

AGENDA

Greater Shepparton City Council

COUNCIL MEETING

3:00PM, Tuesday 16 May 2023

In the Council Boardroom

COUNCILLORS

Cr Shane Sali (Mayor)

Cr Anthony Brophy (Deputy Mayor)

Cr Seema Abdullah

Cr Dinny Adem

Cr Geoffrey Dobson

Cr Greg James

Cr Ben Ladson

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 16 MAY 2023 AT 3:00PM**

**CHAIR
CR SHANE SALI
MAYOR**

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Risk Level Matrix Legend

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

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

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

High Intolerable – Attention is needed to treat risk.

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

Low Tolerable – Managed by routine procedures

1 Welcome to Country

The Welcome to Country will not be provided in the absence of Cr James.

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.

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

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

RECOMMENDATION

That the apology from Cr Greg James be noted.

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 16 March 2021 Council Meeting, 18 April 2023 Council Meeting and 2 May 2023 Additional Council Meeting as circulated, be confirmed.

8 Public Question Time

The following public question was submitted to Council in accordance with the Governance Rules.

I find the noise pollution from vehicular traffic in the Shepparton CBD and surrounding areas to be bad. Noise pollution is now widely recognized to have significant health impacts. Does the council recognize this? What measures is the council employing to first understand the problem, and second, mitigate the effects on residence?

The following answer was provided by Council officers.

Old Dookie Road is a designated B-Double route as it links the industrial area to the highways and arterial roads, in this case Doyles Road. Large heavy vehicles such as B-doubles must stay on the designated routes or they require a National Heavy Vehicle Regulator's (NHVR) Permit. The NHVR Safety and Compliance Officers are responsible for permits, non-compliance issues and noise regulation.

9 Deputations and Petitions

9.1 Petition Regarding Lake Bartlett, Tatura

Summary

A petition containing 50 signatures has been received by Council regarding Lake Bartlett, Tatura.

RECOMMENDATION

That the Council receive and note the petition titled 'Lake Bartlett, Tatura' in accordance with Governance Rule 81.

10 Corporate Services Directorate

10.1 Contracts Awarded Under Delegation - April 2023

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:

1. note no contracts were awarded under delegation pursuant to a formal tender process for the reporting period; and
2. note the requests for tender 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 April 2023 to 30 April 2023, and those that have been publicly advertised but are yet to be awarded as at 1 May 2023. 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
2273	Provision of Internal Audit Services	Schedule of Rates Contract for the Provision of Internal Audit Services	Tender currently under evaluation
2315	Compliant Asbestos Removal - 90 Welsford Street Shepparton	Lump Sum Contract for the Compliant Asbestos Removal - 90 Welsford Street Shepparton	Tender scheduled to close on 17 May 2023
2295	Provision of Line and Road Marking Services - Panel of Suppliers	Schedule of Rates Contract for the Provision of Line and Road Marking Services - Panel of Suppliers Initial term of 2 years with a one-year option	Tender scheduled to close on 17 May 2023
2321	Queensland Fruit Fly Trapping Grid and Monitoring	Lump Sum Contract for the Queensland Fruit Fly Trapping Grid and Monitoring	Tender scheduled to close on 17 May 2023
2296	Provision of Professional Veterinarian Services	Schedule of Rates Contract for the Provision of Professional Veterinarian Services Initial term of 2 years with options for an additional two years	Tender scheduled to close on 10 May 2023
2243	Provision of Heavy Plant and Equipment Hire (Wet & Dry Hire) Services	Schedule of Rates Contract for the Provision of Heavy Plant and Equipment Hire (Wet & Dry Hire) Services – Panel of Suppliers Initial term of 3 years with a one-year option	Tender scheduled to close on 10 May 2023

Through the S5 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 \$1,000,000.

The financial delegation to Directors to approve contracts up to a value of \$500,000 for goods and services and works are included in the S7 Instrument of Sub-Delegation by Chief Executive Officer.

Legal/Statutory Implications

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 April 2023 to 30 April 2023.

Attachments

Nil

10.2 April 2023 Monthly Finance Report

Author	Manager Finance and Rates
Approved by	Director Corporate Services
Purpose	Information Only

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 April 2023 Monthly Financial Report.

Executive Summary

This report presents the Council's actual forecast performance compared to the budget for the ten months ended 30 April 2023.

Report Detail

The April 2023 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 Quarter 3 Forecast Review of the Ordinary Council Meeting held Tuesday 18 April 2023.

The April 2023 Monthly Financial Report will provide commentary on year-to-date budget performance and any projected forecast variances, with a focus on Council's financial sustainability measures

Operating Position

Council's year-to-date (YTD) budget performance is reflected in the income statement within the attachment. The YTD underlying operating result of \$3.8 million is \$1.1 million favourable compared to the Quarter 3 Forecast YTD budget, largely due to receipt of flood related funding.

The projected full year underlying operating position of a \$19.64 million deficit remains favourable compared to the Adopted Budget position of \$21.61 million, however has

declined since the Quarter 3 Forecast Review of \$19.08 million. This movement is reflective of projected additional expenditure to cover staff vacancies and costs related to landfill operations.

The financial impact of the October 2022 Floods on Council is outlined in the Operating Statement in the attachment. Additional expenditure includes that incurred in initial response and recovery efforts and remediation of damage to Council assets. Reductions to income are evident due to closing of impacted Council facilities. Some of this expenditure and lost revenue is covered by funding or insurance, however a net cost to Council of \$1.4 million is currently forecast for this financial year.

Capital Works

Year-to-date delivery of capital works is on track compared to the Quarter 3 Forecast year-to-date budget, with 77 per cent of the adopted Quarter 3 Forecast delivered at reporting date.

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 is projected to be 159 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. Continued focus on financial sustainability, through reviews of services, reduction of operating expenditure, increases to revenue and prioritisation of renewal ahead of new assets is required.

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 April 2023 Monthly Financial Report has been prepared in accordance with accounting policies and the adopted 2021-2031 Financial Plan.

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.

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

a) Greater Shepparton 2030 Strategy

- Nil

b) Other strategic links

- 2022/2023 Budget
- 2021-2031 Financial Plan

Conclusion

The report presents Council's actual financial performance compared to the budget for the month ending 30 April 2023.

Attachments

1. April 2023 Monthly finance Report [**10.2.1** - 11 pages]

10.3 S5 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 29 November 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 is the rewording of section 1.3 to provide more clarity in the interpretation of this provision. The substance of the provision remains unchanged.

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 Officer [10.3.1 - 4 pages]

10.4 S6 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 29 November 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 - Council to Members of Staff - May 2023 [10.4.1 - 117 pages]

10.5 S18 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 Environment Protect [**10.5.1** - 5 pages]

11 Sustainable Development Directorate

11.1 Affordable Housing Reference Group Nomination of Community Representatives

Author Senior Strategic Planner
 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. appoint the following community representatives to the Affordable Housing Reference Group for a two-year term commencing on 16 May 2023 and concluding on 20 May 2025:**
 - Tania Tonks
 - Terry Court
 - Kathleen Mills
 - Denise Moseley
- 2. formally acknowledge and thank Bruce Mactier as the outgoing community representative.**

Executive Summary

Council adopted the *Greater Shepparton Affordable Housing Strategy Houses for People: 2020* (the Strategy) at the Ordinary Council Meeting in April 2020. The Strategy aims to broaden the understanding of Affordable Housing needs across Greater Shepparton and to strengthen local responsiveness; ensuring there is a strong foundation for new investment in Affordable Housing that is in the right locations and of the appropriate dwelling type, size, and quality.

A key action from the Strategy is the establishment of the Affordable Housing Reference Group (AHRG), which provides an important resource for effective and efficient use of Council's resources in addressing Affordable Housing shortages.

The AHRG advises Council on matters and issues related to Affordable Housing across Greater Shepparton, including assisting in identifying suitable sites, conducting relevant research, responding to the needs of vulnerable groups, promoting understanding and

awareness of housing issues, advocating, and sourcing external funding, and providing recommendations on policy matters, including the Greater Shepparton Planning Scheme.

The AHRG has representatives from Council and several member organisations involved in delivering Affordable Housing or representing those in need of housing. It also has up to four community representative positions for members of the community who are unaffiliated with these member organisations. The community representative positions are voting members of the group and are generally appointed for a two-year term.

The current two-year term for the existing community representatives is concluding, and new community representatives are required to be appointed to the group.

Report Detail

Council adopted the *Greater Shepparton Affordable Housing Strategy Houses for People:2020* (the Strategy) at the Ordinary Council Meeting in April 2020. The Strategy aims to broaden the understanding of Affordable Housing needs across Greater Shepparton and to strengthen local responsiveness; ensuring there is a strong foundation for new investment in Affordable Housing that is in the right locations and of the appropriate dwelling type, size, and quality.

A key action from the Strategy is the establishment of the Affordable Housing Reference Group (AHRG), which provides an important resource for effective and efficient use of Council's resources in addressing Affordable Housing shortages.

The AHRG advises Council on matters and issues related to Affordable Housing across Greater Shepparton, including assisting in identifying suitable sites, conducting relevant research, responding to the needs of vulnerable groups, promoting understanding and awareness of housing issues, advocating, and sourcing external funding, and providing recommendations on policy matters, including the Greater Shepparton Planning Scheme.

The Group has representatives from Council and several member organisations involved in delivering Affordable Housing or representing those in need of housing. The Group's membership consists of; up to two (2) Councillors, one (1) member from each of the twelve (12) member organisations, up to two members of Council's Strategic Planning Team and one (1) member of Council's Community Strengthening Team.

It also has up to four (4) community representative positions for members of the community who are unaffiliated with these member organisations. The community representative positions are voting members of the group and are generally appointed for a two-year term.

The current tenure for the community representative positions commenced on 16 February 2021 and will conclude on the 31 March 2023. There are currently four vacant community representative positions, to ensure the smooth running of the Group, these positions are required to be filled.

The call for community representative nominations for membership of the AHRG commenced on 10 February 2023 and closed on 10 March 2023. Advertising was undertaken through the local newspapers, Council's website, media releases and social media. Ten (10) nominations were received by Council.

AHRG Executive met to assess all each nomination against the candidate's ability to provide complementary diversity to fulfil the Group's functions as outlined in the Group's Terms of Reference, as well as the following selection criteria as outlined in the Terms of Reference:

- an awareness of, and an interest in, Affordable Housing in the Municipality, and a willingness to have an input into housing related issues;

- a commitment to support the provision of integrated and appropriate Affordable Housing sites within the Municipality;
- a knowledge of housing development processes and a willingness to acquire further knowledge;
- the ability to access networks and stakeholder groups;
- the ability to promote Affordable Housing outcomes within the Municipality; and
- experience relating to Affordable Housing provision, including Social Housing.

At the April 27 meeting of the Affordable Housing Reference Group the group decided the four (4) individuals recommended to be appointed as Community Representatives are:

- Tania Tonks
- Terry Court
- Kathleen Mills
- Denise Moseley

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.
- 1.4 Communities have resources and abilities to self-advocate.

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.

- 2.7 Address issues contributing to homelessness.
- 2.8 Support for families and children at all stages of their learning and development.
- 2.9 Community members are supported to achieve and sustain physical, emotional and creative wellbeing.

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.
- 3.10 Efficient land use planning to encourage and support future development.

Risk Management

Council considerably reduces the governance risks associated with the operation of the Affordable Housing Reference Group by ensuring that members are appointed, and appointments are rescinded in accordance with the *Local Government Act 2020*.

Failure to appoint community representatives to the Affordable Housing Reference Group would fail to meet Council's obligations under the Local Government Act 2020. It would also reduce the AHRG's ability to promote community participation in and raise awareness of Affordable Housing issues within the municipality.

Policy Considerations

Appointing community representatives to the Affordable Housing Reference Group does not conflict with existing Council policies.

Financial Implications

There are no costs associated with the appointment of community representatives to the Affordable Housing Reference Group.

The approved budget for Affordable Housing (including the Affordable Housing Reference Group) is \$20,000 in the 2022/2023 financial year. This budget is allocated to meet the operating costs of the AHRG within that financial year.

Legal/Statutory Implications

There are no legal or statutory implications associated with resolving to appoint community representatives to the Affordable Housing Reference Group.

Environmental/Sustainability Impacts

There are no environmental or sustainability impacts associated with the appointment of community representatives to the Affordable Housing Reference Group.

Social Implications

There are no direct social implications associated with the appointment of community representatives to the Affordable Housing Reference Group.

The operation of the Group has positive social impacts. The Group is seen as a critical way of raising awareness and promoting community participation of Affordable Housing issues within the Municipality. The Group will continue to raise awareness within the community of housing affordability.

Economic Impacts

There are no economic impacts associated with the appointment of community representative to the Affordable Housing Reference Group.

Consultation

Council officers believe that appropriate consultation has occurred during both the formation and operation of the Group, and the key activities it has been involved in since its formation by Council.

The call for community representative nominations for membership of the Affordable Housing Reference Group commenced on 10 February 2023 and closed on 10 March 2023. Advertising was undertaken through the local newspapers, Council's website, media releases and social media.

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

Strategic Links

a) Greater Shepparton 2030 Strategy

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

b) Other strategic links

- The appointment of community representatives to the Affordable Housing Reference Group is consistent with the key strategic directions and Action Plan of the Greater Shepparton Affordable Housing Strategy 2020.

Conclusion

It is recommended that Council resolve to appoint up to four community representatives to the Affordable Housing Reference Group for a two-year term commencing on 16 May 2023 and concluding on 20 May 2025:

- Tania Tonks
- Terry Court
- Kathleen Mills
- Denise Moseley

It is also recommended that Council formally acknowledge the outgoing community representative, Bruce Mactier, and thank them for their work on this group.

The Affordable Housing Reference Group is a critical way of raising awareness of housing affordability issues, as well as promoting community participation in Affordable Housing issues within the Municipality.

By continuing to support the Affordable Housing Reference Group, Council is continuing to embrace a cost-effective opportunity of raising awareness and promoting community participation of affordable housing issues within the municipality.

Attachments

Nil

11.2 Telecommunications Tower - Echuca Road, Mooroopna

Author Team Leader Statutory Planning
 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, in relation to Planning Permit Application 2022-324, on the basis of the information before the Council and having considered all relevant matters as required by the *Planning and Environment Act 1987*, resolves to issues a Notice of Decision to Grant a Planning Permit for the buildings and works to erect a telecommunications facility subject to the following conditions:

1. The layout of the proposed development on the endorsed plans is not to be altered without the written consent of the responsible authority.
2. The exterior colour and cladding of the building(s) must be of a non-reflective nature to the satisfaction of the responsible authority.
3. The telecommunications facility must comply to the satisfaction of the responsible authority with the *ARPANSA Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard 2003* or such other standard as is adopted from time to time by the Australian Communications and Media Authority.
4. If the telecommunications facility hereby approved becomes redundant, all infrastructure associated with the telecommunication facility must be removed and the area reinstated to the satisfaction of the responsible authority. All works to comply with this condition must be completed within three months of the facility ceasing to operate and must be carried out at the expense of the Permit Holder.
5. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) Transport of materials, goods, or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit, or oil;
 - d) Presence of vermin or otherwise;

Goulburn Broken Catchment Management Authority Conditions

- 6. The finished floor level of the proposed equipment shelter must be constructed at least 300 millimetres above the 1 in 100 AEP flood level of 111.79 metres AHD, i.e., 112.09 metres AHD, or higher level deemed necessary by the responsible authority.**
- 7. No equipment sensitive to the ingress of floodwaters is to be located or stored below the Nominal Flood Protection Level (300 millimetres above the 1 in 100 AEP flood level of 111.79 metres AHD, i.e., 112.09 metres AHD).**
- 8. This permit will expire if one of the following circumstances applies:**
 - a) The development is not started within two years of the date of this permit**
 - b) The development is not completed within four years of the date of this permit**

Executive Summary

The application is for buildings and works to construct a 35-metre-high telecommunications facility at 214-232 Echuca Road, Mooroopna.

A planning permit is required for buildings and works for a telecommunications facility under Clause 52.19 of the Greater Shepparton Planning Scheme.

The land is also affected by the Land Subject to Inundation Overlay (LSIO), Bushfire Management Overlay (BMO) and Specific Controls Overlay (SCO3). The telecommunications facility does not trigger a planning permit under any of these overlays.

The application was advertised, and 13 objections were received. The main grounds of objection were the proximity of the tower to residential dwellings, potential adverse impacts of emissions from the tower and locating a tower on a flood plain.

Officers consider there is strong policy support in the Greater Shepparton Planning Scheme for a telecommunications facility, is sited to mitigate visual amenity and meets the Australian Standards in relation to electromagnetic emissions. For these reasons officers recommend that the application should be approved.

Property and Application Details

Land/Address	214-232 Echuca Road, MOORROOPNA VIC 3629
Zones	Public Use Zone - Service and Utility
Overlays	Bushfire Management Overlay Land Subject to Inundation Overlay Specific Controls Overlay 3
Why is a permit required	Construct a building or construct or carry out works for a telecommunications facility under clause 52.19-1
Is a CHMP required?	No
Was the application advertised	Yes, by letters to neighbours, sign on site and in Shepparton News.
Number of objections	13
Was the application referred?	Yes, to GVW and GBCMA. Both authorities consented to the application.
Is removal of native vegetation proposed?	No
Key planning considerations	Do the objections warrant refusal of the application Does the application implement planning policy Does the application achieve acceptable planning outcomes against the decision guidelines to clause 52.19
Recommendation	Approval

Proposal in Detail

The land at 214-232 Echuca Road, Moorroopna has a total area of 5.4ha.

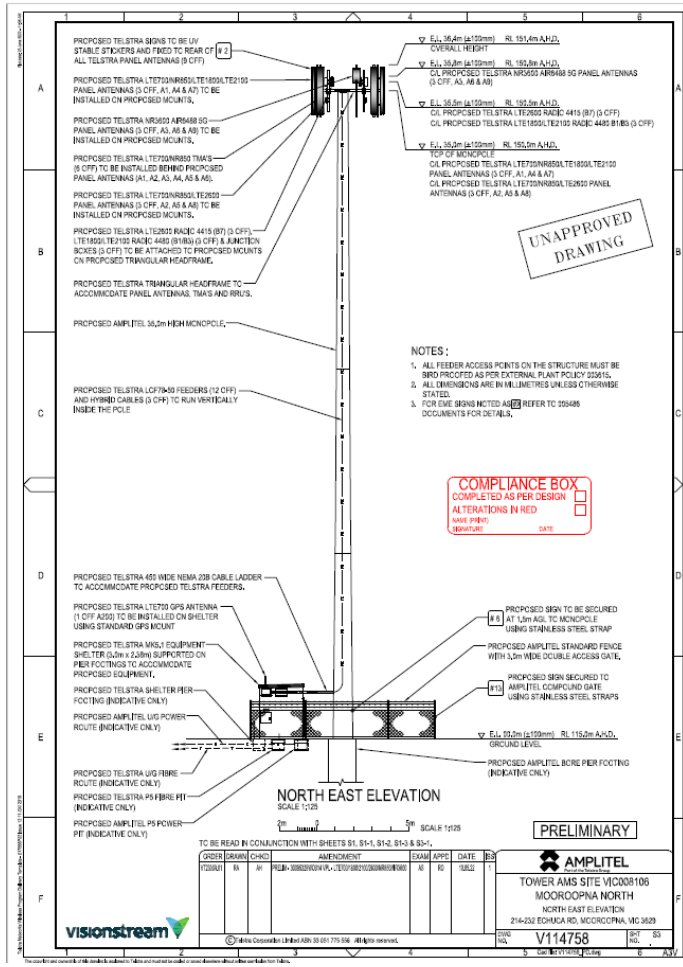
The land is owned by Goulburn Valley Regional Water and currently contains an existing water tower and tank, with significant vegetation occupying a sizeable portion of the land to the east.

The site is adjacent to Gemmill Swamp to the east and abuts Echuca Road to the west. Land to the north and west, opposite Echuca Road, comprises residential dwellings and Craigmuir Lake. Land to the south contains a utility station for Goulburn Valley Water. The application proposes to erect a telecommunications facility (mobile phone tower) setback 64.52m from the northern boundary and 15.6m from the western boundary (frontage).

The proposal is for a new 35m monopole to include:

1. A new triangular headframe
 2. Installation of nine (9) new 4G/5G panel antennas
 3. Installation of one (1) GPS antenna
 4. Installation of six (6) remote radio units
 5. Installation of a 3m x 2.38m prefabricated equipment shelter
- Construction of a compound area with a standard security fence with 3-metre-wide double access gate
 - Ancillary equipment including tower mount amplifiers, twelve (12) feeders, three (3) hybrid cables, junction boxes and mounts.

Plans of the proposed tower are below.



The location of the proposed telecommunication tower is shown below.



Summary of Key Issues

A summary of the key issues associated with the application is provided in the Executive Summary Section of this report.

It is noted that the original application was for the 'use and development' of the telecommunications facility. Amendment VC226 was gazetted on 4 November 2022. The amendment included changes to Clause 62.01 uses not requiring a planning permit to stipulate that all telecommunications facilities did not require a planning permit for use.

Therefore, the assessment of this application is now against the current provisions of the planning scheme and relates solely to buildings and works for a telecommunications facility pursuant to Clause 52.19.

The applicant has also confirmed that, at the time of authoring this report, the tower was not funded by the Victorian Government.

The installation of a telecommunications facility is guided by several regulations and Acts, outside of the *Planning and Environment Act 1987*.

The *Telecommunications Act 1997* provides a system for regulating telecommunications and the activities of carriers and service providers. The Act allows for exemptions from planning requirements for certain telecommunications facilities. The proposal is not included in these exemptions.

The *Environment Protection and Biodiversity Conservation Act* considers the assessment and approval of development proposals that have a significant impact on matters of National Environmental Significance, Commonwealth owned land and actions carried out by the Commonwealth Government. An assessment has been undertaken to support the proposal that identifies the land is not of National Environmental Significance.

There are no specific siting guidelines for the location of telecommunications facilities, in terms of buffer distances from sensitive uses. Rather, the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) has prepared a technical standard for acceptable levels of exposure to mobile base stations, known as the *Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard 2003*.

The Standard operates by placing a limit on the strength of the signal (electromagnetic emission (EME)) that a provider can transmit to and from any network base station.

Rather than buffer distances, the standard relates to the strength of the signal allowed to respond to the surrounds. In this manner, the proposal predicts the maximum environmental level EME that the facility will emit is 2.39% and is appropriate under the ARPANSA standard.

A detailed discussion on the grounds of objection is in the Referrals/ Public Notice section of this report.

Report Detail

A detailed assessment of the application is in the Assessment under the Planning and Environment Section of this report below.

Assessment under the Planning and Environment Act

Zoning

The Land is located within the Public Use Zone 1 – Services and Utilities

A planning permit is not required for any use listed in Clause 62.01 Uses not requiring a planning permit provided the conditions of Clause 62.01 are met.

Clause 62.01 exempts the use of the land for a telecommunication facility and therefore no permit is required for the proposal under the Public Use Zone.

Clause 44.04 Land Subject to Inundation Overlay (LSIO)

The land is in the LSIO.

A planning permit is not required for buildings and works that are specifically exempted in a schedule to the overlay. The schedule does not require a planning permit for a telecommunications tower and therefore the proposal does not require a planning permit under this overlay.

Clause 44.06 Bushfire Management Overlay (BMO)

The land is located within the BMO. No planning permit is triggered by the overlay.

Clause 45.12-1 Specific Controls Overlay (SCO)

The land is located within the SCO3. The clause states “land affected by this overlay may be used or developed in accordance with a specific control contained in the incorporated document corresponding to the notation on the planning scheme map (as specified in the schedule to this overlay).” The proposal is not affected by this overlay.

Municipal Planning Strategy (MPS)

Clause 02.02 provides the vision for Greater Shepparton, including the following relevant themes:

Social

Develop resilient, inclusive, healthy communities that make Greater Shepparton a safe and harmonious place to live, work, learn and play.

Economic

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

Built

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

Environment

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

Planning Policy Framework (PPF)

Clause 13.07-1S Land use compatibility seeks to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

Clause 19.03-4S Telecommunication seeks to facilitate the orderly development, extension, and maintenance of telecommunications infrastructure.

The proposal provides for a modern telecommunications facility that is widely accessible and will service the needs of business, domestic, entertainment and community services are met, in line with the relevant strategy.

The proposal abides by the Australian standards for siting and EME levels for the site and surrounding area and will provide an easy to access facility to effectively increase the mobile coverage for Mooroopna.

Local Planning Policy Framework (LPPF)

Clause 13.07-1L-02 Land use compatibility seeks to encourage non-residential uses in residential zones where the proposed activity will have minimal adverse impact on the surrounding neighbourhood, including through:

- The intensity of hours and operation.
- The siting and design of the proposal.
- And the location of the access to the site.

The proposal provides necessary infrastructure for the community sited to provide maximum mobile coverage while also ensuring appropriate setback and emission levels for the surrounding community.

The telecommunications facility will be setback from the road frontage and property boundaries and clustered with other service infrastructure to mitigate any visual impact from the public realm.

Relevant Particular Provisions

Clause 52.19 Telecommunications facility seeks to ensure that telecommunications infrastructure is provided in an efficient and cost-effective manner to meet community needs and with minimal impact on the amenity of the area.

The decision guidelines at Clause 52.19- 5 direct the responsible authority to consider the design, siting, construction, and operation of the telecommunications facility, as well as the effect of the telecommunications facility on adjacent land, when assessing the application.

The proposal is well setback from the road frontage onto Echuca Road and from the boundary with its nearest dwelling to the north. The facility will be located behind existing vegetation on the site to reduce any visual impacts from the road frontage and adjacent property.

The proposal provides an essential mobile service for Mooroopna that will improve the development of telecommunication facilities in the region. The tower can provide co-location opportunity for additional carriers in the future, to reduce the overall impact of facilities on the amenity of the area.

The applicant has designed the tower to be the smallest structure possible while still achieving technical coverage for the area and the location of the tower, set into the site with significant vegetation to reduce any visual impact from the public realm.

No native vegetation removal is proposed and once erected, the structure poses minimal impact to flora and fauna in the surrounding area.

General Provisions

The decision guidelines of Clause 65

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

The proposal is consistent with the orderly planning of the area as it provides for an essential service sited to minimise any impact to the surrounding area while achieving technical standards for mobile coverage. The tower is to be in a Public Use Zone identified for Services and Utilities and will facilitate the orderly development, extension, and maintenance of telecommunications infrastructure for the area.

As discussed earlier in the report, the proposal meets the Australian Standards for EME levels from the site and as such it is considered it will not impact on the environment or human health of the area.

There are no factors relating to the current application which will cause or contribute to land degradation, salinity or reduce water quality. The monopole will occupy a small area on site and is not expected to affect the quality of stormwater in and out of the site or flooding in the area.

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.

3.10 Efficient land use planning to encourage and support future development.

Risk Management

Officers have not identified any significant risk issues with this planning application.

Policy Considerations

The application has been considered against the relevant policies contained within the Greater Shepparton Planning Scheme and found to achieve an acceptable planning outcome in terms of providing for a telecommunications facility to improve the connectivity and access to infrastructure in the area.

Financial Implications

There are no major financial implications associated with this planning permit application.

Legal / Statutory Implications

Should the applicant or objectors be dissatisfied with Council's decision an application for review can be lodged with the Victorian Civil and Administrative Tribunal (VCAT).

Cultural Heritage

The proposed use is for telecommunication facility which is not considered a 'high impact activity' and does not trigger the need for a Cultural Heritage Management Plan (CHMP).

Environmental / Sustainability Impacts

The proposed telecommunications facility will provide increased mobile coverage for the residents of Mooroopna to satisfy an important social and economic need.

The proposal offers an opportunity for co-location of future carriers, to minimise the impact on amenity in the area in a location identified for Public Use.

Social Implications

This planning application is for greater provision of mobile coverage throughout the area, creating more opportunity for connection and access to a community service. It is noted that the tower is to be operated by Telstra and may not improve the coverage for community members utilising other services.

Economic Impacts

This planning permit has no significant economic impacts for Council.

Referrals/Public Notice

The application was advertised pursuant to Section 52 of the Planning and Environment Act 1987 with the following description 'Development of the land for a Telecommunications Facility', by:

- a. Sending notices to the owners and occupiers of adjoining land.
- b. Placing a sign on site.
- c. Placing a notice in the Shepparton News

The Council has received 13 objections to date.

The key issues that were raised in the objections are.

- a. Proximity of the tower to residential dwellings
- b. Potential adverse impacts of emissions from the tower and locating a tower on a flood plain
- c. Concerns about the impact from additional traffic volumes generated by the use.

An assessment of the grounds of objection is shown below:

Grounds for Objection	Officer's Response
Proximity of the tower to residential dwellings	<p>The proposal is for a structure to service an urban context and is not unexpected in a developed area.</p> <p>The location already contains public infrastructure (water tanks) and its siting within the property will ensure the tower is partially obscured via established vegetation on the site.</p>
Potential adverse impacts of emissions from the tower	<p>The bulk of objections in relation to the proposal relate to the health risk associated with generation of electromagnetic emissions or radiation from the site.</p> <p>The Council accepts that the proposal has been designed and sited to generate a small percentage of possible electromagnetic emissions in accordance with the Australian Standard and is appropriate.</p> <p>VCAT has consistently held that in the absence of evidence to the contrary, the Australian Standard must be accepted as the authoritative guidance on the matter.</p> <p>In <i>Mason v Greater Geelong CC</i> (includes summary) (Red Dot) [2013] VCAT 2057 (16 December 2013), VCAT made the following comments on emissions:</p> <p><i>The amount of electromagnetic radiation emitted by a telecommunications facility may well be a legitimate issue of public concern. However, VCAT is not a forum for addressing all issues of social or community concern, nor is it an investigative body... Accordingly, VCAT is not the appropriate forum where generalised opposition to telecommunications facilities based on public health concerns can or should be raised. It is a waste of the parties' and the Tribunal's resources as, ultimately, VCAT is essentially bound to apply the ARPANSA standard.</i></p> <p><i>It is not the role of VCAT to second-guess</i></p>

	<p><i>the expert authorities that regulate the area.</i></p> <p><i>In Optus Mobile Pty Ltd v City of Onkaparinga & Anor [2012] SAERDC 34, the following comments were made:</i></p> <p><i>While the concerns raised by Mr Amphlett are commonly raised in relation to mobile phone towers, there seems to be no reason for doubting that the ARPANSA standards are appropriate, and no expert evidence was provided to cast any doubt on the report's finding that these standards are easily met in the present case.</i></p>
<p>Locating a tower on a flood plain</p>	<p>The proposal will have a small footprint and relatively open design. It does not trigger a planning assessment under the provisions however the application was provided to the relevant floodplain authority (GBCMA), who had no objections to the proposal subject to standard conditions to be placed on any planning permit granted.</p>
<p>Visual impact of the tower</p>	<p>Officers acknowledge that the tower will not be invisible and will be seen in the landscape.</p> <p>Officers consider the visual impact of the tower is acceptable as:</p> <ul style="list-style-type: none"> • Existing vegetation will assist in screening the tower when viewed from the west • The tower will be grouped with other similar utility services including a water tower

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

Strategic Links

Greater Shepparton 2030 Strategy (GS2030)

Objective 4: To provide telecommunications facilities and services available to all areas of the municipality.

<p>4 To provide telecommunications facilities and services available to all areas of the municipality.</p>	<p>4.1 Proactively support the development of and access to competitive leading-edge telecommunication facilities and services.</p> <p>4.2 Ensure new developments cater for telecommunications infrastructure.</p>	<p>These strategies will be implemented by:</p> <p>Other actions</p> <ul style="list-style-type: none"> Continue to encourage telecommunications providers to provide infrastructure to deliver broadband technology to service the region. 	<p>Facilitator/ Advocate</p>	<p>H</p>
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Officers consider that the recommendation to approve this proposal implements the above policy direction from GS2030.

Conclusion

Officers having undertaken an assessment of the application, have determined that on balance the proposal will achieve a net community benefit by providing essential service sited to minimise any impact to the surrounding area while achieving technical standards for mobile coverage.

An assessment of the application has determined that the amenity concerns outlined by the objections have been addressed by the siting and design of the proposal.

Officers have formed the view the application proposes an acceptable planning outcome that is supported by the relevant zone controls and Planning Policy and is therefore recommended for approval.

Attachments

Nil

11.3 Minor and Major Event Grants Round Two 2022/2023

Author Festival and Events Officer Festival and Events Officer
 Approved by Director Sustainable Development
 Purpose Information Only

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 successful applicants awarded funding under delegated authority for Round Two of the 2022/2023 Minor and Major Event Grants Program as follows:

Organisation	Grant Amount Awarded (GST Free)
Goulburn Valley Seniors Association Inc.	\$500
Picnic 4 Peace	\$500
Murchison and District Historical Society	\$900
Shepparton Cycling Club Incorporated	\$2,000
G V Rail Club Inc.	\$1,100
Generations Church ACC Inc	\$500
Northern Victorian Sled Dog Club Inc	\$1,750
Tallygaroopna Primary School	\$500
Goulburn Valley Reining Horse Association Inc	\$2,000
Shepparton Region Reconciliation Group Inc	\$1,250
Greater Shepparton Nepalese Community (GSNC)	\$500
GV Hospice Care	\$1,250
St Paul's African House	\$500
Goulburn Valley Gamers Guild Inc	\$600
Shepp Feathers Incorporated	\$250
Victorian Waterfowl Association	\$1,500
GV Pride Inc.	\$1,500
Total	\$17,100

Executive Summary

Each financial year Council provides two rounds of the Minor and Major Event Grants Program. This grant program aims to support and enable events that contribute economically, socially and culturally to our community and improve the liveability of Greater Shepparton. There are two streams of funding available under this program for Minor Events to receive funding up to \$2,000, and Major Events to receive funding up to \$5,000.

The total amount of funding allocated for the 2022/2023 financial year to this program was \$45,000 (GST Free), which has been split across two rounds. Round one of this program awarded a total amount of \$27,861 (GST Free) across sixteen applicants, leaving a balance of \$17,139 (GST Free) available for Round Two.

Round Two of this program opened on 23 January 2023 and closed on 3 March 2023. The Grant Assessment Panel received a total of twenty applications for this round and the results of the assessments are contained in the attached Assessment Report Summary.

Three applications were deemed ineligible based on the Program Guidelines and the Grant Distribution Policy. The remaining seventeen applications were assessed by the Grant Assessment Panel and have been awarded funding under delegated authority.

To further enhance the event and ensure its success, a dedicated Council Events officer will be assigned to each applicant who will assist them with their event enquiries. Officers will also assist with booking forms, risk assessments and any other enquiries they have ensuring event organisers conduct a successful and safe event.

Report Detail

The Minor and Major Events Grant Program accepts applications from not-for-profit community groups to support and facilitate events that contribute positively to the wellbeing of the community and the stimulation of the local economy.

This program provides two rounds per financial year under two funding streams being Minor and Major as outlined above. Applications are assessed by a panel of Council officers and moderated by the Grants Coordinator. Consideration is given to the following factors in the assessment process:

- Does the proposed event align with Council's Plans and Strategies.
- Does the event meet the Program Funding Guidelines and Program Objectives.
- Number of visitors and locals likely to be attracted to the event.
- Number of overnight stays anticipated to be generated by the event.
- When the event will be held and how this aligns with Council's events calendar.
- Evidence of community support for the event.
- Evidence that the event is accessible and inclusive for the whole community.
- The event provides value for money and is feasible.

Round Two of the 2022/2023 program received a total of twenty applications, with three applications deemed ineligible against the funding criteria. Details of the seventeen applicants who have been successfully awarded funding under delegated authority are contained in the attached Assessment Report Summary.

The Minor and Major Event Grants Program has an acquittal process which must be completed by successful applicants at the finalisation of the project. The acquittal requires the applicants to provide a report on the outcome of the event, lessons learned and

supporting documents including invoices and photographs of the events. Applicants that fail to complete the acquittal to a satisfactory standard are unable to apply for Council's future grant programs.

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.
- 1.6 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.

- 2.1 Council will promote the use of the Universal Design Principles across the region to ensure fair and reasonable access for all members of our community.
- 2.4 Leave no one behind.
- 2.6 Welcome and embrace multicultural communities and their cultures.
- 2.9 Community members are supported to achieve and sustain physical, emotional and creative wellbeing.

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.

- 3.1 Council will promote the use of the Universal Design Principles across the regions to make Greater Shepparton an accessible tourism hub.
- 3.6 Attract people to live, work, study and remain in our region.
- 3.9 Expand Greater Shepparton's visitor economy.

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.

- 5.1 Council endeavours to make the natural environment accessible to all, regardless of age and abilities.
- 5.5 Council commits to working with our community to deliver climate safe future.
- 5.8 Support a circular economy and reduce waste to landfill.

Risk Management

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

Risks	Likelihood	Consequence	Rating	Mitigation Action
Event cancelled/postponed due to COVID-19 Outbreak, or natural disaster.	Possible	Minor	Low	Funds to either be returned to Council or event to be held on a mutually agreed alternative date.
Negative feedback from applicants who were not successful or did not receive the funds requested.	Possible	Minor	Low	Ensure all Program Guidelines are equitable and assessments are consistent. Provide constructive feedback to unsuccessful applicants.

Policy Considerations

Applications under the Minor and Major Event Grants Program have been assessed and awarded funding under delegated authority in accordance with Council's Grant Distribution Policy adopted on 16 March 2021.

Financial Implications

The total amount of funding allocated for the 2022/2023 financial year to this program was \$45,000 (GST Free), which has been split across two rounds.

Round one of this program awarded a total amount of \$27,861 (GST Free) across sixteen applicants, leaving a balance of \$17,139 (GST Free) available for Round Two.

	Approved Budget Estimate for this proposal ¹	This Proposal GST Exclusive	Variance to Approved Budget Estimate	This Proposal GST Free ²
	\$	\$	\$	\$
Revenue	\$0	\$0		
Expense	\$17,139	\$17,100		\$17,100
Net Total	\$17,139	\$17,100		\$17,100

¹ Budgets are GST exclusive

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

Legal/Statutory Implications

There are no legal/statutory implications arising from this report. All successful applicants must adhere to Victorian Government requirements to ensure the event is COVIDSafe.

Council's Visitor Economy and Major Events team will provide assistance and advice to successful applicants in this regard.

Council officers will also assist applicants in the process of gaining permits or approvals, where required.

Environmental/Sustainability Impacts

There are no environmental/sustainability implications arising from this report. Successful applicants must ensure that their event adheres to sustainable event management practices as contained within the Grant Program Guidelines.

Social Implications

Event grants provided by Council are aimed at increasing opportunities for the community to come together as a whole, celebrate and foster community pride and esteem.

Economic Impacts

Events funded by Council have in the past resulted in increased visitation and an increase in overnight stays with participants of the events, organisers and families spending more time in the Greater Shepparton region over the course of events. Retail stores, local speciality stores, accommodation as well as cafes and restaurants have also reported a positive economic impact during these events.

Consultation

Council officers have promoted this grant program online through social media, Council's website, the local print media and radio advertising. Council officers have also hosted two information sessions online for potential applicants to seek advice and support in relation to the grant application process.

Council's Major Events Team and Grants Coordinator have also liaised with potential applicants to discuss future applications and events. Officers believe that appropriate consultation has occurred and the matter is now ready for approval.

Strategic Links

a) Greater Shepparton 2030 Strategy

- 2.3.2 Community Life
- 2.4.4 The Need to Grow
- 3.2 Supporting Principles
- 4.3.4 The Municipality is More Attractive
- 4.3.9 The Municipality is Culturally Active

b) Other strategic links

- Nil

Conclusion

Round Two of the 2022/2023 Minor and Major Event Grants Program received a total of twenty applications, with three applications deemed ineligible against the assessment criteria.

The remaining seventeen applications as contained in the attached Assessment Report Summary have been awarded funding under delegated authority in accordance with Council's Grant Distribution Policy.

Attachments

Assessment Report Summary – Major and Minor Event Grants Round 2, 2022-2023

12 Confidential Management Reports

12.1 Designation of Confidentiality of Information - Reports

The following report and 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 12.3 Membership of the Positive Ageing Advisory Committee
- Item 12.4 Chief Executive Officer Performance Review 2022 and Remuneration Review

These documents contain information, which is consistent with the Local Government Act 2020, definition of 'personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs'.

RECOMMENDATION

That pursuant to section 66(1) of the Local Government Act 2020, resolve that the Council meeting be closed to members of the public for consideration of the following confidential item:

- **Item 12.3: Membership of the Positive Ageing Advisory Committee**
- **Item 12.4: Chief Executive Officer Performance Review 2022 and Remuneration Review**

13 Documents for Signing and Sealing

Nil Received.

14 Councillor Reports

14.1 Councillor Activities

14.1.1 Councillor Activities - April 2023

Author Executive Assistant to the Mayor and Councillors
 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 Councillor's.

Councillor's Community Interaction and Briefing Program

From 1 April 2023 to 30 April 2023, some or all of the Councillors have been involved in the following activities:

Recover Together | Mooroopna
 Heritage Advisory Committee Meetings 2023
 Murray Darling Association Board Meeting
 Greater Shepparton Women's Charter Advisory Committee
 Greater Shepparton LGBTIQ+ Advisory Meeting
 Australian British Chamber of Commerce (ABCC) Seminar - Commonwealth Games Victoria 2026
 Public Health and Advisory Committee Meeting
 Minister for Emergency Services | Homes at Home event
 Gender Equity Training – Victorian Local Government Association
 Fire Rescue Victoria | Award Ceremony
 Calder Woodburn Memorial Avenue Advisory Committee Meeting
 Filipino Australian Friends Association FAFA | Celebrating 35 Years
 RFNC & CFNC | The 2023 Unity Cup - Honouring the Role & Status of Women
 Night Night Moon Gala Ball 2023 - Hunter Boyle Children's Swim Program
 Probus Club of Mooroopna | Breakfast in the Park
 Australian Institute of Company Directors Course
 Shepparton Community Iftar
 Parking Reference Group Meeting
 Best Start Early Years Alliance meeting
 Hume Region - Mayors Catch Up
 Cultural Heritage Awards Ceremony

RiverConnect - River Rubbish Clean Up - 'Pollution Pirates'
Shepparton United Football Netball Club | Anzac Day Ceremony 2023
Shepparton Swans Football Netball Club | Anzac Day Ceremony 2023
100th Birthday Congratulations - Murray Slee
Mooroopna Park Primary School visit – 'Healthy Food Program'
ANZAC Day Dawn Service – Shepparton and Murchison
ANZAC Day Service and Wreath Laying Ceremony - Shepparton, Dookie, Mooroopna,
Murchison, Tatura and Toolamba
RiverConnect Community Advisory Committee Meeting
Regional Cities Victoria (RCV) General Meeting
Municipal Association of Victoria (MAV) Goulburn Ovens Murray Regional Meeting
Affordable Housing Reference Group Meeting
Pat & Tina's BP Service Station - 50th Anniversary Celebration
Vaisakhi Mela event
Eid al-Fitr celebration Eid Mubarak

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

Nil

14.2 Oaths and Affirmations of Office

14.2.1 Oaths and Affirmations of Office

Author Team Leader Governance
Approved by Chief Executive Officer
Purpose For Noting at a Council Meeting

Section 30 of the Local Government Act 2020 requires that Councillors take an oath or affirmation of office and that it be administered by the Chief Executive Officer, dated and signed before the Chief Executive Officer and recorded in the minutes of the Council.

The following oaths and affirmations were taken by Councillors:

- Cr Seema Abdullah – 10 November 2020
- Cr Anthony Brophy – 10 November 2020
- Cr Geoff Dobson – 10 November 2020
- Cr Gregory James – 10 November 2020
- Cr Kim O’Keeffe – 10 November 2020
- Cr Rob Priestly – 10 November 2020
- Cr Shane Sali – 10 November 2020
- Cr Sam Spinks – 10 November 2020
- Cr Fern Summer – 10 November 2020
- Cr Dinny Adem – 11 July 2022
- Cr Ben Ladson – 19 January 2023

Attachment

1. Oath or Affirmation of Office - Councillors

15 Notice of Motion, Amendment or Rescission

Nil Received

16 Urgent Business not Included on the Agenda

Nil Received.

17 Close of Meeting