



MINUTES

FOR THE
GREATER SHEPPARTON CITY COUNCIL

SPECIAL COMMITTEE MEETING

HEARING OF SUBMISSIONS

POSSIBLE DISCONTINUANCE AND POSSIBLE SALE OF PART OF ANDREW FAIRLEY AVENUE, SHEPPARTON

TO BE HELD ON
TUESDAY 27 MAY 2014
AT 1.00PM
RECONVENED MEETING
ON FRIDAY 30 MAY 2014
AT 4.00PM

IN THE COUNCIL BOARD ROOM

COUNCILLORS

Cr Jenny Houlihan [Mayor]
Cr Dennis Patterson [Deputy Mayor]
Cr Les Oroszvary
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

SPECIAL COMMITTEE MEETING

TUESDAY 27 MAY

1.00PM

RECONVENED MEETING

ON FRIDAY 30 MAY 2014

HEARING OF SUBMISSIONS

**POSSIBLE DISCONTINUANCE AND POSSIBLE SALE OF PART OF
ANDREW FAIRLEY AVENUE, SHEPPARTON**

**PRESENT: Councillors Jenny Houlihan, Dennis Patterson, Michael Polan,
Kevin Ryan and Fern Summer.**

**OFFICERS: Gavin Cator – Chief Executive Officer
Steve Bowmaker – Director Infrastructure
Kaye Thomson – Director Community
Rebecca Bertone – Official Minute Taker
Sharlene Still – Deputy Minute Taker**

ITEMS FOR DISCUSSION

1. Declarations of Conflict of Interest

Nil.

**2. Report on proceedings of the Special Committee, including a summary of the hearings
held on Tuesday, 27 May 2014**

Moved by Cr Patterson

Seconded by Cr Polan

1. "That the Special Committee established to hear submissions under Section 223 of the *Local Government Act 1989* on the possible discontinuance and possible sale of part of Andrew Fairley Avenue, Shepparton resolves to:
 - a adopt the Report, dated 30 May 2014, on proceedings of the Special Committee held on Tuesday, 27 May 2014; and
 - b that the Report be provided to the Council, in accordance with section 223(1)(c) of the *Local Government Act 1989*.
2. That the meeting of the Special Committee be closed."

CARRIED.

3. Special Committee Meeting – Closure

MEETING CLOSED AT 4.04PM

**SPECIAL COMMITTEE ESTABLISHED TO HEAR SUBMISSIONS UNDER
SECTION 223 OF THE LOCAL GOVERNMENT ACT 1989**

Possible discontinuance and possible sale of part of Andrew Fairley Avenue, Shepparton

**Greater Shepparton City Council
Special Committee Report**

Report to: Greater Shepparton City Council

Date of meeting: Friday, 30 May 2014

From: The Special Committee established to hear submissions under Section 223 of the *Local Government Act 1989* on the possible discontinuance and possible sale of part of Andrew Fairley Avenue, Shepparton

Subject: Report on proceedings of the Special Committee, including a summary of the hearings held on Tuesday, 27 May 2014 (the **Hearing**)

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.

Executive Summary

The purpose of this report is to report to the Council on the proceedings of the Special Committee, including providing a summary of the Hearing.

This Special Committee was established by the resolution of the Council on 18 March 2014.

The purpose of the Special Committee was to hear submissions made under section 223 of the *Local Government Act 1989 (Act)* in relation to the proposal to discontinue the Road and sell the Road to SPC Ardmona Limited (**SPCA**), or a subsidiary of SPCA (**Proposal**).

On 23 May 2014, the CEO of the Council provided a report to the Special Committee.

A meeting of the Special Committee was held on Tuesday, 27 May 2014, for the purpose of hearing persons who wished to be heard in support of their submission. A summary of the Hearing is set out in this report below.

The members of the Special Committee who attended the Hearing have been provided with:

- a copy of each written submission received by the Council on the Proposal;
- a summary of each written submission received by the Council on the Proposal;
- a detailed summary of the Hearing, including detail of individual submitter comments.

**SPECIAL COMMITTEE ESTABLISHED TO HEAR SUBMISSIONS UNDER
SECTION 223 OF THE LOCAL GOVERNMENT ACT 1989**

Possible discontinuance and possible sale of part of Andrew Fairley Avenue, Shepparton
[continued]

This report recommends that, in making its decision in relation to the Proposal, the Council consider this report on the proceedings of the Special Committee, including the summary of the Hearing and every submission (both written and verbal) received by the Council on the Proposal.

Recommendation

That, in making its decision in relation to the Proposal, the Council consider this report on the proceedings of the Special Committee, including the summary of the Hearing and every submission (both written and verbal) received by the Council on the Proposal.”

Background

By a letter, dated 14 February 2014, SPCA made the following request of the Council.

“SPC Ardmona (SPCA) has received co-investment from the Victorian State Government and Coca-Cola Amatil (CCA) to spend a combined \$100m to upgrade the Shepparton facility.

We now request the Great Shepparton City Council to give consideration to the request that Andrew Fairly Avenue is closed and granted to SPCA as the additional land is critical to the efficient upgrade of the facility.”

At the Ordinary meeting of the Council on 18 March 2014 the following resolution was carried.

“That the Council:

- 1. In accordance with the provisions of section 206 and clause 3 of schedule 10 of the Local Government Act 1989, give public notice of its intention to close Andrew Fairley Avenue between the intersection of Railway Parade and Hawdon Street west of the Seymour –Tocumwal Railway reserve and intersection of Adams Avenue Shepparton and sell the surplus land to SPCA (refer attached plan).*
- 2. Provide a copy of the notice to all relevant infrastructure authorities.*
- 3. Form a committee of “the whole” to:*
 - a. consider submissions on the proposed closure with submissions closing at 5.00pm on Monday 21 April 2014; and*
 - b. hold a meeting of “the whole” to hear submissions on the proposed closure at 5:30pm on Tuesday 29 April 2014.*
- 4. Appoint the Chief Executive Officer to administer the process.”*

The Road

A title layout plan of that part of Andrew Fairley Avenue proposed to be discontinued and sold (**Road**) is provided at Attachment A.

**SPECIAL COMMITTEE ESTABLISHED TO HEAR SUBMISSIONS UNDER
SECTION 223 OF THE LOCAL GOVERNMENT ACT 1989**

Possible discontinuance and possible sale of part of Andrew Fairley Avenue,
Shepparton [continued]

The Road is approximately 3,963m² in area and is coloured peach, pink and yellow within the continuous bold black line on the plan provided at Attachment A.

The Road is a collector road under the management and control of the Council.

An aerial photograph of the Road and its surrounds is provided at Attachment B.

Relevant Powers of the Council

Section 206(1) of the Act provides that the powers of the Council in relation to roads in its municipal district include the powers set out in Schedule 10 of the Act.

Clause 3 of Schedule 10 of the Act is set out below.

“Power to discontinue roads

A Council may, in addition to any power given to it by sections 43 and 44 of the Planning and Environment Act 1987 —

- (a) discontinue a road, or part of a road, by a notice published in the Government Gazette; and*
- (b) sell the land from that road (if it is not Crown-land), transfer the land to the Crown or itself or retain the land.”*

Section 223 Submission Process

Section 207A(a) of the Act provides that a person may make a submission under section 223 of the Act on the proposed exercise of any power under, amongst other things, clause 3 of Schedule 10 of the Act.

Section 223 of the Act is set out below:

“Right to make submission

- 1) The following provisions apply if a person is given a right to make a submission to the Council under this section (whether under this or any other Act):*
 - (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:*

**SPECIAL COMMITTEE ESTABLISHED TO HEAR SUBMISSIONS UNDER
SECTION 223 OF THE LOCAL GOVERNMENT ACT 1989**

Possible discontinuance and possible sale of part of Andrew Fairley Avenue,
Shepparton [continued]

- (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)*
 - (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) *If a proposal by the Council involves the exercise of powers at the same time under more than one section giving a right to make a submission and written submissions are received under more than 1 of those sections the submission procedure may be carried out in respect of all the written submissions at the same time.*
- (3) *Despite section 98, 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.*
- (4) *A member of a committee specified in subsection (1)(b)(i) is subject to section 79 as if that member were a member of a special committee."*

Two public notices were published giving notice of the Proposal to the community.

The First Public Notice was published in the Shepparton News on 21 March 2014. A copy of the First Public Notice is provided at Attachment C. The First Public Notice provided that the closing date for submissions was Monday, 21 April 2014.

The Second Public Notice was published in the Shepparton News on 23 April 2014.

A copy of the Second Public Notice is provided at Attachment D. The Second Public Notice provided that the closing date for submissions was at midnight on Thursday, 22 May 2014.

The Second Public Notice also gave notice of the meeting of the Special Committee scheduled to commence at 1:00pm on Tuesday, 27 May 2014.

**SPECIAL COMMITTEE ESTABLISHED TO HEAR SUBMISSIONS UNDER
SECTION 223 OF THE LOCAL GOVERNMENT ACT 1989**

Possible discontinuance and possible sale of part of Andrew Fairley Avenue,
Shepparton [continued]

All submissions received in relation to either notice are being treated as submissions in respect of the Proposal under section 223 of the Act.

Further notice of the Special Committee meeting appeared in the Shepparton News on Tuesday, 20 May 2014.

A copy of the 'standard' letter sent to submitters initially, for the purpose of confirming receipt of their submission, is provided at Attachment E.

Subsequently, three alternative 'standard' letters were prepared by the Council to be sent to submitters. The three versions of this 'standard' letter accounted for whether:

1. the submitter had requested to be heard, in which case the submitter was asked to telephone Council to confirm they wished to speak;
2. the submission did not contain a request to speak. The letter contained acknowledgement of the submission and notification of the Hearing;
3. the name on the submission was illegible, in which case the submitter was asked to provide their legible name.

A copy of each of the three 'standard' letters is provided at Attachment F.

Report of the CEO to the Special Committee

On 23 May 2014, the CEO of the Council provided a report to the Special Committee.

Written Submissions

The members of the Special Committee who attended the Hearing have been provided with:

- a copy of each written submission received by the Council on the Proposal; and
- a separate document that contains a summary of each written submission received by the Council on the Proposal.

At the time of signing this report, over 1,300 written submissions have been received by the Council, including a number of petitions. The reason specific numbers have not been provided, is that submissions will continue to be accepted and collated right up until the final decision of the Council.

Noteably, many submitters put in multiple submissions, and there may be some duplicates. Therefore, any reference to the number of submissions does not equate to the number of submitters.

The written submissions can generally be divided into two categories, namely:

1. submissions against the Proposal;
2. submissions in support of the Proposal.

At the time of signing this report, over 1,000 written submissions have been received by the Council against the Proposal. A number of these submissions against the Proposal appear to have been prepared using 'template' that is 'pro forma', documents, albeit with slight variations and additional comments amongst them.

**SPECIAL COMMITTEE ESTABLISHED TO HEAR SUBMISSIONS UNDER
SECTION 223 OF THE LOCAL GOVERNMENT ACT 1989**

Possible discontinuance and possible sale of part of Andrew Fairley Avenue,
Shepparton [continued]

A summary of the key themes and issues raised by the written submissions against the Proposal is set out below.

1. SPCA has not provided detailed information justifying why the Road must be closed.
2. SPCA should identify an alternative solution and use its resources more efficiently. Alternative engineering solutions are available, including redesign of the proposed building, expansion of SPCA onto other land, realigning the Road further to the north, the construction of an underpass or overpass.
3. The closure of the Road will not make SPCA viable.
4. SPCA has already, previously received enough charity, including land, from the community.
5. There is insufficient information to make a proper, fully informed decision.
6. Traffic, economic and social impact assessments have not been carried out and any decision on the Proposal is premature.
7. The Road is a vital east-west access connection for Shepparton and used by many sectors of the community on a daily basis. The closure of the Road would be inconvenient for many sectors of the community.
8. The closure of the Road would effectively divide Shepparton and cut off the land to the east.
9. The closure of the Road will have a detrimental impact on surrounding residents and businesses and parts of the community and economy.
10. It is inconsistent with proper planning principles to close the Road, as the Road is required for public use.
11. The Proposal will bring more large trucks into Shepparton.
12. Closing the Road is a poor decision for the interests of one business. The Council must ensure that road and traffic conditions are effective for all residents and businesses.
13. The closure of the Road will increase cost, delay and inconvenience to many residents and local businesses, making these businesses uncompetitive and less viable. It will also reduce passing trade to local businesses. This will have a significant cumulative impact for the Shepparton community and economy.
14. The closure of the Road will devalue land, including land in the vicinity of the Road.
15. The Road is public land and should not be discontinued and sold to a private company for private purposes.
16. The closure of the Road will cause the redistribution of a significant number of vehicles, estimated to be in the order of 7,000 to 8,000 vehicles, on to other roads that are already congested and prone to traffic delays. This will cause significant traffic congestion.

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SECTION 223 OF THE LOCAL GOVERNMENT ACT 1989**

Possible discontinuance and possible sale of part of Andrew Fairley Avenue,
Shepparton [continued]

17. The closure of the Road will have lasting structural implications for the infrastructure of Shepparton.
18. The closure of the Road is contrary to, and inconsistent with, Council's policies and strategies.
19. The process, and the Proposal, is legally defective, unlawful and invalid. The Proposal should be abandoned.
20. Additional time is required, up to 3 months, to lodge submissions. The process is misleading and dishonest.
21. The closure of the Road is a permanent measure and longer term planning and future growth and development will be reduced and undermined. Such longer term outcomes should not be undermined by such a short term solution.
22. The Road is required by emergency service vehicles and emergency response times will increase if the Road is closed.
23. Other roads will be made unsafe if the Road is closed.
24. Alternative routes are problematic and unsafe due to, amongst other things, flooding, traffic congestion, trade waste incidents, poor design and inadequate infrastructure including footpaths.
25. The existing situation with the boom gates across the Road is appropriate and satisfactory.
26. The closure of the Road will necessitate upgrade works to other roads at significant cost to the community.
27. The benefit of retaining the Road for the community outweighs any benefit that would result from the Proposal.
28. Persons other than SPCA are interested in purchasing the Road.

At the time of signing this report, over 170 submissions have been received by the Council in support of the Proposal. A number of these submissions against the Proposal appear to have been prepared using 'template' that is 'pro forma', documents, albeit with slight variations and additional comments amongst them.

A summary of the key themes and issues raised by the submissions in support of the Proposal is set out below.

1. The negative impacts on Shepparton would be dramatic and far reaching if SPCA ceased operations.
2. The closure of the Road will enable SPCA to improve its efficiencies. This is critical to enable SPCA to remain competitive in the global market.
3. The closure of the Road will be of great benefit to SPCA, which will support the future of SPCA and the wider community.
4. The traffic impacts of closing the Road can be managed safely and appropriately.

**SPECIAL COMMITTEE ESTABLISHED TO HEAR SUBMISSIONS UNDER
SECTION 223 OF THE LOCAL GOVERNMENT ACT 1989**

Possible discontinuance and possible sale of part of Andrew Fairley Avenue,
Shepparton [continued]

5. The current situation with the boom gates is not ideal and potentially unsafe.
6. The closure of the Road will help to protect permanent and seasonal employment.
7. Any disadvantage to a few trades in the immediate vicinity of the Road will be outweighed by the benefits brought about by a strong SPCA.
8. The closure of the Road will secure medium term prosperity for over 560 businesses and up to 3,000 employees, which is important for the wider community and regional area.

Hearing of submissions

A meeting of the Special Committee was held on Tuesday, 27 May 2014, for the purpose of hearing persons who wished to be heard in support of their submission.

A summary of the Hearing, including an outline of the conduct of the Hearing and an outline of the key themes and issues raised by the submissions at the Hearing, is set out below.

The members of the Special Committee who attended the Hearing have also been provided with a separate document that contains a detailed summary of the Hearing, including detail of individual submitter comments.

Outline of the conduct of the Hearing

The meeting of the Special Committee was declared open by Gavin Cator, CEO, at 1:00pm on Tuesday, 27 May 2014.

The CEO recommended that the Special Committee appoint a Chair.

There was a motion put to elect Cr Jennifer Houlihan as the Chair of the Special Committee. The motion was moved by Cr Michael Polan and seconded by Cr Dennis Patterson. The motion was unanimously carried by the Special Committee.

The following members of the Special Committee were present from 1:00pm until the meeting was adjourned at 7:52pm: Cr Jenny Houlihan; Cr Fern Summer; Cr Kevin 'Gunna' Ryan; and, Cr Michael Polan.

Cr Les Oroszvary was present from 2:47pm until the meeting was adjourned at 7:52pm.

Cr Dennis Patterson was present from 1:00pm until 6:30pm.

A number of Council officers and two representatives from Russell Kennedy Lawyers attended the meeting, as well as security officers.

There were no declarations of interest.

The Chair noted that the meeting was being recorded for minuting purposes.

The Chair introduced the meeting and explained that:

- the meeting was a meeting of a committee of Council appointed to consider and hear submissions under section 223 of the Act in relation to a proposal to discontinue part of Andrew Fairley Avenue and sell that discontinued part to SPCA, or one of its corporate group;

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Possible discontinuance and possible sale of part of Andrew Fairley Avenue,
Shepparton [continued]

- the task of the Committee is to consider the submissions made, including hearing people who asked to speak to their submissions or a representative;
- the Committee will not decide on either of the items above, that will be for the Council itself to decide at a Council meeting which will occur at a later date;
- the Special Committee must prepare a report for that Council meeting to consider which can only occur after all submissions have been made and considered;
- there were over one thousand written submissions, many in favour and many against the Proposal;
- the meeting was to make sure people who wish to speak are given that opportunity and it is a significant organisational task that arises from the requirement of the Act;
- many people signed pro forma submissions and it appeared that some of those people did not realise that in signing such a pro forma they asked to speak at the meeting;
- Council officers had attempted to establish who did and who did not wish to speak. This has included letters, telephone calls and emails and some special arrangements for the meeting;
- Council prepared a list allocating times to speak. Times had been allocated to people who responded to the request to register. People may register to speak at the desk outside and be allocated a time to speak and people may register at any time to speak;
- at the end of the meeting if anyone wished to speak that had not registered, they would be given an opportunity;
- no submitter was required to stay for the whole meeting, but people may stay if they wished;
- times would be approximate and people may need to wait to speak after their allocated time had passed;
- it is possible that the meeting may need to be reconvened to allow enough time to hear all submissions;
- all speakers must be provided with courtesy and respect at all times;
- interruptions or remarks from the public gallery would not be tolerated as they interfere with that person's right to be heard and cause delay;
- due to the large number of submitters a time limit of 5 minutes per speaker applied. It is possible that some may go shorter and others may go marginally over time. A time limit is necessary and is in accordance with Local Law No. 2;
- a number of submissions may raise similar arguments and points and it is up to each submitter to decide whether to repeat arguments or not;

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Possible discontinuance and possible sale of part of Andrew Fairley Avenue,
Shepparton [continued]

- each written submission, including late submissions, has been provided to each member of the Special Committee;
- there will be a timekeeper on the five minute limit. A bell will ring at the four minute mark and then again at the five minute mark;
- the meeting was an opportunity to make submissions, not to ask questions of the committee;
- it is unlikely that the committee would ask questions, other than for clarification; and
- Council officers were available to answer any queries or questions.

The first session of the hearing heard submissions from 1:08pm until 3:08pm.

Approximately 30 SPCA employees attended for the majority of first session of the Hearing. These persons held sheets of paper with statements in support of the Proposal. The SPCA employees left the public gallery before the conclusion of the first session of the Hearing and did not return to the Hearing.

A total of 25 submissions were heard during the first session of the Hearing. Of these, 24 were opposed to the Proposal and one was relatively neutral and stated that the Road closure would not have too much impact on his business.

At 3:08pm, Cr Michael Polan moved that the Hearing be adjourned for a break and that the Hearing be reconvened at 3:45pm. This was seconded by Cr Les Oroszvary and the motion was unanimously carried.

The second session of the Hearing heard submissions from 3:45pm until 6:26pm.

A total of 34 submissions were heard during the second session of the Hearing. Of these, 32 were opposed to the Proposal and 2 were for the Proposal.

At 6:26pm, Cr Michael Polan moved that the Hearing be adjourned for a break and that the Hearing be reconvened at 7:00pm. This was seconded by Cr Fern Summer and the motion was unanimously carried.

The third session of the Hearing heard submissions from 7:00pm until 7:52pm.

A total of 10 submissions were heard during the third session of the Hearing. Of these, 9 were opposed to the Proposal and 1 was for the Proposal.

At 7:52pm, Cr Michael Polan moved that the Hearing be adjourned to reconvene at 4:00pm on Friday, 30 May 2014 to enable the Special Committee to consider a report on its proceedings, including a summary of the Hearing. This was seconded by Cr Les Oroszvary and the motion was unanimously carried.

Outline of key themes and issues

An outline of the key themes and issues raised by the submissions presented at the Hearing opposed to the Proposal is set out below.

1. The 1996 proposal was rejected for sound reasons and was a very wise decision with the benefit of hindsight.

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SECTION 223 OF THE LOCAL GOVERNMENT ACT 1989**

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Shepparton [continued]

2. There is significant community opposition to the Proposal. The Road provides important access for 8,000 vehicles per day.
3. The Road is an important east-west link for Shepparton and the community reasonably requires the Road to stay open for use. It is more efficient and convenient to use the Road compared to alternative routes.
4. The closure of the Road will be inconvenient for, and increase safety risk to, pedestrians including school children.
5. The closure of the Road will increase costs, potentially significantly, for businesses and residents. At a minimum these costs will be as a result of the additional travel time and distance required and the associated costs including additional fuel costs. There will also be loss of potential business, including due to the proposed clearways and loss of passing trade to local businesses.
6. The closure of the Road will cause delay to emergency services and will increase congestion on other roads.
7. Alternative routes are not safe and can be prone to issues, including traffic congestion, heavy vehicles and flooding.
8. The Council process in relation to the Proposal has been problematic and biased towards SPCA. The timeframes have been unrealistic and there has been a lack of due process. The process, and the Proposal, is legally defective, unlawful and invalid. The Proposal should be abandoned.
9. Council appears to have predetermined the decision on the Proposal. Council must bring an open mind and consider all submissions.
10. SPCA have been provided an unfair advantage in the way that it has been able to put its case compared to the residents and ratepayers.
11. The Proposal has already and, if approved, will further decrease land values and decrease the value and viability of existing businesses in the area.
12. The Road closure will stifle current and future economic development in Shepparton, especially on land to the east. The long term cost of the Road closure will outweigh any benefits. Shepparton will grow and prosper provided the Road is kept open.
13. The interests of the ratepayers and the community should be paramount to the interests of SPCA, which is a private, profit driven company.
14. The traffic report is not comprehensive and there is insufficient information for the Council to make a fully informed decision. No cost benefit or risk analysis has been prepared to enable the Council to understand the consequences of the proposed Road closure.
15. The economic prosperity of SPCA is not a relevant consideration for the Council to take into account when determining whether to discontinue the Road. The Council should consider whether the Road is reasonably required for public use and, if so, then the Council should not close the Road.

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Possible discontinuance and possible sale of part of Andrew Fairley Avenue,
Shepparton [continued]

16. The closure of the Road will bring more heavy vehicles into Shepparton, which is inconsistent with Council policies. SPCA should consolidate its operations at another site, possibly at Ardmona.
17. There are alternative options for SPCA which have not been properly considered. Council should help SPCA but not by selling the Road. SPCA could make its operations more efficient in other ways, including through innovative engineering solutions that are not dependant on closing the Road.
18. The Proposal is not truly economic if the costs of the consequential road upgrade works is accounted for. The developer pays principle should apply to SPCA. This is a grab for financial advantage by SPCA. SPCA cannot guarantee it will be viable in the medium to long term.
19. There is no guarantee as to who will pay for the road upgrade works that will be required to the surrounding road network if the Road is closed. The Council should not pay for such works if the Road is closed. There is also no guarantee as to the timing of the road upgrade works. These works should be required prior to the Road closure, if the Proposal is approved.
20. SPCA is not as important for Shepparton as many believe. It is a foreign owned private company and there are other sectors, businesses and employers that are more important for the future of Shepparton.
21. Council should listen to the community and represent the ratepayers. SPCA should fix its own inefficiencies and problems. SPCA is affected by complex issues and the proposed Road closure will not save SPCA.
22. The Road closure will be permanent and SPCA will never return the Road to the community.
23. Persons other than SPCA are interested in purchasing the Road.
24. There are a number of important utility services, including high voltage power cables and water mains going over or under the Road.

An outline of the key themes and issues raised by the submissions presented at the Hearing in favour of the Proposal is set out below.

1. SPCA suffered some difficult trading over last couple of years and its turnaround involves efficiency improvement and innovation. The Road closure would enable improved efficiencies to be realised.
2. The economic impacts of not proceeding with the Proposal would be significant. The benefits will outweigh any negative impacts. A “no” decision would have a long legacy for Shepparton with jobs at stake, both directly and indirectly.
3. Any consequential traffic impacts would be manageable.
4. Three primary concerns are considered to be:
 - a. traffic congestion, which will be lessened by changing shift times at SPCA;
 - b. fairness, which will be achieved by returning the Road to Council if SPCA ever

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Shepparton [continued]

- stops business; and
- c. safety, which will be improved especially for pedestrians if the Road is closed.
5. The Council's decision must be that Shepparton is open for business. SPCA supports over 560 local businesses and 3,500 employees both directly and indirectly in the Goulburn Valley.
6. If SPCA is not put 'back on track', the CEO admitted that Coca Cola Amatil is under huge stress and pressure.
7. Local businesses will survive even if the Road is closed. Businesses affected will continue to be successful through competitive prices and services.
8. Shepparton is the most suitable place to consolidate SPCA's operations. SPCA has made no secret of this.
9. It is unusual and dangerous to have the Road run through the SPCA workplace. Cars and pedestrians are a constant hazard for forklift drivers using the boom gates. The Proposal will improve safety for all concerned.

Report of the Special Committee

This report of the Special Committee must be included in the agenda for the next convenient meeting of the Council.

Dated: 30 May 2014


Cr Jenny Houlihan
Chair, Special Committee Council

**SPECIAL COMMITTEE ESTABLISHED TO HEAR SUBMISSIONS UNDER
SECTION 223 OF THE LOCAL GOVERNMENT ACT 1989**

Possible discontinuance and possible sale of part of Andrew Fairley Avenue,
Shepparton [continued]

Attachments

- Attachment A: Title layout plan of that part of Andrew Fairley Avenue proposed to be discontinued and sold
- Attachment B: Aerial photograph of the Road and its surrounds
- Attachment C: First Public Notice
- Attachment D: Second Public Notice
- Attachment E: Copy of 'standard' letter initially sent to submitters
- Attachment F: Copy of three alternative 'standard' letters sent to submitters