



Minutes

Council Meeting

14 August 2019

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Baw Baw Shire Council
Council Meeting
14 August 2019
Minutes

Minutes of the Ordinary Meeting of the Baw Baw Shire Council held in the Trafalgar Council Chambers, commencing at 5:30pm on 14 August 2019.

Present

Cr J Gauci, Cr M Leaney, Cr M Power, Cr K Cook, Cr D Wallace, Cr D Goss, Cr P Kostos, Cr T Jones and Cr J O'Donnell.

In Attendance

Ms A Leighton	Chief Executive Officer
Mr M Dupe	Director Corporate and Community Services
Mr C Van der Velde	Director Community Assets
Ms Y Woods	Director Planning and Development
Mr M Hopley	Chief Information Officer
Mr M Kestigian	Manager Communications and Economic Development
Mr P Harris	Manager Governance
Ms K Baum	Governance Coordinator
Ms D Foenander	Executive Assistant to the Chief Executive Officer

1. OPENING AND RECOGNITION OF TRADITIONAL CUSTODIANS

Cr Power opened the meeting with recognition of the Traditional Owners. "I would like to begin by acknowledging the Traditional Owners of the land on which we are meeting, the Gunaikurnai People. I pay my respects to their Elders, past, present and emerging, and Elders of other communities who may be here today".

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

Nil

4. CIVIC CEREMONIES

Nil

5. CONFIRMATION OF PREVIOUS MEETING MINUTES

<p>RECOMMENDATION</p> <p>That the minutes of the Ordinary Council Meeting held on 24 July 2019 be confirmed.</p> <p>COUNCIL MOTION</p> <p>Moved: Cr P Kostos Seconded: Cr J Gauci</p> <p style="text-align: right;">CARRIED</p>
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6. COUNCILLORS DECLARATIONS OF INTEREST/CONFLICT OF INTEREST

Nil

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

7.1 RELEASING OF COUNCIL MOTIONS IN CLOSED TO THE PUBLIC SESSION

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

Nil Reports

8. COMMUNITY PARTICIPATION TIME

8.1 QUESTIONS ON NOTICE

Submitted by Ms Irene Broadbent via email.

Dear Ms Broadbent

Response to Questions on Notice submitted by Ms Irene Broadbent

Thank you for the Questions on Notices submitted to Council for the 14 August Council meeting. Please see below the responses to your questions that have been prepared for Agenda Item 8. Community Participation Time, 8.1 Questions on Notice.

1. Does Baw Baw Shire have parking strategy for all towns?

Currently, Baw Baw Shire Council has Parking Studies for all major towns across the municipality. This includes Drouin, Longwarry, Trafalgar, Warragul and Yarragon.

2. If an applicant cannot provide the necessary parking required for their business, do they pay money in lieu to the shire?

If a planning permit application triggers a planning permit to reduce or waive the standardised parking rates specified in the Planning Scheme – it does not mean money is to be paid in lieu to the Shire – it also does not mean that the proposal will be approved by Council. The applicant usually is required to provide an expert traffic report developed by suitably qualified traffic engineers to mount their case as to why a variation should be granted. This report is then peer reviewed by the Council's traffic engineers who provide advice to the planning department as to whether the parking variation is deemed acceptable or not.

3. Has the council scrapped the local law requiring businesses not put displays or furniture next to their shop fronts, hindering disabled people walking close to shops?

No, Clause 4.9 of the Baw Baw Shire Community Local Law 2016 is still valid and a legal requirement for all trading activities.

Clause 4.9 states:

- (1) A person must not, without a permit, on a road, or on Council Land:
- (a) place any advertising sign;
 - (b) display any goods;
 - (c) place any outdoor dining furniture or associated facilities;
 - (d) place any structure for the purpose of selling or offering to sell any goods or services;
 - (e) sell or offer for sale any goods or services carried about or placed on the person or any other movable thing;
 - (f) hold a promotion, or cause or authorise another person to do so.

A person undertaking any activities (as above) must comply with Council's Footpath Trading Policy.

The Community Compliance team monitors compliance with the policy through implementation of proactive education programs and responding to complaints from the community.

4. Since the shire engaged an outside contractor to clean toilets etc, have any staff been made redundant?

Council have engaged a Contractor to undertake cleaning of buildings, toilets and BBQ's for the past 5 years, the recent contract that was awarded at the 24th of July Council meeting, was to renew services under a new contract as the previous contract was due to expire. No Council staff were made redundant due to this contract award.

Yours faithfully

Alison Leighton
Chief Executive Officer

8.2 SUBMISSIONS

The following persons spoke on an item on the agenda.

Item 10.1

Peter Maffei
Sam Underhill
Ron Bowley
Steven Tuite
Stephen Vincent
June Dineen

Item 10.2

Spiros Kalotihos

Item 10.3

Rob Bertoli
Alyce Van der Heyden
Pat Turner
Chris Healey
Judy Farmer

9. PETITIONS

9.1 WARRAGUL UNITING CHURCH RE: POKER MACHINES AT NEWMASON RESTAURANT

(Cr Danny Goss)

A petition was submitted to Council in relation Electronic Gaming Machine application at Newmason Restaurant, Warragul.

Dear Councillors

We are concerned members of the Warragul Uniting Church. We are writing to you to because we are shocked and disappointed by the front-page news in the Warragul & Drouin Gazette (23/7/2019) concerning the proposal to install 52 poker machines in the Newmason Restaurant.

You would already have been aware of the numbers of people adversely affected by pokies and the enormous amounts of money spent on pokies by the most vulnerable people in our shire. The whole community will be adversely affected by the loss of millions of dollars to this sector; affecting people who can least afford it. These people need our care; not more opportunities to spend their incomes.

We believe that it is time to make a stand on this greed-driven attack on our community. Whilst narrow sections of the community will gain more income, the unseen harm done (family breakdown, domestic violence, crime, mental illness etc.) will ultimately affect our whole shire.

Please oppose the installation of more pokies!

We appreciate you taking the time to answer these concerns and look forward to your reply.

Yours sincerely,

Nicholas Peck and members of Warragul Uniting Church

RECOMMENDATION

That Council:

1. Receive and note the petition signed by 38 signatories;
2. Includes the petition as an objection to the planning application;
3. Provide a response directly to the lead petition writer detailing Council's action on this matter.

COUNCIL MOTION

Moved: Cr D Goss

Seconded: Cr J Gauci

CARRIED

SUSPENSION OF STANDING ORDERS AT 6:53 PM

Moved: Cr J O'Donnell
Seconded: Cr T Jones

CARRIED

RESUMPTION OF STANDING ORDERS AT 7:00 PM

Moved: Cr J Gauci
Seconded: Cr T Jones

CARRIED

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.

COUNCIL MOTION

Moved: Cr M Leaney

Seconded: Cr P Kostos

CARRIED

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 has 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.

An alternate recommendation was requested by Cr Jones.

ALTERNATE RECOMMENDATION

That Council issue a Notice of Decision to Grant a Planning Permit for the Use and Development of a Dwelling, Buildings and Works associated with the Development of an Agricultural Building (Shed), Water Tanks and Dam at 157 Koo Wee Rup Road Longwarry, subject to the following conditions:

GENERAL

1. The layout of the use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
2. Once buildings and works have commenced, they must be completed to the satisfaction of the Responsible Authority.
3. Upon completion of the buildings and works, the site must be cleared of all excess and unused building materials and debris to the satisfaction of the Responsible Authority.
4. Prior to the issue of a Building Permit for the development, a Development Contribution Levy must be paid to the Council in accordance with the schedule to the Development Contributions Plan Overlay in the Baw Baw Planning Scheme.
5. Prior to the occupation of the dwelling, the following requirements must be met:
 - a) Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.

- b) The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- c) The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- d) The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

AMENITY

- 6. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 7. The amenity of the area must not be detrimentally affected through any of the following:
 - a) Transport of materials, goods or commodities to or from the land.
 - b) The appearance of any stored goods or materials.
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, soot, ash, dust, waste water, waste products, grit or oil.

HEALTH

- 8. Wastewater arising from the proposed dwelling shall be treated and retained within the lot boundary by a septic tank system (or other approved system) in accordance with the requirements of the Environment Protection Act 1970, EPA Publication 891.4: Code of Practice – Onsite wastewater management (or as amended) and the Responsible Authority.
- 9. Prior to commencement of dwelling associated works, plans of a suitable wastewater disposal system and its location within the lot boundary must be approved in writing by the Responsible Authority.

MELBOURNE WATER

- 10. Prior to the development plans being endorsed, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. All layout plans including sections must be submitted with ground and floor levels to Australian Height Datum (AHD) and must be amended as follows:
 - a) Dwelling's finished floor level must be shown no lower than 600mm above the 100-year ARI flood level, that is 900mm above the current natural surface level. (300mm flood depth + 600mm Freeboard= 900mm FFL). Based on the survey information the natural ground surface level at the location of the proposed

dwelling inc garage is 37.6 metres to Australian Height Datum (AHD), therefore finished flood level must be set at 38.5 metres to AHD.

- b) Garage/ shed finished floor level must be 300mm above the 100-year ARI flood level, that is 600mm above the current natural surface level. (300mm flood depth + 300mm Freeboard= 600mm FFL). Based on the survey information the natural ground surface level at the location of the proposed dwelling inc garage is 37.6 metres to Australian Height Datum (AHD), therefore finished surface level of the garage must be set at 38.2 metres to AHD.
- c) A fill pad must be shown that extends at least 5.0 metres beyond the dwelling's building envelope at a minimum level of 150mm above the flood level. (at 38.05 metres to Australian Height Datum (AHD))

- 11. Imported fill must be kept to a minimum on the property and only be used for the sub floor areas of the dwelling and shed.
- 12. The decking must be constructed with unenclosed foundations to allow for the passage of overland flows.
- 13. Any new fence on the property including boundary fencing must be of an open style of construction (minimum 50% open) or standard paling style to allow for the passage of floodwaters/ overland flows.
- 14. Proposed dam must be built in cut ground level without any embankment.
- 15. Proposed driveway must be set at current natural surface level.
- 16. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

PERMIT EXPIRY

- 17. This permit will expire if one of the following circumstances apply:
 - a) The development is not started within two years of the date of this permit;
 - b) The development is not completed within four years of the date of this permit;
 - c) The use is not commenced within two years of the completion of the development.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

COUNCIL MOTION

Moved: Cr T Jones
Seconded: Cr P Kostos

CARRIED

Councillor Goss called for a division

For: Crs T Jones, P Kostos, M Leaney, J O'Donnell and D Wallace
Against: Crs K Cook, J Gauci, D Goss and M Power

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.

Cr O'Donnell requested an amendment to the recommendation.

AMENDED RECOMMENDATION

That Council issue a Notice of Decision to Grant a Planning Permit with the following amendments;

Prior to the commencement of works for the subdivision, amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit.

The plans must be drawn to scale with dimensions and be submitted electronically. The plans must be generally in accordance with the submitted plans with the application but modified to show:

Building envelopes for Lots 8, 9, 47, 71, 87, and all lots abutting the western boundary 36 to 47 inclusive located outside the Tree Protection Zones of native vegetation on abutting lots.

An amended Staging Plan to include the Reserve located in Stage 1.

A notation on the plan to state that a paling fence is to be constructed along the western boundary of the site, (at the cost of the applicant) prior to Statement of Compliance to the satisfaction of the Responsible Authority.

Condition 13 Construction

Prior to the issue of a Statement of Compliance for any stage, all fencing (as notated on the endorsed masterplan), road and drainage works relevant to that stage must be completed.

AMENDMENT

Moved: Cr J O'Donnell

Seconded: Cr T Jones

CARRIED

The Amendment being the motion and was carried.

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.

ALTERNATE RECOMMENDATION

That Council defer a decision on this matter until the Council Meeting to be held on Wednesday 28 August, 2019.

ALTERNATE MOTION

Moved: Cr K Cook
Seconded: Cr J O'Donnell

CARRIED

The Alternate being the motion put was carried.

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.

COUNCIL MOTION

Moved: Cr D Goss
Seconded: Cr J Gauci

CARRIED

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

Cr Cook	Cr Cook reported on the following meetings: <ul style="list-style-type: none">• 5 August 2019 – Place Names Advisory Committee meeting.• 9 August 2019 – West Gippsland Regional Libraries Corporation Board meeting.• 11 August 2019 – Athlone Hall and Recreation Reserve AGM.• 13 August 2019 – Roads and Drainage Advisory Committee meeting.
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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.

COUNCIL MOTION

Moved: Cr J O'Donnell

Seconded: Cr P Kostos

CARRIED

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

Cr Power acknowledged the 20th Anniversary and Book Launch of Baw Baw U3A held on Friday 9 August 2019.

Crs Power, O'Donnell, Jones and Cook attended the event.

18. GENERAL BUSINESS

Nil

Meeting closed at 7:58 pm

Confirmed at this meeting 28 AUGUST 2019

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**Cr M Power
Mayor**