



# Agenda

## Council Meeting

13 February 2019

## **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

|     |  |    |
|-----|--|----|
| 1.  | Opening and Recognition of Traditional Custodians.....   | 4  |
| 2.  | Reading of Affirmation and Prayer .....  | 4  |
| 3.  | Apologies .....  | 4  |
| 4.  | Civic Ceremonies .....   | 4  |
| 5.  | Confirmation of Previous Meeting Minutes.....  | 4  |
| 6.  | Councillors Declarations of Interest/Conflict of Interest .....                                | 4  |
| 7.  | Meeting Closed To The Public: Release of Information to the Public.....                        | 4  |
| 8.  | Community Participation Time.....  | 5  |
|     | 8.1 Questions on Notice.....   | 5  |
|     | 8.2 Submissions.....   | 5  |
| 9.  | Petitions .....  | 5  |
| 10. | Vibrant Communities .....  | 6  |
|     | 10.1 Municipal Early Years Infrastructure Plan .....   | 6  |
| 11. | Thriving Economy .....   | 9  |
| 12. | Safe and Sustainable Environments.....   | 10 |
|     | 12.1 Tender Recommendation - 21908CT Construction of New Footpath Program Links and Gaps ..... | 10 |
|     | 12.2 Baw Baw Significant Tree Register - Community Consultation Results .....                  | 13 |
| 13. | Organisational Excellence.....   | 17 |
| 14. | Notices of Motion .....  | 17 |
| 15. | Committee and Delegates Reports .....  | 17 |
| 16. | Assembly of Councillors .....  | 18 |
|     | 16.1 Assembly of Councillors.....  | 18 |
| 17. | Mayoral Minute .....   | 18 |
| 18. | General Business .....   | 18 |

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

I would like to begin by acknowledging the Traditional Owners of the land on which we are meeting, the Gunaikurnai People.

I pay my respects to their Elders, past and present, and Elders of other communities who may be here today.

**2. READING OF AFFIRMATION AND PRAYER**

Cr Power will 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**

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**

**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**

## 10. VIBRANT COMMUNITIES

### **10.1 MUNICIPAL EARLY YEARS INFRASTRUCTURE PLAN**

*Family and Children Services Coordinator*

*Directorate: Corporate and Community  
Services*

*Ward:*

*Appendix: 1 attachment*

#### **PURPOSE**

To present the final draft of the Municipal Early Years Infrastructure Plan.

#### **RECOMMENDATION**

That Council adopts the Municipal Early Years Infrastructure Plan and notes the following actions:

1. The future requirements for the Longwarry precinct are to be monitored and reported to the Early Years Advisory Committee (EYAC) and
2. The EYAC to be updated annually on the expected movements in the major determinants of demand for Early Years Services.

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

- A Municipal Early Years Infrastructure Plan (MEYIP) has been developed to review current capacity. The plan includes recommendations for early years infrastructure over the next 20 years. A specific focus of the project was on the likely demand and need for kindergarten places.
- The MEYIP is intended to inform and support Council's decision-making process regarding any future infrastructure investment in the early years.
- The draft Municipal Early Years Infrastructure Plan includes the following recommendations:
  - A focus on the townships of Drouin and Trafalgar. (Warragul needs are currently being addressed)
  - Two early years' service hubs are likely to be required within the next 10 years:
    - . One hub in Drouin
    - . One hub in Trafalgar
  - Adopt the best practice model of early child services hubs including:
    - . Two kindergarten rooms (60 places or space for a 30 places group with two group rotations)
    - . Two MCH rooms
    - . Space for meetings/parenting groups

- . Ancillary space for waiting room, storage, program planning, toilets, baby change and feeding spaces
- The report also presents a timing recommendation for the delivery of new early years infrastructure. This includes built in 'check points' against census data releases to ensure accuracy should growth patterns deviate from expected trajectories.
- The draft report was presented to Council on 17 October 2018. At this meeting, Council referred the draft plan to the Early Years Advisory Committee (EYAC) for consideration and feedback.
- In December 2018, the EYAC met and provided feedback on the report. This feedback has been incorporated into the final draft Municipal Early Years Infrastructure Plan. Two further suggestions for recommendations require Council endorsement for inclusion:
  - Takes a pro-active approach to planning early year services providing the facilities before the population is fully realised with attention focused on the Longwarry precinct.
  - Every year analyse actual numbers against predicted numbers based on each graph. Adjust graphs and intervention dates to suit.

### **TRIPLE BOTTOM LINE IMPLICATIONS**

#### **COMMUNITY IMPACT**

- There is a heightened community awareness of the upcoming lack of infrastructure, particularly around kindergarten shortages.
- A deficit in infrastructure will reduce access to early years services, with increased waiting times, and the potential for children to miss out on services altogether.

#### **ENVIRONMENTAL IMPACT**

None at this stage

#### **FINANCIAL IMPACT**

- Capital - The MEYIP presents recommendations for significant capital investment in early years infrastructure
- Operating costs - The operating costs associated with this report will be determined by decisions made to pursue the recommendations. These costs will relate predominantly to officer time (e.g. grant application, project management, stakeholder engagement, etc).

### **CONSULTATION**

- Feedback and consultation were undertaken with several early years stakeholders as part of the background to this work, and a survey of local families was conducted.

- The draft report was presented to Council’s Early Years Advisory Committee. Their feedback has been incorporated into the final draft report.

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

### **COUNCIL PLAN**

The Municipal Early Years Infrastructure Plan assists with the achievement of the key strategic objective as set out in the Council Plan 2017-2021:

- *Vibrant Communities*
  - Quality community focused services, facilities and infrastructure to support a growing community.
  - Managing Baw Baw’s growth and development
- *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**

- Council has a responsibility to plan for services in the early year’s domain.
- Families inability to access programs based on a lack of infrastructure may leave Council vulnerable to litigation. This relates in particular to kindergarten access, where the State Government has stated that each eligible child is ‘entitled’ to 600 hours of education in the year prior to school entry.

### **POLICY IMPACTS**

The State Government’s Early Years Compact dictates that Council has a role in planning for infrastructure requirements. A strategic priority under the Compact is:

Stronger place-based governance and planning – responding to the needs of local communities and Victoria’s changing population.

### **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 TENDER RECOMMENDATION - 21908CT CONSTRUCTION OF NEW FOOTPATH PROGRAM LINKS AND GAPS

*Project & Design Engineer*

*Directorate: Community Assets*

*Ward: Shire Wide*

*Appendix:*

#### **PURPOSE**

For Council to resolve to award the contract(s) for Tender 21908CT Construction New Footpath Program – Links and Gaps.

#### **RECOMMENDATION**

That Council:

1. Accept the tender submitted GBM Contractors Pty Ltd, ABN 37 604 929 893, for Tender No. 21908CT Package 1: Drouin for the sum of \$402,491.00 (Exc. GST);
2. Accept the tender submitted GBM Contractors Pty Ltd, ABN 37 604 929 893, for Tender No. 21908CT Package 2: Thorpdale, Trafalgar, Yarragon, Darnum and Warragul for the sum of \$165,518.70 (Exc. GST);
3. Accept the tender submitted GBM Contractors Pty Ltd, ABN 37 604 929 893, for Tender No. 21908CT Package 3: Buln Buln, Longwarry and Rawson for the sum of \$217,621.00 (Exc. GST) and;
4. Delegate authority to the Chief Executive Officer to sign the contract documents after they have been prepared and execute the award of the contract.

#### **KEY ISSUES**

- This is a Lump Sum tender involving the supply of all necessary labour, plant, equipment, materials and expertise for the construction of the 18/19 New Footpath Program within the Shire.

The works comprise of three packages as follows:

- Package 1 – This package involves footpath construction works at seven locations across Drouin;
- Package 2 – There are eight locations within this package spread across Thorpdale, Trafalgar, Yarragon, Darnum and Warragul;
- Package 3 – This package has five locations in Buln Buln, Longwarry and Rawson.

- The tender document was developed in a way that enabled Council to award the three packages together or separately to one or more contractors depending on the advantage it provided to Council.
- Tenders were advertised in the Warragul Gazette and through Tenderlink and closed on Wednesday 5 December 2018.
- Tenders were assessed in accordance with the evaluation criteria stated in the tender document.
- GBM Contractors Vic Pty Ltd are the preferred tenderer for Packages 1, 2 and 3 for 21908CT New Footpath Program – Links and Gaps.

**TRIPLEBOTTOMLINE IMPLICATIONS**

**FINANCIAL IMPACT**

| <b>Description – New Footpath Program</b>                         | <b>Amount<br/>(Exc. GST)</b> |
|---|------------------------------|
| <b>2018/19 Council Budget - New Footpath Program<br/>(100758)</b> | <b>\$1,160,422.00</b>        |
| Expenditure to date (Survey Works)                                | \$5,000.00                   |
| Package 1 Preferred Tender by GBM Contractors<br>Vic Pty Ltd      | \$402,491.00                 |
| Package 2 Preferred Tender by GBM Contractors<br>Vic Pty Ltd      | \$165,518.70                 |
| Package 3 Preferred Tender by GBM Contractors<br>Vic Pty Ltd      | \$217,621.00                 |
| <b>Total Project Cost</b>   | <b>\$790,630.70</b>          |
| <b>Remaining Funds</b>  | <b>\$369,791.30</b>          |

The remaining funds of \$369,791.30 are required for the delivery of other new footpaths included within Council’s capital works program and scheduled to be undertaken this financial year. These include:

- Young Street, Drouin (design and construction) - \$120,000.00
- Mt Baw Baw Tourist Road, Noojee (design and construction) - \$130,000.00
- Erica to Rawson Intertown Trail (design only) - \$50,000.00
- Old Sale Road Intertown Trail (design only) - \$50,000.00

Any remaining funds following the completion of these projects will be returned to Council as savings.

## **ENVIRONMENTAL IMPACT**

Contract specifications require the development and implementation of an Environmental Management Plan for the works. This plan includes operational controls and procedures to manage all identified impacts and environmental protection actions to be undertaken.

## **COMMUNITY IMPACT**

The construction of these footpaths will improve pedestrian access and connectivity in the Shire and promote physical activity.

## **CONSULTATION**

- Nearby residents have received an information letter about the upcoming works. These residents will be updated via letter drop after tender award.
- The contractor is also required to notify residents and other affected stakeholders at least fourteen days prior to commencement of work.

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

### **COUNCIL PLAN**

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

Strategic Objective: *Safe and Sustainable Environments*

*Improve the condition, safety and accessibility of the shire's footpaths and trails.*

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

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

### **LEGAL**

Council is obligated to comply with Section 186A of the *Local Government Act 1989* by undertaking a competitive tender process where contract value is more than \$250,000 including GST.

### **POLICY IMPACTS**

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

**12.2 BAW BAW SIGNIFICANT TREE REGISTER - COMMUNITY  
CONSULTATION RESULTS**

*Environment Sustainability Coordinator*

*Directorate: Planning Development*

*Ward: all*

*Appendix: 1 attachment*

**PURPOSE**

To update Council on the results of community consultation on the establishment of a Baw Baw Significant Tree Register.

**RECOMMENDATION**

That Council;

1. Having completed the community consultation process, now formally establish the Baw Baw Shire Significant Tree Register;
2. Endorse the inclusion of the identified significant trees from the Drouin township onto the register; and
3. Acknowledge the positive community response received throughout the exhibition period.

**KEY ISSUES**

- At the Council meeting on the 8 June 2016, Council approved:
  - the establishment of a Baw Baw Significant Tree Register using the significant tree criteria and methodology identified by the Committee for Drouin's Assets Sub-committee (now Friends of Drouin Trees), subject to community consultation;
  - the inclusion of the Committee's draft list of public land significant trees onto the Baw Baw Significant Tree Register, subject to community consultation; and
  - that the endorsed Drouin trees placed on the Baw Baw Significant Tree Register be placed on Council's Assets Register.
- Before proceeding with community consultation, the list of significant trees provided by the Committee had to be first checked and registered to a standard suitable for uploading onto Council's mapping system (IntraMaps) and Asset Register.
- With assistance from Friends of Drouin Trees members, Council officers completed the geographic registration of 258 significant tree assets for the township of Drouin in August 2018.
- On 5 September 2018, Councillors were briefed on progress made with the Baw Baw Significant Tree Register and sought approval to proceed with community consultation.
- Community consultation on the Baw Baw Significant Tree Register was undertaken via the *Have Your Say* platform in October 2018 and included three questions:

1. *Do you have any comments on the establishment of a Baw Baw Significant Tree Register?*
  2. *Do you have any comments on the adopted significance criteria used to identify significant trees?*
  3. *Do you have any comments on the inclusion of significant trees from the Drouin township (as identified by Friends of Drouin Trees) onto the Baw Baw Significant Tree Register?*
- Council received 16 submissions via the *Have Your Say* and one written submission (see attachment).
  - Overall, the 17 submissions received were highly supportive of the establishment of a Baw Baw Significant Tree Register, use of the proposed significant tree identification methodology and inclusion of the significant trees identified by the Friends of Drouin Trees onto the Register.
  - Council officers are currently undertaking a review of statutory options to protect significant trees in Drouin. This action is listed as a 2018/19 Council Plan initiative.
  - Council officers are currently investigating options for an online mapping tool to enable residents to view the locations and citations of trees on the Baw Baw Significant Tree Register. This action is listed as a 2018/19 Council Plan initiative.

## **TRIPLEBOTTOMLINE IMPLICATIONS**

### **FINANCIAL IMPACT**

- Preparation of the Significant Tree Register methodology and identification of public land significant trees from the Drouin township was undertaken by the Friends of Drouin Trees community group in a voluntary capacity (495 person-hours), with guidance from Council staff.
- The Friends of Drouin Trees group have prepared individual citations for each of the 258 significant tree assets in a voluntary capacity.
- The geographic registration of each significant tree asset was undertaken by Council officers, with assistance from Friends of Drouin Trees members.

### **ENVIRONMENTAL IMPACT**

A Baw Baw Significant Tree Register will provide opportunities to increase community awareness about the environmental benefits of trees in Baw Baw, including habitat for wildlife, improving air quality, protection from wind and sun, reducing storm water runoff, reducing urban heat-island effect and landscape amenity.

### **COMMUNITY IMPACT**

- Through increased community recognition and awareness of the value of significant trees, the Baw Baw Significant Tree Register will also result in

multiple health, environment and economic benefits to the community and Council in the future.

- A Baw Baw Significant Tree Register will empower the community to become custodians for tree management, protection and health.
- Work undertaken by the Friends of Drouin Trees group on the Significant Tree Register has already resulted in the successful preparation and launch of the Drouin Tree Walks booklet.
- Members of Friends of Drouin Trees received 2018 Australia Day Awards for 'Baw Baw Citizen' and 'Community Contribution' for their work on the Significant Tree Register and development of the Drouin Tree Walks booklet.

### **CONSULTATION**

- The Committee for Drouin's Assets Sub-committee (now Friends of Drouin Trees) presented to Council's Environmental Voice Advisory Committee (EV) in March 2016 on the value of a significant tree register, a methodology for identifying significant trees and a draft list of significant trees for Drouin.
  - EV recognised the important achievement made by the Committee on the significant tree register and provided the following recommendations to Council:
    - To establish a Significant Tree Register in Baw Baw,
    - To encourage other Baw Baw communities to undertake similar projects, and
    - To embark on a broader education campaign on the positive impact of trees in the community.
- Friends of Drouin Trees have organised and implemented several community awareness initiatives and events regarding the value of trees in urban areas and the Drouin township, including:
  - The preparation and publication of a Drouin Trees Walks booklet with maps and information on 12 walks that showcase Drouin's significant trees,
  - the facilitation of a community seminar at Baw Baw Shire Council office on the value of trees, presented by noted tree expert Dr Greg Moore (attended by 60 residents and 5 councillors),
  - the delivery of 20 local radio segments on the values of trees, including production of a CD,
  - the delivery of an *Artist in Residence Program – 10 Giants in Ten Days*, promoting Drouin's significant giant trees,
  - Establishment of a Friends of Drouin Trees BlogSpot, providing educational information on the historic and environmental values of urban trees,

- Preparation and presentation of significant tree posters at community events.

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

#### **COUNCIL PLAN**

The Baw Baw Significant Tree Register assists with the achievement of the key strategic objective as set out in the Council Plan 2017-2021:

Objective - *Safe and Sustainable Environments*

Strategy - *Recognise the value of urban street and significant trees.*

Establishment of a Baw Baw Significant Tree Register and encouraging other Baw Baw townships and communities to identify significant trees are listed as actions within Council's Environmental Sustainability Strategy 2018-2022.

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

The Baw Baw Significant Tree Register has been reviewed under the *Charter of Human Rights and Responsibilities* and is considered compatible.

#### **LEGAL**

- All public land trees that fall under the responsibility of Council are currently protected under Local laws (Clause 3.10 – Protection of Council Assets) and accrue 2 penalty points for breaches.
- In its Community Local Law Review in 2016, Council included both a definition of a 'significant tree' in the glossary and a clause for the protection of a significant tree which would attract 7 penalty points for breaches.

#### **POLICY IMPACTS**

Guiding principles within Council's Environmental Sustainability Policy support the implementation of initiatives to protect the Shire's environmental assets.

#### **CONFLICT OF INTEREST DECLARATION**

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

**13. ORGANISATIONAL EXCELLENCE**

Nil Reports

**14. NOTICES OF MOTION**

**15. COMMITTEE AND DELEGATES REPORTS**

## 16. ASSEMBLY OF COUNCILLORS

### 16.1 ASSEMBLY OF COUNCILLORS

*Governance Officer*

*Directorate: Corporate and Community  
Services*

*Ward:*

*Appendix: 6 attachments*

#### **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 Wednesday 5 December 2018 to Friday 1 February 2019.

#### **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.

## 17. MAYORAL MINUTE

## 18. GENERAL BUSINESS