



Minutes

Council Meeting

28 August 2019

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**Baw Baw Shire Council
Council Meeting
28 August 2019
Minutes**

Minutes of the Ordinary Meeting of the Baw Baw Shire Council held in the Council Chambers, Trafalgar Business Centre, commencing at 5.30pm on 28 August 2019.

Present

Cr M Power, Cr D Goss, Cr M Leaney, Cr K Cook, Cr D Wallace, Cr P Kostos and Cr T Jones.

In Attendance

Ms A Leighton	Chief Executive Officer
Mr M Dupe	Director Corporate and Community Services
Mr C Van der Velde	Director Community Assets
Mr M Kestigian	Manager Communications and Economic Development
Ms S Schimleck	Acting Chief Information Officer
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

Cr O'Donnell
Cr Gauci

Mr M Hopley Chief Information Officer
Ms A Lisle Finance Manager

4. CIVIC CEREMONIES

Nil

5. CONFIRMATION OF PREVIOUS MEETING MINUTES

RECOMMENDATION
That the minutes of the Ordinary Council Meeting held on 14 August 2019 be confirmed.
COUNCIL MOTION
Moved: Cr M Leaney Seconded: Cr D Goss
CARRIED

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 no information is required to be released to the public.

Nil Reports

8. COMMUNITY PARTICIPATION TIME

8.1.1 QUESTIONS ON NOTICE

Mr Roy Lindsay
Yarragon & District Community Association
Submitted via email

- 1. In relation to 3 - 5 Rollo Street Yarragon (former Yarragon Primary School site), has an 'updated, certified Council valuation' been received in line with the Motion carried at the Council Meeting held 24/07/19 ?**

I can confirm that Council received a certified valuation on 25th July, 2019 and provided this valuation along with a letter formalising a revised (or increased) offer to the Department of Treasury and Finance on 29th July, 2019.

- 2. If so, what was that valuation?**

Council is unable to provide the valuation details until the Valuer General has assessed and responded to Council's offer.

- 3. If not, when will it be obtained and actioned?**

Council has not been able to receive a response on the timeline from the Department of Treasury and Finance. Correspondence has been received confirming receipt of Council's valuation and offer and that it has been passed onto the Valuer General's Office. The assessment process by the Valuer General normally takes eight weeks.

8.1.2 QUESTIONS ON NOTICE

Mr Don McLean
30 Bella Vista Drive
Warragul VIC 3820
Submitted via email

1. Given the closing date for submissions was 17 July how was it possible for community members to lodge a submission by the closing date when no notice had been given of the review?

The consultation process for the proposed Local Government Act 2019 is a State Government process and responsibility. It is Local Government Victoria who set and ran the consultation process and not that of the individual local Councils.

Local Government Victoria provided media releases and information on its website which allowed individuals and organisations the opportunity to provide submissions directly to the department. It is worth noting that no actual Local Government Bill 2019 exists. What has been tabled in Parliament is six proposed additions to the Local Government Bill 2018.

2. What advice did Council give to our community that submissions could be lodged?

Due to the timelines imposed, Council did not on this occasion provide advice to the community beyond the publicly listed report on its agenda and minutes of the meeting held 10 July, 2019. The State Government announced the reforms on 17th June requiring submissions to be lodged by 17th July.

3. What input did Council have to developing the position taken, particularly on increased "Community Accountability" which was opposed by Council?

The governance team workshopped the six proposed inclusions to be added to the Local Government Bill 2018 with Baw Baw Shire Councillors, the elected representatives of the Baw Baw Shire community.

4. When, if at all, did Council meet to discuss and develop the submission on this important Local Government Act amendment other than in an officer report at Council meeting 10 July?

The workshop with Councillors was held on 3 July 2019.

5. Can Council confirm there was zero consultation with our community as stated in the officer report?

The timeframe set by Local Government Victoria did not allow any Council in Victoria sufficient time to engage with its community in order to provide community responses with its submission. However, our community was made aware of the proposed changes by Council including the report on 10th July meeting agenda and thereby, consistent with the process established by government, able to send responses directly to Local Government Victoria.

8.2 SUBMISSIONS

The following persons spoke on an item on the agenda.

Item

- 10.2** Jim Arnold
Leigh Everitt
Gary Williames
Jane Moss
Carolyn Pugh
Jason Berg-Mitchell
Nicholas Hobbs
Andrew Ronalds
Faye Women
David Hooke
Michael Pepper
Terry Williamson

- 10.3** Jonathan Nielsen

- 10.7** Robert Cusworth-Warner

- 11.1** Michelle Rausi

SUSPENSION OF STANDING ORDERS AT 7:20 PM	
Moved:	Cr D Wallace
Seconded:	Cr K Cook
CARRIED	

RESUMPTION OF STANDING ORDERS AT 7:29 PM	
Moved:	Cr T Jones
Seconded:	Cr D Wallace
CARRIED	

9. PETITIONS

Nil Reports

PROCEDURAL MOTION

In accordance with section 17.1 of the *Baw Baw Shire Meeting Procedure Local Law*, Council resolved to change the order of the agenda to accommodate the large gallery in attendance to hear specific agenda items.

The agenda was changed to following order:

1. Item 10.2 – PLA0241/18 – Yuulong Road, Drouin South
2. Item 10.3 – PLA0350/18 – 37 Rangeview Street, Warragul
3. Item 10.7 – Transfer of title for Seaview Mechanics Institute
4. Item 11.1 – Application for Electronic Gaming Machines
5. Item 10.1 – PLA0184/18 – 1 Sandstock Drive, Warragul
6. Item 10.4 – Proposed Acquisition of 101 Cromie Drive, Warragul
7. Item 10.5 – 2018/19 Seasonal Swimming Pool and Rawson Gym
8. Item 10.6 – Aged and Disability Assessment Program Update
9. Item 12.1 – Local Government Responsibilities in Bushfire Recovery

Moved: Cr D Goss
Seconded: Cr T Jones

CARRIED

10. VIBRANT COMMUNITIES

10.1 PLA0184/18 - 1 SANDSTOCK DRIVE, WARRAGUL

Coordinator Statutory Planning

Directorate: Planning Development

Ward: Central Ward

Appendix: 2 attachments

PURPOSE

To determine planning permit application PLA0184/18 for a Two Lot Subdivision

RECOMMENDATION

That Council issue a Notice of Decision to Grant a Planning Permit for PLA0184/18 at 1 Sandstock Drive, Warragul.

COUNCIL MOTION

Moved: Cr D Goss
Seconded: Cr P Kostos

CARRIED

KEY ISSUES

- Identify the key issues, including background, impact of process or decision, outcomes
- The subject site is irregular in shape, approximately 8118 m² in size and is located on the southern side of Sandstock Drive, Warragul. The site has frontages to Crole Drive, Princes Highway, Highland Way and Sandstock Drive.
- The proposal is to subdivide the land into two lots.
- Proposed Lot 1 is 2900m² and will contain the future development of the service station. Proposed Lot 2 is to be 5217m² and will contain the balance of the vacant land.
- The service station development was approved by VCAT on 31 January 2019. The submitted Plan of Subdivision is generally in accordance with the development plans considered by VCAT.
- 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. Seven objections to the application have been received to date.
- The proposal is considered to be in accordance with the relevant planning policy framework, the purpose and objectives of the General Residential Zone and the relevant general and particular provisions of the Baw Baw Planning Scheme.

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* 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. Seven objections to the application 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* 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.

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

- 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 PLA0241/18 - YUULONG ROAD, DROUIN SOUTH

Coordinator Statutory Planning

Directorate: Planning Development

Ward: West Ward

Appendix: 2 attachments

PURPOSE

To determine planning permit application PLA0241/18 for the Development of Four Hangars, Clubroom and Toilet block

RECOMMENDATION

That Council issue a Notice of Decision to Refuse to Grant a Permit for PLA0241/18 at Yuulong Road, Drouin South.

Cr Cook requested an alternate recommendation.

ALTERNATE RECOMMENDATION – Notice of Decision to Grant a Planning Permit

That Council issue a Notice of Decision to Grant a Planning Permit for the Development of Four Hangars and a Toilet Block at Lot 3 PS334124 Yuulong Road Drouin South, subject to the following conditions:

PLANS REQUIRED

1. Within sixty days of the date of this permit, amended plans to the satisfaction of the Responsible Authority 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 shown appropriate setbacks. The plans must be generally in accordance with the plans submitted with the but modified to show:
 - a) The Clubroom (meeting room) building deleted from all plans.
 - b) Notation 'Numbers 1 to 6 already have planning permit' deleted.
 - c) The existing shed located to the west of the existing hangars notated as 'Agricultural Building' on the Site Plan.
 - d) Hangars 5 and 6 deleted from all plans.

GENERAL

2. The layout of the development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Once buildings and works have commenced, they must be completed to the satisfaction of the Responsible Authority.

AMENITY

4. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

5. The development must be managed to the satisfaction of the Responsible Authority so that the amenity of the area is not detrimentally affected, through any of the following:
 - e) Transport of materials, goods or commodities to or from the land.
 - f) The appearance of any stored goods or materials.
 - g) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, soot, ash, dust, waste water, waste products, grit or oil.

HEALTH

6. Wastewater arising from the proposed installation 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.
7. Within sixty days of the granting of this permit, plans confirming a suitable wastewater disposal system is correctly located within the property boundary must be submitted to and approved to the satisfaction of the Responsible Authority.

PERMIT EXPIRY

8. 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;

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.

ALTERNATE RECOMMENDATION

Moved: Cr K Cook
Seconded: Cr P Kostos

LOST

As this motion was lost Council returned to the original recommendation.

COUNCIL MOTION – ORIGINAL RECOMMENDATION

Moved: Cr D Wallace
Seconded: Cr D Goss

CARRIED

Cr Goss called for a division

For: Crs D Goss, T Jones, M Leaney, M Power and D Wallace
Against: Crs K Cook and P Kostos

KEY ISSUES

- The subject site is located approximately 8.5km south of the Drouin town centre. The airstrip site is approximately 64ha in area and is made up of two parts, which is separated by an unmade government road. The site is irregular in shape and has been developed with a landing strip, hay shed and four portable aircraft shelters.
- Council provided written advice acknowledging the use of the land for a private airstrip in 2011.
- 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. Twelve objections have been received to date.
- It is considered that the use and development of the Clubroom and the development of the toilet block and additional four Hangars requires a planning permit for a new use; as the proposal is considered to be beyond the scope of the existing use right of the site.
- A planning permit has not been sought for the proposed use of the land. Without proper consideration given to the use of the land, Council officers are unable to Grant a Planning Permit for the proposed (and retrospective) development.

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. Twelve 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. Twelve 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

- 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 PLA0350/18 - 37 RANGEVIEW STREET, WARRAGUL

Coordinator Statutory Planning

Directorate: Planning Development

Ward: Central Ward

Appendix: 3 attachments

PURPOSE

To determine planning permit application PLA0350/18 for a Two Lot Subdivision and Removal of Covenant (F579250).

RECOMMENDATION

That Council issue a Notice of Decision to Grant a Planning Permit for PLA0350/18 at 37 Rangeview Street, Warragul.

Cr Wallace requested an alternate recommendation.

ALTERNATE RECOMMENDATION

That Council defers this item for further assessment to be undertaken before providing a report back to Council.

COUNCIL MOTION

Moved: Cr D Wallace

Seconded: Cr D Goss

CARRIED

KEY ISSUES

- The subject site is regular in shape and is located on the northern side of Rangeview Street Warragul. The surrounding land is zoned General Residential Zone Schedule 1 and is predominantly developed with single dwellings. The site is currently vacant.
- The proposed two lot subdivision will be a 'battle-axe' arrangement which will utilise the existing vehicle crossover. Proposed Lot 1 has an area of 380m² and proposed Lot 2 has an area of 428m². Restrictive covenant F579250 is proposed to be removed from the Title.
- 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. Notice was also given by way of a notice in the Warragul Gazette. Nine objections have been received to date.
- No objection from the beneficiary to the covenant has been received to date and the matters set out in Section 60(5) of the Act are considered to be satisfied.
- It is considered that the proposal is in accordance with the relevant Planning Policy Framework, Local Planning Policy Framework, the requirements of the zone and applicable general provisions of the Baw

Baw Planning Scheme, including Clause 56.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

Nil.

Environmental Impact

Nil.

Community Impact

No significant impact on the community is likely to result from the proposal.

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* 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. Notice was also given by way of a notice in the Warragul Gazette. Nine 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*

- 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.

**10.4 PROPOSED ACQUISITION OF LOT 101 CROMIE DRIVE,
WARRAGUL**

Manager Governance

Directorate: Corporate and Community
Services

Ward: Central

Appendix: 5 attachments

PURPOSE

In accordance with Condition 3 of Planning Permit PLS05218, for Council to consider the acquisition of lot 101 Cromie Drive, Warragul.

RECOMMENDATION

That Council,

1. Acquires Lot 101 Cromie Drive for the agreed certified valuation figure of \$115,000 ex GST; and,
2. Authorises the Chief Executive Officer to sign the Contract of Sale, Transfer of Land and any other required documentation.

COUNCIL MOTION

Moved: Cr D Goss
Seconded: Cr D Wallace

CARRIED

Cr Power called for a division

For: Crs K Cook, D Goss, T Jones, P Kostos, M Leaney, M Power
and D Wallace

Against: Nil

KEY ISSUES

- This planning application dates back to 2005 with the original permit granted in 2011. There have been several extensions of time, amendments and a secondary permit applied for in 2017.
- Condition 3 on the Planning Permit (attached) *Lot 101 must not be included on a Plan of Subdivision lodged for certification unless the endorsed plan is amended to the satisfaction of the responsible authority to provide road access direct to the curtilage of the lot or the Lot is agreed in writing to be transferred to the responsible authority for drainage purposes (preferably in the form of a reservation).*
- The Warragul Strategy Plan identifies a proposed wetland and linear link located on the land known as Lot 101, Cromie Drive. This property is required in order to provide linkage from Albert Road to Sutton Street.

- Lot 101 is a landlocked property with a size of 1.142ha which is zoned General Residential. It is a low-lying property with a defined waterway traversing the allotment in a north south direction.
- An amended plan was lodged to switch the Public Open Space with Lot 101 on 27 February 2018 (ref PLS05218.B). An extension of time was requested by the Developer on 22 January 2019 which was granted by Council. Council refused PLS05218.B to switch the lots on 14 February 2019. This would have provided a technical road access to the Lot, theoretically increasing the lot value. This refusal has allowed officers to work with certainty on the acquisition of Lot 101.
- In March 2019 Council received a certified valuation from Gippsland Property Valuations setting a valuation of \$115,000 ex-GST.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

- Council has received a certified valuation from Gippsland Property Valuations dated March 2019 that places the value for Lot 101 at \$115,000 ex-GST. The owner of the property has confirmed in writing (May 2019) acceptance of this valuation.
- Funding from the Developer Contribution Plan 01 (DCP01) can be allocated to this acquisition. DCP01 item DIDR006 provides funding for projects related to improvements in waterway health. The wetland construction project fulfils this purpose, therefore the land acquisition costs can come from this DCP01 allocation.

Environmental Impact

Acquisition of this site will allow Council to construct a planned retardation basin and wetland area which will provide a positive environmental benefit to the community for the treatment of storm water flows and passive recreational use.

Community Impact

- The residents who have moved into the residential lots provided by this subdivision will benefit from the acquisition, provision and continuity of linear links, wetlands and stormwater retardation all providing improved open space outcomes.
- Now that plans have been finalised by the developer on the location of the Council Reserve and Lot 101, the reserve can be transferred to Council so that a playground required by the planning permit can be delivered.
- The wetland at this location will mitigate the impact of upstream land development upon water quality, waterway health and flooding.

CONSULTATION

- The community infrastructure team have advised that the property is required in order for Council to deliver the stormwater infrastructure required in the Warragul Urban Drainage Strategy Update 2014.

- The community have been active in their engagement with Council to see this matter brought to a resolution.
- This matter has had attention via local print media.
- There have been several meetings between staff and residents, staff and developer representatives as well as exchanges of correspondence in relation to this property and the provision of the abutting reserve.

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*

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

Strategic Objective 4: *Organisational Excellence*

- *Providing community benefit by effectively managing council's resources and finances.*

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

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

LEGAL

- 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.
- This site is required in accordance with Condition 3 in the Planning Permit and for the treatment of storm water in accordance with the 2010 Warragul Drainage Strategy.

CONFLICT OF INTEREST DECLARATION

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

**10.5 2018 - 2019 SEASONAL SWIMMING POOL AND RAWSON GYM
REVIEW**

Recreation Officer, Recreation Coordinator

Directorate: Community Assets, Community Assets

Ward: All

Appendix: 4 attachments

PURPOSE

To provide Council with an operational performance review of the 2018 – 2019 season at the Seasonal Swimming Pools and Rawson Gym.

RECOMMENDATION

That Council:

- Notes the report and options presented for operational efficiencies under Contract 21711CT
- Adopts 5pm the day prior as the nominated time to determine when a pool will open rather than the current 9am the day of opening as a variation to contract 21711CT

COUNCIL MOTION

Moved: Cr M Leaney

Seconded: Cr T Jones

CARRIED

KEY ISSUES

Background

- On 1 October 2018 Council noted and received an operational performance report of all Seasonal Summer Pools and the Rawson Gym Facility for the 2017-2018 financial year. Council resolved that it:
 1. Continues the operation of the Rawson Gym Facility as an unsupervised facility for persons 18 years or over as a variation for the remaining two years of Term 1 of Contract 21711.
 2. Continues the inclusion of early morning swims every Monday, Wednesday and Friday from 6am to 7am at the Rawson Swimming Pool as a variation for the remaining two years of term 1 of Contract 21711.
 3. Request the completion of another seasonal review including the collection and reporting of attendance data and information on operational performance to enable future consideration of possible operational efficiencies.
- Council has implemented items 1 and 2 of the 1 October 2018 Council resolution. This report is in response to item 3 of the resolution above.

- Baw Baw Shire has five Seasonal Summer Swimming Pool facilities located in the townships of Drouin, Neerim South, Trafalgar, Thorpdale and Rawson.
- All five seasonal facilities are managed through Contract 21711 Management and Operation of Baw Baw Aquatic and Leisure Services (Contract).
- Council awarded the Contract to Victorian YMCA Community Programming Pty. Ltd. (Contractor) for the three-year period 1 July 2017- 30 June 2020 with the option of two further extensions of three years each.
- The Rawson Swimming Pool is a solar heated indoor facility. Given it is indoors, the pool is open every day of the summer season (1 December to 31 March) as per the contract hours of operation regardless of the weather and temperature.
- The four, summer seasonal (outdoor) pools are only opened (1 December to 31 March) when the forecast temperature is 25°C or above as determined by Bureau of Meteorology forecasts for Warragul. These forecasts are looked at a week in advance and revised daily at 9am. The pools may close prior to, or during, thunderstorm activity or in extreme weather conditions.
- Under the Contract pool closures and fire danger periods apply as follows:
 - All pools close on Christmas Day and Boxing Day.
 - The Neerim South, Thorpdale and Rawson pools will close on days declared by fire authorities as Code Red (Catastrophic).
- The Victoria State Government through the Vic Emergency Website has introduced new warning categories to help inform and manage emergency response in a community. The new warning categories include:
 - Evacuation,
 - Emergency Warning,
 - Warning (Watch and Act),
 - Advice.
- The Vic Emergency Website operates a colour coded Warning Area. When viewing the website, a colour area shows the predicted warning area at the time of issue. This colour can be yellow (Advice), orange (Warning / Watch & Act), red (Emergency Warning) or black line with a grey fill (Evacuation).
- An operational adjustment for determining a pool closure was made during the 2018/2019 season for both the Rawson and Neerim South pools as both communities were impacted by bushfires in February and March respectively. The adjustment involved utilising the new Vic Emergency Warning of (Watch and Act) on a case by case basis

understanding the localised conditions and the operation of the pool in the absence of the Code Red (catastrophic) notification that used to be provided on total fire ban days.

- The following table explains the Vic Emergency Warnings in more detail.



Evacuation

An evacuation is recommended or procedures are in place to evacuate.



Emergency Warning

You are in imminent danger and need to take action now. You will be impacted.



Warning (Watch and Act)

An emergency is developing nearby. You need to take action now to protect yourself and others.



Advice

An incident is occurring or has occurred in the area. Access information and monitor conditions.

Can also be used as a notification that activity in the area has subsided and is no longer a danger to you.

-
- As part of the Contract and facility management Council engages Life Saving Victoria (LSV) to conduct annual inspections of each aquatic facility, scoring them on operational compliance and facility safety against the LSV Guidelines for Safe Pool Operation (GSPO)
 - These audits help to assist with the planning of maintenance, implementing safety and operational improvements at each facility. An example of a safety improvement actioned as a result of an LSV audit includes the recent addition of a dedicated first aid room at the Rawson Swimming Pool which enables staff to better manage first aid incidents at the facility in a purpose-built space.
 - A seasonal and pool by pool analysis of attendance data collected during the 2018-2019 season has been provided in the various attachments in support of this report.
 - Attachment 1 provides an appendix of graphical information analysing the attendance data collected throughout the season.
 - Attachment 2 provides an analysis of the season operations of the Rawson gym facility and service.

Seasonal Pool Attendances Over the Last 11 Years

- Figure 1 in attachment 1 provides the historical seasonal pool attendance data for all five facilities from the 2008/2009 – 2018/2019 summer seasons (11 years)

- Before the 2008/2009 summer season Council introduced a 'Free Entry' Swim policy at all Seasonal Pools. Attendances increased at each facility in the 2008/09 and 2009/10 seasons. Attendances decreased in the 2010/11 season, then increased in the subsequent two seasons. The highest total attendance was recorded in the 2012-2013 season, with a figure of 32,878 being recorded.
- In 2013-2014 Council reintroduced entry charges for the seasonal swimming pools. Total attendance numbers declined (by 39%) to 20,144 visits.
- Apart from season 2015-2016 when the Warragul Leisure Centre was closed for major redevelopment, total attendances across all outdoor pools has fallen since the 2013-2014 season. However, some pools have shown a trend of increased attendance in the past three years, namely Trafalgar, Thorpdale and Rawson. See Figure 1 of Attachment 1.
- The decrease in attendance at the Rawson Swimming Pool during the 2018-2019 season may be a direct result of the Walhalla complex fire in February and the following recovery efforts in this community afterwards.

Season 2018-2019

- In 2018-2019 casual swimming attendance at the five seasonal pools increased by 16.42% to 10,900, whilst school swimming attendance decreased by 32.44% to 3432, when compared to the 2017-2018 attendance numbers. See Figure 4 of Attachment 1.
- This resulted in a total attendance of 14,322 across the five seasonal pools in 2018-2019 which is the lowest total attendance over the past 10 years see Figure 2 of Attachment 1.
- Both the Drouin and Neerim South Pools have seen a decrease in overall attendance over the past 3 years whilst Trafalgar and Thorpdale have seen an increase. Rawson was showing a similar increasing trend until this season. However as explained above the decrease this season may be a direct result of the Walhalla complex fire in February.
- Casual swimming (Single Purchase & Visit Pass Entry) attendance for the summer season at the Warragul Leisure Centre also increased by 6.44% to 25,050 visits when compared to 2017-2018. See Figure 3 in Attachment 1.
- The increase of casual swimming at Warragul Leisure Centre may be a contributing factor to some of the decrease in attendance at the seasonal pools, namely, Drouin due to the venue's close proximity to Warragul Leisure Centre.
- The increase of casual attendance at Warragul Leisure Centre may also be a result of the increased service level of the facility, namely the addition of the splash pool and water features and larger aquatic offerings available to patrons.
- The growth of Warragul may also be a contributing factor to the increased casual swimming at Warragul Leisure Centre.

- All schools, as in previous seasons, continue to choose to make all of their bookings for use in the first school term, between 1 February and Labour Day, with the exception of the Rawson Pool (the only indoor seasonal facility).
- School usage of the seasonal pools is scheduled as part of their school program and goes ahead regardless of the forecast temperature.
- School bookings represented 23.95% of total attendance numbers (3432 visits) for the 2018-2019 season. This is a decrease on the 35.17% school bookings for the 2017-2018 season. See Figure 5 of Attachment 1
- Due to inclement weather, some school bookings were rescheduled to be held at the Warragul Leisure Centre outside of the summer season. This has had an impact on school attendance at the seasonal pools.
- Public attendance to the seasonal pools' peaks during the months of January and February, with a significant drop in attendance occurring during March. See Figure 6 of Attachment 1.
- The 2018-2019 March attendance figure for Rawson Pool is mostly a result of school bookings during this month. The total attendance figure of 851 consists of 678 school attendances and 168 casual attendances. Casual attendance in this month was likely low due to the recovery efforts in the community following the Walhalla Complex Fire.
- Figure 7 of Attachment 1 shows that a clear majority of overall attendance occurs before the Labour Day Public Holiday across all pools in March. The exception is Rawson where school attendance contributed to 90% of the attendance post Labour Day.
- Between Labour Day and 31 March, a total of 118 casual visits across all pools was recorded. Outdoor pools were open a total of 12 of the possible 20 days during this period. This attendance figure does not include the 73 casual visits at Rawson due to the indoor nature of the Rawson pool.
- Early Morning Swimming is offered at the Drouin, Neerim South, Trafalgar and Rawson facilities. Seasonal attendance for early morning swimming decreased by 19.46% to 414 compared to the 2017 – 2018 summer season. See Figure 9 of Attachment 1.
- Figure 11 of Attachment 1 shows that there is a significant decrease in early morning swim attendance in the month of March, with a total of 49 attendances recorded over the last two summer seasons (34 in 2017-2018 and 15 in 2018-2019).
- There is a direct correlation between temperature and attendance numbers (excluding school attendance) at the seasonal pools. See Figure 12 of Attachment 1.
- Most of the total attendance at all facilities except Rawson (being the only indoor seasonal pool not subject to the temperature opening conditions of the contract) for the 2018-2019 season occurred when the

temperature was 28°C or above. Outlined below is the percentage of total attendance per facility when the temperature was 28°C or above.

Site	% Attendance ≥ 28°C
Drouin	75.52%
Neerim South	75.26%
Thorpdale	85.41%
Trafalgar	80.84%
Rawson	49.28%

- The summer period 1 December to 31st March is 121 days, of this the venues are closed on Christmas Day and Boxing Day. This leaves a total of 119 available days for swimming should the forecast temperature be 25°C or above. This list below outlines the number of days during summer that occurred over a specific temperature.

Days above °C	No. Days
25°C	72
26°C	66
27°C	56
28°C	49

- The Rawson Gym had a total of 17 casual visits over the 2018–2019 season. Of the total attendance 76% was during the operational hours of 6am–7am Monday, Wednesday and Friday.

Comparison to other Council's

- Local Government Victoria (LGV) produce a report as part of the Local Government Performance Reporting Framework and supply this to Council's for internal purposes. From this report LGV develop the information presented on the Know Your Council website.
- The following table provides a comparison between Baw Baw Shire and that of the average for similar large rural Council's under the 'direct cost to Council of providing outdoor aquatic facilities' category.

Financial Year	Average – Direct Cost to Council Per Visit (Similar Large Rural Councils)	Baw Baw Shire Direct Cost Per Visit
2014 – 2015	\$15.61	\$18.72

2015 – 2016	\$15.72	\$15.06
2016 – 2017	\$17.43	\$23.65
2017 - 2018	\$15.67	\$28.22

- LGV data collection for the 2018 – 2019 financial year is still being collated and was not available at the time of writing this report.
- A review and comparison of the data provided from the annual Life Saving Victoria facility audits highlights an upward trend across all Baw Baw facilities for both Compliance and Safety. This is a positive outcome and suggests that Council's venues are some of the safest and most compliant in the State. Figure 15 of Attachment 1 shows the upward trend across all venues. Figure 16 of Attachment 1 references the State average for comparison as identified in Attachment 3, 2017-2018 Life Saving Victoria 2017-2018 State of Sector Report Extract.

Private Swimming Pools in Baw Baw Shire

- From 2015 to 2018, Baw Baw Shire Council received a total of 251 building permits for private swimming pools. This figure has nearly doubled over the 4-year period from 42 in 2015 to 82 in 2018. See Figure 17 of Attachment 1.
- The more heavily populated towns of Warragul, Drouin and Trafalgar represented 75% (190) of these applications. See Figure 18 of Attachment 1.
- With an increase in private swimming pools in these localities there may be an impact on attendance at public swimming pools.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

- The table below shows the Contract Payment (A) being a lump sum paid over 12 equal monthly payments. This contract payment is the budgeted net operating loss as part of the tender awarded by Council. Any cost overrun above this net operating loss is the responsibility of the Contractor.
- The Rawson Contract Payment (A) shown in the table below includes the additional \$21,823.64 being the variation cost for the inclusion of early morning swims and the gym as per the Council resolution from 1 October 2018
- The table also shows total attendance at each facility and the Cost to Council per attendee. A comparison from season 2017-2018 to 2018-2019 can be seen in Figure 14 of Attachment 1. The calculations below are as follows:
 - Cost to Council per attendee
 - (A) Divided by (B) = (C)

Facility	Contract Payment Lump Sum <small>(Net operating loss) 2018 / 2019</small> (A)	Total Facility Attendance <small>(Including school attendance)</small> (B)	Cost to Council Per Head <small>(Including school attendance)</small> (C)
Drouin	\$85,740.58	4353	\$19.70
Neerim South	\$73,957.21	2880	\$25.68
Trafalgar	\$82,038.40	3439	\$23.86
Thorpdale	\$64,568.18	1571	\$41.10
Rawson	\$110,673.31	2089	\$52.97

- Attachment 4 provides a review completed by the facility operator to identify opportunities for potential savings in operating costs for Council's review.
- Three options provided include:
 - The removal of morning swims at all facilities which could result in a potential overall contract saving to Council of \$25,867.39.
 - The reduction of the season length and therefore moving the season closing date from the 31st of March to Labour Day, which could result in a potential overall contract saving to Council of \$74,528.24.
 - Increasing the temperature trigger that determines when seasonal pools open to the public from 25°C to 28°C, which could result in a potential overall contract saving to Council of \$56,383.65.
- It should be noted that the contractor has advised that each option above has been calculated independently of the other initiatives and if Council were to choose to implement a combination of the options presented, or any other operational initiatives then further savings may be achieved and further consultation with the Contractor would also be required.
- The figures presented above have been calculated utilising 2018–2019 season income and expenditure by the contractor.

Environmental Impact

- The contractor must comply with all relevant environmental legislation, policies and guidelines, permits and trade waste agreements.
- Under the contract there are several conditions that need to be met relating to the environment. These conditions focus on the following key areas.
 - Environment Sustainability
 - Heating and Ventilation
 - Lighting

Community Impact

- Baw Baw's aquatic and leisure services are very important to the health, wellbeing and social fabric of the community. These facilities play a vital role in enhancing one's quality of life. Appropriately planned, developed and managed facilities and community spaces provide numerous opportunities to improve the health and wellbeing of individuals and the community, as well as bringing people together to develop social networks and friendships.
- The Baw Baw Public Health and Wellbeing Plan 2017 – 2021 sets out to protect, improve and promote public health and wellbeing within Baw Baw. Through the development of this plan, Council identified that people in Baw Baw are active in similar proportions to all of Victoria. This applies to those who are quite physically active (four or more days a week – 40.8%), also those who do no physical activity (21.1%). Nearly 70% of people meet the physical activity guidelines, similar to the Victorian rate. Provision of facilities such as outdoor pools increases the opportunity for community members to recreate.
- Whilst balancing the financial impact of the delivery of these services on Council's budget is important; the social, physical, health and wellbeing benefits provided through aquatic facilities is also vitally important to the community.

CONSULTATION

- Whilst community consultation has not been undertaken in the development of this review and report, if Council wish to progress any adjustments relating to the service provision of Contract 21711, further community consultation would be recommended.
- All data and information provided to assist with this review and report has been collected by the contractor as part of the reporting requirements of the contract.
- The Contractor recommends further consultation is undertaken Council wish to pursue a potential repurposing of any budget savings achieved through any combination of the options presented in attachment 4.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

The 2018-2019 Season Swimming Pool and Rawson Gym Review assists with the achievement of the key strategic objective as set out in the Council Plan 2017-2021:

Strategic Objective 1: Vibrant Community Life

- *Quality community focused services, facilities and infrastructure to support a growing community.*
- *Managing Baw Baw's growth and development.*
- *A vibrant, healthy and inclusive community.*

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

This 2018-2019 Season Swimming Pool and Rawson Gym Review has been reviewed under the *Charter of Human Rights and Responsibilities* and is considered compatible.

LEGAL

Pool operators are expected to adhere to the *Public Health and Wellbeing Act 2008*, *Public Health and Wellbeing Regulations 2009*, the *Occupational Health and Safety Act 2004*, *Occupational Health and Safety Regulations 2007*, *Dangerous Goods Act 1985*, *Dangerous Goods (Storage and Handling) Regulations 2012* and a number of other industry codes and guidelines.

POLICY IMPACTS

- Council needs to consider the OH&S Policy, Risk Management Framework and Policy, Asset Management Policy and Pricing Policy when making decisions related to the Baw Baw's Aquatic and Leisure Services.
- The Baw Baw aquatic and leisure services are very important in meeting a range of objectives in the Baw Baw Public Health and Wellbeing Plan 2017-2021.
- "Planning for and providing facilities for the local community" is listed as a core role/responsibility of Council in the Local Government Act 1989.
- Under Contract 21711 all YMCA policies, procedures and management processes apply to the management and operation of Baw Baw's aquatic and leisure facilities. This includes but is not limited to the YMCA safeguarding children and young people policy/procedures.

CONFLICT OF INTEREST DECLARATION

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

OPTIONS FOR CONSIDERATION

There are several potential opportunities available to Council should it seek to improve the operating efficiency of the seasonal aquatic facilities in the future.

These include but are not limited to the following:

1. Consideration could be given to altering the closing date of the seasonal pools to the public only and moving the closing date forward from 31 March to Labour Day each year.
 - This option is based on the total attendances between Labour Day and 31 March across all five seasonal pools being low in comparison to other periods of the season. Attendance during this period over the 18/19 season was 879. 678 were attributed to school bookings, which occur outside of normal operating hours. (See Figures 7 and 8 of Attachment 1).
 - This option would result in a total closure of venues reducing the ability for school bookings to occur.
2. Consideration could be given to changing the temperature which determines when seasonal pools open to the public. Currently seasonal pools open when the forecast temperature is 25°C or above. Council could consider one of the following new temperatures.
 - 26°C or above.
 - Based on the previous season data this would result in approximately 54% days open over the summer season.
 - A cost saving has not been provided for this option
 - 28°C or above.
 - This option is based on low attendance numbers at all venues under 28°C and a clear relationship to attendance by patrons when the temperature is 28°C or above.
 - However, based on the data provided this option would result in seasonal pools being closed for approximately two thirds of the summer period 1 December to 31 March.
3. Consideration could be given to cease early morning swimming services at the end of February rather than at the end of the season.
 - This is based on a review of early morning swimming that shows limited use across all facilities as well as a steep decline as the season progresses from January through to March. Total early morning swimming attendance dropped from the previous summer season for Rawson, Trafalgar and Neerim South pools, Drouin pool had an increase in attendance based on the 2017-2018 season. Trafalgar had a total of 12 registered visits for early morning swimming for the 2018–2019 season, the total attendance for all pools for the month of March was 15 registered visits. (See Figures 9,10 and 11 of Attachment 1).
 - Another consideration for Council of this option from an operational perspective is the change in available daylight at 6:30am as the summer season comes to an end. During March, daylight hours change with the amount of light available at 6:30am diminishing which has an impact on the visibility of the bottom of the pool making staff duties under the GSPO increasingly harder for

- operational staff. In most seasons the contractor will adjust open hours by 30 minutes to continue to provide the early morning swimming service however this adjustment means early morning swimming is offered from 7am to 8am rather than 6:30am to 7:30am. The 30 minute alteration could have an impact on patron availability to attend early morning swimming session due to work and other commitments, such as school drop off time.
- By ceasing early morning swimming at the end of February a set date would need to be clearly communicated to patrons and also operational staff rather than the need to complete adjusted opening times throughout March.
4. Consideration could be given to ceasing the early morning swim and gym service or altering the hours provide at the Rawson swimming pool.
- This option is based on a decline in attendance and increased cost to Council to provide the additional service through the contract variation. Over the 2018–19 summer season a total of 17 attendances were recorded for gym use at Rawson. The combined total for morning swim attendance and gym use at Rawson was 112 attendees.
5. Consideration to alter the operational process for determining opening days based on forecast temperature from 9am the day of opening to 5pm the night before.
- Currently opening of a pool is determined by Bureau of Meteorology forecasts for Warragul, which are looked at a week in advance and revised daily at 9am.
 - By shifting the daily temperature determination at 9am to revised time of 5pm the night before opening, this enables operational staff considerations such as rostering to be determined in advance of an opening day and not on the day of an opening, as well as patrons being able to plan their pool use a day in advance.
6. Should Council wish to make any adjustments to the current operational parameters for the seasonal swimming pools consideration could be given to repurposing any operational savings similar to those presented by the Contractor in attachment 4 to other initiatives that would provide additional services within Contract 21711 Management and Operation of Baw Baw Aquatic and Leisure Services.

Some examples of potential repurposed savings may include the following

- An increase in the operational hours provided at Bellbird Park Stadium to include opening the venue on Saturday mornings from 9am to 12 noon.
- Increased marketing and events expenditure for seasonal outdoor pool budgets enabling more events at the seasonal pools

- Offering free swimming days at all pools when the temperature is forecast to be 35°C or over.
- Increasing the opening hours at all seasonal pools to open earlier (11am for example) and close later (8pm for example) when temperatures are forecast to be 35°C or above.

All of these repurposing options would require further consultation with community and negotiation with the contractor prior to the 2019-2020 season commencement to determine a cost to Council depending on the combination of operational savings initiatives utilised.

7. Council could consider any of the above operational saving initiatives and combination of repurposing initiatives as a trial for the 2019-2020 season and seek community feedback on a seasonal pool service review for a future report and Council consideration.
8. Any other identified options by Council would require further investigation and consultation with the contractor.

EXTENSION OF TIME	
Council moved an extension of time at 8:27pm	
Moved:	Cr P Kostos
Seconded:	Cr T Jones
CARRIED	

10.6 AGED AND DISABILITY ASSESSMENT PROGRAM UPDATE

Manager Community Services

Directorate: Corporate and Community
Services

Ward:

Appendix:

PURPOSE

To update Councillors on funding changes for the Regional Assessment Service.

RECOMMENDATION

That Council note the report, and endorse the following recommendations:

- Decline to tender for the Commonwealth's new streamlined aged care assessment service;
- Develop a transition and exit plan from aged care assessments for when the Commonwealth's Regional Assessment Service (RAS) funding ceases;
- Develop a staff communication and support plan; and
- Continue Home and Community Care Program for Younger People (HACC PYP) assessments.

COUNCIL MOTION

Moved: Cr T Jones

Seconded: Cr P Kostos

CARRIED

KEY ISSUES

- The Commonwealth Government has committed to implement streamlined consumer assessments for all aged care services and has indicated it is on track to have the new model in place on 1 July 2020.
- Council has historically provided aged care assessments for entry-level support services across the municipality, originally as part of the Home and Community Care program and for the last 3 years as a Regional Assessment Service provider.
- The introduction of a streamlined model for aged care services means current funding arrangements for the Regional Assessment Service will terminate as early as 30 June 2020.
- Council is currently funded to provide 3,718 aged care assessments hours per annum via the Regional Assessment Services until 30 June 2020.
- Council receives recurrent funding to provide 1,349 disability assessment hours per annum via the State's Home and Community Care Program for Younger People (HACC PYP).
- Council currently employs 6 part-time employees (4.6 FTE) providing this service, including coordination, intake and assessors to provide

aged and disability assessments for both the Regional Assessment Service and Home and Community Care Program for Younger People.

- Should Council decline to tender for the new streamlined aged care assessment service or be unsuccessful in tendering, there are anticipated redundancy costs.
- Nationally the tenders allocated, so far, have been to organisations able to cover large geographical areas e.g. half the State and have been to non-Council organisations such as a Primary Health Networks or the State Government. It is considered unlikely that Council would be successful in undertaking a submission unless willing to expand service coverage beyond our municipality borders or as part of a consortia.
- The funding model for the streamlined aged care assessments has not yet been confirmed. It will likely be different to current arrangements under the Regional Assessment Service and be on a per assessment basis rather than per hour basis.
- There is the opportunity to continue to provide the HACCPYP Assessment with State recurrent funding. The assessment services for this program would be unaffected.
- The Assessment team staff are aware of the industry changes occurring. Meetings have been scheduled with the Assessment team and the Aged and Disability Services Team to provide updates as this issue progresses towards completion.
- The Council response needs to be considered and adaptable as the Commonwealths implementation of streamlined consumer aged care assessments may be delayed and impact the Regional Assessment Service funding.
- The Aged and Disability Services service review is on track to occur 2019/20. Council is currently requesting quotes from consultants with the appointment of a preferred consultant to occur August 2019.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

Should Council resolve to not tender for the provision of this service, there will be redundancy costs impacting the 2019/20 and / or 2020/21 budgets. Ongoing, there will be a reduction in grant revenue and operating costs.

Environmental Impact

Nil identified

Community Impact

No impact identified for the broader community. New and existing clients currently initiate all contact through a national platform, 'My Aged Care' for an Assessment, which depending on identified needs can be undertaken by Council's RAS team or the Aged Care Assessment Service (ACAS).

CONSULTATION

No Community consultation has been undertaken.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

The Aged and Disability Assessment Program assists with the achievement of the key strategic objective as set out in the Council Plan 2017-2021:

Strategic Objective 1: *Vibrant Communities*

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

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

The Aged and Disability Assessment Program has been reviewed under the *Charter of Human Rights and Responsibilities* and is considered compatible.

LEGAL

Employee Enterprise Bargaining Agreement – obligations to employees including redundancies

POLICY IMPACTS

Positive Ageing Strategy

CONFLICT OF INTEREST DECLARATION

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

**10.7 OFFER FOR THE TRANSFER OF TITLE FOR SEAVIEW
MECHANIC'S INSTITUTE TO COUNCIL**

Manager Governance

Directorate: Corporate and Community
Services

Ward: East

Appendix: 3 attachments

PURPOSE

For Council to consider accepting Title to Seaview Mechanic's Institute into Council's property portfolio.

RECOMMENDATION

That Council accept the offer of Seaview Public Hall into its property portfolio.

COUNCIL MOTION

Moved: Cr P Kostos
Seconded: Cr D Wallace

CARRIED

KEY ISSUES

- The property is located at 55 Seaview School Road, Seaview and is approximately 2,024ms in size. The zoning is Farm Zone.
- The Mechanics Institute is located within 200 metres of the former Seaview School Site. This is a Department of Environment, Land, Water and Planning (DELWP) controlled site managed by a separately appointed management committee. (*On clear days this site has magnificent views across the rolling Gippsland hills to Westernport Bay*).
- The Seaview Mechanics Institute dates back to 1905. Unfortunately, like many Public Halls and Mechanics Institutes, the Title is still in the names of the original trustees (Francis Arnold, Martin Johnson and William McCully).
- The Title being in the names of deceased trustees leaves the current committee members exposed personally to legal and liability claims.
- An issue that the committee has found is that they cannot be covered under either DELWP or Council's public liability insurance. This has led to the committee facing significant costs for public liability insurance or opting to be uninsured.
- The Seaview Mechanics Institute is an old building and comes with the maintenance and repairs of such buildings. In recent years there has been an active committee who have improved this facility through successful grant applications and hours of volunteer work.
- Last year a very successful 'Outside the Walls' concert was held by the West Gippsland Arts Centre in this facility.

- Whilst there maybe merit in having the facility surrendered to the Crown, this will see the property managed by DELWP. DELWP will appoint Council as the delegated Committee of Management. In reality, Council, under the DELWP scenario, ends up with full responsibility and risk with no rights as owner.
- There is precedence set in this area in that the Narracan Hall was also under the name of three deceased trustees. In this case, the Council resolved to transfer ownership to the Council. A local solicitor was engaged and the trustee details were brought up to date. The ownership was then transferred by the Committee to the Council.
- Richard Horseman of Horseman Simm Lawyers, a Gippsland firm has offered his assistance to help resolve the Title situation and transfer to Council on behalf of the committee. The attached letter advises that Richard would represent the Committee's best interests in this matter.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

- In Council's property and rating system for 18/19 the site has a land value of \$100,000 and a Capital Improved Value of \$298,000.
- Funds for the transfer of this property to Council are unbudgeted but are anticipated to be minor. Costs would be allocated within existing operational budgets and if need be adjusted during Council's mid-year review process.
 - Council's legal costs are not anticipated to be high, due ot the assistance of Mr Horseman.
 - A Title Re-establishment survey is quoted as costing \$3,610 ex-GST.
 - Council already insures the building and contents, as such there will be no additional cost to Council for insurance
- Council would be accepting an asset that has probably reached 100% of its depreciated value. As such from a balance sheet point of view the building will have little value.
- Council provides an annual maintenance allocation to the committee. In 2018/19 this allocation was \$3,262 and generally increases by CPI annually. This allocation is budgeted and will continue.
- Once the transfer is complete, Council will need to formally appoint the committee to manage the building. The committee would be required to maintain the building and would utilise their existing annual maintenance allocation from Council as well as any successful community grants or other funding available to them.

Environmental Impact

There are no environmental concerns or matters raised with this proposal.

Community Impact

- The current volunteer community management committee have initiated this request.

- There will be a clear benefit to the community at Seaview if the Title of this property is transferred to Council.

CONSULTATION

No formal community consultation is required in relation to this proposal.

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*

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

Strategic Objective 4: *Organisational Excellence*

- *Providing community benefit by effectively managing council's resources and finances.*

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

This proposal 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

This report has been assessed against Council's adopted property policy.

CONFLICT OF INTEREST DECLARATION

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

11. THRIVING ECONOMY

11.1 APPLICATION FOR ELECTRONIC GAMING MACHINES

Manager Planning

Directorate: Planning Development

Ward: Central

Appendix: 1 attachment

PURPOSE

The purpose of this report is for Council to provide a position for a submission to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) in relation to an application for electronic gaming machines at 25 Mason Street Warragul.

RECOMMENDATION

1. That the position of the Council in its submission to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) is to object to the application.
2. That the submission to the VCGLR be provided on the Baw Baw Shire Council's website as soon as practicable.

COUNCIL MOTION

Moved: Cr D Goss
Seconded: Cr D Wallace

CARRIED

KEY POINTS/ISSUES

- The application to the VCGLR is for 52 electronic gaming machines at 25 Mason Street Warragul (Newmason Complex). This was applied for by the Ellinbank Football and Netball Club.
- The Council has until the 31st August 2019 to make a submission to the VCGLR.
- The Manager for Planning on behalf of the CEO advised the VCGLR that a submission would be made, before 8 August 2019 (*as required by the Gaming Regulation Act 2003*).
- There are three main focus points for the Council and the VCGLR to consider.
 - Does the application meet with the gazetted decision guidelines of the Minister?
 - Has the applicant provided sufficient information to provide an adequate assessment of Social and Economic impacts of the proposal?
 - What are the actual social and economic impacts of the application for 52 electronic gaming machines at the subject site?

- The Newmason complex (subject site) at the 3rd floor, was issued with 7 approved apartments under the building's planning permit. The certificate of occupancy permit issued identified works were completed for "two or more sole occupancy" units (class 2) – confirming permanent residential accommodation.
- Under section 5(1) of the *Victorian Commission for Gambling and Liquor Regulation Act 2011* specifies that:

The Minister may issue decision-making guidelines in respect of the regulation of gambling or liquor.

On the 13/2/2017 the Minister for Consumer Affairs, Gaming and Liquor Regulation – pursuant to the above section, provided decision-making guidelines which state:

Locating gaming machines in a building with permanent residential accommodation is inconsistent with the Act's responsible gambling objectives. When considering applications for the approval of premises as suitable for gaming, the Commission must have regard to the Victorian Government's policy that any building that includes (or is planned to include) permanent residential accommodation should not be approved as premises suitable for gaming

- Council sought preliminary expert advice from HillPDA to provide a Review of Social and Economic Impact Assessment by NBA Group (see attachment 1). HillPDA's concluding remarks are as follows:

The SEIA [social & economic impact assessment] undertaken by NBA Group has not included enough detail to effectively assess the social and economic impacts of the proposed expansion of the Newmason Complex including 52 gaming machines

- Council have engaged HillPDA to provide a Social and Economic Impact Assessment, this is expected to be completed in time to accompany the Council submission to the VCGLR.

TRIPLE BOTTOM LINE IMPLICATIONS

COMMUNITY IMPACT

Council are in the process of having a social and economic impact assessment finalized in time for the submission date (31/08/2019). The Minister's decision-making guidelines indicate possible community harm. This is primarily due to the proposed venue being within a building that contains permanent residences (apartments). The applicant's supporting documentation does not provide enough information to effectively assess the social/community impacts from the proposal.

ENVIRONMENTAL IMPACT

Nil.

FINANCIAL IMPACT

HillPDA expert consultants have been engaged costing \$13,475.00. If Council chooses to provide expert or legal representation at a VCGLR hearing this will require additional financial resourcing.

CONSULTATION

This proposal is not a Council driven process, nor is the planning application related to the site. VCGLR has conducted their own public consultation on the application.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

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

Strategic Objective 1: *Vibrant communities*

- A vibrant, healthy and inclusive community.

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

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

LEGAL

- It is important to note and draw distinction between the two roles the Council is required to undertake for this site. The VCGLR is making a decision under the *Gambling Regulation Act 2003*, in which Council are entitled to make a submission under section 3.3.6. The VCGLR will make a determination under section 3.3.7.
- Concurrently the applicant has submitted a planning application (PLA0148/19) under the *Planning and Environment Act 1987*. Council are the Responsible Authority for this process, no determination on this application has been made to date, the application is still yet to go out to public notice.

POLICY IMPACTS

- Council adopted a Responsible Gaming Policy in September 2013. The policy includes the following:
 - Discourage new gaming machines in disadvantaged areas.
 - Support the cap of 299 EGM's for the municipality.
 - Prohibit the installation of gaming machines in shopping complexes, strip shopping centres or in any Council owned facility in line with Clause 52.28 Gaming of the Planning Scheme.
 - Request EGM applicants to consider the potential social and economic impacts of gaming in new applications.
 - Request EGM applicants to minimise opportunities for convenience gaming and the incidence of problem gambling, and to offer non-gaming entertainment and recreation activities.
 - Request that EGM venues participate in the Gambler's Help Venue Support Program.

- Require that Council's written agreement be obtained prior to the distribution of annual community contributions from all gaming operations.
- Exercise Council's right to make submissions to the Victorian Commission for Gambling and Liquor Regulation where it believes an increase in the number of EGMs may be detrimental to the community.

CONFLICT OF INTEREST DECLARATION

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

12. SAFE AND SUSTAINABLE ENVIRONMENTS

12.1 LOCAL GOVERNMENT RESPONSIBILITIES IN BUSHFIRE RECOVERY

Coordinator Fire and Emergency
Management

Directorate: Planning Development

Ward: All Wards

Appendix:

PURPOSE

To provide a report on the responsibilities of local government in relation to bushfire recovery.

RECOMMENDATION

That Council receive and note the report on Local Government responsibilities in bushfire recovery in response to the General Business Motion of 26 June 2019.

COUNCIL MOTION

Moved: Cr M Leaney

Seconded: Cr T Jones

CARRIED

KEY ISSUES

Background

This report responds to the General Business motion passed by Council at the 26 June 2019 Council meeting: "That a report be prepared outlining Baw Baw Shire's responsibilities in relation to bushfire recovery and that this report be brought to Council prior to the end of August".

The *Emergency Management Act 1986* and the *Local Government Act 1989* identify Councils as playing a critical role in Victoria's emergency management arrangements and systems as they are the closest level of government to their communities and have access to specialised local knowledge about the environmental and demographic features of their municipalities.

Section 21(2) of the *Emergency Management Act 1986* states;
A Municipal Emergency Resource Officer is responsible to the municipal council for ensuring the coordination of municipal resources to be used in emergency response and recovery.

Recovery is defined in the *Emergency Management Act 2013* as 'the assisting of persons and communities affected by emergencies to achieve an effective level of functioning'.

The State Emergency Relief and Recovery Plan is part of a broader set of arrangements for managing emergencies in Victoria and is published as Part 4 of the Emergency Management Manual Victoria (EMV 2019). This Plan should be read in conjunction with the Emergency Management Manual Victoria.

Section 4.6.1 of the Emergency Management Manual Victoria states; Each municipal council must appoint a staff member as its Municipal Recovery Manager. Generally, the Municipal Emergency Resource Officer (also a municipal employee) is responsible for notifying the Municipal Recovery Manager of the potential need for relief and recovery services. Together, they consider the relief and recovery needs of the local community– in consultation with response agencies.

Recovery is generally a longer-term process with activities commencing as soon as possible after the impact of an event and operate concurrently with response activities. Once emergency response activity has ceased, the management of the emergency will fully transition from response to recovery.

Council responsibilities

Recovery responsibilities require collaboration and coordination shared between individuals and communities, non-government organisations, businesses, all levels of government and other partners.

To support effective community resilience, it is crucial that municipal Councils, in partnership with other agencies and organisations, develop and support community leadership in all relief and recovery activities. Community-led activities can generate ownership of decisions, more sustainable outcomes and reach higher quality and innovative solutions.

Community-led recovery as referenced in the Australian Disaster Resilience Community Recovery Handbook acknowledges and supports the resources, capacity, resilience and leadership is already present within individuals and communities.

Councils are responsible for coordinating recovery at the local level. Councils will work with local partners to determine local arrangements to manage relief and recovery activities. Municipal Emergency Management Planning Committees must document these arrangements in Municipal Emergency Management Plans (MEMP 2017). Section 6 of the Baw Baw MEMP addresses the local arrangements for recovery activities. The Baw Baw MEMP is a public document that can be accessed on the Baw Baw Shire Council website.

Below are the management principles of relief and recovery that have been agreed to through the development of the Baw Baw MEMP:

- Management and service provision will be devolved as much as possible to the local level. State and regional recovery strategies,

services and resources will supplement and complement municipal initiatives rather than replace local endeavours;

- The emergency relief and recovery function and roles along with the nominated agencies responsible at the local level will be designated in the plan;
- Emphasis will be given to supporting and maintaining the identity, dignity and autonomy of affected individuals, families and the community;
- Management of relief and recovery will occur in the context of clear and agreed arrangements and involve processes of consultation and cooperation through established communication channels;
- Where possible, the normal municipal management and administrative structures and practices will be used ensuring that these structures and practices will be responsive to the special needs and circumstances of the affected community;
- Relief and recovery information and services need to be readily accessible to affected individuals, families and communities and responsive to their needs and expectations;
- Relief and recovery from emergencies is best achieved where the process begins with the commencement of the impact of the emergency.



Social environment

The social environment considers the impact an event may have on the health and wellbeing of individuals, families and communities. This environment is

primarily concerned with safety, security, shelter, health and psychosocial wellbeing.

Social recovery activities ensure people have access to the support, services and resources they need to address;

- the impacts of the disaster;
- prevent the escalation of needs; and
- long-term negative impacts on health and wellbeing.

Council's responsibilities include;

- coordination of interim accommodation assistance;
- surveying and making determinations regarding occupancy of damaged buildings;
- working with individuals and communities in the provision of psychosocial support;
- provision of community information;
- establishment of a community-led recovery committee (if required); and
- staffing Recovery/Information Centre/s.

Economic environment

The economic environment considers the direct and indirect impacts that an event may have on business, primary producers and the broader economy. This may include impacts on individuals and households, primary producers, businesses, industries and tourism. They range from immediate and intense impacts such as loss of personal income or damage to business premises, to long-term and chronic impacts such as loss of workforce due to displacement, loss of productive land or reluctance of tourists to travel to hazard-prone areas.

It is the responsibility of individuals and businesses to maintain adequate insurance and establish continuity plans to help reduce the impact of emergencies.

Council's responsibilities include;

- developing and implementing appropriate actions and projects to support local economy, specific to the consequences of an emergency; and
- delivery of business recovery activities such as the provision of information and advice.

Built Environment

The built recovery environment considers the impacts that an event may have on essential physical infrastructure including essential services, commercial and industrial facilities, public buildings and assets and housing.

Infrastructure assists individuals and communities in the management of their daily lives and underpins the ability of private and public community services to function. If essential infrastructure and services are affected by an emergency, its restoration is considered a priority to ensure that response, relief and recovery activities are not compromised.

Community recovery is underpinned by the restoration of essential infrastructure and services. The restoration of essential infrastructure also enables the resumption of essential business operations and services, such as banking, education, health, and retail trade.

Council's responsibilities include;

- supporting DELWP and CFA in the replacement of essential water used in bushfire fighting;
- assessment of damaged or destroyed community facilities;
- coordination of clean-up activities including carcass disposal; and
- overseeing and inspecting rebuilding/redevelopment.

Natural environment

The natural environment considers the impact that an event may have on a healthy and functioning environment which underpins the economy and society. Components of the natural environment include;

- air and water quality;
- land degradation and contamination;
- plant and wildlife damage/loss; and
- national parks, cultural and heritage sites.

A third of Victoria is public land comprised of parks, forests and reserves. Emergencies that occur on this land have multiple consequences for biodiversity, ecosystem, economic and social values.

Emergencies on public land or the marine environment can lead to impacts on the economies of communities and regions through the direct damage to the forestry, fishing, apiary and farming industries, and indirectly to other industries such as nature-based tourism, cultural based tourism and recreational tourism.

Council's responsibilities include;

- supporting DELWP, Parks Victoria and VicRoads (Regional Roads Victoria) in restoration works and erosion control on public land including arterial roadsides.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

The Australian Government provides Natural Disaster Financial Assistance funding opportunities for recovery activities that meet the criteria through the Natural Disaster Relief Recovery Arrangements.

Environmental Impact

Environmental issues relating to bushfire recovery are outlined above.

Community Impact

Other than the impacts outlined above, this report only focusses on the responsibilities of local government in bushfire recovery.

CONSULTATION

N/A

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 3: *Safe and Sustainable Environments*

- *Community safety and protection.*
- *Preparing for the impacts and consequences of climate change and extreme events.*

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

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

LEGAL

Council has a legal obligation to appoint a Municipal Emergency Resource Officer who is responsible to the municipal council for ensuring the coordination of municipal resources to be used in emergency response and recovery under Section 21(2) of the *Emergency Management Act 1986*.

POLICY IMPACTS

N/A

CONFLICT OF INTEREST DECLARATION

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

13. ORGANISATIONAL EXCELLENCE

Nil Reports

14. NOTICES OF MOTION

Nil Reports

15. COMMITTEE AND DELEGATES REPORTS

Councillor	Delegates Report
Cr Cook	<p>Cr Cook attended the SEATS Annual General Meeting in Mallacoota on 15 – 16 August 2019 with David Hair, Manager Assets and Recreation.</p> <p>On 22 August 2019 Cr Cook and Cr Leaney attended the Walhalla Sewerage and Crown Land Sales Working Group Meeting.</p>

16. ASSEMBLY OF COUNCILLORS

16.1 ASSEMBLY OF COUNCILLORS REPORT

Governance Administration

*Directorate: Corporate and Community
Services*

Ward:

Appendix: 8 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 2 August to Friday 16 August 2019.

COUNCIL MOTION

Moved: Cr P Kostos

Seconded: Cr T Jones

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

Mr Power acknowledged that she had received a Friendship Scarf from the Warragul Scouts Group on Wednesday 21 August 2019 where she was provided with the opportunity to present awards to members of the Scouts group.

18. GENERAL BUSINESS

18.1 PLA0042/19 – 10 Hogan Court, Drouin

PURPOSE

At its meeting on 14 August Council deferred item 10.4 PLA0042/19 – 10 Hogan Court, Drouin to be considered at its meeting 28 August 2019 on the basis that the applicant would submit amended plans.

The applicant has not yet submitted amended plans. Officers are in discussions with the applicant and are expecting amended plans will be submitted to Council.

When the plans are submitted and able to be assessed by officers, a report will be presented to Council at its next available Council Meeting.

RECOMMENDATION

That Council defer this matter to a future Council meeting once the amended plans have been submitted and assessed.

COUNCIL MOTION

Moved: Cr T Jones

Seconded: Cr D Goss

CARRIED

18.2 Condolence Motion for Mr David Dilger

David Dilger is a recent employee of Baw Baw Shire Council. Dave started in Home Care then transferred over to the Social Support Groups (the old ADASS or Planned Activity Groups) - Dave started as the groups driver then progressed to being a support worker for the groups.

Dave became the bus monitor where he ensured that all the buses were up to date for servicing and is warmly remembered as the 'fix guy' who all team members went to for help.

Dave took over the Monday Men's group where he prepared wood for the men to make different things, such as Lazy Susan's, wood wind chimes, children's toys & plagues. Dave also took on a pilot program - Men's Friday Group - taking a group of men around the area to different cafés for a meal and a bloke chat.

Dave worked 4 days per week and decreased his hours over the last 6 months due to his health. He will be affectionately remembered by his work colleagues and group members.

CONDOLENCE MOTION

That Council:

1. Extend its sincere condolences to the family of Mr. David Dilger on his recent passing and write a letter of condolence from Council to the family.
2. Acknowledge the contribution and commitment he made to Baw Baw Shire and the local community.

MOTION

Moved: Cr D Goss
Seconded: Cr T Jones

Meeting closed at 8:47 pm

Confirmed at this meeting 11 SEPTEMBER 2019

Cr M Power
Mayor