



Minutes

Council

28 February 2018

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Baw Baw Shire Council
Council Meeting
28 February 2018
Minutes

Minutes of the Ordinary Meeting of the Baw Baw Shire Council held in the Council Chambers, Trafalgar Business centre, commencing at 5.30pm on 28 February 2018.

Present

Cr J Gauci, Cr M Leaney, Cr M Power, Cr K Cook, Cr D Wallace, Cr D Goss, Cr P Kostos and Cr J O'Donnell.

In Attendance

Ms A Leighton	Chief Executive Officer
Mr M Dupe	Director Corporate and Community Services
Mr C Van der Velde	Director Community Assets
Mr M Cripps	Director Planning and Economic Development
Mr M Hopley	Chief Information Officer
Mr M Kestigian	Executive Manager Community Information & Advocacy
Mr P Harris	Manager Council Business
Ms D Foenander	Executive Assistant to the Chief Executive Officer

1. OPENING AND RECOGNITION OF TRADITIONAL CUSTODIANS

Cr Gauci opened the meeting with recognition of the traditional custodians being, I acknowledge the traditional custodians of the land on which we are meeting and pay my respects to their Elders both past and present. He also acknowledge the traditional custodians of the land on which we are meeting and pay my respects to their Elders both past and present. I would also like to acknowledge any other elder of any race or religion that may be in the room tonight.

2. READING OF AFFIRMATION AND PRAYER

Cr Gauci 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

Cr T Jones

4. CIVIC CEREMONIES

Nil

5. CONFIRMATION OF PREVIOUS MEETING MINUTES

COUNCIL MOTION

Moved: Cr J O'Donnell

Seconded: Cr K Cook

That the minutes of the Ordinary Council Meeting held on 14 February 2018 be confirmed.

CARRIED

6. COUNCILLORS DECLARATIONS OF INTEREST/CONFLICT OF INTEREST

Cr Power declared a conflict of interest during community participation time and Item 9 Petitions leaving the room when the submissions and petition were presented from 5.33pm – 5.55pm. Cr Power remained out of the room for item 10.1 returning to the room at 6.12pm.

Cr Power declared a conflict of interest for item and 12.1 and left the room at 6.22pm and returned to the room at 6.23pm.

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

7.1 RELEASING OF COUNCIL MOTIONS IN CLOSED TO THE PUBLIC SESSION

Council did not hold a confidential council meeting and therefore no information is required to be released to the public.

8. COMMUNITY PARTICIPATION TIME

8.1 QUESTIONS ON NOTICE

Question on Notice was received by Mr David Lyons. Council's response is below:

Now that meetings of Baw Baw Shire Council are live-streamed could all questions on notice be read as the person asking may be in the gallery by watching at home?

Council Response:

Thank you for your question on reading out all Questions on Notice now that Council is Live Streaming its meetings. Your query raises a very important matter and is well worth consideration.

The most appropriate time to review your suggestion will be when the Meeting Procedure Local Law is reviewed. We will ensure that your suggestion is considered as part of that review.

We do thank you for your interest in this process and the suggestion which you have made.

8.2 SUBMISSIONS

CR POWER DECLARED A CONFLICT OF INTEREST AND LEFT THE CHAMBER AT 5.33PM

The following persons spoke on an item on the agenda.

Submitter Name	Topic
Ted Benjamin	12.1

Spiro Neofilou	10.1
Guy Rischmuller	

9. PETITIONS

CR POWER REMAINED OUT OF THE CHAMBER DUE TO A CONFLICT OF INTEREST

A petition was received by Council on 27 February 2018. There is both this physical petition and an additional online petition that will be lodged separately. The petition reads:

It is requested that the Council consider rejecting the application PLA0357/17 to build a

“Service Station” at Yarragon.

The local Yarragon residents and residents of nearby towns as well as visitors to Yarragon, whose names, details and signatures are set out on the attached list object to this planning application. A summary of reasons for the objection is on each sheet and detailed below:

- The development will take up a large proportion of land that has been identified for future residential zoning in the Yarragon Structure Plan.
- Yarragon already caters for travellers: a service station on the east; public toilets, long-vehicle parking, supermarket, chemist, parks & gardens and a variety of food/drink options within the township
- Yarragon has been identified by Baw Baw Shire Council as a ‘tourist’ destination, with marketing of the town promoting a ‘village’ atmosphere – a service station centre does not fit with Yarragon’s village streetscape and the boutique offering provided by local small business owners.
- A service station centre development will undoubtedly increase the amount of litter and noise pollution in and around Yarragon; in turn this may lower the value of land and existing homes in the surrounding area.

In total, these petitions were signed by 1,097 individuals.

PURPOSE

For Council to consider tabling a petition that was received from residents on 27 February 2018 relating to the application PLA0357/17 to build a Service Station at Yarragon.

RECOMMENDATION

That Council:

1. Receive and note the petition relating to to the application PLA0357/17 to build a Service Station at Yarragon.

2. Incorporate the petition as an objection in the submissions to to the application PLA0357/17 to build a Service Station at Yarragon, and write to the principal petitioners informing them that the petition will be considered as an objection to the application PLA0357/17 to build a Service Station at Yarragon;
3. Advise the principal petitioner that a report incorporating the petition will be brought back to Council for a final decision on the matter when the to the application PLA0357/17 to build a Service Station at Yarragon Report is ready for a Council decision; and
4. Write to the principal petitioner and advise them of their rights to make a verbal submission to the planning permit when it is presented to Council for decision.

COUNCIL MOTION

Moved: Cr D Wallace
Seconded: Cr M Leaney

CARRIED

10. VIBRANT COMMUNITIES

10.1 PLA0089/17 - 299-305 PRINCES WAY DROUIN - USE AND DEVELOPMENT OF THE LAND FOR A SERVICE STATION AND CONVENIENCE RESTAURANT, DISPLAY OF ADVERTISING SIGNS [BUSINESS IDENTIFICATION SIGNS, INCLUDING INTERNALLY-ILLUMINATED SIGNS] AND PROMOTION SIGNS, ALTERATION OF ACCESS TO ROAD ZONE CATEGORY 1, AND ASSOCIATED WORKS, IN ACCORDANCE WITH THE ENDORSED PLANS.

Statutory Planning Coordinator

*Directorate: Planning and Economic
Development*

Ward: West

Appendix: 4 attachments

CR POWER REMAINED OUT OF THE CHAMBER DUE TO A CONFLICT OF INTEREST

PURPOSE

For Councillors to consider Planning Permit Application PLA0089/17 for the use and development of the land for a Service Station and Convenience Restaurant, Display of advertising signs, alteration of access to Road Zone Category 1, and associated works at 299 and 305 Princes Way Drouin.

RECOMMENDATION

That Council issue a Notice of Decision to approve Planning Permit Application PLA0089/17 to Use and develop the land for a service station and convenience restaurant, display of advertising signs [business identification signs, including internally illuminated signs] and display of promotion signs, alteration of access to road zone category 1, and associated works, in accordance with the endorsed plans at 299 and 305 Princes Way Drouin.

ALTERNATE RECOMMENDATION

That Council

1) Issue a Notice of Decision to approve Planning Permit Application PLA0089/17 to Use and develop the land for a service station and convenience restaurant, display of advertising signs [business identification signs, including internally illuminated signs] and display of promotion signs, alteration of access to road zone category 1, and associated works, in accordance with the endorsed plans at 299 and 305 Princes Way Drouin.

2) Except with the prior written consent of the Responsible Authority the following activities must only occur and operate during the following hours:

- a. Overall hours of operation
Monday to Sunday 5.00am to 11.00pm;
- b. Operation of the convenience restaurant
Monday to Sunday 7am and 10pm;
- c. Deliveries (including fuel deliveries)
Monday to Sunday 7am and 10pm.
- d. Waste collection:

- i. Monday to Saturday 7am and 8pm; and
- ii. Sunday and Public Holidays 9am and 8pm.

COUNCIL MOTION

Cr D Goss called for a division

For: Councillors K Cook, J Gauci, D Goss, J O'Donnell and M Leaney

Against: Councillor P Kostos, Cr D Wallace

Moved: Cr J O'Donnell

Seconded: Cr K Cook

CARRIED

CR POWER RETURNED TO THE CHAMBER AT 6.12PM

KEY ISSUES

- The proposal is to allow for the use and development of a new Service Station (*proposed under the banner of 7-Eleven*) and a Convenience Restaurant (*a future food outlet with associated drive-thru*), with associated advertising signs and works.
- The subject properties comprise 4 allotments sited at 299 and 305 Princes Way Drouin which are within the General Residential Zone.
- The properties abut Princes Way which is a Road Zone Category 1 under the management of VicRoads.
- 299 Princes Way (one lot) is currently occupied by a dwelling and associated outbuilding.
- 305 Princes Way (three lots) are currently occupied by a vehicle servicing business and associated petrol station (Michelin Tyre Services). Consequently, part of the subject property is already currently used for a Service Station. The proposal intends to extend this existing use to abutting lot at 299 Princes Way.
- The surrounding land comprises a wide variety of zones and uses.
 - Land to the North-East is Low Density Residential Zone comprising a dwelling.
 - Land to the North and South are General Residential Zone comprising either single detached dwellings, or various industries/offices.
 - Land to the South-West is Low Density Residential Zone occupied by a Caravan Park.
 - Land to the North-West is Industrial 1 Zone occupied by various industries.
- A planning permit is required to:

- Use the land for a Service Station and use of the land for a Convenience Restaurant within the General Residential Zone pursuant to Clause 32.08-2 (Section-2 uses) of the Baw Baw Planning Scheme (the Scheme); and,
 - Construct a building or carry out works associated with a use in a Section-2 of Clause 32.08-8 of the Scheme; and,
 - Alter access arrangement to a road in a Road Zone Category 1 pursuant to Clause 52.29 of the Scheme; and,
 - Display business advertising signs, internally-illuminated signs, and promotion signs pursuant to Clause 52.05-9 of the Scheme; and,
 - Buildings and works associated with a use which benefits from existing use rights pursuant to Clause 63.05 of the Scheme.
- A proposal of this nature must also address the following Particular Provisions:
 - Clause 52.06 – Car parking requirements;
 - Clause 52.12 – Service Station requirements;
 - Clause 52.20 – Convenience Restaurant and Take-Away Food Premises requirements;
 - Clause 52.34 – Bicycle Facilities;
 - The application was referred external to VicRoads (S.55 - Determining Authority) whom consented subject to conditions.
 - The Environment Protection Authority were notified of the application. They have no objections to the application but have made recommendations of potential conditions.
 - Melbourne Water was also notified of the application, who did not provide any response.
 - The application was referred internally to Council's Health and Engineering Departments whom provided recommended conditions.
 - Six (6) submissions in the form of objections were received during the notice period;
 - The proposal is compliant, and provides a satisfactory outcome, with the relevant Particular Provisions regarding 'Advertising Signs', 'Service Station', 'Convenience Restaurant', 'Car Parking', 'Access', and 'Bicycle Facilities'.
 - The proposal is also considered consistent with the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies, the provisions of the General Residential Zone and the decision guidelines at Clause 65.01 of the Scheme.
 - The context of the site is noted be beneficial for a redevelopment of a modern Service Station as:

- the land abuts a major arterial road (Princes Way) and it is considered the proposal will not by itself result in drawing more traffic along VicRoads infrastructure but rather tap-on the existing through-traffic;
- the existing petrol station results in identifying the land as potential contaminated under the Environment Protection Act 1979 which reduces the opportunity for the land to return to a sensitive use (such as for accommodation/dwelling) without having to go through an Environmental Audit;
- The immediate character of the area is already affected by multiple use carrying different level of amenity:
 - ⇒ 319-327 Princes Way is occupied by an engineering and machine repair and maintenance (*Drouin Machining & Maintenance*);
 - ⇒ 295-297 Princes Way are occupied by a vehicle parts shop and a Sign-making business (TNT Auto Parts and Drouin Signs);
 - ⇒ Land across Princes Way and along Roberts Court are Industrial 1 Zone comprising various warehouse, shop, and engineering businesses;
 - ⇒ Further, the subject site at 305 Princes Way is currently occupied by Drouin Tyre & Battery Service (Michelin) and already from land used as residential purposes.
- The proposal can adequately replace the existing business and provide an adequate buffer between the surrounding industries (and highway) to the west and the dwellings to the east.
- The addition of a food outlet and service station close to a place of employment (Industrial Zone) creates a sound economic nexus that benefits the area by, providing local services, potentially reducing the amount of vehicular traffic by allowing local employees to walk to across Princes Way.
- The applicant submitted an acoustic report which included specific recommendations that would be implemented to ensure the amenity of the area is no further affected by the operation of the proposal. Appropriate conditions will ensure these recommendations are effective and ongoing.
- Amongst the requirements recommended to be included on any permit should one be issued are conditions relating to:
 - Landscaping;
 - drainage/stormwater management (including requirement for drainage plans);
 - amenity and acoustic measures (such as hours of deliveries); and
 - signage (including the removal of proposed illuminated signage which faces the abutting dwellings).

It is considered these will assist in reducing the impact of the development on abutting land uses.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

- An application fee of \$3,213 was received.
- The proposal will not have financial impact upon Council administrative service unless the applicant or the objectors seek a review of the decision at the Victorian Civil and Administrative Tribunal (VCAT) for the conditions or requirements of the proposed permit.
- Additional resources or financial cost will be incurred should the applicant or objectors seek a determination at the Victorian Civil and Administrative Tribunal (VCAT).
- It is considered that a refusal would be unlikely to be supported by the Tribunal.
- The establishment of the proposal will result in a revitalization of the subject property that ultimately affect Capital Improved Value and Net Annual Value.

Environmental Impact

- The proposal may have negative environmental impacts if not managed appropriately through conditions.
- The contamination of the land associated with the storage of petrochemical goods means the land cannot be reconverted into a sensitive use [e.g. child care center, accommodation/dwelling, etc.] normal to a residential zone without going through the environmental audit and decontamination process required under the *Environment Protection Act 1970*. The land is already deemed contaminated due to the existence of a service station at 305 Princes Way.

Community Impact

- The proposal may result in land use conflicts if not managed appropriately through conditions. Specifically, the implementation of acoustic requirements will alleviate most these impacts. The proposed conditions are intended to mitigate these impacts providing sufficient support to remediate impact and, if issues arise, ensure adequate compliance.
- The area is already subject to land use conflict, comprising an Industrial 1 Zone area across Princes Way and the subject land being currently used and operating as a service station and motor vehicle service business. The proposed development will maintain the current land use activities.
- The objections raised the following issues:
 - Financial impact to their property associated with loss of rental revenue or property value.
 - Amenity impact associated with noise, traffic, operation, and associated anti-social behaviour.

- Environmental impact associated with the operation and water runoff.
- The saturation of the market for service station.

The saturation of the market and financial impact on property valuation are not grounds of objection that can be considered as part of the planning process.

CONSULTATION

- Notice of the application was given to adjoining and adjacent landowners and occupiers of the subject site via registered post under Section 52(1) (a) of the *Planning and Environment Act 1987* (the Act) and notice was given via the display of an A3 sign on site for a minimum of 14 days pursuant to Section 52(1) (d) of the Act. Six (6) submissions in the form of objections regarding the proposal were received.
- The applicant responded to the concerns raised in the objections and provided further information, including the provision of an acoustic report identifying the need for an acoustic wall along the boundary, acoustic screens to elements of the building, as well as recommendations regarding delivery hours and waste collection.
- The application was referred internally to Council's Public Health Department and Council's Engineers who have not objected to the proposal subject to permit conditions.
- The application was referred externally to the Road Corporation (VicRoads), Melbourne Water, and the Environmental Protection Authority.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

This decision assists with the achievement of the key strategic objective as set out in the Council Plan 2017-2021:

Strategic Objective 1. Vibrant Communities

Strategic Objective 2: Thriving Economies

Strategic Objective 4. Growth and Prosperity

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

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

LEGAL

- The planning application was submitted and assessed in accordance with the *Planning and Environment Act 1987*.

- The business will be subject to the provisions of the *Environmental Protection Act 1970* and *Food Act 1984*

CONFLICT OF INTEREST DECLARATION

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

10.2 STATUARY PLANNING MONTHLY REPORT - SEPTEMBER TO DECEMBER 2017

Statutory Planning Coordinator

*Directorate: Planning and Economic
Development*

Ward: All

Appendix: 14 attachments

PURPOSE

To provide Council with an update on Statutory Planning activities from September to December 2017.

RECOMMENDATION

That Council note the report.

Moved: Cr D Wallace

Seconded: Cr P Kostos

CARRIED

KEY ISSUES

Monthly Statistics

- During the month of September 2017:
 - 30 planning permit applications were received;
 - 33 planning permit applications were determined;
 - 38 written planning advice were issued for the month;
 - 14 plans of certification issued for plans of subdivision; a total of 146 lots approved;
 - 12 statement of compliance were issued for plans of subdivision; a total of 122 lots released;
 - a total of 43% of decisions were made within 60 days.
- During the month of October 2017:
 - 37 planning permit applications were received;
 - 43 planning permit applications were determined;
 - 33 written planning advice were issued for the month;
 - 7 plans of certification issued for plans of subdivision; a total of 39 lots approved;
 - 9 statement of compliance were issued for plans of subdivision; a total of 63 lots released;
 - a total of 51% of decisions were made within 60 days.

- During the month of November 2017:
 - 32 planning permit applications were received;
 - 47 planning permit applications were determined;
 - 53 written planning advice were issued for the month;
 - 9 plans of certification issued for plans of subdivision; a total of 14 lots approved;
 - 10 statement of compliance were issued for plans of subdivision; a total of 30 lots released;
 - a total of 55% of decisions were made within 60 days.
- During the month of December 2017:
 - 34 planning permit applications were received;
 - 35 planning permit applications were determined;
 - 22 written planning advice were issued for the month;
 - 12 plans of certification issued for plans of subdivision; a total of 26 lots approved;
 - 8 statement of compliance were issued for plans of subdivision; a total of 17 lots released;
 - a total of 71% of decisions were made within 60 days.
- The 2017 year in review indicates the following activity:
 - 376 planning permit applications were received;
 - 462 planning permit applications were determined;
 - 475 written planning advice were issued;
 - 148 plans of certification issued for plans of subdivision; a total of 273 lots approved;
 - 120 statement of compliance were issued for plans of subdivision; a total of 450 lots released
 - An average of 53% of decisions were made within 60 days;
 - Total estimated cost of works for permits issued was \$207,440,600.

VCAT Appeals

- There were 3 VCAT determinations in the September - December period.
 - PLA0279/14 – 11 September 2017
2 lot subdivision at 173 Cazalys Road, Brandy Creek

A Notice of Decision to Grant a Planning Permit was issued under delegation. This was appealed to VCAT by an objector based on perceived contravention of State and Local planning policy, fragmentation rural land and circumventing the effect of an existing Section 173 agreement.

VCAT Order 26 September 2017 directed the issue of a planning permit.

➤ PLA0349/15 – 8 September 2017

2 lot resubdivision at 109 Kelliher Road, Neerim South

The matter was originally refused by Council as it was considered it was contrary to the Subdivision Act and more specifically Clause 22.01 of the Baw Baw Planning Scheme – Rural Zone policy.

VCAT upheld Council's decision giving an oral decision on the day of the hearing.

➤ PLA0286/18 – 11 October 2017

Development of a Men's Shed [Place of Assembly], reduction of car parking requirements, and associated works at 34-38 Contingent Street Trafalgar.

A planning permit had been issued under delegation. Notice of the application to the adjoining properties was not given.

Subsequently, the adjoining property owner sought cancellation of the permit as they believed that they should have been notified of the application.

The Tribunal concluded that while Council should have given notice of the application, the member was satisfied the development was an acceptable outcome and the concerns of the neighbour would not have altered Council's decision. In addition, the development had been substantially constructed by the time the appeal was lodged and therefore considered it would not be fair and just to cancel the permit in these circumstances. The request to cancel or amend the permit was dismissed.

There is one (1) VCAT appeal lodged in the September – December period.

➤ P1908/2017 Hearing Date – 1 March 2018

PLA0155/17 70 Cazalys Road, Brandy Creek for the use and development of land for a dwelling.

Lodgement against Council's decision to refuse an amendment to the permit to remove a condition requiring consolidation of Lots 1, 2, 4 & 5.

Attachments

- This report provides Council with an update on the following items:
 - Statutory Planning September 2017 Summary (Attachment 1)
 - Statutory Planning October 2017 Summary (Attachment 2)
 - Statutory Planning November 2017 Summary (Attachment 3)

- Statutory Planning December 2017 Summary (Attachment 4)
- Statutory Planning September - December 2017 Summary (Attachment 5)
- Planning Applications received to “Amend Planning Permit” for September to December 2017 (Attachment 6)
- Planning Applications received for September to December 2017 (Attachment 7)
- Total Planning Applications Determined for September to December 2017 (Attachment 8).
- Planning Applications to Amend Planning Permit determined for September to December 2017 (Attachment 9)
- September PPARS report (Attachment 10)
- October PPARS report (Attachment 11)
- November PPARS report (Attachment 12)
- December PPARS report (Attachment 13)
- Statutory Planning 2017 Summary (Attachment 14)

TRIPLEBOTTOMLINE IMPLICATIONS

COMMUNITY IMPACT

This report will not result in any identified community impacts.

ENVIRONMENTAL IMPACT

This report will not result in any identified environmental impacts.

FINANCIAL IMPACT

The costs to be incurred at VCAT by legal Representation, planning consultants and officer representing Council are included in the 2017/18 Planning and Economic Development budget.

CONSULTATION

- This report provides details of all planning permit applications and decisions that are required to be considered in accordance with the Baw Baw Planning Scheme and the *Planning and Environment Act 1987*.
- Consultation occurs with the community as part of the planning process on applications where public advertising is required.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

This decision assists with the achievement of the key strategic objective as set out in the Council Plan 2017-2021:

Strategic Objective 1. Vibrant Communities

1.2 Managing Baw Baw’s growth and development.

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 identified legal impacts noted in relation to the preparation of this report.

POLICY IMPACTS

There are no identified policy impacts noted in relation to the preparation of this report.

CONFLICT OF INTEREST DECLARATION

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

10.3 TENDER 21817CT-DROUIN LIBRARY REFURBISHMENT

Facilities Maintenance Coordinator

Directorate: Community Assets

Ward: West Ward

Appendix: 3 attachments

PURPOSE

This report recommends that Council accept the tender from James G Morrison Pty Ltd for the refurbishment of the Drouin Library.

RECOMMENDATION

That Council:

1. Accepts the tender submitted by James G Morrison Pty Ltd as the successful tenderer for Contract 21817CT-Drouin Library Refurbishment for the tendered price of \$256,090.
2. Delegates the Chief Executive officer to sign and authorise the contract documents after they have been prepared.

Moved: Cr K Cook

Seconded: Cr M Power

CARRIED

KEY POINTS/ISSUES

- The tender specification calls for the supply of all labour, plant, equipment, materials and expertise for the refurbishment of the Drouin Library at 136 Princes Way, Drouin, including construction of a new landing and access ramps to the Meeting Room, conversion of existing male toilets to storerooms, conversion of kitchen to male toilets, minor construction works, tiling, painting etc. in accordance with the plans and specifications.
- The tender was for a lump sum contract with a completion date of 15 June 2018.
- Tenders were advertised in Tenderlink and closed on Wednesday 8 December, 2017. Three tenders were received.
- Tender submissions were evaluated in accordance with the nominated criteria.
- The project is supported by a State Government Grant under the Living Libraries Grants Program and require the project to be completed by 30 June 2018.

TRIPLE BOTTOM LINE IMPLICATIONS

COMMUNITY IMPACT

This project provides improved facilities at the Drouin Library and access to the adjacent Meeting Room for people with disabilities.

ENVIRONMENTAL IMPACT

It is not expected that the works will have any significant environmental impact. The works involve the construction of a deck and the material used will be a composite of recycled milk containers and non-virgin pine products.

FINANCIAL IMPACT

The works have been budgeted for in the 2017/18 Financial Year and are supported by a \$205,000 State Government Grant under the Living Libraries Grants Program.

CONSULTATION

The planning stages of this project have involved extensive consultation with stakeholders. Attached is a chronology showing details of that consultation.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

This Drouin Library Refurbishment Project assists with the achievement of the key strategic objective as set out in the Council Plan 2017-2021:

“Vibrant Communities”

“Safe and Sustainable Environments”

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

This Drouin Library Refurbishment Project has been reviewed under the Charter of Human Rights and Responsibilities and is considered compatible.

LEGAL

There are no legal issues involved in the appointment of a contractor to undertake the works in this case.

POLICY IMPACTS

The appointment of a contractor to undertake this project supports Council’s Procurement Policy.

CONFLICT OF INTEREST DECLARATION

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

11. THRIVING ECONOMY

Nil Reports

12. SAFE AND SUSTAINABLE ENVIRONMENTS

12.1 DRAFT ENVIRONMENTAL SUSTAINABILITY STRATEGY 2018-2022

Environment Sustainability Officer

*Directorate: Planning and Economic
Development*

Ward:

Appendix: 4 attachments

CR POWER DECLARED A CONFLICT OF INTEREST AND LEFT THE CHAMBER AT 6.22PM

PURPOSE

For Council to consider the revised draft Environmental Sustainability Strategy 2018-2022 and its four-year Action Plan for community feedback.

RECOMMENDATION

That Council endorse the draft Environmental Sustainability Strategy 2018-2022 for 28-day community consultation.

COUNCIL MOTION

Moved: Cr J O'Donnell

Seconded: Cr P Kostos

CARRIED

CR POWER RETURNED TO THE CHAMBER AT 6.24PM

KEY POINTS/ISSUES

- Council's former Environment and Climate Change Strategy 2011-2015 was due for review in 2016.
- In preparing the revised draft Environmental Sustainability Strategy 2018-2022, Council consulted with the Baw Baw community through workshops and surveys regarding key environmental sustainability themes, priorities and actions that should be addressed in the revised Strategy and its four-year Action Plan.
- A summary of the results of community consultation is attached to this briefing report.
- The drafting of this revised Strategy has involved the collation and assessment of information gathered from:
 - community and staff consultation;
 - a review of federal, state and regional environmental sustainability legislation;

- Council's Community Vision (*Baw Baw 2050*);
- Environmental Sustainability Policy; and
- The Council Plan (2017-2021) (see Strategy development attachment).
- Once endorsed by Council, the draft Environmental Sustainability Strategy 2018-2022 will be designed by Council's Communications Department to meet Council's corporate standard prior to consultation.

TRIPLE BOTTOM LINE IMPLICATIONS

COMMUNITY IMPACT

- Implementation of this Strategy will provide several key benefits to the community, including;
 - safeguarding our natural environment and biodiversity for present and future generations,
 - improving our community health by providing access to high quality bushland reserves, waterways and public open space,
 - facilitation of more sustainable development within our residential growth areas and improving the sustainability of existing natural and built assets,
 - provision of information to the community on how to reduce energy costs, water consumption and live more sustainably, and
 - building community resilience in preparation for extreme weather events.

ENVIRONMENTAL IMPACT

- The draft Strategy and its four-year Action Plan will ensure Baw Baw is:
 - protecting and enhancing our natural environment assets,
 - integrating environmental sustainability into council's core business, and
 - mitigating and adapting to the causes and consequences of climate change.

FINANCIAL IMPACT

- Strategy 2018-2022 has been undertaken with internal resources.
- An external workshop facilitator was used to conduct the initial consultation workshop with Council's Environmental Voice Advisory Committee in December 2016 at a cost of \$1,200.
- The cost of delivering actions identified in the draft Strategy have been classified into two categories; F = funded with internal resources and A = additional funds required from Council and/or funding grants.

CONSULTATION

- Extensive community consultation was undertaken to gather information regarding the direction and priorities of this revised Environmental

Sustainability Strategy 2018-2022 (see attachment for details) and included:

- A facilitated workshop with Council's Environmental Voice Advisory Committee (EV) to identify key environmental themes and Strategy title (December 2016).
- A second EV workshop to rank environmental sustainability themes in relation to importance and priority in Baw Baw and to identify actions to be placed in the Strategy's four-year Action Plan (February 2017).
- Preparation of a community survey via Survey Monkey, asking the community what environmental themes they considered to be most important and what actions they would like to be included in the Strategy's Action Plan (March 2017).
- Community consultation at Farm World 2017 and release of the community survey (April 2017).
- Consultation with all of Council's Advisory Committees via the community survey. All Advisory Committees were offered the opportunity for Council officers to present on the draft Environmental Sustainability Strategy (June – September 2017).
- Further input on the draft Environmental Sustainability Strategy will be sought from the community through Council's 28-day community consultation process, subject to Council approval (see Time Frame attachment). This consultation will be with the general community as well as environment and sustainability groups within the Baw Baw Shire.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

Objective 3: Safe and Sustainable Environments

- 3.1 Protecting and sustainably managing Baw Baw's environment.
- 3.2 Preparing for the impacts and consequences of climate change

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

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

LEGAL

This Strategy and its four-year Action Plan support the obligations of Council under State and Commonwealth environmental legislation, including: *Catchment and Land Protection Act 1994, Climate Change Act 2017, Environment Protection and Biodiversity Conservation Act 1999, Flora and Fauna Guarantee Act 1988, Planning and Environment Act 1987 and Environment Protection Act 1970.*

POLICY IMPACTS

Council's Environmental Sustainability Policy was developed and endorsed by Council in June 2017. This policy has been used to guide the direction and establish the priorities of this Strategy.

CONFLICT OF INTEREST DECLARATION

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

13. ORGANISATIONAL EXCELLENCE

13.1 LOCAL GOVERNMENT ACT REVIEW

Property Management Coordinator

*Directorate: Corporate and Community
Services*

Ward: all

Appendix: 3 attachments

PURPOSE

For Council to be informed of changes proposed in the draft Local Government Act 2018 and consider a submission to the Minister for Local Government.

RECOMMENDATION

That Council supports in principle the changes proposed in the Local Government Act 2018 and request the Chief Executive Officer provide a written submission to the Minister for Local Government in relation to the proposed changes in the areas of Local Law making, Campaign Donations, Conflict of Interest and highlights the lack of regulations to support the Act.

COUNCIL MOTION

Moved: Cr D Wallace

Seconded: Cr M Power

CARRIED

KEY ISSUES

- The review and implementation of a new Local Government Act is part of the State Governments commitment articulated in the Ministerial Statement released in August 2015. Rather than make further amendments to the 1989 Act the Government is proposing a new Act which will become known as the Local Government Act 2018.
- There are three overriding objectives in drafting the proposed Act, these are;
 - Victorians will better understand and value the role of councils as democratically elected bodies that represent their interests; participate more as candidates, voters and citizens in council activities; and contribute to council strategic visions and plans
 - Councils will drive reform across the state by being more autonomous and outcome oriented; and by embracing innovative and collaborative arrangements that increase organisational efficiency and deliver public value for residents

- The Act will be a living document that tells people clearly what councils do and how to get involved, and provide governance.
- The review process began in September 2015 with the release of a comprehensive discussion paper. The next stage was a Directions paper released in June 2016 to which Baw Baw Shire made a submission in September 2016 (refer attachment 1). In December 2017 as the final stage of the review process, the Government has released a draft bill which is available for public comment.
- Two months has been allowed for consultation and comment, the deadline for submissions being March 16, 2018. This is the final stage before the bill will enter Parliament proposing that it become the Local Government Act 2018.
- There are many proposed changes, policies and strategies that Council's will need to implement and several current requirements that will be removed. A comprehensive summary is attached as attachments 2 and 3 to this report. The Government have highlighted 10 Major Reform areas;

No	Major Reform	BBSC
1	Mayors will provide greater leadership to councils by adopting more extensive responsibilities and undertaking a commitment to report progress annually to their communities on the Council Four Year Plan	Minimal change anticipated for BBSC
2	Consistency of council representative structures will be improved by establishing a consistent formula for determining Councillor numbers and having councils unsubdivided or comprise uniform Councillor numbers per ward.	No change for BBSC
3	We will increase participation, formal voting and fairness in council elections by adopting a consistent voting method for all elections (attendance, postal or electronic).	No change for BBSC
4	Councils will undertake deliberative community engagement processes before adopting a four-year Council Plan and four-year Budget so communities better inform strategic directions and spending priorities of council.	Minimal change anticipated for BBSC
5	Councils will integrate strategic planning and reporting and adopt a long-term approach, comprising a four-year Council Plan, a four-year Council Budget, a long-term community	Minimal change anticipated for BBSC

	vision, 10-year financial plan and 10-year asset plan.	
6	The Act will strengthen the Minister's powers to deal with individual Councillors who are contributing to or causing serious governance failures at a council.	Minimal change for BBSC
7	All councils will have a CEO employment and remuneration policy and an independent advisory mechanism to guide recruitment, contractual arrangements and performance monitoring of the CEO.	A large number of new policies will be required for this and other areas proposed for policy work.
8	Councils will have greater autonomy with prescriptive decision-making processes replaced by a requirement to comply with high-level principles requiring transparency, accountability and sound financial management.	BBSC has sound processes in place for compliance. The compliance obligations will require extra analysis and implementation.
9	Financial sustainability of councils will be strengthened as the Act reinvigorates their capacity to innovate and collaborate with other councils, other government agencies and the private sector.	Changes to be determined and difficult to quantify at this stage.
10	The new Act will establish a single method for valuing land, clarify exemptions from rates and increase transparency in the Levying of differential rates.	Minimal change anticipated for BBSC

- The implementation of the new Act will be completed in several stages and is proposed to commence in six monthly blocks from July 2018 up until the next Council elections in 2020.
- Several policies will need implementing in these stages
 - January 2019 to June 2019 policies required;
 - Community Engagement Policy (Revision Required)
 - Public Transparency Policy (New)
 - Expenses Policy (New)
 - CEO Employment and Remuneration Policy (New)
 - Council Staff Code of Conduct (Revision Required)
 - CEO Workforce Plan (New)
 - Audit and Risk Committee Charter (Revision Required)

2. July 2019 to December 2019 policies required
 - Governance Rules (New)
 - Election Period Policy (New)
 - Financial Policies (Revision Required)
 - Procurement Policy (Revision Required)
 - Complaints Policy (Revision Required)
 - Councillor Gift Policy (New)
 - Councillor Code of Conduct (Revision Required)
 - Internal Resolution Procedure (New)
 3. Policies to be adopted by 1 July 2021
 - Community Vision (Revision Required)
 - Council Plan (new Council Plan)
 - Financial Plan (Revision Required)
 - Asset Plan (Revision Required)
 - Budget (new 4 year budget)
 - Annual Report (new annual report)
 - Revenue and Rating Plan (Revision Required)
- Councils response to the more detailed provisions of the draft Act are included as attachment 1.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

- There are no financial implications with making a submission on the draft Local Government Act 2018.
- There will be ongoing operational cost, mainly in resourcing, to comply with new requirements under the new Act.

Environmental Impact

There is no environmental impact to be considered.

Community Impact

An intention of the new Local Government Act is to bring greater transparency for the community.

CONSULTATION

Officers have attended presentations by DELWP, MAV and Macquarie Lawyers outlining the major changes proposed in the new Act.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

This report assists with the achievement of the key strategic objective as set out in the Council Plan 2017-2021:

Organisational Excellence

Providing community benefit by effectively managing Council's resources and finances.

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

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

LEGAL

Once passed in Parliament, Council must comply with the obligations imposed in the Local Government Act 2018.

POLICY IMPACTS

- There are existing policies and strategies which Council will need to review in order to ensure compliance.
- In accordance with the proposed schedule, officers will need to prepare several new policies for Council to endorse.

CONFLICT OF INTEREST DECLARATION

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

13.2 EDMS EOI RECOMMENDATION

Business Information Coordinator

*Directorate: Corporate and Community
Services*

Ward:

Appendix: 2 attachments

PURPOSE

To inform Council on the outcome of Baw Baw Shire Council Expression of Interest 21713CR (Provision of Software and Services - Electronic Document and Records Management System "EDRMS") and seek approval to contract with Kapish Services Pty Ltd.

RECOMMENDATION

That Council:

1. Formally accept the proposal from Kapish Services Pty Ltd to the value of \$547,125.38 for the purchase and implementation of Microfocus Content Manager software.
2. Delegates the Chief Executive officer to sign and authorise the contract documents after they have been prepared.

COUNCIL MOTION

Moved: Cr D Goss
Seconded: Cr D Wallace

CARRIED

KEY ISSUES

- The lack of an effective EDRMS has been highlighted as a strategic risk for Council and has been budgeted to be undertaken since financial year 2016/17.
- The choice was made to seek expressions of interest from EDRMS vendors with proven experience in delivering solutions to Victorian Local Government Authorities.
- The EDMS Expression of Interest (EOI) specifications were developed following an extensive engagement with the business in order to identify core requirements and desired functionality.
- An EDRMS Evaluation Panel was formed, consisting of a cross-organisational team consisting of individuals representing all divisions of the business in order to ensure that all major business areas of Council were given an input into the system selection.
- The EOI was publicly advertised on 14 September and closed on 5 October 2016.

- There were seven submissions for the EDRMS EOI process however only 2 submissions were within Council's budget for this project.
- The project was placed on hold after the departure of the former CEO in 2017 and reactivated recently after the commencement of the Chief Information Officer in 2018.

- The benefits that can be expected by the organisation following the completion of this project are:
 - Improved customer service by increasing staff efficiency in search and retrieval of information
 - Greater visibility over business activities for management and staff
 - Improved compliance with Public Records Office of Victoria standards and requirements
 - Support to Council's digital transformation efforts intended to streamline internal processes through automation
- A best and final offer was requested from Kapish Services Pty Ltd in January 2018 resulting in a cost reduction from the original response price.

-

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

- The financial impact of this project is outlined in the table below:

System	Initial Licensing Cost	Annual Costs (yearly)
Core Software Licensing	\$284,005	\$84,927
Implementation Services	\$250,250	
Total	\$547,125.38	

- The costs fit within the budget for this project of \$560,000.

Environmental Impact

- Nil

Community Impact

- Improved access to information supports efficiency improvements and better response times to customer queries or requests

CONSULTATION

- N/A

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

Strategic Objective 4 – Organisational Excellence

Action 4.1.1 – Continuously improve Council's services, systems and business processes.

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

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

LEGAL

- Compliance with the following legislation:
 - Public Records Act 1973
 - Evidence Act 2008

POLICY IMPACTS

- Information Management Policy

CONFLICT OF INTEREST DECLARATION

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

14. NOTICES OF MOTION

14.1 NOTICE OF MOTION CALL FOR RE-SEALING OF CHURCH HILL ROAD WALHALLA SUBMITTED BY: CR MICHAEL LEANEY

To: Chief Executive Officer,
Baw Baw Shire Council

Date: Friday 23 February 2018

I, Councillor Michael Leaney hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 28 February 2018.

That Council authorise additional budget allocation of \$7,000 to enable the re-sealing of Church Hill Road, Walhalla for a distance of 55 metres from the intersection of Main Road, Walhalla, in a surface colour to match the new surface colour of the main road. These works are to be undertaken by the contractor concurrent with the resealing of Main Road, Walhalla by VicRoads from the Old Post Office to the Long Tunnel Extended Goldmine.

COUNCIL MOTION

Moved: Cr M Leaney
Seconded: Cr J O'Donnell

CARRIED

Cr Gauci asked Officers present if they were in a position to respond to the Motion?

Officer Response Mr C Van der Velde Director Community Assets:

I can confirm that Council has received a quotation from VicRoads for the works proposed as part of the motion. VicRoads have confirmed that these works can be undertaken as part of the sealing works that they have scheduled next week. Given the motion has been passed accordingly within the current budget. This response was accepted by Council.

15. COMMITTEE AND DELEGATES REPORTS

<u>15.1 SOUTH EAST AUSTRALIAN TRANSPORT STRATEGY MEETING</u>

Cr Cook provided an update on the SEATS meeting he attended on 15 th and 16 th of February.

16. ASSEMBLY OF COUNCILLORS

Nil Reports

17. MAYORAL MINUTE

NIL

18. GENERAL BUSINESS

GENERAL BUSINESS MOTION SUBMITTED BY Cr POWER

That Council writes to the Minister for Public Transport, Jacinta Allen within the week to request:

- That the report on recent delays on the Gippsland Line by the Ministry for Transport be finalised as a matter of urgency and that it be made public when it is completed;
- That contingency planning for future disruptions be shared with the community in advance, to enable them to better plan their journeys to and from Melbourne.

Meeting closed at (7:07PM)

Confirmed at this meeting

Cr J Gauci
Mayor