

AGENDA

Greater Shepparton City Council

COUNCIL MEETING

3:00PM, Tuesday 29 November 2022

Studio 1, Riverlinks Eastbank

COUNCILLORS

Cr Shane Sali (Mayor)

Cr Seema Abdullah

Cr Dinny Adem

Cr Anthony Brophy

Cr Geoffrey Dobson

Cr Greg James

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.

**A G E N D A
FOR THE
COUNCIL MEETING
HELD ON
TUESDAY 29 NOVEMBER 2022 AT 3:00PM**

**CHAIR
CR SHANE SALI
MAYOR**

INDEX

1 WELCOME TO COUNTRY.....	6
2 ACKNOWLEDGEMENT	6
3 PRIVACY NOTICE.....	6
4 GOVERNANCE PRINCIPLES.....	6
5 APOLOGIES.....	7
6 DECLARATIONS OF CONFLICT OF INTEREST.....	7
7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....	7
8 PUBLIC QUESTION TIME	7
9 DEPUTATIONS AND PETITIONS.....	7
10 COMMUNITY DIRECTORATE	8
11 CORPORATE SERVICES DIRECTORATE	9
11.1 October 2022 Monthly Financial Report.....	9
11.2 Contracts Awarded Under Delegation - October.....	13
11.3 Procurement Policy Amendments - September 2022	16
11.4 Instrument of Delegation to the Chief Executive Officer.....	20
11.5 Instrument of Delegation to Members of Council Staff.....	23
11.6 Instrument of Delegation and Instrument of Sub-Delegation - Environment Protection Act 2017	26
11.7 Appointment of Board Directors - Shepparton Art Museum Limited	29
12 SUSTAINABLE DEVELOPMENT DIRECTORATE	32
12.1 Adoption of Amendment C239gshe to the Greater Shepparton Planning Scheme	32
12.2 Adoption of Amendment C233gshe to the Greater Shepparton Planning Scheme	43
13 INFRASTRUCTURE DIRECTORATE	52
13.1 Kerbside Transition Roll Out - Project Plan and Community Engagement Communications and Education Plan	52
13.2 Award of Contract Number 2239 - Construction of Florence Street Slip Lane.....	58

13.3 Award of Contract Number 2261 - Construction of Andrew Fairley Avenue/Lockwood Road/Old Dookie Road Intersection	62
14 CONFIDENTIAL MANAGEMENT REPORTS	66
14.1 Designation of Confidentiality of Information - Attachments.....	66
15 DOCUMENTS FOR SIGNING AND SEALING	66
16 COUNCILLOR REPORTS	67
16.1 Councillor Activities	67
16.1.1 Councillor Activities - October 2022	67
16.2 Council Committee Reports	69
16.3 Notice of Motion, Amendment or Rescission	69
17 URGENT BUSINESS NOT INCLUDED ON THE AGENDA	69
18 CLOSE OF MEETING	69

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

1 Welcome to Country

Cr James will now present a Welcome to Country 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 recommendations contained in this Agenda 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.

5 Apologies

Nil Received.

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.

7 Confirmation of Minutes of Previous Meetings

RECOMMENDATION

That the minutes of the 27 October 2022 Scheduled Council Meeting and the 27 October 2022 Additional Council Meeting as circulated, be confirmed.

8 Public Question Time

Nil Received.

9 Deputations and Petitions

9.0 Objection to the lease of land at 20-22 Perrivale Drive, Shepparton Petition

Summary

A petition containing 33 signatures has been received by Council opposing the lease of 20-22 Perrivale Drive, Shepparton for the development of affordable housing by Kids Under Cover.

RECOMMENDATION

That the Council receive and note the petition titled ‘Objection to the lease of land at 20-22 Perrivale Drive, Shepparton Petition’ in accordance with Governance Rule 81.



10 Community Directorate

Nil Received.

11 Corporate Services Directorate

11.1 October 2022 Monthly Financial Report

Author	Acting Team Leader – Financial Reporting
Approved by	Director Corporate Services
Purpose	For Information

Disclosures of Conflict of Interest in Relation to this Report

Under section 130 of the *Local Government Act 2020* officers, delegates and persons engaged under a contract providing advice to Council must disclose any conflicts of interests.

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.

RECOMMENDATION

That the Council receive and note the October 2022 Monthly Financial Report.

Executive Summary

The report presents the Council's actual financial performance compared to the budget for the four months ended 31 October 2022.

Report Detail

The October 2022 Monthly Financial Report incorporates the following sections which are presented for Council's consideration:

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

The 2022/2023 Budget was adopted at the Ordinary Council Meeting held 21 June 2022. Council endorsed the Q1 Forecast Review of the Ordinary Council Meeting held Thursday 27 October 2022.

Operating Position

The 2022/2023 Budget provided for an accounting surplus of \$29.50 million, with revenue of \$178.83 million and expenditure of \$149.33 million.

The Quarter 1 (Q1) Forecast Review provided for an accounting surplus of \$32.31 million, with revenue of \$181.91 million and expenditure of \$149.60 million.

Council's measure of financial sustainability in relation to operating performance is the underlying operating position, as adopted in the 2021-2031 Financial Plan. This measure subtracts all capital related income from the accounting surplus to give a true operating

result. The total Q1 Forecast Review revenue includes \$40.86 million of non-recurrent capital grants, \$567,000 of capital monetary contributions and \$11.30 million of non-monetary capital contributions. Excluding these capital items from the accounting surplus, the projected underlying operating result for 2022/23 is a \$19.46 million deficit, which is an unfavourable position.

A number of non-recurrent items, including \$4.97 million of expenditure on non-Council assets and the early receipt of 75 per cent of the 2022/2023 Federal Financial Assistance Grants in 2021/2022 of \$11.16 million, impact this unfavourable projected result. However, in alignment with the measures of financial sustainability within Council's adopted Financial Plan and the strategic actions identified to support the achievement of the aspirations of the Council Plan, Council must ensure continued focus on improving its underlying operating position, through reduction of recurrent expenditure, review of services or increases in revenue. External pressures such as inflation, natural disasters and other world events impacting supply place additional pressure on Council's financial sustainability.

October 2022 Flood Event

The October 2022 Flood Event has, and will continue to have, a huge impact on the Greater Shepparton community. The October 2022 Monthly Report reflects some of the impacts the floods will have on Council's financial position.

Significant resources have been deployed to counter disaster operations, emergency relief and response and clean-up efforts. Emergency works have commenced and reconstruction of infrastructure assets will take place in due course. To date, \$500,000 in grant funding has been announced from the State Government to assist in the initial clean-up efforts, in addition to support for waste disposal. Future funding is expected to help with emergency assistance, counter disaster operations and infrastructure works, however, there is potential for a material net cost to Council to arise.

Other expected financial impacts include lost user charges income as a result of direct flood impact to assets including Aquamoves, Rural Outdoor Pools, Shepparton Sports Stadium, KidsTown and Eastbank. The forecast financial impact to user charges will be updated as the extent of damage to these assets and resulting recovery plans are established. Impairment of Council assets impacted by flood waters will also become clearer once assessments can be conducted.

While the true financial impact of the floods is not yet known, Executive and Council officers will continue to monitor and provide regular updates through these monthly financial reports.

Capital Works

The 2022/2023 Budget provided for capital works of \$62.60 million, of which \$41.37 million is funded by government grants. The Q1 Forecast Review provided for capital works of \$67.76 million, of which \$41.89 million is funded by government grants. Renewal and upgrade expenditure as a percentage of depreciation is forecast to be 153 per cent, which is a measure of investment in maintaining Council's existing asset base.

Balance Sheet

Council has adopted the liquidity ratio (current assets as a percentage of current liabilities) as a further measure of financial sustainability. The current liquidity ratio is impacted by the high rates receivable balance, which will reduce over the year as Council receipts payments and expends funds on services and infrastructure. 2022/2023 ending liquidity based on the Q1 Forecast Review is projected to be 160 per cent, which is within the desired range. The 2022/23 Adopted Budget and 2021-2031 Financial Plan indicate future challenges in

maintaining liquidity at the required level, with those strategic actions previously outlined key to addressing this.

Council Plan/Key Strategic Activity

COMMUNITY LEADERSHIP

We will prioritise leadership in the community to celebrate our cultures, people and places that makes Greater Shepparton a unique, vibrant, diverse and liveable region.

1.8 Good governance and sustainable financial management.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Poor performance against budget	Possible	Moderate	Medium	Regular monitoring and reporting of performance against budget and forecast variances.
Deterioration of Council's financial position against the adopted Financial Plan, resulting in diminished ability to achieve and maintain financial sustainability, as measured by the adjusted underlying operating result, liquidity and renewal and upgrade of assets.	Possible	Moderate	Medium	Linkage of budget setting and performance to the adopted Financial Plan.

Policy Considerations

The monthly financial report has been prepared in accordance with accounting policies.

Financial Implications

The financial implications associated with this report are detailed in the monthly financial report.

Legal/Statutory Implications

Section 101 of the Local Government Act 2020 provides that Council maintains a budgeting and reporting framework that is consistent with the principles of sound financial management. In addition, Section 97 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 Council at a Council meeting which is open to the public.

Environmental/Sustainability Impacts

No environmental or sustainability impacts have been identified in relation to this resolution.

Social Implications

No social implications have been identified in relation to this resolution.

Economic Impacts

No economic impacts have been identified in relation to this resolution.

Consultation

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

Strategic Links

No strategic links have been identified.

Conclusion

The report presents Council's actual financial performance compared to the budget for the month ending 31 October 2022.

Attachments

1. October 2022 - GSCC Council Report - Monthly Financial Statements [11.1.1 - 12 pages]

11.2 Contracts Awarded Under Delegation - October

Author Team Leader – Contracts and Procurement
 Approved by Director Corporate Services
 Purpose For Noting

Disclosures of Conflict of Interest in Relation to this Report

Under section 130 of the *Local Government Act 2020* officers, delegates and persons engaged under a contract providing advice to Council must disclose any conflicts of interests.

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.

RECOMMENDATION

That the Council note:

- 1. that no contracts were awarded under delegation pursuant to a formal tender or quotation process for the reporting period; and**
- 2. the requests for tenders advertised but not yet awarded.**

Report

To inform the Council of the status of request for tenders that have been awarded under delegation during the period 1 October 2022 to 31 October 2022, and those that have been publicly advertised but are yet to be awarded as at 15 November 2022. The report does not include all purchasing activities, only procurement which requires a formal quotation or tender process.

Contracts Awarded under Delegated Authority

Contract No.	Project Name	Details	Value inclusive of GST	Awarded to
Nil				

Requests for Tenders advertised but not yet awarded

Contract No.	Contract Name	Contract detail, including terms and provisions for extensions	Status
2271	Construction of Karibok Park, Shepparton – Stage 2	Lump Sum Contract for the Construction of Karibok Park, Shepparton – Stage 2	Tender currently under evaluation
2272	Detailed Design for Shepparton and Ardmona Resource Recovery Centres Upgrades	Lump Detailed Design for Shepparton and Ardmona Resource Recovery Centres Upgrades - Lump Sum Contract	Tender currently under evaluation
2240	Tallygaroopna Children's Centre Upgrade - Lump Sum Contract (Readvertised)	Lump Sum Contract for Tallygaroopna Children's Centre Upgrade	Tender currently under evaluation
2288	Marlboro Drive Development Road Upgrade	Lump Sum Contract for the Marlboro Drive Development Road Upgrade	Tender currently under evaluation
2286	Shepparton East Midland Highway Recreational Path	Lump Sum Contract for the Shepparton East Midland Highway Recreational Path	Tender currently under evaluation
2285	Monash Park, Shepparton Footpath Renewal	Lump Sum Contract for Monash Park, Shepparton Footpath Renewal	Tender currently under evaluation

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

The financial delegation to Directors to approve contracts up to a value of \$200,000 (noting the Director of Corporate Services has \$500,000) for goods and services and works are included in the S7 – Instrument of Sub-Delegation by Chief Executive Officer.

Legal/Statutory Implications

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

In accordance with Section 108 of the *Local Government Act 2020*, Council has adopted its Procurement Policy establishing the value at which Council must invite a tender or seek an expression of interest.

Conclusion

It is important that decisions and actions taken under delegation be properly documented and transparent in nature. The report details the contracts awarded under delegated authority of the Council during the period 1 October 2022 to 31 October 2022.

Attachments

Nil

11.3 Procurement Policy Amendments - September 2022

Author Team Leader - Contracts & Procurement
 Approved by Director Corporate Services
 Purpose For Decision by Executive

Disclosures of Conflict of Interest in Relation to this Report

Under section 130 of the *Local Government Act 2020* officers, delegates and persons engaged under a contract providing advice to Council must disclose any conflicts of interests.

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.

RECOMMENDATION

That the Council adopt the Procurement Policy and Supplier Code of Conduct, as attached.

Executive Summary

Council adopted the Procurement Policy Version 7.0 on 21 December 2021. Due to changes in legislation, the policy now requires minor amendments to ensure it continues to remain compliant.

The Policy has been amended to reflect the recent introduction of requirements relating to Child Safe Standards, in addition to minor administrative changes which improve consistency with related Council policies and the correction of typographical errors.

Report Detail

Version 7 of the Procurement Policy was last adopted on 21 December 2021. Since this time, recent changes to legislation have prompted an additional minor review, which has now been undertaken to ensure continued legislative compliance.

Child Safe Standards

The Child Safe Standards commenced on 1 July 2022 and aim to protect children and young people, by requiring organisations to put policies, procedures and processes in place to prevent and respond to abuse. All organisations in Victoria that provide services or facilities for children are required to comply with Child Safe Standards, to ensure that the safety of children is promoted, child abuse is prevented and allegations of child abuse are properly responded to. They aim to make keeping children and young people safe a key focus of organisations in Victoria.

More specifically, Child Safe Standard 9 focuses on physical and online environments and promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.

In order to comply with Child Safe Standard 9.4, an organisation must ensure that contract facilities and services from third parties have procurement policies that ensure the safety of children and young people.

The proposed inclusion of a clause relating to Child Safe Standards into the Procurement Policy ensures Council's overarching procurement document complies with Child Safe Standard 9, and further demonstrates Council's commitment to child safety to the broader community. It should be noted that other Council documents are also in the process of being amended which will further support and strengthen Council's approach.

Other Amendments

The Procurement Policy has also been reviewed and minor amendments proposed to correct errors and inconsistencies. A summary of these changes are as follows:

- Document updated to new policy template.
- Correction of typographical error under section II. Procurement Function, 2. Public Tenders. The current paragraph refers to the incorrect Section of the policy. This has been amended to refer to the correct sections.
- Correction of grammatical error under section II. Procurement Function, 2. Procurement Thresholds. The wording refers to Request for Tender Process, when it should refer to Request for Quotation Process.
- Remove the word "must" and replace with "should" under section II. Procurement Function, 5 Cumulative Spend. Cumulative Spend is best practice and mandating requirements has the potential to cause Council to breach the policy inadvertently. Changing the word to "should" provides the same strategic direction without breaching the policy immediately.
- Correction of typographical error under section II. Procurement Function, 11. Exemptions. The current paragraph refers to an incorrect section of the policy. This reference has now been corrected.
- Additional wording included to provide greater clarity in relation to section II. Procurement Function, 11. Purchasing situations outside the scope of this Policy. Additional wording is proposed to provide greater clarity when this exemption could be invoked due to genuine emergency or hardship. This section also has minor re-wording of language for clarity in situations 2 and 9.
- The inclusion of a separate Traditional Owners exemption in section II. Procurement Function, 11. Purchasing situations outside the scope of this Policy. The purpose of this amendment is to make a distinct category for situations where the Traditional Owners are the only and rightful body to provide advice in relation to culturally sensitive issues, including land management considerations, pursuant to the *Aboriginal Heritage Act 2006* (Vic).
- Removal of references to Contract Variations. The clauses in the current policy are inconsistent with legal advice and other Council policies. Variations will no longer be treated separately, instead they will be governed by existing financial delegations, operational policies and contractual conditions.
- Supplier Code of Conduct – The adopted Procurement Policy includes a clause which requires suppliers to complete an acknowledgement that they have read and understood, and agree to act in accordance with the Code. The Supplier Code of Conduct document was omitted from Policy upon adoption in December 2021 and now requires Council approval to give effect. The Code has been developed by the Victorian State Government who have encouraged Councils to implement the Code as part of best practice procurement.
- The reference to the 2021-2025 Council Plan has been included.

The proposed changes listed above ensure the Procurement Policy is compliant with relevant legislation, while also correcting errors and inconsistencies and providing clarity where necessary.

Council Plan/Key Strategic Activity

COMMUNITY LEADERSHIP

We will prioritise leadership in the community to celebrate our cultures, people and places that makes Greater Shepparton a unique, vibrant, diverse and liveable region.

1.6 Council provides customer service that meets the needs of the community.

1.8 Good governance and sustainable financial management.

SOCIAL RESPONSIBILITY and WELLBEING

We will support the mental and physical health and wellbeing of all in our community, ensuring universal access to information, services, housing, healthcare and learning opportunities.

2.5 Recognise First Nations history and advance reconciliation.

ENVIRONMENT and CLIMATE EMERGENCY

We will prioritise our environment and take urgent action to reduce emissions and waste in order to protect public health and create a region that mitigates and adapts to climate change.

5.2 Council will focus on emission reductions committing to a Zero Emissions 2030 Target.

Risk Management

The proposed amendments to the Procurement Policy mitigate any risks associated with legislative non-compliance.

Policy Considerations

The proposed amendments to the Procurement Policy will support other Council Policy and Procedures relating to child safety. It will ensure a consistent approach and demonstrate Council's commitment to the Child Safe Standards.

In respect of Gender Equity, Council Officers have undertaken an initial review for inclusive language. It is proposed that a Gender Impact Assessment be undertaken of the policy in consultation with Community Wellbeing prior to Council adoption.

Financial Implications

There are no direct financial implications as a result of the amendment to the policy.

Legal/Statutory Implications

In order to meet statutory requirements in relation to the Child Safe Standards, the Procurement Policy must be amended to bring it into compliance with relevant legislation.

Environmental/Sustainability Impacts

The environmental and sustainability impacts of the Procurement Policy were reviewed during the last major revision and no further amendments are required at this stage.

Social Implications

By the inclusion of reference to the Child Safe Standards into the Procurement Policy, Council is demonstrating its commitment to social responsibility in addition to legislative compliance.

Economic Impacts

There are no direct economic implications as a result of the amendment to the policy.

Consultation

Extensive consultation was conducted with internal stakeholders prior to adoption of the current iteration of the Procurement Policy. Given the minor amendments to this version, no further consultation is deemed necessary.

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

Strategic Links

Greater Shepparton 2030 Strategy

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

Conclusion

Council last adopted the Procurement Policy Version 7.0 on 21 December 2021. Due to changes in legislation, the policy now requires minor amendments to ensure continued legislative compliance.

The Procurement Policy has been amended in light of the requirements relating to Child Safe Standards to ensure legislative compliance, while additional minor changes have been made to improve consistency with other Council policies and to correct typographical errors.

Attachments

1. Procurement Policy [11.3.1 - 21 pages]
2. Supplier Code of Conduct [11.3.2 - 6 pages]

11.4 Instrument of Delegation to the Chief Executive Officer

Author	Team Leader Governance
Approved by	Director Corporate Services
Purpose	For Decision at a Council Meeting

Disclosures of Conflict of Interest in Relation to this Report

Under section 130 of the *Local Government Act 2020* officers, delegates and persons engaged under a contract providing advice to Council must disclose any conflicts of interests.

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.

RECOMMENDATION

That the Council, in the exercise of the power conferred by S11(1)(b) of the *Local Government Act 2020* (the Act) resolves that:

- 1. there be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer*, subject to the conditions and limitations specified in that Instrument;**
- 2. the instrument comes into force immediately the Chief Executive Officer signature is affixed to the instrument.**
- 3. on the coming into force of the instrument, all previous delegations to the Chief Executive Officer are revoked; and**
- 4. the duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

Executive Summary

Delegations are a critical governance tool of the Council. Most Council decisions are not made at Council meetings and the effective functioning of the Council would not be possible if they were. Instead, most decision-making power is allocated by formal delegations.

The most important delegation issued by the Council is to the Chief Executive Officer (CEO). This delegation allows the CEO to then sub-delegate powers, duties and functions to Council officers, to allow them to make the day-to-day decisions necessary to provide responsive and high-quality services to the community.

Report Detail

The previous Instrument of Delegation from the Council to the CEO was authorised by resolution at the Council Meeting on 16 August 2022.

This review has been undertaken in accordance with the template provided by Maddocks Lawyers, as part of Councils subscription to their Delegations and Authorisation service.

The key change proposed as a result of this review relates to the increase in the CEO's financial delegation, which will enable the approval of contracts and expenditure (with some exceptions) from the current limit of \$500,000 to \$1,500,000.

Recent benchmarking has identified that this increased delegation limit is consistent with that of similar sized Councils and will improve the organisations ability to award contracts and engage services in a timely manner, without encountering the time delays associated with obtaining a Council resolution.

Council Plan/Key Strategic Activity

COMMUNITY LEADERSHIP

We will prioritise leadership in the community to celebrate our cultures, people and places that makes Greater Shepparton a unique, vibrant, diverse and liveable region.

1.3 Council services will be realistic and delivered in an efficient and effective manner with the aim of continuously looking for delivery that matches our ever-changing environment.

1.6 Council provides customer service that meets the needs of the community.

1.8 Good governance and sustainable financial management.

Risk Management

The review and adoption of the CEO's delegation ensures that it remains current, valid, and legal and that there is no temptation to operate outside a delegation which has become dated and unworkable over time.

Subscribing to the Maddocks service reduces the risk that legislative changes, which have implications for the Council's delegations, are properly identified and implemented.

Policy Considerations

The Council adopted Exercise of Delegations policy provides guidance to delegates on how they should exercise their delegations. This instrument of delegation is implemented in accordance with the Exercise of Delegations policy.

Financial Implications

There are no direct financial implications arising from the *Instrument of Delegation to the Chief Executive Officer*.

Legal/Statutory Implications

There are no direct legal or statutory implications arising from the *Instrument of Delegation to the Chief Executive Officer*.

Environmental/Sustainability Impacts

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

Social Implications

There are no social implications associated with this report.

Economic Impacts

There are no economic impacts associated with this report.

Consultation

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

Strategic Links

Greater Shepparton 2030 Strategy

There are no direct links to Greater Shepparton 2030 Strategy.

Conclusion

It is recommended that the updated Instrument of Delegation to the Chief Executive Officer be approved, as regular reviews are undertaken in accordance with best practice guidelines and meet the current legislative requirements.

Attachments

1. S5 Instrument of Delegation Council to Chief Executive Office CEO November 2022
[11.4.1 - 4 pages]

11.5 Instrument of Delegation to Members of Council Staff

Author	Team Leader Governance
Approved by	Director Corporate Services
Purpose	For Decision by Council

Disclosures of Conflict of Interest in Relation to this Report

Under section 130 of the *Local Government Act 2020* officers, delegates and persons engaged under a contract providing advice to Council must disclose any conflicts of interests.

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.

RECOMMENDATION

In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Greater Shepparton City Council (Council) resolves that:

- 1. there be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to Members of Council Staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.**
- 2. the instrument comes into force immediately the Chief Executive Officer signature is affixed to the instrument.**
- 3. on the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.**
- 4. the duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

Executive Summary

As the Council is not a “natural” person, it can act in only two ways, which is by resolution or through others acting on its behalf. For others to act on the Councils behalf, the relevant Council powers must be delegated by the Council.

The Council has delegated the majority of its delegable powers to the Chief Executive Officer (CEO), who is permitted under the act to further sub-delegate these powers to other members of Councils staff. The powers conferred on the Council under some legislative

instruments cannot be delegated through the CEO, and must be delegated by resolution of Council directly to Council officers.

The purpose of this report is to delegate certain powers and functions of Council which cannot be sub-delegated by the CEO to Members of Council staff, in accordance with Section 11 of the *Local Government Act 2020* (the Act).

The Instrument of Delegation to Members of Staff was last adopted by Council on 21 June 2022.

This review has been prompted by the biannual updates provided by Maddocks Lawyers which council subscribes to. This ensures Council continues to operate in accordance with current legislative requirements.

Report Detail

The Council is not in a position to exercise all the powers conferred upon it by resolution and requires others to act on its behalf. This is made possible under section 11 of the Act which provides that a Council may, by Instrument of Delegation, delegate to a member of its staff any power, duty or function of a Council under the *Local Government Act 2020* or any other Act, other than certain specified powers.

The Council has delegated the majority of its delegable powers to the CEO. The CEO, through an instrument of sub-delegation, then has the ability to delegate these powers to Council staff.

However, the powers conferred on the Council under some legislative instruments cannot be delegated through the CEO, and must be delegated by resolution directly to Council officers. The Acts and Regulations referred to in the attached *Instrument of Delegation - Members of Council Staff* are among those which require direct delegation.

Council Plan/Key Strategic Activity

There are no direct links to the Council Plan.

Risk Management

The review of Instruments of Delegation ensures that they remain valid, legal and that generally routine decisions are able to be made without the need for a Council meeting.

The Council subscribes to the Delegations and Authorisations Service provided by Maddocks Lawyers. Subscribing to the Maddocks service ensures that legislative changes which have implications for the Council's delegations and authorisations are identified and implemented accordingly.

Policy Considerations

All Instruments of delegation must be exercised in accordance with the Council's Exercise of Delegations policy.

Financial Implications

There are no direct financial implications arising from the *Instrument of Delegation to Members of Council Staff*. Financial delegations have been made by the CEO and are consistent with the Council's Exercise of Delegations Policy.

Legal/Statutory Implications

The *Instrument of Delegation to Members of Council Staff* ensures that decisions made by Council officers are legally compliant and enforceable.

Environmental/Sustainability Impacts

There are no environmental/sustainability impacts on the coming into force of the *Instrument of Delegation to Members of Council Staff*.

Social Implications

There are no social implications with the coming into force of the *Instrument of Delegation to Members of Council Staff*.

Economic Impacts

There are no economic impacts with the coming into force of the *Instrument of Delegation to Members of Council Staff*.

Consultation

The review of the Instrument of Delegation was completed through Councils delegations software. Consultation was conducted with the relevant staff on any proposed changes to the Instrument.

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.

Conclusion

It is important that all of Council's Instruments of Delegation remain up to date with the latest versions of legislation and that the document reflects the current organisation structure. The amended Instrument of Delegation reflects such changes and it is therefore recommended that the updated document comes into force and the previous Instrument is revoked.

Attachments

1. S6 Instrument of Delegation [11.5.1 - 125 pages]

11.6 Instrument of Delegation and Instrument of Sub-Delegation - Environment Protection Act 2017

Author Manager Corporate Governance
 Approved by Director Corporate Services
 Purpose For Decision by Council

Disclosures of Conflict of Interest in Relation to this Report

Under section 130 of the *Local Government Act 2020* officers, delegates and persons engaged under a contract providing advice to Council must disclose any conflicts of interests.

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.

RECOMMENDATION

In the exercise of the power conferred by s 242(2) of the Environment Protection Act 2017 and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, Greater Shepparton City Council (Council) resolves that:

- 1. The members of Council staff referred to in the instrument attached be appointed and authorised as set out in the instrument.**
- 2. The instrument comes into force immediately upon being signed by Council's Chief Executive Officer, and remains in force until Council determines to vary or revoke it.**

Executive Summary

Delegations are a critical governance tool of the Council. Most Council decisions are not made at Council meetings and the effective functioning of the Council would not be possible if they were. Instead, most decision-making power is allocated by formal delegations.

Section 437 of the Environment Protection Act 2017 provides for Council to delegate powers, duties and functions to council officers. The Environment Protection Authority provides for the specific powers, duties and functions that are delegated to Council.

This instrument provides specified Council officers with the powers, duties and functions to allow them to make the day-to-day decisions necessary to provide responsive and high-quality services to the community.

Report Detail

The Environment Protection Agency has conferred powers relating to the regulation of residential noise, litter, waste and on-site wastewater management.

The attached Instrument of Delegation has been prepared in accordance with the templates provided by Maddocks Lawyers as part of Council's subscription service. This instrument

has undergone its bi-annual review with only minor changes proposed to dates and formatting. The instrument is now presented to Council for consideration.

Council Plan/Key Strategic Activity

LEADERSHIP AND GOVERNANCE

Provide strong civic leadership, advocacy and good governance in the operation of Greater Shepparton City Council.

1.3 Council demonstrates strong leadership and sound decision making in the best interests of the community.

1.4 Financial management is responsible and effective in responding to challenges and constraints with a focus on the financial sustainability of the Council.

ENVIRONMENT

Enhance and protect the clean, green environment that makes Greater Shepparton the unique place it is.

5.2 The region's environmental assets are planned and managed to ensure they are enhanced and sustainable for future generations.

5.3 Waste is managed in a sustainable way that is environmentally friendly, reliable and sustainable for future generations.

Risk Management

The regular review of Councils Instruments of Delegation ensures that they remain valid, legal and that generally routine decisions are able to be made without the need for a Council meeting.

Policy Considerations

All instruments of delegation must be exercised in accordance with the Council's Exercise of Delegations policy.

Financial Implications

The Council subscribes to the Delegations and Authorisations Service by Maddocks Lawyers. The budgeted annual subscription to the Maddocks service ensures that legislative changes that effect Council's delegations and authorisations are identified and implemented accordingly.

Legal/Statutory Implications

The adoption of this Instrument of delegation ensures that decisions made by Council officers are legally compliant and enforceable.

Environmental/Sustainability Impacts

There are no strategic environmental or sustainability impacts with the adoption of this instrument of delegation.

Social Implications

There are no direct social implications arising from the adoption of this instrument of delegation.

Economic Impacts

There are no economic implications arising from the adoption of this instrument of delegation.

Consultation

The review of the Instrument of Delegation was completed through Council's delegation software and consultation was conducted with the relevant Council officers.

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

Strategic Links

Greater Shepparton 2030 Strategy

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

Conclusion

It is recommended that the updated Instrument of Delegation under the Environment Protection Act 2017 be approved, as regular reviews are undertaken in accordance with best practice guidelines and meet the current legislative requirements.

Attachments

1. S18 Instrument of Sub delegation under the EPA 2017 November 2022 Up [11.6.1 - 5 pages]

11.7 Appointment of Board Directors - Shepparton Art Museum Limited

Author Manager Corporate Governance
 Approved by Director Corporate Services
 Purpose For Decision by Council

Disclosures of Conflict of Interest in Relation to this Report

Under section 130 of the *Local Government Act 2020* officers, delegates and persons engaged under a contract providing advice to Council must disclose any conflicts of interests.

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.

RECOMMENDATION

That the Council approve the following reappointments to the Board of Shepparton Art Museum Limited for a three year term, effective from 16 December 2022:

- **Peter Harriott, as Company Director**
- **Chris Teitzel, as Company Director**

Executive Summary

Shepparton Art Museum Limited (SAM Ltd) has been established as a company limited by guarantee comprising of nine Company Directors, two of which are Council Appointed Directors.

Council's Chief Executive Officer, Peter Harriott was appointed as a founding member and Company Director of SAM Ltd at the 19 April 2016 Council Meeting. At the Council Meeting held on 19 July 2016, Council's Director Corporate Services, Chris Teitzel, was appointed as a Company Director and Company Secretary of SAM Ltd.

In accordance with the Shepparton Art Museum Limited Constitution (the Constitution), these memberships were declared and took effect at the first Annual General Meeting (AGM) held on 16 August 2019, and are due to expire at the AGM being held on 16 December 2022. It is proposed that Council approve the reappointment of Peter Harriott and Chris Teitzel for a further term of three years.

Report Detail

SAM Ltd has been established as a company limited by guarantee to operate the Shepparton Art Museum as a public museum.

The Board, comprising of nine Company Directors is a skills-based board, including two Greater Shepparton City Council nominated Directors. In accordance with section 6.2 of the

Constitution, Elected Directors are declared at the first AGM and can serve for a maximum term of nine years.

Councils Chief Executive Officer, Peter Harriott, and Councils Director Corporate Services, Chris Teitzel, have been appointed as Company Directors of SAM Ltd since the company was established in 2016. The current terms are due to expire at the AGM scheduled to be held on 16 December 2022. It is recommended that these appointments be renewed for a further three year term, to provide ongoing continuity to the Shepparton Art Museum.

Council Plan / Key Strategic Activity

COMMUNITY LEADERSHIP

We will prioritise leadership in the community to celebrate our cultures, people and places that makes Greater Shepparton a unique, vibrant, diverse and liveable region.

1.9 Provide a high profile collaborative advocacy role.

VIBRANT and DIVERSE ECONOMY

We will drive the visitor economy by growing visitor experiences and major events that provide employment and other opportunities to the community. Our economic development will focus on establishing a strong, adaptive, sustainable and thriving region supported by agriculture and a diverse range of industries.

3.3 Completion of the SAM precinct including playground and activation of Victoria Park Lake Caravan Park.

3.6 Attract people to live, work, study and remain in our region.

3.9 Expand Greater Shepparton's visitor economy.

Risk Management

There have been no risks identified in relation to this recommendation.

Policy Considerations

There have been no conflicts with Council Policies identified in relation to this recommendation.

Financial Implications

There are no direct financial implications associated with this recommendation.

Legal / Statutory Implications

There are no legal or statutory implications associated with this recommendation.

Environmental / Sustainability Impacts

There are no environmental impacts associated with this recommendation.

Social Implications

There are no social implications associated with this recommendation.

Economic Impacts

There are no economic impacts associated with this recommendation.

Consultation

Internal consultation was undertaken when the initial board appointments were conducted.

Given this recommendation is for the reappointment of current Board Directors, officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Strategic Links

Greater Shepparton 2030 Strategy
Nil.

Conclusion

The current appointments for Council's Chief Executive Officer and Director Corporate Services to the SAM Ltd Board is due to expire in December 2022. This report seeks to reappoint these board directors for a further three year term.

Attachments

Nil

12 Sustainable Development Directorate

12.1 Adoption of Amendment C239gshe to the Greater Shepparton Planning Scheme

Author Graduate Strategic Planner (Amendments)
 Approved by Director Sustainable Development
 Purpose For Decision at a Council Meeting

Disclosures of Conflict of Interest in Relation to this Report

Under section 130 of the *Local Government Act 2020* officers, delegates and persons engaged under a contract providing advice to Council must disclose any conflicts of interests.

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.

RECOMMENDATION

That the Council:

1. **note that Amendment C239gshe to the Greater Shepparton Planning Scheme received 19 submissions;**
2. **note the Delegate's Report for Amendment C239gshe, which outlines Council officers' responses to the concerns raised in submissions, as attached;**
3. **adopt the Planning Panel's recommendations as outlined in the Panel Report, as attached;**
4. **adopt Amendment C239gshe to the Greater Shepparton Planning Scheme with post-exhibition changes in accordance with Section 29 of the Planning and Environment Act 1987; and**
5. **submit Amendment C239gshe to the Greater Shepparton Planning Scheme to the Minister for Planning for approval in accordance with Section 31 of the Planning and Environment Act 1987.**

Executive Summary

Council has prepared proposed Amendment C239gshe to the Greater Shepparton Planning Scheme. The proposed Amendment applies to approximately 271 hectares of land at Kialla, generally bound by Raftery Road to the north and west, Bennetts Road to the south, and the Goulburn Valley Highway and the Seven Creeks to the east.

The majority of the land is included within Investigation Area 2, which is identified in the Kialla and Shepparton South Framework Plan in the Greater Shepparton Planning Scheme.

The proposed Amendment rezones the majority of land within Investigation Area 2 that is zoned Rural Living Zone to the Urban Growth Zone to safeguard the area for future development as a strategic residential growth corridor.

The Amendment also amends the Municipal Planning Statement to provide interim guidance for planning permit applications until a precinct structure plan is prepared and implemented for the land through a future planning scheme amendment.

The proposed Amendment will also update the Kialla and Shepparton South Framework Plan to reflect the preparation of Amendment C233gshe which seeks to facilitate use and development of the land at 480 Raftery Road for rural living purposes. As a result, Amendment C233gshe was exhibited concurrently with Amendment C239gshe.

The Amendment was exhibited from 16 June 2022 to 18 July 2022 in accordance with the *Planning and Environment Act 1987*. Council received 19 submissions to the Amendment. Six submissions were received that either objected to or requested changes to the Amendment. The remaining 13 submissions were received from referral authorities or neighbouring landowners that supported or did not object to the Amendment subject to post-exhibition changes.

Council officers considered all submissions, and referred all submissions to an independent Planning Panel for consideration under Section 22 of the Act. A Directions Hearing for the Amendment, alongside Amendment C233gshe which was exhibited concurrently with Amendment C239gshe, took place on the 23 August 2022. Council officers were unable to resolve all submissions received to the Amendment. The panel considered submissions “on the papers”.

To address concerns raised in submissions, Council officers are proposing post-exhibition changes to the Amendment to update the Explanatory Report to include text relating to the considerations of Ministerial Direction 1 – *Potentially Contaminated Land*, and Ministerial Direction 19 - *Ministerial Direction on the Preparation and Content of Amendments that may Significantly Impact the Environment, Amenity and Human Health*. Council officers are proposing a second post-exhibition change to remove the Development Plan Overlay (DPO1) from Investigation Area 2 as this is now a redundant planning control.

The panel supported the Amendment with the post-exhibition changes proposed and recommended that the Amendment be adopted as exhibited, subject to the above post-exhibition changes being included in the Amendment.

Council is now required under Section 29 of the Act to consider submissions, the Panel Report and the Amendment. If Council resolves to adopt the Panel’s recommendations and the Amendment with post-exhibition changes, the Amendment must be submitted to the Minister for Planning for approval.

Report Detail

Greater Shepparton City Council has prepared Amendment C239gshe to the Greater Shepparton Planning Scheme. The proposed Amendment applies to approximately 271 hectares of land at Kialla, generally bound by Raftery Road to the north and west, Bennetts Road to the south, and the Goulburn Valley Highway and the Seven Creeks to the east (see Figure One). The majority of the land is included within Investigation Area 2, which is identified in the Kialla and Shepparton South Framework Plan in the Greater Shepparton Planning Scheme.

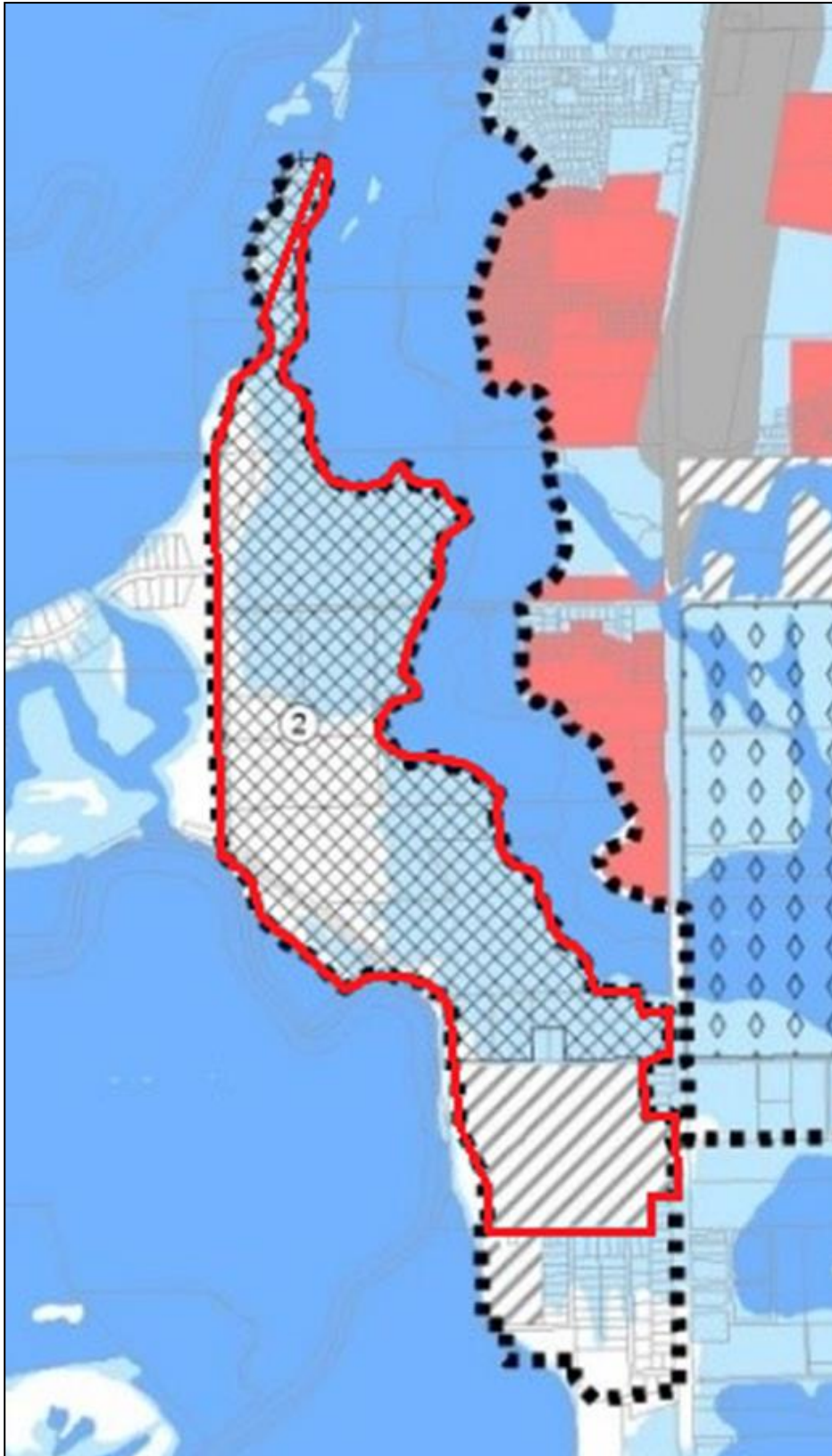


Figure One: Investigation Area 2 within the Kialla and Shepparton South Framework Plan. The land the Amendment applies to is enclosed in red.

The purpose of investigation areas in the Greater Shepparton Planning Scheme is to identify land that could serve a higher density residential use if the development issues or constraints, such as environmental, flooding, infrastructure or land use conflicts, of the land

can be resolved. Investigation Area 2 was identified as a potential residential growth corridor in the *Greater Shepparton Housing Strategy 2011* and the *Shepparton and Mooroopna 2050 Regional City Growth Plan 2021* confirmed this identifying the growth corridor as the Kialla West Growth Corridor.

Council is undertaking this detailed analysis for the Kialla West Growth Corridor via a two-stage process. This first stage, via Amendment C239gshe, identifies the bulk of the land for future urban development and seeks to safeguard it from any development that could prejudice its long-term urban development potential.

The second stage will involve understanding the development constraints of the land including bushfire, cultural heritage, ecological, flooding, stormwater drainage, traffic, utilities, etc. This is done through the preparation of individual assessments, which will determine the development potential and, critically, the density of any future residential development and the future uses to be accommodated within the Growth Corridor.

Once this second stage is complete, the assessments will then inform the preparation of a precinct structure plan, which will serve as a master plan for the Kialla West Growth Corridor, and a development contributions plan, which will ensure that developers in the Growth Corridor pay an equitable share for infrastructure to support any future residential development. A second planning scheme amendment will then be prepared to incorporate both plans in the Planning Scheme to allow for the future development of the land.

Amendment C239gshe

Amendment C239gshe is the first step in the investigation for the Kialla West Growth Corridor. The proposed Amendment rezones the majority of land within Investigation Area 2, and that land between Bennetts and Mitchell Roads, that is zoned Rural Living Zone to the Urban Growth Zone (see Figure Two) to safeguard the area for future development as a strategic residential growth corridor.

The Amendment also amends the Municipal Planning Strategy to provide interim guidance for planning permit applications until a precinct structure plan is prepared and implemented for the land through a future planning scheme amendment.

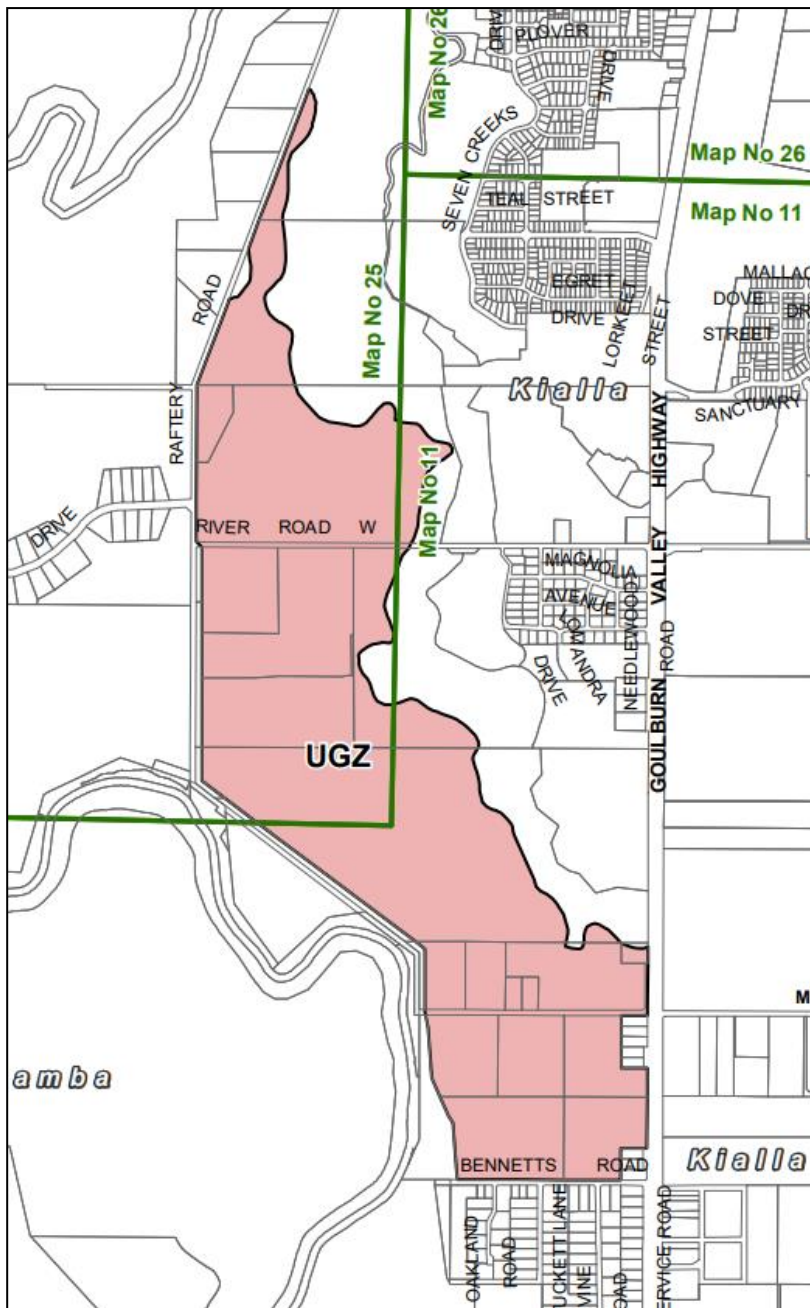


Figure Two: Extent of land being rezoned to the Urban Growth Zone.

The Amendment makes the following changes to the Greater Shepparton Planning Scheme:

- rezones the land to the Urban Growth Zone;
- amends Planning Scheme Map Nos. 11 and 25; and
- amends Clause 02.03-1 Settlement and 02.04 Strategic framework plans to provide policy support to safeguard the land for future urban development, and to update the Kialla and Shepparton South Framework Plan.

A precinct structure plan and development contributions plan will be prepared to provide an overarching strategic framework for the development of the land, to outline the quantum of infrastructure required to support any future development and to apply development costs equitably.

The identification of the land for future urban growth by rezoning it to the Urban Growth Zone will safeguard the land from development that could prejudice its long-term urban development potential, and will provide certainty to land owners, developers, service authorities and relevant government agencies about the future role of this strategically important residential growth corridor.

Amendment C239gshe was exhibited concurrently with proposed planning scheme amendment C233gshe, which seeks to amend the Schedule to Clause 35.05 Rural Living Zone to amend the minimum subdivision area from eight to two hectares of land at 480 Raftery Road, Kialla. This will facilitate draft planning permit 2021-208 for the subdivision of the land into six lots for a rural residential development. Both Amendments apply to adjacent land within Investigation Area 2, and Amendment C239gshe will also amend the Kialla and Shepparton South Framework Plan to reflect the preparation of Amendment C233gshe by changing the designation for the land at 480 Raftery Road, Kialla, to a rural living area.

Exhibition and Submissions

The Amendment was exhibited between 16 June 2022 and 18 July 2022 in accordance with the *Planning and Environment Act 1987*. The following notice was provided:

- letters sent to land owners and occupiers on 13 June 2022;
- letters sent to relevant referral authorities on 14 June 2022;
- letters sent to prescribed ministers on 14 June 2022;
- notice in the Shepparton News on 17 June 2022;
- notice in the Victoria Government Gazette on 16 June 2022;
- notice on Greater Shepparton City Council website;
- notice on Department of Environment, Land, Water and Planning website; and
- a copy of the exhibition documentation was placed in the foyer of the Council offices at 90 Welsford Street, Shepparton, and on Greater Shepparton City Council website.

Council received 15 submissions to the Amendment during the exhibition period, and four late submissions after exhibition. 13 of the submissions received were from referral authorities and nearby landowners, which either supported or did not object to, or request changes to the proposed Amendment. This included submissions from:

- APA Group;
- Department of Environment, Land, Water and Planning;
- Goulburn Broken Catchment Management Authority;
- Goulburn Murray Water; and
- Goulburn Valley Water.

Three submissions were received from referral authorities or landowners requesting changes to Amendment. This included a submission from the Environment Protection Authority.

Council received three submissions from referral authorities or landowners which objected to the Amendment. This included a submission from the Country Fire Authority.

Comments raised in submissions received included:

- support for the Amendment;
- requests for land to be included in the Amendment to be rezoned;
- environmental and ecological considerations, including soil contamination, bushfire, flora and fauna, and flooding;
- impacts of urban development on existing land uses within the area; and
- requests for changes to the Explanatory Report.

As Council received submissions that objected to or requested changes to the Amendment, Council officers requested that the Minister for Planning appoint an independent planning panel to consider submissions as required under Section 22 of the Act. A Directions Hearing for the Amendment was held on the 23 August 2022 alongside Amendment C233gshe, which was exhibited concurrently with Amendment C239gshe.

Council officers responded to all of the concerns raised in submissions as part of the Planning Panel process and were able to resolve most submissions received after the Directions Hearing took place. Council officers' response to submissions can be found in Attachment One: *Greater Shepparton Amendment C239gshe Delegate's Report - August 2022*.

Post Exhibition Changes

To respond to comments that were raised in submissions, Council officers are proposing two post-exhibition changes to the Amendment. The first post-exhibition change is the inclusion of text in the Explanatory Report relating to the consideration of Ministerial Direction 1 – *Potentially Contaminated Land*, and Ministerial Direction 19 Part A - *Ministerial Direction on the Preparation and Content of Amendments that may Significantly Impact the Environment, Amenity and Human Health*. The following text is proposed to be included in the Explanatory Report:

The proposed Amendment has considered Ministerial Direction 1 – Potentially Contaminated Land. The land has been previously used for agricultural purposes which does not fall under the definition of potentially contaminated land under this direction. Council has commissioned a preliminary site investigation for the land as a background report for the Kialla West Growth Corridor, which will investigate the potential for land contamination on the site based on current and historic land uses, and site visits. The recommendations of the preliminary site investigation including any requirements for additional soil contamination assessments will be incorporated into the future Precinct Structure Plan.

The proposed Amendment complies with Ministerial Direction 19 Part A - Ministerial Direction on the Preparation and Content of Amendments that may Significantly Impact the Environment, Amenity and Human Health. The EPA has provided Council with advice on potentially contaminated land and land use compatibility on the land. Council will consider the EPA's advice when preparing the future Precinct Structure Plan.

The second post-exhibition change involves the removal of the Development Plan Overlay (DPO1) from the land. DPO1 was applied to the land to safeguard it from inappropriate development until all investigations have taken place. No development plan has been approved on the land and the control is, ultimately, now redundant given the provisions of the Urban Growth Zone, which will achieve the same outcome by requiring that a future precinct structure plan and development contributions plan be prepared to guide the future development of the land.

The Planning Panel supported these post-exhibition changes and noted that the Amendment is well founded and strategically justified. The Panel recommended that the Amendment be adopted as exhibited, subject to following:

1. update the Explanatory Report to address Ministerial Direction 1 and Ministerial Direction 19 as follows:
 - a. under 'Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?', insert:

'The Amendment has considered Ministerial Direction 1 – Potentially Contaminated Land. The land has been previously used for agricultural purposes, which does not fall under the definition of potentially contaminated land under this direction. Council has commissioned a preliminary site investigation for the land as a background report for the Kialla West Growth Corridor, which will investigate the potential for land contamination on the site based on current and historic land uses, and site visits. The recommendations of the preliminary site investigation including any requirements for additional soil contamination assessments will be incorporated into the future precinct structure plan.

The Amendment complies with Ministerial Direction 19 Part A - Ministerial Direction on the Preparation and Content of Amendments that may Significantly Impact the Environment, Amenity and Human Health. The EPA has provided Council with advice on potentially contaminated land and land use compatibility on the land. Council will consider the EPA's advice when preparing the future precinct structure plan.'

2. Delete Development Plan Overlay Schedule 1 from the land.

The Panel Report is located in Attachment Two: *Greater Shepparton Amendment C239gshe Panel Report - November 2022* and the changes to the Amendment can be found at Attachment Three: *Greater Shepparton Amendment C239gshe Explanatory Report Adoption*.

Council is now required under Section 29 of the Act to consider submissions, the Panel Report and the Amendment. If Council resolves to adopt the Panel's recommendations and the Amendment with post-exhibition changes, the Amendment must be submitted to the Minister for Planning for approval.

Council Plan/Key Strategic Activity

VIBRANT and DIVERSE ECONOMY

We will drive the visitor economy by growing visitor experiences and major events that provide employment and other opportunities to the community. Our economic development will focus on establishing a strong, adaptive, sustainable and thriving region supported by agriculture and a diverse range of industries.

3.6 Attract people to live, work, study and remain in our region.

INFRASTRUCTURE and TECHNOLOGY

We will focus on the planning of our region's requirements to enable delivery of technology and infrastructure to meet the current and future needs of the community.

4.10 Progress housing and business development opportunities.

Risk Management

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

In accordance with Ministerial Direction No. 15, under Section 29 of the Act, Council must make a decision to either adopt or abandon the proposed Amendment within 60 business days of the closing date for submissions.

It is recommended that Council resolve to adopt the proposed Amendment.

Policy Considerations

The Amendment is consistent with the findings of the *Greater Shepparton Housing 2011*, the Greater Shepparton Planning Scheme, and the *Shepparton and Mooroopna 2050 Regional City Growth Plan*. The Amendment applies to land within Investigation Area 2, which has been identified as a potential residential growth corridor.

Financial Implications

The *Planning and Environment (Fees) Regulations 2016* sets the statutory fees for the preparation, exhibition and adoption of planning scheme amendments.

All costs of the proposed Amendment must be met by Council, including the cost of an independent Planning Panel. A fee of \$496.90 must be paid for the Minister for Planning to consider a request to approve an Amendment.

The costs are included in the adopted 2022/2023 financial year budget.

Legal/Statutory Implications

The procedures associated with this Amendment comply with the legislative requirements of the *Planning and Environment Act 1987*.

Environmental/Sustainability Impacts

The proposed Amendment will not have any significant detrimental environmental impacts. The provision of the Urban Growth Zone includes planning permit triggers for the removal of native vegetation that apply under the Rural Living Zone. The planning scheme provides protection for native vegetation under Clause 52.17 – *Native Vegetation*. The Amendment will not change the provisions of Clause 52.17.

Detailed precinct structure planning is required prior to the land being made available for residential development. Future development will have environmental effects, including possible development of land which is affected by the Land Subject to Inundation Overlay and the Floodway Overlay, significant earthworks, soil contamination, and the potential removal of native vegetation. The preparation of a precinct structure plan for the land will seek to minimise environmental impacts of future development and will incorporate the most up-to-date planning controls that address flood, fire and vegetation protection controls.

Social Implications

The proposed Amendment will have positive social effects by ensuring that the strategic vision for the land is clearly articulated to the community. It will enable community participation in the preparation of the Precinct Structure Plan that will seek to facilitate detailed planning for the future residential development of the Growth Corridor. The preparation of the precinct structure plan will reflect the most up-to-date planning controls and provide the community with increased flood and fire protection.

Economic Impacts

The proposed Amendment will have positive economic effects by acknowledging that the land is designated for future residential development. This will provide certainty for landholders within the Growth Corridor.

Consultation

The Amendment was exhibited between 16 June 2022 and 18 July 2022 in accordance with the *Planning and Environment Act 1987*. The following notice was provided:

- letters sent to land owners and occupiers on 13 June 2022;

- letters sent to relevant referral authorities on 14 June 2022;
- letters sent to prescribed ministers on 14 June 2022;
- notice in the Shepparton News on 17 June 2022;
- notice in the Victoria Government Gazette on 16 June 2022;
- notice on Greater Shepparton City Council website;
- notice on Department of Environment, Land, Water and Planning website; and
- a copy of the exhibition documentation was placed in the foyer of the Council offices at 90 Welsford Street, Shepparton, and on Greater Shepparton City Council website.

19 submissions were received to the Amendment from referral authorities and nearby landowners. Submissions were referred to an independent planning panel for consideration. The Panel has provided Council with a panel report supporting the Amendment and Council officers' proposed post-exhibition changes.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

- To provide for sufficient suitable additional land for urban growth until 2030.
- To contain urban growth to identified growth areas in order to protect higher quality and intact agricultural areas and achieve a more compact built-up area.
- To provide for a broader range of dwelling densities and types of housing to meet current and future community needs and differing lifestyle.

b) Other strategic links

- Greater Shepparton Housing Strategy 2011
- Shepparton and Mooroopna 2050 Regional City Growth Plan

Conclusion

Council officers have prepared proposed planning scheme amendment C239gshe, which will rezone approximately 271 hectares of land at Kialla (Investigation Area 2) from the Rural Living Zone to the Urban Growth Zone to safeguard the area for future development as a strategic residential growth corridor.

The Amendment also amends the Municipal Planning Strategy to provide interim guidance for planning permit applications until a precinct structure plan is prepared and implemented for the land through a future planning scheme amendment.

The Amendment was exhibited between 16 June and 18 July 2022 in accordance with the *Planning and Environment Act 1987*, and 19 submissions were received. The Amendment was referred to an independent planning panel to consider submissions and provide advice on the Amendment.

To address concerns raised in submissions, Council officers are proposing two post-exhibition changes to the Amendment to update the explanatory report to include text relating to the considerations of Ministerial Direction 1 – *Potentially Contaminated Land*, and Ministerial Direction 19 - *Ministerial Direction on the Preparation and Content of Amendments that may Significantly Impact the Environment, Amenity and Human Health*, and to remove the Development Plan Overlay (DPO1) from Investigation Area 2 as this is now considered to be a redundant planning control. The Panel has provided Council with a panel report supporting the Amendment and Council officers' proposed post-exhibition changes.

Council is now required to make a decision on Amendment C239gshe. Council officers recommend that Council adopt Amendment C239gshe with post-exhibition changes and submit the Amendment to the Minister for Planning for approval.

Attachments

1. Greater Shepparton Amendment C239gshe Delegate's Report - August 2022 [**12.1.1** - 10 pages]
2. Greater Shepparton Amendment C239gshe Panel Report - November 2022 [**12.1.2** - 30 pages]
3. Greater Shepparton Amendment C239gshe Explanatory Report Adoption [**12.1.3** - 6 pages]

12.2 Adoption of Amendment C233gshe to the Greater Shepparton Planning Scheme

Author Graduate Strategic Planner (Amendments)
 Approved by Director Sustainable Development
 Purpose For Decision at a Council Meeting

Disclosures of Conflict of Interest in Relation to this Report

Under section 130 of the *Local Government Act 2020* officers, delegates and persons engaged under a contract providing advice to Council must disclose any conflicts of interests.

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.

RECOMMENDATION

That the Council:

1. **note that Amendment C233gshe to the Greater Shepparton Planning Scheme received 12 submissions;**
2. **note the Delegate's Report for Amendment C233gshe, which outlines Council officers' responses to the concerns raised in submissions, as attached;**
3. **adopt the panel's recommendations as outlined in the Panel Report;**
4. **adopt Amendment C233gshe to the Greater Shepparton Planning Scheme with post-exhibition changes in accordance with Section 29 of the Planning and Environment Act 1987; and**
5. **submit Amendment C233gshe to the Greater Shepparton Planning Scheme to the Minister for Planning for approval in accordance with Section 31 of the Planning and Environment Act 1987.**

Executive Summary

Council received a request to amend the Greater Shepparton Planning Scheme for land at 480 Raftery Road, Kialla. This planning scheme amendment is known as Amendment C233gshe, and is a combined planning permit application and planning scheme amendment under Section 96A of the Planning and Environment Act 1987 (the Act).

Amendment C233gshe seeks to amend the Schedule to Clause 35.05 Rural Living Zone to amend the minimum subdivision area from eight to two hectares of land at 480 Raftery Road, Kialla. This will facilitate draft planning permit 2021-208 for the subdivision of the land into six lots for a rural residential development.

Amendment C233gshe was exhibited concurrently with Amendment C239gshe, which rezones 271 hectares of land within Investigation Area 2 from the Rural Living Zone to the Urban Growth Zone. Both Amendments relate to land broadly within Investigation Area 2, and Amendment C239gshe proposes to update the Kialla and Shepparton South Framework Plan in the Planning Scheme to reflect the preparation of Amendment C233gshe by designating the land at 480 Raftery Road, Kialla, for rural living purposes.

The Amendment was exhibited from 16 June 2022 to 18 July 2022 in accordance with the Act. Council received 12 submissions to the Amendment. Three submissions objected to, or requested changes to the Amendment. An additional three submissions were received from referral authorities that did not object to the Amendment subject to conditions being included on the draft planning permit. The remaining submissions were received from referral authorities or neighbouring landowners that did not object to or supported the Amendment.

Council officers have considered all submissions, and referred all submissions to an independent Planning Panel for consideration under Section 22 of the Act. A Directions Hearing for the Amendment, alongside Amendment C239gshe which was exhibited concurrently with Amendment C233gshe, took place on the 23 August 2022. Council officers were able to resolve all submissions received to the Amendment after the Directions Hearing took place. As a result, a panel hearing for Amendment C233gshe was not required and the panel considered submissions “on the papers”.

To address concerns raised in submissions, Council officers proposed post-exhibition changes to the draft planning permit to include additional requirements around the consideration and retention of native vegetation, and the installation of fencing on the boundary with the adjacent Shepparton Regional Park.

The Panel concluded that it is appropriate to grant a planning permit for the proposed subdivision and that the conditions included on the exhibited draft planning permit, with the proposed post-exhibition changes, are appropriate. The Panel recommended that Amendment C233gshe be adopted as exhibited and that draft Planning Permit 2021-208 be amended to include conditions for protection of native vegetation and guide the erection of fencing.

Council is now required under Section 29 of the Act to consider all submissions, the Panel Report and the Amendment. If Council resolves to adopt the Panel’s recommendations and the Amendment with post-exhibition changes, the Amendment must be submitted to the Minister for Planning for approval.

Report Detail

Greater Shepparton City Council received a request for a rural residential development at 480 Raftery Road, Kialla (see Figure One). The land comprises 12.68 hectares of land within the Rural Living Zone and the Urban Floodway Zone. Part of the land is affected by the Bushfire Management Overlay, the Land Subject to Inundation Overlay and the Specific Controls Overlay (Schedule 3).



Figure One: locality map.

The Amendment seeks to amend the Schedule to Clause 35.05 Rural Living Zone to amend the minimum subdivision area from eight to two hectares for 480 Rafferty Road, Kialla. This will facilitate planning permit application 2021-208 for the subdivision of the land into six lots to facilitate a rural residential development (see Figure Two).



Figure Two: Draft subdivision layout for 480 Rafferty Road, Kialla.

The planning permit application is for:

- a six-lot subdivision of land in the Rural Living Zone;
- subdivision in the Floodway Overlay;
- subdivision in the Land Subject to Inundation Overlay; and

- subdivision in the Bushfire Management Overlay.

The Schedule to the Rural Living Zone in the Greater Shepparton Planning Scheme (Planning Scheme) specifies a minimum lot size of eight hectares for subdivision of land in the Rural Living Zone. The Schedule may be amended via a planning scheme amendment, subject to the preparation of supporting background documentation, to reduce the minimum subdivision size.

The development of the land is consistent with the findings and recommendations of the *Greater Shepparton Housing Strategy 2011 (GSHS)*, which states; *'rural and low density residential land will contribute to future housing diversity in Greater Shepparton and the Council is committed to providing for this form of housing in location that rural living is appropriate, that is locations that will not further impact on productive agricultural land.'*

The GSHS included the land within the settlement boundary of the Kialla and Shepparton South Framework Plan. The findings of the GSHS were implemented into the Greater Shepparton Planning Scheme via Amendment C93, which incorporated the Framework Plan at Clause 02.04 of the Planning Scheme to guide future rezoning or development of residential land. Amendment C93 also included the land within Investigation Area 2 along Raftery Road identifying the land for possible future rural residential development subject to the completion of an investigation.

Clauses 02.03-1 and 02.04 of the Planning Scheme provide the strategic justification for the consideration of a rural residential development of the land.

Council has commenced the investigations for the majority of Investigation Area 2, which identifies the majority of the Investigation Area, excluding 480 Raftery Road and including additional land to the south, as the Kialla West Growth Corridor. The investigation for the land at 480 Raftery Road is considered to be physically separate from the Kialla West Growth Corridor owing to the presence of Raftery Road itself and the Goulburn-Murray Water irrigation channel that runs parallel to Raftery Road. This allows the land to be investigated and developed independently without compromising the strategic residential development potential of the remainder of Investigation Area 2.

As a consequence, the investigation for the land at 480 Raftery Road was considered separately from the Growth Corridor. Bushfire, cultural heritage, ecological, flood, land capability and soil contamination studies have been undertaken by the landowner and have determined that the land is suitable for a six lot subdivision to facilitate a rural residential development. Council officers consider the investigation of this land to be complete.

To facilitate the development, Council officers have prepared combined planning scheme amendment C233gshe to facilitate the development of the land for a six-lot rural residential development under planning permit application 2021-208.

Amendment C233gshe was exhibited concurrently with proposed planning scheme amendment C239gshe, which seeks to rezone 271 hectares of land in Kialla within Investigation Area 2 from the Rural Living Zone to the Urban Growth Zone. Both Amendments apply to adjacent land within Investigation Area 2. Amendment C239gshe will also amend the Kialla and Shepparton South Framework Plan to reflect the preparation of Amendment C233gshe by changing the designation for the land at 480 Raftery Road, Kialla to a rural living area.

Exhibition and Submissions

The Amendment was exhibited between 16 June 2022 and 18 July 2022 in accordance with the Planning and Environment Act 1987. Council received 11 submissions to the Amendment during the exhibition period and one late submission after exhibition. Seven of the submissions received were from referral authorities and nearby landowners, which either supported, did not object to or request changes to the proposed Amendment. This included submissions from:

- Goulburn Broken Catchment Management Authority; and
- Goulburn Valley Water.

Three submissions were received from referral authorities that did not object to the proposed Amendment subject to conditions being placed on the draft permit. These are:

- Country Fire Authority;
- Department of Environment, Land, Water and Planning; and
- Goulburn Murray Water.

Two submissions were received that objected to or requested changes to the Amendment.

Comments raised in submissions related to the impacts of residential development on the site, especially around the retention of native vegetation. As Council received submissions that objected to or requested changes to the Amendment, Council officers requested that the Minister for Planning appoint an independent planning panel to consider submissions as required under Section 22 of the Act. A Directions Hearing for the Amendment was held on 23 August 2022 alongside Amendment C239gshe, which was exhibited concurrently with Amendment C233gshe.

Council officers responded to all of the concerns raised in submissions and were able to resolve all submissions to the Amendment after the directions hearing took place. In response to concerns raised in submissions, Council officers are proposing post-exhibition changes to the Amendment. Council officers' response to submissions can be found in Attachment One: *Greater Shepparton Amendment C233gshe Delegate's Report - August 2022*.

Post-exhibition Changes

To respond to comments that were raised in submissions, Council officers are proposing three post-exhibition changes that relate to the conditions on the draft planning permit application.

The first post-exhibition change is to include an additional sub-bullet point in the condition relating to the need for a future section 173 agreement to require landowners to protect and retain native vegetation on site in accordance with the requirements of the Planning Scheme. This will inform future landowners of their obligations to protect native vegetation on the site. The following text is proposed to be included in the draft planning permit:

Protection of Native Vegetation

Property owners are required to retain and protect significant native vegetation in accordance with the provisions of the Greater Shepparton Planning Scheme and the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning 2017).

The second post-exhibition change is to include an additional condition on the draft planning permit relating to fencing requirements adjoining the Shepparton Regional Park. The following text is proposed to be included in the draft planning permit:

Parks Victoria Requirements

Before the issue of a statement of compliance, the shared boundary with Shepparton Regional Park must be fenced to the satisfaction of the responsible authority at the applicant's expense. The fencing must:

- *be erected on the boundaries of the land;*
- *be stock and dog proof; and*
- *contain only one pedestrian gate per freehold parcel.*

The third post-exhibition change is to include an additional sub-bullet point in the condition relating to the future section 173 agreement. It will require landowners not to construct fences on the side boundaries between any lots within the designated woodland area. The following text is proposed to be included in the draft planning permit:

Fencing

No fences may be constructed on the side boundaries between any of the Lots within the designated "Woodland" area as shown on the endorsed Fencing Plan being Drawing No. 21056/04 prepared by Chris Smith and Associates, unless otherwise agreed in writing by the Responsible Authority, which will only give permission to construct a fence on those boundaries if the owner/s pay the appropriate offset amount for any vegetation loss associated with the construction of that fence.

The Panel concluded that it is appropriate to grant a planning permit for the proposed subdivision, and that conditions included on the exhibited draft planning permit, with additions proposed by Council to respond to submissions, are appropriate. The Panel recommended the following:

1. Amendment C233gshe to the Greater Shepparton Planning Scheme be adopted as exhibited.
2. Amend draft Planning Permit 2021-208 to include the following conditions for the protection of native vegetation and fencing:

Section 173 Agreement – Protection of Native Vegetation

Property owners are required to retain and protect significant native vegetation in accordance with the provisions of the Greater Shepparton Planning Scheme and the *Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017)*.

Section 173 Agreement – Fencing

No fences may be constructed on the side boundaries between any of the Lots within the designated "Woodland" area as shown on the endorsed Fencing Plan being Drawing No. 21056/04 prepared by Chris Smith and Associates, unless otherwise agreed in writing by the Responsible Authority, which will only give permission to construct a fence those boundaries if the owner/s pay the appropriate offset amount for any vegetation loss associated with the construction of that fence.

Parks Victoria Requirements

Before the issue of a statement of compliance, the shared boundary with Shepparton Regional Park must be fenced to the satisfaction of the responsible authority at the applicant's expense. The fencing must:

- be erected on the boundaries of the land;
- be stock and dog proof; and
- contain only one pedestrian gate per freehold parcel.

3. Planning Permit 2021-208 be granted to allow subdivision of the land at 480 Raftery Road, Kialla into six lots subject to conditions.

The Panel Report is located in Attachment Two: *Greater Shepparton Amendment C233gshe and Planning Permit Application 2021-208 Panel Report - November 2022*. Council officers support the recommendations of the Panel and the post-exhibition changes can be found in Attachment Three: *Greater Shepparton Amendment C233gshe Explanatory Report – Adoption* and Attachment Four: *Planning Permit 2021-208 – Post-exhibition changes*.

Council is now required under Section 29 of the Act to consider submissions, the Panel Report and the Amendment. If Council resolves to adopt the Panel’s recommendations and the Amendment with post-exhibition changes, the Amendment must be submitted to the Minister for Planning for approval.

Council Plan/Key Strategic Activity

VIBRANT and DIVERSE ECONOMY

We will drive the visitor economy by growing visitor experiences and major events that provide employment and other opportunities to the community. Our economic development will focus on establishing a strong, adaptive, sustainable and thriving region supported by agriculture and a diverse range of industries.

3.6 Attract people to live, work, study and remain in our region.

INFRASTRUCTURE and TECHNOLOGY

We will focus on the planning of our region’s requirements to enable delivery of technology and infrastructure to meet the current and future needs of the community.

4.10 Progress housing and business development opportunities.

Risk Management

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

In accordance with Ministerial Direction No. 15, under Section 29 of the Act, Council must make a decision to either adopt or abandon the proposed Amendment within 60 business days of the closing date for submissions.

It is recommended that Council resolve to adopt the proposed Amendment with the post-exhibition changes outlined in this report.

Policy Considerations

The planning scheme amendment is supported the *Greater Shepparton Housing Strategy 2011* and the Planning Scheme, which calls for Council to provide rural residential development in appropriate locations that will not further impact on agricultural land.

Financial Implications

The *Planning and Environment (Fees) Regulations 2016* sets the statutory fees for the preparation, exhibition and adoption of planning scheme amendments. Any costs associated with the amendment will be borne by the proponent.

Legal/Statutory Implications

The procedures associated with this amendment comply with the legislative requirements of the *Planning and Environment Act 1987*.

Environmental/Sustainability Impacts

The Amendment will result in positive environmental impacts as it will seek to protect native vegetation. The site contains significant remnant Riverine Grassy Woodland, which is situated within the Urban Floodway Zone and will not be developed for residential purposes. A land capability assessment was undertaken that recommended that secondary wastewater treatment and effluent disposal be implemented to manage wastewater on site, which will pose a low cumulative risk to human health and the surrounding environment. Post-exhibition changes to the planning permit application seek to enhance protection of native vegetation by including conditions on the section 173 agreement to require future land owners to retain native vegetation, offset any losses as per the requirements of the Planning Scheme, and to prevent fences from being constructed in significant woodland areas.

Social Implications

The Amendment will result in positive social effects by providing for a wider variety of housing diversity in the Kialla and Shepparton area. In particular, it will provide rural residential lots that are well located to facilities and amenities. The provision of serviced lots for future housing provides a positive outcome in contributing to Kialla's population.

Economic Impacts

The Amendment will result in positive economic impacts by providing for new rural residential lots within Greater Shepparton. The *City of Greater Shepparton Residential Land Supply & Demand Assessment 2022* found that the municipality has had a considerable increase in rural residential activity since 2019. The development of the land for residential purposes creates employment opportunities during the planning and construction phases, as well as attracting new resident opportunities that will make a positive contribution to the local economy.

Consultation

Council officers have engaged with referral authorities as part of the planning permit process to seek their inputs and obtain conditions for the permit. The planning scheme amendment process exhibited between 16 June and 18 July 2022 in accordance with the *Planning and Environment Act 1987*. This included:

- letters sent to land owners and occupiers on 13 June 2022;
- letters sent to relevant referral authorities on 14 June 2022;
- letters sent to prescribed ministers on 14 June 2022;
- notice in the Shepparton News on 17 June 2022;
- notice in the Victoria Government Gazette on 16 June 2022;
- notice on Greater Shepparton City Council website;
- notice on Department of Environment, Land, Water and Planning website; and
- a copy of the exhibition documentation was placed in the foyer of the Council offices at 90 Welsford Street, Shepparton, and on Greater Shepparton City Council website.

12 submissions were received from referral authorities and nearby landowners. The Amendment was referred to an independent planning panel to consider submissions and provide advice on the Amendment. The Panel has provided Council with a panel report supporting the Amendment and Council officers' proposed post-exhibition changes.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

Objectives:

- To provide for a broader range of dwelling densities and types of housing to meet current and future community needs and differing lifestyles.
- To provide a restricted amount of land for rural residential purposes, without impacting on the long-term growth potential of urban centres and productive agricultural land.

b) Other strategic links

- Greater Shepparton Housing Strategy 2011

Conclusion

Council officers have prepared proposed planning scheme amendment C223gshe, which will facilitate the development of land at 480 Raftery Road, Kialla for rural residential purposes. The Amendment seeks to amend the Schedule to Clause 35.02 Rural Living Zone to specify the minimum subdivision size of two hectares, which will enable a six lot subdivision on the site.

The Amendment was exhibited between 16 June and 18 July 2022 in accordance with the *Planning and Environment Act 1987*, and 12 submissions were received. The Amendment was referred to an independent planning panel to consider submissions and provide advice on the Amendment. The Panel has provided Council with a panel report supporting the Amendment and Council officers' proposed post-exhibition changes.

Council is now required to make a decision on Amendment C233gshe. Council officers recommend that Council adopt Amendment C233gshe with post-exhibition changes and submit the Amendment to the Minister for Planning for approval.

Attachments

1. Greater Shepparton Amendment C233gshe Delegate's Report - August 2022 [12.2.1 - 8 pages]
2. Greater Shepparton Amendment C233gshe and Planning Permit Application 2021-208 Panel Report - November 2022 [12.2.2 - 41 pages]
3. Greater Shepparton Amendment C233gshe Explanatory Report Adoption [12.2.3 - 7 pages]
4. Planning Permit 2021-208 - Post-exhibition changes [12.2.4 - 13 pages]

13 Infrastructure Directorate

13.1 Kerbside Transition Roll Out - Project Plan and Community Engagement Communications and Education Plan

Author Manager Waste
 Approved by Director Infrastructure
 Purpose For Decision at a Council Meeting

Disclosures of Conflict of Interest in Relation to this Report

Under section 130 of the *Local Government Act 2020* officers, delegates and persons engaged under a contract providing advice to Council must disclose any conflicts of interests.

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.

RECOMMENDATION

That the Council note the Project Plan for the Kerbside Transition and the Community Engagement Communications and Education Plan for the Kerbside Transition roll out.

Executive Summary

Following the adoption of the Kerbside Transition Plan at the 19 July 2022 Council Meeting, Council Officers have developed a comprehensive project plan, as well as a community engagement communications and education plan for the roll out.

The project plan provides the details on how Council will conduct the initial roll out to the townships of Tatura and Kialla in the first instance, followed by the rest of the municipality approximately 6 months later. This staged approach was developed to take the learnings from the initial stage into the later stage of the project roll out. The community engagement communications and education plan has also been developed in conjunction with the project plan. This plan provides the detail of methods on which the community will be informed, educated and engaged with over the period of the roll out.

An internal working group has been established consisting of Council officers from across the organisation from various departments. This working group has provided the necessary input and detail to develop the plans attached to this report. This has been particularly important as it provides the necessary building blocks for access to community groups and the right internal processes to ensure the success of the project.

Report Detail

1. BACKGROUND INFORMATION

In February 2020 the State Government released its Recycling Victoria – a new economy document and a commitment to a \$300 million investment into recycling collection, processing and reuse in Victoria to address the urgent challenges that caused significant disruption to Victoria’s recycling services and to make fundamental changes to help prevent these issues from reoccurring.

Recycling Victoria aims to disrupt the current waste collection and disposal paradigm by placing emphasis and strengthening the foundations of and toward the creation of a circular economy. By disrupting the current linear-economy mindset – take and throw away, our pivot toward an economy that not only seeks, but encourages, the continual reduction of environmental impacts along the production-consumption nexus will enable economic growth through more productive uses of our natural resources. The transition to a more inclusive, circular economy will create positive effects across the economic, social and environmental pillars of our society.

Recycling Victoria’s investment will create jobs and economic growth, reduce waste and pollution whilst establishing a robust recycling system and the complete overhaul of Victoria’s recycling system will change the very way Victoria does business, as the State engages in new efforts to reduce, reuse, repair and recycle.

Recycling Victoria’s 10-year plan contains four key drivers:

- By 2030 a new 4-bin waste and recycling system across Victoria
- By 2023 the introduction of a container deposit scheme
- The investment of \$100 million to strengthen Victoria’s waste and recycling industry
- Regulate the waste and recycling sector as an essential service with a new waste and recycling Act and waste authority.

As part of this plan, the government is proposing that all 79 Councils in Victoria move to a 4-bin system. These 4 bins will be standardised across the state, including:

- The separate collection of glass, either via a kerbside service (bin with purple lid), drop-off facilities or a combination of both by 2027;
- The continuation of a commingled recycling service for paper, plastic and metals, (bin with yellow lid);
- The separate collection of Food Organics and Garden Organics (FOGO), either via a kerbside service (bin with light green lid), drop off facilities or a combination of both by 2030; and
- The continuation of residual garbage collection, (bin with a red lid).

The kerbside reforms include the standardisation of bin lids and also the introduction of a four-bin system to align waste user systems state-wide. This system will comprise of general waste (red lid), comingled recycling (yellow lid), glass (purple lid) and organics (green lid).

The introduction of the separate glass bin has been designed to reduce the amount of contamination and increase recyclable content in the recycling system. By collecting glass separately, it ensures up to 90% of glass will be recycled. Currently in the comingled bin approximately 45% is only recycled.

2. REPORT DETAIL

At the July, 2022 OCM the Kerbside Transition Plan was adopted by Council. This plan detailed the proposed changes to the current kerbside configuration to have the red lid bin

to be collected fortnightly instead of weekly, in order to reduce waste to landfill, and address the contamination in this bin with a high amount of recyclable material.

The green lid bin was also changed to be collected weekly instead of fortnightly to encourage the further separation of food and garden organics from the red lid bin. The yellow lid recycling bin will continue to be collected fortnightly however glass will no longer be accepted in this bin. A separate purple lid bin collected monthly will be roll out in 2024, following the implementation of the container deposit scheme (CDS) in 2023.

This report has been prepared to address the third motion moved at the July OCM which requested that Officers provide further detail on how the roll out will proceed and the community engagement and education that will support the roll out.

Council officers are also working on the Kerbside Collection Waste Policy which will set out the detail on how waste services will be managed, such a medical waste and nappies. This will come to Council separately.

2.1 Project Plan

A detailed project plan has been developed following the adoption of the kerbside transition plan. The project plan sets out the expected timeframes in which the change in frequency for the initial staged roll out. The small rural township of Tatura and Kialla have been selected to be the first areas to see the frequency change of the red and green lid bins. The project plan provides the details on the roles and responsibilities as well as the framework on the procurement of bins and services pertaining to the project.

This is expected to start in March 2023 and run for approximately 6 months before the rest of the municipality is then changed as well. Following these changes, the purple lid bin will be implemented in March 2024.

Council officers have been working with the current kerbside collection contractor Veolia to make these changes to the current contract. The proposed timeframes may change depending on contractor availability of trucks to service the changes.

2.2 Community Engagement Communications and Education Plan

The community engagement communications and education plan, provides the detail on the methodology of how Council will provide information on the roll out, as well as how we will educate the community going forward. This plan provides the necessary support to the community to ensure the success of the project. The plan has taken into consideration the stage approach and how communications will be sent out informing the community.

This plan will cover all forms of media engagement with the community to ensure that the messages are consistent clear and easy to understanding. Prior to the project beginning Council's waste education team will be focusing on the educating the community about the use of their bins and address any misinformation. 'Waste Wednesdays' is an example of how the we are currently starting our engagement on the transition. It is anticipated that the project will start with a launch event early 2023 to celebrate the upcoming changes.

Council Plan/Key Strategic Activity

COMMUNITY LEADERSHIP

We will prioritise leadership in the community to celebrate our cultures, people and places that makes Greater Shepparton a unique, vibrant, diverse and liveable region.

1.1 Council to take an active leadership role for access and inclusion in our community.

1.2 Council to work with stakeholders to support leadership within our multicultural communities.

1.3 Council services will be realistic and delivered in an efficient and effective manner with

the aim of continuously looking for delivery that matches our ever-changing environment.

INFRASTRUCTURE and TECHNOLOGY

We will focus on the planning of our region's requirements to enable delivery of technology and infrastructure to meet the current and future needs of the community.

4.8 Plan, prioritise and communicate asset maintenance and new asset delivery.

ENVIRONMENT and CLIMATE EMERGENCY

We will prioritise our environment and take urgent action to reduce emissions and waste in order to protect public health and create a region that mitigates and adapts to climate change.

5.2 Council will focus on emission reductions committing to a Zero Emissions 2030 Target.

5.3 Council commits to supporting the establishment of a circular economy within Greater Shepparton.

5.5 Council commits to working with our community to deliver climate safe future.

5.6 Reduce carbon emissions in our community.

5.8 Support a circular economy and reduce waste to landfill.

Risk Management

There are a number of actions that are fundamental for the successful implementation of a weekly green lid bin collection and a fortnightly red lid bin collection, as well as a glass kerbside collection service including:

- Developing a comprehensive project plan.
- Developing and implementing a well-resourced education and promotional campaign with a whole of organisation approach;
- Ensuring adequate timeframes for tendering for the collection and receipt contracts and for the purchasing and delivery of glass bins;
- Timing of the changes – in particular, avoiding holiday periods when many residents may be away on holidays; and
- Conducting ongoing monitoring for contamination.
- If these actions are overlooked, it is likely to result in poor participation rates and contaminated FOGO and glass materials in kerbside bins.
- Offering waste audits to help residents reduce waste in their bin and look at further diversion to other bins or services.

There are a number of possible risks with the staged roll out approach to be considered;

- Confusion on boundary of the collection zone that has changed. This may result in people putting their bins out on the wrong week and increased customer service calls as a result.
- Letter drops to the rate payer and the household on occasion letters may not reach properties especially in the rural areas where there are no mailboxes.

Policy Considerations

Waste Services Policy – This policy is currently being updated to reflect the proposed changes to the service.

Financial Implications

Budget Item	Budget Item	Budget Amount (ex GST)
DELWP – Fund base allocation funding	Transition Program Costs	\$95,613
DELWP – Additional Funding	Updated Transition Program Costs	\$304,387**
Sustainability Victoria (Recycling Victoria) - Education funding	Communication	\$74,918
DEWLP Early adopters funding for glass (by end of 2024)	Glass bin support	Potential funding unknown amount
Greater Shepparton City Council	Project	\$1,900,000
Greater Shepparton City Council	Education Support	\$100,000
Total		\$2,474,918

**Order of magnitude

Council will be receiving State Government funding to partially fund the implementation of the fourth bin kerbside service changes, in the range of \$376,000 - \$407,000. If Council chooses not to pursue a fourth bin service, this funding will be revoked. Council has also applied and been successful for \$82,409.80 of State funding to deliver a comprehensive education program to support the kerbside transition plan. Council has also allocated an additional \$100,000 to support the resourcing of the resources required in the rollout of the transition plan.

The cost to change the services is expected to be \$1.9M, including bin purchase and delivery. The new charges would be included in the 2022/23 budget, but not imposed until the service is operational.

Collaborative Procurement

The regional collaborative procurement tender is currently being evaluated. Council has tendered all the kerbside collection services through this tender process. The costs modelled in this report on the bin prices are subject to change once the evaluation is complete, and new services are contracted.

Legal/Statutory Implications

There are no Legal or Statutory implications as a result of this report.

Environmental/Sustainability Impacts

There are significant environmental impacts associated with this report. By changing the residual (red lid bin) to a fortnightly collection reduces the amount of waste going to landfill by 30%.

Increasing the collection of the organics bin (green lid) to weekly recovers up to 30% more material that would have otherwise ended up in landfill creating toxic greenhouse gas emissions and further climate change impacts.

A separate glass service creates cleaner products in the yellow lid bin with less glass fines contamination. This reduces the amount of waste from the recycling process. A separate glass collection allows for glass to be recovered 40% more than it would be in the yellow lid bin.

Social Implications

There are social implications with the change in bin collection frequencies. These include disadvantages to those with medical waste, foster care family's and families that use disposable nappies. However, Council will address these in the Kerbside Collection Policy.

Economic Impacts

By reducing the red lid bin to fortnightly the cost to resident goes down. EPA levies on landfill waste are set to double from what they were in 2019. Landfill waste will continue to attract higher and higher fees. By removing the glass from the yellow lid bin, the cost also continues to go down, as there is less contaminated waste from the recycling process which Council would be inevitably charged for.

Consultation

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

Strategic Links

a) Greater Shepparton 2030 Strategy
Nil.

Conclusion

To support the kerbside transition, a project plan as well as a community engagement communications and education plan has been developed these plans are attached to this report for Council endorsement.

Following Council's endorsement Council officers will be implementing the both plans.

Attachments

Nil

13.2 Award of Contract Number 2239 - Construction of Florence Street Slip Lane

Author Project Manager
 Approved by Director Infrastructure
 Purpose For Decision at a Council Meeting

Disclosures of Conflict of Interest in Relation to this Report

Under section 130 of the *Local Government Act 2020* officers, delegates and persons engaged under a contract providing advice to Council must disclose any conflicts of interests.

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.

RECOMMENDATION

That the Council:

- 1. accept the Tender submitted by Apex Earthworks Pty Ltd, Contract Number 2239, Construction of the Florence Street Slip Lane for the lump sum price of \$1,054,905.03 (including GST); and**
- 2. authorise the Chief Executive Officer to execute such documents as are necessary to give effect to this resolution.**

Executive Summary

Council have identified the need for the construction of a left turn slip lane from Florence Street onto Benalla Road in Shepparton. With continued development within the area, it was recognised the layout of the intersection no longer has the capacity to provide the sufficient traffic flow required.

The project is 50/50 jointly funded by the Council and the Federal Government, Heavy Vehicle Safety and Productivity Program.

The tender was publicly advertised with one submission received from a local contractor.

The Tender evaluation panel recommends that Council accept the Tender submitted by Apex Earthworks Pty Ltd for a total lump sum price of \$1,054,905.03 (including GST).

Contract Details

The works include but are not limited to -

- Site establishment and preparations
- Quality documentation
- Traffic and pedestrian management
- Service locations and proving

- Set out control
- Demolition works
- Road pavement/civil upgrades
- Water reticulation replacement
- Concrete and footpath works
- Incidental works
- Stormwater drainage
- Cooperation and allowance for service upgrades including but not limited to water main, power, fibre optic cables and Telstra including decommissioning and reinstatement
- Removal and reinstatement of traffic signal poles
- Line marking
- Landscaping
- Reinstatement works

Tenders

Tenders were advertised on Friday 23 September and closed on Wednesday 2nd November 2022.

One Tender was received from:

Tenderers
Apex Earthworks Pty Ltd

Tender Evaluation

Tenders were evaluated by:

Title	Branch
Panel Leader, Project Manager	Projects
Team Leader	Projects
Project Manager	Projects
Procurement Advisor	Contracts & Procurement

Evaluation Criteria

Tenders were evaluated on the following criteria:

Evaluation Criteria	Weighting
Price	40%
Methodology	10%
Schedule / Works Program	15%
Relevant Experience / Capability	15%
Environmental Management	10%
Benefit to Local Region	10%
OH&S	Pass / Fail
RRV Prequalification	Pass / Fail
GVW Accreditation	Pass / Fail

Apex Earthworks Pty Ltd (“Apex”) submitted a conforming Tender. Apex and their subcontractors are accredited to work with all relevant authorities. They are a local contractor who has a proven history of completing works of a similar type for Council, VicRoads and Goulburn Valley Water.

The Tender submission is below the approved project budget and the panel recommends Apex are awarded the contract for the aforementioned works. Apex's submission was within the construction estimate provided during the design phase.

Council Plan/Key Strategic Activity

VIBRANT and DIVERSE ECONOMY

We will drive the visitor economy by growing visitor experiences and major events that provide employment and other opportunities to the community. Our economic development will focus on establishing a strong, adaptive, sustainable and thriving region supported by agriculture and a diverse range of industries.

3.5 Encourage and facilitate investment and expansion.

INFRASTRUCTURE and TECHNOLOGY

We will focus on the planning of our region's requirements to enable delivery of technology and infrastructure to meet the current and future needs of the community.

4.4 In addition to extending our shared path network, Council intends to upgrade the shared path network to ensure access for all abilities.

4.8 Plan, prioritise and communicate asset maintenance and new asset delivery.

Risk Management

This project is considered low risk.

Policy Considerations

There are no policy conflicts in this report.

Financial Implications

A 2022/23 capital budget allocation of \$1,699,000 ex-gst has been allocated to this project. The Project is 50/50 jointly funded by the Council and Federal Government, Heavy Vehicle Safety and Productivity Program.

The Contractor's quoted price of \$959,004.57 GST exclusive represents a positive variance of +\$739,995.43 GST exclusive. There has already been expenditure committed to the project of \$530,708 which leaves a balance of \$1,168,292 therefore, leaving a surplus of \$209,287.43 after contract award. The surplus is for works outside of this contract.

	Approved Budget Estimate for this proposal ¹ GST Exclusive \$	This Proposal GST Exclusive \$	Variance to Approved Budget Estimate GST Exclusive \$	This Proposal GST Inclusive ² \$
Revenue	\$1,699,000		+\$739,995.43	
Expense		\$959,004.57		\$1,054,905.03
Net Total	\$1,699,000	\$959,004.57	+\$739,995.43	\$1,054,905.03

Legal/Statutory Implications

The Request for Quotation process has been carried out according to the requirements of Sections 108 and 109 of the Local Government Act 2020.

In accordance with Section 109(2) of the Local Government Act 2020, Council has considered opportunities for collaboration with other Council and public bodies. In this

instance, however, due to the specific location, nature of the works being undertaken and current market conditions, opportunities for collaboration were not available. Council will source any associated goods or services from existing collaborative arrangements where possible

Environmental/Sustainability Impacts

Environmental sustainability formed part of the criteria during the Tender process and assessment.

Social Implications

The contractor is required to consider usage of the area and the day-to-date impact of the works under contract on the community during delivery.

Economic Impacts

The recommended contractor is a local business and employs the majority of staff from within the Greater Shepparton municipality. The contractor has indicated that they will be using local sub-contractors and purchasing materials locally where possible for works under this contract.

Consultation

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

Strategic Links

a) Greater Shepparton 2030 Strategy

- Infrastructure – The provision and restructure of urban and rural infrastructure to enhance the performance of the municipality and facilitate growth.

Conclusion

Apex Earthworks Pty Ltd have submitted a conforming tender and are a local contractor who have completed various projects of a similar nature for Council, VicRoads and Goulburn Valley Water.

The panel is satisfied that Apex Earthworks Pty Ltd have the capability and experience to complete the works under contract within the stipulated timeframe. The panel recommends Council accept the Tender submitted by Apex Earthworks Pty Ltd for the lump sum price of \$1,054,905.03 (including GST).

Attachments

Nil

13.3 Award of Contract Number 2261 - Construction of Andrew Fairley Avenue/Lockwood Road/Old Dookie Road Intersection

Author Manager Projects
 Approved by Director Infrastructure
 Purpose For Decision at a Council Meeting

Disclosures of Conflict of Interest in Relation to this Report

Under section 130 of the *Local Government Act 2020* officers, delegates and persons engaged under a contract providing advice to Council must disclose any conflicts of interests.

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.

RECOMMENDATION

That the Council:

1. **award Contract Number 2261 Construction of Construction of Andrew Fairley Avenue/Lockwood Road/ Old Dookie Road Intersection Upgrade to Mawson Constructions Pty Ltd for the lump sum price of \$2,049,378.43 (including GST); and;**
2. **authorise the Chief Executive Officer to execute such documents as are necessary to give effect to this Resolution**

Executive Summary

This contract is for works associated with the construction of a signalised intersection upgrade and improvement works at Andrew Fairley Avenue, Lockwood Road and Old Dookie Road, Shepparton.

The tender was publicly advertised with five submissions received, three local tenders. Mawson Construction Pty Ltd submitted a conforming tender, demonstrated capacity and capability to carry out the works under this contract and received the overall highest moderated score.

Contract Details

The scope of works include:

- Demolition and disposal of existing road pavement, kerb, drainage etc.
- Stripping and excavation, or fill, to achieve design levels.
- Ground improvement works.
- Construction of new road pavement road pavement, crossing and islands, kerb and stormwater drainage.

- Line marking, signage and guardrails as detailed.
- Construction of new water main, and decommissioning of old water main to Goulburn Valley Water (GVW) requirements and coordination with GVW nominated representative.
- Construction of protection cover slab over Telstra assets.
- Installation and commissioning of signalised traffic signal system (Controller supplied by Principal via Regional Roads Victoria).
- Electrical reticulation from nominated point of supply to signals control box requirements.
- Construction of shared paths as prescribed on the drawings.
- Private property works. Relocation of existing entrance including removal and relocation of gates from Old Dookie Road to Lockwood Road.

Tenders

Tenders were received from:

Tenderers
Mawson Constructions Pty Ltd
Excell Gary Bruni
Keystone Civil
Cleaves Earthmoving & Drainage Pty Ltd
Apex Earthworks Pty Ltd

Tender Evaluation

Tenders were evaluated by:

Title	Branch
Project Manager - AM	Project Management Office
Project Manager - AG	Project Management Office
Project Manager - DF	Project Management Office

Evaluation Criteria

Tenders were evaluated on the following criteria:

Evaluation Criteria	Weighting
Price	40%
Capacity to Complete – Schedule & Methodology	20%
Relevant past experience and capability	20%
Environmental Sustainability	10%
Benefit to the Local Region	10%
VicRoads Accreditation	Pass/Fail
OH&S System	Pass/Fail

The tender was publicly advertised with five submissions received, three local tenders. Mawson Construction Pty Ltd submitted a conforming tender, demonstrated capacity and capability to carry out the works under this contract and received the overall highest moderated score, although they were the second lowest tender price. Mawson Construction

Pty Ltd provided a detailed methodology that provided understanding of the site constraints and scope of works and meet the required timeframes.

Council Plan/Key Strategic Activity

VIBRANT and DIVERSE ECONOMY

We will drive the visitor economy by growing visitor experiences and major events that provide employment and other opportunities to the community. Our economic development will focus on establishing a strong, adaptive, sustainable and thriving region supported by agriculture and a diverse range of industries. 3.5 Encourage and facilitate investment and expansion.

INFRASTRUCTURE and TECHNOLOGY

We will focus on the planning of our region's requirements to enable delivery of technology and infrastructure to meet the current and future needs of the community. 4.4 In addition to extending our shared path network, Council intends to upgrade the shared path network to ensure access for all abilities. 4.8 Plan, prioritise and communicate asset maintenance and new asset delivery.

Risk Management

This project is considered low risk.

Policy Considerations

There are no policy conflicts in this report.

Financial Implications

A 2022/23 capital budget of \$1,815,391 ex-gst has been allocated to this project. The Project is funded by the Council and Federal Government, Heavy Vehicle Safety and Productivity Program.

The Contractor's quoted price of \$1,863,071.30 GST exclusive represents a negative variance of -\$47,680.03 GST exclusive. This amount will be funded from the 22/23 overall capital program.

	Approved Budget Estimate for this proposal ¹	This Proposal GST Exclusive	Variance to Approved Budget Estimate	This Proposal GST Inclusive ²
	\$	\$	\$	\$
Revenue	1,815,391			
Expense		1,863,071.30		2,049,378.43
Net Total	1,815,391	1,863,071.30	-47,680.03	

¹ Budgets are GST exclusive

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

Legal/Statutory Implications

The Request for Quotation process has been carried out according to the requirements of Sections 108 and 109 of the Local Government Act 2020.

In accordance with Section 109(2) of the Local Government Act 2020, Council has considered opportunities for collaboration with other Council and public bodies. In this instance, however, due to the specific location, nature of the works being undertaken and current market conditions, opportunities for collaboration were not available. Council will

source any associated goods or services from existing collaborative arrangements where possible.

Environmental/Sustainability Impacts

Environmental sustainability formed part of the criteria during the tender process and assessment.

Social Implications

The contractor is required to consider usage of the area and the day-to-date impact of the works under contract on the community during delivery.

Economic Impacts

The recommended contractor is a local business and employs the majority of staff from within the Greater Shepparton municipality. The contractor has indicated that they will be using local sub-contractors and purchasing materials locally where possible for works under this contract.

Consultation

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

Strategic Links

a) Greater Shepparton 2030 Strategy

Infrastructure – The provision and restructure of urban and rural infrastructure to enhance the performance of the municipality and facilitate growth.

Conclusion

Mawson Constructions Pty Ltd have submitted a conforming tender and have been evaluated as the highest scoring tenderer. Mawson Constructions Pty Ltd are a local contractor who have completed various projects of a similar nature for Council and VicRoads.

The panel is satisfied that Mawson Constructions Pty Ltd have the capability and experience to complete the works under contract within the stipulated timeframe. The panel recommends Council accept the Tender submitted by Mawson Constructions Pty Ltd for the lump sum price of \$2,049,378.43 (including GST).

Attachments

Nil

14 Confidential Management Reports

14.1 Designation of Confidentiality of Information - Attachments

The following report attachments have 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 13.2 - Kerbside Transition Roll Out - Project Plan and Community Engagement Communications and Education Plan
- Item 13.3 - Award of CN2239 - Construction of Florence Street Slip Lane
- Item 13.4 - Award of CN2261 - Construction of Andrew Fairley Avenue/Lockwood Road/Old Dookie Road Intersection

These documents contain 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

16.1 Councillor Activities

16.1.1 Councillor Activities - October 2022

Author Team Leader Governance
 Approved by Director Corporate Services
 Purpose For Noting

Disclosures of Conflict of Interest in Relation to this Report

Under section 130 of the Local Government Act 2020 officers, delegates and persons engaged under a contract providing advice to Council must disclose any conflicts of interests.

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

RECOMMENDATION

That the Council receive and note the summary of the Councillor's Community Interactions and Informal Meetings of Councillors.

Councillor's Community Interaction and Briefing Program

From 1 October 2022 to 31 October 2022, some or all of the Councillors have been involved in the following activities:

GV Woodworkers | 30th Annual Woodshow – Official Opening and Awards Evening
 Punjab Sports Club Shepparton | 6th Annual Kabaddi Tournament
 Shepparton Baptist Church | Induction Service - Rev David Van der Putin - New Pastor
 Stakeholder Forum | Senior Leaders of the Commonwealth Games
 Heritage Advisory Committee Meetings 2022
 Greater Shepparton LGBTIQA+ (lesbian, gay, bisexual, transgender, intersex, queer/questioning, asexual) Advisory Meeting
 Announcement - Greater Shepparton Commonwealth Games 2026
 Fairley Leadership Cohort | Guest Speaker
 The Melbourne Renegades Cricket | Dinner
 Citizenship Ceremony
 Magistrates Courts Victoria | Koori Court - 20th Anniversary
 Victoria Seniors Festival - Celebrating 40 Years | Tania Kernaghan Concert
 Shepparton Show | Official Opening – Mayor
 GV Suns | Chairman's Function - Australia Football Confederation - Under 17 Asian Cup
 Professional Councillor Coaching Session | Ruth McGowan
 SAM Museum | 2022 Indigenous Ceramic Award (ICA) & Award Announcement
 Shepparton Search & Rescue | Squad's 50th Anniversary – Dinner
 AFC Marquee Game | Australia V China - Official Function and Match
 Australian National Piano Awards | Launch
 Affordable Housing Reference Group Meeting

Grand Opening | Lux Interiors
 “Mayor for a Day” by Damian Callinan
 Committee for Greater Shepparton | Victoria Shadow Treasurer the Hon David Davis – Luncheon
 Municipal Association of Victoria (MAV) | Annual Conference and Annual Dinner
 Disability Advisory Committee Meeting
 Municipal Association of Victoria | State Council Meeting
 Public Information Session | Conducted by Emergency Services (Shepparton)
 Positive Ageing Advisory Committee Meeting
 Flood Event 2022 | Community Information Update - Shepparton
 Flood Event 2022 Visit | The Hon Peter Dutton MP
 Flood Event 2022 | Community Information Update – Mooroopna, Murchison, Undera
 Governor General of Australia - the Hon David Hurley & Mrs Hurley | Visit Flood effected areas within Greater Shepparton
 Flood Event 2022 visit | Victorian Premier, Minister for Emergency Services and Emergency Management Commissioner
 Pizza Shop | Corio Street – Official Opening
 Flood Event | Mooroopna visit – Councillors

In accordance with section 106 of Council’s Governance Rules a summary of the matters discussed at the Informal Meetings of Councillors, are attached.

Attachments

1. Record of Assembly of Councillors Heritage Advisory Committee - 3 October 2022 [16.1.1.1 - 2 pages]
2. Record of Assembly of Councillors Affordable Housing Reference Group - 10 October 2022 [16.1.1.2 - 1 page]
3. Record of Assembly of Councillors Heritage Advisory Committee - 7 November 2022 [16.1.1.3 - 2 pages]
4. CEO and Councillors Catch Up - 4 October 2022 [16.1.1.4 - 1 page]
5. CEO and Councillors Catch Up - 11 October 2022 [16.1.1.5 - 1 page]
6. CEO and Councillors Catch Up - 18 October 2022 [16.1.1.6 - 1 page]

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