

# AGENDA

FOR THE  
GREATER SHEPPARTON CITY COUNCIL

## ORDINARY COUNCIL MEETING

TO BE HELD ON  
TUESDAY 16 APRIL, 2013  
AT 5:30PM

IN THE MOORoopNA EDUCATION AND ACTIVITY CENTRE  
(MOORoopNA HUB)  
23 ALEXANDRA STREET, MOORoopNA

**COUNCILLORS:**

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

***VISION***

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

**A G E N D A  
FOR THE  
ORDINARY COUNCIL MEETING  
TO BE HELD ON  
TUESDAY 16 APRIL, 2013 AT 5:30PM**

**CHAIR  
CR JENNY HOULIHAN**

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## RISK LEVEL MATRIX LEGEND

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

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

**1. ACKNOWLEDGEMENT**

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

**2. APOLOGIES**

**3. DECLARATIONS OF 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.

**4. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**RECOMMENDATION**

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

## 5. INFRASTRUCTURE DIRECTORATE

### 5.1 Our Sporting Future Funding Program Round 2 2012/2013 - Minor and Sports Aid

**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: Recreation Participation Project Officer**

**Proof reader(s): Manager Recreation and Parks**

**Approved by: Director Infrastructure**

#### **Purpose**

Two applications have been received for the second round of funding for the 2012/2013 Our Sporting Future Funding Program – Minor Facilities and Sports Aid Categories.

All applications have been considered by a Council assessment team and recommendations are made in relation to the funding allocations.

#### **RECOMMENDATION**

Council approves funding for these projects.

#### **Our Sporting Future – Minor Facilities Category**

<b>Club</b>	<b>Project</b>	<b>Allocation</b>
Mooroopna Football Netball Club	Upgrade Netball Change Rooms	\$15,000
Dhurringile Tennis Club	Upgrade Hard Tennis Courts	\$15,000

The Our Sporting Future Funding Program has been established to assist community organisations with the implementation of small to medium sized facility development projects. The types of projects that may be funded include:

- Sports surface development
- OHS and public safety improvements
- Lighting upgrades
- Pavilion upgrades
- Shade for participants
- Disability Access

The program also assists with development programs for new and developing sporting organisations throughout the Greater Shepparton Municipality.

The funding program provides three categories for funding:

- **Major** facility development – will accommodate projects on a \$1 for \$1 basis but not exceeding \$30,000.00
- **Minor** facility development – will accommodate projects on a \$1 for \$1 basis but not

## 5. INFRASTRUCTURE DIRECTORATE

### 5.1 Our Sporting Future Funding Program Round 2 2012/2013 - Minor and Sports Aid (continued)

exceeding \$15,000.00

- **Sports Aid** - will provide funding between \$500 and \$5,000 (without matching contributions) for special sports projects that provide support to new and developing sporting organisations, or for special access and participation projects.

The Minor and Sports Aid applications are assessed in three rounds, with the second round closing on Friday 29 November 2012. The Major applications are assessed bi-annually.

A cross department interim assessment team has been developed to improve the assessment of applications. The team consists of the following members:

- Recreation Participation Coordinator
- Team Leader Events
- Youth Community Development Officer
- Projects Coordinator
- Grants Officer

#### **Projects previously funded this financial year:**

**Majors** – Mooroopna Cricket Club (\$30,000.00) for Cricket Training Net Complex.

There were two applications received in the Minor category for Round 2 that did not meet the mandatory requirements. These were from Shepparton Radio Control Car Club and Kialla Gold Club. Recreation and Parks Officers are now working with these two groups to complete the mandatory requirements so that the applications can be resubmitted to the funding program.

There were three applications received this financial year that did not fit with the criteria of the funding program. These were received from the Shepparton Cycling Club, Shepparton Sailability and Goulburn Valley Squash Club. Recreation and Parks Officers continue to work with these Clubs to find funding opportunities available to them.

The following applications were received for the **Minor** Category:

#### **Mooroopna Football Netball Club**

Funding Category	Minor		
Project	Upgrade Netball Change Rooms		
Project Details	Netball change rooms will be constructed in a 40 foot shipping container.		
Senior Membership (playing and social)	140	Junior Membership (playing and social)	180
Total Project Cost	\$29,949	Organisation Cash	\$9,799
Requested Council Contribution	\$15,000	Organisation In-kind	\$5,150
Recommendation from the Interim assessment team	The project is consistent with the funding criteria in providing pavilion upgrades. The project is recommended for funding with an allocation of \$15,000.		

## 5. INFRASTRUCTURE DIRECTORATE

### 5.1 Our Sporting Future Funding Program Round 2 2012/2013 - Minor and Sports Aid (continued)

#### Dhurringile Tennis Club

Funding Category	Minor		
Project	Upgrade Hard Tennis Courts		
Project Details	Resurfacing two tennis courts with 'Tennis Turf' synthetic grass surface.		
Senior Membership (playing and social)	18	Junior Membership (playing and social)	31
Total Project Cost	\$39,608	Organisation Cash	\$24,208
Requested Council Contribution	\$15,000	Organisation In-kind	\$400
Recommendation from the Interim assessment team	The project is consistent with the funding criteria in providing sports surface development. The project is recommended for funding with an allocation of \$15,000.		

#### Council Plan/Key Strategic Activity

The works are supported by the Council's Sport 2050 Strategic Plan.

#### Risk Management

Consideration has been given to risk management issues during the assessment of all applications for funding support.

#### Policy Considerations

There are no conflicts with existing Council policy.

#### Financial Implications

Total budget for the 2012/2013 Our Sporting Future Funding Program – Minor and Sport Aid is \$109,200 with \$30,000 recommended for allocation in this round. The budget left to be allocated for round 3 of the Minor and Sport Aid is \$79,200.

#### Legal/Statutory Implications

All project applicants must comply with planning, building and health legislative and statutory requirements prior to commencement of projects and/or release of the Council's funds.

#### Environmental/Sustainability Impacts

There are no environmental/sustainability impacts arising from these projects.

#### Social Implications

These projects will support community participation in sporting activity.

#### Economic Impacts

There is expected to be a minor regional economic stimulus arising from the construction works.

#### Consultation

Recreation and Parks Branch staff have discussed the projects with the applicants and assisted in the application process. All applicants have been reminded that projects will



## 5. INFRASTRUCTURE DIRECTORATE

### 5.1 Our Sporting Future Funding Program Round 2 2012/2013 - Minor and Sports Aid (continued)

not be funded retrospectively. Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

#### **Strategic Links**

##### a) Greater Shepparton 2030 Strategy

This proposal supports the community and infrastructure objectives of the Greater Shepparton 2030 Strategy.

##### b) Other strategic links

This proposal supports the community and infrastructure objectives of the Municipal Public Health Plan.

#### **Options for Consideration**

1. Not fund the projects  
Not recommended as projects will ensure that community assets are renewed and facilities are modernised.
  
2. Fund the projects  
Agree to fund the projects

#### **Conclusion**

Council approves funding for these projects.

#### **Attachments**

Nil

## 5. INFRASTRUCTURE DIRECTORATE

### 5.2 Tatura Rail Culvert - Victrack Licence Agreement

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

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

#### **Council Officers involved in producing this report**

**Author: Team Leader - Delivery**

**Proof reader(s): Manager - Projects Department**

**Approved by: Director - Infrastructure**

#### **Purpose**

The purpose of this report is to obtain Council's approval for the application of the Council Seal to the agreement between Victorian Rail Track (Victrack) and Council for the use of land at Tatura for the recently installed Tatura Rail Culvert.

#### **RECOMMENDATION**

That the Council authorise the Chief Executive Officer to sign and seal the Victorian Rail Track Single Asset Licence for the Tatura Rail Culvert.

#### **Background**

The Tatura Floodplain Management Plan identified a number of works that should be undertaken to mitigate flooding in Tatura township. The Tatura Rail Culvert works was one of the identified works.

The rail culvert works involved supply and installation of a new culvert under the Toolamba Echuca Railway.

Council was required to agree to a preliminary licence agreement before Victrack would grant Council to access the Victrack land for the culvert works.

The land occupied by the culvert is Victrack land, and they require the Council to enter into a licence agreement for the use of the land.

Victrack has prepared the licence agreement, and it now requires Council to execute the document and affix the Council Seal.

The Council will incur an initial annual licence fee of \$200.00 excluding GST. This fee will increase annually by the CPI, or such other amount as agreed by the parties.

This element of the project is formalizing what has already been agreed to with Victrack as part of the implementation of the Tatura Rail Culvert Project.

#### **Council Plan/Key Strategic Activity**

This element of the project is formalizing what has already been agreed to with Victrack as part of the implementation of the Tatura Rail Culvert Project.

## 5. INFRASTRUCTURE DIRECTORATE

### 5.2 Tatura Rail Culvert - Victrack Licence Agreement (continued)

#### **Risk Management**

This element of the project is formalizing what has already been agreed to with Victrack as part of the implementation of the Tatura Rail Culvert Project.

Risks	Likelihood	Consequence	Rating	Mitigation Action
Unrealistic licence fee increases	D	4	Low	Monitor. Fee increases above CPI to be by agreement.

#### **Policy Considerations**

This action will not impact on any Council Policy.

#### **Financial Implications**

The annual fee will need to be funded from Council's general licence ledger, Lease General and Rental Expense, 10216-364.

	2012/2013 Approved Budget for this proposal*\$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue	0	0	0	
Expense	200	200	0	Will be funded from 60316 in 2012/2013. General Victrack licence fees in future.
Net Result	200	200	0	

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

#### **Legal/Statutory Implications**

This action is in accord with the *Local Government Act 1989*.

#### **Environmental/Sustainability Impacts**

This element of the project is formalizing what has already been agreed to with Victrack as part of the implementation of the Tatura Rail Culvert Project.

#### **Social Implications**

This element of the project is formalizing what has already been agreed to with Victrack as part of the implementation of the Tatura Rail Culvert Project.

#### **Economic Impacts**

This element of the project is formalizing what has already been agreed to with Victrack as part of the implementation of the Tatura Rail Culvert Project.

#### **Consultation**

This element of the project is formalizing what has already been agreed to with Victrack as part of the implementation of the Tatura Rail Culvert Project.

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

## 5. INFRASTRUCTURE DIRECTORATE

### 5.2 Tatura Rail Culvert - Victrack Licence Agreement (continued)

#### **Strategic Links**

##### a) Greater Shepparton 2030 Strategy

Background & Analysis Report No: 6 Infrastructure - Table 2, Objective 3, Strategy 3.2 – Compliance with relevant Floodplain Management Plans

##### b) Other strategic links

Tatura Floodplain Management Plan – Clause 7.3 Preferred Flood Mitigation Options.

#### **Options for Consideration**

Nil.

#### **Conclusion**

To finalize the Tatura Rail Culvert Project the formal Single Access Licence Agreement must be signed and sealed by Council.

It is recommended that the Council authorise the signing sealing of the Victoria Rail Track (Victrack) Single Asset Licence (File Ref: SX/2007/0214).

#### **Attachments**

1. Victorian Rail Track Single Asset Licence (File Ref: SX/2007/0214)

## 6. COMMUNITY DIRECTORATE

### **6.1 Fryers Street Taxi Rank - Management of CCTV Footage 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): Manager Neighbourhoods**

**Approved by: Director Community**

**Other: Team Leader Information Management**

#### **Purpose**

To update the Councillors on the extensive work which has been undertaken in relation to the development of a comprehensive structure and procedural system to manage requests to either obtain a copy or view footage recorded by the Fryers Street Taxi Rank CCTV camera to ensure legislative compliance and reduce associated risks.

#### **RECOMMENDATION**

That the Council adopt the Fryers Street Taxi Rank CCTV Policy to manage the footage recorded by the Fryers Street Taxi Rank Camera.

#### **Background**

In February 2012 Greater Shepparton City Council (GSCC) was successful in obtaining funding of \$66,581 from the Victorian Taxi Directorate to address a number of safety concerns at the Fryers Street Taxi Rank. This funding included the installation of one fixed CCTV camera to record activities at the rank 24 hours a day 7 days a week.

It is anticipated that this camera will be operational by 30 April 2013 and from that time Greater Shepparton City Council will be responsible for the management of the footage recorded by that camera until its integration into the Safer City Camera Project later in 2013. After that time it is expected that management of this footage (pursuant to the Standards for Victoria Police Law Enforcement Data Security) will become the responsibility of the Victoria Police together with the rest of the Safer City Camera Network data.

To ensure that Greater Shepparton City Council complies with relevant legislation, Australian Standards and protects the community's rights and expectations in relation to the storage and management of this footage, a comprehensive Policy has been developed. This Policy has been developed through benchmarking other Councils and in consultation with the Information Management, Governance and Risk Branches of Council.

The proposed upgrade of this rank will provide the community with safe and accessible access to local taxi services, whilst ensuring that taxi operators are able to carry out their service in a safe environment.

## 6. COMMUNITY DIRECTORATE

### 6.1 Fryers Street Taxi Rank - Management of CCTV Footage Policy (continued)

#### Council Plan/Key Strategic Activity

Item 3 - *Revitalise and promote the Shepparton CBD as the region's premier retail and entertainment destination* within the Council Plan 2009-2013 references the continued implementation of the Greater Shepparton CBD Strategy. One of the initiatives contained within this document is reviewing the Fryers Street taxi ranks location and develop it into a safe taxi rank "minimising crime and violence" and "increase the community's perception of safety in and around transport hubs". This initiative will be supported by the installation of the Department of Transport funded CCTV camera at the Fryers Street Taxi Rank and the development of rigorous footage management procedures.

This initiative also supports Item 7 in the Council Plan being *Provide a Safe and Family Friendly Community*. This item references the development and implementation of a community safety plan of which one of the key initiatives is delivering a CCTV project within the Shepparton Central Business District.

#### Risk Management

This Policy has been developed through benchmarking other Councils and in consultation with the Information Management, Governance and Risk Branches of Council. A representative from Freedom of Information Solutions has also made recommendations in relation to this Policy which have been incorporated into its development.

Risks	Likelihood	Consequence	Rating	Mitigation Action
Unauthorised posting of footage on social media	Possible	Major	High	Requiring applicants (other than the Police) to obtain footage only through a Court Subpoena to ensure that footage is only provided to those where a matter has been taken to Court. This will provide stringent control over footage provision to the community and their representatives.
Provision of footage for personal gain	Unlikely	Major	Moderate	As footage can only be obtained via Subpoena (other than the Police) this risk is minimised. With two authorised officers required to be present during the downloading/viewing/ copying of footage this risk is minimised further.
Unauthorised destruction of footage	Unlikely	Major	Moderate	Camera will be programed to automatically overwrite footage every 31 days in accordance with AS4806.1-2006. Destruction of downloaded footage by Council will be undertaken in

## 6. COMMUNITY DIRECTORATE

### 6.1 Fryers Street Taxi Rank - Management of CCTV Footage Policy (continued)

				accordance with the Public Records Act and the Fryers Street Taxi Rank Project Policy.
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#### **Policy Considerations**

There are no identified conflicts with existing Council Policies. Council intends to use this Policy as a starting point to review and update its existing CCTV footage management procedures for other Council owned CCTV systems.

#### **Financial Implications**

There are no identified financial implications in relation to the endorsement of this Policy. Council will need to monitor the number of requests that it receives for footage and if it is considered that the volume of requests is unmanageable within current resourcing arrangements then additional resourcing may need to be considered.

#### **Legal/Statutory Implications**

This Policy has been developed giving consideration to and ensuring compliance with the Freedom of Information Act, Charter of Human Rights, Information Privacy Act, Public Records Act and Evidence Act with consideration also being given to the Surveillance Devices Act, Charter of Human Rights and Australian Standards in relation to CCTV.

#### **Environmental/Sustainability Impacts**

There are no identified environment or sustainability impacts as a result of the implementation of this Policy.

#### **Social Implications**

The development of this Policy will provide the community with confidence that their privacy and rights will be protected to the best of Council's ability in relation to the management of the information recorded by the Fryers Street Taxi Rank camera.

As part of the promotion of the completion of the Fryers Street Taxi Rank upgrade, the community will be advised in relation to the presence of the camera and the Policy developed to manage this asset and the data recorded by it.

#### **Economic Impacts**

There are no identified economic impacts as a result of the endorsement of this Policy.

#### **Consultation**

Consultation in relation to the development and this Policy has been undertaken with Council's Information Management, Governance and Risk Branches. A representative from Freedom of Information Solutions has also made recommendations in relation to this Policy which have been incorporated into its development.

Council has also undertaken consultation with a number of other Councils including the City of Melbourne, City of Ballarat and the Greater City of Geelong in relation to developing this Policy.

As Council is the owner of the CCTV camera and the data that it records, it has a legal obligation to appropriately manage both the asset and footage in accordance with relevant legislation and standards. This obligation extends to ensuring that community confidence that their rights will be protected is also maintained.

## 6. COMMUNITY DIRECTORATE

### 6.1 Fryers Street Taxi Rank - Management of CCTV Footage Policy (continued)

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

#### **Strategic Links**

##### a) Greater Shepparton 2030 Strategy

2.3.5 Infrastructure – Communities will continue to urges for improvements in the safety of the city

2.4.5 Other Major issues – Ensuring that redeveloped areas adequately address community safety

##### b) Other strategic links

- *Greater Shepparton Public Health Plan 2009/2013 – 04. Safe and supported community*
- *Safer City Strategy 2011-2014 – CCTV being a major initiative within this Strategy*

#### **Options for Consideration**

In order to protect the integrity of the footage the Fryers Street Taxi Rank CCTV Policy outlines that footage captured by this CCTV camera will only be made available through application by a Police member in relation to an offence or suspected offence, or by Court Order via Subpoena.

The process operates on the premise that Greater Shepparton City Council will retain a master copy of any footage provided to the Applicant which will then be stored in its Electronic Document Management System (EDMS). This footage will be secured through access controls whilst maintaining a record of any copies viewed, distributed and the GSCC authorised officers who have accessed the information.

An internal Standard Operating Procedure has been developed to ensure compliance with relevant legislation and reduce possible liability issues which Greater Shepparton City Council may be subjected to as a result of the ongoing management of the Fryers Street Taxi Rank camera and footage. Discs which are provided to the Police will remain the property of GSCC and must be returned to the Council offices within 30 days or within another agreed timeframe. GSCC will then destroy both copies of the footage upon return to the GSCC in accordance with information management requirements.

A webpage containing information in relation to Fryers Street Taxi Rank Camera will be maintained including information in relation to how to request footage and the Fryers Street Taxi Rank CCTV Policy.

Options for Consideration	Action
Status quo	Do not approve the use of the new procedure. Risk action for non-compliance with relevant legislation and Australian Standards together with negative community perceptions when footage requests are unable to be managed and footage integrity preserved.
Approve the Fryers Street Taxi Rank CCTV Policy for Council endorsement	Approve the Policy for endorsement enabling it to be used to manage the footage and camera infrastructure associated with the Fryers Street Taxi Rank.
Suggest changes to the Policy	Suggest changes to the Policy
Deny approval of the Policy	No not endorse the Fryers Street Taxi Rank CCTV Policy resulting in a new Policy requiring to be drafted or proceed without a Policy in place (see Status Quo above)



## 6. COMMUNITY DIRECTORATE

### 6.1 Fryers Street Taxi Rank - Management of CCTV Footage Policy (continued)

#### **Conclusion**

It is essential that GSCC has a well-researched and clearly defined process in place to manage the camera infrastructure and footage recorded by the Fryers Street Taxi Rank CCTV camera. This process is important to mitigate risk to GSCC and must be in place whilst the camera is in operation ensuring compliance with all relevant legislation and Australian Standards.

It is expected that this Policy will only be required until the camera is integrated into the Safer City Camera Project later in 2013. After this time it is anticipated that Shepparton Victoria Police will take responsibility for management of the footage from `all` the cameras within the Safer City Camera Network utilising their existing footage requests processes.

#### **Attachments**

1. Fryers Street Taxi Rank CCTV Policy

## 6. COMMUNITY DIRECTORATE

### 6.2 Arts in the Community Fund

#### **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:

- A Committee Member refrained from voting on two of the applications, these being Splinter Contemporary Artists & Mooroopna Education & Activity Centre Artists Group

#### **Council Officers involved in producing this report**

**Author:** Arts Co-ordinating Group Secretary

**Proof reader(s):** Riverlinks Manager, Manager Arts, Events and Tourism

**Approved by:** Director Community

**Other:** Three Arts Co-ordinating Group Committee Members, Manager of Arts, Events and Tourism, Grants Officer

#### **Purpose**

For Council to endorse assessed funding applications for grants from the Arts in the Community Fund and to make recommendations to Council regarding compliant and worthy funding applications.

#### **RECOMMENDATION**

That the Council provide funding to the following community groups as part of the Arts in the Community Fund:

1. Shepparton Brass Band Inc. in the sum of \$3,000 to support the *Academy of Brass* project.
2. Splinter Contemporary Artists in the sum of \$1,500 to complete their *Interface* collaboration.
3. 36 Degrees South in the sum of \$4,745 to support the development of their community choir.

#### **Background**

The *Encouraging Arts in the Community* policy was approved by Council in 2003 as a key part of Council's commitment to enhance community wellbeing through cultural and artistic activities and pursuits. Council defined its role as supporting, through a variety of means, arts related activities for the community which recognise the region's rich heritage, vibrant history and cultural diversity and which encourage and facilitate the widest access to participation, interest and support of the arts.

The *Arts in the Community Fund* helps promote arts and cultural endeavours and activities in the community. It encourages, supports and promotes active participation by the whole community in artistic and cultural activities.

The program is currently advertised on the Council external website and not through other sources. From time to time media releases are approved to promote the grant availability but during 2012/13 there has been minimal external promotion chiefly due to

## 6. COMMUNITY DIRECTORATE

### 6.2 Arts in the Community Fund (continued)

caretaker mode restrictions around the time of the first round and the organisations desire to standardise all grants processes. Members of the Co-ordinating Group actively promote the availability of the grant to – subject to application and compliance - in their regular interaction with the community.

Applications for grants are assessed by the Arts Co-ordinating Group (ACG) to ensure they promote arts activity in the community and recommendations are made to Council to approve funding where the application is compliant with the relevant terms of reference. The grant applications themselves are not assessed by Council as this is the delegated role of Group. Council's role is to accept, reject or seek qualification in regards to the recommendations.

The number of applications varies from year to year with six to ten grants being manageable within the scope of the scheme. Applicants are provided with guidelines in the first instance to self-assess eligibility. Members of the Group and the Secretary make themselves available during the enquiry process to provide advice and guidelines.

In addition to the positive principles, the policy and guidelines are aimed at avoiding reliance on long-term Council support, preventing applications from outside Greater Shepparton, removing “double dipping” so grants cannot be use towards subsidising hire of Council venues which are already subsidised, and rejecting short-term prizes such as awards.

Applications that are not successful generally fall into the following categories: they do not meet the criteria of the guidelines above; the applicant's activity is viable without the grant; the applications are incomplete; or there are insufficient funds remaining.

The Group reserves the right to make a recommendation to Council for grants that are less than the amount applied for if the grant applied for seems over and above what is reasonable.

Applicants receive notifications during the grant process advising them of their progress and the outcomes. If unsuccessful, they are provided with written confirmation and often receive advice as to how they could address the concerns of the Group for future applications. Often, applicants are requested to provide additional clarifying information or to meet with the Group to enable the application to progress further.

#### **Council Plan/Key Strategic Activity**

This proposal aligns with section 16 of the Council Plan, Value Arts & Culture as an integral part of a dynamic community.

#### **Risk Management**

Minor to moderate risk of reputation to Council should grants not be approved or if delays are incurred as a result of due process or unforeseen factors.

No other risk implications or risk management issues.

#### **Policy Considerations**

This proposal is consistent with the “Encouraging Arts in the Community” policy.

#### **Financial Implications**

The sum total of applications, subject to approval, will not exceed the budget allocated to

## 6. COMMUNITY DIRECTORATE

### 6.2 Arts in the Community Fund (continued)

the Arts in Community Fund (ledger 10069-364) and will allow for further funds to be available for subsequent grant applications should they be submitted in a timely manner before June 30, 2013.

	2012/2013 Approved Budget for this proposal*\$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue	0	0	0	Nil
Expense	73500	10469.41	63030.59	Nil
Net Result	73500	10469.41	63030.59	Nil

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

Following approval of these applications, a media release will be produced confirming that the next round is now open and the process involved. The remaining budget will be available for applications received and processed prior to June 30, 2013. Any uncommitted funds at that time will be not be held over for 2013/14.

#### **Legal/Statutory Implications**

No implications

#### **Environmental/Sustainability Impacts**

No implications.

#### **Social Implications**

- Sense of community – cultural activities are supported through this process.
- Stakeholder participation is encouraged through this process.
- Community health and well being are objectives of this process.

#### **Economic Impacts**

Grant funds will be expended locally providing positive flow-on benefits to the community and local economy.

#### **Consultation**

None required in addition to communications between applicants and Committee members and no community implications. Officers believe that appropriate consultation with stakeholders (applicants and committee) has occurred and the matter is now ready for Council consideration.

#### **Strategic Links**

##### a) Greater Shepparton 2030 Strategy

Community Life: Objective 2 - To encourage and implement activities that will strengthen community spirit.

##### b) Other strategic links

Encouraging Arts in the Community

#### **Options for Consideration**

1. Council accepts the recommendations of the ACG.
2. Council rejects the recommendations of the ACG.
3. Council seeks further qualification of one or more recommendations.

## 6. COMMUNITY DIRECTORATE

### 6.2 Arts in the Community Fund (continued)

#### **Conclusion**

Approval of all listed applications is recommended as they comply with the current terms and conditions of the grants policy.

#### **Attachments**

Nil

## 6. COMMUNITY DIRECTORATE

### **6.3 New Members for the Greater Shepparton Positive Ageing Advisory Committee**

**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: Access and Inclusion Officer**

**Proof reader(s): Manager Neighbourhoods, Committees Liaison Officer**

**Approved by: Director Community**

#### **Purpose**

The Positive Ageing Advisory Committee (PAAC) was formally established by resolution of Council in February 2011. The PAAC forms a strong link between Council and the older people living in our community. The PAAC meets monthly and provides advice and recommended actions to Council that ensure the needs are met of older people in our community.

The purpose of the PAAC is to ensure there are consultation and participation mechanisms in place for seniors, their families, carers, advocates and service providers to enable meaningful input into the Greater Shepparton City Council service planning and policy development. The PAAC:

- works in partnership with the community and Council towards acknowledging and valuing seniors
- informs and educates Council and the community about issues for seniors, their families and carers
- identifies and prioritise seniors' concerns in Council and contribute to the planning to address these issues; and
- provides advice and assistance to Council in achieving capital works and services are accessible and inclusive of seniors.

One of the key challenges of the Committee has been the recruitment of retired people who are living full lives that include active participation with extended families, part time work, volunteering, sitting on other committees, and extended holidays during the colder months. This means it is often difficult to obtain a quorum at meetings and has seen many meetings cancelled due to low attendance, especially over colder months. It is hoped that increased membership will create opportunities for the committee to continue to function without interruption all year round, and that more diverse membership can augment the existing membership.

#### **RECOMMENDATION**

That the Council:

1. Continue the current appointments of the community members to the Positive Ageing Advisory Committee made at the Ordinary Council Meeting held on 21 December 2010

## 6. COMMUNITY DIRECTORATE

### 6.3 New Members for the Greater Shepparton Positive Ageing Advisory Committee (continued)

**Current members will continue as per terms of membership until February 2014:**

Lyn Bailey  
Eric Farrow  
Hugh Hutchinson  
Albert Kellock  
Angie Seca  
Terri Wyatt

2. Having considered nominations received for appointment to the Positive Ageing Advisory Committee, appoint the following members for a term of three years:

**New members:**

Lisa McIlfatrick – Service Organisation Representative of Wintringham Homes  
Alfred Heuperman  
Jeanette Doherty  
Karla McKinlay  
Margaret (Peg) Newman  
Christine Wilson  
Dean Walton

#### **Background**

In late 2008 Council adopted the Positive Ageing Strategy, and one of the recommendations for action was the establishment of an Older Person's Advisory Committee (OPAC). A media campaign was subsequently conducted in the second half of 2010, seeking community members to apply as a representative on the committee. A number of residents applied and all were interviewed, with six being selected. It was considered that the successful candidates represented a good cross section of the community including an even gender split.

The (OPAC) and members were formally endorsed by Council and launched in February 2011. The Committee is comprised of members of the Community, a community based Service Provider and a Greater Shepparton City Councillor. In November 2012, the Council formally adopted a name change to Positive Ageing Advisory Committee (PAAC). The Council also formally adopted a change to the Terms of Reference which included an increase in membership. The PAAC is supported by a Senior Council Officer and Council's Access and Inclusion Officer.

The PAAC forms a strong link between Council and the older people living in our community. The PAAC meets monthly and provides advice and recommended actions to Council that ensure the needs are met of older people in our community.

One of the key challenges of the Committee has been the recruitment of retired people who are living full lives that include active participation with extended families, part time work, volunteering, sitting on other committees, and extended holidays during the colder months. This means it is often difficult to obtain a quorum at meetings and has seen many meetings cancelled due to low attendance, especially over colder months. It is hoped that increased membership will create opportunities for the committee to continue to function without interruption all year round, and that more diverse membership can augment the existing membership.

## 6. COMMUNITY DIRECTORATE

### 6.3 New Members for the Greater Shepparton Positive Ageing Advisory Committee (continued)

#### Council Plan/Key Strategic Activity

The appointment of nominations to the Positive Ageing Advisory Committee is intrinsically linked to the Council Plan 2009-2013, in particular the following objectives:

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

#### Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
The PAAC fails to comply with the Assemblies of Councillor's requirement set out in the Local Government Act 1989	C	3	Moderate	Inclusion of a clause within the Terms of Reference outlining this requirement which will remind the committee of their obligations
Lack of communication between Committee and Council	C	4	Low	One Councillor is an appointed member of the committee to provide a communication channel and directions

#### Policy Considerations

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

#### Financial Implications

It is anticipated that the majority of actions identified in the Positive Ageing Advisory Committee will be met within existing budget allocations. Any initiatives endorsed within the action plan which require additional Council funding will be referred to Council for consideration as part of the annual budget process.

#### Legal/Statutory Implications

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

#### Environmental/Sustainability Impacts

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

#### Social Implications

Appointing new community members to the PAAC will help build a sense of community as it raises the profile of positive ageing within our community.

There are many benefits to consider relating to social implications including:

- Sense of community – Stakeholder participation for the older people in our community and social cohesion.



## 6. COMMUNITY DIRECTORATE

### 6.3 New Members for the Greater Shepparton Positive Ageing Advisory Committee (continued)

- Community Services – improve the range and quality of services for different groups such as elderly people, improvement of the accessibility of services
- Community Health and well-being – accessible and inclusive recreation facilities, public safety, health services and facilities or public health implications
- Education and skills development – number and quality of education options for the community, life-long learning opportunities or meeting the needs of our local community
- Transport – safety for travellers, emissions of fuel consumption, public transport usage, walking and cycling or transportation needs of the older person.

#### **Economic Impacts**

There are no economic impacts arising from this proposal.

#### **Consultation**

Advertisements calling for nominations for applicants to fill the vacant positions on the PAAC were placed in the Shepparton News and the Tatura Guardian on Friday 7 December 2012. A notice calling for nominations was also placed on Council's website for the same period. Nominations closed on Thursday 31 January 2013. This recommendation has been made with the support of the Positive Ageing Advisory Committee Members and Council's Governance officers.

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Keep informed	<ul style="list-style-type: none"> <li>• Newspaper advertisements</li> <li>• Consultation with committee members</li> </ul>
Involve	Work together. Feedback is an input into decision-making	<ul style="list-style-type: none"> <li>• Council to consult with the committee in relation to matters relating to positive ageing in Greater Shepparton.</li> </ul>
Collaborate	<p>Feedback and advice received from the Committee will be incorporated into decisions to the maximum level possible</p> <p>Council will give due consideration to implementation of the committee's recommendations</p>	<ul style="list-style-type: none"> <li>• Advisory Committee consisting of community members to be appointed.</li> <li>• A Councillor is appointed to the committee.</li> <li>• The committee is supported by the Team Leader Positive Ageing and the Access and Inclusion Officer.</li> <li>• Council will consider funding requests where possible to undertake desired projects</li> </ul>

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

#### **Strategic Links**

##### a) Greater Shepparton 2030 Strategy

This recommendation is consistent with the Community Life Topic within the Greater Shepparton 2013 Strategy.

## 6. COMMUNITY DIRECTORATE

### **6.3 New Members for the Greater Shepparton Positive Ageing Advisory Committee (continued)**

#### b) Other strategic links

Greater Shepparton Positive Ageing Strategy

c) Positive Ageing Strategy 2009 - 2014

d) Council Plan 2009 - 2013 Reference to Community Life Strategies Objective 9 – Develop and pursue strategies to improve community health and wellbeing.

#### **Options for Consideration**

Option 1 – Council chooses not to appoint some or all of the applicants to the committee. Council endorsed the Positive Ageing Advisory Committee in February 2011. As part of this endorsement a Terms of Reference was developed to support the operations of the committee. This option would not support recommendations listed in the Terms of Reference.

Option 2 – Rescind the current appointments of the community members to the Positive Ageing Committee made at the Ordinary Council Meeting held on 21 December 2010; and having considered nominations received for appointment to the Positive Ageing Advisory Committee, appoint the members for a term of three years.

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

#### **Conclusion**

The Positive Ageing Advisory Committee (previously known as the Older Person's Advisory Committee) has been operational for the past two years. The Committee continues to be instrumental in providing advice and recommended actions to Council that ensure the needs are met of older people in our community. It is anticipated that the increased membership will create opportunities for the committee to continue to function without interruption all year round, and that more diverse membership can augment the existing membership.

#### **Attachments**

Nil

## 7. BUSINESS DIRECTORATE

### 7.1 March 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 Corporate Accounting

**Proof reader(s):** Manager Finance and Rates

**Approved by:** Director Business

#### **Purpose**

The report presents Council's actual financial performance compared to budget for the nine months ended 31 March 2013.

### **RECOMMENDATION**

That the Council receive and note the March 2013 Monthly Financial Report.

#### **Background**

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

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

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

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

The March 2013 Financial Report incorporates the following sections which are presented for Council's consideration:

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

## **7. BUSINESS DIRECTORATE**

### **7.1 March Monthly Financial Report (continued)**

The March 2013 Quarterly Budget Review will be presented to a Special Meeting of Council to be held on 30 April 2013.

#### **Council Plan/Key Strategic Activity**

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

#### **Risk Management**

No risks have been identified in providing this financial report.

#### **Policy Considerations**

There are no conflicts with existing Council policies.

#### **Financial Implications**

There are no financial implications arising from this proposal.

#### **Legal/Statutory Implications**

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

#### **Environmental/Sustainability Impacts**

No Environmental or Sustainability impacts have been identified.

#### **Social Implications**

No Social implications have been identified.

#### **Economic Impacts**

No Economic impacts have been identified.

#### **Consultation**

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

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

#### **Options for Consideration**

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

#### **Strategic Links**

##### **a) Greater Shepparton 2030 Strategy**

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

##### **b) Council Plan**

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

## **7. BUSINESS DIRECTORATE**

### **7.1 March Monthly Financial Report (continued)**

#### c) Other strategic links

No other strategic links have been identified.

#### **Conclusion**

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

#### **Attachments**

1. March 2013 Financial Report

## 7. BUSINESS DIRECTORATE

### 7.2 Mooroopna Golf Club Offer to Purchase Part of 90 McFarlane Road, Mooroopna

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

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

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

#### **Council Officers involved in producing this report**

**Author: Manager Property and Procurement**

**Proof reader(s): Senior Business and Property Officer**

**Approved by: Director Business**

#### **Purpose**

The report presents an offer submitted by the Mooroopna Golf Club Inc. to purchase part of the Council's property at 90 McFarlane Road, Mooroopna for \$75,000 plus GST to enable expansion of the Mooroopna Golf Course.

### **RECOMMENDATION**

That:

1. part of the Council's vacant land located at 90 McFarlane Road, Mooroopna being certificate of title volume 8549 folio 894, which is an area of 30.09 ha, is considered surplus to Council's requirements and be sold to the Mooroopna Golf Club Inc. for the purpose of an extension of the existing golf course.
2. in accordance with Section 189 of the *Local Government Act 1989* ("Act"), public notice be given in the *Shepparton News* of the Council's intention to sell by private treaty part of the property, being part certificate of title volume 8549 folio 894, which is an area of 30.09 ha to the Mooroopna Golf Club Inc. for \$75,000 plus GST.
3. the public notice stipulate that persons may make a submission on the proposed property sale, in accordance with Section 223 of the Act and that written submissions must be received by a specified date that is at least 28 days after the publication of the notice.
4. the Chief Executive Officer be authorised to undertake the administrative procedures necessary to enable the Council to carry out its functions under section 223 of the Act in relation to this matter.
5. that if submissions are received under section 223 of the Act:
  - a) a special meeting of the Council be convened to hear from any person or persons who request to be heard in support of a 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) any submissions received by the Council, along with a summary of any hearings held, be reported to an Ordinary Council Meeting; and
6. if no submissions are received within the prescribed period, the Council resolves to sell part of the property to the Mooroopna Golf Club Inc. for \$75,000 plus GST without further resolution of the Council, subject to the completion of a boundary realignment to incorporate the land into the existing Mooroopna Golf Course.
7. that the Council, in accordance with section 77(2)(b) of the *Local Government Act 1989* (the Act), designate as confidential attachment 2 to this report 'Property Valuation – 90 McFarlane Road, Mooroopna' which was designated by the Chief

## **7. BUSINESS DIRECTORATE**

### **7.2 Mooroopna Golf Club Offer to Purchase Part of 90 McFarlane Road, Mooroopna (continued)**

Executive Officer in writing as confidential under section 77(2)(c) of the Act. This document relates to contractual, legal and other matters which the Council considers would prejudice the Council or any person. These are relevant grounds applying under section 89(2)(d),(f) and (h) of the Act.

#### **Background**

The Council owns the parcel of land, which is identified as 90 McFarlane Road, Mooroopna being certificate of title volume 8549 folio 894. It is vacant land with an area of approximately 41.35ha. Most of the site is within the Urban Flood Zone and parts within the Farm Zone and it adjoins the Mooroopna Golf Club.

The Council originally acquired the land in 1992 for a proposed tourism development which did not eventuate and the site has remained undeveloped and is not considered required for public or Council purposes.

During the last two years the Council, in partnership with community groups, has been investigating opportunities to enhance the environmental tourism aspects of the area by creating a network of walking paths. Part of this property has been identified as required for a potential walking path to link from Ardmona KidsTown to Gemmill Swamp, as well as creating a 50 meter buffer from McFarlane Road and preserving some environmentally significant areas which should be reserved.

Discussions have also been conducted with representatives of the Mooroopna Golf Club Inc. who have been investigating the possibility of expanding the golf course and improving the recreational facilities in the longer term. This will have the benefit of improved community and tourism facilities.

A plan has been prepared identifying the portions which should be retained by the Council for walking paths and environmental purposes and the area which may be suitable to provide for the expansion of the Mooroopna Golf Club.

The Mooroopna Golf Club Inc. has submitted a formal request to purchase part of the site, measuring approximately 30.09ha for \$75,000 plus GST. Due to financial constraints the Mooroopna Golf Club Board have proposed a staged payment plan of three equal payments of \$25,000 to be paid as follows:

1. At offer acceptance;
2. Six months after acceptance; and
3. Twelve months after acceptance.

As the site has remained undeveloped and not required for public or Council purposes it is proposed that part of the Council's vacant land located at 90 McFarlane Road, Mooroopna, which is an area of 30.09 ha be sold to the Mooroopna Golf Club Inc. for the purpose of an extension of the existing golf course.

If the land was to be sold to the Mooroopna Golf Club Inc., a boundary realignment would be undertaken to consolidate the identified land with the Golf Club's property title. Due to the land being within the Urban Floodway Zone, additional parcels of land cannot be created. The process of realigning the property boundary will achieve the outcome of transferring part of the land while enabling Council to retain part for the walking path development.

## 7. BUSINESS DIRECTORATE

### 7.2 Mooroopna Golf Club Offer to Purchase Part of 90 McFarlane Road, Mooroopna (continued)

The transfer of ownership would occur on receipt of the final instalment from the Mooroopna Golf Club.

#### **Council Plan/Key Strategic Activity**

The Council Plan identifies a strategic goal of “*Ensure a coordinated and effective approach to economic and tourism development is maintained at all times*”. The proposal to sell part of the property to the Mooroopna Golf Club and retain part for walking paths has demonstrated this coordinated approach.

#### **Risk Management**

Risks	Likelihood	Consequence	Rating	Mitigation Action
Additional land may be required for the walking paths	Unlikely	Moderate	Moderate	Initial discussions with many stakeholders has identified the pathway requirements
A community group may require the land into the future	Possible	Minor	Low	Access and zoning mean that options for use of the site are limited for community use, beyond that identified
Council may require land for environmental purposes such as offset planting	Likely	Moderate	Moderate	The area to be retained will provide an opportunity for offset planting. Other sites could also be identified for this purpose
The access easement on the western boundary of the property favouring the property on the southern border may affect the golf course development	Likely	Major	High	There is alternative access to the benefiting property. The boundary realignment can affect the removal of the easement

#### **Policy Considerations**

The Asset Management Policy supports identifying community solutions for Council's assets.

#### **Financial Implications**

To enable the sale of part of the land Council will incur survey, legal and property valuation which are estimated to cost approximately \$15,000. The Council will receive income of \$75,000 from the sale.



## 7. BUSINESS DIRECTORATE

### 7.2 Mooroopna Golf Club Offer to Purchase Part of 90 McFarlane Road, Mooroopna (continued)

	2013/2014 Approved Budget for this proposal\$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue	0	(75,000)	(75,000)	Sale income
Expense	0	15,000	15,000	Survey, legal, valuation
Net Result	0	(60,000)	(60,000)	

#### **Legal/Statutory Implications**

Section 189(2) of the Act requires that before selling or exchanging land the Council must:

- (a) ensure that public notice of intention to do so is given at least 4 weeks prior to selling or exchanging the land; and
- (b) obtain from a person who holds the qualifications or experience specified under section 13DA(2) of the Valuation of Land Act 1960 a valuation of the land which is made not more than 6 months prior to the sale or exchange.

Section 189(3) requires that a person has a right to make a submission under section 223 on the proposed sale or exchange.

Section 223 of the Act requires that:

- (1) The following provisions apply if a person is given a right to make a submission to the Council under this section:
  - (a) the Council must publish a public notice:
    - (i) specifying the matter in respect of which the right to make a submission applies;
    - (ii) containing the prescribed details in respect of that matter;
    - (iii) specifying the date by which submissions are to be submitted, being a date which is not less than 28 days after the date on which the public notice is published;
    - (iv) stating that a person making a submission is entitled to request in the submission that the person wishes to appear in person, or to be represented by a person specified in the submission, at a meeting to be heard in support of the submission;
  - (b) if a request has been made under paragraph (a)(iv), the Council must:
    - (i) provide the person with the opportunity to be heard in support of the submission in accordance with the request at a meeting of the Council or of a committee determined by the Council;
    - (ii) fix the day, time and place of the meeting;
    - (iii) give reasonable notice of the day, time and place of the meeting to each person who made a request;
  - (c) if the committee determined under paragraph (b)(i) is not responsible for making the decision in respect of which the submissions have been made, the committee must provide a report on its proceedings, including a summary of hearings, to the Council or the special committee which is responsible for making the decision;
  - (d) the Council or special committee responsible for making the decision must:
    - (i) consider all the submissions made under this section and any report made under paragraph (c);

## 7. BUSINESS DIRECTORATE

### 7.2 Mooroopna Golf Club Offer to Purchase Part of 90 McFarlane Road, Mooroopna (continued)

- (ii) notify in writing, each person who has made a separate submission, and in the case of a submission made on behalf of a number of persons, one of those persons, of the decision and the reasons for that decision.

(2) a Council may authorise the appropriate members of Council staff to carry out administrative procedures necessary to enable the Council to carry out its functions under this section.

#### **Environmental/Sustainability Impacts**

The environmental impacts of the proposal have been thoroughly investigated, with an environmental assessment completed and environmental community groups contributing to the discussions on the appropriateness of retaining part of the land and selling the remaining portion.

The extension of the golf course will result in significant tree and vegetation plantings over time.

#### **Social Implications**

Long term, the land will meet several social objectives of enabling community access to walking paths joining recreation and environmental precincts as well as enhanced golf course facilities.

#### **Economic Impacts**

The disposal of the land will enable the Mooroopna Golf Club to expand which should have a positive economic impact for the club.

The development of walking paths provides tourism opportunities, which will also have a positive economic impact.

#### **Consultation**

Significant consultation has occurred between Council's Planning and Development department, Environmental department and Property Department. The RiverConnect Project Group, the Mooroopna Golf Club, the Goulburn Broken Catchment Management Authority, neighbouring property owners, the Mooroopna Community Plan Committee and Gemmill's Wetland Working Group have all been involved in consultation to determine the possible use of the land.

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Public notice	Shepparton News
Consult	Mooroopna Golf Club, RiverConnect, GBCMA, Gemmill's Wetland Working Group, Parks Victoria, Mooroopna Community Plan Committee	Meetings, discussion papers, correspondence

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

## 7. BUSINESS DIRECTORATE

### 7.2 Mooroopna Golf Club Offer to Purchase Part of 90 McFarlane Road, Mooroopna (continued)

#### **Strategic Links**

##### a) Greater Shepparton 2030 Strategy

This proposal is consistent with this document. The Strategy identifies future urban growth for Mooroopna. The disposal of this land to enable development supports this.

#### **Options for Consideration**

1. The recommended option is to retain part of the land and sell the remaining part of it to the Mooroopna Golf Club Inc. This will enable the club to expand its golf course, which will provide improved facilities for the community and tourism.
2. The Council could retain the land. While part of the property is identified for future development as walking paths, the majority of the land may be considered surplus to Council's requirements, therefore this option is not recommended.
3. The Council could sell all of the land to the Mooroopna Golf Club, however it will then restrict the opportunity to establish the proposed walking paths, therefore this option is not recommended.
4. The Council could offer the property for sale through a competitive process, however in private ownership it may not achieve the potential tourism developments that the golf course and walking paths offer. This option is not recommended.

#### **Conclusion**

The proposal to subdivide the property to enable the Mooroopna Golf Club to purchase approximately 30.09 ha, while the Council retains the balance for environmental and community purposes provides a positive outcome for the future development of the property and should be supported by Council.

#### **Attachments**

1. Letter of request from Mooroopna Golf Club and Site Plan

## 7. BUSINESS DIRECTORATE

### 7.3 Contracts Awarded Under Delegated Authority

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

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

#### **Council Officers involved in producing this report**

**Author: Procurement Advisor**

**Proof reader(s): Manager Property and Procurement**

**Approved by: Director Business**

#### **Purpose**

To inform the Council of publicly advertised contracts awarded by Officers under delegated authority of the Council during the period 26 February to 25 March 2013. The report also provides details of the status of requests for tenders that have not yet been awarded.

#### **RECOMMENDATION**

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

#### **Tendered Contracts Awarded under Delegated Authority by the CEO**

<b>Contract Number</b>	<b>Contract Name</b>	<b>Contract details, including terms and provisions for extensions</b>	<b>Value inclusive of GST</b>	<b>Awarded to</b>
1396	Cosgrove Landfill – Cell 3 Cap	Lump Sum contract for construction of a Phyto Cap to Cell 3 of Council's Landfill at Cosgrove	\$535,648	Goulburn Murray Civil Contractors Pty Ltd
1386	Supply & Installation of Photocopiers 2013	Lump Sum contract with schedule of rates for Supply of Photocopiers for four years	\$362,362	Spade Computers
1398	Construction of Culvert at Tatura	Lump Sum contract for construction of culvert. Works are expected to take around 6 weeks but weather dependant as site is located in a depression.	\$216,705	Mawson Constructions

## 7. BUSINESS DIRECTORATE

### 7.3 Contracts Awarded Under Delegated Authority (continued)

#### Tendered Contracts Awarded under Delegated Authority by a Director

Contract Number	Contract Name	Contract details, including terms and provisions for extensions	Value inclusive of GST	Awarded to
1414	Shepparton Showgrounds Outdoor Event Area	Lump Sum contract for construction of Showgrounds Outdoor Multi-Use Event Area Hardworks Stage 1, demolition of existing and construction of new pavement, drainage and supply of organic mulch rings. Works are expected to take 6 weeks.	\$119,000	Jarvis Delahey Contractors

#### Tendered Contracts not awarded

Contract Number	Contract Name	Contract details, including terms and provisions for extensions	Value inclusive of GST	Awarded to
1402	Safer Cities Camera Network	First stage of CCTV network installation	NA	Tender closed 13 February 2013. Tender abandoned 18 March 2013. This process was abandoned as there were no suitable submissions

#### Requests for Tenders advertised but not yet awarded

Contract No.	Contract Name	Contract detail, including terms and provisions for extensions	Status
1405	Realignment of GM Water Drain 03	Realignment of Drain at Community Football Complex, Shepparton Sports Precinct	Tender closed 20 March 2013. Contract will be awarded in March or early April 2013.
1407	Reconstruction of Stormwater Drainage – Mason Court Shepparton East	Excavation, supply, laying of 220 metres stormwater pipe, culverts, reinstatement of driveways etc.	Tender closing 6 April 2013. Tender will be awarded in April or early May 2013.

## 7. BUSINESS DIRECTORATE

### 7.3 Contracts Awarded Under Delegated Authority (continued)

Contract No.	Contract Name	Contract detail, including terms and provisions for extensions	Status
1408	Supply and Delivery of Water Cart	Tender being advertised by Procurement Australia on behalf of Council	Tenders presently under evaluation. Contract will be awarded in May 2013.
1409	Essential Services – Fire Extinguishers, Fire Hose Reels and Fire Blankets	Audit information contained in Council's Asset Management System, record inspection results, testing of essential safety measures, carry out approved repair works	Tender will be advertised on 29 March and close 24 April 2013. Contract will be awarded in May 2013.
1410	Essential Services - Fire Hydrants	Audit information contained in Council's Asset Management System, record inspection results, testing of essential safety measures, carry out approved repair works	Tender will be advertised 29 March and close 24 April 2013. Contract will be awarded in May 2013.
1411	Essential Services – Emergency Lighting and Exit Lights	Audit information contained in Council's Asset Management System, record inspection results, testing of essential safety measures, carry out approved repair works	Tender will be advertised 29 March and close 24 April 2013. Contract will be awarded in May 2013.
1412	Essential Services – Mechanical Services	Audit information contained in Council's Asset Management System, record inspection results, testing	Tender will be advertised 29 March and close 24 April 2013. Contract will be awarded in May 2013.
1413	Essential Services – Automatic Fire Detection and Alarm Systems	Audit information contained in Council's Asset Management System, record inspection results, testing	Tender will be advertised 29 March and close 24 April 2013. Contract will be awarded in May 2013.

#### Policy Considerations

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

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

#### Legal/Statutory Implications

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

## 7. BUSINESS DIRECTORATE

### **7.3 Contracts Awarded Under Delegated Authority (continued)**

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

#### **Conclusion**

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

#### **Attachments**

Nil

## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 8.1 Maude Street Bus Interchange and Maude Street Redevelopment

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

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

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

#### **Council Officers involved in producing this report**

**Author: Manager Planning**

**Proof reader(s): Acting Director Sustainable Development**

**Approved by: Acting Director Sustainable Development**

**Other: Development Officer**

#### **Purpose**

The purpose of this report is for Council to consider the concept plans for the new Maude Street bus interchange and Maude Street redevelopment and release the plans for further community consultation. The concept plans have been developed following extensive site analysis and consultation with the key stakeholders. The bus interchange and Maude Street redevelopment form part of stage 2 of the broader Vaughan Street Precinct redevelopment.

#### **RECOMMENDATION**

That Council endorse the proposed Maude Street Bus Interchange and Maude Street Redevelopment concept plans and release for public consultation.

#### **Background**

The CBD Strategy was adopted by the Council in October 2008. The vision for the Central Business District (CBD) in the strategy was that *Shepparton's central business district (CBD) will be the Victorian leader and regional centre for innovation and sustainability. This will be evidenced in the management and preservation of its natural environment, design of its buildings and spaces, a thriving economy and its consolidation as a regional community and cultural focal point.*

*A welcoming and safe ambience will be created in the CBD for residents, visitors and workers, across all age groups and cultures. People will be attracted to the CBD to visit its range of shops and businesses and its interesting and safe pedestrian environment. Cafes and restaurants will showcase the food and wine offer of the Goulburn Valley and reflect the cultural mix of the population.*

*The CBD will also become a vital centre for education and cultural life in the region. A vibrant atmosphere will be created during the day, into the night and on weekends as a result. New buildings and improvements to the city's streetscapes that demonstrate Shepparton's leadership and represent its cultural depth and diversity will create a strong and progressive image.*

More specifically, In relation to the bus interchange, the CBD strategy noted that

*There is much support in Shepparton for creation of a bus interchange in a CBD location. An expanded bus interchange is particularly important to support access*



## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 8.1 Maude Street Bus Interchange and Maude Street Redevelopment (continued)

*from residential areas; due to the nature of bus services being interconnecting and requiring interchange between services; and to facilitate sustainable and affordable modes of transport in Shepparton.*

*The Council proposes that the bus interchange be located on either side of Maude Street between Vaughan Street and Ashenden Street. The benefits of this location are reinstatement of car parking spaces closer to the mall area where the existing bus stop is located, and reduced impact on Maude Street shop owners, present and future.*

*The key action arising from the strategy was to;*

*Prepare a Maude Street bus interchange master plan, including:*

- *Removal of centre-of-road and parallel parking spaces on either side of Maude Street to accommodate the eight bus lanes (four on either side of the street).*
- *With regard for the Safer Design Guidelines for Victoria (SDG) and CPTED principles.*
- *The widening of footpaths on either side of Maude Street.*
- *Installation of high-quality shelters with provision of seating, lighting, litter bins and timetable information.*
- *Provision of public toilet facilities.*
- *Installation of signage and/or an information board to identify direction and distance to the Maude Street Mall, railway station and other key destinations within the CBD.*

The *Council Plan 2009-2013* noted under key strategic objective 3 – revitalise and promote the Shepparton CBD as the region’s premier retail and entertainment destination - that in the next four years the Council wanted to, in conjunction with the Victorian Department of Transport, redevelop the public transport interchange in the CBD.

This project forms part of Stage 2 of the broader Vaughan Street precinct redevelopment. Stage 1 is the Vaughan Street works occurring in conjunction with the Coles/Kmart redevelopment works. This stage is currently designed and documented and is ready for construction. Stage 3 is the Shepparton railway Station precinct proposal which aims to improve the integration between the station and the CBD as shown in the diagram below. All three stages aim to significantly improve the urban function and amenity of this area and achieve the objectives set out in the CBD strategy and Council plan.

The concept plans prepared for the proposed bus interchange and Maude Street redevelopment aim to achieve those objectives as set out above.

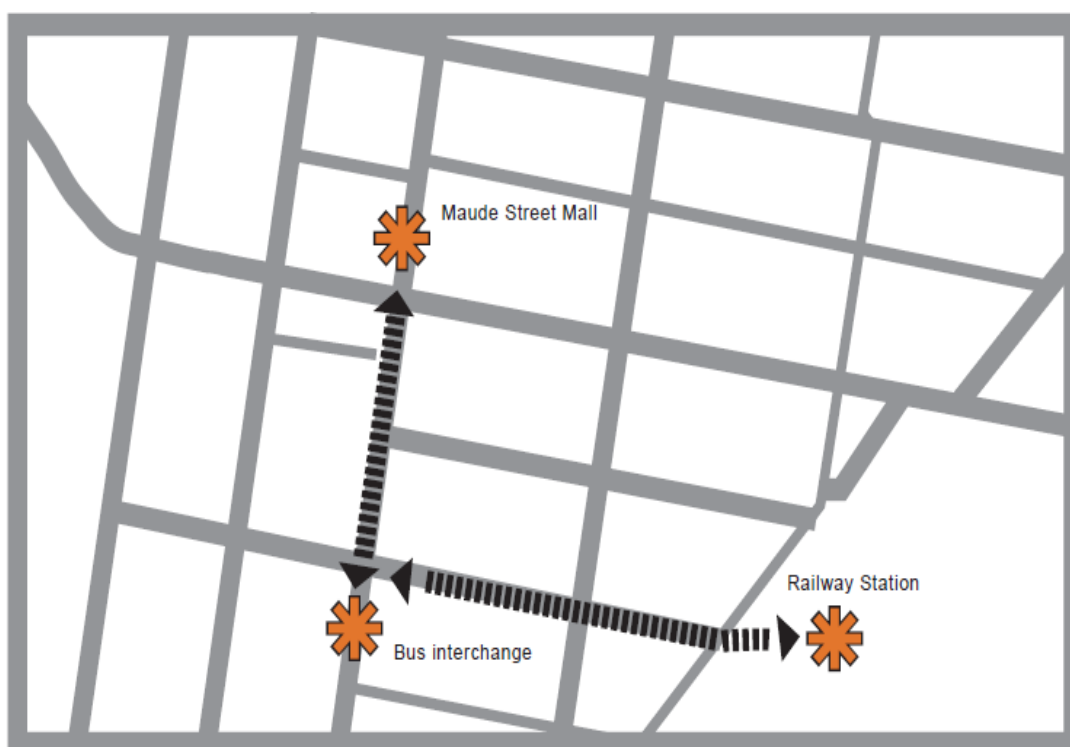
The concept design plans have also been prepared following extensive site analysis and review of existing operation of the bus interchange. For example, the existing bus interchange has poor public amenities, (including the lack of toilet facilities) and waiting areas and does not provide for a sufficient level of bus services, i.e. to provide for eight bus bays.

There are a number of guiding principles that have been incorporated into the plans. These include improving pedestrian movement and connections, improving car parking, improving public realm spaces and accessibility throughout the area. However, the

## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 8.1 Maude Street Bus Interchange and Maude Street Redevelopment (continued)

fundamental driver of the concept design is that of the needs of the bus operator and the DOT. This includes design of the bus bays, traffic lane width in Maude Street and requirement for bus shelters. Additional bus set down points have also been provided in Maude and High Street at the request of DOT to provide access to the Maude Street Mall area.



The Council was briefed on the previous concept plan on the 26<sup>th</sup> July 2011. Since that briefing, considerable work has been undertaken on the concept plans. This has included further extensive consultation with Shep Transit (re functionality and design requirements to meet the operator's needs), Department of Transport (DOT) including Public Transport Victoria (PTV), the Disability Advisory Committee (DAC) and more recently, the Australian Breastfeeding Association (ABA) in relation to the function and design of the parent's room.

Since the previous Council briefing, the key changes following further consultation with DOT and Shep Transit include the confirmation by DOT of the need for the provision of an additional set down and drop off point in High Street and Maude Street (near the former La Porchetta restaurant), the removal of centre of the road parking in the vicinity of the bus interchange (due to safety considerations) and therefore replaced with feature planting and fencing, that provides greater tree canopy coverage through the streetscape, and the consistency of design to match that in Vaughan Street.

The requirements of both of the bus operator and DOT are paramount and have significantly influenced the concept design and therefore some aspects of the concept plans are not able to be changed to ensure the continued operation of the interchange.

In relation to carparking, the concept design has provided a slight increase in carparking in Maude Street between High and Vaughan Streets.

## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### **8.1 Maude Street Bus Interchange and Maude Street Redevelopment (continued)**

#### Existing parking

- 43 x Standard bays
- 2 x 15 minute bays
- 5 x Bus Bays

#### Proposed Parking

- 47 x Standard bays
- 2 x 15 minute bays
- 2 x Taxi bays
- 2 x Accessible bays

However, in the new bus interchange area between Vaughan and Ashenden Street, there will be a loss of 33 carparking spaces to accommodate the 8 new bus bays. This loss of carparking was anticipated and has already been mitigated by the creation of new centre of road carparking in Sobraon Street and Vaughan Street east of Corio Street as set out below.

#### Vaughan St – (Corio to Hoskin)

Road widening to allow for centre of the road parking

- 22 new car parking places

#### Hoskin St Carpark

Formalising the existing gravel carpark

- 26 car parking places (Inc. 1 accessibility place)

#### Sobraon St – (Maude to Hoskin)

Road widening to allow for centre of the road parking

- 39 new car parking places

The original concept plan included centre of the road carparking in the vicinity of the bus interchange, (between Vaughan and Ashenden) however Shep Transit raised concerns that centre of the road parking in this location and in such close proximity to the bus bays created an unnecessary traffic and pedestrian safety risk and therefore was removed from the plan.

A detailed engineer's opinion of probable cost has been prepared for the streetscape works, including an architect's opinion of probable cost for the public amenities building. The opinions are based on the current concept plans for the bus interchange and amenities building and are intended as an indicative budget estimate which assumes rates indicative of the high level of design intent indicated on the concept drawings.

The concept plan has also been prepared following a master service investigation report. Further work on this report and an impact assessment of the current concept plan against the existing infrastructure services will need to be undertaken particularly in relation to street-lighting (placement along street), overhead power lines (which may be possible to go underground), gas main and water mains.

The Council were again briefed on the concept plans on 26 March 2013, updating them on the information as outlined in this report above, and specifically on the key elements to the concept plan including latest plaza design and amenities area, DOT requirements

## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### **8.1 Maude Street Bus Interchange and Maude Street Redevelopment (continued)**

for additional set down areas in Maude and High Streets and provision for improved pedestrian areas.

#### **Council Plan/Key Strategic Activity**

Key Strategic Objective 3 of the Council Plan sought to work in conjunction with DOT to redevelop the public transport interchange in the CBD.

#### **Risk Management**

A risk assessment of the project has been undertaken in the following table below.

Risks	Likelihood	Consequence	Rating	Mitigation Action
Land swap and acquisition does not proceed by agreement	Likely	Moderate	Moderate	A public acquisition process may be required
Landowners property access is restricted – length of time disruption	Likely	Minor	Moderate	Concept design does not prevent legal street access and some activity may be restricted intermittently between bus operation period
Landowners/occupiers unhappy about removal of existing angle parking in Maude Street	Almost certain	Minor	Moderate	Centre of road carparking has been provided – ie net number is not changing just the arrangement

#### **Policy Considerations**

The concept plan has been developed as an outcome of the CBD strategy 2008.

#### **Financial Implications**

The adoption of the concept plan itself has minimal financial implications, however, the detailed design and subsequent construction of the bus interchange, Maude Street redevelopment and plaza area with amenities is significant.

	2012/2013 Approved Budget for this proposal*\$	This Proposal \$	Variance to Approved Budget \$	Comments
Revenue	Nil	Nil	Nil	Concept design only
Expense	73,000	Nil	Nil	Concept design only
Net Result				

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

#### **Legal/Statutory Implications**

The proposed concept designs for the bus interchange and Maude Street redevelopment are supported by previously adopted Council strategies. However, the implementation of the concept design in relation the public amenities and plaza area will require a land swap with current landowners and potential land purchase or public acquisition processes.

## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### **8.1 Maude Street Bus Interchange and Maude Street Redevelopment (continued)**

#### **Environmental/Sustainability Impacts**

Public transport is a sustainable form of transport. Improved amenities may encourage further patronage of the public transport service therefore reducing car trips and reducing demand on parking.

Water sensitive urban design principles are also used throughout the proposed design to collect and treat stormwater runoff.

#### **Social Implications**

The social impacts of the new bus interchange are significant. The suburban bus network provides transport for the transport challenged section of the community. Data obtained from Shepparton Transit indicates that in the month of February 2013, 1,625 adults, 16,061 pensioner and concessions and approximately 8500 students went through the interchange. These figures indicate that the largest proportions of people using the service were concession card holders and pensioners. Currently, no amenities exist for patrons. The concept design provides for new waiting areas with shade and weather protection, public amenities, including parent's room and adult change facilities and bike lockers. The continued redevelopment of this area will also contribute significantly to creating strong and safe pedestrian areas and creating civic pride in the area.

#### **Economic Impacts**

Public sector investment in streetscape works has been demonstrated to have significant impact on private sector redevelopment. The continuation of the Vaughan Street Precinct works will continue to stimulate activity within this area and the CBD more broadly. It will also create a strong pedestrian focus with clear connections and movement between this area and the Maude Street Mall.

#### **Consultation**

The proposed concept plans have been developed in consultation with the operator of the bus service Shepparton Transit, DOT, PTV, the Disability Advisory Committee and the Australia Breastfeeding Association and reflect the operational requirements of Shepparton Transit and DOT. As a result, some aspects of the plan are not able to be changed as a result of consultation.

Following Council's endorsement of the concept plan, wider consultation will occur, particularly with those landowners and occupiers directly impacted by the plans in Maude Street. This direct consultation will be in the form of drop in appointments to discuss various issues concerns face to face. This is likely to occur during May 2013.

Once consultation has occurred, the feedback will be assessed, and the concept plans will be presented back to the Council for adoption. Detailed design and documentation will then commence in 2013/2014 financial year.

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Plans discussed with stakeholders, key requirements and needs obtained	Needs assessment undertaken, draft plans provided
Consult	Stakeholder input into the concept plans	Meetings to discuss plans and resultant changes

## **8. SUSTAINABLE DEVELOPMENT DIRECTORATE**

### **8.1 Maude Street Bus Interchange and Maude Street Redevelopment (continued)**

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

#### **Strategic Links**

##### a) Greater Shepparton 2030 Strategy

The CBD Strategy was a key priority project in GS2030. The bus interchange project was a priority within the CBD Strategy 2008.

##### b) Other strategic links

No other strategic links have been identified.

#### **Options for Consideration**

1. The Council does not support the concept designs (not recommended)
2. The Council supports the concept designs in principle but requires further changes (not recommended)
3. The Council supports the concept designs and releases the concept plans for public consultation (recommended)

#### **Conclusion**

The concept plans have been prepared in light of the objectives of the CBD Strategy and Council Plan. The concept itself has also been developed in collaboration with the various stakeholders and following extensive site analysis and investigation. The concept plans are now ready for further public engagement.

#### **Attachments**

1. Concept Plan - Maude Street Plaza
2. Concept Plan - Maude Street

## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 8.2 Amendment C145 - Adoption of Amendment

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

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

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

#### **Council Officers involved in producing this report**

**Author: Graduate Strategic Planner (Amendments)**

**Proof Reader(s): Acting Team Leader Strategic Planning and Manager Planning**

**Approved by: Acting Director Sustainable Development**

#### **Purpose**

Amendment C145 seeks to correct existing errors and anomalies in the Greater Shepparton Planning Scheme. As a result of these anomalies, the mechanisms of the planning process have created situations that are unjust, clearly in error and/or conflict with the obvious intent of the provisions in the scheme.

This amendment was adopted by the Council on 19 February 2013. Following this, two additional anomalies were found within the existing planning scheme, and two errors became apparent in the exhibited documentation associated with the amendment, as outlined below. The Department of Planning and Community Development (DPCD) have advised re-exhibition and re-adoption of the amendment is now required before the amendment can be approved by the Department. A Notice of Rescission was moved and carried at the Ordinary Council Meeting on 19 March 2013 for the adoption from the February Ordinary Council Meeting. These errors have now been amended and the revised amendment documentation was re-exhibited to the relevant authorities in accordance with the revised authorisation received from DPCD. The revised amendment must now be adopted by the Council.

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

#### **RECOMMENDATION**

That the Council:

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

#### **Property Details**

Amendment C145 applies to various parcels of land within Greater Shepparton. The recent changes made to the amendment affect the following:



## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 8.2 Amendment C145 - Adoption of Amendment (continued)

Two additional anomalies:

- Land within the Design and Development Overlay (DDO) Schedule 7; and
- 75 Hoopers Road, Dookie (Lot 2 on TP534551).

Two errors:

- Land within the Design and Development Overlay (DDO) Schedules 5 and 7.

See *Attachment 1 – Aerial Map*.

#### **Proposal in Detail**

The amendment proposes to correct a number of errors and anomalies in the Greater Shepparton Planning Scheme. The following changes have been made to the amendment since the initial adoption on 19 February 2013:

Two errors:

- DDO5 erroneously included the line “The above requirement cannot be varied with a permit” under 2.0 Buildings and Works – Height. This has now been removed.
- DDO7 erroneously included the line “The above requirement cannot be varied with a permit” under 2.0 Buildings and Works – Height. This has now been removed.

Two additional anomalies:

- DDO7 has been amended to remove the line “The requirements cannot be varied with a permit” under 2.0 Buildings and Works – Landscaping.
- HO15 mapping has been amended to now apply only to those elements of identified cultural heritage significance and an appropriate curtilage as described in the Schedule to the Heritage Overlay at Clause 43.01.

See *Attachment 2 – Revised Documentation*.

#### **Summary of Key Issues**

Following the initial exhibition of Amendment C145 to the Greater Shepparton Planning Scheme, two additional anomalies were found within the existing planning scheme, and two errors became apparent in the exhibited documentation associated with the amendment, as outlined above. Further discussions have been held with representatives from DPCD and, in accordance with their directions, the amendment must now be re-exhibited and re-adopted by the Council.

The amendment was re-exhibited to the referral authorities and prescribed Ministers on 19 March 2013 for an additional limited two week exhibition period, in accordance with the authorisation from DPCD. No objections have been received by the Council. The following prescribed Ministers received a copy of the amendment:

- Minister for Agriculture & Food Security
- Minister for Environment & Climate Change
- Minister for Energy & Resources

The following referral Authorities received a copy of the amendment:

- Goulburn Valley Water
- Goulburn Murray Water
- Goulburn Broken Catchment Management Authority
- Department of Sustainability and Environment
- VicRoads (North East Region)



## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 8.2 Amendment C145 - Adoption of Amendment (continued)

- Telstra
- Powercor Australia
- Country Fire Authority
- Environmental Protection Authority (North East Region)
- Department of Primary Industries
- Director of Public Transport

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

#### **Background**

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

The revisions made to the amendment following the initial adoption on 19 February 2013 were to correct two anomalies in the exhibited documentation and include two new planning scheme anomalies in the amendment.

Two errors:

- DDO5 erroneously included the line “The above requirement cannot be varied with a permit” under 2.0 Buildings and Works – Height. This has now been removed.
- DDO7 erroneously included the line “The above requirement cannot be varied with a permit” under 2.0 Buildings and Works – Height. This has now been removed.

Design and Development Overlay Schedules 5 and 7 do not currently impose mandatory controls for building heights. Design and Development Overlay Schedules 3, 4 and 6 include mandatory controls regarding height and it was the intent of the amendment to relax these controls, along with the setback controls, included in each of these overlays. Mandatory controls were erroneously included in the exhibition document for Schedules 5 and 7 where they had not previously existed. This conflicts with the intent of the amendment: To relax onerous controls and to not apply any new controls to lands within Greater Shepparton. These errors have now been removed from the amendment documentation to achieve the desired planning outcomes.

Two additional anomalies:

- DDO7 has been amended to remove the line “The requirements cannot be varied with a permit” under 2.0 Buildings and Works – Landscaping.
- HO15 mapping has been amended to now apply only to those elements of identified cultural heritage significance and an appropriate curtilage as described in the Schedule to the Heritage Overlay at Clause 43.01.

The mandatory landscaping controls in the Design and Development Overlay Schedule 7 (DDO7) conflict with the obvious intent of the scheme. They impose onerous controls on land which has been highlighted for commercial development by the Greater Shepparton City Council. In particular, the controls are prohibiting the logical expansion of an existing business in a growing commercial precinct. This land was recently rezoned in accordance with the Outline Development Plan (ODP) for the precinct; however the mandatory landscaping controls applying through DDO7 restrict this preferred commercial expansion, conflicting with the ODP applying to the land.

## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 8.2 Amendment C145 - Adoption of Amendment (continued)

The Chateau at 75 Hoopers Road, Dookie was included in the Heritage Overlay through Amendment C50 to the Greater Shepparton Planning Scheme as HO15 in September 2007. However, as part of this amendment, the mapping associated with this place was erroneously applied to lands to the north of the residence that have not been deemed to be of cultural heritage significance. As a result, the overlay should now be corrected to include the residence and an appropriate curtilage or setting within the overlay. During the exhibition of Amendment C50, the landowners at 75 Hoopers Road, Dookie were notified and did not object to this amendment and have since applied for a planning permit as required by the Heritage Overlay applying to the Chateau.

#### **Assessment under the Planning and Environment Act**

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

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

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

#### **Council Plan/Key Strategic Activity**

"Strategic Objective 1 – Settlement and Housing

Point 02: Encourage sustainable municipal growth and development.

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

In consultation with the Victorian Government and community stakeholders, we will continue to develop a planning framework that ensures that our growth and development does not compromise our enviable lifestyle.

In the next four years:

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

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

#### **Risk Management**

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

There are continued risks however if this amendment is not re-adopted by the Council and approved by the Minister as there are numerous errors and anomalies that have

## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 8.2 Amendment C145 - Adoption of Amendment (continued)

created situations that are unjust, clearly in error and/or conflict with the obvious intent of the provisions in the scheme

#### **Policy Considerations**

There are no conflicts with existing Council policy.

#### **Financial Implications**

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

#### **Legal/Statutory Implications**

Procedures associated with Amendment C145 comply with legislative requirements for amendment preparation, exhibition and adoption under the *Planning and Environment Act 1987*. The amendment is:

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

This Planning Scheme Amendment has been assessed in accordance with the requirements of the *Planning and Environment Act 1987* and the Greater Shepparton Planning Scheme. The assessment is considered to accord with the *Victorian Charter of Human Rights and Responsibilities Act 2006*. No human rights were negatively impacted upon through the amendment process, including during the exhibition and consideration of submissions stages. The rights of all individuals and groups with regard to Freedom of Expression, Right to be Heard, Entitlement to Participate in Public Life and Property Rights were upheld.

The Charter recognises that reasonable restrictions may be placed on the use and development of land, and that there may on occasion be reasonable and acceptable off-site impacts on others. There is an emphasis on performance based policies, objectives and guidelines that deal with a range of potential amenity impacts on a person's privacy and home. Provided these issues are properly considered, it would be a rare and exceptional case where the exercise of a planning discretion in accordance with the regulatory framework is not Charter compatible.

The proposal has been considered in accordance with the relevant parts of the *Planning and Environment Act 1987*, and it is not expected that adoption and approval of this amendment will contravene the Charter in any way.

#### **Cultural Heritage**

Only one of the two additional anomalies relates to Cultural Heritage. The Chateau at 75 Hoopers Road, Dookie was included in the Heritage Overlay through Amendment C50 to the Greater Shepparton Planning Scheme as HO15 in September 2007. The Italianate residence is deemed to be of local historic, social and aesthetic significance in the *City of Greater Shepparton Heritage Study Stage II 2007*. However, as part of this amendment, the mapping associated with this place was erroneously applied to lands to the north of the residence that have not been deemed to be of cultural heritage significance. As a

## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 8.2 Amendment C145 - Adoption of Amendment (continued)

result, the overlay should now be corrected to include the residence and an appropriate curtilage or setting within the overlay.

#### **Environmental/Sustainability Impacts**

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

#### **Social Implications**

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

#### **Economic Impacts**

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

#### **Referrals/Public Notice**

The amendment was initially exhibited from Tuesday, 8 January 2013 to Wednesday, 23 January 2013. No objections were received from the relevant authorities or the prescribed ministers.

The amendment was re-exhibited due to a number of errors in the documentation from Tuesday, 19 March 2013 to Wednesday, 3 April 2013. No objections have been received by the Council.

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

#### **Strategic Links**

##### Greater Shepparton 2030 – Strategy Plan:

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

##### Any other strategic links:

Nil.

#### **Options for Consideration**

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

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

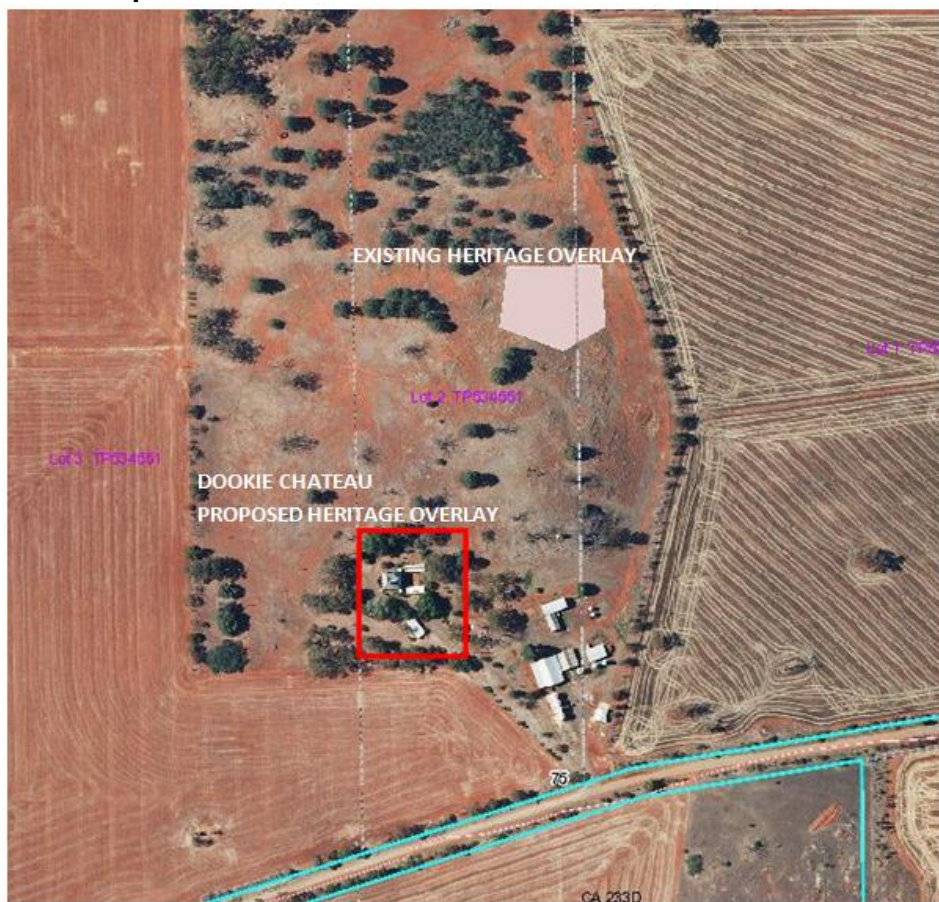
If the Council chooses to adopt the revised amendment, it must then submit the amendment to the Minister for Planning for approval under Section 31 of the Act.



## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 8.2 Amendment C145 - Adoption of Amendment (continued)

#### Aerial Map



#### Conclusion

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

#### Attachments

1. Amendment Documentation

## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 8.3 Application to VCAT to Amend Permit Conditions Associated with the Peppermill Hotel

**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 Planner**

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

**Approved by: Director Sustainable Development**

#### **Purpose**

To inform the Council of the Peppermill's application to the Victorian Civil and Administrative Tribunal (VCAT) to amend permit conditions of a VCAT planning permit (2012-4).

To assist the Council in reaching its position, the Planning Department has undertaken an assessment of the proposal. Additionally this matter was also referred to the Development Hearing Panel for discussion.

The main issue that requires consideration is Council's position on the applicant's new VCAT application to amend a condition of the planning permit.

#### **RECOMMENDATION**

That the Council not oppose an application to VCAT by the applicant in relation to the Peppermill Hotel to delete condition 1a of the permit to allow direct access from the bistro to the gaming lounge in accordance with Pop Design Studios Plan titled Proposed Floor Plan dated 29 January 2013.

#### **Property Details**

Land/Address	7900 Goulburn Valley Highway, Kialla
Zones and Overlays	Business 4 Zone (B4Z) Industrial 3 Zone (IN3Z) Design and Development Overlay 7 (DDO7)

#### **Proposal in Detail**

Condition 1a of which is now subject to an application to VCAT to amend the permit states the following:

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

## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 8.3 Application to VCAT to Amend Permit Conditions Associated with the Peppermill Hotel (continued)

- a) *No access available from the main entry on the north side of the hotel directly into the gaming lounge. Access to the gaming lounge must be limited so that it is gained from within the venue, through the TAB/Bar on the south side.*

The applicant has submitted plans under condition 1a of the VCAT permit which provide access to the gaming lounge through:

- The TAB / Bar area to the south; and
- The bistro

The Planning Department have informed the permit holder that the submitted plans are not generally in accordance with the VCAT permit and therefore cannot be endorsed by the Council.

The permit holder's lawyers have accepted the position of the Planning Department and have been instructed to file an application to VCAT to seek to amend the VCAT permit. This proposed amendment (if granted by VCAT) would allow access to the gaming lounge from the TAB / Bar area and the bistro.

#### **Summary of Key Issues**

1. The plans showing a direct access from the bistro to the gaming lounge fail to comply with the VCAT permit and cannot be endorsed by the Council.
2. As the permit was issued by a VCAT order, it is beyond the power of the Council to amend the planning permit. Therefore the applicant is required to lodge a fresh VCAT application to seek to amend the permit to allow direct access from the bistro to the gaming lounge.
3. The applicant has sought the position of the Council on the VCAT application to amend the permit.
4. As part of the Planning Department's assessment of the initial application direct access was provided from the bistro to the gaming lounge. The Planning Department considered this application and recommended that the Council issue a notice of decision to grant a permit (NOD). The Council decided to refuse to grant a permit.
5. Given that the Planning Department's previous assessment did not oppose direct access, the applicants amended application is not opposed by the Council's Planning Department.
6. The Council's Development Hearing Panel (DHP) reviewed this position and decided that it was the preferred course of action to not oppose the applicants proposed amendment to allow direct access from the bistro to the gaming lounge.
7. The DHP recommended that the matter be referred to a Council Meeting for Council consideration and resolution.

#### **Background**

Planning application 2012-4 sought to develop 7900 Goulburn Valley Highway, Kialla (the land) for a redevelopment of an existing hotel and for the use of 20 electronic gaming machines (EGM's).

The application was considered by the Planning Department, who recommended that the Council decide to issue a notice of decision to grant a permit.

The Council considered the application and decided to refuse to grant a planning permit. The Council's refusal was reviewed by VCAT who on 12 December 2012 ordered the grant of a planning permit subject to various conditions.

## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 8.3 Application to VCAT to Amend Permit Conditions Associated with the Peppermill Hotel (continued)

#### **Assessment under the Planning and Environment Act**

1. As the Council initially decided on the application, the Planning Department does not have delegation to form a Council position on the fresh VCAT application, therefore the Council are required to form a view that can be provided to VCAT.
2. As the planning permit was granted under a VCAT order, only VCAT has the authority to amend the permit.
3. Condition 1a is a condition that was not discussed at the hearing and is a condition included on the permit by VCAT
4. VCAT discussed the permit condition at paragraph 151 of the decision which states:

In addition, the location of the gaming room within the venue, its integration with other facilities within the venue, and the layout of the venue generally having regard to the ease with which patrons can access the gaming room, are also relevant factors under the decision guidelines in clause 52.28. With respect to these matters, while we are generally satisfied about the layout of the venue, we have identified some changes aimed at limiting the prominence, convenience and accessibility of the gaming room from within the venue. These changes are summarised as follows:

- i It is unclear from the plans whether access is available from the main entry on the north side of the hotel directly into the gaming lounge. Access from this point is undesirable. Access must be limited so that it is gained from within the venue, through the TAB/Bar on the south side.*

5. And at paragraph 152  
We have imposed permit conditions to give effect to these required changes to the plans.
6. The purpose of condition 1a is an effort by VCAT to ameliorate the impact of the EGM's at the Peppermill i.e. a form of harm minimisation
7. As this is a VCAT condition, the Planning Department is of the view it is largely a matter between the permit holder and VCAT. It will be necessary for VCAT to determine if it is appropriate to delete the condition and in its assessment decide if this condition was a critical factor in ordering the grant of a permit
8. The plans assessed by the Planning Department and the Council did include direct access from the bistro to the EGM's, given the Planning Department recommended approval of the application; the Planning Department does not oppose deletion of condition 1a.

#### Amendments of which are not in dispute

The plans submitted under condition 1 of the permit also include the following amendments of which are not in dispute:

- Re-design of the additional 18 on site car parking spaces
- Reduction in TAB area from 68sqm to 38sqm
- Reduction in public bar area from 47sqm to 42sqm
- Removal of 128sqm restaurant area and inclusion of function room



## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### **8.3 Application to VCAT to Amend Permit Conditions Associated with the Peppermill Hotel (continued)**

The Council's Development Hearing Panel (DHP) considered the preferred option in regards to the Peppermill's fresh VCAT application and decided the following was the preferred option:

#### Consent on the Papers

If the Council decides that it is not opposed to the application to delete condition 1a of the permit, the Council can inform the applicant and VCAT of its position and seek that VCAT make its order to delete the condition on the papers without the need for a hearing.

It is considered that this is the preferable position for the following reasons:

- The Planning Department did not oppose direct access from the bistro to the gaming lounge in its initial assessment of the application
- The consent of the application on the papers should avoid the need for further hearings which results in cost savings to the Council

Other options are available of which are outlined below. Although these options are open to the Council they were not adopted as the preferred option by the DHP.

#### Adopt a neutral position

The Council could decide to adopt a neutral position given this is a VCAT condition and allow VCAT to assess the proposed amendment and make its decision on the merits. It is likely that the adoption of a neutral position would result in the need for a hearing, which will result in significant delay to finalisation of the application.

#### Oppose the Application

The Council could decide to oppose the application to delete the condition as the removal of the condition reduces the suite of harm minimisation techniques at the venue. Should the Council resolve to adopt this position a hearing would be required and it would be beneficial to call an expert witness in support of the Council opposition.

#### **Referrals/Public Notice**

The proposed amendment to plans does not trigger any additional referral to authority.

Whether public notice of the amendment is provided is a matter for VCAT to decide, however it is considered unlikely that public notice of the amendment would be directed.

#### **Council Plan/Key Strategic Activity**

##### Council Plan

Key strategic objective 2 – community life

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

#### **Risk Management**

The application has been considered in accordance with the provisions of the Act, and referred to the DHP and Council for recommendations and decision.

## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 8.3 Application to VCAT to Amend Permit Conditions Associated with the Peppermill Hotel (continued)

Risks	Likelihood	Consequence	Rating	Mitigation Action
Making a decision beyond the power of the Council	D	2	Moderate	The Planning Department and DHP have properly reviewed the application and made recommendations to the Council that do not exceed the powers of the Council.
Endorsing plans that are not in accordance with the VCAT permit	D	2	Moderate	The Planning Department has refused to endorse plans that failed to comply with the VCAT order.

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

#### **Policy Implications**

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

#### **Financial Implications**

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

#### **Legal/Statutory Implications**

Given the permit was issued following an order by VCAT, the applicant is required to apply to VCAT to amend the permit conditions. As a result it will ultimately be a matter for VCAT to decide on and issue appropriate orders.

#### **Victorian Charter of Human Rights and Responsibilities Act 2006 Implications**

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

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

## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### **8.3 Application to VCAT to Amend Permit Conditions Associated with the Peppermill Hotel (continued)**

*a rare and exceptional case where the exercise of a planning discretion in accordance with the regulatory framework is not Charter compatible.*

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

#### **Aboriginal Heritage Act, 2006**

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

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

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

#### **Social Implications**

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

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

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

Minawood Pty Ltd V Bayside (Red Dot) VCAT 440 March 2009 considered the nature of significant social effects within the meaning of section 60(1A)(a) of the Act. Deputy President Gibson was the presiding member and made the following comments:

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

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

This application does not raise any significant social issues that influence the planning officer's view as the amended applicant relates to internal access arrangements of the hotel.

## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### **8.3 Application to VCAT to Amend Permit Conditions Associated with the Peppermill Hotel (continued)**

#### **Economic Impacts**

The proposed amended application has no significant economic impact on the Council should the officers recommendation be adopted.

Should the Council decide to oppose the application, expense would be incurred in legal and expert witness costs in the order of \$20,000 defending the Council's position.

#### **Strategic Links**

##### **a) Greater Shepparton 2030 Strategy**

The key features to note about the population of Shepparton:

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

##### **b) Other strategic links**

Greater Shepparton Public Health Plan

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

#### **Options for Consideration on VCAT application**

1. Consent on the papers
2. Adopt a neutral position
3. Oppose the application

#### **Conclusion**

The permit holder is sufficiently concerned regarding the restriction of access to the EGM venue from the bistro to file a VCAT application to seek to amend the permit.

The Planning Department initially recommended that the Council grant a permit for the EGM venue of which included direct access to the EGM's from the bistro area. Therefore the Planning Department does not oppose the application to delete condition 1a.

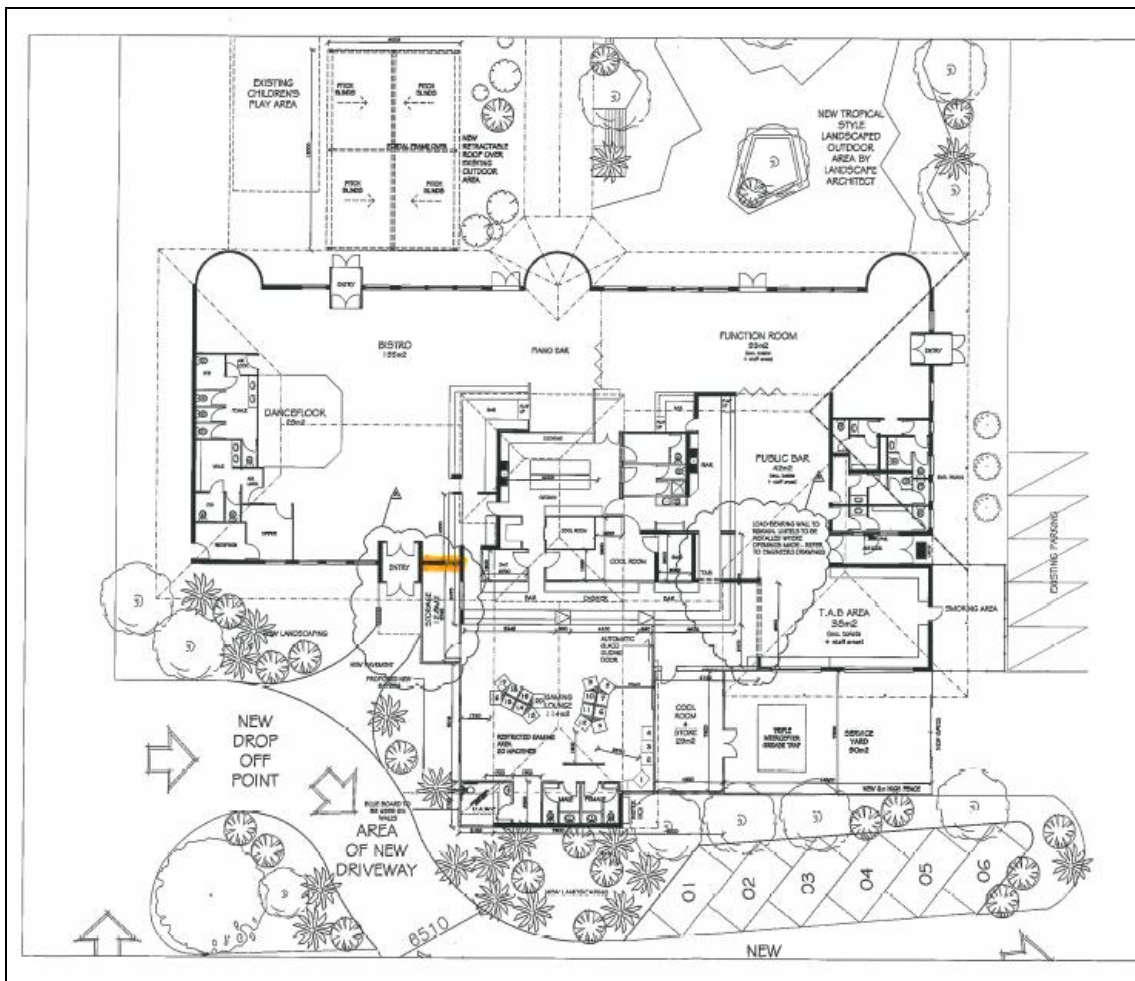
The Planning Department is of the view that the application should be consented to, and an order sought on the papers to delete condition 1a.

**8. SUSTAINABLE DEVELOPMENT DIRECTORATE**

**8.3 Application to VCAT to Amend Permit Conditions Associated with the Peppermill Hotel (continued)**

**Plans**

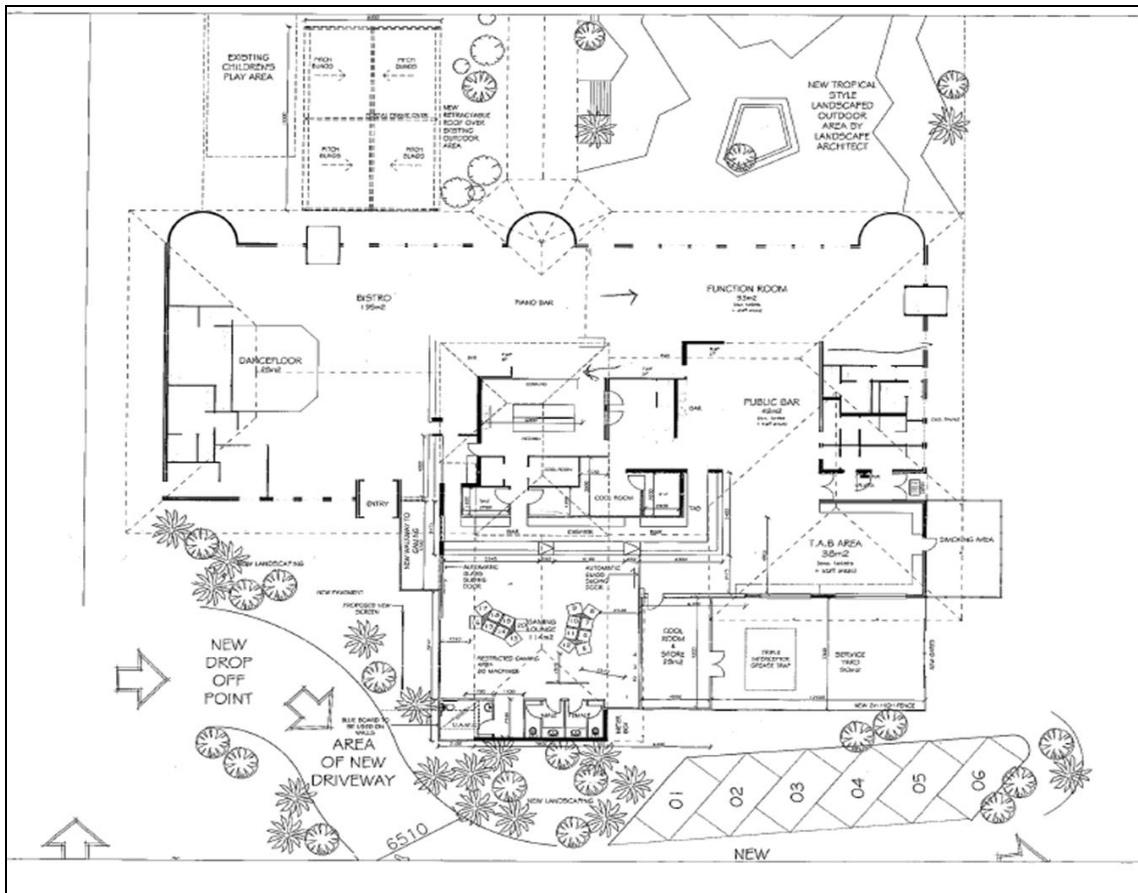
The Interim Plan (Pop Design Studios Revision A dated 13 February 2013)



## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 8.3 Application to VCAT to Amend Permit Conditions Associated with the Peppermill Hotel (continued)

The plan showing direct access from the bistro to gaming lounge (Pop Design Studios dated 29 January 2013)





## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 8.3 Application to VCAT to Amend Permit Conditions Associated with the Peppermill Hotel (continued)

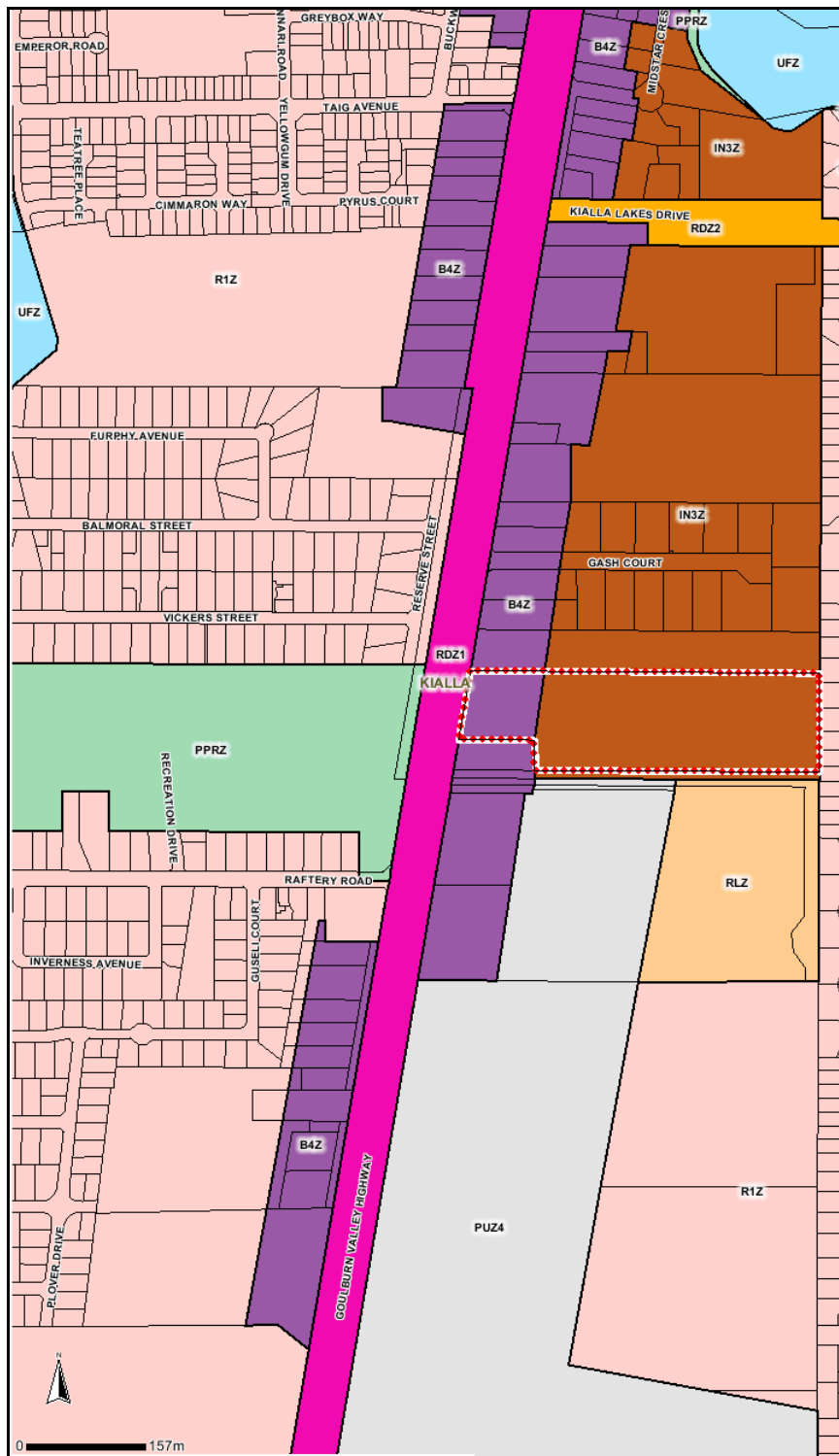
The plan considered by the Council and VCAT (Pop Design Studios Proposed Site Plan dated December 2011)



**8. SUSTAINABLE DEVELOPMENT DIRECTORATE**

**8.3 Application to VCAT to Amend Permit Conditions Associated with the Peppermill Hotel (continued)**

**Locality Plan**



**Attachments**

Nil



## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### **8.4 Integrated Fire Management Project - Draft Municipal Fire Management Plan**

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

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

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

#### **Council Officers involved in producing this report**

**Author: Manager Environment**

**Proof reader(s): Director Sustainable Development**

**Approved by: Director Sustainable Development**

#### **Purpose**

To provide Council with a Municipal Fire Management Plan as required by the Emergency Management Act 1986. The benefit of the Plan to the local community is to reduce the likelihood and consequence of fire hazards within local communities.

#### **RECOMMENDATION**

That the Council adopt the Greater Shepparton Municipal Fire Management Plan.

#### **Background**

The Integrated Fire Management Plan (IFMP) Framework was established as a result of recommendations made from the Victorian Bushfire Inquiry in 2003. The Framework is the vehicle for improvement in fire management planning and outlines a consistent and comprehensive approach across the State and at regional and municipal levels.

Following the 2009 bushfires the IFMP framework was endorsed by the Royal Commission into the 2009 bushfires.

The key element of IFMP is bringing together a range of key agencies and organisations to discuss, plan and manage fire in the community. These organisations are responsible for fire prevention, preparedness, response, recovery and cultural and environmental uses of fire.

By working together, they will ensure a more strategic and integrated approach to fire management planning, reducing the impact of fire in Victoria.

IFMP will assist in establishing consistent, state-wide planning approaches and develop processes for continuous improvement.

IFMP involves organisations through the establishment of state, regional and municipal committees, through which members have the opportunity to better understand each other's roles in fire management planning and bring their individual plans together.

Greater Shepparton Council together with the members of the Greater Shepparton IFMP Committee have been meeting since late 2011 to develop the draft Municipal Fire Management Plan. The Committee has been assisted in the development of the Plan by an officer appointed through the IFMP process.

## **8. SUSTAINABLE DEVELOPMENT DIRECTORATE**

### **8.4 Integrated Fire Management Project - Draft Municipal Fire Management Plan (continued)**

The Committee formed under the auspice of the Municipal Fire Prevention Officer (MFPO), included representatives from the following organisations; Murchison Fire Brigade, Shepparton Fire Brigade, Mooroopna Fire Brigade (these representatives were representing the 20 Brigades throughout the Municipality), Vic Police, Goulburn Valley Water, Country Fire Brigade District 22, Department of Sustainability & Environment, Parks Vic and Council Municipal Fire Prevention Officers plus the officer from the Regional office of IFMP. The process in developing the plan has followed a process initiated by IFMP across the State and followed a template that had been previously developed. The strategic intent of the Fire Management Plan is to:

- Reduce the likelihood and consequence of fire hazards within local communities;
- Identify and prioritise the risks and vulnerabilities across the municipal area;
- Manage local priorities relating to protection of communities and assets;
- Develop and implement works programs for the management of fires, including hazard removal and fuel management;
- Engage community activities;
- Identify reliable water supplies;
- Encourage increased responsibility by the community;
- Give consideration to planning across municipal boundaries;
- Elevate matters to the Hume Regional Fire Management Planning Committee when appropriate.

This plan will replace the Municipal Fire Prevention Plan and will be audited by the Emergency Management Victoria on a three year rotation. The Plan will be a live document that will be reviewed annually by the Municipal Fire Management Committee.

#### **Council Plan/Key Strategic Activity**

Community Life

Strategy – Provide a safe and family friendly Community

#### **Risk Management**

The purpose of the plan is to identify numerous risks associated with bushfire. These risks are identified from a social, economic, environment and planning perspective and have been developed through the expertise of the members of the Committee.

These risks are presented and expanded upon within the body of the document.

#### **Policy Considerations**

The plan will be a sub plan under the Greater Shepparton Municipal Emergency Management Plan. The plan does not conflict with any other Policy of Council.

#### **Financial Implications**

There may be financial implications for the Council once the Plan has been adopted. The financial implications will be addressed annually through the normal budgetary process.

Whilst there will not be any financial implication this financial year, it is anticipated that actions for fire management, in future financial years, may total up to an estimated \$50,000 per annum. This may be made up of slashing roadsides to provide strategic fire breaks, undertaking works to allow access to water points or making contributions to water tanks for fire fighting purposes at strategic locations within the municipality.

## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 8.4 Integrated Fire Management Project - Draft Municipal Fire Management Plan (continued)

The Council currently undertake fire suppression activity through road maintenance activities such as roadside slashing.

Future expenditure may be done in conjunction and with the support of the Country Fire Authority.

#### **Legal/Statutory Implications**

The recommended action arising from this report is in compliance with the Emergency Management Act 1986, Country Fire Authority Act 1958, Emergency Management Manual Victoria (Guidelines), and the Integrated Fire Management Planning Framework.

#### **Environmental/Sustainability Impacts**

Fire management activities will take account of environmental and sustainability issues, in particular road side management of native vegetation in accordance with Council's Roadside Management Plan.

#### **Social Implications**

it is expected that the adoption of the final plan will lead to a better analysis of management of fire risk within the community.

#### **Economic Impacts**

Fire has the potential to impose significant financial impact on agriculture, public infrastructure and residential areas and this plan is intended to help mitigate this risk.

#### **Consultation**

The Plan has been overseen by a Committee comprised of members of the Country Fire Authority including representatives from the agencies and groups listed above under the heading **Background** under the auspice of the MFPO.

The Plan has been adopted as a draft by the Council (18 September 2012), by the Municipal Emergency Management Committee (20 September 2012) and the Regional Municipal Fire Management Committee (15 March 2013).

The Plan has also been released for public comment and a copy was forwarded to all Fire Brigades within the Municipality seeking feedback. No feedback was received from either source.

Level of public participation	Promises to the public/stakeholders	Techniques used in the process
Inform	√	Fire Brigades had been made aware of changes over last few years through Municipal Fire Prevention Committees and CFA. The Draft Plan was developed by a Committee including representatives indicated above who reported to their respective agencies and organisations
Consult	√	Copy of draft Plan forwarded to all Brigades seeking comment. Consultation undertaken with Committee in developing draft Plan. Plan put on public display seeking feedback.

## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### **8.4 Integrated Fire Management Project - Draft Municipal Fire Management Plan (continued)**

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

#### **Strategic Links**

a) Greater Shepparton 2030 Strategy

This matter is not inconsistent with Council's 2030 Strategy.

b) Council Plan

This matter is not inconsistent with the Council Plan.

c) Other strategic links

Council's Community Living Local Law No. 1.

#### **Options for Consideration**

An option is for the Council to not adopt the Plan which would result in the Council not abiding by its emergency management obligations.

#### **Conclusion**

By adopting this plan, the Council will be compliant in addressing bushfire risk and management thereby providing a safer community. The adoption of the Plan will ensure that the Council is in line with legislative requirements. The Plan has followed all required steps in its preparation and will be ready for the 2013/14 fire season. All other Council within region 22 have adopted a Municipal Fire Management Plan.

#### **Attachments**

1. Draft Municipal Fire Management Plan

## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### **8.5 Broiler Farm Response to Motion**

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

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

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

#### **Council Officers involved in producing this report**

**Author: Statutory Planners**

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

**Approved by: Director Sustainable Development**

#### **Purpose**

This report is prepared as instructed by the Council in its resolution relating to the planning application 2012-356 to use and develop the land for a broiler farm.

The report provides proposed grounds for refusal of planning permit application 2012-356 to use and develop the land for a broiler farm as instructed by the Council.

#### **Summary**

The Council received a planning application to use and develop the land for a 320,000 bird broiler farm. The application was widely advertised and 25 objections were lodged with one petition of 121 signatures.

The Planning and Development Branch assessed the application and recommended that Council issue a Notice of Decision to grant a planning permit (NOD).

The Council considered a recommendation to grant a NOD at the 19 March 2013 Council Meeting (the meeting) and the recommendation was lost.

The Council resolved the following:

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

The Planning Department has listened to the recording of the meeting and prepared grounds of refusal based on the Council's discussions during the meeting.

The proposed grounds are:

- a) The proposed application locates a major broiler farm in an inappropriate location that is within close proximity to the Murchison township.
- b) The application leads to unacceptable impacts on existing viticulture uses.
- c) The application produces unacceptable amenity outcomes particularly relating to odour emissions.
- d) The overwhelming community response is opposition to the proposed broiler farm.

## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 8.5 Broiler Farm Response to Motion (continued)

#### RECOMMENDATION

That the Council:

1. direct that planning permit application 2012-356 be refused on the within the 'Refusal to Grant a Permit'.
2. instruct officers to engage suitably qualified persons to represent the Council's position at VCAT should the applicant file an application to review Council's decision at the Victorian Civil and Administrative Tribunal (VCAT).
3. adopt the 'proposed draft conditions' to be provided to VCAT (in accordance with those conditions in the Notice of Decision considered at the 19 March 2013 Ordinary Council Meeting) should an application for review be filed at VCAT.
4. advise the tribunal that, if it had the power it would have refused to grant a permit on the grounds attached to this report, if the applicant lodges a failure to determine review at VCAT before the Council decide on the application.

#### Background

A notice of motion was passed at the meeting which stated the following:

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

#### Grounds of Refusal

The recordings of the meeting revealed the following themes of opposition to the application:

1. Potential impact of the broiler farm on existing wineries in the area;
2. Potential impact on Murchison particularly relating to odour;
3. Inappropriate location for a broiler farm given its close proximity to Murchison; and
4. The overwhelming community view was to oppose the proposed broiler farm.

These themes are translated into the following grounds of refusal:

1. This proposed application locates a major broiler farm in an inappropriate location that is within close proximity to the Murchison township.
2. The application leads to unacceptable impacts on existing viticulture uses.
3. The application produces unacceptable amenity outcomes particularly relating to odour emissions.
4. The overwhelming community response is opposed to the proposed broiler farm.

#### Representation at VCAT (if required)

In the event of the applicant filing a VCAT application to review the Council's decision, the following, as set out below is required.

Given the Council did not support the recommendation from the Planning Department to grant a Notice of Decision to issue a permit, it is necessary for the Council to engage its solicitors being Russell Kennedy (or similar) to represent the Council's position at VCAT.

## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### **8.5 Broiler Farm Response to Motion (continued)**

It will also be necessary for the Council to engage expert witnesses to support the Council's decision to refuse to grant a permit.

#### Draft Conditions

VCAT require that Council provide a draft set of conditions for review should it become necessary.

Therefore the Planning Department have attached a set of draft conditions for endorsement by the Council as attached to the March 19 Ordinary Council Meeting agenda.

#### **Risk Management**

The Council's decision to refuse to grant a permit was a decision open to the Council to make. Subject to the inclusion of properly worded grounds of refusal, the Council's decision results in no significant risks.

#### **Financial Implications**

As the Council has not supported the officer's recommendation, it is not appropriate for officers to represent the Council at VCAT. Therefore the Council will need to engage its solicitors (or similar) to argue its case at VCAT.

It is estimated it would cost \$70,000 to \$100,000 to run the Council's case at VCAT. By way of example the recent Peppermill VCAT matter resulted in costs of about \$100,000 to the Council.

Given that a VCAT appeal on the broiler farm would result in two very significant VCAT cases at once (being Prentice Road and Broiler Farm), a shortfall may exist in legal budgets to fund these appeals.

#### **Conclusion**

As required by the Council, the Planning Department have prepared proposed grounds of refusal which are generally in accordance with the Council's stated reasons for opposing the application at the meeting.

For completeness, the Planning Department also seek the Council's resolution to adopt a draft set of conditions should a VCAT review be lodged. Additionally the Planning Department seek that Council resolve to appoint outside representation to support the Council's decision at any future VCAT hearing.

## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 8.5 Broiler Farm Response to Motion (continued)

# Refusal to Grant a Permit

<b>APPLICATION NO:</b>	2012-356
<b>PLANNING SCHEME:</b>	GREATER SHEPPARTON PLANNING SCHEME
<b>RESPONSIBLE AUTHORITY:</b>	GREATER SHEPPARTON CITY COUNCIL
<b>ADDRESS OF THE LAND:</b>	4695 Goulburn Valley Highway, Murchison East
<b>WHAT HAS BEEN REFUSED:</b>	Use and development of land for a class B 320,000 bird broiler farm and caretakers dwelling in the farming zone and the land subject to inundation and the alteration to an access onto a road zone 1

#### WHAT ARE THE REASONS FOR THE REFUSAL?

1. The proposed application locates a major broiler farm in an inappropriate location that is within close proximity to the Murchison township.
2. The application leads to unacceptable impacts on existing viticulture uses.
3. The application produces unacceptable amenity outcomes particularly relating to odour emissions.
4. The overwhelming community response is opposed to the proposed broiler farm.



## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 8.5 Broiler Farm Response to Motion (continued)

# Proposed Draft Conditions

#### 1. Amended Plans Required

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

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

#### 2. Drainage Discharge Plan

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

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

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

#### 3. Rural Drainage

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

#### 4. Layout Not Altered

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

#### 5. Section 173 Agreement

Prior to the occupation of the caretakers dwelling, the owner must enter into an agreement with the responsible authority, pursuant to Section 173 of the Planning and Environment Act 1987. This agreement must be registered on the title to the land pursuant to Section 181 of the Planning and Environment Act 1987. The owner must

## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### **8.5 Broiler Farm Response to Motion (continued)**

pay the reasonable costs of the preparation, execution and registration of the section 173 agreement. The agreement must provide that:

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

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

### **6. Construction Phase**

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

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

### **7. Consolidation**

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

### **8. Amended Environmental Management Plan Required**

- a) Prior to the commencement of buildings and works, an amended Environmental Management Plan (EMP) must be submitted to the Responsible Authority. This EMP must be to the satisfaction of, and approved by the Responsible Authority and once approved will then form part of the permit.
- b) The EMP submitted must be generally in accordance with the EMP submitted with the application but modified to be specific to the approved use and development. The EMP submitted must include (but is not limited to):
  - daily collection of dead birds from the broiler sheds
  - prompt freezing / chilling of dead birds
  - daily removal of the dead birds from the land
- c) The EMP must be prepared in accordance with Standard E6 S1 of the Victorian

## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### **8.5 Broiler Farm Response to Motion (continued)**

Code for Broiler Farms 2009.

- d) The amended EMP must require that within 12 months (or sooner if required by the responsible authority due to odour complaints) of the operation of the broiler farm commencing, the permit holder must submit to the responsible authority a report prepared by a suitably qualified odour consultant giving details of the level of compliance achieved by the broiler farm during either Autumn or Spring against the Victorian Code for Broiler Farms 2009 and SEPP (Air Quality Management).

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

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

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

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

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

## 10. **Broiler Farm**

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

## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### **8.5 Broiler Farm Response to Motion (continued)**

- f) Live broiler chickens must be kept and raised within the broiler sheds and must not be allowed in any free range/outdoor area.
- g) The poultry sheds and all feed stores must be vermin and bird proof to the satisfaction of the Responsible Authority.

#### **11. Concrete Floors**

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

#### **12. Vehicle Movements**

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

#### **13. General Amenity**

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

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

#### **14. Control of Lightspill**

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

#### **15. Noise Control**

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

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

## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### **8.5 Broiler Farm Response to Motion (continued)**

#### **16. Internal Accesses**

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

#### **17. Landscaping**

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

#### **18. Health Requirements**

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

The application to Install a Septic Tank System shall include:

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

#### **19. VicRoads Requirements**

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

## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 8.5 Broiler Farm Response to Motion (continued)

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

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

### 20. Goulburn Murray Water Requirements

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

### 21. Time for Starting and Completion

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

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

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

## **8. SUSTAINABLE DEVELOPMENT DIRECTORATE**

### **8.5 Broiler Farm Response to Motion (continued)**

#### **NOTATIONS**

##### **Building Approval Required**

Prior to the commencement of works approved by this permit, building approvals must be obtained.

##### **Attachments**

Nil



## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 8.6 Revised Plans for an Application at 25 Prentice Road, Shepparton East that Removes Access / Agress to Central Avenue

**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 and Manager of Planning**

**Approved by: Director Sustainable Development**

#### **Purpose**

The purpose of this report is:

1. To present amended plans to the Council ;
2. Establish a Council position regarding the amended plans.

#### **RECOMMENDATION**

That the Council maintain its position in relation to Planning Application 2012-130 as resolved at the November 2012 Council Meeting to oppose the application.

#### **Property Details**

Land/Address	25 Prentice Road, Orrvale
Zones and Overlays	Farming Zone Land Subject to Inundation Overlay
Why is a permit required	Buildings and works in the Farming Zone under clause 35.07-4 Buildings works in the Land Subject to Inundation under clause 44.04-4

#### **Proposal in Detail**

The original application which the Council considered Council comprised of:

Buildings and works for two dock loaders, one to the north and one to the south of the existing building, works for a hardstanding area to the north of the existing building and works for a new vehicle access/ egress onto Central Avenue in the Farming Zone and Land Subject to Inundation Overlay.

At the November 2012 Ordinary Council Meeting (20 November 2012) the Council made the following resolution:

*That in relation to Planning Application 2012-130, on the basis of the information before the Council and having considered all relevant matters as required by the Planning and Environment Act 1987, that the Council resolves:*

- *Advise VCAT that if it had the power to decide on the application that it would have refused to grant a permit on the basis that the use goes beyond the existing use rights and would therefore be prohibited under the provisions of the Farming Zone.*

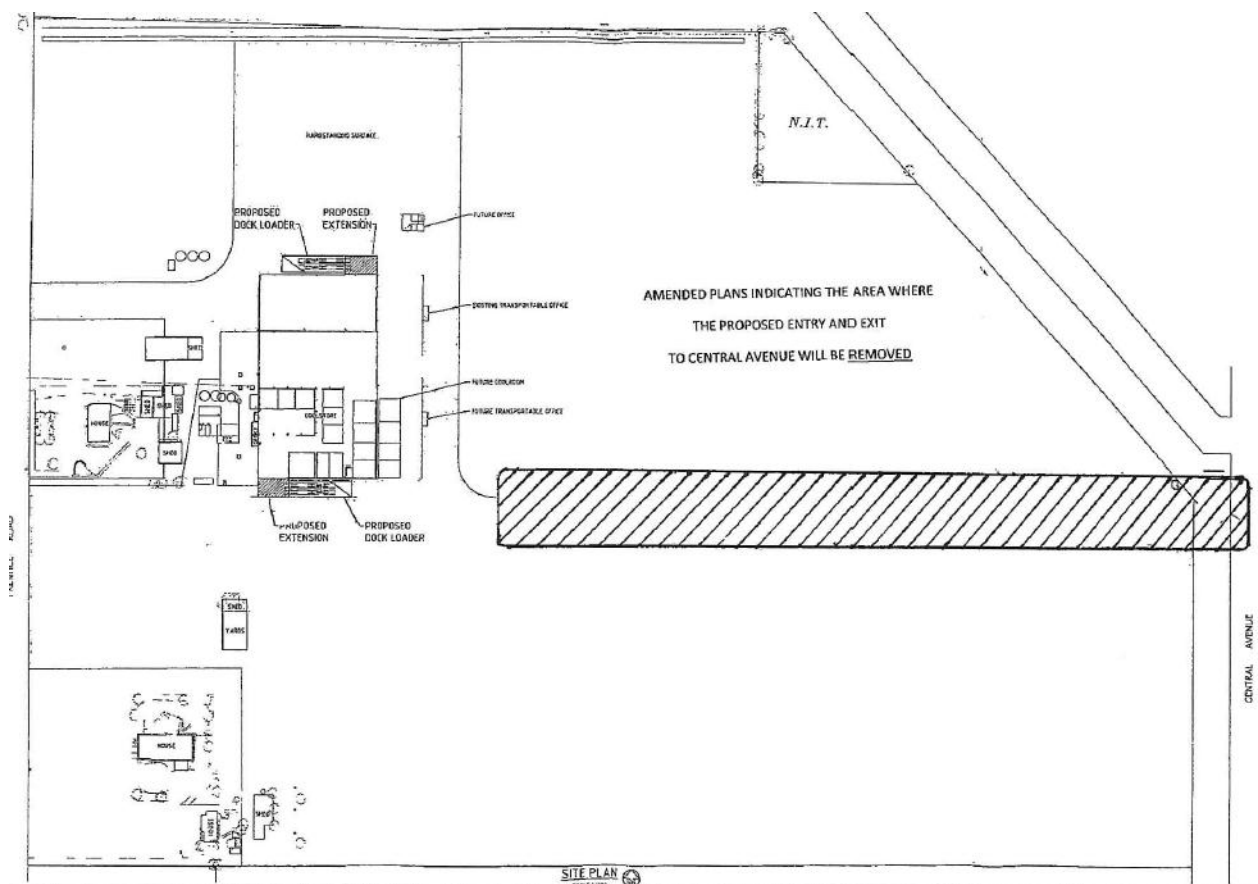


## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 8.6 Revised Plans for an Application at 25 Prentice Road, Shepparton East that Removes Access / Egress to Central Avenue (continued)

- Endorses the proposed grounds of refusal generally in accordance with the attached grounds of refusal.
- Endorses the statement of grounds generally in accordance with the attached statement of grounds in relation to the declaration application under Section 149 of the Planning and Environment Act, 1987.
- Endorses the draft conditions generally in accordance with those attached to this report
- Instructs the Planning Department to commence formal enforcement proceedings against the operator.
- Write to VCAT and request that this matter be expedited.

The applicants are now seeking leave from VCAT to amend the application to remove the access/ egress onto Central Avenue. The amended plan is set out below:



#### Summary of Key Issues

The applicants have stated that the proposed amendments have been made to respond to the objectors concerns.

It is noted that all other elements of proposed development remain unaffected by the proposed amendment.

## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### **8.6 Revised Plans for an Application at 25 Prentice Road, Shepparton East that Removes Access / Agress to Central Avenue (continued)**

The Council's traffic consultant (Traffic Works) has undertaken an initial assessment of the revised proposal and informs:

- The existing intersections of Prentice Road / Channel Road, Channel Road / Orrvale Road and Channel Road / Central Avenue are under designed for heavy vehicle movements and inherently unsafe
- The Central Avenue route was the preferred route as it minimised impact on residential amenity. The amended proposal results in increase heavy vehicle movements in close proximity to residential zoned land and potentially primary school of which is an undesirable outcome.

For these reasons, it is the Planning Department's view that the Council should maintain its position as resolved at the November 2012 Ordinary Council Meeting (OCM).

#### **Background**

- A Planning Permit application was received by the Council's Planning Department on 4 May 2012.
- The application was notified to the public and 64 objections were received.
- The majority of the objections related to the volume of truck movements associated with the use, the increase in use of the site from the previous owners and that the site is now in effect a logistics warehouse and not as a store/ packing shed as used previously.
- On 18 September 2012 the Council's Planning Department received notice from VCAT that the applicants had made an application for a declaration.
- Further to this, the Council's Planning Department have also received a notice from VCAT that the applicants have made an application for review pursuant to Section 79 of the *Planning and Environment Act 1987* (Failure to Determine the application within the prescribed 60 day period).
- At the November 2012 OCM (20 November 2012) the Council decided that if it had the ability to make a decision it would have refused the application for the development of the site for dock loaders, hard stand area and access / egress to Central Avenue.
- The applicant has now sought to amend the application at VCAT to remove the proposed access / egress to Central Avenue
- The Council sought a Practice Day to make VCAT give notice of the amended application. However the Council's Planning Department were subsequently informed that the applicants had notified all of the objectors and potentially affected persons, therefore the Practice Day was refused and in any case was no longer required.
- Traffic Works have undertaken an initial assessment of the amended access proposal and inform that the revised access produces less desirable traffic outcomes from the original proposal to have the main access/ egress to Central Avenue.
- VCAT hearings are due to commence in Shepparton on 18 April 2013 and continue in Melbourne in early August 2013.

#### **Assessment under the *Planning and Environment Act*.**

The key consideration for the proposed amendment is the impact of the removal of the access/egress onto Central Avenue would have on traffic in the area.

## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 8.6 Revised Plans for an Application at 25 Prentice Road, Shepparton East that Removes Access / Agress to Central Avenue (continued)

The Council's Traffic Engineer (Traffic Works) was requested to consider the impact that the proposed amendment would have on the area. In this regard the following was stated:

*"From the brief inventory of abutting residential development along the various routes undertaken in my report of 22/8/2012, it is readily apparent that the Central Avenue route between the Jeftomson cool store and Midland Highway offers the least impact on residential amenity and avoids travel through the Orrvale settlement past Orrvale Primary School"*

Having regard to the above, it is considered that the proposed amendment does not result in an improved outcome and that the Council should maintain its position outlined in the November 2012 Ordinary Council Meeting.

#### **Risk Management**

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

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

Risks	Likelihood	Consequence	Rating	Mitigation Action
Third party notice and objections to the application	A	5	Low	The Planning Department has requested that VCAT direct the re-notification of the application.

#### **Policy Implications**

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

#### **Financial Implications**

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

Given the legal nature of this dispute the Council would have to retain our planning lawyers to represent the Council at VCAT. The cost associated with this representation would be funded out of the Planning Departments legal budget.

#### **Conclusion**

It is the Planning Departments view that the proposed amendment does not warrant the Council changing its position. Therefore it is recommended that the Council continue to oppose the application.

Additionally the amended application will require the preparation of a revised traffic report and associated draft planning permit conditions.

#### **Attachments**

Nil

## 9. ORGANISATION DIRECTORATE

### 9.1 Committees of Management - Appointment of Members

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

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

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

#### **Council Officers involved in producing this report**

**Author: Committees Liaison Officer**

**Proof reader(s): Manager Corporate Performance**

**Approved by: Director Organisation**

#### **Purpose**

The purpose of this report is to appoint new community representatives to the Katandra West Community Facilities Committee of Management.

### **RECOMMENDATION**

That the Council:

1. having considered the nominations received for appointment to the Katandra West Community Facilities Committee of Management, appoint the following members for a term of two years:

Greg BARR  
Jillian BEECROFT  
Leanne IRELAND  
Tim THEWLIS  
David WHELAN

2. having considered the nomination received from Annette Ellis for appointment to the Lemnos Recreation Reserve Committee of Management, appoint her to the committee for a term expiring on 21 September 2014
3. resolve that Annette Ellis and all members (who are not Councillors or nominated Officers) of the Katandra West Community Facilities Committee of Management be exempt from the requirement to complete Interest Returns in exercise of power granted to Council under Section 81 (2A) of the Local Government Act 1989.

#### **Background**

##### ***Katandra West Community Facilities Committee of Management***

At the Ordinary Council Meeting held on 15 February 2011 five members were appointed to the Katandra West Community Facilities Committee of Management for a two year term. At the Ordinary Council Meeting held on 16 February 2013 Council resolved to extend these appointments for an additional two months so they now expire on 15 April 2013. It is therefore necessary to appoint new members to the committee.

Public notices were placed in the Shepparton News on Friday 8 March 2013 and Friday 15 March 2013 calling for applications from any community members interested in applying for a term on the committee. A copy of the notice was also sent to the

## 9. ORGANISATION DIRECTORATE

### 9.1 Committees of Management - Appointment of Members (continued)

committee for inclusion in the local Katandra West community newsletter. At the close of applications five applications have been received and it is recommended that all five applicants be appointed to the committee.

#### **Lemnos Recreation Reserve Committee of Management**

At the Ordinary Council Meeting held on 18 September 2012 five members were appointed to the Lemnos Recreation Reserve Committee of Management. An application for appointment to the committee has now been received from Annette Ellis and it is recommended that she be appointed to the committee.

#### **Council Plan/Key Strategic Activity**

This proposal supports the key strategic activity no. 6 of the Council Plan 2009-2013: "Council Organisation and Management" it that it helps council to "*deliver best practice management, governance administrative and financial systems that support the delivery of Council programs to the community of Greater Shepparton*".

#### **Risk Management**

Risks	Likelihood	Consequence	Rating	Mitigation Action
Governance risk associated with the delegation of council powers to a committee	Possible	Major	High	The appointment of members by formal resolution of the Council reduces governance risks by ensuring that all members appointed to a committee are covered by the Council's public liability insurance.

#### **Policy Considerations**

There are no conflicts with existing Council policies.

#### **Financial Implications**

There are no financial implications arising from this proposal.

#### **Legal/Statutory Implications**

The Katandra West Community Facilities Committee of Management has 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 of members of special committees by formal resolution of the Council ensures that the powers, functions and duties delegated to these committees are able to be exercised legally.

#### **Environmental/Sustainability Impacts**

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

#### **Social Implications**

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

## 9. ORGANISATION DIRECTORATE

### 9.1 Committees of Management - Appointment of Members (continued)

#### **Economic Impacts**

There are no economic impacts arising from this proposal.

#### **Consultation**

Letters were sent to outgoing members of the Katandra West Community Facilities Committee of Management encouraging them to apply for another term on the committee.

Public notices calling for applications for appointment to the Katandra West Community Facilities Committee of Management were placed in the Shepparton News on 8 March 2013 and 15 March 2013 calling for applications from community members interested in joining the committee. A copy of the public notice wording was also sent to the committee for inclusion in the local newsletter.

Lemnos Recreation Reserve Committee of Management have requested that Annette Ellis be appointed to the committee as the committee currently has only the minimum number of members appointed.

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

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

#### **Strategic Links**

##### a) Greater Shepparton 2030 Strategy

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

##### b) Other strategic links

No other strategic links have been identified.

## **9. ORGANISATION DIRECTORATE**

### **9.1 Committees of Management - Appointment of Members (continued)**

#### **Options for Consideration**

Councillors could choose not to appoint all or some of the recommended applicants. However, as the Guidelines to the Instrument of Delegation require a minimum of five committee members, doing so would leave the Katandra West Community without input into the ongoing management of their community facilities.

#### **Conclusion**

It is recommended that all five applicants be appointed to the Katandra West Community Facilities Committee of Management and that Annette Ellis is appointed to the Lemnos Recreation Reserve Committee of Management.

#### **Attachments**

Nil



## 9. ORGANISATION DIRECTORATE

### 9.2 Tatura Park Advisory Board – Appointment of Members

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

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

#### **Council Officers involved in producing this report**

**Author: Committees Liaison Officer**

**Proof reader(s): Manager Corporate Performance**

**Approved by: Director Organisation**

#### **Purpose**

The Tatura Park Advisory Board currently has seven community representative members. The term of appointment for these members is due to expire on 15 April 2013. This report recommends the appointment of new committee members to assist with the management of the facility for a two year term.

#### **RECOMMENDATION**

That the Council having considered the nominations received for appointment to the Tatura Park Advisory Board, appoint the following nine members for a two year term:

William BALLANTYNE  
Ross COULSTON  
Graeme DREW  
Rod KILMARTIN  
Shaun O'SHANNESY  
Greg PERRY  
Craig RATH  
Noel RUSSELL  
Carl WALTERS

#### **Background**

The Tatura Park Advisory Board currently has seven community representative members. However the Terms of Reference for the Board allows for up to nine community representatives. The current appointments are due to expire on 15 April 2013 and it is necessary to appoint new representatives to the board to assist with the ongoing management of this important facility.

An advertisement calling for applications to fill up to nine positions on the board was placed in the Shepparton News and letters were sent to the outgoing board members encouraging them to reapply. Nine applications have been received and these are listed below:

William BALLANTYNE  
Ross COULSTON  
Graeme DREW  
Rod KILMARTIN



## 9. ORGANISATION DIRECTORATE

### 9.2 Tatura Park Advisory Board – Appointment of Members (continued)

Shaun O'SHANNESY  
 Greg PERRY  
 Craig RATH  
 Noel RUSSELL  
 Carl WALTERS

It is recommended that all nine applicants be appointed to the Tatura Park Advisory Board for a term of two years.

#### Council Plan/Key Strategic Activity

This proposal supports the key strategic activity no. 6 of the *Council Plan 2009-2013*: "Council Organisation and Management" it that it helps council to "*deliver best practice management, governance administrative and financial systems that support the delivery of Council programs to the community of Greater Shepparton*".

#### Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Lack of communication between the committee and Council	Possible	Minor	Low	At least one Councillor is an appointed member of the committee to provide a communication channel and directions.
Advisory Committee Members not covered under Council's Insurance Policy	Possible	Minor	Low	Any recommendations made by the committee are referred to Council for final decision.
Non-compliance with Assemblies of Councillors requirements under the <i>Local Government Act 1989</i> .	Possible	Minor	Low	Minutes of all meetings of the committee are submitted to Council in accordance with the Act.

#### Policy Considerations

There are no conflicts with existing Council Policies.

#### Financial Implications

There are no financial implications arising from this proposal.

#### Legal/Statutory Implications

The proposal is consistent with the *Local Government Act 1989* and necessary to ensure compliance with this Act.

## 9. ORGANISATION DIRECTORATE

### **9.2 Tatura Park Advisory Board – Appointment of Members (continued)**

In accordance with section 80A of the *Local Government Act 1989* an Assemblies of Councillors record shall be kept for any meeting of the Committee which has at least one Councillor in attendance. A copy of the Assemblies of Councillors record must be submitted to Council within 14 days of the date of the meeting for inclusion in the next Ordinary Council Meeting agenda and minutes.

#### **Environmental/Sustainability Impacts**

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

#### **Social Implications**

Appointing community members to the Tatura Park Advisory Board will help to build a sense of community as it increases stakeholder participation and pride in their local facilities.

#### **Economic Impacts**

There are no economic impacts arising from this proposal.

#### **Consultation**

Advertisements calling for nominations for applicants to fill up to nine vacant positions on the Tatura Park Advisory Board were placed in the Shepparton News on Friday 8 March and Friday 15 March 2013. Advertisements were also placed in the Tatura Guardian on Tuesday 12 March and Tuesday 19 March 2013. Letters were sent to those members whose term of appointment was due to expire encouraging them to re-apply for another term on the board.

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Keep informed	<ul style="list-style-type: none"> <li>• Newspaper advertisements</li> <li>• Consultation with committee members</li> </ul>
Involve	Work together. Feedback is an input into decision-making.	<ul style="list-style-type: none"> <li>• Council to consult with the committee in relation to management of the facility.</li> </ul>
Collaborate	Feedback and advice received from the Committee will be incorporated into decisions the maximum level possible.	<ul style="list-style-type: none"> <li>• Advisory Committee consisting of community members to be appointed.</li> <li>• Councillor appointees to the committee enable ongoing collaboration between the committee and the Council.</li> </ul>
Empower	Council will give due consideration to implementation of the committee's recommendations.	<ul style="list-style-type: none"> <li>• Council will agree to funding requests where possible to enable the committee to undertake desired projects.</li> </ul>

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

#### **Strategic Links**

##### **a) Greater Shepparton 2030 Strategy**

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

## 9. ORGANISATION DIRECTORATE

### 9.2 Tatura Park Advisory Board – Appointment of Members (continued)

#### b) Other strategic links

There are no other strategic links.

#### **Options for Consideration**

Councillors could choose not to appoint some or all of the applicants to the board.

#### **Conclusion**

It is recommended that Council appoint all nine applicants to the board to ensure that the board is able to continue playing a vital role in assisting Council with the operation of the facility.

#### **Attachments**

Nil

## 9. ORGANISATION DIRECTORATE

### 9.3 Australian Botanic Gardens Shepparton Special Committee

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

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

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

#### **Council Officers involved in producing this report**

**Author: Committees Liaison Officer**

**Proof reader(s): Manager Corporate Performance**

**Approved by: Director Organisation**

#### **Purpose**

The purpose of this report is to seek Council's endorsement for an amended Instrument of Delegation and Guidelines to be issued to the Australian Botanic Gardens Shepparton Special Committee so as to reflect the new name for the committee and to exempt the community representatives on the committee from the requirement to submit primary and ordinary returns to the Chief Executive Officer.

#### **RECOMMENDATION**

That the Council:

1. adopt the amended Instrument of Delegation and Guidelines to the Australian Botanic Gardens Shepparton Special Committee
2. resolve that all members (who are not Councillors or nominated Officers) of the Australian Botanic Gardens Shepparton Special Committee be exempt from the requirement to complete Interest Returns in exercise of power granted to Council under Section 81 (2A) of the *Local Government Act 1989*.

#### **Background**

At the Ordinary Council Meeting held on 19 March 2013 the Council resolved to rename the Kialla Landfill Site Committee of Management to the Australian Botanic Gardens Shepparton Special Committee and to appoint six community representatives to the committee.

The Instrument of Delegation and Guidelines to the committee now needs to be amended to reflect the new name of the committee.

Section 81 of the *Local Government Act 1989* requires members of special committees to submit primary and ordinary returns to the Chief Executive Officer. However under section 81(2A) of the Act Council is permitted to exempt members of special committees from this requirement if it determines that this is appropriate. Currently all members of Council's special committees, with the exception of the members of the Shepparton Show Me Committee and the Development Hearings Panel are exempted from this requirement. It is proposed to renew this exemption for the community representatives of the Australian Botanic Gardens Shepparton Special Committee. The Councillor nominee to the committee is still required to submit Primary and Ordinary Returns in line with their Councillor role.

## 9. ORGANISATION DIRECTORATE

### 9.3 Australian Botanic Gardens Shepparton Special Committee (continued)

#### **Council Plan/Key Strategic Activity**

This proposal supports objective 35 of the *Council Plan 2009-2013* which is to “provide best practice management and administrative systems and structures to support the delivery of council services and programs”.

#### **Risk Management**

By ensuring that the Instrument of Delegation to the Australian Botanic Gardens Shepparton Special Committee is amended and re-adopted, Council reduces governance risks associated with the delegation of Council powers to the committee.

The risk of community members not declaring conflicts of interest once exempted from the requirement to complete primary and ordinary returns is offset by the requirement to include Declarations of Conflicts of Interest as an item of business at any meeting of the Committee. This requirement is outlined clause 10.6 of the Guidelines to the Instrument of Delegation.

#### **Policy Considerations**

There are no conflicts with existing Council Policy.

#### **Financial Implications**

There are no financial implications arising from this proposal.

#### **Legal/Statutory Implications**

This proposal is compliant with the requirements of sections 81 and 86 of the *Local Government Act 1989*.

#### **Environmental/Sustainability Impacts**

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

#### **Social Implications**

There are no social implications arising from this proposal.

#### **Economic Impacts**

There are no economic impacts arising from this proposal.

#### **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 links to the *Greater Shepparton 2030 Strategy*.

##### b) Other strategic links

No other strategic links have been identified.

#### **Options for Consideration**

The Council could choose not to amend the Instrument of Delegation and Guidelines to reflect the new committee name but this would mean that the document would conflict with the resolution passed at the March Ordinary Council Meeting to rename the committee.

## **9. ORGANISATION DIRECTORATE**

### **9.3 Australian Botanic Gardens Shepparton Special Committee (continued)**

Council could also choose not to exempt community representatives from the requirement to submit primary and ordinary returns but this could discourage community members from applying to join the committee in future.

#### **Conclusion**

It is recommended that Council amend the Instrument of Delegation and Guidelines as outlined in this report so as to reflect the new name for the committee and exempt the community representatives appointed to the committee from the requirement to submit primary and ordinary returns to the Chief Executive Officer.

#### **Attachments**

1. Instrument of Delegation - Australian Botanic Gardens Shepparton Special Committee
2. Guidelines to the Instrument of Delegation

## 9. ORGANISATION DIRECTORATE

### 9.4 Councillor Code of Conduct

#### **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 Governance

**Proof reader(s):** Manager Corporate Performance

**Approved by:** Director Organisation

#### **Purpose**

Section 76C of the *Local Government Act 1989* (the Act) requires a Council to develop and approve a Councillor Code of Conduct (Code). The code must be reviewed within the period of 12 months after a general election.

### **RECOMMENDATION**

That the Council adopt and sign the Councillor Code of Conduct

#### **Background**

All Councils in Victoria are required by the *Local Government Act 1989* to 'develop and approve a Code of Conduct for the Council' and 'must review the Councillor Code of Conduct within the period of 12 months after a general election'. Section 76C of the Act requires councils to include councillor conduct principles set out in sections 76B and 76BA of the Act in their Codes of Conduct.

The Council completed a review of the Code of Conduct, which was adopted on 17 November 2009 and has determined to adopt a Code of Conduct. The attached Code is based on the "best practice model" developed by the Municipal Association of Victoria. The reviewed Code addresses additional areas including Council decision making, Councillor values, confidential information, access and use of Council information and resources, relationships with staff, gifts, communication and conflicts of interest.

#### **Council Plan/Key Strategic Activity**

The draft Code of Conduct is consistent with Strategic Objective No. 35 - Provide best practice management and administrative systems and structures to support the delivery of Council services and programs.

#### **Risk Management**

A risk assessment is not required in relation to the review and adoption of the Code of Conduct. The conduct of the review is a statutory requirement under the Act.

#### **Policy Considerations**

The review and adoption of the Code of Conduct does not conflict with any Council policies.



## 9. ORGANISATION DIRECTORATE

### 9.4 Councillor Code of Conduct (continued)

#### **Financial Implications**

There are no financial implications associated with the review and adoption of the Code of Conduct.

#### **Legal/Statutory Implications**

Section 76C of the Act requires the Council to review its adopted Code of Conduct within the period of 12 months after a general election. The Councillors have completed their review of the document after various discussions.

#### **Environmental/Sustainability Impacts**

There are no Environmental/Sustainability impacts associated with the review and adoption of the Code of Conduct.

#### **Social Implications**

There are no Social Implications associated with the review and adoption of the Code of Conduct.

#### **Economic Impacts**

There are no Economic Impacts associated with the review and adoption of the Code of Conduct.

#### **Consultation**

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

#### **Strategic Links**

##### a) Greater Shepparton 2030 Strategy

The draft Code of Conduct does not conflict with the strategies contained in the Greater Shepparton 2030 Strategy.

##### b) Other strategic links

No other strategic links have been identified.

#### **Options for Consideration**

Due to the requirement under the *Local Government Act 1989* that the Council is to review and adopt a Councillor Code of Conduct, there are no other options that can be considered.

#### **Conclusion**

The Councillor Code of Conduct has been reviewed and is now ready for the Council to adopt the document.

#### **Attachments**

1. Councillor Code of Conduct

**10. TABLED MOTIONS**

Nil Received.

**11. REPORTS FROM COUNCIL DELEGATES TO OTHER BODIES**

Nil Received.

**12. REPORTS FROM SPECIAL COMMITTEES AND ADVISORY COMMITTEES**

Nil Received.

**13. NOTICES OF MOTION, AMENDMENT OR RESCISSION**

That Cr Summer moves the following motion:

That Council request officers to prepare a report on the ability of Council to provide an area within Shepparton that could be used as an off leash dog park, examining the operation, capital costs, issues that have arisen or may arise within such a park and what may be done to mitigate any associated risks.

**14. DOCUMENTS FOR SIGNING AND SEALING**

Nil Received.

## 15. COUNCILLOR ACTIVITIES

### 15.1 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*, Council officers and others who are contracted to provide advice or services to the Council must disclose any conflicts of interests they have before any advice they provide is considered. Disclosures must be in writing, to the Chief Executive Officer and must specify the type and nature of the conflict.

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 7 March to 5 April 2013, some or all of the Councillors have been involved in the following activities:

- The Golden Age of Colour Prints | Media Preview
- International Women's Day | Brunch
- Vulnerable People in Emergencies - Australian Red Cross Information Forum
- Audit Risk Management | Committee Meeting
- Festival Theme Address | La Trobe University
- Th!nk About It Project
- Soroptimists International Women's Day Breakfast
- Positive Ageing Advisory Committee Meeting
- International Women's Day event - Cooking & Comedy
- SAM Official Opening | Golden Age of Colour Prints
- Golden Age of Colour Prints | Dinner
- Formula One | Grand Prix Event
- Victorian Country Cup Championship – Ten Pin Bowling event
- Emerging Voices | Dookie Community Performance
- Macedonian Soccer Cup Final and assist with presentations
- Award presentation to Mooroopna Bakery
- Meeting with Murray Darling Basin Authority Meeting with Stakeholders
- Neighbouring Council Meeting | Shepparton host
- Official Opening - Isabel Pearce Kindergarten's "New Room"
- Goulburn Ovens Institute of TAFE | Shepparton Graduation
- Launch of the Premier's Reading Challenge | The Hon Jeanette Powell MP
- Twilight Stroll | Shepparton & Mooroopna
- RACV Fly The Flag Tour Dinner
- RACV 'Flag Off' | Shepparton Motor Museum
- Albanian Festival (meet the Albanian Ambassador) | MacIntosh Centre
- Inaugural Murchison Tomato Festa
- Dragon Boat Regatta
- Dragon Boat Regatta | Presentation to the winners
- Building a New Generation | Video Interview
- West Hume Self Advocacy
- Shepparton Lighthouse Project | David Gonski AC
- Tatura Park Advisory Group Meeting
- Safety for Seniors | PAAC

## 15. COUNCILLOR ACTIVITIES

### 15.1 Councillors Community Interaction and Briefing Program (continued)

- Shepparton Art Museum Advisory Committee Meeting
- Environmental Sustainability Strategy Workshop
- BGANZ Plants Forum
- Shepparton Show Me | Ordinary Committee Meeting
- Audit and Risk Management | Committee Discussion
- Environmental Sustainability Strategy Workshop – Mooroopna and Shepparton
- Harmony Day Morning Tea | KidsTown
- Goulburn Valley West Group CWA | 85th Birthday
- Women's Charter Alliance Advisory | Committee Meeting
- Disability Advisory Committee Meeting
- 'Fishing in the Park' event | Victoria Park Lake
- Merrigum Lions Club & Ladies Lions | 40th Charter Anniversary Dinner
- Murchison Primary School | Speak to Students on leadership
- Tour | SPC Ardmona
- Meeting to discuss 'Peace Run' | Dr Tihomir Djordjic
- Meeting with | Rumbalara Aboriginal Cooperative
- Thank you BBQ | Flooding Incident 27 February 2013
- Teleconference | Regional Cities Growth Strategy Project Advisory Group meeting
- Kialla Land Fill | Committee meeting
- Hume Alliance Executive Group | Wangaratta
- Meeting to discuss Zurcas Lane, Shepparton
- Pontiac Car Club event
- Slap Tomorrow Event | Launch
- La Trobe Shepparton Campus 2013 Graduation
- MAV 2013-2014 Strategic Planning Consultation Session
- Greater Shepparton Aerodrome Advisory Committee Meeting

Councillors were also briefed on the following matters:

- John Keane | Part 2 Session - Strategic Planning
- VCAT Process Discussion
- Broiler Farm Discussion | Half Hour Discussion & Question Time
- Contracts awarded under delegated authority
- Rating Strategy
- Victoria Park Lake Caravan Park | Future Management
- Victoria Park Lake | Briefing Update – Continuation
- Strategic Resources Plan and Long Term Financial Plan - Review Session 1
- The Peppermill Hotel
- 2013/2014 Budget | Strategic Resources Plan & Council Plan | Session 2
- Maude Street Bus Interchange
- Broiler Farm - Part Three
- Cultural Heritage Awards April 2013 | Committee Recommendations
- Safer Cities Camera Network | Tender Process
- Considering Smoke Free Outdoor Dining
- Mooroopna Golf Club - 90 McFarlane Road Mooroopna
- Pine Lodge Cemetery Trust Meeting
- Kialla West Cemetery Trust Meeting

## 15. COUNCILLOR ACTIVITIES

### 15.1 Councillors Community Interaction and Briefing Program (continued)

- Prentice Road
- New Members | Positive Ageing Advisory Committee
- Arts in the Community Fund
- Shepparton Senior Citizens Centre Redevelopment Project
- Our Sporting Future Funding Program - Round 2 Minor & Sports Aid
- Councillor | Code of Conduct
- Mooroopna Community Plan | Tour for Councillors and Executive

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

#### **RECOMMENDATION**

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

#### **Attachments**

1. Councillor Briefing Session - 5 March 2013
2. Councillor Briefing Session - 19 March 2013
3. Greater Shepparton Aerodrome Advisory Committee Meeting - 22 March 2013
4. Councillor Briefing Session - 26 March 2013
5. Councillor Briefing Session - 2 April 2013

**16. URGENT AND OTHER BUSINESS NOT INCLUDED ON THE AGENDA**

**17. PUBLIC QUESTION TIME**

**18. CONFIDENTIAL MANAGEMENT REPORTS**

**18.1 Designation of Confidentiality of Information**

**RECOMMENDATION**

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

**18.2 Heritage Advisory Committee - Cultural Heritage Awards 2013**

**18.3 Reopening of the Council Meeting to Members of the Public**