



Agenda

Council

22 March 2017

To be held on Wednesday, 22 March 2017  
commencing at 5.30pm  
in the Trafalgar Chambers, Trafalgar Business Centre.

[www.bawbawshire.vic.gov.au](http://www.bawbawshire.vic.gov.au)

## **Our Vision**

Happy, healthy people sharing prosperity and knowledge from living sustainably and in harmony with our rural identity, thriving villages, productive and inspiring landscapes.

## **Our Mission**

Leaders in delivering quality, innovative and community focused services today that make a difference for tomorrow.

## **Core Values**

### **Community focused**

*Accessible, responsive (we're here to help), can do attitude, communicative, empathetic.*

### **Integrity**

*Equitable, honest, ethical, transparent.*

### **Respect**

*Listening, compassionate, open minded, understanding, patient.*

### **Pride**

*Caring, enthusiastic, inspiring, accountable.*

### **Innovation**

*Creative, bold, challenging, flexible.*

### **Collaboration**

*Partnering, building productive relationships, inclusive.*

## Agenda

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**1. OPENING AND RECOGNITION OF TRADITIONAL CUSTODIANS**

I acknowledge the traditional custodians of the land on which we are meeting and pay my respects to their Elders both past and present.

**2. READING OF AFFIRMATION AND PRAYER**

Cr Gauci to read the Councillors affirmation, being, 'We now pause to reflect upon the solemn responsibilities conferred on us by the Parliament of Victoria through the Local Government Act (1989).

We acknowledge that it is the responsibility of local government to ensure the peace, order and good governance of our Shire.

We are to be responsible and accountable to our community here in Baw Baw Shire through good governance and leadership.

Almighty God,

Give wisdom and understanding to the members of this Baw Baw Shire Council.

In all our deliberations help each of us to listen carefully, perceive the best course of action have courage to pursue it and grace to accomplish it.

Amen

**3. APOLOGIES**

**4. CIVIC CEREMONIES**

**5. CONFIRMATION OF PREVIOUS MEETING MINUTES**

**6. COUNCILLORS DECLARATIONS OF INTEREST/CONFLICT OF INTEREST**

**7. MEETING CLOSED TO THE PUBLIC: RELEASE OF INFORMATION TO THE PUBLIC**

There will be no confidential Council meeting on Wednesday 22 March 2017

**8. COMMUNITY PARTICIPATION TIME**

**8.1 QUESTIONS ON NOTICE**

**8.2 SUBMISSIONS**

Any community member is welcome to comment or ask questions on any of the officer reports listed in this agenda if it has not been part of another hearing process.

Submitters will be given up to 3 minutes to speak on their submission.

**9. PETITIONS**

Nil Reports

## **10. OUR COMMUNITY**

### **10.1 RESPONSE TO PETITION - APPLICATION FOR REPORT AND CONSENT UNDER THE BUILDING ACT 1993**

*Manager Building and Regulatory Services*

*Directorate: Planning and Economic  
Development*

*Ward:*

*Appendix:*

#### **PURPOSE**

For Council to respond to a petition that was tabled at its meeting on 8 February 2017 in relation to a Report and Consent application for 61 Kent Street, Warragul.

The petition with 15 signatures was received from the residents primarily from Kent Street & Clifford Street, Warragul.

The petition states:

“The Warragul residents living in the vicinity of Lot 3, 61 Kent Street Warragul who are listed on this petition DO NOT want the minimum setback from street alignment (regulation 409) to be reduced.

Furthermore, the residents listed on this petition request that all planning and building regulations related to this development should be enforced by the Baw Baw Shire Council and its staff and the development should also be consistent with the character of the area”.

#### **RECOMMENDATION**

That Council:

1. Note that the Report and Consent application relating to 61 Kent Street, Warragul was refused; and
2. Write to the lead petitioner to advise of the outcome of the Report and Consent application.

#### **KEY POINTS/ISSUES**

- A Report and Consent application was received on 28 November 2016 requesting a reduced front boundary setback (building regulation 409) in relation to the proposed construction of a two storey dwelling at 61 Kent Street, Warragul.
- The dwelling design presented with the application adopted Kent Street as the front boundary of the allotment. The application requested a setback of 4 metres to the front wall of the building and 2 metres to a verandah in lieu of the minimum required of 9 metres.
- Ministerial Guidelines apply to the processing of Report and Consent applications; they include:



- Decision guidelines, and
- Protocols for advertising to adjoining residents.
- The five adjoining residents were notified of the application as per the requirements of the Minister's Guidelines. Three objections were received by Council in response to these notifications.
- A petition was received at Council offices on 6 January 2017, which was tabled at the first Council meeting for the year on 8 February 2017. The petition was signed by 15 residents who objected to the development and the proposed minimum frontage setback.
- The application was considered by Council's Municipal Building Surveyor in context with the Ministerial Decision Guidelines. The application was refused on 30 January 2017 and relevant correspondence was sent to the applicant.
- Letters have been sent to the three objectors to whom the application was formally advertised advising them of the decision to refuse the Report and Consent application.

### **TRIPLE BOTTOM LINE IMPLICATIONS**

#### **COMMUNITY IMPACT**

- Baw Baw Shire is required pursuant to Ministerial Guidelines to engage with relevant adjoining landowners when considering Report and Consent applications, represent concerns and communicate information.

#### **ENVIRONMENTAL IMPACT**

- Nil impact.

#### **FINANCIAL IMPACT**

- Nil impact.

### **CONSULTATION**

- As per the Ministerial Guidelines, the application was advertised to five adjoining residents.

### **LEGAL/COUNCIL PLAN/POLICY IMPACT**

#### **COUNCIL PLAN**

This petition response assists with the achievement of the key strategic objective as set out in the Council Plan 2013-2017:

Our Community

Delivering affordable and quality services to the community.

#### **CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES**

This petition and the Report and Consent application have been reviewed under the *Charter of Human Rights and Responsibilities* and is considered compatible.

**LEGAL**

- The requirements of the *Building Act* 1993, the *Building Regulations* 2006 and the relevant Ministerial Guidelines have been considered.

**POLICY IMPACTS**

- Nil impact.

**CONFLICT OF INTEREST DECLARATION**

No officer involved in the preparation of this report has a disclosable interest.

## **11. COUNCIL LEADERSHIP AND MANAGEMENT**

### **11.1 LEASE OF IT EQUIPMENT**

*Executive Assistant Corporate and  
Community Services*

*Directorate: Corporate and Community  
Services*

*Ward:*

*Appendix:*

#### **PURPOSE**

To seek Councils approval for a Master Lease Agreement with Macquarie Equipment Finance for the purposes of leasing IT equipment.

#### **RECOMMENDATION**

That Council:

1. Approves the Macquarie Equipment Finance Master Lease Agreement for a total amount of \$1,500,000 (excluding GST) for the supply of IT equipment; and
2. Delegates the Interim Chief Executive Officer to sign and authorise the contract documents after they have been prepared.

#### **KEY POINTS/ISSUES**

- The current IT equipment fleet that comprises in the order of 200 desktop PCs and 70 laptops are now outdated and in need of renewal.
- Council leases IT equipment (including servers, desktops, laptops and other devices) with Macquarie Equipment Finance. The lease term is between three (3) to five (5) years depending upon the type of equipment. At the end of the lease term the equipment is obsolete and requires replacement.
- The IT fleet of laptops and desktops is now at the end of their lease with the equipment due for upgrade. It is proposed to seek Council approval for a new Master Lease Agreement to coincide with the upgrade of IT equipment.
- As Council has recently replaced its IT servers, it is proposed to also include this equipment to the new lease agreement with Macquarie Equipment Finance.
- Both the supply of IT equipment and the supply of lease finance were the subject of a competitive procurement process as follows:
  - IT equipment – Procurement Australia completed a tender process and sought suppliers for IT equipment including servers, desktops and laptops. Council officers then sought quotations from the Procurement Australia panel of suppliers. Thomas Duyrea was selected to supply both IT servers and network equipment.

- Lease finance – Axiom Leasing Advisors Pty Ltd conducted a tender, on behalf of Council, for financiers able to provide leasing services. Macquarie Equipment Finance successfully tendered for these services and it is now propose to enter into a Master Lease Agreement to fund the acquisition of IT equipment.
- The Macquarie Equipment Finance Master Lease Agreement will be activated following completion and approval of the Schedule 1 – Goods Schedule. Approval is now sought to authorise Goods Schedules to the total dollar value of \$1,500,000. The amount of \$1,500,000 is designed to provide some additional capacity for officers to activate the Master Lease Agreement without the need for further Council approval.
- The total approval of \$1,500,000 is to be deployed as follows:
  - \$230,000 IT Servers acquired October 2016.
  - \$650,000 approx. IT desktop PC's, laptops and other devices now due for replacement.
  - \$620,000 approx. of additional IT equipment that includes printers, network devices and server storage.

### **TRIPLE BOTTOM LINE IMPLICATIONS**

#### **Financial Impact**

Council's operating budget includes recurrent expenditure in the order of \$573,000 to fund the lease of IT equipment. This amount is sufficient to fund the acquisition of equipment to the value of \$1,500,000 plus fund pre-existing IT lease arrangements.

#### **Environmental Impact**

There is no environmental impact.

#### **Community Impact**

Upgrade of IT equipment and device will enable the continuity of business and support interaction and community communication.

### **CONSULTATION**

External consultation was not required.

### **LEGAL/COUNCIL PLAN/POLICY IMPACT**

#### **COUNCIL PLAN**

This Lease of IT Equipment assists with the achievement of the key strategic objective as set out in the Council Plan 2013-2017:

Strategic Objective 2: Council Leadership and Management

*2.1 Financial responsibility and responsible management of Council.*

#### **CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES**

This Lease of IT Equipment report has been reviewed under the *Charter of Human Rights and Responsibilities* and is considered compatible.

**LEGAL**

Council is required to comply with the Procurement Policy made in accordance with the requirements of Section 186A of the Local Government Act 1989. Council is required to approve tender recommendations where the contract value is in excess of \$ 250,000 including GST

**POLICY IMPACTS**

Council has a procurement policy made in accordance with the requirements of Section 186A of the Local Government Act 1989. The tender evaluation was carried out in accordance with this policy.

**CONFLICT OF INTEREST DECLARATION**

No officer involved in the preparation of this report has a disclosable interest.

## 12. INFRASTRUCTURE AND COMMUNITY ASSETS

### 12.1 REQUEST FROM RESIDENTS THAT DO NOT WANT THE TREE REMOVED THAT IS LOCATED AT CIVIC PARK

Acting Manager Urban Operations

Directorate: Community Assets

Ward: ALL

Appendix: 1 attachment

#### **PURPOSE**

For Council to respond to a petition that was tabled at its meeting on 8 February 2017 in relation to a request that a tree in the north east corner of Civic Park adjacent to 61 Kent Street, Warragul not be removed.

#### **RECOMMENDATION**

That Council notes that the tree in the north east corner of Civic Park Warragul adjacent Lot 1 of 61 Kent Street Warragul has been pruned back to the property line and not removed.

#### **KEY ISSUE**

- The Warragul residents that are listed on this petition do not want the Argyle apple tree (*Eucalyptus cinerea*) removed that is located in the north east corner of Civic Park. They believe that it is an incorrect and premature decision to remove this tree before the planning approval process has been completed for Lot 1 of 61 Kent Street Warragul.

#### **BACKGROUND**

- The developer of Lot 1 of 61 Kent Street, contacted Council requesting a tree located within Civic Park abutting his property, with considerable overhang, be removed or pruned.
- The tree, a *Eucalyptus cinerea*, was inspected by both the Manager Urban Operations and Coordinator Urban Maintenance, along with initial consultation with the residents immediately adjacent to the property. After consideration the developer was advised that the tree would be pruned back to the property line.
- Refer Attachment 1 photographs of the tree before and after pruning works were completed by Council.

#### **TRIPLE BOTTOM LINE IMPLICATIONS**

##### **COMMUNITY IMPACT**

Minimal impact only on the local community.

##### **ENVIRONMENTAL IMPACT**

Pruning of the tree has had no evident impact on the environment.

**FINANCIAL IMPACT**

The cost of pruning of the tree is included in Council's Urban Maintenance Operational Budget.

**CONSULTATION**

During the initial investigations following the request from the Developer, adjacent property owners were door knocked and advised of the options available for the tree located within Civic Park.

**LEGAL/COUNCIL PLAN/POLICY IMPACT**

**COUNCIL PLAN**

The pruning of the tree assists with the achievement of the key strategic objective as set out in the Council Plan 2013-2017:

Strategic Objective 1.3 - Enhanced community quality of life.

"Improving the appearance of Baw Baw Shire's streets, public and open spaces and maintaining Baw Baw Shire's streets, public areas and open spaces to improve urban amenity and community enjoyment".

**CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES**

The petition has been reviewed under the *Charter of Human Rights and Responsibilities* and is considered compatible.

**LEGAL**

All compliance issues are covered and the arrangements are in accordance with the Local Government Act, Council Procurement Guidelines and Victorian Local Government Best Practice Guidelines.

**POLICY IMPACTS**

The initiatives detailed in the Report are consistent with the Baw Baw Shire Council Tree Management Policy.

**CONFLICT OF INTEREST DECLARATION**

No officer involved in the preparation of this report has a disclosable interest.



Figure 1 Aerial image before tree was pruned



Figure 2 image after tree was pruned



## **13. GROWTH AND PROSPERITY**

### **13.1 EXPRESSION OF INTEREST RECOMENDATION REPORT - 21753CR WARRAGUL CBD CAR PARK PROPOSAL**

*Property Management Coordinator*

*Directorate: Corporate and Community  
Services*

*Ward: Central*

*Appendix:*

#### **PURPOSE**

For Council to consider the two expression of interest received for the Warragul Business Centre Car Parking Project.

#### **RECOMMENDATION**

That Council;

1. Does not proceed any further with the Expression of Interest proposals put forward for the Barkly Street and Williams Square sites and provides a written response to the proponent of this decision; and,
2. Instructs Officers to seek quotes and engage a suitably qualified consultant to prepare an options paper for Council looking at ways of addressing future predicted car parking shortfalls in Warragul. The options may include cash-in-lieu schemes, private/Council partnerships, Council funded models; and,
3. Requests a further report to Council once an options paper has been completed.

#### **KEY POINTS/ISSUES**

- The Warragul Parking Study (August 2015) identifies that there will be a need to provide between 1400 and 1800 additional parking spaces in Warragul Business Centre by 2030.
- In November 2016, expressions of interest (EOI) proposals were sought from interested parties to develop Council owned land in the Warragul Business Centre for the purpose of increasing car parking available to the public. This invitation for expressions of interest invited proposals to provide options to optimise and increase the supply of public and other car parking in Warragul.
- A number of Council-owned sites were identified in the invitation for expressions of interest as potential options for the construction of a multi-level car park or other development including car parking to assist in the provision of parking into the future. The sites included:
  - Williams Street (Williams Square Car Park);
  - Barkly Street (Barkly Street Car Park);

- Civic Centre (Albert Road and Smith Street);
- 21-29 Queen Street;
- 48 Mason Street; and
- 51A-53A Victoria Street (collectively).
- The invitation for expressions of interest was advertised on Tenderlink and closed on 11 January 2017. Two proposals were received. One proposal was put forward for Williams Street (Williams Square Car Park) and the other for Barkly Street (Barkly Street Car Park).
- In summary, the Williams Street proposal includes the following:
  - Land affected by the proposal includes Williams Square Public Car Park and car park at 30-32 Williams Street.
  - The proposal is for three levels of car parking, including ground level, with access to Level 1 and Level 2 car parks via a bridge from the Coles car park accessed from 30-36 Palmerston.
  - The proponent proposes that Williams Square public car park and 30-32 Williams Street be sold to the proponent for \$1,000. The proponent would construct the multi-storey car park and would lease car parking spaces back to Council.
- In summary, the Barkly Street proposal includes the following:
  - Land affected by the proposal includes Barkly Street Public Car Park, Senior Citizens building at 37 Mason Street (Crown Land) and land at the corner of Civic Place and Albert Street (59-61 Albert Street)
  - The proponent proposes two discount department stores on Barkly Street and Mason Street with car parking provided under one of the department stores and construction of a new senior citizens building at 59-61 Albert Street with car parking underneath.
  - The proponent proposes that Barkly Street public car park, 37 Mason Street and 59-61 Albert Street be sold to the proponent for \$1,000. The proponent would construct the discount department stores, senior citizens building and car parks and lease the senior citizens building and car parking spaces back to Council. The anticipated rent payable on the new senior citizens building has not been provided.
- The proponents were asked to provide further information to demonstrate how the evaluation criteria had been met and presented the proposals to the selection panel.
- The selection panel was unable to score the proposals against the evaluation criteria relating to commercial principles, net community benefit and financial return to Council.
- Alternative options for Council in considering ways of addressing the anticipated shortfall of car parking in the future would be to seek quotes from consultants to prepare an options paper for Council. This options

paper could look at the various alternatives available, such as cash-in-lieu schemes, private/Council partnerships and Council funded models.

### **TRIPLE BOTTOM LINE IMPLICATIONS**

#### **COMMUNITY IMPACT**

Any future development of car parking in the Warragul Business Centre will be required to maximise the number of car parking spaces available to the public. There are also opportunities for future car parking proposals to incorporate additional commercial space and broaden the retail offering available to residents and visitors.

#### **ENVIRONMENTAL IMPACT**

Any future development of car parking in the Warragul Business Centre will be required to incorporate environmentally sustainable design measures, which could include features such as water sensitive urban design, capture of solar power, electric car charging provision/points and bicycle parking facilities.

#### **FINANCIAL IMPACT**

- The financial impact of the two expressions of interest proposals is not clear.
- There will be financial implications for the construction of new multi-storey buildings and there are multiple funding options available. Any future options paper prepared for Council should clearly detail what financial options are available to fund the construction of new car parking facilities.

### **CONSULTATION**

Consultation with stakeholders, including community, Warragul businesses and referral authorities, will be a key element in the progression of any future car parking developments to ensure stakeholder support for the project.

### **LEGAL/COUNCIL PLAN/POLICY IMPACT**

#### **COUNCIL PLAN**

Provision of additional car parking in the Warragul Business Centre will assist with the achievement of the key strategic objective as set out in the Council Plan 2013-2017: Growth and Prosperity – Planning to meet the needs of the community today and into the future and Infrastructure and Community Assets – Investing in quality and affordable community assets which are balanced against the growing needs of the community.

#### **CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES**

This report has been reviewed under the *Charter of Human Rights and Responsibilities* and is considered compatible.

#### **LEGAL**

There are no legal impacts to be considered as part of this report.

#### **POLICY IMPACTS**

- Baw Baw Shire has a Procurement Policy made in accordance with requirements of Section 186A of the *Local Government Act 1989*.

Expression of Interest proposal evaluation was carried out in accordance with this policy.

- Aspects of the proposed land transaction would not be consistent with Council's property policy or with the Local Government Act 1989.

**CONFLICT OF INTEREST DECLARATION**

No officer involved in the preparation of this report has a disclosable interest.

## **14. THE ENVIRONMENT**

Nil Reports

**15. NOTICES OF MOTION**

Nil Reports

**16. COMMITTEE AND DELEGATES REPORTS**

## **17. ASSEMBLY OF COUNCILLORS**

### **17.1 ASSEMBLY OF COUNCILLORS REPORT**

*Governance Advisor*

*Directorate: Corporate and Community  
Services*

*Ward: All*

*Appendix: 1 attachment*

#### **PURPOSE**

To present the written records of Assemblies of Councillors that have occurred.

#### **RECOMMENDATION**

That Council receives and notes the Assembly of Councillors records tabled for the period from Friday 3 February 2017 – Friday 17 March 2017.

#### **KEY POINTS/ISSUES**

The *Local Government Act 1989* requires that the written record of an assembly of councillors be, as soon as practicable, reported at an ordinary meeting of the Council and incorporated into the minutes of that meeting.





**Assembly of Councillors Record**

This record is required under s.80 of the *Local Government Act 1989*. An Assembly of Councillors is a defined term under s.76AA. This record must be completed at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of a delegated authority and which is either one of the following: a meeting of an advisory committee where at least one Councillor is present; or a planned or scheduled meeting that includes at least half the Councillors and at least one Council officer.

**Meeting details**

Date	15 March 2017	Time	10am to 4:44pm
Location	Drouin Civic Centre		
Advisory Committee (if applicable)	Confidential Councillor Briefing		

**In attendance**

List all attendees present at the meeting including Councillors, Committee Members, Council Officers and others in attendance

Cr Cook	Phil Cantillon	Stephanie Hobson
Cr Wallace	Matthew Cripps	Chelsea Burton
Cr O'Donnell	Jane Oakley	Olivia East
Cr Power (left at 3:17)	David Dunstan	Ainslee Humphrey
Cr Jones	Malcolm Lewis	Katelyn Sharman
Cr Gauci	Peter Harris	Mark Kelly
Cr Leaney	Chrisanya Martin	Max Tweedale
David Barnes	Leanne Khan	Jarrold Carroll
Jane Keddie	Jayne Clunning	Ben Shelton
Shane Paynter	Alison Lisle	Nikhil Aggarwal
Teck Ting	Vishal Gupta	Erin Marslen
Andrew Davidson	Chris Duff	Ian DeBruyne
Samantha Bell	Debbie Blandford	Stacey Clark
Tong Ung	Scott Sibly	

**Matters Considered**

List all matters considered at the meeting

Youth Futures Workshop Rural Land Use Review Statutory Planning Long Term Infrastructure Plan West Gippsland Draft Floodplain Management Strategy Utopia Animal Pound Pound Construction & Utopia Business Model Lease of IT Equipment EOI Warragul Business Car Parking Industry Sector Development Plan Petition Response Tree Removal at Civic Park Warragul and Drouin Civic Park Master Plans Petition Response Application for Report and Consent Kent Street, Warragul
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**Conflict of Interest Disclosures**

Have any persons declared a conflict of interest to an item discussed? (Yes/No) **YES**      —

If yes, please complete:  
Name of person making

Person left the room and

disclosure	remained outside whilst discussion taken place? (Yes/No)
Cr Jones	Item 4.1 Response to Petition – Application for Report and Consent Under the Building Act 1993 Cr Jones left the meeting at 4:35 and returned at 4:37
	Yes

**18. MAYORAL MINUTE**

**19. GENERAL BUSINESS**