

UNCONFIRMED MINUTES

Greater Shepparton City Council

COUNCIL MEETING

3:00PM, Tuesday 21 September 2021

Virtually via Zoom

COUNCILLORS

Cr Kim O'Keeffe (Mayor)

Cr Robert Priestly (Deputy Mayor)

Cr Seema Abdullah

Cr Anthony Brophy

Cr Geoffrey Dobson

Cr Greg James

Cr Shane Sali

Cr Sam Spinks

Cr Fern Summer

VISION

GREATER SHEPPARTON, GREATER FUTURE

A thriving economy in the foodbowl of Victoria with excellent lifestyles, innovative agriculture a diverse community and abundant opportunities

Values

Values reflect what we feel is important. Organisations may have core values that reflect what is important in the organisation. These values may be guiding principles of behaviour for all members in the organisation.

Respect first, always

We are attentive, listen to others and consider all points of view in our decision making.

Take ownership

We take pride in honouring our promises and exceeding expectations, and are transparent with and accountable for our actions.

Courageously lead

We lead with integrity, and stand up and stand by what is in the best interests of the Greater Shepparton community.

Working together

We work collaboratively to create higher quality outcomes that are more efficient, thoughtful, effective and responsive. We cannot accomplish all that we need to do without working together.

Continually innovate

We are open to new ideas and creatively seek solutions that encourage us to do our best for our community.

Start the celebration

As ambassadors for our people and place, we proudly celebrate the strengths and achievements of Council and the Greater Shepparton community.

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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 (1) | Minor (2) | Moderate (3) | Major (4) | Extreme (5) |
| Almost Certain (5) Would be expected to occur in most circumstances (daily/weekly) | LOW | MEDIUM | HIGH | EXTREME | EXTREME |
| Likely (4) Could probably occur in most circumstances (i.e. Monthly) | LOW | MEDIUM | MEDIUM | HIGH | EXTREME |
| Possible (3) Reasonable probability that it could occur (i.e. over 12 months) | LOW | LOW | MEDIUM | HIGH | HIGH |
| Unlikely (2) It is not expected to occur (i.e. 2-5 years) | LOW | LOW | LOW | MEDIUM | HIGH |
| Rare (1) May occur only in exceptional circumstances (i.e. within 10 years) | LOW | LOW | LOW | MEDIUM | HIGH |

Extreme Intolerable – Immediate action is required to mitigate this risk to an acceptable level. Event/Project/Activity is not to proceed without authorisation

High Intolerable – Attention is needed to treat risk.

Medium Variable – May be willing to accept the risk in conjunction with monitoring and controls

Low Tolerable – Managed by routine procedures

PRESENT:

1 Welcome to Country

The Council Meeting commenced with a Welcome to Country presented by Cr James on behalf of the Yorta Yorta Elders Council and the 16 family groups.

2 Acknowledgement

“We, Greater Shepparton City Council, acknowledge the Yorta Yorta Peoples of the land which now comprises Greater Shepparton, we pay our respect to their tribal elders, we celebrate their continuing culture and we acknowledge the memory of their ancestors.”

3 Privacy Notice

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

4 Governance Principles

Council considers that the decisions contained in these Minutes gives effect to the overarching governance principles stated in Section 9(2) of the *Local Government Act 2020*. These principles are as follows:

1. Council decisions are to be made and actions taken in accordance with the relevant law;
2. priority is to be given to achieving the best outcomes for the municipal community, including future generations;
3. the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
4. the municipal community is to be engaged in strategic planning and strategic decision making;
5. innovation and continuous improvement is to be pursued;
6. collaboration with other Councils and Governments and statutory bodies is to be sought;
7. the ongoing financial viability of the Council is to be ensured;
8. regional, state and national plans and policies are to be taken into account in strategic planning and decision making;
9. the transparency of Council decisions, actions and information is to be ensured.

Cr O’Keeffe acknowledged and thanked the Greater Shepparton community for their contributions in managing the pandemic response.

“On behalf of my Council and myself and Council as a whole, we would like to acknowledged and thanked the amazing efforts by so many across our community, GV Health, all the essential workers, the incredible volunteers, that supported those in isolation, those that needed extra support and continue to do that across our community and to that we say, thank you. Our community should be really proud of how we have responded to the COVID-19 outbreak in our community. We need to continue to be diligent and to do the things we need to do to keep our community safe.”

5 Apologies

Moved by Cr Abdullah

That the apology from Cr Summer be noted and a leave of absence be granted.

CARRIED UNOPPOSED

6 Declarations of Conflict of Interest

In accordance with section 130 (1)(a) of the Local Government Act 2020 Councillors are required to disclose any “conflict of interest” in respect of a matter to be considered at a Council Meeting.

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

Cr Brophy indicated a general conflict of interest in relation to item 12.2 – Planning Application 2021-35 – Four Dwellings & a four lot subdivision at 180 Knight Street, Shepparton.

Cr O’Keeffe indicated a material conflict of interest in relation to item 13.3 – Awarding of Contract No. 2170 Construction of Maude Street Mall Redevelopment.

Cr Sali indicated a material conflict of interest in relation to item 13.3 – Awarding of Contract No. 2170 Construction of Maude Street Mall Redevelopment.

7 Confirmation of Minutes of Previous Meetings

Moved by Cr Dobson
Seconded by Cr James

That the minutes of the 17 August 2021 Council Meeting as circulated, be confirmed.

CARRIED UNOPPOSED

8 Public Question Time

Nil Received.

9 Deputations and Petitions

Nil Received.

10 Community Directorate

10.1 Creative City Strategy

Moved by Cr Spinks
Seconded by Cr James

That the Council:

1. endorse the draft Creative City Strategy; and
2. support the release of the Draft Creative City Strategy for final public consultation for a period of 3 weeks commencing on 22 September 2021 and concluding on 16 October 2021.

CARRIED UNOPPOSED

10.2 AQUAMOVES Masterplan

**Moved by Cr Dobson
Seconded by Cr Sali**

That the Council:

- 1. endorse the draft Creative City Strategy; and**
- 2. support the release of the Draft Creative City Strategy for final public consultation for a period of 3 weeks commencing on 22 September 2021 and concluding on 16 October 2021.**

CARRIED

11 Corporate Services Directorate

11.1 Contracts Awarded under Delegation - August 2021

Moved by Cr James
Seconded by Cr Sali

That the Council:

1. note the Contracts awarded under delegated authority by the Chief Executive Officer; and
2. requests for tender advertised but not yet awarded.

CARRIED UNOPPOSED

11.2 August 2021 Monthly Financial Report

**Moved by Cr Abdullah
Seconded by Cr Priestly**

That the Council receive and note the August 2021 Monthly Financial Report.

CARRIED UNOPPOSED

11.3 Financial Statements and Performance Statement for Year Ended 30 June 2021

**Moved by Cr Abdullah
Seconded by Cr Priestly**

That the Council:

- 1. Approve in principle the financial statements and performance statement for the financial year ended 30 June 2021 as attached to this report; and**
- 2. Authorise the Mayor, Cr Kim O’Keeffe, the Deputy Mayor, Cr Rob Priestly and the Chief Executive, Peter Harriott, to certify the financial statements and to certify the performance statement in their final form, after any changes recommended, or agreed to, by the auditor have been made.**

CARRIED UNOPPOSED

11.4 Quarter 1 Forecast Review 2021/2022

Moved by Cr Abdullah
Seconded by Cr Dobson

That the Council:

1. adopt the revised forecasts identified by the 2021/2022 Quarter 1 Forecast Review; and
2. adopt the following amendments to User Fees and Charges:
 - a. Vet Care – Microchipping. Current amount \$28.50 inc GST. Amended amount \$28 inc GST;
 - b. Septic Tank Plan Retrieval Fee. Current amount \$30 exc GST. Amended amount – \$33 inc GST; and
 - c. Indexation of various statutory fees and charges for 2021/2022 as gazetted by the State Government.

CARRIED UNOPPOSED

11.5 Council Plan 2020-21 Quarter Four Progress Report

**Moved by Cr Brophy
Seconded by Cr Priestly**

That Council receive and note the Council Plan 2020-21 Quarter Four Progress Report as attached to this report.

CARRIED UNOPPOSED

12 Sustainable Development Directorate

12.1 Greater Shepparton Heritage Advisory Committee - Nomination of Community Representatives

Moved by Cr Abdullah
Seconded by Cr Brophy

That the Council:

1. appoint the following community representatives to the Greater Shepparton Heritage Advisory Committee for a term of two years commencing on 20 September 2021 and concluding on 19 September 2023:
 - Cole, Bronwyn;
 - Morcom, Andrew;
 - Perry, Roger; and
 - Slee, Robyn.
2. formally acknowledge the three outgoing community representatives, being Leah Byrne, Carrie Donaldson and David Gawne, and thank them for their work; and
3. note that Andrew Morcom and Robyn Slee have reapplied for a community representative position, and that Geoff Maynard now represents the Shepparton Heritage Centre Inc., which is a founding member organisation of the Greater Shepparton Heritage Advisory Committee.

CARRIED UNOPPOSED

12.2 Planning Application 2021-35 - Four Dwellings & a four lot subdivision at 180 Knight Street, Shepparton

Cr Brophy declared a general conflict of interest and left the meeting at 4.06pm.

Moved by Cr Priestly
Seconded by Cr Abdullah

That the Council, in relation to Planning Permit Application 2021-35, on the basis of the information before the Council and having considered all relevant matters as required by the Planning and Environment Act 1987, resolves to issue a Notice of Decision to Grant a Planning Permit subject to the following conditions:

1. **Amended Plans Required**
Before the development starts (including the certification of the plan of subdivision) 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. Such plans must be generally in accordance with the plan submitted with the application but modified to show:
 - a. The location of the heating and cooling plant for each dwelling.
 - b. The extension of the 500mm screen along the eastern boundary, for the entire view corridor from the window in bedrooms 3 in town houses 2 & 3 and the balcony of town house 4.
 - c. A notation showing the type and height of all internal fencing.
 - d. A waste bin management plan detailing the method and timing of all waste removal from the site and how waste bins located on the street for collection will be managed.
2. **Layout Not Altered**
The development, including the subdivision, as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
3. **Buildings and works on endorsed plans to be completed prior to occupation**
Before the dwellings are occupied, all buildings and works on the endorsed plans forming part of this permit, including landscaping, must be completed to the satisfaction of the responsible authority unless otherwise agreed in writing by the responsible authority.
4. **Drainage Discharge Plan**
Before the development starts (including the certification of the plan of subdivision) 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 submitted in electronic format. The plans must be in accordance with Council's Infrastructure Design Manual and include:

- a. how the land will be drained;
- b. underground pipe drains conveying stormwater to the legal point of discharge;
- c. incorporation of water sensitive urban design in accordance with the "Urban Stormwater Best Practice Environmental Management Guidelines" 1999;
- d. provision of an electronic copy of the MUSIC model (or equivalent) demonstrating achievement of the required reduction of pollutant removal;
- e. maximum discharge rate shall not be more than (37) lit/sec/ha with (12) litres (Tank/Basin) or (14) litres (Pipe) of storage for every square metre of Lot area, in accordance with Infrastructure Design Manual Clause 19 Table 13 (or as agreed in writing by the responsible authority);
- f. computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by the responsible authority.

Prior to the issue of the Statement of Compliance and the occupation of the dwellings all drainage works required by the drainage plan must be completed to the satisfaction of the responsible authority

5. Urban Vehicle Crossing Requirements

Prior to the issue of the Statement of Compliance and the occupation of the dwellings vehicular crossings shall be constructed in accordance with the endorsed plan(s) and Councils IDM standard drawing SD235, to the satisfaction of the responsible authority, and must:

- a. be constructed at right angles to the road, and any redundant crossing shall be removed and replaced with kerb and channel.
- b. be setback a minimum of 1.5 metres from any side-entry pit, power or telecommunications pole, manhole cover or marker, or 3 metres from any street tree;
- c. residential vehicular crossings shall not be less than 3 metres nor more than 6 metres in width and shall be constructed from concrete or other material as approved in writing by the Responsible Authority; and
- d. be at least 9 metres apart.

A permit must be obtained from the Responsible Authority for the work within Road Reserve prior to carrying out of any vehicle crossing work.

6. Internal Access

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

- a. sealed to the satisfaction of the responsible authority;
- b. drained in accordance with an approved drainage plan;
- c. treated with measures to prevent damage to fences or landscaped

- areas on adjoining land and prevent direct vehicle access to adjoining road/s other than by a vehicle crossing to the satisfaction of the responsibility authority.
- d. access ways must be designed to allow vehicles to enter and exit the land in a forward direction.
7. **Underground Connection**
Before the occupation of the dwellings, the electricity connection to those dwellings must be undergrounded to the satisfaction of the responsible authority.
8. **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.
9. **Council Assets**
Unless identified in written report, any damage to public infrastructure adjacent to the land at the conclusion of construction on the land will be attributed to the land. The owner/operator of the land must pay for any damage to the Council's assets/Public infrastructure by way of the development or use.
10. **Payment in Lieu of Open Space**
Before the Statement of Compliance is issued under the Subdivision Act 1988, the owner must pay to the responsible authority a sum of equivalent to 5 per cent of the site value of all land in the subdivision. The owner must advise Council, in writing, to undertake the property valuation and must pay the Council's reasonable costs and expenses to provide such a valuation for payment in lieu of the public open space contribution.
11. **Goulburn Valley Region Water Corporation Requirements**
- a. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;
 - b. Provision of separate water supply meters to each tenement within the development, located at the property boundary and to the satisfaction of Goulburn Valley Region Water Corporation;
 - c. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
 - d. Provision of combined sewer drains with an inspection opening to

- each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.
- e. Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.

- All works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section;
- f. Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;
- g. A notation is to be placed on the plan of subdivision to note that pursuant to Section 12(2) of the Subdivision Act 1988, there exists "implied easements" over all of the allotments and the common property within the development;

- Alternatively, the developer is to provide a two metre wide sewerage easement over the common portion of the house connection drain, in favour of the benefiting land, to the satisfaction of the Goulburn Valley Region Water Corporation;
- h. The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.

Please note any structures to be built must be clear of any easement in favour of the Corporation and one metre laterally clear of the edge of any assets of the Corporation (see asset plan).

It is recommended that you contact a licensed surveyor to confirm the location and alignment of the sewer. Goulburn Valley Water will assist on site with the lifting of the manhole lids as requested.

Where the land is to be developed in stages, the above conditions will, in general, apply to any subsequent stage of the development. However, as any future stages of the development will be connected to the Corporation's water supply and sewerage systems independently of this stage, the Corporation reserves the right to revise any conditions applicable to any subsequent stages lodged.

12. Powercor Requirements

- a. This letter shall be supplied to the applicant in its entirety.
- b. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.
- c. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.
- Notes: Extension, augmentation or rearrangement of the

Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

- d. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).
- Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

Telecommunications Referral Condition

The owner of the land must enter into an agreement with:

- A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

14. Time for Starting and Completing a Subdivision

This permit expires if the development does not start (which includes the certification of the plan of subdivision under the *Subdivision Act, 1988*) within two years of the date of the permit or the development is not completed which includes Statement of Compliance within five years of the date of certification of the plan of subdivision.

NOTATIONS

Building Approval Required

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

CARRIED

Cr Brophy returned to the meeting at 4.19pm.

12.3 Zero Emissions Options Paper

**Moved by Cr Dobson
Seconded by Cr Spinks**

That Council note the implementation of the 'Do all' option in the Emissions Reduction Option Paper, and the steps outlined to reach the 2030 Zero Emissions Target.

CARRIED UNOPPOSED

13 Infrastructure Directorate

13.1 Awarding of Contract No. 2133 - Provision of Traffic Management and Control Services

Moved by Cr Sali
Seconded by Cr Brophy

That the Council:

1. accept the tenders submitted by Epsicon Traffic Management, Construct Traffic Pty Ltd, GAME Traffic and Contracting, Synergy Traffic Management, GO Traffic, Toot Traffic, Jarvis Delahey Contractors, West Traffic Pty Ltd and M1 Traffic and Labour Services to be appointed to a Panel for the provision of Traffic Management and Control Services;
2. note that the contract term is for a period of two (2) years, with two (2) by one (1) year extension options at Council's discretion. The estimated contract value over the four (4) years is \$848,000; and
3. authorise the Chief Executive Officer to execute the contract documents and approve any one (1) year contract extension as deemed appropriate.

CARRIED UNOPPOSED

13.2 Contract No. 2201 Hawdon Street Reconfiguration Construction

**Moved by Cr Dobson
Seconded by Cr Spinks**

That the Council:

- 1. award Contract 2201 Hawdon Street Reconfiguration Construction to Mawson Constructions for the lump sum price of \$1,302,592.43 (including GST); and**
- 2. authorise the Chief Executive Officer to execute the contract documents.**

CARRIED UNOPPOSED

13.3 Awarding of Contract No. 2170 Construction of Maude Street Mall Redevelopment

Cr O'Keeffe declared a material conflict of interest, vacated chair and left the meeting at 4.41pm.

Cr Sali declared a material conflict of interest and left the meeting at 4.41pm.

Cr Priestly assumed the chair of the meeting at 4.41pm.

Moved by Cr Abdullah
Seconded by Cr Brophy

That the Council:

1. award Contract No 2170 Construction of Maude Street Mall Redevelopment to Jarvis Delahey Contractors Pty Ltd for the lump sum of \$13,778,120.40 (GST inclusive); and
2. authorise the Chief Executive Officer to execute the contract documents.

CARRIED

Cr O'Keeffe returned to the meeting and assumed the chair of the meeting at 4.59pm.

Cr Sali returned to the meeting at 4.59pm.

Cr Priestly vacated chair of the meeting at 4.59pm.

13.4 Awarding of Contract No. 2184 Asphalt Surfacing and Associated Works - Panel of Contractors

**Moved by Cr Sali
Seconded by Cr Priestly**

That the Council:

- 1. accept tenders submitted by BA Roads Service Pty Ltd, Countrywide Asphalt & Civil, Downer EDI Works, Rich River Asphalt and Szabolics Constructions Pty Ltd, Boral Asphalt (Vic), Cleaves Earthmoving and Drainage to be appointed to a Panel for provision of asphalt works;**
- 2. note that the contract term is for a period of two years, with a 1 year extension option at Council's discretion. The estimated contract value over 3 years is \$8,400,000; and**
- 3. authorise the Chief Executive Officer to execute the contract documents and approve any 1 year contract extensions as deemed appropriate.**

CARRIED UNOPPOSED

13.5 Awarding of Contract 2062 - Cosgrove 2 Cell 4 Capping Construction

**Moved by Cr Priestly
Seconded by Cr Sali**

That the Council:

- 1. award Contract No. 2062 Cosgrove 2 Cell 4 Capping Construction to Apex Earthworks Pty Ltd for the lump sum of \$2,632,340.52 (GST inclusive); and**
- 2. authorise the Chief Executive Officer to execute the contract documents.**

CARRIED UNOPPOSED

14 Confidential Management Reports

The following report attachments has been designated confidential by the Chief Executive Officer under Governance Rule 107 and in accordance with the definition of *Confidential Information* in the Local Government Act 2020 (the Act).

- Item 13.1: Contract Award – Contract No. 2133 – Provision of Traffic Management and Control Services – Moderated Evaluation Report.
- Item 13.2: Contract No. 2201 Hawdon Street Reconfiguration Construction – Moderated Evaluation Report.
- Item 13.3: Awarding of Contract No. 2170 Construction of Maude Street Mall Redevelopment – Moderated Evaluation Report.
- Item 13.4: Contract No. 2184 Asphalt Surfacing and Associated Works – Panel of Contractors – Moderated Evaluation Report.
- Item 13.5: Awarding of Contract 2062 – Cosgrove 2 Cell 4 Capping Construction – Moderated Evaluation Report.

This document contains information which is consistent with the definition of 'private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking disadvantage'.

15 Documents for Signing and Sealing

Nil Received.

16 Councillor Reports

Nil Received.

16.1 Councillor Activities

16.1.1 Councillor Activities - August 2021

**Moved by Cr Brophy
Seconded by Cr James**

That the Council receive and note the summary of the Councillor's community interaction, briefing program and record of Assemblies of Councillors.

CARRIED UNOPPOSED

16.2 Council Committee Reports

Nil Received

16.3 Notice of Motion, Amendment or Rescission

Nil Received

17 Urgent Business not Included on the Agenda

Nil Received.

18 Close of Meeting

Meeting closed at 5.07pm.