



Minutes

Council Meeting

23 October 2019

1. Opening and Recognition of Traditional Custodians	3
2. Reading of Affirmation and Prayer	3
3. Apologies	4
4. Civic Ceremonies	4
5. Confirmation of Previous Meeting Minutes.....	4
6. Councillors Declarations of Interest/Conflict of Interest	4
7. Meeting Closed to the Public: Release of Information to the Public.....	5
8. Community Participation Time.....	5
8.1 Questions on Notice.....	5
8.2 Submissions.....	7
9. Petitions	7
10. Vibrant Communities	8
10.1 Presentation of Integrated Municipal Public Health and Wellbeing Plan Annual Report and Year 3 Action Plan.....	8
10.3 Kydd Parke Reserve Capital Works	14
11. Thriving Economy	20
11.1 Glen Cromie Caravan Park - 850 Main Neerim Road, Drouin West, Future Use.....	20
12. Safe and Sustainable Environments.....	24
13. Organisational Excellence.....	25
13.1 Local Government Rating Review.....	25
14. Notices of Motion	28
15. Committee and Delegates Reports	28
16. Assembly of Councillors	29
16.1 Assembly of Councillors Report	29
17. Mayoral Minute	29
18. General Business	29

Baw Baw Shire Council
Council Meeting
23 October 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 23 October 2019.

Present

Cr M Power, Cr D Goss, Cr J Gauci, 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
Ms Y Woods	Director Planning and Development
Mr M Hopley	Chief Information Officer
Mr M Kestigian	Manager Communications and Economic Development
Ms A Lisle	Manager Finance
Ms K Baum	Governance Coordinator
Ms D Foenander	Executive Assistant to Mayor and Councillors

1. OPENING AND RECOGNITION OF TRADITIONAL CUSTODIANS

Cr Power opened the meeting with recognition of the traditional custodians being,

“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 J O'Donnell
Mr P Harris Manager Governance

4. CIVIC CEREMONIES

Nil

5. CONFIRMATION OF PREVIOUS MEETING MINUTES

RECOMMENDATION
That the minutes of the Ordinary Council Meeting held on 9 October 2019 be confirmed.
COUNCIL MOTION
Moved: Cr K Cook
Seconded: Cr T Jones
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 meeting and therefore there is no information to be released to the public.

8. COMMUNITY PARTICIPATION TIME

8.1 QUESTIONS ON NOTICE

Submitted via email by:
Mr Don McLean
Warragul

- 1. Utopia – in a report published in the Gazette 15 October it is stated fifty documents were redacted in full or in part – who made the decisions on documents redacted?
Full or partial access was provided to 15 documents, comprising a total of 105 pages.**

The decisions in relation to redactions within those 105 pages were made by Councils FOI Officer, operating under delegation from the Chief Executive Officer.

The material redacted comprised of the following categories:

- Information outside the scope of that requested – specifically, material that did not relate to the Utopia Pet Lodge topic.
 - An example of this includes Utopia was discussed at a meeting of the Executive Team and the text of the meeting minutes relating to Utopia was released, but the remainder of the minutes were redacted as unrelated and irrelevant to the request. This comprised the majority of the redacted material.
 - This also included instances where information was redacted with the agreement and consent of the FOI Applicant
- Exempt Material – this includes items that were determined to be exempt from release under the provisions of the FOI Act.

All redactions were labelled with a reason behind that decision – clearly stating whether the redaction was due to the material being Out of Scope or due to a specific exemption under the Act.

2. Utopia – why is it that Council, knowing the pet lodge was under consideration for an animal pound, not provide our community with the opportunity to comment on the proposal?

The community consultation in January-February 2016 indicated that residential amenity was the key consideration in the analysis of any potential sites for the pound location. The Longwarry site met this key criteria. There was no community consultation due to the Commercial nature of the transaction that involved the purchase of an existing business and the acquisition of land associated with that business. The purchase was made public at the Council Meeting of 10 August 2016.

3. Utopia – why did Council go through the charade of inviting community consultation on three sites that were never going to be the chosen site?

The community consultation held January-February 2016 was not a charade. The consultation was presented to Council on 22 June 2016 and the 3 sites consulted were not deemed appropriate due to amenity concerns identified through the consultation. The Council minutes contain an analysis of the community feedback. The resolution adopted identified that another viable and preferable location was identified through the consultation process for investigation and negotiation. It is further noted the purchase of the Longwarry site was made public at the meeting of 10 August 2016.

4. Planning Application PLA0310/17 – in response to my Question 5 lodged at Council meeting 9 October, suggesting Council look to an agreement (called a settlement) with WKR on the development application, why was no mention made of the proposed 16 October meeting that would have been scheduled and known at the time the 9 October answer was given?

The meeting which took place on 16 October 2019 was a VCAT compulsory conference. Council staff attended the compulsory conference in relation to the subdivision at 60 Warragul-Korumburra Road, Warragul. The purpose of the VCAT compulsory conference was to allow parties involved in the proceeding (i.e. developer, objectors, Council) to arrive at a settlement if possible. The VCAT Act 1998 outlines in s83(4) that all parties to the proceeding must conduct discussions pertaining to the compulsory conference in private. Hence, Council is prohibited from discussing in a public forum what position it may take at the compulsory conference.

5. Has Council considered opening the Councillor Assembly meetings to the public for agenda items not identified as commercial or confidential?

Council does consider from time to time opportunities to hold Councillor Assembly meetings open to the public. For example, we are currently liaising with two local community associations to schedule such meetings.

Yours faithfully

Alison Leighton
Chief Executive Officer

8.2 SUBMISSIONS

The following persons spoke on an item on the agenda.

Item	Name
10.3	Mark Braddick
10.3	Kevin Larkman

9. PETITIONS

Nil Submitted.

10. VIBRANT COMMUNITIES

10.1 PRESENTATION OF INTEGRATED MUNICIPAL PUBLIC HEALTH AND WELLBEING PLAN ANNUAL REPORT AND YEAR 3 ACTION PLAN

Social Planner

Directorate: Planning Development

Ward: All

Appendix: 2 attachments

PURPOSE

To present the report (attachment 1) of the Year 2 actions of the Integrated Municipal Public Health and Wellbeing Plan 2017-21, as a requirement of the *Public Health and Wellbeing Act 2008*, and to present the Year 3 Action Plan (attachment 2).

RECOMMENDATION

That Council:

1. Notes the Year 2 review of the Integrated Municipal Public Health and Wellbeing Plan 2017-2021;
2. Endorses the Year 3 Action Plan; and
3. Advises the Victorian Department of Health and Human Services and Healthy Baw Baw Advisory Committee partners of Council's endorsement of Year 3 Action Plan.

COUNCIL MOTION

Moved: Cr T Jones

Seconded: Cr D Wallace

CARRIED

KEY ISSUES

- This report fulfils Council's obligation under Section 26 (4) of the *Public Health and Wellbeing Act 2008*, which states, 'A Council must review its Municipal Public Health and Wellbeing Plan (MPHWP) annually'.
- Council established the Healthy Baw Baw Advisory Committee on 8 June 2016 to assist Council with preparing, reviewing and evaluating the MPHWP. Council's reporting timeframe is 31 October 2019.
- Baw Baw Shire's MPHWP is an integrated plan which demonstrates a best practice partnership effort to health promotion activities. The MPHWP serves the planning and reporting needs of Council, and agencies funded by the Victorian Department of Health and Human Services (DHHS) for health promotion activities in Baw Baw Shire. DHHS-funded agencies have a different reporting requirement to Council.

- West Gippsland Healthcare Group (WGHG) and Central West Gippsland Primary Care Partnership (CWGPCP) are the two DHHS-funded agencies that deliver health promotion services in Baw Baw. Council officers collaborated with these agencies to meet their reporting deadline of 31 October 2019.
- A total of 138 actions were identified for the year 2018-19. At 30 June 2019, 49 percent (n=67) of the actions had been completed, and 46 percent (n=64) were underway. Five (5) percent (n=7) of actions had not commenced. Detailed achievements are highlighted in attachment 1.
- Actions that were reported as 'not started' were impacted by unexpected resourcing limitations of the responsible agency.
- The Year 3 Action Plan (Attachment 2) has been developed in collaboration with WGHG and CWGPCP.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

There is no financial implication to Council by the review.

Environmental Impact

Municipal Public Health and Wellbeing Plan 2017-2021 among other things encourages healthier built environments that supports healthier behaviours.

Community Impact

The community has an interest in the Year 2 report and the Year 3 action plan. A media release will be issued.

CONSULTATION

The *Public Health and Wellbeing Act 2008* does not require community involvement in the review of the Year 2 Action Plan.

Partner agencies were consulted in the development of the Year 3 action plan.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

The review of the Year 2 Action Plan, and the presentation of the Year 3 Action Plan align with the following strategic objective set out in the Council Plan 2017-2021:

Strategic Objective 1: *Vibrant Communities*

- A vibrant, healthy and inclusive community.
 - Support the community to enhance their health and wellbeing.

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

Activities of the Integrated Municipal Public Health and Wellbeing Plan 2017-2021 will be considered under the *Charter of Human Rights and*

Responsibilities. Amendments will be recommended to ensure compatibility if required.

LEGAL

Council has legislative responsibilities to develop, adopt and report on the progress of the Municipal Public Health and Wellbeing Plan under the *Public Health and Wellbeing Act 2008*.

POLICY IMPACTS

NIL

CONFLICT OF INTEREST DECLARATION

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

10.2 TENDER RECOMMENDATION REPORT: PROVISION OF IMMUNISATION SERVICES

Family and Children Services Coordinator

Directorate: Corporate and Community Services

Ward: All

Appendix: Nil

PURPOSE

To provide Council information on submissions received under the recent public tender for Contract 21949CT: *Provision of Immunisation Services*
To provide Council information on the the recommended provider for the contract

RECOMMENDATION

That Council award Contract 21949CT: *Provision of Immunisation Services* to Kernow Environmental Services Pty Ltd for a period of 3 years from January 2020 commencing in year one at \$184,486 ex GST.

COUNCIL MOTION

Moved: Cr D Wallace

Seconded: Cr T Jones

CARRIED

KEY ISSUES

- The *Public Health and Wellbeing Act 2008* requires Councils to provide immunisation services. The provision of immunisation services involves public immunisation sessions for infants and pre-school children, and the delivery of the school immunisation program.
- In 2014, Baw Baw Shire Council resolved to outsource the provision of immunisation services. Prior to this, Council operated the program as an in-house service.
- The 2014 tender was awarded to Kernow Environmental Services Pty Ltd ("Kernow"). Kernow has run the immunisation service on behalf of Baw Baw Shire Council since January 2015. This included the initial three-year term, and a two-year extension awarded in 2017.
- The existing contract concludes in January 2020, with no provision for extension beyond this. As such, the contract was publicly advertised as an open tender.
- The new contract term is for three years, with the option of a single two-year extension, at Council's discretion.
- The tender period opened Friday 9 August and closed on Friday 30 August (21 days).

- One submission for the contract was received by closing date.
- The submission received was from Kernow Environmental Services Pty Ltd., the provider of the current contract.
- A panel was formed, and a formal assessment of the submission was undertaken. Criteria used for assessment included the following:
 - Price
 - Local economic benefit
 - Capacity to undertake works
 - Capability to deliver program
- Internal reference checking with the current contract manager indicates no issues with past service provision through Kernow. The contract has operated effectively and efficiently. Communication from Kernow is excellent, with any issues being brought to the contract manager's attention in a timely manner. All contract specifications are being met, including service deliverables and reporting requirements

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

- Capital- There is no capital impact
- Operating- \$184,486.00 for the first year of the contract, with indexation annually

Environmental Impact

There is no environmental impact.

Community Impact

The continued delivery of immunisation services provides ongoing community benefit through the increased health and wellbeing of the population.

CONSULTATION

No consultation has been undertaken in relation to the awarding of this contract.

LEGAL/COUNCIL PLAN/POLICY IMPACT **COUNCIL PLAN**

This report assists with the achievement of the key strategic objectives 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.
- A vibrant, healthy and inclusive community.

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

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

LEGAL

In Victoria, immunisation services are a function of local government according to the *Public Health and Wellbeing Act 2008* (PHWA), Part 3, Division 3, s.24. (Annex 2). This section states *'the function of every council under this Act is to seek to protect, improve and promote public health and wellbeing within the municipal district by...(f) coordinating and providing immunisation services to children living or being educated within the municipal district.'*

POLICY IMPACTS

The management of the Provision of Immunisation Services Contract falls within Baw Baw Shire Council's Procurement Policy, which is in accordance with the requirements of Section 186A of the Local Government Act 1989.

CONFLICT OF INTEREST DECLARATION

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

10.3 KYDD PARKE RESERVE CAPITAL WORKS

Recreation Coordinator

Directorate: Community Infrastructure

Ward: West

Appendix: Nil

PURPOSE

For Council to consider the Kydd Parke, Jindivick proposed capital works including the outcome of an expression of interest to the Latrobe Valley Authority for an oval upgrade project.

RECOMMENDATION

That Council:

1. Notes that the application to the Latrobe Valley Authority (LVA) for the upgrade of oval drainage at the Kydd Parke Reserve has been unsuccessful.
2. Revises the scope of works for the upgrade of the oval at Kydd Parke Reserve to include the following:
 - a. Oval upgrade to include profile, drainage, irrigation and drought tolerant grass species
 - b. Establishment of a bore water supply for irrigation of the oval and community garden
 - c. Extension of the existing retaining wall to improve embankment stability and erosion, including establishment of low maintenance vegetation
 - d. New oval perimeter and embankment fencing
 - e. Other ancillary works as required to address the above scope.
3. Refers the revised project to upgrade the oval at Kydd Parke Reserve to be included within Council's Long Term Infrastructure Plan (LTIP) as part of the annual budget process.

COUNCIL MOTION

Moved: Cr K Cook
Seconded: Cr T Jones

CARRIED

KEY ISSUES

At the ordinary Council meeting on 8 August 2018 Council resolved to

1. Carry forward \$98,077 of funding allocated to embankment works at Jindivick Reserve in 2017-2018 financial year to the 2018-2019 financial year capital works program and reallocates these funds to the following.

- a. Construction of a new section of fence, to match the existing fence, to replace the gate at the top of the embankment and make safe the area where stair access to the oval has eroded.
 - b. Complete further investigation, detailed design and cost estimates required to develop a 'shovel ready' oval upgrade project that is ready for grant application.
 - c. Commence a grant application process, for funding through the Latrobe Valley Authority (LVA), utilising the balance of the \$98,077 of funds as Council's matching contribution towards the delivery of an oval upgrade project, pending a successful outcome of the grant application.
 - d. Any balance of funds be reallocated to the capital works program if a grant application is not successful
2. Notifies the user groups of the Kydd Parke Reserve of the outcome of this report

Following the above resolution, Item 1a has been completed. Item 1b and 1c have been completed including investigations into the possibility of including the installation of a water bore system for oval irrigation into the project as well as developing a concept design and a high-level cost plan. This information informed the submission of an expression of interest (EOI) to LVA in March 2019.

The scope of works identified as part of the EOI to LVA included:

- Earthworks to dethatch, shape and improve the playing surface
- Installation of sub surface drainage including a concrete perimeter spoon drain and drainage pits
- Install of a water bore system and supporting tank and pump infrastructure to service a travelling irrigator

The EOI budget is outlined in the financial impact section of this report below.

Council was advised on 11 April that the EOI was not supported by the LVA.

Following this advice, work to identify a re-scoped embankment project through further consultation with the reserve user groups and various Council departments including the Facilities Maintenance and Infrastructure Maintenance teams has been completed.

The proposed re-scoped embankment project includes;

1. Extending the existing timber retaining wall along the worst eroded areas of the embankment to the location of the old stairs.
2. The remaining embankment works would involve scraping the top section (approximately 2 foot) of the existing batter which shows erosion and then planting out the entire embankment with low maintenance ground cover plants.
 - a. It is suggested that the earth works could be completed by Council Infrastructure Maintenance Team similar to works completed by

this team when replacement of the Western Park Turf wicket was completed in-house.

- b. A plant out cost is dependent on the density, number and spacing of the plantings. It is recommended to plant to a high-density level which will assist in reducing maintenance in the future.
3. Consideration has also been given to replacing the existing timber fence (approximately 180 lineal meters) at the top of the embankment following works as this fence would be required to move back approximately 1m to enable the battering work to take place.
4. Consideration has also been given to replace the southern oval fence which is in poor condition and failing in sections. This fence is approximately 185 lineal meters. It is recommended that fences are 1.2m high black mesh steel top and bottom rail fence the same as those at other Council ovals such as Western Park oval 2 and Dowton Park oval.

A total estimated cost for the re-scoped embankment works is provided in the Financial Impact section of this report below.

As part of the feedback provided to Council on the EOI the LVA has suggested potential future support of a re-scoped project. However, it is understood that a standalone embankment project would not meet the LVA – Community Infrastructure Funding Guidelines and may need to be partnered with an oval upgrade project that has a participation outcome in order to be successful. Should Council seek to follow this approach as a total project additional funding over and above the current allocation of \$98,077 would be required.

Item 1d of the 8 August resolution now presents as a discussion point for Council.

The current 19/20 capital works program includes a number of recreation-based projects including an oval upgrade at Neerim South Recreation Reserve which has provided added pressure on current ovals in the municipality in-order to decant the Neerim South clubs. An additional oval project in 2019/2020 would increase this pressure further.

The ideal timing for the works would be during the warmer months as access to the oval is challenging through the winter months and often leading up to early December with the issue of the oval holding water. Warmer conditions also enable the establishment of turf to be optimised. However, without access to a reliable water source establishing grass may be a challenge.

There is a need to still address some form of works to the embankment.

Following the review of the Recreation Reserve Masterplans and subsequent project scoring through the facility prioritisation matrix the oval drainage upgrade project at Kydd Parke Reserve is currently the sixth priority project under the sporting surface asset project class.

Recent discussion with Sport and Recreation Victoria suggests that this project may align well with a possible future Cricket specific funding stream

should such a stream become available.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

The EOI proposed a total project budget of \$360,000 and aimed to utilise the 3:1 ratio seeking \$270,000 from the LVA using \$90,000 from Council's \$98,077 allocation.

The estimated costs for the re-scoped embankment project are as follows:

- a. Extension of timber retaining wall. \$35,000 to \$40,000 based on previous similar works on the site.
- b. Embankment plant out to a dense level of planting in the order of \$1500 - \$2000.
- c. New fencing of approximately 365 lineal meters in the order of \$27,375 to \$32,850. (Prices estimated at a lineal meter rate range of \$75 to \$90).
- d. Total approximate cost for re-scoped embankment works based on high range estimates equals \$74,850. This does not include any Staff costs for the earth works suggested to be completed by Council's Infrastructure Maintenance Team.

Should Council wish to reconsider submitting a total project EOI consisting of an Oval upgrade, embankment and fencing works to the LVA the recommended project budget allowance including contingency is in the order of \$435,000 to \$480,000. A project budget allowance in this order would fall outside the LVA 3:1 ratio and into a ratio of 2:1. This would increase Council's required matching contribution from a minimum of \$90,000 to a minimum of \$160,000.

Currently there is no allocation in Council's Long-Term Infrastructure Program for this additional funding as a specific project, however re-prioritising the additional \$70,000 of funding could be considered as part of the 2020/2021 Sports Field Surface Program allocation of \$100,000.

Environmental Impact

Environmental factors will be considered as part of any future capital works project delivery.

Community Impact

Council plays an important role in the provision of recreation services and infrastructure, which has wide benefits to the health, wellbeing and social fabric of our community.

Providing adequate provision of quality sport and recreation facilities enable our current and future sporting clubs, user groups and general population to remain active, healthy and engaged.

The Jindivick Cricket Club (the club) is the sole tenanted user group of the Kydd Parke Reserve. The club has provided feedback as part of the consultation process, which suggests that the lack of drainage on the oval can

prevent play at the reserve in the early part of the summer season, causing the club to seek alternative venues during that time. An upgraded oval capable of early season play is the user groups highest priority project at the reserve.

CONSULTATION

The club were informed of the outcome of the 8 August meeting.

The club have also been involved in several onsite meetings to help with the scoping and preparation of the EOI.

The club was also informed of the outcome of the EOI and involved in discussing the re-scoping of the embankment works to assist Council by utilising local knowledge of the venue.

Further input from the club will be sort should any capital works at Kydd Parke Reserve occur.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

This Kydd Parke, Jindivick Capital Works report 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.
 - Plan, manage and enhance opportunities for sport, recreation and leisure by developing new plans for growth and infrastructure and delivery of Master Plans
- Quality community focused services, facilities and infrastructure to support a growing community.

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

This Kydd Parke, Jindivick Capital Works report will be considered under the *Charter of Human Rights and Responsibilities*. Amendments will be recommended to ensure compatibility if required.

LEGAL

“Planning for and providing facilities for the local community” is listed as a core role/responsibility of Council in the *Local Government Act 1989*.

POLICY IMPACTS

Council’s Recreation Strategy 2017-2021 has a number of guiding principles that support this report including but not limited to

1. Encouraging community participation in recreation for wide benefits to health, wellbeing and social cohesion
2. Minimise barriers and encourage participation in recreation for women, girls, cultures and people of all abilities

3. Seek grants and partnerships in order to help fund facility development
Recreation Reserve Masterplans provide a long-term decision making and planning framework for facility development to ensure that the future recreation needs of the residents are identified and planned for accordingly. These documents are developed and include substantial community feedback.

The Rural Recreation Reserve Masterplan Review July 2019 identifies the following projects related to the Kydd Parke Reserve and this report.

1. Item 2: Oval upgrade to include profile and drainage, drought tolerant grass species and possible irrigation (lower priority pending the outcome of water supply options)
2. Item 4: Investigate reliable water supply for Reserve for oval and community garden use
3. Item 6: Extend retaining wall north along worst section of embankment to existing gate (to be replaced by fence)
4. Item 10: Investigate options for battering the top section of the embankment and plant low maintenance vegetation in consultation with cricket to help prevent erosion.

CONFLICT OF INTEREST DECLARATION

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

11. THRIVING ECONOMY

11.1 GLEN CROMIE CARAVAN PARK - 850 MAIN NEERIM ROAD, DROUIN WEST, FUTURE USE.

Property Management Coordinator

Directorate: Corporate and Community
Services

Ward: West

Appendix: 1 attachment

PURPOSE

For Council to consider the future use of the Glen Cromie Caravan Park which has a lease end date of August 30, 2020.

RECOMMENDATION

That Council;

1. Continues to operate Glen Cromie as a Caravan Park under a lease arrangement, including maintaining public access for day trip visitors; and,
2. Engages a suitably qualified consultant to determine a capital works programme to be included as a schedule to a future lease; and,
3. Commences a public expression of interest campaign for a new lease period providing improved facilities for the users of the park and a stronger rental return; and,
4. Officers prepare a further report to Council with recommendations following the expression of interest campaign.

COUNCIL MOTION

Moved: Cr K Cook

Seconded: Cr T Jones

CARRIED

KEY ISSUES

- The Glen Cromie Caravan Park comprises two titles totalling 16.4ha bisected by the Tarago River and its associated reserve and an abutting narrow strip of Public Purposes Reserve.
- The park was established in 1890, making it one of the oldest caravan parks in Australia. It was originally established on the crown land reserve adjacent to the river, but in 1945 two parcels either side of that reserve were acquired by the Shires of Warragul and Buln Buln.
- In conjunction with being a caravan park Glen Cromie is also a popular day visitor area for picnics, family reunions etc and is highly valued among the local community.
- The park was managed directly by a community group and Council until 1999 when tenders were called for management under a Retail Land

Lease. The successful tenderer was Kimfam Pty Ltd trading as Caravan Parks Victoria.

- In November 2007 Kimfam Pty Ltd sold their lease to C & K Azzopardi who remain the current lessee.
- The lease that was entered into following the tender process was for three years from 30th August 1999 with six further options of three years each, meaning the lease end date is 29th August 2020.
- The lease rental is 10% of the total income from site rentals and visitor fees to be paid to Council each year and in addition 15% of income must be spent on capital upgrades.
- Currently there is one permanent resident, approx. forty annual residents and a non-verified number of day trip visitors and campers.
- Council may wish to consider selling Glen Cromie as a going concern. Council would be able to place a restrictive covenant on the Title to ensure the continued operation as a Caravan Park. If Council chose this route the proceeds would be tied to a significant community project. Mandatory public consultation would be required to be undertaken with submissions heard under Section 223 of the *Local Government Act 1989*.
- There is a 3.95 Ha Council Title to the east of the Tarago River which may be considered saleable. The land is included as part of the caravan park and maintained under the lease. It is completely treed and has no constructed road access. There is an unmade Crown Road from Main Neerim Road to the Title. This unmade road is also heavily treed. The zoning of this title is Rural Activity Zone (RAZ) the property has the following planning overlays;
 - Development Contributions Overlay
 - Flood Overlay (covering approximately 1/3 of the property)
 - Bushfire Management Overlay (covering approximately 2/3 of the property)
 - Heritage Overlay HO237 – Glen Cromie Caravan Park

Saleability of the site would be challenging and considered to be low value in terms of return.

- With an impending lease end Officers see that there are three options for Glen Cromie as tabled hereunder:

Strategy	Risk
Lease the park under public EOI	A more structured commercial lease is required based on a fixed rental with annual increases and a solid capital works programme to achieve an increased mid-term revenue stream for council and upgraded facilities at the park.
Sell the Park	Public likely to react adversely over the sale of a loved community asset.

Return to Open Space	Loss of rental income and the site would require considerable funds to maintain.
----------------------	----------------------------------------------------------------------------------

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

- The current lease is considerably under market –future rental is estimated to be around \$50,000 per annum with the inclusion of a capital works programme whereby the asset is improved over time showing an improved mid lease revenue stream for the Lessee and better facilities for day visitors and the local community– further work is required to determine what works would be required and how this would be reflected in the lease.
- Should Council return the park to open space there would be ongoing expenses of approx. \$50,000 per annum to maintain and meet compliance and risk obligations.

Environmental Impact

There would be a requirement for consultation as part of any Lease and resulting capital works programme to maintain the pristine environmental features of Glen Cromie caravan park.

Community Impact

- Should a proposal to sell the park be considered, officers consider that a large number of submissions objecting to the sale would be received.
- In negotiating a new lease there should be provision made whereby the park manager continues to open the park to day trip visitors and a suggestion that the fees are set by Council in its the annual fees and charges on consultation with leasee.

CONSULTATION

Should council consider either the sale of the site or entering into a new lease, submissions under Sect 223 of the *Local Government Act 1989* will be required.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

Strategic Objective 4: *Organisational Excellence*

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

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

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

LEGAL

Council must adhere to the *Residential Tenancies Act 1997* and the *Retail Leases Act 2003* in dealings with the current Lessee and with the *Local*

Government Act 1989. Any notices issued must be done so in accordance with relevant legislation.

POLICY IMPACTS

- Glen Cromie has been identified in councils RV policy as a future potential RV site.
- Management of the site is consistent with Council's property policy.

CONFLICT OF INTEREST DECLARATION

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

OPTIONS FOR CONSIDERATION

1. Council may Lease the park by opening up a public expression of interest campaign.
2. Council may sell the two titles of council freehold land.
3. Council may return the land to public open space.

12. SAFE AND SUSTAINABLE ENVIRONMENTS

Nil Reports

13. ORGANISATIONAL EXCELLENCE

13.1 LOCAL GOVERNMENT RATING REVIEW

Coordinator Revenue Services

*Directorate: Corporate and Community
Services*

Ward: All

Appendix: 1 attachment

PURPOSE

To consider the response to the Victorian Local Government Rating System Review.

RECOMMENDATION

That Council note and endorse the Response to the Victorian Local Government Rating System Review.

COUNCIL MOTION

Moved: Cr P Kostos

Seconded: Cr D Wallace

CARRIED

KEY POINTS/ISSUES

- The BBSC submission (enclosed) addresses the following key matters raised in the Victorian Local Government Rating System Review.
 - Current local government rates and related charges;
 - The interaction of the local government rating system with the taxation, valuation and other related systems of the Victorian Government;
 - Current exemption and concession arrangements for rates applied by councils, including legislated exemptions, deferrals, waivers, rebates and use of differential rates by council;
 - Autonomy of individual local governments to apply the rating system in accordance with their own decision-making circumstances, including the quality of council rating strategies and associated public consultation;
 - Commonly accepted principles of taxation policy including equity, capacity to pay, simplicity, efficiency, sustainability and cross-border competitiveness, where they relate to or interact with the local government rating system.
- The Review is in response to the Parliament of Victoria's Inquiry into the Sustainability and Operational Challenges of Victoria's Rural and Regional Councils. Public consultation is now open for the first full

review of Victoria's local government rating system until 1st November 2019.

- The Minister for Local Government has appointed a Panel to lead the Victorian Local Government Rating System Review. The Panel members are:
 - Dr Kathy Alexander (Chair)
 - Mr John Tanner AM
 - Dr Ron Ben-David.
- The Panel will undertake consultation with councils, peak bodies, stakeholders and the community, including the opportunity for formal submissions and public hearings across Victoria.
- The Ministerial Panel are inviting Mayors, Councillors and CEOs of Councils to meet with the Panel. The timetable for the BBSC submission is as follows:
 - 10/10 Panel Hearing at Traralgon;
 - 23/10 Council Meeting to endorse submission;
 - 1/11 Submissions closing date.
- The review will conclude in March 2020 when the Panel provides their recommendations to the Minister.

TRIPLE BOTTOM LINE IMPLICATIONS

COMMUNITY IMPACT

The Review focuses on the equitable distribution of rates amongst all Council's ratepayers.

ENVIRONMENTAL IMPACT

The Review has no impact on the environment.

FINANCIAL IMPACT

The Review sets out recommendation on the fair and equitable distribution of rates and charges and has no financial impact on the quantum of rates required.

CONSULTATION

- Consultation regarding Council's adopted Rating Strategy, that forms the basis of this Review was in accordance with Section 223 of the Act. Consultation occurred from Friday 26 April 2019 through to Friday 24 May 2019.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

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

Strategic Objective 4: *Organisational Excellence*

- Providing community benefit by effectively managing Councils' resources and finances.

Sustainably manage Council's financial position.

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

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

LEGAL

Sections 154 to 166 of the *Local Government Act 1989* set out the requirements for declaration of rates and charges including the application of differential rating (section 161).

POLICY IMPACTS

The Rating Strategy is reviewed on an annual basis as part of the budget process.

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 Wallace	Cr Wallace provided Council with an overview of the Municipal Early Years Advisory Committee meeting held 18 October 2019.
Cr Power	Cr Power attended the Municipal Association of Victoria (MAV) State Conference on 17-18 October 2019 where Cr Kostos was recognised for 10 years' service in the Victorian Councillor Service Awards.

16. ASSEMBLY OF COUNCILLORS

16.1 ASSEMBLY OF COUNCILLORS REPORT

Governance Officer

*Directorate: Corporate and Community
Services*

Ward: All

Appendix: 7 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 20 September to Friday 11 October 2019.

KEY POINTS/ISSUES

The *Local Government Act 1989* requires that the written record of an Assembly of Councillors be, as soon as practicable, reported at an ordinary meeting of the Council and incorporated into the minutes of that meeting.

17. MAYORAL MINUTE

Nil

18. GENERAL BUSINESS

Nil

Meeting closed at 6:25 pm

Confirmed at this meeting 13 NOVEMBER 2019

.....
Cr M Power
Mayor