) and providing information on possible corrective actions and budget implications.

and that these reviews and reports be undertaken by 30 September 2013 with the Council regularly informed of progress towards completion.

CARRIED

14. PUBLIC QUESTION TIME

Question 1 (John Gray)

In excess of 50 per cent of landholders, perceived to benefit from a subsequently disbanded cooperative Shepparton East Drainage Scheme, objected to that scheme, which I believe was supported by Council, VicRoads and Goulburn-Murray Water (the former providing and constructing a large retardation basin in council land as well as providing considerable funds to the project). Does Council, in the light of recent flash flooding of that area, propose to re-present the proposal for affected landholders' renewed consideration?

Response

Council is reconsidering its options in relation to the Shepparton East Drainage Scheme. This will include the potential to revisit a Special Charges Funding Scheme.

Question 2 (John Gray)

More than twelve months ago Council canvassed the community per public notice for suggestions to name the main arterial road from the Midland Highway north through land development comprising what is known as the Mooroopna Western Corridor. There being no street name, of Aboriginal origin in Mooroopna, I submitted the name, Kailtheban Way, in respect to the tribe considered to be early occupiers and custodians of overall Mooroopna area. Bar a telephone conversation at the time to clarify the sources of relevant history, I have not heard of Council's determination in this matter – traditionally decided by the mayor and deputy mayor of the day. Can you enlighten me as to the status of this process?

Response

After a lengthy public consultation process with the Mooroopna Community, the Mooroopna Community Plan Committee and the Mooroopna Historical Society the successful name for the North South Road, Mooroopna is "Westwood Drive".

Under the guidelines for Geographic Name 2010 (Version 2), names must not be duplicated. Kailtheban Park already exists in Mooroopna therefore this name did not meet the criteria for use.

Westwood Drive was presented to the Executive Team in early-mid 2012 and the name was approved under delegation.

15. CONFIDENTIAL MANAGEMENT REPORTS

Nil.

MEETING CLOSED 6.56PM

**CONFIRMED
CHAIR**