



# Minutes

## Council Meeting

12 February 2020

Held in the Lyrebird Room  
West Gippsland Arts Centre  
Warragul commencing at 5:30pm

1. **Opening and Recognition of Traditional Custodians**.....Error!  
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2. **Reading of Affirmation and Prayer** ..Error! Bookmark not defined.
3. **Apologies** .....Error! Bookmark not defined.
4. **Civic Ceremonies** .....Error! Bookmark not defined.
5. **Confirmation of Previous Meeting Minutes**...Error! Bookmark not defined.
6. **Councillors Declarations of Interest/Conflict of Interest** ....Error!  
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7. **Release of Information to the Public**Error! Bookmark not defined.
8. **Community Participation Time**.....Error! Bookmark not defined.
  - 8.1 Questions on Notice.....**Error! Bookmark not defined.**
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9. **Petitions** .....Error! Bookmark not defined.
10. **Vibrant Communities** .....Error! Bookmark not defined.
  - 10.1 PLA0124/19 - Walhalla Road, Aberfeldy**Error! Bookmark not defined.**
  - 10.2 Warragul Streetscape Review.**Error! Bookmark not defined.**
  - 10.3 Gippsland Tracks and Trails Feasibility Study .....**Error! Bookmark not defined.**
11. **Thriving Economy** .....Error! Bookmark not defined.
  - 11.1 Trafalgar Kindergarten .....**Error! Bookmark not defined.**
12. **Safe and Sustainable Environments** Error! Bookmark not defined.
  - 12.1 Main Road Walhalla - Path Alignment from the Band Rotunda to the Long Tunnel Extended Mine .....**Error! Bookmark not defined.**
  - 12.2 Bona Vista Petition Report .....**Error! Bookmark not defined.**
13. **Organisational Excellence**.....Error! Bookmark not defined.
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14. **Notices of Motion** .....Error! Bookmark not defined.
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- 16. Assembly of Councillors** .....Error! Bookmark not defined.
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- 17. Mayoral Minute** .....Error! Bookmark not defined.
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**Baw Baw Shire Council  
Council Meeting  
12 February 2020  
Minutes**

Minutes of the Ordinary Meeting of the Baw Baw Shire Council held in the Lyrebird Room, West Gippsland Arts Centre, Warragul commencing at 5:30pm on 12 February 2020.

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**Present**

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

**In Attendance**

Ms A Leighton	Chief Executive Officer
Mr M Dupe	Director Corporate and Community Services
Mr C Van der Velde	Director Community Infrastructure
Ms Y Woods	Director Planning and Development
Mr M Kestigian	Executive Manager Communications and Economic Development
Mr P Harris	Manager Governance
Ms K Baum	Governance Coordinator
Ms E Newbegin	Governance Officer

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**1. OPENING AND RECOGNITION OF TRADITIONAL CUSTODIANS**

Cr Kostos opened the meeting with recognition of the traditional custodians being, I acknowledge the traditional custodians of the land on which we meet the Gunaikurnai people. We pay our respects to Elders, past, present and emerging, and Elders of other communities who may be here today.

**2. READING OF AFFIRMATION AND PRAYER**

Cr Kostos 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 D Goss  
Mr M Hopley                      Chief Information Officer

### **4. CIVIC CEREMONIES**

Cr Leaney introduced Caitlyn Grigsby who presented Council with a framed jersey on behalf of Gippsland Ranges Roller Derby and the Gippsland Pride Initiative in recognition of Council's support and assistance toward; the Community Forum, Gippsland Pride Cup and Gippsland Pride Gala in 2019, supporting LGBTQIA+ people across Gippsland.

### **5. CONFIRMATION OF PREVIOUS MEETING MINUTES**

<b>RECOMMENDATION</b>	
That the minutes of the Ordinary Council Meeting held on 11 December 2019 be confirmed.	
<b>COUNCIL MOTION</b>	
<b>Moved:</b>	Cr J O'Donnell
<b>Seconded:</b>	Cr D Wallace
<b>CARRIED</b>	

### **6. COUNCILLORS DECLARATIONS OF INTEREST/CONFLICT OF INTEREST**

Cr Leaney declared a Conflict of Interest for item 13.2 and left the chamber at 8:33 pm, returning at 8:37 pm.

## **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 was no information to be released to the public

## **8. COMMUNITY PARTICIPATION TIME**

### **8.1 QUESTIONS ON NOTICE**

#### **8.1.1 Questions on Notice submitted by Mr Don McLean, Warragul**

1. Did Councils' Audit Committee or Councils' external auditors review and query in any way with a subsequent report to Council the decision to purchase the now defunct Utopia Pet Lodge?

*The answer is No.*

2. Given the debacle of Utopia will Council consider selling the property and establishing an animal pound on one of the three sites on which public comment was sought?

*Council is currently undertaking a master plan for the site and no change to operations is being considered at this time.*

3. Was the ill-fated Utopia experiment an initiative inspired by Council officers or one or more Councillors?

*The decision was based on advice received from Officers.*

4. If Council relied on an external consultant business case assessment for the failed Utopia experiment has Council initiated legal proceedings for recovery of all ratepayer losses sustained?

*Council did not rely on the business case. Legal proceedings will not be initiated.*

5. What are the costs to ratepayers to date for that part of the purchase of the pet lodge within the ill-fated Utopia experiment?

*The costs have been outlined and disclosed previously in Council Reports, Financial Statements and Media Releases.*

### 8.1.2 Questions on Notice submitted by Mrs Maxine McLean, Warragul

1. What inspections were carried out by qualified engineers to establish soundness of the buildings and presence of asbestos prior to the decision to purchase the ill-fated Utopia experiment?

*Council staff, including engineers, undertook visual inspections of the property.*

2. What commercial experience and training did Council staff have to operate the ill-fated Utopia experiment?

*Staff involved had skills and experience necessary for the operation of the business.*

3. Reported on the front page of the Gazette 17 December 2019, former owners of Utopia strongly rejected a Council statement on the purchase, that the former owners approached Council to purchase the property – what is the truth of the Council statement?

*Council stands by statements that it has made on this matter.*

4. Reported on the front page of the Gazette 17 December 2019 Council admitted no written proposal was ever made to it from the former owners to purchase the now defunct Utopia pet lodge – how did Council proceed with the purchase without following due process and have a written offer and acceptance?

*The purchase was a property transaction that followed expected processes between a willing seller and willing buyer.*

5. Reported on page 2 of the Gazette 17 December 2019 the Mayor of the day in 2017 stated the now defunct Utopia pet Lodge would provide “a welcome additional revenue stream” – was this an assessment made by the then Mayor, Councillors collectively, officers or the external consultant’s report?

*The statement was an official Council statement.*

### 8.1.2 Questions on Notice submitted by Ms Irene Broadbent, Darnum

On Saturday 8th. February the Warragul Leisure Centre hosted a Basketball competition and a competitive Swimming Carnival. Only one of the three female toilets were working, the other two were out of order.

1. Considering they would have been expecting many people to attend these two events why didn’t they have all toilets working?

*Council has confirmed with the YMCA that all toilets within the venue were working normally prior to the weekend's events.*

2. Even if the toilets had broken down during Saturday morning, isn't there an on-call tradesperson to deal with unexpected breakdowns?

*Following confirmation from the YMCA it is understood that on Saturday afternoon, one toilet in the female pool deck changerooms became non-operational. It is noted that there are several other toilet areas within the facility that are available to patrons, in addition to the pool deck changerooms toilets.*

3. What processes does Baw Baw Shire have in place to prevent lack of maintenance etc. being carried out by YMCA?

*Council and the YMCA have a maintenance procedure in place where the YMCA are to report maintenance issues directly to Council's preferred trade contractors for various services (building, plumbing, electrical, pool equipment etc).*

4. Why is Baw Baw Shire paying for a footpath on Cr. Leaney's property?

*The existing gravel footpath outside the Star Hotel is partly in the road reserve and partly on the property. The general public would not be aware of this and it isn't obvious when walking along the existing gravel footpath. Title boundaries have been identified as part of the design process for the project and officers have considered a number of options for the footpath alignment in this location as outlined in the Council report. Officers are suggesting the most practical way forward is to seal the existing gravel footpath.*

## **8.2 SUBMISSIONS**

The following persons spoke on an item on the agenda.

Item	Name
10.1	John Smithard
	Helen Barclay
	Beau Miles
	Barbara Smith
	Brian Taffs
	Diane Smithard
	Steve Plunkett
	Darren O'Loughnan
10.2	Kerry Elliot
12.1	Michael Leaney
13.1	Don McLean

<b>SUSPENSION OF STANDING ORDERS AT 7:11 PM</b>
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<b>Moved:</b> Cr J O'Donnell
<b>Seconded:</b> Cr D Wallace

<b>RESUMPTION OF STANDING ORDERS AT 7:17 PM</b>
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<b>Moved:</b> Cr M Power
<b>Seconded:</b> Cr D Wallace

## 9. PETITIONS

### 9.1 LOT B WALHALLA ROAD, ABERFELDY

(Cr Michael Leaney)

A petition was submitted to Council supporting planning application PLA0124/19 – Lot B Walhalla Road, Aberfeldy and for the broader cause of ensuring people have the choice to build in heritage communities in the bush despite bushfire risk.

The petition signed by 77 signatories asked Council to support the building of well-designed and considered dwellings in heritage communities such as Aberfeldy.

#### **RECOMMENDATION**

That Council:

1. Receive and note the petition signed by 77 signatories;
2. Refer this matter to the appropriate Director to action;
3. Provide a response directly to the lead petition writer detailing Council's action on this matter.

#### **COUNCIL MOTION**

**Moved:** Cr M Leaney  
**Seconded:** Cr D Wallace

**CARRIED**

### 9.2 WARRAGUL TAXI RANK BASED OUTSIDE OF SOUTHBREW CAFE - 3 SMITH STREET, WARRAGUL

(Cr Mikaela Power)

A petition was submitted to Council requesting a new location for the Warragul taxi rank.

The petition initiated by the proprietors of South Brew Café highlighted reasons why the current location of the taxi rank is not appropriate and seeks Council support to ensure small business has the best chance to improve.

#### **COUNCIL MOTION**

**Moved:** Cr M Power  
**Seconded:** Cr K Cook

**CARRIED**

## 10. VIBRANT COMMUNITIES

### 10.1 PLA0124/19 - WALHALLA ROAD, ABERFELDY

Coordinator Statutory Planning

Directorate: Planning and Development

Ward: East

Appendix: 3 attachments

#### **PURPOSE**

The purpose of this report is to determine Planning Permit Application PLA0124/19 for the Use and Development of a dwelling and associated works.

#### **RECOMMENDATION**

That Council Refuses to Grant a Permit for the reasons outlined in the grounds of refusal listed in section 8. *Recommendation* of this report.

Cr Leaney requested an Alternate Recommendation.

#### **ALTERNATE RECOMMENDATION**

That Council approve Planning Permit Application PLA0124/19 and issue a Notice of Decision to Grant a Permit for the use and development of a dwelling and associated works subject to conditions.

#### **ALTERNATE COUNCIL MOTION**

**Moved:** Cr M Leaney

**Seconded:** Cr D Wallace

**LOST**

#### **Cr Leaney called for a division**

**For:** Crs M Leaney, D Wallace and K Cook

**Against:** Crs J Gauci, T Jones, P Kostos, J O'Donnell and M Power

**As the alternate recommendation was lost, Council returned to the original recommendation:**

That Council Refuses to Grant a Permit for the reasons outlined in the grounds of refusal listed in section 8. *Recommendation* of this report.

#### **COUNCIL MOTION**

**Moved:** Cr J Gauci

**Seconded:** Cr T Jones

**CARRIED**

#### **Cr Power called for a division**

**For:** Crs J Gauci, T Jones, P Kostos, J O'Donnell and M Power

**Against:** Crs K Cook, M Leaney and D Wallace

**1. EXECUTIVE SUMMARY**

<b>Planning Permit Application Number:</b>	PLA0124/19
<b>Proposal:</b>	Use and Development of dwelling and associated works
<b>Address:</b>	Walhalla Road Aberfeldy
<b>Date Lodged:</b>	4 June 2019
<b>Applicant:</b>	Deanne Smith – Euca Planning
<b>Zone:</b>	Rural Activity Zone
<b>Overlay</b>	Bushfire Management Overlay Environmental Significance Overlay Schedule 2 Development Contributions Overlay
<b>MSS/Council Policies</b>	<ul style="list-style-type: none"> <li>• Clause 13.02- Bushfire</li> <li>• Clause 53.02 – Bushfire Planning</li> <li>• Clause 52.12 – Bushfire Exemptions</li> <li>• Clause 65 Decision Guidelines</li> </ul>
<b>Permit Trigger/s:</b>	<ul style="list-style-type: none"> <li>• Clause 35.08-1 – A permit is required for the use of a dwelling</li> <li>• Clause 35.08-4- A permit is required to construct a building or works associated with a use in Section 2 of Clause 35.08-1</li> <li>• Clause 42.01-2 – A permit is required to construct a building or construct or carry out works</li> <li>• Clause 44.06-2 – A permit is required to construct a building or construct or carry out works associated with the use of Accommodation (i.e. Dwelling)</li> </ul> <p><u>Note:</u> pursuant to ‘Clause 52.12-5- Exemption to create defensible space for a dwelling approved under Clause 44.06 of this planning scheme’, any provision of this planning scheme to obtain a planning permit for the removal of vegetation does not apply if the land is affected by a BMO, located within a Rural Activity Zone and the removal of vegetation does not exceed the distance specified in Table 1 to Clause 53.02-3 (i.e. vegetation offset distances).</p>

<b>Objections:</b>	N/A
<b>Key Issues:</b>	<ul style="list-style-type: none"> <li>• The proposal fails to achieve an outcome that prioritises human life in accordance with Clause 13.02-1S – <i>Bushfire Planning</i> of the Baw Baw Planning Scheme.</li> <li>• The proposed development is inconsistent with Clause 21.03 - <i>Settlement</i> and Clause 21.03-3 - <i>Directions for Growth</i> of the Baw Baw Planning Scheme as it fails to direct population growth and development away from high risk bushfire locations.</li> <li>• The proposal is inconsistent with objectives and policy at Clause 22.01 – <i>Rural Zones Policy</i> of the Baw Baw Planning Scheme.</li> <li>• The proposal is in an inappropriate location and is contrary to the purpose of Clause 35.08 – <i>Rural Activity Zone</i> of the Baw Baw Planning Scheme.</li> <li>• The proposal is inconsistent with the purpose of Clause 44.06 – <i>Bushfire Management Overlay</i> of the Baw Baw Planning Scheme as it fails to demonstrate that the risk to life and property can be reduced to an acceptable level or provide for acceptable access and egress opportunities.</li> <li>• The proposal is inconsistent with the purpose of Clause 53.02 – <i>Bushfire Planning</i> of the Baw Baw Planning Scheme as it fails to demonstrate that the risk to life and property can be reduced to an acceptable level.</li> <li>• The proposal is inconsistent with objectives and policy at Clause 22.01 – <i>Rural Zones Policy</i> of the Baw Baw Planning Scheme.</li> </ul>

	<ul style="list-style-type: none"> <li>The proposal fails against the decision guidelines of Clause 65 – <i>Decision Guidelines</i> and Clause 65.01 – <i>Approval of an Application or Plan</i> of the Baw Baw Planning Scheme.</li> </ul>
<b>Is there a restriction registered on Title?</b>	No
<b>Was a CHMP required?</b>	Not required

## **2. SITE AND SURROUNDING LOCALITY**

The site is located in a small legacy settlement that is surrounded by state forest. The site is irregular in shape and has a frontage of approximately 183 metres to Walhalla Road and an overall area of approximately 3.5 hectares. The site is vacant and is largely densely vegetated.

The surrounding landscape comprises large expanses of state forest and steep terrain. The Alpine National Park is to the north and the Thompson Dam to the west as is Mount Baw Baw. The forest has a downward slope to the north and is upslope to the south east and south-west.

The immediate adjoining land to the east of the site is a vacant lot which contains dense vegetation. To the north and west, the site adjoins densely vegetated forest. Opposite the site to the south are rural lots cleared of vegetation some of which contain single dwellings.

The site is vulnerable to extreme fire behaviour given the proximity to large expanses of state forest. Under north westerly wind condition it is expected that a fire would travel down slope from the north west. Following a south westerly wind change, it is expected that a fire would spread quickly upslope, as the fire preheats vegetation upslope and facilitates a more rapid rate of spread. Given the sites landscape context with steep terrain and extensive forest the fire can quickly become a much larger fire front and prevent egress from the site.



Figure 1: Subject site

### **3. THE PROPOSAL**

The proposal is for the development of a single storey dwelling with a floor area of 63sqm. The dwelling comprises one bedroom, one bathroom, an open plan kitchen/living area and a mezzanine floor. The dwelling is proposed to be constructed of Colorbond sheetmetal wall cladding and zincalume roof. A 15,000 litre water tank is proposed adjacent to the dwelling.

The dwelling is proposed to be setback approximately 46 metres from the front boundary and 57 metres from the west side boundary. The site can be accessed from Walhalla Road which is a gravel road.

The site features a downslope to the north and is upslope to the south. The slope is steepest to the north-east.

The proposal would result in the removal of native vegetation to achieve defendable space.

**4. RELEVANT HISTORY**

There is no relevant background or history for this application.

**5. NOTIFICATION**

**REFERRALS**

The following external referrals were required to be undertaken:

<b>Gippsland Water</b>	Has no concerns with the proposal.
<b>CFA</b>	<p>Has concerns and <b>does not</b> support the proposal.</p> <p><u>Note:</u> that pursuant to 'Clause 66.03- Referral of Permit Applications Under Other State Standard Provisions', under 'Clause 44.06-6 (BMO), an application to construct a building or carry out works associated with a dwelling must be referred to the relevant fire authority (i.e. CFA) who is a 'Recommending referral authority'.</p> <p>Further to the above, it is important to note that pursuant to 'Section 64A' of the <i>Planning and Environment Act 1987</i>,.... '<i>If a relevant recommending authority has objected to the grant of a permit..., the responsible authority must not issue the permit to the applicant until the end of the period within which a recommending referral authority may apply to the Tribunal for review of the decision to grant the permit.</i></p>

The following internal referrals were required:

<b>Health</b>	Has no concerns subject to the inclusion of conditions.
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**PUBLIC NOTIFICATION**

No notice was given of the application given that the proposed dwelling is located more than 100 metres from a dwelling not in the same ownership and a substantial distance from the road frontage and property boundaries.

Notice of the Application is not exempt pursuant to Clause 35.08 and Clause 42.01 of the Baw Baw Planning Scheme.

**6. PLANNING ASSESSMENT**

In response to Clause 22.01, the applicant has submitted a Land Management Plan in support of their application for the development of the dwelling for conservation purposes of the site. The Plan proposes actions such as weed removal and replanting of indigenous species. A review of the plan identified that the management actions for conservation of the land is ambiguous and does not present a strong case for a dwelling on the site. In particular, the submission has not included information in relation to implementation of the management actions and method by which the actions will be undertaken. Furthermore, the Management Plan does not demonstrate

a sufficient need for the development of a dwelling on the land to carry out conservation activities.

The site is located within an isolated part of Aberfeldy, surrounded by large expanses of state forest and steep topography. Given the landscape context of the area, the site is vulnerable to high risk of bushfire. Clause 22.01 specifically discourages dwellings sited within isolated communities surrounded by state forest that present a strategic bushfire risk.

The Moondarra State Forest is located to the south of the property and has a history of significant fires, with the most recent being in January 2019. The development of a dwelling on this site would introduce a level of risk to life which is currently absent from the site.

This is inconsistent with Clause 21.03-3 in relation to 'Directions for Growth' which seeks to discourage population growth and settlement in high bushfire prone areas.

Given the physical characteristics of the site and the area in which it is positioned, the question needs to be raised as to whether it is appropriate to introduce additional opportunities for people to settle in these areas.

The site is extremely vulnerable to bushfire given its location surrounded by densely vegetated forest and potential for extreme bushfire behaviour in the broader landscape context. Given the sites landscape context with mountainous terrain and extensive forest, the bushfire can quickly become a much larger fire front and unpredictable.

Clause 13.02 sets out the State planning policy for bushfire which seeks to assist in the protection of life and property from bushfire. In particular, Clause 13.02 and seeks to ensure that planning prioritises the protection of human life over all other policy considerations.

The proposal seeks to introduce the development of a dwelling into an extremely isolated high-risk bushfire area. These circumstances also do not illustrate consistency with Clause 13.02-1S as the proposal fails to demonstrate how the protection of human life has been prioritised.

## **RURAL ACTIVITY ZONE**

The purpose of the Rural Activity Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To provide for other uses and development, in appropriate locations, which are compatible with agriculture and the environmental and landscape characteristics of the area.*
- *To ensure that use and development does not adversely affect surrounding land uses.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*
- *To protect and enhance natural resources and the biodiversity of the area.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

Consideration is required of the use and development of a dwelling, and the dwelling must meet the requirements of Clause 35.08-2.

Whilst compliance with Clause 35.08-2 can be achieved, and a Land Management Plan has been submitted with view to enhance the conversation values across the site, the proposal is in an inappropriate location that is not compatible with the environmental and landscape characteristics of the area, particularly when considering the high bushfire landscape risk.

Accordingly, the proposal does not present an appropriate response to the purpose of the zone.

### **Bushfire Management Overlay**

The Bushfire Management Overlay places a strong emphasis on protection of human life to bushfire and ensuring that there are favourable conditions in the broader landscape, the site and through the implementation of bushfire protection measures alongside new development. Baw Baw Shire has a long history of large bushfires compromising human life and creating neighbourhood scale destruction.

Given the characteristics of the site and the landscape context of the area, Council must consider whether it is appropriate to introduce additional opportunities for people to reside in these areas. The sites location is isolated and is surrounded by large expanses of densely vegetated forest and steep terrain. The site presents an extreme bushfire risk. Assessment of bushfire risk needs to extend beyond the boundaries of a property. The site is in an area defined as Landscape Type 4 under the landscape typologies in the Technical Guide, 2017, DELWP. This positions the locality within the highest category of bushfire risk in Victoria.

The site is highly vulnerable to bushfire risk due its location and the potential for extreme bushfire behaviour in the broader landscape. The CFA commented that it is *reasonable to assume there will be persistent and extreme ember attack; and fire behaviour beyond what AS3959 is designed to address. Such a location has potential for coalescing fire front and large convection columns which can produce extreme fire behaviour and winds to cyclonic levels.* Also, the site is isolated with access routes requiring travel on gravel roads in mountainous and forested terrain thus compounding the risk to human life a bushfire scenario in this location.

The proposed dwelling would also be vulnerable to loss from ember attack and radiant heat. More than 80% of homes which are lost in the event of a bushfire, are lost as a consequence of ember attack and radiant heat. The creation of defendable space around the proposed dwelling is simply one element, and does not eliminate the risk, nor substantially reduce it. If the fire front had not arrived at the site, residents would still need to contend with the potential ignition of spot fires and the impact of smoke and embers which reduce visibility and hinder safe egress from the site and along the access road.

The application includes the removal of vegetation to create defendable space pursuant to the BMO requirements. It is noted that pursuant to Clause 52.12-5 of the Planning Scheme, removal of vegetation for the development of a

dwelling and to create its defensible space is exempt from requiring planning approval.

The development of a dwelling on a site which is currently vacant would introduce a level of risk to human life. The future residents would be vulnerable in a dwelling in a high-risk bushfire prone environment and even more so in the event that the decision was made to leave the site in a fire scenario which is serviced by access roads which are considered vulnerable in the event of a fire.

The Bushfire Management Statement submitted addressed components for land management within the property boundaries and the ability for defensible space distances to be accommodated, it has failed to make an assessment of the proposal in the broader context of where the land is located.

It places little, if any weight on the characteristics and scale of the surrounding vegetation and the high level of risk which this would pose to a dwelling and residents on the subject site.

These circumstances do not illustrate consistency with the purpose of the overlay as the proposal fails to demonstrate how the protection of human life has been prioritised. Despite the proposal providing bushfire mitigation measures as required by Clause 53.02, given the sites broader landscape context these measures do not reduce risk to human life to an acceptable level. We place emphasis on the purpose of Clause 53.02 where it states:

- *'To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level'.*

The CFA as a recommending referral authority commented *'that the proposal does not adequately address the bushfire risk arising from such an extreme landscape and the potential impacts on life and structures.'* Overall, the application fails to adequately demonstrate that the purpose of the overlay is achieved.

### **Environmental Significance Overlay Schedule 2**

The site is located in the Thomson Water Catchment Supply Area pursuant to the overlay. The purpose of the Schedule 2 to the ESO is to protect and maintain the water quality within the Declared Water Catchment Area. Part of the site is affected by the ESO. The objectives of the overlay are as follows:

- *To protect and maintain water quality and quantity in Special Water Supply Catchment areas used for human consumption, domestic, industrial and rural water supply.*
- *To ensure that development activity and land management practices are consistent with environmental values and the long-term conservation of potable water supply resources.*
- *To minimise the impact of development activities in Special Water Supply Catchment areas, practically near water supply take-off points and storage reservoirs.*
- *To encourage the retention of native vegetation and the establishment of new vegetation cover, particularly within 30 metres of a waterway.*

- *To consider the cumulative impact of development on Special Water Supply Catchments over an extended time period having regard to both climate variability and anticipated reduced inflows in catchments.*
- *To ensure new development proposal meets best practice guidelines for agricultural, domestic, commercial and industrial wastewater treatment which result in reduced nutrient, pathogenic and sediment flows.*
- *To protect public health from the risk of waterborne diseases.*

The application was referred to Gippsland Water who reviewed the proposal and did not have any concerns. The property drains away from the declared water catchment and is unlikely to have any significant impact on the water quality of the area.

### **Clause 65 Decision Guidelines**

Clause 65 and Clause 65.01 outlines the decision guidelines which need to be considered when deciding on an application for the development of land.

It is not considered that this proposal is consistent with all relevant policy and it does not reflect orderly planning as it is undesirable to allow for settlement in areas where the risk posed by a natural hazard is so significant.

## **7. CONCLUSION**

On the basis of the above, it is considered that the proposal presents a problematic life-safety outcome if it proceeds. Planning permission does not illustrate consistency with the purpose of the overlay as the proposal fails to demonstrate how the protection of human life has been prioritised or how the level of risk has been reduced to an acceptable level. The proposal also seeks to introduce population growth through the development of a dwelling into a high-risk bushfire area which does not accord with the provisions of the Planning Scheme. The proposal therefore cannot be supported.

## **8. RECOMMENDATION**

This application has been considered in accordance with the requirements of the *Planning and Environment Act 1987*, the relevant provisions of the Baw Baw Planning Scheme and all relevant policies, procedures and legislation.

As a result of this assessment it is concluded that the application is inconsistent with the *Planning and Environment Act 1987* and the relevant provisions of the Baw Baw Planning Scheme.

It is therefore recommended that a Notice of Refusal to Grant a Planning Permit be issued subject to the following grounds for refusal.

1. The proposal fails to achieve an outcome that prioritises human life in accordance with Clause 13.02-1S – *Bushfire Planning* of the Baw Baw Planning Scheme.
2. The proposed development is inconsistent with Clause 21.03 - *Settlement* and Clause 21.03-3 - *Directions for Growth* of the Baw Baw Planning Scheme as it fails to direct population growth and development away from high risk bushfire locations.

3. The proposal is in an inappropriate location and is contrary to the purpose of Clause 35.08 – *Rural Activity Zone* of the Baw Baw Planning Scheme.
4. The proposal is inconsistent with the purpose of Clause 44.06 – *Bushfire Management Overlay* of the Baw Baw Planning Scheme as it fails to demonstrate that the risk to life and property can be reduced to an acceptable level or provide for acceptable access and egress opportunities.
5. The proposal is inconsistent with the purpose of Clause 53.02 – *Bushfire Planning* of the Baw Baw Planning Scheme as it fails to demonstrate that the risk to life and property can be reduced to an acceptable level.
6. The proposal is inconsistent with objectives and policy at Clause 22.01 – *Rural Zones Policy* of the Baw Baw Planning Scheme.
7. The proposal fails against the decision guidelines of Clause 65 – *Decision Guidelines* and Clause 65.01 – *Approval of an Application or Plan* of the Baw Baw Planning Scheme.

**9. OFFICER DIRECT OR INDIRECT INTEREST**

No Council officers involved in the preparation of this report have a direct or indirect interest in matters for consideration.

**10. COUNCIL PLAN**

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

**Strategic Objective 1: *Vibrant Communities***  
Managing Baw Baw's growth and development

## **10.2 WARRAGUL STREETSCAPE REVIEW**

*Coordinator Infrastructure Delivery*

*Directorate: Community Infrastructure*

*Ward: Central*

*Appendix: 3 attachments*

### **PURPOSE**

To present Council with a report on the Warragul Streetscape project in response to the General Business Motion raised on 24 April 2019.

### **RECOMMENDATION**

That Council note the Streetscape Review undertaken by ML Traffic Engineers in response to the General Business Motion titled Warragul Streetscape Project raised on 24 April 2019.

Cr Jones requested an amended recommendation

### **AMENDED RECOMMENDATION**

1. That Council note the Streetscape Review undertaken by ML Traffic Engineers in response to the General Business Motion titled Warragul Streetscape Project raised on 24 April 2019.
2. That community engagement of the broader Baw Baw Shire community is undertaken prior to Stage 9 (Queen St) commencing and that a report be brought back to Council outlining the results of this engagement prior to any works commencing.
3. That Council recognises recent work by council staff to re-engage with Warragul Taxi Rank stakeholders (taxi companies and businesses near the current and potential locations) to seek a mutually beneficial outcome.

### **AMENDMENT**

**Moved:** Cr T Jones

**Seconded:** Cr M Power

**CARRIED**

**The Amendment being the motion was carried.**

### **KEY ISSUES**

- In 2009 Council commissioned urban planning consultant Hansen Partnership Pty Ltd (in association with Hyder Consulting) to prepare the Warragul Town Centre Masterplan and Urban Design Framework. This work sought to set out the vision for Warragul's commercial core for the next 20 years and built upon previous studies undertaken in the two preceding decades.
- The Warragul Town Centre Urban Design Framework and Station Precinct Masterplan (UDF) was delivered in 2010 (attached) and adopted by Council on 12 May 2010. The consultation undertaken in developing the Urban Design Framework included:

- Four days of community workshops held in late 2009
- An online survey open to the community
- Input from State Government representatives
- A formal public exhibition process that resulted in 37 submissions

The majority of feedback and responses raised concerns in relation to pedestrian safety and the ability to find carparking when travelling by rail. There was also strong community concern about the breadth of retail services available within the Town Centre and strong support for the establishment of additional or more diverse major retail development.

- The UDF vision is:
  - *“Warragul will develop a compact Town Centre that supports a thriving mix of business and residential activity whilst at all times respecting its rural origins and notable heritage assets. The centre will showcase a series of high amenity pedestrian areas and regenerate its traditional link with an enhanced Station precinct. It will also support a series of emerging educational, recreational and commercial facilities that will help to define the town’s ‘green spine’ and centralised community spaces.”*
- Further detail is provided in the UDF about this vision.
  - *“This urban design framework presents a vision for the Town Centre of Warragul which sees the town transform from a vehicle-based centre, with large areas of valuable developable land consumed by at-grade car parking, to a compact, pedestrian orientated centre, well positioned to meet the challenges of the future. As a Transit City, the concepts of consolidation and increasing diversity of activity within the Town Centre, and the primacy of pedestrian movement, must be paramount.*  
*Underpinning the vision is the need to create clear, safe and legible pedestrian spaces. To flip the existing ‘pedestrians give way to vehicles’ on its head. However, this framework also acknowledges the importance of efficient vehicle movement through the Town Centre for good economic activity and seeks to resolve the existing conflict in a balanced manner.”*
- The Urban Design Framework set out several principles around the future design and implementation of Warragul streetscape works. Specifically, in reference to the town centre, it identified:
  - A high portion of traffic is using Smith Street as a through route to get from the north to the south of Warragul.
  - Modification should be made to the intersection of Smith Street and Victoria Street to give priority to Victoria Street.
  - In 2008 there was 65% occupancy during weekdays (Wednesday) and 54% occupancy during weekends (Saturday). Car parking is an important consideration in the design of the Town Centre and further detailed analysis will be undertaken.

- There is a lack of pedestrian crossing facilities to provide priority of pedestrians over vehicles. Greater priority is recommended for pedestrians within the Warragul Town Centre.
- Pedestrian priority routes need to be of a standard which encourages more residents to choose to walk rather than drive.
- Footpaths need to be widened and encourage active frontages (avoid blank walls) along key pedestrian routes.
- The need to increase the prominence of pedestrian crossing areas throughout the Town Centre.
- The need to designate pedestrian priority areas around the Smith Street and Palmerston Street intersection.
- Seating and shelter should be provided for pedestrians.
- Despite Victoria Street being designated as the main north-south arterial route, much of the vehicular traffic travelling through the Town Centre is utilising Smith Street.
- Council commenced preparation of the Warragul Town Centre Masterplan (Masterplan) following the adoption of the UDF. The Town Centre Masterplan (attached) was delivered in 2011 and adopted by Council on 11 May 2011.
- The Masterplan identified *“the need to establish central community spaces in the town centre. The heart of the centre lies around the Palmerston Street elbow and the southern end of Smith Street”*. The vision of the Masterplan included aspects including:
  - *Reinvigorate the ‘Retail Heart’ of Warragul by improving the pedestrian experience within central Warragul.*
  - *Reconfiguration of Smith and Palmerston Streets to one-way traffic flow to provide opportunities for a reduction in road carriageway widths and expansion of footpaths.*
  - *Improve the usability, amenity and attractiveness of the precinct, as a means of encouraging more people to visit, occupy and enjoy the public areas of central Warragul.*
  - *Deliver outcomes without the reduction in the number of on-street parking spaces*
- The Masterplan identified several actions including:
  - *Reduce vehicular traffic along both Palmerston and Smith Streets by reconfiguring them to provide one-way traffic.*
  - *Incorporate new, tall clear-trunked street trees within Smith Street, in association with pavement expansion, to establish a strong vegetated avenue and reinforce the idea of the “green spine” along Smith Street*
  - *Reconfigure car parking on the west side of Smith Street in association with footpath expansion and kerb realignment to*

*provide parallel parking. An alternative option is to provide angle parking to both sides, in conjunction with one-way vehicle movement.*

- As part of the Masterplan, Cardno Grogan Richards were engaged to develop a Traffic and Transport Plan for the town centre. One of the key conclusions was that their preliminary analysis indicated the surrounding road network would continue to operate satisfactorily in regard to the reconfiguration of Smith Street/Victoria Street.
- At the Council meeting on 24 April 2019, a General Business Motion was raised by Cr Goss regarding the Warragul Streetscape project. A motion was carried that Council receive a report regarding the Warragul Streetscape project at the first Council meeting in 2020 and that the report considers, but is not limited to, the following items.
  - The new car parking arrangements are operating as intended
  - Wider, pedestrian friendly footpaths are operating as intended
  - One-way streets are wide enough to cater for cars reversing from car parking spaces
  - One-way streets are operating as intended
  - Cost estimates for adjusting or increasing street widths
  - Any correspondence, either for or against the project, received between now and when the report is published in the agenda for the relevant Council meeting.
- In response to this Council decision, ML Traffic Engineers were engaged to review whether the completed stages of the Warragul Streetscape Project are functioning as intended. Their report can be found attached.
- Overall the review found that the delivered streetscape works are generally delivering the design intent of the project set out in the Masterplan. The outcomes of the review and Council officer feedback are summarised below.

Item	Investigative Outcome
New car parking arrangements operating as intended	<p><b>Objective:</b> Retain vehicle parking with decreased carriageway width and widened footpaths:</p> <p><b>Outcome:</b> The car parking spaces were observed to operate sufficiently with all areas being utilised appropriately and minimal vehicle conflict (other than delays caused by the ingress and egress movements).</p> <p><b>Council Officer Response:</b> Prior to undertaking the Warragul Streetscape works 2,669 parking spaces were available. There was a net increase of five spaces in the Smith/Palmerston Street precinct. Eight carparking spaces have been lost overall due to the Napier/Queen Street intersection signalisation and the</p>

	<p>provision/upgrade of accessible parking spaces to meet Australian Standards (resulting in three spaces yielding two accessible parking bays).</p>
<p>One-way streets are wide enough to cater for cars reversing from car-parking spaces</p>	<p><b>Objective:</b> <i>Reduced carriageway widths to provide wider pedestrian footpaths:</i></p> <p><b>Outcome:</b> Palmerston Street and less so on Smith Street was observed to have some on street queuing due to the width of the carriageway not allowing through vehicles to pass a car moving into and out of a car parking space.</p> <p><b>Council Officer Response:</b> The roadway widths in Palmerston (5.0m) and Smith Streets (6.0m) exceed the minimum 4.5m roadway width set out in AS 2890.5 Australian Standards: On Street Parking. The new one way roadway width in Smith Street was increased by one metre based on community feedback received after the one way conversion of Palmerston Street.</p>
<p>Wider, pedestrian friendly footpaths operating as intended</p>	<p><b>Objective:</b> <i>Widen footpath width to increase pedestrian accessible area and provide for footpath dining:</i></p> <p><b>Outcome:</b> Footpaths were observed to be adequate to cater for the pedestrian volumes present.</p> <p><b>Council Officer Response:</b> The wider asphalt pedestrian paths in conjunction with the one-way streets provides a safer environment for pedestrians to move around the Warragul CBD. The reduction in road widths has resulted in additional pathway widths. In observing the functionality of Palmerston Street near Smith Street and Victoria Street, it is apparent that many pedestrians are not aware of the Victorian road rule that requires pedestrians to give way to vehicles at roundabouts. This is reducing the efficiency of through traffic movements.</p>
<p>One-way streets are operating as intended</p>	<p><b>Objective:</b> <i>One-way street travelling clockwise to reduce traffic volumes and improve flow:</i></p> <p><b>Outcome:</b> The one-way system through Palmerston Street and Smith Street appeared to function well in both peak and off-peak traffic periods.</p> <p><b>Council Officer Response:</b> The one-way traffic flow has resulted in a safer environment for pedestrians in the CBD. It also assists to guide</p>

	vehicles travelling through town on Victoria Street which is part of the arterial road network.
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- The review indicated that there are some additional modification works that could be undertaken to optimise the flow of pedestrians and traffic around the town centre precinct.
- It is noted that the final stages of the streetscape works and the opening of the Kmart and Bunnings precincts may impact on the current movement of traffic and pedestrians around the CBD. Once this impact is observed, Council will be in a better position to consider the following options as outlined below.

### **Palmerston Street**

The following are options for Palmerston Street.

1. Remove timed parking restrictions on both sides of Palmerston Street between Victoria Street and the northbound lane into the Woolworths car park.

To reduce vehicle queuing within the Palmerston/Victoria Street roundabout, relocate the pedestrian ramps east into Palmerston Street and provide a barrier/fencing to prevent pedestrians crossing nearer the roundabout.

2. Delete a row of angled spaces on the south side of Palmerston Street between Victoria Street and the one-way lane into the Woolworths car park. Provide a 3.5m trafficable lane on the south side and a 3.0m wide manoeuvring area between angled spaces on the north side and the trafficable lane.

The manoeuvring area is demarcated with a solid line. Provide 3.0 x 6.7m long unrestricted parallel car parking spaces on the southern side of Palmerston Street.

To improve queuing within the roundabout due to the presence of pedestrians, relocate the pedestrian ramps east into Palmerston Street and provide a barrier/fencing to prevent pedestrians crossing nearer the roundabout.

3. Widen the trafficable lane from 5.0m to 6.0m or greater for the section of Palmerston Street between Victoria Street and the one-way lane into the Woolworths car park. Reduce the footpath width on the north side of Palmerston Street.

Council Engineers have made an initial assessment of the practicality of this proposal and determined that realigning the kerb by one metre or more will encroach on the three new street trees that run parallel to the north kerb alignment. It will also encroach into the available footpath width between the buildings and current kerb alignment.

A cost estimate has been developed for a 1.0m road widening between Victoria Street and the one-way lane into the Woolworths car park. It is estimated to cost \$90,000.

### **Victoria Street**

4. Council to engage Regional Roads Victoria s to redesign the pedestrian signals to have a minimum one minute or longer interval between pedestrian phases and to incorporate real-time traffic flow data.

Council officers worked with Regional Roads Victoria in 2019 to extend the signal timing interval to one minute. However, it appears that the signal control infrastructure resets to its default 30 second timing when it loses power. Regional Roads Victoria are investigating what needs to be upgraded to rectify this issue.

### **Smith Street**

5. Consider line marking of a 3.0m lane, 1.5m offset to parking spaces, to visually narrow the street and encourage reduced speeds.

## **TRIPLEBOTTOMLINE IMPLICATIONS**

### **Financial Impact**

- The Warragul CBD Streetscape works commenced in 2017 in accordance with the UDF and Warragul Town Centre Masterplan. Individual stages have been completed each year as part of Council Capital Works Program. The nine stages of work include:

Stage 1 - Smith Street (North end)	\$ 250,000
Stage 2 - Mason/Albert Street	\$ 470,000
Stage 3 - Mason/Palmerston Street	\$ 370,000
Stage 4 - Palmerston Street	\$1,400,000
Stage 5 - Mason/William Street	\$ 250,000
Stage 6 - Napier/Queen Street	\$ 400,000
Stage 7 - Smith Street (South end)	\$1,500,000
Stage 8 - Victoria Street (Under construction)	\$ 700,000
Stage 9 - Queen Street (To be completed)	\$ 480,000
<b>Total Project Budget</b>	<b>\$5,820,000</b>

### **Community Impact**

- The Warragul CBD Streetscape works undertaken to date have resulted in:
  - New roundabouts at the intersections of Mason Street/William Street and Mason Street/Palmerston Street.
  - Upgraded roundabouts at Smith Street/Palmerston Street and Mason Street/Albert Street.
  - Change in traffic flows within the inner CBD with one-way treatments applied to Smith Street (between Palmerston Street and

- Victoria Street) and Palmerston Street (between Victoria Street and Smith Street).
- Change to the Smith Street/Victoria Street intersection to give Victoria Street the right of way (providing priority to the arterial road network).
- Centre median treatments along Victoria Street between Queen Street and Smith Street as well as along Smith Street between Albert Street and Palmerston Street.
- Improved pedestrian crossing facilities at four locations along Smith Street.
- Improved accessible parking bays to meet Disability Discrimination Act requirements.
- Improved drainage in Palmerston Street.
- Wider footpaths along Palmerston Street and Smith Street.
- Signalisation of the Napier/Queen Street intersection.
- Street beautification through new footpaths, surface stencilling, trees, garden beds, seating and historical signage, and
- Improved pedestrian accessibility to the Cenotaph area near the Victoria Street/Smith Street intersection.
- Retention of existing parking was a key consideration during design works. As a result of all project stages delivered to date there has been no reduction to parking in the principal CBD area. If the outer CBD area is included a net loss of eight carparking spaces has occurred out of the available 2,669 spaces. This includes the six spaces lost as part of the Napier Street and Queen Street traffic signal installation. The following table provides a breakdown of the changes to carparking availability in Warragul as a result of the streetscape works.

<b>Impact of streetscape works on carparking numbers</b>				
<b>Stage</b>	<b>Before</b>	<b>After All Stages</b>	<b>Net Change All Stages</b>	<b>Net Change Inner CBD</b>
1. Smith Street Nth	43	43	0	0
2. Mason/Albert Street	21	18	-3	
3. Mason/Palmerston	42	34	-8	
4. Palmerston Street	32	36	+4	+4
5. Mason/William	39	43	+4	
6. Napier/Queen	33	27		
7. Smith Street Sth	43	44	+1	+1
<b>Total</b>	<b>253</b>	<b>245</b>	<b>-8</b>	<b>+5</b>

- The Warragul railway station carpark upgrade was also undertaken since the Masterplan was adopted by Council. This project provided 200 car spaces in addition to the existing carparking as well as a new bus interchange.
- In response to the completed stages of the streetscape works, there is a sentiment that certain aspects of the works do not function as intended and that some traders are losing business as a result of the works. Council has received feedback questioning aspects including the new one-way streets, difficulty for some community members in navigating angled parking and a reported increase in accidents between reversing vehicles in those streets. Details of correspondence received by Council since 24 April 2019 are recorded in the attached communication log.
- The Baw Baw Ratepayers and Citizens Association have made an early submission for consideration by this review.

### **CONSULTATION**

- Consultation with the various stakeholders has been undertaken at the relevant stages of the Warragul Streetscape project including:
  - Warragul Streetscape Project Reference Group (PRG)
  - Traders
  - Baw Baw Shire Ratepayers and Citizens Association
  - Warragul RSL
  - The two taxi companies
  - Gippsland Water
  - Ausnet Services
  - Regional Roads Victoria (VicRoads)
- Prior to and during the construction period of the various stages the contractor has set up message boards to inform motorists in the Warragul CBD of the planned work.
- Prior to and during the construction period, Council officers and the Contractor have consulted with traders regarding the progress of the project and any anticipated impacts. The PRG and Councillors have also been provided with regular project updates.

### **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 1: *Vibrant Community***

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

## **CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES**

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

## **LEGAL**

There are no legal impacts posed by the Warragul Streetscape Review.

## **POLICY IMPACTS**

There are no policy impacts posed by the Warragul Streetscape Review.

## **CONFLICT OF INTEREST DECLARATION**

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

## **OPTIONS FOR CONSIDERATION**

1. Undertake none, some or all of the recommended improvements as outlined in the ML Traffic Engineers report.
2. Note the report as a response to the general business motion.
3. As part of the LTIP revision and budget process for future years, modify the scope or delay the delivery of the \$1.09 million Queen Street Streetscape upgrade. This option could be chosen in consideration of some of community sentiment about the already delivered stages of the overall project. The Queen Street Upgrade is the final of nine stages of works which proposes improvements to path layouts, paving surfaces, a pedestrian promenade pathway and relocation of the toilet block.

### **10.3 GIPPSLAND TRACKS AND TRAILS FEASIBILITY STUDY**

Recreation Project Officer

Directorate: Community Infrastructure

Ward: All

Appendix: 2 attachments

#### **PURPOSE**

For Council to consider the recently developed Gippsland Tracks and Trails Feasibility Study.

#### **RECOMMENDATION**

That Council endorses the Gippsland Tracks and Trails Feasibility Study and continues to support its implementation.

#### **COUNCIL MOTION**

**Moved:** Cr M Power  
**Seconded:** Cr M Leaney

**CARRIED**

#### **KEY ISSUES**

- The Gippsland Tracks and Trails Feasibility Study is an initiative of the Gippsland Local Government Network (GLGN) with project partners Destination Gippsland and the Gippsland Mountain Bike Club Inc.
- The Study provides a common vision and goal for investment, collaboration and governance for Gippsland tracks and trails into the future as they relate to attracting visitors to Gippsland.
- The Study recommends several iconic trail experiences, with the vision “Gippsland will be recognised as a world class trails destination offering a diversity of outstanding landscapes and experiences.”
- For Baw Baw Shire, the following signature experiences recommended in the study impact on the municipality:
- Signature Walks
  - Australian Alps Walking Track - including the serviced section from Baw Baw village to Walhalla. Note this has recently attracted \$600,000 funding.
- Signature Mountain Biking Hubs and Trails
  - Central Gippsland Mountain Biking Hub - Develop Haunted Hills as a centrepiece with other parks in nearby areas (including Erica) forming a collective mountain bike offering.
  - Epic trail from Mount Baw Baw to the Latrobe Valley - conceptually the trail could also link into Erica and other opportunities.

- Gippsland Timber Trail - a timber trail ride through the West Gippsland forests, based on the New Zealand Timber Trail model that seeks to provide mountain biking experiences coupled with bespoke commercial services including accommodation and transport for bikes. The trail has the potential to link into the Yarra Ranges mountain bike trail developments that are occurring.
- Signature Multi-use Trails
  - The Gippsland Trail - the creation of a multipurpose trail that connects Gippsland's main towns and experiences with bike friendly trails and off-road connections (as far as possible).
- Further scoping/feasibility (including trail alignment, market analysis and economic assessments) is now being undertaken for three of the identified signature products. This project is funding the feasibility into the Gippsland Trail, with Destination Gippsland funding the feasibility into both the Central Gippsland Mountain Biking Hub and the Epic Mountain Bike Trail. These plans will enable the projects to be ready for funding bids in the future.
- A Gippsland Trails Coordinating Forum has been established. The role of the forum is aimed at coordinating and ensuring the region's organisations work collectively to pursue the recommendations in this plan.

## **TRIPLEBOTTOMLINE IMPLICATIONS**

### **Financial Impact**

- The total project budget is \$133,328. The project received \$66,664 of funding through the Australian Government's Regional Jobs and Investment Packages. The remaining funds came from equal contributions by each of the six Gippsland local governments, Destination Gippsland and the Gippsland Mountain Bike Club Inc.
- The Baw Baw Shire contribution to this Strategy was \$8,333.
- The Study proposes a trail hierarchy for trail based funding decisions across Gippsland. Investment may come from Councils, land managers, private enterprise and state and federal governments.
- Several case studies are presented in the Study which demonstrate the regional and economic benefits of trails.

### **Environmental Impact**

- The Study recommends adopting a consistent set of trail standards across the region including the International Mountain Bike Association standards for mountain bike trails, the Australian Walking Tracks Standards Grading system and the guidelines recommended by Rail Trails Australia along with the Infrastructure Design Manual used by local government. These standards all promote good design with a strong emphasis on sustainability.

- Two of the key principles for the trail network outlined in the Study are “We seek sustainability - We value long term environmental, social and cultural considerations” and “We seek strong stewardship- we work with the community and trail users to care for the trails and the environment.” Environmental sustainability is also one of the signature and regional trail criteria.

### **Community Impact**

The Study suggests that “Trails can cater for tourism and events attracting participants and accompanying friends/family. They also provide an outlet for residents to get outside and participate in physical activity contributing to public health, wellbeing, community and social interaction and a better liveability of a place. Part of the appeal of trails is that they mostly do not have costs or membership fees. More often than not, there is also an opportunity to provide interpretation and education in areas of natural, cultural or historical value along the trail.”

### **CONSULTATION**

- A number of government and industry organisations have been involved in the preparation of the Gippsland Tracks and Trails Feasibility Study.
- The Study will be publicly launched once each of the Gippsland Councils have had the chance to endorse the document.

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

#### **COUNCIL PLAN**

The Gippsland Tracks and Trails Feasibility Study assists with the achievement of the key strategic objective as set out in the Council Plan 2017-2021:

#### **Strategic Objective 1: *Vibrant Communities***

1.1 *‘Quality community focused services, facilities and infrastructure to support a growing community’*

1.3 *‘A vibrant, healthy and inclusive community’* and

1.4 *‘Thriving town centres, rural and remote communities’*.

#### **Strategic Objective 2: *Thriving Economy***

2.1 *‘Supporting innovative, thriving and sustainable local business and industry providing local employment’*.

#### **Strategic Objective 3: *Safe and Sustainable Environments***

3.1 *‘Protect and sustainably managing Baw Baw’s environment’* and

3.2 *‘Efficient roads, transport and parking’*.

#### **Strategic Objective 4: *Organisational Excellence***

4.2 *‘Positive leadership, advocacy and decision making around shared goals.’*

## **CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES**

The Gippsland Tracks and Trails Feasibility Study has been reviewed under the *Charter of Human Rights and Responsibilities* and is considered compatible.

## **LEGAL**

A wide variety of State policy, legislation, strategy, planning and programs intersect with the development, management, maintenance and planning of trails in Gippsland and Victoria. These include the *Local Government Act 1989*, *National Parks Act 1975*, *Forests Act 1958*, *Crown Land (Reserves) Act 1978*, the *Land Act 1958* and the *Aboriginal Heritage Act 2006*.

## **POLICY IMPACTS**

- Recreation and more specifically, tracks and trails have been identified in Council's seven areas of focused growth in the '2019 Baw Baw Shire Advocacy Priorities'. The concept of extending the Two Towns Trail to Yarragon may be supported through the Gippsland Trail.
- Some projects may align with the Draft Baw Baw Shire Cycling Feasibility Study.
- New/upgraded cycle and walking paths were identified by the community as a high priority in the Baw Baw Shire Recreation Strategy 2017-2027 and recommended as an affordable option for recreation and active transport.
- This Study complements the Gippsland Destination Management Plan.

## **CONFLICT OF INTEREST DECLARATION**

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

## **OPTIONS FOR CONSIDERATION**

Endorse the Gippsland Tracks and Trails Feasibility Study and continue to support its implementation.

## 11. THRIVING ECONOMY

### 11.1 TRAFALGAR KINDERGARTEN

Manager Governance, Family and Children  
Services Coordinator, Manager Community  
Services, Senior Project Engineer

Directorate: Corporate and Community  
Services and Community Infrastructure

Ward: East

Appendix: 1 attachment

#### PURPOSE

To seek funding for the fit-out and additional carparking for the new Trafalgar Kindergarten and delegation for the Chief Executive Officer to execute a lease with the Victorian School Building Authority (VSBA).

#### RECOMMENDATION

That Council

1. Authorises the Chief Executive Officer to execute a lease with the Victorian School Building Authority, recognising Council will become responsible for all ongoing operational and maintenance costs, for the term of the lease; and,
2. Provides for a total of up to \$150,000 that includes the construction of eight additional onsite car parks including separate entry and exit points; and,
3. Fund \$85,000 for the kindergarten fit-out shortfall to enable the facility to be licenced; and,
4. Work with key stakeholders to open the new kindergarten facility for a Term 2, 2020 start; and,
5. Refer the provision of additional on-street car parking for School Road for consideration in the 2020-21 Capital works budget.

#### COUNCIL MOTION

**Moved:** Cr D Wallace

**Seconded:** Cr M Power

**CARRIED**

#### KEY ISSUES

- Council Officers have worked across Directorates and Teams in order to facilitate a positive outcome for the Community and have led discussions with the Victorian School Building Authority (VSBA) to progress this matter. Council met with the VSBA on Friday, 17 January 2020 and have had several teleconferences on this subject.
- On 18 October 2018, Council received advice that it would be provided with \$1.8M funding for the delivery of a Kindergarten facility in Trafalgar. In early 2019, the VSBA advised that they would deliver the project, with it being located on Department of Education land abutting the Trafalgar

Primary School. This effectively removed Council from any responsibility for this project from that point.

- The new facility has a capacity for 66 children in two rooms, more than double the size of the current Trafalgar Kindergarten. It was delivered onsite in December 2019 in a modular format (refer attachment 1 photos) and is currently being connected to services and landscaping undertaken by the VSBA contractors.
- The VSBA is seeking to have the new facility open for a Term 2 start. This will require all works to be completed and the facility fitted out by the end of term one. Officers and the VSBA believe this will be possible based on the following considerations.

#### Car Parking

- “Kindergarten” does not have a definition in the planning scheme but is included in “Child care centre” which is included in the “Education centre group” land use category. Pursuant to ‘Clause 52.06- Car Parking’, the use of a ‘Child care centre’ is required to provide 0.22 car spaces per child. Therefore, the minimum car spaces required is fifteen car parks onsite.
- Kindergarten programs require all children to arrive and depart together. Children’s Services Regulations also require that children are walked into the building and signed into and out of the centre. Drive through drop-off zones are not a viable option. The current Trafalgar kindergarten is next to the town hall and allows for approximately thirty car parks, currently enough for every parent/child (28 children + three staff).
- Car parking has been identified as a concern by the Trafalgar Community and Council Officers. Council understood that adequate car parks would be provided by the VSBA within the \$1.8M budget. However, only eight car spaces have been provided. With a Council contribution of up to \$103,000 a further eight car spaces can be provided onsite, ensuring the minimum car space requirements are met. Further work has been requested for the inclusion of separate entry and exit points to the onsite carpark.
- Alternatively, Council’s Community Infrastructure team have drafted a proposal for 30 on street car spaces including two accessible bays. The estimated cost of the car park construction is \$150,000, however delivery of this cannot be achieved within the timeframes that VSBA are required to work to. Provision of these additional car parks could be set aside to be considered in the 2020/21 capital works budget.

#### Fit-Out

- The VSBA has allowed a sum of \$35,000 for Council to fit-out the kindergarten. This amount will be released to Council upon execution of a lease with the VSBA. Officers advise from recent fit-outs undertaken that a sum of \$120,000 would be the minimum required creating a shortfall of \$85,000. The VSBA advise they do not usually include a

budget for fit-out. To open a new facility with a sub-standard or ageing fit-out is not recommended by Officers.

- The fit-out is required before the facility can be licenced, therefore a funding source is required.

#### Lease

- The VSBA require Council to enter into a lease as tenant of the facility. In general terms, the lease provided is a standard document, similar to those which Council uses. Most Officer concerns with the lease have been addressed through negotiations with the VSBA.
- Officers believe that as the lease is effectively for a 30-year period (20 years plus a further term of 10 years), creating future cost implications and liability to Council that a Resolution of Council should be sought for the Chief Executive Officer to execute this lease.
- Officers are concerned at the precedent being set by becoming the tenant of this facility, financially contributing to the car park and making up the financial shortfall in fit-out costs, not only for future kindergartens within the Shire but for all Municipal Councils.
- Usually with Children's Facilities Capital Program funding a co-contribution is required. Funding the carpark construction and fit-out is in line with Council's contribution for other recent funded builds at Drouin and Warragul. Council also has a lease agreement with the VSBA for the Warragul and Drouin Early Learning Centres. The key difference being Council provides Maternal and Child Health Services from these facilities and has contributed financially and constructed each facility.

### **TRIPLEBOTTOMLINE IMPLICATIONS**

#### **Financial Impact**

- There is no provision in the 2019/20 budget or Long-Term Infrastructure Plan for the;
  - \$150,000 in total for car parking
  - \$85,000 fit out costs

If Council wishes to fund these components (\$235,000) this would need to be funded in the mid-year budget review or through a reprioritisation of projects.

- Although the lease has a peppercorn lease fee (\$1 p/a) Council will need to provide an annual facilities maintenance budget for the term of the lease.
- Due to the new accounting standards, Council will need to include this lease in its balance sheet. The property may also need to be included on Council's asset register and be depreciated.

#### **Environmental Impact**

There appears to be no direct environmental impact. However, the legacy of demountable buildings appears that they have little reuse or recyclable value.

### **Community Impact**

- Council reputational risk opening the new kindergarten facility without adequate car parking.
- The community have expressed significant concern in relation to the lack of appropriate car parking.
- Council's population models demonstrate that increased kindergarten capacity is an urgent need within the Trafalgar locality, which will be further compounded with the roll-out of the State Government three-year-old kindergarten reform.

### **CONSULTATION**

- No formal consultation has been undertaken with Council or the Community for this project, as it is a VSBA delivered project.
- Officers have worked across Directorates and Teams in order to facilitate a positive outcome and progress this matter.
- Officers have worked at senior levels to facilitate positive outcomes with the VSBA and Department of Education.

### **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:

Vibrant Communities

Managing Baw Baw's Growth and Development

and

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**

*Local Government Act 1989*

#### **POLICY IMPACTS**

This kindergarten impacts Council's property policy; Municipal Early Years Infrastructure Plan and Municipal Early Years Plan.

#### **CONFLICT OF INTEREST DECLARATION**

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

**EXTENSION OF TIME AT 8:28 PM**

**Moved:** Cr J O'Donnell  
**Seconded:** Cr M Power

**CARRIED**

## 12. SAFE AND SUSTAINABLE ENVIRONMENTS

### 12.1 MAIN ROAD WALHALLA - PATH ALIGNMENT FROM THE BAND ROTUNDA TO THE LONG TUNNEL EXTENDED MINE

Senior Project Engineer

Directorate: Community Infrastructure

Ward: East

Appendix: 8 attachments

#### **PURPOSE**

To seek Council endorsement of the footpath alignment along Main Road Walhalla between the Band Rotunda and the Long Tunnel Extended Mine.

#### **RECOMMENDATION**

That Council:

- Adopt the 'Hybrid Alignment' for the footpath along Main Road Walhalla between the Band Rotunda and the Long Tunnel Extended Mine;
- Note that the final footpath design is subject to Regional Roads Victoria approval; and
- Enter into a written agreement with the property owner/s of 130 Main Road Walhalla (The Star Hotel) in relation to sealing the existing gravel footpath on private property (that is adjacent to the road reserve) and for the ongoing maintenance of this footpath.

Cr Leaney declared a Conflict of Interest and left the chamber at 8:33pm, returning at 8:37 pm.

#### **COUNCIL MOTION**

**Moved:** Cr D Wallace

**Seconded:** Cr K Cook

**CARRIED**

#### **KEY ISSUES**

- A footpath project is proposed along Main Road, Walhalla from the Band Rotunda to the entrance of the Long Tunnel Extended Mine, a distance of 390m, as part of the adopted 2019/20 Capital Works Program.
- The footpath needs to vary in width between 1.2m and 2m due on-site constraints such as services, terrain, parking and the available road reserve width.
- Three different alignments have been produced and presented to the community for feedback between July and December 2019:
  - Western Alignment (Attachment 1),

- Eastern Alignment (Attachment 2),
- Hybrid Alignment (Attachment 3).
- The Western Alignment runs adjacent to the creek and joins the proposed path with the existing path on the western side of Main Road Walhalla.
- The Western Alignment was unpopular with the community who raised several concerns about the integrity of the creek embankment. Of the respondents within the community 11 of the 13 expressed their desire to see the path constructed on the east side of the road along the historical alignment.
- Following the community responses to the 'Western Alignment', an 'Eastern Alignment' was developed and issued to the community in August for their feedback.
- The 'Eastern Alignment' was better received, however, there are several conflicts with services, difficulties in matching into existing driveways and paths as well as the reduction or elimination of some on-street parking.
- An invitation was sent to the community to meet with Council Officers and walk the length of the proposed path. Following this meeting, the 'Eastern Alignment' was modified into the 'Hybrid Alignment' based on the community feedback on the day.
- The 'Hybrid Alignment' extends from the carpark opposite to the Band Rotunda to the Long Tunnel Extended Mine.
- The 'Hybrid Alignment' has been well received by the community and is the best alignment given the concerns raised by the community.
- The 'Hybrid Alignment' is proposed to be constructed in sections on both the east and west sides of the road to manage competing interests of:
  - On street parking,
  - Property access,
  - Pedestrian safety,
  - Following the historical path alignment, and
  - Conflicts with services.
- There is existing kerbing outside and in the vicinity of 130 Main Road Walhalla (the Star Hotel). The design of the proposed footpath north of this area includes new kerbing to be installed to ensure pedestrians have a physical buffer from vehicles given their close proximity.
- There is an existing gravel footpath located between the veranda/deck of 130 Main Road Walhalla (the Star Hotel) and the existing kerbing. The Hybrid Alignment proposes to seal this existing 2m wide gravel footpath, however, a title reestablishment survey has revealed that part of the existing gravel path is on private land. On average, approximately half of the existing footpath is within private property for the full width of the property.

- Sealing the existing gravel footpath will provide a 2m wide path and is the best outcome for the community for the following reasons:
  - There is currently only 1m available within the road reserve for the construction of a footpath in this area. A minimum path width of 1.2m is required to provide accessible access,
  - Main Road in Walhalla is generally narrow and Regional Roads Victoria (RRV) are not encouraging any loss of road width as part of these works,
  - Sealing the gravel path in the road reserve will leave the existing path half sealed, and
  - There is physical space available for the construction of a footpath in front of 130 Main Road, Walhalla (see Attachments 4, 5 and 6),
- An agreement with the property owner/s of 130 Main Road Walhalla will need to be entered into prior to the construction and ongoing maintenance of the footpath. This will ideally involve the placement of a Section 173 Agreement on the land parcel, further discussions will need to be entered into with the property to enable this outcome.
- Preliminary advice indicates that Council could alternatively choose to utilise the powers under Section 204 of the *Local Government Act 1989* (the Act) in relation to the small section of gravel footpath on private land outside the buildings of 130 Main Road Walhalla (the Star Hotel). Section 204 enables Council to either:
  - By notice published in the Government Gazette, declare under section 204(1) of the Local Government Act 1989 the footpath (and road if necessary) to be a public highway for the purposes of the Act; or
  - By resolution under section 204(2) of the Act, declare the footpath (and road if necessary) to be reasonably required for public use to be open to public traffic.
- A statutory process must be followed to make either of the statutory declarations mentioned above. A section 223 process would also apply enabling submissions to be made.
- Main Road in Walhalla is part of the arterial road network and consent for the footpath design, alignment and construction is required from Regional Roads Victoria (RRV).
- RRV have reviewed the Hybrid Alignment and have provided in principle support for the footpath. However, RRV have verbally expressed an unwillingness to accept the maintenance responsibilities for any new hardwood timber kerb associated with the footpath works. Council officers are continuing to liaise with RRV on this issue given the road safety benefits associated with having a timber kerb to delineate the roadway from the footpath and their maintenance responsibilities under the Road Management Act.

- The use of hardwood timber kerb is in accordance with the 'Walhalla Design, Permit and Exemptions Guide' (see Attachment 7, page 22). Suitable hardwood timber is becoming increasingly difficult to source and expensive to purchase. Alternate products may need to be explored that maintain the timber appearance while providing a longer service life.

### **TRIPLEBOTTOMLINE IMPLICATIONS**

#### **Financial Impact**

\$200,000 has been allocated in the 2019/20 Capital Works Program for the construction of a footpath along Main Road in Walhalla between the Band Rotunda and the Long Tunnel Extended Mine. It is expected that this budget will be sufficient to complete the footpath, however, this is subject to RRV's final position in relation to the specifics of the project.

#### **Environmental Impact**

Contract specifications will require the development and implementation of an Environmental Management Plan for all works. This plan includes operational controls and procedures to manage all identified impacts and environmental protection actions to be undertaken.

#### **Community Impact**

- The construction of the footpath from the Band Rotunda to the Long Tunnel Extended Mine will extend the footpath network within the town and link key attractions.
- Safety of residents and tourists will be improved by providing a continuous formal footpath that is delineated from the roadway.
- The Hybrid Alignment largely follows the alignment of the historical footpath.
- Drainage will be improved, particularly on Main Road in front of the Band Rotunda.
- The construction of the path will, in some areas, reduce the number of on street parking spaces available. Access to private property will be maintained.
- Construction of the footpath is planned to occur outside of the peak tourism season (January to April), however the timing of the works is subject to obtaining final approval from RRV.

### **CONSULTATION**

- Council Officers have sought feedback through onsite meetings and written correspondence with the Walhalla Community between August and December 2019. Details of this consultation can be found in Attachment 8 of this report.
- The Western Alignment was largely rejected by most respondents.
- The Eastern Alignment was better supported, however, conflicts with services, paths and the loss of on-street parking in front of residences would complicate construction.

- The Hybrid Alignment has been well received with no negative feedback received by Council to date.
- Initial discussions have occurred with the property owner of 130 Main Road Walhalla about the potential proposal to have footpath sealing works occur on their frontage.

**LEGAL/COUNCIL PLAN/POLICY IMPACT**

**COUNCIL PLAN**

**Strategic Objective 1: *Vibrant Community***

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

**CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES**

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

**LEGAL**

An agreement with the property owner of No.130 Main Road Walhalla should be pursued to endorse the construction and set out any ongoing maintenance of the footpath.

**POLICY IMPACTS**

There are no policy impacts associated with this report.

**CONFLICT OF INTEREST DECLARATION**

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

## **12.2 BONA VISTA PETITION REPORT**

*Traffic Engineer*

*Directorate: Community Infrastructure*

*Ward: Central*

*Appendix: 1 attachment*

### **PURPOSE**

The purpose of the report is to provide Council with the outcomes of the investigation undertaken in response to the petition received by Council requesting public lighting on Bona Vista Road, Warragul.

### **RECOMMENDATION**

That Council:

1. Advises the lead petitioner that the missing link of footpath on Bona Vista Road has been added to Council's New Footpath Program and will be considered for delivery as part of future annual budget processes in accordance with Council's Priority Matrix.
2. Discuss alternate options with the Community and encourage the use of Koonung Drive and Cason Crescent for cycling, walking, running, or exercising their pets.

### **COUNCIL MOTION**

**Moved:** Cr M Power

**Seconded:** Cr J Gauci

Speaking to the Motion, Cr Power read out a written submission received from Ms J Modra.

**CARRIED**

### **KEY ISSUES**

- Council received a Petition on 13 November 2019 from the Community which has been signed by 81 Community Members.
- The Petition declares that at present, Bona Vista Road has no street lighting from the bottom roundabout on Korumburra-Warragul Road all the way to the corner of Emerald Drive. It is very dark at night and dangerous for those who cycle, walk, run, or exercise their pets.

### **SITE INVESTIGATIONS**

- Council officers undertook an on-site investigation on 9 January 2020. The investigation aimed to explore possibilities for the construction of a safe connection of footpath along Bona Vista Road.
- Furthermore, the secondary objective of the investigation was to explore alternative options for locating the footpath due to site constraints along Bona Vista Road (i.e. limited width of the road reserve, topography etc.).

## **ASSESSMENT**

- During the initial desktop investigation, it has been noted that:
  - The identified section of Bona Vista Road in the petition has a posted speed limit of 70 km/h;
  - There is a footpath on the east side of Bona Vista Road from the roundabout to Koonung Drive. The section between Koonung Drive and Gibson Road does not have any footpath currently. Finally, there is a short link (70m) of footpath with crossing points from Gibson Road which continues on the Western side of Bona Vista Road to the Emerald Drive (please refer to Attachment 1). This will require partial vegetation trimming and removal. It is suggested to engage a qualified arborist for detailed tree assessment.
  - Over the past five years, there was one registered crash along this section of Bona Vista Road on 4 July 2018 (37m North from Intersection with Emerald Drive), which occurred during day time with the reason for the crash identified as “No Control” of the Vehicle.
- During the on-site investigation it was noted that Bona Vista Road has very narrow shoulders (2.6m wide) between Koonung Drive and Cason Crescent which does not allow for the relevant width and clear zone space for a safe pedestrian path. Furthermore, locating street lighting poles on either side of the road will require significant earth works and potential land acquisition of adjacent residential properties.

## **TRIPLEBOTTOMLINE IMPLICATIONS**

### **Financial Impact**

The addition of footpath at the segments of Bona Vista Road (from Cason Crescent to Gibson Road) and on Koonung Drive and Cason Crescent are estimated to cost approximately \$95,000. The cost of lighting needs to be determined additionally during the detailed design stage and lighting assessment (based on the number of points where lighting would be required).

### **Environmental Impact**

The addition of footpath and lighting poles will impact on the vegetation and trees located along adjacent streets.

### **Community Impact**

The lack of footpath and street lighting does not allow those who cycle, walk, run, or exercise their pets to use Bona Vista Road safely, especially during night time.

## **CONSULTATION**

No consultation has been undertaken with the community at the moment regarding this petition, however, it is recommended to undertake this with the

community and outline the possible options and advise on Council's Paths and Trails Strategy as well as Council's Plan outlining that the missing footpath has been added to the priority list for Council's "New Footpath Program" and will be delivered based on Council's Priority Matrix.

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

#### **COUNCIL PLAN**

This investigation into the addition of street lighting on Bona Vista Road 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 3: *Safe and Sustainable Environments***

Efficient Roads, Transport and Parking

### **CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES**

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

### **LEGAL**

N/A

### **POLICY IMPACTS**

N/A

### **CONFLICT OF INTEREST DECLARATION**

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

### **OPTIONS FOR CONSIDERATION**

- Construction of a footpath and street lighting along Bona Vista Road. This option would likely require land acquisition and significant earth works. It would also require the project to be scored against Councils Paths and Trails priority scoring matrix to determine the overall priority and scheduling of these works.
- Construction of a footpath along the alternative roads (Koonung Drive and Cason Crescent) with street lighting as determined during the detailed design stage and encourage residents to cycle, walk, run, or exercise their pets along those streets. Further construction of a footpath from Cason Crescent to Gibson Road footpath along the eastern side of Bona Vista Road. It would also require the project to be scored as per Councils Paths and Trails priority scoring matrix to determine the overall priority for these works.

## 13. ORGANISATIONAL EXCELLENCE

### 13.1 COMMUNITY BRIEFING REVIEW

Manager Governance

Directorate: Corporate and Community  
Services

Ward: All

Appendix: 1 attachment

#### PURPOSE

This report proposes amending Council's Community Participation Time Policy for the inclusion of presenting officer reports with public participation.

#### RECOMMENDATION

That Council;

1. Trials from 11 March to 20 September 2020 having officers present a community briefing paper for community input and information to the first community briefing of each calendar month; and,
2. Amends the Community Participation Time policy as per the attached draft to provide for this trial; and,
3. Informs the community through a media release, public notice and on its website of this change; and,
4. On 21 September 2020 (Caretaker Period) the adopted changes will be removed from the Community Participation Policy with the Policy reverting to the existing Policy in place prior to the adoption of this resolution.

#### COUNCIL MOTION

**Moved:** Cr J Gauci

**Seconded:** Cr M Power

**CARRIED**

**Cr O'Donnell called for a division**

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

**Against:** Nil

#### KEY ISSUES

- Good governance is important for providing the local community with confidence in the decision making process of Council. Councils are seeking to be increasingly transparent with their communities. Of note, the proposed new Local Government Act will require all Council's to have a community transparency policy.
- Baw Baw Shire Council has significantly reduced the number of items going to a closed meeting of Council and these are now a rare

occurrence. Council Meetings are open to the public and provide for Questions on Notice and public submissions on any agenda item. Council also holds public community briefings where members of the public and organisations can present to Council and currently has nine Advisory Committees with community representation.

- Council's hold Councillor Briefings which typically involve councillors and senior officers. These Briefings ensure that councillors are well informed and in the best possible position to debate matters effectively at the Council Meeting. Briefings do not feature debates or councillors taking collective positions on issues, they are not decision making forums.
- A placeholder exists for Community Briefings from 4pm to 5pm prior to each Council Meeting. Section 6a. of the policy allows for these briefings to be advertised and open to the public. Section 6b. of the current Community Participation Policy currently provides for Council Officers to present at a community briefing.
- To further increase transparency and provide the public opportunity to engage with Councillors and senior officers, it is proposed to trial changing the first community briefing of each month (to the commencement of the 2020 election period) for officers to present a briefing paper on a strategic or community interest topic.
- This briefing would include opportunity for councillors and community members to provide input on the topic being presented. The format of public input will be determined for each session by the Mayor and the CEO. Councillors, by right, will have the opportunity to question officers on their report. A proposed format would include;
  - Selection of topic by the Chief Executive Officer
  - Officer presentation (allow 20 minutes)
  - Councillor questions and discussion (allow 15 minutes)
  - Community questions and discussion (allow 15 minutes)

If applicable, the officer report would then come to the next appropriate Council Meeting for debate and decision. Community members would still be able to utilise the *Community Participation Time* in the Council Meeting to make further submissions to Council on the matter.

### **TRIPLEBOTTOMLINE IMPLICATIONS**

#### **Financial Impact**

There are no cost implications with this proposal for community briefings.

#### **Environmental Impact**

There are no environmental implications with this proposal.

#### **Community Impact**

If successful, it is hoped that this proposal will increase the community confidence in, and understanding of, the Council decision making process.

## **CONSULTATION**

- Providing for community input into officer briefings increases Council's transparency and opportunity to consult with its community.
- Council may wish to undertake formal community consultation with the community to test 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:** *Organisational Excellence*

Innovative, community focused and future ready; and

Positive leadership, advocacy and decision making around shared goals.

### **CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES**

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

### **LEGAL**

- There is nothing in the *Local Government Act 1989* to prevent Council from trialling this approach.
- The Meeting Procedure Local Law does not require change to undertake this trial.

### **POLICY IMPACTS**

Minor amendments will be made to the Council Community Participation Time Policy to allow for this trial.

### **CONFLICT OF INTEREST DECLARATION**

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

## 14. NOTICES OF MOTION

Nil Reports

## 15. COMMITTEE AND DELEGATES REPORTS

Cr Cook	Cr Cook reported he had recently been appointed Chairman of the the West Gippsland Regional Library Board Corporation.
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## 16. ASSEMBLY OF COUNCILLORS

### 16.1 ASSEMBLY OF COUNCILLORS

*Governance Officer*

*Directorate: Corporate and Community Services*

*Ward: All*

*Appendix: 6 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 29 November 2019 to Friday 31 January 2020.

#### **COUNCIL MOTION**

**Moved:** Cr J O'Donnell

**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**

Nil

**18. GENERAL BUSINESS**

**18.1 GENERAL BUSINESS MOTION – 121 QUEEN STREET,  
WARRAGUL**

(Cr Joe Gauci)

That Council:

1. Encourages and would welcome the submission of a planning permit application for the property at 121 Queen Street, Warragul. The Warragul Town Centre Masterplan (2011) identifies within the “butter factory precinct” opportunities for mixed use development, residential development and the provision of car parking spaces. These identified land uses have the potential to provide significant economic benefit to Warragul.

**COUNCIL MOTION**

**Moved:** Cr J Gauci  
**Seconded:** Cr M Power

**CARRIED**

**Cr Gauci called for a division**

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

**Meeting closed at 9:06 pm**

**Confirmed at this meeting 26 FEBRUARY 2020**

.....  
**Cr P Kostos**  
**Deputy Mayor**