























BASS COAST

Council Meeting Agenda

Shaping a better Bass Coast

Wednesday, 17 March 2021

Commencing at 1.00pm

Note: This Meeting of Council will be held virtually.

Open to the public via livestream.

Vision, Mission and Values



Vision

Bass Coast will be known as a region that supports a sustainable and healthy community, and values and protects its natural assets.

Mission

We will engage with and advocate for our community to ensure equity and balance between liveability and environmental protection and be accountable for our financial management in realising the community's vision.

Values

Customer Focus

We will continue to develop effective relationships with customers

Continuous Improvement

We are committed to improving our processes and service delivery

Pride

We take pride in and promote our achievements, our staff and our organisation

Integrity

We act and make decisions that are fair, honest, open and accountable

Respect

We treat people with dignity and respect

Commitment

We value and recognise contributions towards achieving the Bass Coast Vision. We listen, understand, consult and respond to our community and staff. We provide accurate, timely and relevant information.

Notice of Meeting

Notice is hereby given that the next **Council Meeting** of the Bass Coast Shire Council will be held virtually on 17 March 2021 at **1.00pm**

Date of Notice - 11 March 2021
Ali Wastie
CEO

Agenda

Livestreaming

In accordance with the Bass Coast Shire Council Meeting Livestreaming Policy 2020 adopted 15 April 2020 this Meeting will be livestreamed and the video and audio recording of the Meeting will be made publicly available for viewing on Council's webpage.

Mobile Telephone Reminder

Please turn off all mobile telephones or in the case of an emergency, please advise the Chair and switch to silent mode.

Statement of Acknowledgement

Bass Coast Shire Council acknowledges Aboriginal and Torres Strait Islander people as the first Australians and recognises that they have a unique relationship with the land and water.

Council further recognises that we are situated on the lands of the traditional owners, the Bunurong, Boon wurrung members of the Kulin Nation who have lived here for thousands of years.

We offer our respect to their elders past and present and through them, all Aboriginal and Torres Strait Islander people where ever they are.

Councillor Statement

All members of this Council pledge to the Bass Coast Shire community to consider every item listed on this agenda:

- Based on the individual merits of each item;
- Without bias or prejudice by maintaining an open mind; and
- Disregarding Councillors' personal interests so as to avoid any conflict with our public duty.

Any Councillor having a conflict of interest in an item will make a proper, prior disclosure to the meeting and will not participate in the debate or vote on the issue.

Council Plan Themes

Advocacy
Representing the community

H.4 Grant Funding Submissions, page 65

Economic Development
Expanding, attracting and retaining business and investment

Nil Reports

Environment
Maintain and protect the natural environment

Nil Reports

Governance
We are responsive, open, transparent and financially sustainable

H.5 Design and Construction of Purpose Built Facility for Phillip Island Centre for Adult Learning (PICAL), page 70

H.6 West Gippsland Libraries Review of Local Law, page 76

H.7 Working Together Policy, page 81

H.8 Council Support and Resources Policy, page 84

H.9 Instrument of Appointment and Authorisation - Planning and Environment Act 1987, page 87

H.10 Adopt Fees and Charges, page 89

Health and Wellbeing
We are a healthy and active community

Nil Reports

Liveability
Enjoying the place we live

H.1 Planning Application 200302 7 Hereward Close, Cowes, page 21

Our Character

Celebrating the uniqueness of our townships

H.2 Planning Amendment 100101a-1 Extension of the Banfields Aged Care Facility at 192-198 Thompson Avenue Cowes, page 35

H.3 Wonthaggi Activity Centre Plan and Access and Movement Study - Adoption and Implementation, page 59

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A Present and Apologies

B Declarations of Interest

C Confirmation of Minutes

C.1 Council Meeting held on 17 February 2021

Recommendation

That the minutes of the Council Meeting held on 17 February 2021 be confirmed.

D Public Question Time

The virtual forum will not provide the opportunity for submitters to ask their questions directly. Questions must be submitted in writing prior to the Meeting and questions and responses will be published in the minutes.

Please note:
Questions relating to an item in the agenda will be provided with the following response

- ***Councillors will consider and debate all aspects and implications of this issue as part of Council's agenda.***

Governance Rules

Part C – Meetings Procedure

Division 8 – Public Question Time

53. Question Time

53.1 There must be a public question time at every *Council meeting* fixed under Rule 9. to enable members of the public to submit questions to *Council*.

53.2 Sub-Rule 53.1 does not apply during any period when a meeting is closed to members of the public in accordance with section 66(2) of the *Act*.

53.3 Questions submitted to Council must be:

53.3.1 in *writing*, state the name and address of the person submitting the question and generally be in a form approved or permitted by *Council*; and

53.3.2 be lodged 48 hours prior to the *Council meeting*.

53.4 No person may submit more than two questions at any one meeting.

53.5 The *Chair* or a member of Council staff nominated by the *Chair* may read at the meeting a question which has been submitted in accordance with this Rule.

53.6 A question may be disallowed by the *Chair* if the *Chair* determines that it:

53.6.1 relates to a matter outside the duties, functions and powers of *Council*;

53.6.2 is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;

53.6.3 deals with a subject matter already answered;

53.6.4 is aimed at embarrassing a Councillor or a member of Council staff;

53.6.5 relates to personnel matters;

53.6.6 relates to the personal hardship of any resident or ratepayer;

53.6.7 relates to confidential information as defined in Section 3 of the Act

53.6.8 relates to matters affecting the security of *Council* property; or

53.6.9 relates to any other matter which *Council* considers would prejudice *Council* or any person.

53.7 Any question which has been disallowed by the *Chair* must be made available to any other Councillor upon request.

53.8 All questions and answers must be as brief as possible, and no discussion may be allowed other than by *Councillors* for the purposes of clarification.

53.9 Questions must be limited to 50 words inclusive of any preamble and additional information.

53.10 Like questions may be grouped together and a single answer provided.

53.11 The *Chair* may nominate a Councillor or the *Chief Executive* Officer to respond to a question.

53.12 A Councillor or the *Chief Executive Officer* may require a question to be put on notice. If a question is put on notice, a *written* copy of the answer will be sent to the person who asked the question.

53.13 A Councillor or *the Chief Executive Officer* may advise *Council* that it is his or her opinion that the reply to a question should be given in a meeting closed to members of the public. The Councillor or *Chief Executive Officer* (as the case may be) must state briefly the reason why the reply should be so given and, unless *Council* resolves to the contrary, the reply to such question must be so given.

E Petitions, Joint Letters, Deputations and Correspondence

E.1 Petition - Poplar Street Wonthaggi

File No:	**CM21/117**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Governance**
	We are responsive, open, transparent and financially sustainable

A Petition containing 27 signatures has been received. The petition reads:

We the below named wish to bring to your attention, the misuse and the actual use of Poplar Street, Wonthaggi, 3995. We have witnessed,

1) *a continual increase in general traffic due to motorists diverting around the traffic lights at the corner of McKenzie Street & Korumburra Road, and*
2) *heavy load and commercial truck traffic along, and, into Poplar Street.*

As you are aware, Poplar Street, Wonthaggi, is not to be used by heavy vehicles, with a load limit of tonnes & this is not being abided by. It is, by design, a light industrial and residential street only, and we are concerned for the safety of its residents. We, the below, request that the Bass Coast Shire Council attend to this ongoing problem.

Section 54.1 of the Bass Coast Shire Council Governance Rules states that:

"Unless Council resolves to deal with it earlier, no motion (other than a motion to receive the same) may be made on any petition, joint letter or other like application until a future Council meeting after that at which it has been presented."

Recommendation

1. **That the petition be received and lie on the table until a future meeting of Council.**
2. **That the head petitioner be advised of Council's decision.**

Attachments

AT-1 ***CONFIDENTIAL*** - Petition - Poplar Street Wonthaggi 2 Pages

Notices of Motion

F Notices of Motion

F.1 231/21 Unreasonable Customer Conduct Policy, Cr Michael Whelan

I, Cr Michael Whelan, hereby give notice that I intend to move a motion at the Council Meeting on 17 March 2021, which reads as follows:

UNREASONABLE CUSTOMER CONDUCT POLICY

Motion

That Council, through the CEO, develop an Unreasonable Customer Conduct Policy that will be available on our website. The objective of this policy is to provide our customers, employees, Councillors and contractors with a framework within which Bass Coast Shire Council will manage unreasonable conduct by customers.

Background by Councillor

At Council we are committed to being accessible and responsive to all customers who approach the Council for assistance with a request for service, request for information or with a complaint.

At the same time the success of our organisation depends on:

- Our ability to do our work and perform our functions in the most effective and efficient ways possible;
- The health, safety and security of our people, and
- Our ability to allocate our resources fairly across all the complaints we receive.

When customers behave unreasonably in their dealings with us, their conduct can significantly affect our success. As a result, we need to take proactive and decisive action to manage any customer conduct that negatively and unreasonably affects us and will support our people to do the same in accordance with this policy.

Most of our customers act reasonably and responsibly in their interactions with us, even when they are experiencing high levels of distress, frustration and anger about their complaint.

In a very small number of cases some customers behave in ways that are inappropriate and unacceptable – despite our best efforts to help them. They are aggressive and/or verbally abusive towards our people. They threaten harm and violence, bombard our offices with unnecessary and excessive phone calls and emails, make inappropriate demands on our time and our resources and refuse to accept our decisions and recommendations in relation to their complaints. They may also use social media platforms to damage Council's reputation and brand. When customers behave in these ways we consider their conduct to be 'unreasonable'.

This unreasonable conduct includes:

- Unreasonable persistence
- Unreasonable demands
- Unreasonable lack of cooperation
- Unreasonable arguments
- Unreasonable behaviours

Officers Comments

The majority of interactions between Council and the community are conducted in a constructive and respectful manner. Unfortunately, there are times when the conduct of some individuals unreasonably diverts Council resources or places officers, contractors or Councillors at risk of harm.

An Unreasonable Customer Conduct Policy would clearly set out behavior that Council considers unreasonable, the protective actions that could be put in place and would support Council to provide a safe workplace.

……..
Cr Michael Whelan, Island Ward
Dated: **17 March 2021**

Attachments

There are no attachments for this report.

F.2 232/21 Wonthaggi Town Service (Cape Paterson) Weekend Bus Service Petition, Cr Leticia Laing

I, Cr Leticia Laing, hereby give notice that I intend to move a motion at the Council Meeting on 17 March 2021, which reads as follows:

WONTHAGGI TOWN SERVICE (CAPE PATERSON) WEEKEND BUS SERVICE PETITION

Motion

That Council:

1. **Advocate for a regular bus service to and from Cape Paterson and Wonthaggi on Saturdays and Sundays utilising the Wonthaggi Town Service (Cape Paterson) bus route.**
2. **Advocate for the extension of the bus route to provide a bus stop for residents who live at The Cape estate in Cape Paterson.**
3. **Acknowledge the petition signed and tabled in the Legislative Assembly by State Member for Bass, Jordan Crugnale MP, a copy of the wording, is included within this motion.**
4. **Write to the State Minister for Transport the Hon Ben Carroll MP requesting:**
   a. **The initiation a broad-ranging review for the current bus services in the Bass Coast Shire to determine future needs and demands for public transport in the community and deliver the findings of the review to the residents of Victoria.**
   b. **Start a regular bus service to and from Cape Paterson and Wonthaggi on Saturdays and Sundays utilising the Wonthaggi Town Service (Cape Paterson) bus route.**
   c. **Provide access to the Wonthaggi Town Service (Cape Paterson) within 400m for the residents of The Cape estate, Cape Paterson.**

Background by Councillor

Currently the Wonthaggi Town Bus Service (Cape Paterson) does not run on weekends.

There has been generations of Cape Paterson and Wonthaggi young people hustling their parents, friends and family for a lift between the towns on weekends.

This town service is currently in operation every two hours from 9am to 5pm every weekday, catering to a different cohort of passengers, usually the elderly or those without vehicles.

Should someone wish to take public transport from Wonthaggi to Cape Paterson the only option is a VLine bus which runs at 8am on a Saturday morning and 1.07pm and 8pm on a Sunday.

Should someone wish to take the bus from Cape Paterson to Wonthaggi on a weekend the only options are a VLine bus at 7.37am and 2.27pm on Saturdays and 7.37am on a Sunday.

VLine tickets would need to be purchased from the VLine office or online in advance adding further inconvenience to passengers taking a 10 to 15 minute bus ride.

The petition organised by Cape Paterson resident Robert Hayward includes a request for the bus service weekend extension, a bus stop for The Cape residents and a review of the bus services available across the Bass Coast Shire.

The petition received 409 signatures and was delivered to State Member for Bass Jordan Crugnale on February 23, 2021 to be tabled in the State Legislative Assembly on 3 March 2021.

PETITION

To the Legislative Assembly of Victoria

The Petition of residents of Victoria draws to the attention of the House:

Currently there is no way to travel to and from Wonthaggi and Cape Paterson on weekends without driving a car and the V/Line bus service is too infrequent.

There is a recognised need in the community to access Cape Paterson for a variety of recreational activities and also, for Cape Paterson residents and visitors to access Wonthaggi on weekends without having to drive a car.

The growing population in Bass Coast Shire is expected to increase by 30 per cent by 2036 and will have increased demands on roads, parking and traffic. It is now essential that the Wonthaggi Town Service (Cape Paterson) reflect this growing need.

Furthermore there is no access to the Wonthaggi Town Service (Cape Paterson) bus route that is within 400 metres of the new The Cape eco village estate in Cape Paterson.

The petitioners therefore request that the Legislative Assembly of Victoria:

- Start a regular bus service to and from Cape Paterson and Wonthaggi on Saturdays and Sundays utilising the Wonthaggi Town Service (Cape Paterson) bus route.
- Add a bus stop for the Wonthaggi Town Service (Cape Paterson) at The Cape eco village.
- Initiate a broad-ranging review for the current bus services in the Bass Coast Shire to determine future needs and demands for public transport in the community and deliver the findings of the review to the residents of Victoria.
- Undertake a broad-ranging consultation process as part of the review to determine current and future needs for public transport in the Bass Coast Shire.

Officers Comments

There is a developed public transport network for Bass Coast Shire, which covers the main townships. However, it is infrequent, and in the case of the town buses, does not operate on weekends. Timetables for all PTV services in Bass Coast have generally not been updated since 2012, with some not updated since 2009. This indicates that Bass Coast is a low priority for a bus network review or redesign.

……..
Cr Leticia Laing, Bunurong Ward
Dated: **17 March 2021**

Attachments

There are no attachments for this report.

Mayor and Councillor Reports

G Mayor and Councillor Reports

Reports Requiring Council Decision

H Reports Requiring Council Decision

H.1 Planning Application 200302 7 Hereward Close, Cowes

File No: **CM21/67**
Division: **Place Making**
Council Plan Strategic Objective: **Liveability**

Enjoying the place we live

Declaration

The author has no direct or indirect interests in relation to this report.

Executive Summary

Application number:	200302
Applicant:	Phillip Island Planning Services Pty Ltd
Land:	7 Hereward Close, Cowes VIC 3922
Proposal	Subdivision of land into two lots in GRZ1
Planning controls:	Clause 32.08 - General Residential Zone (GRZ) Clause 42.02 - Vegetation Protection Overlay, Schedule 2
Planning permit triggers:	Pursuant to Clause 32.08-3 (GRZ), a permit is required to subdivide land.
Notification and submissions:	Yes, 12 objections received
Key planning considerations:	Neighborhood character
Recommendation:	Notice of Decision to Grant a Planning Permit

Reason a Council Decision is required

Council's delegations require applications that attract five or more objections to be determined by Council. This application attracted 12 objections.

The Proposal

This application proposes to subdivide the land into two lots in accordance with Plan of Subdivision prepared by Raso Consulting Surveyor, ref: W1888. The decision plans are provided as Attachment one and are detailed below:

- Lot 1 measures 602m^2 and contains the existing dwelling. The frontage to Hereward Close measures 4.11 metres and the frontage to Seymour Place measures 40.93 metres. A new crossover on the Seymour Place frontage would provide vehicle access to this lot.

- Lot 2 measures 539m^2 and contains the existing large shed. The frontage or western boundary along Seymour Place measures 16.98 metres, the northern boundary measures 32.00 metres, the eastern boundary measures 15.20 metres and the southern boundary measures 29.83 metres.

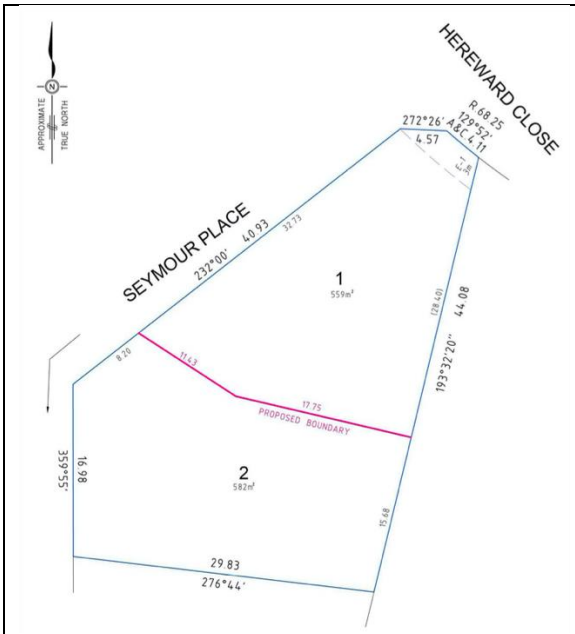


Figure 1 - Proposed Plan of subdivision (Source: Applicant's submission)

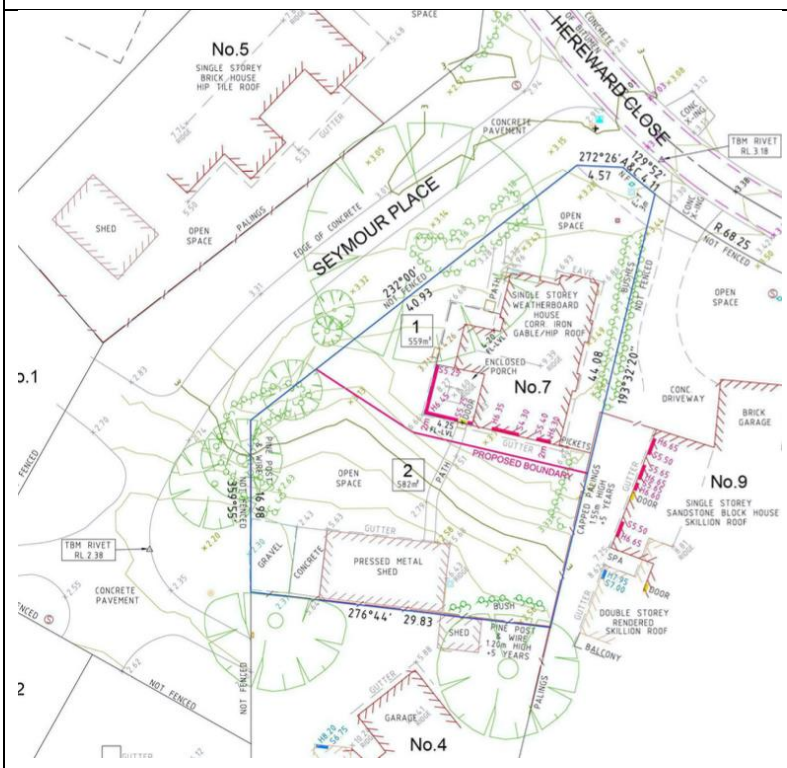


Figure 2 – Site feature survey plan (Source: Applicant's submission)

Background

Following is a description of the subject site and other relevant information pertaining to the allotment.

Site Dimensions and Area	The subject site is an irregular shaped corner land located on the southern side of Hereward Close and eastern side of Seymour Place. The site has an area of 1,114m^2
Site Frontage	The site has a frontage of 8.68 on Hereward Close and 57.01m on Seymour Place.
Topography	The site has a gradual slope of less than 1m from the Hereward Close frontage towards the rear title boundary.
Vegetation Cover	The site is generally cleared of vegetation except for canopy vegetation located on adjoining properties and road reserve that overhangs the subject site title boundaries.
Current Use and Development	The site currently supports a dwelling and ancillary outbuilding.
Easements	There is a 3 metre sewerage wide easement that runs along the northern title boundary.
Restrictive Covenants and/or Section 173 Agreements	There are no restrictions registered on the Certificate of Title.
Aboriginal Cultural Heritage Sensitivity	The site is subject to Cultural Sensitivity; however the proposal is an exempt activity being a two lot subdivision.
Planning Permit History	Not Applicable

Surrounding area

The main characteristics of the surrounding area are:

North – the site abuts Hereward Close on the north.

South – The site abuts No. 4 Seymour Place on the south. This property supports a single dwelling and ancillary outbuilding. The dwelling is located away from the common boundary with the subject site and the outbuilding is positioned between the subject site and the dwelling on this property.

East – The site abuts No. 9 Hereward Close on the east. This property supports a single dwelling and maintains around 4 metre setback distance from the common boundary with the subject site.

West – Site abuts Seymour Place on the west. Seymour Place is a no-through road and provides access to 6 properties in total including the subject site.

The subject site is located within an established residential area approximately 1.5 kilometres from the Cowes Activity Centre. The site is a corner allotment and is positioned midway along Hereward Close approximately 150 metres east of Rose Avenue.

The Cowes Activity Centre, primary school, health services, community services, recreational facilities including Phillip Island Golf Club and the beach are all within easy walking distance of the subject site.

The dwellings in the surrounding area are generally of a high quality and comprise a mixture of contemporary and older style dwellings. Built form in the immediate neighbourhood is a mixture of single dwellings on allotments, constructed in a variety of styles and scales.

Both Hereward Close and Seymour Place are sealed roads with narrow carriageways.



Figure 2- Site and Surrounds (Source: VicPlan)

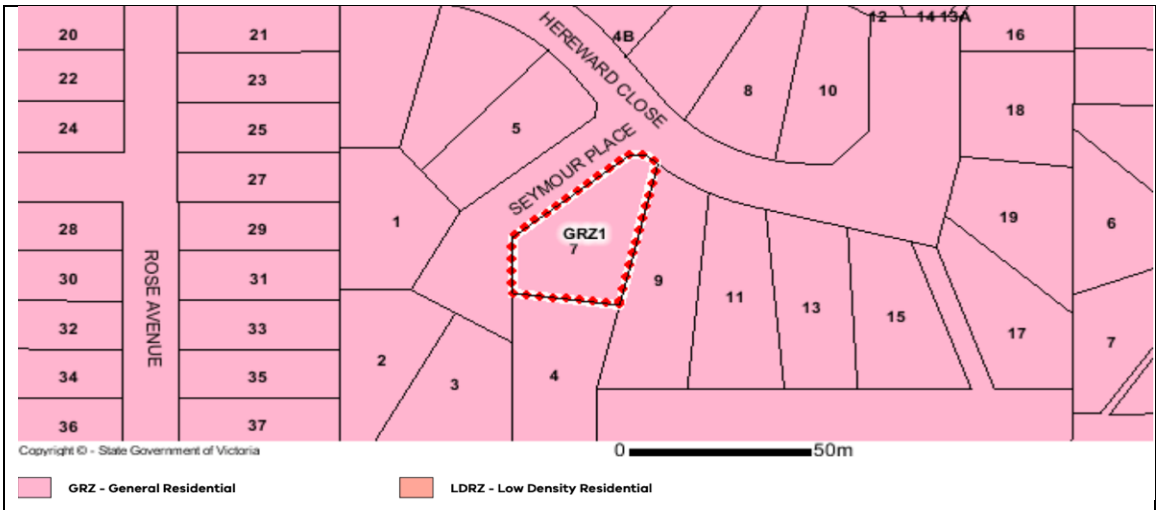


Figure 3 - Zoning Map (Source: VicPlan)

Consultation

Notice of the application was required under Section 52 of the *Planning & Environment Act 1987*, as the responsible authority was not satisfied that the grant of the permit would not cause material detriment to any person.

The Applicant gave notice in the following manner:

- Sent copies of the Notice by registered mail to 12 landowners and occupiers; and

- Placed a Notice on the land.

In response to notification the application attracted 12 submissions.

A copy of each submission is included in Attachment two.

The submitter concerns and comments are summarised further in this report including a Council Officer response in the table provided.

Referrals

The following table outlines the referral requirements of this application.

Table two: Referral Authorities and their comments

Referral Authority	Comments
External (Section 55 of the *Planning and Environment Act 1987*)	
No external referrals are warranted with the proposed development.	
Internal (Section 52 of the *Planning and Environment Act 1987*)	
Asset Management	No objection to the application subject to conditions.

Planning Scheme Provisions

Planning Policy Framework Assessment

The relevant Planning Policy Framework clauses are as follows:

- Clause 11.01 Victoria 11.01-1R Gippsland
- Clause 11.03-4S – Coastal settlements
- Clause 12.01 Biodiversity 12.01-1S Protection of biodiversity
- Clause 12.01-2S Native vegetation Management
- Clause 15.03-2S Aboriginal Cultural Heritage
- Clause 16 Housing
- Clause 19.03-3S Integrated water management

The relevant Local Planning Policy Framework clauses are as follows:

- Clause 21.02-1— Growth of Towns
- Clause 21.02-2 Housing
- Clause 51.05 Landscape and Built form
- Clause 21.08— Moderate Growth Settlements
- Clause 21.10— Reference Documents
- Clause 22.01— Stormwater Management Policy

The Planning Policy Framework seeks to ensure that sufficient supply of land is available for residential use and encourages the consolidation of urban areas within settlement boundaries if that development respects existing neighbourhood character.

The primary objective of these policies is to provide for a range of housing types, deliver more affordable housing, encourage consolidation of existing urban areas and make use of established infrastructure. Consideration is also given to the interaction of the subdivision with the road network and the subdivision is considered to respond to the objectives of integrated transport planning.

The Local Planning Policy Framework places considerable emphasis on containing urban development within existing settlement boundaries. To a large extent this objective is concerned with ensuring that residential growth does not encroach on or impact significant environmental features.

Policies encourage the provision of a diversity of housing types and lot sizes to meet the needs of all residents and visitors to the municipality. When considering the strategic merits of the site in isolation, there is strong planning policy support for greater utilisation of the site for additional housing.

Clause 21.05-5 is concerned with settlement patterns within the Bass Coast area and how residential subdivision should respond to the current and future needs of the community. Overall, the SPPF sets out clear direction through Clause 56 Residential Subdivision in terms of specific objectives and standards. Clause 21.05-5 generally associated with large scale residential developments however, it can still be considered as part of this application assessment.

Clause 21.08 Moderate Growth Regional settlement - The Cowes and Silverleaves Strategic Framework Plan establishes a clear direction for the future physical form of Cowes and Silverleaves and the foreshore precinct. This clause seeks to limit land available for urban development to land contained within the defined settlement boundaries.

The application is considered to meet these policy objectives as the proposed two lot subdivision provides an appropriate response to applicable planning policy contained in the Bass Coast Planning Scheme.

At a State Planning Policy level, there is a clear strategic direction to encourage and support urban consolidation within existing areas such as Cowes. Such encouragement is to be targeted at areas where better use of existing urban infrastructure can be made as well as prevent incursion into undeveloped areas.

The Phillip Island and San Remo Design Framework, a reference document listed in the Planning Scheme recognises that the population of Phillip Island and San Remo is expected to increase and promotes urban consolidation to accommodate the additional population. The Framework also recognises that the aged population of Phillip Island is increasing, as many people retire to Phillip Island. With reference to Cowes, the Framework encourages consolidation within the existing township boundaries.

Given the encouragement at Clause 21.06 of the Bass Coast Planning Scheme for increased housing density in Cowes, the emphasis on urban consolidation, there is sufficient planning policy support for the proposed two lot subdivision. The proposed subdivision will contribute to the range of housing stock within Cowes. Furthermore, the proposed subdivision has access to a full range of reticulated services including water, sewerage, electricity, and telecommunications.

Identifiable at a strategic level in the Local Planning Policy Framework is the need for infill development (i.e. urban consolidation) to also take account and be respectful of existing neighbourhood character. The proposal is considered to comply with the emerging character of this area with an increasing number of medium density developments in the area such as 17 Rose Avenue, which is less than 100m from the subject site. In addition there are a number of medium density developments on Gordon Street, Broughton Avenue and Stradbroke Avenue in the wider area.

The two proposed lots are of sufficient size to provide front gardens and space around each dwelling. The subject land is unique in its context. As a large corner site, it enjoys the benefit of two street frontages. The placement of vegetation provides an expansive, cleared area in the southern half of the allotment. The creation of an additional lot well over 500 square metres that encompasses the area of the existing shed will ensure there is no detrimental impact on the existing neighbourhood character.

Zone Assessment

Clause 32.08 – General Residential Zone (Schedule 1) (GRZ1)

The site is included in General Residential Zone (Schedule 1), the relevant purposes of the zone are as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*

In accordance with Clause 32.08-3 of the General Residential Zone, a planning permit is required to subdivide land. An application for subdivision must also meet the requirements of Clause 56 of the Bass Coast Planning Scheme. The objectives and standards of the following clauses are to be met for two lots - Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5 and 56.06-8 to 56.09-2.

Clause 56 (ResCode) is assessed and discussed below in this report.

Overlay Assessments

Clause 42.02 – Vegetation Protection Overlay Schedule 2 (VPO2)

The site is included in Vegetation Protection Overlay Schedule 2, the relevant purpose of Vegetation Protection Overlay is as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To protect areas of significant vegetation.*
- *To ensure that development minimises loss of vegetation.*
- *To preserve existing trees and other vegetation.*
- *To recognise vegetation protection areas as locations of special significance, natural beauty, interest and importance.*
- *To maintain and enhance habitat and habitat corridors for indigenous fauna.*
- *To encourage the regeneration of native vegetation.*

The proposed development does not require removal of trees. Thus, the application does not trigger a planning permit under the overlay.

Particular Provisions

Clause 56 Residential Subdivision

Clause 56.01 Subdivision Site and Context Description and Design Response

The proposed subdivision would continue to remain respectful of the neighbourhood character of Cowes. There are examples of similar lot sizes that were further subdivided to accommodate for additional residential developments. The proposal remains consistent with the emerging subdivision pattern of the area and the proposed changes would be consistent with the original layout of the allotments. The proposed subdivision would also be able to integrate with the existing urban environment.

Clause 56.03 Liveable and Sustainable Communities

The proposed two lot subdivision seeks to make more efficient use of a parcel of land that is located in an established residential area of Cowes within walking distance of the activity centre, primary school, health services and various community and recreational facilities.

Lot 1 would have a primary frontage to Hereward Close and measure 602m2 in area. Lot 1 contains the existing dwelling and garage. Proposed Lot 2 would be accessed from Seymour Place via the existing, albeit informal access in the south-west corner. Lot 2 would measure 539m^2 in area. Overall, it is considered that the subdivision will be compatible with the surrounding area. It will not have a detrimental impact on the key elements of existing residential character of this area of Cowes.

Clause 56.04 Lot Design

Lot 1 already supports a dwelling and lot 2 with a land area of 539m2 is considered to be large enough to easily accommodate an indicative building envelope measuring 10 metres by 15 metres. The land is not constrained in any manner (topography, shape of vegetation) to warrant a building envelope.

Courtesy of the vacant allotment being a corner block and flanked by two streets along the north western and eastern boundary, it is easily able to achieve good solar access. The orientation of lot 2 will ensure adequate solar access for the future dwelling.

As the application is proposing subdivision of a large corner site with two discrete lots, there is no common property area proposed as part of the subdivision.

Clause 56.06 Access and Mobility Management

Proposed Lot 1 containing the existing dwelling will be accessed via a new mid-block crossover on Seymour Place.

Proposed Lot 2 will utilise the existing driveway and informal crossover with Seymour Place. A new crossover on Seymour Place will be constructed to provide safe ingress and egress for vehicles.

With adequate separation between the vehicle access points and sufficient line of sight in both direction, safe and efficient vehicle access arrangements will be provided.

Clause 56.07 Integrated Water Management

The requirements of the relevant water authority will be complied with through the mandatory conditions on the permit pursuant to Clause 66.01 relating to connection to service authorities for potable water supply and waste water system.

The proposal is considered to have satisfied all other objectives, standards and decision guidelines of clause 56.

Concerns raised by Submitters

The following table summarises submissions into themes and provides a discussion on planning merit:

Submitter Theme	Council Officer Response
Overlooking concerns	No development has been proposed as part of the current subdivision application. Nonetheless any future development will have to comply with the Building regulation which replicate Rescode Clause 54 provisions and ensure protection of neighboring properties from amenity concerns such as overlooking and overshadowing.
Neighbourhood character - Lot size smaller than 1000m^2	Schedule 1 to GRZ doesn't stipulate a minimum lot size. Besides block size and density are not ideal indicators of neighbourhood character. The proposal is for two lots directly accessed from the road, sufficiently buffered from significant environments and responsive to the layout and garden surrounds of neighbouring allotments. The design and layout of the subdivision, if approved, will retain a practice of 'one dwelling per lot' and will maintain visual separation between buildings. The area is generally consistent with the Cowes neighbourhood character of a 'native treed neighbourhood as assessed in detail earlier in this report.
Devaluation of property	The positive or negative impact on the market value of a property is not a planning consideration.
Traffic and Parking issues	Each lot is capable of containing a dwelling, including parking for vehicles. The proposal is more likely to have a positive or easing effect on street parking by facilitating onsite vehicle storage and accommodation within walking distance to a popular beach.
Impact on the natural environment	The subject site is not considered to be located within or in abuttal to any renowned surf beaches, distinctive coastal cliff formations, fossil sites, fragile mangrove ecosystems or significant aboriginal cultural heritage sites. It is important that significant sites such as those listed are protected by limiting the spatial expansion of townships and encouraging higher yields in established urban areas.

	The development will provide for the retention of native vegetation while providing a balance between fire risk, urban development and character retention.
Setting a precedence	Planning application are assessed based on planning merits and not based on precedence. All future application will be assessed based on their planning merits and site context.
Drainage concerns in the area	Council's Asset Management engineers have assessed the Drainage Strategy submitted with the application and found it to be acceptable. Conditional consent has been provided which will ensure drainage from the site will be appropriately managed.

Conclusion

The application has been assessed against the Bass Coast Planning Scheme and is considered to be consistent with state and local policy, and the requirements of the relevant zones and overlays.

The application underwent notification and as a result there were 12 submissions received. Concerns raised by submitters were considered in the assessment of the application.

It is recommended that Council resolve to issue a notice of decision to grant a planning permit for planning application 200302, subject to conditions.

Recommendation

That in relation to planning permit application 200302 for Subdivision of land into two lots in GRZ1 located at 7 Hereward Close, Cowes VIC 3922, Council resolves to issue a Notice of Decision to Grant a Permit subject to the following conditions:

General Conditions

1. **The subdivision as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
2. **No buildings or works shall be constructed on any existing easement (including implied sewer, drainage, telephone, gas, power and water easement) or proposed easement without the further approval in writing of the Responsible Authority and/or the relevant service provider.**

Mandatory Subdivision conditions

3. **The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.**

4. **All existing and proposed easements and sites for existing and required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.**
5. **The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.**
6. **The owner of the land must enter into an agreement with:**
   a) **a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and**
   b) **a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network (NBN) will not be provided by optical fibre.**
7. **Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:**
   a) **a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and**
   b) **a suitably qualified person that fibre ready telecommunications facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**

Removal of outbuildings

8. **Before the issue of a Statement of Compliance for this subdivision under the Subdivision Act 1988, the outbuilding located on the newly created lot 2 must be removed from the land.**

Engineering Drainage

9. **Before certification of the Plan of Subdivision, detailed civil construction plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. All construction plans submitted for approval must be consistent with this permit and must conform with the requirements of all relevant servicing and road authorities, and in particular water, sewerage, drainage, telephone, gas and power authorities, and Council. The plans must be drawn to scale with dimensions. An A3 plan and an electronic copy (PDF)**

must be provided. The plans must show:

a) Vehicle access to the satisfaction of the Responsible Authority including:

i. A vehicle access to each lot in the subdivision , to be designed in accordance with IDM standards (SD 240). Clearance from obstructions including existing street trees, service authority assets, footpaths, kerb and channel, poles, rain gardens, pits, cables, pipes, bus shelters / stops, street furniture, signs, etc. must be shown on the plans

10. Before the issue of a Statement of Compliance for this subdivision under the Subdivision Act 1988, all stormwater discharging from the existing buildings must be conveyed to the legal point of discharge to the satisfaction of the Responsible Authority.

CONSTRUCTION (MINOR SUBDIVISION) MS06

11. Before the issue of a Statement of Compliance for this subdivision under the Subdivision Act 1988, the following works must be completed to the satisfaction of the Responsible Authority including all necessary permits being obtained and inspections undertaken:

a) All civil construction works, must be constructed in accordance with the civil design plans for the property as endorsed by the Responsible Authority pursuant to this planning permit

b) All drainage works (excluding any above ground detention tanks deferred via a Section 173 agreement) in accordance with the endorsed civil plans.

c) Photographic evidence of the legal point of connection to Council's drainage system must be provided if Council inspection cannot be arranged prior to backfilling.

d) Areas for common property, vehicle access and car parking within the land must be constructed in accordance with the endorsed civil design plans.

e) All proposed vehicle crossings must be constructed in accordance with the endorsed plans and IDM standards,

f) All redundant infrastructure (including vehicle crossings) abutting the site shall be removed and the kerb, channel, naturestrip and footpath shall be reinstated.

g) Removal of any sheds or redundant buildings located on created land parcels not accommodating a dwelling.

12. No mud, dirt, sand, soil, clay, stones, oil, grease, scum, litter, chemicals, sediments, gross pollutants, animal waste or domestic waste shall be washed into, allowed to enter or discharged to the stormwater drainage system, receiving waters or surrounding land and road reserves, during the construction works hereby approved to the satisfaction of the Responsible Authority.

Restrictions and agreements

13. Before the issue of a Statement of Compliance, the owner of the land must enter into an Agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987. The cost of the preparation, lodgement and registration and any subsequent removal of the Agreement shall be borne totally by the owner of the land. The Agreement must be registered on the certificate of title for the land. Evidence of the registration of the agreement must be provided to the Responsible Authority prior to the issue of a Statement of Compliance authorised by this permit. The Section 173 agreement must provide for the following:

a) Before an Occupancy Permit is issued for a dwelling on each lot, a stormwater detention tank must be installed in accordance with the endorsed drainage plans;

b) The owner will maintain and not modify the on-site storm water detention system without prior Council written approval, and will allow the system to be inspected by a duly appointed officer of the Council at mutually agreed times;

c) The capacity of the on-site stormwater detention system cannot be reduced and must be maintained to the satisfaction of the Responsible Authority; and

d) The owner will pay for all the costs associated with the operation, maintenance and Council inspection of the on-site storm water detention system.

Easements

14. The plan of subdivision submitted for certification under the Subdivision Act 1988, must show appropriate easements set aside for drainage purposes, to the satisfaction of the Responsible Authority.

Amenity

15. The development must be managed during construction so that the amenity of the area is not detrimentally affected through the:

a) transport of materials, goods or commodities to or from the land;

b) appearance of any building, works or materials;

c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, litter, dust, waste water, waste products, grit or oil; and

d) presence of vermin or animals.

Permit Expiry – Subdivision

16. This permit will expire if one of the following circumstances applies:

a) The plan of subdivision is not certified under the Subdivision Act 1988 within two years of the date of this permit; or

b) Registration of the plan of subdivision is not completed within five years of the certification of the plan of subdivision under the Subdivision Act 1988.

The Responsible Authority may extend the time if a request is made in writing before the permit expires, or within six months afterwards.

NOTES:

Asset Protection Permit

Unless exempted by the Bass Coast Shire, an Asset Protection Permit must be obtained prior to the commencement of any proposed building works, as defined by Local Law No. 1 Neighbourhood Amenity 2012. Bass Coast Shire Council's Asset Protection Officer must be notified in writing at least 7 days prior to the building works commencing or prior to the delivery of materials/equipment to the site.

Road Occupation Permit

A Bass Coast Shire Road Occupation Permit must be obtained prior to the commencement of the construction of all new vehicle crossings and for the upgrading, alteration or removal of existing vehicle crossings. The relevant fees, charges and conditions of the Road Occupation Permit will apply to all vehicle crossing works. It is a requirement that all vehicle crossing works be inspected by Bass Coast Shire Council's Asset Protection Officer.

Stormwater Discharge Point

A Bass Coast Stormwater Discharge Point must be obtained prior to the connection of all new stormwater drainage into Bass Coast Council's stormwater drainage system. All new stormwater drainage connections must be inspected by Bass Coast Council's Asset Protection Officer before any backfilling of the connection is undertaken.

Attachments

AT-1	***CONFIDENTIAL*** - Submissions	34 Pages
AT-2	Planning Permit 200302 Subdivision Plans	2 Pages

H.2 Planning Amendment 100101a-1 Extension of the Banfields Aged Care Facility at 192-198 Thompson Avenue Cowes

File No: **CM21/72**
Division: **Place Making**
Council Plan Strategic Objective: **Our Character**

Celebrating the uniqueness of our townships

Declaration

The author has no direct or indirect interests in relation to this report.

Executive Summary

Application number:	100101a-1
Applicant:	Matthies Property Investments P/L and Australian Aged Care Group P/L
Land:	192-198 Thompson Avenue, Cowes Victoria 3922
Proposal	The development of a residential aged care facility and removal of vegetation – amendment Amend the planning permit for alterations and additions to Aged care facility, Alteration to road access and removal of a covenant.
Planning controls:	Clause 32.08 General Residential Zone (GRZ) Clause 36.04 Road Zone Category 1 Clause 42.02 Vegetation Protection Overlay, Schedule 2 Clause 43.01 Heritage Overlay (HO57)
Planning permit triggers:	Clause 32.08–6, 52.02, 52.29, 36.04, 43.01
Notification and submissions:	Yes - One
Key planning considerations:	Appropriateness of buildings and works The views of the road authority The interests of parties affected by the covenant
Recommendation:	Notice of Decision to Grant a Planning Permit

Reason a Council Decision is required

Council's delegations require that applications for developments of more than $3 million be received by Council for determination.

The Proposal

An application for an amendment under Section 72 of the *Planning and Environment Act* has been lodged with Council for consideration. This amendment application proposes to extend the existing aged care facility in accordance with Development plans prepared by CHT Architects, ref: 17018, dated 07/05/2017. The decision plans are provided as Attachment one and are detailed below:

- An additional 43 aged care beds which includes 15 dementia beds.
- An enclosed Connection to existing facility to the south.
- Expansion and reconfiguration of the existing on-grade car park to provide an additional 24 car spaces.
- Deletion of the existing access road and pedestrian footpath.
- Construction of a new access road and pedestrian footpath to the expanded car park.
- Modification of the existing crossover to the north to accommodate new access road

To facilitate this proposal and to comply with the Bass Coast Planning scheme, the following amendments need to be made to planning permit 100101a.

1. Primary consent for the buildings and works associated with the new wing of the aged care facility under clause 32.08-7 comprising:
    a. Consideration of the parking requirements under clause 52.06 for the extension.
    b. Consideration of the aged care facility provisions at clause 53.17
2. Primary consent to create or alter access to a road in a road zone 1 Clause 52.29
3. Primary consent to construct or carry out works associated with a use in section 2 of Clause 36.04-1.
4. Primary consent to vary or delete a restrictive covenant from title - remove Item 4 from Covenant PS702798L.
5. Primary consent to undertake works within HO57.
6. Amendment to relevant conditions referring to the number of beds, rooms or spaces.

The proposal was amended during the application process on 17/07/2020 under Section 50 of the Planning and Environment Act 1987. The amendment included the following:

a) Remove Item 4 from Covenant PS702798L.

In relation to the existing Permit No. 100101a, the following modifications are proposed:

b) Preamble – Add the permission to remove restriction 4 from Covenant PS702798L.

c) Condition 1 a) – Deleted. No longer required as car parking provision for the additional beds complies with the statutory requirements.

d) Conditions 7 i) and 13) – modification as Council has updated its Bass Shire Stormwater Management Plan 2003.

e) Condition 27 – modification to commencement and completion of the additional building proposed on site.



Figure 1 – Site layout Plan (Source: development plans by CHT Architect)



Figure 2 – Detailed floor Plan (Source: development plans by CHT Architect)

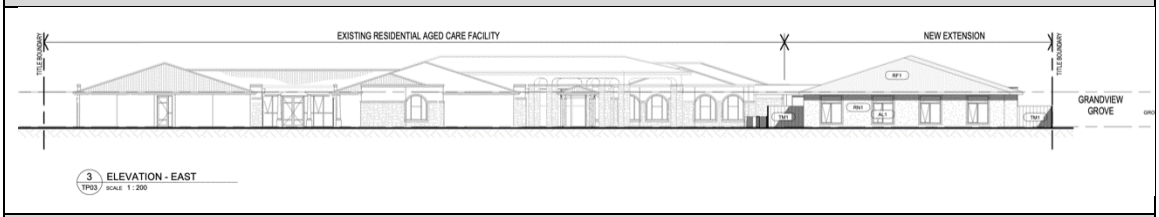


Figure 3: East Elevation plan (Source: development plans by CHT Architect)



Figure 4: West Elevation plan (Source: development plans by CHT Architect)

Background

The original permit 100101 was issued on 1 September 2010 for *The development of a* residential *aged care facility and removal of vegetation in accordance with the endorsed plans* and was subsequently amended in 2011 (100101a).

The subject site is developed in accordance with this permit and supports a 90-bed aged care facility with 48 onsite car spaces. The aged care building is located to the rear behind the main car park which contains 36 car spaces. A further 12 car spaces are provided adjoining the facilities entry and drop off point on the north. The front section of the site is vacant and contains two separate buildings used by the facility for general administrative purposes.

An associated planning permit 100249 provided for the removal of a row of cypress trees from the abutting land and the subdivision of that land into two lots. This planning permit was extended in 2017 however has now been acted upon with titles issuing for the two-lot subdivision and the vegetation removed. This subdivision is better described as a re-subdivision as it consolidated a substantial area of land into the Banfields holding while separating a part on the west for the benefit of a private residence,

Associated planning permit 120394 was issued for signage, and subsequently amended so that the signage could be floodlit. This re-established an earlier permission in 2010 for a floodlit sign set into a brick wall.

Following is a description of the subject site and other relevant information pertaining to the allotment.

Site Dimensions and Area	The subject site is irregular in shape with a total site area of approximately 1.86 hectares. Primary access to the existing facility is currently via a shared arrangement with Lot 1 of PS702798L.
Site Frontage	The site has a frontage to Thompson Avenue of approximately 63.25 metres.
Topography	The site is generally flat.
Vegetation Cover	With the row of cypress trees removed under permit 100249, the site now only features scattered canopy vegetation mostly concentrated on Lot 1 PS702798L Landscaping requirements as conditions of 100249 will improve the street
Current Use and Development	The subject site is developed by a 90 bed aged care facility and associated car parking.
Easements	There are a number of easements as shown on PS 808689B
Restrictive Covenants and/or Section 173 Agreements	Lot 2 of PS808689B and lot 1 of PS702798L are affected by the following covenant. Covenant PS702798L created 10.05.2014 applies in duplicate to lot 1 and 2 of PS7202798L.
Aboriginal Cultural Heritage Sensitivity	The site is not subject to Cultural Sensitivity.
Planning Permit History	As noted above.

The subject site is located within the central district of Cowes. The main characteristics of the surrounding area are:

- North – Residential in nature and developed by a range of single and two storey dwellings. A larger vacant block is located to the north west.
- South – To the south are both single and double storey dwellings across a range of densities, styles and designs.
- East – To the east is Thompson Avenue itself which is characterised by boulevard planting of the Golden Cypress trees.
- West – To the west are the grounds associated with the historic "Rhylson Park' which is described in the heritage citation 1 as a substantial and largely intact example of a Victorian Italiante villa in a country setting. The heritage dwelling which is cited to Victoria Court is well separated from the rear of the subject site.



Figure 2- Site and Surrounds

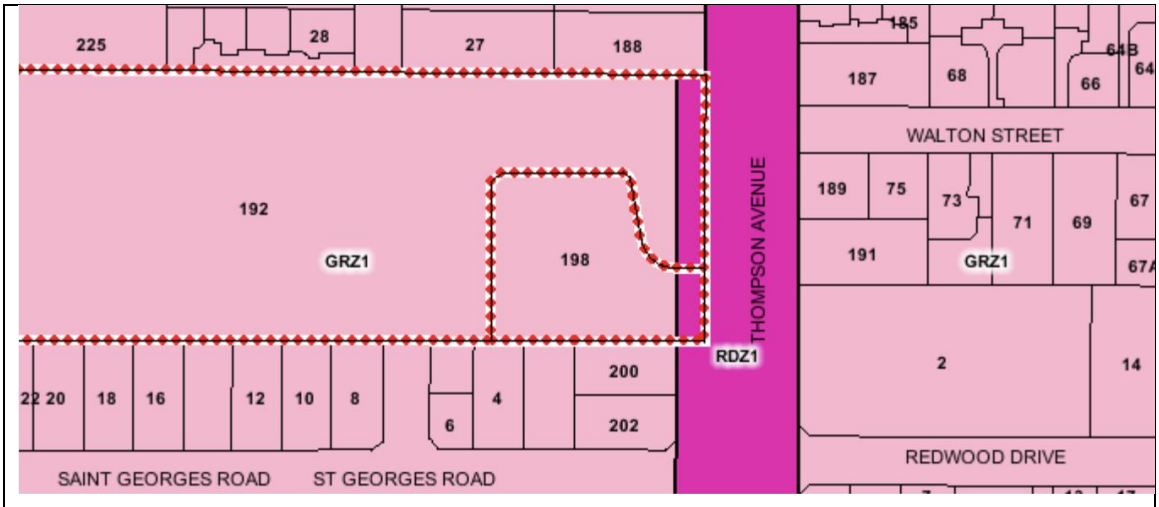


Figure 3 - Zoning Map

RESTRICTIONS ON TITLE

Lot 2 of PS808689B and lot 1 of PS702798L are affected by the following covenant.

Covenant PS702798L created 10.05.2014 applies in duplicate to lot 1 and 2 of PS7202798L.

The covenant states that 'without the written consent of the responsible authority, the registered proprietors of lot 1 on this plan shall not:

1. Allow stormwater drainage collected from buildings to be discharged from the subject land other than via a drainage detention system constructed in accordance with civil design plans approved under planning permit 100101 by the responsible authority.
2. Allow the drainage detention system constructed in accordance with civil design plans approved under planning permit 100101 by the responsible authority to fall into disrepair or otherwise not function in accordance with its designed purpose.
3. Allow debris and sediment collected in the drainage system trash screen and silt trap to remain in the system and hereby detrimentally affect their designed functions.
4. Allow the occupation of any new building that does not access Thompson Avenue via the shared driveway access constructed under Planning Permit 100101.

Item 4 of this covenant is proposed to be removed in entirety.

Consultation

Notice of the amended application is required under Section 52 of the *Planning & Environment Act 1987*, as the Responsible Authority is not satisfied that the grant of the permit would not cause material detriment to any person.

Public notification was undertaken by the applicant on the 4th November 2020 and involved the following:

- Forwarding a copy of the Notice by mail to the owners and occupiers of 34 adjoining and nearby properties.
- Placing a sign on the land to front Thompson Avenue and Grandview Grove.
- Publishing a Notice in 1 edition of the Phillip Island and San Remo Advertiser.

The applicant has provided evidence via a statutory declaration that the notification process was conducted in accordance with Council's requirements.

Council received one written submission in response to the proposal.

A copy of the submission is included in Attachment two.

The submitter concerns and comments are summarised further in this report including a Council Officer response in the table provided.

Referrals

The following table outlines the referral requirements of this application.

Table two: Referral Authorities and their comments

Referral Authority	Comments
External (Section 55 of the *Planning and Environment Act 1987*)	
Department of Transport (VicRoads)	No objection to the application subject to conditions. VicRoads have requested details of the proposed driveway and crossover as a condition of approval.
Internal (Section 52 of the *Planning and Environment Act 1987*)	
Development Services	Consent has been provided subject to conditions pertaining stormwater drainage and access. The following is a summary of recommended changes to the existing permit: • New civil plans are required. An updated condition is listed below which incorporates Council's recently adopted IDM standards. • Additional stormwater detention is likely to be required due to increased impervious area. Ideally the new drainage infrastructure would utilize the existing LPOD approved for the initial development. • Construction of the on-street parking and appropriate drainage infrastructure adjacent to the new proposed crossover is required. • An updated construction management plan (CMP) condition is listed below. This condition should replace both the old conditions requiring a CMP and a Traffic/Parking management plan.

Planning Scheme Provisions

Planning Policy Framework Assessment

The relevant Planning Policy Framework clauses are as follows:

- Clause 11 Settlement.
- Clause 15.01-1 Urban Design.
- Clause 15.02 Sustainable Design.
- Clause 16 Housing.
- Clause 19 Infrastructure.

The relevant Local Planning Policy Framework clauses are as follows:

- Clause 21.01 Municipal Profile.
- Clause 21.02 Settlement.
- Clause 21.08 Moderate Growth Settlements
- Clause 22.01 Stormwater Management Policy

- Clause 22.03 Cultural Heritage Policy

The intent of these policies (PPF & LPPF) as they relate to this proposal can be summarised as follows.

Clause 11 relates to '*Settlement*' and requires planning to contribute to amongst others, health and safety, a high standard of urban design and amenity, energy efficiency and accessibility.

Clause 15.01 contains policies regarding *'Urban Design'* and seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity and require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.

Clause 15.01-2S contains policies relevant to '*Building Design'*, requiring, amongst other things, the preparation of a comprehensive site analysis to provide the basis for the consideration of building height, scale and massing. Development is also to minimise adverse amenity impacts on adjoining properties and the public realm and provide an appropriate landscaping response to its context.

Clause 15.02 contains policies relevant to '*Sustainable Development*, requiring amongst other things that the design of buildings improve energy efficiency.

Clause 16.01-7S relates to '*Residential Aged Care Facilities'* and calls for the development of well designed, appropriately located facilities to meet existing and future needs. Strategies include, recognising that residential aged care facilities are best located in residential areas, contribute to housing diversity, should be of a high design quality and respond positively to their context. Importantly, it is recognised that residential aged care facilities are different in their purpose and function and will therefore have a different built form to dwellings, including height, scale and mass.

Clause 19.02-1S relates to '*Health facilities*' and seeks to facilitate the location of aged care services having regard to demographics and future requirements.

Clause 21.01 '*Municipal Profile'* encourages the provision of diverse housing options and types for all ages so as to meet changing household characteristics. Increased housing density is also encouraged in locations close to commercial centers such as Cowes. The provision of affordable housing for all ages is also a key objective.

Clause 21.02-1 relates to *'Settlement'* and outlines a settlement hierarchy to guide development in the Bass Coast Shire settlements. Cowes, along with San Remo are identified as District Towns. District Towns are noted for the large diverse population with access to all essential services. Moderate growth is anticipated in the District Towns given existing capacities.

Clause 21.02-2 '*Housing*' seeks to provide a diverse range of housing types and confirms that as the population grows, additional aged care accommodation will be required. Urban consolidation including, aged care and more affordable housing is encouraged in locations that have access to a range of urban facilities such as those found in the Cowes township.

Clause 21.08 *'Moderate Growth Settlements'* identifies Cowes as one of the municipalities moderate growth settlements. The Cowes Strategic Framework Plan at Clause 21.08-5 identifies the subject site as being located in an incremental change area within the urban growth boundary of the town. Settlement objectives require urban development to be contained within the urban growth boundary and recognises Cowes as the major commercial centre for Phillip Island. The policy also emphasises that the Golden Cypress avenue planting along Thompson Avenue is an iconic feature and important to the towns identity. Land use objectives seek to provide greater residential densities in proximity to the Cowes Activity Centre without impacting upon established and varied characteristics of the town which includes the Golden Cypress avenue planting in Thompson Avenue and the single storey residential character of the surrounding neighbourhood.

Such considerations are particularly relevant to the incremental change areas where increased density and diversity will be supported provided that development respects the existing character of the area.

Clause 22.03 *'Cultural Heritage Policy'* applies to heritage places and precincts included in the Heritage Overlay (HO57), which in this case references a small section of the frontage to Thompson Avenue. Relevant purposes of the heritage policy is to recognise, conserve and enhance places identified as having, amongst other things historic and natural significance which in this case is limited to the avenue of cypress planting that extends past the subject sites frontage.

There is strong policy support for the proposal at both the state and local level. At the state level, housing seeks to facilitate well designed and appropriately located residential aged care facilities. Further, health facilities including residential aged care are to respond to demographic trends both in terms of existing and future demand while ensuring health facilities integrate with communities. Built form policy seeks to create liveable communities that have a strong identity and character and contribute to the existing or preferred character outcomes.

Local policy identifies the growing need for residential aged care facilities given the ageing population. Importantly the subject site is located within a residential area where moderate growth is anticipated which acknowledges that there will be a level of change to the existing built form of the neighbourhood. The level of change is however to be tempered, given the requirements for new development to be respectful of surrounding development and landscape character including the avenue of Golden Cypress trees in Thompson Avenue.

The development has responded to its context which includes proposing a single storey building height and scale that reflects the streetscape of the area and the height of adjoining properties (despite the ability to construct a building much higher). Compliant setbacks are provided to all boundaries with landscaping to the street abuttal. The proposed building is single storey and is well setback from Thompson Avenue with compliant setbacks provided to all boundaries.

Zone Assessment

The subject site is located within a General Residential Zone – Schedule 1 (GRZ1) pursuant to the Bass Coast Planning Scheme. The relevant purposes of the zone are as follows:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Pursuant to the provision of the zone:

- A residential aged care facility is a Section 1 – Permit not required use.
- A permit is required to construct a building or construct or carry out works.
- A residential aged care facility must meet the requirements of Clause 53.17 Residential Aged Care Facilities.

The zone provisions defer to the decision guidelines of Clause 53.17. A detailed assessment against this provision is provided below:

Clause 53.17 – Residential Aged Care

Clause 53.17 sets out the particular provisions relating to the residential aged care facility and applies to all residential zones except the Low Density Zone. The purpose of Clause 53.17 are as follows:

- To facilitate the development of well-designed residential aged care facilities to meet existing and future needs.
- To recognise that residential aged care facilities have a different scale and built form to the surrounding neighbourhood.
- To ensure residential aged care facilities do not unreasonably impact on the amenity of adjoining dwellings.

The specific requirements relate to height, site coverage, setbacks and internal / external amenity. These requirements override mandatory and discretionary requirements of the applicable zone and overlay (which in this case is the GRZ1)

Importantly, Clause 53.17 does not refer to neighbourhood character considerations in its purposes or its requirements. Neighbourhood character considerations are replaced by the recognition that residential aged care has a different scale and built form to the surrounding neighbourhood and how the built form has responds to the site and context description.

The proposed extension of the existing aged care facility has been assessed to respond appropriately to the specific requirements of the clause having regard to the following considerations.

Building Height	**Complies.** Building at a single storey height of 4.5 metres is well below the 16 metres allowable in the General Residential Zone and is consistent with the single storey height of the existing facility and the height of other single storey dwellings adjoining the site.
Street Setback	**Complies.** The new wing is setback 110 metres from Thompson Avenue, thereby maintaining the existing street interface. Importantly there will be no impact on the avenue planting of the Golden Cypress trees to Thompson Avenue.
Side and Rear Setbacks	**Complies.** Setbacks to the northern boundary ranges between 3 and 4 metres with a 3.5 metre setback to the rear. The new built form will not be readily viewed from the public realm. To the south the new wing adjoins the existing facility. There will be no perception of the new single storey wing from the residential area to the south.
Walls on Boundaries	**N/A.** No walls on boundaries.
Daylight to Existing Windows	**Complies.** Setbacks to the existing aged care facility and dwellings to the north greatly exceed the nominated 'light court' dimensions and the wall heights to setback ratios.
North Facing Windows	**Complies** North facing windows of the existing aged care facility are setback 6 metres or more.
Overshadowing Open Space	**Complies.** Adjoining dwellings are located to the north of the proposed new wing, no shadowing of existing dwellings private open space will occur.
Overshadowing Solar Energy Systems	**N/A.** No solar panels on adjoining buildings.
Overlooking	**Complies.** There are no first-floor habitable room windows, balcony, terraces, deck or patios overlooking adjoining dwellings.
Noise Impacts	**Complies.** There is no mechanical plant located in proximity to the new bedrooms. Further, acoustic fencing is proposed to where new bedrooms face the existing driveway, drop off point and service areas of the existing aged care facility.
Daylight to New Windows	**Complies.** All new habitable room windows have a clear outdoor space exceeding $3m^2$ and a dimension of 1 metre clear to the sky.
Site Coverage	**Complies.** combined site coverage for the entire site is at 41.8% which is essentially half of what is permitted. The lower site coverage responds to the garden character of the area, enabling landscaping to be provided around the new wing on all sides. A landscape plan will be required as a

	condition of approval with particular emphasis on landscaping along the northern and western title boundary.
Access	**Complies.** The additional aged care beds generate a statutory parking requirement for 13 spaces. The provision of 24 additional onsite car spaces exceeds this requirement. The additional car spaces are provided in the expanded carpark, interconnecting to the existing drop off point of the existing facility. All vehicles can enter and exit in a forward direction with existing access to the service area and drop off point maintained. The new access road provides direct access to delivery and service areas. Carriageway widths exceed 5.5 metres with the internal radius exceeding 4 metres at the change of direction. The street access points are not increased and the new access road and carparks are more than 6 metres away from any new habitable room windows.
Front Fence	**Complies.** Front fencing to Thompson Avenue already supports a 1.5m high fence. The new fence will not exceed 2 metres in height.
Building Entry	**Complies.** Existing building entry point and drop off point to be retained with the new wing linked to the existing facility by the central connection corridor.
Communal Open Space	**Complies.** Communal open space area is provided in the existing courtyards of the existing facility with courtyards provided in the new wing.

Clause 36.04 Road Zone – Category 1 (RDZ1)

The front part of the subject site adjoining Thompson Avenue is located within a RDZ1 with Thompson Avenue nominated as a Road Zone – Category 1 pursuant to the scheme. The relevant purposes of the zones are as follows:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify significant existing roads.
- To identify land which has been acquired for a significant proposed road.

Residential Aged Care is an unspecified Section 2 permit required use pursuant to the Table to Clause 36.04-1. While the zone provisions do not require use permission, the following provisions of the zone applies.

> *..... to carry out works (access road and modified crossover) to a Section 2 use pursuant to Clause 36.04-2.*

As per the requirements of this zone the proposal was referred to VicRoads being the road management authority who has provided consent to the development.

Overlay Assessments

Clause 43.01 Heritage Overlay (HO57)

Purpose of this overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

HO57 applies to a small section of the subject sites frontage and its purpose is to protect, conserve and enhance the golden cypress tree to the frontage that form part of the Thompson Avenue planting.

A planning permit is required to carry out works (construct new access road). The road works have been assessed by VicRoads and Council's Asset Management team and found to reasonable and acceptable.

A planning permit is required under HO57 to remove, destroy or lop a tree with the schedule specifically referencing the Golden Cypress trees in Thompson Avenue. The tree removal was already approved under previous permit 100249 and no new vegetation removal has been proposed as part of the current amendment application

Clause 42.02 Vegetation Protection Overlay – Schedule 2 (VPO2)

The vegetation protection objective to be achieved is the protection and enhancement of indigenous and larger native trees within the urban areas of Phillip Island.

Tree removal has already been permitted in the existing permit and associated permit 100249. The proposed amended permit does not require removal of any new vegetation and so it this application does not trigger a planning permit under the overlay.

Particular Provisions

Clause 52.02 Easements, Restrictions and Reserves

The Purpose of this provision is:

"to enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered."

A permit is required before a person proceeds Under Section 23 of the Subdivision Act 1988 to create, vary or remove an easement or restriction or vary or remove a condition in the nature of an easement in a Crown grant.

There is a Covenant PS702798L created on 10.05.2014 that applies in duplicate to lot 1 and 2 of PS7202798L. The covenant stipulates four dot points pertaining to drainage and access. The applicant is seeking to delete the fourth dot point pertaining to access that currently reads as below:

4. Allow the occupation of any new building that does not access Thompson Avenue via the shared driveway access constructed under Planning Permit 100101.

The purpose of the above dot point was to safeguard the legal rights of the facility on lot 1 PS7202798L. The proposed development is not seeking to jeopardise these rights and on the contrary is seeking to resolve the issue altogether by proposing a separate and independent access for lot 2. The application was notified widely and there were no objections to the proposed variation. Therefore, the proposed deletion of dot point 4 is considered acceptable.

Clause 52.06 Car Parking

Clause 52.06 sets out the car parking requirements for various uses. The relevant car parking rate for residential aged care is as follows:

- 0.3 car spaces to each lodging room.

Applying the above statutory rate to the additional 43 beds, the development generates a requirement for 13 car spaces.

The proposal provides 24 additional spaces and therefore exceeds the car parking requirements of the scheme.

Clause 52.29 – Land Adjacent to a Road Zone, Category 1 or a Public Acquisition Overlay for a Category 1 Road.

Clause 52.59 establishes a permit requirement to create or alter access to a road in a Road Zone, Category 1. Thompson Avenue is categorised as Road Zone – Category 1 Roads. Permission is required to alter the existing crossover to the north.

Application was referred to VicRoads who have provided conditional consent.

Concerns raised by Submitters

The following table summarises submissions into themes and provides a discussion on planning merit:

Submitter Theme	Council Officer Response
Requesting pedestrian/cycling connections between Fields Court and Grandview Grove through subject site. General traffic management and congestion concerns	The applicants land comprises that formerly of Rylston Park (HO59) first established on 8th July 1878 and relatively unchanged as a large urban allotment since 1930. The objectors request imposes an unreasonable burden on the applicant to resolve an inconvenience on two short residential streets. Providing public connectivity between Grandview Grove and Fields Court is not anticipated by the planning scheme and it is not appropriate for the responsible authority to impose such are requirement in consideration of the use the land is being put to. The concerns regarding vehicle speeds and movements on Thompson Avenue affecting pedestrian and alternative transport options are not relevant to the consideration of the extension proposed.

Conclusion

The application has been assessed against the Bass Coast Planning Scheme and is considered to be appropriate.

The application underwent notification and as a result there was one submission received. Concerns raised by submitters were considered as part of the assessment of the application, however no changes were made or conditions applied in response.

It is recommended that Council resolve to issue a notice of decision to grant the amendment to planning permit 100101a in accordance with the plans submitted and the conditions as recommended,

Recommendation

That in relation to planning permit application 100101a-1 for The development of an aged care facility, removal of vegetation, alteration of access to an RDZ1 and variation of a covenant located at 192-198 Thompson Avenue, Cowes, Council resolves to issue a Notice of Decision to Amend the existing permit in the follow ways.

1. **Before the works commence, amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application but modified to show:**

   (a) Any changes required to implement the findings of a reviewed access audit and internal parking management plan.

   (b) Annotation, illustration or schedule of ESD features implemented into the design under condition 3;

   (c) colours for all external surfaces of the development;

   (d) details of signage, including access signage;

   (e) external lighting scheme baffled to ensure that no light spill falls on adjacent properties and otherwise in accordance with the Bass Coast Shire Council Street Lighting Policy;

   (f) a permanent vehicle/pedestrian exclusion zoned around the Golden Cypress trees located in front of the subject site, using kerb and channel as wheel protection;

   (g) all roof elements including plant, lift over-runs and other building services, to be absorbed within the overall building form or included as part of the roof design;

   (h) a dedicated storage area for resident's mobility scooters and parking for visitor's mobility scooters;

2. **The development as shown on the endorsed plans shall not be amended, altered or modified (whether or not in order to comply with any statute, statutory rule or for any other reason) without the written consent of the Responsible Authority.**
3. **The development must incorporate principles of Environmentally Sustainable Design (ESD) including energy management together with water conservation and re-use to the satisfaction of the Responsible Authority.**
4. **Before the work commence on the extension, the access audit prepared by Helen Fearn Wannan 29 June 2011 of Architecture & Access must be reviewed and updated by a suitably qualified person or firm and must be submitted to the satisfaction of the Responsible Authority for approval. The audit must include, but not be limited to, an assessment of the accessibility of the fit-out of the rooms and communal spaces in the extension and provide recommendations or updates to the original report. When approved, the amended plans will be endorsed to supersede the existing audit and form part of the permit.**
5. **Before the works commences in accordance with the amended plans (CHT Architects, ref: 17018, dated 07/07/2017, an amended a landscape plan prepared by a landscape architect or suitably qualified person or firm must be, submitted to the satisfaction of the Responsible Authority for approval. When approved, the plan will be endorsed and form part of the permit. The plan must be drawn to scale with dimensions and three (3) copies must be provided (one copy must be A3 size). The plans must show:**
   a) **areas to be landscaped, particularly along the northern and western title boundary to be consistent with any other planning approvals;**
   b) **the communal park area including suitable shade trees, facilities and lighting;**
   c) **a schedule of proposed species that are to be planted on the site including quantities, size at maturity and scientific names;**
   d) **all medium and tall trees must be locally indigenous species selected from the Indigenous Plants of Bass Coast Shire document; and**
   e) **paving treatments and finishes.**

All species are to be non−invasive and not include any environmental weeds as listed within the publication titled Common Weeds of Gippsland, Bass Coast Shire 2002.

6. **The extension as shown on the plans prepared by CHT Architects, ref: 17018, dated 07/07/2017 must not be occupied until the landscaping shown on the endorsed plans has been completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed plans must be planted, established and thereafter maintained to the satisfaction of the Responsible Authority,**

including the replacement of failed plants.

Drainage and Access Design

7. **Before the works commence on the extension, the Traffic and Parking Management Plan by Ratio dated December 2011 must be reviewed and updated to the satisfaction of the Responsible Authority for endorsement by the Responsible Authority. The plan must address, but not be limited, to following:**
   a. **All changes proposed to the plan for the existing facility and the reason for those changes described;**
   b. **the location of all areas on site to be used for staff, visitor and patron parking. No parking shall be permitted off-site on any nearby land or road reserve without the further approval in writing of the Responsible Authority;**
   c. **the dimensions and location of the roads, parking spaces, access lanes and site facilities including measures proposed to limit traffic speeds on the site;**
   d. **specification of staff, resident and visitor numbers adequate to enable efficient provision and operation of car parking areas on-site including emergency egress provision for fire evacuations or other emergency situations;**
   e. **the number and location of all on and off-site security installations or measures;**
   f. **the means by which the direction of traffic and pedestrian flows to and from car parking areas will be controlled on and off the site;**
   g. **measures to discourage visitor car parking in non-parking areas;**
   h. **measures to preclude staff parking in designated visitor car parking areas;**
   i. **servicing and maintenance proposals for the road system and car parking areas.**

The Traffic and Parking Management Plan, once endorsed, will form part of the permit. All future traffic operations relating to the use and development must be in accordance with the approved Traffic and Parking Management Plan. Once endorsed the Traffic and Parking Management Plan must not be altered except with the written consent of the Responsible Authority.

8. **Before the issue of a Building Permit, detailed civil construction plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. All construction plans submitted for approval must be consistent with this permit and must conform with the requirements of all relevant servicing and road authorities, and in particular water, sewerage, drainage, telephone, gas and power authorities, VicRoads and Council. The plans must be drawn to scale with dimensions. An electronic copy (PDF) must be provided. The**

plans must show:

a) Drainage of the subject land, including levels or contours of the land (including relevant external catchments) and all hydraulic computations. The drainage plan must be prepared in accordance with the requirements of the Infrastructure Design Manual (IDM) as amended and must provide for the following:

I) How the land including all buildings, open space and paved areas within each lot will be drained for a 10% AEP storm event to the legal point of discharge.

II) An underground pipe drainage system conveying stormwater to the legal point of discharge and connecting into Bass Coast Shire Council's stormwater drainage system by the existing underground drainage property connection. Details of the existing onsite drainage system must be shown on the plan.

III) The provision of stormwater detention within the site and prior to the point of discharge into Bass Coast Shire Council's drainage system. The stormwater detention system must be designed to ensure that stormwater discharges arising from the proposed development of the land are restricted to pre-development flow rates.

IV) Compliance with the Best Practice Environmental Management Guidelines for Urban Stormwater including any quality treatments proposed in accordance with these Guidelines and Clause 22.01 of the Bass Coast Planning Scheme.

V) Provision of over-land surcharge routes for all storm events up to the 1% AEP. This must include associated infrastructure for the safe and effective passage of stormwater flows arising from areas upstream of the subject land discharging into Bass Coast Shire Council's drainage system.

VI) Drainage of the new crossover and adjacent parking area on Thompson Avenue. This is to include extension of kerb and channel on Thompson Avenue.

VII) No part of any above ground stormwater detention system is to be located within a stormwater drainage easement or a sewerage easement unless with the Responsible Authority's written approval.

b) Vehicle access, pedestrian access and car parking to IDM standards and to the satisfaction of the Responsible Authority including:

I) A vehicle access to the site, to be designed to the satisfaction of both VicRoads and Council. Clearance from obstructions including existing street trees, service authority assets, footpaths, kerb and channel, poles, rain gardens, pits, cables, pipes, bus shelters / stops, street furniture, signs, etc. must be shown on the plans.

II) Concrete footpath to be reconstructed to a heavy vehicle standard for the length of the new crossover on Thompson Avenue.

III) Car parking areas and access ways on-site to be designed, constructed and sealed with an all-weather seal pavement (asphalt or concrete) to the satisfaction of the Responsible Authority.

IV) Car parking spaces and access aisles designed in accordance with the Australian Standard for off-street car parking AS 2890.1 - 2004 and the Bass Coast Planning Scheme.

V) The internal footpath designed and constructed to disabled access standards, linking Thompson Avenue to the front entrance of the facility with minimal traffic conflict.

VI) sixty degree car parking spaces shall be maximised in Thompson Avenue around the Golden Cypress trees and must be constructed, sealed and line-marked along the frontage of the site adjacent to the new crossover including parking signage and tree protection barriers to the satisfaction of the Responsible Authority.

VII) No vehicle access to Fields Court.

9. The onsite stormwater drainage system including stormwater detention, installed in accordance with the endorsed plans, must not be removed or modified without the further approval (in writing) of the Responsible Authority.

Works and Maintenance

10. Before the works commence on the extension, the Tree Protection and Management Plan prepared by Rob Galbraith & Associates must be updated by a suitably qualified person or organisation to accord with the current layout and new abuttals to vegetation, submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Tree Protection and Management Plan must be prepared in accordance with AS 4970-2009 (Protection of trees on development sites). The plan must provide protection measures for trees on site, trees on adjacent sites that are within 5 metres of common boundaries and street trees adjacent to the site. Protection measures for street trees must include permanent protection measures. The plan must also detail proposed pruning works to existing trees on the site and on adjoining properties and road reserves (if required). These works must be carried out by a

qualified arboriculturist in accordance with the recommendations of the plan.

11. **The development must be managed during construction so that the amenity of the area is not detrimentally affected through the:**
    a. **transport of materials, goods or commodities to or from the land;**
    b. **appearance of any building, works or materials;**
    c. **emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, litter, dust, waste water, waste products, grit or oil; and**
    d. **presence of vermin or animals.**
12. **No mud, dirt, sand, soil, clay, stones, oil, grease, scum, litter, chemicals, sediments, gross pollutants, animal waste or domestic waste shall be washed into, allowed to enter or discharged to the stormwater drainage system, receiving waters or surrounding land and road reserves, during the construction works hereby approved to the satisfaction of the Responsible Authority.**
13. **Before works commence, a Construction Management Plan (CMP) must be prepared to the satisfaction of the Responsible Authority for endorsement by the Responsible Authority. The plans must be drawn to scale with dimensions. An A1 plan and an electronic copy (PDF) must be provided. The plan must address, but not be limited to following:**
    a) **Address occupational health and safety, traffic management, environmental controls and cultural protection measures to the satisfaction of the responsible authority.**
    b) **Include the proposed route for construction vehicle access to the site including a program for the upgrade and maintenance works required along this route while works are in progress.**
    c) **Include measures to reduce the impact of noise, dust and other emissions created during the construction process.**
    d) **Demonstrate all environmental and cultural protection measures identified on a drawing(s) drawn to scale and prepared in accordance with Melbourne Water standards for such drawings.**
    e) **Measures to ensure that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the storm water drainage system.**
    f) **Include means by which foreign material will be restricted from being deposited on public roads by vehicles associated with the building and works on the land to the satisfaction of the responsible authority.**
    g) **Address any recommendations of any approved Cultural Heritage Management Plan applying to the land.**
    h) **Identify the location and method of any Tree Protection Zones.**

i) **All machinery bought on the site must be weed and pathogen free.**

j) **A truck wheel-wash must be installed and used or a similar arrangement employed so vehicles leaving the site do not deposit mud or other materials on roadways. All machinery wash down, lay down and personnel rest areas must be clearly fenced and located in disturbed areas;**

k) **Contractors working on the site must be inducted into an environmental management program for construction works.**

l) **Best practice erosion and sediment control techniques must be used to protect any native flora and fauna.**

m) **Appropriate mechanisms for protecting environmental and heritage assets during the construction phase of subdivision.**

n) **landscaping, re-vegetation and construction works carried out on the site must be supervised by a person with recognised environmental qualifications;**

o) **hours of construction work. The CMP must provide that such hours are to be 7.00am to 6.00pm Monday to Friday and 7.00am to 1.00pm Saturday, with no construction on Sunday or public holidays. The CMP must provide that the hours of construction from Monday to Saturday (inclusive) may be extended with the consent of the Responsible Authority provided all adjoining residents are notified prior to the extended hours of construction. All deliveries, unloading and collection of materials associated with the construction phase of the development must occur within the hours of construction work, unless further permission is given in writing by the Responsible Authority;**

p) **location of the construction workers compound. The compound must be located a reasonable distance from any neighbouring residence to minimise amenity impacts. The compound must be used for the storage of building materials, parking for construction workers and as the location for the site offices and amenities;**

q) **management of all building and construction waste, including any measures to recycle materials generated during construction;**

r) **locations of cut and fill stockpiles;**

s) **the gravel and any other approved soil-derived material used in the construction of pedestrian links and paths must be guaranteed Phytophthora free;**

t) **a liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced;**

u) **timing of bulk earth works. The CMP must detail conditions that will cause bulk earth works to be suspended (for example after significant and prolonged rain event);**

v) **reporting requirements to demonstrate compliance with the latest revision of the following documents:**

i) **EPA guidelines for Major Construction Sites and Techniques for Sediment Pollution Control and other provisions of the approved EMP;**

ii) **Best Practice Environmental Management Guidelines for Urban Stormwater;**

iii) **Environmental Guidelines for Urban Stormwater (EPA Publication)**

iv) **Construction Techniques for Sediment Pollution Control (EPA Publication)**

The Construction Management Plan, once endorsed, will form part of the permit. All works constructed or carried out must be in accordance with the approved Construction Management Plan. All care must be taken to minimise the effect of construction activity on the amenity of the surrounding neighbourhood. Once endorsed the Construction Management Plan must not be altered except with the written consent of the Responsible Authority

14. **Access to the site shall only be at the nominated crossing shown on the endorsed plan. The crossing and road pavement works are to be constructed to the satisfaction of VicRoads and Responsible Authority.**

15. **Prior to occupation of the extension the Waste Management Plan (WMP) prepared by Leigh Design dated 4/07/2011 must be reviewed and updated by a suitably qualified professional or firm to the satisfaction of the Responsible Authority for endorsement by the Responsible Authority. Once endorsed, the WMP will form part of the permit and may not be altered without the written consent of the responsible authority. All waste collection and disposal must be undertaken in accordance with the approved WMP.**

16. **Prior to the occupation of the extension of the aged care facility or the use of the proposed modified access to Thompson Avenue commences a plan of variation to restrictions 1(4) and 2(4) in PS702798L must be submitted for certification to the responsible authority in accordance with Section 23 of the Subdivision Act 1988 and subsequently registered on title.**

17. **No buildings or works shall be constructed on any existing (including implied sewer, drainage, telephone, power and water easement) or proposed easement without the further approval in writing of the Responsible Authority and/or the relevant service provider.**

18. **The extension hereby approved must not be occupied until:**

a. **Evidence has been submitted that restrictive covenants contained in PS702798L relating to access have been removed;**

b. **all redundant infrastructure associated with the development is removed and the area reinstated to the satisfaction of the**

Responsible Authority;

c. **all works required by the conditions of this permit have been completed to the satisfaction of the Responsible Authority;**

d. **street lighting provided in accordance with the Bass Coast Shire Council Street Lighting Policy;**

e. **public waste/recycling bins must be provided within the pedestrian areas to the satisfaction of the Responsible Authority; and**

f. **all works and contributions required by the conditions of this permit have been completed to the satisfaction of the Responsible Authority.**

19. **Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. 1-1.**

20. **All external plant and equipment must be acoustically treated or placed in sound-proof housing to reduce noise to a level satisfactory to the Responsible Authority.**

21. **The use of the premises must not be operated to the detriment of the amenity of the area to the satisfaction of the Responsible Authority, including through the loading and unloading of delivery vehicles and playing of amplified music.**

22. **Truck and van deliveries and waste collection must not occur on Sundays and must not occur before 7.30am and after 5.00pm, Monday to Saturday.**

23. **This permit will expire if either of the following circumstances apply:**

    (a) the development of the extension is not commenced within two (2) years; or

    (b) the extension is not completed within four (4) years of the date of this permit; or

The expiry of this permit does not affect the validity of works already completed the conditions which apply to those works.

The Responsible Authority may extend the periods referred to in accordance with Section 69 of the Planning and Environment Act 1987.

Department of Transport

24. **Prior to the works beginning on the driveway crossover, detail plans of the crossover must be submitted and approved by the Department.**

Permit Notes:

Asset Protection Permit

Unless exempted by the Bass Coast Shire, an Asset Protection Permit must be obtained prior to the commencement of any proposed building works, as defined by Local Law No. 1 Neighbourhood Amenity 2012. Bass Coast Shire Council's Asset Protection Officer must be notified in writing at least 7 days prior to the building works commencing or prior to the

delivery of materials/equipment to the site.

Road Occupation Permit

A Bass Coast Shire Road Occupation Permit must be obtained prior to the commencement of the construction of all new vehicle crossings and for the upgrading, alteration or removal of existing vehicle crossings. The relevant fees, charges and conditions of the Road Occupation Permit will apply to all vehicle crossing works. It is a requirement that all vehicle crossing works be inspected by Bass Coast Shire Council's Asset Protection Officer.

Stormwater Discharge Point

A Bass Coast Stormwater Discharge Point must be obtained prior to the connection of all new stormwater drainage into Bass Coast Council's stormwater drainage system. All new stormwater drainage connections must be inspected by Bass Coast Council's Asset Protection Officer before any backfilling of the connection is undertaken.

Attachments

AT-1	Proposed development plans (extension)	1 Page
AT-2	Existing planning permit 100101a and plans	16 Pages
AT-3	Associated planning permit 100249 and plans	8 Pages
AT-4	***CONFIDENTIAL*** – Submission	1 Page

H.3 Wonthaggi Activity Centre Plan and Access and Movement Study - Adoption and Implementation

File No:	**CM21/4**
Division:	**Place Making**
Council Plan Strategic Objective:	**Our Character** Celebrating the uniqueness of our townships

Declaration

The author has no direct or indirect interests in relation to this report.

Summary

The purpose of this report is to present the final version of the Wonthaggi Activity Centre Plan (*WACP*) and the completed Wonthaggi Access and Movement Study (*WAMS*) to Council for consideration.

The *WACP* (Attachment 1) has been prepared to enhance the quality and the character of the Wonthaggi Town Centre, and to reinforce Wonthaggi's status as a Regional Centre as identified in Plan Melbourne 2017-2050 and the Gippsland Regional Growth Plan 2014.

Following a Council resolution in December 2019, Council commissioned the Institute of Sensible Transport to prepare the *WAMS* (Attachment 2) to resolve competing objectives relating to freight, car parking, public transport, pedestrians and private vehicles. The *WACP* has now been updated to include the recommendation of the *WAMS*. The *WAMS* also makes recommendations on the Biggs Drive and Murray Street Intersection and its adoption will allow the progression of this priority project.

Council's adoption of the *WAMS* and *WACP* is integral to the efficient implementation of a number of key projects in Wonthaggi, including:

- Priority Intersection Upgrades including the Biggs Drive and Murray Street Intersection
- Wonthaggi Pedestrian Crossings Project (Commonwealth Road Safety Program and Regional Roads Victoria Funding)
- Apex Park Landscape Masterplan
- Former Wonthaggi Secondary College Master Plan
- Wonthaggi CBD Streetscape Upgrades and Public Realm Master Plan
- Planning Control Implementation of the WACP
- Various studies in the transport network, including future alternative freight route investigations, bus reviews and parking studies

The *WACP* and *WAMS* also form part of Council's wider 'Wonthaggi Unlocked' initiatives.

Background

Wonthaggi has been identified as a regional centre in the *Gippsland Regional Growth Plan 2014*, capable of accommodating projected urban growth and providing an increasingly important service role for southern Gippsland.

Further to this, Plan Melbourne 2017-2050 recognises that established towns in peri-urban areas, such as Wonthaggi, can accommodate additional housing and employment without impacting on the economic and environmental roles that surrounding non-urban areas serve. The recent progression of the Wonthaggi North East PSP further enforces this role for Wonthaggi.

The community and Council have been involved in ongoing conversations about the future of Wonthaggi, with past and present efforts to revitalise the town centre and reinforce its role as a regional centre being brought together through the development of the *WACP*. The Draft *WACP* was released to the public following a Council resolution on 19 June 2019.

Community consultation on the plan occurred 8 July 2019 to 2 August 2019 through various methods including mail outs, drop-in sessions, an online platform and a visioning workshop.

In response, Council received 39 written submissions and 35 comments on the online Social Pinpoint portal. In order to address pedestrian safety, car parking and other transport related concerns, officers recommended to the 11 December 2019 Council Meeting to delay the completion of the *WACP* until an Access and Movement Study was completed.

In the interest of allowing the aspects of the *WACP* that related to Apex Park (and were therefore unrelated to the transport concerns) to be progressed, the *Apex Park Implementation Plan* was prepared consisting of all the recommended actions in the *WACP* that related to Wonthaggi's central park.

At the 11 December 2019 Council Meeting, it was resolved that Council:

1. *Adopts the Apex Park Implementation Plan for action by Council officers.*
2. *Considers adoption of the Wonthaggi Activity Centre Plan following completion of an Access and Movement Study.*
3. *Ensures scope of the Access and Movement study covers, but is not limited to consideration of:*
    a) *the Wonthaggi Activity Centre road network including*
        i. *Biggs Drive;*
        ii. *Billson Street;*
        iii. *Graham Street;*
        iv. *Murray Street; and*
        v. *McBride Avenue.*
    b) *Pedestrian connections and safety;*
    c) *Cycling connections and safety;*
    d) *Road traffic flow including buses and freight;*
    e) *Road traffic speed reductions and calming;*

f) All abilities access and parking; and

g) Parking generally

4. *Consider options for improving pedestrian safety at the Biggs Drive and Murray Street Intersection.*

Following the completion of the *WAMS* and *WACP*, this report represents the next and ultimate step for these projects: adoption and implementation.

Strategic Basis

Council Plan Objective:

Our Character – *Celebrating the uniqueness of our townships*

Strategies / Policies

The continued work on the *WACP* and *WAMS* is supported by a number of projects and strategies undertaken by Council including the *Future Wonthaggi Community Representatives Report (2016)* and the *Wonthaggi Dalyston Structure Plan 2008 and 2017 review*. The ongoing growth pressures on the town are represented in the background work in the *Wonthaggi North-East Precinct Structure Plan* and the *Gippsland Regional Growth Plan* (among others). This work also forms part of the wider "Wonthaggi Unlocked" program and informs ongoing work in Apex Park, the Former Wonthaggi Secondary College and the wider Wonthaggi CBD.

Discussion

The *WACP* (Attachment 1) has been prepared to establish a vision for Wonthaggi's activity centre for the next 20 years and *to embrace its role as a key centre servicing the Gippsland region and to become a vibrant place for people*.

Following the December 2019 Council resolution the *WAMS* (Attachment 2) has been prepared to resolve competing objectives relating to freight, car parking, public transport, pedestrians and private vehicles (including car parking).

The *WACP* has now been updated to include the recommendation of the *WAMS* and so they are proposed for adoption together. The *WACP* has also been updated to reflect other changes identified through the 2019 community consultation and internal discussions across Council.

Both the *WACP* and the *WAMS* include a long list of actions which support or originate projects to be undertaken by Council to fully implement the plans. These documents also provide guidance and direction to these and other projects through the text across the documents. Having these plans formally adopted by Council gives both the community and Council officers certainty that these documents represent our collective vision for the centre and allow officers to continue their work to enhance Wonthaggi further.

Joint adoption of these two documents is considered important as they rely on each other for context. Adopting only one or the other will make implementation less straightforward and potentially compromise Council projects as they have been prepared and updated in response to each other.

Finally, the adoption of these two plans will facilitate the orderly implementation and management of a number of key projects originating or supported by either document and managed by either Council or external stakeholders. These projects include:

- Priority Intersection Upgrades including the Biggs Drive and Murray Street Intersection
- Wonthaggi Pedestrian Crossings Project (Commonwealth Road Safety Program and Regional Roads Victoria Funding)
- Apex Park Landscape Masterplan
- Former Wonthaggi Secondary College Master Plan
- Wonthaggi CBD Streetscape Upgrades and Public Realm Master Plan
- Planning Control Implementation of the WACP
- Various studies in the transport network, including future alternative freight route investigations, bus reviews and parking studies

The Wonthaggi Activity Centre Plan has been on a long journey and this critical step represents moving from plan to action.

Finances

Costs associated with the Wonthaggi Activity Centre Plan were included in the 2018/19 Council Budget, including officer time and resources.

Costs associated with the Wonthaggi Access and Movement Study were included in the 2019/20 Council Budget allocation for the Wonthaggi Activity Centre Plan.

The 2019/20 Council Budget allocated $500,000 to Wonthaggi Activity Centre Plan Priorities and an additional $2.7 million has be included in Council's Long Term Financial Plan to implement projects within the WACP.

Detailed budgets for these projects will be prepared for these specific projects.

Stakeholders

Stakeholders for this project include the following:

- Bass Coast Shire residents
- Residents and visitors of the broader Wonthaggi sub region
- Wonthaggi Future Focus Group
- Apex Park and McBride Avenue Mall groups
- Wonthaggi Business and Tourism Association
- Other Business operators
- Wonthaggi Historical Society
- Mitchell House
- Development sector
- West Gippsland Regional Library Corporation

- Rotary Club of Wonthaggi
- Wonthaggi Bowls Club
- ArtSpace Wonthaggi
- Department of Environment, Land, Water and Planning
- Department of Transport Victoria

These stakeholders were engaged through the public consultation of the Draft Wonthaggi Activity Centre Plan Study in 2019.

Additionally, targeted engagement with the Department of Transport Victoria (an umbrella organisation including Rural Roads Victoria, VicRoads and Public Transport Victoria) occurred during the development of the Wonthaggi Access and Movement Study.

Further consultation and engagement during implementation will occur as part of projects originating or supported by either the WACP or WAMS as determined on a project-by-project basis.

Other Options

There are three options available to Council:

Option One **–** The first option, as recommended by this report for Council is adopt the Wonthaggi Activity Centre Plan and Wonthaggi Access and Movement Study in full.

Implications **–** This is the preferred option as it allows the orderly and efficient implementation of projects originating or supported by these documents.

Option Two – The second option is to adopt only one of either the Wonthaggi Activity Centre Plan or Wonthaggi Access and Movement Study and defer consideration of the other to a future meeting.

Implications – This is not the preferred option as the two documents are heavily interrelated to each other and provide context for one another. While some projects may rely heavily on one document over another, adopting only one robs the project of context, potentially compromising its orderly implementation.

Option Three – The third option is to take no further action on the Wonthaggi Activity Centre Plan or Wonthaggi Access and Movement Study until further notice

Implications – This is not the preferred option as it would significantly delay or compromise the implementation of a number of projects in Wonthaggi and create uncertainty with regard to whether Council seeks to improve the quality and character of the public realm and transport network of Wonthaggi Town Centre.

Conclusion

The *Wonthaggi Activity Centre Plan* has been prepared to establish a vision for Wonthaggi and to identify ways for this vision to be achieved. It seeks to define key characteristics of the town in relation to land use and activity, access and movement, built form and public realm, and to provide design guidance for four key strategic sites; Apex Park, McBride Avenue, Graham Street and the Wonthaggi Secondary school site.

The *Wonthaggi Access & Movement Study* provides an evidence-based context that supports and enhances the *WACP* and provides a long term vision for Wonthaggi's transportation networks across freight, private vehicle, cycling, pedestrian and public transport dimensions. The recommendations will guide Council in making difficult decisions under our climate emergency declaration for the future of our regional centre.

Recommendation

That Council:

1. **Adopts the following documents:**
   a. **The Wonthaggi Activity Centre Plan**
   b. **The Wonthaggi Access and Movement Study**

Attachments

AT-1	Final Wonthaggi Activity Centre Plan	98 Pages
AT-2	Final Wonthaggi Access & Movement Study	178 Pages

H.4 Grant Funding Submissions

File No:	**CM21/102**
Division:	**Place Making**
Council Plan Strategic Objective:	**Advocacy**
	Representing the community

Declaration

The author has no direct or indirect interests in relation to this report.

Summary

The purpose of this report is to confirm a number of key grant funding opportunities that Council may pursue and seek Council approval to submit six funding applications.

This report recommends that Council apply to:

- the Federal Government Building Better Regions Fund for the Cowes Cultural and Community Centre,
- the State Government Growing Suburbs Fund for the Guy Road Shared Pathway, Guide Park Regional Playspace, Wonthaggi, Wonthaggi Activity Centre Streetscapes Upgrade, and Cowes Activity Centre Streetscapes Upgrade, and
- the Living Libraries Fund for the Cowes Cultural and Community Centre.

These funding applications will assist in delivering regional-level facilities and infrastructure for our community.

Background

Council pursues external funding opportunities for projects and programs that reflect the community's top priorities, issues and projects and that are consistent with the current Council Plan and Advocacy Strategy.

In recent years, Council has been successful in attracting government support for a range of priority projects across the Shire.

As Victoria continues to manage the economic impacts of COVID-19 and work towards recovery, a number of additional funding opportunities have presented themselves which Council has actively participated in, including most recently outdoor dining in town activity centres.

As a member of the Peri-Urban Group of Regional Councils, Council lobbied for and was accepted into the State Government's Growing Suburbs Fund alongside growth area municipalities, which has increased our funding opportunities.

Council was successful in its application to the Growing Suburbs Fund for the full $2.5m funding amount for the Cowes Cultural and Community Centre.

The Growing Suburbs Fund is again open for applications, as is the State Government's Living Libraries Fund and the Federal Government's Building Better Regions Fund.

In order to submit projects for each of these funds, a formal Council resolution is required.

Strategic Basis

Council Plan Objective:

Advocacy - *Representing the community*

Economic Development – *Expanding, attracting and retaining business and investment*

Environment – *Maintain and protect the natural environment*

Governance – *We are responsive, open, transparent and financially sustainable*

Health and Wellbeing – *We are a healthy and active community*

Livability – *Enjoying the place we live*

Our Character – *Celebrating the uniqueness of our townships*

Major Initiative / Initiative

- The Cowes Cultural and Community `Centre is a major initiative

Other Supporting Documents

- Bass Coast Shire Advocacy Strategy and Priorities
- Cowes Activity Centre Plan
- Wonthaggi Activity Centre Plan
- Aspirational Pathways Program

Discussion

Building Better Regions Fund Application

Cowes Cultural and Community Centre

The Cowes Cultural and Community Centre is supported by the Cowes Activity Centre Plan which highlights the need for a civic and cultural hub in the 'missing middle' of the Cowes activity centre. This project has already attracted Victorian State Government support via the Growing Suburbs Fund ($2.5m) and the Community Infrastructure Loans Scheme ($10m).

The project has been supported by previous Council resolutions at Ordinary Meetings held on 16 October 2019 and 20 May 2020. This project has undergone user group consultation and is presently in the detail design phase. The project is also supported by an independent Economic Impact Assessment. Council has allocated $19m towards the project.

It is proposed to make a formal application to the Federal Government Building Better Regions Fund for a sum of $5m. If successful, this funding will contribute towards ensuring a regional-level performing arts venue, increased Environmentally Sustainable Design elements, and materials, finishes and treatments commensurate with a facility of this nature.

Growing Suburbs Fund Applications (in order of priority)

The Growing Suburbs Fund application process requires that Council determines the priority order of the four projects listed below.

1. Guy Road Shared Path

The Guy Road Shared Path is listed as a top-ten priority in Council's adopted Advocacy Priorities and is further identified in Council's adopted Aspirational Pathways Program. This important shared path links Tenby Point to Coronet Bay along the waterline in the Westernport Ward. Council has allocated $2.8m towards the construction of this path in its 2021/22 capital works program.

It is proposed to make a formal application to the State Government Growing Suburbs Fund for a 50:50 funding ratio proposal, for a total sum of $1.4m. If successful, this funding will contribute towards the delivery of the shared path and provide an important linkage connecting these two waterline townships.

2. Guide Park Regional Playspace, Wonthaggi

The Guide Park Regional Playspace Project in Wonthaggi is a major recreational, intergenerational open space project that will create the largest playspace in Bass Coast Shire. It is identified as a key priority for the Community in the Bass Coast Playspace Strategy 2017. Sport and Recreation Victoria have contributed $700,000 to the project and Council has allocated $700,000.

It is proposed to make a formal application to the State Government Growing Suburbs Fund for a sum of $350,000. If successful, this funding contributes to the regional playspace project.

3. Cowes Activity Centre – public realm and streetscape upgrade

The Cowes Activity Centre Plan supports the upgrade of the public realm and streetscape upgrade of the Cowes activity centre. Following the upgrade of the Jetty Triangle, construction of the Transit Centre and impending construction of the Cowes Cultural and Community Centre, the upgrade of the public realm, greater pedestrianisation of the activity centre, implementation of active transport options and a streetscape upgrade are the next key deliverables. Council has allocated $2.2m in its long term financial plan for implementation which is phased over multiple years.

It is proposed to make a formal application to the State Government Growing Suburbs Fund for a sum of $1.1m. If successful, this funding will ensure a greater level and scope of public realm enhancements throughout the activity centre that focuses on urban design, active transport and pedestrian priority.

4. Wonthaggi Activity Centre – public realm and streetscape upgrade

The draft Wonthaggi Activity Centre Plan is being considered for adoption by Council at its Ordinary Meeting in March 2021. The Plan outlined four key initiatives: redevelop the former Wonthaggi Secondary School site, development of Apex Park, and the upgrade of both McBride Avenue and Graham Street.

This funding application is for the design and upgrade to the public realm and streetscape of McBride Avenue, Graham Street and safety measures throughout the activity centre.

The draft Wonthaggi Activity Centre Plan (2021) is further supported by the Wonthaggi Access and Movement Study (2020) with its recommendations of greater emphasis on pedestrianisation and pedestrian safety, inclusion of active transport options and increase of public realm. Council has allocated $2.2m in its long term financial plan for implementation which is phased over multiple years.

It is proposed to make a formal application to the State Government Growing Suburbs Fund for a sum of $1.1m. If successful, this funding will ensure a greater level and scope of public realm enhancements throughout the activity centre that focuses on urban design, active transport and pedestrian safety.

Living Libraries Fund Application

Cowes Cultural and Community Centre

The Cowes Cultural and Community Centre (CCCC) aims to achieve a library floor space allocation three times greater than the existing Cowes library facility. The library will be a lifelong learning facility for residents of Phillip Island and greater Bass Coast for generations and has been designed in concert with West Gippsland Libraries and user groups. The project is also supported by an independent Economic Impact Assessment.

The library – and wider facility – is supported by the Cowes Activity Centre Plan. The CCCC project has already attracted Victorian State Government support via the Growing Suburbs Fund ($2.5m) and the Community Infrastructure Loans Scheme ($10m). The project has been supported by previous Council resolutions at Ordinary Meetings held on 16 October 2019 and 20 May 2020. Council has allocated $19m towards the construction of the new facility.

It is proposed to make a formal application to the State Government Living Libraries Fund for the maximum sum of $1m. If successful, this funding will ensure a regional-level library facility including high-level materials, finishes and treatments commensurate with a regional facility of this nature.

Finances

The following is an overview of current projected funding allocations and proposed funding application amounts.

Cowes Cultural and Community Centre

Council contribution*	$19 million
Building Better Regions Fund application	$5 million
Living Libraries application	$1 million

Guy Road Shared Path

Council contribution (current)	$2.8 million
Growing Suburbs Fund application	$1.4 million

Guide Park Regional Playspace, Wonthaggi

Council contribution (projected)	$700,000
Growing Suburbs Fund application	$350,000

Cowes Activity Centre Streetscapes Upgrade

Council contribution (projected)	$2.2 million
Growing Suburbs Fund application	$1.1 million

Wonthaggi Activity Centre Streetscapes Upgrade

Council contribution (projected)	$2.2 million
Growing Suburbs Fund application	$1.1 million

* includes $2.5m funding and $10m low interest loan

Other Options

Council may elect not to apply for either the Building Better Regions Fund, Growing Suburbs Fund or Living Libraries Fund and allocate funding from existing reserves for the implementation of each of these projects.

Conclusion

The Building Better Regions Fund, Growing Suburbs Fund and Living Libraries Fund provides Council with an opportunity to access Federal and State funding to deliver key projects. If successful, each of these funding opportunities maximises the opportunities in each of the identified projects.

This report recommends that Council supports each application to be submitted for these funding opportunities.

Recommendation

That Council:

1. **Endorse applying to the Building Better Regions Fund and submit an application for the Cowes Cultural and Community Centre for a sum of $5m.**
2. **Endorse applying to the Growing Suburbs Fund and submit applications for the, Guy Road Shared Path ($1.4m), Guide Park Regional Playspace ($350,000), Cowes Activity Centre Upgrade ($1.1m) and Wonthaggi Activity Centre Upgrade ($1.1m). Endorse priority order of projects.**
3. **Endorse applying to the Living Libraries Fund and submit an application for the Cowes Cultural and Community Centre for a sum of $1m.**

Attachments

There are no attachments for this report.

H.5 Design and Construction of Purpose Built Facility for Phillip Island Centre for Adult Learning (PICAL)

File No:	**CM20/364**
Division:	**Resilient Communities**
Council Plan Strategic Objective:	**Governance**
	We are responsive, open, transparent and financially sustainable

Declaration

The author has no direct or indirect interests in relation to this report.

Summary

The purpose of this report is to seek a variation to Contract No 18023 for the design and construction of a purpose built facility for the Phillip Island Centre for Adult Learning (PICAL) community group.

The variation is related to the additional costs associated with constructing the building at a new site at Warley Avenue, Cowes following the purchase of the existing Church Street site by the State Government for the construction of the new Phillip Island Community Hospital.

This report recommends that Council approves the variation for:

1. $193,782 (excluding GST) to Contract No 18023 – Design and Construct of Purpose Built Facility for Phillip Island Centre for Adult Learning.
2. Acknowledges the budget adjustment and allocates an additional $82,132 (excluding GST) for project contingencies and project management fees.

Background

In December 2018, Council advertised a request for tender (RFT) process for the design and construction a purpose built facility for Phillip Island Centre for Adult Learning (PICAL). At the Ordinary Meeting in April 2019, Council awarded the tender to Arkit Pty Ltd. The initial contract was for the sum of $1,160,968.73 plus GST. This amount includes lump sum and provisional (part) amounts.

In April/May 2019, Council was advised by Victorian Health and Human Services Building Authority (VHHSBA) that the State Government would purchase the existing site at Church Street, Cowes to allow for the construction of the new Phillip Island Community Hospital. Following this advice, Council undertook a feasibility assessment of land available in Cowes that would be suitable for the new building. After an extensive feasibility assessment and consultation with PICAL, Council purchased the site at 16 Warley Avenue, Cowes in February 2020.

Over the past 12 months Council has undertaken further feasibility work and consultation with the PICAL committee to ensure the purpose built facility can be accommodated on the site including planning permit requirements, service connections and future growth of PICAL services.



Artists Impression of new PICAL building

The variation covers site feasibility, planning permit requirements, costs associated with connection to services, schematic design for a future Stage 2 (150m^2), commercial kitchen, landscaping, fire engineering, fencing, driveway, car park lighting and other associated costs attributed to relocating to the new Warley Avenue site in Cowes.

Council officers have reviewed the information as provided by Arkit Pty Ltd and sought legal advice to ensure this variation is in line with S186 of the Local Government Act. The requested additional funds for the new facility will complement the existing budget (carried forward from 2019/20).

Strategic Basis

Council Plan Objective:

Governance – *We are responsive, open, transparent and financially sustainable*

Major Initiative / Initiative

This project is a 19/20 Capital Works Program and is considered a carry over project for the 20/21 Capital Works Program.

Statutory Requirements/Codes/Standards/Policies

- The Victorian Local Government Procurement Best Practice Guidelines
- Bass Coast Shire Council's Procurement Policy

Discussion

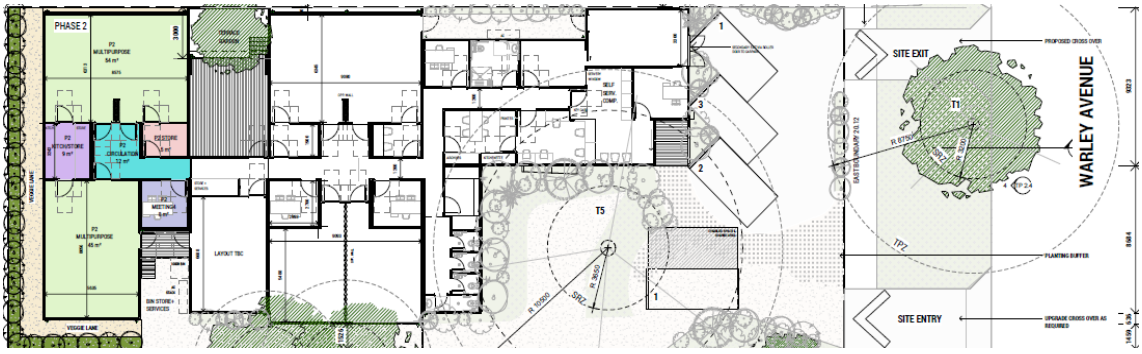
The additional work required as a result of changing sites include:

- Planning permit
- Connection to service utilities
- Provision of storm water and sewer connections
- Driveway and upgraded crossover
- Fencing to the northern boundary
- Additional conduits for electricity and communications for future Stage 2 (150m2)
- Additional storm water piping for future Stage 2 (150m2)
- Commercial kitchen
- Grease trap interceptor
- External car park bollard lighting
- Landscaping
- Fire engineering including fire rated walls and windows as specified

Floorplan for Stage 1



Floorplan for Stage 2 (future)



The variation is in line with Councils Procurement Policy and is the lowest cost options for Council.

Should Council not elect to approve the contract adjustment and variation it would need to terminate the existing contract and commence a new tender process or find an alternate facility. This approach could potentially attract an increased tender figure and place PICAL in a situation where it may not have a suitable facility to operate

from. The nature of this modular style of building means it can be designed and altered to suit the site as required and constructed in a shorter timeframe. This is a critical benefit given the current circumstances.

As part of the conditions of sale of the site at Church Street, Council is able to recoup the cost associated with the purchase and relocation of the PICAL facility to a new site. Under this condition, officers intend to recoup the $100,000 to offset where possible the project budget increase. However, it should be noted that costs attributed to purchasing the Warley Avenue site is also included in the $100,000 capped compensation.

Finances

Costs associated with the variation and the design and construction works, which have been priced by Arkit Pty Ltd, total $1,713,000.00 (exclusive of GST). This price allows for all costs associated by the contractor, provisional amounts, additional internal project management and contingencies, see table below.

Item	Contract Award April 2019 (ex GST)	Contract Adjustment March 2021 (ex GST)
Design and Construction including permits and approvals (lump sum components)	$945,968.73	$1,171,372.35
Approved variation for additional works associated with new site	$	$25,598.58
Provisional Sums to be completed by Contractor (signage, wayfinding, operable wall, commercial kitchen, landscaping and hard surfaces)	$215,000.00	$337,780.00
Total Contract Sum (inc approved variations)	$1,160,968.73	$1,534,750.93
Other works to be carried out outside the scope of the contract: demolition, asbestos removal and parking	$180,000.00	$
Internal Project Management costs	$25,000.00	$24,773.98
Contingency (10%) *	$116,096.87	$153,475.09
TOTAL	**$1,482,065.60**	**$1,713,000.00**

* Normal practice for a capital project to allow for a contingency sum of 10% of the contract value. This contingency allows for unforeseeable costs, likely to be incurred during the contract, if required.

The breakdown of the funding sources is presented in the table below.

Funding Source	$ (Exc GST)
Carry forward funds from 2019/20 capital works program	$1,383,709
Year to date expenditure (19/20 and 20/21)	$53,377
Requested budget variation (contract, contingencies and project management fees)	$275,914
Total Revised Project Budget	**$1,713,000**

It is recommended that the additional budget to complete the project be allocated via a Reserve that has been funded through the sale of the Church Street site, anticipated to be $2.9M.

Stakeholders

The following stakeholders have been identified:

- Bass Coast Shire Council
- Phillip Island Community Adult Learning Centre
- Local community groups
- Bass Coast Shire residents and rate payers
- Users of Phillip Island Community Adult Learning Centre

Other Options

1. Council may choose not to accept the report and officer recommendation, and re-tender the works for the design and construct of the purpose built facility for PICAL. This option would mean it would be unlikely the new building will be constructed before PICAL are required to vacant their existing site which may temporarily compromise their service operations. It is unlikely re-tendering these works would provide any cost benefits and Council would need to terminate the existing contract with Arkit Pty Ltd which would have cost ramifications for Council.
2. Terminate the contract with Arkit Pty Ltd and continue to investigate other options (lease or refit of an existing building) for the provision of a purpose built facility for PICAL. It should be noted this option might result in PICAL not having a suitable location to operate following the existing site at Church Street being transferred to the State.

Conclusion

The most viable option for Council is offer a variation to the existing contract with Arkit Pty Ltd. This will allow the works to proceed in the quickest way possible to ensure the building can be constructed before PICAL are required to vacate the existing site.

The proposed contract variation is considered to be reasonable and responsible.

Recommendation

The Council:

1. **Approves the variation for $193,782.00 (excluding GST) to Contract No 18023 – Design and Construct of Purpose Built Facility for Phillip Island Centre for Adult Learning.**
2. **Acknowledges the budget adjustment and allocates an additional $82,132 (excluding GST) for project contingencies and project management fees.**

Attachments

AT-1	***CONFIDENTIAL*** - Contract 18023 - Tender Analysis and Adjustments (Confidential)	1 Page

H.6 West Gippsland Libraries Review of Local Law

File No:	**CM21/60**
Division:	**Resilient Communities**
Council Plan Strategic Objective:	**Governance**
	We are responsive, open, transparent and financially sustainable

Declaration

The author has no direct or indirect interests in relation to this report.

Summary

The purpose of this report is to seek endorsement from Council for West Gippsland Libraries (WGL) to make two new local laws.

WGL makes local laws following the same legislative requirements as its Member Councils to provide good governance for its meeting procedures, community participation and appropriate management of library operations. Before WGL can adopt its local laws, they must be endorsed by each Member Council.

In March 2020, WGL began reviewing its Local Law as required by the *Local Government Act 1989* (the Act). This review is required every 10 years. The review included splitting the former Meetings, Operations and use of Libraries Local Law No. 2, 2008 into two local laws:

- Proposed Meetings Procedure Local Law No.1 – 2020 (AT-1); and
- Proposed Operation and Use of Library Services Local Law No.2 – 2020 (AT-2).

The review provided clarification and modern wording, updated definitions, new formatting, minor additions to the CEO's authorisation, inclusion of Board Members to participate via electronic means, inclusion of a public participation section and clarification of what constitutes a vote.

Following the completion of the public consultation process which occurred from the 17 September to 6 November 2020 (no submissions were received), WGL Board intends to adopt the two local laws and now requires Council's endorsement prior to Board adoption.

Background

WGL commenced a detailed review of its local laws in March 2020 as required by the Act and pursuant to section 122.

The review has been undertaken by the WGL CEO and Board and amendments have been made as follows:

- Separation from one local law to two local laws for clarity, ease of reading and interpretation.
- Provided a cessation date of the Local Law in alignment with The Act.

- Reviewed definitions to provide greater clarity to readers of the Local Law. Definitions were removed to ensure there was not a contradiction between the definitions section and the clauses in the local laws. The definitions section was also reviewed in line with Bass Coast Shire Councils Meeting Procedures Local Law.
- Improved formatting to make reading the Local Law easier, including combining, rearranging, and renumbering sections.
- Inserting minor additions to the WGL CEO's authorisation within Local Law No 2. This includes the CEO's ability to make minor amendments to the opening hours (such as Christmas Eve and COVID-19) and the inclusion of the ability to issue electronic membership cards.
- The inclusion of Board Members to participate in meetings by electronic means. Library Corporations have a clause in the Act that allows electronic participation despite Councils not being able to do so outside of COVID19 as outlined in section 197E. There are a number of Library Corporations that already have this inclusion in their local laws.
- Clarification on what constitutes a vote under Local Law No. 1.
- The inclusion of a Public Participation section in Local Law No 1 that highlights the importance of community participation and gives the Board the power to open meetings to the public when it is not required to do so [section 196(7)(b)]. There are several Library Corporations that do not open their meetings to the public under this provision.
- Greater clarity to the offences imposed by the Local Law and the procedures associated with the offences outlined in Local Law No.2. This is consistent with the Library Operations Local Law at Campaspe Shire Council that provides greater clarity than was previously outlined.
- Bass Coast Shire Councils Local Law has been used for guidance and consistency and to make reading the Local Laws as easy as possible for members of the public.

Strategic Basis

Council Plan Objective:

Advocacy - *Representing the community*

Governance – *We are responsive, open, transparent and financially sustainable*

Major Initiative / Initiative

- This is not a Major Initiative but, is a requirement under the *Local Government Act 1989*

Strategies / Policies

Statutory Requirements/Codes/Standards/Policies

This report and the Local Laws attached to this report are prepared in accordance with the following sections of the *Local Government Act 1989*:

- Section 196 - Regional libraries
- Section 119 - Procedure for making a local law

- Section 122 - Sunset provision
- Section 197F - Restriction on power to make local laws
- Section 223 - Right to make a submission
- Section 197E - Attendance at meetings of the governing body of a regional library
- Guidelines for Local Laws Manual issued by Department of Planning and Community Development.

The sections pertaining to making a local law pursuant to the *Local Government Act 2020* do not come into effect until 1 July 2021 and thus do not apply for the purposes of this report.

Discussion

Section 119 of the the Act - Procedure for making a local law outlines the requirements WGL must adhere to. During the review process WGL has fulfilled each requirement as outlined below:

- Completed – Before the Board makes a local law it must comply with the following procedure: WGL must give a notice in the Government Gazette and a public notice stating:
  - the purpose and general purport of the proposed local law;
  - that a copy of the proposed local law and any explanatory document can be obtained from the WGL office; and
  - that any person affected by the proposed local law may make a submission relating to the proposed local law under section 223.
- Completed – The Board must ensure that:
  - a copy of the proposed local law; and
  - an explanatory document setting out prescribed details in relation to the local law is available for inspection at, and obtainable from, the WGL office during ordinary business hours.
- Current stage – Section 197F requires that a regional library can only make a local law if the proposed local law has been ratified by all the member Councils of the library.
- Next step – The Board will adopt the Local Laws at its April or May Board Meeting.
- Next step – After a local law has been made the Board must give a notice in the Government Gazette and a public notice specifying:
  - the title of the local law;
  - the purpose and general purport of the local law; and
  - that a copy of the local law may be inspected at the WGL office.
- Final step – After a local law has been made WGL must send a copy to the Minister.

Finances

There were no financial implications. The review was conducted in house by West Gippsland Libraries.

Stakeholders

Key stakeholders to the proposed local laws are:

- Users of the library and the community. Public consultation was undertaken with the community as outlined above.
- Member Councils. Engagement, review and feedback was provided by Member Councils via the Council Director who presides on the Board and their Governance Departments.
- WGL Board and staff. The Board were involved in each step of the local laws review and their endorsement was provided by approval for public consultation. Staff were also provided with Board agendas and updated on the process.

WGL gave notice of its intention to make the local laws at its Ordinary Board Meeting on Friday 11th September 2020. The review undertaken by the Board was documented in the publicly available Ordinary Meeting agendas between March and September 2020.

WGL published the following notices:

- Notice of its intention to make the local laws in the Government Gazette on the 17th September 2020.
- Notice and request for submissions from the public under section 223 of The Act published and advertised on WGL's Website, Facebook Page and in local newspapers.
- The Proposed Local Law was made available on WGL's website and at the Regional Library Corporation office at 65 Victoria Street.
- Submissions remained open from the time the notice was published in the Government Gazette and closed on Friday 6th November 2020 at 5pm ensuring not less than 28 days.
- The Board noted at its Ordinary Board Meeting on Friday 4th December 2020 that no submissions were received.

Other Options

Council could choose not to endorse the proposed two new local laws for the West Gippsland Libraries. This is not recommended as it would result in the West Gippsland Libraries continuing to operate under the existing, outdated Local Law.

Council could choose make amendments to the proposed two local laws. This is not recommended as the proposed two local laws have gone through extensive public consultation. Any changes would result in the further consultation with member Council's and would have to go through public notice under section 223 of The Act.

Conclusion

The Local Law is essential for West Gippsland Libraries to conduct its operations and to provide effective governance. It is recommended that Council adopt the proposed:

- Meetings Procedure Local Law No.1 – 2020 (AT-1); and
- Operation and Use of Library Services Local Law No.2 – 2020 (AT-2).

Recommendation

That Council:

1. **Notes the review undertaken by West Gippsland Regional Library Corporation of the Meetings, Operations and Use of Libraries Local Law No. 2 2008.**
2. **Approves the West Gippsland Regional Library Corporation Board to make:**
   a) **Meetings Procedure Local Law No.1 - 2020; and**
   b) **Operation and Use of Library Services Local Law No.2 – 2020;**
   in accordance with section 197F of the *Local Government Act 1989*.

Attachments

AT-1	Meetings Procedure Local Law No. 1 - 2020	24 Pages
AT-2	Operation and Use of Library Services Local Law No. 2 - 2020	13 Pages

H.7 Working Together Policy

File No:	**CM21/73**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Governance**
	We are responsive, open, transparent and financially sustainable

Declaration

The author has no direct or indirect interests in relation to this report.

Summary

Council has a Working Together Policy that is reviewed every four years following a Council election.

The Policy applies to every councillor, employee, contractor and volunteer. It promotes harmony and addresses inappropriate behaviour, bullying, harassment, discrimination, violence, sexual harassment and breaches of equal opportunities.

This report recommends that Council adopts the amended Working Together Policy

Background

The Working Together Policy has applied to councillors and employees since Council was directed to do so by WorkSafe Victoria several years ago.

The Policy is reviewed every four years within 12 months of a Council election.

Awareness training on the Policy was provided to councillors in December 2020 with a further briefing provided in January 2021 along with the Councillors Code of Conduct.

Consistent with a recommendation through Council's Audit Committee, one key change has been made. This change expands the definition of bullying to conform with the definition provided from the report on the Geelong City Council Commission Inquiry.

Other changes are of an immaterial nature to update references, formatting and grammar.

Strategic Basis

Policies like the Working Together Policy are essential in helping Council achieve its objectives of Good Governance:

- Governance – We are responsive, open, transparent and financially sustainable

Strategies / Policies

The Working Together Policy requires Council resolution to adopt the Policy as it applies to councillors.

The applicability to councillors was a direction given by WorkSafe to this Council in about 2007.

Statutory Requirements/Codes/Standards/Policies

- Bass Coast Shire Council Code of Conduct
- Bass Coast Shire Council Councillor Code of Conduct
- Bass Coast Shire Council Enterprise Agreement 2019
- Fair Work Act 2009 (Commonwealth)
- Racial Discrimination Act 1975 (Commonwealth)
- Disability Discrimination Act 1992 (Commonwealth)
- Sex Discrimination Act 1984 (Commonwealth)
- Age Discrimination Act 2004 (Commonwealth)
- Equal Opportunity Act 1995 (Vic)
- Disability Act 2006 (Vic)
- Local Government Act 2020 (Vic)
- Occupational Health and Safety Act 2004 (Vic)

Discussion

The Working Together Policy recognises that councillors, employees, contractors and volunteers all work together for the Bass Coast Shire Council.

The Policy outlines the professional behaviours expected and the types of behaviours that are not tolerated. These behaviours are consistent with Council's obligations under Federal and State anti-discrimination laws, the Occupational Health & Safety Act 2004 and the Local Government Act 2020.

Awareness training on the Policy was provided to councillors in December 2020 with positive feedback from councillors and trainer alike.

The Policy has been reviewed by officers with minor changes since it was last adopted in 2017. The only material change relates to the definition of bullying which has been expanded to conform with the definition provided from the report on the Geelong City Council Commission Inquiry.

The Working Together Policy has provided clear guidelines that promote harmonious professional relationships between all who work together for Bass Coast Shire Council.

Finances

The report has no financial implications.

Stakeholders

The primary stakeholders impacted by this report are councillors, employees, contractors and volunteers.

Other Options

While there is no legislative obligation to have a Working Together Policy, there is a direction from WorkSafe Victoria that the Working Together Policy apply to councillors and officers alike. Should a Policy not be adopted, Council will run the risk of WorkSafe penalties should an incident of bullying or harassment arise between a councillor and an officer.

Accordingly, it is not appropriate for other options to be explored.

Conclusion

The Working Together Policy has been reviewed and given its support from councillors and officers it is now presented for adoption to apply for the next four years.

Recommendation

That Council adopts the Working Together Policy.

Attachments

AT-1 2021 Working Together Policy 10 Pages

H.8 Council Support and Resources Policy

File No:	**CM21/75**
Division:	**Finance and Governance**
Council Plan Strategic Objective:	**Governance**
	We are responsive, open, transparent and financially sustainable

Declaration

The author has no direct or indirect interests in relation to this report.

Summary

The purpose of this report is to present the draft Council Support and Resources Policy to Council for consideration.

The draft Council Support and Resources Policy sets out the resources and level of professional support Council will provide to Councillors and members of delegated committees.

Background

At the 17 June 2020 Council meeting, Council adopted its Council Support and Resources Policy to ensure compliance with the *Local Government Act 2020*.

When preparing the Policy there was a strong focus on ensuring that it met the legislative requirements. The application of the policy over the last nine months has highlighted areas that require additional review.

Strategic Basis

Council Plan Objective:

Governance – *We are responsive, open, transparent and financially sustainable*

Major Initiative / Initiative

This is not an initiative or major initiative in the budget.

Strategies / Policies

Council Support and Resources Policy 2020

Statutory Requirements/Codes/Standards/Policies

Local Government Act 2020

Discussion

The application of the policy highlighted a need for review in four specific areas:

- Personal vehicle use
- Clarification of 'official role'
- Clarification on ticketed events and attendance of partners

Personal Vehicle Use

Travel around the municipality can be a significant part of a Councillors role and each Council approaches the reimbursement of these expenses in a different way. Some inner city Council's will only reimburse travel on public transport, others will only reimburse travel outside of their municipality. Those options aren't viable within Bass Coast Shire, however Council's current approach with no minimum level has created a situation where there is a significant administrative burden to process very low kilometers of travel. This is not an efficient or effective use of Council resources. The amended policy proposes a minimum journey of 10km before a Councillor can claim reimbursement. Where Councillors are required to travel more than 150km, a Council pool car will be allocated instead of reimbursement of personal vehicle use.

Official Capacity

Councillors are esteemed community representatives and are invited to a range of events, however not all events include Councillors attending in an official role. Currently the policy talks about performing their 'official role' but does not define what this means. The proposed change nominates official role as follows:

Performing a nominated civic function (Citizenship Ceremony), giving a speech, opening a new venue, or performing some other nominated role as requested by the event organiser.

This provides greater clarity to Councillors and officers in requesting and processing reimbursements.

Ticketed Events and attendance of partners

Council's policy covers the attendance of Councillors' partners at Council run events. The proposed change includes a clarification that Council does not pay for partners to attend ticketed events that are not run by Council. A Councillor may purchase a ticket for their partner to attend the event.

Finances

The proposed changes to the Policy can be accommodated within existing operating budget.

Stakeholders

- Councillors
- Council officers

Other Options

Council could choose not to alter the Council Support and Resources Policy or to include only some of the proposed changes.

Conclusion

The proposed changes included in the draft Council Support and Resources Policy 2021 provide additional clarity for Councillors and Council officers. The changes reduce the administrative burden in processing reimbursements and are a more efficient use of Council resources.

Recommendation

That Council adopt the Council Support and Resources Policy 2021.

Attachments

AT-1 DRAFT Council Support and Resources Policy 8 Pages

H.9 Instrument of Appointment and Authorisation - Planning and Environment Act 1987

File No:	**CM21/94**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Governance**
	We are responsive, open, transparent and financially sustainable

Declaration

The author has no direct or indirect interests in relation to this report.

Summary

The purpose of this report is to recommend that Council resolve to appoint the named officers as an Authorised Officer under the *Planning and Environment Act 1987* and approve the execution of the attached Instrument of Appointment and Authorisations. To revoke authorisation to officers that no longer require it.

Instruments of Appointment and Authorisation are appointed to people, not positions.

Background

Council currently exercises its powers to appoint Authorised Officers.

Strategic Basis

Council Plan Objective:

Governance – *We are responsive, open, transparent and financially sustainable*

Discussion

Authorisation facilitates the achievement of good governance for the community by empowering appropriate members of staff to make decisions on behalf of Council and the Chief Executive Officer.

Finances

There are no financial implications associated with this report.

Stakeholders

Council – ensuring they can focus on high level strategic and Council planning.

Staff – ensuring the ability to undertake their roles.

Community – knowledge that appropriate delegations and authorisations are in place to allow for the effective and efficient running of Council.

Statutory Requirements/Codes/Standards/Policies

Section 313 Proceedings of the *Local Government Act 2020*.

Section 188 Planning authorities and responsible authorities may delegate powers of the *Planning and Environment Act 1987*.

Other Options

Council could choose not to authorise officers, however if this were to occur Council would be responsible for making all decisions and acting on all powers, duties and functions as outlined in each relevant section of each piece of legislation. This would not allow for timely decision making, nor effective governance.

Conclusion

It is recommended that Council adopt the attached Instrument of Appointment and Authorisations to the named officers as an Authorised Officer under the *Planning and Environment Act 1987* and approve the execution of the Instrument of Appointment and Authorisations. Revoke authorisation to officers that no longer require it.

Recommendation

That Council in the exercise of the powers conferred by s 147(4) of the Planning and Environment Act 1987, resolves that:

1. **The members of Council staff referred to in the attached instruments be appointed and authorised as set out in the instrument.**
2. **The instrument comes into force immediately it is signed by Council's Chief Executive Officer, and remains in force until Council determines to vary or revoke it.**
3. **Revokes the instrument of Appointment and Authorisation inder the Planning and Environment Act 1987 to:**
    - **Mary-Ann Ballekom**

Attachments

AT-1	Melanie Wright S11A Instrument of Appointment and Authorisation Planning and Environment Act 1987	1 Page
AT-2	Mary-Ann van Ballekom S11A Instrument of Appointment and Authorisation Planning and Environment Act 1987	1 Page

H.10 Adopt Fees and Charges

File No:	**CM21/12**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Governance** We are responsive, open, transparent and financially sustainable

Declaration

The author has no direct or indirect interests in relation to this report.

Summary

The Council Fees and Charges document and schedule for 2021-22 has been compiled and is presented to Council for formal endorsement.

The average user fees and charges increase of 5.0% includes a catch up from the prior year's freeze on fees and charges, which brings non rate revenue growth in line with our long term financial plan projections.

Fees and charges are adjusted annually to ensure an equitable balance between user funded services and ratepayer funded services. Officers have also carried out benchmarking on the fees charged for comparable services with other councils.

Background

On an annual basis Council adopts the fees and charges that are to be applied for the services that are provided by Council.

Council provides greater certainty to the users of Council services by adopting the fees and charges prior to the adoption of the annual budget. This ensures that users of Council services are provided with adequate notice of changes to Council fees and charges.

Strategic Basis

Council Plan Objective:

Governance – *We are responsive, open, transparent and financially sustainable*

Major Initiative / Initiative

This is not a major initiative, nor an initiative in the budget or capital works.

This report is coming to Council for decision in line with the 2021-22 budget processes.

Strategies / Policies

Council's Pricing Policy sets out Council's objectives and principles for determining the price of services and provides a framework for the annual review of prices for Council services.

Statutory Requirements/Codes/Standards/Policies

Council is subject to the provisions of the National Competition Policy. Under the Competition Principles agreement, Council is obliged to apply competitive neutrality principles to all significant business activities undertaken by Council.

Goods and Services Tax may apply to the price of some services. Council will identify which services will attract GST having regard to determinations made by the Federal Treasurer from time to time.

Discussion

Council has a pricing policy which sets out the principles and framework for how prices for Council services are determined, reviewed and administered. This policy aligns with the Council Plan principles concerning transparent evidence-based and inclusive decision making.

Council has limited revenue sources available to pay for growing demand for the provision of services. The main sources of revenue include rates and charges, government grants and user fees and charges. Council is experiencing growing pressure on rates and charges revenue sources and it is appropriate that is should recoup some or all of the cost of providing some services by direct user fees and charges where appropriate.

Strategic Outcome:

- Provide equitable distribution of resources across the Shire
- Be diligent in ensuring services meet community need and are cost effective
- Manage our financial resources and report on our performance
- Engage with the community on decisions that impact them
- Explore other alternatives for revenue opportunities

Finances

Council fees and charges make up approximately 8 per cent of Council's income. Council needs to adjust the fees that it charges for a range of services every year to maintain the balance between user pay funding and ratepayer funding of its services.

Stakeholders

The principal stakeholders are the users of the various services provided by Council, where a fee is applicable.

Other Options

Council may as an alternative defer the adoption of the Fees and Charges for 2021-22 and although no requirement exists, include this within the annual budget. This delay will impact on the provision of notice to the users of Council services and provide less certainty for the development of the annual budget.

Conclusion

Council, having considered the service fees and charges to be applicable for the 2021-22 financial year, are in a position to provide certainty over fees and provide notice to the users of council's services on the changes to service fees and charges.

The attached Council Fees and Charges Register 2021/22 has been prepared for the purposes of being adopted by the council.

Recommendation

That Council

1. **Adopt the proposed Council Fees and Charges Register for 2021/22.**
2. **Endorse any adjustments or increases to statutory fees and charges in accordance with State Government direction following the adoption of the State Budget in May 2021.**

Attachments

AT-1 Fees and Charges Register 2021-2022 6 Pages

Statutory Reports

1 Statutory Reports

1.1 Informal Meeting of Councillors Records

File No:	**CM21/95**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Governance**
	We are responsive, open, transparent and financially sustainable

Declaration

The reporting officer has no direct or indirect interest in this matter

Summary

The *Bass Coast Shire Council Governance Rules 2020,* requires all Informal Meetings of Councillors records to be reported on at the next practicable council meeting of Council and to be recorded in the minutes of that meeting. The purpose of this report is to meet this requirement.

Introduction

Chapter 6 of the *Bass Coast Shire Council Governance Rules 2020* defines an Informal Meeting of Councillors as a meeting of Councillors that:

1.1 is scheduled or planned for the purpose of discussing the business of *Council* or briefing Councillors and contains three or more Councillors;

1.2 is a meeting of a *Council* Committee that a Councillor is appointed to;

1.3 is attended by at least one member of Council staff; and

1.4 is not a *Council meeting*, *Delegated Committee* meeting or *Community Asset Committee* meeting

the Chief Executive Officer must ensure that a summary of the matters discussed at the meeting are:

(a) tabled at the next convenient Council meeting; and

(b) recorded in the minutes of that Council meeting.

Council Plan Objective:

Governance – *We are responsive, open, transparent and financially sustainable*

Attached is a summary of the Informal Meeting of Councillors Records completed since the last meeting of Council.

Recommendation

That the attached Informal Meeting of Councillors Records be received.

Attachments

AT-1	Informal Meetings of Councillors Event Advisory Committee Meeting 11 January 2021	2 Pages
AT-2	Informal Meetings of Councillors Ministerial Visit 20 January 2021	1 Page
AT-3	Informal Meetings of Councillors Island Ward Cowes Cultural Community Centre Meeting 3 February 2021	1 Page
AT-4	Informal Meetings of Councillors Western Port Ward Planning Briefing 8 February 2021	1 Page
AT-5	Informal Meetings of Councillors Event Advisory Committee Meeting 8 February 2021	2 Pages
AT-6	Informal Meetings of Councillors Arts and Culture Advisory Committee Breifing 9 February 2021	1 Page
AT-7	Informal Meeting of Councillors Island Ward Councillors Project Control Group meeting Cowes Cultural Community Centre design 16 February 2021	1 Page

I.2 Planning and Building Statistics - January 2021

File No:	**CM21/48**
Division:	**Place Making**
Council Plan Strategic Objective:	**Our Character**
	Celebrating the uniqueness of our townships

PERMITS REFUSED:

Nil.

PERMITS ISSUED:

Island Ward

190354: Development of land for a dwelling located at 27 Tyro Street, Ventnor.

200111: Development of land for a dwelling in LSIO and removal of vegetation in VPO2 located at 89 Silverleaves Avenue, Silverleaves.

200331: Display of Electronic sign located at Shop 2/146 Thompson Avenue, Cowes.

200344: Subdivision of land into 7 lots in MUZ – Stage 2, located at 9-11 Lock Road, Rhyll.

200345: Removal of tree in VPO located at 8 Boonderabbi Way, Cowes.

200441: Remove 1 tree in VPO2 located at 38 Highland Avenue, Cowes.

Western Port Ward

200013: Development of land for a second dwelling located at 10 Paul Street, Grantville.

200032: Use and development of land for a dwelling located at Skip Lane, Dalyston.

200279: Subdivision of land into 2 lots in FZ, creating a carriageway easement and alteration to access in a RDZ1 located at 145 Corinella Road, Corinella.

Bunurong Ward

200171: Development of land for a floodlit major promotion sign in the IN1Z located at 10 Kevin Street, Wonthaggi.

200238: Development of the land for a dwelling in DDO1, DDO9 and the removal of vegetation located at 126 Ramsey Boulevard, Inverloch.

200285: Development of land for dwelling in DDO9 located at 39a Halford Street, Inverloch.

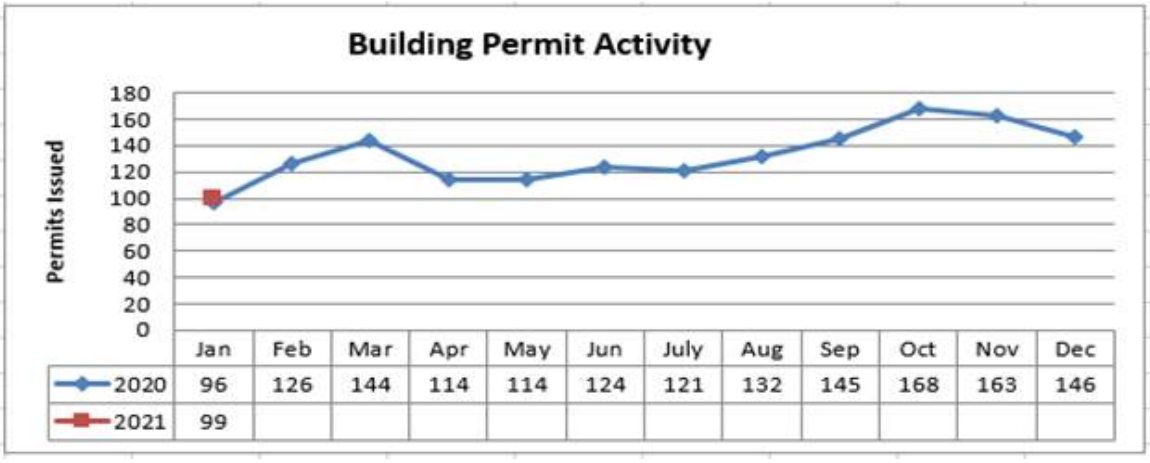
200289: Subdivision of land into two lots in GRZ1 located at 41 Reed Crescent, Wonthaggi.

200305: Alteration to existing dependant persons unit to convert into a second dwelling on a lot located at 3 Henry Street East, North Wonthaggi.

PLANNING AND BUILDING ACTIVITY REPORT FOR JANUARY 2021

Statutory Planning	This month (January)	Last month	Year to date (financial year)
% of applications determined within statutory timeframe	30	55	50.4
Average Gross Days (Responsible Authority determination)	150	162	185
(new) Average Gross Days to final outcome	193	168	189
Number of live applications	199	219	-
Number of applications received for the month	19	42	290
Number of Responsible Authority outcomes	27	50	293

Municipal Building Services & Enforcement	This month (January)	Last month	Year to date (financial year)
Essential Safety Measure inspections	0	0	0
Report and Consent applications	14	22	152
Siting consents issued for temporary structures	0	0	1
Complaints received requiring investigation	12	70	106
New building enforcement cases	3	3	8
Number of open building enforcement cases	45	39	n/a
Building permits issued by Council	0	0	0



Planning Enforcement	This month (January)	Last month	Year to date (financial year)
Complaints received requiring investigation	11	14	87
New planning enforcement cases	1	0	7
Open enforcement cases	98	97	-
Pre commencement meetings	0	0	0
Official warnings issued	0	0	0
Number of planning infringement notices issued	0	0	0
Total infringements received ($)	0	0	$1652.20

Recommendation

That Council

1. **Receives and notes the Planning Permits issued under delegation report for January 2021; and**
2. **Receives and notes the Planning and Building Activity Report for January 2021.**

Attachments

There are no attachments for this report.

I.3 Contracts Award Report

File No:	**CM21/93**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Governance**
	We are responsive, open, transparent and financially sustainable

Declaration

The author has no direct or indirect interests in relation to this report.

Summary

Contracts Awarded

For the period from 1 January 2021 to 31 January 2021, the following contracts were awarded under the Chief Executive Officer's Instrument of Delegation.

Contract No.	Description	Contractor	Contract Sum (Ex. GST)
20017	Replacement of Kilcunda Foreshore, Harold Hughes Reserve and Wonthaggi Guide Park Public Toilets	GR Design & Construction Pty Ltd	$536,869.20
20021	Cowes Public Realm Improvement Plan	Hansen Partnerships Pty Ltd	$120,320.00
20022	Bass Coast Dinosaur Trail Masterplan	HASSELL Limited	$136,170.10

Contracts Extended

For the period from 1 January 20210 to 31 January 2021, no contracts were extended under the Procurement Delegation Framework.

Recommendation

That Council accept this report.

Attachments

There are no attachments for this report.

I.4 Receipt of Bass Coast Shire Council Audit Committee Minutes - 15 December 2020

File No:	**CM21/109**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Governance**
	We are responsive, open, transparent and financially sustainable

Declaration

The author has no direct or indirect interests in relation to this Report.

Summary

Attached are the minutes of the Bass Coast Shire Council Audit Committee Meeting held on Wednesday 15 December 2020. Items discussed at this Meeting were:

Confirmation of Minutes

- Confirmation of Audit Committee Meeting Minutes from 23 September 2020

Matters Arising from Previous Minutes

- Actions arising from previous meeting

General Business

- Fraud Policy

Internal Audits

- Internal Audit - Building Security
- Status report on action items identified through the audit program
- Monitor satisfaction with the Internal Audit Contract
- Internal Audit - Waste Management
- Internal Audit - Fraud and Corruption Framework

Financial Reports

- VAGO Management Letter 2019/20

Risk Management

- Risk Management Report
- Occupational Health & Safety Report

Compliance

- Legislative Compliance Registers
- Non-compliance and legal counsel engagement report for the period 1 July 2020 to 30 September 2020

Assessment of Financial Information

- Councils Financial Performance

Governance Matters

- Implementation of Core System - Project Phoenix Update
- Excessive Leave at 6 November 2020
- 2021 Annual Meeting Schedule

Recommendation

That the minutes of the Bass Coast Shire Council Audit Committee meeting held on 15 December 2020 be received and the recommendations therein adopted.

Attachments

AT-1 ***CONFIDENTIAL*** - Audit Committee Minutes 15 December 2020 34 Pages

I.5 Complaint Handling Register Report

File No:	**CM21/41**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Governance** We are responsive, open, transparent and financially sustainable

Declaration

The author has no direct or indirect interests in relation to this report.

Summary

At the Ordinary Meeting of Council on 18 March 2020 the Complaints Handling Policy was adopted. The Policy aims to:

- provide a standardised approach to managing customer complaints;
- provide a framework for the management of complaints and feedback with a view to continually improving services, systems and capabilities;
- increase the level of customer satisfaction by resolving issues in an effective, fair, respectful and professional manner;
- ensure all statutory requirements are satisfied, and escalation options for customers are communicated clearly.

Council has committed to reporting on the Complaints Handling Register. This report provides a summary of the complaints received and their status.

Background

Bass Coast Shire Council (Council) is committed to providing friendly, prompt, helpful and professional customer service every time we interact with our customers.

The policy separates the complaints into seven categories which include:

- General Complaint
- Statutory Complaint
- Competitive Neutrality Complaint
- Third Party Complaint
- Anonymous Complaint
- Complaints against Councillors
- Sensitive Complaints

Council's Complaint Handling Policy process is a three-level system that provides for the escalation of complaints from first contact, through to external review. The process is designed to handle complaints effectively and efficiently, utilising the most appropriate resources.

The three levels include:

Level 1 – Frontline Officers

Level 2 – Investigation

Level 3 – Dispute

The Complaints Handling Register will only report on complaints that are escalated to Levels 2 or 3.

Strategic Basis

Council Plan Objective:

Governance – *We are responsive, open, transparent and financially sustainable*

Major Initiative / Initiative

This is not an Initiative or Major Initiative of Council.

Strategies / Policies

Council's Complaint Handling Policy and associated documents are modelled on the following:

Customer Service Strategy 2018-2021

Victorian Ombudsman's Report – Complaints: Good Practice Guide for Public Sector Agencies September 2016

Victorian Ombudsman's Report – Good Practice Guide to Dealing with Challenging Behaviour May 2018

Statutory Requirements/Codes/Standards/Policies

- *Local Government Act 2020*
- *Victorian Ombudsman's Report – Complaints: Good Practice Guide for Public Sector Agencies September 2016*
- *Victorian Ombudsman's Report – Good Practice Guide to Dealing with Challenging Behaviour May 2018*

Discussion

Council is committed to providing friendly, prompt, helpful and professional customer service every time we interact with our customers. Customer feedback is actively encouraged, at times, feedback may be submitted in the form of a formal complaint.

Each complaint is triaged by an officer and classified into one of the three levels:

Level 1 – Frontline Officers

Most complaints can be resolved immediately and Officers are encouraged to resolve complaints at first contact, wherever possible and such complaints do not need to be logged in the Complaints Register. If a complaint relates to a serious matter, or requires further investigation, it must be escalated to Level 2.

Level 2 – Investigation

Complaints not resolved at Level 1 will be escalated to Level 2 for managerial and/or internal review. Complaints classified as Level 2 will be recorded in the Complaints Register.

Level 3 – Dispute

Complainants who feel that a matter remains unresolved after Levels 1 and 2 may be advised by Council to refer the complaint externally. Whilst Council cannot recommend or advise a course of external review, Officers should be aware that such a review may take the form of:

- alternative dispute resolution procedures such as mediation or conciliation;
- referring a complaint to an external agency such as the Victorian Ombudsman;
- formal proceedings in a Court or Tribunal.

Service level agreement for complaints are outlined in the Customer Service Strategy 2018-2021.

Complaints Received

Council is currently working to improve the process for recording, monitoring and reporting complaints. Officers acknowledge that this report may not include all complaints to Council, however every complaint or request is responded to appropriately.

Council has received approximately 295 complaints for the period 1 July 2020 to 31 December 2020.

These are a mix of Level 1 and 2 complaints. Council has received approximately 4 level 3 complaints which were referred externally.

The implementation of Council's Request Management system will allow for more accurate reporting of level 2 and level 3 complaints as well as better analysis to inform future service improvement opportunities.

Finances

The Complaint Handling Policy has been implemented within operational budget.

Stakeholders

- Councillors
- Council officers
- Community members
- Integrity bodies

Other Options

It is a requirement of the Complaints Handling Policy to report on the Complaints Handling Register. Non-reporting would be a non-compliance with Council's Policy.

Conclusion

Council values all community feedback, including complaints. Council will continue to monitor, report and analyze complaints to identify service improvement opportunities.

Recommendation

That Council receives the report on the number of complaints recorded on the Complaints Handling Register.

Attachments

There are no attachments for this report.

J Urgent Business

Mayoral Announcement Of Next Meeting Of Council

Council is monitoring and implementing the COVID-19 pandemic response and restrictions set out by the State and Federal Governments.

Council will be pausing Community Connection Sessions.

The next **Council Meeting** will be held virtually 21 April 2021 commencing at 1.00pm. It will be open to the public via livestream.

That the meeting be closed to members of the public pursuant to Section 66 of the *Local Government Act 2020*, to consider an item/s as they deal with:

(f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;

Meeting adjourned

That the meeting be adjourned

Meeting resumed

That the meeting be resumed

Items Closed to the Public

Excerpt of Section 66 of the Local Government Act 2020.

(5) If a Council or delegated committee determines that a meeting is to be closed to the public to consider confidential information, the Council or delegated committee must record in the minutes of the meeting that are available for public inspection—

(a) the ground or grounds for determining to close the meeting to the public by reference to the grounds specified in the definition of ***confidential information*** in section 3(1); and

(b) an explanation of why the specified ground or grounds applied.

confidential information means the following information—

(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;

(b) security information, being information that if released is likely to endanger the security of Council property or the safety of any person;

(c) land use planning information, being information that if prematurely released is likely to encourage speculation in land values;

(d) law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person;

(e) legal privileged information, being information to which legal professional privilege or client legal privilege applies;

(f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;

(g) private commercial information, being information provided by a business, commercial or financial undertaking that—

(i) relates to trade secrets; or

(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;

(h) confidential meeting information, being the records of meetings closed to the public under section 66(2)(a);

(i) internal arbitration information, being information specified in section 145;

(j) Councillor Conduct Panel confidential information, being information specified in section 169;

(k) information prescribed by the regulations to be confidential information for the purposes of this definition;

(l) information that was confidential information for the purposes of section 77 of the **Local Government Act 1989**;

K Confirmation of Closed Minutes

K.1 Closed Council Meeting held on 16 December 2020.

Recommendation

That the minutes of the Closed Council Meeting held on 16 December 2020 be confirmed.

L Reports Requiring Council Decision Closed to the Public

L.1 Chief Executive Officer Employment Matters Committee Meeting 22 December 2020

It is recommended that the meeting be closed to members of the public pursuant to Section 66 (f) of the Local Government Act 2020, to consider this item as it deals with personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

Meeting closed

That the meeting be closed