



Agenda

Council Meeting

10 July 2019

To be held at the Fountain Room,
West Gippsland Arts Centre, Warragul
at 5:30pm

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.....	5
2. Reading of Affirmation and Prayer	5
3. Apologies	5
4. Civic Ceremonies	5
5. Confirmation of Previous Meeting Minutes.....	5
6. Councillors Declarations of Interest/Conflict of Interest	5
7. Meeting Closed To The Public: Release of Information to the Public.....	5
8. Community Participation Time.....	6
8.1 Questions on Notice.....	6
8.2 Submissions.....	6
9. Petitions	6
10. Vibrant Communities	7
10.1 PLA0310/17 - 60 Korumburra Warragul Rd Warragul.....	7
10.2 AMD0003/18 - 39 Weebar Road, Drouin	11
10.3 PLA0008/18 - Moe Rawson Road, Caringal	14
10.4 PLA0064/19 - 1/30 Masterson Court, Warragul	17
10.5 The Hollies - 245 Main South Road, Drouin	19
10.6 Community Hub Strategy	22
10.7 Paths and Trails Strategy	27
10.8 Allambee Estate Road Bridge Replacement	35
11. Thriving Economy	41
12. Safe and Sustainable Environments.....	42
12.1 Extension of Environmental Voice Advisory Committee Membership	42
13. Organisational Excellence	44
13.1 Proposed Local Government Bill 2019 Submission	44
13.2 Rates Recovery under S181 of the <i>Local Government Act</i> ...47	
14. Notices of Motion	50

15. Committee and Delegates Reports	50
16. Assembly of Councillors	51
16.1 Assembly of Councillors Report	51
17. Mayoral Minute	51
18. General Business	51

1. OPENING AND RECOGNITION OF TRADITIONAL OWNERS

I would like to acknowledge the Traditional Owners of the land on which we are meeting, the Gunaikurnai People. I pay my respects to their Elders both 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 will not hold a confidential Council meeting and therefore no information is required to be released to the public.

Nil Reports

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 PLA0310/17 - 60 KORUMBURRA WARRAGUL RD WARRAGUL

Development Planner

Directorate: Planning Development

Ward: Central

Appendix: 1 attachment

PURPOSE

For Council to form a position regarding planning permit application PLA031/17 for a multi-lot subdivision for 265 lots and associated works at 60 Korumburra Warragul Road Warragul. The application also seeks to remove a heritage building, create access onto a Road Zone Category 1 and remove native vegetation to facilitate the subdivision outcome.

The application has undergone advertising and has received a substantial number of objections in response with 94 registered on file.

RECOMMENDATION

1. That Council note the submissions made in relation to PLA0310/17.
2. That Council issue a Notice of Decision to Grant a Planning Permit to:
 - Subdivide land in stages;
 - Removal of native vegetation;
 - Creation of access to a Road Zone Category 1;
 - Demolish a building in a heritage overlay; and
 - Associated works

KEY ISSUES

The application proposes to undertake a multi-lot subdivision comprising 265 lots over 9 stages which includes removal of native vegetation, creation of access to a Road Zone Category 1 road, the removal of a heritage structure and associated works to facilitate the development outcome. The majority of the site is located within the Urban Growth Zone 1 and forms part of the Warragul Precinct Structure Plan (Warragul PSP) with a portion of the proposal outcome being delivered over land located in the General Residential Zone. Key features of the proposal include:

- A diversified masterplan outcome containing lots ranging in size from 374 – 1048m² achieving a density of 12.7 dwellings per developable hectare and is consistent with the State and Local Planning Framework and the Warragul PSP.
- Primary access to the masterplan proposal will be via a new intersection connecting to Warragul Korumburra Road with conditional consent provided by the road authority, Regional Roads Victoria – this intersection will be constructed in stage 1. Secondary access will be

available to residents via Selent Drive. This connection will be constructed in Stage 4 following the delivery of approximately half of the proposed lots.

- Traffic generated by the proposal has been considered acceptable in the Traffic Impact Assessment provided in support of the proposal, notwithstanding there will be impacts to the surrounding existing traffic network that are beyond the remit of this application to resolve.
- The proposal requires the removal of native vegetation (10 scattered trees) and will in turn see a significant proportion of the Bona Vista Wetland rehabilitated and contain visitor amenity for the community to utilise (board walk, educational story boarding signage and placemaking outcomes).
- The removal of a heritage structure in poor condition (former slaughterhouse associated with abattoir use on the land) will be required to facilitate the proposal. The removal of the structure has been supported by Council's heritage advisor subject to conditions which include the requirement for a photographic record of the structure and a storyboard outcome to be constructed at an appropriate location on the land.
- A condition of any proposed permit will require a dedicated cyclist path to be provided linking the north of the masterplan with the future District Park contained in the Warragul PSP to be located in the development to the south of the subject land to be residents of the neighbourhood thereby improving the amenity of existing and future residents.
- The proposal is consistent with 'State' and Local Planning Policy Frameworks including the Warragul PSP, providing an increase in the diversity and supply of land within the municipality which increases housing choice for residents, is consistent with the character of the area, achieves an overall positive environmental and sustainability outcome and is in an area where residential land use is encouraged.
- The proposed masterplan layout accords with the requirements of the Warragul PSP and is considered to respond appropriately with Clause 56 – Rescode whereby the majority of the lots have appropriate solar orientation, the majority of lots front the internal road network and the layout has incorporated passive surveillance opportunities for the wetland area by locating an internal road around the boundary of the reserve.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

The proposal is not considered to have any financial impact on Council unless any parties were to seek a review of Council's decision at VCAT.

Environmental Impact

- A significant component of the Bona Vista Wetland will be rehabilitated in a master planned outcome in consultation with Council officers and

WGCMA producing a net community benefit. Council currently does not have any funding committed to the rehabilitation of the wetland to undertake these works itself.

- A condition of the proposed permit will require a masterplan to be compiled for the entire Bona Vista wetland at the proponent's cost. The proponent is responsible for the cost of the upgrade works on the portion of the wetland that is located on the subject land and Council shall be responsible for the cost of the upgrade works to occur over its land at a future time and subject to funding being committed to the project.
- The proposal will provide for planting of trees and landscaping within the future streets within the subdivision.
- Support has been given for the removal of native vegetation (10 scattered trees) on the site by DEWLP and Council's Environment and Sustainability team subject to offsets being appropriately secured.
- A small colony of Warragul Burrowing Crayfish were detected on site through an environmental assessment and will be deemed lost to facilitate the proposal as supported by Council's Environment and Sustainability team in lieu of the Bona Vista Wetland rehabilitation works being undertaken.

Community Impact

- The proposal will provide a residential development outcome that infills a large tract of land (currently farmed) adjacent to an existing residential settlement in the Bona Vista area of Warragul.
- The outcome will provide for housing growth across containing diversified product and lot sizes to address significant market demand that will suit a variety of purchasers.
- The existing traffic network in the vicinity of the development will experience an increase in traffic volumes.
- A new intersection connecting onto Warragul Korumburra Road will be delivered as part of the proposal providing the community with new infrastructure and an alternate option to access this main road.
- The existing settlement will benefit from direct cycling and pedestrian linkages connecting the proposed future PSP District Park to the south of development site with existing amenity to the north east of the site.

CONSULTATION

- The planning permit application was advertised in accordance with the *Planning and Environment Act 1987*.
- The application was referred under Section 55 of the *Planning and Environment Act 1987* to APA, Ausnet Electricity Services, Gippsland Water, DEWLP, VicRoads, CFA and Public Transport for Victoria who have not objected to the proposal subject to permit conditions.

- A significant number of objections were received raising concerns regarding the proposal with 94 formally registered. Matters of concern raised by objectors considered to have planning merit have been grouped into the following key areas:
 - Density and lot sizes.
 - Traffic impacts – local and broader network.
 - Selent Drive – construction impacts and proposed staging.
 - Public Open Space - lack thereof.
 - Pedestrian and cyclist amenity – internal and external to the development.
 - Environment and sustainability – negative impacts.
 - Fencing – boundary interfacing with existing residents.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

This proposal assists with the achievement of the following key strategic objectives considered directly relevant as set out in the Council Plan 2017-2021:

Strategic Objective 1: *Vibrant Communities*

- 1.1 *Managing Baw Baw's growth and development.*
- 1.2 *Quality community focused services, facilities and infrastructure to support a growing community.*

Strategic Objective 3: *Safe and Sustainable Environments*

- 3.1 *Protecting and sustainably managing Baw Baw's environment.*
- 3.2 *Efficient roads, transport and parking.*
- 3.3 *Community safety and protection.*
- 3.4 *Preparing for the impacts and consequences of climate change and extreme events.*

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

This planning permit application will be considered under the Charter of Human Rights and Responsibilities. Amendments will be recommended to ensure compatibility if required.

LEGAL

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

POLICY IMPACTS

Nil

CONFLICT OF INTEREST DECLARATION

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

**10.2 AMD0003/18 - 39 WEEBAR ROAD, DROUIN - TO AMEND
PLANNING PERMIT PLA0126/17.**

Coordinator Statutory Planning

Directorate: Planning Development

Ward: West

Appendix: 2 attachments

PURPOSE

To determine the Application to Amend Planning Permit PLA0126/17 at 39 Weebar Road, Drouin.

RECOMMENDATION

That Council issue a Notice of Decision to Refuse to amend Planning Permit PLA0126/17:

What has been refused?

1. To delete Condition 6.
2. To vary Conditions 9 and 11.

Grounds of refusal

1. The trees are a valued council asset that contribute to and enhance the natural environment of the area.
2. The justification for the removal of the trees is inadequate having regard to the purpose of Clause 52.17 of the Planning Scheme.
3. The proposed removal would be contrary to the objectives of Clause 56 of the Baw Baw Planning Scheme.
4. The proposed removal would be inconsistent with the vision of Clause 21.05 to conserve the natural environment.
5. The trees make a significant contribution to the landscape character of the street and the town.

KEY ISSUES

- The proposal seeks to amend Planning Permit PLA0126/17 to enable the removal of additional vegetation from within the Weebar Road Road Reserve. Several of the trees are listed on Council's Significant Tree Register.
- Condition 6 of Planning Permit PLA0126/17 requires that the developer bore under the vegetation within the road reserve in order to ensure the

retention. The applicant is seeking to delete this condition as they have stated that the cost of boring under the trees is too costly. The applicant is also seeking to vary Conditions 9 and 11 to amend DELWP's conditions for offset plantings.

- It is considered that the request to amend the permit to enable the removal of native vegetation from the road reserve is unacceptable. The applicant has not provided adequate justification to support the removal of significant native vegetation which is also listed within Council's Significant Tree Register.
- The proposal fails to address Clause 52.17: Native Vegetation which seeks to avoid the removal of native vegetation.
- The vegetation is highly significant within the streetscape. The removal of the vegetation will have a significant impact upon the emerging streetscape character of the developing areas of Drouin.
- The application is required to be reported to Council as it has received more than five (5) objections.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

The proposal will not have financial impact upon Council unless the applicant or objectors seek a determination at the Victorian Civil and Administrative Tribunal (VCAT) against Council's decision.

Environmental Impact

Several of the trees proposed to be removed are listed on Council's Significant Tree Register. These trees have been identified as being highly significant due to their age and size.

Community Impact

- The application was advertised in accordance with the *Planning and Environment Act 1987*.
- 6 objections were received.
- The key areas of concern are as follows:
 - The trees are located on Council land and are an asset to the local community.
 - The trees are on the Significant Tree Register.
 - The developer is trying to save money at the expense of the character of Drouin.
 - Roadsides are one of few places within the town that features remnant vegetation and trees.

CONSULTATION

The application was advertised in accordance with the *Planning and Environment Act 1987*.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

This planning permit application will not assist 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 application to amend planning permit PLA0126/17 has been reviewed under the *Charter of Human Rights and Responsibilities* and is considered compatible.

LEGAL

The application to amend planning permit PLA0126/17 was considered under the *Planning and Environment Act 1987*.

POLICY IMPACTS

Nil

CONFLICT OF INTEREST DECLARATION

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

10.3 PLA0008/18 - MOE RAWSON ROAD, CARINGAL

Coordinator Statutory Planning

Directorate: Planning Development

Ward: East

Appendix: 2 attachments

PURPOSE

To determine planning permit application PLA0008/18 at Moe Rawson Road, Caringal.

RECOMMENDATION

That Council issue a Notice of Decision to Refuse to Grant a Planning Permit for the development of a dwelling, two outbuildings, stockyards and associated works on the following grounds:

1. The proposed development does not comply with the objectives of Clause 13.02 of the State Planning Policy Framework as it fails to recognise the high-risk landscape or provide mitigation strategies to reduce the level of risk to human life to an acceptable level.
2. The proposed development is inconsistent with objective 3 of Clause 21.03-3 in relation to 'Directions for Growth'.
3. The proposal is inconsistent with the purpose of Clause 44.06 of the Bushfire Management Overlay as it fails to demonstrate that the risk to life and property can be reduced to an acceptable level or provide for acceptable access and egress opportunities.
4. The proposal is inconsistent with the purpose of Clause 53.02 - Bushfire Planning as it fails to demonstrate how the development prioritises the protection of life or how the location of the dwelling reduces the bushfire risk to life and property to an acceptable level.
5. The proposal is inconsistent with the following relevant 'Decision Guidelines' at Clause 65.01 of the Baw Baw Planning Scheme
 - The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
 - The purpose of the Bushfire Management Overlay and Clause 53.02.
 - The orderly planning of the area.

KEY ISSUES

- The proposal is for the construction of a single dwelling, two outbuildings, a stockyard and associated works. Access to the lot is via

an unmade road which is not maintained by Council and is utilised by logging trucks.

- As the land is greater than 40 hectares, planning approval is not required for the use of the land for a dwelling.
- The proposal is considered to be inconsistent with State and Local Planning Policy as it fails to demonstrate how the protection of human life has been prioritised and the level of risk to human life can be mitigated.
- The proposal fails to address the broader landscape context within which the subject site sits. The site is located within a heavily vegetated area where access to the site is via an unmade road used only by logging trucks. The ability for residents to safely access and egress their property is a significant consideration which this proposal does not satisfactorily address.
- While the application includes the creation of defensible space within the property boundary, defensible space is only one element to mitigate the risk to life from the impact of bushfire. The site is located within an area which will be highly vulnerable to ember attack.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

The proposal is not considered to have any financial impact on Council unless any parties were to seek a review of Council's decision at VCAT.

Environmental Impact

Nil.

Community Impact

Nil.

CONSULTATION

The application was not advertised as officers had formed the view that the proposal would not result in material detriment to any persons.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

This planning permit application 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 planning permit application will be considered under the *Charter of Human Rights and Responsibilities*. Amendments will be recommended to ensure compatibility if required.

LEGAL

The planning permit application was considered under the *Planning and Environment Act 1987*.

POLICY IMPACTS

Nil.

CONFLICT OF INTEREST DECLARATION

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

10.4 PLA0064/19 - 1/30 MASTERSON COURT, WARRAGUL

Coordinator Statutory Planning

Directorate: Planning Development

Ward: Central

Appendix: 2 attachments

PURPOSE

To determine planning permit application PLA0064/19 with more than five objections.

RECOMMENDATION

That Council issues a Notice of Decision to Grant a Planning Permit for the Use of the Premises for a Restricted Recreation Facility (Group Fitness/Personal Training Studio).

KEY ISSUES

- The subject site located within an industrial precinct east of the centre of Warragul. Masterson Court includes lots that are developed as well as vacant land.
- The proposal seeks to use the existing warehouse at 1/30 Masterson Court as a restricted recreation facility, for a small group and personal training studio, 'Superfit Warragul'.
- Proposed operating hours for the studio are 5am -7pm weekdays, with the small group classes to occur during three blocks of time each weekday (5.15am-7am; 9.15am-10.15am; 5.30pm-7pm). Outside of these times, personal training and coaching will be offered. The proposed studio will be open for one hour on Saturday (6am-7am), and close on Sundays.
- The proposed maximum capacity for participants to attend classes at any one time is 20 people, with one full time staff member present at any one time. Part time staff also attend the studio.
- Notice of the application was given to adjoining and adjacent landowners and occupiers 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 submissions objecting to the application were received.
- As a result of a planning assessment undertaken, it is considered that a notice of decision should be granted as the proposal is consistent with:
 - State Planning Policy Framework
 - Local Planning Policy Framework, including the Municipal Strategic Statement
 - The purpose and decision guidelines of the Industrial 1 Zone

- The purpose of Clause 52.06 Car Parking
- The Decision Guidelines at Clause 65.01 of the Planning Scheme.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

Nil.

Environmental Impact

Nil.

Community Impact

The application was advertised in accordance with the *Planning and Environment Act 1987* and six objections have been received.

CONSULTATION

The application was advertised in accordance with the *Planning and Environment Act 1987* and six objections have been received.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

This planning permit application 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 planning permit application will be considered under the *Charter of Human Rights and Responsibilities*. Amendments will be recommended to ensure compatibility if required.

LEGAL

The planning permit application has been considered under the *Planning and Environment Act 1987*.

POLICY IMPACTS

Nil.

CONFLICT OF INTEREST DECLARATION

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

**10.5 THE HOLLIES - 245 MAIN SOUTH ROAD, DROUIN -
PREPARATION OF A PERMANENT HERITAGE OVERLAY**

Strategic Planner

Directorate: Planning Development

Ward: West

Appendix: 1 attachment

PURPOSE

To consider providing permanent Planning Scheme recognition and protection of the local heritage value of 245 Main South Road, Drouin known locally as 'The Hollies'.

RECOMMENDATION

That Council seek authorisation from the Minister of Planning to prepare and exhibit a Planning Scheme Amendment for a permanent Heritage Overlay at 245 Main South Road, Drouin.

KEY ISSUES

- 245 Main South Road is within the Drouin Precinct Structure Plan area which is an identified development / growth area.
- A developer had pre-application discussions with Council officers on development of the site which would include the removal of some significant trees.
- Concerns regarding the significance of the trees intended to be removed and impacts on the broader site led to a report being commissioned for Council officers. The report by PLAN Heritage has identified that part of 245 Main South Road, Drouin is of local heritage significance for historical, aesthetic and scientific (outstanding tree specimens only) significance. Specifically:
 - *The composition (an accumulated significance of the various contributory elements) of the (ruinous) farmhouse, evidence of outbuildings, tanks/wells, collection of plantings and aesthetic considerations.*
- Given the immediate risk of vegetation removal, an Interim Heritage Overlay was requested and subsequently imposed by the Minister of Planning over part of 245 Main South Road, Drouin. The interim controls will expire on 8 April 2020. The purpose of interim controls is to allow the full process to be considered, including exhibition and public panel (if required).
- A number of the features contributing to the heritage significance of the site (i.e. the significant trees) were removed by the developer prior to the Interim Heritage Overlay being in force. A final report from PLAN Heritage still finds part of the site to be of local heritage significance and warrant inclusion under the Heritage Overlay for meeting with a number of heritage criterion (A, B, C and E).

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

- Approximately \$8,500 has been spent in expert heritage advice and the application fees for the interim heritage control.
- It is estimated \$3,500 will be required to cover the initial fees to lodge a permanent Heritage Overlay. Should a Planning Panel be required, additional costs will be required associated with representation from a heritage expert. These funds would be obtained from general Strategic Planning operating accounts.

Environmental Impact

A Heritage Overlay would provide recognition and statutory protection of the significant trees that existed and those that remain on the site.

Community Impact

- A Heritage Overlay would provide recognition and statutory protection of the physical components that contribute to the local heritage significance of the site.
- The application of the Heritage Overlay does not preclude development, or even, in some cases, demolition. However, it provides a tool with which to guide development in a manner which is appropriate to conserve the significance of the place.

CONSULTATION

Should Council wish to proceed with a permanent Planning Scheme Amendment, community consultation will be undertaken in line with the statutory requirements of the *Planning and Environment Act 1987*.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

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

Strategic Objective 1: *Vibrant Communities*

Sustainable management of the shire's rural character and agricultural land.

Strategic Objective 3: *Safe and Sustainable Environments*

Recognise the value of urban street and significant trees.

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

This Planning Scheme Amendment will be considered under the *Charter of Human Rights and Responsibilities*. Amendments will be recommended to ensure compatibility if required.

LEGAL

The Planning Scheme Amendment process must be undertaken in accordance with the requirements of the *Planning and Environment Act 1987*.

POLICY IMPACTS

Nil.

CONFLICT OF INTEREST DECLARATION

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

10.6 COMMUNITY HUBS STRATEGY

Project Manager – Major Projects

Directorate: Community Assets

Ward: All

Appendix: 5 attachments

PURPOSE

The purpose of this report is to present to Council the Community Hubs Strategy for adoption. The Community Hubs Strategy consists of the Aspirational Community Hubs Strategy 2019 and the Community Hubs Action Plan 2019 – 2024.

RECOMMENDATION

That Council adopt the Community Hubs Strategy, which consists of the Aspirational Community Hubs Strategy 2019 and the Community Hubs Action Plan 2019 – 2024.

KEY ISSUES

- Council identified the need to explore the idea of ‘Community Hubs’ through the Baw Baw 2050 Vision and during the development of the 2017 – 2021 Council Plan.
- The Council Plan indicates that Council would commence the implementation of a Community Hubs Strategy in the 2018/19 financial year.
- Due to the various definitions and ideas around what constitutes a ‘community hub’, it was decided that a Community Hubs strategy should be co-created and developed with community members and service providers to produce a place-based document that reflects the diverse needs across Baw Baw Shire.
- Capire Consulting Group were engaged to assist Council with the work associated with this project.
- The Community Hubs Strategy has two main parts. These are:
 - Part One - The Aspirational Community Hubs Strategy 2019. This part outlines the recommendations for each region across the municipality based on community feedback.
 - Part Two - The Community Hubs Action Plan 2019 – 2024. This part outlines how Council will progress the priority recommendations over the next five (5) years.
- The Strategy splits the municipality into eight regions. These regions have been defined based on proximity to service centres. This intends to ensure policy analysis, community engagement and recommendations are relevant to the various regions around the municipality.
- The five year action plan proposes a select number of actions from each geographic area be addressed. These actions have been prioritised

based on community feedback from the engagement sessions, current and projected future community needs, other existing related council plans/initiatives and the readiness of each action to be delivered. This prioritisation has considered the recommendations based on the context of each region. The actions suggested for the next five years are:

- Neerim South, Noojee and Surrounds
 - Work with community to produce a widely supported proposal for additional community space that may be required in Neerim South
 - Improve access and connectivity between existing spaces and places in Noojee
 - Consider improving multi-use functionality in Noojee
- Erica, Rawson, Walhalla and Surrounds
 - Consider improvement to mobile community services
- Hill End and Willow Grove
 - Support the activation of existing spaces, particularly the Old School in Hill End
 - Explore multi-use functionality of the Old School including the consideration of mobile services
- Longwarry
 - Consider recommendations made in the Longwarry UDF for Bennet Street Reserve
- Drouin and Warragul
 - Work with community on the desired size and service mix of a new integrated community hub facility in Drouin
 - Create an integrated master plan for the civic precinct in Warragul
- Yarragon and Surrounds
 - Consider opportunities to support community-led activation of the old Yarragon Primary School site.
- Trafalgar and Surrounds
 - Improve access and connectivity between existing spaces and places in Trafalgar
- Towns of the Strzelecki Ranges
 - Consider improving the multi-use functionality of existing spaces and places to provide for mobile programs and services

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

- The estimated total cost to Council of the proposed actions in the Aspirational Community Hubs Strategy 2019 is in the order of \$44 million.
- The estimated total cost to Council of the proposed actions in the five-year implementation plan is \$9.17 million. Some of this funding will utilise Council's Community Infrastructure reserve, which was created in the past to help fund these types of works and initiatives.
- The actions that require significant additional funding relate to Region 4 – Longwarry and Region 5 - Drouin and Warragul areas. High level costings indicate that an additional \$5,666,666 million of external funding will be required to deliver the proposed actions in these two regions. The estimated costs for each of the major projects will need to be reviewed and approved by Council, following further definition and refinement of each project's scope.
- Council will need to borrow an estimated \$333,334 in order to achieve the required funding allocation for Region 5 Drouin and Warragul areas.
- The source of external funding is suggested in the action plan and relies on suitable grant opportunities arising from the state or federal government. It is expected that the strategy will assist Council in its advocacy for external funding to improve community hubs across the Shire.
- Council's Long Term Infrastructure Plan 2019/2028 has been revised earlier this year to include the actions outlined in the Community Hubs Action Plan 2019 – 2024.

Environmental Impact

There are no environmental implications from this strategy.

Community Impact

- Through the development of the Community Hubs Strategy, Council has a better understanding of what constitutes a 'community hub' and how these vary across different geographical settings in the Shire.
- The Strategy articulates the opportunities for improving the provision of community infrastructure across the Shire taking a place-based approach as opposed to a 'one size fits all' policy.
- The Action Plan outlines a coordinated approach to community hubs and precincts in the municipality so that the needs and aspirations identified in the Aspirational Community Hubs Strategy 2019 are progressed.
- The actions can be broadly categorised as follows:
 - Improving multi-use functionality of existing spaces
 - Activation of existing spaces to respond to community needs and aspirations

- Provision of new built form spaces
- Improving access and connection to and between existing spaces and places
- These actions align with Council's 'vibrant communities' objective (as outlined in its Council Plan) which focuses on the provision of community focused services and facilities through good planning and celebrating the uniqueness of each community.

CONSULTATION

- Consultation with the community was initiated early in the development of the strategy. This has resulted in the perspective of the community playing a greater role in shaping and defining the strategy. Ten (10) popups were conducted in mid-2018, along with a service provider workshop. In addition, an online engagement hub was created and published for whole of the consultation period. Advertising of these opportunities to 'have a say' occurred on a variety of platforms including social media. Over 44,000 potential engagements were made via the Shire's social media accounts.
- The draft strategy was placed on public exhibition for feedback from March to April 2019. Eight (8) written submissions were received which contained 21 suggestions about the draft strategy. A summary of the feedback is attached which notes where amendments have been made. The council officers involved in the development of the strategy have provided commentary relating to each submission and responded to each submitter.
- Three Co-Design workshops were undertaken in April 2019 to refine the recommendation related a new integrated community hub at Drouin.
 - The first workshop was attended by 44 community members. The purpose was to explore the functional requirements of the hub, confirm community priorities and the community's desired role in the future hub.
 - The second workshop was attended by 12 Council staff from across the organization as well as a representative of West Gippsland Libraries. The purpose was to confirm the functional needs, explore governance and operational models and how Council can support community involvement.
 - The third workshop was attended by 36 community members. The purpose was to present the draft design brief, seek feedback and explore the spatial relationships between the different functions.
- As a result of these workshops, a high-level design brief that includes design principles, functional requirements and spatial relationships have been established.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

This Community Hub Strategy assists to achieve the key strategic objective of Vibrant Communities as set out in the Council Plan 2017-2021:

Strategic Objective 1: *Vibrant Communities*

- 1.3 Develop a coordinated approach to community hubs and precincts in the municipality.

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

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

LEGAL

Some challenges may arise from actions relating to multi use facilities given the potential for conflicting requirements and needs of user groups and organisations. The implementation of these actions need careful consideration and the development of agreements to ensure that opportunities for utilisation by each party is clearly understood.

POLICY IMPACTS

This strategic document may impact the following initiatives:

- The Long Term Infrastructure Plan
- PSP / DCP Plans
- Community Plans

CONFLICT OF INTEREST DECLARATION

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

OPTIONS FOR CONSIDERATION

It is recommended that Council adopt the Community Hubs Strategy, which consists of the Aspirational Community Hubs Strategy 2019 and the Community Hubs Action Plan 2019 – 2024.

Other options include:

1. Increase the rate at which the Community Hubs Action Plan priorities are delivered through increased funding in the Long Term Infrastructure Plan in future financial years. This would require other capital projects already planned for in the future years of the Long Term Infrastructure Plan to be deferred.
2. Re-evaluate the Community Hubs Action Plan in less than five years time, for example in three years time (i.e. in 2020).
3. Adopt the Community Hubs Action Plan 2019 – 2024 and note the Aspirational Community Hubs Strategy 2019.

10.7 PATHS AND TRAILS STRATEGY

Infrastructure Engineer

Directorate: Community Assets

Ward: All

Appendix: 3 attachments

PURPOSE

To provide Council with an update on the results of the Public Consultation of the Draft Paths and Trails Strategy (Round Two).

RECOMMENDATION

Council adopt the final Paths and Trails Strategy noting the results of the public consultation of the draft Paths and Trails Strategy.

KEY ISSUES

With a rapidly growing population, there is increasing demands and pressure on community infrastructure and services for Baw Baw Shire Council.

The Paths and Trails Strategy is essential to plan how Council will invest in the construction of paths and trails within the Shire. The Strategy will prioritise path and trail projects primarily for transport and connectivity to key destinations and public facilities.

The Path and Trails Strategy (Strategy) incorporates the Principal Pedestrian Network (PPN) methodology and the Paths and Trails Prioritisation Matrix enabling Council to be more strategic in the decision making and programming of path and trail construction projects.

To ensure a fair and consistent allocation of funding for path and trail projects, the Strategy ensures there are projects considered for construction in many of the major localities within the Shire. The five path and trail programs consider projects in major towns, minor towns, villages, tourist towns and inter-town path/trail connections.

The Prioritisation Matrix contains a set of twenty-one criteria that influences the priority of each project for consideration for annual construction programs. It also considers whether projects that are listed are part of the primary or secondary network within the PPN.

COMMUNITY ENGAGEMENT

At the Council meeting on 22 May 2019, Council supported the completion of the draft Path and Trails Strategy and provided support to put it on public exhibition for a two-week period.

The draft Paths and Trails Strategy was placed on public exhibition between 23 May – 6 June 2019 on Council's 'Have Your Say' page and promoted on Council's Facebook site.

A total of 27 written responses were received from the community. The following appendixes have been attached that provide further detail outlining the community feedback:

- Appendix 1 – Community Feedback
- Appendix 2 – Key Themes

There were several responses that supported the draft strategy and considered the project a great initiative. Several responses also supported that the Strategy would ensure that the construction of the missing paths in their local areas were identified and would be constructed in the near future.

There were further responses that requested that considerations be made for other path and trail connections that was not part of the Strategy nor the PPN maps.

A summary of the common themes raised by the community included:

- The community was impressed with the Strategy and saw it a great opportunity to ensure missing footpath links would be constructed between existing infrastructure inclusive of new subdivisions and estates particularly in Warragul and Drouin,
- Considerations for pathways to be constructed in different material to ensure paths are constructed sooner rather than later if costs were a constraint (e.g. gravel instead of concrete).
- In townships such as Noojee where there is increasing tourist traffic, wider road safety considerations are to be taken into account specifically the interface of paths, parking areas and roadways,
- In Neerim South, the community requested the planning of more tourist and recreational friendly pathway connections through the creation of destination points within town, and
- In Thorpdale, the community requested the upgrade of the existing gravel path from the recreation reserve to the school and a missing primary link in the east-west direction (Railway Road)

CHANGES TO THE STRATEGY (ROUND 2 PUBLIC CONSULTATION)

- Railway Road in Thorpdale has been added as a primary PPN given that it provides an east-west link from residents' homes to the local shops on the main street.
- A project for the upgrade of the existing gravel track from the Thorpdale Recreation Reserve to the Primary School has been added to the Paths and Trails prioritisation matrix to be considered for future programs (due to high numbers of pedestrians and large events in the area). This existing pathway is already part of the primary PPN.
- Young Street, Drouin (Sinclair Street to McDonalds) is a missing gap that is part of the primary PPN and has been added to the prioritisation matrix given that it provides a connection from McDonalds to Sinclair

Street and will not require children to cross the road on Young Street at a busy intersection.

- Additional primary PPNs added near Warragul North Primary School (most streets have existing footpaths on at least one side of the road) which should have been identified previously have now been included.
- A priority intertown connection has been added between Longwarry to Longwarry North (service stations) – 3.5km

Summary of the length and estimated costs for construction are outlined in the following tables.

PRIMARY PPN – MISSING PATHS AND TRAILS

Table 1 - Primary Network					
Program	Townships	Km	Total Km	\$	Total \$
Major Towns	Warragul	5.90	18.5	\$1,400,000	\$4,471,000
	Drouin	9.15		\$2,345,000	
	Yarragon	1.20		\$192,000	
	Trafalgar	0.15		\$130,000	
	Longwarry	0.80		\$130,000	
	Neerim South	1.26		\$274,000	
Major Towns	Thorpdale	1.17	6.8	\$248,000	\$1,240,400
	Darnum	2.43		\$504,000	
	Willow Grove	0.99		\$160,400	
	Rawson	0.77		\$101,000	
	Buln Buln	1.40		\$227,000	
Villages	Jindivick	0.66	3.3	\$94,000	\$525,000
	Rokeby	0.65		\$93,000	
	Nilma				
	Neerim Junction	0.62		\$120,000	
	Nayook	0.54		\$78,000	
	Erica	0.86		\$140,000	
Tourist Towns	Noojee	0.95	2.0	\$153,000	\$452,000
	Walhalla	1.09		\$299,000	
			30.6		\$6,688,400

SECONDARY PPN – MISSING PATHS AND TRAILS

Table 2 - Secondary Network					
Program	Townships	Km	Total Km	\$	Total \$
Major Towns	Warragul	4.1	12.4	\$1,000,000	\$2,477,500
	Drouin	2.6		\$523,000	
	Yarragon	1.7		\$280,000	
	Trafalgar	3.3		\$543,000	
	Longwarry	0.38		\$61,500	
	Neerim South	0.32		\$70,000	
Major Towns	Thorpdale	0.66	2.5	\$107,000	\$386,000
	Darnum	0.35		\$57,000	
	Willow Grove	0.45		\$55,000	
	Rawson	0		\$0	
	Buln Buln	1		\$167,000	
Villages	Jindivick	0	5.8	\$0	\$757,000
	Rokeby	0.37		\$53,000	
	Nilma	1.65		\$120,000	
	Neerim Junction	0		\$0	
	Nayook	1.9		\$422,000	
	Erica	1.9		\$162,000	
Tourist Towns	Noojee	0.17	0.4	\$28,000	\$118,000
	Walhalla	0.2		\$90,000	
			21.1		\$3,738,500

INTER TOWN PRIORITY NETWORK – MISSING PATHS AND TRAILS

Table 3 - Inter - Town Priority Network – Missing Paths and Trails					
Program	Townships	Km	Total Km	\$ Estimated Cost	Total \$ Estimated Cost
Inter Town Connections	Yarragon to Trafalgar	6.7	66.9	\$1,206,000	\$14,016,000
	Erica to Rawson	4.7		\$1,130,000	
	Brandy Creek to Buln Buln	4.6		\$830,000	
	Darnum to Yarragon	5		\$1,350,000	
	Warragul to Rokeby	7		\$1,272,000	
	Neerim South to Neerim North	4		\$720,000	
	Rokeby to Neerim South	10		\$1,460,000	
	Drouin to Drouin West	9		\$1,944,000	
	Nilma to Darnum	4.3		\$1,000,000	
	Drouin to Longwarry	8.1		\$2,600,000	
	Longwarry to Labertouche	3.5		\$504,000	
Note: Costing is based on L/m for concrete/gravel. Additional costs for structures to be considered in detail design					

INTER TOWN SECONDARY NETWORK – MISSING PATHS AND TRAILS

Table 4 - Inter - Town Secondary Network – Missing Paths and Trails					
Program	Townships	Km	Total Km	\$ Estimated Cost	Total \$ Estimated Cost
Inter Town Connections	Trafalgar to Thorpdale	6.7	196.2	\$1,447,200	\$31,616,200
	Trafalgar to Moe	8		\$1,728,000	
	Trafalgar to Willow Grove	20		\$4,320,000	
	Willow Grove to Moe	19		\$4,104,000	
	Willow Grove to Fumina South	21		\$4,536,000	
	Willow Grove to Blue Rock Dam	10		\$2,160,000	
	Willow Grove to Buln Buln	30		\$4,320,000	
	Nilma to Buln Buln	10		\$1,440,000	
	Neerim South to Jindivick	7		\$1,000,000	
	Jindivick to Labertouche	18		\$2,600,000	
	Drouin to Drouin South Primary School	4		\$1,728,000	
	Fumina South to Noojee	30		\$432,000	
	Noojee to Neerim Junction	5		\$720,000	
	Neerim Junction to Neerim	6		865,000	
	Neerim Junction to Glen Nayook	1.5		\$216,000	
Note: Costing is based on L/m for concrete/gravel. Additional costs for structures to be considered in detail design					

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

At this time, resource commitment is limited to officer time spent on the development of the Strategy. The financial implications for Council are predominantly in allocating the necessary capital funds to implement the proposed priority pathways within the strategy as part of the annual budget process:

- Primary PPN gaps 30.6km (\$6.7M)
- Secondary PPN gaps 21.1km (\$3.7M)
- Priority Inter-Town gaps – 66.9km (\$14M)
- Secondary Inter-Town gaps – 196.2km (\$31.6M)

Environmental Impact

The extension of the PPN within the Shire provides sustainable transport options such as public transport, walking and cycling and reduces the need for the use of motor vehicles (in turn reducing air pollution, and the use of natural resources like fossil fuels).

Community Impact

- The development of the Paths and Trails Strategy reflects the high level of community demand demonstrated for walking and cycling opportunities and ensures that long term strategic planning for the provision of paths and trails within Baw Baw Shire. Paths and trails provide the community with active transport options and provides better connectivity within and between towns.
- The provision of extended paths will better provide opportunities to increase physical activity which will improve the overall health and well-being of the community.

CONSULTATION

- The community can request for a footpath project to be considered for any path and trail project at any time. The draft Path and Trails Strategy was made available to the public from Thursday 23 May to Thursday 6 June 2019.
- Council has completed prior community engagement regarding paths and trails via the development of the Shire's local Community Plans, the development of strategies and plans such as the structure plans, '*Integrated Transport Strategy 2011*', '*Walk Baw Baw*', '*Walk Cycle Baw Baw 2014*', '*Bicycle and Walking Paths Development Plan 1998*', '*Economic Development Strategy 2018-2021*', '*Public Health and Wellbeing Plan 2017-2021*', '*Recreation Strategy 2017-2027*' and various others.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

The development of the PPN assists with the achievement of the key strategic objective as set out in the Council Plan 2017-2021:

Strategic Objective 1: *Vibrant Communities*

- 1.1 Quality community focused services, facilities and infrastructure to support a growing community.

Strategic Objective 3: *Safe and Sustainable Environments*

- 3.7 Improve the condition, safety and accessibility of the Shire's footpath and trails.

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

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

LEGAL

There are no legal implications arising from these recommendations

POLICY IMPACTS

There are no policy implications arising from these recommendations

CONFLICT OF INTEREST DECLARATION

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

10.8 ALLAMBEE ESTATE ROAD BRIDGE REPLACEMENT - LAND ACQUISITION

Road Network Engineer, Coordinator
Project Delivery & Coordinator Infrastructure
Delivery

Directorate: Community Assets

Ward: East
Appendix: 5 attachments

PURPOSE

The purpose of this report is to present to Council options for resolving road and bridge infrastructure that is located on adjoining private land on Allambee Estate Road, Allambee, and to commence a process to formally acquire the land.

RECOMMENDATION

That Council:

1. Declares its intention to acquire a freehold interest in the area of land as shown in Column 2 of Schedule 1 from the owners and occupiers of the land as shown in Column 1 of Schedule 1 for use as road purposes.
2. In accordance with the requirements of the *Local Government Act 1989*, the *Land Acquisition and Compensation Act 1986* and the Regulations made under that Act, resolves to commence the statutory procedures to acquire the land by serving a Notice of Intention to Acquire on the property owners and occupiers of the land to be acquired, and thereafter by carrying out such other actions as are required of Council in order to acquire the land for road purposes.

Schedule 1

Column 1			Column 2
Title Information	Volume/Folio	Property Address	Approximate area to be acquired (sq.m)
Lot 1 LP090095	9213/014	301 Allambee Estate Road, Allambee	193

KEY ISSUES

- Council was successful in receiving federal funding of \$520,000 on a one to one basis under the *Bridges Renewal Program – Round Three* to replace three bridges on Allambee Estate Road.
- Council awarded a contract to Jarvis Norwood Pty Ltd in March 2018 for the reconstruction project.

- Two bridges have since been reconstructed, B045 & B046. Refer **Attachment 1** – Approximate bridge locations plan.
- Consultation with affected property owners at the start of the project resulted in a proposed bridge construction methodology that enabled vehicle access to be maintained during construction of the replacement of the bridge (B044). This construction methodology proposed building the bridge in two halves. The northern half to be constructed first, enabling traffic to travel on the southern half of the existing bridge, then once complete traffic would be switched onto the northern half of the new bridge so that the southern half of the new bridge could be constructed.
- During construction there was an issue raised over the location of the existing bridge (B044) over Lorkin Creek. It was identified that the existing property boundary fence of 301 Allambee Estate Road adjacent to the bridge did not reflect the title boundary. A title re-establishment survey was carried out to determine the true location of the abutting property boundary. It was found that part of the existing road and bridge is located on private property.
- A second title re-establishment survey was undertaken due to residents' concerns about the accuracy of the first survey. The second survey confirmed that part of the existing road and bridge is located on private property.
- A subsequent discussion with nearby residents after the second survey was undertaken demonstrated that the second survey took into account the local knowledge provided by the residents and addressed their original concerns about the accuracy of the first title re-establishment.
- The proposed bridge construction methodology results in the new bridge being positioned approximately 2.5 metres to the north of the existing bridge's location, which subsequently encroaches further into private property. This slight change in position is primarily due to local property owners requests for the bridge to remain trafficable during its construction. The proposed bridge is also approximately 0.8m wider than the existing structure.
- As a result of the public infrastructure on private land issue, the bridge replacement works for bridge (B044) were put on hold pending further investigations.
- A number of options have been explored to address and remedy Councils infrastructure being located on private land. These options are outlined in Attachment 4.
- The recommended option requires minor widening and deviation of the road reserve to:
 - Ensure the bridge and road is located on public land
 - Facilitate the bridge replacement works and ongoing maintenance adjacent to the bridge.

- It is therefore recommended that Council commence a process in accordance with the Land Acquisition and Compensation Act 1986 to compulsorily acquire a portion of land from 301 Allambee Estate Road.
- A plan detailing the location of the land that is intended to be acquired is shown in Attachment 3 – Title Re-Establishment Plan.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

- Council awarded contract 21826CT to Jarvis Norwood Constructions Pty Ltd on 14th March 2018 for the reconstruction of the three bridges.
- The *Land Acquisition and Compensation Act 1986* and the Regulations made under that Act, as a part of the compensation which Council will be required to pay for the acquired land, also require that Council pay any reasonable costs and expenses which the affected landowners will incur in relation to the proposed acquisition. These expenses may include obtaining the help of a solicitor, valuer or other professional adviser. Professional fees may be in the order of up to \$5,000, although depending on developments these costs could be higher.
- The amount of compensation will be determined in accordance with statutory requirements and will be based on valuations undertaken by an independent external property valuer.
- A kerb side valuation of 301 Allambee Estate Road, and the proposed land to be acquired, was undertaken by Gippsland Property Valuations in May 2019. The valuation indicates the proposed land to be acquired has a value of \$3000.
- The cost of the land acquisition for the minor road reserve widening and deviation is the most cost-effective solution to the public infrastructure of private land issue.
- Should Council decide not to reconstruct Bridge B044, approximately \$205,000 of external funding through the Bridges Renewal Program will need to be returned. This may make funding for similar projects more difficult to obtain in the future.

Environmental Impact

The reconstruction of the bridge structure is over a named waterway, and the West Gippsland Catchment Management Authority has approved the works. Further consultation would be required if the location of the bridge is changed.

Community Impact

- The current construction methodology for the bridge replacement provides ongoing road access during construction in order to reduce the impact on road users.
- The indirect impact of the current construction methodology is that the bridge will encroach further into private land.

- Landowners involved in land acquisitions are entitled to be compensated. This will be the subject of a valuation and the landowners exercising their rights under the statutory framework.
- A number of nearby residents have raised safety concerns regarding two trees in the roadside near the remaining bridge. An arborist has assessed the trees and made risk management recommendations. The extent of work to the trees will be determined by Council's decision.

CONSULTATION

- Community consultation has occurred at various stages of this project. Initial discussions with the community resulted in a number of options considered to determine their viability. A key request from local property owners was the ability to keep the road open for vehicle access during construction.
- There is mixed feedback from affected property owners about the options considered in this report. Based on initial discussions, the owner of 301 Allambee Estate Road has indicated that his preference is for Council to pursue a new road alignment through the nearby existing road reserve whilst another nearby property owner doesn't want Downfall Track used as a detour route whilst construction occurs.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

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

Strategic Objective 1: *Vibrant Communities*

- 1.1 Quality community focused services, facilities and infrastructure to support a growing community.

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

This project has been reviewed under and in accordance with the *Charter of Human Rights and Responsibilities Act 2006* and it is considered compatible with the provisions and requirements of that Act.

LEGAL

Section 187 of the *Local Government Act 1989* gives Council the following power:

- A Council may purchase or compulsorily acquire any land which is, or may be, required by the Council for, or in connection with, or as incidental to, the performance of its function or the exercise of its powers.
- Council has the power under the *Land Acquisition and Compensation Act 1986* to acquire land by agreement or compulsory process. The land is required for road reserve widening purposes, as part of the Allambee Estate Road Bridge Replacement (B044).

- Land to be acquired by Council normally requires that the land is first reserved under a planning instrument for a public purpose. However, one of the statutory exceptions to this requirement is in relation to land which is to be acquired for a minor road widening or the deviation of a road and if the land is only part of an allotment, as well as:
 - (i) the area of the land to be acquired is less than 10 per cent of the total area of the allotment; and
 - (ii) the total value of the interest to be acquired is less than 10 per cent of the value of the unencumbered freehold interest in the total area of the allotment.

In the case of this acquisition, it is considered that the land to be acquired satisfies these criteria. On this basis, it is not first necessary for Council to reserve the land for a public purpose under the Baw Baw Planning Scheme.

The total area of land proposed to be acquired is 193m² of the 35690m² of the allotment. This represents a percentage of 0.54%.

The total percentage of value of the interest to be acquired is approximately 0.6%. This has been calculated based on kerbside valuation completed by Gippsland Property Valuations in May 2019.

- Council has to comply with the following steps in order to compulsorily acquire an interest in land:

Stage	Description	Indicative Timeframes
1	Council resolves that it intends to acquire an interest in the land.	This report
2	Council serves Notice of Intention to Acquire an Interest in Land in accordance with Section 8(1) and 8(2) of the <i>Land Acquisition and Compensation Act 1986</i> .	July 2019
3	Council lodges a Notice with the Registrar of Titles in accordance with Section 8(3)(b) and 10(1) of the <i>Land Acquisition and Compensation Act 1986</i> .	July 2019
4	Council resolves that it acquires the land.	September 2019
5	Council places a Notice in the Government Gazette after 2 months and no later than 6 months from issue of the Notice of Intention to Acquire in accordance with Sections 16, 19, 20 and 24 of the <i>Land Acquisition and Compensation Act 1986</i> .	September 2019
6	Council places a Notice of Acquisition of Interest in Land in a local newspaper in accordance with Section 3 of the <i>Land Acquisition and Compensation Act 1986</i> .	September 2019
7	Council serves a Notice of Acquisition and makes an offer of compensation within 14 days of acquisition (date the Notice).	September 2019

- Council shall manage disputed claims for compensation in accordance with the *Land Acquisition and Compensation Act 1986*.
- As a land acquisition process can take a number of months to complete, and there is a current contract in place for the bridge replacement works, the delay relating to the replacement of the third bridge is being managed in accordance with the current conditions of contract. The contractor has been de-mobilised and will need to be re-mobilised when works can recommence.
- It is likely that based on the legislative steps required for the land acquisition, the reconstruction of bridge B044 will not start until early 2020.

POLICY IMPACTS

Nil

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 EXTENSION OF ENVIRONMENTAL VOICE ADVISORY COMMITTEE MEMBERSHIP

Environment Sustainability Officer

Directorate: Planning Development

Ward: All

Appendix:

PURPOSE

For Council to consider extending the membership of Council's Environmental Voice Advisory Committee to align with Council four-year terms.

RECOMMENDATION

That Council approve the extension of membership for the Environmental Voice Advisory Committee from July 2019 to November 2020.

KEY ISSUES

- The Environmental Voice Advisory Committee (EV) play a critical role providing input and recommendations to Council regarding local environmental matters.
- The current EV membership is of a two-year term which commenced 11 July 2017 and is to conclude on 11 July 2019.
- Council's Governance Team is undertaking a review of governance processes for Council's 12 Advisory Committees, including Terms of Reference and membership. The review identified the need to re-align Advisory Committee membership intervals with Council four-year terms for greater efficiency and consistency.
- To facilitate this re-alignment, as well as save on time advertising for new members, it is required to extend the current membership of EV for approximately 15 months from 12 July 2019 until November 2020.
- EV members have been briefed on the proposed membership extension and are comfortable in adopting this interim process.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

There are no financial implications of extending the EV membership.

Environmental Impact

Environmental benefits will continue to occur with EV meeting and discussing how to protect and enhance our environment and providing recommendations to Council for consideration.

Community Impact

Council will continue to hear the community's voice on environmental matters through the operation of EV.

CONSULTATION

Consultation has been conducted with EV regarding the membership extension. Current members are comfortable with the extension, although one member has decided to not continue with the membership extension due to work commitments.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

Extending the membership of EV will assist with achieving the key strategic objective as set out in the Council Plan 2017-2021:

Strategic Objective: *Safe and Sustainable Environments*

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

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 implications with extending the EV membership for the noted period.

POLICY IMPACTS

In addition to playing a significant role in the development of Council's Environmental Sustainability Strategy 2018-2022, EV are also involved with the annual review of progress in implementing the Strategy's four-year Action Plan.

CONFLICT OF INTEREST DECLARATION

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

13. ORGANISATIONAL EXCELLENCE

13.1 PROPOSED LOCAL GOVERNMENT BILL 2019 SUBMISSION

Manager Governance

*Directorate: Corporate and Community
Services*

Ward: All

Appendix: 1 attachment

PURPOSE

To endorse a Submission Response for the proposed Local Government Bill 2019.

RECOMMENDATION

That Council endorses the submission prepared for the proposed Local Government Bill 2019 and authorises the Chief Executive Officer to lodge the submission with the Minister for Local Government the Hon. Adem Somyurek prior to the submission deadline of 17 July 2019.

KEY ISSUES

- On 5 June 2019 the Minister for Local Government, the Hon Adem Somyurek MP tabled in Parliament a proposal for a Local Government Bill 2019. Council's and community members have until 17 July 2019 to provide submissions to the minister relating to the proposals.
- This Bill includes six new reforms building on those presented in the Local Government Bill 2018. The new reforms are;
 1. **Simplified Franchise:** Simplifying enrolments to vote in council elections to more closely align council electoral rolls with State electoral rolls. Voters whose only entitlement is as an owner or lessee of a property in the municipality will be required to lodge an enrolment form to vote in that municipality's election if they want to vote.
 2. **Standard Electoral Structures:** Simplifying electoral structures to provide greater consistency of representative structures. It is proposed to move to a single consistent model of single member wards, unless it is impractical to subdivide a council into wards.
 3. **Mandatory Training:** Introducing mandatory training for council election candidates and councillors to improve competency, skills and transparency. It is proposed to introduce new requirements on candidates and councillors to improve competency, skills and transparency.
 4. **Donation Reform:** Extending recent changes to electoral campaign donations arrangements to local government elections to ensure the integrity and transparency of the donations process.

- 5. **Improved Conduct:** Setting clear standards of conduct to guide council behaviour and establishing a centralised internal resolution process to support councils in dealing with low-level misconduct more efficiently. It is proposed to introduce mandatory standards of conduct, a clear and consistent arbitration process and provide the arbiter powers to impose sanctions.
 - 6. **Community Accountability:** Introducing two new pathways that can lead to the disqualification of a councillor. It is proposed to make councillors more accountable through stronger sanctions for serious conduct violations and the introduction of a community initiated Commission of Inquiry.
- The proposed submission is detailed in attachment 1. The Council position in each of the reforms is as follows;

Reform	Subject	Response
1	Simplified Franchise	Supported
2	Standard Electoral Structures	Not Supported
3	Mandatory Training	Neutral
4	Donation Reform	Neutral
5	Improved Conduct	Supported
6	Community Accountability	Not Supported

- In relation to the introduction of a new *Local Government Act*, Council has used the opportunity to provide submissions on the previous occasions that comments have been sought.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

- There is no financial impact with a submission
- There will be financial impacts implementing required changes for the new Bill if it is passed by the Government.

Environmental Impact

There are no environmental impacts with this report or the proposed new bill.

Community Impact

The proposed new Bill seeks to make councils more accountable to their communities between elections, improve councillor behaviour and lift standards by introducing mandatory training for candidates and councillors.

CONSULTATION

The previous Local Government Bill 2018 was developed through rigorous consultation with the community, councils and peak bodies. Only five week's has been allowed for submission on the reforms to be added to the previous Local Government Bill 2018.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

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

Strategic Objective: *Organisational Excellence*

4.2 Positive leadership, advocacy and decision making around shared goals.

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 matters relating to making a submission.

POLICY IMPACTS

There are no direct policy impacts with making a submission. It is noted that if passed the Local Government Bill 2019 will require Council to introduce several new policies and amend some existing policies.

CONFLICT OF INTEREST DECLARATION

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

**13.2 RATES RECOVERY UNDER S181 OF THE LOCAL GOVERNMENT
ACT 1989**

Coordinator Revenue Services

*Directorate: Corporate and Community
Services*

Ward: All

Appendix: 2 attachments

PURPOSE

To advise of the intention to recover rates and charges under the provisions of Section 181 of the *Local Government Act 1989*.

RECOMMENDATION

That Council:

- 1) progress under Section 181 of the *Local Government Act 1989* to recover outstanding rates and charges on the properties as identified and referenced in the attachments to this report; and,
- 2) That Council publicly declare this process is being undertaken through appropriate communication channels.

KEY ISSUES

The Council Revenue department in conjunction with the debt collection agency MidState Credit Collect and their associated law firm CLH Lawyers have identified several properties that have reached final stages of debt recovery action and are recommended for sale (Section 181).

Ratepayers who are not maintaining payments cost the community as they are not contributing funds and can impact Councils ability to provide and maintain essential services. This problem is even more prevalent with the introduction of Fire Services Levies and working in a rate capped environment.

It should be noted that all properties referred to have met the conditions for Section 181, namely that they owe more than 3 years of rates and charges, no current payment arrangement is in place (an arrangement is not seen as current if any term or the arrangement is not adhered to under the Act) and Council have a court order judgement in place for all or some of the debt owing.

In addition, none of the properties considered are principle places of residences and all previous forms of contact and reconciliation methods have been exhausted.

Genuine examples of financial hardship and pensioner owned properties have been identified and excluded from this process.

To the best of officer research this process has not occurred in Baw Baw Shire for several years. The last Council report presented was in 2004 although this is customary practice in most municipalities.

Part of the Section 181 process is to issue a communication to mortgage holding banks. However, in most cases, the mortgage holding banks, will not step in to pay outstanding rates and charges unless we provide resolution of Council and progress to public notice which is the next step for the properties referenced in this report.

All owners have been issued with notice of intention to sell with no response received.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

- Council can only sell the land for an amount equal to or more than a written valuation of land issued by a licensed valuer conducted not more than 6 months before the sale date of transfer.
- If a property is sold for an amount equal or exceeding the written valuation the Council is then permitted to deduct all expenses incurred with the sale or transfer, any enforcement costs and interest and any other amount due in respect of the land.
- Council must then discharge surplus monies in the legal order of priority. (Mortgage, then any person with interest in the land in equal shares).
- The current financial debt on these properties as at the date of this report is \$136,903.30.

Environmental Impact

There is no environmental impact identified from this report.

Community Impact

- Non paying ratepayers cost the community as they are not contributing funds and can impact Councils ability to provide and maintain essential services. This problem is even more prevalent with the introduction of Fire Services Levies and working in a rate capped environment.
- The Section 181 process has many stages and is the absolute last resort for these long term non paying ratepayers and the decision to implement is not taken lightly. This process is, however, necessary to demonstrate good governance, fairness and equity to all ratepayers.

CONSULTATION

- The Baw Baw Shire revenue team have worked with the debt recovery lawyers to ensure that none of these properties are owner occupied or pensioners and that all previous methods of collection/negotiation have been exhausted. Genuine examples of financial hardship have been identified and excluded from this process.
- Several steps have been and will be implemented including public advertising on property and via local and/ or national paper advising of Councils intentions.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

This Rates Recovery under S181 of the *Local Government Act 1989* process assists with the achievement of the key strategic objective as set out in the Council Plan 2017-2021:

Strategic Objective: *Organisational Excellence*

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

This is in conjunction with endorsed Baw Baw Shire Council Rating Strategy.

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

This Rates Recovery under Section 181 of the *Local Government Act 1989* has been reviewed under the *Charter of Human Rights and Responsibilities* and is considered compatible.

LEGAL

This process is being undertaken in conjunction with Councils contracted debt collection agency MidState Credit Collect and their associated law firm CLH Lawyers to ensure all requirements are met under specifications of Section 181 of the *Local Government Act 1989*.

POLICY IMPACTS

Councils current Hardship Policy has been referred to as part of this process and no proposed sale properties have been identified as examples of hardship, pension holders or ratepayer's principal places of residence.

CONFLICT OF INTEREST DECLARATION

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

14. NOTICES OF MOTION

Nil.

15. COMMITTEE AND DELEGATES REPORTS

16. ASSEMBLY OF COUNCILLORS

16.1 ASSEMBLY OF COUNCILLORS REPORT

Governance Coordinator

*Directorate: Corporate and Community
Services*

Ward: All

Appendix: 4 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 Friday 14 June to Friday 28 June 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