



Agenda

Council Meeting

14 August 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.

Agenda

1. Opening and Recognition of Traditional Custodians.....	4
2. Reading of Affirmation and Prayer	4
3. Apologies	4
4. Civic Ceremonies	4
5. Confirmation of Previous Meeting Minutes.....	4
6. Councillors Declarations of Interest/Conflict of Interest	4
7. Release of Information to the Public	4
8. Community Participation Time.....	5
8.1 Questions on Notice.....	5
8.2 Submissions.....	5
9. Petitions	5
10. Vibrant Communities	6
10.1 Consideration of Community Development Grants 2019	6
10.2 PLA0134/18 - 157 Koo Wee Rup Longwarry Road, Longwarry 10	
10.3 PLA0014/19 - 125 Shillinglaw Road, Drouin	12
10.4 PLA0042/19 - 10 Hogan Court, Drouin	14
11. Thriving Economy	16
12. Safe and Sustainable Environments.....	16
13. Organisational Excellence.....	17
13.1 Reappointment of Independent Member to the Audit Committee.....	17
14. Notices of Motion	19
15. Committee and Delegates Reports	20
16. Assembly of Councillors	20
16.1 Assembly of Councillors Report	20
17. Mayoral Minute	20
18. General Business	20

1. OPENING AND RECOGNITION OF TRADITIONAL CUSTODIANS

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 CONSIDERATION OF COMMUNITY DEVELOPMENT GRANTS 2019

Community Development Officer,
Community Policy Officer,
Social Planner &
Acting Team Leader Social and Community
Planning

Directorate: Planning Development

Ward: All

Appendix: Nil

PURPOSE

For Council to determine the allocation of 2019/20 Community Development Grants and set dates for future rounds.

RECOMMENDATION

1. That Council:
 - a. Notes the withdrawn application CDG19033 valued at \$9,000;
 - b. Endorses the recommended 2019/20 Community Development Grants to the value of \$94,565.91;
 - c. Announces successful applicants at the presentation function on 15 August 2019;
 - d. Notifies unsuccessful applicants in writing, informing that Council Officers are available to support groups to improve their application for future rounds;
 - e. Acknowledges and thanks independent and internal assessors for their valuable expertise and assistance in the process;
 - f. Opens the 2020/21 Community Development Grant round on 3 February 2020.

KEY ISSUES

- At its 27 February 2019 ordinary meeting, Council resolved to retain the policy component of the Community Funding Assistance Program which includes the funding stream for Community Development Grants (CDG). At this same meeting, Council supported the relocation of Youth, Community Events and Programs into the Sponsorship funding stream, and increased the maximum funds for Environmental Projects to \$5,000.
- At its 22 May 2019 Ordinary meeting, Council resolved to allocate 70-75% of the available Grants and Community Sponsorship budget to the CDG funding stream, taking effect from 1 July 2019.
- Grants are made to Not-For-Profit organisations, groups and associations that can demonstrate the intended projects and equipment, and restoration or renovations contribute to and provide benefits for the community.

- Three categories of funding were available under the CDG funding stream:
 - Environmental Projects – up to \$5,000
 - Minor Equipment Purchases – up to \$5,000
 - Minor Capital Works – up to \$10,000 (matched 1:1 with applicant).
- The program opened in two stages this year. A mandatory Expression of Interest (EOI) round was conducted prior to applicants applying for Minor Capital Works funding. This enabled Council Officers to understand the proposed project, conduct a site visit and make recommendations to the applicant on the proposed works to strengthen the application and project delivery - if successful. This round was open from 28/2/2019-29/3/2019. Twenty-three EOIs were received. Five were unsubmitted (unsubmitted is the term used for applications commenced in *SmartyGrants* but not completed).
- Applications for funding in all categories were received via *SmartyGrants* online grants management system from 11/3/2019-10/5/2019. A total of 41 applications were submitted. Twenty-one applications were unsubmitted. Contact was made with these unsubmitted applicants to support Council’s ongoing process improvement.
- Submitted applications were screened for eligibility to identify which would progress to the assessment stage. Twenty-five applications were suitable for assessment. All 25 applications that were assessed are recommended for funding.
- Fourteen applications were deemed ineligible for assessment because the applicant had not met the guidelines. Two applications were unsuitable for the funding stream and will not be considered. One of these two withdrew due to expected project delivery issues.
- Assessment of the applications was undertaken by a panel of three Council Officers from diverse business units and excluded any officer undertaking grant administration. Community-based individuals were invited to participate in the assessment process but were not available.
- Council received notice of a late withdrawal of one application valued at \$9,000.
- The summary of application handling is shown in the next table:

EOI	Applications	Eligible for assessment?	Assessed
23 Submissions	41 Submitted	25 Yes	25 Recommended (1 withdrawn)
		16 No	Not assessed, therefore not recommended
5 Unsubmitted	21 Unsubmitted	N/A	N/A

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

- The available budget in 2019/20 for the CDG funding stream is \$210,000-\$225,000. This is 70-75% of the available \$300,000 budget. This allocation aligns with Council's resolution 22 May 2019.
- The value of the 24 applications that are recommended for funding is \$94,565.91.
- The value of the fourteen ineligible applications is \$68,771.81.
- The value of the two unsuitable applications is \$15,000.
- The value of the withdrawn application is \$9,000.
- If Council accepts the recommendation as presented, there is approximately \$128,000 of available budget for further CDG projects.

Environmental Impact

Four environmental projects applications are being recommended with a grant investment of \$14,050. One is not being recommended as it had not met eligibility requirements to proceed to assessment.

Community Impact

- The community receives benefit from Council's ongoing support through the CDG funding stream.
- Feedback will be provided to unsuccessful applicants to enable a better understanding of how to improve future applications that are submitted to a competitive process.

CONSULTATION

- Promotion of the 2019/20 Community Development Grant funding stream was undertaken via available media, networks, drop-in information sessions, social media, websites and community meetings.
- A video-streamed Community Information session was conducted and made available for later viewing on Council's website. The session stressed requirements of the Community Development Grants Guidelines (quotations, budget, etc.) and that officers were available to give assistance.
- Council officers provided assistance to over 44 contact points (multiple applicants) providing advice on what was required to demonstrate compliance with the guidelines, budgets, quotations and other requirements. Where time allowed, Council Officers also provided advice on complete applications.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

Community Development Grants assist with the achievement of the key strategic objective as set out in the Council Plan 2017-2021:

Strategic Objective 1: *Vibrant communities*

Strategy 1.3 A vibrant, healthy and inclusive community.

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

The Community Development Grants Program has been reviewed under the Charter of Human Rights and Responsibilities and is considered compatible.

LEGAL

A funding agreement was added to the process in 2015/16 year to formalise the responsibilities and accountability of grant holders.

The Annual Report details successful Community Development Grants each year.

POLICY IMPACTS

The funding stream has been administered according to Council's Community Financial Assistance Policy, endorsed by Council 11 May 2016 and reformatted 27 February 2019.

CONFLICT OF INTEREST DECLARATION

No officer or community member involved in the assessment of applications and preparation of this report have declared a conflict of interest.

**10.2 PLA0134/18 - 157 KOO WEE RUP LONGWARRY ROAD,
LONGWARRY**

Coordinator Statutory Planning

Directorate: Planning Development

Ward: West

Appendix: 2 attachments

PURPOSE

To determine application PLA0134/18 for the Use and Development of Dwelling and Buildings and Works associated with the development of an Agricultural Building (Shed), Water Tanks and Dam.

RECOMMENDATION

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

KEY ISSUES

- The subject land is located 600 metres to the south of the Longwarry township on the eastern side of Koo Wee Rup Longwarry Road with a total area of 4.6 hectares. The land is zoned Farming Zone.
- The application seeks the approval for the use and development of a dwelling at 157 Koo Wee Rup Longwarry Road, Longwarry formally known as Lot 1 TP 246367. The application also seeks approval of a farm shed, water tanks and for works associated with the construction of a dam.
- A Farm Business Plan has been provided in support of the application. It outlines that the owners intend to establish a floral and foliage cultivation business. In addition, the existing farm animals which are located on the site will be retained for small scale breeding.
- 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. As a result of the public notification, three objections were received.
- The application was referred externally to Melbourne Water who raised no concerns with the proposed development subject to permit conditions.
- An assessment of the application suggests that the proposal does not appear to be a sound business proposition. Neither of the proposed uses require the owner to be immediately present on the property. It is on this basis, that the business plans submitted does not justify or satisfy the need for a dwelling to be developed on the land to pursue the proposed agricultural enterprises.

- It is recommended that a Notice of Decision to Refuse to Grant a Planning Permit be issued for the Use and Development of a Dwelling and Buildings and Works associated with the Development of an Agricultural Building (Shed), Water Tanks and Dam.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

Nil

Environmental Impact

Nil

Community Impact

The application was advertised in accordance with the *Planning and Environment Act 1987*. Three objections were received.

CONSULTATION

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

10.3 PLA0014/19 - 125 SHILLINGLAW ROAD, DROUIN

Coordinator Statutory Planning

Directorate: Planning Development

Ward: West Ward

Appendix: 2 attachments

PURPOSE

To determine Planning Permit Application PLA0014/19 for a Multi Lot Subdivision in Stages.

RECOMMENDATION

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

KEY ISSUES

- It is proposed to subdivide the site into 103 residential lots in two stages. Stage 1 has access to the site from Wells Lane and Stage 2 proposes access from Settlement Road. Stage 1 contains 58 lots and Stage 2 contains 45 lots.
- Two existing trees on the site would be retained in the proposed reserve and the trees in the Shillinglaw Road road reserve would also be protected by the same reserve.
- Notice of the application was given to adjoining and adjacent landowners and occupiers via post under Section 52(1) (a) of the *Planning and Environment Act 1987* (the Act) and notice was given via the display of three A3 signs on site, displayed for a minimum of 14 days pursuant to Section 52(1) (d) of the Act.
- Thirteen objections have been received to date.
- It is considered that the proposal is consistent with the relevant objectives of the Planning Policy Framework, the Municipal Planning Strategy, and the purpose of the General Residential Zone. The subject site is an appropriate location for the proposed subdivision. Subject to permit conditions, it is considered that the proposed subdivision is well designed and would make a positive contribution to the township of Drouin.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

Nil.

Environmental Impact

Two existing trees on the site would be retained in the proposed reserve and the trees in the Shillinglaw Road road reserve would also be protected by the same reserve.

Community Impact

- Notice of the application was given to adjoining and adjacent landowners and occupiers via post under Section 52(1) (a) of the *Planning and Environment Act 1987* (the Act) and notice was given via the display of three A3 signs on site, displayed for a minimum of 14 days pursuant to Section 52(1) (d) of the Act.
- Thirteen objections have been received to date.

CONSULTATION

- Notice of the application was given to adjoining and adjacent landowners and occupiers via post under Section 52(1) (a) of the *Planning and Environment Act 1987* (the Act) and notice was given via the display of three A3 signs on site, displayed for a minimum of 14 days pursuant to Section 52(1) (d) of the Act.
- Thirteen objections have been received to date.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

This planning permit 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

The application has been assessed under the *Planning and Environment Act 1987*.

CONFLICT OF INTEREST DECLARATION

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

10.4 PLA0042/19 - 10 HOGAN COURT, DROUIN

Coordinator Statutory Planning

Directorate: Planning Development

Ward: West Ward

Appendix: 2 attachments

PURPOSE

To determine application PLA0134/19 for a Nine Lot Subdivision.

RECOMMENDATION

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

KEY ISSUES

- The subject site is located at the south western end of Hogan Court, Drouin. The site has an area of approximately 3130m² and the land is zoned General Residential Zone.
- The proposal is for a nine lot subdivision and creates Common Property. The average lot size is 303m².
- 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* 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.
- Thirteen objections have been received to date.
- The purpose of Clause 56 is to implement the Municipal Planning Strategy and the Planning Policy Framework, to create liveable and sustainable neighbourhoods and urban places with character and identity, to achieve residential subdivision outcomes that appropriately respond to the site and its context for infill sites within established residential areas.
- The proposed subdivision layout does not comply with a number of objectives and standards of Clause 56 of the Planning Scheme.
- It is considered that the proposed subdivision design does not contribute to creating liveable and sustainable communities or urban places with a strong sense of place that is functional, safe and attractive.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

Nil.

Environmental Impact

Nil.

Community Impact

- 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.
- Thirteen objections have been received to date.

CONSULTATION

- 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.
- Thirteen objections have been received to date.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

This planning permit 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

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

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

Nil Reports

13. ORGANISATIONAL EXCELLENCE

13.1 REAPPOINTMENT OF INDEPENDENT MEMBER TO THE AUDIT COMMITTEE

Governance Coordinator

Directorate: Corporate and Community
Services
Ward: n/a
Appendix:

PURPOSE

To recommend the re-appointment of Mr Tony Duff as an independent member of the Audit Committee commencing from 14 August 2019 to 26 July 2020.

RECOMMENDATION

That Council approves a twelve month extension and reappoints Mr Tony Duff as an independent member of the Audit Committee until 26 July 2020.

KEY ISSUES

- Mr Tony Duff is currently serving his second term which is due to end 31 August 2019.
- Section 4.3.4 of the Audit Committee Charter requires a position to be advertised when a member completes two consecutive three year terms.
- To provide some consistency at this time on the audit committee, officers request that Council consider granting a twelve month extension to Mr Tony Duff's second term.
- Council appointed new internal auditors at its 10 April 2019 Council Meeting. The new internal auditors contract commenced 1 July 2019 with the first audit committee of their tenure being 9 September 2019. Continuing Mr Duff at this time will provide further consistency for Council and the Audit Committee.
- It was agreed that Mr Duff be approached to extend his term on the Audit Committee. Mr Duff has confirmed he would commit to this extension.
- The audit committee currently has six members, four external independent members and two Councillors. The charter requires a minimum of three external members. Council could end Mr Duff's term on 31 August and not reappoint and still be compliant with its Charter.
- Council could also undertake to end Mr Duff's term on 31 August and advertise the position. This would be advertised as two three year terms. Appointments to the audit committee are made by Council.

TRIPLEBOTTOMLINE IMPLICATIONS

COMMUNITY IMPACT

The reappointment of Mr Duff will provide a level of oversight that will continue to build the corporate knowledge of matters raised at the Audit Committee rather than commencing a new member at this time. This will provide a higher level of assurance to the community and Council.

ENVIRONMENTAL IMPACT

Nil impacts identified.

FINANCIAL IMPACT

The independent committee members are paid a per meeting fee which is indexed annually as prescribed by the Minister for Local Government. The current annual allowance for 2019/20 is \$4,716.

CONSULTATION

No consultation is required.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

The Audit Committee assists with the achievement of the key strategic objective as set out in the 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

The Audit Committee aligns with the *Charter of Human Rights and Responsibilities*.

LEGAL

Council is required by the *Local Government Act 1989* to have an audit committee.

POLICY IMPACTS

The audit committee functions according to the Audit Committee Charter which is adopted by Council.

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 Administration

*Directorate: Corporate and Community
Services*

Ward:

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 12 July to Friday 2 August 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