



Agenda

Council Meeting

24 July 2019

To be held at the Trafalgar Business Centre,
107 Princes Highway, Trafalgar
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.

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1. OPENING AND RECOGNITION OF TRADITIONAL CUSTODIANS

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

2. READING OF AFFIRMATION AND PRAYER

Cr Power 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 PLA0187/18 - 69 STOCKDALES ROAD, THORPDALE

Coordinator Statutory Planning &
Executive Assistant Planning

Directorate: Planning Development,
Ward: East
Appendix: 2 attachments

PURPOSE

To determine application PLA0187/18 for the Use and Development of a Dwelling and Creating Access to a Road Zone Category 1 Road.

RECOMMENDATION

That Council issue a Notice of Decision to Refuse to Grant a Planning Permit.

KEY ISSUES

- The subject site is located approximately 1 kilometre to the east of the Thorpdale township. The subject site and the majority of Thorpdale township nearby are located within the *Special Water Supply Catchment 'Narracan Creek'* under the management of Gippsland Water.
- The subject land was created under Planning Permit PSB0017/09 that allowed the re-subdivision of lots and to use and develop the land for a dwelling.
- This application seeks approval to use and develop the land for the purpose of a dwelling and create access to the site from a Road Zone Category 1.
- 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. No submissions were received.
- The application was referred pursuant to Section 55 of the Act to Gippsland Water and Vic Roads, who are both *determining authorities*.
- The proposed development of a dwelling on the subject site will introduce an unwarranted level of risk to the quality of water within a designated catchment area.
- The proposed development would rely on the installation of a septic system. The land is located within a sensitive water catchment area where there are controls which manage the dwelling density in order to protect water quality. An assessment of the cumulative impact of dwellings and ancillary septic systems within this area have demonstrated that the dwelling density ratio of 1:40 hectares would be

exceeded. This increased density ratio threatens to adversely impact on water quality in an open potable water supply catchment.

- It is considered that the proposal is inconsistent with the Planning Policy Framework, in particular Clause 14.02-1S, Clause 14.02-2S, Clause 21.02, Clause 21.05-4, Clause 21.06-6, or with the purpose of Environmental Significance Overlay (Schedule 2).
- It is recommended that a Notice of Decision to Refuse to Grant a Planning Permit be issued for the use and development of the land for a dwelling including the creation of access to a Road Zone Category 1.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

Nil

Environmental Impact

- The development of a dwelling on the subject site will introduce an unwarranted level of risk to the quality of water within a designated catchment area.
- The proposed development would rely on the installation of a septic system. The land is located within a sensitive water catchment area where there are controls which manage the dwelling density in order to protect water quality.
- An assessment of the cumulative impact of dwellings and ancillary septic systems within this area have demonstrated that the dwelling density ratio of 1:40 hectares would be exceeded which would threaten to adversely impact on water quality in an open potable water supply catchment.

Community Impact

Nil

CONSULTATION

The application was advertised in accordance with the *Planning and Environment Act 1987*. No objections were 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 has been reviewed under the *Charter of Human Rights and Responsibilities* and is considered compatible.

LEGAL

Nil

POLICY IMPACTS

Nil

CONFLICT OF INTEREST DECLARATION

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

**10.2 DEFINED FACILITIES MANAGEMENT SERVICES & PRODUCTS –
CLEANING & PROPERTY**

Procurement Coordinator

*Directorate: Corporate and Community
Services*

Ward: All

Appendix: Nil

PURPOSE

To award a contract for the provision of Cleaning Services at Council's offices and buildings, the West Gippsland Arts Centre, public toilets and BBQ's through the use of the Procurement Australia panel 2008-0837 - Defined Facilities Management Services & Products – Cleaning & Property.

RECOMMENDATION

That Council;

1. Approves the appointment of Peopleworks Cleaning Services Pty Ltd through the Procurement Australia Panel 2008-0837 - Defined Facilities Management Services & Products – Cleaning & Property, at an estimated cost of \$406,400 per annum, for the ten (10) month period from 1 November 2019 to 31 August 2020 with the option for a further 2 x 1 year extensions; and
2. Delegate authority to the CEO to sign the contract documents after they have been prepared and execute the award of the contract.

KEY ISSUES

- Council's existing contractor for cleaning services is Menzies International (Aust) Pty Ltd. This contract is due to expire on 31 October 2019.
- A tender process was conducted by Procurement Australia (PA), on behalf of participating Councils, to appoint a panel of suppliers suitable for cleaning services.
- Appointment of a supplier from the PA panel is recommended as it provides Council with the flexibility to terminate services, where performance is below standard, and readily engage an alternate contractor from the panel.
- A ten (10) month period is preferred in order to align with the PA contract term that expires on 31 August 2020 excluding contract extensions.
- Officers then invited PA panel suppliers to submit competitive quotations for Council's cleaning services. Panel suppliers were evaluated on price, performance capability, past performance, quality practices and corporate social responsibility.
- Peopleworks Cleaning Services returned the highest score as well as the lowest price based on the schedule of rates and nominated cleaning

requirements for each location. The schedule of rates pricing comprises regular cleaning of 17 offices/buildings, 34 additional locations (mainly public toilets and BBQ's) plus the West Gippsland Arts Centre.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

The annual budget for cleaning services is \$406,400 per annum that includes \$51,850 for non-contracted cleaning services. Non-contracted works are in addition to the regular cleaning services and generally relate to functions and unforeseen emergency cleans that are outside the regular maintenance cleaning services.

Environmental Impact

The successful tenderer will need to include operational controls and procedures to manage any identified environmental impacts.

Community Impact

The community have an expectation that all public facilities will, at all times, be clean and well maintained. Council will work with the appointed Contractor to ensure they meet Community expectations.

CONSULTATION

All relevant Council departments and Officers have been consulted throughout this process to ensure the Contract will meet each areas requirement.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

Defined Facilities Management Services & Products – Cleaning and Property 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 *Quality community focused services, facilities and infrastructure to support a growing community.*

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

This Defined Facilities Management Services & Products – Cleaning and Property has been reviewed under the *Charter of Human Rights and Responsibilities* and is considered compatible.

LEGAL

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

Procurement Australia has Ministerial Approval under section 186(5)(c) of the *Local Government Act 1989*, for councils to enter into a contract provided by Procurement Australia for the provision of goods, services or works.

POLICY IMPACTS

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

CONFLICT OF INTEREST DECLARATION

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

11. THRIVING ECONOMY

11.1 DESTINATION MANAGEMENT PLAN PROPOSED RESPONSE

Tourism Officer

*Directorate: Communications and Economic
Development*

Ward: All

Appendix: 3 attachments

PURPOSE

For Council to endorse the appropriate feedback to be provided to TRC Tourism on the Draft Destination Management Plan.

The Destination Management Plan will provide recommendations on how Gippsland can improve its visitor economy over the next 10 years. The strategy of the plan is to provide recommendations on how to evolve visitor experiences, introduce new product and visitor infrastructure, improve visitor servicing and the visitor journey in and out of Gippsland. It will also identify opportunities which have potential to grow visitation, increase capacity and generate ongoing economic activity across Gippsland's visitor industry.

RECOMMENDATION

That Council approve the proposed feedback submission for the Draft Destination Management Plan to TRC Tourism.

Key Issues

- The focus of the Draft Destination Management Plan does not highlight and identify the tourism offerings in Baw Baw Shire, throughout the five pillars that the plan is centred on.
- Previous studies into the future of tourism in Gippsland have explored similar themes for developing experience with many of them not converted into viable tourism products, it should be further explored to determine if the recommended hero and supporting experiences are appropriate for the market and are utilising the current infrastructure that exists across Gippsland.
- The Central Gippsland Public Land Strategy (Growing Jobs in Latrobe Valley) is a key advocacy priority for Baw Baw Shire Council, and the Destination Management Plan should reflect the relevant projects that can increase and improve visitor experiences and supporting infrastructure. This should also include the Midlands Highway project as it connects Gippsland to wider Victoria.
- The recommended options for exploration for the Governance structure for Destination Gippsland, provides Council with limited ability to have oversight as a significant funding partner.

- Currently, and into the future there are no formal reporting requirements for Destination Gippsland to Council's when they are carrying out works to promote their individual LGA's.
- The board structure that is to be explored will allow for business and industry to obtain a seat on the Destination Gippsland Board.
- 'Baw Baw Shire's proximity to Melbourne is a vital asset and makes it an important hub for the development of major events and business events in Gippsland, the Draft Destination Management Plan does not reflect Baw Baw Shire as a priority for these events. Our significant event spaces include the West Gippsland Arts Centre and Lardner Park, both can cater for a variety of events.
- Significant changes to Council's infrastructure, assets and intellectual property such as:
 - The closing of visitbawbaw.com.au, the proposed plan proposes that Visit Baw Baw is combined into the Visit Gippsland Website.
 - Potential development of experience hubs, consideration of Council's view on Visitor Information Services.
- Impacts on the promotion of Baw Baw Shire and marketing of the region to visitors:
 - Adopt a singular focused approach to deliver on the Gippsland brand and identify Destination Gippsland as the primary brand manager and marketing focus for the destination.
 - Destination Gippsland will develop a 12-month marketing campaign with individual LGAs to market in their region.
 - LGAs would be required to undertake the following marketing under the proposed marketing roles and responsibilities:
 - Industry capacity and capability building to ensure that the experience offer, and service is of high quality once the visitor has arrived.
 - Visitor services based on market trends and demand. This means re-imagining the role of Visitor Information Centres to better service the expectations of new visitors.
 - Develop and dispersal of information once the visitor is in region including easy access to booking experiences is paramount to increasing conversion and yield.
- Mt Baw Baw has been identified as opportunity for growth, however the Southern Alpine Management Board do not financially contribute to Destination Gippsland, potential funding models should undertake consultation with the Southern Alpine Management Board to establish where they can add value.

Legal/Council Plan/Policy Impact

COUNCIL PLAN

This response to the Draft Destination Management Plan is related to the key strategic objective as set out in the Council Plan 2017-2021

Strategic Objective 3: *Thriving Economy*

3.1 *Supporting innovative, thriving and sustainable local business and industry providing local employment.*

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

This response to the Draft Destination Management Plan has been reviewed under the *Charter of Human Rights and Responsibilities* and is considered compatible.

LEGAL

Not applicable.

POLICY IMPACTS

Not applicable.

CONFLICT OF INTEREST DECLARATION

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

11.2 WARRAGUL CIVIC PRECINCT MASTER PLAN

Executive Assistant

Directorate: Community Assets

Ward: Central

Appendix: 3 attachments

PURPOSE

The purpose of this report is to present to Council the proposed scope, including community engagement, for the development of a master plan for the Warragul Civic Precinct, and seek formal approval to commence the master planning process.

RECOMMENDATION

That Council:

1. Commence a process to develop a master plan for the Warragul Civic Precinct, including active engagement with the community
2. Allocate \$80,000 of carry forward funding from the 2018/19 Forward Design Program to the current financial year capital works program
3. Note the scope for the development of the Warragul Civic Precinct Masterplan shall include provision for, but not be limited to, the following key elements.
 - a. A municipal library space
 - b. Arts, gallery and additional theatre spaces
 - c. Public toilets and amenity
 - d. Multi-purpose and community meeting space/s
 - e. Council customer and visitor service and front of house
 - f. Council chambers, committee rooms and public gallery
 - g. Office accommodation space
 - h. Improvements to the surrounding spaces and integration between the Civic Precinct & Civic Park
 - i. Entry plaza to the Civic Precinct & Civic Park
 - j. Additional car parking including options for increased walking and bicycle use.

KEY ISSUES

Background

In the 2014/15 financial year, Council were underway with the development of a master planning project for the staged redevelopment of the Warragul Civic Precinct site. This work also included the initial schematic designs (See Attachment 1) for the redevelopment of the West Gippsland Arts Centre (WGAC), in addition to:

- Refurbishment/redevelopment of the Fountain Room, Civic Foyer and WGAC Backstage (note: this was originally detailed in the draft masterplan to be included as part of the Stage 1 works of the WGAC redevelopment).

- Redevelopment of the Smith Street Annexe to include Exhibition Space, Rehearsal and Workshop Studios (Stage 2).
- Extension of the facility to include Function Centre and repurpose/refurbish Fountain Room into Council Chamber, Council Lounge and Committee Rooms (Stage 3).
- Extension of the facility to include Library, Exhibition Space, Rehearsal Space, Studio Theatre and a forecourt area (Stage 4).

In August 2015, Council were briefed on the progress of the development of the draft masterplan for the precinct.

On 11 November 2015 Council considered two reports at its Ordinary Meeting, one relating to the redevelopment of WGAC and the other report relating to the draft masterplan for the Civic Place Precinct.

In relation to the WGAC, Council resolved that it:

1. Fully supports the proposed redevelopment of the WGAC;
2. Supports an application of funding to both the State and Federal Government;
3. Endorses launching a community/philanthropic fundraising campaign; and
4. Acknowledges that the draft masterplan for the overall Civic Place site Warragul does not impede the commencement of the redevelopment project.

In relation to the draft Civic Place Precinct Masterplan, Council resolved that it:

- Accepts the draft masterplan for the overall Civic Place Warragul site (including the Arts Centre and ancillary public buildings) and refers it to the community consultation and feedback.

Following the resolution of Council on 11 November 2015 regarding the draft masterplan for the precinct some targeted community consultation was undertaken regarding the 2015 draft concepts. Attachment 1 contains a copy of the 2015 draft concepts.

Following the November resolution, Council received funding from both the State and Federal Governments, through their Regional Jobs and Infrastructure Fund and the National Stronger Regions Fund, respectively. This funding was for the first stage being the redevelopment of the West Gippsland Arts Centre. The funding model for the project was as follows.

Federal Government	\$ 4,000,000
State Government	\$ 4,000,000
DCP	\$ 1,150,000
Council – Borrowings	\$ 4,000,000
<u>Council – Council Cash</u>	<u>\$ 250,000</u>
Total	\$13,400,000**

** Note: Overall project budget was revised through formal resolution of Council during 2018 to \$14.1M

At its meeting on 25 August 2016 Council resolved to:

- Authorise officers to finalise the plans and documentation for tendering the construction of the upgrade of the West Gippsland Arts Centre; and
- Advertise the tender for construction of the upgrade of the West Gippsland Arts Centre during the forthcoming Council election care taker period.

Through the finalisation of the scope of the project to satisfy the available funding a number of items contained within the Stage 1 concepts of the 2015 draft Precinct Masterplan were rationalised and omitted in the Stage 1 works, due to budget constraints. These elements omitted/modified included:

- New backstage areas on both the 'ground' and 'lower ground' levels.
- Major refurbishment of the Fountain Room spaces. Only minor works were undertaken in this space.
- Council chamber was converted into the new Lyrebird Room meeting space.
- Removal of the public gallery space on the 'ground' level.
- New meeting room on the 'lower ground' level.
- Refurbishment of the 'lower ground' level toilets.

On 8 February 2017 Council resolved to accept the tender and award the contract for the commencement of the redevelopment for WGAC.

Specifically, Council resolved that it:

1. Accepts the Lump Sum Tender (including a provisional sum) of \$10,958,800 (excluding GST) submitted by Building Engineering Pty Ltd ABN 103 839 514 for the West Gippsland Arts Centre Upgrade project, tender 21747CT;
2. Delegates the Interim CEO to sign the contract documents after they have been completed; and
3. Continues to pursue funding opportunities as they arise.

The 8 February 2017 report detailed the final scope of the works included in the approved tender for construction, as per the \$13.4M project budget.

These works included within the final scope were as follows:

- **Increased theatre occupancy from 510 up to 760 patrons**
 - Additional rear stalls seating - 94
 - Additional balcony seating – 156
- **Improved accessibility**
 - New lift connecting all 4 building levels
 - New front of house stairs connecting all levels
 - Building Code of Australia and Disability Discrimination Act compliant amenities
 - Front of house toilets on all levels except level 3
 - Back of house toilets and dressing rooms/technical amenities
 - On-grade entry and access to all areas around the building
 - Safer back of house access to technical galleries and lighting bridges
 - Forestage lift access to Stage from below - this will increase flexibility of use of Stage or Orchestra Pit and Auditorium
 - Multiple access points to Auditorium at all levels
 - Wheelchair positions in stalls and balcony
 - Current space now used as Council Chamber and Committee Room repurposed as a function and break-out space
- **Upgrading Asset and Improved Performance**
 - Additional back of house theatre facilities (includes loading dock isolation)
 - Expanded central administration
 - Expanded foyer - upgraded finishes and services, new bar
 - Theatre infrastructure upgrade
 - Auditorium refurbishment - acoustics improvements
 - Improved café facilities that provide out of hours operations
 - Potential for additional meeting facilities below café
- **Forecourt and external entry improvements**
 - Access on grade and ramped access to building at multiple points
 - Hard and soft landscaping
 - Upper terrace area connection to foyer and café (potential for outdoor activities)
 - Strong connection remains to Civic Place drop off and parkland
 - Accessible parking close to main entrance

The construction for the redevelopment of WGAC commenced in March 2017 and on 31 October 2018 the redevelopment of the West Gippsland Arts Centre reached practical completion.

With the WGAC redevelopment reaching practical completion it was proposed that Council consider undertaking a process to finalise the master plan.

Given the scope of the WGAC redevelopment was varied significantly from the Stage 1 concept included within the draft concept master plan and that there is not an approved Council masterplan for the other elements of the Civic Precinct – it is proposed to revisit the 2015 draft masterplan with a view to work towards developing a revised masterplan which captures the vision of community and Council. A revised master plan for the overall precinct will enable Council to set the strategic development of the site into the future.

In the development of an overall masterplan for the precinct there are several issues that require consideration. Many of these issues are dependent and interrelated and require the formation of an initial Council position on what shall be included in the scope prior to the development of the master plan.

In 2017, Council adopted the Warragul Civic Park Master Plan to set the strategic direction for the development of Civic Park. This master plan contains a number of key actions. Attachment 2 contains a copy of the Warragul Civic Park Master Plan. A few of the key actions that are relevant to the scope for the Civic Precinct Masterplan development are improvements to the public toilets within the facilities for park users, an entry plaza at the entrance to Civic Place from Albert Street and improved car parking. It is also recommended that as part of the scope any proposed improvements to facilities or the surrounding spaces as part of the Civic Precinct Masterplan be complementary to and integrated into the amenity of Civic Park.

In addition to this, Council has undertaken the development of the Community Hubs Strategy – which has highlighted a range of things to be considered relating to community hub facilities within Warragul. Attachment 3 contains Part One of the Community Hubs Strategy which includes the community's aspirations for community hubs for the Warragul Township. The review of a master plan for the site also provides Council with the opportunity to explore community hub type services that could be delivered from facilities proposed as part of the redevelopment of the Civic Precinct.

Through the engagement of the Community Hubs Strategy key themes regarding facilities or services that should be considered as part of future community hubs for the Warragul township were as follows.

- Youth orientated and child friendly and accessible programs
- A place for social connectedness, opportunities and activities
- Space that allows the community to work together
- Informal and formal meeting spaces
- A focus on multi-purpose space where community and user groups can co-exist

On 30 January 2019, Council officers provided Councillors with an initial briefing to discuss the proposal to develop a masterplan for the Civic Precinct. This briefing explored a range of the issues associated with the range of different spaces and potential services associated with the site. These included the following:

- Fountain Room
- Civic Place Customer Service / Office Space
- Carparking
- Council Chambers
- Smith Street Annexe Buildings including Community College Building
- Community Hub related services

The initial feedback from 30 January 2019 briefing, along with the relevant aspects of the Warragul Civic Park Masterplan and the Community Hubs Strategy, is proposed to be included within the scope for the development of a master plan for the Civic Precinct.

In addition to the inclusion of these elements in the proposed scope for the masterplan, it is also proposed to actively engage with the broader community in the development of the masterplan to capture the vision of the community.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

- Funding for the development of a master plan for the Civic Precinct was included in the 2018/19 financial year budget under Council's Future Forward Design Program, as part of the current capital works program. The project budget allowed for towards the development of the master plan and conceptual layouts is up to \$80,000. These funds will be required to be carried forward into the 2019/20 financial year.
- The development of a master plan for the precinct will provide Council with a road map for the staged redevelopment of the precinct, and to budget for future detail design within Council's Long Term Infrastructure Plan.
- The draft Long Term Infrastructure Plan has made allowance for future stages of the redevelopment of the Civic Precinct as Strategic Capital Projects with the following proposed allocations, however these allocations are dependent on external funding being obtained.

Year	Proposed Budget	Project
19/20	\$250,000	Design – Stage 1 Civic Precinct Master Plan Project

20/21 & 21/22	\$3,000,000	Construction – Stage 1 Civic Precinct Master Plan Project
25/26	\$100,000	Design – Stage 2 Civic Precinct Master Plan Project
26/27 & 27/28	\$3,000,000	Construction – Stage 2 Civic Precinct Master Plan Project

- A further financial consideration in relation to this project is the inclusion of a space for a municipal library within the proposed scope. This will enable Council to minimise the current costs of leasing the commercial property for the current Warragul Library site.

Environmental Impact

- An opportunity exists to include Environmentally Sustainable Design into a proposed redevelopment of the buildings within the Civic Precinct, therefore minimising the carbon footprint of the future facilities on the site.
- Solar systems to offset power costs may also be a viable option to consider as part of the scope of any stage of a project to redevelop the Civic Precinct site.

Community Impact

- A key recommendation that has emerged as a result of the Community Hubs Strategy is to look at the development of an integrated master plan for the Warragul Civic Precinct.
- The integration of community hub related services provides an opportunity to increase the community benefit provided by the facilities on the site, where currently this is mainly limited to the Arts Centre, Fountain Room and some spaces within the Smith Street Annexe i.e.. Municipal Band Space
- Currently, there are a range of spaces which are not utilised as the condition of the buildings is fair to poor, and there is no plan for the future improvement of these spaces. It is anticipated that there will be increased interest from the public in relation to key spaces within the site not being utilised.
- Another key consideration with the redevelopment of the precinct is to adequately cater for the increased need and demand for car parking. This is particularly relevant given the continued concerns being raised by the community in relation to parking within the Warragul CBD area.

CONSULTATION

- Community engagement through the development of the proposed master plan for the precinct will be critical to capture the Community’s vision and expectation for the development of the site.

- The approach to engagement with the community will be a key aspect of the project to develop the master plan and a key consideration in the selection of a suitable consultancy for the project.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

The development of the Warragul Civic Precinct Master Plan 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 *Quality community focused services, facilities and infrastructure to support a growing community.*
- 1.3 *A vibrant, healthy and inclusive community.*

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

The development of the Warragul Civic Precinct Master Plan will be considered under the *Charter of Human Rights and Responsibilities*. Amendments will be recommended to ensure compatibility if required.

LEGAL

- There are no legislative requirements for Council to develop a master plan for the Civic Precinct.
- All of the relevant regulations, standards and codes would be required to be adhered to in the development and construction of the site's facilities and surrounding spaces.

POLICY IMPACTS

Council's Engagement Policy states that Council will create and promote opportunities for the community to actively participate in the development and decision making for major capital projects and changes to public space. The scope for the development of a master plan for the Civic Precinct, includes engaging with the community in accordance with the relevant policy

CONFLICT OF INTEREST DECLARATION

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

12. SAFE AND SUSTAINABLE ENVIRONMENTS

12.1 GENERAL BUSINESS MOTION - TRINCA LANE, WARRAGUL

Infrastructure Engineer

Directorate: Community Assets

Ward: Central

Appendix: 3 attachments

PURPOSE

As per the general business motion of Council at the 24 April 2019 Council Meeting, Council resolved to receive a report no later than 31 July 2019 regarding the area known as 'Trinca Lane' in Warragul as a potential site for the provision of publicly available off-street car parking and that the report considers, but is not limited to, the following items.

- a. The proposal and plans submitted to Council in (approximately) 2008 which detailed carparking in the 'Trinca Lane' area
- b. The number of car parking spaces that could be available public use
- c. Issues associated with the interaction of private and public land
- d. Estimated costs of implementing public off street carparking in this area.

RECOMMENDATION

That Council:

1. Note this report in relation to Trinca Lane, Warragul being a potential site for increased parking within the Warragul CBD, and
2. Refer investigation and the feasibility of Trinca Lane, Warragul as a potential site for parking to a future Council budget process.

KEY ISSUES

At the General Business Motion from the Council meeting on 24 April 2019, four queries were raised in relation to parking in Trinca Lane, Warragul and this report will address each query in detail:

- 1. Provide background on the proposal and plans submitted to Council in (approximately) 2008 which detailed car parking in the 'Trinca Lane' area**

Trinca Lane was sealed in early 2011 to address issues of dust during summer, ponding during winter, frequent issues with corrugation and potholes and the associated heavy maintenance burden. A further reason for the sealing was to improve the visual amenity for railway passengers entering Warragul.

At the Council meeting of 25 August 2010, Council resolved to:

- Proceed with the basic reconstruction of Trinca Lane, including a re-sheet with crushed rock and a bitumen seal of 3.5m width on the existing alignment, at a cost of \$100,000; and
- Enter into negotiations with VicTrack and the Department of Transport to reach an agreement for beautification and landscaping of the area between Trinca Lane and the railway line, along with VicTrack constructing fencing along this alignment; and
- Request Officers to provide a report to Council on the success of these negotiations prior to any Council decision on further works in Trinca Lane.

At the time, it was stated that Council's available budget for construction of Trinca Lane was \$342,743. The estimated cost for basic treatment, re-sheet and seal existing alignment 3.5m wide was \$100,000, and the estimated cost to provide landscaping to improve visual amenity for train travellers was to \$100,000. The total estimated cost was \$200,000 (not including GST). The sealed road width constructed was 3.5m.

VicTrack

Previous liaison with VicTrack indicated that at the time, some encroachment into the railway land was allowed on the basis that the sealed laneway would improve access to VicTrack assets for maintenance, which was accessed at the rear of 28 Queen Street (Aldi Warragul). VicTrack stipulated the offsets of 3m from rail infrastructure which has to be maintained, and that VicTrack-certified contractors were used for the works.

Community consultation

Two consultation sessions were previously held with property owners abutting Trinca Lane on 11 March 2008 and 10 September 2009.

Stakeholder Engagement

Further consultations with the CFA, VicTrack and VicRoads were held in April 2010 regarding the development of Trinca Lane.

2. Provide information on the number of car parking spaces that could be available public use

Given the existing road reserve width of 3.5 - 4 metres, no car parking spaces can currently be provided without land acquisition.

A group of landowners on Trinca Lane engaged a local design consultancy to prepare concept design plans in late 2010. The plans showed 302 car spaces could be provided to accommodate railway station car parking and car parking for the Warragul commercial area, however, these plans involved encroachment into private land and VicTrack land for which approval was never sought, nor obtained.

The proposal was not further pursued due to the following reasons:

- Significant construction cost. The topography of the land is a major factor as major earthworks would be required therefore impacting the costs.
- Land acquisition

3. Provide background on issues associated with the interaction of private and public land

The minimum sealed road width required to provide for adequate two-way traffic flow and cater for on-street parking would be at least 11.3 metres (from the previously prepared plans). Furthermore, a minimum road reserve width of 16 metres would be needed to include additional infrastructure that would be required i.e. pathway connections or shared zones, street lighting, retaining walls, batters etc.

The concept design plans included a sealed road width which varied to 16 metres wide and included batters into private land. It is worth noting that the plans did not include pathway connections, which would be recommended and would occupy an additional width of at least 1.5 metres.

To ensure adequate road reserve width is obtained, there would need to be encroachment into the rail and/or private land. Some minor encroachment has historically been allowed based on the following:

- Improved access to VicTrack assets for maintenance,
- Meets the required offsets from the railway line, and
- Any works in the area uses VicTrack approved contractors.

Additional engineering issues that need to be considered to upgrade Trinca Lane for improved public use include the following:

- The need for a turnaround area. This would require land acquisition.
- The area is flood prone – as per flood mapping (yet to be reflected into LSIO), shows that eastern end of Trinca Lane could inundate 0.25-0.5m in 1% AEP (1 in 100 year) rainfall event, which would potentially be above door seals on a standard car, and
- The need to upgrade the intersection of Trinca Lane with Princes Way at the western end to accommodate the additional traffic, improve safety and access. This would be dependent on VicRoads requirements and approval.

Country Fire Authority

A Council engineer inspected Trinca Lane with a representative of the CFA on 19 April 2010 and discussed CFA requirements.

The CFA noted that many of the commercial properties have a lower story below the premises fronting Princes Way. If a fire were to occur in the lower storey of a building it would be essential for the CFA to have fire truck access along Trinca Lane.

The general minimum pavement width required by the CFA is 5.5m which allows for a fire truck and a passenger car to pass. If 5.5m is not achievable then the CFA would consider proposals which include a narrower road pavement with passing bays. At passing bays the total sealed width including road pavement plus passing bay would need to be 6m. Passing bays would need to be 20m long to allow a truck to move into and out of the passing bay. Spacing of the bays needs to take account of sight distance issues including crests and curves, with a maximum spacing of 200m. Passing bays may be constructed as part of the entrances to properties, provided that they are permanently set aside for this purpose. Parking must be prohibited in passing bays.

The width of the road pavement needs to be considered carefully so that if a car is parked on one side of the road the remaining pavement is wide enough for a fire truck to pass. A 4m wide road pavement would not be appropriate in this regard.

The east end of Trinca Lane must provide a turning area for a fire truck that is permanently set aside for this purpose. Parking must be prohibited in turning areas.

VicTrack

Council Officers met with representatives of VicTrack on 13 April 2010 to discuss a range of matters including Trinca Lane. VicTrack provided verbal advice that if Council wishes to construct Trinca Lane within VicTrack controlled land then Council must acquire all of the land that it wishes to occupy, including any batter slopes, at the Valuer General valuation.

VicTrack also advised that Council must provide a survey plan of the land that it wishes to acquire, and that acquisition is subject to approvals by both the Department of Transport and V-Line. The Department of Transport would assess the proposal against long term strategic uses of the rail reserve including any potential additional future rail lines, and V-Line would assess the proposal against operational requirements. Officers of VicTrack cautioned that acquisition can be a lengthy and involved process.

VicRoads

A Council engineer inspected Trinca Lane with a representative of VicRoads on 21 April 2010 and discussed VicRoads requirements.

- Eastbound vehicles in Princes Way turning right into Trinca Lane:

VicRoads perceive significant problems for vehicles travelling east on Princes Way and turning right into Trinca Lane, especially trucks with low take off speeds that find it difficult to find a sufficient gap in the traffic flow. At the time the speed zone was 70km/hr in this area (it is now 60km/hr) and there is limited sight distance looking east.

At present there is no protected slip lane for vehicles travelling east on Princes Way and turning right into Trinca Lane. It may be necessary to completely reconstruct the central island in Princes Way between Trinca Lane and Toorak Avenue to accommodate slip lanes. This could be a significant project cost.

- Westbound vehicles in Princes Way turning left into Trinca Lane

VicRoads perceive fewer problems for vehicles travelling west on Princes Way and turning left into Trinca Lane, except that it may be difficult for larger vehicles to make the sharp hairpin turn. Turning circles would need to be assessed for a fire truck/garbage truck making this manoeuvre. An electricity pole near the intersection would also likely need to be relocated.

It was concluded at the time, that various engineering studies would be required to design the intersection to cater for the full range of vehicles making all legal turning manoeuvres

4. Provide background on estimated costs of implementing public off-street car parking in this area.

The costs of property acquisition would be expected to constitute a significant portion of the total cost of providing public parking in Trinca Lane.

The engineering and construction costs would need to be reviewed based on the scope of the project and the requirements for earthworks and other structures (retaining walls, slopes and batters)

Should Council resolve to proceed with a more detailed feasibility study, the next steps would involve an update to the previously prepared engineering drawings and cost estimates, followed by valuations for the impacted land.

The design would need to be reviewed and updated for several reasons. These include:

- several properties adjacent to the laneway have been developed since the previous designs were prepared, and
- the design needing to reflect and comply with Council's current design standards for civil infrastructure necessitating footpaths and street lighting if the project were to proceed.

TRIPLE BOTTOM LINE IMPLICATIONS

Financial Impact

The total cost of the project would depend on the following.

- An initial feasibility study, including updated design plans.
- Project scope (construction costs would include underground drainage, road widening, car parking areas, earthworks and retaining structures,

- turn around areas, kerb and channel if required, street lighting, pathways, intersection improvements at Princes Way intersection),
- Land acquisition costs

Environmental Impact

Given the steep topography of the land in the surrounding area, much of the stormwater runoff from the properties on the south side of Queen Street and along Trinca lane would inundate the Trinca Lane area.

As climate change influences rainfall events, adequate drainage infrastructure that caters for the catchment would need to be considered.

Community Impact

- Upgrading the road environment and considering the potential for car parking areas will benefit the local community by providing additional car parking for the Warragul CBD areas
- Increased traffic into Trinca Lane also has the potential to create increased business in the local area

CONSULTATION

Council consulted with the abutting property owners at a meeting on 11 March 2008 for the ongoing requests to construct a sealed road on Trinca Lane. The property owners' feedback was that the lane should be constructed in a manner which facilitates development opportunities as determined appropriate in Council's Planning Strategies.

At the time, it was determined that the completion of the Warragul Town Centre Urban Design Framework and Station Precinct Masterplan and the 'Shaping the Future' planning initiative would establish the future land use for Trinca Lane.

The vision and actions for Trinca Lane from the Warragul Town Centre Master Plan May 2011 was focussed on building façade and design improvements by providing frontages facing the railway line and visual amenity improvements by landscaping and tree planting. It did not address the function of the lane way to provide areas for additional car parking.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

This review into the improvements for Trinca Lane, Warragul assists with the achievement of the key strategic objective as set out in the Council Plan 2017-2021:

Strategic Objective 3: *Safe and Sustainable Environments*

3.2 *Efficient roads, transport and parking.*

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

This review into the improvements for Trinca Lane, Warragul has been reviewed under the *Charter of Human Rights and Responsibilities* and is considered compatible.

LEGAL

If Council were to initiate proceedings to acquire land from VicTrack agreements to purchase and maintain the land would need to be considered. Any acquisition of land would need to comply with *the Land Acquisition and Compensation Act 1986*.

Any works planned on, under or over VicTrack land, would need to comply with the VicTrack Design Requirements & Guidelines November 2017, *Transport Integration Act 2010* and *Rail Safety Act 2006*.

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.

OPTIONS FOR CONSIDERATION

1. Proceed with a feasibility study/ review and update of designs for road upgrade and parking potential in Trinca Lane. It is a difficult site for road improvement; it is narrow and encroachment on either commercial land holders or VicTrack land would be expensive and difficult. It is under active V/Line control, so any works is dependent on Department of Transport approval and V/Line agreement.
2. Do not proceed with further investigations for road upgrade and potential parking opportunities for Trinca Lane due to the extremely high cost of construction and enormous difficulties in gaining land acquisition. The most recent Warragul Parking Study 2019 does not identify the need to provide additional car parking for the Warragul CBD area near Trinca Lane.

13. ORGANISATIONAL EXCELLENCE

13.1 TECHNOLOGY ONE SOFTWARE SUPPORT AND MAINTENANCE

Chief Information Officer

Directorate: Customer Service and
Technology

Ward: n/a

Appendix: Nil

PURPOSE

For Council to consider the extension of software support and maintenance with Technology One Ltd for a further 3 years.

RECOMMENDATION

That Council:

1. Continue software support and maintenance with Technology One Pty Ltd up until July 2022 for an amount not exceeding (\$792,000 inc. GST, \$720,000 ex. GST);
2. Delegates the Chief Executive Officer to sign and authorise annual payments.

KEY ISSUES

- Baw Baw Shire Council has been using Technology One software to support its core Council functions (finance, payroll and property and rating) since awarding a tender for services in 2004.
- To keep the software compliant with changes to legislation, such as the recent Single Touch Payroll requirements by the Australian Tax Office (ATO), Council is required to maintain software support and maintenance.
- In 2014, Council authorised a further extension of software support as part of executing a professional services agreement for the upgrade of Council's core IT systems.
- The 2019-2020 Technology One software support and maintenance invoice exceeds the previous amount authorised.
- The software support and maintenance is indexed at CPI each year and so an estimate has been used for years 2 and 3.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

The estimated financial impacts over the next 3 financial years are:

- 2019-20 - \$256,048
- 2020-21 - \$263,730 (estimated)
- 2021-22 - \$271,642 (estimated)

Environmental Impact

No environmental impact.

Community Impact

No direct community impact.

CONSULTATION

Not applicable.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

Strategic Objective 4: *Organisational Excellence*

4.3 *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*.

LEGAL

Local government procurement is governed by Section 186 of the *Local Government Act 1989*.

POLICY IMPACTS

Council adopted a Procurement Policy in September 2018 which stipulates expenditure over the CEO's delegation must be authorised by Council.

CONFLICT OF INTEREST DECLARATION

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

**13.2 61 PRINCES WAY, LONGWARRY NORTH - MASTER PLAN -
MUNICIPAL POUND SITE**

Director Community Assets

Directorate: Community Assets

Ward: West

Appendix: 1 attachment

PURPOSE

The purpose of this report is to propose the development of a master plan for the future development, improvement and use of the Municipal Pound Site at 61 Princes Way, Longwarry North.

RECOMMENDATION

That Council:

1. Undertake the development of a master plan for the future improvement of the site at 61 Princes Way, Longwarry North, and
2. Support the removal of the existing dwelling at the site.

KEY ISSUES

- On 27 June 2016, Council resolved to purchase the property at 61 Princes Way, Longwarry North for the purpose of establishing a new site for its Municipal Pound. Prior to this Council operated its animal pound from the Galloway Street, Warragul site.
- The property at 61 Princes Way, Longwarry North is 2.023 hectares in size and lies within the Farm Zone of the planning scheme.
- The site and facilities were formerly known as the Utopia Pet Lodge and operated as a commercial boarding kennel and cattery by the previous property owners.
- The facilities on the site, included shedding, the main boarding kennel and cattery, which was developed in July 2012, and a three-bedroom dwelling. At the time of purchase, the kennel/cattery was considered to be in excellent condition, and the three-bedroom dwelling in fair condition.
- The intention of the purchase was to:
 - Co-locate a new, larger and compliant Baw Baw Animal Pound on-site whilst continuing to operate the existing business, Utopia Pet Lodge;
 - Achieve economies of scale by operating both facilities with shared staff;
 - Generate revenue to help offset the inevitable cost of the animal pound service; and
 - Reduce the impact on the community and adjoining properties if Council was to develop a greenfield site for its new pound, as this

site had historically been used for animal accommodation purposes.

- All Victorian Councils are legally required to operate an animal pound service, either as an internal service or outsourced to an external provider. Animal pounds are governed by the Code of Practice for the Operation of Shelters and Pounds, which is administered by the Victorian State Government.
- Following the purchase of the property, at its 27 July 2016 Council Meeting, Council allocated \$150K to upgrade the existing facilities on the site to a compliant standard for use as a municipal pound. These facilities were separate to those used to operate the pet boarding business. The new property also allowed Council to impound larger animal's onsite, such as stock.
- The site has been operating as Baw Baw Shire's Municipal Pound since 2018 and is also used to hold stock that may also have become impounded.
- The continuation of the commercial business of the boarding kennel and cattery has now ceased as it was no longer considered to be commercially viable for Council to continue to operate this service.
- Given that elements of the current operations are different to what was originally proposed, it is recommended that Council consider the future use of the site, through the development of a new master plan for the site. Key considerations in the development of the master plan could include, but not be limited to, the current operation of the Municipal Pound, promotion of Council's animal management and pet adoption program, alternate uses for the site that will assist in other areas of Council's operations and a range of possible improvements to assist improve community outcomes.

Municipal Pound & Animal Management

- The operation of the Municipal Pound and facility requires at least two employees to be present at the site, to safely manage the animal shelter particularly the risk associated with animal attack or other such events. This is a key OH&S requirement ensuring safe work practices.
- Given that Council currently requires a minimum of two employees to service the pound's opening hours, including on weekends, this provides an opportunity for Council to consider opening the pound to the public on weekends.
- It is proposed to open the pound on weekends to allow community members the ability to 'drop-in' to pick up animals and to view animals available for pet adoption. The current service arrangement is that members of the public collect animals by appointment. This restricts certain members of the community who work weekdays, from being able to collect their animals that may have been collected by Council officers or those that may be interested in adopting an animal.
- The benefits of opening the facility on weekends, include the following.

- Better availability for community who want to view animals available for adoption;
 - Ability to better promote the facility where animals are cared and looked after by staff;
 - More opportunity for animal owners who have their pets at the facility to be able to pick them up when they are available instead of when staff are available; and
 - Payment options will be established at the Municipal Animal Pound so that payments can be accepted directly at the facility. Currently processing and payment for the pick-up of animals that have been impounded has to be undertaken at one of Council's Customer Service Centres.
- It is also proposed to open the Municipal Pound to the public as an initiative to increase adoption of animals and to demonstrate to the community the service of community safety provided by Council and highlight its management of the welfare of animals.
 - The changes to the service as outlined can be undertaken as part of the current operating budget for the 2019/2020 financial year.
 - In addition to the proposed initiatives to allow the grounds to be open to the public, including on weekends, the development of a master plan for the site and facility can provide for the future demand in the Municipal Pound service which may require the future expansion of the compliant animal pens and a dedicated cat isolation space and pet adoption room. Whilst these elements may not be a priority right at this time, as the Shire continues to experience future growth it is likely that there will be the need to expand the current facility.

Paddocks and Stock Areas

- The current site has areas of land and pasture. As part of the development of a master plan Council could consider improving fencing for Council purposes to enable several separate fenced areas for stock and other animals to isolate or quarantine impounded stock.
- In addition to this, any excess land or pasture areas could be leased for agistment to neighbouring properties for stock and management of the land.

Existing Dwelling/House

- The existing dwelling on the site was in a fair condition when Council purchased the property.
- The house has been unoccupied for the past three years and the condition of the house has deteriorated over this time. It is not considered suitable to lease the house as a residential tenancy in its current condition and it would require work to bring it up to a habitable condition. The dwelling alone is currently valued in Council's rating and property database at \$96K.

- It is estimated that the work required to bring the existing dwelling up to a standard that would be habitable would be approximately \$90K. This is detailed in Attachment 1.
- At the time of writing this report a review of current property listings advertised online shows that there are currently no listings for residential dwellings with 3-bedroom, 1-bathroom in the Longwarry North area. Listings for similar size and aged properties within the Warragul, Drouin and Longwarry townships are listed for between \$290-\$330 per week.
- Given the existing dwelling at 61 Princes Way, Longwarry North is outside of the township, the house has a limited size yard and its immediate proximity to the Pound it is estimated that the expected rental return would be less than what would be expected for a residential tenancy within the Warragul, Drouin and Longwarry townships. Therefore, it is estimated that the range of rental return could be in the order of \$200-\$250 per week.
- If Council were to renew and refurbish the property in order to make the standard of the property suitable for a residential tenancy, the expected payback period would be somewhere between 10-13 years, factoring in annual costs of up to \$4,000 per annum to manage and insure the property.
- Given the current condition and value of the existing dwelling being low and the investment to bring it up to a standard suitable for residential use, and the long payback period it is not considered most feasible to refurbish the dwelling for residential use.
- Alternative uses (other than residential purposes) for the existing dwelling would be subject to the requirements of the planning scheme and would require a planning permit to be sought as these would be different to the existing use.
- Prior to the development of the master plan for the site, it is proposed to remove/demolish the existing dwelling on the site. Removal of the existing dwelling is proposed so the site is cleared to enable the implementation of future development and the possible alternate use of the site in accordance with the final master plan. The removal of the house would also improve the amenity of the site once the pound is made open to the public.

Other potential uses – Community & Council

- The development of a master plan for the site provides an opportunity for Council to consider how it can best utilise the existing property asset.
- The site could be used for a range of other potential uses that could be further explored as part of the development of a master plan. These could be to assist Council's current operations or could be for community use. The development of a master plan for the site – and engagement with the community in the development of a master plan – would assist Council in determining other potential community uses at the site.

- Council currently has several sites within the Shire that it uses as part of its depot operations, which include depot sites or storage areas. These include the following.
 - Warragul Depot - Normanby St, Warragul
 - Trafalgar Depot – Contour Road, Trafalgar
 - Erica Depot & Storage Yard
 - Balfour Road, Drouin
- With the expected increased growth in the western part of the Shire the current location of the Municipal Pound at 61 Princes Way, Longwarry North could provide a strategic opportunity to co-locate a satellite depot and/or storage space to assist Council operations and maintenance, particularly given its location in the western part of the Shire.
- Whilst further work will need to be undertaken as part of a depot sites review, this highlights an opportunity for Council to get better utilisation out of the site by considering other Council operations that could possibly operate from the site.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

- Implementation of a proposed master plan and any proposed future development of the site would require Council to allocate capital funds in order to deliver any necessary infrastructure or capital improvements.
- Currently, there are no allocations within the Long Term Infrastructure Plan for new initiatives/projects that may result from the development of a master plan for the site. Nevertheless, the development of a master plan for any future development of the site would provide the strategic position and direction for Council to consider implementing some of these actions as part of future annual budgets and review of the Long Term Infrastructure Plan.
- Notwithstanding this, an allocation of \$50K of capital funds towards the demolition of the existing dwelling at the site has been included into the draft budget. This will enable the removal/demolition of the existing house and make good the area to improve the amenity of the site and pound before it is made open to the public.

Environmental Impact

There are limited environmental issues associated with the current operation of the site. Environmental impacts associated with changes to the land use, and any future development, would be the subject of a planning permit application and any environmental issues could be addressed through this process, where applicable.

Community Impact

- In the development of a proposed master plan for the site, it is proposed that a process for community engagement be undertaken. Therefore,

any actions proposed for the future use or development of the site would be subject to community feedback which Council could consider in the finalisation of the plan.

- Any community impacts associated with changes to the land use, and any future development, would also be the subject of a planning permit application and community issues could be addressed through this process, where applicable.

CONSULTATION

The development of the masterplan is for future improvements to the site and to set the strategic direction of these improvements. It is proposed that in the development of the master plan community feedback is sought through a community engagement process.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

This master plan would 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 *Quality community focused services, facilities and infrastructure to support a growing community.*

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

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

LEGAL

Any relevant legal issues would be addressed as part of the relevant implementation of the proposed actions within the proposed master plan.

POLICY IMPACTS

There are limited policy impacts in relation to this matter.

CONFLICT OF INTEREST DECLARATION

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

OPTIONS FOR CONSIDERATION

There are several options that are available to Council in relation to the overall future direction of the site at 61 Princes Way, Longwarry North.

In relation to the overall future direction for improvements on the property, Council could choose to:

1. Undertake the development of a master plan for the future improvement of the site at 61 Princes Way, Longwarry North, which

would involve community engagement around the future improvement of the site.

2. Develop a plan for the future improvement of the site, independent of a community engagement process, given the site is predominantly used for Council operations.
3. Choose to not undertake any improvements on the site in the short to medium term.

It is recommended that Council undertake the development of a master plan for the future improvement of the site at 61 Princes Way, Longwarry North, which would involve community engagement around the future improvement of the site.

It is also recommended to undertake the removal/demolition of the existing dwelling, as it is in poor condition and the removal would improve the amenity of the facility.

**13.3 FORMER YARRAGON PRIMARY SCHOOL SITE ACQUISITION
PROPOSAL**

Manager Governance

Directorate: Corporate and Community
Services

Ward: East

Appendix: 7 attachments

PURPOSE

For Council to determine if it wishes to acquire the former Yarragon Primary School site under the First Right of Refusal (FRoR) process with a restriction on Title.

RECOMMENDATION

That Council;

1. Agrees to submit an offer to the Valuer General in accordance with an updated certified Council valuation for the former Yarragon Primary School site, addressed as 3-5 Rollo Street, Yarragon with a restriction on Title for Community use; and
2. Once the offer is determined by the Valuer General, requests officers bring a further report to Council seeking a resolution in relation to the purchase of the site known as 3-5 Rollo Street, Yarragon.

KEY ISSUES

- The possible acquisition of the site known as the former Yarragon Primary School site, addressed as 3-5 Rollo Street, Yarragon has been the subject of Councillor and Community interest since 2015. In mid-2015 the State Government identified the site as not required and placed it on the surplus government land sales list.
- The attached correspondence summary demonstrates a timeline showing the involvement of Council and Council officers in this matter. This list does not include the many emails between officers and various government departments or the interactions with the Yarragon community concerning this site.
- The most recent meeting with the community was hosted by Gary Blackwood MP on June 24, 2019. This was followed by a letter from Baw Baw Shire CEO Alison Leighton to the Department of Treasury and Finance seeking that officers be given the time to place a final report on the matter to Council. This request has been granted and confirmed in writing on Monday 8 July, 2019.
- The matter is now at a point for Council to determine a final position on this issue.
- There are some risks and implications that Council need to consider in providing officers with feedback on the options presented:

- The initial assessment on this matter deemed the site to not be of strategic importance. It was not identified in strategic documents such as the Yarragon 2030, Yarragon Structure Plan 2010, Baw Baw Recreation Strategy 2017-2027, Settlement Management Strategy 2013 or the Open Space Strategy 2014 as being required. Council, if acquiring, would be acting against the advice and content of these documents. It is noted that some of these strategies were developed before the school was relocated to its current site.
- The Community Hubs Action Plan part 2, adopted by Council on 10 July 2019, seeks '*to support community-led activation of the old Yarragon Primary School site*'. This report also provides funding for the community to determine uses of the site should it be retained in public ownership.
- There will be a community expectation on Council to expend funds on an initial and ongoing basis for infrastructure and maintenance of this land. These costs are not available at this time, but an allocation will be required on a "one off" and ongoing basis. These costs are not included in the Long Term Financial Strategy nor the Long Term Infrastructure Plan.
- Council has received confirmation that it can put in a final offer under the First Right of Refusal process (FRoR). This enables Council to purchase the site with a restriction on Title for community use. If Council does not purchase the site under the FRoR process the site will be offered for public sale. It is likely this will include a residential zoning for this land.
- Information from the education department lists the site as 8,898m². The land itself currently comprises a mix of freehold and Crown Land. The Crown Land portion is the half which fronts Rollo Street. There are then three remaining parcels which are freehold one of these was a formerly a Road and traverses the middle of the property. A visual of the site is included as an attachment.
- At its Meeting on Wednesday 9 December 2015 Council resolved to "lodge a formal expression of interest under the First Right of Refusal process to purchase the former Yarragon Primary School site. This was reaffirmed at Councils 24 May 2017 Council Meeting and its 14 February 2018 Council Meeting.
- During this time the Minister for Planning advised Council "*that the Country Fire Authority (CFA) **has expressed interest in purchasing a portion of the site** [bold added], and is undertaking further due diligence regarding its suitability.*" The Acting Manager CFA Property Services confirmed in writing on 25 January 2018 that the CFA would be 'very interested' in use of 2,500 to 3,000m² of this site within a 3 to 5 year timeframe. To officer's knowledge the CFA have not submitted a formal expression of interest to the State Government.

- Member for Eastern Victoria, Harriet Shing also engaged with the local community, individuals and organisations to discuss the potential for some beneficial community uses that may be complimentary to CFA activities and facilities.
- Officers have been working with the Victorian School Building Authority and Department of Treasury to come to an agreed price for the property to be purchased under the First Right of Refusal process.
- Council has received two independently certified valuations for the property. Both valuations agree on the Market and Restricted value of the site. The valuations are significantly below the valuations obtained by the Valuer Generals Office.
- Normally in these situations a valuers conference is held. Council Officers have been negotiating since the commencement of 2018 for this to happen. A valuers meeting (not conference) was held in February 2019. At this meeting it was discovered that a directly comparable property sale in Yarragon was not used as sales evidence by the Valuer General's valuer.
- Council wrote to the Department of Treasury and Finance in March 2019 requesting that the VG valuations be revised in light of this discovery. Council received a response in May 2019 indicating that the former Yarragon Primary School site would be prepared for public sale. The letter did not answer Council's enquiry of March 2019.
- In June 2019 Council again wrote to the Department of Treasury and Finance requesting a hold until this report could be presented at Council's July 24 Meeting. This request has been now been granted along with clarification that Council is entitled to submit a further offer for the Valuer General to evaluate.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

- There are no allocated funds in the 2019/20 adopted budget for this property acquisition.
- As Council would be acquiring this site as a reserve, funds from its Statutory Land Sales can be used for the purchase.
- If Council acquires this property ongoing financial commitments for maintenance and improvements will need to be budgeted.
- Council can acquire the property for community purposes and have a restrictive Crown Grant placed on Title. If at any time in the future Council were to sell the property an equivalent percentage of the proceeds would be payable back to the Department of Treasury and Finance.
- The key risk should Council undertake this purchase from a financial perspective is the inability to fund other potential land acquisitions and projects that may be judged of greater long-term benefit. The risks are as follows:

- The amount of funds available for other purchases of land from this Reserve are reduced by the amount of the purchase. This will impact the flexibility for Council in considering options for land acquisition for strategic sites in the future.
- Council has been considering options for Community Hub spaces in locations across the shire. The land sales reserve is a potential source of funds for land acquisition in the higher value locations in the Shire. This purchase will diminish that capacity.
- There are other known acquisitions such as Lot 101 Cromie Drive, Tarwin/Sutton/Pharoah's Intersection, Hazeldean Road Drainage projects and the Warragul Civic Precinct Development which all require Council funding in the future.

Environmental Impact

Acquisition of this site and creation of useable public open space will have a positive environmental benefit to the community.

Community Impact

The community have been very clear in the desire for this site to be retained in public ownership and used for open space and community hub purposes.

CONSULTATION

- Council conducted a 'Have Your Say' consultation from the 5 December 2017 – 12 January 2018 to gather information about respondent's preferred uses for the site. The number of responses (104) was thought to be sufficient to represent community views.
- The results of an independent community consultation that was being carried out by the Yarragon community (as part of a broader survey to inform the development of a Community Plan, i.e Yarragon 2030) included a further 96 respondents (although there may be some overlap).
- The 'Have Your Say' consultation showed:
 - Almost 90% of respondents were residents of Yarragon.
 - Almost 90% of respondents wanted to be kept informed about progress and outcomes of the former Yarragon Primary School Site.
 - Almost 98% of respondents supported Council's investment in retaining the former Yarragon Primary School Site.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

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

Strategic Objective 1: *Vibrant Communities*

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

Strategic Objective 4: *Organisational Excellence*

- 4.3 *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

- Under section 5(2)(d) of the *Local Government Act 1989*, Council is able to acquire, hold, deal with or dispose of property (including land) for the purpose of performing its functions and exercising its powers.
- Normal requirements for a Contract of Sale and Transfer of Land documents will apply. These will need to be executed under delegation by the Chief Executive Officer.

POLICY IMPACTS

- Consideration of this property acquisition is consistent with Council's Property Policy.
- Any State Government Sales follow the *Victorian Government Landholding Policy and Guidelines* and the *Government land use policy and guidelines*.
- The site does not appear to be required for any specific strategic purpose. The final report from Yarragon 2030 states '*Little desire was demonstrated by residents for passive recreational activities*' (page 3). The report also notes that Yarragon is well provided for with a range of recreation and sporting facilities.

CONFLICT OF INTEREST DECLARATION

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

14. NOTICES OF MOTION

Nil Reports

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 28 June to Friday 12 July 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