

UNCONFIRMED MINUTES

FOR THE
GREATER SHEPPARTON CITY COUNCIL

ORDINARY COUNCIL MEETING

HELD ON
TUESDAY 21 NOVEMBER, 2017
AT 5.30PM

IN THE COUNCIL BOARDROOM

COUNCILLORS:

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

VISION

*A THRIVING ECONOMY IN THE FOODBOWL OF VICTORIA WITH
EXCELLENT LIFESTYLES, INNOVATIVE AGRICULTURE
A DIVERSE COMMUNITY AND
ABUNDANT OPPORTUNITIES*

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**CHAIR
CR KIM O'KEEFFE**

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RISK LEVEL MATRIX LEGEND

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

Likelihood	Consequences				
	Negligible (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 Kim O’Keeffe, Seema Abdullah, Dinny Adem, Bruce Giovanetti, Chris Hazelman, Les Oroszvary, Dennis Patterson, Fern Summer and Shelley Sutton.

**OFFICERS: Peter Harriott – Chief Executive Officer
Phillip Hoare – Director Infrastructure
Colin Kalms – Acting Director Sustainable Development
Chris Teitzel – Director Corporate Services
Kaye Thomson – Director Community
Maree Martin – Official Minute Taker
Carmen Saunders – Deputy 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. PRIVACY POLICY

This public meeting is being streamed live via our Facebook page and made available for public access on our website along with the official Minutes of this meeting.

All care is taken to maintain your privacy; however as a visitor in the public gallery, it is assumed that your consent is given in the event that your image is broadcast to the public. It is also assumed that your consent is given to the use and disclosure of any information that you share at the meeting (including personal or sensitive information) to any person who accesses those recordings or Minutes

3. APOLOGIES

Nil

4. DECLARATIONS OF CONFLICT OF INTEREST

In accordance with sections 77A, 77B, 78 and 79 of the *Local Government Act 1989* Councillors are required to disclose a “conflict of interest” in a decision if they would receive, or could reasonably be perceived as receiving a direct or indirect financial or non-financial benefit or detriment (other than as a voter, resident or ratepayer) from the decision.

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

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

**Moved by Cr Adem
Seconded by Cr Giovanetti**

That the minutes of the Ordinary Council meeting held 19 September 2017 as circulated, be confirmed.

CARRIED.

6. PUBLIC QUESTION TIME

Question One (David Barraclough and Wendy Watters)

We would like to propose that the Greater Shepparton City Council initiates a hard waste collection service similar to Frankston City Council. For your reference we attach a brochure that is issued by Frankston City.

Response

Council will give consideration to a revised Draft Waste Strategy during briefings in December 2017.

For reasons of risk and cost, many Councils have ceased providing Hard Waste collection services.

None of the Councils in the Goulburn Valley Waste and Resource Recovery Group provide hard waste collection services.

Some of the hazards associated with providing an annual hard waste collection service include:

- unsafe piles of waste stacked on nature strips for several days
- hazardous materials such as asbestos and household chemicals being placed on nature strips
- scavenging of the waste stacked on nature strips
- children accessing/playing in the waste
- waste being strewn across the roadway
- fire risk – instances of piles of waste being lit up for fun
- aesthetics associated with waste stacked on nature strips
- reduced incentives to recover, recycle and reuse

The cost to transport, sort and process the hard waste collected kerbside is estimated to be in the order of \$1.7M. This takes into account collection of approximately 2 cubic meters of specified waste types per property and 80% take up of the service.

6. PUBLIC QUESTION TIME

Question Two

In support of our submission we would like to respectfully remind Councillors that prior to amalgamation two free tickets per year were issued with the rates notices and these entitled homeowners to hard waste collection at council's expense.

Response

Regarding the provision of tickets for the disposal of waste, the provisions of waste services in Shepparton, including the disposal of waste at the Resource Recovery Centres is currently based on user pays. This helps to ensure that the provision of waste services is accessible, affordable and sustainable in the long term.

Although tickets would enable residents to dispose of a limited amount waste at the Resource Recovery Centre at no direct charge, the cost to process the waste would still need to be covered. Councils that provide tickets would normally recover this cost by increasing the annual waste charge. This means that all residents that pay rates contribute to the cost of the tickets even if they do not use them.

For example, if Council issued 2 x tickets per year and 70% of the tickets were used, the cost to Council to receive and process the waste could be in the order of \$1.5M (based on current charges). If Council recovered this cost through annual rates, the additional cost per property would be around \$70 per year.

Issuing tickets could also diminish incentives to recover and recycle waste. Most recyclables are currently received at the Resource Recovery Centres free of charge and residents may be less inclined to separate these materials from their loads of waste if using a ticket.

There have been a lot of improvements made to the Resource Recovery Centres to make sure that charges are minimised and recycling is encouraged. This includes receiving the following materials free of charge:

- Household paint, batteries and flurocents (CFL).
- Car batteries (domestic)
- Car Bumper (domestic)
- Cardboard (domestic)
- drumMUSTER
- Household recyclables (Glass, Plastics, Tin, Aluminium)
- Polystyrene (domestic)
- Silage Wrap (clean)
- Steel (domestic)

7. INFRASTRUCTURE DIRECTORATE

7.1 Road Discontinuance and Consolidation of part of Inglis Street, Dookie

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: Property Officer, Coordinator Property

Proof reader(s): Manager Strategic Assets

Approved by: Director Infrastructure

Executive Summary

Council has transferred to itself, ownership of three small blocks of land (lots 5, 6 & 7 on attached plan) in Dookie because of non payment of rates over many years. This procedure was undertaken under section 181 of the Local Government Act. Council is now able to sell those three lots to recoup the outstanding rates but due to their small size they are virtually worthless.

Abutting those three blocks are the former Dookie tennis courts, a small block of Council owned freehold land and part of an unmade road reserve. This report is seeking permission to discontinue the road status of the portion of unmade road reserve that abuts these lots. Following discontinuance, the road will be consolidated with the other lots which will result in a block of 6,850 square meters. This block could then be subdivided into either two or three blocks for sale, which will allow Council to retrieve part of the unpaid rates, clean up a messy assortment of lots and pay the costs of subdivision and sale.

Moved by Cr Hazelman

Seconded by Cr Giovanetti

That the Council:

1. In accordance with Clause 3 of Schedule 10 and section 206 and 223 of Local Government Act 1989 (the Act), public notice be given in the Shepparton News of the Council's intention to discontinue the part of the unformed roadway known as Inglis Street Dookie, being the part of the road located to the south of Forer Street and to the north of the drainage reserve and abutting the western side of 1 Forer Street and measuring approximately 1,332 square meters and once the road has been discontinued, to stand vested in the freehold land for the purposes of consolidation with abutting Council owned blocks for future sale, and the public notice must stipulate that persons may make submissions on the proposed road discontinuance in accordance with Section 223 of the Act and that written submissions must be received by 22 December 2017;
2. authorise the Chief Executive Officer to undertake the administrative procedures necessary to enable the Council to carry out its functions under section 223 of the Act in relation to this matter.

7. INFRASTRUCTURE DIRECTORATE

7.1 Road Discontinuance and Consolidation of part of Inglis Street, Dookie (continued)

3. in the event that submissions are received under section 223 of the Act:
 - a) hold a special meeting of the Council to hear from any person or persons who request to be heard in support of a section 223 written submission and, if required, the special council meeting be held "at a time and date to be determined" in the Council Offices at 90 Welsford Street, Shepparton, and
 - b) a report on any section 223 submissions received by the Council, along with a summary of any hearings held, be provided to the ordinary council meeting;
4. in the event that no submissions are received within the prescribed period, resolve to formally discontinue part of the unformed roadway known as Inglis Street Dookie, being the part of the road located to the south of Forer Street and to the north of the drainage reserve and abutting the western side of 1 Forer Street and measuring approximately 1,332 square meters, without further resolution of the Council and authorise the Chief Executive Officer to give notice of the road discontinuance in the Government Gazette.

CARRIED.

Background

After many years of non payment of rent, Council took proceedings under section 181 of the Local Government Act to transfer three small blocks of land to its ownership (lots 4, 5 and 7 on the attached plan). Under section 181 Council can then sell the land to recoup monies owing for unpaid rates. The three blocks measure 1300 sq mts, 660 sq mts and 1500 sq mts but only two of those lots abut each other.

Between lots 6 and 7 is a 10 meter wide L shaped strip of freehold land owned by the Council. Also abutting lot 7 is the former Dookie tennis courts (lot 9) as show on the attached plan. The former Dookie tennis courts were transferred to Council in 2008 as part of a funding agreement for relocation of the club.

None of the lots are able to be sold on their own as they would not support the construction of a home.

In order to maximise return to Council and provide a better community outcome, it has been recommended that an unmade reserve abutting 1 Forer Street which will never be required for development or use in any way, should be discontinued and consolidated with the smaller lots. This will allow the establishment of a lot of approximately 6,850 sq mts which has the potential to be further subdivided in the future.

Council Plan/Key Strategic Activity

This proposal is consistent with this document. The strategic objective, Growth, identifies an action as "*Facilitate residential, commercial and industrial development across Greater Shepparton.*"

Risk Management

The discontinuance of part of this road will not impact on any adjoining landowners or cause any inconvenience to ratepayers. Not proceeding with this proposal will result in a smaller lot being created which may not be saleable as it may not support the construction of a home.

7. INFRASTRUCTURE DIRECTORATE

7.1 Road Discontinuance and Consolidation of part of Inglis Street, Dookie (continued)

Policy Considerations

The proposed discontinuance of part of this road and consolidation with adjoining blocks of land does not conflict with Council's policies. The Asset Management Policy states that the Council is committed to maximising resources to achieve the best outcome for the community.

Financial Implications

The costs associated with the discontinuance of the road, which is the subject of this report, will be approximately \$1,000 to cover searches, advertising, and gazettal.

There will be additional costs associated with the consolidation and subdivision, but this will form part of a separate report. Allowance will be made in the 2018/19 budget for the costs of subdivision and sale.

Legal/Statutory Implications

This procedure is being undertaken in compliance with the *Local Government Act 1989*. Section 206 Clause 3 of schedule 10 provides the Council with the power to discontinue a road and sell, transfer or retain the land. This will enable the road status to be removed from the land.

Environmental/Sustainability Impacts

This proposal does not have any Environmental/Sustainability Impacts which need to be considered.

Social Implications

This proposal does not have any Social Implications but will assist the Council and community with a better outcome for the blocks of land.

Economic Impacts

The economic impacts on Council's budget will be minimal for the road closure, which is estimated at approximately \$1,000.

Consultation

A number of relevant Council departments have been consulted, including planning, projects and road management. None of these departments have assets located in the portion of road and therefore have not objected to the proposed closure. All of the relevant authorities have been approached and Powercor has advised that they may have overhead power lines over a portion of the road and while they do not object to the proposal, they will require easements to be created to protect those power lines. None of the other authorities have assets located in the portion of laneway and therefore have not objected to the proposed discontinuance and sale.

Officers believe that adequate consultation will have been achieved following advertising in the Shepparton News.

7. INFRASTRUCTURE DIRECTORATE

7.1 Road Discontinuance and Consolidation of part of Inglis Street, Dookie (continued)

Strategic Links

a) Greater Shepparton 2030 Strategy

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

b) Other strategic links

Nil

Conclusion

That Council give public notice of its intention to formally discontinue part of Inglis Street located to the south of Forer Street and to the north of the drainage reserve and abutting the western side of 1 Forer Street and once the road has been discontinued, to stand vested in the freehold land for the purposes of consolidation with abutting Council owned blocks for future sale.

Attachments

Map - Road Closure - Part of Inglis Street, Dookie Page 173

7. INFRASTRUCTURE DIRECTORATE

7.2 Road Closure and Sale of part of Camille Street, Dookie

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: Property Officer, Coordinator Property

Proof reader(s): Manager Strategic Assets

Approved by: Director Infrastructure

Executive Summary

Council has received a request to purchase the portion of Camille Street in Dookie from the owner of Lots 60 & 61 at 10 Baldock Street. The road abuts Lots 58-61 as shown hatched red on the attached plan. The property owner is in the process of also purchasing Lots 58 & 59 Baldock Street.

This will allow the new owner to consolidate the four lots and the road into one lot and will not restrict or impede any abutting landowners' access.

Moved by Cr Hazelman

Seconded by Cr Patterson

That the Council:

1. in accordance with Clause 3 of Schedule 10 and section 206 and 223 of Local Government Act 1989 (the Act), give public notice in the Shepparton News of the Council's intention to discontinue part of Camille Street, Dookie abutting Lots 58-61 for the purposes of being consolidated and sold, at valuation, to the abutting owner at 10 Baldock Street, Dookie and the public notice must stipulate that persons may make submissions on the proposed road discontinuance in accordance with Section 223 of the Act and that written submissions must be received by 22 December 2017;
2. authorise the Chief Executive Officer to undertake the administrative procedures necessary to carry out the functions under section 223 of the Act in relation to this matter;
3. in the event that submissions are received under section 223 of the Act:
 - a) hold a special meeting of the Council to hear from any person or persons who request to be heard in support of a section 223 written submission and, if required, the special council meeting be held "at a time and date to be determined" in the Council Offices at 90 Welsford Street, Shepparton, and
 - b) a report on any section 223 submissions received by the Council, along with a summary of any hearings held, be provided to the ordinary council meeting;
4. In the event that no submissions are received within the prescribed period, resolve to formally discontinue part of Camille Street, Dookie abutting Lots 58-61 without further resolution of the Council and authorise the Chief Executive Officer to sign all documentation to enable the transfer of the discontinued road to the abutting landowner.

CARRIED.

7. INFRASTRUCTURE DIRECTORATE

7.2 Road Closure and Sale of part of Camille Street, Dookie (continued)

Background

The owner of (Lots 61& 62) 10 Baldock Street, Dookie is in the process of purchasing Lots 58 & 59 with the intention to consolidate the four lots into one parcel. The owner has expressed interest in purchasing part of Camille Street to incorporate into this parcel.

This will provide a good outcome for the owner in ensuring he is not restricted in what he can build due to the size of the block. It will also alleviate Council's responsibility for future maintenance of the road.

The portion of Camille Street is unmade and not in use. The road ends at Lot 58 which abuts the railway line as shown on the attached map. The closure of this part of road will not affect access for any abutting landowners. The only other abutting landowner at 1 Shepparton Street has been notified and has no objections to the discontinuance.

Council Plan/Key Strategic Activity

This proposal is consistent with this document. The strategic objective, Growth, identifies an action as "*Facilitate residential, commercial and industrial development across Greater Shepparton.*"

Risk Management

The closure of part of this road will not impact on any adjoining landowners or cause any inconvenience to ratepayers or users of the remainder of the road.

Policy Considerations

The proposed closure of part of this road and sale does not conflict with Council's policies. The Asset Management Policy states that the Council is committed to maximising resources to achieve the best outcome for the community

Financial Implications

The cost of the closure and sale, including the subdivision costs, will be paid by the abutting property owner.

Legal/Statutory Implications

This procedure is being undertaken in compliance with the *Local Government Act 1989*. Section 206 and Clause 3 of schedule 10 provides the Council with the power to discontinue a road and sell, transfer or retain the land. This will enable the land to be subdivided and transferred to the abutting owner.

Environmental/Sustainability Impacts

This proposal does not have any Environmental/Sustainability Impacts which need to be considered.

Social Implications

This proposal does not have any Social Implications but will assist the abutting owner in achieving the best outcomes.

Economic Impacts

The road discontinuance will not cost Council anything as the abutting owner will pay all costs. However, the sale of the road will generate an income based on the valuation of the land.

7. INFRASTRUCTURE DIRECTORATE

7.2 Road Closure and Sale of part of Camille Street, Dookie (continued)

Consultation

A number of relevant Council departments have been consulted, including Planning, Projects, Works and Waste and Assets. None of those Departments have assets located in the portion of road and therefore have not objected to the proposed closure and sale. There are no other service authority assets located in the road (water or power) and they too have declared they have no objections. The only other property that abuts the portion of road being discontinued is 1 Shepparton Street, Dookie. The owner has been notified and has formally advised that he has no objections to this proposal.

Officers believe that adequate consultation will have been achieved following advertising in the Shepparton News.

Strategic Links

a) Greater Shepparton 2030 Strategy

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

b) Other strategic links

Nil

Conclusion

That Council give public notice of its intention to formally discontinue part of Camille Street, Dookie abutting Lots 58-61 to allow the owner of Lots 58-61 to purchase that portion of road and consolidate it with his existing property.

Attachments

Road Closure - part of Camille Street, Dookie Lots 58-61 Page 175

8. COMMUNITY DIRECTORATE

8.1 Section 86 Special Committees - Committees of Management Memberships

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 and Cemeteries Operations Officer

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

Approved by: Director Community

Executive Summary

In accordance with Greater Shepparton City Council Corporate Procedure 07.PRO05 section three, members of special committees (established under Section 86 of the *Local Government Act 1989*), can only be appointed or removed by a formal resolution of Council.

As the term of office for members of the Dookie Memorial Hall Committee of Management is nearing conclusion, this report recommends the appointment of new members to the committee of management for a four year term.

In addition, Council has received Applications for Appointment from two community members wishing to join the Toolamba Recreation Reserve and Community Centre Committee of Management and the Katandra West Community Facilities Committee of Management.

Two resignations have been received from committee members of the Katandra West Community Facilities Committee of Management and the Toolamba Recreation Reserve and Community Centre Committee of Management.

Moved by Cr Abdullah Seconded by Cr Oroszvary

That the Council:

1. having considered the applications received for appointment to the Dookie Memorial Hall Committee of Management, appoint the following members for a four year term commencing 22 November 2017 and concluding on 22 November 2021:
 - Karen BIGG
 - Wendy COTTER
 - Leiticia HARMER
 - Lexie GRAHAM
 - Paula LUDEMAN
 - Wendy LUDEMAN

2. having considered the Application for Appointment to the Toolamba Recreation Reserve and Community Centre Committee of Management appoint the following applicant to the existing committee's term effective immediately and concluding 20 April 2018:
 - Mary COAD

8. COMMUNITY DIRECTORATE

8.1 Section 86 Special Committees - Committees of Management Memberships (continued)

3. acknowledge the contribution of Jessica WHITE to the Toolamba Recreation Reserve and Community Centre Committee of Management, accept her resignation and rescind her membership accordingly.
4. having considered the Application for Appointment to the Katandra West Community Facilities Committee of Management appoint the following applicant to the existing committee's term effective immediately and concluding 22 April 2019:
 - Debbie BRADLEY
5. acknowledge the contribution of David WHELAN to the Katandra West Community Facilities Committee of Management, accept his resignation and rescind his membership accordingly.
6. resolve that all members (who are not Councillors or nominated Officers) of the Dookie Memorial Hall Committee of Management, Toolamba Recreation Reserve and Community Centre Committee of Management and the Katandra West Community Facilities Committee of Management continue to be exempt from the requirement to complete Interest Returns in exercise of power granted to Council under section 81(2A) of the *Local Government Act 1989*.

CARRIED.

Background

Dookie Memorial Hall Committee of Management

At the Ordinary Council Meeting held on 15 December 2015, six applicants were appointed to the Dookie Memorial Hall Committee of Management. As the term of office for these members is nearing conclusion, it is necessary that a new committee be appointed to manage the facility.

Four Applications for Appointment have been received from existing committee members and two new community member applications. It is recommended that all applications are accepted and appointed for a four year term commencing 22 November 2017. These members include:

- Karen BIGG
- Wendy COTTER
- Leticia HARMER
- Lexie GRAHAM
- Paula LUDEMAN
- Wendy LUDEMAN

Toolamba Recreation Reserve and Community Centre Committee of Management

At the Ordinary Council Meeting held on 19 April 2016, seven applicants were appointed to the Toolamba Recreation Reserve and Community Centre Committee of Management for a term of two years.

A further Application for Appointment has now been received from Mary COAD and it is recommended that this application be accepted and the community member appointed to the existing committees term.

8. COMMUNITY DIRECTORATE

8.1 Section 86 Special Committees - Committees of Management Memberships (continued)

In addition, Jessica WHITE has tendered her resignation from the committee of management. Council would like to recognise Jessica's work as Secretary and her contribution to the work of the Committee of Management. It is recommended that Council accept Jessica's resignation and rescind her membership accordingly.

Katandra West Community Facilities Committee of Management

At the Ordinary Council Meeting held on 18 April 2017, eight applicants were appointed to the Katandra West Community Facilities Committee of Management for a term concluding 22 April 2019.

A further Application for Appointment has now been received from Debbie MCKINNON and it is recommended that this application be accepted and the community member appointed to the existing committees term.

In addition, David WHELAN has tendered his resignation from the committee of management. Council would like to recognise David's work as an office bearer for many years and his contribution to the work of the Committee of Management. It is recommended that Council accept David's resignation and rescind his membership accordingly.

Interest Return Exemption

It is recommended that all newly appointed members of Section 86 Special Committees be exempt from the requirement of completing an Interest Return in accordance with Section 81(2A) of the *Local Government Act 1989*.

Council Plan/Key Strategic Activity

This proposal supports the following goals of the *Council Plan 2017-2021*:

Leadership and Governance

- 1.3 Council demonstrates strong leadership and sound decision making in the best interests of the community.
- 1.7 Council advocates on issues, priorities and needs that matter to our community in partnership with key stakeholders.
- 1.9 Service standards and service delivery models are realistic and meet community expectations and demand while being financial viable and in line with Council's core business.

Social

- 2.1 Our community is supported to achieve and sustain physical, emotional and spiritual health and wellbeing.
- 2.4 Social and cultural, educational and employment opportunities are created to enable children, young people, individuals and families to actively participate in their community.
- 2.6 Volunteering is promoted and encouraged along with other measures to improve community resilience.
- 2.7 Public places, open space and community facilities are safe and accessible for all and presented to a high quality.

Built

- 4.4 Quality infrastructure is provided and maintained to acceptable standards.
- 4.5 Assets are well managed and their renewal is being planned through long term renewal strategies.

8. COMMUNITY DIRECTORATE

8.1 Section 86 Special Committees - Committees of Management Memberships (continued)

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Delegation of Council powers to a committee	Possible	Major	High	The appointment and removal of members by formal resolution of Council reduces governance risks by ensuring that all members of a committee are covered by Council's public liability insurance.
Exemption of all special committees from submitting primary and ordinary returns	Possible	Major	High	Restricted powers outlined in the Instrument of Delegation and Guidelines to these committees ensures that this risk is minimal. Committees are also required to declare any conflicts of interest at the start of each committee meeting

Policy Considerations

There are no conflicts with existing Council policies.

Financial Implications

There are no financial implications arising from this report.

Legal/Statutory Implications

All of Council's Committees of Management responsible for halls, community centres and recreation reserves have been established under Section 86 of the *Local Government Act 1989* and have been issued with an Instrument of Delegation and Guidelines outlining their responsibilities.

The appointment and rescinding of memberships to Section 86 special committees by formal resolution of the Council ensures that the powers, functions and duties delegated to these committees are able to be exercised legally.

Environmental/Sustainability Impacts

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

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 report.

8. COMMUNITY DIRECTORATE

8.1 Section 86 Special Committees - Committees of Management Memberships (continued)

Consultation

A public notice was placed in the Shepparton News on 15 September and 22 September 2017 calling for applications from community members to join the Dookie Memorial Hall Committee of Management. Letters were also sent to outgoing members of the committees inviting them to apply for a further term.

Dookie Primary School and Currawa Primary School were approached to place notices in their school newsletters advertising the call for applications for membership on the Dookie Memorial Hall Committee of Management with posters placed at the facility and Dookie General Store.

The Toolamba Recreation Reserve and Community Centre Committee of Management and the Katandra West Community Facilities Committee of Management were informed of the resignation of one of their members. Further contact will be made to confirm the outcome of the resignation.

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Keep informed	<ul style="list-style-type: none"> • Newspaper advertisements • Website announcement • Letters to outgoing committee members
Consult	Informed, listen, acknowledge	Council will consult with its committees prior to making decisions that relate to the relevant facilities.
Involve	Work together. Feedback is an input into decision making.	Committees provide an important source of feedback for Council to manage the facilities.
Collaborate	Feedback will be incorporated into decisions to the maximum level possible.	Council collaborates with its committees prior to making decisions that relate to the relevant facilities.
Empower	We will implement what the public decide.	Committees of Management have delegated powers to make decisions in relation to the day to day management of the facilities that they are responsible for.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

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

b) Other strategic links

Local Government Act 1989

8. COMMUNITY DIRECTORATE

8.1 Section 86 Special Committees - Committees of Management Memberships (continued)

Conclusion

It is recommended that the abovementioned applicants be appointed to the Dookie Memorial Hall Committee of Management, the Toolamba Recreation Reserve and Community Centre Committee of Management and the Katandra West Community Facilities Committee of Management for the terms specified.

In addition, it is recommended that the resignations of Jessica White from the Toolamba Recreation Reserve and Community Centre Committee of Management and David Whelan from the Katandra West Community Facilities Committee of Management be accepted, their contributions acknowledged and their memberships rescinded in accordance with their resignations.

Attachments

Nil

8. COMMUNITY DIRECTORATE

8.2 Request for Revocation of Fryers Street Taxi Rank Policy

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

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

Council Officers involved in producing this report

Author: Community Safety Officer

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

Approved by: Director Community

Executive Summary

The Fryers Street Taxi Rank CCTV Project and its associated policy was the first stage of the much larger Safer City Camera Network. The Fryers Street Taxi Policy provided initial guidance for Council on the management of one CCTV Camera and was intended to be superseded by a broader policy once the CCTV network expanded.

All relevant policy content from the Fryers Street Taxi Rank CCTV Project Policy has been incorporated into the Safer City Camera Network Policy 10.POL2 and the Management of CCTV Footage Protocol – Safer City Camera Network Policy. These revised policies were both adopted by Council on 18 July 2017. As a result of this Council Officers recommend the revocation of the Fryers Street Taxi Rank CCTV Project Policy 10.POL1.

**Moved by Cr Oroszvary
 Seconded by Cr Patterson**

That the Fryers Street Taxi Rank CCTV Project Policy 10.POL1 be revoked.

CARRIED.

Background

In February 2012 Council received funding from the Victorian Taxi Directorate to address a number of safety concerns at the Fryer Street Taxi Rank. This funding included the installation one fixed camera targeted at the Fryers Street Taxi Rank.

This camera system and policy has since been integrated into the Safer City Camera Network, rendering the Fryers Street Taxi Rank CCTV Project Policy obsolete.

Council Plan/Key Strategic Activity

Council Plan 2017-2021

2.1 Greater Shepparton is a welcoming, inclusive and safe place for all.

2.9 Public places, open space and community facilities are safe and accessible for all and presented to a high quality.

Risk Management

No moderate to extreme risks have been identified as relevant to this report.

8. COMMUNITY DIRECTORATE

8.2 Request for Revocation of Fryers Street Taxi Rank Policy (continued)

Policy Considerations

The following Council Policies are relevant to this report:

- Safer City Camera Network Policy 10.POL2
- Management of CCTV Footage Protocol – Safer City Camera Network Policy

Financial Implications

No financial implications have been identified as relevant to this report.

Legal/Statutory Implications

The relevant policy content from this policy has been included in the current Safer City Camera Network Policy 10.POL2 and the Management of CCTV Footage Protocol – Safer City Camera Network Policy ensuring it meets the legal and statutory implications associated with the coordination and management of a public surveillance network.

These include the:

Federal Privacy Act 1988

Surveillance Devices Act 2004

Information Privacy Act 2000 (Vic)

Surveillance Devices Act 1999 (Vic)

Charter of Human Rights and Responsibilities Act 2006 (Vic), in particular ss7, 13

Public Records Act 1973 (Vic)

Freedom of Information Act 1982 (Vic)

Evidence Act 2008 (Vic)

Private Security Act 2004 (Vic)

Environmental/Sustainability Impacts

No environmental or sustainability implications have been identified as relevant to this report.

Social Implications

Due to relevant policy content from the Fryers Street Taxi Rank CCTV Project Policy being incorporated into other more relevant policies, there are no negative social implications associated with this report. Council's CCTV network has broader social implications reducing the incidence of crime and promoting community safety, pro-social behaviour and public order. It helps people to feel safe in their community and fosters partnerships between key community safety organisations.

Economic Impacts

No economic impacts have been identified as relevant to this report.

Consultation

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

Strategic Links

a) Greater Shepparton 2030 Strategy

Nil.

b) Other strategic links

Community Safety Strategy 2014-2017

8. COMMUNITY DIRECTORATE

8.2 Request for Revocation of Fryers Street Taxi Rank Policy (continued)

Conclusion

The Fryers Street Taxi Rank CCTV Project and its associated policy were the first stage of the larger Safer City Camera Network. This Policy provided initial guidance for Council on the management of one CCTV Camera and was intended to be superseded by a broader policy in time once the Network had expanded.

All relevant policy content from the Fryers Street Taxi Rank CCTV Project Policy has been incorporated into the Safer City Camera Network Policy 10.POL2 and the Management of CCTV Footage Protocol – Safer City Camera Network Policy. These revised policies were both adopted on the 18 July at the Ordinary Council Meeting. As a result of this Council Officers recommend the revocation of the Fryers Street Taxi Rank CCTV Project Policy 10.POL1

Attachments

- | | |
|--|----------|
| 1. Safer City Camera Network Policy | Page 177 |
| 2. Fryers Street Taxi Rank CCTV Project Policy 10.POL1 | Page 191 |
| 3. Management of CCTV Footage Protocol - Safer City Camera Network | Page 201 |

9. CORPORATE SERVICES DIRECTORATE

9.1 Chief Executive Officer - Leave Arrangements

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

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

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

Council Officers involved in producing this report

Author: Executive Assistant to the Chief Executive Officer

Proof reader(s): Manager Corporate Governance

Approved by: Chief Executive Officer

Executive Summary

The Chief Executive Officer wishes to take leave for the dates listed below.

This report is advising Council of the proposed leave for information purposes, and recommends the appointment of an Acting Chief Executive Officer for this period.

Moved by Cr Adem

Seconded by Cr Abdullah

That the Council:

1. approve the Chief Executive Officer's leave arrangements from 25 December 2017 to 12 January 2018 and 5 February 2018 to 12 February 2018 (inclusive);
2. appoint Mr Chris Teitzel, Director Corporate Services as Acting Chief Executive Officer and delegate all powers of the Chief Executive Officer for the period 25 December 2017 to 12 January 2018 (inclusive);
3. appoint Ms Kaye Thomson, Director Community as Acting Chief Executive Officer and delegate all powers of the Chief Executive Officer for the period 5 February 2018 to 12 February 2018 (inclusive).

CARRIED.

Background

As an employee of Council, the Chief Executive Officer is entitled to approved leave; however the granting of leave is somewhat different to other employees. Generally Directors, Managers or the Chief Executive Officer as the case may be, will consider applications for leave.

The Chief Executive Officer's leave however needs to be approved by Council. The Chief Executive Officer seeks approval for leave for the period 25 December 2017 to 12 January 2018 and 5 February 2018 to 12 February 2018 (inclusive). He will be unavailable and as such not able to perform any of the duties associated with his position.

As such, Council also needs to appoint an Acting Chief Executive Officer to be responsible for the day-to-day operations, as well as the statutory requirements of the position, during this period.

9. CORPORATE SERVICES DIRECTORATE

9.1 Chief Executive Officer - Leave Arrangements (continued)

The Chief Executive Officer is of the belief that there is a sufficiently experienced management team from which it is appropriate to make an appointment of an Acting Chief Executive Officer. It is for this reason; it is proposed that Mr Chris Teitzel, Director Corporate Services be appointed to the role of Acting Chief Executive Officer for the first period of leave and Ms Kaye Thomson, Director Community be appointed for the second period of leave.

Should these arrangements be acceptable to Council, it is necessary for Mr Chris Teitzel, Director Corporate Services and Ms Kaye Thomson, Director Community to be provided with relevant authority to undertake the role of Acting Chief Executive Officer.

Council Plan/Key Strategic Activity

There are no strategic implications relative to this matter.

Risk Management

There are very limited to no risks associated with the appointment of an Acting Chief Executive Officer, as all delegated powers are appointed to the Chief Executive Officer or any person acting in that position. All functions can be carried out by the Acting Chief Executive Officer as it would be by the appointed Chief Executive Officer.

Policy Considerations

There are no known policy implications relevant to this matter.

Financial Implications

There are no financial implications to Council in respect of the Chief Executive Officer's leave as all leave entitlements are provided for within the adopted budget.

Legal/Statutory Implications

Sections 94A of the *Local Government Act 1989*, relating to the general function provisions, and it is only the Council that can appoint the Chief Executive Officer and by extension an Acting Chief Executive Officer.

Chief Executive Officer's Employment Contract.

Environmental/Sustainability Impacts

There are no environmental/sustainability impacts relevant to this matter.

Social Implications

There are no social implications relevant to this matter.

Economic Impacts

There are no economic impacts relevant to this matter.

Consultation

Consultation has been conducted with the Mayor and the Executive Leadership Team.

Strategic Links

There are no strategic links relevant to this matter.

Attachments

Nil

9. CORPORATE SERVICES DIRECTORATE

9.2 Risk Management Policy

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

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

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

Council Officers involved in producing this report

Author: Team Leader Risk and Assurance

Reviewed by: Manager Corporate Governance

Approved by: Director Corporate Services

Other: Audit and Risk Management Committee

Executive Summary

In line with Local Government Act requirements, Council's Risk Management Policy has been updated.

The main changes are highlighted below:

- The risk category "OH&S" has been changed to "Health and Safety." This will allow this category to encompass safety related risks to both employees and members of the public. (Previously there was no category where the potential for injuries to members of the public fit.)
- The risk treatment table has been changed to:
 - Remove the requirement that medium rated OH&S and Legal/Compliance risks are always treated as intolerable and must be monitored by the ELT. In practice, it has been found that with the OH&S (now Health and Safety) consequence definitions, it was very easy to get a medium rated Safety risk and it is not always feasible to reduce these risks further. Therefore, it is now at the Risk Owner and Management team's discretion to decide if each medium risk is at a tolerable level.
 - More detail has been inserted against the High risks to require justification to and approval by the ELT in instances where the expected timeframe to reduce a High risk to a tolerable level is greater than 6 months. This requirement has been added, as many instances have arisen where the timeframe to address a High rated risk has exceeded the mandatory timeline of less than 6 months. It is expected that by requiring a formal approval process at Executive level, this will promote the expectation that mitigating High risks promptly is given a high priority.

Moved by Cr Oroszvary

Seconded by Cr Sutton

That the Council adopt the updated Risk Management Policy 79.POL1.

CARRIED.

9. CORPORATE SERVICES DIRECTORATE

9.2 Risk Management Policy (continued)

Background

Following the Council elections last year we are required to undertake an organisational wide review of all Policies and Corporate Procedures.

In line with this requirement, the risk team have reviewed and made amendments to Council's risk management policy.

Council Plan/Key Strategic Activity

There are no direct links with this policy and the Council Plan

Risk Management

This policy provides risk management direction for the organisation.

Policy Considerations

There are no associated policy considerations with this report

Financial Implications

There are no financial implications associated with this report

Legal/Statutory Implications

Updating this policy and procedure complies with the Local Government Act.

Environmental/Sustainability Impacts

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

Social Implications

There are no social implications associated with this report

Economic Impacts

There are no economic impacts associated with this report

Consultation

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

Strategic Links

a) Greater Shepparton 2030 Strategy

There are no strategic links with this policy and the Greater Shepparton 2030 strategy

b) Other strategic links

There are no other strategic links associated with this policy

Conclusion

Council's Risk Management Policy has been updated.

Attachments

Risk Management Policy Page 209

9. CORPORATE SERVICES DIRECTORATE

9.3 Shepparton Show Me 2016 - 2017 Annual 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: Shepparton Show Me Marketing Co-ordinator

Proof reader(s): Shepparton Show Me Administration Officer

Approved by: Director Corporate Services

Other: Manager Marketing and Communications

Executive Summary

Shepparton Show Me presents the Annual Report for 2016 - 2017.

As a Section 86 Committee, Shepparton Show Me must hold an annual general meeting in the first quarter of the financial year. At the annual general meeting an annual report, including annual financial statements, must be received. The Shepparton Show Me 2016 – 2017 Annual Report was endorsed by the Committee at the Annual General Meeting on the 18 September 2017.

The Annual Report highlights the achievements and reports the financials for Shepparton Show Me over the past financial year.

Moved by Cr Oroszvary

Seconded by Cr Sutton

That the Council receive and note the 2016/2017 Shepparton Show Me Committee Annual Report.

CARRIED.

Background

The 2016 – 2017 Shepparton Show Me Annual Report reports on the functions, operations and activities of the Committee using the following structure:

1. Vision, Mission and Direction
2. History
3. Milestones
4. Chairperson's Report
5. Committee
6. Operations
7. Marketing and Communications
 - Strategic initiatives
 - Tactical initiatives
 - Annual campaigns
 - Sponsorship and events
 - Communications
8. Financial Report
9. Shepparton Show Me Contribution Area Map

9. CORPORATE SERVICES DIRECTORATE

9.3 Shepparton Show Me 2016 - 2017 Annual Report (continued)

It's been another busy year for Shepparton Show Me (SSM) which recently saw five new members joining the committee.

SSM delivered on the 2016-2017 Marketing Plan with the tactics and outcomes detailed in the Annual Report.

Strategic initiatives included the implementation of the first stage of the Greater Shepparton Great Things Happen Here campaign, the delivery of the Renew Shepparton program and the introduction of the Fryers Food Festival in partnership with Greater Shepparton City Council and Love It Local.

Annual campaigns such as Father's and Mother's Day, End of the Financial Year, Christmas and Summer and Winter City Markets continued to be delivered with the introduction of Fun Starts Here – school holiday campaign which now runs four times per year.

Other highlights this financial year have been the opportunity to sponsor several new events such as the Shepparton Shake-Out, Nitro Athletics and the International Beach Volleyball - Federation Internationale De Volleyball (FIVB) World Tour.

For a full overview of activities undertaken during the 2016 - 2017 financial year, please refer to the attached Annual Report.

Council Plan/Key Strategic Activity

Goal 3: Economic – build a thriving, resilient economy where Greater Shepparton is recognised as a competitive place to invest and grow business.

Risk Management

There are no risks associated with this report.

Policy Considerations

There are no policy considerations associated with this report.

Financial Implications

An overview of the 2016 - 2017 expenditure is included in the attached Annual Report.

Legal/Statutory Implications

As a Section 86 Committee, Shepparton Show Me must hold an annual general meeting in the first quarter of the financial year. At the annual general meeting an annual report, including annual financial statements, must be received. The Shepparton Show Me 2016 – 2017 Annual Report was endorsed by the Committee at the Annual General Meeting on the 18 September 2017.

Environmental/Sustainability Impacts

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

Social Implications

One of the Shepparton Show Me's objectives is to facilitate a culture that encourages government, business and the community to work together to grow Shepparton's prosperity.

9. CORPORATE SERVICES DIRECTORATE

9.3 Shepparton Show Me 2016 - 2017 Annual Report (continued)

Economic Impacts

The vision for Shepparton Show Me is to position Shepparton as the premier place in northern Victoria to work, do business, shop, dine, play and stay.

The mission of Shepparton Show Me is to advance the growth and development of business (retail and commercial) and professional services in Shepparton.

Consultation

The SSM Committee and acquittals provided by sponsored events contribute to the production of the Annual Report.

The Committee reviewed the Annual Report and it was endorsed at the AGM held on the 18 September 2017.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

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

b) Other strategic links

Greater Shepparton Economic development, Tourism & Major Events Strategy 2017-2021.

Conclusion

That Council receives and considers the Shepparton Show Me Annual Report 2016 - 2017 for the year ended 30 June 2017.

Attachments

2016/17 Shepparton Show Me Annual Report Page 222

9. CORPORATE SERVICES DIRECTORATE

9.4 October 2017 Monthly Financial Report

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

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

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

Council Officers involved in producing this report

Author: Team Leader Management Accounting

Proof reader(s): Manager Finance and Rates

Approved by: Director Corporate Services

Executive Summary

The report presents Council's actual financial performance compared to the budget for the four months ended 31 October 2017.

Moved by Cr Oroszvary

Seconded by Cr Sutton

That the Council receive and note the October 2017 Monthly Financial Report.

CARRIED.

Background

The 2017/2018 Budget was adopted at the Ordinary Council Meeting held 20 June 2017. The 2017/2018 Budget provided for an operating surplus of \$7.2 million with revenue of \$127.92 million and expenditure of \$120.72 million. The 2017/2018 Budget also provided for capital works of \$39.38 million.

On 17 October 2017, Council adopted the 2017/2018 Q1 Adopted Forecast with an accounting surplus of \$6.14 million which is \$1.06 million less than the 2017/2018 Adopted Budget. The capital works program of \$40.33 million is forecast to be expended during the 2017/2018 financial year which is an increase of \$0.94 million from the Adopted Budget.

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

The October 2017 Monthly Financial Report incorporates the following sections which are presented for Council's consideration:

- Operating Performance
- Capital Works Performance
- Income Statement
- Balance Sheet
- Cash Flow Statement
- Capital Works Statement

Council Plan/Key Strategic Activity

The report is consistent with the leadership and governance goal "High Performing Organisation" as included in the *Council Plan 2017-2021*.

9. CORPORATE SERVICES DIRECTORATE

9.4 October 2017 Monthly Financial Report (continued)

Council Plan/Key Strategic Activity

The report is consistent with the leadership and governance goal “High Performing Organisation” as included in the *Council Plan 2017-2021*.

Risk Management

There are no risks identified in providing this financial report.

Policy Considerations

There are no conflicts with existing Council policies.

Financial Implications

There are no financial implications arising from this proposal.

Legal/Statutory Implications

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

Environmental/Sustainability Impacts

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

Social Implications

There are no social implications associated with this report.

Economic Impacts

There are no economic implications in providing this financial report.

Consultation

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

Conclusion

The report presents Council's actual financial performance compared to the budget for the four months ended 31 October 2017.

Attachments

October 2017 - Monthly Financial Statements Page 277

9. CORPORATE SERVICES DIRECTORATE

9.5 Financial Hardship Policy

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

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

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

Council Officers involved in producing this report

Author: Team Leader Rates

Proof reader(s): Manager Finance and Rates

Approved by: Director Corporate Services

Executive Summary

Council's Financial Hardship Policy 34.POL2 was adopted at the Ordinary Council meeting held on Tuesday 21 February 2017. Following this adoption Council officers have recently identified a few minor changes that are required.

Council officers identified the need to clarify and expand on some of the conditions required with regards to hardship situations. This was to ensure ratepayers experiencing any financial hardship are aware of the rating assistance available and the necessary requirements in order to apply for Hardship.

The updated Financial Hardship Policy will provide clear guidance to staff to allow for a consistent, transparent, sensitive and responsive approach when considering requests for assistance from ratepayers.

The policy now more clearly defines what is required from both the Ratepayer and also Council staff in order to apply and process applications for assistance.

Moved by Cr Giovanetti
Seconded by Cr Oroszvary

That Council adopt the updated Financial Hardship Policy 34.POL2 Version 2.1.

CARRIED.

Background

Rates constitute the majority of Council's income (approximately 53%). The timely payment of rates by residents is crucial to the effective operation of the ongoing services and capital works projects that Council provides for community benefit. When considering the rating strategy for the municipality, Council considers the principles of fairness, transparency and equity. The consideration of hardship is consistent with these principles.

Council's Rating Strategy 2013-2017 was adopted at the Ordinary Council meeting held on Tuesday 20 August 2013. Section 9.5 of the Strategy outlined the assistance available to ratepayers who are experiencing difficulty in paying their rates. This report presents a policy that provides a consistent and objective approach, which is sensitive and responsive when considering assistance for ratepayers.

9. CORPORATE SERVICES DIRECTORATE

9.5 Financial Hardship Policy (continued)

The purpose of this Financial Hardship Policy is to provide Council with a framework to provide financial relief to individuals who need assistance. This policy also provides ratepayers with a clear, transparent understanding of the options and assistance available if they are currently experiencing, or are at risk of experiencing hardship.

The Municipal Association of Victoria Hardship Policy Guidelines (clause 5.1) says: “Hardship assistance should only be granted to individuals experiencing hardship, with regard to the rates on their primary residence. Therefore applications for hardship assistance for residential assistance for residential investment, commercial or industrial properties should generally not be granted. Councils differ in their treatment of applications for rates assistance for farms or commercial properties that are also used for residential purposes.”

Council Plan/Key Strategic Activity

This proposal is in line with the following strategic goal of the Council Plan:

High Performing Organisation (Leadership & Governance)

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

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Economic downturn which results in more ratepayers facing hardship	Possible	Minor	Low	Impact is on cashflow, so slow/reduce Council expenditure

Policy Considerations

The proposed Hardship Policy will provide guidance to staff to allow for a consistent, transparent, sensitive and responsive approach when considering requests for assistance from ratepayers who are experiencing financial hardship.

Council recognises that managing hardship is a shared responsibility and therefore seeks to provide best practice arrangements for the collection of rates and charges, including offering flexible arrangements for ratepayers experiencing financial hardship.

Financial Implications

The recommended option which allows for payment arrangements and payment deferral for ratepayers who have met the financial hardship criteria will have no impact on revenue as the Hardship Policy is reflective of current practice.

There will be minimal costs involved in improving processes e.g. communication costs, updating the website, simplifying forms.

9. CORPORATE SERVICES DIRECTORATE

9.5 Financial Hardship Policy (continued)

Legal/Statutory Implications

The following legislative provisions apply with regard to the deferral and waiver of rates, charges and interest.

Local Government Act 1989:

Section 170. Deferred Payment – A Council may defer in whole or in part the payment by a person of any rate or charge which is due and payable for a specified period and subject to any conditions determined by the Council if it considers that an application by that person shows that the payment would cause hardship to the person.

Section 171. Waiver – The Council may waive the whole or part of any rate or charge or interest.

Section 171A. Waiver by application – A person who

- (a) is suffering financial hardship; or
- (b) would suffer financial hardship if that person paid the full amount of a rate or charge for which he or she is liable may apply to a Council for the waiver of the whole or part of any rate or charge or of any interest imposed for late payment.

Fire Services Property Levy Act 2012

State Concessions Act 2004

Penalty Interest Rates Act 1983

Cultural and Recreational Lands Act 1963

Information Privacy Act 2000

Charter of Human Rights and Responsibilities Act 2006

Any decisions regarding the deferral, waiver or payment arrangements must be considered in light of, and be compatible with, relevant Charter rights, in particular, the rights to privacy and the right to protection of families and children.

Municipal Association of Victoria Hardship Policy Guidelines November 2013

Environmental/Sustainability Impacts

There are no environmental or sustainability impacts with this proposal.

Social Implications

Council recognises that there are situations where a ratepayer is unable, because of prolonged illness, unemployment or other reasonable cause, to discharge their financial obligation to Council and the ratepayer reasonably expects to be able to discharge those obligations if payment arrangements were changed.

Economic Impacts

No economic impacts have been identified.

Consultation

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

9. CORPORATE SERVICES DIRECTORATE

9.5 Financial Hardship Policy (continued)

Strategic Links

a) Greater Shepparton 2030 Strategy

There are no direct links to the Greater Shepparton 2030 Strategy

b) Other strategic links

This policy has been developed in line with Council's Rating Strategy;

Applications for consideration of financial hardship will be treated as strictly confidential in accordance with Council's Privacy policy.

Conclusion

To meet the aspirations of Council's Rating Strategy, the adoption of the updated Hardship Policy is proposed.

Attachments

Financial Hardship Policy 34.POL2 Version 2.1 Page 287

9. CORPORATE SERVICES DIRECTORATE

9.6 Amended Fees & Charges

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

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

Council Officers involved in producing this report

Author: Team Leader Management Accounting

Proof reader(s): Manager Finance and Rates

Approved by: Director of Corporate Services

Executive Summary

The setting of fees and charges for goods and services is required to recover some of the costs of providing Council services when full cost recovery is not considered appropriate. An integral part of the budget process is the annual review of Council's fees and charges.

Fees and charges include both discretionary, those set by Council, and non-discretionary (or statutory), those prescribed by the State Government. Non-discretionary fees and charges include items such as town planning and local laws.

Since the adoption of the Annual Budget in June 2017, amendments to the current fees and charges have been requested.

Two discretionary fees, relating to Animal Control, are rounding changes (to the nearest dollar). One discretionary fee relating to Outdoor Sports Facilities has been updated to reflect the percentage of the rate charged. The remaining changes relate to Freedom of Information (FOI) requests and Works within Road Reserve Permits which are non-discretionary fees and have been updated for the 2017/18 financial year.

Moved by Cr Oroszvary
Seconded by Cr Patterson

That the Council

- adopt the following amendments to User Fees and Charges:

Fee Name	Current Amount	Amended Amount
Registerable animals Pound Fees – Fee Per Day	\$23.80 (plus GST)	\$24.00 (plus GST)
Cattle release (per head) Pound Fees – Release Fees	\$82.40 (plus GST)	\$82.00 (plus GST)
Outdoor Sports Facilities – Sports Development (per cent of rate to be paid)	80% of rate	20% of rate
Freedom of Information Requests – Application Fee	\$27.90 (no GST)	\$28.40 (no GST)

9. CORPORATE SERVICES DIRECTORATE

9.6 Amended Fees & Charges (continued)

Works within Road Reserve Permits Major Works - Works conducted on any part of the roadway, shoulder or pathway on Municipal, or Non Arterial State Road where maximum speed limit at any time is more than 50kph where works exceeds 8.5 square metres	45 Fee Units	43.1 Fee Units
Works within Road Reserve Permits Major Works - Works not conducted on any part of the roadway, shoulder or pathway on Municipal, or Non Arterial State Road where maximum speed limit at any time is more than 50kph where work exceeds 8.5 square metres. Works conducted on Nature Strip	25 Fee Units	23.5 Fee Units
Works within Road Reserve Permits Major Works - Works conducted on any part of the roadway, shoulder or pathway on Municipal, or Non Arterial State Road where maximum speed limit at any time is not more than 50kph where works exceeds 8.5 square metres	20 Fee Units	23.5 Fee Units
Works within Road Reserve Permits Works not conducted on any part of the roadway, shoulder or pathway on Municipal, or Non Arterial State Road where maximum speed limit at any time is not more than 50kph where works exceeds 8.5 square metres	5 Fee Units	6 Fee Units
Works within Road Reserve Permits Minor Works - Works conducted on any part of the roadway, shoulder or pathway on Municipal, or Non Arterial State Road where maximum speed limit at any time is more than 50kph where work is less than 8.5 square metres	11.5 Fee Units	9.3 Fee Units
Works within Road Reserve Permits Minor Works - Works not conducted on any part of the roadway, shoulder or pathway on Municipal, or Non Arterial State Road where maximum speed limit at any time is more than 50kph where works is less than 8.5 square metres	5 Fee Units	6 Fee Units
Works within Road Reserve Permits Minor Works - Works conducted on any part of the roadway, shoulder or pathway on Municipal, or Non Arterial State Road where maximum speed limit at any time is not more than 50kph where work is less than 8.5 square metres	11.5 Fee Units	9.3 Fee Units

9. CORPORATE SERVICES DIRECTORATE

9.6 Amended Fees & Charges (continued)

Works within Road Reserve Permits Minor Works - Works not conducted on any part of the roadway, shoulder or pathway on Municipal, or Non Arterial State Road where maximum speed limit at any time is not more than 50kph where works is less than 8.5 square metres	11.5 Fee Units	9.3 Fee Units
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CARRIED.

Background

The setting of fees and charges for goods and services is required to recover some of the costs of providing Council services when full cost recovery is not considered appropriate. An integral part of the budget process is the annual review of Council's fees and charges.

Fees and charges include both discretionary, those set by Council, and non-discretionary, those prescribed by the State Government. Non-discretionary fees and charges include items such as town planning and local laws.

Fees and charges are included in the annual budget and are adopted as a whole.

The 2017/2018 Budget was adopted at the Ordinary Council Meeting held 20 June 2017 and included the 2017/2018 Fees and Charges Schedule. The 2017/2018 Budget provided for income of \$19.67m from discretionary fees and \$3.75m from non-discretionary fees.

Since the adoption of the Annual Budget in June 2017, amendments to the current fees and charges have been requested.

Animal Control have requested changes to two discretionary fees; Registerable Animals Pound Fees – Fee Per Day (increase from \$23.80 to \$24.00 per day) and Cattle release (per head) Pound Fees – Release Fees (decrease from \$82.40 to \$82.00). Both proposed changes are for rounding purposes to the nearest dollar and assist with administration.

Parks, Sport and Recreation requested one change to their discretionary fee relating to Outdoor Sports Facilities. This fee has been updated to reflect the percentage of the rate charged.

The remaining changes relate to Freedom of Information (FOI) requests and Works within Road Reserve Permits which are non-discretionary fees and have been updated for the 2017/18 financial year to match those fees communicated by the State Government.

Council Plan/Key Strategic Activity

This proposal is consistent with the strategic objective Leadership and Governance.

Risk Management

There are no identified risks arising from these amendments.

9. CORPORATE SERVICES DIRECTORATE

9.6 Amended Fees & Charges (continued)

Policy Considerations

There are no identified conflicts with existing Council policies.

Financial Implications

Any financial impacts of changes to fees have been incorporated into the Q1 Forecast Review considered at the Ordinary Council Meeting 17 October 2017

Legal/Statutory Implications

Non-discretionary fees are those set by the State Government under relevant legislation.

Environmental/Sustainability Impacts

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

Social Implications

There are no social impacts that will arise from this proposal.

Economic Impacts

There are no identified economic impacts.

Consultation

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

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

Strategic Links

a) Greater Shepparton 2030 Strategy

Nil

b) Other strategic links

The report is consistent with the governance principle of Strategic Objective one of the Council Plan 2017-2021 "Leadership and Governance".

Conclusion

Amendments are required to the 2017/2018 Fees and Charges Schedule.

Attachments

Nil

9. CORPORATE SERVICES DIRECTORATE

9.7 Contracts Awarded Under Delegation and Status of Contracts Advertised and yet to be Awarded - October 2017

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 Contracts and Procurement
Proof reader(s): Manager Corporate Governance
Approved by: Director Corporate Services

Executive Summary

To inform the Council of the status of requests for tenders that have been advertised and contracts yet to be awarded.

Moved by Cr Abdullah
Seconded by Cr Patterson

That the Council note the publicly advertised contracts awarded under delegated authority and tenders that have been advertised but not yet awarded.

CARRIED.

Contract Number	Contract Name	Contract details, including terms and provisions for extensions	Value inclusive of GST	Awarded to
1818	Cosgrove 2 Cell 4 Lift 3 and 4 Construction of Clay Liner	Lump sum contract for the Construction of Clay Liner Lift 3 and 4 at Cosgrove 2.	\$300,796.70	Ertech Pty Ltd

Tendered Contracts Awarded under Delegated Authority by Directors

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

Requests for Tenders advertised but not yet awarded

Contract No.	Contract Name	Contract detail, including terms and provisions for extensions	Status
1747	Provision of a Division 5 Asbestos Register Review – All Buildings	Select Quote for the provision of Division 5 Asbestos Register Review – All Buildings	Tender closed on 20/09/2017. Tender under evaluation.

9. CORPORATE SERVICES DIRECTORATE
9.7 Contracts Awarded Under Delegation and Status of Contracts Advertised and yet to be Awarded - October 2017 (continued)

Contract No.	Contract Name	Contract detail, including terms and provisions for extensions	Status
1789	Provision of Heavy Plant & Equipment Hire (Wet & Dry Hire) Services	Schedule of Rates Panel Contract for the Provision of Heavy Plant & Equipment Hire (Wet & Dry Hire) Services	Tender closed on 20/09/2017. Tender under evaluation.
1766	Solar Installation on Council Buildings	Lump Sum Contract for Solar Installation on Council Buildings	Tender closed on 27/09/2017. Tender under evaluation.
1822	Design of Welsford St Upgrade Stage 4	Lump Sum Contract for the Design of Welsford St Upgrade Stage 4	Tender closed on 27/09/2017. Tender under evaluation.
1817	Design & Construct of Locky's Bridge Improvements	Lump Sum Contract for Design & Construct of Locky's Bridge Improvements	Tender closed on 18/10/2017. Tender under evaluation.
1801	Construction of Tallygaroopna Power Consolidation	Lump Sum Contract for Construction of Tallygaroopna Power Consolidation	Tender closed on 25/10/2017. Tender under evaluation.
1799	Construction of BMX Track Lighting	Lump Sum Contract for Construction of BMX Track Lighting	Tender closed on 25/10/2017. Tender under evaluation.
1831	Provision of Building & Quantity Surveying - SAM	Lump Sum Contract for Provision of Building & Quantity Surveying - SAM	Tender closed on 01/11/2017. Tender under evaluation.
1823	Community Leadership Program 2018-2020	Schedule of rates contract for the delivery of the Community Leadership Program 2018-2020	Tender closed on 01/11/2017. Tender under evaluation.
1828	Design and Construction of Long and Triple Jumps Pits – Athletics Facility	Lump Sum Contract for Design and Construction of Long and Triple Jumps Pits – Athletics Facility	Tender closed on 08/11/2017. Tender under evaluation.
1826	St Georges Road Retail Precinct Streetscape Improvements	Lump Sum Contract for St Georges Road Retail Precinct Streetscape Improvements	Tender closed on 08/11/2017. Tender under evaluation.

9. CORPORATE SERVICES DIRECTORATE

9.7 Contracts Awarded Under Delegation and Status of Contracts Advertised and yet to be Awarded - October 2017 (continued)

Contract No.	Contract Name	Contract detail, including terms and provisions for extensions	Status
1800	Construction of Steel Fabricated 8 Metre BMX Start Hill	Lump Sum Contract for the Construction of Steel Fabricated 8 Metre BMX Start Hill	Tender closed on 15/11/2017. Tender under evaluation.
1832	Victoria Park Lake Service Station and Park Lake Café Demolition	Lump Sum Contract for Victoria Park Lake Service Station and Park Lake Café Demolition	Tender closed on 15/11/2017. Tender under evaluation.
1815	Design & Construct of the Runway Seal at Shepparton Aerodrome	Lump Sum Contract for Design & Construct of the Runway Seal at Shepparton Aerodrome	Tender closed on 15/11/2017. Tender under evaluation.
1798	Construction of Kialla Park Recreation Reserve Oval Lighting	Lump Sum Contract for Construction of Kialla Park Recreation Reserve Oval Lighting	Tender closed on 15/11/2017. Tender under evaluation.

Policy Considerations

Through the *Instrument of Delegation to the Chief Executive Officer* the Council has delegated authority to the Chief Executive Officer to award a contract up to the value of \$500,000 excluding 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.

9. CORPORATE SERVICES DIRECTORATE

9.7 Contracts Awarded Under Delegation and Status of Contracts Advertised and yet to be Awarded - October 2017 (continued)

Conclusion

It is important that decisions and actions taken under delegation be properly documented and transparent in nature.

The report details the publicly advertised contracts awarded by the Chief Executive Officer under delegated authority and the status of requests for tenders that have not yet been awarded during the period 1 August to 31 August 2017.

Attachments

Nil

9. CORPORATE SERVICES DIRECTORATE

9.8 Contract No.1836 Debt Collection Services

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 Rates

Proof reader(s): Manager Finance and Rates

Approved by: Director Corporate Services

Executive Summary

The purpose of this report is to gain Council approval to participate in the Procurement Australia Contract No. 1911/0631 Debt Collection Services. The contract will be referred to as Contract No.1836 for Council purposes.

Procurement Australia as Council's tender agent sought tenders for debt collection services. The Procurement Australia Debt Collection Services contract is to commence 1 November 2017 and ends 31 October 2019 with the potential for two (2) twelve (12) month options to extend. The contract is based on a schedule of rates for a two year period.

Council spends approximately \$275,000 per annum excluding GST on debt collection services.

The majority of debt collection service costs relate to the collection of rates and charges. A significant component of the debt collection costs relate to court costs incurred by the debt collection agency on Council's behalf and subsequently charged back to the Council. Court costs are set by the Magistrates Court and are fully recoverable from the debtors.

The value of this contract exceeds the amount which can be approved by Council's Chief Executive Officer under delegated authority.

9. CORPORATE SERVICES DIRECTORATE

9.8 Contract No.1836 Debt Collection Services (continued)

Moved by Cr Giovanetti
Seconded by Cr Oroszvary

That the Council:

1. approve the engagement of Midstate Credit Management for Contract No.1836 Debt Collection Services. The contract is based on a schedule of prices
2. authorise the Chief Executive Officer to sign and seal the contract documents
3. authorise the Chief Executive Officer to award the initial contract for a period of two years with the option of 2 x 12 month contract extensions if appropriate.

CARRIED.

Contract Details

Procurement Australia, acting as Council's tender agent, sought tenders for debt collection services.

Tenders

A total of 17 tender submissions were received. Following the evaluation of all tenders submitted, Procurement Australia recommended the below tenderers.

Recommended Tenderers for VIC
Recoveries & Reconstruction (Aust) P/L
Australian Receivables Ltd
ML+C Collections
Midstate Credit Collect P/L
Stydall P/L t/as Executive Collections
Credit Solutions P/L
Austral Mercantile Collections P/L
Kemps Petersons P/L

Tender Evaluation

Tenders were evaluated by Procurement Australia.

Evaluation Criteria

Tenders were evaluated on the following overall criteria:

Evaluation Criteria	Weighting
Technical Criteria	60%
Price Related Criteria	40%

Procurement Australia advised that great care was taken during the evaluation process to ensure that the following criteria was met:

- Suppliers satisfied the Evaluation Criteria and were Price competitive
- Suppliers could provide the products and services sought in the tender
- Suppliers could service all regions sought in the tender
- Suppliers could meet the needs whilst maintaining competitive tension within the contract

9. CORPORATE SERVICES DIRECTORATE

9.8 Contract No.1836 Debt Collection Services (continued)

Council Plan/Key Strategic Activity

This proposal supports several objectives of Leadership and Governance contained in the 2017-2021 Council Plan.

Risk Management

No serious risks were identified with this contract.

Policy Considerations

In participating in a Procurement Australia led contract, Council is compliant with its own Procurement Policy. The contract has been conducted in accordance with *Section 186* of the *Local Government Act 1989*.

Financial Implications

This contract is based on a schedule of rates. A significant component of the debt collection costs relate to court cost incurred by Council. Court costs are set by the Magistrates' Court and are fully recoverable from the debtors.

For 2017/2018 Council has budgeted debt collection costs of \$275,000 and estimated that \$211,500 of this is recoverable.

Legal/Statutory Implications

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

Environmental/Sustainability Impacts

This is an administrative matter and there are no environmental or sustainability implications.

As part of the tender process, tenderers were evaluated on their commitment to the environment. Tenders were required to declare if they had a formal environmental certification under AS14000 2007, and/or demonstrated they had company systems in place to ensure their business did not negatively impact on the environment.

Strategic Links

a) Greater Shepparton 2030 Strategy

There are no direct links to the Greater Shepparton 2030 Strategy

b) Other strategic links

Nil

Conclusion

The Debt Collection Services Contract No.1836 is presented for Council's consideration to engage Midstate Credit Management. Midstate Credit Management are currently Council's debt collection agency.

Attachments

Nil

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.1 Community Sustainability Grants Round 1 2017/2018

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: Sustainability and Environment Officer

**Proof reader(s): Team Leader Sustainability and Environment,
Manager Environment**

Approved by: Acting Director Sustainable Development

Executive Summary

The Community Sustainability Grants will support the development and implementation of sustainable projects and events, which will go towards achieving sustainability related actions within the Environmental Sustainability Strategy.

Greater Shepparton City Council launched the first round of the Community Sustainability Grants program in July 2016. The first round of the 2017/2018 grant was opened to applications on Monday 26 June 2017 and closed on Monday 31 July 2017 with five applications received. All applications were assessed by an internal grant review panel and four were recommended for approval. The Community Sustainability Grant has a total budget of \$20,000 for the 2017/2018 financial year.

All projects meet the objectives of the grant and the Environmental Sustainability Strategy.

Moved by Cr Abdullah Seconded by Cr Summer

That the Council adopt the recommendations of the Community Sustainability Grants Assessment Panel to fund the following four sustainability grants to the total value of \$8,547.00 (GST inclusive):

Organisation	Project	Allocation
GV Food Bowl Revolution	GV Food Bowl Revolution Website Project	\$2,000
Shepparton Notre Junior Football Club	Sustainable Catering for a Crowd	\$2,000
Convent Development Group	New Energy Design (NED) for a Historic Tatura Community Building	\$2,000
South Shepparton Community Centre	Harvest the water	\$1,770
		\$ 7,770 (Excl. GST)
		\$ 777 (GST)
	Total	\$8,547.00

CARRIED.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.1 Community Sustainability Grants Round 1 2017/2018 (continued)

Background

The Sustainability Grants are designed to support the development and implementation of sustainable projects and events, which will contribute to achieving sustainability related actions within the Environmental Sustainability Strategy. For the 2017/2018 grants round the Sustainability and Environment team have partnered with the Waste team to fund sustainable or waste reduction projects. The Waste team are contributing \$5,000 to the grants program and Sustainability and Environment contributing \$15,000 making a total of \$20,000 available. Grants are available for up to \$2,000 per application

The intention of the funding is to facilitate projects which achieve some or all of the following objectives:

1. Encourage and support businesses, industry and the general community to reduce energy costs and greenhouse gas emissions to mitigate the impacts of climate change.
2. Increase the energy efficiency of existing and new residential and commercial buildings across the municipality
3. Raise community awareness of the relevance of climate change, the impacts it will have on our environment and way of life, and the opportunities it will present.
4. Encourage participation in sustainability activities and events.
5. Enable community members to acquire or develop new skills in relation to Sustainability.
6. Increase recycling at public events or community spaces
7. Divert waste from landfill
8. Increase community awareness on waste minimisation and correct waste disposal.
9. Enable community members to acquire or develop new skills in relation to sustainability.

This round of Community Sustainability Grants has been promoted through Council's external website, social media, a media release and the Annual Grants and Fundraising in the Community Forum. The internal Grants Working Group continues to work together to increase access for community organisations across the different grant programs within Council.

The grant opened on 26 June 2017 and closed on 31 July 2017 with a total of five applications being received. Grants were submitted via the online application process, Smartygrants. Five applications were received with a total value of \$9,770.

Through the assessment process the panel has recommended four projects be funded. The panel agree that these projects will be a worthy investment into the community to achieve the objectives, and assist the community in raising awareness about sustainability and climate change. All of the recommended projects meet eligibility requirements and all aim to implement sustainability projects within the community.

One application that was submitted will not be funded in this round of the Community Sustainability Grant. The application 'Cubby Shade Sail' at Tatura Community House will instead be funded through the building renewal program.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.1 Community Sustainability Grants Round 1 2017/2018 (continued)

Organisation	GV Food Bowl Revolution
Project	GV Food Bowl Revolution Website Project
Short project description	Initial development of a website domain for GV Food Bowl Revolution. The website will have an e-commerce section inbuilt that will allow local community members to sign up for and purchase a Foodbox online.
Requested Council Contribution	\$2,000
Recommendation from the Assessment panel	Recommended Meets 3 of the grants objectives

Organisation	Shepparton Notre Junior Football Club
Project	Sustainable Catering for a Crowd
Short project description	Currently the club caters for meals for over 300 people and purchase plastic plates as the Shepparton Senior Football Club doesn't have enough plates for very large gatherings. They are concerned about the environmental impact these gatherings cause as they meet many times during the football season, with large community events particularly at the start and end of each season. They are proud to be a very gender and culturally inclusive and welcoming club; encouraging players to bring their families, the club includes children from different cultures including one international family in Australia this year.
Requested Council Contribution	\$2,000
Recommendation from the Assessment panel	Recommended Meets 5 of the grants objectives

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.1 Community Sustainability Grants Round 1 2017/2018 (continued)

Organisation	Convent Development Group
Project	New Energy Design (NED) for a historic Tatura Community Building
Short project description	The Tatura Community House (TCH) needs more space for many of its growing list of activities: The TCH has been given the opportunity to use the Convent across the street. Energy efficiency and sustainability are high priorities during the design phase of reactivating this convent, which was built in the 1940's. This project will commission a NED Study to optimise the energy efficiency of this beautiful heritage building.
Requested Council Contribution	\$2,000
Recommendation from the Assessment panel	Recommended Meets 5 of the grants objectives

Organisation	South Shepparton Community Centre
Project	Harvest the water
Short project description	The South Shepparton Community Centre Committee of Management has identified the need to install two 2100 litre Poly Water tanks to harvest rainwater from the centres buildings to both conserve and provide water; (a) to the front garden of the premises through a water saving drip water system. (b) to the back area of the building which has a vegetable garden. The produce is used by our members and for our community lunches. This will have the benefit of using a metered supply of recovered water to the gardens which will both reduce the amount of Potable water used on the site and also make the gardens water wise and sustainable.
Requested Council Contribution	\$1,770
Recommendation from the Assessment panel	Recommended Meet 3 of the grants objectives

Organisation	Tatura Community House
Project	Cubby Shade Sail
Short project description	Purchase a new shade sale for the outdoor play area of the "The Cubby" occasional care centre.
Requested Council Contribution	\$2,000
Recommendation from the Assessment panel	Not Recommended – to be funded through Council's renewal program.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.1 Community Sustainability Grants Round 1 2017/2018 (continued)

Council Plan/Key Strategic Activity

Council Plan 2017-2021

- Social Objectives:
 - 2.2 Our community is supported to achieve and sustain physical, emotional and spiritual health and wellbeing.
 - 2.3 Lifelong learning is valued and fostered in our community.
 - 2.6 Volunteering is promoted and encouraged along with other measures to improve community resilience.
- Environment Objectives:
 - 5.3 Waste is managed in a sustainable way that is environmentally friendly, reliable and sustainable for future generations.
 - 5.4 Council has positioned itself to be a leader in building Greater Shepparton's response to climate change issues, in partnership with key stakeholders.
 - 5.5 Alternative energy sources with both environmental and economic gains are promoted and encouraged.

Risk Management

Insignificant to low risks have been identified and will be addressed at the operational level. All grantees will be required to consult fully with Council representatives prior to, and during their projects to identify any potential adverse consequences, and to devise a strategy to minimise any risks. Applicants have been asked to confirm that they have the necessary public liability insurances for projects where activities are being undertaken by the Grantees themselves. This will be confirmed prior to the release of any funds. The risk of conflict of interest to the Review panel members has been addressed with the inclusion of a Conflict of Interest Declaration on the Grant Assessment Form

Policy Considerations

Approval of the Community Sustainability Grant recommendations supports existing Council policies.

Financial Implications

Council has committed \$20,000 for the 2017/2018 financial year for the community sustainability grant program. It is recommended that \$7,770 is approved for 4 projects in round one of 2017/2018 program. The remaining budget of \$12,230 will be offered in Round Two of the Community Sustainability Grants.

	Approved Budget ¹ \$	This Proposal GST Exclusive \$	Variance to Approved Budget ¹ \$	This Proposal GST Inclusive ² \$
Revenue	N/A	N/A	N/A	N/A
Expense	\$20,000.00	\$7,770.00	\$12,230.00	\$8,547.00

¹ Budgets are GST exclusive

² For Contract Award reports the GST inclusive expense shall match the amount reported in the recommendation

Legal/Statutory Implications

The Plan conforms with the Local Government Act 1989 and other relevant legislation.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.1 Community Sustainability Grants Round 1 2017/2018 (continued)

Environmental/Sustainability Impacts

The approval of the recommendation stated above will not have a negative impact on the environment. The implementation of the associated projects will have a positive impact on the improvement of sustainability with the community.

Social Implications

The applications received this Round demonstrate the significant value of local volunteers and community organisations who contribute to the social connectedness of the Greater Shepparton community. There are projects that will engage the community to be involved in the projects and therefore have a positive social impact.

Economic Impacts

Grant allocations this round will contribute to community organisations being able to provide community events and opportunities. This will promote local business and have a positive effect on the local economy.

Consultation

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Ensure that the information about the application process was widespread	Media Release Website Social Media Radio interview Emailed to networks Information Sessions
Consult	Grant Information Sessions	Two sessions offered at the Council Offices during the day and evening.
Involve	Sustainability and Environment Officer provide assistance to community groups	Consultation on an individual basis during the application process
Collaborate	Successful community groups/members will be responsible for the implementation of their projects which will provide the opportunity for incorporating sustainability initiatives into the community	Successful applicants will drive their own community initiatives.
Empower	Whilst decision making regarding successful grant applications is made by Council, community groups will be responsible for the delivery of projects.	Community groups will drive the delivery of their projects

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

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.1 Community Sustainability Grants Round 1 2017/2018 (continued)

Strategic Links

a) Greater Shepparton 2030 Strategy

Direction 2: Community Life

Direction 3: Environment

b) Other strategic links

Environmental Sustainability Strategy 2014-2030

2. Healthy, productive and sustainable water resources

2.5 Partner with, support and empower our community to achieve healthy, productive and sustainable water resources.

3. Using our resources wisely – climate change and energy efficiency

3.1 Reduce council's greenhouse gas emissions and the financial costs of council's energy use.

3.2 Ensure that council is prepared for the impacts and opportunities presented by climate change.

3.4 Increase the energy efficiency of existing and new residential and commercial buildings across the municipality.

3.5 Council supports our businesses, industries, and residents to live more efficiently and sustainably.

3.7 Advocate and maximise partnership opportunities to reduce Council and community greenhouse gas emissions and respond to the opportunities and challenges of climate change.

Waste Management Strategy 2013-2023

Education Programs

- Ensure there is a strong focus on community behaviour change and link this to initiatives that set a strong community recycling target
- Continue consulting with the community on its attitudes towards Councils waste minimisation
- Continue to engage in and encourage broader community and business participation in education programs facilitated by partner agencies such as Goulburn GV, Sustainability Victoria and the Victorian Litter Action Alliance
- Investigate opportunities to support or promote networks that connect the community and also businesses with each other that may support improved waste management outcomes (ie forums, business functions, swap meets etc)

Conclusion

The applications for funding through the Community Sustainability Grants 2017/2018 have been reviewed by an internal Grant Review Panel in line with Councils Grant Distribution Policy and have recommended 4 projects be funded. All of these projects meet eligibility requirements and all aim to build or strengthen sustainability in the Greater Shepparton community. Officers recommend these applications be adopted to ensure that Council takes advantage of the communities commitment to the projects listed.

Attachments

Sustainability Grant Guidelines Round 1 2017/2018 Page 298

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Adoption of Amendment C197 - Anomalies and Adopted Strategies

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

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

Council Officers involved in producing this report

Author: Senior Strategic Planner

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

Approved by: Acting Director Sustainable Development

Executive Summary

Proposed Amendment C197 seeks to correct spelling, grammar, formatting, zone and overlay errors, and clarify the intent of several planning controls in the Planning Scheme. The Amendment also proposes to update the Municipal Strategic Statement (MSS) to include seven adopted strategies as reference documents and introduce relevant recommendations into the Greater Shepparton Planning (Planning Scheme) (see Attachment 1 – *Amendment C197 – Exhibition Documentation*).

The Amendment was exhibited from 27 April 2017 to 29 May 2017 in accordance with the *Planning and Environment Act 1987* (the Act). Council received six submissions to the Amendment; one raised concerns that could not be resolved (see Attachment 2 – *Submissions Recorder*). As such, an Independent Planning Panel (the Panel) was appointed by the Minister for Planning to consider the content of submissions and make recommendations to Council regarding the Amendment.

The Panel has conducted the process 'on the papers' and a Panel Report was received on 27 September 2017 (Attachment 2 – *Amendment C197 Panel Report, 27 September 2017*).

The Panel Report made no significant changes to the amendment and commended Council for proactively seeking to correct provisions in the Greater Shepparton Planning Scheme to improve its clarity and operation, and recommends that Amendment C197 be adopted as exhibited.

Council is now required to consider the recommendations of the Independent Planning Panel Report and to make a decision on Amendment C197.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Adoption of Amendment C197 - Anomalies and Adopted Strategies (continued)

Moved by Cr Oroszvary
Seconded by Cr Hazelman

That, having considered the Independent Planning Panel Report for Amendment C197 to the Greater Shepparton Planning Scheme, in accordance with Section 27 of the *Planning and Environment Act 1987*, Council:

1. adopt the recommendations of the Independent Planning Panel for Amendment C197 as outlined in the Panel Report dated 27 September 2017;
2. adopt Amendment C197 in accordance with Section 29 of the *Planning and Environment Act 1987* with formatting changes to align with Ministerial Direction 13 as recommended by the Independent Planning Panel; and
3. submit Amendment C197 to the Minister for Planning for approval in accordance with Section 31 of the *Planning and Environment Act 1987*.

CARRIED.

Background

Amendment C197

Amendment C197 seeks to correct spelling, grammar, formatting, zone and overlay errors, and clarify the intent of planning controls in the Planning Scheme. The Amendment also proposes to update the MSS to include a number of adopted strategies as reference documents and introduce relevant recommendations into the Planning Scheme (see Attachment 1 – *Amendment C197 – Exhibition Documentation*).

The Amendment was exhibited from 27 April 2017 to 29 May 2017 in accordance with the Act. Council received six submissions to the Amendment, one of which raised concerns that could not be resolved (see Attachment 2 – *Submissions Recorder*). As such, the Panel was appointed by the Minister for Planning to consider the content of submissions and make recommendations to Council regarding the Amendment.

Independent Planning Panel

Having reviewed issues raised in the submissions, the Panel has decided that it would consider them without the need for a Panel Hearing. Instead, the Panel conducted the process 'on the papers' as outlined below:

- By 18 August 2017, Council provided a copy of its written submission to the Panel;
- By 1 September 2017, any submitter seeking to provide an optional further written submission provided a copy of to the Panel; and
- By 8 September 2017, Council provided a reply on any of the material sent to the Panel.

Ministerial Direction 13 on the Form and Content of Planning Schemes

Ministerial Direction 13 on the Form and Content of Planning Schemes requires that a planning scheme must be in accordance with the style guide provided in the direction. A new version of Ministerial Direction 13 was gazetted on 24 May 2017. Amendment C197 was exhibited prior to the gazettal of the new Ministerial Direction 13. As such, the exhibited amendment documentation does not align with this new ministerial direction.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Adoption of Amendment C197 - Anomalies and Adopted Strategies (continued)

Council officers are cognisant of the volume of post-exhibition changes required to meet this Ministerial Direction. Redrafting the amendment documentation to align with Ministerial Direction 13 may, in some cases, appear substantive and could be viewed by some as transformative.

Council officers sought the views of the Panel regarding communicating any post-exhibition changes required to meet Ministerial Direction 13 to submitters and/or other land owners and occupiers.

Panel Recommendation

The Panel Report, received on 27 September 2017, recommended that Greater Shepparton Planning Scheme Amendment C197 be adopted as exhibited (Attachment 2 – *Amendment C197 Panel Report, 27 September 2017*).

The Panel commends Council for proactively seeking to correct provisions in the Greater Shepparton Planning Scheme to improve its clarity and operation. The Panel accepts Council's submission that the Amendment was conducted within the relevant statutory framework and was not outside of delegation. The Panel concludes that Council has used good practice to address planning scheme errors in line with processes enabled through the *Planning and Environment Act 1987*.

The Panel notes that, when the Amendment was exhibited, it met the requirements of the Ministerial Direction on the Form and Content of Planning Schemes. The Panel notes Council's submission that the amendment documentation no longer aligns with this Ministerial Direction, which was revised after the Amendment was prepared. The Panel agrees with Council's proposal to work with the Department of Environment, Land, Water and Planning to align Greater Shepparton Planning Scheme provisions with the Ministerial Direction.

The Panel Report provides the following further direction and commentary on this matter.

"There is no reason why local schedules could not be revised in a policy neutral manner to meet the Ministerial Direction and be included in the Amendment. Correcting anomalies between the local provisions and the Ministerial Direction aligns with the Amendment's intent. However, it may take considerable time to carefully draft policy neutral provisions and the Amendment should not be unnecessarily delayed. What is considered neutral to one party may be interpreted differently by another. There will be further opportunity, such as through the State Government's Smart Planning Program, to change these provisions in the future."

The Panel concludes that the Amendment is:

- supported by, and implements, the relevant sections of the State and Local Planning Policy Framework;
- strategically justified because it will improve the Greater Shepparton Planning Scheme's clarity and operation; and
- should be adopted as exhibited.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Adoption of Amendment C197 - Anomalies and Adopted Strategies **(continued)**

Consideration of the Panel Recommendations

The Panel is an independent body appointed by the Minister for Planning, which makes the final decision on whether or not an amendment will be approved. Under Section 27 of the Act, Council must now consider the recommendations of the Panel and make a decision on the Amendment.

Post-Exhibition Changes

Council officers have prepared post-exhibition changes to align with formatting changes only required by Ministerial Direction 13 (see Attachment 4 – *Amendment C197 – Post Exhibition Changes*). In accordance with the Panel recommendations, policy neutral provisions will be drafted in collaboration with the Department of Environment, Land, Water and Planning and implemented through a separate process.

Council Plan/Key Strategic Activity

The *Greater Shepparton Council Plan 2013-2017* (Council Plan) is the key document that drives the strategic direction of Council. The Council Plan was informed by and prompted the preparation of a number of adopted strategies. The Amendment proposes to update specific clauses of the MSS, to ensure these adopted strategies, and thus the strategic direction of the Council Plan, are reflected in the Planning Scheme.

Risk Management

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

In accordance with Ministerial Direction No. 15, under Section 29 of the Act, Council must make a decision to either adopt or abandon the proposed Amendment within 40 business days of receiving the Panel Report.

It is recommended that Council make a decision on the proposed Amendment.

In accordance with Section 27 of the Act, Council is required to consider the Independent Planning Panel’s report before deciding whether or not to adopt the Amendment.

Policy Considerations

The proposed Amendment does not conflict with any Council policy. Amendment C197 better implements the objectives of the MSS by correcting existing errors and anomalies in the Planning Scheme. It also proposes to include a number of adopted strategies as reference documents and introduce relevant recommendations into the Planning Scheme.

Financial Implications

The *Planning and Environment (Fees) regulations 2000* sets the statutory fees for the preparation, exhibition and adoption of planning scheme amendments. Council is the proponent of this Amendment and is responsible for all costs associated with the amendment process.

A Planning Scheme Amendment includes fees of \$462.20 for the Minister for Planning to consider a request to approve an Amendment.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Adoption of Amendment C197 - Anomalies and Adopted Strategies (continued)

Legal/Statutory Implications

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

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

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

Environmental/Sustainability Impacts

The proposed Amendment seeks to implement the recommendations of the *Greater Shepparton Environmental Sustainability Strategy 2014-2030*, strengthening Council's ability to provide positive environmental sustainability outcomes and to undertake future strategic work.

The proposed Amendment seeks to implement the recommendations of the *Greater Shepparton Resource Recovery Precinct Feasibility and Site Selection Study 2016*, providing guidance relating to the establishment resource recovery operations in both the short and long term horizon.

The proposed Amendment will ensure a net community benefit by strengthening the ability for the Planning Authority to protect significant native vegetation, landscapes and waterways. Additionally, the proposed Amendment offers a net community benefit by providing clarity in relation to resource recovery operations, which will assist in the establishment of these operations within the municipality and assist in the reduction of waste.

Social Implications

The proposed Amendment has positive social effects as it removes the need for landowners to apply for planning permits for land that is incorrectly included in an overlay or zone. The proposed Amendment will facilitate development of land that is included in the Land Subject to Inundation Overlay (LSIO) and Floodway Overlay (FO) by correctly providing building and works permit exemptions.

The proposed Amendment will ensure a net community benefit by enhancing the effectiveness and efficiency of the Planning Scheme, and by minimising the amenity impacts of freight movements to and through the municipality.

Economic Impacts

The proposed Amendment has positive economic effects as it removes the need for landowners to apply for planning permits for land that is incorrectly included in an overlay or zone. The proposed Amendment will facilitate development of land that is included in the Land Subject to Inundation Overlay and Floodway Overlay by providing building and works permit exemptions.

The proposed Amendment will ensure a net community by enhancing the effectiveness and efficiency of the Planning Scheme, and by allowing planning permit applications to be more easily assessed.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Adoption of Amendment C197 - Anomalies and Adopted Strategies (continued)

Consultation

The proposed Amendment was exhibited from 27 April 2017 to 29 May 2017 in accordance with the *Planning and Environment Act 1987*. This included the following:

- Notice in the Shepparton News;
- Notice in the Victoria Government Gazette;
- Letters to relevant referral authorities;
- Letters to prescribed ministers;
- Documentation on display at the Council offices at 90 Welsford Street, Shepparton;
- Documentation available on the Department of Environment, Land, Water and Planning website; and
- Documentation available on the Greater Shepparton City Council website.

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

Strategic Links

a) Greater Shepparton 2030 Strategy 2006

The proposed Amendment seeks to correct spelling, grammar, formatting, zone and overlay errors, and clarify the intent of planning controls in the Planning Scheme, it will assist in providing for the fair, orderly, economic and sustainable use and development of land in the municipality. This approach is strongly supported by the *Greater Shepparton 2030 Strategy 2006*.

b) Other strategic links

Amendment proposes to update the MSS to include the following adopted strategies as reference documents and introduce the recommendations into the Planning Scheme:

- *Calder Woodburn Memorial Avenue Conservation Management Plan 2001*;
- *Greater Shepparton Cycling Strategy 2013-2017*;
- *Greater Shepparton Environmental Sustainability Strategy 2014-2030*;
- *Greater Shepparton Freight and Land Use Study 2013*;
- *Greater Shepparton Resource Recovery Precinct Feasibility and Site Selection Study 2016*;
- *Greater Shepparton Universal Access and Inclusion Plan 2013-2017*; and
- *Strategic Review of Tatura Industrial Land Addendum Report (Interim) – Tatura Abattoirs Site, June 2016*.

Conclusion

The proposed Amendment seeks to correct spelling, grammar, formatting, zone and overlay errors, and clarify the intent of planning controls in the Planning Scheme. The Amendment also proposes to update the MSS to include a number of adopted strategies as reference documents and introduce relevant recommendations into the Planning Scheme.

The proposed Amendment was exhibited from 27 April 2017 to 29 May 2017 in accordance with the *Planning and Environment Act 1987*. Six submissions were received by Council. Five submissions were received from referral authorities, none of which raised any objections to the proposed Amendment. One submission was received which objects to the proposed Amendment.

All submissions were referred to an Independent Planning Panel appointed by the Minister for Planning for consideration.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Adoption of Amendment C197 - Anomalies and Adopted Strategies **(continued)**

The Panel Report, received on 27 September 2017, recommended that Greater Shepparton Planning Scheme Amendment C197 be adopted as exhibited (Attachment 2 – *Amendment C197 Panel Report, 27 September 2017*).

Post-exhibition changes have been prepared to align with formatting requirements of Ministerial Direction 13 on the Form and Content of Planning Schemes.

Council is now required to consider the recommendations of the Independent Planning Panel Report and to make a decision on Amendment C197.

Council officers request that Council adopt the recommendations of the Independent Planning Panel, adopt Amendment C197 with post-exhibition changes to align with Ministerial Direction 13 on Form and Content of Planning Schemes and submit Amendment C197 to the Minister for Planning for approval.

Attachments

- | | |
|--|----------|
| 1. Amendment C197 - Exhibition Documentation | Page 304 |
| 2. Submissions Recorder | Page 391 |
| 3. Amendment C197 Panel Report | Page 393 |
| 4. Amendment C197 - Post Exhibition Changes | Page 407 |

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Adoption of Combined Amendment C190 to the Greater Shepparton Planning Scheme and Planning Permit Application 2015-360 (2 Bridge Road, Toolamba - Combined Rezoning/Subdivision)

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

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

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

Council Officers involved in producing this report

Author: Senior Strategic Planner

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

Approved by: Acting Director Sustainable Development

Executive Summary

Council received a request to prepare and exhibit proposed combined Amendment C190 to the Greater Shepparton Planning Scheme and Planning Permit Application 2015-360 (see Attachment 1 – *Exhibition Documentation*).

Planning Scheme Amendment C190 proposes to rezone part of 2 Bridge Road, Toolamba from the Farming Zone 1 to the Low Density Residential Zone and apply the Bushfire Management Overlay to this land.

Concurrent with the preparation of the planning scheme amendment is a planning permit application made pursuant to Section 96A(1) of the *Planning and Environment Act 1987*.

The Planning Permit Application 2015-360 is for the land to be subdivided into 16 lots. The application includes a range of lot sizes from approximately 4,000 square metres to over 9,500 square metres.

The *Greater Shepparton Housing Strategy 2011* and Clause 21.04 – *Settlement* of the Greater Shepparton Planning Scheme identify the subject land as being within the “settlement boundary” for Toolamba and Old Toolamba for “potential low density”.

Amendment C190 and Planning Permit Application 2015-360 was exhibited from 31 September 2017 to 2 October 2017 in accordance with the *Planning and Environment Act 1987*.

Six submissions were received during exhibition (see Attachment 2 – *Submissions Recorder*). Four submissions were received that did not object or request changes to the proposed changes. Two submissions were received that did not object to the proposed combined amendment/permit, subject to conditions being met. These conditions related to the servicing of the land with reticulated water, and onsite wastewater treatment and disposal. The planning permit has been amended to resolve these conditions.

These submissions have been addressed and an Independent Planning Panel is not required.

The proposed amendment does not conflict with any existing Council policies. The proposal will not result in any negative social, economic or environmental impacts.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Adoption of Combined Amendment C190 to the Greater Shepparton Planning Scheme and Planning Permit Application 2015-360 (2 Bridge Road, Toolamba - Combined Rezoning/Subdivision) (continued)

All stages of the planning scheme amendment process, including preparation, authorisation, exhibition and consideration of submissions have now been completed.

Council is now required to make a decision on the combined amendment and planning permit, prior to these being submitted to the Minister for Planning for approval.

**Moved by Cr Patterson
Seconded by Cr Giovanetti**

That the Council:

1. adopt Amendment C190 to the Greater Shepparton Planning Scheme in accordance with Section 29 of the *Planning and Environment Act 1987*;
2. recommend that the Minister for Planning grant Planning Permit 2015-360 in accordance with Section 96G of the *Planning and Environment Act 1987*;
3. submit Amendment C190 to the Greater Shepparton Planning Scheme to the Minister for Planning for approval in accordance with Section 31 of the *Planning and Environment Act 1987*; and
4. submit the recommendation to grant Planning Permit 2015-360 to the Minister for Planning in accordance with Section 96H of the *Planning and Environment Act 1987*.

CARRIED.

Background

Council received a request for a combined Planning Scheme Amendment and Planning Permit application for land at 2 Bridge Road, Toolamba, see Figure 1 – *Locality Map*. This is known as Amendment C190, which seeks to rezone the land to the Low Density Residential Zone and apply the Bushfire Management Overlay, and Planning Permit Application 2015-360, which is to subdivide the land into 16 lots.

The subject land is part of a farm (approximately 33 hectares in size) currently used for grazing. It is proposed to subdivide the northern portion of the farm, rezone it to the Low Density Residential Zone (LDRZ) and apply the Bushfire Management Overlay (BMO). The balance of the land will remain largely unaffected and stay in the Farming Zone 1 (FZ1), see Figure 2 – *Aerial Photograph*.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Adoption of Combined Amendment C190 to the Greater Shepparton Planning Scheme and Planning Permit Application 2015-360 (2 Bridge Road, Toolamba - Combined Rezoning/Subdivision) (continued)

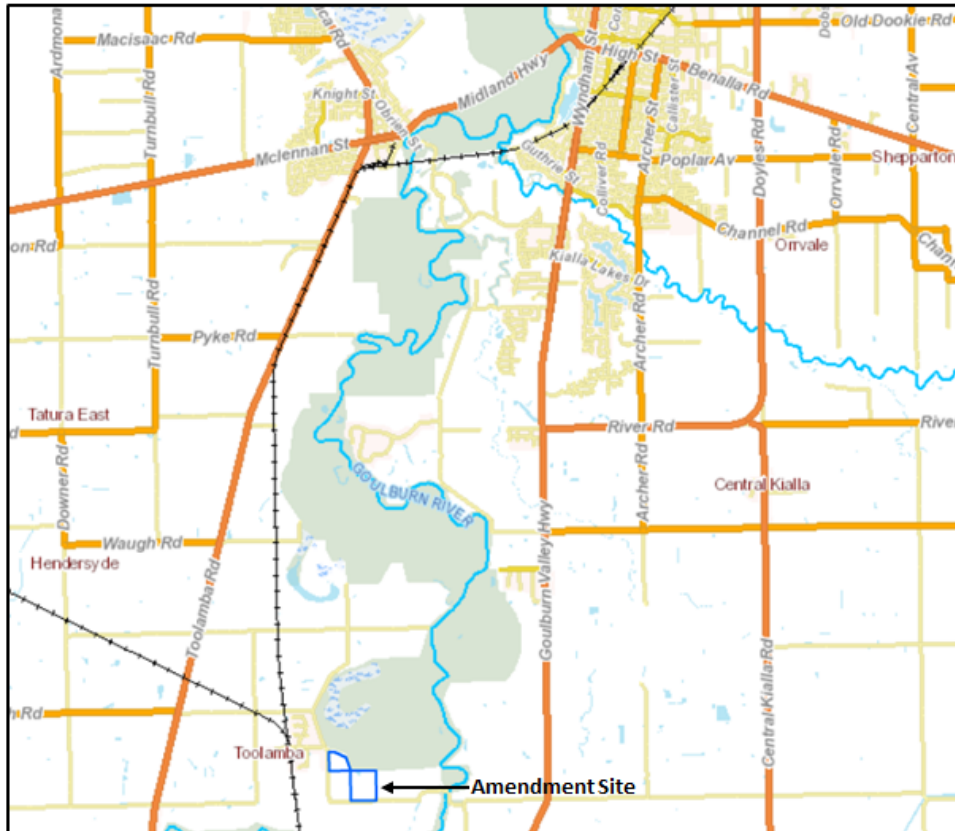


Figure 1 – Locality Map

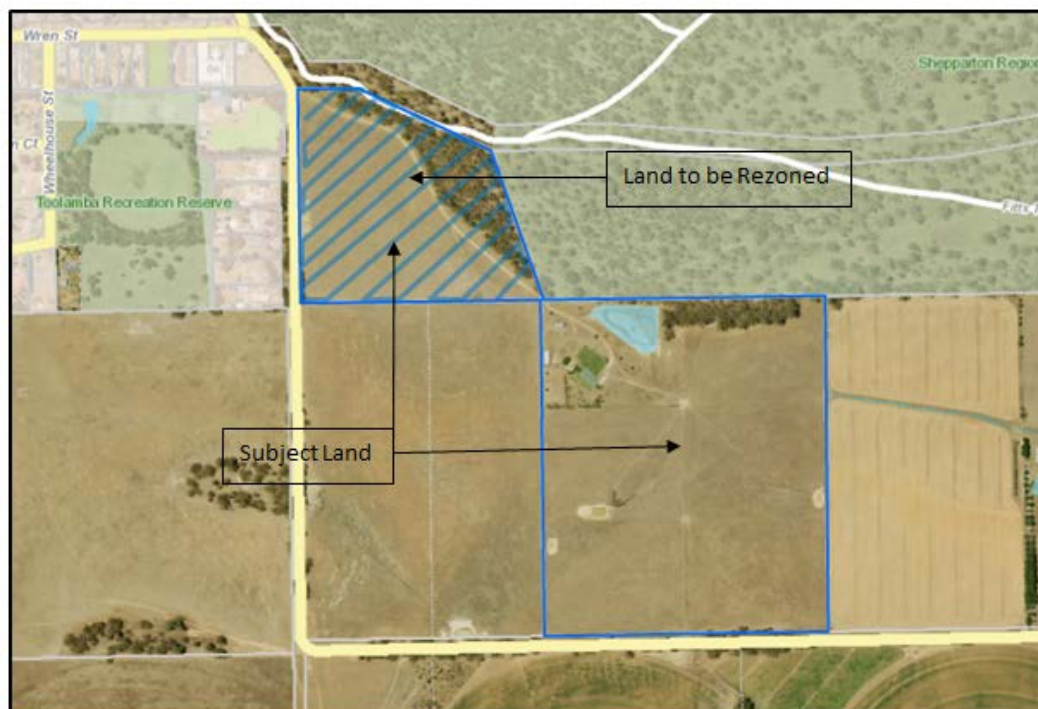


Figure 2 – Aerial Photograph

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Adoption of Combined Amendment C190 to the Greater Shepparton Planning Scheme and Planning Permit Application 2015-360 (2 Bridge Road, Toolamba - Combined Rezoning/Subdivision) (continued)

Planning Scheme Amendment

The Amendment proposes to rezone part of 2 Bridge Road, Toolamba (Lot 1 on TP742467) (referred to as the land proposed to be rezoned) from the FZ1 to the LDRZ and apply the BMO. This request requires a planning scheme amendment to the Greater Shepparton Planning Scheme (Planning Scheme).

It should be noted that the Minister for Planning is currently in the process of preparing a planning scheme amendment to change the BMO as it applies to land across the State. It is expected that Amendment GC13 will be gazetted on 3 October 2017. This means that the BMO will already apply to the land at 2 Bridge Road prior to Amendment C190 being tabled for adoption by Council. This report will be updated following finalisation of this State planning scheme amendment to ensure that these changes to the BMO are considered prior to the adoption of Amendment C190.

The land proposed to be rezoned has an approximate area of 10 hectares and is located on the eastern periphery of the Township of Toolamba, directly opposite the Toolamba Primary School (see Figure 2 – *Aerial Photograph*).

The subject land is currently within the FZ1. Part of the Subject Land is affected by the Land Subject to Inundation Overlay (LSIO) and the Floodway Overlay (FO). It is bounded by Bridge Road and land in the Township Zone (TZ) to the west, land in the Public Conservation and Resource Zone (PCRZ) to the north and east, and land in the FZ1 to the south (see Figure 3 – *Zone Map* and Figure 4 – *Overlay Map*).

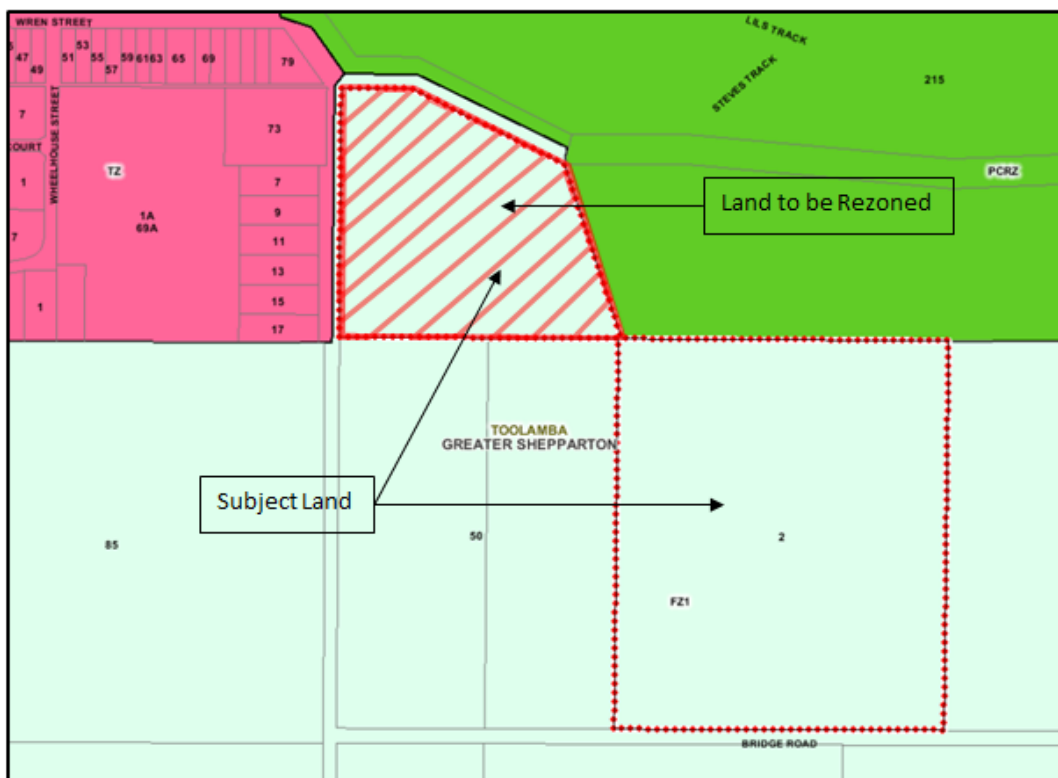


Figure 3 – *Zone Map*.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Adoption of Combined Amendment C190 to the Greater Shepparton Planning Scheme and Planning Permit Application 2015-360 (2 Bridge Road, Toolamba - Combined Rezoning/Subdivision) (continued)

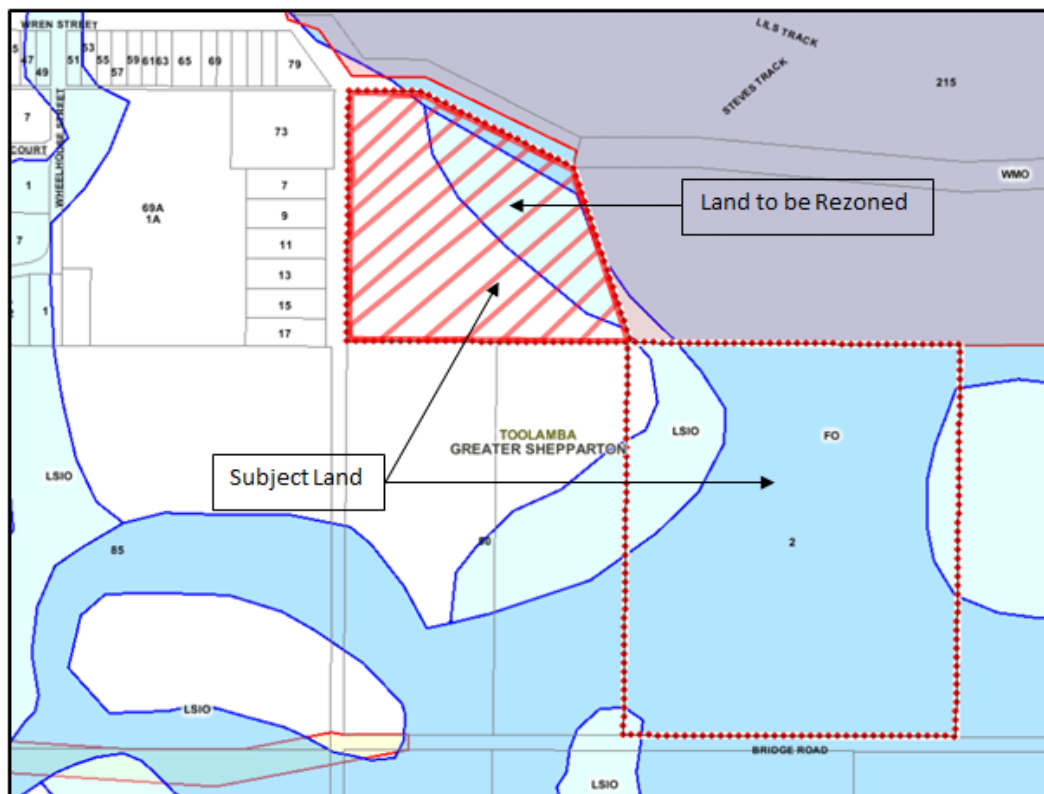


Figure 4 – Overlay Map.

Planning Permit Application 2015-360

The *Planning and Environment Act 1987* makes provision for a combined planning scheme amendment and planning permit process. This process allows issues relating to the proposed rezoning and subdivision to be considered concurrently. Concurrent with the preparation of the planning scheme amendment is a planning permit application made pursuant to Section 96A (1) of the *Planning and Environment Act 1987* (the Act).

The planning permit application seeks approval for:

- 16 lot subdivision of land in more than one zone;
- Subdivision in the Low Density Residential Zone;
- Subdivision in the Farming Zone;
- Subdivision in the Floodway Overlay;
- Subdivision in the Land Subject to Inundation Overlay; and
- Subdivision in the Bushfire Management Overlay.

The subdivision will consist of 15 low density residential lots and a balance lot that will remain within the FZ1.

Strategic Justification

The *Greater Shepparton Housing Strategy 2011* (GSHS) and Clause 21.04 – *Settlement of the Planning Scheme* identify the subject land as being within the “settlement boundary” for Toolamba and Old Toolamba, and suitable for “potential low density” (see Figure 5 – *Toolamba & Old Toolamba Framework Plan*).

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Adoption of Combined Amendment C190 to the Greater Shepparton Planning Scheme and Planning Permit Application 2015-360 (2 Bridge Road, Toolamba - Combined Rezoning/Subdivision) (continued)

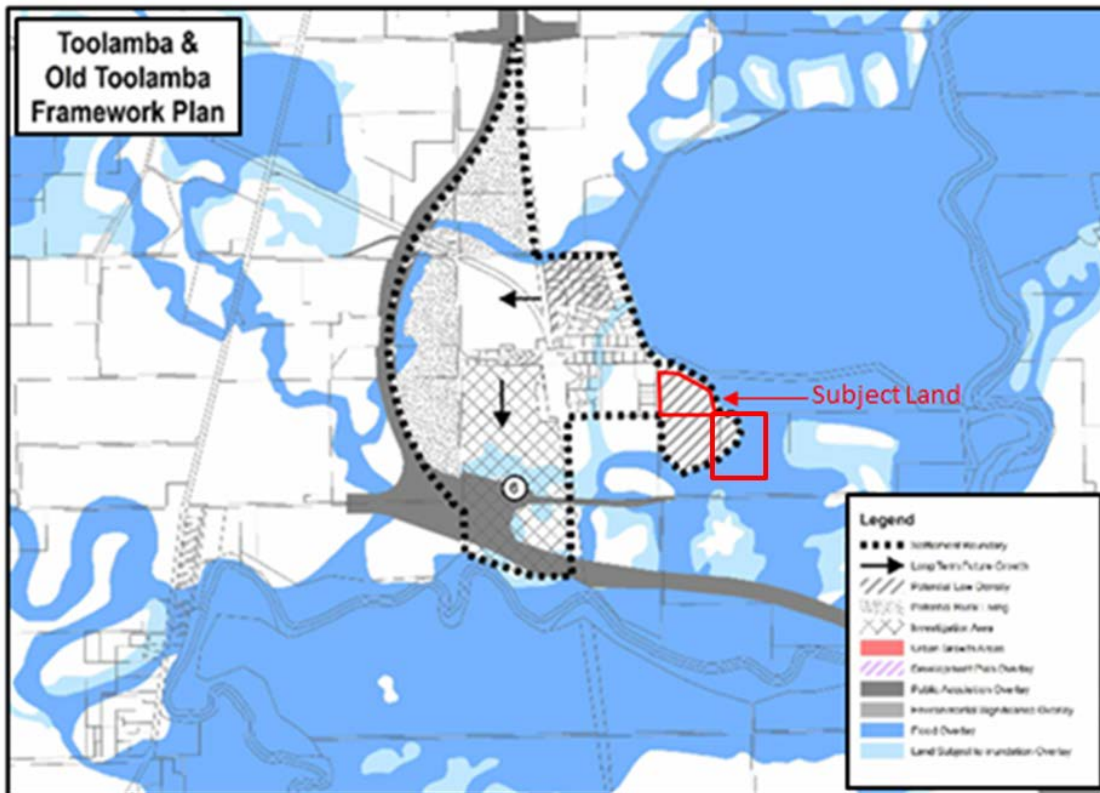


Figure 5 – Toolamba & Old Toolamba Framework Plan

The subject land is currently within the FZ1. The purpose of the Farming Zone is “to provide for the use of land for agriculture”, while the development seeks to provide land for rural residential purposes in accordance with the GSHS. To allow the land to be used for rural residential purposes in the future, the land must be rezoned through a planning scheme amendment.

Part of the subject land is outside of the settlement boundary included in the GSHS and is not proposed to be rezoned. As a general rule, only one zone should apply to a land parcel. The land must be subdivided to support the rezoning and achieve the desired development outcome. The planning permit also allows rural residential development through a 16 lot subdivision.

The combined planning scheme amendment and planning permit application is the most appropriate process to achieve the desired development outcome.

Section 173 Agreement and Bushfire Risk

The Country Fire Authority (CFA) has been consulted in relation to bushfire risk management for the land proposed to be rezoned and has provided permit conditions. The land is located at the township-forest interface, abutting State forest (Public Conservation and Resource Zone) to the north, which is entirely within the Bushfire Management Overlay (BMO).

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Adoption of Combined Amendment C190 to the Greater Shepparton Planning Scheme and Planning Permit Application 2015-360 (2 Bridge Road, Toolamba - Combined Rezoning/Subdivision) (continued)

The key overarching strategy at Clause 13.05 – *Bushfire* is to *prioritise the protection of human life over other policy considerations in planning and decision-making in areas at risk from bushfire*. Strategic planning for settlement must assist with strengthening community resilience to bushfire and new development should only proceed if risk to life and property can be reduced.

The Amendment applies the BMO to the land. This overlay sets out the subdivision permit requirements, and buildings and works requirements, including the mandatory requirement for residential lots to be covenanted with a Section 173 Agreement.

It should be noted that the Minister for Planning is currently in the process of preparing a planning scheme amendment to change the BMO as it applies to land across the state. It is expected that this amendment will be gazetted on 3 October 2017. This means that the BMO will already apply to the land at 2 Bridge Road prior to Amendment C190 being adopted and submitted to the Minister for Planning. This report will be updated following finalisation of the state planning scheme amendment to ensure that these changes to the BMO are considered prior to adoption of Amendment C190.

A Section 173 Agreement has been prepared that specifies the location of building envelopes, and ensures that new residential lots achieve and maintain defensible space, safe access and a supply of water for firefighting purposes. The Bushfire Management Statement includes specific details for the management of individual lots. The proposal appropriately implements bushfire risk mitigation measures to reduce the risk to residents, property and community infrastructure from bushfire.

Exhibition

The proposed combined Amendment C190 and Planning Permit Application 2015-360 was exhibited from 31 September 2017 to 2 October 2017 in accordance with the Act.

Six submissions were received during exhibition. Four submissions were received that did not object or request changes to the proposed changes. Two submissions were received that did not object to the proposed combined amendment/permit, subject to conditions being met. These conditions were related to the servicing of the land with reticulated water and onsite wastewater treatment and disposal. As a result, the planning permit has been amended to resolve these conditions.

These submissions have been addressed and an Independent Planning Panel is not required.

Council Plan/Key Strategic Activity

The proposed combined Amendment C190 and Planning Permit Application 2015-360 is supported by the *Greater Shepparton Council Plan 2013-2017* as follows:

Goal 4: Quality Infrastructure (Built)

Objective 3: Encourage sustainable municipal growth and development.

Risk Management

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

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Adoption of Combined Amendment C190 to the Greater Shepparton Planning Scheme and Planning Permit Application 2015-360 (2 Bridge Road, Toolamba - Combined Rezoning/Subdivision) (continued)

In accordance with Ministerial Direction No. 15, Council must make a decision on the amendment within 60 business days of the closing date of submissions. Following this, an adopted amendment must be submitted to the Minister for Planning within 10 business days of the date the amendment is adopted by Council.

Policy Considerations

The proposed combined Amendment C190 and Planning Permit Application 2015-360 does not conflict with any existing Council policies. The proposed combined Amendment C190 and Planning Permit Application 2015-360 supports Council's policies for providing additional residential land in accordance with the GSHS.

Financial Implications

All costs associated with proposed combined Amendment C190 and Planning Permit Application 2015-360 will be met by the proponent, being Chris Smith and Associates Pty Ltd on behalf of land owners.

Legal/Statutory Implications

All procedures associated with proposed combined Amendment C190 and Planning Permit Application 2015-360 must comply with the legislative requirements of the Act. The proposed combined Amendment C190 and Planning Permit Application 2015-360 was assessed in accordance with the Act and the Planning Scheme.

The assessment must accord with the *Victorian Charter of Human Rights and Responsibilities Act 2006* (the Charter). No human rights can be negatively impacted upon throughout the process.

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

Environmental/Sustainability Impacts

A Flora and Fauna Assessment was undertaken by Water Technology Pty Ltd. This assessment classifies the land into two distinct areas, being the 'cleared area', which has been significantly modified due to agriculture, and the 'treed area', which is an area of remnant River Red Gum occupying the north-eastern quadrant. The treed area has the ecological vegetation classification of Riverine Grassy Woodland, which has a "vulnerable" bioregional conservation status, and is considered intact. Native vegetation will be protected by an Agreement under Section 173 of the Act.

The removal of native roadside vegetation is required and an assessment indicates that the vegetation is not significant. The removal of roadside vegetation has been minimised and no significant native vegetation removal will be permitted as part of this development.

A Cultural Heritage Due Diligence Assessment was undertaken by Jo Bell Heritage Services Pty Ltd. This assessment concluded that the land proposed to be rezoned contains no areas of potential cultural heritage sensitivity and that there is no requirement for the preparation of a Cultural Heritage Management Plan.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Adoption of Combined Amendment C190 to the Greater Shepparton Planning Scheme and Planning Permit Application 2015-360 (2 Bridge Road, Toolamba - Combined Rezoning/Subdivision) (continued)

A preliminary Environmental Site Assessment was undertaken by BM Consulting Engineers Pty Ltd. This assessment states that all lots are capable of providing on-site effluent disposal. The assessment also indicated that any contamination is significantly lower than the health-based levels for a sensitive use and concludes that the land is suitable for residential development.

The development will not negatively impact on the long term growth potential of Toolamba or the agricultural land to the south. The proposed Low Density Residential Zone land will provide a transitional area between the Township Zone to the west and Farming Zone to the south and southeast, and will assist in minimising urban/rural interface conflicts.

There are no unreasonable adverse environmental impacts.

Social Implications

A Supply and Demand Analysis was undertaken by Chris Smith and Associates Pty Ltd in 2014. This analysis found that there is a lot take-up of approximately six lots per year in the Toolamba township. Therefore, the proposed development could provide for a minimum of approximately 2.5 years' supply of lots for the Toolamba Township.

A Bushfire Management Statement for the proposal has been prepared by Practical Ecology Pty Ltd. This Bushfire Management Statement includes details for the management of individual lots to ensure that bushfire risk mitigation measures are appropriately implemented.

The land is well located in terms of access to existing social, commercial and educational facilities. It is immediately east of an established primary school and kindergarten, and has sufficient transport linkages to the Shepparton urban area.

There are no adverse social impacts.

Economic Impacts

A Supply and Demand Analysis was undertaken by Chris Smith and Associates Pty Ltd in 2014, which identified that there is a strong market demand for low density residential lots. The development of the land for residential purposes will create employment opportunities during the planning and construction phases, therefore there are positive economic impacts.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Adoption of Combined Amendment C190 to the Greater Shepparton Planning Scheme and Planning Permit Application 2015-360 (2 Bridge Road, Toolamba - Combined Rezoning/Subdivision) (continued)

Consultation

The following consultation occurred during the exhibition of Amendment C190 and Planning Permit Application 2015-360:

- Notice in the Shepparton News on 29 August 2017;
- Notice in the Victoria Government Gazette on 31 August 2017;
- Letters to directly affected landowners and occupiers on 29 August 2017;
- Letters to relevant referral authorities on 29 August 2017;
- Letters to prescribed Ministers on 29 August 2017;
- Documentation on display at the Council offices at 90 Welsford Street, Shepparton on 31 August 2017;
- Documentation available on the Department of Environment, Land, Water and Planning website on 31 August 2017; and
- Documentation available on the Greater Shepparton City Council website on 31 August 2017.

The exhibition period was for four weeks and submissions closed on 2 October 2017.

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

Strategic Links

a) Greater Shepparton 2030 Strategy 2006

Direction 1: Settlement and Housing

Commitment to growth within a consolidated and sustainable development program.

b) Greater Shepparton Housing Strategy 2011

The proposed combined Amendment C190 and Planning Permit Application 2015-360 is required to implement the findings and recommendations of the GSHS.

The GSHS identifies the subject land as being within the “settlement boundary” for Toolamba and Old Toolamba, and suitable for “potential low density”.

Conclusion

Council has received a request to prepare and exhibit proposed combined Amendment C190 to the Greater Shepparton Planning Scheme and Planning Permit Application 2015-360.

Planning Scheme Amendment C190 proposes to rezone part of 2 Bridge Road, Toolamba from the Farming Zone 1 to the Low Density Residential Zone and apply the Bushfire Management Overlay to this land.

The Planning Permit Application 2015-360 is for the land to be subdivided into 16 lots.

The proposed combined Amendment C190 and Planning Permit Application 2015-360 was exhibited from 31 September 2017 to 2 October 2017 in accordance with the *Planning and Environment Act 1987*.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Adoption of Combined Amendment C190 to the Greater Shepparton Planning Scheme and Planning Permit Application 2015-360 (2 Bridge Road, Toolamba - Combined Rezoning/Subdivision) (continued)

Six submissions were received during exhibition. Four submissions were received that did not object or request changes to the proposed changes. Two submissions were received that did not object to the proposed combined amendment/permit, subject to conditions being met. These submissions have been addressed and an Independent Planning Panel is not required.

The proposed amendment does not conflict with any existing Council policies. The proposal will not result in any negative social, economic or environmental impacts.

All stages of the planning scheme amendment process, including preparation, authorisation, exhibition and consideration of submissions have now been completed.

Council is now required to make a decision on the combined amendment and planning permit, prior to them being submitted to the Minister for Planning for approval.

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

Attachments

1. Exhibition Documentation Page 409
2. Submissions Recorder Page 430

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 2017 International Engagement Progress to Date

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: Economic Development Project Officer

**Proof reader(s): Team Leader Business & Industry Development,
Manager Economic Development**

Approved by: Director Sustainable Development

Executive Summary

At the Ordinary Council Meeting held on 21 March 2017, Council resolved that a Councillor and Council Officer would attend the Asia Fruit Logistica held in Hong Kong in September 2017. It was also resolved that during this visit to Hong Kong, it would be prudent to visit Council's Friendship City Jintan to further improve the relationship and also continue to understand ways both cities can work together towards achieving economic and social outcomes.

The Greater Shepparton delegation also recognised a further opportunity whilst in China to attend a meeting with Business Victoria Shanghai, meet with Austrade and other potential investors to capitalise on the China visit.

Council recently adopted an International Engagement Strategy which further reinforces the requirement for continued efforts towards supporting local business and industry to capitalise and prepare for international investment opportunities. The China visit is supported by Council's adopted International Engagement Strategy 'to enhance investment opportunities and build relationships with overseas investors'.

Significant results have already been achieved as a result of the delegation with an announce made on the 9th of November protocols for the export of peaches, plums and apricots from Australia to China highlights what can be achieved for the agricultural sector in Australia when governments, the industry and growers share common goals and aspirations and are able to collectively channel their efforts. This result will deliver huge benefits in Greater Shepparton where stonefruit features prominently within the horticultural sector.

Moved by Cr Adem

Seconded by Cr Oroszvary

That the Council note the outcomes of the China delegation endorse the actions within the China Report 2-9 September 2017.

CARRIED.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 2017 International Engagement Progress to Date (continued)

Background

The Greater Shepparton City Council delegation visited China and conducted business activities between 19 - 23 September 2017.

The delegation consisted of the following people:

- Cr Dinny Adem – Mayor of Greater Shepparton
- Peter Harriott – Chief Executive Officer Greater Shepparton City Council
- Rohan Sali - Economic Development Project Officer
- Matt Nelson - Regional Development Victoria Hume Director
- Phillip Huang - Jiangsu Province Government
- Shannan Mehmet - Local grower and exporter

The China visit consisted of the following:

Solar Investment Opportunities

The delegation met with various operators who were interested in introducing solar farms to the Greater Shepparton region. These investment opportunities will continue to be progressed by Council's Economic Development department.

Business Victoria Shanghai

The delegation met with the Commissioner, Mr Tim Dillon who was made aware of Council's commitment towards enhancing economic growth within the region and connecting local operators to Chinese investors. The Business Victoria Office has provided Council with potential leads which have the potential to create future investment.

Austrade

The delegation met with Trade Commissioner, Mr Brent Moore to discuss Council's lobbying and advocacy efforts in relation to protocols that are associated with the exporting of fruit into China. Positive signs of progress in relation to this are encouraging.

Jintan District, China [Friendship City]

Council continues to progress Friendship City Agreement objectives with its Sister City, Jintan. There is an opportunity to progress a student exchange program with a local Greater Shepparton school. Council is currently working towards facilitating this opportunity.

Nanjing, China

The delegation visited Nanjing to inspect a fruit market and discuss the possibilities of fruit sales into Nanjing.

Asia Fruit Logistica Expo

Several of the Greater Shepparton region's local fruit growers attend the Asia Fruit Logistica Expo annually. Council recognised an opportunity to attend the expo to support the local fruit growers and explore ways that the region can benefit from showcasing local growers and produce at future expos.

For a further detailed overview of the delegation visit to China please refer to the attached report 'China Report and Actions'.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 2017 International Engagement Progress to Date (continued)

It should be noted that Council has provided an overview of the China visit to key Ministers and will continue to implement action items from the delegation and also from the International Engagement Strategy. This strategy is also attached to the report.

Council Plan/Key Strategic Activity

2017 International Engagement Strategy

2017 International Engagement Policy

Greater Shepparton Economic Development Tourism and Major Events Strategy

Draft Fruit Growers Victoria and Greater Shepparton City Council Funding Agreement

2017-2021 Council Plan – Economic 3.2 Strong global, national and local business connections are developed and nurtured.

Risk Management

There are no risks associated with this report.

Policy Considerations

Council's visit to China aligns with the International Engagement Strategy.

Financial Implications

The costs associated with sending three Council representatives and a local fruit grower is as follows:

	Approved Budget Estimate for this proposal ¹ \$	This Proposal GST Exclusive \$	Variance to Approved Budget Estimate \$	This Proposal GST Inclusive ² \$
Revenue				
Expense	15,658	15,658		17,223
Net Total	15,658	15,658		17,223

¹ Budgets are GST exclusive

² For Contract Award reports the GST inclusive expense shall match the amount reported in the recommendation

The cost included the following:

- Airfares
- Visa
- Accommodation for 7 nights
- Food
- Taxi and transport use
- Airport security
- Promotional/marketing material
- Gifts

Legal/Statutory Implications

There are no legal/statutory implications associated with this report.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 2017 International Engagement Progress to Date (continued)

Environmental/Sustainability Impacts

There are no adverse environmental impacts associated with the International visit. The visit has created positive renewable energy investment opportunities for Greater Shepparton and these opportunities will continue to be facilitated by the Economic Development department.

Social Implications

Council utilised the opportunity to network with potential overseas investors that would support the growth of Greater Shepparton's agricultural sector. The attendance of the expo, the visit to Jintan, the meeting with Business Victoria and meeting with Austrade in Shanghai allowed Council to further support local business and explore opportunities for future investment and development.

Economic Impacts

Council aims to build on the relationships developed overseas to enhance investment opportunity and support the region's agricultural industry and education sector. Council is also currently pursuing renewable energy investment opportunities that have arisen from the China visit.

Consultation

Council's Economic Development department consulted fruit growers and transport companies who have previously attended the Asia Fruit Logistica in the past. An overwhelming majority of local operators who were consulted recommended that Council have a presence at the expo.

Council also made an opportunity available to a local grower to attend the China visit as part of the delegation. This opportunity was advertised as an expression of interest and interested parties made application, and a selection was made based on assessment against key criteria.

Strategic Links

a) Greater Shepparton 2030 Strategy

Topic: Economic Development

Theme: Agriculture and Rural Land – Objective 3 - To develop and promote the municipality as a regional centre for food and primary industry research and development.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 2017 International Engagement Progress to Date (continued)

Conclusion

The China visit has enhanced investment opportunities for the Greater Shepparton region, offered Council with the opportunity to develop relationships with overseas investors and assisted in developing Council's knowledge in international business. An action plan has been developed since returning from China and aligns with key objectives in the International Engagement strategy. The recent announcement for protocols for the export of peaches, plums and apricots from Australia to China highlights what can be achieved for the agricultural sector in Australia when governments, the industry and growers share common goals and aspirations and are able to collectively channel their efforts. This result will deliver huge benefits in Greater Shepparton where stonefruit features prominently within the horticultural sector.

Council has also recently presented to Regional Cities Victoria to provide an overview of the China visit. Council is committed to supporting our local businesses with international relations and continuing to implement the actions of Council's International Engagement Strategy.

Attachments

1. China Report and Actions 2017 Page 432
2. Greater Shepparton International Engagement Strategy Page 446

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 Planning for Sustainable Animal Industries

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.

The following Council officers and contractors have provided advice in relation to this report and have disclosed a conflict of interest regarding the matter under consideration:

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 Statutory Planner

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

Approved by: Director Sustainable Development

Executive Summary

In 2015, the Hon Richard Wynne MP, Minister for Planning and the Hon Jaala Pulford MP, Minister for Agriculture established the Animal Industries Advisory Committee (AIAC) to consider how the planning system can better support the establishment and expansion of productive, competitive and market-responsive animal industries in Victoria, balancing environmental outcomes and community expectations.

As a result of the work of the Advisory Committee, the Department of Environment Land, Water and Planning (DELWP) have proposed reforms to planning controls for animal industries in Victoria.

The proposed reforms are set out in a consultation document titled Planning for Sustainable Animal Industries.

The proposed changes have the objective of simplifying planning requirements for animal based farming and improving the consistency of how the rules are applied. The reforms aim to make the land use planning process clearer for farmers, councils and the community.

Community and industry stakeholders were asked to make submissions on the proposed reforms. Planning Officers have prepared a submission in response to the proposed reforms.

Moved by Cr Patterson

Seconded by Cr Giovanetti

That the Council receive and note the submission relating to the proposed planning reforms for sustainable animal industries.

CARRIED.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 Planning for Sustainable Animal Industries (continued)

Background

In September 2017, a consultation document that outlined proposed reforms with regard to planning controls for animal industries was released by DELWP.

The reforms seek to provide clarity on planning controls for the animal industry in the following ways:

- New planning land use definitions that are clearer and easier to understand and do not capture animal industries with negligible off-site impacts.
- Clearly explained planning requirements for livestock producers that better support day-to-day operations.
- Planning permit and public notice exemptions for small-scale, low-risk pig farms and poultry farms that incorporate environmental and amenity safeguards.
- Consistent planning requirements for free range and conventional broiler farms.
- Removal of restrictions on animal industries establishing in industrial zones.
- Clearer planning regulations through changes to 19 planning scheme zones.
- Guidance for farmers and councils about preparing planning permit applications and permits.

Council officers have prepared a submission in response to the proposed reforms.

Council Plan/Key Strategic Activity

Council Plan 2017-2021

The vision of the Council is *“a thriving economy in the foodbowl of Victoria with excellent lifestyles, innovative agriculture, a diverse community and abundant opportunities”*

It is considered that the reforms of the Planning Scheme would support the vision of the Council by encouraging agriculture at appropriate locations.

Risk Management

There are no risks associated with providing a comprehensive and considered response from the Council.

Policy Considerations

There are no policy considerations associated with providing a submission to the proposed changes. The changes would not change the relevant strategic intent of Greater Shepparton Planning Scheme.

Financial Implications

There are no financial implications associated with providing a response to the changes to zoning proposed by DELWP.

Legal/Statutory Implications

There are no legal or statutory implications of providing a response to the changes proposed by DELWP to the current zones.

Environmental/Sustainability Impacts

If the proposed changes to the zones are implemented, exemptions in the need for planning permits for certain types of agriculture or the exemption from the need to notify certain applications to the public, may lead to certain types of agriculture becoming more prevalent.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 Planning for Sustainable Animal Industries (continued)

Social Implications

The proposed reforms have the potential to provide more certainty for developments in the agricultural sector.

Economic Impacts

The proposed reforms would provide for an enhanced agricultural outcome and would ensure the economic viability of agriculture within the municipality.

Consultation

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

Strategic Links

a) Greater Shepparton 2030 Strategy

Economic Development

Direction

Promote economic growth, business development and diversification, with a focus in strengthening the agricultural industry.

The reforms would provide clarity on a number of aspects of agricultural land use and development, this is considered to comply with the economic development direction of the Greater Shepparton 2030 strategy.

b) Other strategic links

There are no other strategic links associated with the proposed submission.

Conclusion

Full details of the proposed changes to the planning scheme were made available from 14 September 2017. Councils have until 14 November 2017 to prepare and submit comments and feedback.

A Council Planning Department working group has been formed around the proposed changes to the zones, which aims to pre-empt actions that will be required in the near future to accommodate the changes into the Greater Shepparton Planning Scheme and to mitigate any negative effects that have been identified.

Attachments

Submission to Planning for Sustainable Animal Industries Page 455

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Implementation of Commercial Activity Centres Strategy - Amendments C192 and C193

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, Manager Building and Planning

Approved by: Acting Director Sustainable Development

Executive Summary

Amendment C192 implements the general recommendations of the *Greater Shepparton Commercial Activity Centres Strategy, November 2015* (CACS), updating the Municipal Strategic Statement and Activity Centre Zone, rezoning Commercial 2 Zone land along Wyndham Street and Benalla Road to Activity Centre Zone, and rezoning Commercial 1 Zone, Commercial 2 Zone and General Residential Zone land to Activity Centre Zone, to facilitate the redevelopment of Shepparton Marketplace.

Combined Amendment C193 implements the recommendations of CACS in relation to Shepparton North, facilitating a second full-line supermarket in Shepparton North, and applying a Public Acquisition Overlay over land to allow for the Shepparton North Regional Catchment Basin and infrastructure.

Amendment C192 was exhibited from 7 July to 8 August 2016. Council received 13 submissions. Submitters were in relation to specific recommendations within CACS regarding Shepparton North. In particular, the submissions were in relation to the recommendation in CACS that the current retail and commercial offerings in the north were insufficient, and additional retail, in the form of a second full line supermarket was required. The submissions focussed on the proposed timing and location of any additional retail in Shepparton North.

In July 2016, Council received a request from Lascorp Pty Ltd, to prepare and exhibit Combined Amendment C193 rezoning land in Shepparton North near the corner of Numurkah Road and Ford Road from Commercial 2 Zone to Commercial 1 Zone. It was accompanied by a planning permit application that sought to develop a supermarket (Woolworths), with an associated packaged liquor store, retail specialty shops, car parking, and advertising signs. Additionally, Amendment C193 proposed a Public Acquisition Overlay for drainage purposes on land nearby and adjacent to the Lascorp site. At its Ordinary Council Meeting on 16 August 2016, Council resolved to prepare and exhibit the combined amendment and planning permit.

Amendment C193 was exhibited from 20 April to 30 May 2017. Council received 20 submissions.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Implementation of Commercial Activity Centres Strategy - Amendments C192 and C193 (continued)

In light of the similarity in many submissions between Amendment C192 and C193, Council officers considered that significant cost savings would be achieved if the Independent Planning Panels for both amendments were combined. A request was made to the Minister for Planning for these Panel hearings to be combined and this request has subsequently been granted.

The Independent Planning Panel was held from the 24 July to 11 August 2017, in Shepparton and Melbourne, and the Panel Report was received on 9 October 2017 (see *Attachment 1 – Amendment C192 & C193 Panel Report, 9 October 2017*).

The Panel recommended that Amendment C192 be adopted with post exhibition changes as discussed at Panel, subject to relevant modifications detailed in the 'Background' section of this report.

The Panel recommended that Amendment C193 be split into Part 1 – Application of the PAO and Part 2 – Rezoning of the proposed Woolworths site, and that Part 2 be deferred until Council is satisfied this is the best location for a second full line supermarket in Shepparton North.

Panel Recommendations

1. Adopt Amendment C192 to the Greater Shepparton Planning Scheme, in accordance with the modifications in Appendix D (Clause 21.06) and Appendix E (Activity Centre Zone Schedule 1);
2. Review the provisions and schedules of Amendment C192 and Amendment C193 during finalisation of the Amendments to ensure they are consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* (May 2017).
3. Amend Clause 21.06, as shown in Appendix D, to:
 - a. add the following strategic action under 21.06-7:
 - i. *Prepare structure plans for the Mooroopna, Riverside and Shepparton North activity centres.*
 - ii. Remove reference to the Shepparton North Activity Centre in the relevant strategic action regarding an urban design framework.
4. Split Amendment C193 into Part 1 (Public Acquisition Overlay) and Part 2 (Lascorp proposal);
5. Defer consideration of Amendment C193 Part 2 and planning permit application 2016-269 until the Shepparton North Activity Centre is defined through a structure planning process. Reconsider Amendment C193 Part 2 and planning permit application 2016-269 pending these outcomes;
6. Amend Planning Permit 2016-269, as shown in Appendix F, to update Condition 14 (Time for Starting and Completion); and
7. Adopt Amendment C193 Part 1.

The Panel made a further recommendation that if the owners of the IGA site were unwilling to participate in a process to determine their capacity to provide an additional supermarket on their site, Amendment C193 Part 2 should be approved.

Council is now required to consider the recommendations of the Independent Planning Panel Report and to make a decision on Amendment C192 and C193.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Implementation of Commercial Activity Centres Strategy - Amendments C192 and C193 (continued)

Moved by Cr Summer
Seconded by Cr Hazelman

That, having considered the Independent Planning Panel Report for Amendments C192 and C193 to the Greater Shepparton Planning Scheme, in accordance with Section 27 of the *Planning and Environment Act 1987*, Council:

1. adopt the recommendations of the Independent Planning Panel for Amendment C192 as outlined in the Panel Report dated 9 October 2017;
2. adopt Amendment C192 with post-exhibition changes in accordance with Section 29 of the *Planning and Environment Act 1987*;
3. adopt the recommendation of the Independent Planning Panel for Amendment C193 as outlined in the Panel Report dated 9 October 2017 to:
 - split Amendment C193 into Part 1 (Public Acquisition Overlay) and Part 2 (Lascorp proposal).
4. adopt Amendment C193 Part 1 in accordance with Section 29 of the *Planning and Environment Act 1987* with changes to align with Ministerial Direction 13 and relevant recommendations of the Independent Planning Panel;
5. submit Amendment C192 and Amendment C193 Part 1 to the Minister for Planning for approval in accordance with Section 31 of the *Planning and Environment Act 1987*;
6. defer consideration of Amendment C193 Part 2 and planning permit application 2016-269 by six months, to allow the owners of the IGA site an opportunity to work with Council to determine the capacity of the site to provide a second full line supermarket and integration with surrounding land uses;
7. delegate to the Chief Executive Officer the power to adopt Amendment C193 Part 2 and planning permit application 2016-269 (including revisions to condition 14 of the draft permit as shown in the attached copy of the draft permit, in variance to the version of condition 14 as recommended by the Panel for the reasons outlined in the Officer's report) and submit it to the Minister for Planning for approval, should Shepparton Pty Ltd (formerly known as 18 Pty Ltd) not confirm in writing that a tenant has been secured for a second full line supermarket at 177-193 Numurkah Road, Shepparton, and/or Shepparton Pty Ltd not confirm that the second full line supermarket will be fully operational by 21 May 2020, and/or Shepparton Pty Ltd not demonstrate appropriate integration within the regional context, to the satisfaction of the Chief Executive Officer, by no later than 21 May 2018;
8. delegate to the Chief Executive Officer the power to adopt Amendment C193 Part 2 and planning permit application 2016-269 (including revisions to condition 14 of the draft permit as shown in the attached copy of the draft permit, in variance to the version of condition 14 as recommended by the Panel for the reasons outlined in the Officer's report) and submit it to the Minister for Planning for approval, should Shepparton Pty Ltd provide written advice to the Council on or before 21 May 2018, to the effect that it is not seeking to secure a tenant for a second full line supermarket

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Implementation of Commercial Activity Centres Strategy - Amendments C192 and C193 (continued)

at 177-193 Numurkah Road, Shepparton, and/or should Shepparton Pty Ltd provide written advice to the effect that a second full line supermarket at 177-193 Numurkah Road, Shepparton, would not be fully operation by 21 May 2020; and

9. should Shepparton Pty Ltd satisfactorily confirm to the Chief Executive Officer that a tenant has been secured for a second full line supermarket at 177-193 Numurkah Road, Shepparton, and satisfactorily confirm to the Chief Executive Officer that the second full line supermarket will be fully operational by 21 May 2020, and satisfactorily confirm to the Chief Executive Officer that there is appropriate demonstration of integration within the regional context, by no later than 21 May 2018, Amendment C193 Part 2 and planning permit 2016-269 must be referred back to Council for reconsideration.

CARRIED.

Background

Over the years, Greater Shepparton City Council has undertaken a number of strategic planning projects that have resulted in ongoing opportunities for growth in residential areas and for supporting infrastructure. Retailing and commercial development is one of these areas now under review. Council has recognised that extensive retail and commercial growth has occurred, retail trends have changed, new zones have been introduced and there is a need to provide a new strategy that provides for commercial development in the expanding activity centres in the municipality.

This work resulted in the adoption of the *Commercial Activity Centres Strategy 2015* (CACS) on 16 February 2016 that is broad in its scope and defined in its direction. This strategy is the subject of Amendment C192 and through exhibition it attracted 13 submissions. Most of these were concerned with a new retail proposal at Shepparton North and to a lesser extent, some aspects of the controls proposed at the Shepparton Marketplace and the Benalla Road Enterprise Area.

The key and unequivocal direction for Shepparton is to maintain the primacy of the CBD to encourage further development in that important precinct.

In reviewing the Strategy, the Panel found that, *'in the main, it is a robust and comprehensive document that, subject to some minor recommendations, should be supported and adopted.'*

While the exhibition period for Amendment C192 was in mid-2016, Council officers opted to hold off referring that Amendment to a Panel for resolution until Amendment C193 was exhibited. Combined Amendment C193 relates to a proposal by Lascorp to rezone land in Shepparton North near the corner of Numurkah Road and Ford Road from the Commercial 2 Zone to the Commercial 1 Zone. It was accompanied by a planning permit application that sought to develop a supermarket (Woolworths), with an associated packaged liquor store, retail specialty shops, car parking, and advertising signs.

Additionally, Combined Amendment C193 proposed a Public Acquisition Overlay for drainage purposes on land nearby and adjacent to the Lascorp site. At its Ordinary Council Meeting on 16 August 2016, Council resolved to prepare and exhibit the combined amendment and planning permit.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Implementation of Commercial Activity Centres Strategy - Amendments C192 and C193 (continued)

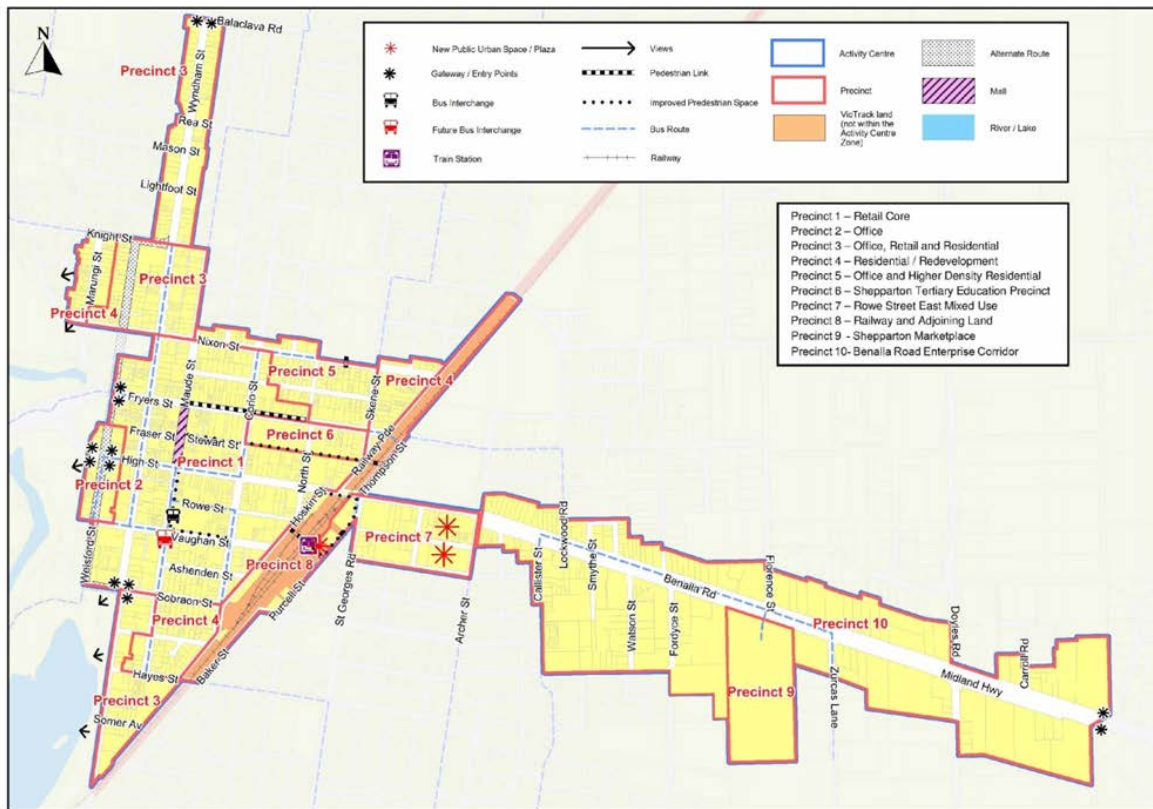


Figure 1 - Amendment C192 applies the Activity Centre Zone to additional land in Shepparton.



Figure 2 - Amendment C193 forms part of a combined planning scheme amendment and planning permit application (PPA 2016-269), pursuant to Section 96A of the Planning and Environment Act 1987.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Implementation of Commercial Activity Centres Strategy - Amendments
C192 and C193 (continued)

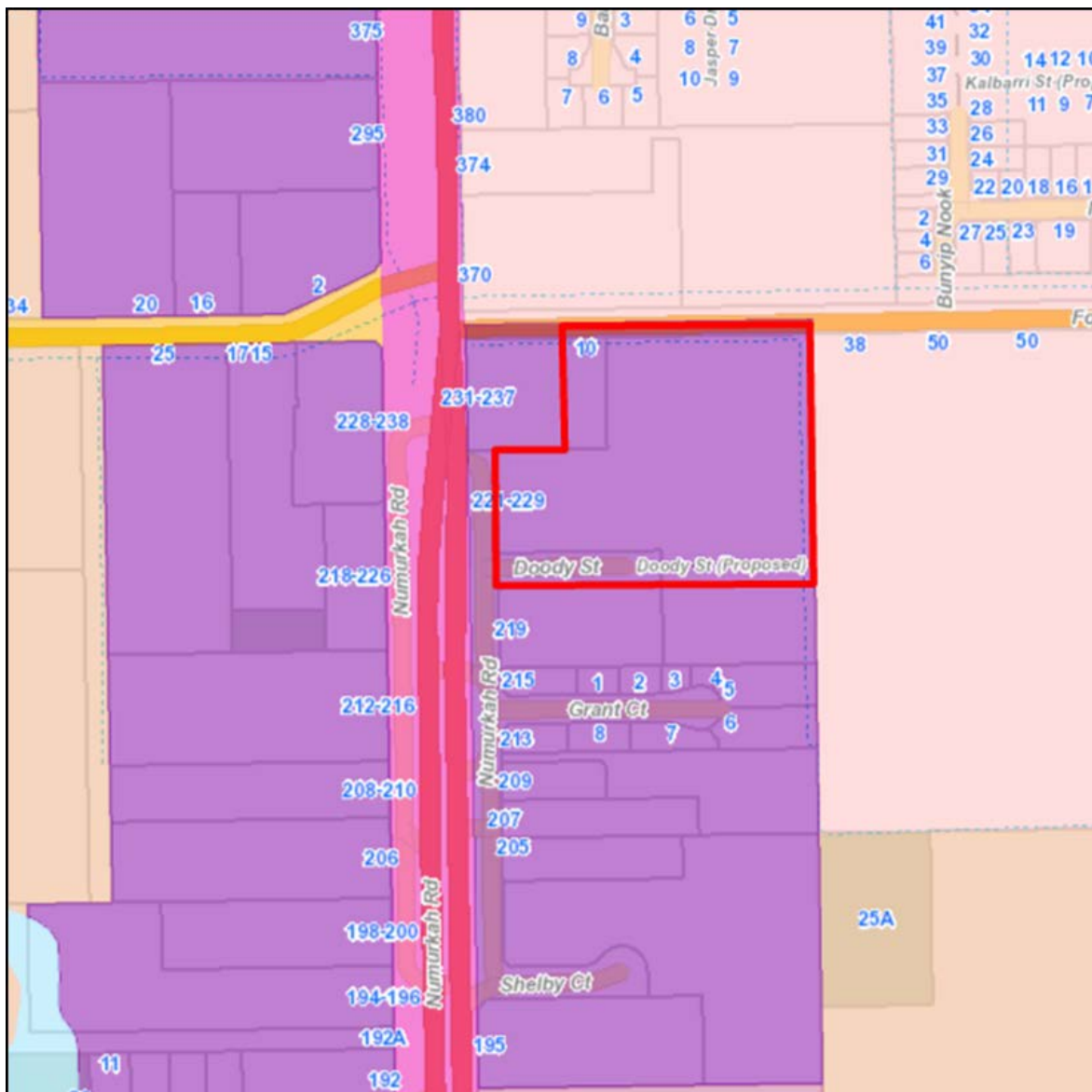


Figure 3 - Land proposed to be rezoned.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Implementation of Commercial Activity Centres Strategy - Amendments C192 and C193 (continued)

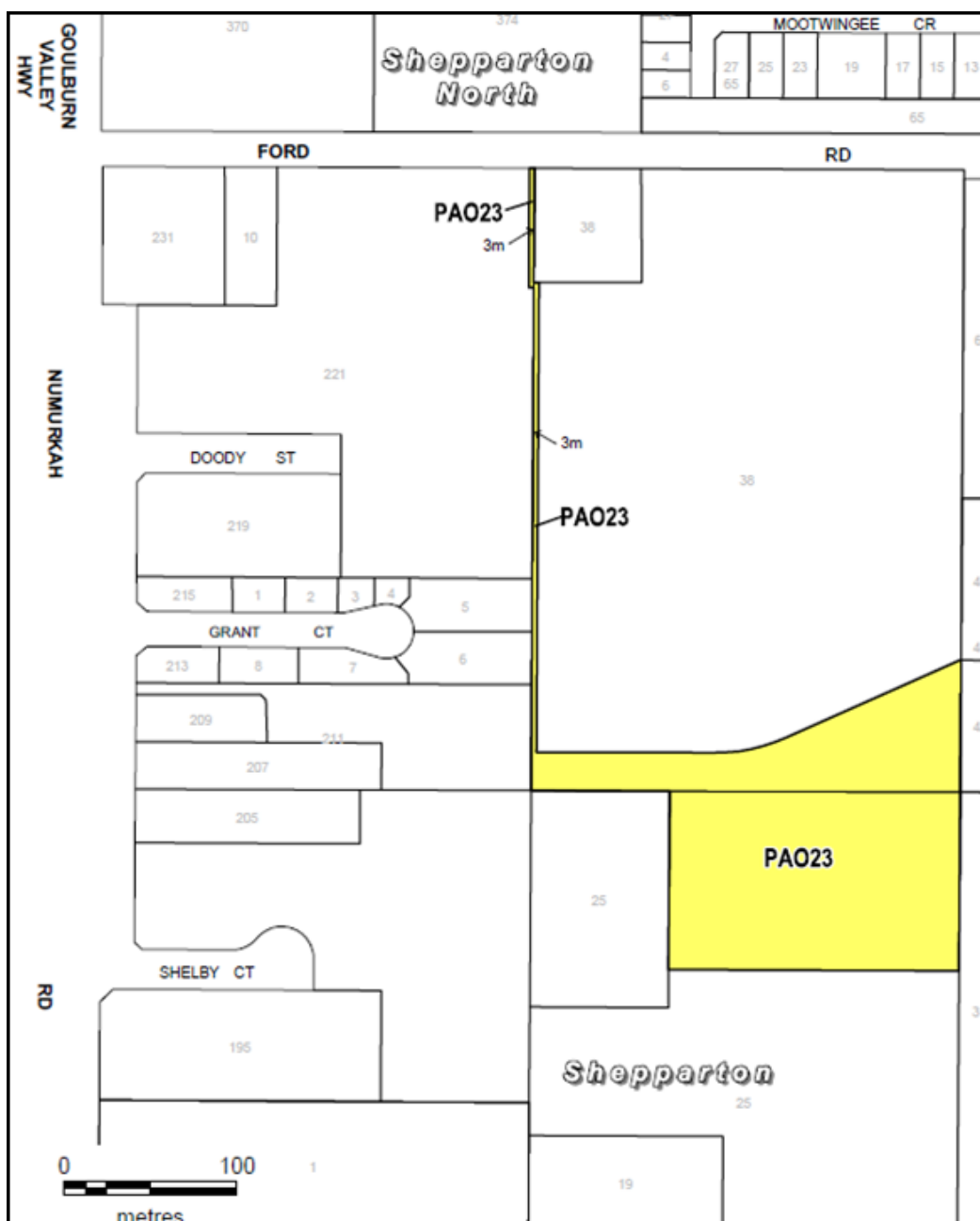


Figure 4 - Land affected by proposed Public Acquisition Overlay.

Independent Planning Panel Report

The Independent Planning Panel Report was received on 9 October 2017. The Panel Report recommends:

1. Adopt Amendment C192 to the Greater Shepparton Planning Scheme, in accordance with the modifications in Appendix D (Clause 21.06) and Appendix E (Activity Centre Zone Schedule 1);
2. Review the provisions and schedules of Amendment C192 and Amendment C193 during finalisation of the Amendments to ensure they are consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* (May 2017);

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Implementation of Commercial Activity Centres Strategy - Amendments C192 and C193 (continued)

3. Amend Clause 21.06, as shown in Appendix D, to:
 - a. add the following strategic action under 21.06-7:
 - i. Prepare structure plans for the Mooroopna, Riverside and Shepparton North activity centres.
 - ii. Remove reference to the Shepparton North Activity Centre in the relevant strategic action regarding an urban design framework.
 4. Split Amendment C193 into Part 1 (Public Acquisition Overlay) and Part 2 (Lascorp proposal);
 5. Defer consideration of Amendment C193 Part 2 and planning permit application 2016-269 until the Shepparton North Activity Centre is defined through a structure planning process. Reconsider Amendment C193 Part 2 and planning permit application 2016-269 pending these outcomes;
 6. Amend Planning Permit 2016-269, as shown in Appendix F, to update Condition 14 (Time for Starting and Completion) and
 7. Adopt Amendment C193 Part 1.

The Panel made a recommendation that Council undertake additional strategic work to determine the best location for the Shepparton North Activity Centre. However, Panel also stated that if the owners of the IGA site were unwilling to participate in a process to determine their capacity to provide an additional supermarket on their site, Amendment C193 Part 2 should be approved.

Consideration of the Panel Recommendations

The Independent Planning Panel is an independent body appointed by the Minister for Planning, who makes the final decision on whether or not an amendment will be approved. Under Section 27 of the *Planning and Environment Act 1987*, Council must consider the recommendations of the Panel and make a decision on the Amendment.

Amendment C192

The proposed Amendment C192 seeks to introduce the required planning controls and policy into the Planning Scheme to implement key priorities of the CACS, particularly, to ensure the primacy of the CBD as a key regional retail and commercial centre, providing a hierarchy of activity centres and defining their role in supporting retail growth in Shepparton.

The ACZ is a flexible control that allows for a mix of uses and development and can be tailored by councils to meet the particular needs of a centre through the Schedule to the Zone and simplifies the planning process by replacing zones and overlay controls into one single set of use and development provisions.

The proposed Amendment has been prepared to provide Council with a framework to highlight where private sector investment and new business activity is encouraged, to identify priority locations for new public infrastructure, to support the productive and efficient use of land, and to support liveability for the community, while advancing the development and economic viability of all commercial activity centres in the municipality.

The version of the amendment documentation recommended by the Panel does differ from the documentation that was exhibited, as well as that which was presented at the Panel Hearing as “post-exhibition changes”.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Implementation of Commercial Activity Centres Strategy - Amendments C192 and C193 (continued)

The Amendment applies to land generally within the commercial/business areas of Greater Shepparton. The Amendment seeks to implement the recommendations of the *Commercial Activity Centres Strategy, November 2015* (CACS), specifically to:

- amend the Municipal Strategic Statement to:
 - update the activity centre hierarchy;
 - encourage expansion of retail and commercial convenience facilities in the Commercial 1 Zone, subject to detailed planning and development assessment criteria; and
 - discourage the location of cinema and department stores outside the retail core.
- rezone Shepparton Marketplace, land along Benalla Road (Enterprise Corridor) and Wyndham Street (Wyndham Street North) from the Commercial 1 and 2 Zones to the Activity Centre Zone Schedule 1;
- rezone approximately 55,000 square metres of General Residential Zone land abutting Shepparton Marketplace to Activity Centre Zone Schedule 1;
- amend Activity Centre Zone Schedule 1 to increase the permit threshold at Shepparton Marketplace from 15,500 square metres of Shop floor area to 22,500 square metres of Retail premises ;
- delete Design and Development Overlay Schedule 3 from land in the Wyndham Street North Precinct and update the overlay maps accordingly;
- amend the Commercial 1 Zone Schedule to remove reference to Shepparton Marketplace ;
- amend Clause 21.06-7 (Strategic Work Program) to reflect work undertaken and include the preparation of Structure Plans/Urban Design Frameworks for relevant activity centres;
- amend Clause 21.08 (General Implementation) to reflect the recommendations of the Commercial Activity Centres Strategy November 2015; and
- amend Clause 21.09 (Reference Documents) to reference the Commercial Activity Centres Strategy November 2015.

The Panel Report commended Council for proactively implementing the necessary strategic framework to guide commercial and retail growth and stated that, 'Amendment C192 responds to CACS, the Shepparton CBD Strategy and existing local planning policy...'

With regard to the Municipal Strategic Statement, the Panel Report recommends the adoption of a modified version of the 'post-exhibition' documentation that was the subject of discussion at Panel. The modification is the inclusion of a revised action at Clause 21.06-7 *Strategic Work Program – Undertaking further strategic work – Economic Development*;

- *Prepare and implement structure plans for Mooroopna, Riverside and Shepparton North Activity Centres which include urban design frameworks.*

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Implementation of Commercial Activity Centres Strategy - Amendments C192 and C193 (continued)

Council officers do not consider that there is any significant imperative to prepare a structure plan for Riverside, given the site has been fully developed. In relation to Shepparton North an Mooroopna, Council is currently undertaking the Shepparton Mooroopna Strategic Framework Plan 2050, which will provide a long term vision for land use planning throughout Shepparton and Mooroopna, including existing urban areas such as Shepparton North and Mooroopna. Strategic planning undertaken for Shepparton North is discussed later in this report.

The Panel Report recommends the adoption of Schedule 1 to the Activity Centre Zone with post exhibition changes, following discussions with all parties at Panel. Council officers have considered the recommendations and support the adoption of the amendment documentation.

Amendment C193

At the Ordinary Council Meeting held on 16 August 2016, Council resolved to prepare and exhibit a planning scheme amendment to facilitate a second full-line supermarket in Shepparton North.

Amendment C193 proposes to rezone land at 221-229 Numurkah Road and 10 Ford Road, Shepparton from the Commercial 2 Zone to Commercial 1 Zone and apply the Public Acquisition Overlay (PAO) to part of 221-229 Numurkah Road, part of 38-50 Ford Road and part of 25 Hawkins Road, Shepparton Under the provisions of the Commercial 2 Zone, the use of the land for a supermarket with a floor area of greater than 1800 square metres is prohibited. Therefore, the land must be rezoned to Commercial 1 Zone to facilitate the development.

The Amendment was accompanied by a planning permit application to use the land for a community meeting space, buildings and works in the Commercial 1 Zone, erection and display of advertising signs, a packaged liquor licence and creation of access to a Road Zone Category 1.

The drainage requirements for this site trigger an upgrade to the regional drainage structure (Yakka Basin) servicing this catchment. As such, a PAO is proposed to be applied to part of the land adjacent to the eastern boundary of the proposed development site and over the northern portion of land at 25 Hawkins Road to ensure appropriate drainage infrastructure is provided to this land and surrounding properties serviced by the Yakka Basin.

The majority of submissions to Amendment C193 and C192 related to the proposed location and timing of a second full line supermarket in Shepparton North. In effect, the Panel was tasked with deciding:

- whether a second full line supermarket and associated commercial and community facilities was required in Shepparton North; and
- what was the most appropriate location for this second supermarket?

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Implementation of Commercial Activity Centres Strategy - Amendments C192 and C193 (continued)

The Panel Report provides a succinct summary of issues that influenced their discussion:

Table 4 Background

1978	A 4,000 square-metre supermarket began operating at 177-193 Numurkah Road, Shepparton (Fairley's IGA supermarket); a predominantly industrial corridor
1985	An approximately 1,000 square-metre warehouse was added to the rear of the supermarket
2011	Metcash (a wholesale distribution and marketing company specialising in grocery, fresh food, liquor and hardware) purchased the supermarket centre from the Gaylard Family
12 April 2012	In response to a request from Gordon Undera Pty Ltd, the supermarket centre land: <ul style="list-style-type: none"> - was rezoned to the Business 1 Zone (now Commercial 1 Zone) with an 8,000 square-metre permit threshold for Shop (Amendment C119) - was granted a permit for the first stage of a shopping centre development, comprising a new 4,000 square metre supermarket and speciality shops (which has not been acted upon)
2012	Marl Enterprises (part of the Lorenz Group of companies) purchased the Fairley's Supa IGA business
2015	Metcash advised Marl Enterprises that since changing its policy to developing its sites, it would sell the supermarket centre to an experience retail property developer
15 September 2016	Council approved Metcash's permit application to extended the planning permit – see revised dates below
17 January 2017	Planning permit 2008-436/A – Council endorsed further plans (Figure 4)
January 2017	A new permit application was lodged for revised development plans (Figure 5)
12 April 2017	Planning permit 2008-436/A – original expiry date if development did not commence
30 May 2017	Marl Enterprises, through its Aeroten Pty Ltd company name, made a submission in response to the exhibition of Amendment C193 and PPA 2016-269
11 August 2017	18 Pty Ltd (part of the Herzberg family companies), previously a prospective purchaser, purchased the supermarket site (44,000 square metres of Commercial 1 Zone land)
11 August 2017	Panel Hearing final day
12 April 2018	Planning permit 2008-436/A – extended expiry date if development did not commence
12 April 2019	Planning permit 2008-436/A – original expiry date if development was not completed
12 April 2020	Planning permit 2008-436/A – extend expiry date if development was not completed

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Implementation of Commercial Activity Centres Strategy - Amendments C192 and C193 (continued)

The Panel Report notes that:

While parties and the economic witnesses generally agreed that Shepparton North could support a second full line supermarket in the short term future, there was significant debate at the Hearing about the location of that supermarket. The key issue related to whether the supermarket should be co-located with the existing supermarket, or on the Lascorp site as part of a potential activity centre.

The Panel Report had great difficulty in attempting to resolve the ultimate location for a second full line supermarket and associated activity centre, and ultimately did not provide a concrete recommendation in this regard.

The Panel Report acknowledged that the, 'retail component of Amendment C193 was hotly contested. The proposed site is near but not adjacent to an existing IGA supermarket, where a planning permit has been issued for its expansion, and where a new permit application was lodged more recently to provide for a second supermarket on the site. The current permit has not been acted upon.'

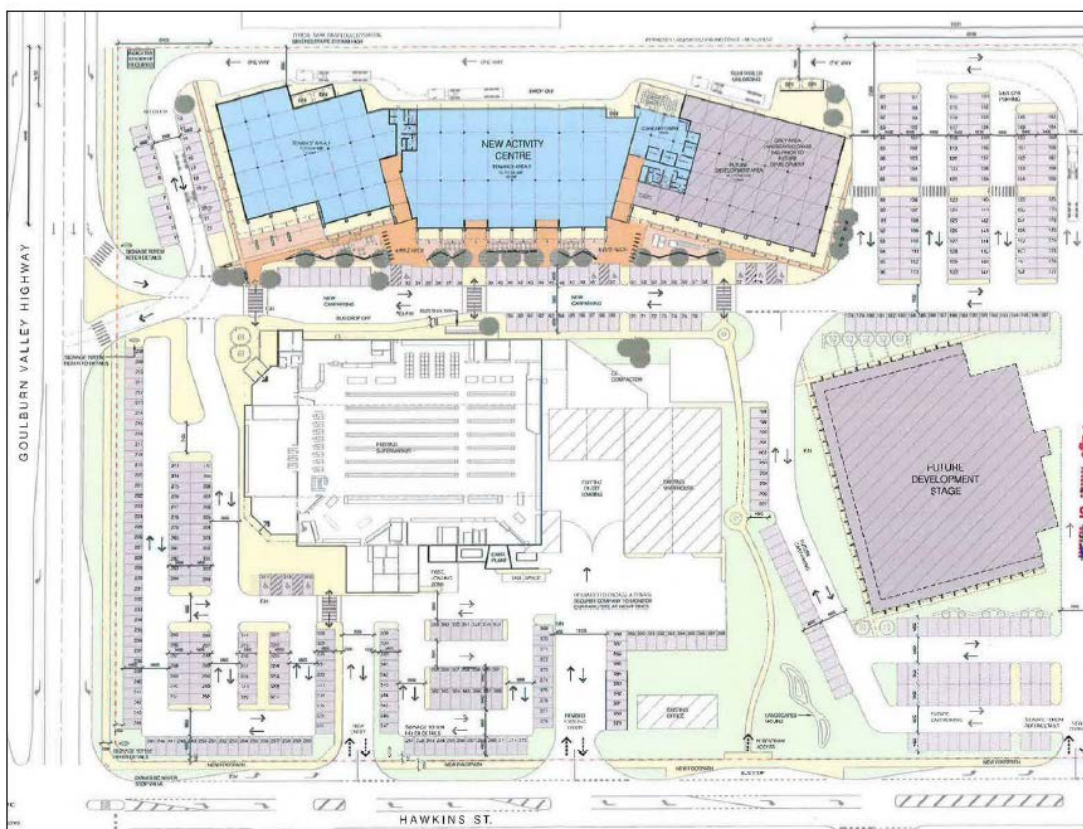


Figure 5 - Approved plans for the IGA redevelopment.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Implementation of Commercial Activity Centres Strategy - Amendments C192 and C193 (continued)

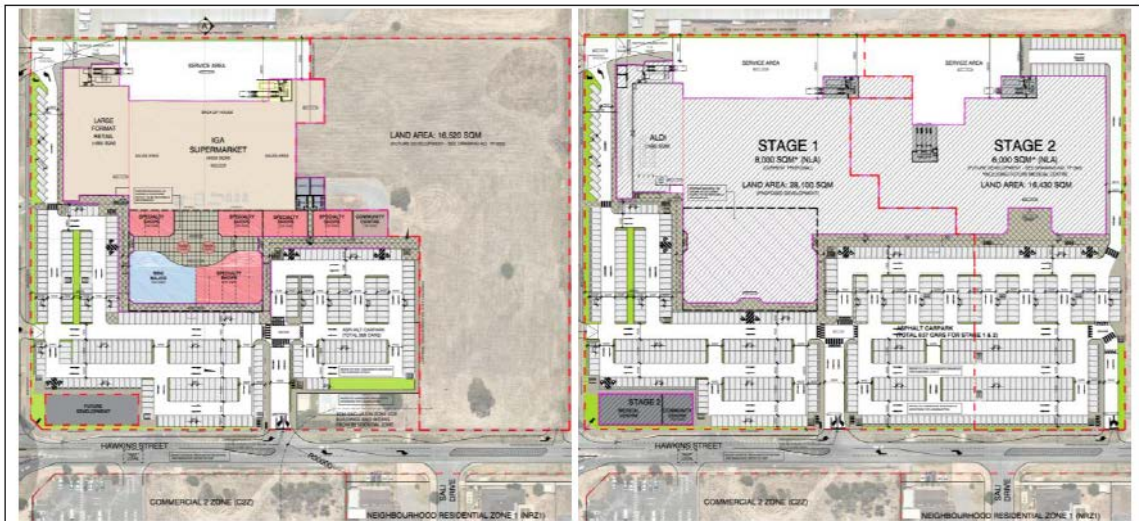


Figure 6 - Revised plans for the IGA redevelopment Stage 1 (left) and proposed Stage 2 (right) plans, submitted January 2017.

Taking into consideration the history of Shepparton North, the Panel stated;

There is merit in both arguments and ultimately the Panel finds that in terms of what is best for the long term future of the Shepparton North community, and what represents good planning, an opportunity should be provided for Council to:

- *properly define a Shepparton North Activity Centre*
- *prepare a considered Structure Plan for the centre*
- *provide the opportunity to re-think the existing IGA site so that it can develop as a catalyst for a co-located supermarket site.*

In reaching this decision, the Panel report accepts the following:

However, this opportunity has a time imperative. Lascorp is ready to go with its proposal and former owner (Metcash) has pontificated on its existing planning permit. The new property owner (18 Pty Ltd) seeks a new permit to allow for a second supermarket – but without an identified tenant. A likely reason is because the second supermarket does not have main road frontage or clear access. If 18 Pty Ltd is willing to re-think its site development, be open to re-siting its supermarket to share the main road (Numurkah Road) frontage and access, and be involved in the Structure Plan process, then the Panel considers adoption of the retail component of Amendment C193 should be deferred to allow these considerations and work to be undertaken.

Importantly, the Panel recommends that, ‘*this work should be undertaken within a reasonable time period, otherwise the Panel recommends that Amendment C193 Part 2 be adopted and a permit issued for the Lascorp site and proposal.*’ In making this recommendation, the Panel ‘*agrees...that the Lascorp may be more proximate to an emerging population to the north.*’

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Implementation of Commercial Activity Centres Strategy - Amendments C192 and C193 (continued)

The Panel recommends that Amendment C193 Part 2 be deferred to allow the opportunity for a further review of the 18 Pty Ltd planning permits and to undertake a structure planning process.

The Panel concluded that the current proposal by 18 Pty Ltd for the IGA site, while not part of these amendments, did not, *'lend itself to being part of an integrated structure plan for the SNAC. It turns its back on the land to the north and does not seem to be designed in a way that encourages a second supermarket on the site to have 'equal billing'.*

The Panel Report outlines a recommended process for delivering a second supermarket in Shepparton North, requiring Council to consider the integration of the proposals with surrounding land uses. In order to do this, Council will need to defer Amendment C193 Part 2 and work further with 18 Pty Ltd to determine whether a second full line supermarket can be realised on their site.

Panel states, 'this can only occur if Council is willing, and 18 Pty Ltd is proactive in reviewing its permit and actively seeking a committed and signed up tenant for a second supermarket. If this commitment is unable to be made, the Panel considers the Lascorp rezoning and permit application should be approved and permitted'.

Equally, if Council embarks on a structure plan process and it does not eventuate, or if 18 Pty Ltd is not able to review its current and revised planning permit application, the Panel considers the Lascorp proposal should proceed. P.56

Council officers have considered this recommendation in the Panel Report and consider there is some merit in allowing 18 Pty Ltd to finally resolve many of the issues surrounding the development on their site. The Panel Report provides some time frames to allow this to occur, stating 18 Pty Ltd could engage with potential supermarket operators within a reasonable timeframe specified, noting that 18 Pty Ltd should be given a time period to actively seek a , *'committed and signed up tenant for a second supermarket'*. The Panel Report states that a reasonable time for seeking a commitment to a tenant is six months, and should Council undertake further structure planning this might require a time period of 12 months. Given the passage of time and work already undertaken, allowing 18 Pty Ltd six months to undertake a structure planning process for its site, including securing the lease of a commercial supermarket tenant, is considered appropriate, to ensure that all parties have been given adequate opportunity to provide a viable centre for the Shepparton North community.

In regard to the recommendation to prepare a structure plan for Shepparton North, in assessing Combined Amendment C193, Council officers undertook a number of accompanying strategic assessments. This was to ensure the proposal integrated with the surrounding land uses, any impacts on Numurkah Road were mitigated and that the proposal allowed for coordinated, well thought out growth of the centre in the future, and is considered appropriate long term planning for the area. In addition, Council is undertaking a framework for growth, in partnership with the Victorian Planning Authority, which will provide direction for land use and planning throughout Shepparton and Mooroopna towards 2050.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Implementation of Commercial Activity Centres Strategy - Amendments C192 and C193 (continued)

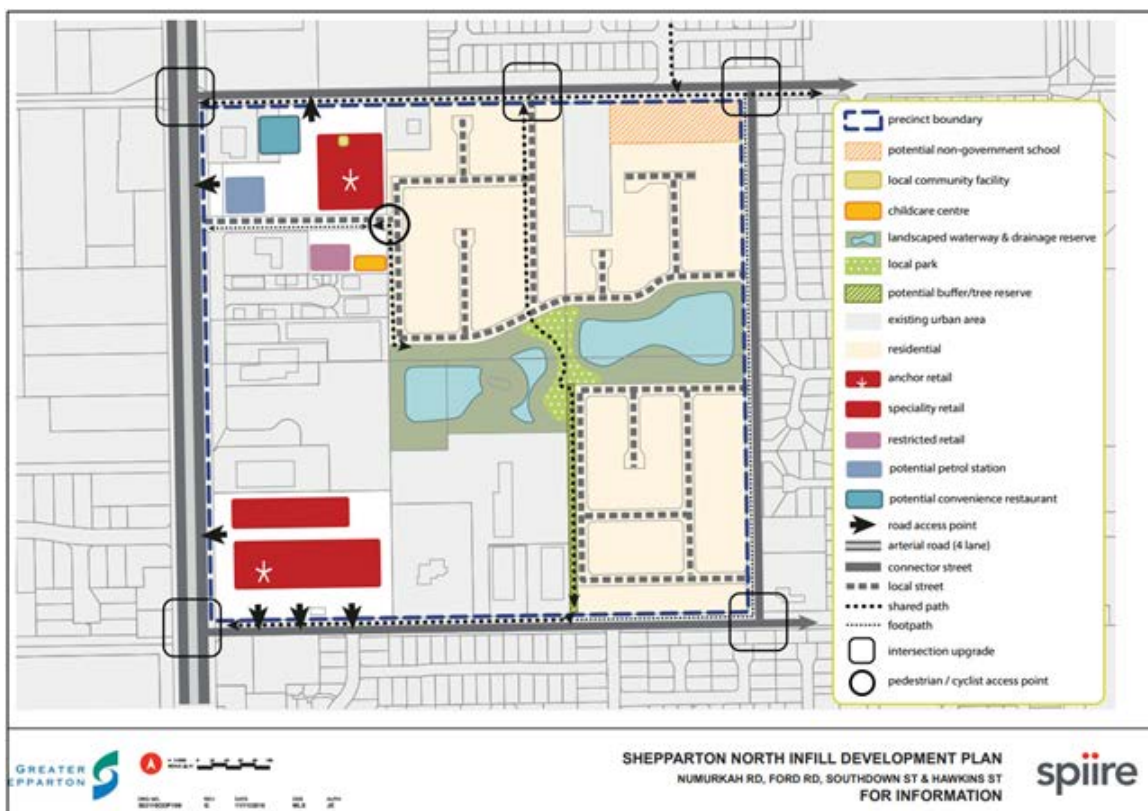


Figure 7 - Structure Plan for Shepparton North.

Council officers are therefore confident that this proposal is appropriate and aligns with the recommendations of the CACS, and state and local policy. In deferring Amendment C193 Part 2, Council seeks to give the IGA site an opportunity to demonstrate a similar compatibility with recommendations and policy frameworks that has, until now, not been realised. This information will give Council an opportunity to view both proposals in a similar light, and determine how to proceed. Should 18 Pty Ltd decide not to provide this information, Council officers consider there has been significant opportunity, over the past two decades and particularly over the past 5 years, for this centre to have developed to a centre capable of servicing the surrounding community. In order to provide this service to the residents in Shepparton North, the Lascorp proposal will be supported, in accordance with Panel recommendations.

The Panel also recommended that planning permit 2016-269 be amended, to delay the starting date for development on the site by two years. It is considered that the deferral of the Amendment for 6 months is sufficient to achieve the intended outcome of this recommendation, which is to ensure 18 Pty Ltd have sufficient time to provide information to Council in relation their site, without influence from any decision on the Lascorp site (see *Attachment 2 – proposed permit 2016-269* for changes to the permit provided by the Panel).

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Implementation of Commercial Activity Centres Strategy - Amendments C192 and C193 (continued)

Council Plan/Key Strategic Activity

The Amendment is supported by the *Greater Shepparton Council Plan 2017-2021* as follows:

Economic

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

Objective 3.1: Shepparton is the regional city centre supported by well-planned and designed existing and emerging commercial activity centres

Built

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

Objective 4.1: Growth is well planned and managed for the future

Objective 4.2: Urban and rural development is sustainable and prosperous.

Objective 4.4: Quality infrastructure is provided and maintained to acceptable standards.

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

Risk Management

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

In accordance with Minister Direction No 15, Council must decide to either abandon or adopt the Amendments within 40 days of receiving the Panel's report.

Another risk associated with adopting the Panel's recommendations is that in deferring Amendment C193 Part 2, the proponent will decide to withdraw their investment and no second full line supermarket will be provided in Shepparton North.

Policy Considerations

The Amendments are consistent with existing Council policy, and support Council policy on economic development.

Financial Implications

The costs of the proposed Amendment C192, including the cost of an Independent Planning Panel, must be met by the proponent, which is Greater Shepparton City Council.

The costs of the proposed Amendment C193, including the cost of the Independent Planning Panel, will be met in part by Lascorp Pty Ltd, as proponents for this Amendment.

While the Panel Hearings were combined in order to produce cost efficiencies, the Independent Planning Panel costs totalled \$84,647. Of this a portion will be met by Lascorp Pty Ltd. Additional costs for legal representation and coordination of expert witness statements cost \$200,000. These costs have already been included in the 2016/2017 and 2017/2018 Strategic Planning budgets.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Implementation of Commercial Activity Centres Strategy - Amendments C192 and C193 (continued)

The application of a PAO requires Council to compensate landowners required for land to provide drainage infrastructure, and facilitate the development of the infrastructure, which will cost up to \$4 million. Council will recoup much of this cost via developer contributions, however an initial upfront cost to Council has been budgeted in the 2017/2018 and 2018/2019 capital works budgets.

A Planning Scheme Amendment includes fees of \$453 for the Minister for Planning to consider a request to approve an Amendment.

Legal/Statutory Implications

All procedures associated with this proposed Amendment comply with the legislative requirements of the Act. The Amendment has been assessed in accordance with the Act and the Planning Scheme. The assessment is considered to accord with the *Victorian Charter of Human Rights and Responsibilities Act 2006* (the Charter) – no human rights have been negatively impacted upon throughout the process.

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

Environmental/Sustainability Impacts

The proposed Amendments aim to put in place guidance for the future land use and development of Shepparton's activity centres, and it is not envisioned that there will be any significant adverse environmental impacts. The proposed Amendments include requirements to consider environmentally sustainable design principles in the construction of any new land use or development.

Social Implications

The proposed Amendment C192 is not expected to have any significant adverse social impacts, rather it will strengthen the role of the Shepparton CBD to ensure it continues to serve the community's needs. A proposal to increase retail floorspace or for other use or development within the ACZ will be subject to planning and development assessment utilising the criteria provided in the CACS, including an assessment of the benefits of any proposals to the community.

The proposed combined Amendment and Planning Permit Application will provide a larger activity centre with improved access to a diverse range of services for the wider community. The proposed combined Amendment and Planning Permit Application includes an area for community meeting space and a childcare centre. The deferment of this Amendment will allow 18 Pty Ltd an opportunity to demonstrate their site can provide the same community benefit to the surrounding area.

It is not expected that there will be any negative social impacts on adjoining land as a result of this proposed combined Amendment and Planning Permit Application. The proposal will result in a net community benefit by providing a pleasant and safe working and recreational environment in the northern corridor of the city.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Implementation of Commercial Activity Centres Strategy - Amendments C192 and C193 (continued)

Economic Impacts

The proposed Amendment seeks to provide greater certainty for business and community regarding what kind of future land use and development can occur and where. The proposed Amendment also limits the amount of retail shop floor space in certain activity centres, based on the existing and anticipated retail catchment and the strategic importance of the activity centres within the hierarchy. The proposed Amendment also discourages the location of uses such as cinema or department store outside of the retail core. There is strong strategic logic for this guideline, however uses and floorspace caps are discretionary and can be changed subject to the appropriate planning and development assessment criteria, which includes the requirement for an economic impact assessment and retail assessment to be prepared.

The proposed Amendment will help to stimulate investment within the additional Precincts in the ACZ by reducing application and permit requirements for use and development and providing additional planning certainty about what use is preferred.

The Panel Report accepted statements that were commonly agreed to by the economic experts that CACS provides an economic perspective of Shepparton's activity centres hierarchy based on a sound methodology and appropriate level of analysis.

Further, the Panel found that, 'implementing CACS will provide a clearer strategic foundation for future planning scheme amendments and permits with retail related proposals.'

In relation to Shepparton North, CACS found that there was currently an undersupply of retail and commercial facilities available for the area, and its recommendations were aimed at ensuring the provision of a sub-regional sized centre in the near future. Following the adoption of CACS Council received two applications for retail floor space in Shepparton North, and in that manner the implementation of CACS will continue to provide an environment for economic growth throughout Shepparton.

Amendment C193 Part 2 will provide additional supermarket floor space in the North, which has been identified as a requirement in the CACS. The supermarket will provide an additional 252 ongoing jobs and cost approximately \$10 million to develop.

The provision of an additional supermarket in Shepparton North will also ensure that the area continues to serve a sub-regional function with the Shepparton Activity Centre hierarchy, servicing the wider northern region.

The deferment of Amendment C183 Part 2 will postpone the economic investment in Shepparton North. In order to ensure this is not an undue delay, Council officers will limit 18 Pty Ltd to a time of six months, during which they are invited to demonstrate that the IGA site is both capable and, more importantly, shovel ready, in terms of providing a second full line supermarket and associated retail and commercial facilities on their site that will accord with a subregional status.

If this does not eventuate, and 18Pty Ltd cannot provide a tenant and appropriate structure plan for the site within six months, Council officers recommend the approval of Amendment C193 Part 2, in line with Panel's recommendations, in order to continue the economic prosperity and investment in the north.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Implementation of Commercial Activity Centres Strategy - Amendments C192 and C193 (continued)

Consultation

Amendments C192 and C193 implement the findings of the *Commercial Activity Centres Strategy, November 2015*, which was prepared with extensive input from relevant authorities, key stakeholders and members of the community.

Amendment C192

Amendment C192 was exhibited from 7 July 2016 to 8 August 2016 in accordance with the *Planning and Environment Act 1987*.

Exhibition included the following notice:

- Direct notice to real estate, planning and engineering professionals;
- Direct notice to prescribed Ministers;
- Notice in the Shepparton News;
- Notice in the Victoria Government Gazette;
- Notice on the Greater Shepparton City Council website;
- Notice on the Department of Environment, Land, Water and Planning website, and
- Copy of exhibition documentation in the foyer of the Council offices at 90 Welsford Street, Shepparton.

Council received thirteen submissions. Five submissions were received from referral authorities that did not object to the proposed Amendment. One submission was received from a referral authority that supported the proposed Amendment subject to conditions. Six submissions were received that objected to the proposed Amendment. One submission was received that supports the proposed Amendment subject to minor changes.

Council officers met with objecting submitters in an effort to resolve concerns raised in submissions. The majority of the outstanding submissions relate to the proposed changes to the Greater Shepparton Planning Scheme to facilitate a second full-line supermarket in Shepparton North. Other outstanding submissions related to:

- Planning controls and retail floor space caps at the Shepparton Marketplace; and
- The impact of implementing the *Greater Shepparton Commercial Activity Centres Strategy, November 2015* on the Central Business District of Shepparton.

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

Amendment C193

Amendment C193 was exhibited from 20 April 2017 to 30 May 2017 in accordance with the Act. Exhibition included the following notice:

- Direct notice to affected landowners and occupiers;
- Direct notice to submitters of Amendment C192;
- Direct notice to prescribed Ministers and referral authorities;
- Notice in the Shepparton News;
- Notice in the Victoria Government Gazette;
- Notice on the Greater Shepparton City Council website;
- Notice on the Department of Environment, Land, Water and Planning website, and
- Copy of exhibition documentation in the foyer of the Council offices at 90 Welsford Street, Shepparton.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Implementation of Commercial Activity Centres Strategy - Amendments C192 and C193 (continued)

Council received twenty submissions. Five submissions were received from referral authorities that did not object or provided support for the proposed Amendment. Two submissions were received that support the proposed Amendment. Ten submissions were received that objected to the proposed Amendment.

The submissions that objected or requested changes could not be resolved and, as such, all submissions were referred to an Independent Planning Panel appointed by the Minister for Planning for consideration. A request was made to the Minister for Planning, and granted, for the Independent Planning Panel for proposed Amendment C192 and proposed Amendment C193 to be combined as similar submissions and concerns were raised.

The Independent Planning Panel Directions Hearing was held the week of 26 June 2017 and Panel Hearing held over 10 days between 24 July and 11 August 2017.

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

Strategic Links

a) Greater Shepparton 2030 Strategy, 2006

Topic: Settlement and Housing

Theme: Growth

To provide convenient access to a range of activity centres and employment opportunities that can serve the expanded municipality.

Topic: Economic Development

Theme: Retail/Commercial Centres

To have a hierarchy of viable commercial/retail centres by retaining local and visitor spending within the municipality.

b) Other strategic links

Greater Shepparton Commercial Activity Centres Strategy, November 2015

The proposed Amendment implements the recommendations of the CACS, which was adopted by Council at the Ordinary Council Meeting held on 16 February 2016.

Conclusion

Amendment C192 implements the general recommendations of the *Greater Shepparton Commercial Activity Centres Strategy, November 2015* (CACS), updating the Municipal Strategic Statement and Activity Centre Zone, rezoning Commercial 2 Zone land along Wyndham Street and Benalla Road and rezoning Commercial 1 Zone, Commercial 2 Zone and General Residential Zone land to Activity Centre Zone, to facilitate the redevelopment of Shepparton Marketplace.

Amendment C193 implements the recommendations of CACS in relation to Shepparton North, facilitating a second full-line supermarket in Shepparton North, and applying a Public Acquisition Overlay over land to allow for the Shepparton North Regional Catchment Basin and infrastructure.

In light of the similarity in many submissions between Amendment C192 and C193, Council officers considered that significant cost savings would be achieved if the Independent Planning Panels for both amendments were combined. The Independent Planning Panel was held from the 24 July to 11 August 2017, in Shepparton and Melbourne and the Panel Report was received on 10 October 2017.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 Implementation of Commercial Activity Centres Strategy - Amendments C192 and C193 (continued)

Council officers support the recommendations in regard to Amendment C192, and recommend its adoption with post exhibition changes as discussed at Panel, subject to relevant modifications detailed in the 'Background' section of this report.

The Panel recommended that Amendment C193 be split into Part 1 – Application of the PAO and Part 2 – Rezoning of the proposed Woolworths site, and Part 2 deferred until Council is satisfied this is the best location for a supermarket in Shepparton North. This location is a choice between two sites within 400 metres of each other in Shepparton North. One comprises an existing supermarket, with an unacted upon permit for redevelopment and a proposal to enlarge the centre however with no documents that support the direction or timing of this growth. The other, a proposal for a brand new centre, with significant strategic documents prepared to support the proposal, including a confirmed tenant and direction for growth.

In assessing Combined Amendment C193, Council officers undertook a number of accompanying strategic assessments, to ensure the proposal integrated with the surrounding land uses, any impacts on Numurkah Road were mitigated and that the proposal allowed for coordinated, well thought out growth of the centre in the future.

In deferring Amendment C193 Part 2, Council seeks to give the IGA site an opportunity to demonstrate a similar compatibility with surrounding land uses, planning recommendations and policy frameworks that has, until now, not been realised. This information will give Council an opportunity to view both proposals in a similar light, and determine how to proceed. Should 18 Pty Ltd decide not to provide this information, Council officers consider there has been significant opportunity, over the past two decades and particularly over the past 5 years, for this centre to have developed to a centre capable of servicing the surrounding community. In order to provide this service to the residents in Shepparton North, the Lascorp proposal will be supported, in accordance with Panel recommendations.

Attachments

1. Greater Shepparton C192 and C193 Panel Report 9 October 2017 Page 462
2. Variation to Planning Permit 2016-269 Page 602

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 IGA Stage 2 Planning Application 2017-177

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 Statutory Planner

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

Approved by: Director Sustainable Development

Executive Summary

177 – 193 Numurkah Road, Shepparton (the land) is currently occupied by an IGA supermarket.

This application seeks planning approval for the use and development of the land for a retail development with a floor area of 5,500m² comprising of the following:

- A full line supermarket (3,470m²)
- Two (2) mini major tenancies (1,400m²);
- Nine (9) small tenancies (680m²)
- Community facility (195m²)
- Medical Centre (405m²)

The land is within the Commercial 1 Zone (C1Z) and is affected by the Land Subject to Inundation Overlay (LSIO). The application has been advertised and no objections were received.

The schedule of the C1Z has a shop floor area cap (the cap) of 8,000m², above which a planning permit is required. This application seeks permission to exceed the cap by 6000m² resulting in a centre of 14,000m². By comparison the Shepparton Marketplace is about 15,000sqm in size.

Shepparton North in recent times has been an active space for new retail developments. The Commercial Activity Centre Strategy, November 2015 (CACS) identified Shepparton North as a subregional centre. CACS observed that Shepparton North is not fulfilling its role as a subregional centre and that there is a sufficient demand for a second full line supermarket in an area between Hawkins Street and Ford Road.

The land and the Lascorp proposal (C-193 and 2016-269) are competing for the second supermarket in Shepparton North. Economic modelling commissioned by officers has found that a third full line supermarket is not required in Shepparton North until 2031. Based on these findings officers support two, not three supermarkets at this time in Shepparton North.

The existing IGA supermarket and the proposed Woolworths which forms part of the Lascorp proposal represent the two full line supermarkets in Shepparton North.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 IGA Stage 2 Planning Application 2017-177 (continued)

Officers overall objective in Shepparton North is to ensure that one or another or both of the IGA or Lascorp sites are developed in a way that maximises community benefit from the provision of retail facilities. Officers also seek to ensure the any permitted development will proceed and it is not simply a mechanism to obstruct development on another site.

Council Officers are of the view that the Woolworths proposal, which is well advanced would be highly likely to be implemented of approved. On the other hand, given there is no tenant identified for the current Stage 2 IGA proposal and given the limitations of the site in terms of its attractiveness to a potential new tenant, Officers are of the view that the current proposal, if approved is unlikely to proceed in the foreseeable future.

Based on the above, the main assessment concerns relating to this application are:

- whether 6000sqm of floor space above the cap will detrimentally impact on Shepparton's central business district (CBD),
- whether permission to exceed the cap allow a third supermarket (on the basis of the approval of the Woolworths proposal) is acceptable and;
- if the proposal achieves a net community benefit and acceptable planning outcomes.

Officers have undertaken an assessment of the application and recommend that no permit grant for the following reasons:

- The proposal would allow a third supermarket in Shepparton North (assuming the Woolworths proposal is approved) which is an outcome without strategic support or economic demand until 2031;
- A third supermarket would have an unacceptable impact on the Shepparton CBD and would divert money and customers from the premier retail destination in the municipality;
- The applicant has not provided any information regarding a tenant for the proposed full line supermarket, it is therefore considered that the proposal is unlikely to be constructed, this would result in unacceptable outcome as the community would not be served by a second supermarket, if this application was approved and the lascorp application was refused;
- If constructed without a tenant, the building has the potential to be used for a department store, which would have further detrimental impact on the CBD by diverting department store customers away from the CBD and potentially an existing department store from the CBD

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 IGA Stage 2 Planning Application 2017-177 (continued)

RECOMMENDATION

1. In relation to Planning Application 2017-177, on the basis of the information before the Council and having considered all relevant matters as required by the *Planning and Environment Act 1987*, Council resolves to refuse the application on the following grounds
 - a) The proposal is inconsistent with the strategic direction in the Greater Shepparton Commercial Activity Centres Strategy as the development would likely result in a third full line supermarket in Shepparton North.
 - b) The potential for the use and development of a third full line supermarket would have a detrimental impact on Shepparton's central business district by diverting retail spend out of Shepparton's central business district;
 - c) The submitted application fails to satisfy the responsible authority that a supermarket tenant has committed to the floor space;
 - d) If the development is approved without a tenant, it is unlikely to achieve a net community benefit as approval would militate against approval of the supermarket currently proposed pursuant to C193 and 2016-269, which if approved, appears highly likely to proceed.

Moved by Cr Hazelman Seconded by Cr Patterson

1. In respect of Planning Application 2017-177 (**Application**), on the basis of the information presently before the Council and having considered all relevant matters, Council decides, in accordance with s 84(1) of the *Planning and Environment Act 1987*, that Council would have refused the Application, on the following grounds:
 - a) The Application is inconsistent with the strategic direction in the Greater Shepparton Commercial Activity Centres Strategy because approval of the Application would likely result in a third full line supermarket in Shepparton North.
 - b) The potential for the use and development of a third full line supermarket would have a detrimental impact on Shepparton's central business district by diverting retail spend out of Shepparton's central business district.
 - c) The responsible authority is not reasonably satisfied that a supermarket tenant has committed to occupy the floor space proposed by the Application.
 - d) If the Application is approved without a tenant, the Application is unlikely to achieve a net community benefit because the approval of the Application would militate against approval of the supermarket currently proposed pursuant to Amendment C193 to the Greater Shepparton Planning Scheme and Planning Application 2016-269, which, if approved, appears highly likely to proceed.
2. Council instructs its officers to engage its lawyers to represent Council in the proceeding in respect of the Application in the Victorian Civil and Administrative Tribunal.

CARRIED.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 IGA Stage 2 Planning Application 2017-177 (continued)

Property Details

Land/Address	177-193 Numurkah Road, Shepparton
Zones and Overlays	Commercial 1 Zone Land Subject to Inundation Overlay
Why is a permit required	34.01-1 Use of the land for retail greater than 8,000m ² 34.01-4 Buildings and works in the Commercial 1 Zone 44.04-1 Buildings and works in the Land Subject to Inundation Overlay 52.02 removal of easement 52.05 Advertising Signage

Proposal in Detail

The application made to Council is described as *Use and development of 5,550 square metres of shop floorspace including supermarket, development of a medical centre and community centre and associated buildings and works including car park and loading and unloading areas, signage scheme and removal of Easement E-3 as described in the attached submissions and plans.*

Details of the proposal is summarised as follows:

- A full line supermarket (3,470m²)
- Two (2) mini major tenancies (1,400m²);
- Nine (9) small tenancies (680m²)
- Community facility (195m²)
- Medical Centre (405m²)

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 IGA Stage 2 Planning Application 2017-177 (continued)

Locality Plan



Approved Plans for Stage 1

On 12 April 2012 a combined planning scheme amendment (C-119) and planning permit was issued for the subject land.

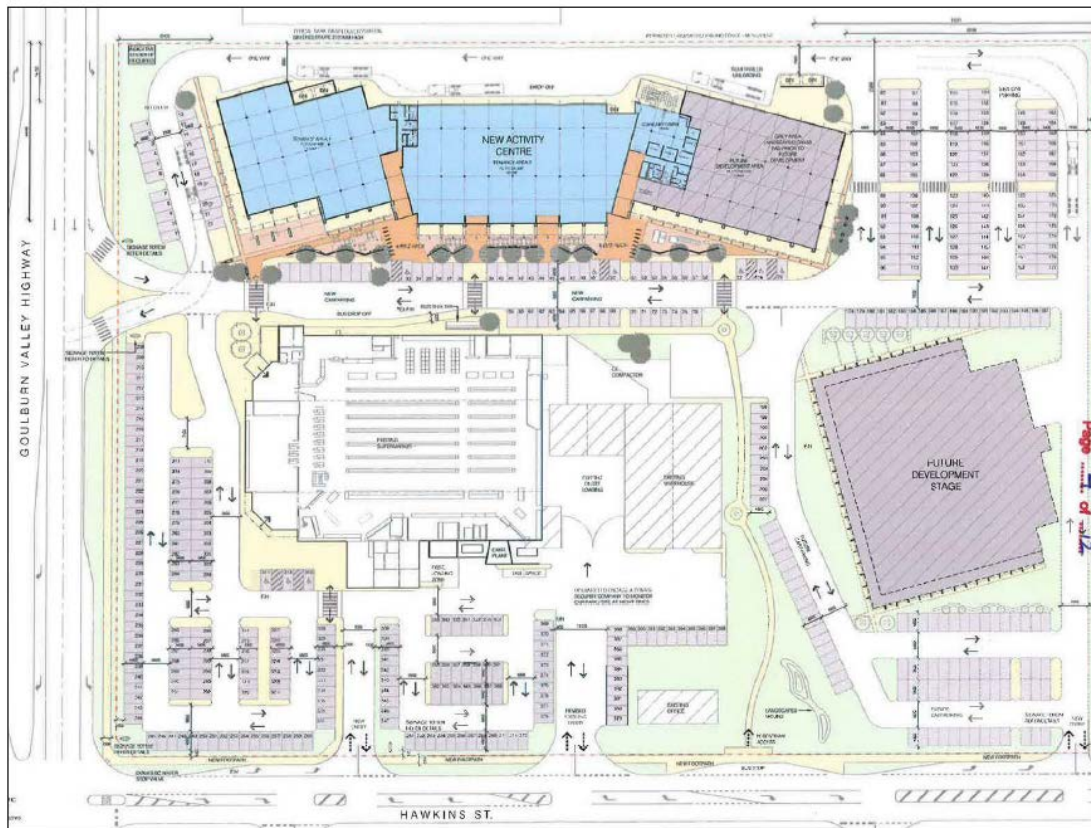
The planning scheme amendment rezoned the land to the Business 1 Zone with an 8,000m² floor space cap.

The planning permit allowed for a 4,000m² supermarket and supporting speciality shops.

The endorsed layout plan is shown below.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 IGA Stage 2 Planning Application 2017-177 (continued)



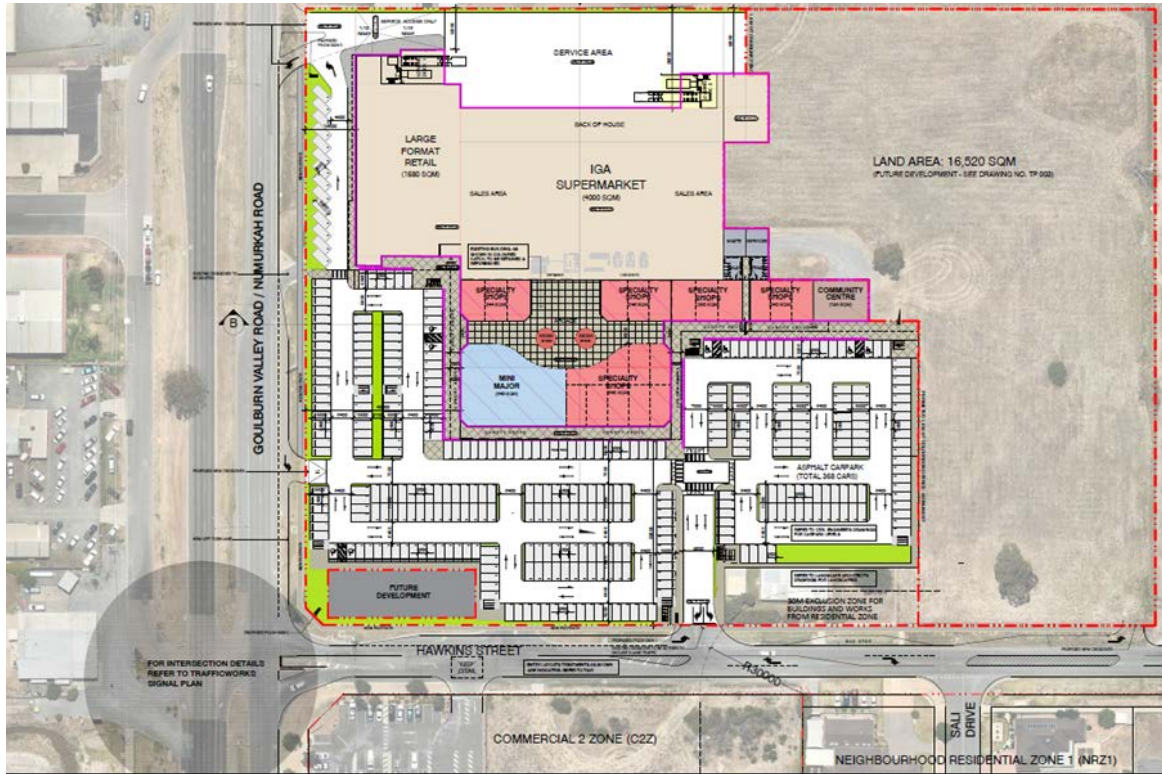
Amended Plans

In January 2017 plans were lodged to amend the layout of stage 1. The layout plan is shown below.

This application to amend the site layout has not yet been approved as the finalisation of a section 173 agreement is still pending. The agreement provides for contributions to drainage infrastructure, community centre and construction of signals at Hawkins Street and Numurkah road intersection.

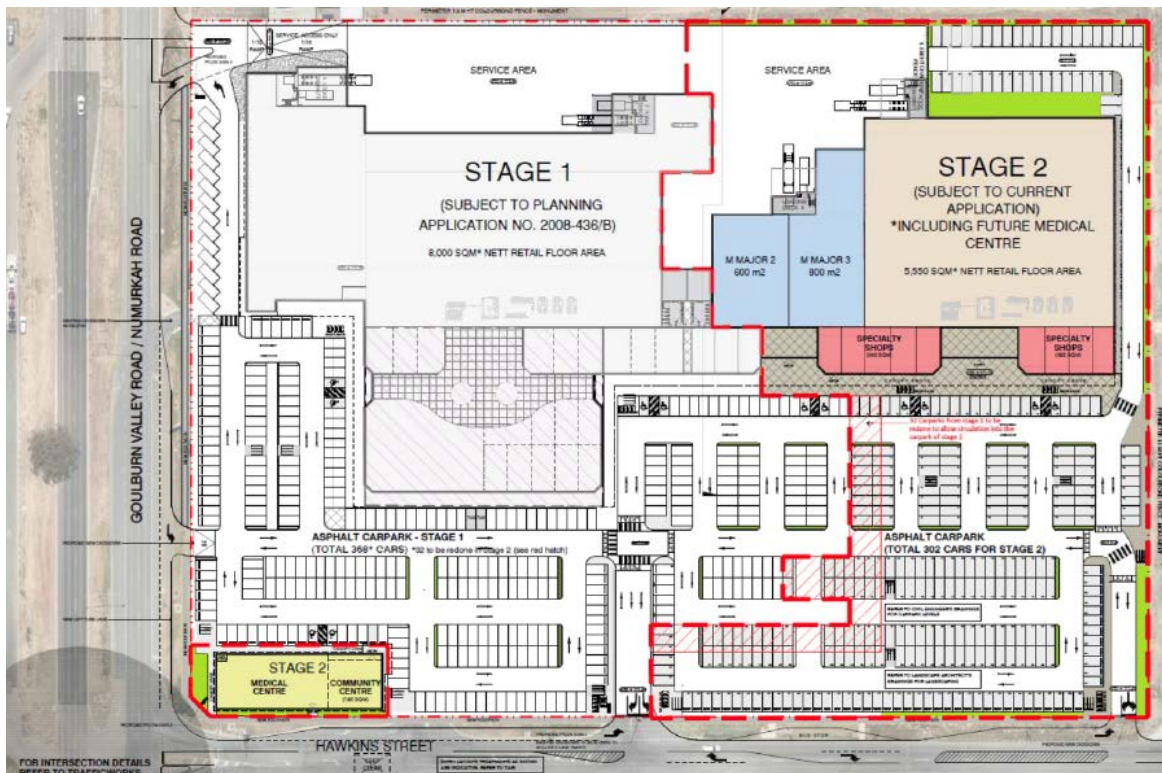
10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 IGA Stage 2 Planning Application 2017-177 (continued)



Stage 2 application

In April 2017 a new application for stage 2 of the overall development was lodged with the planning department. The layout plan is shown below.



10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 IGA Stage 2 Planning Application 2017-177 (continued)

Summary of Key Issues

The Stage 2 application (2017-177) seeks permission for a retail development comprising of:

- A full line supermarket (3,470m²)
- Two (2) mini major tenancies (1,400m²);
- Nine (9) small tenancies (680m²)
- Community facility (195m²)
- Medical Centre (405m²)

The application was referred to the Goulburn Broken Catchment Management Authority and Public Transport Victoria and no objections were received.

The application was notified to Vic Roads, Goulburn Valley Water and Goulburn Murray Water and no objections were received.

Planning Officers are of the opinion that the application has the potential to lead to the development of a third supermarket in Shepparton North, which does not have any strategic support and which would not have the economic justification within the Shepparton North catchment.

A third supermarket has the potential to have a detrimental impact on the CBD by drawing customers away from the premier shopping destination within the municipality. This would not provide a reasonable planning outcome for Shepparton.

Further to this, if constructed without a tenant, the building has the potential to be used for a department store. It is noted that the use of the land for a department store would not require a planning permit in the Commercial 1 Zone, which would have further detrimental impact on the CBD by diverting department store customers away from the CBD and potentially an existing department store from the CBD

Finally, if a planning permit were granted for the proposal without a tenant, it is possible that no second supermarket would be constructed in the area and this would result in unacceptable outcome as the community would not be served by a second supermarket, if this application was approved and the lascorp application was refused.

Background

The current planning application (2017-177) was lodged with Council on 16 June 2017.

The application form described the application as:

Use and development of 5,550 square metres of shop floorspace including supermarket, development of a medical centre and community centre and associated buildings and works including car park and loading and unloading areas, signage scheme and removal of Easement E-3 as described in the attached submissions and plans.

The application material included a Retail Impact Assessment. The assessment noted the following:

- There is a retail demand shortfall of 8,000m² within the Shepparton North areas between 2016 to 2026;
- The development of a second supermarket to cater for this demand would not have a detrimental impact on the CBD;

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 IGA Stage 2 Planning Application 2017-177 (continued)

- The development of a third supermarket could generate the risk of Shepparton North being developed beyond its intended sub regional role.

This is generally consistent with the opinions of retail experts as expressed at the Planning Panel Hearing which agreed that there is a need for a second supermarket in Shepparton North and that there is no demand for a third supermarket in the Shepparton North area.

Further information was requested on 29 June 2017.

The further information requested that the Retail Impact Assessment be amended to include an analysis of the impact of the proposal on the CBD.

A response was received on 14 July 2017.

The response to the further information request noted that the development of a second supermarket and supporting retail in Shepparton North would not have an impact on the CBD.

A peer review of the Retail Impact Assessment was undertaken by HillPDA on behalf of the Planning Department. The peer review noted that the floor space demand assessment is generally consistent with the established view of retail experts for Shepparton North, however there should be a qualitative and quantitative assessment of any impacts on the CBD provided by the applicants.

On 9 August planning officers wrote to the applicants seeking a qualitative and quantitative assessment of the impact on the CBD.

The applicants responded on August 24 noting that the proposal would have a 5.7% on CBD sales and that this would be well within the normal competitive range.

While it is noted that the applicants retail impact assessment and subsequent clarifications demonstrate that a second supermarket would not have a detrimental impact on the CBD, it does not consider the impacts of a third supermarket on the CBD.

Officers consider that the development would likely result in a third full line supermarket in Shepparton North which would be inconsistent with the strategic direction for Shepparton North as set out in the Greater Shepparton Commercial Activity Centre.

Further to this, the potential for the use and development of a third full line supermarket would have a detrimental impact on Shepparton's central business district by diverting retail spend out of Shepparton's central business district.

The application has been assessed on the relevant provisions within the Greater Shepparton Planning Scheme.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 IGA Stage 2 Planning Application 2017-177 (continued)

Planning Scheme Amendments C192 and C193

Amendment C-192 of the planning scheme seeks to implement the findings of the Commercial Activity Centre Strategy (November 2015)

The Amendment proposed to introduce planning controls and policy into the Planning Scheme to implement key priorities of the Strategy, particularly, to ensure the primacy of the Central Business District (**CBD**) as a key regional retail and commercial centre, providing a hierarchy of activity centres and defining their role in supporting retail growth in Shepparton.

In the Strategy Shepparton North is identified as a sub-regional centre, however it is noted that this role is not being fulfilled.

For Shepparton North to fulfil its role, it is suggested that a second full line supermarket and supporting retail uses is required.

In this regard, the strategy notes that a second full line supermarket and supporting retail would be appropriate in the area bounded by Hawkins Street to the south and Ford Road to the north.

Amendment C193 proposes to rezone land at 221-229 Numurkah Road and 10 Ford Road, Shepparton from the Commercial 2 Zone to Commercial 1 Zone and apply the Public Acquisition Overlay (PAO) to part of 221-229 Numurkah Road, part of 38-50 Ford Road and part of 25 Hawkins Road, Shepparton. Under the provisions of the Commercial 2 Zone, the use of the land for a supermarket with a floor area of greater than 1800 square metres is prohibited. Therefore, the land must be rezoned to Commercial 1 Zone to facilitate the development.

The Amendment was accompanied by a planning permit application to use the land for a community meeting space, buildings and works in the Commercial 1 Zone, erection and display of advertising signs, a packaged liquor licence and creation of access to a Road Zone Category 1. The planning application is the Lascorp proposal referred to in this report.

Both amendments were heard by Planning Panels Victoria in July and August 2017 and the resulting report suggests that the Council adopts C-192 with minor amendments. The Panel recommended that Amendment C193 be split into Part 1 – Application of the PAO and Part 2 – Rezoning of the proposed Woolworths site, and that Part 2 be deferred until a structure plan is prepared for the Shepparton North Activity Centre and a tenant is secured for supermarket proposed in stage 2.

Assessment under the Planning and Environment Act

The land is within the C1Z and is partially affected by the Land Subject to Inundation Overlay. The land abuts a Road Zone Category 1.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 IGA Stage 2 Planning Application 2017-177 (continued)

The purpose of the C1Z is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
- To provide for residential uses at densities complementary to the role and scale of the commercial centre.

Decision Guideline	Officers Response
<p>34.01-8 General Issues</p> <p>The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local policies</p>	<p>The proposal is inconsistent with the strategic direction in the Greater Shepparton Commercial Activity Centres Strategy as the development would likely result in a third full line supermarket in Shepparton North.</p> <p>The potential for the use and development of a third full line supermarket would have a detrimental impact on Shepparton's central business district by diverting retail spend out of Shepparton's central business district;</p> <p>It is s considered that the proposal has the potential to provide a third supermarket in Shepparton North and would lead to an oversupply of retail floor space in the Shepparton North area.</p>
<p>The interface with adjoining zones, especially the relationship with residential areas</p>	<p>The land immediately adjoins Industrial 1 Zoned land to the east and is across the road from residentially zoned land. It is not considered that the proposal would have any detrimental impacts on either adjoining zones.</p> <p>The proposal application was notified to surrounding properties and no objections were received.</p>

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 IGA Stage 2 Planning Application 2017-177 (continued)

Use	
The effect that existing uses may have on the proposed use	<p>To the east of the land is an Industrial 1 Zone, it is not considered that the industrial use (concrete factory) would have any impact on the proposed retail development, the concrete factory is suitably set back from any external retail areas.</p> <p>It is considered that the proposal would not impact on residential development to the south of the land, as there is an appropriate set back from the proposed retail development from the existing residential development.</p> <p>To the west of the land is Numurkah Road, which is in the Road Zone Category 1, it is noted that the application was referred to Vic Roads, who did not object to the proposal. It is therefore considered that the proposal would not impact on Numurkah Road..</p>
The drainage of the land	The land owners would pay a contribution to the extension of the Yakka Basin to assist in providing a regional drainage solution. The proposal would drain to the Yakka Basin, this is considered acceptable.
The availability of and connection to services	The land is fully reticulated.
The effect of traffic to be generated on roads	<p>The application included a traffic impact assessment.</p> <p>The traffic impact assessment noted that the peak traffic generation from the land would be 800 trips entering the land and 800 trips leaving the land. The traffic impact assessment concluded that the traffic generation could be adsorbed into the local traffic environment subject to a signalised intersection at Numurkah Road / Hawkins Street and upgraded accesses and egresses into the land.</p> <p>The land owners would be required to contribute to a new set of traffic lights on the intersection of Hawkins Road</p> <p>The application including the traffic impact assessment was referred to VicRoads and the Councils Development Engineering Department. There were no objections to the proposal.</p> <p>This is considered an acceptable outcome.</p>
The interim use of those parts of the land not required for the proposed use.	There would be no part of the land of land not used.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 IGA Stage 2 Planning Application 2017-177 (continued)

Buildings and works	
The movement of pedestrians and cyclists and vehicles providing for supplies, waste removal, emergency services and public transport.	The application achieves an acceptable outcome in terms of the movement of vehicles and pedestrians. There is an existing footpath network surrounding the site and appropriate pedestrian circulation throughout the car parking areas. All waste areas are provided behind the buildings and waste removal trucks and deliveries have a spate access to the land. This is considered appropriate.
The provision of car parking	The proposal includes the provision of 302 car parks to service the proposal The planning scheme would require 271 car parks to be provided. This satisfies the requirements of Clause 52.06 of the planning scheme.
The streetscape, including the conservation of buildings, the design of verandas, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.	It is considered that the design of the proposal provides for an acceptable retail development design. The design includes scaled cubic forms with appropriate excisions and sculpting that is normal to modern retail buildings in the urban context. It is considered that the design would provide a set backed frontage and would not have a detrimental impact on the amenity of the area. It is noted that appropriate landscaping would be provided on the land, along the boundary and within the car par. This considered appropriate.
The storage of rubbish and materials for recycling.	All rubbish would be stored to the rear of the building and would be screened from view for the public, this is appropriate.
Defining the responsibility for the maintenance of buildings, landscaping and paved areas.	It is considered to be clear as to the maintenance of the development. The maintenance would be the responsibility of the land owner or operators are per agreements.
Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.	The proposal would not have any overlooking or overshadowing issues. The building is set back from any sensitive boundaries and therefore it is considered there would be no overlooking or overshadowing.
The availability of and connection to services.	The land is fully connected to services.
The design of buildings to provide for solar access.	The building is appropriately designed for solar access.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 IGA Stage 2 Planning Application 2017-177 (continued)

Flooding

Relevant clauses of the planning scheme include:

- 13.02-1 Floodplain Management;
- 21.05-2 Floodplain and Drainage Management;
- Land Subject to Inundation Overlay

In broad terms, the Clauses of the Planning Scheme which relate to flooding seek to ensure that proposed uses or development do not increase the possibility of flooding or flood damage.

The application was referred to the Goulburn Broken Catchment Management Authority who did not object to the proposal, subject to the floor level of the building being constructed at 111.7 metres AHD.

Commercial

Relevant clauses of the planning scheme include:

- 17.01-1 Business
- 21.06-5 Commercial/ Activity Centres
- C-192 Commercial Activity Centre Strategy

In broad terms, the clauses of the planning scheme which relate to the commercial development seek to ensure that development meets the communities need for retail development while being in line with an established and defined retail hierarchy within the municipality, which seeks the sustainable development of each defined centre without impacting on the primacy of the Shepparton CBD.

It is considered that the proposal has the potential to provide for an unsustainable amount of retail floorspace in Shepparton North, as it has the potential to provide a third supermarket in the catchment.

The economic report for the CACS notes that there is retail demand for two full line supermarkets in Shepparton North. There would be no requirement for a third supermarket in Shepparton North until the mid 2030's. At the panel hearing for C-192 / C-193, the methodology, assumptions and data used to provide this conclusion was acknowledged by all economic experts.

In light of this, it is considered the over supply of retail floor space in Shepparton North would have a detrimental impact on the CBD by diverting retail spend from the established supermarkets in the CBD to Shepparton North. This would not comply with Clause 21.06-4 of the planning scheme which seeks to reinforce the CBD as the principal retail centre in the municipality. Therefore the proposal would not comply with the provisions of the planning scheme relating to the retail hierarchy.

Integrated Decision Making

10.04 of the state planning policy framework states:

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

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 IGA Stage 2 Planning Application 2017-177 (continued)

31.02 of the planning scheme also states:

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.

It is acknowledged that the proposal has the potential to achieve compliance with some elements of the planning scheme such as design criteria and could comply with particular provisions of the planning scheme.

However the proposal is inconsistent with the strategic direction in the Greater Shepparton Commercial Activity Centre Strategy as the development would likely result in a third full line supermarket in Shepparton North, has the potential to provide for a third line supermarket in Shepparton North which would have a detrimental impact the CBD, the application fails to satisfy the responsible authority that a supermarket tenant has committed to the floorspace and if the development were approved without a tenant the proposal is unlikely to achieve a new community benefit as the approval would mitigate against the approval of the supermarket currently proposed pursuant to C-192 and 2016-269.

Council Plan/Key Strategic Activity

Council Plan

Built

Objective 4.1

Growth is well planned and managed for the future

The proposal would lead to an oversupply of retail floor space in Shepparton North.

It is considered that this would have a detrimental impact on the CBD. This is not considered to be an outcome that would provide for a well planned retail outcome.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Over supply of retail floorspace	Almost Certain	Negligible	Low	The proposal has the potential to provide an over supply of retail floorspace in Shepparton North which may have a detrimental impact on the CBD by diverting retail spend away from the primary retail destination in the municipality. This risk is mitigated by refusing the application.
Under supply of retail floor space	Almost Certain	Negligible	Low	The applicant has not provided any information regarding a tenant for the proposed full line supermarket, it is therefore considered that the proposal

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 IGA Stage 2 Planning Application 2017-177 (continued)

Risks	Likelihood	Consequence	Rating	Mitigation Action
				is unlikely to be constructed, this would result in unacceptable outcome as the community would not be served by a second supermarket, if this application was approved. This risk could be mitigated by refusing the application.

Policy Considerations

The application has been considered against the policies contained within the Greater Shepparton Planning Scheme and found to achieve unacceptable planning outcomes

Financial Implications

The decision of the Council could be appealed to VCAT which may lead to cost for representation at the tribunal. .

Legal/Statutory Implications

Title details

The title contains a Section 173 Agreement (X569060Q). The agreement relates to flood levels on the property and exempts Council from any responsibility for flood damage for buildings being constructed lower than 114.7AHD.

The title contains an easement (E-3) along the north eastern portion of the land, for the supply of water and is in favour of Goulburn Murray Water. This is proposed to be removed as part of the application.

Cultural Heritage

The land is not identified as having an Aboriginal Cultural Heritage Sensitivity.

Environmental/Sustainability Impacts

The use has no detrimental impact on the environment subject to the inclusion of appropriate drainage conditions should it be decided to grant a permit.

Social Implications

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

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

- *Any significant social effects and the economic effects which the responsible authority considers the use or development may have.*

This application, has the potential to provide for a third supermarket in Shepparton North, which has the potential to have an impact on the CBD, this would have a detrimental impact on the premier retail destination of the municipality.

Officers also note that, if a planning permit were granted for the proposal without a tenant, it is possible that no second supermarket would be constructed in the area, this would result in unacceptable outcome as the community would not be served by a second supermarket.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 IGA Stage 2 Planning Application 2017-177 (continued)

Economic Impacts

Should Council decide to oppose the application; the investment associated with the application may be lost.

The submitted application states the cost of the development is \$14,000,000.

Referrals/Public Notice

The application was notified to the public and no objections were received.

The application was referred to Goulburn Broken Catchment Management Authority and Public Transport Victoria and no objections were received.

The application was notified to Vic Roads, Goulburn Valley Water and Goulburn Murray Water and no objections were received.

The application was referred to the Council's Development Engineering Department and no objections were received.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

The Greater Shepparton 2030 strategy (GS2030) is a reference document in the planning scheme under 21.09.

A reference document is described by Practice Note 13 Incorporated and Reference Document as:

Reference documents provide background information to assist in understanding the context within which a particular policy or provision has been framed.

Reference documents have only a limited role in decision-making as they are not part of the planning scheme. They do not have the status of incorporated documents or carry the same weight.

Section 6 Commercial / Retail Centres

The retail industry is an important component of the local economy, with approximately 4,000 residents or approximately 17% of the resident labour force employed in the industry in 2001 (ABS Census for Population and Housing). This industry is also important for its role in delivering goods and services to households and businesses.

Shepparton CBD is the principal retail centre in the municipality and plays an important regional role. The main trade area served by Shepparton CBD comprises Greater Shepparton, plus the surrounding municipalities of Moira and Strathbogie and the southern and eastern parts of Campaspe Shire. Shoppers are also drawn from the wider Goulburn Valley, Benalla, Seymour and Wangaratta, and as far north as Deniliquin in NSW.

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

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 IGA Stage 2 Planning Application 2017-177 (continued)

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

Objective 2

To develop the Shepparton CBD as the regional centre for commerce and entertainment.

Objective 4

To develop and maintain a hierarchy of viable activity centres by retaining local and visitor spending in the municipality

Amendment (C-192) and C-193

Amendment C-192 of the planning scheme seeks to implement the findings of the Commercial Activity Centre Strategy (November 2015)

The Amendment introduces planning controls and policy into the Planning Scheme to implement key priorities of the Strategy, particularly, to ensure the primacy of the Central Business District (**CBD**) as a key regional retail and commercial centre, providing a hierarchy of activity centres and defining their role in supporting retail growth in Shepparton.

In the Strategy Shepparton North is identified as a sub-regional centre, however it is noted that this role is not being fulfilled.

For Shepparton North to fulfil its role, it is suggested that a second full line supermarket and supporting retail uses is required.

In this regard, the strategy notes that a second full line supermarket and supporting retail would be appropriate in the area bounded by Hawkins Street to the south and Ford Road to the north.

C-193 relates to a combined planning application and planning scheme amendment to allow for the land at 221-229 Numurkah Road and 10 Ford Road to be re-zoned to the Commercial 1 Zone and to allow for a new Woolworths full line supermarket and associated retail development (including community centre, child care centre and bar / restaurant)

A Planning Panel has considered both amendments and has recommended the adoption of C-192 of the planning scheme (with minor amendments).

The Panel recommended that Amendment C193 be split into Part 1 – Application of the PAO and Part 2 – Rezoning of the proposed Woolworths site, and that Part 2 be deferred until a structure plan is prepared for the Shepparton North Activity Centre and a tenant is secured for supermarket proposed in stage 2.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 IGA Stage 2 Planning Application 2017-177 (continued)

The Panel report does not recommend that C-193 is abandoned and therefore while there is a viable active application being considered for a second supermarket in Shepparton North it is considered that the proposal is unlikely to achieve a net community benefit as approval would militate against approval of the supermarket currently proposed pursuant to C193 and 2016-269, which if approved, appears highly likely to proceed.

Conclusion

Officers having reviewed the supplied information including the Retail Impact Assessment, inspecting the site and surrounds, the planning scheme have formed the view that the application achieves unacceptable planning outcomes and should not be supported by Council.

However, planning officers note the recommendation of the panel in respect of amendment C-193 specifically relating to deferring the adoption of C193 part 2 of the amendment for 6 months. This would to allow a specific timeframe for the preparation of a structure plan for Shepparton North by the owners of the IGA land and also provide an opportunity to secure a tenant for the proposed second supermarket on the land.

It is considered that, subject to a structure planning process being completed for the IGA site and a full line supermarket tenant being secured, a new application could be considered for the land.

Attachments

Nil

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Two Lot Subdivision in the General Residential Zone

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): Manager of Building and Planning

Approved by: Director Sustainable Development

Executive Summary

The application seeks planning permission for a two lot subdivision at 10 St Andrews Road, Shepparton (the land).

The proposal would create one lot with an existing dwelling of 436 square metres (sqm) and a vacant balance lot of 353 sqm.

The land is in the General Residential Zone (GRZ) and is not affected by any overlays. Planning permission is required for a two lot subdivision in the GRZ.

Officers have advertised the application and six objections have been lodged with Council.

The main grounds of objection can be summarised as follows:

- Devaluation of land;
- Traffic concerns;
- Creation of small balance lot does not provide enough space for a dwelling (setbacks, car parking and residential activities); and
- Concerns regarding small lot being tenanted rather than owner occupier.

Planning officers met with the objectors to discuss concerns regarding the proposal and to explain the planning process.

Despite the concerns raised in the objection, officers are satisfied that the proposed application achieves an acceptable planning outcome for the following reasons:

- The proposal is consistent with the State and Local planning policy whereby the subdivision allows for an additional residential lot within an established residential area
- The subdivision makes use of existing infrastructure and is close to services such as public transport, public open space and community services such as schools and places of worship.
- The proposal is consistent with local policy and Greater Shepparton Housing Strategy as it provides medium density housing in a designated incremental change area.
- The proposal is consistent with the existing street pattern whereby similar re-development to increase residential density is existing.

Based on the policy direction in the Greater Shepparton Planning Scheme (the Scheme), planning officers recommend that a notice of decision to grant a permit should issue.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Two Lot Subdivision in the General Residential Zone (continued)

Moved by Cr Giovanetti
Seconded by Cr Oroszvary

In relation to Planning Application 2017-64, on the basis of the information before the Council and having considered all relevant matters as required by the *Planning and Environment Act 1987*, Council resolves to issue a notice of decision for planning permit subject to the conditions as outlined below.

1. Layout Not Altered

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

2. Drainage Discharge Plan

Before the certification of the Plan of Subdivision, a drainage plan with computations prepared by a suitably qualified person or organisation, 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 submitted in an electronic format. 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 which is the side entry pit in Leithen Street;
- c) measures to enhance stormwater discharge quality from the site and protect downstream waterways;
- d) maximum discharge rate shall not be more than (37) lit/sec/ha with (12) litres (Tank/Basin) or (14) litres (Pipe) of storage for every square metre of Lot area, in accordance with Infrastructure Design Manual Clause 19 Table 13 (or as agreed in writing by the responsible authority).;
- e) Incorporation of water sensitive urban design in accordance with Clause 20 of the Infrastructure Design Manual or as otherwise approved in writing by the Responsible Authority; and
- f) Provision of an electronic copy of the MUSIC model (or equivalent) demonstrating the achievement of the required reduction of pollutant removal;
to the satisfaction of the Responsible Authority.

Before the statement of compliance is issued all drainage works required by the endorsed drainage plan must be carried out and completed to the satisfaction of the responsible authority unless otherwise agreed to in writing by the responsible authority.

3. Urban Vehicle Crossing Requirements

Before the issue of Statement of Compliance the vehicular crossing for proposed lot two shall be constructed to Council's IDM standard drawing SD235 to satisfaction of the responsible authority, and must:

- a) be constructed at right angles to the road, the gravel is replaced with concrete from the back of the kerb and channel to the property

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Two Lot Subdivision in the General Residential Zone (continued)

boundary;

A works within the road reserve permit must be obtained from the Council prior to carrying out and vehicle crossing works.

4. **Council Assets**

Unless identified in written report, any damage to public infrastructure adjacent to the land at the conclusion of construction on the land will be attributed to the land. The owner/operator of the land must pay for any damage to the Council's assets/Public infrastructure by way of the development or use.

5. **Street Trees for Residential Allotments**

Prior to the issue of the Statement of Compliance, the owner must provide or pay the cost of planting street trees within the subdivision permitted by this permit to the satisfaction of the Responsible Authority. Street trees are to be provided at the ratio of one mature tree with a minimum height of 2.4 metres for every 15 metres of road frontage of Leithen Street to the satisfaction of the responsible authority.

6. **Form 13**

Before a Statement of Compliance is issued under the *Subdivision Act 1988* by the Responsible Authority the owner must provide a completed Form 13.

7. **Underground Power connection.**

Prior to the issue of Statement of Compliance power connection to proposed lot two is to be under grounded to the site to the satisfaction of the responsible authority.

8. **Powercor Requirements**

a) The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.

b) The applicant shall:-

- i. Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor.
- ii. Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria's Electrical Safety System.
- iii. The applicant shall provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

iv. Any buildings must comply with the clearances required by the

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Two Lot Subdivision in the General Residential Zone (continued)

Electricity Safety (Installations) Regulations.

- v. Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.

9. Goulburn Valley Region Water Corporation Requirements

- a) Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;
- b) Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only and to the satisfaction of the Goulburn Valley Region Water Corporation;
- c) Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
- d) Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;
- e) A notation is to be placed on the plan of subdivision to note that pursuant to Section 12(2) of the Subdivision Act 1988, there exists "implied easements" over all of the allotments and the common property within the development;
- f) Alternatively, the developer is to provide a two metre wide sewerage easement over the common portion of the house connection drain, in favour of the benefiting land, to the satisfaction of the Goulburn Valley Region Water Corporation;
- g) The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.

10. Referral Authority Requirements

- a) The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
- b) All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easements or site is to be created.
- c) The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Two Lot Subdivision in the General Residential Zone (continued)

11. Telecommunications Referral Condition

The owner of the land must enter into an agreement with:

- A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

12. Time for Starting and Completing a Subdivision

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

- a) the subdivision is not started (certification) within **two (2)** years of the date of this permit;
- b) the subdivision is not completed (statement of compliance) within **five (5)** years of the date of certification.

CARRIED.

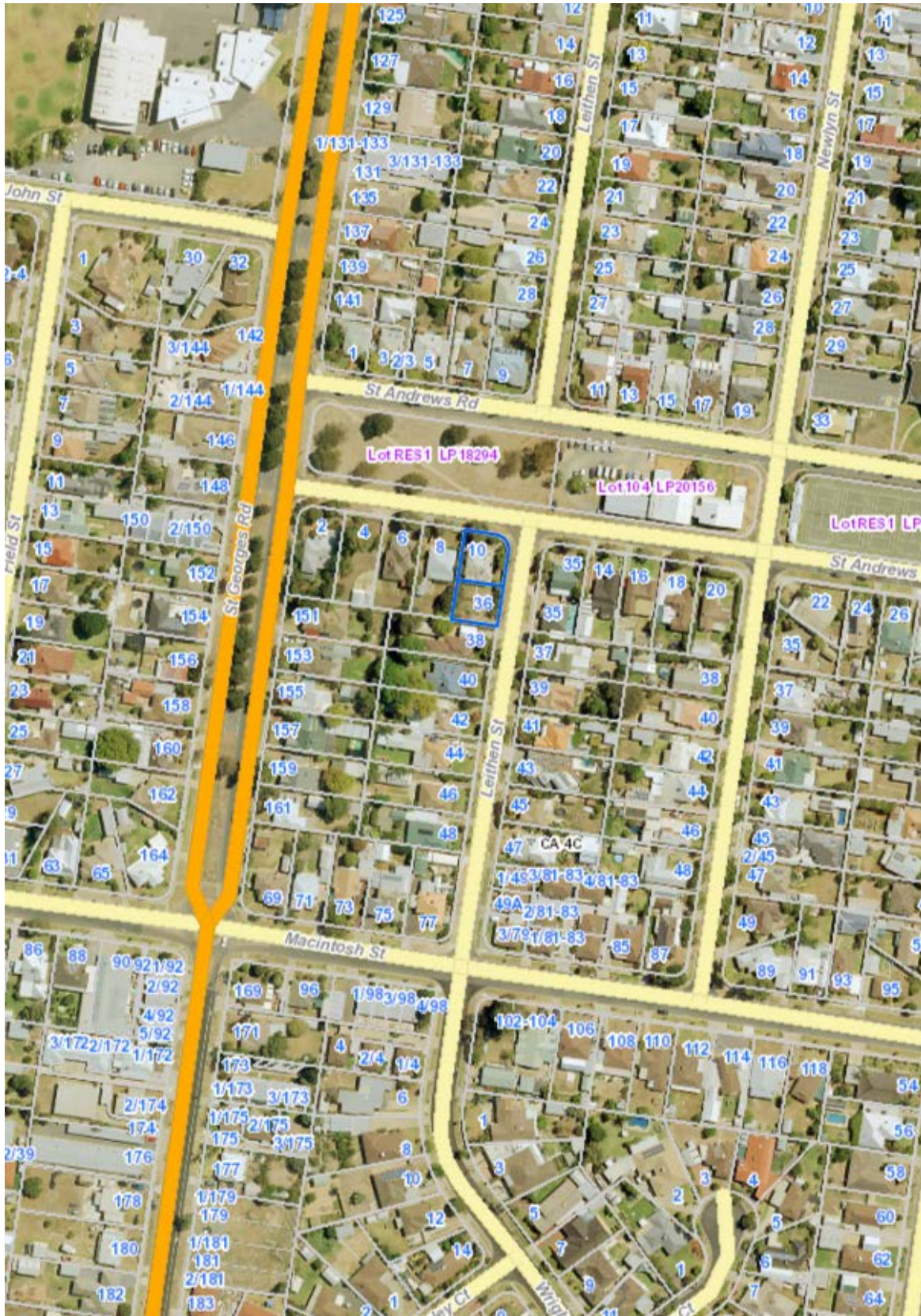
Property Details

Land/Address	10 St Andrews Road Shepparton. The land contains an existing single storey dwelling. The land is 789 sqm.
Zones and Overlays	General Residential Zone
Why is a permit required	32.08-2 Two lot subdivision in the General Residential Zone
Covenants	No
Section 173 Agreements	No

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Two Lot Subdivision in the General Residential Zone (continued)

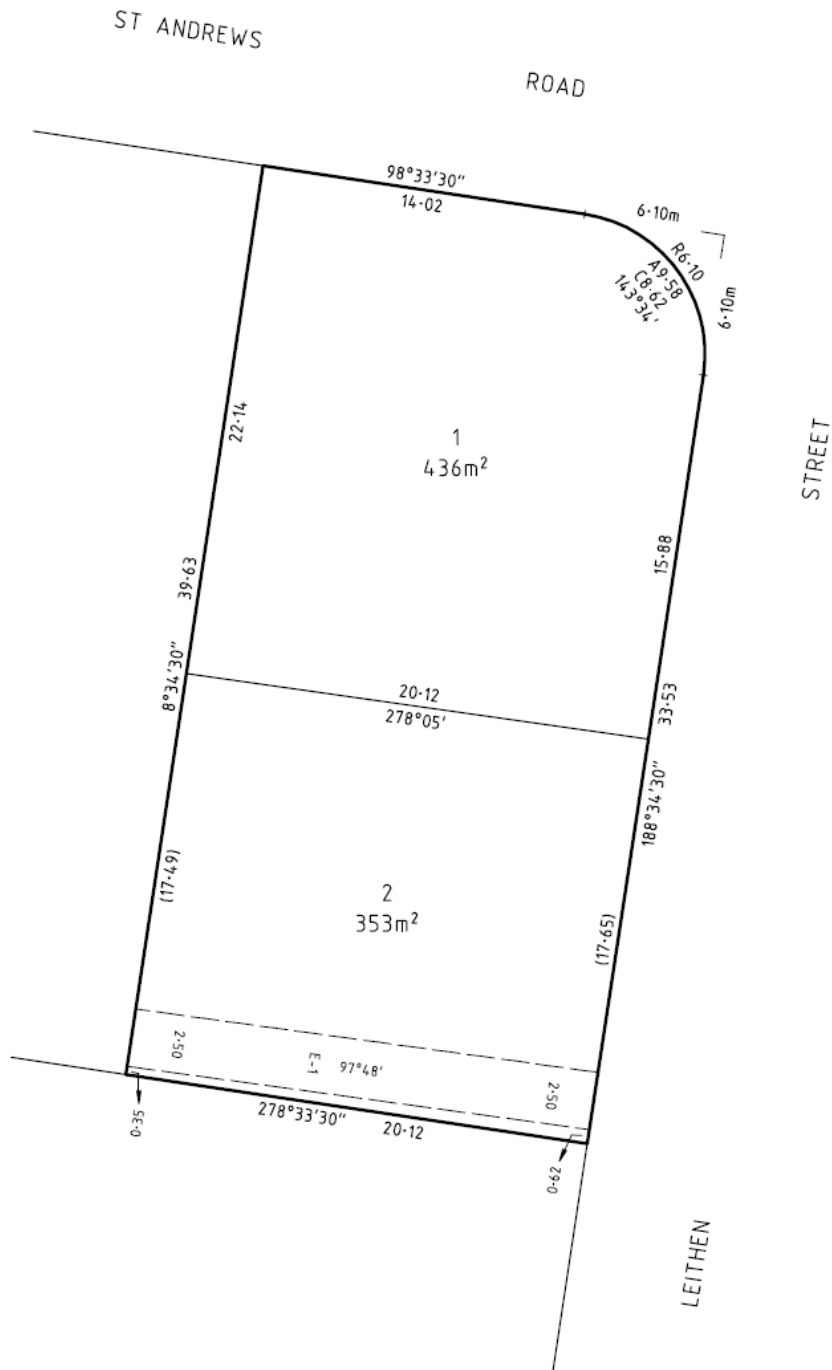
Locality Plan



10. SUSTAINABLE DEVELOPMENT DIRECTORATE

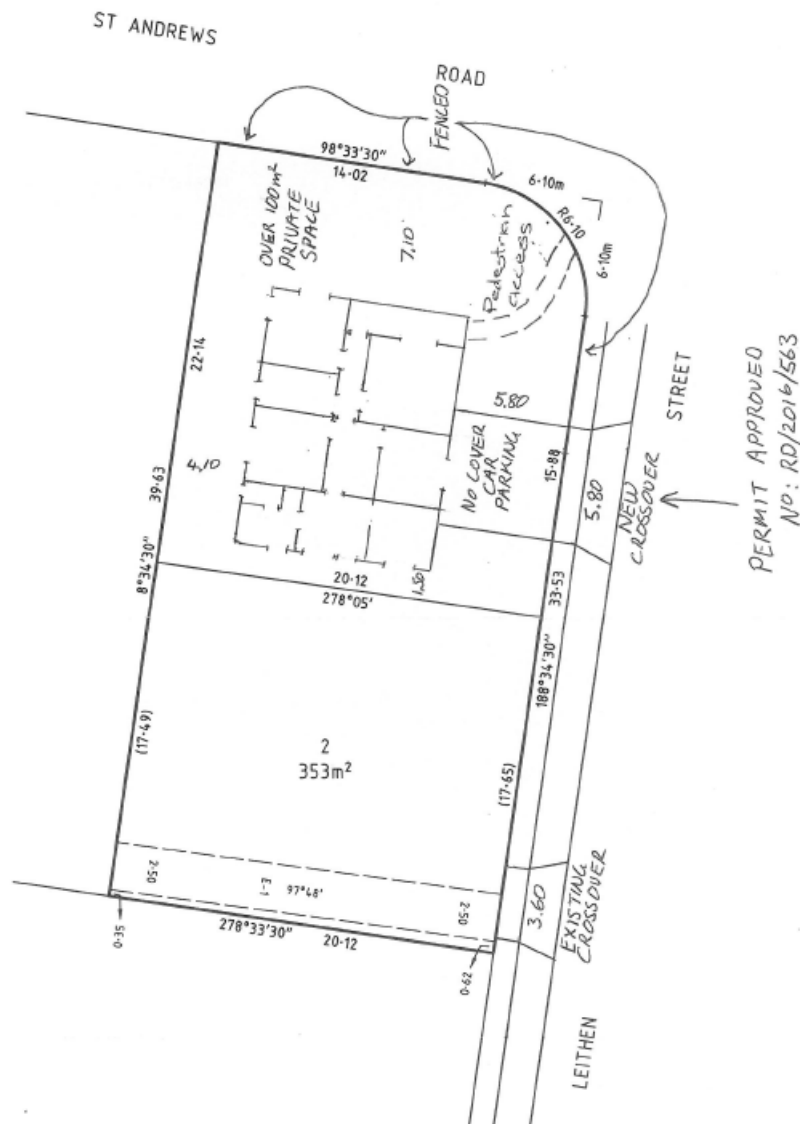
10.8 Two Lot Subdivision in the General Residential Zone (continued)

Plan of proposed development



10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Two Lot Subdivision in the General Residential Zone (continued)



Proposal in Detail

The planning permit application form describes the proposal as 'two lot subdivision (existing dwelling and vacant lot)'.

A planning permit is required pursuant to Clause 32.08-3 of the Scheme for a two lot subdivision in the GRZ.

The proposed lot one contains an existing four bedroom dwelling and is proposed to be 436 sqm in area. The proposed lot two is vacant and will create a balance lot of 353 sqm in area.

The proposed lot two contains an existing Goulburn Valley Region Water Corporation easement which is 2.5m in width and runs east-west along the southern boundary of the allotment.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Two Lot Subdivision in the General Residential Zone (continued)

The subdivision seeks to create two medium density lots consistent with the existing neighbourhood character which is a mix of medium density (less than 450 sqm) and convention residential lots (450-800sqm). The proposal makes use of a corner site whereby both proposed lots front onto streets.

Vehicle access to both lots are existing. The vehicle access to proposed lot two will be required to be upgraded by a condition on permit, should a permit issue.

Connections to services (water, sewer, gas, power, telecommunications) will be required by conditions on permit, should a permit issue.

Summary of Key Issues

The application seeks planning permission for a two lot subdivision in the GRZ.

- On 3 March 2017 a letter was sent to the applicant requesting the following further information:
 - Floor plan of existing dwelling on the land including location of windows;
 - Location of the existing dwelling on the site, including setbacks from new proposed boundary;
 - Location and dimensions of secluded private open space including internal/external fencing for the existing dwelling (as required); and
 - Location proposed access to each lot and location of car parking associated with the existing dwelling, (including undercover space if required).
- The applicant provided the requested information on 14 March 2017 which was prior to the lapse date of 3 April 2017.
- The application was advertised via a sign on site and letters to abutting and adjacent properties, with six objections received during the notification period.
- Officers have consulted with the objectors and listened to concerns and have explained the proposal and planning considerations. Officers are satisfied that the objections do not warrant refusal of the application, subject to conditions being placed on the permit.
- Officers have identified that state and local planning policy generally supports medium density housing redevelopment in established areas that are appropriately located.
- The GRZ contains a number of decision guidelines which are relevant to this application. The assessment has found that the application generally responds to the decision guidelines and an acceptable planning outcome is achieved.
- The application was lodged on the 24 February 2017, prior to the amendment VC110 (27 March 2017) which brought in garden area requirements. The minimum garden area requirement of Clause 32.08-4 introduced by Amendment VC110 does not apply to a planning permit application to subdivide land for a dwelling or a residential building lodged before the approval date of Amendment VC110.

Background

No pre-application discussions were held with planning officers prior to the lodgement of the application.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Two Lot Subdivision in the General Residential Zone (continued)

Assessment under the Planning and Environment Act

The determinative issues in this application are described as:

- State and Local Planning Policy
- Does the application achieve acceptable outcomes against the provisions of Clause 56 (subdivision) of the Scheme;
- Will the development of the land for two units lead to unacceptable traffic and parking outcomes;
- Will the neighbourhood character, existing and preferred, be detrimentally impacted by the proposed development.

State and Local Planning Policy Framework

The relevant State Planning Policies are as follows:

Clause 11.02-1 identifies urban growth should consider opportunities for the redevelopment and intensification of existing urban areas.

Clause 15.01 strategies include ensuring development responds to context in terms of urban character and that site consolidation should not result in street frontages that are out of keeping with the complexity and rhythm of existing streetscapes.

Clause 15.01-3 objectives for neighbourhood and subdivision design is to ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable diverse and sustainable neighbourhoods.

The strategies relevant to the proposal states that in the redevelopment of existing areas, subdivisions should be designed to create liveable and sustainable communities by:

- *Contributing to an urban structure where networks of neighbourhoods are clustered to support larger activity centres on the regional public transport network.*
- *Creating compact neighbourhoods that have walkable distances between activities and where neighbourhood centres provide access to services and facilities to meet day to day needs.*
- *Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.*
- *Developing activity centres that integrate housing, employment, shopping, recreation and community services, to provide a mix and level of activity that attracts people, creates a safe environment, stimulates interaction and provides a lively community focus.*

Clause 15.01-5 objective is to recognise and protect cultural identity, neighbourhood character and sense of place.

Clause 21.04-1 sets out local policy for settlement for Urban Consolidation and Growth and provides population growth forecasts and changing demographic trends.

'Population forecasts predict that the population of the City of Greater Shepparton will grow from 59,202 persons in 2006 to 71,509 by 2026. It is expected that to accommodate this additional population, there will need to be a corresponding growth in the number of dwellings (a separate estimate suggests a further 9,100 dwellings will be required by 2031). At the same time, changing demographic trends such as an increase of persons aged 65 and over, smaller household sizes and an increase in non-Australian born persons will create demand for a broad range of housing types within the municipality.'

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Two Lot Subdivision in the General Residential Zone (continued)

In facilitating the future growth and development of the municipality's towns, the Council is concerned to achieve urban consolidation thereby promoting walking, the use of bicycles and reducing the dependence on car use. In proximity to the Shepparton CBD and other key activity centres, people will be encouraged to live at higher densities in environments that offer individual, lifestyle and community benefits.'

Relevant objectives include:

- *To contain urban growth to identified growth areas in order to protect higher quality and intact agricultural areas and achieve a more compact built up area.*
- *To encourage a variety of housing types, particularly in terms of tenure and price, to contribute to housing diversity and affordability.*
- *To increase the supply of medium density housing in appropriate locations.*
- *To balance the need to achieve urban consolidation with the need to respect and retain the valued characteristics of existing neighbourhoods.*

The strategy also states that residential targets outlined in the Greater Shepparton Housing Strategy should be maintained and the targets include:

- *Infill Development* – accommodate at least 10 percent of the 9,100 dwellings (910 dwellings) in existing areas through infill and redevelopment at higher densities. New dwelling construction in these areas is highly encouraged by the GSHS and this target should be exceeded where possible.

Relevant strategies include:

- *Encourage the consolidation of existing residential areas in the municipality in accordance with the change areas identified in the Housing Change Area plans.*
- *Encourage medium density housing in preferred locations including within existing residential areas; near public transport; within major redevelopment sites; and adjacent to activity centres and open space areas.*
- *Encourage the provision of smaller lots to meet the changing demographics structure.*

The policy guidelines require that when considering an application, the Council will be guided by the following relevant provision:

- *Flexibility in lot sizes based on, diversity of lot sizes, the proximity of services and the character of the area.*

The GSHS adopted by Council on 21 June 2011 provides long-term holistic vision and direction for improving housing outcomes and established a development framework to guide future residential development in the municipality to the year 2031.

The GSHS provides information with regard to population growth and housing demand and acknowledges trends towards smaller household sizes and recognises the demand for a broad range of housing options and choices into the future.

The subdivision allows for increased housing density by allowing a range of lot sizes capable for a supporting variety of housing to meet changing residential demographic demands within existing urban area.

The subject land is identified in the GSHS as being within the incremental change area, of which is also included in local planning policy (Clause 21.04-2 of the Scheme).

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Two Lot Subdivision in the General Residential Zone (continued)

The objective of Clause 21.04-2 is:

- *To manage the impacts of change in the established neighbourhoods and ensure residential development contributes to the character of residential areas rather than undermining them.*

Incremental Change Areas are established residential areas or areas identified as Urban Growth Areas in Framework Plans that over time have the capacity to accommodate a moderate level of residential development. This development will mostly include extensions to existing dwellings, new single or double storey dwellings on existing lots, and low rise medium density housing. It is expected that the general character of Incremental Change Areas will evolve over time as new types and more intense development is accommodated.

The key strategies and policy guidelines for Incremental Change Areas include:

- *Support development which increases residential densities while respecting the character of the neighbourhood.*
- *Low-scale, medium density dwellings that respect existing neighbourhood character, particularly in areas that are in close proximity to shops, facilities, services and amenities shall be encouraged.*
- *New development that increases residential densities and is sensitively designed to respond to the existing neighbourhood character shall be supported.*

The proposal is considered to be appropriate within the neighbourhood, given the neighbourhood is currently experiencing a moderate level of change which is consistent with policy direction and the Incremental Change Areas. This is evident through the restructure of original lot layout that has occurred within the locality, all of which are within the GRZ Specific examples include:

- directly opposite the site at 35 Leithen Street,
- 1 and 3 St Andrews Road
- 45 Newlyn Street;
- 144, 142 and 150 St Georges Road and
- 49 Leithlen Street; and
- 81-83 and 98 MacIntosh Street.

The proposal is considered to respect the existing neighbourhood character, where the subdivision design responds to the existing street pattern by replicating lot layout directly to the west of the land.

- The proposal makes use of a corner site whereby the subdivision design response allows for a vacant allotment to face onto an existing street.
- The land is not at the edge of the incremental change area and therefore does not need to respond to an adjoining minimal change area nor does it have an interface with a rural zone.

The additional lot is appropriately located in close proximity to services, such as:

- being across the road from a reserve,
- approximately 100m from a bus stop,
- approximately 70 metres from maternal health and children's pre-school facility.
- Within approximately 230 metres from two primary schools; and
- Approximately 180m from a place of worship.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Two Lot Subdivision in the General Residential Zone (continued)

The subdivision will create an additional vacant lot rectangular in shape of 353 sqm. It is considered that the lot is sufficient in size to accommodate a dwelling whilst having regard to the character including street setbacks of existing buildings in the area.

Clause 21.07-4 provides policy provides direction on infrastructure planning, design and construction. The design, management and delivery of infrastructure are key issues for Council. The efficient delivery of infrastructure is a fundamental element in providing affordable and diverse housing, generating economic growth and managing the municipality in a sustainable manner.

Should a permit issue, connection to services, crossovers and drainage will be required to comply with the relevant IDM standards as appropriate.

General Residential Zone

The application is generally in accordance with the relevant purposes of the GRZ one which is to encourage development that respects the neighbourhood character of the area and to encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

The application was lodged prior to amendment VC110 (27 March 2017) being introduced and therefore a minimum garden area for the balance vacant lot is not required in accordance with Clause 32.08-14 transitional provisions.

The applicant has submitted the appropriate application requirements listed in Clause 32.08-10 of the Scheme, including site and context description and design response, which officers have considered to be satisfactory.

An application must meet the requirements of Clause 56 of the Scheme as follows:

Objectives – An objective describes the desired outcome to be achieved in the completed development.

Standard - A standard contains the requirements to meet the objective. A standard should normally be met. However if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Two Lot Subdivision in the General Residential Zone (continued)

Clause 56 Assessment

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
<p>C6 Neighbourhood Character Objective To design subdivision that respond to neighbourhood character.</p>	<ul style="list-style-type: none"> Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme. Respond to and integrate with the surrounding urban environment. Protect significant vegetation and site features. 	<p>Complies Comments: The subject land is identified within the incremental change area of the housing strategy. These areas are established areas that over time have the capacity to accommodate moderate level of residential development. It is noted that a similar subdivision has been undertaken on the land opposite the site. The proposal is generally in accordance with the area which will allow for more intense development to be accommodated over time. There is no significant vegetation or site features on the land.</p>
<p>C8 Lot area and building envelopes objective To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.</p>	<p>Lots of between 300 square metres and 500 square metres should:</p> <ul style="list-style-type: none"> Contain a building envelope that is consistent with a development of the lot approved under this scheme, or If no development of the lot has been approved under this scheme, contain a building envelope and be able to contain a rectangle measuring 10 metres by 15 metres, or 9 metres by 15 metres if a boundary wall is nominated as part of the building envelope. 	<p>Variation required Comments: Proposed lot one contains an existing dwelling. Proposed lot two is vacant. Both lots are between 300 and 500 sqm in size. No development of the second lot has been proposed or approved under the Scheme. The proposal creates a vacant allotment which is capable of a building envelope of approximately 14.5 m x 11m, where consideration to the GVW easement is given and a 8.5 setback from the street is</p>

10. SUSTAINABLE DEVELOPMENT DIRECTORATE
10.8 Two Lot Subdivision in the General Residential Zone (continued)

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
	<p>If lots of between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north unless there are significant physical constraints that make this difficult to achieve.</p>	<p>used. (similar to the abutting property to the south) The building envelope therefore falls short 0.5m less than the standard. Despite the above, the proposal is considered to meet the objective and provide an appropriate area to contain a dwelling given the lot is rectangular in shape. It is also noted reduced setbacks down to 4 metres have been previously approved in the area. If a reduced setback is approved as part of a building application, the proposed building envelope would comply with the standard.</p>
<p>C9 Solar Orientation of lots To provide good solar orientation of lots and solar access for future dwellings.</p>	<ul style="list-style-type: none"> • Unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation. • Lots have appropriate solar orientation when: <ul style="list-style-type: none"> - The long axis of lots are within the range north 20 degrees west to north 30 degrees east, or east 20 degrees north to east 30 degrees south. • Lots between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north. <p>Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street</p>	<p>Complies Comments: Both lots are almost square in shape. Lot one is 20.12m by 22.14m where the longer axis is oriented north-south. Lot two is 20.12m by 17.49 where the long axis is oriented east-west. As the subdivision allows for infill development where roads and a dwelling on lot one is existing, it is considered that the site is constrained and the subdivision layout cannot be altered.</p>

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Two Lot Subdivision in the General Residential Zone (continued)

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
<p>C11 Common Area To identify common areas and the purpose for which the area is commonly held. To ensure the provision of common area is appropriate and that necessary management arrangements are in place. To maintain direct public access throughout the neighbourhood street network.</p>	<p>An application to subdivide land that creates common land must be accompanied by a plan and a report identifying:</p> <ul style="list-style-type: none"> - The common area to be owned by the body corporate, including any streets and open space. - The reasons why the area should be commonly held. - Lots participating in the body corporate. <p>The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.</p>	<p>No applicable Comments: No common property is proposed as part of the application.</p>
<p>C21 Lot Access To provide for safe vehicle access between roads and lots.</p>	<ul style="list-style-type: none"> • Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority. • Vehicle access to lots of 300 square metres or less in area and lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets. <p>The design and construction of a crossover should meet the requirements of the relevant road authority.</p>	<p>Complies Comments: The land does not abut an arterial road. Crossovers are already approved and existing to both lots. The crossover to proposed lot one was recently approved by council in March this year via a works in the road reserve permit and has been constructed. The crossover to proposed lot two is existing, however is constructed of gravel. A condition on permit, should one issue, will require the upgrade of this crossover in accordance with the infrastructure design manual.</p>
<p>C22 Drink Water supply To reduce the use of drinking water. To provide an adequate, cost-effective supply of drinking water.</p>	<ul style="list-style-type: none"> • The supply of drinking water must be: <ul style="list-style-type: none"> - Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority. - Provided to the boundary of all lots in the subdivision 	<p>Complies Comments: The proposed lots will have independent connections to reticulated town water to the satisfaction of Goulburn Valley Regional Water Corporation.</p>

10. SUSTAINABLE DEVELOPMENT DIRECTORATE
10.8 Two Lot Subdivision in the General Residential Zone (continued)

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
	to the satisfaction of the relevant water authority.	
C23 Reused and recycled water To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.	Reused and recycled water supply systems must be: <ul style="list-style-type: none"> - Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Human Services. Provided to the boundary of all lots in the subdivision where required by the relevant water authority.	Complies Comments: Both proposed lots will be connected to the reticulated water and sewer systems so as to make efficient use of existing infrastructure to the satisfaction of the Goulburn Valley Regional Water Corporation.
C24 Waste Water Management To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.	Waste water systems must be: <ul style="list-style-type: none"> - Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority. - Consistent with any relevant approved domestic waste water management plan. Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.	Complies Comments: Reticulated Sewage is provided to the land and each proposed lot can easily be connected to the satisfaction of the Goulburn Valley Regional Water Corporation.
C25 Urban Run-off Management To minimise damage to properties and inconvenience to residents from urban run-off. To ensure that the street operates adequately during major storm events and provides for public safety. To minimise increases	The urban stormwater management system must be: <ul style="list-style-type: none"> - Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority. - Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of urban run-off is proposed. - Designed to meet the current best practice performance objectives for stormwater quality as 	Complies Comments: A condition on permit, should one issue, will require the submission and approval of a drainage plan in accordance with the infrastructure design manual to show how the land will be drained. Any drainage works shown in the endorsed drainage plan will be required to be constructed prior to the issue of Statement of Compliance.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Two Lot Subdivision in the General Residential Zone (continued)

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
<p>in stormwater run-off and protect the environmental values and physical characteristics of receiving waters from degradation by urban run-off.</p>	<p>contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended.</p> <ul style="list-style-type: none"> - Designed to ensure that flows downstream of the subdivision site are restricted to predevelopment <ul style="list-style-type: none"> a) levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts. • The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design. <ul style="list-style-type: none"> - Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, run-off should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge. - Include water sensitive urban design features to manage run-off in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs. 	

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Two Lot Subdivision in the General Residential Zone (continued)

<p>C26 Site Management To protect drainage infrastructure and receiving waters from sedimentation and contamination. To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works. To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</p>	<p>A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing:</p> <ul style="list-style-type: none"> - Erosion and sediment. - Dust. - Run-off. - Litter, concrete and other construction wastes. - Chemical contamination. - Vegetation and natural features planned for retention. <p>Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.</p>	<p>Complies Comments: The proposed subdivision will require the construction of minor works only. Submission of a construction management plan is not considered necessary; however a permit condition will require site management to the Council's satisfaction (eg dust, mud, erosion and sediment control).</p>
<p>C27 Shared Trenching To maximise the opportunities for shared trenching. To minimise constraints on landscaping within street reserves.</p>	<ul style="list-style-type: none"> • Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services. 	<p>Complies Comments: Reticulated services are already existing within St Andrews Road and Leithen Street. Where appropriate, services will be undergrounded.</p>
<p>C28 Electricity, Telecommunications and Gas To provide public utilities to each lot in a timely, efficient and cost effective manner. To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.</p>	<ul style="list-style-type: none"> • The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority. • Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged. • The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and 	<p>Complies Comments: Service to be connection to the satisfaction of the relevant authorities.</p>

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Two Lot Subdivision in the General Residential Zone (continued)

	<p>should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology. The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority.</p> <ul style="list-style-type: none"> • Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant gas supply agency. 	
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The decision guidelines the GRZ and Clause 65 of the Scheme have been considered when assessing the application. The application for subdivision is considered appropriate for the following reasons:

- The subdivision is orderly as it provides for an additional residential lot in an existing urban area which has good access to existing services.
- The proposal also responds to the existing neighbourhood character whereby the increased density replicates the existing subdivision pattern in the street.
- The proposal is considered to achieve an acceptable planning outcome when assessed against the requirements of Clause 56 of the Scheme.

2017-2021 Council Plan/Key Strategic Activity

Council Vision

Greater Shepparton, Greater Future

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

Liveability indicators

A liveable place is one that is safe, attractive, socially cohesive and inclusive, and environmentally sustainable, with affordable and diverse housing linked to employment, education, public open space, local shops, health and community services, and leisure and cultural opportunities; via convenient public transport, walking and cycling infrastructure.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Two Lot Subdivision in the General Residential Zone (continued)

The following aspirations impact on the livability and will guide the directions of the Municipal Health and Wellbeing Implementation Plan to set targets and performance measures to improve health outcomes:

Built (relevant)

- Increase the proportion of the urban area within 400m of a bus stop.
- Increase medium density housing.

What matters

Community health, education, arts (relevant)

- Liveability
- Affordable housing

Land Use (relevant)

- Contain urban and town footprints
- Affordable living on reasonable sized blocks of land.
- Retain neighbourhood character and heritage values.

“A well planned city that takes advantage of its space, not a ‘Melbourne suburb’”.

Built

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

Objectives: (relevant)

4.1 Growth is well planned and manages for the future.

4.2 Urban and rural development is sustainable and prosperous.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Incorrect notifications	Almost Certain	Negligible	Low	The application has been properly advertised which allowed objections to be lodged with Council. These objectors will be informed of Council's decision on the application
Traffic	Almost Certain	Negligible	Low	The crossovers are existing to the land and have already been approved by the Council. The application was referred to the Council's Engineering Department who did not raise any traffic concerns with the proposal.

Policy Considerations

The application has been considered against the policies contained within the Scheme and found to achieve an acceptable planning outcomes.

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

Should either the applicant or objector be dis-satisfied with Council's decision, an application for review can be lodged.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Two Lot Subdivision in the General Residential Zone (continued)

Cultural Heritage

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

The *Aboriginal Heritage Act 2006* introduces a requirement to prepare a Cultural Heritage Management Plan (CHMP) if all or part of the activity is a listed high impact 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 land is not within an area of cultural heritage sensitivity therefore the application does not trigger the need for a cultural heritage management plan.

Environmental/Sustainability Impacts

The development has no detrimental impact on the environment subject to the inclusion of appropriate drainage conditions should it be decided to grant a permit.

Social Implications

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

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

- *Any significant social effects and the economic effects which the responsible authority considers the use or development may have.*

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 to devaluation of land, design of future dwelling on the land and the occupants of the dwelling which cannot be controlled by planning.

Economic Impacts

Approval of the subdivision will allow for the construction of a new dwelling within a residential area.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Two Lot Subdivision in the General Residential Zone (continued)

Referrals/Public Notice

No external referrals required by the Scheme:

External Notice to Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
Goulburn Valley Water	(a) Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment; (b) Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only and to the satisfaction of the Goulburn Valley Region Water Corporation; (c) Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment; (d) Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property; (e) A notation is to be placed on the plan of subdivision to note that pursuant to Section 12(2) of the Subdivision Act 1988, there exists "implied easements" over all of the allotments and the common property within the development; Alternatively, the developer is to provide a two metre wide sewerage easement over the common portion of the house connection drain, in favour of the benefiting land, to the satisfaction of the Goulburn Valley Region Water Corporation; (f) The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.
Powercor	a) The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act. b) The applicant shall:- <ul style="list-style-type: none"> • Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor. • Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria's Electrical Safety System. • The applicant shall provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required. • Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Two Lot Subdivision in the General Residential Zone (continued)

	<ul style="list-style-type: none"> Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
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Internal Notice:

Internal Council Notices	Advice/Response/Conditions
Development Engineers	The application was internally notified to the Council's Engineering Department who did not object subject to the inclusion of conditions on the permit.

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

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

The applicant provided a signed declaration stating the sign on site was erected between 15 June 2017 to 29 June 2017.

In response to this public notice six objections were lodged by the Council.

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

All of the objectors were invited to meet with Planning Officers on the 26 July 2017. The meeting assisted officers in understanding the concerns of the surrounding residents. The main concerns raised at this meeting were the impact of built form on the vacant lot and the potential for the building to detrimentally impact on the neighbourhood character.

The planning officers explained the planning process relevant planning scheme considerations.

The key issues that were raised in the objections are as follows:

Grounds of objection	Officer's Response
Over population of the street.	The proposal complies with purpose of the GRZ as subdivision creates a new lot which will allow for a diversity of housing types in a location which offers good access to services and transport. Medium density (lots less than 450sqm) residential development is supported in the incremental change area.
Location of dwelling on vacant lot will be too close to the street. Lot does not provide enough space for a new dwelling to comply with required street setback.	No dwellings are proposed as part of the application. Any dwelling will require approval from the building department. Street setbacks will be regulated by the building department in accordance with relevant building standards. As noted in the Clause 56 assessment in this report, a variation to the standard C8 is required. The subdivision is capable of a building envelope of approximately 14.5m by 11m is allowed for on the vacant lot where the building envelope is setback approximately 8m from the street (same setback as the dwelling to the south). This is 0.5m short of the required 10x15m or 9 by 15m if a boundary wall has

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Two Lot Subdivision in the General Residential Zone (continued)

	<p>been nominated as part of the building envelope. Given that the variation is minimal (0.5m) and the application meets the objective it is considered that the application achieves an acceptable planning outcome.</p>
<p>Not enough space for outdoor entertainment area to rear (do not want occupants using front yard ie parties and noise concerns)</p>	<p>Application is for subdivision only. No dwelling is proposed. Any future dwelling will require a building permit, and will need to comply with building regulations. Noise concerns from parties is not a planning consideration.</p>
<p>Traffic concern</p> <ul style="list-style-type: none"> • Increased parking in the street • Parking of vehicles close to the corner of the street (Leithlen and St Andrews road) • Pedestrian crossing at the corner of the street • Cars reversing into street close to corner. 	<p>The application was referred to the Engineering Department who did not raise any traffic concerns. Any vehicles parking on the street are required to comply with parking restrictions and Victorian Road rules. Both crossovers to the land are existing. The new crossover closer to the intersection of Leithen and St Andrews road has already been approved through separate works in the road reserve permit.</p>
<p>Devaluation of other properties in the area</p>	<p>It is well established in planning, that property devaluation is not a valid ground of objection.</p>
<p>Concerns of proposed development being tenanted rather than owner/occupier</p>	<p>This not a planning consideration as planning controls do not include tenancy.</p>
<p>Insufficient room for car parking</p>	<p>Proposed lot one which contains a four bedroom dwelling allows for two car spaces on the land. It is noted that Clause 52.06 car parking provisions does not apply to the application as the application does not propose any of the following:</p> <ul style="list-style-type: none"> • a new use; • an increase in the floor area or site area of an existing use; or • an increase to an existing use by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use. <p>Despite the above, consideration has been given to car parking requirements outlined in Clause 52.06, whereby proposed lot one will comply with the required car parking rate of two spaces for a dwelling with three or more bedrooms. Clause 52.06 also provides car parking design requirements which state at least one of the car spaces must be under cover. Whilst proposed lot one does not contain an undercover space, the application for subdivision is considered acceptable given the car spaces are existing and any condition requiring spaces to be undercover will result in a reduced setback. It is considered that should the applicant wish to construct</p>

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Two Lot Subdivision in the General Residential Zone (continued)

	<p>an undercover car space in the future, this would be better addressed through the building permit process. No dwelling has formally been proposed for lot two. Car parking requirements will be addressed when a dwelling design is lodged based on the number of bedrooms provided.</p>
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Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Strategic Links

a) Greater Shepparton 2030 Strategy (GS2030)

Settlement and housing identifies more compact growth in Shepparton with the provision of more diverse housing opportunities to suit varying lifestyles and household types.

Direction:

Commitment to growth within a consolidated and sustainable development framework.

4 Urban Growth

4.1 Key Issues

Population increases (relevant)

- *The municipality's population is forecast to grow from its current level of 60,403 persons towards 74,000 persons in 2021 and on to 81,000 persons by 2030.*

- *The size of households will decrease towards 2.6 persons per household by 2021; household structures will become more diverse and complex leading to a need for greater diversity in house types for a broad range of socio-economic characteristics.*

Options for Consideration

The decision on planning permit application 2013-167 for the development of the land for two dwellings and a two lot subdivision of which the options are:

- a) Approve an Notice of Decision to grant a permit subject to conditions (attached); or
- b) Grant a notice of refusal with appropriate grounds of refusal.

Conclusion

The proposed application for a two lot subdivision has been advertised and six objections were received.

Officers having undertaken an assessment of the application against the relevant planning policies and has been found to achieve an acceptable planning outcome and therefore a Notice of Decision to Grant a Planning Permit should issue.

Attachments

Nil

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.9 Greater Shepparton Heritage Advisory Committee - Adoption of Terms of Reference and Nomination of Community Representative

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

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

Council Officers involved in producing this report

Author: Team Leader Strategic Planning

Proof reader(s): Manager Building and Planning

Approved by: Director Sustainable Development

Executive Summary

Council authorised the formation of the Greater Shepparton Heritage Advisory Committee (the Committee) on 17 January 2012. The primary purpose of the Committee is to act as an advocate for all cultural heritage matters within the municipality.

The current Terms of Reference for the Committee allow for the appointment of three community representatives unaffiliated with any of the historical groups and societies already represented on the Committee.

Council resolved to appoint three community representatives to the Committee for a two year term ending on 17 July 2019 at the Ordinary Council Meeting held on 18 July 2017. The current community representatives are John Richards Lawry, Evan Lloyd and Robyn Slee.

A further late nomination was received on 10 August 2017. On 4 September 2017, the Committee agreed to request that Council adopt amended Terms of Reference to allow for four community representative positions and to appoint Carrie Donaldson as a fourth community representative position for a term ending on 17 July 2019.

This report has been prepared to appoint Carrie Donaldson as a community representative to the Committee.

Moved by Cr Abdullah
Seconded by Cr Oroszvary

That the Council:

1. adopt the revised Terms of Reference for the Greater Shepparton Heritage Advisory Committee; and
2. having considered the nomination received for appointment to the Heritage Advisory Committee, resolve to appoint the following community representative to the Greater Shepparton Heritage Advisory Committee for a term concluding on 17 July 2019:
 - Carrie DONALDSON.

CARRIED.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.9 Greater Shepparton Heritage Advisory Committee - Adoption of Terms of Reference and Nomination of Community Representative (continued)

Background

Council authorised the formation of the Heritage Advisory Committee (the Committee) at the Ordinary Council Meeting held on the 17 January 2012. As part of the resolution, Council adopted Terms of Reference (TOR) to guide the future operation of the Committee.

The Committee's membership consists of up to two councillors, up to two members of Council's Strategic Planning Team, Council's Heritage Adviser, one voting member from each of the ten identified member organisations and three community representatives unaffiliated with any of these organisations.

The Committee's role is act as an advocate for all cultural heritage matters within the Municipality and to provide expert heritage advice to Council.

Advertisements calling for membership of the Committee were placed in the Shepparton News on Friday, 26 May 2017 and Friday, 2 June 2017, and the Tatura Guardian on 30 May 2017. Two nominations and one late nomination were received. Council resolved to appoint three community representatives at the Ordinary Council Meeting held on 18 July 2017. The current community representatives are John Richards Lawry, Evan Lloyd and Robyn Slee. The tenure for these positions will end on 17 July 2019.

A further late nomination was received on 10 August 2017. On 4 September 2017, the Committee assessed this nomination against the following three selection criteria outlined in the Terms of Reference:

- Demonstrated experience in area or building conservation, or the development industry in general,
- Knowledge of conservation and historical issues affecting the Municipality, and
- The ability to access historical or conservation networks and stakeholder groups.

At this meeting, the Committee agreed to request that Council adopt amended Terms of Reference to allow for four community representative positions and to appoint Carrie Donaldson as a fourth community representative position for a term ending on 17 July 2019 (see *Attachment 1: Terms of Reference – Greater Shepparton Heritage Advisory Committee*).

This report has been prepared to amend the Terms of Reference and appoint Carrie Donaldson to the Committee.

Council Plan/Key Strategic Activity

The operation of the Heritage Advisory Committee is consistent with the following goals and objectives outlined in the *Greater Shepparton Council Plan 2017-2021*:

- Leadership and Governance - provide strong civic leadership, advocacy and good governance in the operation of Greater Shepparton City Council.
- Objective 1.7 Council advocates on issues, priorities and needs that matter to our community in partnership with key stakeholders.
- Social - develop resilient, inclusive, healthy communities that make Greater Shepparton a safe and harmonious place to live, work, learn, and play.
- Objective 2.6 Volunteering is promoted and encouraged along with other measures to improve community resilience.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.9 Greater Shepparton Heritage Advisory Committee - Adoption of Terms of Reference and Nomination of Community Representative (continued)

- Built - provide and support appealing relevant infrastructure that makes Greater Shepparton an attractive, liveable regional city.
- Objective 4.3 Greater Shepparton's heritage places, cultural landscapes, and objects are protected and conserved for future generations.

Risk Management

Council considerably reduces the governance risks associated with the operation of the Heritage Advisory Committee by ensuring that members are appointed and appointments are rescinded in accordance with the *Local Government Act 1989*.

Failure to appoint community representatives to the Heritage Advisory Committee would fail to meet Council's obligations under the *Local Government Act 1989*. It would also reduce the Committee's ability to promote community participation in and raise awareness of cultural heritage issues within the Municipality.

Policy Considerations

Appointing community representatives to the Heritage Advisory Committee does not conflict with existing Council policies.

Financial Implications

There are no costs associated with the appointment of community representatives to the Heritage Advisory Committee.

The approved budget for the Heritage Advisory Committee is \$2,000 in the 2017-'18 financial year. This budget is allocated to meet the operating costs of the Committee within that financial year.

Legal/Statutory Implications

There are no legal or statutory implications associated with resolving to appoint community representatives to the Heritage Advisory Committee.

The appointment of members to the Heritage Advisory Committee accords with the *Victorian Charter of Human Rights and Responsibilities Act 2006*. No human rights were negatively impacted upon through the advertisement and consideration of the appointment of the community representative to the Heritage Advisory Committee. It is not foreseen that the appointment of new community representatives will impact upon the rights of all individuals and groups with regard to freedom of expression, right to be heard, entitlement to participate in public life and property rights.

The Heritage Advisory Committee is not a Section 86 Committee under the *Local Government Act 1989*. This proposal is consistent with the provisions of the *Local Government Act 1989*.

The appointment of community representatives is in accordance with the Committee's proposed revised Terms of Reference dated 21 November 2017 (see *Attachment 1: Terms of Reference – Greater Shepparton Heritage Advisory Committee*).

Environmental/Sustainability Impacts

There are no environmental or sustainability impacts associated with the appointment of community representatives to the Heritage Advisory Committee.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.9 Greater Shepparton Heritage Advisory Committee - Adoption of Terms of Reference and Nomination of Community Representative (continued)

Social Implications

There are no direct social impacts associated with the appointment of community representatives to the Heritage Advisory Committee.

The operation of the Committee has positive social impacts. The Committee is seen as a critical way of raising awareness and promoting community participation of cultural heritage issues within the Municipality. The Committee will continue to raise awareness within the community of cultural heritage conservation.

Economic Impacts

There are no economic impacts associated with the appointment of community representatives to the Heritage Advisory Committee.

Consultation

Council officers believe that appropriate consultation has occurred during both the formation and operation of the Committee, and the key activities it has been involved in since its formation by Council.

Advertisements calling for membership of the Committee were placed in the Shepparton News on Friday, 26 May 2017 and Friday, 2 June 2017, and the Tatura Guardian on 30 May 2017. Two nominations and one late nomination were received. Council resolved to appoint three community representatives at the Ordinary Council Meeting held on 18 July 2017. The current community representatives are John Richards Lawry, Evan Lloyd and Robyn Slee. The tenure for these positions will end on 17 July 2019.

A further late nomination was received on 10 August 2017. On 4 September 2017, the Committee assessed this nomination against the three selection criteria outlined in the Committee's Terms of Reference.

At this meeting, the Committee agreed to request that Council adopt amended Terms of Reference to allow for four community representative positions and to appoint Carrie Donaldson as a fourth community representative position for a two year term ending on 17 July 2019.

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

Strategic Links

a) Greater Shepparton 2030 Strategy 2006

The appointment of community representatives to the Heritage Advisory Committee is consistent with the objectives, strategies and actions outlined in the Environment Section of the *Greater Shepparton 2030 Strategy 2006*.

b) Other strategic links

The appointment of community representatives to the Heritage Advisory Committee will also develop and implement the initiatives outlined in Section 14.2 of the *Greater Shepparton Heritage Study Stage IIB 2013*.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.9 Greater Shepparton Heritage Advisory Committee - Adoption of Terms of Reference and Nomination of Community Representative (continued)

Conclusion

It is recommended that Council resolve to adopted revised Terms of Reference for the Greater Shepparton Heritage Advisory Committee and appoint Carrie Donaldson as a community representative to the Committee for a term ending on 17 July 2019 (see *Attachment 1: Terms of Reference – Greater Shepparton Heritage Advisory Committee*).

The Committee is a critical way of raising awareness of cultural heritage issues, as well as promoting community participation in cultural heritage issues within the Municipality.

By continuing to support the Greater Shepparton Heritage Advisory Committee, Council is continuing to embrace a cost-effective opportunity of raising awareness and promoting community participation of cultural heritage issues within the Municipality.

Attachments

Terms of Reference - Greater Shepparton Heritage Advisory Committee Page 612

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.10 Proposed Referral of Solar Farms to the Minister for Planning

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, Manager Planning

Approved by: Acting Director Sustainable Development

Other: Holding Redlich

Executive Summary

Officers are currently considering a number of solar farm applications across the municipality with a total estimated development cost of more than \$300 million with the potential to generate about 217MW of renewable energy.

Officers have identified the main concern associated with the applications is whether the loss of productive agricultural land in a food bowl of national significance for a solar farm produces acceptable planning outcomes.

Officers are required to consider conflicting policies between agriculture and renewable energy facilities and decide in the favour of the net community benefit and sustainable development for the benefit of present and future generations.

Officers note that it is a difficult task in determining these matters, both food and energy production is of fundamental importance to all Victorians.

Officers consider that the recent and proposed planning permit applications for renewable energy developments within the Shepparton municipality raise important planning issues which may warrant a request to the Minister for Planning that he become the decision maker.

The Rural City of Wangaratta recently decided to issue a Notice of Decision (NOD) for a 20MW solar farm. An objector reviewed this decision to the Victorian Civil and Administrative Tribunal (VCAT). As a result of this review, the Victorian Government decided to form the 'Wangaratta Solar Farm Advisory Committee' (the committee) to consider the application.

Officers are seeking a resolution from Council to write to the Minister of Planning requesting, under section 97C of the *Planning and Environment Act 1987*, that the Minister for Planning decide the planning applications for the solar farms.

If the Minister agrees to become the decision maker, the Minister is likely to appoint a Planning Panel, or a joint Planning Panel/Advisory Committee.

In contrast with situations where the Minister calls in an application from VCAT and usually appoints an Advisory Committee only (as was the case with the Wangaratta Solar Farm Advisory Committee), where the Minister becomes the decision maker after a section 97C request, the Planning Panel process must be used if objections are made.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.10 Proposed Referral of Solar Farms to the Minister for Planning (continued)

Where the Planning Panel process is used, rights of review of the Minister's decision to VCAT are removed under section 97M of the *Planning and Environment Act 1987*. Officers consider that this process would provide certainty for all parties involved in the process by reducing time delays whilst providing an opportunity for objectors to present their objections to the Planning Panel.

Officers consider this process will have the following benefits:

- Substantially faster decisions when compared to a VCAT decision timeframe and provides certainty in regards to the planning process for all parties
- Objectors maintain their rights to attend the hearing and make submissions as to why a permit should not be granted
- Councillors maintain their role in determining what Council's position in any submissions that the Council seeks to make at a hearing (however the Council will not have decision making power over the permit applications because the Minister for Planning will be the decision maker)
- Reduced legal expenses to Council. A multi day VCAT review is likely to cost Council in the order of \$70,000 per appeal.

Moved by Cr Adem

Seconded by Cr Hazelman

That the Council direct the Chief Executive Officer to write to the Minister of Planning:

- requesting under section 97C of the *Planning and Environment Act 1987* that the Minister for Planning decide the solar farm planning applications referred to the Minister in the Greater Shepparton City Council local government area
- inviting the Minister for Planning to establish a process that provides a fair and proper opportunity for all affected stakeholders to be heard.

Cr Summer moved an Amendment

Seconded by Cr Oroszvary

That the Council direct the Chief Executive Officer to write to the Minister of Planning:

- requesting under section 97C of the *Planning and Environment Act 1987* that the Minister for Planning decide the solar farm planning applications referred to the Minister in the Greater Shepparton City Council local government area
- inviting the Minister for Planning to establish a process that provides a fair and proper opportunity for all affected stakeholders to be heard.
- requesting to work with the Minister to develop a strategy to balance the requirements of existing prime agricultural land and large scale renewable energy applications.

LOST

The motion was put and carried.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.10 Proposed Referral of Solar Farms to the Minister for Planning (continued)

Background

Officers have compiled a table outlining the current and future solar farm applications in the municipality. When the future applications are lodged, officers propose to also refer those applications to the Minister for Planning for decision.

Location	Planning Application Number	Applicant	MW Generation	Cost of Development	Status
610 Ferguson Road, Tatura East	2017-162	Clean Gen	45MW	\$40M	28 objections lodged to the application. The file has been referred to the December Ordinary Council Meeting (OCM) for decision.
Location	Planning Application Number	Applicant	MW Generation	Cost of Development	Status
235 Victoria Road, Tallygaroopna	2017-274	X-Elio	30MW	\$34M	Application has completed public notice and five objections lodged. Officers if need be will refer this application to the December OCM for a Council decision.
1190 and 1220 Cosgrove Lemnos Road, 260 Tank Corner East Road, 875 Boundary Road and 85 Crooked Lane – Lemnos	2017-301	Neoen Australia Pty. Ltd.	100MW	\$175M	Public Notification Commenced

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.10 Proposed Referral of Solar Farms to the Minister for Planning (continued)

1090 Lemnos North Road, Congupna	2017-344	X-Elio	30MW	\$48M	Public Notification commenced
250 Toolamba Road, Mooroopna			12MW	\$19M	
Totals			217MW	\$316M	

In addition to these proposals, officers have recently been informed that another 100MW \$150M solar farm is being prepared for planning application. It is expected that application will be made in about 6 months.

Each project represents individually significant investment in the local economy and taken together the projects represent a major regional investment.

These projects have the potential to significantly contribute toward the creation of new jobs and investment in renewable energy and the Victorian Government's environmental targets under its Renewable Energy Action Plan and the *Climate Change Act 2017* (Vic), which establishes a target for Victoria to have net zero greenhouse gas emissions by 2050.

The Victorian Government has committed to invest \$146M in renewable energy under its Renewable Energy Action Plan, which relevantly provides that:

- *'We will increase renewable energy generation to 25 per cent by 2020 and 40 per cent by 2025 to deliver a sustained pipeline of investment. This will include 20 per cent for large-scale solar power, to develop strong industry capability and lead the nation.'*
- *'The New Energy Technologies Sector Strategy We will ensure Victoria is ready for sector transformation and well placed to capture the economic and environmental benefits, including creating new jobs and building skills and capabilities. This strategy is part of the Government's Future Industries Initiative and is supported by the \$20 million New Energy Jobs Fund (NEJF).'*
- *'Victoria's Climate Change Act 2017 establishes a target for Victoria to have net zero greenhouse gas emissions by 2050. Victoria's Climate Change Framework makes it clear that moving to a clean energy supply by increasing renewable energy generation is a key pillar of the state's approach to emissions reduction.'*
- *'We will create new jobs, investment and energy sector growth by:*
 - *Positioning Victoria as a leader in renewable energy and accelerating large-scale renewable energy generation*
 - *Ensuring Victoria's smooth transition*
 - *Encouraging sector growth and investment'*

According to Premier Daniel Andrews and Minister for Energy, Environment & Climate Change Lily D'Ambrosio, under the Victorian Government's renewable energy targets, by 2050 up to 5400 MW of new large-scale renewable energy capacity will be built in Victoria – representing an estimated \$2.5 billion of investment in the state. More than 4000 additional jobs will be created in the renewable energy sector during the expected peak year of construction in 2024.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.10 Proposed Referral of Solar Farms to the Minister for Planning (continued)

Officers have identified the main concern associated with the applications is whether the loss of productive agricultural land in a food bowl of national significance for a solar farm produces acceptable planning outcomes.

Officers are required to consider conflicting policies between agriculture and renewable energy facilities and decide in the favour of the net community benefit and sustainable development for the benefit of present and future generations.

The Greater Shepparton Planning Scheme contains strong policy for the protection of productive agriculture land (irrigated and dry land) and its recognised importance to the local and regional economy (clauses 21.01, 21.02 and 21.06-1 of the Municipal Strategic Statement (**MSS**) and also clause 14.01 of the State Planning Policy Framework (**SPPF**).

The MSS does not contain policy in relation to solar farms. However, clause 19.01-1 of the SPPF and the particular provision at clause 52.42 provides for renewable energy:

Renewable energy 19.01-1

Provision of renewable energy

Objective

To promote the provision of renewable energy in a manner that ensures appropriate siting and design considerations are met.

Strategies

- *Facilitate renewable energy development in appropriate locations.*
- *Protect energy infrastructure against competing and incompatible uses.*
- *Develop appropriate infrastructure to meet community demand for energy services and setting aside suitable land for future energy infrastructure.*
- *In considering proposals for renewable energy, consideration should be given to the economic and environmental benefits to the broader community of renewable energy generation while also considering the need to minimise the effects of a proposal on the local community and environment.*
- *In planning for wind energy facilities, recognise that economically viable wind energy facilities are dependent on locations with consistently strong winds over the year.*

Policy guidelines

Planning must consider as relevant: Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria (Department of Environment, Land, Water and Planning, January 2016).

Renewable energy facility 52.42

Purpose

To facilitate the establishment and expansion of renewable energy facilities, in appropriate locations, with minimal impact on the amenity of the area.

Decision guidelines 52.42-3

Before deciding on an application, in addition to the decision guidelines of Clause 65, the responsible authority must consider, as appropriate:

- *The effect of the proposal on the surrounding area in terms of noise, glint, light spill, vibration, smell and electromagnetic interference*
- *The impact of the proposal on significant views, including visual corridors and sightlines.*
- *The impact of the proposal on the natural environment and natural systems.*

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.10 Proposed Referral of Solar Farms to the Minister for Planning (continued)

- *Whether the proposal will require traffic management measures.*

Officers note that whereas clause 19.01-1 makes specific provision for wind energy facilities, no specific policy direction in relation to solar farm applications. Additionally, the provisions within clause 52.42 are general provisions for all renewable energy facilities (excluding wind energy) and do not provide specific guidance on how to assess solar farm applications.

Accordingly, the planning scheme (including the SPPF) provides limited policy direction on the problematic issue of balancing policy in favour of the development of renewal energy and policy in favour of the protection of productive agricultural land.

This provides a strong justification for the Minister for Planning to become the decision maker for the planning permit applications in the table above, and also for an Advisory Committee (if one is appointed jointly with a panel) to provide further and broader guidance and direction on the consideration of future solar farm applications.

In the terms of reference for the Wangaratta Solar Farm Advisory Committee paragraph 11 explains the Minister's reasons for calling in the proceeding from VCAT:

On the grounds that the proceeding raises a major issue of policy regarding renewable energy and energy security including significant effects beyond the immediate locality; and the determination of the proceeding may have a substantial effect on the achievement or development of planning objectives, in particular section 4(1)(a) of the Planning and Environment Act 1987 (to provide for the fair, orderly, economic and sustainable use, and development of land) and 4(1)(g) (to balance the present and future interest of all Victorians)

Officers consider that the suite of renewable energy applications before Council raise the same issues and a new planning consideration of the siting of solar farms on agricultural land of strategic importance.

Officers recommend that Council request that the Minister for Planning become the decision maker. The determination of the solar farm applications described in the table above raise major issues of policy beyond the immediate locality. The determination of the applications has a substantial effect on the achievement or development of planning objectives given:

- the scale of investment proposed in the Shepparton local government area (217MW/\$316M as well as another 100MW \$150M solar farm) and the significant number of jobs during construction;
- the need to balance competing policy objectives under the planning scheme around renewable energy facilities and protecting productive agricultural land;
- the proposed renewable energy facilities are of such a significant scale that they will impact upon the Victorian Government's own targets for renewable energy capacity under its Renewable Energy Action Plan and its legislative obligations under the *Climate Change Act 2017* (Vic) to have net zero greenhouse gas emissions in Victoria by 2050.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.10 Proposed Referral of Solar Farms to the Minister for Planning (continued)

2017-2021 Council Plan/Key Strategic Activity

Council Vision

Greater Shepparton, Greater Future.

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

Environment

An objective under this section of the report is:

Alternative energy sources with both environmental and economic gains are promoted and encouraged.

Risk Management

The proposed recommendation does not present any significant risks to Council.

Financial Implications

Officers have not identified any financial implications that cannot be funded outside of the Planning Departments existing budgets.

Legal/Statutory Implications

The proposed course of action if adopted in the above recommendation ensures Council complies with its legal obligations under the *Planning and Environment Act, 1987*.

Economic Impacts

Approval of the solar farms would result in substantial investment and job creation during the construction phase.

Consultation

Each of the current applications has completed or on public notice. Officers are anticipating multiple objections to all of the applications. The objections lodged to date general relate to

- Removal of land from agricultural production;
- Heat island effect;
- Impact on surrounding agricultural land uses;
- Industrial character of the use in a rural area;
- Impact on the amenity of the area;
- Glare from solar panels;
- Dust during the construction phase;
- Traffic implications during the construction phase;
- Lack of economic benefit to the local community;
- Landscape buffer inadequate;
- Impact on property prices.

Officers have undertaken an onsite objectors meeting for the X-Elio Tallygaroopna proposal.

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

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.10 Proposed Referral of Solar Farms to the Minister for Planning (continued)

Strategic Links

a) Greater Shepparton 2030 Strategy (GS2030)

Environment

At 6.4 of GS2030 the below two strategic objectives are identified:

- *To manage irrigated and non-irrigated land for long-term sustainable production purposes.*
- *To reduce greenhouse gas emissions by local actions, in the interests of current and future generations*

Conclusion

Officers consider that the most efficient method of determining these solar farm applications, which will ultimately represent more than \$315M of investment, is to request the Minister for Planning to become the decision maker. Importantly this proposal does not remove objector's opportunity to be heard by the Planning Panel and present their reasons in opposition to the proposals.

Officers seek that Council resolve to request the Minister for Planning to become the decision maker.

Attachments

Nil

11. TABLED MOTIONS

Nil Received

12. REPORTS FROM COUNCIL DELEGATES TO OTHER BODIES

Nil Received

13. REPORTS FROM SPECIAL COMMITTEES AND ADVISORY COMMITTEES

Nil Received

14. NOTICE OF MOTION, AMENDMENT OR RESCISSION

14.1 Trial Free Paid Parking

Moved by Cr Sutton
Seconded by Cr Oroszvary

That the Council undertake to trial free timed parking in all on-street metered parking zones in Shepparton for a period of six months from the 11th December 2017. The effectiveness of this trial would be measured in a way which is to be determined prior to implementation.

LOST.

Moved by Cr Hazelman
Seconded by Cr Adem

At the December Ordinary Meeting of Council that a trial of free timed on street parking be considered in conjunction with the officers expert report, a set of criteria to evaluate any trial performance and the report from Care Park Australia on their proposed redevelopment of the Multi Deck Car Park.

Cr O’Keeffe vacated the chair at 7.12pm to speak to the motion and Cr Abdullah assumed the chair.

Cr O’Keeffe resumed the chair at 7.13pm.

The motion was put and carried.

15. DOCUMENTS FOR SIGNING AND SEALING

15.1 Documents for Signing and Sealing

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.

The following document has been presented for signing and sealing:

- Agreement - between Council and Goulburn Murray Rural Water Corporation to remove easement on reserve abutting Ash Street and Balaclava Road, Shepparton to allow road widening.

Moved by Cr Giovanetti
Seconded by Cr Sutton

That the Council authorise the Chief Executive Officer to sign and seal the following document:

- Agreement between Council and Goulburn Murray Rural Water Corporation to remove easement on tree reserve abutting Ash Street & Balaclava Road, Shepparton to allow road widening.

CARRIED.

16. COUNCILLOR ACTIVITIES

16.1 Councillors Community Interaction and Briefing Program

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

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

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

Councillors' Community Interaction and Briefing Program

From Sunday, 1 October to Tuesday, 31 October 2017, some or all of the Councillors have been involved in the following activities:

- Heritage Advisory Committee Meeting
- Goulburn Valley Water | Tour Shepparton Water Treatment Plant Site
- Meet the Minister | The Hon Michael McCormack, Minister for Small Business
- Tatura Community House | Volunteer Dinner & Annual General Meeting
- Doorstop Media Event | Minister for Health | Goulburn Valley Health
- 22nd Annual Gala Presentation Dinner | Business Awards
- Pink Ribbon Morning Tea | Murchison
- The People's Picnic | Bringing Families Together
- Jinko Power | Meeting
- Funding Acknowledgement | New Honour Roll Memorial | Murchison
- Local Government Mayoral Advisory Panel | Meeting | Melbourne
- Deakin Reserve Committee Meeting
- Shepparton Aerodrome Advisory Committee Meeting
- Disability Advisory Committee Meeting
- Tatura Racecourse and Recreation Reserve Committee of Management Meeting
- Greater Shepparton Positive Ageing Advisory Committee Meeting
- Shepparton Solar Project – Beon | Melbourne
- 'Bruce Cup' Tennis Championships | Opening Ceremony
- Women's Breakfast | Tatura [CWA]
- 2018 Queen's Baton Relay – Gold Coast Queensland | Baton Bearer Announcement
- Saleyards Advisory Committee Meeting
- Australian Botanic Gardens Special Committee Meeting
- Shepparton Show Me Committee Meeting
- Shepparton Showgrounds Advisory Group Meeting
- Mooroopna Business Event
- Audit and Risk Management Committee Meeting
- Best Start Early Years Partnership Meeting
- MAV | State Council Meeting | Melbourne
- RiverConnect Implementation Advisory Committee Meeting
- International Day of People with Disability Committee Meeting
- Dookie Military Vehicle Rally
- School Sports Australia – 'Bruce Cup' Tennis Championships | Closing Ceremony
- Relay for Life | Opening Ceremony
- Shepparton Villages 49th Annual General Meeting
- Official Office Opening | Member for Northern Victoria – Mark Gepp
- Community Leadership Program Graduation
- ICTC Mainstreet Conference 2017 | Melbourne

16. COUNCILLOR ACTIVITIES

16.1 Councillors Community Interaction and Briefing Program (continued)

- Northern Victorian New Energy Roundtable
- Regional Cities Victoria | Melbourne
- Municipal Emergency Management Planning Committee Meeting
- Goulburn Valley Regional Library | Special Board Meeting
- 'Small Towns' Meeting | Murchison
- Greater Shepparton Sports Hall of Fame Advisory Committee Meeting
- Heritage Open Day
- Patricia Smith Kindergarten | 40th Birthday Celebration
- Australian Football Skool International | Dinner & Speaking Role
- Australian Football Skool International | Presentations
- St Georges Road Shepparton Food Festival | 'World on a Plate'
- Inaugural Calder Woodburn Memorial Avenue Advisory Committee Meeting
- RiverConnect Platypus Technical Session
- Goulburn Valley Waste Regional Resource Group | Committee Meeting

Moved by Cr Hazelman
Seconded by Cr Summer

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

CARRIED.

Attachments

Nil

17. ASSEMBLIES OF COUNCILLORS

17.1 Record of Assemblies of Councillors

Heritage Advisory Committee Monday 4 September 2017		
Councillors:	Cr Seema Abdullah	
Officers:	Michael MacDonagh, Grace Docker, Andrew Dainton and Sarah Van Meurs	
Matter No.	Matters discussed	Councillors Present for Discussion
1	Apologies	Cr Abdullah
2	Introduction – John Lawry	Cr Abdullah
3	Declarations of Conflict of Interest	Cr Abdullah
4	Camp 13 Murchison	Cr Abdullah
5	Items to be raised during ‘Agenda Item 14 General or other Business’	Cr Abdullah
6	Confirmation of Meeting Minutes of 7 August 2017	Cr Abdullah
7	Feedback from Heritage Tour	Cr Abdullah
8	Report from Sub-Committees of Advisory Committee	Cr Abdullah
9	Information Purposes – Michael MacDonagh	Cr Abdullah
10	Information Purposes – Deborah Kemp	Cr Abdullah
11	Active Planning Permit Applications within the Heritage Overlay	Cr Abdullah
12	<i>Greater Shepparton Heritage Study Stage IIC</i>	Cr Abdullah
13	Short Discussion Session	Cr Abdullah
14	General or other business	Cr Abdullah
Conflict of Interest Disclosures		
Matter No.	Nil	

17. ASSEMBLIES OF COUNCILLORS
17.1 Record of Assemblies of Councillors (continued)

Heritage Advisory Committee Monday 2 October 2017		
Councillors:	Cr Seema Abdullah	
Officers:	Michael MacDonagh and Tracey Mercuri	
Matter No.	Matters discussed	Councillors Present for Discussion
1	Apologies	Cr Abdullah
2	Declarations of Conflict of Interest	Cr Abdullah
3	Ardmona Primary School – 580 Turnbull Road Ardmona	Cr Abdullah
4	Items to be raised during ‘Agenda Item 13 General or other Business’	Cr Abdullah
5	Confirmation of Meeting Minutes of 4 September 2017	Cr Abdullah
6	Report from Sub-Committees of Advisory Committee	Cr Abdullah
7	Information Purposes – Michael MacDonagh	Cr Abdullah
8	Information Purposes – Deborah Kemp	Cr Abdullah
9	Active Planning Permit Applications within the Heritage Overlay	Cr Abdullah
10	<i>Greater Shepparton Heritage Study Stage IIC</i>	Cr Abdullah
11	Short Discussion Sessions	Cr Abdullah
12	General or other business	Cr Abdullah
Conflict of Interest Disclosures		
Matter No.	Nil	

17. ASSEMBLIES OF COUNCILLORS

17.1 Record of Assemblies of Councillors (continued)

CEO and Councillor Catch up – 3 October 2017		
Councillors	Cr Adem (Chair), Cr O’Keeffe, Cr Abdullah, Cr Giovanetti, Cr Hazelman, Cr Patterson and Cr Sutton	
Officers:	Peter Harriott	
Matter No.	Matters discussed	Councillors Present for Discussion
1.	Staff matters	Cr Adem (Chair) Cr O’Keeffe Cr Abdullah Cr Giovanetti Cr Hazelman Cr Patterson Cr Sutton
2.	Road works	Cr Adem (Chair) Cr O’Keeffe Cr Abdullah Cr Giovanetti Cr Hazelman Cr Patterson Cr Sutton
3.	SAM progress	Cr Adem (Chair) Cr O’Keeffe Cr Abdullah Cr Giovanetti Cr Hazelman Cr Patterson Cr Sutton
Conflict of Interest Disclosures		
Matter No.	Names of Councillors who disclosed conflicts of interest	Did the Councillor leave the meeting?
	Nil	

17. ASSEMBLIES OF COUNCILLORS
17.1 Record of Assemblies of Councillors (continued)

Councillor Briefing Session – 10 October 2017		
Councillors	Cr Adem (Chair), Cr O’Keeffe, Cr Abdullah, Cr Oroszvary (arrived 2:00pm), Cr Patterson, Cr Sutton	
Officers:	Peter Harriott, Chris Teitzel, Kaye Thomson, Phil Hoare, Dylan Hesselberg, Saleem Shaikh, Fiona Le Gassick, Sonja King, Sharlene Still, Natarlie Phillips, Matt Jarvis, Majenta Rose, Anthony Nicolaci, Maree Martin, Jacinta Rennie (not all officers were present for all items).	
Matter No.	Matters discussed	Councillors Present for Discussion
1.	CN1808 Welsford Street upgrade Stage 3 Knight Street intersection, Shepparton	Cr Adem (Chair) Cr O’Keeffe Cr Abdullah Cr Patterson Cr Sutton
2.	2016-2017 Annual Report	Cr Adem (Chair) Cr O’Keeffe Cr Abdullah Cr Patterson Cr Sutton
3.	Ordinary Council Meeting Dates	Cr Adem (Chair) Cr O’Keeffe Cr Abdullah Cr Patterson Cr Sutton
4.	2017/2018 Christmas Arrangements	Cr Adem (Chair) Cr O’Keeffe Cr Abdullah Cr Patterson Cr Sutton
5.	Appointment to Shepparton Racecourse and Recreation Reserve Committee of Management	Cr Adem (Chair) Cr O’Keeffe Cr Abdullah Cr Patterson Cr Sutton
6.	Updated Risk Management Policy & Strategic Risk Register	Cr Adem (Chair) Cr O’Keeffe Cr Abdullah Cr Patterson Cr Sutton
7.	2017/2018 Q1 Forecast Review	Cr Adem (Chair) Cr O’Keeffe Cr Abdullah Cr Patterson Cr Sutton

17. ASSEMBLIES OF COUNCILLORS

17.1 Record of Assemblies of Councillors (continued)

Matter No.	Matters discussed	Councillors Present for Discussion
8.	Review 'Draft Agenda	Cr Adem (Chair) Cr O'Keeffe Cr Abdullah Cr Patterson Cr Oroszvary Cr Sutton
9.	Shepparton Truck & Transport Museum	Cr Adem (Chair) Cr O'Keeffe Cr Abdullah Cr Patterson Cr Oroszvary Cr Sutton
10.	Asset Management Policy	Cr Adem (Chair) Cr O'Keeffe Cr Abdullah Cr Patterson Cr Oroszvary Cr Sutton
11.	Update to Asset Valuation and Revaluation Policy 03.POL4	Cr Adem (Chair) Cr O'Keeffe Cr Abdullah Cr Patterson Cr Oroszvary Cr Sutton
12.	Request for Fryers Street Taxi rank policy to be revoked	Cr Adem (Chair) Cr O'Keeffe Cr Abdullah Cr Patterson Cr Oroszvary Cr Sutton
13.	Greater Shepparton Heritage Advisory Committee - Adoption of Terms of Reference and Nomination of Community Representative	Cr Adem (Chair) Cr O'Keeffe Cr Abdullah Cr Patterson Cr Oroszvary Cr Sutton
Conflict of Interest Disclosures		
Matter No.	Names of Councillors who disclosed conflicts of interest	Did the Councillor leave the meeting?
	Nil	

17. ASSEMBLIES OF COUNCILLORS
17.1 Record of Assemblies of Councillors (continued)

CEO and Councillor Catch up – 17 October 2017		
Councillors	Cr Adem, Cr Abdullah, Cr Giovanetti, Cr Hazelman, Cr Oroszvary, Cr Patterson and Cr Sutton	
Officers:	Peter Harriott	
Matter No.	Matters discussed	Councillors Present for Discussion
1.	Question time	Cr Adem Cr Abdullah Cr Giovanetti Cr Hazelman Cr Oroszvary Cr Patterson Cr Sutton
2.	Agenda items	Cr Adem Cr Abdullah Cr Giovanetti Cr Hazelman Cr Oroszvary Cr Patterson Cr Sutton
3.	Dump point locations	Cr Adem Cr Abdullah Cr Giovanetti Cr Hazelman Cr Oroszvary Cr Patterson Cr Sutton
4.	Shepparton Truck & Transport Museum	Cr Adem Cr Abdullah Cr Giovanetti Cr Hazelman Cr Oroszvary Cr Patterson Cr Sutton
5.	Consultants contract	Cr Adem Cr Abdullah Cr Giovanetti Cr Hazelman Cr Oroszvary Cr Patterson Cr Sutton

17. ASSEMBLIES OF COUNCILLORS
17.1 Record of Assemblies of Councillors (continued)

Matter No.	Matters discussed	Councillors Present for Discussion
6.	Kaiela Arts	Cr Adem Cr Abdullah Cr Giovanetti Cr Hazelman Cr Oroszvary Cr Patterson Cr Sutton
Conflict of Interest Disclosures		
Matter No.	Names of Councillors who disclosed conflicts of interest	Did the Councillor leave the meeting?
	Nil	

RiverConnect Implementation Advisory Committee – 20 October 2016

Councillors:	Cr Patterson, Cr Summer	
Officers:	Greg McKenzie, Sharon Terry, Allison Trethowan, Melinda Weston	
Matter No.	Matters discussed	Councillors Present for Discussion
1.	Previous Meeting	Cr Patterson, Cr Summer
2.	Correspondence	Cr Patterson, Cr Summer
3.	Budget	Cr Patterson, Cr Summer
4.	Work Integrated Learning Student Presentation	Cr Patterson, Cr Summer
5.	RiverConnect Working Group reports	Cr Patterson, Cr Summer
6.	Capital Budget Planning 2018/19	Cr Patterson, Cr Summer
7.	RiverConnect Strategic Plan final signatures and Launch	Cr Patterson, Cr Summer
8.	River masterplan update	Cr Patterson, Cr Summer
9.	River Festival	Cr Patterson, Cr Summer

17. ASSEMBLIES OF COUNCILLORS
17.1 Record of Assemblies of Councillors (continued)

RiverConnect Implementation Advisory Committee – 20 October 2016		
10.	Eastbank Lake Project update	Cr Patterson, Cr Summer
11.	Litter and Illegal Dumping	Cr Patterson, Cr Summer
12.	Paths Update	Cr Patterson, Cr Summer
13.	Shared Path benchmarking	Cr Patterson, Cr Summer
Conflict of Interest Disclosures		
	Nil	

17. ASSEMBLIES OF COUNCILLORS

17.1 Record of Assemblies of Councillors (continued)

Councillor Briefing Session – 24 October 2017		
Councillors	Cr Adem (Chair), Cr O’Keeffe, Cr Abdullah, Cr Giovanetti, Cr Hazelman, Cr Patterson, Cr Sutton	
Officers:	Peter Harriott, Phillip Hoare, Geraldine Christou, Amanda Tingay, Fiona Le Gassick, Mat Innes Irons, Michael MacDonagh, Grace Docker, Colin Kalms, and Jacinta Rennie (not all officers were present for all items).	
Matter No.	Matters discussed	Councillors Present for Discussion
1.	Dee Ryall [Shadow Assistant Minister for Economic Development] and Wendy Lovell	Cr Adem (Chair) Cr O’Keeffe Cr Abdullah Cr Giovanetti Cr Hazelman Cr Patterson Cr Sutton
2.	Shepparton Show Me 2016 - 2017 Annual Report	Cr Adem (Chair) Cr O’Keeffe Cr Abdullah Cr Giovanetti Cr Hazelman Cr Patterson Cr Sutton

17. ASSEMBLIES OF COUNCILLORS
17.1 Record of Assemblies of Councillors (continued)

Matter No.	Matters discussed	Councillors Present for Discussion
3.	Amendment C196 to the Greater Shepparton Planning Scheme - Consideration of Submissions	Cr Adem (Chair) Cr O'Keeffe Cr Abdullah Cr Giovanetti Cr Hazelman Cr Patterson Cr Sutton
4.	Adoption of Amendment C197 - Anomalies and Adopted Strategies	Cr Adem (Chair) Cr O'Keeffe Cr Abdullah Cr Giovanetti Cr Hazelman Cr Patterson Cr Sutton
5.	Notice of Preparation of Amendment C202 - Maley Court, Kialla - Rezoning from Rural Living Zone to General Residential Zone	Cr Adem (Chair) Cr O'Keeffe Cr Abdullah Cr Giovanetti Cr Hazelman Cr Patterson Cr Sutton
6.	Adoption of Combined Amendment C190 to the Greater Shepparton Planning Scheme and Planning Permit Application 2015-360 (2 Bridge Road, Toolamba - Combined Rezoning/Subdivision)	Cr Adem (Chair) Cr O'Keeffe Cr Abdullah Cr Giovanetti Cr Hazelman Cr Patterson Cr Sutton
7.	Section 86 Special Committees - Committees of Management Memberships For Information Only	Cr Adem (Chair) Cr O'Keeffe Cr Abdullah Cr Giovanetti Cr Hazelman Cr Patterson Cr Sutton
Conflict of Interest Disclosures		
Matter No.	Names of Councillors who disclosed conflicts of interest	Did the Councillor leave the meeting?
	Nil	

17. ASSEMBLIES OF COUNCILLORS
17.1 Record of Assemblies of Councillors (continued)

CEO and Councillor Catch up – 24 Oct 2017		
Councillors	Cr Adem, Cr O’Keeffe, Cr Abdullah, Cr Giovanetti, Cr Hazelman, Cr Patterson, Cr Sutton	
Officers:	Peter Harriott	
Matter No.	Matters discussed	Councillors Present for Discussion
1.	Administration matters	Cr Adem Cr O’Keeffe Cr Abdullah Cr Giovanetti Cr Hazelman Cr Patterson Cr Sutton
2.	Ask of Government	Cr Adem Cr O’Keeffe Cr Abdullah Cr Giovanetti Cr Hazelman Cr Patterson Cr Sutton
3.	Sustainable Energy	Cr Adem Cr O’Keeffe Cr Abdullah Cr Giovanetti Cr Hazelman Cr Patterson Cr Sutton
Conflict of Interest Disclosures		
Matter No.	Names of Councillors who disclosed conflicts of interest	Did the Councillor leave the meeting?
	Nil	Nil

17. ASSEMBLIES OF COUNCILLORS
17.1 Record of Assemblies of Councillors (continued)

Greater Shepparton Women's Charter Alliance Advisory Committee 27 October 2017		
Councillors:	Cr Seema Abdullah	
Officers:	Rachael Duncombe, Kristie Welch	
Matter No.	Matters discussed	Councillors Present at Discussion
1.	Correspondence in/out	Cr Abdullah
2.	Media	Cr Abdullah
3.	Committee memberships	Cr Abdullah
4.	Meeting dates and times 2017/18	Cr Abdullah
5.	Membership forms	Cr Abdullah
6.	Budget	Cr Abdullah
7.	Budget Working Group	Cr Abdullah
8.	Gender Equity Update	Cr Abdullah
9.	International Women's Day Working Group	Cr Abdullah
10.	Women's Charter Award	Cr Abdullah
11.	Youth Public Speaking	Cr Abdullah
12.	Kaiela Arts Education Scholarship update	Cr Abdullah
13.	Terminology on Council forms regarding gender	Cr Abdullah

17. ASSEMBLIES OF COUNCILLORS

17.1 Record of Assemblies of Councillors (continued)

Calder Woodburn Memorial Avenue Advisory Committee Monday 30 October 2017		
Councillor:	Cr Shelley Sutton	
Officers:	Braydon Aitken, Michael MacDonagh and Sharon Terry	
Matter No.	Matters discussed	Councillors Present for Discussion
1	Introductions	Cr Sutton
2	Apologies	Cr Sutton
3	Declarations of Conflict of Interest	Cr Sutton
4	Review of the Terms of Reference and role of the Advisory Committee	Cr Sutton
5	Items to be raised during 'Agenda Item 9 General or other Business'	Cr Sutton
6	Information Purposes: Report from Michael MacDonagh	Cr Sutton
7	Information Purposes: Report from Statutory Planning Team	Cr Sutton
8	Discussion on ways of conserving the Memorial Avenue	Cr Sutton
9	General or other business	Cr Sutton
Conflict of Interest Disclosures		
Matter No.	Nil	

Moved by Cr Oroszvary
Seconded by Cr Giovanetti

That the Council note the record of Assemblies of Councillors.

CARRIED.

18. URGENT AND OTHER BUSINESS NOT INCLUDED ON THE AGENDA

THE MEETING CLOSED AT 7.21PM.