



ORDINARY COUNCIL MEETING AGENDA

Tuesday, 26 March 2019

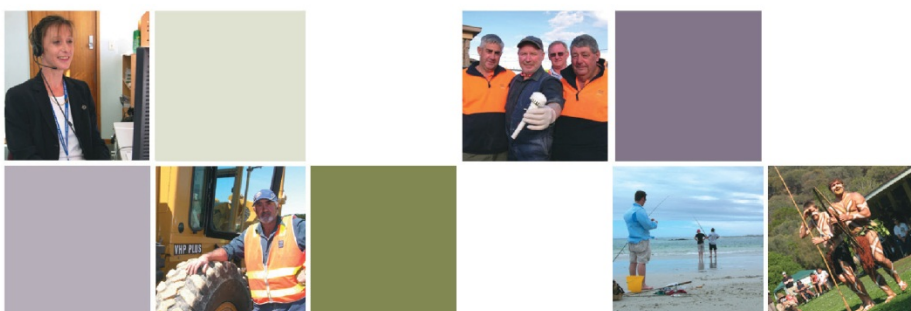
to be held at

Mortlake Council Offices

1 Jamieson Avenue, Mortlake

Commencing at 4.00 pm

Moyne Shire - a safe, vibrant, liveable, and prosperous community



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Confidential Agenda Items

Under the Local Government Act 1989, the items as listed, have been classed as Confidential as they pertain to:

Contractual Matters - Section 89 (2) (d)

19. **Contract MS 857 – Supply and Delivery of Bulk Fuels**

Acknowledgement of Country

We acknowledge the Traditional Owners of the land on which we are meeting and pay our respects to their Elders, past, present and emerging, and the Elders from other communities who may be here today.

Recording of Council Meetings

Please note that today's meeting is being audio recorded. This recording will be uploaded to Council's website and will be accessible by the general public. By participating in and addressing those present at the meeting, you consent to any information you disclose (including any personal information or sensitive information) being recorded and uploaded to the website.

Prayer

Almighty God, we humbly beseech your blessing on the Council, direct and prosper its deliberations for the welfare of the people of the Moyne Shire.

AMEN

Apologies

Motion (if required)

That an apology be received from

Declarations of Interest

Local Government Act 1989 Section 79 (2): A Councillor or member of a special committee who has a conflict of interest and is attending the meeting of the Council or special committee must make a full disclosure of that interest:

- (a) by either:
 - (i) Advising the Council or special committee at the meeting of the details required under paragraph (b) and (c) immediately before the matter is considered at the meeting; or
 - (ii) Advising the Chief Executive Officer in writing of the details required under paragraphs (b) and (c) before the meeting; and
- (b) Classifying the type of interest that has given rise to the conflict as either:
 - (i) A direct interest: or
 - (ii) An indirect interest and specifying the particular kind of indirect interest under Section 78, 78A, 78B, 78C, 78D or 78E; and
- (c) Describing the nature of the interest; and
- (d) If the Councillor or member advised the Chief Executive Officer of the details under paragraph (a) (ii), the Councillor or member must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.

Members of Staff

Under Section 80C of the Local Government Act 1989, officers of people engaged under contract to the Council providing a report or advice to Council must disclose any conflicts of interests in the matter, including the type of interest.

Confirmation of Minutes

Recommendation

That the Minutes of the Ordinary Council Meeting held on Tuesday, 26 February 2019, be confirmed

Public Participation

Members of the public attending the monthly Council Ordinary Meeting may address the meeting in respect of either:

- a) any item listed in the business paper; or
- b) any other matter relevant to the activities and projects of the Council.

Any person wishing to address the Council must submit details in writing of the nature of the issue / question they wish to raise by 12 noon on the Monday prior to the meeting day.

The public participation segment for each Council meeting will be held at 4.00pm.

Any matters raised at a public participation session will be considered by the Council at the subsequent Council meeting.

The matters will be considered after the confirmation of minutes of previous meetings and be considered in the order they were raised at the public participation session.

Meeting Procedure Local Law – 61(11) and 61(12)

Summary: If the Chief Executive Officer is unable to provide an answer to a question from a member of the public (during the public participation section of the meeting), the Chief Officer must provide and circulate to all Councillors a written answer to the member of the public at his or her nominated address as soon as is practicable. The response must be tabled at the next Ordinary Meeting and a summary of the text of the question and the response be included in the Minutes of the meeting.

Public participation attendees

None registered at time of printing

1. Assemblies of Councillors

Presented to Council Meeting – 26 March 2019

Presented by Chief Executive Officer

Report Author Executive Assistant

Officer's Recommendation

That Council receives and notes the records of the listed assemblies of Councillors covering the period 16 February 2019 to 15 March 2019.

18 February 2019 – Macarthur Wind Farm Community Engagement Committee (CEC) Meeting	
Matters considered	<ul style="list-style-type: none"> – Information signage at the site and in Macarthur. – Update on Macarthur Wind Farm Community Fund. – Update on compliance with Permit conditions.
Councillors present	Cr Doukas, Cr Ryan (Chair)
Staff present	Ms V Askew-Thornton
Conflict of Interest	None declared.

20 February 2019 – Mortlake South Wind Farm CEC meeting	
Matters considered	<ul style="list-style-type: none"> – Endorsed Environmental Management Plan. – Background noise measurements and post-construction noise monitoring. – Micrositing of turbines. – Site maps. – Neighbour benefit program. – Construction update. – Construction vehicles and approved routes – management.
Councillors present	Cr Jim Doukas (Chair), Cr Jill Parker, Cr Ian Smith
Staff present	Ms Vicki Askew Thornton
Conflict of Interest	None declared

20 February 2019 - Salt Creek Wind Farm CEC Meeting

Matters considered	<ul style="list-style-type: none"> - Planned outage for turbine maintenance. - Bat and avifauna monitoring, offsite landscaping and noise monitoring. - Onsite landscaping. - 'Lend a Hand' Community Fund. - School tours. - 'Salt Creek Wind Farm Scholarship Fund'. - Frequency of CEC meetings.
Councillors present	Cr Jill Parker (Chair), Cr Ian Smith
Staff present	Ms Vicki Askew Thornton
Conflict of Interest	None declared

5 March 2019 – Councillor Workshop, Mortlake office

Matters considered	<ul style="list-style-type: none"> - GSC Integrated Water Forum Review of the Local Government Performance Reporting Framework - Local Government Performance Reporting Framework (LGPRF) Half Yearly Report - Barwon South West Regional Dairy Supply Chain Study - Proposed Sale of Land known as the Former Maternal and Child Health Care Centre, Lindsay Street, Yambuk - Proposed Sale of Lot 21 Shadwell Drive, Mortlake Industrial Estate - Proposed Sale of Mepunga East Tennis Court Reserve - Proposed Sale of Old St Helens Tennis Courts - Discussion - Community Groups Capital Works presentations made on 5th February.
Councillors present	Cr Doukas, Cr Lockett, Cr Meade, Cr Parker, Cr Ryan, Cr Smith, Cr Wolfe
Staff present	Mr Millard, Mr T Greenberger, Mr Leddin, Ms Cook
Conflict of Interest	None declared.

6 March 2019 – Dundonnell Wind Farm CEC Meeting

Matters considered	<ul style="list-style-type: none"> - Community Benefit Initiatives. - Update on external road upgrade, onsite quarry establishment and transmission line progress. - Darlington-Nerrin Road.
Councillors present	Cr Doukas, Cr Smith (Chair)
Staff present	Ms V Askew-Thornton
Conflict of Interest	None declared

12 March 2019 – Councillor Workshop, Port Fairy

Matters considered	<ul style="list-style-type: none"> – Gardens Reserve Master Plan – PRESENTATION - Port Fairy Football Netball Club (Gardens Masterplan) – Proposed new Lease to Warrnambool Bus & Motor Company Pty Ltd located at Port Fairy Visitor Centre, Bank Street, Port Fairy – Review of Licence Agreements for Users at Recreation Reserves – Replacing VicRoads with a Council-run system
Councillors present	Cr Doukas, Cr Meade, Cr Parker, Cr Ryan, Cr Smith, Cr Wolfe
Staff present	Mr Millard, Mr T Greenberger, Mr Leddin, Mr Moles, Ms Anderton, Mr Boyle, Ms Cook
Conflict of Interest	None declared.

Synopsis

This report details assemblies of Councillors that have taken place since the matter was last reported to Council in February 2019.

Background

In accordance with section 80A(2) of the *Local Government Act 1989* Council is required to report as soon as practicable to an Ordinary Meeting of Council a record of any assemblies of Councillors held.

Strategic Link

Moyne Shire Council Plan 2017-2021 Key Result Area 1 Governance: ‘Improve our processes and operating systems’

Discussion

Amendments to the Local Government Act 1989 (the Act) require records of assemblies of Councillors to be reported to an Ordinary Meeting of Council and recorded in the Minutes of that meeting.

An assembly of Councillors is defined in section 76AA of the Act. It is a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of delegated authority and which is either of the following:

- A planned or scheduled meeting that includes at least half the Councillors and at least one Council Officer. These assemblies do not include meeting of Councillors and Council staff that are not planned or scheduled.
- A meeting of an advisory committee where at least one Councillor is present. An advisory committee is any committee established by the Council, other than a special committee, that provides advice to the Council or to a special committee or to a member of Council staff who has been delegated a power or duty or function of the Council.

A record must be kept of an assembly of Councillors and include the names of all Councillors and Council staff attending, the matters considered, disclosures of conflict of interest and whether a Councillor left the meeting after making a disclosure. In accordance with section 80A(2) of the Act, Council is required to report as soon as practicable to an Ordinary Meeting of Council a record of any assemblies of Councillors held.

The recommendation contains details of assemblies of Councillors that have taken place since the matter was last reported to Council in February 2019.

Consultation

None required, statutory compliance

Financial Implications

This is a routine reporting item

Risk

If not compliant will be in breach of the Local Government Act 1989 section 80A. Reporting on Assemblies of Councillors provides a level of public transparency about meetings held by the Council and ensures that the records are retained.

Conclusion

It is recommended that Council receive and note the records of recent assemblies of Councillors as contained in this report.

2. Financial Performance Report

Presented to Council Meeting – 26 March 2019

Presented by Director Community and Corporate Support

Report Author Finance Manager

Attachment February 2019 Financial Performance Report

Officer's Recommendation

That Council receive the February 2019 Financial Performance Report.

3 Local Government Performance Reporting Framework (LGPRF) Half Yearly Report

Presented to Council Meeting – 26 March 2019

Presented by Director Community and Corporate Support

Report Author Manager Organisational Development

Attachments

1. LGPRF 6 Month Period Report ending 31 December 2018 – Report of Operations
2. LGPRF 6 Month Period Report ending 31 December 2018 – Performance Statement

Officer’s Recommendation

That Council note the results for the Local Government Performance Reporting Framework for the six months ended 31 December 2018.

Synopsis

This report provides Council with results for the range of services data collected under the mandatory Local Government Performance Reporting Framework (LGPRF) for the half year ended 31 December 2018.

Background

The LGPRF is a comparative reporting framework for Victorian Councils to ensure Councils are measuring and reporting on their performance in a consistent way to the community.

The Framework was introduced in 2014-15 and is publicly available on the “Know Your Council” website.

Under the Local Government (Planning and Reporting) Regulations 2014, Council is required to provide half-yearly and annual reports on Council’s results from the data collection for the LGPRF.

Councils are required to present a selection of the Indicators in a Performance Statement prepared each financial year, audited and included in the Annual Report.

The LGPRF contains service performance indicators across broad service areas. Service areas included in the July-December 2018 period were:

- Aquatic Facilities
- Animal Management
- Food Safety

- Governance
- Libraries
- Maternal and Child Health (MCH)
- Roads
- Statutory Planning
- Waste Collection.

Reporting on the Home and Community Care indicators ceased 1 July 2016 as mandated by Local Government Victoria as a result of part of these services transferring to the Commonwealth Government and thereby restricting access to relevant data.

When interpreting the data provided in this report, some care should be taken as it only pertains to half the financial year. Non-financial elements reported are not always uniform throughout the year and the timing of revenue or expenditure can also impact on variance.

Strategic Link

The Local Government Act 1989.

Local Government (Planning and Reporting) Regulations 2014.

Discussion

The data submitted for this half year gives a good indication of how Council is performing against the Local Government expected range; some of the results are outside permissible or expected range and this can be expected because this reporting is shorter than the 12-month period.

There are also some measures that cannot be reported mid-year such as results from the Community Satisfaction Survey.

A number of cost indicators are not able to be reliably reported until 30 June 2019 due to the requirement for end of year financial results.

For the July to December 2018 period non-financial performance indicators are within expected ranges. Where the costs of providing services are reported, 6 monthly data are not always comparable to the previous 12 month periods.

The half-yearly report is also a good opportunity for staff to review the data in preparation for the full year reporting process.

Consultation

The Local Government (Planning and Reporting) Regulations 2014 require the reporting of six (6) monthly results.

Financial Implications

No financial implications on the collecting and reporting of six (6) monthly data.

Risk

There is risk to Council if it does not comply with its legislative obligations.

Conclusion

This report provides information on Council's performance in delivering against the range of indicators contained in the Local Government Performance Reporting Framework (LGPRF). The data submitted for this half year gives a good indication how Council is performing against the Local Government expected range.

A report on Moyne's results will be provided to the Council and Audit & Risk Management Committee.

The whole financial year data is audited and is included in Council's Annual Report and on the 'Know Your Council' website.

4. Shared ICT Project and Rural Councils Transformation Program funding opportunity

Presented to Council Meeting - 26 March 2019

Presented by Director Community & Corporate Support

Report Author Manager Finance & IT

Attachment Summary Business Case presentation

Officer's Recommendation

It is recommended that Council:

1. Notes that Moyne Shire Council is a participant in a grouping of councils making an application for funding under the Victorian Government Rural Councils Transformation Program (RCTP) for the following initiative:
 - a) South West Councils ICT Alliance – ERP Shared Services, in conjunction with Corangamite Shire Council (lead council) and Warrnambool City Council.
2. Notes that for an RCTP application to be eligible for consideration, the following criteria must be met:
 - a) Submission of a joint business case by 31 March 2019.
 - b) Each council must pass an accompanying resolution committing to implement the business case, if approved for funding. The resolution must be lodged with Local Government Victoria by 30 April 2019.
3. Approves the submission of the business case by Corangamite Shire Council on behalf of Moyne Shire Council.
4. Approves implementation of the project within the submitted business case by Moyne Shire Council, subject to the application being approved for RCTP funding.

Synopsis

Corangamite Shire, Warrnambool City and Moyne Shire Councils are well advanced in the preparation of a joint Business Case application to the Rural Councils Transformation Program (RCTP) for the implementation of a shared Enterprise Resource Platform (ERP) (core ICT systems).

Part of the requirements of the RCTP funding program is a council resolution of support from each of the three participating councils.

Each of the three participating councils are passing similar motions in accordance with guidance provided by Local Government Victoria (LGV) who are administering the RCTP funding program.

The Shared ICT Project has an estimated cost of \$4.5 million dollars which would be fully funded under the RCTP program, if the application is successful, without the requirement for matching contributions from the participating councils.

As such this project is a great opportunity for council to upgrade its core ICT platform without drawing on council funding.

Background

Approximately four years ago the three councils initiated the concept of a shared Technology One (T1) ICT platform, given that each council was an existing T1 user.

In June 2017 the councils were successful in obtaining a \$75,000 grant from the LGV FAST program to assist in completing a business case for the project. This enabled consultants (Information Professionals) to be engaged following a procurement process to undertake the business case in conjunction with council officers.

An ERP is a digital platform that is used to deliver the core business information systems of the organisation and is currently provide by Technology One.

This business case was completed in May 2018.

In August 2018 LGV announced the \$20 million Rural Councils Transformation Program (RCTP) which was designed to support the 48 regional and rural councils to implement large scale transformative projects.

The program states: *“The adoption of regional service delivery models can help to achieve greater service benefits for rural and regional communities, through increased collaboration across councils and the delivery of greater efficiencies. Economies of scale may be achieved through more efficient service delivery with integrated regional services, greater collective buying power through collaborative procurement, or shared corporate services. Such partnering arrangements can lead to more efficient service delivery, ultimately contributing to greater sustainability of these councils and better service provision for communities.*

The RCTP aims to:

- 1. Improve the financial sustainability of rural and regional councils by achieving economies of scale including through regional service delivery or collaborative procurement;*
- 2. Promote more efficient and improved service delivery through collaboration and innovation;*

3. *Facilitate benefits for rural and regional communities, with priority given to those for rural communities; and*
4. *Demonstrate potential efficiencies to be gained through regional service delivery.”*

It should be noted that this project is about how functions are processed for each council but does not impact the decision making process or autonomy of the three individual councils.

The ICT Systems referred to in this project are processing tools, with associated software and data bases, and generally support the following functions:

- Finance system including reporting and budgeting;
- Payroll;
- Accounts payable (paying bills);
- Accounts receivable (raising bills);
- Rating functions;
- Permits and registrations.

Each of the councils would maintain their independent data bases and integrity but would share common software and business processes.

The RCTP provides an excellent opportunity to apply for full funding of the Shared ICT Concept.

An Expression of Interest process ran in November 2018 and this project was successful in progressing and is now scheduled to lodge an updated business case by the 31 March 2019 due date.

Given that this project was well underway it was now a matter of amending the completed project business case to meet the needs of the business case template required by LGV.

The motion in this report forms part of the LGV requirements for the funding application.

Funding announcements are expected to be made in May 2019.

This project is competing with around 12 other applications and LGV have indicated they will approve 4 to 6 projects.

A project briefing was delivered to members of the combined Audit & Risk Committees of the three councils on 28 February 2019 – **see Attachment 1**.

If successful it is anticipated that the project would rollout across the three councils over the next two years.

Strategic Link

Council Plan 2017-2021: We will govern and administer our organisation to achieve the best outcomes for our community by...

Partnering with neighbouring Councils to deliver shared projects and services.

Keeping up to date with technology and modern systems of work.

Looking for efficiencies in the way we work.

Discussion

The three councils have explored the possibility of using Shared Core ICT Systems rather than duplicating effort across the three councils, as part of a shared services efficiency initiative.

This business case examines whether or not it makes good business sense to transition the three existing separate core ERP systems at Corangamite Shire, Moyne Shire and Warrnambool City into a shared service model. Based on the evaluation there is a strong financial and structural argument to make this change, while understanding that there are risks that need to be understood and managed.

Rural and regional councils in Victoria face a number of pertinent challenges which led to the review to explore implementing shared services:

- There is considerable financial pressure on expenditures, with rate capping and a reduced grant environment impacting Council financial sustainability.
- The scope, cost and complexity of information technology and communication (ICT) systems is growing within councils, driven by issues such as community expectations for online services, regulatory complexity, a digitisation agenda, internal demand and cyber security.
- Access to skills is limited through a combination of small teams and distance from capital cities and major regional centres.
- There is political pressure to collaborate, leveraging a viewpoint that there is waste and inefficiency through unnecessary duplication and repetition both within and between councils.

The business case provides a robust analysis of the current state of the ERP at the three councils and compares this to a future state where a shared service ERP model provides a significant portion of the enterprise ICT needs. The change in structure and approach will allow councils to deliver in a number of areas including:

- Improved community and customer experience through flexible on-line and mobile services.
- Improved staff engagement with better aligned and streamlined business processes.

- Reduced costs for executing back-end processes through economies of scale and eliminating duplication.
- Improved agility, allowing councils to change their operations quickly in response to changes in legislation or policy.
- Better cyber security through a highly sophisticated “cloud” model.

The change allows the three councils to leverage their commitment to working together, it opens additional areas for collaboration and it provides evidence of the ability of councils to achieve the benefits of scale while remaining three separate organisations.

This project does not impact on any decision making processes of council, including setting of the annual budget, but is changing the way council's core ICT systems are structured in an attempt to provide efficiencies across the three councils.

As with all projects there is a degree of risk associated with the project, and project management and implementation will be critical in meeting the outcomes and benefits that are sought. The collaboration between the three councils for this project is strong.

If the application is not successful then council will be required to make significant investment in upgrading its core ICT systems in future years.

The release by LGV of the RCTP \$20 million funding program was very timely and provides an excellent opportunity for the three councils to secure significant state government funding for ICT upgrades.

Consultation

Over the past eighteen months considerable consultation has taken place between senior officers from the three councils in preparing the business case for the project.

Regular meetings have taken place with the project consultants (Information Professionals) and more recently with officers from LGV.

The Chief Executive Officers and Audit and Risk Committee members from the three councils have been briefed on the project.

Financial Implications

The Rural Councils Transformation program provides significant funding for transformative projects with no matching contribution required from councils. If this project is successful there will be an involvement of key system users in implementing the project which will require staff resourcing for backfill.

The project application seeks \$4.5 million in state government funding without the need for matching contributions from the three participating councils.

Risk

There is always a degree of risk involved in delivering such a project within scope and budget however, the chance to attract substantial government funding towards the upgrade of council's core IT systems is a significant opportunity for council.

Change management processes will also be critical in delivering the project outcomes.

A joint steering committee of officers from the three councils will oversee the project.

Conclusion

The concept of a shared ERP platform across Moyne Shire, Corangamite Shire and Warrnambool City Councils has been explored and is now supported by a strong business case.

The opportunity to apply for funding under the RCTP program now exists and would provide a significant state government funded benefit to realise the project.

An appropriately worded motion to comply with LGV funding guidelines is set out for council resolution to support the funding application.

5. Mt Fyans Wind Farm – Community Engagement Committee Community Representative Nominations

Presented to Council Meeting – 26 March 2019

Presented by Director Sustainable Development

Report Author Major Projects Liaison Officer

Confidential Community Nominations received

Attachments 1. Wendy Bickley Lynzaat

2. Catherine Doulis

3. Kelvin Goodall

4. Errol Harris

5. Jacinta Jubb

6. Lisa Parker

7. Peter Rooke

Officer's Recommendation

That Council consider the seven (7) community representative nominations that have been received for the recently established Mt Fyans Wind Farm Community Engagement Committee.

Synopsis

This report presents to Council 7 community representative nominations that have been received for the Mt Fyans Wind Farm Community Engagement Committee (CEC). There are 6 community representative positions available on the CEC. This report was deferred by Council at its Ordinary Meeting held on 22 January 2019 for further consideration at this meeting.

Background

The proponent for the proposed Mt Fyans Wind Farm is Woolnorth Wind Farm Holding Pty Ltd. Woolnorth Wind Farm Holding Pty Ltd is a joint venture between Hydro Tasmania and Shenhua Clean Energy.

The proposal is for up to 87 turbines across a site approximately five kilometres north of Mortlake.

Woolnorth Wind Farm Holding Pty Ltd lodged a planning permit application with the Minister for Planning in September 2018. The application has not yet been publicly notified by the Minister for Planning.

Council established a CEC for this project at its ordinary meeting on 28 August 2018, and made available up to 6 community representative positions.

Advertisements inviting community representative nominations were placed in The Warrnambool Standard and Mortlake Dispatch newspapers between the period 8 and 22 September 2018. In addition, letters inviting nominations for community representative positions were sent to landholders within 10km of the proposed wind farm site.

Council received nominations from the following community members:

- Wendy Bickley Lynzaat;
- Catherine Doulis;
- Kelvin Goodall;
- Errol Harris;
- Jacinta Jubb;
- Lisa Parker; and
- Peter Rooke

The completed nomination forms are attached to this report as Attachment 1.

Strategic Link

An active Mt Fyans Wind Farm Community Engagement Committee will continue the implementation of Council's community engagement framework for major project developments in the Shire.

Discussion

The main purpose of the CEC will be to enhance the timely flow of accurate information about the Mt Fyans Wind Farm proposal between the community, the proponent, Council and other relevant stakeholders.

Appointment of community representatives to the Committee should be made by Council having regard to a range of selection criteria including a nominee's:

- Knowledge of the district/s around the proposed project site.
- Linkages to and/or active involvement in existing community organisations and networks.
- Availability and commitment to attend regular Community Engagement Committee meetings.

Council, in considering whether or not to appoint members to the Mt Fyans Wind Farm CEC should have regard to its previous resolution at the Ordinary Council Meeting of 25 September, 2018 which states:

“Council request an urgent meeting with Minister for Planning Hon. Richard Wynne and Members for Western Victoria Ms Jaala Pulford and Ms Gayle Tierney to convey the Mortlake and District community resolution of 17 September, 2018, which is fully supported by Council.”

The resolution from the community group that was the subject of this motion read:

“This meeting of the Mortlake and District community on Monday 17th September 2018 reject the offer of the Moyné Shire to establish a Community Engagement Committee for the Mt Fyans Windfarm, furthermore, this meeting is totally and absolutely opposed to the development of the Mt Fyans Windfarm, and directs the Shire Councillors and Officers to instruct the Minister for Planning to reject any application by the proponent Woolnorth for the development of the Mt Fyans Windarm at Mortlake”.

This resolution was enacted as Council sought but was unsuccessful in gaining a meeting with the Planning Minister.

The planning permit application has been lodged with the Minister for Planning. As such, an assessment process will occur.

As this proposed wind farm is of a significant size and there is a demonstrated high level of interest in the project within Mortlake and surrounding districts, it would be advantageous for the CEC to begin meeting as soon as possible.

Consultation

Council followed its adopted procedure to advertise the establishment of the CEC, calling for nominations for 6 community representative positions.

Financial Implications

There are no financial implications for Council in appointing Community Representatives to this CEC.

Risk

No risk has been identified.

Conclusion

Council is presented with 7 nominations for the 6 available community representative positions on the newly established Mt Fyans Wind Farm Community Engagement Committee

6. Barwon South West Regional Dairy Supply Chain Study

Presented to Council Meeting - 26 March 2019

Presented by Director Physical Services

Report Author Director Physical Services

Attachments: Barwon South West Dairy Supply Chain Study - Investment Prospectus Final Draft

Officer's Recommendation

That Council endorse the findings and outcomes of the Barwon South West Regional Dairy Supply Chain Study.

Synopsis

This report provides Council with an overview of the findings and outcomes of the Barwon South West Regional Dairy Supply Chain Study, which is effectively a transport network investment plan for the South West Region's dairy industry

The plan has been undertaken in three main stages:

Stage 1 - freight movement data collection and supply chain mapping;

Stage 2 - road and bridge asset data collection and analysis; and

Stage 3 - economic analysis and investment assessment

The plan will provide underlying evidence for any future funding bids under various existing State and Federal programs such as the \$200 million Victorian State Government Agriculture and Infrastructure Jobs Fund.

Corangamite Shire has led the project in partnership and with funding from the Victorian Government and Colac Otway Shire, Moyne Shire, Southern Grampians Shire, and Warrnambool City Council.

Council is asked to endorse the report.

Background

Dairy industry representatives along with state and local government stakeholders have been working together over the past 10-12 months to develop an evidence base that demonstrates the value of the dairy industry to the state and national economies.

South West Victoria is a well-established dairying region of national significance employing nearly 7,000 people on farm but a total of more than 10,000 working in the industry. The region has approximately 1,300 farms and is home to some 392,000 cows. Milk production totals 2.050 billion litres, representing close to 24% of the national milk production and 27% of Australia's dairy exports.

The road network plays a critical role in the dairy supply chain, providing the first and last mile link between the farm gate and processor for raw milk collection. As well as road based freight movements associated with raw milk collection, delivery of cattle, hay, fertiliser and other inputs add to the overall freight task.

While the project includes Colac Otway Shire, Corangamite Shire, Moyne Shire, Southern Grampians and Warrnambool City Council municipalities, freight volumes originating from outside of the study area contribute to the production of dairy products, therefore freight inputs have been included in the study to ensure a more holistic approach.

The transport network investment plan will form the underlying evidence base for any future funding bids under various existing State and Federal programs such as the \$200 million Victorian State Government Agriculture and Infrastructure Jobs Fund.

Developing a range of evidence based data associated with freight flows and the transport network provides tangible benefits to industry and government and will be an important tool in prioritising projects for future funding bids.

Strategic Link

This report aligns with the 2017-2021 Moyne Shire Council Plan Strategy:

“Advocating for and securing additional funding for State-managed roads”

“Providing infrastructure that suits community needs”

Discussion

Key findings of the project include:

- There are over 1,300 farms in the study area moving 2.05 billion litres of milk.
- The region is the largest dairy production area producing 24% of Australia's milk and representing 27% of dairy exports.
- It is expected dairy production and processing will increase by 20% over the next 25 years, to 2.5 billion litres.
- To achieve 20% increase in milk production and processing by 2045 will require an additional 47% of additional gross tonnage to be carted across the network

- This total tonnage across the network, for both milk outbound and supply inbound will, equate to 89.8 million tonne, up from the current 61.1 million tonne.
- The Princes Highway forms the network spine as the major east-west link between farms, processors and is the gateway to-market.
- In order to maximise the economic benefits in which the dairy industry contributes to south-west Victoria investment in the road network should be prioritised in a staged manner based on freight volumes where:
 - Priority A is the principal network which provides access for PBS Level 2A vehicles up to 85.5 tonnes on these routes:
 - Princes Highway
 - Cobden-Warrnambool Road
 - Cobden-Stonyford Road
 - Ayresford Road
 - Caramut Road
 - Mailors Flat –Koroit Road

Priority B is the supporting network which enhances the remainder of existing PBS Level 2A routes for vehicles up to 85.5 tonnes.

Priority C is the local connector road network for vehicles up to 74.5 tonnes that gives merit to routes feeding into Priority A and B.

A total \$317 million is required to resurface, rehabilitate or widen roads across 646km arterial roads and 130km local roads and strengthen or replace bridges and major culverts (39 no.).

Minimising load limitations on structures (bridges and major culverts) and increasing allowable loads will maximise the benefits to industry in the short-term.

The estimated cost of works on structures represents approximately 24% of the total works when comparing road condition upgrades.

Making the recommended \$317.5 million investment over 10 years, and assuming switching to HPFV vehicles at the same rate will increase fleet capacity by 20.4% which will underpin significant positive economic outcomes for the industry and the economy more generally including:

- Benefit Cost Ratio 2.45
- NPV (@6.5%) of \$84.9 million
- Reduction in haulage costs of \$4.85/tonne (\$3.27/tonne in 2018 \$)
- Reduced haulage expenditures of around 5.5%, or 1.6% of the total industry cost base.

The proposed investment in the roads network will lower transportation and freight costs with a reduction of over \$53 million per annum by 2043 (based on fleet switching to HPFV in 10 years).

Staging works will be required to maximise the productivity benefits in the short term. As structures are one of the constraining factors and have the ability unlock large efficiency gains, the following stages have been recommended to maximise the benefits of upgrading the dairy supply chain network.

Stage 1 – Upgrade Priority A and B bridges \$75 million

Stage 2 – Priority A and B road condition upgrades \$218 million

Stage 3 – Upgrade the Priority C network (including structures) \$24 million

Consultation

The project has been led by Corangamite Shire in partnership and with funding from the Victorian government and Colac Otway Shire, Moyne Shire, Southern Grampians Shire, and Warrnambool City Council.

A project steering committee was established comprising local government representatives from each of the participating municipalities, State government representatives (VicRoads and Transport for Victoria) and industry representations from Webber & Chivell, Warrnambool Cheese and Butter, Byford Equipment, Fonterra, Riordan Grain Services, Saputo Dairy Australia, Westvic Dairy, Reid Stockfeeds, Mt Noorat Freighters and Craven Pastoral Company.

The infrastructure assessment and analysis was reviewed by VicRoads' Asset Services – Structures team.

Financial Implications

The project findings will be used to assist in lobbying and applying for future road improvements across the South West.

There are significant economic gains for the region that will result from the implementation of the report findings.

Risk

If Council do not endorse the report then there is a risk that future funding bids will not be supported as they do not provide adequate evidence of the need for funding.

If Council does not support the improvement of the road network across the region then there will be significant impacts on the dairy industry and broader region.

Conclusion

The Barwon South West Dairy Supply Chain study has provided a transport network investment plan, which clearly defines the competitive importance of the dairy industry and the substantial advantages from investment in the road network to increase this competitiveness.

The study outcomes provides an underlying evidence base for future funding bids under various existing State and Federal programs and highlights the tangible benefits to industry and government for use when advocating for investment.

7. Petition – Footpath Ocean Drive, Port Fairy

Presented to Council Meeting – 26 March 2019

Presented by Director Physical Services

Report Author Director Physical Services

Attachment Petition received 19 February 2019

Officer's Recommendation

That Council receive the petition in relation to a proposal to construct a footpath on Ocean Drive, Port Fairy from Mills Crescent to Anna Catherine Drive.

Synopsis

This report relates to the petition received by Council on 19 February 2019 which is signed by 31 citizens.

The Petition requests Council to consider constructing a footpath on Ocean Drive, Port Fairy between Mills Crescent and Anna Catherine Drive.

Council's Local Law (meeting procedures), requires the petition to be received by Council.

Background

Council Officers were asked to consider a footpath on Ocean Drive, Port Fairy.

Officers suggested that evidence of broader community support would be required to assist Council's assessment of the request.

As such, a petition has been developed and is attached for Council's information.

Strategic Link

The Petition needs to be managed in accordance with Councils Local Law (meeting procedures).

Discussion

Council's Local Law (Meeting Procedures) does not allow a motion to be made regarding the petition until the following ordinary meeting of Council unless Council determines that it is a matter of urgent business.

Council Officers will research the issue further and provide a detailed report to a future meeting of Council with a recommended response to the petition.

Consultation

Presentation of petition.

Financial Implications

The construction of a footpath on Ocean Drive will be subject to a budget process of Council.

Risk

There is no perceived risk for Council in receiving the petition.

Conclusion

Moyne Shire has recently received a petition from 31 citizens requesting Council consider construction a footpath on Ocean Drive, Port Fairy between Mills Crescent and Anna Catherine Drive.

In accordance with Council's Local Law (meeting procedures) the petition is to be received by Council.

The issue will be further considered in a separate report to Council.

8. Gardens Reserve Master Plan

Presented to Council Meeting – 26 March 2019

Presented by Director Physical Services

Report Author Manager Recreation and Community Development

Attachments

- 1 Draft Gardens Reserve Master Plan Feb 2019
- 2 Community Comment Summary
- 3 Jamie Mailes – correspondence (1)
- 4 Carl Thompson – correspondence
- 5 Andrea Coney – correspondence
- 6 Jamie Mailes – correspondence (2)
- 7 Port Fairy Football Netball Club – correspondence
- 8 DELWP - correspondence

Officer's Recommendation

That Council endorse the Gardens Reserve Master Plan.

Synopsis

Following a 28 day public exhibition period and subsequent adjustments, this report recommends that the Gardens Reserve Master Plan be adopted by Council.

The Plan recommends a number of improvements to the caravan park, sporting facilities and community components of the reserve.

A number of responses were received during the consultation period and are outlined in the attachments to the report along with Council officer comment.

Background

Initiation of the development of the Gardens Master Plan aimed to provide a framework for management, renewal and development of the reserve to ensure it continues to meet required standards and community and visitor expectations for a high use park. The key design drivers for the plan included:

- The opportunity to improve the diversity of the accommodation in the Caravan Park to respond to industry trends and grow the Caravan park business.
- Ensuring that all facilities and infrastructure throughout Gardens Reserve are fit for purpose and comply with industry standards and guidelines.
- Acknowledging the site's historic and cultural importance, particularly the Botanic Gardens and other remnant features and characteristics of the reserve's history

- The opportunity to influence the status and reputation of the Gardens Caravan Park to become a “destination” caravan park, not just a place for an overnight stay.
- Improving access, mobility, traffic management and pedestrian safety throughout the reserve.
- Maximising options to improve the connectivity between precincts within the reserve and walkable links between the reserve and other destination within Port Fairy.

It is important to note that the Gardens Reserve Masterplan is an overarching plan which will be further informed with additional strategic work and designs to be undertaken for Moyne Shire Caravan Parks and the Port Fairy Football Netball Club.

Strategic Link

This report is supported by the 2017-2021 Council Plan strategies:

- Partnering with community to improve buildings and other infrastructure.
- Providing infrastructure that suits community needs.
- Delivering infrastructure that helps the community come together and share experiences.
- Providing accessible and sustainable facilities.
- Ensuring new development have appropriate infrastructure to cater for future growth.
- Looking after our infrastructure in accordance with our strategic plans.

Discussion

Council released a draft version of the master plan for community comment in October 2018. Comments were received from seven submissions, which are included as attachments to the report.

It is important to note the master plan recommendations for proposed infrastructure development have been developed with consideration to the following factors:

- Principles of shared use (including caravan park minimum requirements for amenities) – a recreational reserve for all sectors of the community.
- Planning scheme constraints.
- Infrastructure development proposals cannot be built in isolation of the current and proposed use of the Gardens Reserve precinct, which includes the sports club, caravan park, community/public use and access to amenities.

Port Fairy Football Netball Club has agreed with all action items in the improvement of sport specific infrastructure however, they have requested the inclusion of an additional fourth netball court. A fourth court will impact on the total yield of caravan and camping sites and will restrict the design of the district level playground to be used by a broad sector of Port Fairy residents and caravan park visitors. It is believed that scheduling could be modified for netball training to use only 3 courts. On balance, it is recommended that only 3 courts are constructed to minimise impact on caravan park operations and playground design.

Three comments related to the removal of caravan sites where families have holidayed over previous years. A net gain of powered and unpowered sites is proposed in the plan along with the development of additional recreational infrastructure to enhance a holiday experience. The increased number of sites will provide additional space for an increased number of bookings.

Department of Environment Land Water and Planning acknowledged the plan and potential environmental impacts, particularly relating to the sensitivities of the Belfast Lough and Moyne River environs. They advised that appropriate planning measures would need to be undertaken should the recommendations proceed. Options such as a boardwalk to formally manage the way through the estuarine wetlands and native vegetation by people currently accessing the water for recreational use from the reserve.

Consultation

A combination of meetings, interviews, and site inspections were carried out with stakeholders during the study, which included reserve user groups, the Caravan Park management, local residents, stakeholder Agencies, and Council personnel. Some of the consultation was undertaken during the research phase of the study, whilst other meetings and interviews were designed to receive feedback on preliminary concept plans and the draft master plan.

The draft plan was advertised on Council's managed social media channels including its web page and Facebook account and advertised in the Moyne Council advertisement in the Warrnambool Standard throughout the 28 day period.

Financial Implications

Implementation of the master plan will not be the sole responsibility of Council and will require financial commitment from stakeholder organisations such as Port Fairy Football Netball Club to deliver proposals for upgrade to sporting infrastructure.

Projects that enhance the visitor experience such as the replacement of caravan park infrastructure will be secured via the Caravan Park Reserve. The reserve is

funded via revenue of Council managed caravan parks derived from favourable net operational surpluses. Separate business planning for the Gardens Caravan Park is modelling forecasts of increased revenue through achieving improved occupancy rates that align to industry averages.

Development of a staged and costed project delivery framework will be used and measured against the current Long Term Financial Plan to manage Council's capacity to deliver prioritised projects.

Risk

An agreed, master plan provides direction to manage future issues and community needs. The individual projects proposed in the master plan do not directly commit Council, user groups or Agencies to a responsibility for their funding and implementation. Projects identified in the master plan will need to be considered following detailed design, feasibility and assessed against other Council priorities and the availability of external funding.

Conclusion

The Gardens Reserve Master Plan responds to the current and future recreation and leisure needs of the Port Fairy community, whilst balancing requirements for the sustainable commercial operation of the caravan park (a key component of the town's overall tourist accommodation offerings) and the historic and cultural significance of the Botanic Gardens.

9. Lease of Office Space at Port Fairy Visitor Information Centre, Bank Street, Port Fairy to Warrnambool Bus & Motor Company

Presented to Council Meeting – 26 March 2019

Presented by Director Physical Services

Report Author Director Physical Services

Report Authors Manager Assets and Contracts; and Property and Assets Officer

Confidential Market Rental Valuation Report

Attachment

Officer's Recommendation

That Council resolves to grant a new 3 year lease with Warrnambool Bus & Motor Company Pty Ltd for an office at the Port Fairy Visitor Centre at a cost of \$6,700 per annum (exc GST):

Synopsis

Council has received new terms for lease from Warrnambool Bus & Motor Co. Pty Ltd (Warrnambool Bus Lines) with respect to their current rented premises located at Port Fairy Visitor Centre at Railway Place, Port Fairy. The current lease agreement expires on 30 November 2019.

Council is asked to consider and resolve new lease arrangements.

Background

The land known as office space at Port Fairy Visitors Information Centre, Bank Street, Port Fairy and more formally as being part of the land in Deed of Conveyance 860 Number 596.

The current lease is due to expire on 30 November 2019 with the final year's rent being \$6,632.23 (exc GST)

Warrnambool Bus Lines is seeking further security of the tenure to continue providing bus service to the community.

Strategic Link

Council's leasing policy states that all leases should be determined by Council resolution and a report to Council must be submitted prior to any renewal, extension and/or existing lease review.

Discussion

The subject property comprises of a single storey weatherboard office which forms part of the larger Port Fairy Visitors Information Centre that was constructed in circa 2003.

The current tenant has been providing a reliable coach service from Port Fairy along with the ticketing office since 2010 and is seen as a reliable tenant providing excellent service to the community.

The approximate tenancy area is 15m². The new terms are summarised below:

1	Lessor	Moyne Shire Council
2	Lessee	Warrnambool Bus & Motor Co Pty Ltd
3	Land	Being part of the land in Deed of Conveyance Book 860 Number 596
4	Premises	Office space at Port Fairy Visitors Information Centre, Bank Street, Port Fairy
5	Permitted Use	Bus line ticket office.
6	Initial Term	Three (3) Years, commencing on the Commencement Date
7	Option(s)/Consecutive Leases(s)	2 option terms of 3 years each.
8	Commencement Date	1 December 2019
9	Rent	\$6,700 ex GST payable on and from the Commencement Date exclusive of all outgoings.
10	Rent Payment Frequency	Annually in advance by EFT with the first year's Rent to be paid from the Commencement Date.
11	Rent Review	Subject to the market review as annually on the anniversary of the
12	Lease Format – Standard Telstra Lease	Standard commercial lease agreement

Councils leasing policy states that in assessing each leasing applicant's proposal, Council will use the following evaluation criteria (not listed in any particular order of importance):

- the applicant's ability to meet Council's objectives;
- the applicant's ability to demonstrate relevant community and economic benefit of the proposed use of the facility;
- the applicant's ability to demonstrate that the facility will be developed, managed and maintained in accordance with Council's best practice for facility and asset management;
- proposed use's potential to maximize facility use through increased community participation or combined services collocation; and
- the applicant's preferred lease terms (duration and financial return to the Council).

Council officers believe the Warrnambool Bus Lines proposed lease satisfies the above criteria.

The benefit to Council is that the new lease locks in a reasonable annual income and is essential for Warrnambool Bus Lines to remain economically viable and continue to provide an essential and reliable bus service to the community.

Council should note that from the valuation report that current rental payable on the subject property of \$6,632.23 per annum excluding GST falls outside of the market parameters on a \$ per square metre basis for this type of leased premise. The reason for the rental level currently payable falling outside of the normal market ranges is due to the continual CPI increase that has been added to the rental over the past nine (9) years of the lease. The added CPI, in the valuers opinion, has currently overstated the acceptable market rental levels that would be achievable for this premise if it was place on the open market for lease. This is the reason why the valuer has arrived at the report rental figure of \$6,000 per annum ex GST.

Council can however require a higher rental than the valuation figure if it can be negotiated with the lessee. On this basis a starting figure of \$6,700 per annum ex GST is recommended.

Consultation

Given the terms of the proposed new lease, community consultation is not required to meet the requirements of the Local Government Act (1989).

Financial Implications

Council would receive income commencing from \$6,700 ex GST with annual CPI increases from 1 December 2019.

Risk

There are no apparent risks or occupational health and safety issues identified in this report.

Conclusion

The current lease arrangement with Warrnambool Bus & Motor Company Pty Ltd for use of office space at Port Fairy Visitor Information Centre is working well.

There appears no reason as to why not to enter into a new 3 years lease (with a 2 year option).

It is recommended that Council enter into the new lease from 1 December 2019.

10. Sale of Land – Lot 21 Shadwell Drive, Mortlake

Presented to Council Meeting – 26 March 2019

Presented by Director Physical Services

Report Author Property and Assets Officer

Attachments

1. *Valuation Report Lot 21 Shadwell Drive, Mortlake – Confidential*
2. Title Plan of subdivision Lot 21 Shadwell Drive, Mortlake
3. Locality Plan

Officer's Recommendation

That Council, having been advised of the valuation for Lot 21 PS543654 Shadwell Drive, Mortlake located at the Mortlake Industrial Estate, resolves to:

1. **Reaffirm the subject site is surplus to the requirements of Council;**
2. **Direct officers in accordance with section 189 and 223 of the Local Government Act 1989 to make a public “Notice of Intention to Sell” the vacant land by an expression of interest process and to set the reserve price at valuation or better;**
3. **Invite submissions on the proposed sale in accordance with the requirements of section 223 of the Local Government Act 1989;**
4. **Be provided a further report following the cessation of statutory notification period for submissions; and**
5. **Note the attached valuation report and to keep it confidential until the land is sold.**

Synopsis

This report addresses the potential process for sale by expression of interest of land known as Lot 21 Shadwell Drive, Mortlake.

A valuation report for the subject site is attached for information and must remain confidential until completion of the expression of interest process.

Background

Council was the developer and sub-divider of the land to form the Mortlake Industrial Estate off Connewarren Lane. This was completed in two stages during 2006 and 2007.

The area for Lot 21 PS543654 is approximately 8,771m². It has a full perimeter chain mesh security fence, a 25-meter B-Double asphalt crossover and an asphalt access road. Lot 21 is located in an Industrial 1 Zone (IN1Z).

In late 2017 Council undertook a public tender sale process for Lot 21 Shadwell Drive and Lot 12 Shadwell Drive, Mortlake. Lot 12 was successfully sold by the public tender process for the sale price of \$75,000, as per the attached valuation report, however, no tenders were received for Lot 21.

After twelve months from the unsuccessful tender process for Lot 21 and now having an established presence of the WVLX, Council officers recommend to again place Lot 21 Shadwell Drive into the market place.

In preparation, Council officers have sought a valuation report for the subject site (see attachment 1 - Valuation Report).

The process for the sale or transfer of the land will need to be completed in accordance with Council's policy for Asset Sales and Proceeds Disbursement, the Local Government Best Practice Guidelines for Sale and Exchange of Land 2009 and sections 189 and 223 of the Local Government Act (1989).

Strategic Link

The Local Government Act requires Council to be stewards of Council owned public assets.

Links with Moyne Shire Council Plan 2017-2021:

Purpose *"look after assets, encourage investment"*

Discussion

In early 2017, Council conducted a public tender process for the subject site as well as Lot 12 Shadwell Drive.

Consequently, Lot 12 Shadwell Drive was sold successfully, however Lot 21 did not receive any interest from the public and was not successful in selling at that time.

Council officers have reviewed the subject site and recommends Council consider selling the subject site again, however, this time by an expression of interest process. Unlike a sale by tender, the expression of interest process is not required to have a time limit and can be open to offers for the longer term.

It is initially required, in accordance with section 189 of the Act, to publish a 'Public Notice of Intention to Sell'. This notice must inform the public of how the land is proposed to be sold.

Following the 'Notice of Intention', in accordance with section 223 of the Act, any submitters are entitled to be heard by Council at a nominated Council meeting. Only after considering the submissions can Council make a final decision regarding progression to sale.

In general, all land sales should be in the best interests of the community and of Council in both financial and non-financial aspects. The sale should be at or above the market value as assessed by the Council engaged Valuer. However, Council can consider a lower offer if it determines such an offer to be justifiable.

Where Council officers recommend that the land is to be sold for less than the market value, a report will be provided to Council which explains the circumstances and reasoning which led to the recommendation.

Consultation

If Council wishes to proceed to sell the land then Public Notice will need to be given in accordance with Section 189 of the Local Government Act and submissions sought in accordance with Section 223.

Financial Implications

Income from the sale of the land would be a one off capital injection.

Council will incur costs for valuation, legal dealings and staff time to carry out the sale process.

Council will receive the consideration for the sale.

Disposing of the land asset will reduce Councils ongoing maintenance and holding costs for the property.

Council will also receive any future rates on the property should it be successfully sold.

Risk

If Council wishes to proceed to sell the land, Public Notice will need to be given in accordance with Section 189 of the Local Government Act and submissions sought in accordance with Section 223 of the Local Government Act.

Conclusion

The subject site has been previously considered surplus to Council's future requirements and remains vacant. After twelve months since the last attempt at sale, it is recommended that Council again commences to offer the land for sale by progressing to the 'Notice of Intention to Sell' stage.

By offering the land for sale through expression of interest, Council is not tied to a limited time frame, such as a tender period, and can be open to offers for a longer term.

The sale process must be progressed in accordance with statutory requirements of sections 189 and 223 of the Local Government Act 1989 and the Local Government Best Practice Guidelines for Sale and Exchange of Land 2009.

11. Sale of Land – Old Mepunga East Tennis Court Reserve

Presented to Council Meeting – 26 March 2019

Presented by Director Physical Services

Report Author Property and Assets Officer

Attachments

1. *Valuation Report Mepunga East Tennis Court Reserve (Confidential)*
2. Mepunga East Tennis Court Reserve Title Plan
3. Mepunga East Tennis Court Reserve Aerial Photo

Officer's Recommendation

That Council, having been advised of the valuation for all that piece of land being Lot 1TP 369283 Parish of Wangoom, County of Villiers, and commonly known as Old Mepunga East Tennis Court Reserve, located on the Great Ocean Road, Mepunga East, resolves to:

1. **Reaffirm the subject site is surplus to the needs of Council; and**
2. **Direct officers in accordance with section 189 and 223 of the Local Government Act 1989 to make a public "Notice of Intention to Sell" the vacant land by an expression of interest process and set the reserve price at valuation or better; and**
3. **Invite submissions on the proposed sale in accordance with the requirements of section 223 of the Local Government Act 1989; and**
4. **Be provided a further report following the cessation of statutory notification period; and**
5. **Note the attached valuation report and to keep it confidential until the property is sold.**

Synopsis

This report addresses the potential process for sale of all that piece of land being Lot 1TP 369283 Parish of Wangoom, County of Villiers and known as old Mepunga East Tennis Court Reserve.

A valuation report for the subject site is attached for information and must remain confidential until completion of the expression of interest process.

Background

Council previously reviewed its land assets in 2015. As a result of the review a number of parcels were identified for sale and the subject property was nominated.

Council Officers have also obtained a current valuation in accordance with section 189 of Local Government Act 1989 (Attachment 1 - Valuation Report).

The sale or transfer of land will need to be completed in accordance with Council's policy for Asset Sales and Proceeds Disbursement, the Local Government Best Practice Guidelines for Sale and Exchange of Land 2009 and section 189 and 223 of the Local Government Act (1989).

Strategic Link

The Local Government Act requires Council to be stewards of Council owned public assets.

Links with Moyne Shire Council Plan 2017-2021:

Purpose "look after assets, encourage investment"

Discussion

The subject property is situated on the north side of the Great Ocean Road approximately 35 Kilometres south-east from the central business district of Warrnambool and approximately 14 kilometres south-east from Allansford.

The subject property is considered to have limited appeal to prospective buyers due to the current Farm Zoning restrictions and the compact site area of 682 square metres. It is considered that the adjoining neighbour would be the most likely purchaser.

This property abuts the Mepunga Uniting Church and is being used as a carpark.

Council officers have reviewed the subject site and recommends Council consider selling the subject site by an expression of interest process. Unlike a sale by tender, the expression of interest process is not required to have a time limit and can be open to offers for the longer term.

It is initially required, in accordance with section 189 of the Act, to publish a 'Public Notice of Intention to Sell'. This notice must inform the public of how the land is proposed to be sold.

Following a 'Notice of Intention' in accordance with section 223 of the Act, any submitters are entitled to be heard by Council at a nominated Council meeting, and after considering the submissions only then can Council make a final decision regarding progression to sale.

In general, all land sales should be in the best interests of the community and of Council in both financial and non-financial aspects. The sale should be at or above the market value as assessed by the Council engaged Valuer. However, Council can consider a lower offer if it determines such an offer to be justifiable.

Where it is recommended that land is sold for less than the market value, a report should be provided to Council, explaining the circumstances, reasons or factors which led to the decision to accept a sale price that is less than market value or land on exchange with a lower value.

Consultation

If Council wishes to proceed to sell the land, Public Notice will need to be given in accordance with Section 189 of the Local Government Act and submissions sought in accordance with Section 223.

Financial Implications

Income from the sale of the land is expected to be modest.

Council will incur costs for valuation, legal dealings and staff time to carry out the sale process.

Council will receive the consideration for the sale.

Disposing of the asset will reduce Council's ongoing maintenance and holding costs for the property. Council will also receive any future rates on the property.

Risk

If Council wishes to proceed to sell the land, Public Notice will need to be given in accordance with Section 189 of the Local Government Act and submissions sought in accordance with Section 223 of the Local Government Act.

Conclusion

The subject site has been previously considered surplus to Council's future needs and remains vacant. It is recommended that Council commences to offer the land by progressing to the 'Notice of Intention to Sell' stage.

By offering the land for sale through expression of interest, Council is not tied to a limited time frame, such as a tender period, and can be open to offers for a longer term. Given the limited demand for this type of property it is considered that sale by an expression of interest is an option for Council to consider.

The sale process must be progressed in accordance with statutory requirements of sections 189 and 223 of the Local Government Act 1989 and the Local Government Best Practice Guidelines for Sale and Exchange of Land 2009.

12. Sale of Land – Old St Helens Tennis Court

Presented to Council Meeting – 26 March 2019

Presented by Director Physical Services

Report Author Property and Assets Officer

Attachments

1. *Valuation Report Old St Helens Tennis Courts (Confidential)*
2. Old St Helens Tennis Courts Title Plan
3. Old St Helens Tennis Courts Aerial Photo

Officer's Recommendation

That Council, having been advised of the valuation all that piece of land being Lot 1 on Plan of Subdivision 072813, Certificate of Title Volume 08648, Folio 693, and Lot 1 on Title Plan 238719H, and more particularly described in Certificate of Title 08268 Folio 717, Parish of St Helens, and commonly known as the Old St Helens Tennis Courts located on Codrington-Orford Road, St Helens resolves to:

1. Reaffirm the subject site is surplus to the needs of Council; and
2. Direct officers in accordance with section 189 and 223 of the Local Government Act 1989 to make a public "Notice of Intention to Sell" the vacant land by an expression of interest process and set the reserve price at valuation or better; and
3. Invite submissions on the proposed sale in accordance with the requirements of section 223 of the Local Government Act 1989; and
4. Be provided a further report following the cessation of statutory notification period; and
5. Note the attached valuation report and to keep it confidential until the property is sold.

Synopsis

This report addresses the potential process for sale of all that piece of land being Lot 1 on Plan of Subdivision 072813, more particularly described in Certificate of Title Volume 08648, Folio 693, and Lot 1 on Title Plan 238719H, more particularly described in Certificate of Title 08268 Folio 717, Parish of St Helens and known as Old St Helens Tennis Courts.

A valuation report for the subject site is attached for information and must remain confidential until completion of the expression of interest process.

Background

Council previously reviewed its land assets in 2015. As a result of the review a number of parcels were identified for sale and the subject property was nominated.

Council Officers have also obtained a current valuation in accordance with section 189 of Local Government Act 1989 (Attachment 1 - Valuation Report).

The sale or transfer of land will need to be completed in accordance with Council's policy for Asset Sales and Proceeds Disbursement, the Local Government Best Practice Guidelines for Sale and Exchange of Land 2009 and section 189 and 223 of the Local Government Act (1989).

Strategic Link

The Local Government Act requires Council to be stewards of Council owned public assets.

Links with Moyne Shire Council Plan 2017-2021:

Purpose "look after assets, encourage investment"

Discussion

The subject property is situated on the southern side of the Codrington-Orford Road, approximately 30 Kilometres northwest from Port Fairy.

The subject property is considered to have limited appeal to prospective buyers due to current Farm Zoning restrictions and the site area of 3,440 square metres. It is considered that the adjoining neighbour would be the most likely purchaser.

The subject property comprises a vacant parcel of land and is situated on the south side of the Codrington-Orford Road. The previous use of the property was for recreational purposes as the St Helens tennis courts.

Council officers have reviewed the subject site and recommends Council consider selling the subject site by an expression of interest process. Unlike a sale by tender, the expression of interest process is not required to have a time limit and can be open to offers for the longer term.

It is initially required, in accordance with section 189 of the Act, to publish a 'Public Notice of Intention to Sell'. This notice must inform the public of how the land is proposed to be sold.

Following a 'Notice of Intention' in accordance with section 223 of the Act, any submitters are entitled to be heard by Council at a nominated Council meeting, and after considering the submissions only then can Council make a final decision regarding progression to sale.

In general, all land sales should be in the best interests of the community and of Council in both financial and non-financial aspects. The sale should be at or above the market value as assessed by the Council engaged Valuer. However, Council can consider a lower offer if it determines such an offer to be justifiable.

Where it is recommended that land is sold for less than the market value, a report should be provided to Council, explaining the circumstances, reasons or factors which led to the decision to accept a sale price that is less than market value or land on exchange with a lower value.

Consultation

If Council wishes to proceed to sell the land, Public Notice will need to be given in accordance with Section 189 of the Local Government Act and submissions sought in accordance with Section 223.

Financial Implications

Income from the sale of the land is expected to be modest.

Council will incur costs for valuation, legal dealings and staff time to carry out the sale process.

Council will receive the consideration for the sale.

Disposing of the asset will reduce Council's ongoing maintenance and holding costs for the property. Council will also receive any future rates on the property.

Risk

If Council wishes to proceed to sell the land, Public Notice will need to be given in accordance with Section 189 of the Local Government Act and submissions sought in accordance with Section 223 of the Local Government Act.

Conclusion

The subject site has been previously considered surplus to Council's future needs and remains vacant. It is recommended that Council commences to offer the land by progressing to the 'Notice of Intention to Sell' stage.

By offering the land for sale through expression of interest, Council is not tied to a limited time frame, such as a tender period, and can be open to offers for a longer term. Given the limited demand for this type of property it is considered that sale by an expression of interest is an option for Council to consider.

The sale process must be progressed in accordance with statutory requirements of sections 189 and 223 of the Local Government Act 1989 and the Local Government Best Practice Guidelines for Sale and Exchange of Land 2009.

13. Sale of Land – Former Yambuk Maternal and Child Health Care Centre

Presented to Council Meeting – 26 March 2019

Presented by Director Physical Services

Report Author Property and Assets Officer

Attachments 1. *Valuation Report Lindsay Street Yambuk (Confidential)*
2. Lindsay Street Yambuk - Title Plan

Officer's Recommendation

That Council, having been advised of the valuation for Lot 2 on TP 883633S, more particularly described in Certificate of Title Volume 11356 Folio 149, Parish of Yambuk, and commonly known as the former Maternal and Child Health Care Centre, Lindsay Street, Yambuk resolves to:

- 1. Reaffirm the subject site is surplus to the needs of Council; and**
- 2. Direct officers in accordance with section 189 and 223 of the Local Government Act 1989 to make a public “Notice of Intention to Sell” the vacant land by expression of interest process and set the reserve price at valuation or better; and**
- 3. Invite submissions on the proposed sale in accordance with the requirements of section 223 of the Local Government Act 1989; and**
- 4. Be provided a further report following the cessation of statutory notification period; and**
- 5. Note the attached valuation report and to keep it confidential until the property is sold.**

Synopsis

This report addresses the potential process for sale by expression of interest of the property known as Lindsay Street, Yambuk being the former Maternal and Child Health Care Centre.

A valuation report for the subject site is attached for information and must remain confidential until completion of the expression of interest process.

Background

Council previously reviewed its land assets in 2015. As a result of the review a number of parcels were identified as surplus for sale and the subject property was nominated.

In late 2017 Council undertook a public tender sale process for the subject land, however, no tenders were received from the public.

After receiving inconsequential interest from the public to buy the subject site since the tender process, Council officers now recommend to place the subject property back into the market place.

Council Officers have also obtained a current valuation in accordance with section 189 of Local Government Act 1989 (Attachment 1 - Valuation Report).

The process for the sale or transfer of the land will need to be completed in accordance with Council's policy for Asset Sales and Proceeds Disbursement, the Local Government Best Practice Guidelines for Sale and Exchange of Land 2009 and sections 189 and 223 of the Local Government Act (1989).

Strategic Link

The Local Government Act requires Council to be stewards of Council owned public assets.

Links with Moyne Shire Council Plan 2017-2021:

Purpose "look after assets, encourage investment"

Discussion

In early 2017, Council conducted a public tender process for the subject site. It was anticipated that a local community Club/s would have submitted a tender for the site to acquire it for community purposes. However, there was no interest from the public and the public tender process failed to attract a tender.

Council officers have reviewed the subject site and recommends Council consider selling the subject site again by an expression of interest process. Unlike a sale by tender, the expression of interest process is not required to have a time limit and can be open to offers for the longer term.

It is initially required, in accordance with section 189 of the Act, to publish a 'Public Notice of Intention to Sell'. This notice must inform the public of how the land is proposed to be sold.

Following the 'Notice of Intention', in accordance with section 223 of the Act, any submitters are entitled to be heard by Council at a nominated Council meeting. Only after considering the submissions can Council make a final decision regarding progression to sale.

In general, all land sales should be in the best interests of the community and of Council in both financial and non-financial aspects. The sale should be at or above the market value as assessed by the Council engaged Valuer. However, Council can consider a lower offer if it determines such an offer to be justifiable.

Where it is recommended that land is sold for less than the market value, a report should be provided to Council, explaining the circumstances, reasons or factors which led to the decision to accept a sale price that is less than market value or land on exchange with a lower value.

The subject property is situated on the south side of Lindsay Street in the rural Township of Yambuk which provides limited shopping amenities, a hotel and supports a number of rural based businesses.

Erected upon the site is a detached single storey building, Circa 1970 with brick veneer external walls, metal roof, aluminium window frames and timber flooring. The floor area is assessed to be an area of 50m². The internal layout has an open plan meeting room and a bathroom which includes a hand-basin and a water closet.

The valuation of the property is considered fair and reasonable given the relatively small size of the land (10.86 metres x 12.07 metres regular (131m²)) and the type and age of improvements.

Consultation

If Council wishes to proceed to sell the land then Public Notice will need to be given in accordance with Section 189 of the Local Government Act and submissions sought in accordance with Section 223.

Financial Implications

Income from the sale of the land is expected to be modest.

Council will incur costs for valuation, legal dealings and staff time to carry out the sale process.

Council will receive the consideration for the sale.

Disposing of the asset will reduce Councils ongoing maintenance and renewal costs as well as the holding costs for the property.

Council will also receive any future rates on the property should it be successfully sold.

Risk

If Council wishes to proceed to sell the land, Public Notice will need to be given in accordance with Section 189 of the Local Government and submissions sought in accordance with Section 223 of the Local Government Act.

Conclusion

The subject site has been previously considered surplus to Council's future needs and remains vacant. After twelve months since the last attempt at sale, it is recommended that Council again commences to offer the land by progressing to the 'Notice of Intention to Sell' stage.

By offering the land for sale through expression of interest, Council is not tied to a limited time frame, such as a tender period, and can be open to offers for a longer term. Given the limited demand for this type of property it is considered that sale by an expression of interest is an option for Council to consider.

The sale process must be progressed in accordance with statutory requirements of sections 189 and 223 of the Local Government Act 1989 and the Local Government Best Practice Guidelines for Sale and Exchange of Land 2009.

14(a) Mayor's Report

This report provides information to Council in regard to the Mayor's meeting schedule, 16 February 2019 to 15 March 2019:

2019	Location	Function
18 February	Port Fairy	Meeting with Port Fairy Bowls Club
26 February	Port Fairy	Council Meeting
4 March	Warrnambool	Department of Treasury and Finance Regional Engagement
5 March	Mortlake	Councillor Workshop
6 March	Port Fairy	Port Fairy Folk Festival site tour
7 March	Warrnambool	Municipal Emergency Management meeting
8 March	Kolora	Mortlake South Wind Farm sod turning (Hon Lily D'Ambrosio)
12 March	Port Fairy	Council Workshop
13 March	Koroit	Probus Club of Koroit AGM
14 March	Warrnambool	SW Tafe Graduation & Awards ceremony
15 March	Port Fairy	Meeting with Richard Riordan, Member for Polwarth

14(b) Councillors' Report

This report provides information to Council in regard to the Councillors' meeting schedule, 16 February 2019 to 15 March 2019:

2019	Location	Function
17 February	Boggy Creek	Whiskey Stills Inc. - Information Board unveiling
18 February	Macarthur	Macarthur Wind Farm Community Engagement Committee (CEC) meeting
20 February	Mortlake	Mortlake South Wind Farm CEC meeting
20 February	Woorndoo	Salt Creek Wind Farm CEC Meeting
20 February	Woorndoo	Woorndoo Community Group Meeting
20 February	Koroit	Victoria Park Committee Meeting
21-22 February	Melbourne	Rail Freight Alliance AGM, Ordinary Meeting and Planning Day
21 February	Mortlake	Corangamite Regional Library Corporation meeting
23 February	Crossley	'Raising the Rafters' concert, St Brigid's Church
25 February	Mortlake	Mortlake Recreation Reserve Committee of Management Meeting
26 February	Port Fairy	Council Meeting
27 February	Peterborough	Peterborough Residents Group Meeting
1 March	Terang	Fire recovery public meeting (Dan Tehan)
1 March	Port Fairy	Adventure Film Festival screening "Bikes of Wrath"
4 March	Purnim	Purnim Community meeting
5 March	Mortlake	Councillor Workshop
6 March	Woorndoo	Dundonnell Wind Farm CEC Meeting
6 March	Hawkesdale	Hawkesdale and District Development Association meeting
6-8 March	Kiama NSW	Australian Coastal Councils Association Conference
12 March	Port Fairy	Council Workshop
12 March	Mortlake	Mortlake Community Development Committee meeting
13 March	Warrnambool	Powercor's Warrnambool round-table discussion
15 March	Warrnambool	South West Sport - 2019 Women in Sport Breakfast

14(c) Chief Executive Officer's (CEO) Report

This report provides information to Council in regard to the CEO's' meeting schedule, 16 February 2019 to 15 March 2019:

2019	Location	Function
18 February	Warrnambool	Wannon Water - Regional Advisory Forum
18 February	Port Fairy	Meeting with Port Fairy Bowls Club
19 February	Port Fairy	Meeting with Darby Lee and visit, SunPharma
20 February	Melbourne	Great South Coast (GSC) and Colac Otway Shire Jobs Led Population Growth
20 February	Melbourne	Meeting with Andrew Dyer, National Windfarm Commissioner
20-21 February	Melbourne	LGPro Annual Conference
22 February	Geelong	Great Ocean Road Investment and Infrastructure Working Group
22 February	Geelong	Meeting with Minister Wynne's and Gayle Tierney's advisors
25 February	Warrnambool	Dinner with John Bradley Secretary & Executive Leadership Group (DEWLP Barwon SW)
26 February	Port Fairy	Council Meeting
26 February	Warrnambool	Guest Speaker Executive Leadership Group (DEWLP Barwon SW)
1 March	Camperdown	Great Ocean Road Regional Tourism Board Meeting
4 March	Warrnambool	Department of Treasury and Finance Regional Engagement
5 March	Mortlake	Meeting with Executive Terang Mortlake Health Services
5 March	Mortlake	Councillor Workshop
5 March	Warrnambool	DELWP Moyne meeting
6 March	Port Fairy	Port Fairy Folk Festival site tour
7 March	Warrnambool	Eastern Maar Local Government Working Group
8 March	Port Fairy	Victoria Planning Authority CEO meeting
8 March	Kolora	Mortlake South Wind Farm sod turning (Hon Lily D'Ambrosio)
12 March	Port Fairy	Council Workshop
13 March	Port fairy	Meeting with Roma Britnell, Member for SW Coast
14 March	Hamilton	GSC Regional Partnership Meeting
14 March	Warrnambool	Tower Hill PCG Meeting
15 March	Port Fairy	Meeting with Richard Riordan, Member for Polwarth
15 March	Allansford	Meeting with Saputo Executive

15. Councillor Notice of Motion – Cr Daniel Meade Hampden Football Netball League Sponsorship

Councillor’s Recommendation

That Council approve the Hampden Football Netball League Sponsorship of \$3,000 per year for 2 years.

Notes

- The Hampden Football Netball League is seeking sponsorship from the three Councils, whose areas they operate across.
- The benefits of active and engaged young people cannot be understated and aligns with Council’s Health and Wellbeing Plans.
- The Hampden Football Netball League has made a presentation to Council in support of this sponsorship request.

16. General Matters

None detailed at time of printing.

17. Urgent Business

None detailed at time of printing.

18. CEO Activities Report

Please see attached document.
