
























BASS COAST

Ordinary Council Meeting Agenda

Shaping a better Bass Coast

Wednesday, 19 August 2020

Commencing at 1.00pm

Note: This Ordinary 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 **Ordinary Meeting** of the Bass Coast Shire Council will be held virtually on 19 August 2020 at **1.00pm**

Date of Notice - 14 August 2020
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 afternoon's 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

Nil Reports

Economic Development
Expanding, attracting and retaining business and investment

H.5 Economic Development Strategy 2016 - 2021 Annual Snapshot 2019/20, page 73

H.6 Phillip Island and San Remo Visitor Economy Strategy 2035, Growing Tourism Annual Snapshot 2019/20, page 78

Environment
Maintain and protect the natural environment

Nil Reports

Governance
We are responsive, open, transparent and financially sustainable

H.1 Adoption of 2020/2021 Annual Budget, page 24

H.9 Draft Public Transparency Policy, page 92

H.10 Draft Governance Rules and Revised Election Period Policy, page 94

H.11 Local Law - Use of the Common Seal and Council Meeting Offences, page 108

H.12 Audit and Risk Committee and Charter, page 112

H.13 Review of Instrument of Delegation – Council to Chief Executive Officer, page 116

H.14 Review of Instrument of Delegation – Council to Staff, page 119

H.15 Instrument of Appointment and Authorisation - Planning and Environment Act 1987, page 123

H.16 Award of Tender No. 20009 - Annual Supply of Bituminous Surfacing of Roads, page 125

H.17 Award of Tender No. 20011 - Annual Supply of Quarry and Road Making Materials, page 130

Health and Wellbeing
We are a healthy and active community

Nil Reports

Liveability *Enjoying the place we live*

H.7 Acquisition of Land at 20 Agar Rd, Bass, page 83

H.8 Draft Climate Change Action Plan 2020-2030, page 87

Our Character *Celebrating the uniqueness of our townships*

H.2 Planning Application 190137 - 31 Silverleaves Avenue, Silverleaves, page 36

H.3 Planning Application 190293 - 58 Bruce Road, Silverleaves, page 46

H.4 Holden Proving Ground, page 67

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A Present and Apologies

B Declarations of Interest

C Confirmation of Minutes

C.1 Ordinary Meeting held on 15 July 2020

Recommendation

That the minutes of the Ordinary Meeting held on 15 July 2020 be confirmed.

C.2 Special Meeting held on 29 July 2020

Recommendation

That the minutes of the Special Meeting held on 29 July 2020 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.***

Bass Coast Shire Council Meeting Procedure Local Law 2018

DIVISION 8 - Public Question Time

60. Question Time

60.1 There shall be a public question time at every Ordinary meeting to enable members of the public to submit questions to Council.

60.2 Questions submitted to Council must be in writing, state the name and address of the person submitting the question and generally be in a form approved or permitted by Council.

60.3 Subject to clause 60.8, any question submitted to the Council will be answered at the relevant Council meeting if the question has been submitted no less than 24 hours before the commencement of the Ordinary meeting.

60.4 Any question submitted less than 24 hours before the Ordinary meeting will be answered at that Ordinary meeting if possible and, if no answer can be given, then a written answer will be given to the person asking the question as soon as practicable after the Ordinary meeting.

60.5 No person may submit more than two questions at any Ordinary meeting unless permitted by the Chairperson, in his or her absolute discretion.

60.6 The Chairperson or Officer nominated by the Chairperson may read a question to those present.

60.7 A question may be disallowed by the Chairperson if it:

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

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

60.7.3 deals with a subject matter already answered;

60.7.4 is aimed at embarrassing a Councillor or an Officer; or

60.7.5 relates to a personnel matter; or

60.7.6 relates to a matter that Council may consider in a meeting closed to the public under section 89(2) of the Act.

60.8 All questions and answers must be as brief as possible, and no discussion is allowed other than for the purposes of clarification.

60.9 The Chairperson may nominate a Councillor or Officer to respond to a question.

60.10 A Councillor or Officer nominated by the Chairperson under clause 60.9 may require a question to be put on notice until the next Ordinary meeting, at which time the question must be answered, or elect to submit a written answer to the person asking the question.

60.11 A Councillor or 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 the public under section 89(2) of the Act. The Councillor or Officer must state briefly the reason why the reply should be so given and Council must then resolve that the reply to such question must:

60.11.1 be so given, in which case the question will be deferred until Council resolves to close the Council meeting to the public; or

60.11.2 not be so given, in which case the answer will be given immediately.

E Petitions, Joint Letters, Deputations and Correspondence

E.1 Petition - Lock Down on Speed, Calm the traffic at Ventnor

File No:	**CM20/454**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Governance**
	We are responsive, open, transparent and financially sustainable

A petition containing 120 signatures has been received. The petition reads:

We the undersigned, request Bass Coast Council and VicRoads act as a matter of urgency to cut speed limits and improve signage in residential precincts of Ventnor, and that elected council representatives and council staff meet with representatives of these petitioners for the development of a neighbourhood traffic calming plan.

We are particularly concerned about safety along Ventnor Beach Road and its interfaces with Lyall Street and Harris Road, specifically the numerous access points to walking trails and nature reserves, public playgrounds and toilets, the pony club precinct, car parks and dog beaches.

Section 61.3 of the Bass Coast Shire Council Meeting Procedure Local Law 2018 states that:

"A petition or joint letter presented to Council must lay on the table until a future Ordinary meeting and no motion, other than to receive the petition or joint letter, may be accepted by the Chairperson, unless Council resolves to deal with it earlier."

Officer's Comments

Regional Roads Victoria (formerly known as VicRoads) in conjunction with Council have recently commenced an initiative to implement safer travel speeds across Phillip Island and San Remo. The aim is to provide a safer road environment for the local community and visitors, while also protecting precious native wildlife at this popular tourist destination. Ventnor Beach Road is included in scope for review in the first phase of the project and community engagement is anticipated to commence in late August 2020. Community engagement will inform the review of local speed limits and implementation of reduced speeds and improved signage which is expected to respond to road safety concerns of the petition.

Recommendation

That Council

1. **Receives the petition, Lock Down on Speed, Calm the Traffic at Ventnor.**
2. **Resolves to deal with the petition Lock Down on Speed, Calm the Traffic at Ventnor at this meeting.**
3. **Writes to the head petitioner outlining the Phillip Island safer travel speeds initiative and invites them to be key stakeholder to inform the initiative.**

Attachments

AT-1	***CONFIDENTIAL*** - Petition Lock Down on Speed, Calm the traffic at Ventnor	13 Pages

E.2 Petition - Fund Transitional Housing and Encourage Accessible and Affordable Development

File No:	**CM20/471**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Governance** We are responsive, open, transparent and financially sustainable

A petition containing 86 signatures has been received. The petition reads:

We, the undersigned residents in Bass Coast Shire, ask our council to:

- *Fund transitional housing in the Bass Coast Shire, in the 2020 budget*
- *Encourage developers in the Shire to make a percentage of developments accessible and affordable*

Background

In Bass Coast:

- *The request for crisis accommodation form SalvoCare Eastern has increased by 47% since 2016*
- *In 2018/2019 SalvoCare Eastern have assisted 778 people with housing due to experiencing significant finical difficulties*
- *In Bass Coast and South Gippsland in 2018/2019, SalvoCare Eastern turned away 769 people. As outlined in the council's 'Key Themes' document informing the council's planned submission to the inquiry into Homelessness in Victoria. All statistics are derived from The Salvation Army Client Database – SAMIS*
- *Access to the transitional and adorable housing has become even more limited in our area, with the closure of the Miner Rest Caravan Park and the Capital Motel. Many private rentals are not affordable for people on benefits, due to the low level of Newstart and rising coasts of utilities*

Section 61.3 of the Bass Coast Shire Council Meeting Procedure Local Law 2018 states that:

"A petition or joint letter presented to Council must lay on the table until a future Ordinary meeting and no motion, other than to receive the petition or joint letter, may be accepted by the Chairperson, unless Council resolves to deal with it earlier."

Officer's Comments

Council has identified $130k in the Draft 20/21 to undertake the Bass Coast Housing Strategy which will guide the local support for affordable, emergency and social housing in Bass Coast. This comprises a Shire wide land assessment which will inform future needs in Bass Coast and Council's role in this important community issue.

The objectives of the Bass Coast Housing Strategy will be to:

- Identify suitable land across the Shire for the provision of affordable, emergency and social housing;
- Use data and metrics specific to Bass Coast to identify the needs of the community today and into the future;
- Consider and recommend types of housing and program support which aligns with Bass Coast's needs; and
- Provide recommendations on advocacy priorities relating to affordable, emergency and social housing.

Council is committed to this essential work and subject to the approved budget, will engage with the community, our partner organisations and relevant groups throughout 2020/21 to complete the Housing Strategy. The Strategy would address issues raised in the petition, including options for funding and delivery models to meet the diverse range of housing needs in the Bass Coast community.

Recommendation

1. **That the petition be received and that it is used to inform Council's Bass Coast Housing Strategy, included within the Draft 2020/2021 Budget, with a vision to:**
   a) **Identify suitable land across the Shire for the provision of affordable, emergency and social housing;**
   b) **Use data and metrics specific to Bass Coast to identify the needs of the community today and into the future;**
   c) **Consider and recommend types of housing and program support which aligns with Bass Coast's needs; and**
   d) **Provide recommendations on advocacy priorities relating to affordable, emergency and social housing.**
2. **That the head petitioner be advised of Council's decision.**

Attachments

AT-1	***CONFIDENTIAL*** - Petition Fund Transitional Housing and Encourage Accessible and Affordable Development	6 Pages

Notices of Motion

F Notices of Motion

F.1 223/20 Safety of Cycling Infrastructure along Thompson Avenue, Cowes, Cr Michael Whelan

I, Cr Michael Whelan hereby give notice that I intend to move a motion at the Ordinary Meeting on 19 August 2020, which reads as follows:

SAFETY OF CYCLING INFRASTRUCTURE ALONG THOMPSON AVENUE, COWES

Motion

That Council

1. **Note that a person was recently knocked from their bicycle whilst riding on the Thompson Avenue bikeway recently and that police and ambulance were required to attend. That there are reports from the community of regular minor incidents along this bikeway**
2. **Reaffirms its commitment to Active Transport**
3. **Prepare a review of the safety of the cycling infrastructure along Thompson Avenue Cowes and prepare a report to Council on the work required to provide safe cycling in Cowes**

Councillor Comments

Recently a person was knocked from a bike on Thompson Avenue requiring police and ambulance attendance.

I have been concerned about the bikeway on Thompson Avenue for some time since witnessing a couple of near miss incidents. The location of the bikeway at the back of angle parking is a recipe for disaster. I have discussed this with Council officers and there is a clear need for a new approach that puts the bike path beside the footpath between the curb and the parked cars. This initiative was included in the Cowes Activity Centre Plan that followed a great deal of community consultation.

There has been a resurgence in interest in cycling since the pandemic. Council reports support Active Transport but many people who would ride to town are concerned that it is not safe. Cyclists are using the footpaths because the roadside bicycle paths are not considered safe. While I know this annoys some pedestrians, I can understand why they do it.

The recent launch of the safe cycling strategy by Totally Renewable Island TRPI calls for action to make cycling safe and accessible on Phillip Island.

What is needed is an urgent review of the safety of the current cycling infrastructure and a clear plan implemented to make cycling safe. This should include safe storage for bikes at the Transit Centre and bike parking along Thompson Avenue.

Officer's Comments

The draft 2020/21 Council Budget has allocation towards an Access and Movement Study for Cowes. The scope of the Access and Movement Study will include investigation of current conditions for pedestrians cyclists and motorists and further, will make recommendations to increase the provision of active transport options for the activity centre, including cycling infrastructure. In addition, the study will also consider all vehicle movements and traffic patterns, car parking and public transport to provide an holistic place making view to ensuring Cowes is a safe and vibrant activity centre for all.

……..
Cr Michael Whelan, Island Ward
Dated: **19 August 2020**

Attachments

There are no attachments for this report

F.2 224/20 Kilcunda Skate Park, Bruce Kent

I, Cr *Bruce Kent*, hereby give notice that I intend to move a motion at the Ordinary Meeting on 19 August 2020, which reads as follows:

KILCUNDA SKATE PARK

Motion

That Council:

1. **Prioritise the Kilcunda 'Local' facility ahead of the Regional Skate in response to community feedback**
2. **Apply to Sport and Recreation Victoria to extend the funding agreement for the Regional Skate Park for twelve months (May 2022) to allow time to resolve current location issues**

Background by Councillor

The current strategy places our Regional Park as our number one priority before other locations can be considered. I would like to set this strategy aside and be able to proceed with consideration of other park locations with Kilcunda being considered straight away. My eventual outcome is for planning to be considered for the next budget.

Officers Comments

The Bass Coast Skate Strategy 2018 sets out a list of Council priorities and hierarchy of skate facilities to be delivered by Council within the lifecycle of the Strategy.

Many projects are subject to Council and external funding, with Council having already delivered new Skate Parks at Corinella, Cowes and Grantville and significant renewal of both Inverloch and Wonthaggi Skate Parks.

Outlined as the highest priority within the Strategy is the delivery of a Regional Skate Park in the Newhaven/San Remo area. $1.5m has been committed to deliver this Project, which includes Council and external funding. A Funding Agreement with Sport and Recreation Victoria outlines the need to deliver this project by May 2021. The Project was officially deferred at the April Ordinary Council Meeting and $200k from within the project budget accessed to support Councils COVID-19 response.

Following the Regional Skate Park, Kilcunda was identified in the Strategy for a 'Local' facility for delivery between 2021 and 2023.

If this Notice of Motion is supported, Council officers will request a twelve month extension with Sport and Recreation Victoria to deliver the Regional Skate Park by the end of May 2022 and will develop the detailed design for the Kilcunda 'Local' Skate Park with the community and in alignment with the Yallock-Bulluk Marine and Coastal Park in the 20/21 year, for delivery in future years.

……..
Cr Bruce Kent, Western Port Ward
Dated: **19 August 2020**

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 Adoption of 2020/2021 Annual Budget

File No:	**CM20/463**
Division:	**Finance**
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

This purpose of this report is to adopt the 2020/2021 Annual Budget following the hearing of submissions received under Section 223 of the *Local Government Act 1989*.

Council has prepared the Annual Budget for 2020-2021, which is aligned to the vision in the Council Plan 2017-2021. It seeks to maintain our existing services and infrastructure as well as deliver projects and services that are valued by our community. The Annual Budget provides for $2.8 million in fee relief and economic stimulus as a response to COVID19. It also contains a capital program of $27.9 million, which will provide significant public realm improvements. The Annual Budget has been developed within the rate cap increase of 2.0% mandated by the State Government.

The Annual Budget retains alignment with the Long Term Financial Plan and continues the refocusing of finances from the delivery of day to day services to investing in the future of the Shire through capital upgrades and renewal of its existing infrastructure base.

Background

Council gave public notice of the proposed 2020/2021 Budget in accordance with the *Local Government Act 1989*. Advertisements were placed in the South Gippsland Sentinel Times and the Phillip Island and San Remo Advertiser.

The proposed Budget was made available for inspection and members of the public have had the opportunity to make written submissions under Section 223 of the *Local Government Act 1989*. The proposed Budget was open for submissions from 22 June 2020 until 21 July 2020.

Council received 31 written submissions – full copies of which have been distributed to Councillors.

Of those submissions received, 7 were heard in person.

The budget is based on the activities that Council planned for the 2020/2021 financial year. In response to the submissions received from the community on the proposed budget and additional information that has been provided since the release of the proposed budget for public comment, there are a number of changes recommended to the final 2020/2021 Budget.

These changes include allocating funding towards:

- Phillip Island Golf Club - $20,000
- Design of Kilcunda Skate Park - $42,000
- Tenby Point noticeboard - $2,000
- Corinella Parking and Pathway Connection $26,000
- Grantville Amphitheatre Shelter - $25,000
- Footpath Gaps Program increased by $174,600 to complete the following:
  - Ullathornes Road Footpath - $37,500
  - Cashin St Footpath - $47,500
  - Settlement Road Footpath - $67,000
  - Bass Cenotaph Connection Path - $22,600

Strategic Basis

The Annual Budget provides the authorising environment and funding to deliver year four of the Council Plan.

Council Plan Objective:

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

Major Initiatives

The 2020/21 Annual Budget provides for the following major initiatives:

- Develop Climate Change Action Plan 2020-2030
- Implement the Local Government Act
- Develop the Council Plan 2021-2025
- Commence design and construction of the Cowes Cultural and Community Centre
- Commence implementation of the Wonthaggi North East Precinct Structure Plan and Developer Contributions Plan

Discussion

The 2020/21 Budget projects an operating surplus of $3.1 million for 2020-21 and a balanced Funding Statement position. It offers a record capital works program of $28 million, an array of major strategic projects for delivery across a number of different precincts and growth and development within the shire. The 2020/21 Budget responds to the operational impacts of COVID-19 to Council as we continue our recovery program. It provides both direct relief to the community and stimulus to the local economy through the fast-track of project spend. This has been achieved by

continually seeking efficiencies from the way in which Council operates and through the prudent use of borrowings and existing reserves. All of this is provided within the rate cap increase of 2.0% set by the State Government.

This 2.0% increase is required for the continued delivery of core services and infrastructure. It also supports the planned delivery of major intergenerational capital projects in our long-term financial plan. Benchmarking across the sector indicates 70 per cent of Councils are increasing rates in line with the cap. Aligning with the rate cap enables Council to continue delivering critical services, public amenity benefits and deliver a significant capital expenditure program. All of which will help stimulate the local economy and provide employment opportunities.

Council is acutely aware of the financial and social impacts of COVID-19 in our community. Ratepayers will have the ability to access rate relief should they need it under our enhanced COVID-19 Hardship Policy adopted by Council in May 2020.

Furthermore, following the allocation of $965,000 to the Response and Recovery Package announced in April 2020, a second recovery package is proposed in the 2020-21 Budget. This does not include grants, but proposes fee waivers, funding to promote the Shire and identifies projects to stimulate the economy. This package includes $2.8 million to alleviate the impact of COVID-19 on the community over the next 12 months.

If adopted, this would bring Council's total contribution to the COVID-19 Response and Recovery to approximately $4 million.

The 2020-21 Budget provides for the following total income and expenditure (cash basis):

- Total Expenditure
  - Operations $64.1 million
  - Capital Works $27.9 million
  - Debt Servicing $12.5 million
- Funded by:
  - Rates and Charges $64.5 million
  - Grants and Subsidies $9.9 million
  - Fees and Charges $6.4 million
  - Borrowings $17.2 million
  - Contributions $0.7 million
  - Asset Sales $3.2 million
  - Interest $0.4 million
  - Transfers from Reserves $1.7 million
  - Other Revenue $0.5 million

The 2020/21 Budget includes an allocation of $1.65 million to complete Council's core system implementation. This will maximise the investment to date and leverage technology advancements since the project's commencement in September 2016. Of the $1.65 million investment, the vendor spend is approximately $750,000 and specialist consultant spend is approximately $300,000. The remaining $600,000 is utilising in-house skills and expertise to deliver the project. This project provides the platform for Council's business transformation and will continue to deliver process efficiencies and improve the experience for our customers.

Council's expenditure includes over $2.8 million in economic stimulus and fee relief in response to the COVID-19 pandemic. This $2.8 million package follows the $0.965 million provided to the community within the 2019/20 forecast. Highlights of this package include:

- Freeze on fees and charges - $350,000
- Full year waiver of business signage, footpath trading and liquor licences - $45,000
- Three months' rent relief to Council lessees - $200,000
- Business and Event recovery support - $40,000
- Affordable Housing Initiative - $130,000
- Fast tracking a number of strategic initiatives and capital works in order to stimulate the local economy.

New funding has been provided in the proposed operating budget for the following strategic plans, minor projects and major precincts:

- Bass Coast Dinosaur Trail Masterplan - $250,000
- Public Realm Improvement plans, Cowes - $250,000
- GAP Road feasibility assessment and plan - $100,000
- Strategic Positioning of Wonthaggi to support its growth - $40,000
- Wonthaggi Secondary College Senior Campus Structure Plan - $100,000
- Wonthaggi North East Precinct structure plan - $150,000
- Rhyll Jetty Activity Area precinct plan - $30,000

Our investment in capital projects continues to be a priority with a proposed program of $27.94 million. This program includes:

- Land purchases and associated building works - $17.6 million
- The replacement of plant, fleet and equipment - $2.28 million
- Infrastructure works such as pathways, roads, drainage, open space and recreation facilities -$8.1 million

More specifically, the proposed capital budget includes:

- Aquatics planning and design- $3.08 million
- Cowes Cultural and Community Centre Redevelopment - $4.0 million (being the initial funding for a $19 million project)

- Wonthaggi Guide Park - $1.15 million
- Phillip Island Transfer Station- $0.25 million
- Climate Change Actions - $0.5 million
- Anderson Road Boat Ramp East Carpark Upgrade, Cowes - $0.38 million
- Dalyston Netball Court and Toilet Pavilion Upgrade - $0.5 million

The 2020/21 Budget continues to support our agricultural community with a rating differential of 80% plus the opportunity to apply for the Rural Land Management Program, which returns approximately $634,000 in environmental value to the rural community. A formal review of Council's Rating Strategy was initiated during 2019-20. This review has been discontinued as a result of the COVID-19 Pandemic.

Council notes that the resolution to adopt the 2019/20 Budget incorrectly referenced the 2018/19 financial year rather than the 2019/20 financial year in two out of eleven instances.

Finances

The costs associated with the development of the proposed 2020/21 Annual Budget have been factored into the operating budget of the Finance Department. The main costs are internal resources in hosting the consultation, advertising and the preparation of the documentation.

Stakeholders

All residents, ratepayers, visitors, businesses and other government agencies have an interest in the Annual Budget.

The Annual Budget was made available on Council's website at www.basscoast.vic.gov.au/abetterbasscoast and in the air lock at the Customer Service Centres.

An online session was held for the community to have a chat about the proposed documents. This session was hosted on Facebook and the level of participation was measured – see below.

- **Facebook** – Tuesday, 7 July at www.facebook.com/basscoastshire from 6.00pm to 7.30pm
  - Forty five (45) individuals posting 88 comments/questions
  - Total Reach – 11,691
  - Total Impressions - 89
  - Number of clicks – 1,133

Other Options

The *Local Government Act 1989* requires Council to prepare an Annual Budget and it is required to publicly consult on this through a *Section 223* process. Council could choose not to receive submissions to the proposed Budget but it would be in breach of the *Act.*

Conclusion

Council has worked with the community to ensure their aspirations and feedback have been considered in the proposed 2020/2021 Annual Budget. These documents have been on public exhibition between 22 June 2020 and 21 July 2020, submissions to this process were heard on 29 July 2020.

The proposed 2020/21 Annual Budget is now presented for adoption.

Recommendation

That Council:

1. **Having considered all submissions received, adopts the 2020/21 Budget 2020/21 annexed to this resolution, in accordance with *Section 130* of the *Local Government Act 1989* (the Act).**
2. **Authorises the Chief Executive Officer to:**
   - **2.1. Give public notice of this decision to adopt the 2020/21 Budget, in accordance with *Section 130(2)* of the Act;**
   - **2.2. Forward a copy of the adopted 2020/21 Budget to the Minister for Local Government, in accordance with *Section 130(4)* of the Act;**
   - **2.3. Make available copies of the adopted 2020/21 Budget at the Wonthaggi airlock or on request for public inspection in accordance with *Section 130(9)* of the Act; and**
   - **2.4. Thank persons making submissions to the budget in writing for their submission and advise them of the outcome of the budget decision.**
3. **In accordance with the provisions of the Act, declares that the amounts that it intends to raise by way of general rates and service charges for the period 1 July 2020 to 30 June 2021 are as follows:**

General Rates	**$50,575,213**
Annual Service (Garbage) Charge	**$13,335,739**
Total	**$63,910,952**

The declaration above excludes any supplementary rates, supplementary charges or rates in lieu.

4. **Authorises a general rate be declared for the period commencing 1 July 2020 to 30 June 2021 and that:**
   - **4.1. It be declared that the general rate be raised by the application of differential rates.**
   - **4.2. A differential rate be respectively declared for rateable land having the respective characteristics specified below, which characteristics will form the criteria for each differential rate so declared:**

4.2.1. Developed Land is any land which does not have the characteristics of:

4.2.1.1. Farm Land;

4.2.1.2. Vacant Land; and

4.2.1.3. on which a building is erected, which building is:

4.2.1.3.1. lawfully used primarily for residential, commercial or industrial purposes; and

4.2.1.3.2. designed for permanent occupation.

4.2.2. Vacant Land is any land which does not have the characteristics of:

4.2.2.1. Farm Land;

4.2.2.2. Developed Land; or

4.2.3. Farm Land is any land which is 'farm land' within the meaning of section 2(1) of the Valuation of Land Act 1960.

4.3. Each differential rate will be determined by multiplying the Capital Improved Value of each rateable land (categorised by the characteristics described in paragraph 4. 2. of this Recommendation) by the relevant cents in the dollar indicated in the following table:

CATEGORY	Cents in the dollar
Developed Land	0.30538 cents in the dollar of Capital Improved Value
Farm Land	0.24430 cents in the dollar of Capital Improved Value
Vacant Land	0.45807 cents in the dollar of Capital Improved Value
Recreational	0.18323 cents in the dollar of Capital Improved Value

4.4. It be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that:

4.4.1. The respective objectives of each differential rate be those specified in the Schedule to this Recommendation; and

4.4.2. The respective types or classes of land which are subject to each differential rate be those defined in the Schedule to this Recommendation; and

4.4.3. The respective uses and levels of each differential rate in relation to those respective types or classes of land be those described in the Schedule to this Recommendation; and

4.4.4. The relevant:

4.4.4.1. uses of;

4.4.4.2. geographical locations of;

4.4.4.3. planning scheme zonings of; and

4.4.4.4. types of buildings on the respective types or classes of land be those identified in the Schedule to this Recommendation.

4.5. Notwithstanding anything else contained in this Recommendation and in accordance with section 4(4) of the Cultural and Recreational Lands Act 1963, the amount of rates payable in respect of each rateable land to which that Act applies be determined by multiplying the Capital Improved Value of that rateable land by 0.18323 cents in the dollar.

5. Authorises the following Annual Service Charges:

5.1. An annual service charge be declared in respect of the 2020-2021 Financial Year.

5.1.1. The annual service charge of $496.49 per annum per tenement be declared for the collection and disposal of refuse.

5.1.2. An annual service charge of $55.81 per annum per tenement be declared for each standard 120 litre general waste bin upgraded to a 240 litre general waste bin for the collection and disposal of refuse.

5.1.3. An annual service charge of $100.11 per annum per tenement be declared for each additional recycling waste bin for the collection and disposal of recyclable refuse.

5.1.4. An annual service charge of $95.09 per annum per tenement be declared for each additional green waste bin for the collection and disposal of recyclable refuse.

5.1.5. The annual service charges be for each rateable land and non-rateable land (or part) in respect of which a service is provided and an annual service charge may be levied.

6. Having considered submissions received in relation to the 2020/21 Budget, directs that the rates and charges as declared for 2020/21 be levied by sending notices to the persons who are liable to pay, in accordance with *Section 158* of the Act.

7. Resolves that the rates and charges for 2020/21 must be paid by the dates fixed under *Section 167* of the Act, namely:
In full by 15 February 2021 or
By equal instalments on the following dates:

- **30 September 2020**
- **30 November 2020**
- **28 February 2021**
- **31 May 2021**

8. **Declares that it be recorded that Council requires any person to pay interest at the maximum rate fixed under *Section 2* of the *Penalty Interest Rates Act 1983* as the rate set out in accordance with section *172(2)* of the Act (currently 10%) on any amounts of rates and charges which:**
   - **8.1. that person is liable to pay; and**
   - **8.2. have not been paid by the date specified for their payment.**
9. **Authorises the Chief Executive Officer to demand payment of and recover the rates and charges as declared in the 2020/21 Budget.**
10. **Authorises the Chief Executive Officer to sign and seal any loan and financial documents relating to the proposed new borrowings of $17.239 million in the 2020/21 Budget.**
11. **Notes that any additional unfunded programs, services and projects will be considered by Council after the consideration of the 2020-2021 Annual Budget.**

APPENDIX A

DIFFERENTIAL RATES

SCHEDULE A

DEVELOPED LAND

Characteristics

Developed land is any land that does not have the characteristics of Farm Land or Vacant Land and on which a building is erected, which building is:

1. lawfully used for primarily for residential, commercial or industrial purposes and
2. designed for permanent occupation.

Objective

The objective of this differential rate is to ensure that such land makes an equitable financial contribution to the cost of carrying out the functions of Council. Those functions include the –

1. implementation of good governance and sound financial stewardship; and
2. construction, renewal, upgrade, expansion and maintenance of infrastructure assets; and
3. development and provision of health, environmental, conservation, leisure, recreation, youth and family community services; and
4. provision of strategic and economic management, town planning and general support services; and
5. promotion of cultural, heritage and tourism aspects of Council's municipal district**.**

Types and Classes

Rateable land having the relevant characteristics described above.

Use and Level of Developed Land Differential Rate

The developed land rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The developed land rate is set at a level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the relevant Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Planning Scheme.

Types of Buildings:

All buildings which are now constructed on the land or which are constructed prior to the expiry of the 2020/21 Financial Year.

SCHEDULE B

VACANT LAND

Characteristics

Vacant Land is any land which does not have the characteristics of Farm Land or Developed Land.

Objective

The objective of this differential rate is to: -

1. encourage the development of land; and
2. ensure that such land makes an equitable financial contribution to the cost of carrying out the functions of Council. Those functions include the –
   a. implementation of good governance and sound financial stewardship; and
   b. construction, renewal, upgrade, expansion and maintenance of infrastructure assets; and
   c. development and provision of health, environmental, conservation, leisure, recreation, youth and family community services; and
   d. provision of strategic and economic management, town planning and general support services; and
   e. promotion of cultural, heritage and tourism aspects of Council's municipal district.

Types and Classes

Rateable land within this differential rate having the relevant characteristics described above.

Use and Level of Vacant Land Differential Rate:

The vacant land rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The vacant land rate is set at a level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the relevant Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Planning Scheme.

SCHEDULE C

FARM LAND

Characteristics

Farm Land is any land which is 'farm land' under the meaning of *Section 2(1) of the Valuation of Land Act 1960.*

Objective

The objective of this differential rate is to: -

1. identify land used for primary production; and
2. ensure that such land makes an equitable financial contribution to the cost of carrying out the functions of Council. Those functions include the –
   a. implementation of good governance and sound financial stewardship; and
   b. construction, renewal, upgrade, expansion and maintenance of infrastructure assets; and
   c. development and provision of health, environmental, conservation, leisure, recreation, youth and family community services; and
   d. provision of strategic and economic management, town planning and general support services; and
   e. promotion of cultural, heritage and tourism aspects of Council's municipal district.

Types and Classes

Rateable land having the relevant characteristics described above.

Use and Level of Farm Land Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the relevant Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Planning Scheme.

Types of Buildings:

All buildings which are now constructed on the land or which are constructed prior to the expiry of the 2020-2021 Financial Year.

Attachments

AT-1	Bass Coast Shire Council 2020-21 Budget	61 Pages
AT-2	Draft Budget 2020-21 Submission Summaries and Responses	28 Pages

H.2 Planning Application 190137 - 31 Silverleaves Avenue, Silverleaves

File No:	**CM20/437**
Division:	**Place Making**
Council Plan Strategic Objective:	**Our Character** Celebrating the uniqueness of our townships

Application Details

Use/Development Sought:	**Development of land for a dwelling in an LSIO**
The Land:	**31 Silverleaves Avenue, Silverleaves**
Planning Scheme:	**Bass Coast Planning Scheme**
Zoning:	**Clause 32.05 Township Zone (TZ)**
Overlays:	**Clause 43.02 Design and Development Overlay Schedule 1 (DDO1)** **Clause 44.04 Land Subject to Inundation Overlay (LSIO)** **Clause 42.02 Vegetation Protection Overlay Schedule 2 (VPO2)**

Declaration

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

Executive Summary

This application proposes to develop the land for a single dwelling within the Land Subject to Inundation Overlay at 31 Silverleaves Avenue, Silverleaves.

The proposal triggers the need for a planning permit under the following provisions of the Bass Coast Planning Scheme:

- Clause 44.04 Land Subject to Inundation Overlay (LSIO)

The application has been called in by a Councillor for determination by Council. The application was presented to Council at its Ordinary Meeting of 15 July 2020. At the meeting Council resolved to defer consideration of the application to the August 2020 Ordinary Council Meeting.

This report addresses the planning merits of the proposal and issues raised by the external and internal referral authorities. It concludes that the proposal accords with the relevant provisions of the Bass Coast Planning Scheme.

On this basis, it is recommended that Council resolve to issue a Planning Permit for application 190137.

Application Details

This application seeks to construct a dwelling on the land generally in accordance with amended plans received on 3 April 2020, prepared by Graeme Bicknell Pty Ltd on 22 October 2019. Amended plans have been submitted on 11 August 2020 following the Council Meeting of 15 July 2020. Bass Coast Council requested amended plans to adequately demonstrate all levels of the proposed dwelling. This was due to the

undulation of the natural ground level and the need to contain the dwelling wholly under seven metres in height.

This follows a previous amendment on 3 April 2020 under Section 57(A) of the *Planning and Environment Act 1987* which provided for an amended design to address submitter concerns.

In reducing the height of the dwelling, there is no need for a planning permit under the provisions of the Design and Development Overlay, Schedule 1. Should a permit be issued, amended plans will be required to confirm that the dwelling is less than seven metres in height. The initial planning application was advertised with eight (8) submissions being received. A permit is required under the provisions of the LSIO. However, the advertising is exempt under Clause 44.04-6 of the LSIO. As a result there are no normal third party appeal rights that now apply and as such, no appeal rights are available to VCAT following the determination of the application.

The application materials comprise:

- A site plan showing the proposed development and adjoining properties
- Floor plans
- Elevation plans

A copy of the decision plans are provided as Attachment 1. (AT-1)

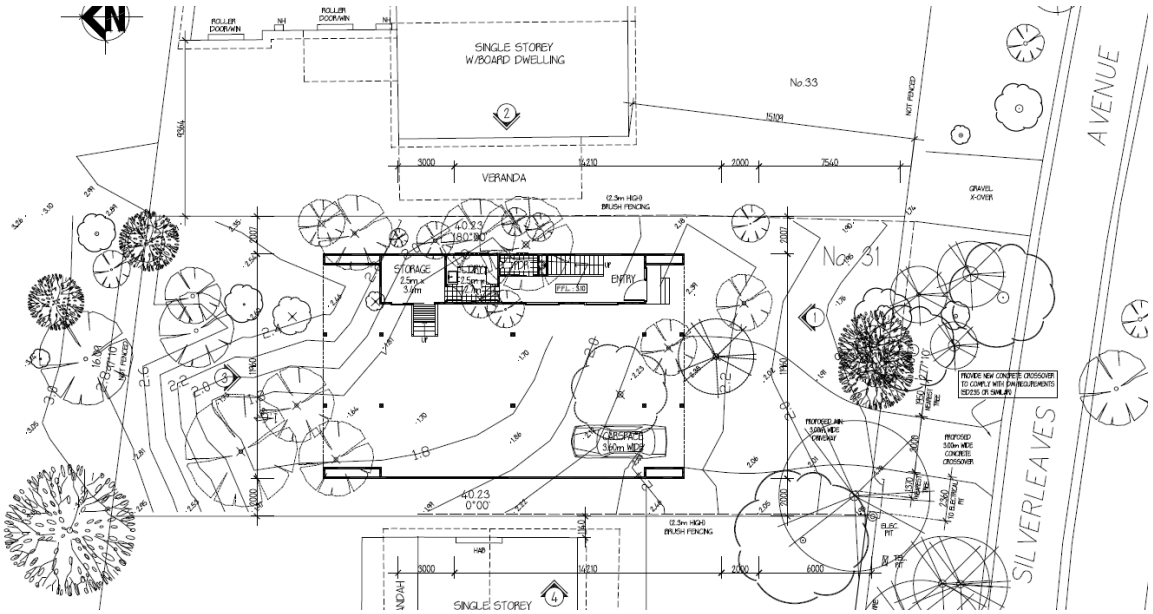


Figure 1 Ground floor site plan

Reason a Council Decision is required

The application has been called in by a Councillor for determination by Council.

Background

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

Site Dimensions	16.09m x 40.23m (647sqm)
Site Frontage	16.09m wide along Silverleaves Avenue,
Topography	Relatively flat with a slight slope toward the southern boundary.
Vegetation Cover	Scattered vegetation throughout the site
Current Use	Vacant
Easements	No easements
Restrictive Covenants	Not Applicable
Aboriginal Cultural Heritage Sensitivity	Located within an area of cultural heritage sensitivity but does not trigger a CHMP requirement.
Planning Permit History	There have been no previous planning permits issued for the subject site.

The subject site is a vacant residential allotment, located centrally on Silverleaves Avenue, Silverleaves. The subject site is surrounded by single and double storey dwellings. The township of Silverleaves is bound by Western Port Bay and has a northerly aspect. The town has substantial vegetation cover, meandering roads and no formal footpaths, these elements all contribute to a secluded, coastal character.

The subject site is adjoined with the following properties:

- North: Western Port Bay beach frontage
- West: Single storey detached dwelling
- South: Silverleaves Avenue with the adjoining property being a single detached dwelling orientated towards Silverleaves Avenue.
- East: Single storey detached dwelling



Figure 2 Aerial photo of the subject site (above)



Figure 3 Zoning Map of subject site

Notice

Pursuant to Clause 44.04-6 of the LSIO, an application under this overlay is exempt from the notice requirements of section 52(1) (a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

As stated previously, the initial planning permit was advertised, as notice was required when a dwelling exceeds seven metres in height under the provisions of the DDO1.

At the completion of the advertising period eight (8) submissions were received. Issues highlighted by the submissions included:

- Height and mass of the building
- Vegetation removal
- High front fence
- Impact on wildlife and indigenous vegetation
- Overlooking from upper storey

Plans were amended at the completion of the notification process. The height and mass of the dwelling has been reduced by a metre to be under 7 metres in height. Should a permit issue, amended plans will be required to ensure that the dwelling is less than seven metres in height. Whilst vegetation is to be removed from the site, a permit is not required for their removal. All the vegetation identified for removal meet bushfire exemption requirements of Clause 52.12-1.

As a result of the amended plans, a planning permit is not required for the dwelling under the DDO1, only the LSIO. Notification is exempt under Clause 44.04-6 of the LSIO. There are no normal third party appeal rights that now apply and as such, no appeal rights are available to VCAT following the determination of the application.

Referrals

The following table outlines the referral requirements of this application.

Table Two: Referral requirements and their comments

Referral Authority	Comments
External (Section 55 of the *Planning and Environment Act 1987*)	
Melbourne Water	No objection to the application subject to conditions.
Internal (Section 52 of the *Planning and Environment Act 1987*)	
Asset Management	No objection to the application subject to conditions

Officer's Considerations

Planning Policy Framework

It is the intention of State policy that developments by the coast recognise and enhance coastal areas and ensure their sustainable use. Clause 12.02 (Coastal Areas) requires development to be designed to respect the character of coastal settlements. The Planning Scheme at Clause 13.01 (Coastal Inundation and erosion) also requires the impacts of climate change to be managed.

Local policy furthers the intention of State policy. Clause 21.08-1 (Cowes and Silverleaves) includes a policy that recognises that the coastal landscapes with the Shire are highly valued; with six distinct significant character landscapes identified. The one relevant to this application is "*Phillip Island Northern Coast*" where the future coastal character directions (as relevant to residential development) seek settlement to be characterised by indigenous vegetation which extends in corridors between inland reserves and the natural coastal edge. It is a specific objective of Clause 21.08-

1 to ensure that development is subordinate to the natural, visual and environmental landscape character.

Clause 21.08-5 requires that development is responsive to the identified flood and coastal inundation identified in the Land Subject to Inundation Overlay. In considering this, the application was referred to Melbourne Water who provided advice on the application including the floor levels.

Clause 22.01 Stormwater requires the Responsible Authority to incorporate stormwater management considerations in the decision making process. This is particularly important for the site which is adjacent to Western Port Bay. Council engineers requested additional information including pre-treatment stormwater runoff and details of stormwater infiltration systems. The additional information ensured that the site can be appropriately developed so as not to impact adjoining properties.

The proposed development is consistent with the Planning Policy Framework as the development is located within existing modified coastal environment where the demand for development is evident and the impacts of development can be managed. The site is within an appropriate zone and the development proposed for the site. Impacts of potential inundation have been considered.

Zone Assessment

Clause 32.05- Township Zone (TZ)

The purpose of the Township Zone (TZ) is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;
- To provide for residential development and a range of commercial, industrial and other uses in small towns;
- To encourage development that respects the neighbourhood character of the area; and
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

A permit is not required under the zone provisions.

Overlays

Clause 44.04- Land Subject to Inundation Overlay (LSIO)

The application triggers the need for a planning permit under the Clause 44.04 Land Subject to Inundation Overlay (LSIO).

A permit is required to construct a building or to construct or carry out works associated with a dwelling on land covered by the LSIO. Clause 44.04 requires that any application be referred to the relevant water authority in accordance with Section 55 of the *Planning and Environment Act 1987*. Melbourne Water provided advice in regards to the finished floor levels which has been addressed in the design of the dwelling.

Given the nature of the overlay, the advice of Council's Development Services Team was also sought. The assessment demonstrated that the stormwater generated by the development could be reasonably treated onsite and not cause any offsite impacts that may be of detriment to the coastal environment. On this basis, the application is consistent with the objectives of the overlay.

Clause 42.02- Vegetation Protection Overlay – Schedule 2 (VPO2)

The submitted site plan has demonstrated vegetation is to be removed from the site, however a planning permit is not required under schedule 2 of Clause 42.02 Vegetation Protection Overlay (VPO2).

The applicant submitted a site plan that highlights that the vegetation to be removed meets exemption requirements of Clause 52.12-1. This clause allows vegetation to be removed for bushfire protections, regardless of any other vegetation removal controls.

Clause 43.02- Design and Development Overlay- Schedule 1 (DDO1)

The planning permit is not required under the provisions of the DDO1 as the requirements of the overlay has been met. The proposal meets the Design and Development Overlay – Schedule 1 (DDO1) for residential areas near the coast as the dwelling had been reduced in size so as to not exceed a total building height of seven metres from ground level.

Conclusion

The application has been assessed against the relevant provisions of the Bass Coast Planning Scheme and is considered consistent with the scheme. In response to requirements under the LSIO, amendments to finish floor levels as required by Melbourne Water have been met. On this basis it is recommended that Council issue a Planning Permit for application 190137.

Recommendation

That in relation to planning permit application 190137 for the development of land for a dwelling in a LSIO located at 31 Silverleaves Avenue, Silverleaves, Council resolves to issue a Planning Permit subject to the following conditions:

1. **The development as shown on the endorsed plans must not be amended, altered or modified without the further 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.**

SITE CIVIL DESIGN PLANS

3. **Before the issue of a Building Permit by the relevant Building Surveyor, 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 to the requirements of all relevant servicing 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) **An onsite effluent disposal system that has an offset of at least two (2) metres away from any drainage apparatus.**

DRAINAGE

4. **Prior to the issue of the Certificate of Occupancy, all stormwater discharging from the site, buildings, vehicle access ways and works must be discharged to a water tank, soakwell or otherwise discharged so as not to cause erosion, flooding or nuisance to the subject or surrounding land to the satisfaction of the Responsible Authority.**

CONSTRUCTION

5. **Before the issue of the Certificate of Occupancy, 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) **All proposed vehicle crossings and footpaths must be constructed in accordance with the endorsed plans and IDM standards.**

MUD ON ROADS

6. **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.**

7. **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 presence of vermin or animals.**

MELBOURNE WATER CONDITIONS

8. **All Finished floor levels of the ground units must be set at least 600mm above 100year flood level to AHD, set at 3.1 metres to AHD.**
9. **All Finished floor levels of garages must be set at least 300mm above 100year flood level.**
10. **All open space within the property must be set at existing natural surface level so as not to obstruct the passage of overland flows.**
11. **Any new fencing/gates (internal/external) must be of an open style of construction (minimum 50% open) to allow for the passage of overland flows.**
12. **All the setbacks must be maintained as proposed in the plan.**
13. **Any new verandah(s) /decking must be constructed with unenclosed foundations to allow for the passage of overland flows.**

PERMIT EXPIRY

14. **This permit will expire if one of the following circumstances applies:**
    a) **The development is not started within two (2) years of the date of this permit; or**
    b) **The development is not completed within four (4) years of the date of this permit.**

In accordance with Section 69 of the *Planning and Environment Act* 1987, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

ADVICE NOTES

Council:

Prior to the issue of a Septic Tank Permit from the Council Health Department, the permit holder is required to provide a Land Capability Assessment report for the site based on the approved dwelling.

This application has not been assessed under Clause 54 (ResCode) of the Bass Coast Planning Scheme.

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 seven (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.

Melbourne Water Advice

The property is subject to flooding from Sea Level Rise (SLR). The existing SLR flood level is 2.3 metres AHD, rising to 2.5 metres AHD by 2040 and 3.1 metres AHD by 2100.

Attachments

AT-1 Amended Plans 4 Pages

H.3 Planning Application 190293 - 58 Bruce Road, Silverleaves

File No:	**CM20/378**
Division:	**Place Making**
Council Plan Strategic Objective:	**Our Character**
	Celebrating the uniqueness of our townships

Application Details

Use/Development Sought:	**Development of the land for a dwelling and removal of vegetation**
The Land:	**58 Bruce Road, Silverleaves VIC 3922**
	Lot 241 on LP63263
Planning Scheme:	**Bass Coast Planning Scheme**
Zoning:	**Clause 32.05 - Township Zone (TZ)**
Overlays:	**Clause 42.02 – Vegetation Protection Overlay – Schedule 2 (VPO2)**
	Clause 43.02 – Design and Development Overlay – Schedule 1 (DDO1)
	Clause 44.06 – Bushfire Management Overlay (BMO)
	Clause 44.04 – Land Subject to Inundation Overlay (LSIO)

Declaration

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

Executive Summary

This application proposes to develop the land for a double storey dwelling and to remove vegetation at 58 Bruce Road, Silverleaves Victoria 3922.

The proposal triggers the need for a planning permit in the Bass Coast Planning Scheme under:

- Clause 44.04-2 (Land Subject to Inundation Overlay) as a permit is required to construct a building or construct or carry out works for a dwelling;
- Clause 42.02-2 (Vegetation Protection Overlay) as a permit is required to remove, destroy or lop vegetation with a girth greater than 30cm (when measured 30 centimetres above ground level) or a height of at least two metres;
- Clause 44.06-2 (Bushfire Management Overlay) as a permit is required to construct a building or construct or carry out works in association with accommodation (dwelling); and
- Clause 43.02-2 (Design and Development Overlay) as a permit is required to construct a building or construct or carry out works for development which exceeds seven metres in height.

The application was advertised and received seven (7) submissions.

This report addresses the planning merits of the proposal and the issues raised by submitters. It concludes that the proposal accords with the relevant provisions of the Planning Scheme.

It concludes that the proposal is considered to be consistent with the relevant policies, objectives and strategies of the Bass Coast Planning Scheme.

On this basis, it is recommended that Council resolve to issue a notice of decision to grant a planning permit for application 190293.

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 seven (7) objections.

Application Details

This application proposes to develop the land for a dwelling and remove vegetation in accordance with:

- Development Plans prepared by LRW Design dated May 2020 (pp. 1-11) (see Attachment 1. – AT1).

Copies of the site plan, floor plans and elevation plans are shown below from Figure 1 to Figure 4.

Further reports which were submitted for the application include:

- Bushfire Management Assessment prepared by Treed Environs dated 20 August 2019 (pp. 1-17)
- Indicative Landscape Plan prepared by Morris Outside dated 11 December 2019 (pp.1)
- Arborist Report prepared by Treed Environs dated February 2020 (pp. 1-23)
- Coastal Hazard Vulnerability Assessment prepared by Water Technology version 01 dated 5 February 2020 (pp. 1-32)

These supporting documents for the application are supplied at Attachment 2. (AT-2).

Following the advertising period, amended plans were received on 25 May 2020 and substituted under Section 57(A) of the *Planning and Environment Act 1987* (the Act).

The amended design was provided to address submitter concerns and the following changes were made:

- Added notation for gravel driveway;
- Removal of the proposed workshop at the frontage of the site; and
- Amendment of the finished floor level for the ground floor.

The amended plans were circulated via email to the objectors of the application, and to date, no objections have been withdrawn.

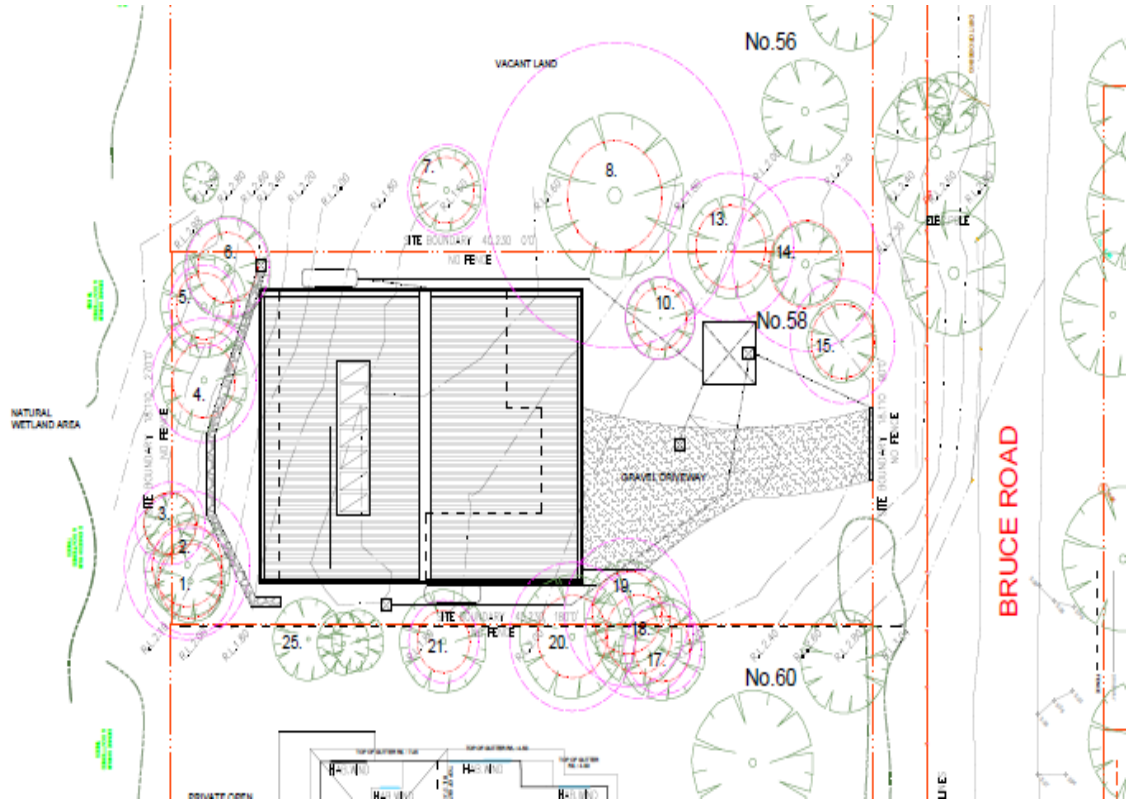


Figure 1. *Site plan of the proposed development and vegetation removal on the land at 58 Bruce Road, Silverleaves*

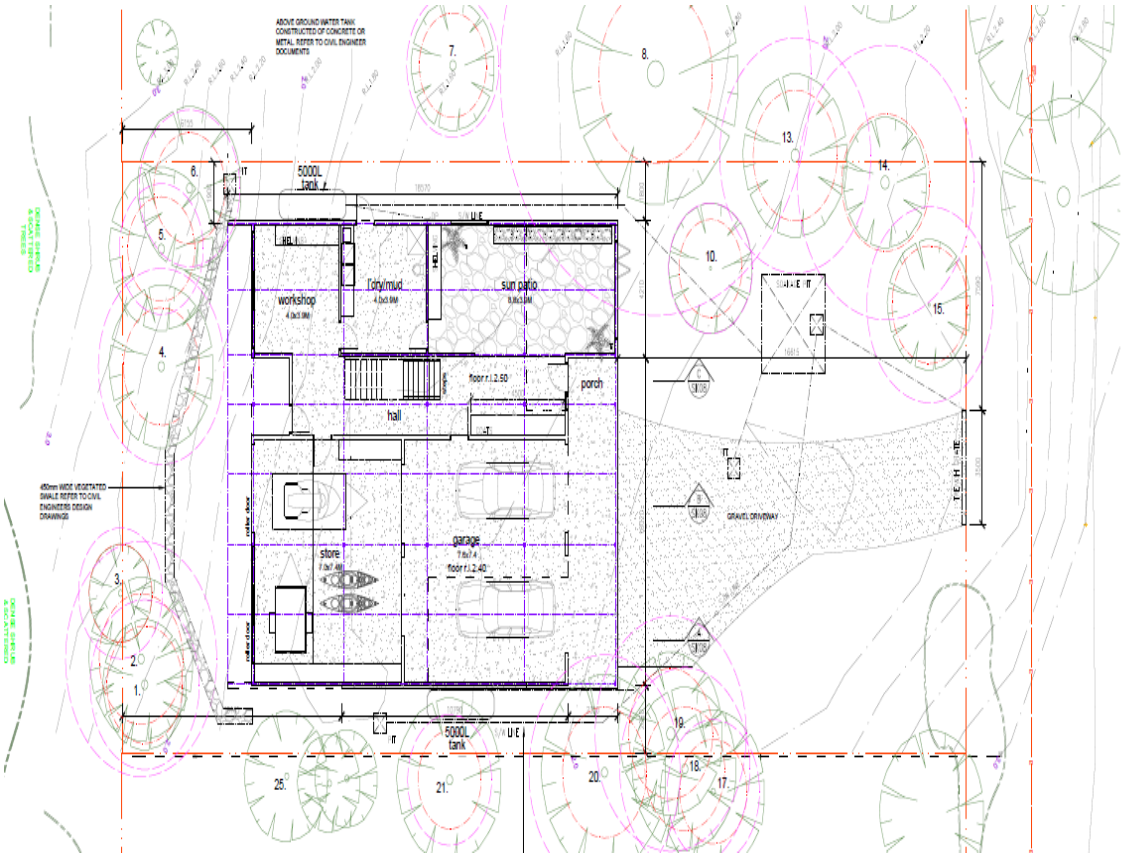


Figure 2. *Ground floor plan of the proposed development on the land at 58 Bruce Road, Silverleaves*

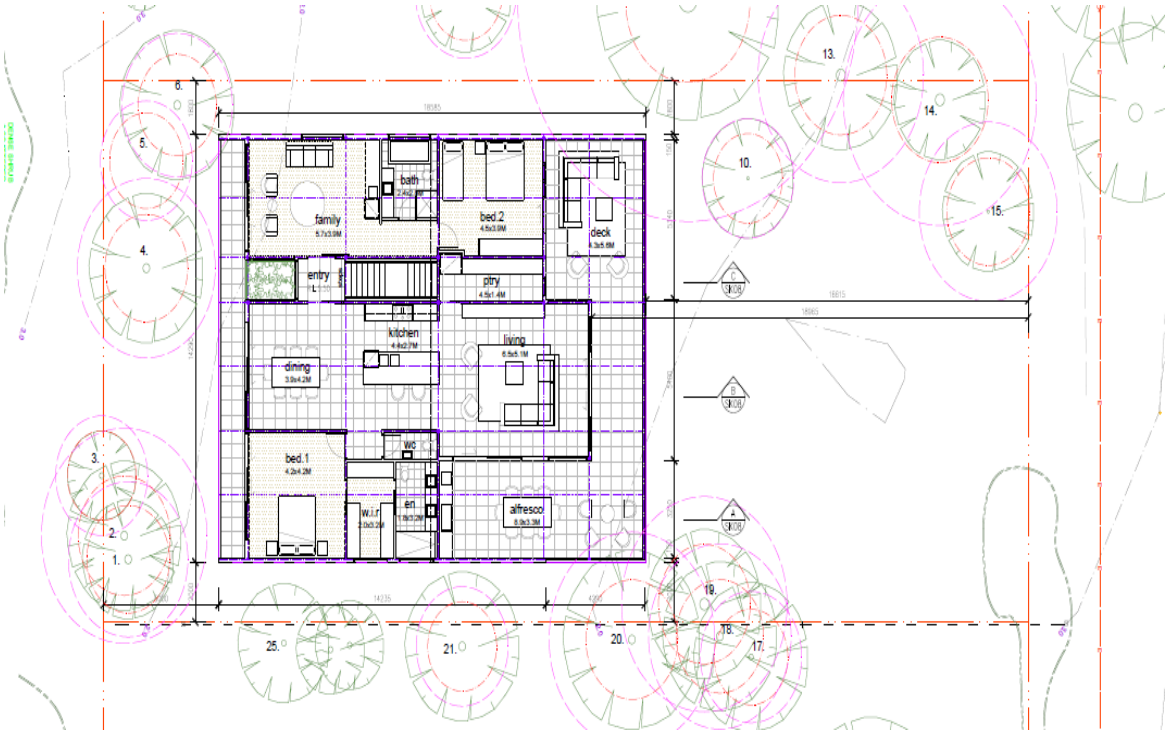


***Figure 3**. First floor plan of the proposed development on the land at 58 Bruce Road, Silverleaves*

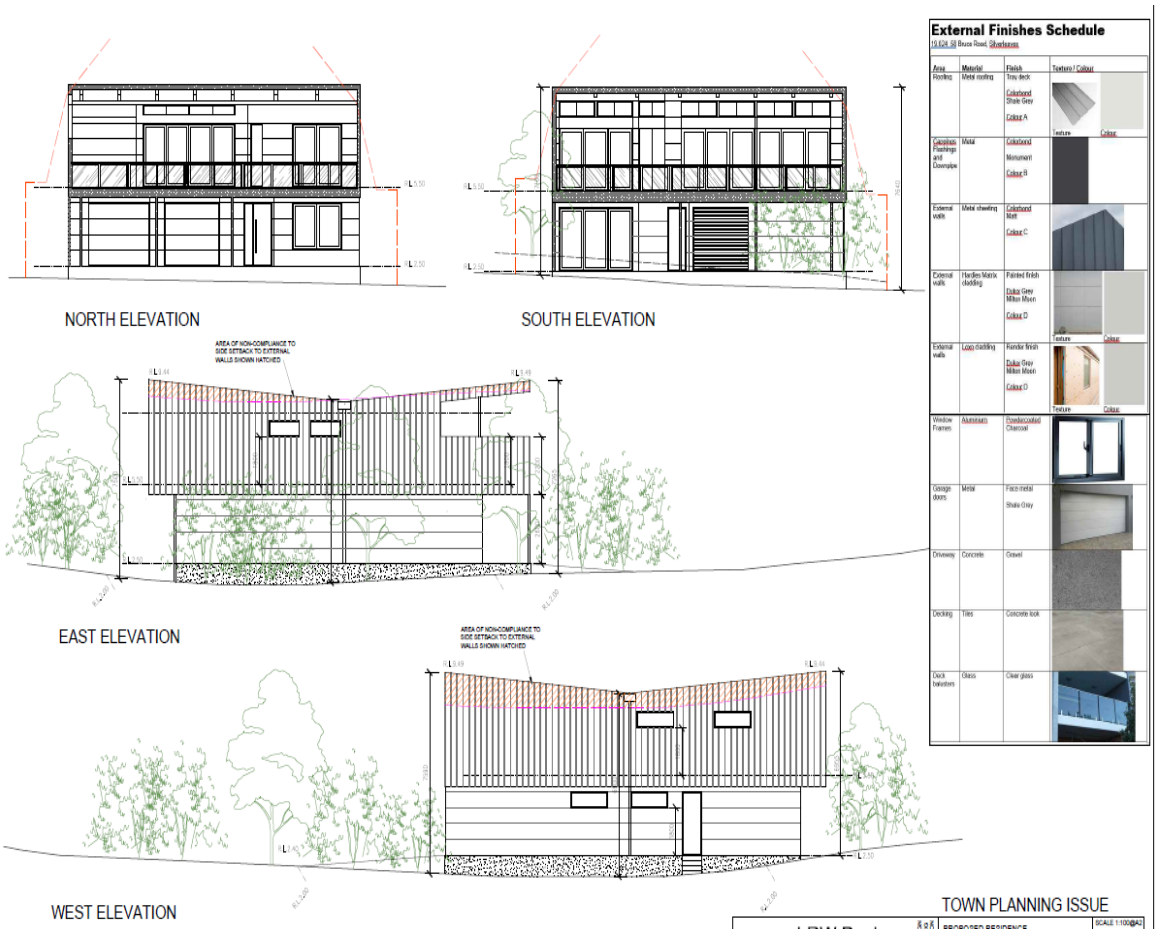


***Figure 4.** Elevations of the proposed development and material and colour schedule for the external finishes*

Background

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

Site Dimensions	18.11 m x 40.23 metres with an area of 728.5 square metres
Site Frontage	18.11 metres to Bruce Road
Topography	Mostly flat and low lying at 2-2.5m AHD
Vegetation Cover	Site covered with vegetation ranging in small scrubs to larger tress.
Current Use	Vacant
Easements	n/a
Restrictive Covenants	n/a
Aboriginal Cultural Heritage Sensitivity	Yes, site is within an area which is considered to have Aboriginal Cultural Heritage significance. However, there is no requirement for a Cultural Heritage Management Plan (CHMP) as the development of the land for one dwelling is exempt under the Aboriginal Heritage Regulations 2018.
Planning Permit History	n/a

The subject site is located in Silverleaves and adjoins the Rhyll Inlet to the south.

Bruce Road is mostly developed with single and double storey dwellings with vegetation surrounding with unmade vehicle access to these lots.

The street is lined with vegetation on both sides which provides habitat for a range of flora and fauna species in the area. As well, the vegetation adds the environmental character of Silverleaves more generally and provides screening from the built form of dwellings throughout.

Surrounding the subject site is:

- North: the street frontage onto Bruce Road.
- South: Rhyll Inlet and wetland area.
- West: vacant allotment at 56 Bruce Road.
- East: single storey detached dwelling with a flat roof and attached car port.

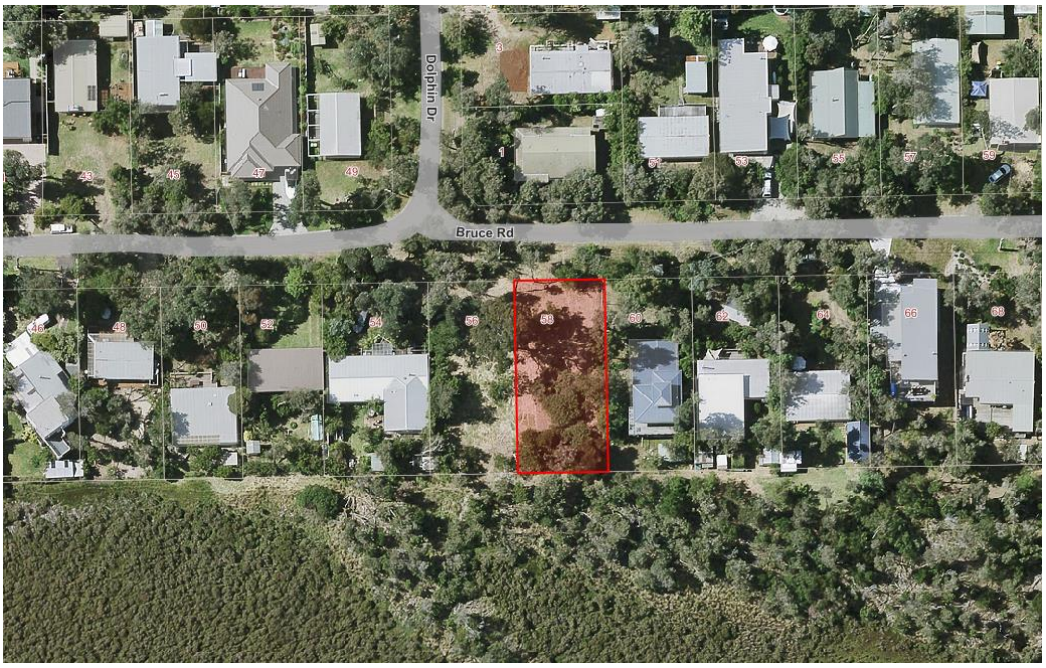


Figure 5. Aerial photograph of the subject site at 58 Bruce Road, Silverleaves and surrounds.

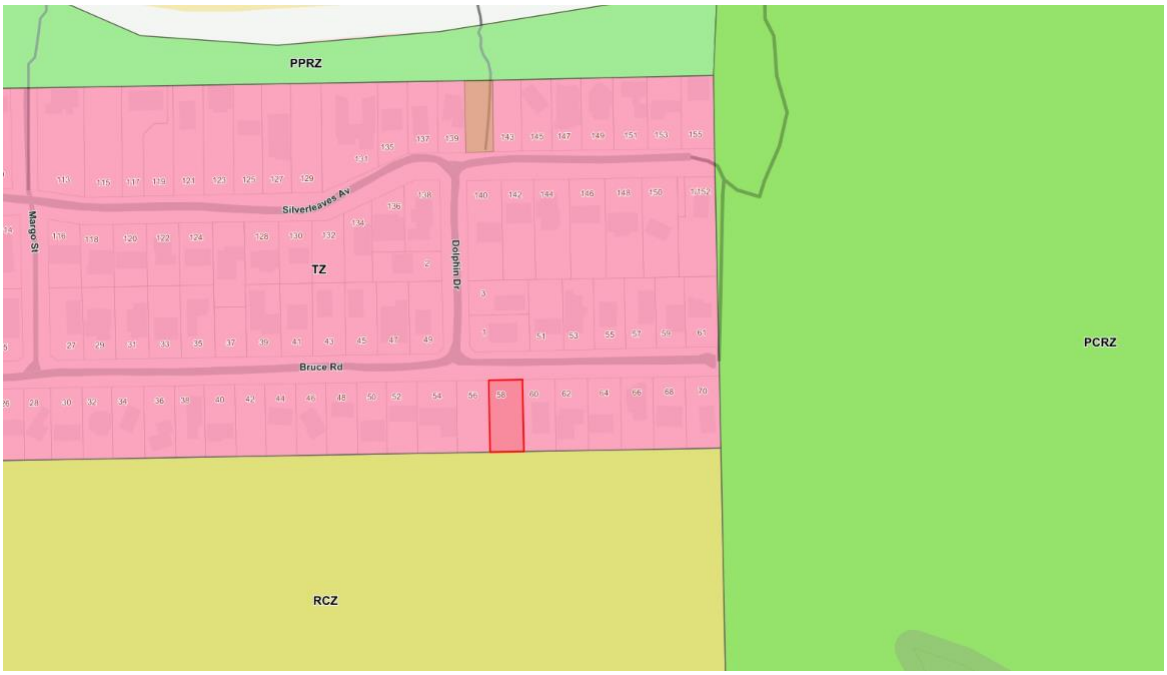


Figure 6. Zoning map showing the subject site at 58 Bruce Road, Silverleaves and surrounding area.

Notice

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 mail to 53 land owners and occupiers.

Following the advertising period, seven objections were received for the application and as a result the plans were amended under Section 57(A) of the Planning and Environment Act 1987 (the Act).

The amended design was provided to address submitter concerns and the following changes were made:

- Added notation for gravel driveway;
- Removal of the proposed workshop at the frontage of the site; and
- Amendment of the finished floor level for the ground floor.

The plans amended under Section 57(A) of the Act were circulated via email to the objectors of the application. To date, none of the objections have been withdrawn.

Submissions

In response to notification the application attracted seven (7) submissions.

A summary of the objections is listed in the following table and a copy of each objection is included in Attachment 3 (AT-3).

Table one: Summary of Concerns raised in each objection

Submission	Summary of Concerns
1	• The proposed workshop which appears as a dwelling at the frontage of the site and impacts on existing vegetation in this area, specifically Tea Trees. • Impacts on the neighbourhood character which is low-scale and site amongst the surrounding environment. • Questioned the 'uses' to be carried out within the proposed dwelling. • Re-consideration of the location of septic treatments to protect existing vegetation on site. • Impacts of vegetation removal on the biodiversity of the area, particularly native bird species and echidnas. • Questioned the arborist report provided as part of the application in which the vegetation is ranked on condition. • The concrete paving proposed on site and impacts on drainage and amenity of the area.
2	• The development of the proposed workshop within close proximity to the front boundary (front setback not consistent with the street). • Visual bulk and height of the proposed dwelling not consistent with the character of the area. • Land coverage of the site. • Upper floor setback of the proposed dwelling.
3	• Removal of native vegetation species from the site and the impacts on the biodiversity of the area. • The impacts of vegetation removal on the character of

	Silverleaves. • The proposed workshop along the frontage of the site which appears to be a separate dwelling. • Impacts that the proposed dwelling will have on the low-scale character of Silverleaves. • A concrete driveway which can impact upon the drainage of the land and exacerbates climate change and inundation issues from the Rhyll Inlet.
4	• The proposed workshop on the front boundary and impacts on the character and streetscape of Bruce Road. • The excessive amount of concrete paving proposed on site and impacts on drainage and overall aesthetic of the area.
5	• The proposed workshop which appears to be a second dwelling on the site and potential to be occupied separately. • Impacts of the location and construction of the workshop on existing vegetation on the site and the street amenity. • The vegetation removal on site which impacts the biodiversity and habitat values. • The hard-surfacing of the proposal and its impacts on the nature and neighbourhood character of Silverleaves.
6	• The location and size of the proposed workshop at the site frontage and setback consistency with the street. • Impacts on the streetscape given the hard driveway and vegetation removal proposed.
7	• Questioned the use of the land for commercial activity given the extent of workshop spaces proposed. • Questioned the suitability of 'higher density' living and population growth in Silverleaves from a planning point of view. • The proposed workshop which is not consistent with the street setbacks or landscape of Bruce Road. • Any noise created from the proposed workshop/ dwelling. • The impacts on the biodiversity of the area and site coverage. • The extent of vegetation removal on site which does not maintain the streetscape or tree canopy. • Finished floor levels (FFLs) and level of the site given drainage and inundation issues in the area. • No stormwater drainage arrangements described. • Questioned the arborist report provided with the application in terms of assessment of vegetation on adjoining land and extent of vegetation to be removed. • Questioned the bushfire management assessment provided for the application.

	• The overall height of the proposed dwelling and the removal of vegetation screening from street and adjoining land. • Does not consider the proposal to be consistent in terms of development of the area, neighbourhood character, landscape or amenity. • Questioned the timing of Notice given in relation to the submission of the application and the lack of correspondence from the applicant prior to Notice. • Questioned aspects of Clause 54 – ResCode for the proposed dwelling on site.

Referrals

The following table outlines the referral requirements of this application.

Table two: Referral requirements and their comments

Referral Authority	Comments
External (Section 55 of the *Planning and Environment Act 1987*)	
Melbourne Water	Referred as per Clause 44.04-7/ Clause 66.03 – determining referral authority. Melbourne Water provided Conditional Consent to the application under the LSIO on 14 May 2020.
Country Fire Authority (CFA)	Referred as per Clause 44.06-6/ Clause 66.03 – recommending referral authority. CFA provided Conditional Consent to the application under the BMO on 4 May 2020.
Internal (Section 52 of the *Planning and Environment Act 1987*)	
Building	Referred to Building for the workshop to be located within the front setback. Building responded with that the proposed workshop along the site frontage would not be supported.
Development Services	Referred to Development Services for comments on the vehicles movements and drainage. Conditional consent given for the application on 20 March 2020.
Environmental Health	Referred to Environmental Health for comment on septic and effluent implications. Environmental Health responded with conditional consent for the application.

Officer's Considerations

State and Local Planning Policy Framework Assessment

- Clause 11 Settlement
  - Clause 11.01-1S Settlement
  - Clause 11.01-1R Settlement – Gippsland
  - Clause 11.03-4S Coastal Settlement

- Clause 11.03-6S Regional and local places
- Clause 13 Environment Risks and Amenity
  - Clause 13.01-1S Natural Hazards and climate change
  - Clause 13.01-2S Coastal Inundation and erosion
  - Clause 13.02-1S Bushfire Planning
  - Clause 15 Built Environment and Heritage
  - Clause 15.01-2S Building Design
  - Clause 16 Housing
  - Clause 16.01 Residential development
  - Clause 16.01-2S Location of residential development
  - Clause 16.01-3S Housing diversity
- Clause 21.02 Settlement
  - 21.02-2 Housing
- Clause 21.04 Environment
  - Clause 21.04-3 Biodiversity Conservation and Habitat Protection
  - Clause 21.04-5 Environmental Hazards
  - Clause 21.04-6 Climate Change
- Clause 21.05 Landscape and Built Form
  - Clause 21.05-4 Design and Built Form
  - Clause 21.05-6 Landscape Architecture
- Clause 21.08 Moderate Growth Settlements
  - Clause 21.08-5 Cowes and Silverleaves
- Clause 22.01 Stormwater Management Policy

The following provides a discussion of where the proposal has satisfactorily addressed the relevant Planning Policy Framework (PPF) and Local Planning Policy Framework (LPPF) under the themes of Settlement, Housing, Built Environment, Landscape and Environment including vegetation.

The objective of Clause 11.01-1S Settlement is to allow for sustainable growth and development of Victoria through a range of settlements. In addition, Clause 11.03-4S Coastal settlement aims to consider development within coastal settlements in Victoria and how the location adjacent to the coast could be impacted.

The proposed development contributes to the existing settlement of Silverleaves and aims to construct a contemporary dwelling which is in keeping with the area and more broadly, Phillip Island. The proposed development is to be constructed on a vacant residential allotment within the settlement boundaries of Silverleaves. This location aims to avoid further urban sprawl and takes advantage of existing urban land for an infill development opportunity.

If approved, the proposed development will contribute to the local area in that it will provide a high level of building design but also aim to respond to the context and character of Silverleaves. Clause 15.01-2S Building design promotes development which does not impact the surrounding area or public realm and has been designed in a way to respect existing landmarks, views and vistas. The proposed development finds a good balance in developing the land for residential purposes (for a dwelling) with quality urban design elements all the while considering the context of the subject site, surrounding area.

The location of the proposed development is consistent with Clause 16.01-2S Location of residential development in that the further use of greenfield land is avoided. However, the development does not seek to increase density within Silverleaves as it is not a township which is designed to accommodate for an increase in density.

Further from the points discussed under Settlement, the proposed development provides for a mix in the housing stock and diversity within Bass Coast. This, and the fact that the resident population is seen to be increasing over time due to the close proximity to Melbourne and property prices compared to other parts of Victoria.

The application has also considered the drainage of the land as per the local Clause 22.01 Stormwater Management Policy. Council's Development Services team have provided conditional consent to ensure that drainage for the development is captured and is suitable for the building and the context of the land.

Clause 21.05-6 Landscape Architecture discusses the need for landscape architecture within the Shire which enhances the urban environments and contributes to the local character.

If approved, a condition of permit will require the land owner to revegetate the site and provide a landscaping plan to be submitted and assessed by Council. The site is able to be landscaped in a way which would enhance and protect the existing vegetation, blend in with the surrounding character and screen the built form of the proposed development. It will be a requirement that the landscaping on the site utilise native species of plants only.

Zone Assessment

Clause 32.05 – Township Zone (TZ)

The purpose of the Township Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for residential development and a range of commercial, industrial and other uses in small towns.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

The application is consistent with the objectives of the Township Zone (TZ) as there is no planning permit trigger under the zone, the aspects of Clause 54 – ResCode, do not need to be assessed through the planning permit application process.

No planning permit is required for the use of the land for a dwelling, as it is a Section 1 Use at Clause 32.05-2 and further, the development of the land for a dwelling is not required to be assessed through planning where the site exceeds 300 square metres at Clause 32.05-6.

Overlays

Clause 44.06 - Bushfire Management Overlay (BMO)

The application triggers the need for a planning permit under the Bushfire Management Overlay (BMO) at Clause 44.06-2 as a permit is required to construct a building or construct or carry out works in association with accommodation (dwelling).

The intent of the BMO is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

As a result of the planning permit trigger under the BMO, the application was required to be referred externally to the CFA for review and comment under Clause 44.06-6 and Clause 66.03. As a recommending referral authority, the CFA provided conditional consent for the application.

The application is assessed against the provisions of Clause 53.02 below.

Clause 43.02 - Design and Development Overlay – Schedule 1 (DDO1)

The application triggers the need for a planning permit under Schedule 1 of the Design and Development Overlay at Clause 43.02-2 as a permit is required to construct a building or construct or carry out works for development which exceeds 7m in height from Natural Ground Level (NGL).

The highest point of the dwelling measures 7.640 metres from the natural ground level (along the southern elevation).

The DDO1 relates to residential areas near the coast. The intent of the DDO1 is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify areas which are affected by specific requirements relating to the design and built form of new development.*

The relevant design objectives of this overlay are:

- *To protect views from the coast to adjacent residential areas;*
- *To protect views to the coast from adjacent residential areas;*
- *To minimise the impact of development along the coastline; and*
- *To protect and enhance the visual amenity and landscape of the coastal area.*

The application is consistent with the objectives of the Clause 3.0 of the DDO1 as follows.

The proposed development is consistent with the Design and Siting Guidelines for Coastal Areas and Rural Hinterland (1999) in that the development aims to minimise any impacts felt on the streetscape or surrounding area in regards to the overall height of the building. Further, the proposed development does not aim to construct a dwelling with excessive height in comparison to neighbouring dwellings nor will it exceed adjacent buildings by more than a storey in height. The design, colours and materials of the proposed dwelling will not impact upon on adjacent dwelling's views to the coast. The proposed development aims to retain as much vegetation on site as possible.

- The subject site is prone to inundation from both the coastline and potentially the Rhyll Inlet to the rear of the site.
- The subject site does not immediately abut the coastline of Western Port Bay and is set back approximately 163m south from the edge of the coastal foreshore. Therefore, it is not likely that the proposed dwelling will be seen from the coast nor will it benefit from views to the coast.
- The development will not impact views from any adjacent coastal roads to or from the coastline given the location of the subject site, the vegetation surrounding Silverleaves and the low-lying nature of the area.
- The subject site is zoned as Township Zone with the purpose to be developed for residential purposes, in which will impact the landscape and natural environment in some way. It is understood that the area of Silverleaves has changed over the years in terms of vegetation removal, building design and the neighbourhood character. However, the development overall is required to remove some vegetation to make way for a dwelling which exceeds 7m in height but should not impact on view sharing opportunities to and from the coast.
- The dwelling will be constructed out of cladding with metal roofing and aluminium window features. The colours include black, charcoal, greys, dark beige and concrete finishes which is used to break up the built form and articulate the design.
- The vegetation proposed to be removed from the site has been planned to ensure the minimal extent to avoid further impacting the natural environment, vegetation assets on the site and biodiversity of the area. The aspects of vegetation removal are explained further in more detail in the next section of this report.
- It is common practice for applications which require vegetation removal under the VPO2 that an indicative landscaping plan be provided. As well, applications under the DDO1 benefit from the demonstration of how the land is to be further landscaped to screen the development as best as possible.
- The proposed access way (drive way and cross over from Bruce Road) will be constructed of gravel finishes and will aim to ensure that the land can drain effectively. In terms of the overall drainage of the land, the application will be controlled via permit conditions.

Clause 42.02 - Vegetation Protection Overlay – Schedule 2 (VPO2)

The application triggers the need for a planning permit under Schedule 2 of the Vegetation Protection Overlay at Clause 42.02-2 as a permit is required to remove, destroy or lop vegetation with a girth greater than 30 centimetres (when measured 30 centimetres above ground level) or a height of at least two metres.

The application proposes to remove five (5) trees from the site.

The VPO2 applies to Phillip Island, and the vegetation protection objective 'to protect and enhance existing indigenous and larger native species within the urban area of Phillip Island'. The intent of the VPO2 is:

- 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 application is consistent with the objectives of the VPO2 as the application strikes an appropriate balance between the as of right use of the land for a dwelling and the retention of onsite vegetation.

The application is consistent with the objectives of the Clause 5.0 of the VPO2 as follows:

- The proposal seeks to remove five pieces of vegetation out of a total of 25 on the land and along boundaries.
- The subject site is not specifically within a recognised wildlife corridor, although, it does provide habitat for various species of fauna within the area.
- The development has aimed to retain as much vegetation as possible on the site whilst only clearing vegetation to make way for the proposed building footprint.
- It is expected that any form of vegetation removal is likely to impact upon the groundwater recharge and discharge areas on the site. However, the drainage design proposed for the development as well as landscaping will help to manage soil quality and salinity and to avoid ongoing issues.
- The land is within the Township Zone in which the purpose of the zone is to be used and developed for residential purposes, particularly when considering that the proposal is for a single dwelling on the site.

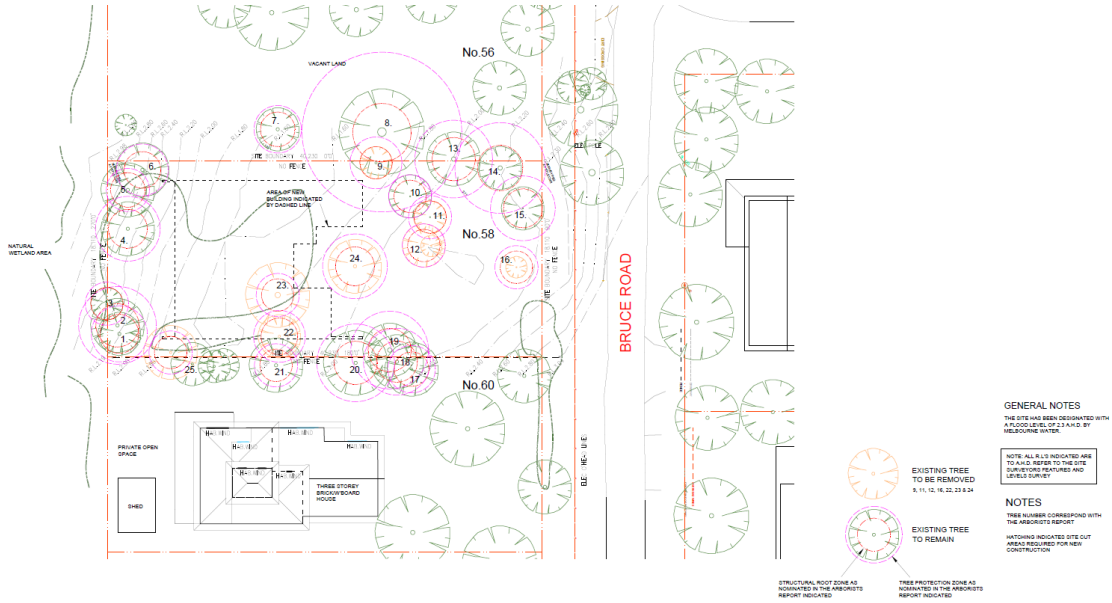


Figure 7. *Proposed extent of vegetation removal under the VPO2 from the subject site at 58 Bruce Road, Silverleaves*

Clause 44.04 - Land Subject to Inundation Overlay (LSIO)

The application triggers the need for a planning permit the Land Subject to Inundation at Clause 44.04-2 as a permit is required to construct a building or construct or carry out works for a dwelling.

The intent of the LSIO is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.*
- *To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and* 35 *of the State Environment Protection Policy (Waters of Victoria).*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

Melbourne Water provided conditional consent to the application on 14 May 2020. The conditions provided by Melbourne Water will be included on any permit issued. The Melbourne Water conditions still refer to the previous 'workshop' building that has now been removed from the proposed plans. Although the conditions provided by Melbourne Water do refer to the workshop, this is considered to be inconsequential to the issue of a permit if granted as the development plans only show the single dwelling.

Particular Provisions

Clause 53.02 – Bushfire Planning

The purpose of Clause 53.02 is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritises the protection of human life and strengthen community resilience to bushfire.*
- *To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.*
- *To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.*
- *To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.*

The application triggers a planning permit under Clause 44.06 (BMO) and therefore, the proposal must be assessed under the provisions of Clause 53.02 for Bushfire Planning.

The proposal is considered to have satisfied the requirements of this clause achieving compliance with matters related to siting, bushfire construction and defendable space, vehicle access and water supply.

The application has been reviewed by the CFA who have provided conditional consent. The conditions provided by the CFA will be included in any permit if issued.

Concerns raised by Submitters

Proposed workshop at site frontage

The applicant and their client amended the plans under Section 57(A) of the Act and removed the workshop from the plans (proposal) altogether.

Vegetation removal and biodiversity

Objectors were concerned about the impacts of vegetation removal on the biodiversity of the area, particularly native bird species and echidnas.

It is assessed that the application is consistent with the intent of the Vegetation Protection Overlay. The trees to be removed, if approved, will facilitate the creation of a building envelope for a dwelling. Conditions of any permit issued will require landscaping with locally indigenous species.

Proposed dwelling development and neighbourhood character

Objectors were concerned about the impact of the proposed dwelling on neighbourhood character.

In response to objectors concerns, the access way for the development has been amended on the plans to ensure there is a notation specifying that the driveway will be of crushed rock (gravel) and not a sealed material. The gravel drive way will help alleviate any issues or concerns regarding drainage of the land.

Many of the concerns raised related to compliance with the ResCode provisions at Clause 54 of the Scheme. As the use of the land for a dwelling is as of right an assessment of the application with regard to Clause 54 is not completed at this stage.

Stormwater and effluent treatment

Objectors raised concerns with the treatment of both stormwater and effluent on site. The application was referred to Council's Development Services and Environmental Health teams for an assessment of these matters. Both responded with consent to the issue of a planning permit subject to standard conditions.

Conclusion

The application has been assessed against the Bass Coast Planning Scheme and is considered to be generally in accordance with the Planning Policy Framework, Local Planning Policy Framework and decision guidelines of the DDO1, VPO2, BMO and LSIO as well as Clause 53.02 Bushfire Planning.

The application underwent notification and as a result there were seven (7) 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 application 190293, subject to conditions.

Recommendation

That in relation to planning permit application 190293 for the development of the land for a dwelling and removal of vegetation located at 58 Bruce Road, Silverleaves VIC 3922, Council resolves to issue a Notice of Decision to Grant a Permit subject to the following conditions:

AMENDED PLANS

Melbourne Water Conditions

1. **Prior to the endorsement of plans, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must be modified to show:**
   a) **Finished floor levels of the dwelling and workshop set no lower than 3.1 metres to AHD.**
2. **The dwelling and workshop must be constructed with finished floor levels set no lower than 3.1 metres to AHD, which is 600mm above the 2040 flood level of 2.5 metres to AHD.**
3. **The garage must be constructed with finished floor levels set no lower than 2.3 metres to AHD, which is at the current applicable flood level.**
4. **Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels of the dwelling and garage (as constructed) reduced to the AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.**

General Conditions

5. **The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
6. **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.**

Bushfire Management Plan endorsed

7. **The Bushfire Management Plan including the schedule, *prepared by Treed Environs, drawing no. Map 2, 24072018,* must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.**

Mandatory Bushfire Management Overlay Condition

8. **The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.**

Vegetation Removal Conditions

9. **The layout of the site and the proposed extent of vegetation to be removed as shown on the plan submitted with the application, must not be altered or modified without the written consent of the Responsible Authority.**

Landscaping Plan

10. **Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan be drawn to scale with dimension and must show:**
    a) **Details of surface finishes of pathways and driveways;**
    b) **A planting schedule which includes the scientific name and common names, pot sizes, sizes at maturity, and quantities of each plant of all proposed vegetation to be planted on the site;**
    c) **Landscaping and planting within all open areas of the site;**
    d) **Only the use of plant species indigenous to the locality;**

    All species selected must be to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit.
11. **Before the development is occupied or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.**

Landscaping Maintenance

12. **The landscaping shown on the endorsed plans must be thereafter maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.**

Wastewater Conditions *(Environmental Protection Act 1970)*

13. **Sewage, sullage and other liquid wastes to arise from the development shall be treated and retained on site by a septic tank system in accordance with the requirements of the *Environment Protection Act* 1970, the *Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891.4 (2016)* and the Responsible Authority.**
14. **No buildings or works shall occur over any part of the approved waste disposal system including the septic tank in accordance with the requirements of the *Environment Protection Act* 1970, the *Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891.4 (2016)* and the Responsible Authority.**
15. **Stormwater from the proposed dwelling/outbuilding must not be permitted to enter the septic tank system, sand filter and disposal field.**
16. **Prior to the commencement of the development, a Land Capability Assessment for all allotment of land smaller than 4050m2 must be undertaken by a suitably qualified engineer and submitted as part of any permit application to Council to install a septic tank wastewater system.**
17. **Naturally occurring stormwater must be diverted away from effluent disposal fields to the satisfaction of the responsible authority.**
18. **Prior to the commencement of construction of the dwelling or shed, an *Application for a Permit to Install* a septic tank system must be submitted and approved by Council prior to any installation.**

Drainage

19. **Prior to the issue of the Certificate of Occupancy, all stormwater discharging from the site, buildings, vehicle access ways and works must be discharged to a water tank, soak well or otherwise discharged so as not to cause erosion, flooding or nuisance to the subject or surrounding land to the satisfaction of the Responsible Authority.**

Construction

20. **Before the issue of the Certificate of Occupancy, 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; and**

c) **All proposed vehicle crossings and footpaths must be constructed in accordance with the endorsed plans and IDM standards.**

Amenity

21. **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.**

22. **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.**

Permit Expiry - Development

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

a) **The development is not started within two years of the date of this permit;**

b) **The development is not completed within four years of the date of this permit.**

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

Where the development or stage started lawfully before the permit expired, the Responsible Authority may extend the period in which the development or stage must be completed if a request is made in writing before the permit expires or within twelve months afterwards.

Permit Expiry – Vegetation Removal

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

a) **The vegetation removal works have not started within two years of the date of this permit.**

b) **The vegetation removal works have not been completed within four years of the date of this permit.**

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

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 seven (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	Amended Plans	11 Pages
AT-2	Bushfire Management Assessment, Coastal Hazard Report, Landscape Plan and Amended Arborist Report	73 Pages
AT-3	***CONFIDENTIAL*** - Submissions	17 Pages

H.4 Holden Proving Ground

File No:	**CM20/439**
Division:	**Place Making**
Council Plan Strategic Objective:	**Environment**
	Maintain and protect the natural environment

Declaration

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

Summary

The purpose of this report is to provide an overview of options available to Council to protect the environmental qualities of the former Holden Proving Ground.

The report provides an overview of the Planning Scheme controls and relevant state government policy related to the site and details the process to amend these controls and policy.

The report determines that whilst Council could complete a planning scheme amendment to recognise and protect the environmental qualities of the site, other options available to Council, including recognition of the site within the Statement of Planning Policy could afford the site the same or a higher degree of protection in a shorter timeframe.

The report recommends that a partnership approach with state government, where the site was formally recognised with the Statement of Planning Policy, and the Extractive Resources Interest Area mapping for the site was reviewed would enable greater protection of the site.

Background

Holden's Lang Lang Proving Ground (PG) is an 877-hectare (2167 acre) site over six parcels located at 44 Rayner Hoff Drive, Lang Lang. The site has been used since 1957 for testing of Holden vehicles.

In February 2020, GM announced that it would wind down sales, design and engineering operations in Australia and New Zealand and retire the Holden brand by 2021. Subsequent to this the site was put to the market via an Expression of Interest process (EOI).

The site has approximately 800 hectares of very high quality remnant vegetation and it's also home to hundreds of indigenous plant and wildlife species. Over the last decade Bass Coast Landcare Network has partnered with GM Holden and undertaken environmental restoration works outside, and more recently inside the Proving Ground at Lang Lang. This has included extensive flora and fauna surveys, with the results guiding the development of a bushland management plan. The surveys and searches on the threatened species database revealed a number of threatened flora and fauna species that are, and / or have recently been present within the Proving Ground.

Community members have expressed concern that as the site is in private ownership and likely to be sold that there is an urgent need for protection of this important and rare remnant of natural bush in Bass Coast.

Council is being urged to do whatever possible to ensure the protection of this unique parcel of West Gippsland coastal forest identified for its habitat value by a number of studies conducted on the site (with the support of GM Holden).

A community interest group has been formed and they are lobbying Council to ensure preservation of the environmental assets at the Proving Ground. The group requested that Council apply protections such as a Vegetation Protection Overlay, an Environmental Significance Overlay, a Significant Landscape Overlay, and, working with the Bunurong Land Council, a Heritage Overlay on this site.

At it's Ordinary Meeting of 20 May 2020, Council resolved the following:

That Council:

1. *Write to the State Government requesting they purchase the Holden Proving Ground Site at Lang Lang, which is currently owned by General Motors, for the preservation and recognition of the site's environmental, cultural and coastal habitat values;*
2. *Write to the Minister for Planning to recommending the significance of site be recognised and protected within the Statement of Planning Policy currently being prepared as part of the Distinctive Areas and Landscapes project.*
3. *Work in partnership with relevant stakeholders toward preservation of the site, including current and/or future owners of the site, Parks Victoria, Bass Coast Landcare and the Community.*

At it's Ordinary Meeting of 15 July 2020, Council resolved the following

That Council:

1. *Request an urgent meeting with the Minister for Planning to discuss options for protection of the site.*
2. *Advocate for the protection of the site through formal recognition and protection within the Statement of Planning Policy.*
3. *Request a report be prepared a report for the August 2020 Council meeting identifying options for the environmental protection of the site. The report should explore Council's options in regard to formal recognition of the site including the introduction of an overlay within the Bass Coast Planning Scheme*
4. *Advocate to the Federal Government to purchase the property and lobby the federal member responsible for Bass Coast Shire Council.*

Strategic Basis

Council Plan Objective:

Advocacy - *Representing the community*

Environment – *Maintain and protect the natural environment*

Our Character – *Celebrating the uniqueness of our townships*

Discussion

Request for meeting with the Minister for Planning.

An urgent request to meet with the Minister for Planning has been sent. A response to the letter is yet to be received.

Advocate for the protection of the site through formal recognition and protection within the Statement of Planning Policy.

The site is included within the Bass Coast declared area. For the declaration to have weight, a Statement of Planning Policy (SPP) needs to be prepared. The purpose of the SPP is to create a framework for the future use and development of land in the Bass Coast declared area to ensure the protection and conservation of the area's distinctive attributes.

The draft SPP will be released publically for comment later this year, with the final SPP presented to Council for endorsement in the first half of 2021. For the SPP to be approved by the Governor in Council and have any subsequent legislative effect, all Responsible Public Entities of which Council is one, must endorse the SPP.

Formal recognition of the site within the SPP will enable the site to be afforded a higher level of protection than other options available to Council. In addition, all state government departments and agencies would be required to make decisions in accordance with the SPP irrespective of whether a planning permit is required.

Options for environmental protection of the site

Current Controls

The current planning controls applying to the site include the:

- *Clause 35.07 – Farming Zone; and*
- *Clause 44.06 – Bushfire Management Overlay.*

In addition to the above controls, a planning permit would be required for the removal of native vegetation from the site. If a permit were approved, any vegetation removed would be required to be offset.

The site is also partially within an Extractive Industries Interest Area (EIIA). The EIIA for Bass Coast was first mapped for Bass Coast in 1993 and reviewed in 1996, the EIIA is included in image 1. The EIIA has been applied to land that has been identified as *being likely* to contain stone or sand resources of sufficient quantity and quality to support commercial extractive industry operations. To reiterate, the EIIA designation does not mean a quarry can established as-of-right in these areas, nor does it preclude interested parties from applying for a Work Plan outside the defined EIIAs. The EIIA is a strategic placeholder to flag the location of potential resources. Further analysis of the EIIA areas is required to understand their viability for extraction.

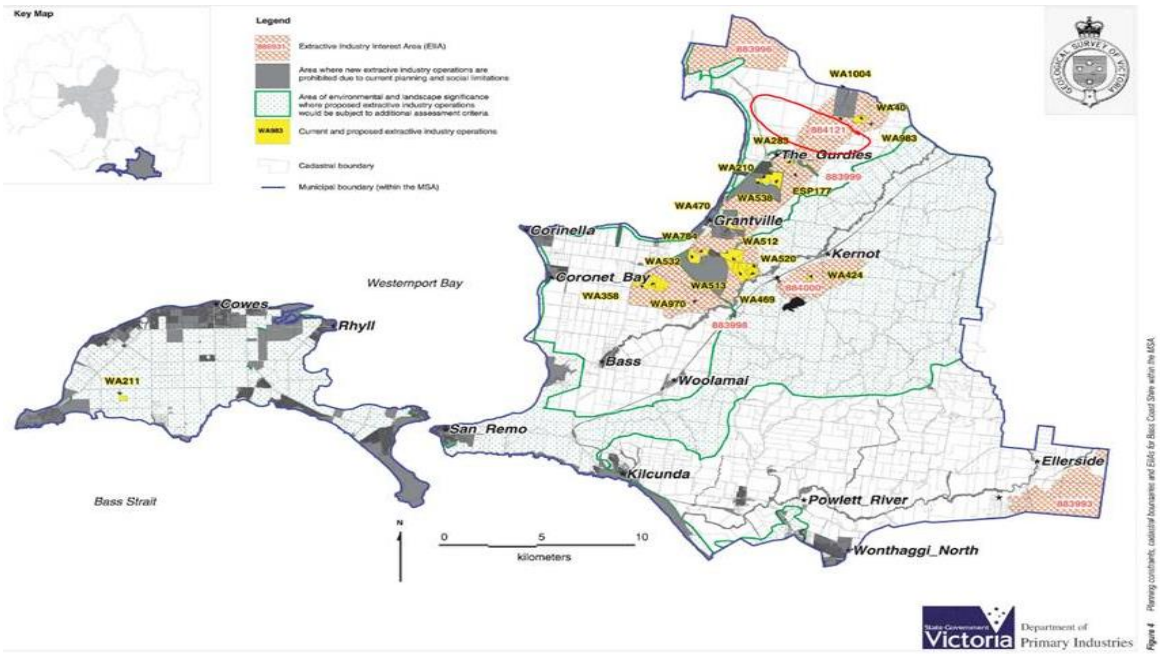


Image 1 – *EIIA areas & approximate location of the Holden Proving Ground*

Amending the Bass Cost Planning Scheme

Amending the Bass Coast Planning Scheme to include the land in an overlay is an option available to Council. It should be noted that the purpose of an overlay would be to guide, not necessarily prohibit further development of the site.

Subject to further work to confirm the strategic justification is sound, the following overlays could be applied to the land:

1. Environmental Significance Overlay – an overlay of this nature would identify areas where development of the site may be affected by environmental constraints and ensure that any development proposed was consistent with environmental values.
2. Vegetation Protection Overlay – an overlay of this nature would seek to ensure any development minimised vegetation loss, maintain and enhance habitat corridors and encourage regeneration of native vegetation.
3. Significant Landscape Overlay – this overlay would seek to conserve the character of the landscape.
4. Heritage Overlay – an overlay of this nature would aim to conserve the site based on its cultural significance and ensure that development did not adversely affect the significance of the site.

Officers commissioned heritage advice which identified that the buildings within the site are of local heritage significance and are potentially worthy of protection via an overlay within the Scheme. This advice was based on a desktop assessment of the site. The focus of any overlay would be protecting the buildings on the land, not the vegetation.

Whilst officers believe that an environmental significance overlay, significant landscape or vegetation protection overlay could be applied to the land external advice was not sought as permission to access the site was not granted. Commencement of a planning scheme amendment process to apply an overlay to the site is not recommended for the following reasons:

- *Time*: In the absence of interim controls, an amendment process would take two years and during this period the site would not be afforded a higher level of protection.
- *Cost*: An amendment process would cost Council approximately $400,000.
- *Process*: Should vegetation removal be proposed on the site a planning permit would be required to be decided by Council. The application of an additional overlay would only provide marginal additional protection.

In summary, whilst an amendment to the planning scheme would offer additional protection for the site, the current planning controls, in particular the requirement for Council to permit any vegetation removal provide an appropriate level of protection within the planning scheme.

Summary of consultation with state government agencies

Officers have met with representatives from both the DJPR and DELWP (Environment and Planning departments) regarding the site.

Representatives from DJPR advised that an "Extractive Industries Refresh" is planned for 2021. This project is intended to understand the critical values and competing priorities in the EIIA areas. This when then form a road map to guide suitable locations for extractive industries and apply the proper planning controls to protect those resources.

Whilst there is no guarantee that the mapping would change, advice from DJPR officers indicates that a review of the mapping would take into account the environmental qualities and local historical significance of the site. It is recommended that Council request this work be completed as a matter of urgency.

Advice was sought from DELWP regarding the process for placing interim planning controls on the site. DELWP advised that these controls are typically in response to an imminent threat, such as an application to demolish a site or planning permit application. As no such threat is imminent interim controls are unlikely to be applied by the state government. In addition, DELWP have advised that they believe the current controls on the land provide an adequate level of protection.

Federal Government consultation

Protection of the site was raised with the Member for Monash who has advised that the Federal Government is unlikely to intervene.

Finances

Costs associated with the preparation of this report include commissioning of a desktop assessment from heritage consultants and officer time.

Stakeholders

Identified stakeholders include:

- Save the Holden Bushlands Group
- General Motors Holden
- Council
- The Victorian Government

- Bass Coast Community

Other Options

Options available to Council include:

1. Request formal recognition of the site within the Statement of Planning Policy (SPP). Council will be requested to approve the SPP once finalised. Formal recognition of the site within the SPP will enable greater protection of the site without the need to amend the planning scheme.
2. Request the Extractive Industries Interest Area mapping be updated as a matter of urgency. This action is recommended in this report.
3. Amend the Bass Coast Planning Scheme. As discussed in this report this option is not recommended as compared with other options available to Council, it is more costly and will take up to two years to finalise.
4. Request the Minister for Planning place interim controls on the site. This option is not recommended as an imminent threat cannot be demonstrated.

Conclusion

The purpose of this report is to provide Council with an overview of options available to Council to further protect the environmental qualities of the Holden Proving Ground site.

The report discusses the various options available to Council and concludes that whilst Council could complete a planning scheme amendment, other options available to Council, including recognition of the site within the Statement of Planning Policy could afford the site the same or a higher degree of protection in a shorter timeframe.

The report recommends that a partnership approach with state government, where the site was formally recognised with the Statement of Planning Policy, and the Extractive Resources Interest Area mapping for the site was reviewed would enable greater protection of the site.

Recommendation

That Council:

1. **Writes to the Minister for Resources to request an urgent review of Extractive Industry Interest Area mapping within Bass Coast.**
2. **Requests the Minister for Planning includes recognition of the significance of the former Holden Proving Ground site within the draft Statement of Planning Policy being prepared as part of the Distinctive Areas and Landscapes Project.**

Attachments

There are no attachments for this report.

H.5 Economic Development Strategy 2016 - 2021 Annual Snapshot 2019/20

File No:	**CM20/383**
Division:	**Partnerships, Advocacy & Economy**
Council Plan Strategic Objective:	**Economic Development** Expanding, attracting and retaining business and investment

Declaration

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

Summary

The purpose of this report is to provide an update on year four actions from Bass Coast Shire Council's Economic Development Strategy 2016-2021.

It has been an extraordinary year for Bass Coast, with continuing strong residential and business growth and record low unemployment for the first half of the year. Bushfires, followed by COVID-19 has decimated the economy during the second half of the year. Council responded by implementing a suite of measures through a COVID-19 Business and Community Response and Recovery program which continues to be a key strategy of the Investment and Visitor Economy Department.

This report recommends that Council receive the attached Economic Development Strategy 2016-2021 Year Four Snapshot 2018-2019. (**AT-1**)

Background

In April 2016, Council adopted the Bass Coast Shire Council Economic Development Strategy 2016-2021 (the Strategy).

The Strategy provides a framework to promote and facilitate sustainable economic development in Bass Coast.

The Strategy outlines:

- What Bass Coast Shire Council aims to achieve in economic development over the next five years (2016-2021).
- The role Bass Coast Shire Council, in partnership with business and other levels of Government, will play in delivering the objectives of this strategy.
- An annual Economic Development Action Plan.

The Strategy provides the framework to facilitate investment and development in the municipality.

Strategic Basis

Council Plan Objective:

Advocacy – *Representing our Community*

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

Major Initiative / Initiative

Implement year four actions from Council's Economic Development Strategy 2016-2021.

Strategies / Policies

- Bass Coast Shire Council's Economic Development Strategy 2016-2021
- Bass Coast Shire Council Natural Environment Strategy 2016-2026
- Bass Coast Shire Council Events Policy 2017
- Phillip Island and San Remo Visitor Economy Strategy 2035 – *Growing Tourism*
- Bass Coast Planning Scheme
- Bass Coast Shire Council Advocacy Strategy 2018-21 and Advocacy Priorities

Statutory Requirements/Codes/Standards/Policies

There is no statutory requirement for Council to report progress on the Strategy.

Discussion

Council, through its Economic Development Strategy, makes a strong contribution to the creation of an environment that:

- At an operational level, supports existing businesses to be innovative and sustainable and;
- At a strategic level, attracts and encourages the kind of business activities that will drive the local economy.

Council has worked to implement policies to create the environment for investment that complement the natural environmental values of the region. It also supports existing businesses to grow into new markets and products.

COVID-19 Response and Recovery – Business Support

The COVID-19 pandemic has had a massive impact on the Bass Coast economy. As the region most reliant on tourism in Victoria and tourism being one of the sectors hardest hit by the pandemic, the implications for the local economy are far reaching.

Council has responded strongly to the challenges presented by the pandemic, acting quickly to free up nearly $1million for stage one of a Response and Recovery program, including $700,000 for the Business and Community Resilience Grants program to support businesses and community groups.

A second phase of funding to stimulate the economy is proposed in the Draft Annual Budget 2020-2021.

The rapid escalation of COVID-19 and measures to contain its spread have led to widespread disruption and hardship to businesses and the community overall. Whilst there are numerous Federal and State Government support measures in place, due to its close connection with the local community, Council was well placed to support and facilitate additional measures targeted specifically to support local businesses and community.

Council established the Bass Coast Businesses 'Buy Local' Campaign and continue to promote it via social media, print media and other channels.

Council's Business Support Team has contacted more than 500 business operators to check that they are receiving up to date information regarding government and financial support and business assistance.

Key achievements for 2019-2020 include:

- Council's decisive response to the advent of the COVID-19 pandemic.
- Council advocacy achieved major funding commitments with the Bass Coast University Centre and further Erosion Mitigation funding. As well as servicing the needs of the growing community this funding will create local jobs (construction and operational) plus stimulate investment opportunities in ancillary services.
- Continuing advocacy and input into Regional Roads Victoria corridor and highway planning across Phillip Island and Bass Coast – including Woolamai Beach and Back Beach Roads and corridor planning across Phillip Island and Bass Highway upgrades from Anderson to Leongatha.
- Council won Silver in the Local Government Award for Tourism category and in the Visitor Services category at the 2019 Victorian Tourism Awards.
- Working with the cruise ship industry to promote visits to Phillip Island resulted in 14 cruise ship visits in 2019-2020. A further increase was projected for 2020-2021 and beyond. This is now uncertain in the aftermath of the COVID-19 pandemic.
- Successful delivery of the 2019 Bass Coast Business Awards with 198 local businesses participating and a successful Gala Awards Ceremony.
- Hosted 2 'Developing Bass Coast' forums to provide information to investors and improve networking opportunities between investors, local businesses, Councilors and Council officers.
- Delivered business events and tourism training workshops to over 100 business operators.
- Delivered the Better Approvals Project and developed streamlined small business approval processes for interactions with Council.
- Contributed Bass Coast investment data and opportunities for the new Invest Gippsland website.
- Progress the Wonthaggi North East Precinct Structure Plan that will provide for approximately 5,030 residential lots and 61 hectares of industrial and commercial land.
- Rolled out the My Phillip Island Tourism Ambassador program and commenced development of the My Bass Coast Tourism Ambassador Program.
- Distribution of a regular Business Newsletter.

Looking forward, key actions for delivery in 2020-2021 include:

- Support businesses to recover from COVID – 19 impacts. This includes:
  - Supporting Council's advocacy in attracting government funding and investment towards major projects.
  - Collaborating with other levels of government and peak bodies such as regional tourism boards (DPI and DGL) to promote visitation and investment attraction.
  - Continue contacting business operators to support their recovery and check-in with them about how they are managing (over 500 businesses contacted to date).
  - Provide resources to the business community in a range of areas including government funding, training opportunities and business mentoring.
  - Support to complete access grant and other information online.
  - Continue regular communication updates including use of social media and distribution of a fortnightly business newsletter.
- Commence development a new Bass Coast Shire Council Economic Development Strategy.
- Develop an Investment Attraction Plan.
- Roll out the My Bass Coast Tourism Ambassador Program.
- Continue to support the Rural Engagement Group and explore opportunities to grow Agri-business and Agri-tourism.
- Support Council's advocacy to attract public and private investment in key projects to stimulate the local economy.

Finances

All activities were delivered within the Economic Development operational and project budgets.

Stakeholders

The key stakeholders for delivery of the Strategy include:

- Bass Coast community
- Local business and tourism associations
- Local businesses
- Visitors
- Government departments and agencies
- Council

Other Options

1. Council may receive the Annual Snapshot.
2. Council may choose to not receive the Annual Snapshot.

3. Council may choose to defer receipt of the Annual Snapshot pending further information.

Conclusion

Council's Investment and Visitor Economy Team has made solid progress this year delivering actions identified in the Economic Development Strategy under difficult circumstances. The impact of bushfires across the region flowing straight into COVID - 19 has made it very challenging for many businesses.

Council responded quickly by supporting individual business operators, advocating for additional government support and implement its own Response and Recovery Program.

The Annual Snapshot Report provides an overview of the actions and achievements completed during year four of implementation of the Economic Development Strategy.

Recommendation

That Council receives the Bass Coast Shire Council Economic Development Strategy 2016-2021 Year Four Snapshot Report for 2019/2020

Attachments

AT-1	Economic Development Strategy 2016 - 2020 Annual Snapshot Report 2019/2020	21 Pages

H.6 Phillip Island and San Remo Visitor Economy Strategy 2035, Growing Tourism Annual Snapshot 2019/20

File No:	**CM20/384**
Division:	**Partnerships, Advocacy & Economy**
Council Plan Strategic Objective:	**Economic Development** Expanding, attracting and retaining business and investment

Declaration

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

Summary

The purpose of this report is to provide an update to Council on the delivery of year four actions of the Phillip Island and San Remo Visitor Economy Strategy 2035 - Growing Tourism (the Strategy).

The Strategy, adopted in August 2016, sets the long-term vision for Phillip Island and San Remo's visitor economy with sustainable growth as its central focus.

The Strategy has assisted Council and various government agencies and peak industry bodies to attract investment and advocate for improved tourism outcomes in Bass Coast.

COVID-19 has taken a significant toll on Bass Coast and on the Visitor Economy in particular. Council has responded with broad ranging support and financial assistance in an effort to sustain local businesses.

This report recommends that Council receive the attached Year Four Annual Snapshot Report (AT-1).

Background

Development of the Strategy during 2015/16 followed an extensive schedule of research, community engagement, development and delivery, with over 350 community members, industry and stakeholder groups consulted and more than 60 regional, state and national strategies reviewed during its preparation.

The Strategy's vision is that Phillip Island and San Remo is recognised nationally and globally as a world leading sustainable tourism destination, where tourism is embraced by the community.

The future aspiration of tourism in Phillip Island and San Remo relies on:

- Retaining and enhancing the environment
- Increasing visitor awareness
- Further developing the quality, depth and range of experiences to encourage overnight stays
- Increasing off-peak visitor expenditure

Five objectives were developed to achieve the vision:

1. Be established as a highly desirable destination
2. Generate year-round visitation
3. Build connectivity
4. Manage growth
5. Global recognition for conservation

The objectives are underpinned by 60 actions and ten 'game changer' actions.

A game changer is an action that has a significant impact on achieving the strategic directions.

Providing a long-term strategic framework to guide tourism development improves visitor opportunities and facilities and strengthens the local economy through sustainable tourism and investment.

Strategic Basis

Council Plan Objective:

Advocacy – Representing our Community

Economic Development – Expanding, attracting and retaining business and investment

Major Initiative / Initiative

Continuing to deliver the short term (2-5 years) actions of the Strategy was a Major Initiative for Council in 2019/20.

Strategies / Policies

- Bass Coast Shire Council Economic Development Strategy 2016-2021
- Bass Coast Shire Council Plan 2017-2021 (*Revised June 2019*)
- Bass Coast Shire Council Natural Environment Strategy 2016-2026
- Bass Coast Shire Council Events Policy 2017
- Bass Coast Planning Scheme
- Bass Coast Shire Council Advocacy Strategy 2018-2021 and Advocacy Priorities

Statutory Requirements/Codes/Standards/Policies

There is no statutory requirement for Council to report progress on the Strategy.

Discussion

The Strategy sets the long-term vision for Phillip Island and San Remo's visitor economy with sustainable growth as its central focus. The Strategy helps to ensure the long-term viability and sustainability of this important sector and recognises the importance of both the community and the natural environment in achieving this outcome.

This Strategy provides all levels of government, the community and tourism industry the direction to balance the environment, the community's needs and a visitor economy in Phillip Island and San Remo towards 2035.

Reporting annually on the implementation of the Strategy is important to keep Council and the broader industry and community informed about progress with the implementation of the Strategy.

COVID-19 Impacts and Response

COVID 19 has had a significant impact on Bass Coast's economy and community with visitor economy and tourism industry in particular, with Phillip Island being the most reliant community on tourism in Victoria and the second most reliant in Australia. Council implemented a range of measures to support local business and the community, with a $965,000 Response and Recovery Package.

A key feature of the Package was a Business and Community Resilience Grants Program, which delivered more than $700,000 to 133 businesses and community organisations across the Shire to support their response to COVID-19. An overwhelming majority of the businesses applying for the funding were from accommodation, food and beverage, attraction and retail businesses.

Recovery from COVID-19 clearly has a long way to go, and Council is supporting this by:

1. Engaging additional staff through the Working for Victoria program to work intensively with Business and Tourism Associations, individual businesses and event organisers to plan how to run their operations sustainably in a post COVID environment
2. Response and Recovery Programs in both 2019/20 and 2020/21 (subject to budget approval) aimed at providing a raft of financial benefits to businesses and community organisations
3. Working with key stakeholders such as Visit Victoria, Destination Phillip Island and Destination Gippsland to lock in events that will support recovery as restrictions ease
4. Fast tracking infrastructure and other projects to provide economic stimulus into the region

Key achievements for 2019-2020 include:

- The Community Tourism Reference Group continued to meet and contribute towards the achievement of selected actions out of the Strategy - Action 3. The Group has set its key objectives:
  - Continue to strive for Global Sustainable Tourism Council Certification (GSTC) accreditation.
  - To help Phillip Island become known as the Accessible Tourism Capital of Australia.
  - Link existing trails and initiate the concept development of a path/trail that circles Phillip Island.
- Council achieved Bronze benchmarked status as part of the objective of achieving GSTC destination certification and has commenced the process for achieving the next level of certification. Game Changer 1, Action 7.
- Development of the My Phillip Island Tourism Ambassadors Program completed and launched in October 2019. Twenty three businesses and 385 students have commenced training and are in the process of receiving

accreditation. Development of the My Bass Coast Tourism Ambassador Program has commenced and is currently in the development stage - Action 12.

- Council funds of $36,565 was directed towards off-peak marketing funded through the prescribed accommodation holiday home arrangements. Of this $29,252 was provided to Destination Phillip Island and the balance to marketing on the Bass Coast mainland. The Phillip Island marketing campaign "a life unedited" was launched in June 2019 and ran until September 2019. Destination Gippsland delivered a suite of off peak marketing campaigns featuring a number of content pieces, metro train advertising and an episode of Postcards. Council has also partnered with Destination Gippsland and Destination Phillip Island to roll out post COVID-19 recovery campaigns with additional funds being allocated to this project - Game Changer 2, Action 13.
- Council collaborated with the State Government and other Gippsland Councils to develop the Invest Gippsland website which features a number of investment opportunities in Bass Coast including the development of a South Coast Eco Lodge – Game Changer 3, Action 14.
- Preparation of an Aboriginal Cultural Heritage Study for the Shire to collect and manage information about the heritage, traditions and stories of the Boon Wurrung people – Action 15.
- A concept design was completed for the entrance to Phillip Island along with additional designs for the roundabouts at Cape Woolamai and Back Beach Road. These designs are being implemented as part of current construction works in 2020 – Action 16.
- A number of new off-peak events were secured through our partnership with Sports Marketing Australia including a three year deal for an Inverloch Yoga Festival and a new Swim, Bike, Run Weekend event to be held in Bass Coast. The Inverloch Jazz Festival was also successfully moved from the busy Labour Day weekend in March to a weekend in August - Game Changer 6, Action 29.
- The $1.4 million upgrade to the Cowes Jetty commenced and the design and upgrade of the Rhyll jetty has been completed with works scheduled to commence in 2020-2020 – Game Changer 7, Action 30.
- Council continues to engage with the State Government to endeavor to complete the Cowes to Stony Point Car Ferry Business Case Game Changer 7.

Finances

The Strategy's Year Four Actions were delivered within the Tourism Development operational budget.

Stakeholders

The key stakeholders for delivery of the Strategy include:

- Bass Coast community
- Local businesses
- Visitors

- Local, regional and state tourism bodies
- Government agencies
- Council

Other Options

1. Council may receive the Annual Snapshot.
2. Council may choose not to receive the Annual Snapshot.
3. Council may choose to defer receipt of the Annual Snapshot pending further information.

Conclusion

Council's Visitor Economy and Events Team in collaboration with industry partners including Destination Phillip Island and Phillip Island Nature Parks, has made strong progress this year delivering priority actions identified in the Strategy. The Annual Snapshot Report provides an overview of the actions and achievements completed during year four of implementation of the Strategy.

Recommendation

That Council receives the Phillip Island and San Remo Visitor Economy Strategy 2035 – *Growing Tourism* 'Annual Snapshot' Report for 2019/20.

Attachments

AT-1	Annual Snapshop 2020 Phillip Island and San Remo Visitor Economy Strategy 2035, Growing Tourism	15 Pages

H.7 Acquisition of Land at 20 Agar Rd, Bass

File No:	**CM20/387**
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.

Summary

The purpose of this report is to seek Council's authorisation to commence the acquisition of 250m2 of farm land on the corner of Agar Road and Soldiers Road, Bass for inclusion in the road reserve. Acquiring this land is key for the purpose of improving road safety by increasing driver's sight lines and completing a high priority Local Road Safety Improvement project at the intersection.

Background

Under the Federally funded Blackspot Program, road widening and guardrail works were completed along Agar Road to improve safety on the southbound approach to Soldiers Road in 2018. Road safety at the intersection of Soldiers and Agar Road with Bluff Road and Pilots Lane remains poor, due largely to visibility constraints. Officers have documented concerns raised by road users and a history of minor crashes.

Council's Local Road Safety Improvement Program has funding of $100,000 provided in the capital works budget to deliver the highest priority projects. Safety upgrade works to the Soldiers and Agar Roads intersection is now Council's highest priority Local Road Safety project, planned for delivery in the 2020/21 financial year.

The project design includes widening of the Agar Road and Soldiers Road curve, improving sight lines for approaching vehicles, rumble strips and realignment of the Bluff Road and Pilots Lane intersection. To do these works effectively, Council needs to acquire a 250m2 section of land at 20 Agar Road to include in the road reserve. See AT-1 for sight line analysis diagram.

In preparation for delivering the project, officers have approached the property owner to seek consent to start negotiations for the acquisition.

Strategic Basis

Council Plan Objective:

Liveability – *Enjoying the place we live*

Major Initiative / Initiative

This is not a major initiative. The land acquisition is required to complete a project on Councils adopted Local Road Safety Improvement Program which is funded via Council's Road Asset Management Plan.

Strategies / Policies

Asset Management Strategy and Policy 2017-2021

Road Asset Management Plan 2019- 2023

Local Road Safety Improvement Program

Statutory Requirements/Codes/Standards/Policies

Land Acquisition and Compensation Act 1986

Land Acquisition and Compensation Regulations 2010

Road Management Act 2004

Discussion

The intersection of Soldiers Road with Agar Road, Bass, is part of an important road link for residents in Coronet Bay and Corinella. The vegetation on the corner property blocks sight lines for approaching motorists, increasing the risk of collision with other road users or by road run off.

It is standard practice in new developments to incorporate "splays" of land on sharp road corners to maintain safe sight lines. The private farm title adjacent to the road reserve is very close to the physical intersection and does not provide any splay to maintain sight lines. Therefore land acquisition is considered the most appropriate course of action to ensure ongoing road safety at this intersection.

Council officers have commenced discussions with the land owner regarding the proposed land acquisition. Following the discussion an independent onsite valuation of the property was undertaken for determining an accurate valuation. The independent onsite property valuation has been shared with the property owner in order to proceed with discussions.

Council is an acquiring authority under the Land Acquisition and Compensation Act 1986. Council may purchase land that is publicly advertised for sale, or by agreement with a willing seller, or through compulsory acquisition. Throughout the discussion process, Council officers followed the Land Acquisition and Compensation Act 1986 (LACA) requirements and methods for calculating compensation. Although not a compulsory acquisition, but a negotiated sale, it is still prudent to adhere to requirements under the LACA.

It should be noted that section 5(2) of Land Acquisition and Compensation Act which generally requires a Planning Scheme Amendment (Public Acquisition Overlay) does not apply due to Section 6 of the Land Acquisition and Compensation Regulations. No Planning Scheme Amendment is required because a small amount of the title (less than 10 percent) is being acquired for use as road reserve.

It should also be noted that in addition to the compensation offered for the land, Council will pay all costs related to the transfer of land.

Finances

Provision for the purchase of this land was made in the 2019/20 budget as part of the Local Road Safety Improvement Program. The project is a multi-year project and is anticipated to be completed in 2021/22.

A recent market valuation of the land has assessed the land value to be in the order of $2,050. Including solatium (compensation payment for loss) officers have estimated the cost of acquisition to be $2,800.

Stakeholders

- Councillors
- Land Owner
- Local communities
- Road users

Other Options

Council could defer the land acquisition and attempt to enter into a partnership with the property owner to control the size of the vegetation that obstructs the sight lines. This is not recommended as the risks of such an arrangement, which would need to be retained even if the property was sold, when projected out over the life of the road was not considered practical.

Council could decide not to proceed with the land acquisition. This is not recommended as the ongoing road safety risk of poor sight lines would not be removed.

Conclusion

The acquisition of 250m2 of land is the preferred method to progress works that will improve road safety at the intersection of Agar Road with Soldiers Road in Bass. Funding is available in current budgets to undertake the acquisition and complete the intersection upgrade project. The landowner has agreed to commence negotiations and progress the process for the acquisition of the land. It is recommended that Council authorise Council officers to proceed with a negotiated sale as part of the property acquisition process.

Recommendation

That Council:

1. **Authorise Council officers to proceed with a negotiated sale as part of the land acquisition process of a 250m2 portion of land at 20 Agar Road Bass for the purpose of including as road reserve.**
2. **Acknowledge the calculated land valuation for the purpose of acquisition, including additional costs is $2,800.**
3. **Authorise Council officers to proceed with land purchase upon negotiated sale agreement, within the calculated valuation amount of $2,800.**
4. **Will make the purchase public on completion of the land acquisition process.**

Attachments

AT-1 Sight line analysis diagram 1 Page

H.8 Draft Climate Change Action Plan 2020-2030

File No:	**CM20/459**
Division:	**Resilient Communities**
Council Plan Strategic Objective:	**Environment**
	Maintain and protect the natural environment

Declaration

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

Summary

The purpose of this report is to seek Council endorsement of the draft Climate Change Action Plan, that has been prepared in consultation with the community in response to the declaration of a climate emergency.

The draft Climate Change Action Plan (the Plan) has been developed with significant engagement with residents, businesses, agricultural sector, stakeholders and Council.

The Plan identifies a number of actions that individuals, community groups, businesses, the agricultural sector and council can undertake to achieve the objective of zero net emissions by 2030 and ensuring a climate resilient community.

The Plan is designed to help the community identify and prioritise their actions based on individual needs and situations. Building on strong foundations already within Council, the Council led actions have been identified to develop and strengthen existing systems, policies and processes.

This report recommends that Council endorse the draft Climate Change Action Plan, and commence development of the Implementation Plan, including community consultation.

Background

At its 21 August 2019 Ordinary Council Meeting, Council declared that climate change poses serious risks to Bass Coast and Australia and should be treated as an emergency. Additionally, the Council resolved to commence the development of a Bass Coast Climate Action Plan 2020-2030 (the Plan).

On the 18th of September 2019, Bass Coast Shire Council declared a climate emergency, calling for immediate and urgent action.

HIP V. HYPE Sustainability, working with LittleSketches, have been engaged to partner with Bass Coast to develop our Climate Change Action Plan.

Strategic Basis

Council Plan Objective:

Advocacy - *Representing the community*

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*

Major Initiative / Initiative

- The draft Climate Change Action Plan has been developed in response to the Council declaration of a climate emergency in September 2019.

Strategies / Policies

Natural Environment Sustainability Strategy 2016 – 26

- Strategic Objective 1.2.5 - Investigate and promote clean energy initiatives and alternatives within the Shire, including community energy projects.
- Strategic objective 1.2.6 - Actively participate and support education, investigation, feasibility and development of community energy innovation and initiatives, led by the community.
- Strategy Objective 1.3.4 - Develop a knowledge base and networks to facilitate and support community energy initiatives.

Statutory Requirements/Codes/Standards/Policies

- *Climate Change Act* 2017
- *The Local Government Act* 2020

Discussion

The purpose of the draft Climate Change Action Plan is to:

- Commit a strong, local contribution to the global effort;
- Set a pathway to help us (Council and the community) achieve zero net emissions by 2030;
- Strengthen Council support for our local community to take climate change action;
- Drive transformation within Council to embed climate emergency considerations across all operations and decisions;
- Guide Council investment that will protect and enhance our natural environment and public infrastructure to ensure it is resilient; and
- Improve transparency, to enable Council to monitor and report on progress.

Council will progressively implement this Plan over the next ten years with regular review. It will be used to guide internal decision making about operational priorities, investment, budgets and resource allocations.

Responding to the climate emergency requires our whole community to play a part so the Plan will include recommended actions for Council, households, business, industry and the agricultural sector.

The draft actions are for both Council and the community and have been developed through a detailed assessment process to ensure they are technically feasible, economically beneficial and socially desirable and cover the period 2020 to 2030. The context of the climate emergency dictates that the work starts immediately, with foundational and high impact actions prioritised.

The Council proposed actions are specific, time-bound and the resources required to implement the actions are outlined within the Plan. The proposed actions will ensure that Council is maximising its sphere of influence, delivering results on the ground locally, advocating for strong action at a state and federal level, and supporting the community to do the same.

The Plan is also designed to help the community identify and prioritise their actions based on individual needs and situations. The recommended community actions are for households, business/industry and farms/agriculture. The community are encouraged to consider which of the recommended actions they could implement immediately and those which they can plan for in the future.

The Plan does not direct how to implement community actions as personalised choices for individuals is important for success.

Council, along with expert local community groups and organisations are already providing programs and support to help the community on their climate journey. Through the Plan, support programs will grow and evolve to suit the changing needs of the community and leverage new technology and funding opportunities.

The next steps for the Plan, will be for officers to develop an implementation plan to confirm resource requirements, responsibilities and detailed timelines, with consideration for future budgets and long term financial planning. Development of the Implementation Plan will include additional community consultation.

Finances

Preparation of the draft Climate Change Action Plan was included in the 2019-20 budget ($200,000). Implementation of actions will be considered in future budgets and Council's long-term financial plan.

Stakeholders

- Bass Coast Shire Council
- Residents and ratepayers
- Visitors to Bass Coast
- Westernport Water
- Bass Coast Landcare Network
- Community Environment Groups
- Business Community
- Agricultural Sector
- Bunurong Land Council Aboriginal Corporation
- Department of Environment, Land, Water and Planning (DELWP)

Engagement outcomes reconfirmed the community's support for the climate emergency declaration and zero carbon ambition. Throughout the engagement activities over 580 individuals have engaged deeply with the project team to develop the Plan, see Figure 1 below.



Figure 1: Community engagement activity

Based on similar projects undertaken in other locations, this is a fantastic response by our community and demonstrates a strong commitment to undertaking the actions identified within the Plan.

Engagement for this project was impacted by the COVID-19 pandemic. The original planned engagement approach was redesigned to ensure compliance with government mandates with no in-person meetings occurring and engagements were instead delivered via online or over the phone.

Should Council endorse the Plan, the next steps will be for officers to work up an implementation plan. The implementation plan will be informed by the engagement findings and further community consultation.

This experience has proven the capacity of Council and the community to be adaptive. This capacity stands to be a huge asset in the transition towards a climate safe shire.

Other Options

Option 1: Endorse the draft Climate Change Action Plan (the recommendation). Following endorsement of the Plan, officers will be in a position to develop an implementation plan.

Option 2: Defer consideration of the draft Climate Change Action Plan and consider the draft Plan in conjunction with the implementation plan.

Option 3: Not endorse the Plan. This is not recommended as there has been significant community input into the development of the plan and by endorsing the Climate Change Action Plan, it provides an opportunity for Council to close the loop with those involved in this important project.

Conclusion

There has been a significant amount of work undertaken in the development of the draft Climate Change Action Plan which has been informed and developed in consultation with the community.

This report recommends that Council support the recommendation to endorse the draft Climate Change Action Plan 2020-2030. Having an endorsed Plan will enable work to commence on the implementation plan, which will include further community consultation.

Recommendation

That Council:

1. **Endorse the draft Climate Change Action Plan 2020-2030; and**
2. **Commence development of the Climate Change Implementation Plan, including community consultation.**

Attachments

AT-1 Draft Climate Change Action Plan 84 Pages

H.9 Draft Public Transparency Policy

File No:	**CM20/427**
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 seek Council adoption of the Public Transparency Policy 2020.

The *Local Government Act 2020* requires Council to adopt a Public Transparency Policy by 1 September 2020.

Background

The implementation of the *Local Government Act 2020* requires Council to develop and adopt a suite of policies to support good governance including a Public Transparency Policy.

Council must adopt the policy by 1 September 2020 in order to be compliant with the legislation.

Strategic Basis

Council Plan Objective:

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

Major Initiative / Initiative

The draft Public Transparency Policy 2020 is not an Initiative or Major Initiative in the Budget.

Strategies / Policies

Nil.

Statutory Requirements/Codes/Standards/Policies

Section 57 of the *Local Government Act 2020*

Discussion

The implementation of the *Local Government Act 2020* is the most significant sector reform in over 30 years, driven by a desire to improve local government democracy, accountability and service delivery.

The requirement to develop and adopt a Public Transparency Policy is a key component of the enhanced focus on accountability and seeks to bring to life the public transparency principles embedded in the Act.

The draft Public Transparency Policy 2020 provides clarity on the types of information Council must make available, how that information can be accessed and what categories of information Council may not be able to make available to the public.

Adopting a Public Transparency Policy does not lesson Council's obligations under the *Freedom of Information Act 1982*, instead it complements this legislation by helping to create an environment where Council information is more accessible.

Recognising the importance of this Policy, and the impact that it has on Council operations, officers sought support from an independent source to assist in developing the draft Public Transparency Policy. This was an effective way for Council to meet legislative requirements within the mandated timeframe and provides a good foundation for Council.

Community consultation is not a required element in the development of the draft Public Transparency Policy 2020, however officers acknowledge that it is good practice. While this could not be accommodated for the development of the inaugural draft Public Transparency Policy due to the legislated timeframe for completion, officers are committed to incorporating community consultation in future versions.

Finances

There are no financial implications associated with this report.

Stakeholders

- Councillors
- Council officers
- Bass Coast community

Other Options

Council could choose not to adopt a Public Transparency Policy. This would place Council in breach of the Act and is not recommended.

Conclusion

Council is legislatively required to develop a Public Transparency Policy as part of the implementation of the *Local Government Act 2020*.

It forms part of a suite of policies designed to enhance good governance and sets out the types of Council information available, how it can be accessed and categories of information which may not be available to the public.

Recommendation

That Council adopt the draft Public Transparency Policy 2020.

Attachments

AT-1 Draft Public Transparency Policy 9 Pages

H.10 Draft Governance Rules and Revised Election Period Policy

File No:	**CM20/429**
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 present the final draft Governance Rules 2020, including the revised Election Period Policy 2020 to Council for consideration following a community engagement process.

The *Local Government Act 2020* requires that Council adopt Governance Rules on or before 1 September 2020.

Background

At the 15 July 2020 Ordinary Meeting of Council, Council resolved to:

1. *Endorse the draft Governance Rules 2020 and revised Election Period Policy 2020.*
2. *Release the draft Governance Rules 2020 including the revised Election Period Policy 2020 for community engagement to receive written feedback between Thursday 16 July to Thursday 30 July 2020.*
3. *Receive a report containing the final draft Governance Rules 2020, including the revised Election Period Policy 2020 at the 19 August 2020 Ordinary Meeting.*

Strategic Basis

Council Plan Objective:

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

Major Initiative / Initiative

The draft Governance Rules 2020, including the revised Election Period Policy 2020 are not an Initiative or Major Initiative in the Budget.

Strategies / Policies

Bass Coast Shire Council Election Period Policy 2020

Bass Coast Shire Council Meeting Procedure Local Law 2018

Statutory Requirements/Codes/Standards/Policies

Local Government Act 2020

Discussion

Community engagement to receive written feedback on the draft Governance Rules 2020, including the revised Election Period Policy 2020, was sought between Thursday 16 July to Thursday 30 July 2020. A total of 21 submissions were received. The table below includes a summarised version of the submissions along with officer responses.

Submission	**Feedback Summary**
1	Rather than providing us with long Council Meeting generated information wouldn't it be more efficient to ask all ratepayers and residents to complete a Customer Satisfaction Survey with room for comment?
Response	The purpose of the consultation was to seek feedback on Council's draft Governance Rules which includes meeting procedures and an Election Period Policy. Council participates in an annual sector wide Community Satisfaction Survey as well as providing other specific opportunities for residents and ratepayers to provide feedback.
2 Due to the length of the submission responses have been provided in italics under the submitters comment.	Requests a withdrawal of the draft Governance Rules pending the adoption of the Public Transparency Policy. Requests community consultation on draft Public Transparency Policy. *Council is required to have Governance Rules in place by 1 September 2020. Council acknowledges that providing an opportunity for community feedback on the draft Public Transparency Policy would have been ideal, however in this instance Council was required to develop the draft Policy and draft Rules concurrently. There is no legislated requirement for community consultation on the development of the Public Transparency Policy.* Requests inclusion of an Election Period Policy *The Election Period Policy 2020 forms part of the draft Governance Rules and a revised draft was included on Council's website as part of the community consultation process.* Requests sections 61, 62, 63, 64, 65, 66, 67 and 68 of the Local Government Act be included in the Governance Rules. *The Local Government Act sets out the requirements Council must follow; the draft Governance Rules provide the process for putting this into action. Duplicating whole sections of the Act in the draft Governance Rules is unnecessary.* Requests sections of the Act to be stated in full. *Council has followed standard protocol in referencing the relevant sections of the Act, there is no need to include the section in full.* Requests hyperlinks to listed policies

Submission	Feedback Summary
	Hyperlinks to referenced policies will be included in the final version of the Governance Rules. Requests inclusion of the community engagement, public transparency, strategic planning, financial management and service performance principles. *The draft Governance Rules are focused on good governance in relation to meeting procedure and the conduct of Councillors and Council during an election period. The inclusion of the five other sets of principles adds is not considered to add value.*
3 Due to the length of the submission responses have been provided in italics under the submitters comment.	Requested the following changes: 3.18 Agenda and Order of Business – seek inclusion of consultation with the Mayor in setting Council meeting agenda. *The draft Governance Rules have been updated to include consultation with the Mayor in setting the Council meeting agenda.* 43. Notice of Rescission –number of signatures required for a rescission notice reduced to 1. *For a rescission motion to be successful at least 5 Councillors must vote for the motion. The draft Governance Rules includes a requirement for a minimum of three Councillor signatures. The intent is to ensure that Council business is not delayed where there may not be adequate support for the rescission motion to be successful.* Timeframe for submission of rescission motion to be extended to 8 days prior to a Council meeting as per NoMs. *A rescission motion cannot be submitted once a Council decision has been acted on. Most Council decisions are acted on immediately after the meeting or shortly thereafter. Extending the timeline to 8 days prior to a Council meeting would mean it would be unlikely that the CEO could accept the motion.* 53. Public Question Time. Seeks to have both hard and soft copy submission as an option. *The draft Governance Rules have been updated to remove the requirement for electronic submission.* Seeks to make it a requirement for questions to be read at Council meetings irrespective of the submitter being in attendance. *It is at Chairs discretion whether a question is read in full if the submitter is not in attendance.* Seeks to have reasons for questions to be disallowed removed (53.7.7, 53.7.8, 53.7.9 and 53.7.10). *The draft Governance Rules have been updated to remove the specified clauses. A replacement clause has been included referencing confidential items.*

Submission	Feedback Summary
	Unhappy with removal of context/preamble when submitted as part of a question. *The draft Governance Rules have been updated removing this requirement. A word limit of 50 words has been added to ensure questions remain concise.* Suggests that clarification questions are not allowed. *Councillors may ask clarification questions during Public Question Time. Community members are unable to participate in discussion at a Council meeting.* Wants grouped questions individually read aloud and responded to. *The draft Governance Rules allow Council to respond once to similar questions where an identical response will be provided for all questions. This approach assists in minimising repetition. All questions are answered individually in the minutes.* Requests that questions taken on notice be read in full at the next council meeting. *The question is read out at the meeting at which it is submitted. There is no need for Council to read the question again at the following meeting.* 54. Petitions and Joint letters Feels that the increase in the minimum number of petitioners is discriminatory, wants reduced back to 3. *The draft Governance Rules have been updated to reflect a minimum of 3 petitioners.*
4	A move from 24 hours to 48 hours for submission of public questions is not helpful and would like to see this removed. Seeks inclusion of consultation with the Mayor in setting Council meeting agenda. Draft does not comment on voting abstentions
Response	*The increase from 24 – 48 hours allows Councillors and officers time to provide a higher level of commentary in response to public questions.* *The draft Governance Rules have been updated to include consultation with the Mayor in setting the Council meeting agenda.* *The draft Governance Rules have been amended to reference abstentions.*
5	Appears that Community Engagement Policy and Public Transparency Policy may have already been adopted by Council. I would of thought that they need to be reviewed in the light of the 'deliberative engagement practices' required to be included in the Community Engagement Policy as required by s55 of the Act – including engagement of the community

Submission	Feedback Summary
	Community Asset Committees advises only that it is covered by the s47 delegation by CEO and that the conduct of their meetings are at their own discretion, this differs from the current arrangement, whereby there are two governing documents – the instrument of delegation and the Section 86 Governance Manual Appears that all governance requirement for the conduct of Community Asset Committees are now to be included in the instrument of delegation, at the discretion of the CEO to be ready 1 September 2020. To satisfy the 5 key pillars the proposed instrument should be put out to not only the Committees but also to the public for their input
Response	*Council is required to have Governance Rules in place by 1 September 2020. Council acknowledges that providing an opportunity for community feedback on the draft Public Transparency Policy would have been ideal, however in this instance Council was required to develop the draft Policy and draft Rules concurrently. There is no legislated requirement for community consultation on the development of the Public Transparency Policy.* *Deliberative engagement is only required for the development of the Community Vision, Council Plan, Financial Plan and Asset Plan. There is no legislative requirement for Council to undertake community consultation on the Public Transparency Policy. The Community Engagement Policy was adopted by Council on 16 September 2015.* *Community Asset Committees will operate under delegation and a revised Governance Manual will be developed reflecting the changed legislation.* *Committee members will be provided with an opportunity to provide feedback on the draft Instrument of Delegation.*
6	The governance requirement for the conduct of Community Asset Committees it appears are now to be included in the Instrument of Delegation, at the discretion of the CEO and ready for transition in September 2020. As an active member of a Community Asset Committee I would welcome the opportunity to input to the new document/s
Response	*Community Asset Committees will operate under delegation and a revised Governance Manual will be developed reflecting the changed legislation.* *Committee members will be consulted.*
7 Due to the length of the submission responses have been provided in italics under the	Requests inclusion to definitions – internal financial audit committee. *There is no reference to this committee in the draft Governance Rules.* Requests inclusion of right of appeal for a person affected by a Council decision. *The right of appeal against certain Council decisions is already available.*

Submission	Feedback Summary
submitters comment.	*Where Council has made a decision, that decision can only be overturned by a resolution of Council if Council has the authority to do so and only if the decision has not been acted on. Additionally, the Act requires that all persons directly affected by a Council decision have the right to communicate their views and have their interests considered prior to Council making a decision.* Requests inclusion of voting via ballot paper for election of the mayor. *Section 61 5 (b) states that voting at a meeting must not be in secret. Using ballot papers for a public vote is inconsistent with that section.* Requests changes to the number of consecutive times a person can be elected as Mayor and Deputy Mayor. *This would be in breach of Section 25 (2) of the Act which states that any Councillor is eligible for election or re-election to the office of the Mayor. The Act includes the same requirement for the election of the Deputy Mayor.* Requests changes to process regarding speaking to mayoral nominations. *The process for election of the Mayor does not include provision for speaking to the nomination.* Requests wording changes/amendments/deletions to the following sections: 9. Dates and Times of Meetings by Council *This clause does note set out the provision for public notification of Council meetings. Clause 12.3 sets out the provisions for notifying the community of Council meetings.* 11. Meetings not fixed by Council. *Council is already required to give public notice of a Council meeting.* 12. Notice of Meeting *This request has the same intent as the existing clause.* 14. Inability to obtain a quorum. *Council is required to give notice of all Council meetings.* 15. Adjourned Meetings *The requested additional word would change the meaning of the clause.* *Written notification includes electronic written notification e.g. email.* 16 Time Limits for Meetings *There are specific requirements for livestreaming Council meetings. A virtual meeting is subject to the same time limits as a physical meeting.*

Submission	Feedback Summary
	17. Cancellation or Postponement of a Meeting *In the case of an emergency necessitating the cancellation or postponement of a Council meeting, the CEO would use a variety of techniques to communicate the cancellation. Specifying a particular tool limits Council's ability to communicate the cancellation.* 18. Agenda and Order of Business *Clause 12.1 requires that Councillors receive the agenda at least 4 days prior to a Council meeting. Extending that to 5 days would impact on agenda preparation timelines but could be accommodated if preferred by Council.* 19. Change to order of business *Once the agenda has been published, changes to the agenda can only be made at the meeting.* 20 Urgent business *Once the agenda has been published it cannot be altered without a resolution of Council. A resolution of Council is required to submit an item of urgent business. It is at the discretion of the Councillor if they wish to circulate the item of urgent business to all Councillors prior to the meeting.* 21. Councillor may propose notices of motion *Notices of Motion are included in the Council agenda which is provided to Councillors at least 4 days prior to the Council meeting.* *Any motion which is not seconded lapses.* 24 Introducing a report *There is no need to specify that the officer introduction of the report is verbal. The current provisions make it clear that the introduction needs to be short and concise. The inclusion of a 2 minute time limit supports the delivery of an efficient meeting. The same practice occurs for closed council agenda items.* 25 Introducing a motion or amendment *The current time limits are considered appropriate. Where additional speaking time is required an extension can be granted by the Chair.* *Clause 38 deals with debate relevant to a motion.* 27 Moving an amendment *A Councillor is entitled to move an amendment during the meeting.* *It is not viable for the Manager Governance to write all amendments and present them to all Councillors in attendance before debate and vote – this would significantly slow down the meeting.*

Submission	Feedback Summary
	38 Debate must be relevant to the motion *If debate deviates from the motion at hand the Chair must request the speaker to confine debate to the motion. A Councillor may call a point of order in relation to any act of disorder. Councillors are all required to abide by the Councillor Code of Conduct.* 39 Speaking Times *The current time limits are considered appropriate. Where additional speaking time is required an extension can be granted by the Chair. Extending speaking times could impact Council's ability to consider all agenda items within the Council meeting time limit.* 41 Right to ask a question *Councillors can ask questions throughout a Council meeting. The minutes of a Council meeting are required to record the motions and decisions of Council.* 43 Notice of Rescission *For a rescission motion to be successful at least 5 Councillors must vote for the motion. The requirement for a minimum of three Councillor signatures ensures that Council business is not delayed where there may not be adequate support for the rescission motion to be successful.* *Rescission notices form part of the Council agenda, there is no need to add a further clause stating this.* *All motions, including a rescission motion, require a seconder. If the motion is not seconded it lapses.* 47 When not Required *There is no legislative requirement for the provision of rescission motions, it forms part of the conduct of Council meetings at Council's discretion. Council may consider reducing the timeframe for the requirement of a rescission motion for a policy document from 12 moths to 6 months.* 48 Points of Order *This request is already addressed in Section 51 "Procedure for Point of Order".* 53. Question time *The draft Governance Rules have been amended removing the requirement for electronic submission* *Increasing the number of public questions from 2 to 3 would have impact on the length of time required to respond. This would impact Council's ability to address all agenda items within the specific meeting timeframe.* *It is not viable for all public questions to be read in full as submitted where lengthy context and/or additional information is provided.*

Submission	Feedback Summary
	It is at Chairs discretion whether a question is read in full if the submitter is not in attendance. *It is considered to be an unnecessary for Council to publish all details including preamble/context in the minutes of the Council meeting. Public questions should standalone.* *A word limit of 50 words has been added to ensure questions remain concise.* *The CEO is the most appropriate Council officer to respond to public questions.* *This is an considered to be unnecessary addition. The submitter already has a copy of their question in full, the response provided by Council is included in the minutes. Including the response as well as a copy of the minutes with the same response is duplication and does not add value.* Requests inclusion of reference to Councillor Induction Training and specifies subjects for inclusion in Councillor Induction Training. *Councillor Induction does not form part of the Governance Rules.*
8	Concern regarding time given to provide feedback.
Response	There is no prescribed timeframe for the length of community engagement. The draft Governance Rules were available for 3 weeks.
9	Lack of time to prepare a response. Lack of access to Public Transparency Policy Lack of consultation with the Mayor in setting agenda. Submissions of public questions (electronic, livestreaming, reasons for refusing public questions, clarification questions, preamble, minuting of questions, questions on notice) Wants the minimum number of petitioners reduced back to 3.
Response	*There is no prescribed timeframe for the length of community engagement. The draft Governance Rules were available for 3 weeks.* *Officers acknowledge that providing an opportunity for community feedback on the draft Public Transparency Policy would have been ideal, however in this instance Council was required to develop the draft Policy and draft Rules concurrently. There is no legislated requirement for community consultation on the development of the Public Transparency Policy.* *The draft Governance Rules have been updated to include consultation with the Mayor in setting the Council meeting agenda.* *The draft Governance Rules have been updated to remove the requirement for electronic submission.*

Submission	Feedback Summary
	It is at Chairs discretion whether a question is read in full if the submitter is not in attendance. The current practice for live streamed meetings is for all questions to be read aloud. *The draft Governance Rules have been updated to remove the specified clauses. A replacement clause has been included referencing confidential items.* *It is not viable for all public questions to be read in full as submitted where lengthy context and/or additional information is provided.* *Councillors may ask clarification questions during Public Question Time. Community members are unable to participate in discussion at a Council meeting.* *All questions are minuted separately, even if grouped together for response at the Council meeting.* *A question taken on notice is read out at the meeting at which it is submitted. There is no need for Council to read the question again at the following meeting.* *The draft Governance Rules have been updated to reflect a minimum of 3 petitioners.*
10	Member of BCRRA voicing their support for the BCRRA submission.
Response	*Noted*
11	Concern with lack of access to draft Public Transparency Policy
Response	*Officers acknowledge that providing an opportunity for community feedback on the draft Public Transparency Policy would have been ideal, however in this instance Council was required to develop the draft Policy and draft Rules concurrently. There is no legislated requirement for community consultation on the development of the Public Transparency Policy.*
12	Concerned that the Governance Rules give Councillors more power.
Response	*Council does not have the ability to give Councillors more authority than what is legislatively provided. The Local Government Act 2020 requires that Council develop Governance Rules.* *The draft Governance Rules essentially combine Council's previous Meeting Procedure Local Law, Election Period Policy 2020 and Public Question Time Guidelines.*
13	Concerned that the Governance Rules stifle the rights of Councillors or community members to questions Council decisions, actions, policies or procedures.

Submission	Feedback Summary
Response	*The draft Governance Rules are primarily focused on the Council's meeting processes and do not impede Councillors or the community's ability to question or engage with Council.*
14	Expressing support for the BCRRA submission.
Response	*Noted*
15	Concerned that Council is extending its authority and control over the community and wants to renege open discussion and transparent government
Response	*Council does not have the ability to give Councillors more authority than what is legislatively provided. The new Local Government Act 2020 requires that Council develop Governance Rules.* *The draft Governance Rules essentially combine Council's previous Meeting Procedure Local Law, Election Period Policy 2020 and Public Question Time Guidelines and do not impede Councillors or the community's ability to question or engage with Council.*
16	Expressing support for the BCRRA submission.
Response	*Noted*
17	Expressing support for the BCRRA submission.
Response	*Noted*
18	Concerned that Council Administrators are seeking to introduce changes to Council's Governance Rules which would give Council Administrators greater authority.
Response	*Council does not have the ability to give Councillors or the Administration more authority than what is legislatively provided.* *The draft Governance Rules essentially combine Council's previous Meeting Procedure Local Law, Election Period Policy 2020 and Public Question Time Guidelines and have no direct bearing in the specific matters raised.*
19	Expressing support for the BCRRA submission.
Response	*Noted*
20	Expressing support for the BCRRA submission.
Response	*Noted*

Submission	Feedback Summary
21	Expressing concern regarding the lack of detail in relation to Community Asset Committees. Concerned around level of consultation in regards to the Instrument of Delegation for Community Asset Committees, particularly with respect to deliberative engagement. Concern around lack of time to comment.
Response	As noted in the full submission, Community Asset Committees are managed under delegation and the detail is included in the Instrument of Delegation. Committee members will be provided with a copy of the draft Instrument for comment and an updated Governance Manual will be prepared reflecting the requirements of the Local Government Act 2020. Deliberative engagement refers to a specific method of community engagement. The Local Government Act 2020 specifies that Council must use this method of engagement in the development of the Community Vision, Council Plan, Financial Plan and Asset Plan. There is no prescribed timeframe for the length of community engagement. The draft Governance Rules were available for three weeks.

Officers would like to thank the members of the community for their submissions. It was clear that considerable time and thought had been put into the submissions.

Feedback on the draft Governance Rules predominantly centred on seven key themes:

- Consultation with the Mayor in setting the Council meeting agenda,
- Lack of availability of the Public Transparency Policy
- Lack of consultation time provided
- Community Asset Committees
- Increase in the minimum number of petitioners
- Public Question Time, and
- Extension of authority

Based on feedback from the community a number of changes have been made to the draft Governance Rules. Consultation with the Mayor has been included in setting the Council agenda, the minimum number of petitioners has been returned to three and changes have been made to the Public Question Time section. Several other changes in response to feedback have also been included and these are referenced in the feedback summary table.

A comparison statement identifying the differences between the Meeting Procedure Local Law 2018 and the updated draft Governance Rules has also been provided.

Council received no feedback on the draft Election Period Policy which forms part of the draft Governance Rules.

Some members of the community were concerned that the draft Governance Rules extended the authority or power of either Councillors or Council administration. Council does not have that ability. In effect the draft Governance Rules combine and update three existing documents; the Meeting Procedure Local Law 2018, the Election Period Policy and the Public Question Time guidelines.

The draft Governance Rules have been guided by independent advice and community feedback and Council is well placed to meet the requirements of the Local Government Act 2020.

Finances

There are no financial implications associated with this report.

Stakeholders

- Councillors
- Community members
- Council Officers

The community have had the opportunity to provide feedback on the draft Governance Rules 2020 and revised Election Period Policy 2020 through a two-week community engagement process.

Sections of the draft Governance Rules 2020 are taken directly from the *Local Government Act 2020* and these cannot be altered.

Other Options

1. Council could choose to defer consideration of the final draft Governance Rules 2020, including the revised Election Period Policy 2020. A Special Council meeting would be required prior to 1 September 2020 for Council to adopt the documents in order to achieve the legislated timelines.
2. Council could choose not to endorse the final draft Governance Rules 2020 including the revised Election Period Policy 2020 which would place Council in breach of the *Local Government Act 2020*.

Conclusion

Council is required to adopt Governance Rules, including an Election Period Policy, on or before 1 September 2020. This includes a requirement for community engagement.

Officers have considered the proposals received through community engagement and now presents the final draft Governance Rules 2020 and revised Election Period Policy 2020 for consideration. This ensures that Council will meet its requirements under the *Local Government Act 2020*.

Recommendation

That Council adopt the Governance Rules 2020 including the Election Period Policy 2020.

Attachments

AT-1	Draft Governance Rules	35 Pages
AT-2	Comparison Statement	3 Pages
AT-3	Draft Election Period Policy	8 Pages

H.11 Local Law - Use of the Common Seal and Council Meeting Offences

File No:	**CM20/431**
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 present the draft Administrative Procedures Local Law 2020 to Council for consideration following public submissions.

Council currently manages the use of the Common Seal and Council Meeting Offences through the Meeting Procedure Local Law 2018. Should Council resolve to adopt the Governance Rules being considered in this agenda, the Meeting Procedure Local Law 2018 will be revoked at which time the draft Administrative Procedures Local Law 2020 would be recommended to come into effect.

Background

At the 15 July 2020 Ordinary Meeting of Council, Council resolved to:

1. *Endorse the draft Administrative Procedures Local Law 2020*
2. *Give notice of the draft Administrative Procedures Local Law in the Government Gazette and publish a public notice, and*
3. *Calls for submissions in accordance with section 223 of the Local Government Act 1989 on the proposed Administrative Procedures Local Law – written submissions will be accepted until 5.00 pm Thursday 12 August 2020.*
4. *Considers any submissions received and hears any person who wishes to be heard (either personally or by a person acting on their behalf) in support of a submission received, in relation to the draft Administrative Procedures Local Law, if required, at the Committee of Council Meeting to be held virtually on Friday 13 August 2020.*

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

Bass Coast Shire Council Meeting Procedure Local Law 2018

Statutory Requirements/Codes/Standards/Policies

Local Government Act 2020

Local Government Act 1989

Discussion

Public submissions through a *section 223 p*rocess under the *Local Government Act 1989* on the draft Administrative Procedures Local Law 2020, was conducted between Thursday 16 July to Thursday 13 August 2020 and one submission was received.

Submission	Feedback Summary
1	1. Inclusion of an end date to the Local Law 4 years from the anniversary of the commencement date. 2. Meeting offences to be moved to the Governance Rules. 3. Change to use of the common seal to include the Mayor, but be limited to the CEO or acting CEO. 4. Storage of the Common Seal. 5. Inclusion of printed name in Section 11. Affixing of the Common Seal
Response	1. Under the *Local Government Act 1989*, the Local Law has a sunset provision 10 years after the day it comes into operation. Given the nature of the draft Local Law it would be an inefficient use of resources to revoke and develop a new Local Law in 4 years. 2. Penalty units can only be applied through a Local Law. The Governance Rules are not a Local Law and therefore cannot include meeting offences and the associated penalties. 3. The legislation does not allow for a Local Law to delegate power to any individual Councillor, therefore the Mayor cannot be named as a person to affix the Common Seal in the absence of the Chief Executive Officer. A Local Law cannot impose limitations on delegations allowed under legislation. 4. The draft Local Law specifies that the Common Seal must be kept secure at all times. 5. A printed name is not required.

A full copy of the submission, with the submitters personal details redacted, is included as Attachment A.

Officers appreciate the effort that has gone into the submission. As noted in the summary above, some of the suggested changes cannot be accommodated as they are inconsistent with legalisation. Officers do not believe that further changes are required.

In addition to the public submission process officers also sought a legal review of the draft Local Law and some minor administrative changes have been made to reflect that feedback.

Finances

There are no financial implications associated with this report.

Stakeholders

- Councillors
- Community members
- Council Officers

The community have had the opportunity to provide feedback on the draft Administrative Procedures Local Law 2020 through a public submissions process.

Other Options

1. Council could choose not to create a Local Law for the use of the Common Seal.
2. Council could choose to remove the meeting offences section of the Draft Administrative Procedures Local Law 2020.

Conclusion

Council is required to have a Common Seal and to use the Common Seal in accordance with the Local Law.

Officers have considered the submissions received and now presents the draft Administrative Procedures Local Law 2020 for consideration. This ensures that Council will meet its requirements under the *Local Government Act 1989* and the *Local Government Act 2020*.

Recommendation

That Council:

1. **Thanks the submitter.**
2. **Having considered submission in accordance with Section 223 of the *Local Government Act* 1989, revokes the existing Meeting Procedure Local Law 2018 and makes the new Administrative Procedures Local Law 2020.**
3. **Affixes the common seal to the new Administrative Procedures Local Law 2020.**
4. **Gives Public Notice of the making of the Administrative Procedures Local Law 2020 in the Victoria Government Gazette, and on Council's website.**

5. **Forwards a copy of Administrative Procedures Local Law 2020 to the Minister for Local Government, in accordance with Section 119(4) of the Local Government Act 1989.**

Attachments

AT-1	Attachment A - draft Local Law submission	2 Pages
AT-2	Draft Administrative Procedures Local Law 2020	5 Pages

H.12 Audit and Risk Committee and Charter

File No:	**CM20/432**
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 seek endorsement to establish an Audit and Risk Committee and adoption of a draft Audit and Risk Committee Charter 2020 as required by the *Local Government Act 2020*.

Background

Section 53 of the *Local Government Act 2020* (the Act) specifies that Council must establish an Audit and Risk Committee. Section 54 (7) specifies that Council must:

> *approve the first Audit and Risk Committee Charter and establish the first Audit and Risk Committee on or before 1 September 2020.*

Strategic Basis

Council Plan Objective:

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

Major Initiative / Initiative

The draft Audit and Risk Committee Charter 2020 and the establishment of the Audit and Risk Committee are not an Initiative or Major Initiative in the Budget.

Strategies / Policies

Audit Committee Charter 2018

Statutory Requirements/Codes/Standards/Policies

Section 53 and 54 of the *Local Government Act 2020*

Discussion

Council needs to transition from an Audit Committee established under *the Local Government Act 1989* to an Audit and Risk Committee established under the *Local Government Act 2020*.

The new legislation sets out the expanded functions and responsibilities for the Audit and Risk Committee including the following:

(a) monitor the compliance of Council policies and procedures with—

(i) the overarching governance principles; and

(ii) (ii) this Act and the regulations and any Ministerial directions;

(b) monitor Council financial and performance reporting;

(c) monitor and provide advice on risk management and fraud prevention systems and controls;

(d) oversee internal and external audit functions.

The Act does not specify the membership of the Audit and Risk Committee but it does require that the majority of members are not Councillors of Bass Coast Shire Council. The Act also requires that the chairperson must be an independent member of the Committee.

Council's current Audit Committee Charter specifies that there must be three independent Committee members and at least two Councillor members of which one must be the Mayor. When Council made its Committee appointments in 2019 it chose to appoint three Councillors to Audit Committee. This membership structure does not comply with the requirements of the new legislation.

If Council wishes to continue with three independent members it could only appoint two Councillor members. If Council wishes to maintain a membership structure comprising of three Councillor members it would need to recruit an additional independent member. The recruitment process would likely delay the planned reporting of Council's financial statements in September and also incur additional unbudgeted costs through the payment of a fee.

The proposed Audit and Risk Committee purpose, membership, meetings and responsibilities are all included in the draft Audit and Risk Committee Charter 2020.

In order to facilitate a seamless transition to the new Audit and Risk Committee it is recommended that Council retain the three current independent members:

- Mr Vincent Philpott (Chair),
- Mr Homi Burjorjee and
- Mr Tim Large

To support the retention of knowledge and maintain a sense of continuity, Council staggers the appointment of independent members. It is recommended that Council maintains this practice and appoints the independent members to the Audit and Risk Committee for a period of time equal to the remainder of their current tenure on the Audit Committee, including any options for extension.

Finances

Section 53 (6) allows Council to pay a fee to a member of an Audit and Risk Committee who is not a Councillor.

Council currently pays a fee to each independent member of the Audit and Risk Committee. If Council chooses to expand the number of independent members of the Audit and Risk Committee, this will have a financial impact above current allocated budget.

Stakeholders

- Councillors
- Independent members of the Audit Committee
- Council's Internal and External auditors
- Council officers
- Bass Coast community

Other Options

Council could make no changes to the current Audit Committee and Audit Committee Charter. The Audit Committee would continue to operate under section 139 of the *Local Government Act 1989*, despite its repeal, until a new Audit and Risk Committee is established under Section 53 of the Local Government Act 2020.

Conclusion

An Audit and Risk Committee plays an important role in supporting Council to continuously improve its approach to good governance. Council's current Audit Committee has provided valuable advice and insight to Council and in order to continue this valuable function it is recommended that Council dissolve the existing committee and establish a new Audit and Risk Committee and Audit and Risk Committee Charter in line with the requirements of the *Local Government Act 2020*.

Recommendation

That Council:

1. **Revoke the Audit Committee Charter 2018.**
2. **Dissolve the Audit Committee established under the *Local Government Act 1989*.**
3. **Adopt the Audit and Risk Committee Charter 2020.**
4. **Establish the Audit and Risk Committee under section 53 of the *Local Government Act 2020*.**
5. **Appoints the Mayor to the Audit and Risk Committee.**
6. **Appoints Cr Michael Whelan to the Audit and Risk Committee.**
7. **Appoints Mr Vincent Philpott as an independent member of the Audit and Risk Committee until 31 May 2021.**
8. **Appoints Mr Vincent Philpott as the Chair of the Audit and Risk Committee.**
9. **Appoints Mr Homi Burjorjee as an independent member of the Audit and Risk Committee until 30 August 2023.**
10. **Appoints Mr Tim Large as an independent member of the Audit and Risk Committee until 28 February 2022.**

Attachments

AT-1 Audit and Risk Committee Charter 6 Pages

H.13 Review of Instrument of Delegation – Council to Chief Executive Officer

File No:	**CM20/428**
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 adopts the Instrument of Delegation from Council to Chief Executive Officer and revoke the previously adopted Instrument of Delegation from Council to Chief Executive Officer.

This report is presented to Council to ensure the Chief Executive Officers delegations are updated to reflect changes and requirements relating to the introduction of the *Local Government Act 2020*.

The function of delegating powers, duties and functions of Council to the Chief Executive Officer allows for the effective operation of the organisation. The Chief Executive Officer may on-delegate certain powers duties and functions to staff.

Background

Council currently exercises its powers to delegate to the Chief Executive Officer.

Council subscribes to a suite of Instruments prepared by Maddocks Lawyers, which are then adapted and completed to meet the requirements of Bass Coast Shire Council.

Strategic Basis

Council Plan Objective:

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

Major Initiative / Initiative

This is not a major initiative or initiative of Council.

Strategies / Policies

The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Statutory Requirements/Codes/Standards/Policies

Section 11(1)(b) Power of Delegation of the *Local Government Act 2020*.

Discussion

Delegation facilitates the achievement of good governance for the community by empowering positions to make decisions on behalf of Council and the Chief Executive Officer.

The previous Instrument of Delegation from Council to Chief Executive Officer was adopted 16 August 2017 and updates from Maddocks have identified the following changes:

- The updated Instrument has been drafted to take into account the matters that cannot be delegated by the Chief Executive Officer pursuant to section 11(2) of the 2020 Act. These matters are listed as Conditions and Limitations in the Schedule to the Instrument, including the condition under section 11(5) that any delegation to enter into a contract must include a financial limit.
- Pursuant to section 11(4) of the 2020 Act, a Council may delegate to the Chief Executive Officer the power to appoint an Acting Chief Executive Officer for a period not exceeding 28 days.
- The requirement to keep a public register of these delegations remains under section 11(8) of the 2020 Act.

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.

Other Options

1. Endorse the Instrument of Delegation from Council to Chief Executive Officer as attached.
2. Council could include additional matters within the Conditions and Limitations.
3. Council could choose not to delegate to the Chief Executive Officer, 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 Instrument of Delegation from Council to Chief Executive Officer for the powers, duties and functions under the relevant legislation as outlined in the attachment.

Recommendation

In the exercise of the power conferred by s 11(1)(b) of the *Local Government Act 2020* (the Act), Bass Coast Shire Council (Council) resolves that:

1. **There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer*, subject to the conditions and limitations specified in that Instrument.**
2. **The instrument comes into force immediately the common seal of Council is affixed to the instrument.**
3. **On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.**
4. **The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt**.

Attachments

AT-1 Instrument of delegation - Council to CEO 4 Pages

H.14 Review of Instrument of Delegation – Council to Staff

File No:	**CM20/430**
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 adopts the Instrument of Delegation from Council to staff and revoke the previously adopted Instrument of Delegation from Council to staff.

This report is presented to Council to ensure the staffs delegations are updated to reflect changes and requirements to all the relevant Acts and Regulations.

Instruments of Delegation are appointed to positions, not people. A power, duty or function applied to any position through an Instrument of Delegation cannot be on-delegated, but does cover anybody who is 'acting' in a position.

Background

Council currently exercises its powers to delegate to positions.

Council subscribes to a suite of Instruments prepared by Maddocks Lawyers, which are then adapted and completed to meet the requirements of Bass Coast Shire Council.

Strategic Basis

Council Plan Objective:

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

Major Initiative / Initiative

This is not a major initiative or initiative of Council.

Strategies / Policies

The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Statutory Requirements/Codes/Standards/Policies

- *Cemeteries and Crematoria Act 2003*
- *Domestic Animals Act 1994*
- *Environment Protection Act 1970*
- *Food Act 1984*

- *Heritage Act 2017*
- *Local Government Act 1989*
- *Planning and Environment Act 1987*
- *Residential Tenancies Act 1997*
- *Road Management Act 2004*
- *Cemeteries and Crematoria Regulations 2015*
- *Planning and Environment Regulations 2015*
- *Planning and Environment (Fees) Regulations 2016*
- *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020*
- *Road Management (General) Regulations 2016*
- *Road Management (Works And Infrastructure) Regulations 2015*

Discussion

Delegation facilitates the achievement of good governance for the community by empowering positions to make decisions on behalf of Council and the Chief Executive Officer.

The previous Instrument of Delegation from Council to Staff was adopted 21 August 2019 and updates from Maddocks have identified changes to the following Acts/Regulations:

- on 2 December 2019, the *Rail Safety (Local Operations) Act 2006* (Vic) was repealed by s 118 of the *Rail Safety Legislation Amendment (National Services Delivery and Related Reforms) Act 2019* (Vic) (RSL Amendment Act) and, therefore, has been removed from our S6 template;
- ss 91ZU(1), 91ZZC(1), 91ZZE(1), 91ZZE(3), 206AZA(2), 207ZE(2), 311A(2), 317ZDA(2) of the *Residential Tenancies Act* 1997 (Vic) (RTA) have been inserted by the *Residential Tenancies Amendment Act 2018* (Vic). Also, ss 252, 262(1) and 262(3) of the RTA will be repealed on 1 July 2020, unless proclaimed earlier, which will affect three of the powers included in our S6 template; and
- ss 14(4), 14(7), 119(2), 120(1), 120(2) and sch 2 cl 4 of the *Road Management Act 2014* (Vic) (RMA) have been amended to reflect the changes made by the *Transport Legislation Amendment Act 2019* (Vic) (TL Amendment Act).
- The Instrument has been updated to reflect the commencement of the 2020 LGA, as well as the commencement of some changes to the *Residential Tenancies Act 1997* (Vic).

Position titles have also been updated accordingly.

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.

Other Options

1. Endorse the Instrument of Delegation from Council to staff as attached.
2. Council could request amendments to the Instrument of Delegation from Council to staff.
3. Council could choose not to delegate positions, 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 Instrument of Delegation from Council to staff for the powers, duties and functions under the relevant legislation as outlined in the attachment.

Recommendation

In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Bass Coast Shire Council (Council) Resolves that:

1. **There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.**
2. **The instrument comes into force immediately the common seal of Council is affixed to the instrument.**
3. **On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.**
4. **The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

Attachments

AT-1 Instrument of Delegation Council to Staff 171 Pages

H.15 Instrument of Appointment and Authorisation - Planning and Environment Act 1987

File No:	**CM20/485**
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.

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.

Recommendation

That Council in the exercise of the powers conferred by s 313 of the *Local Government Act 2020* (the Act) in the attached Instrument of Appointment and Authorisations (the instrument), Council to Staff under 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 instruments come into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it.**
3. **The instruments be sealed.**

Attachments

AT-1	Fiona Houlihan S11A Instrument of Appointment and Authorisation Planning and Environment Act 1987	1 Page
AT-2	Kerri-Anne Tatchell S11A Instrument of Appointment and Authorisation Planning and Environment Act 1987	1 Page
AT-3	Jozo Majic S11A Instrument of Appointment and Authorisation Planning and Environment Act 1987	1 Page

H.16 Award of Tender No. 20009 - Annual Supply of Bituminous Surfacing of Roads

File No:	**CM20/470**
Division:	**Finance**
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

This report to Council presents the outcome of the tender evaluation for Tender No 20009 – Annual Supply of Bituminous Surfacing of Roads.

A panel, consisting of Council officers was formed for the purpose of tender evaluation.

The objective of the Panel was to assess the submissions against the selection criteria and identify a preferred tenderer for the purpose of assisting the Council in reaching a tender award decision.

The Panel concludes that the tender submitted by Fulton Hogan Industries Pty Ltd will satisfy the requirements of the service and will provide Council with best value for money. Fulton Hogan will also provide benefits to the Bass Coast Shire economy via the employment of Bass Coast or Gippsland residents and sourcing goods and services from other Bass Coast businesses.

This report recommends Council to accept the tender submission and award Contract No 20009 to Fulton Hogan Industries Pty Ltd.

The report contains an attachment which is declared to be confidential in accordance with Bass Coast Shire Council's Tender & Contract Confidentiality Procedure.

Background and Context

Council intends to re-establish an annual supply contract for Bituminous Surfacing of Roads to assist its Infrastructure teams with the undertaking of bituminous surfacing of roads throughout the shire, if and when require.

The proposed contract is a Schedule of Rates Contract with provisions for rise and fall of prices in accordance with the VicRoads Specification 199.

It is anticipated the requirement under this contract will be for approximately 100,000m2 – 150,000m2 of Bituminous Surfacing per year. However, no guarantees, either expressed or implied, are made.

Of this 100,000m2 – 150,000m2 it is anticipated that 80,000m2 – 100,000m2 will be resealing of existing sealed surfaces and approximately 60% of resealing will be on rural roads and 40% on urban roads. The remaining bituminous surfacing will be for final seals. Once again, no guarantees, either expressed or implied, are made.

The current annual supply of bituminous surfacing of roads contract expires 31 October 2020. The initial term of the new contract is for two years, with an extension option for up to a maximum of three years

Strategic Basis

Council Plan Objective:

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

Statutory Requirements/Codes/Standards/Policies

The entire tender process, commencing with development of the tender documents, through the invitation to tender, to evaluation of tenders received and culminating in the conclusion reached in this report, has been carried out in accordance with the provisions of:

- The Victorian Local Government Procurement Best Practice Guidelines
- Code of Tendering Australian Standard 4120-1994;
- Bass Coast Shire Council's Procurement Policy; and
- Bass Coast Shire Council Policy - Tender & Contract Confidentiality

Tender Process

This tender was publically advertised in accordance with the Local Government Act 1989.

Tenders closed at 2pm on Tuesday 14 July 2020 and Council received two (2) conforming tender submissions.

Evaluation Process

The conforming tenders were assessed on the following evaluation criteria and weightings:

Table 1 – Evaluation Selection Criteria	
Criterion	**Weighting**
Mandatory	
Integrated Management System	Pass/Fail
Financial Viability	Pass/Fail
Insurance and Registration	Pass/Fail
Weighted	
Price	40%
Capacity – Staff Resources, Plant & Equipment	20%
Construction Period and Method (Site Management, Construction Timeframes & Methodology)	15%
Previous Related Experience & Referees	15%
Innovation and Continuous Improvement	5%

Table 1 – Evaluation Selection Criteria	
Criterion	**Weighting**
Local and Social Benefit to Bass Coast Shire Economy	5%

An Evaluation Panel consisting of Council Officers was formed. The panel was chaired by an Officer from the Procurement Team who oversaw the process and did not score the tenders.

Each tenderer passed the mandatory selection criteria.

For the tender submissions received, each panel member scored the criteria out of a maximum possible five points. Following the initial independent evaluation, the Panel met to discuss their independent scores and arrived at a consensus on final scores for each criterion. The scores were then multiplied by the relevant weighting to obtain final scores.

The Panel assessed the technical worth of each tender against the specification requirements and the selection criteria, identified issues for further review, clarified issues with tenderers and sought additional information.

The panel did not believe that it was necessary to obtain external reference checks as Fulton Hogan Industries have performed these works under annual supply contract for Council for the past five years to a high standard.

The final weighted scores are set out in Table 2.

Table 2 – Final Weighting Scores				
No.	Name	* Price Score %	# Non-Price Score %	Total Score %
1	Tender A	40%	53%	93%
2	Tender B	32%	45%	77%

* The higher the price score – lower the tendered price.

The higher the non-price score – represents better capability and capacity to undertake the service.

Fulton Hogan Industries Pty Ltd presented the lowest cost conforming tenders, and in accordance with the selection criteria present the best value to Council.

Fulton Hogan Industries were selected for the annual supply of bituminous surfacing of roads as they present value for the project for the following reasons:

- Schedule of rates were competitive
- Staff resources were experienced
- Adequate plant and equipment
- Previous related experience
- Certified integrated management system
- They have the capacity and capabilities to undertake the works in accordance with the specification.

- They demonstrated benefits to the Bass Coast Shire Economy via the employment of Bass Coast or Gippsland residents and by sourcing goods and services within the Bass Coast Shire.

Contract Management

Senior Project Engineer will act as Contract Superintendent for the contract and Capital Project Officer, Technical Projects Officer & Technical Officer will act as the Contract Superintendent's Representative. Authorisations of variations will be in accordance with the Procurement Delegations Frameworks adopted by Council on 17 June 2020.

Contract Commencement: 1 November 2020

Anticipated Contract Completion: 31 October 2022

Extension options: up to three (3) years

Finances

The value of the proposed contract is $1,200,000 (GST exclusive), for the first two years of the contract.

The cost of the service to be provided under the contract will vary subject to Council's requirements.

This project will be funded through various Infrastructure and Asset Management budgets.

The estimated budget expenditure by financial year is:

	GST Exclusive
2020/2021	$600,000
2021/2022	$600,000
Total Estimated for initial Contract Term	**$1,200,000**

The budget available for the contract is $1,200,000 (GST exclusive).

Stakeholders

The stakeholders for this tender include:

- Bass Coast Shire Council
- General Public
- Land Owners/ Business Owners

Other Options

1. Not award a contract at this time and re-tender for the Annual Supply of Bituminous Surfacing of Roads. It is unclear though that Council would receive any benefit in doing this and it would delay the start of the project for at least twelve weeks.

2. Award the contract to an alternative tenderer. However, as Fulton Hogan Industries Pty Ltd scored the highest in the evaluation process such a decision may not be consistent with the advertised evaluation criteria.

Conclusion

The Tender Evaluation Panel Report is attached.

The panel report concludes that the tender submitted by Fulton Hogan Industries Pty Ltd will provide Council with best value for money for the following reasons

- They achieved the highest score
- They have the capacity and capability to deliver the requirements of the contract
- They submitted the lowest prices based on a pricing comparison carried out on the 2020/2021 resealing program

Recommendation

That Council:

1. **Accept the tender from Fulton Hogan Industries Pty Ltd and award Contract No 20009 Annual Supply of Bituminous Surfacing of Roads for the schedule of rates as submitted on 14 July 2020, for a contract term of two (2) years with an extension option of up to three (3) years at the discretion of Council;**
2. **Authorise the Chief Executive Officer to execute Contract 20009 between Council and Fulton Hogan Industries Pty Ltd**

Attachments

AT-1 ***CONFIDENTIAL*** - Tender Evaluation Panel Report 20009 8 Pages

H.17 Award of Tender No. 20011 - Annual Supply of Quarry and Road Making Materials

File No:	**CM20/475**
Division:	**Finance**
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

This report to Council presents the outcome of the tender evaluation for Tender No 20011 – Annual Supply of Quarry and Road Making Materials.

A panel, consisting of Council officers was formed for the purpose of tender evaluation.

The objective of the Panel was to assess the submissions against the selection criteria and identify a preferred tenderer for the purpose of assisting the Council in reaching a tender award decision.

Holcim demonstrated they have established low-carbon construction methodology and they are one of the most carbon-efficient in the world. They demonstrate a commitment to reducing emission levels in their processes, which is in line with Councils commitment to sustainable procurement principles.

The Panel concludes that the tender submitted by Holcim (Australia) Pty Ltd will satisfy the requirements of the service/works and will provide Council with best value for money.

This report recommends Council to accept the tender submission and award Contract No 20011 to Holcim (Australia) Pty Ltd.

The report contains an attachment which is declared to be confidential in accordance with Bass Coast Shire Council's Tender & Contract Confidentiality Procedure.

Background and Context

Council intends to re-establish an annual supply contract for Quarry and Road Making Materials.

The current annual supply of quarry and road making materials contracts expires 31 August 2020. The initial term of the new contract is for three years, with an extension option for up to a maximum of two years.

The Contract comprises the supply and load only and/or supply, load and delivery of quarry products and road making materials.

Supplied material shall be from a licensed extraction pit or other approved source.

Strategic Basis

Council Plan Objective:

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

Statutory Requirements/Codes/Standards/Policies

The entire tender process, commencing with development of the tender documents, through the invitation to tender, to evaluation of tenders received and culminating in the conclusion reached in this report, has been carried out in accordance with the provisions of:

- The Victorian Local Government Procurement Best Practice Guidelines
- Code of Tendering Australian Standard 4120-1994;
- Bass Coast Shire Council's Procurement Policy; and
- Bass Coast Shire Council Policy - Tender & Contract Confidentiality

Tender Process

This tender was publically advertised in accordance with the Local Government Act 1989.

Tenders closed at 2pm on Tuesday 14 July 2020 and Council received two conforming tender submissions.

Evaluation Process

The conforming tenders were assessed on the following evaluation criteria and weightings:

Table 1 – Evaluation Selection Criteria	
Criterion	**Weighting**
Mandatory	
Risk, Insurance and Registration	Pass/Fail
Weighted	
Schedule of Rates (Price)	30%
Work Health and Safety	20%
Quality Assurance & Environment	20%
Previous Related Experience & Referees	20%
Local & Social Benefit to Bass Coast Shire Economy	10%

An Evaluation Panel consisting of Council Officers was formed. The panel was chaired by an Officer from the Procurement Team who oversaw the process and did not score the tenders.

Each tenderer passed the mandatory selection criteria.

For the tender submissions received, each panel member scored the criteria out of a maximum possible five points. Following the initial independent evaluation, the Panel met to discuss their independent scores and arrived at a consensus on final scores for each criterion. The scores were then multiplied by the relevant weighting to obtain final scores.

The Panel assessed the technical worth of each tender against the specification requirements and the selection criteria, identified issues for further review, clarified issues with tenderers and sought additional information.

The panel did not believe that it was necessary to obtain external reference checks as Holcim (Australia) Pty Ltd have performed this service under annual supply contract for Council for the past five years to a high standard.

The final weighted scores are set out in Table 2.

Table 2 – Final Weighting Scores

No.	Name	* Price Score %	# Non-Price Score %	Total Score %
1	Tender A	27%	50%	77%
2	Tender B	30%	44%	74%

* The higher the price score – lower the tendered price.

The higher the non-price score – represents better capability and capacity to undertake the service.

Although Holcim (Australia) Pty Ltd are not the lowest cost in every aspect of their schedule of rates within their tender, the panel concluded that it justifiable to pay higher rates in certain areas due to the strengths of their sustainable construction processes, their Work Health and Safety and Integrated Management Systems and previous related experience.
In accordance with the selection criteria the Evaluation Panel concluded Holcim (Australia) Pty Ltd presents the best value to Council for the following reasons:

- Certified Integrated Management System
- Prices were competitive
- Demonstrate a commitment to low-carbon construction
- Extensive related experience

Contract Management

Manager Infrastructure Maintenance Manager will act as Contract Superintendent for the contract and Coordinator Roads will act as the Contract Superintendent's Representative. Authorisations of variations will be in accordance with the Procurement Delegations Frameworks adopted by Council on 17 June 2020.

Contract Commencement: 1 September 2020

Anticipated Contract Completion: 31 August 2023

Extension options: up to two (2) years

Finances

The value of the proposed contract is $1,800,000 (GST exclusive), for the first three years of the contract. Over the life of the current contract expenditure has averaged at just under $600,000 per annual spend.

The cost of the service to be provided under the contract will vary subject to Council's requirements.

This project will be primarily funded through GL accounts 10-1197-1001-67607 and PL 19/20 100428 however it will be funded through various Infrastructure Maintenance accounts.

The estimated budget expenditure by financial year is:

	GST Exclusive
2020/2021	$600,000
2021/2022	$600,000
2022/2023	$600,000
Total Estimated for initial Contract Term	**$1,800,000**

The budget available for the contract is $1,800,000 (GST exclusive).

Stakeholders

The stakeholders for this tender include:

- Bass Coast Shire Council
- Land Owners/ Business Owners
- VicRoads
- General Public

Other Options

1. Not award a contract at this time and re-tender for the annual supply for quarry and road making materials. It is unclear though that Council would receive any benefit in doing this and it would delay the start of the project for at least twelve weeks.
2. Award the contract to an alternative tenderer. However, as Holcim (Australia) Pty Ltd scored the highest in the evaluation process such a decision may not be consistent with the advertised evaluation criteria.

Conclusion

The Tender Evaluation Panel Report is attached.

The panel report concludes that the tender submitted by Holcim (Australia) Pty Ltd will provide Council with best value for money for the following reasons

- They are the highest scoring tenderer
- They have the capacity and capability to carry out the service required

- Based on the submitted schedule of rates the contractor offers a competitive value for money offer and meet Council's procurement objectives.

Recommendation

That Council:

1. **Accept the tender from Holcim (Australia) Pty Ltd and award Contract No 20011 Annual Supply of Quarry and Road Making Materials for the schedule of rates as submitted on 14 July 2020, for a contract term of three (3) years with an extension option of up to two (2) years at the discretion of Council;**
2. **Authorise the Chief Executive Officer to execute Contract 20011 between Council and Holcim (Australia) Pty Ltd.**

Attachments

AT-1 ***CONFIDENTIAL*** - Tender Evaluation Panel Report 20011 7 Pages

Statutory Reports

1 Statutory Reports

1.1 Assembly of Councillors

File No: **CM20/86**
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

Section 80A of the *Local Government Act 1989* (the Act) requires all assembly of Councillors records to be reported on at the next practicable ordinary meeting of Council and to be recorded in the minutes of that meeting. This report intends to fulfil the requirements of the legislation.

Introduction

Section 3 of the Act defines an Assembly of Councillors as

'a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be-

a. the subject of a decision of the Council; or

b. subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee-

but does not include a meeting of the Council, a special committee of the Council*, an audit committee established under section139, a club, association, peak body, political party or other organisation.'*

Section 80A requires a written record to be kept of all such assemblies, stating the names of all Councillors and Council staff attending, the matters considered and any conflict of interest disclosures made by a Councillor. These records must be reported, as soon as practicable, at an ordinary meeting of the Council and recorded in the minutes.

Council Plan Objective:

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

Attached is a summary of the Assembly of Councillors records completed since the last Ordinary meeting of Council.

Recommendation

That the attached Assembly of Councillors Records be received.

Attachments

AT-1	Assembly of Councillors Record 15 July 2020 Policy Workshop	1 Page
AT-2	Assembly of Councillors Record 16 July 2020 COVID update	1 Page
AT-3	Assembly of Councillors Record 22 July 2020 Policy Workshop	2 Pages

I.2 Planning and Building Statistics - June 2020

File No:	**CM20/413**
Division:	**Place Making**
Council Plan Strategic Objective:	**Our Character**
	Celebrating the uniqueness of our townships

PERMITS REFUSED:

Nil.

PERMITS ISSUED:

Island Ward

190221: Use and development of land for a Child care centre; and reduction of car parking waiver located at 6 and 8 Industrial Way, Cowes.

190345: Subdivision of land into two lots located at 22 Grandview Grove, Cowes.

190400: Subdivision of land into two lots and removal of easement of Way in favour of lots in PS300268J located at 23 Redwood Drive, Cowes.

200127: Development of land for Dwelling in BMO located at 100 Pembrey Loop, Cowes.

200155: Subdivision of land into two lots in GRZ1 located at 89 Justice Road, Cowes.

200178: Remove one tree in VPO2 located at 10 Southampton Street, Rhyll.

Western Port Ward

190295: Subdivision of land into two lots located at 18 & 20 Mary Street, Dalyston.

190302: Use and development of land for a dwelling located at CA 2002, Parish of Woolamai, Turnbull-Woolamai Road, Woolamai.

190404: Subdivision of land into 2 lots and development of second dwelling located at 21 Panorama Drive, Cape Woolamai.

190408: Subdivision of land into two lots located at 8-12 Dunvegan Crescent, Surf Beach.

200015: Extension to existing dwelling in FZ located at 2 Clematis Road, Woolamai.

200020: Subdivision of land into two lots located at 34 McRae Drive, Dalyston.

200052: Extension to existing dwelling in FZ and LSIO located at 23 Blackwood Close, Grantville.

200104: Development of land for dwelling in DDO1 located at 29 Liberty Crescent, Corinella.

200129: Use of land for a retail premises, reduction in car parking and business identification sign located at 7 Bass School Road, Bass.

Bunurong Ward

190319: Development of land for an additional dwelling located at 109 Korumburra Road, Wonthaggi.

190363: Development of land for two shops and a dwelling with a car parking requirement waiver for land at 18-20 Market Place, Cape Paterson.

190375: Extension and alteration to an existing dwelling in a DDO1 and LSIO located at 71 The Esplanade, Inverloch.

200012: Subdivision of land into two lots located at 13 Kirrak Street, North Wonthaggi.

200068: Subdivision of land into two lots in GRZ1 located at 88 Broome Crescent, Wonthaggi.

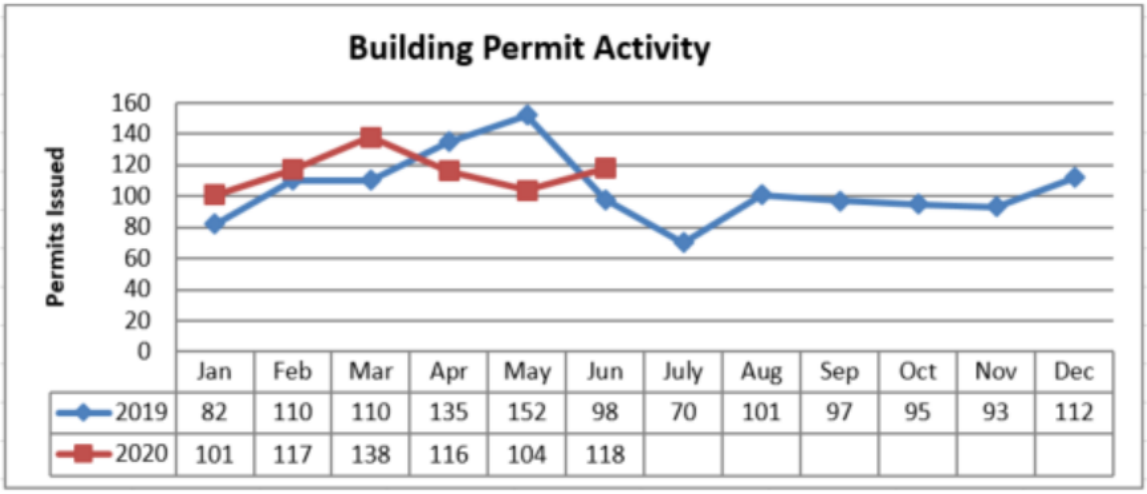
200078: Subdivision of land in to two lots located at 18 Storey Street, North Wonthaggi.

200100: Alterations and additions to dwelling in LSIO located at 3 Lindsey Close, Inverloch.

PLANNING AND BUILDING ACTIVITY REPORT FOR JUNE 2020

Statutory Planning	**This month (June)**	**Last month**	**Year to date (financial year)**
% of applications determined within statutory timeframe	65	74	64
Average Gross Days (Responsible Authority determination)	126	110	145
(new) Average Gross Days to final outcome	145	133	160
Number of live applications	195	223	-
Number of applications received for the month	39	48	485
Number of Responsible Authority outcomes	38	37	492
Municipal Building Services & Enforcement	**This month (June)**	**Last month**	**Year to date (financial year)**
Essential Safety Measure inspections	0	0	2
Swimming Pool & Spa safety barrier inspections	0	0	21
Report and Consent applications	28	28	232
Siting consents issued for temporary structures	0	0	12

Complaints received requiring investigation	6	6	58
New building enforcement cases	0	0	21
Number of open building enforcement cases	43	46	n/a
Building permits issued by Council	0	0	0



Planning Enforcement	**This month (June)**	**Last month**	**Year to date (financial year)**
Complaints received requiring investigation	11	7	92
New planning enforcement cases	4	2	31
Open enforcement cases	128	132	-
Pre commencement meetings	0	0	13
Official warnings issued	0	1	3
Number of planning infringement notices issued	0	3	9
Total infringements received ($)	0	$0	$9493.80

Recommendation

That Council:

1. **Receives and notes the Planning Permits issued under delegation report for June 2020; and**
2. **Receives and notes the Planning and Building Activity Report for June 2020.**

Attachments

There are no attachments for this report.

I.3 Contracts Award Report

File No:	**CM20/473**
Division:	**Finance**
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 June 2020 to 30 June 2020, no contracts were awarded under the Chief Executive Officer's Instrument of Delegation.

Contract No.	Description	Contractor	Contract Sum

Contracts Extended

For the period from 1 June 2020 to 30 June 2020, the following contracts were extended under the Procurement Delegation Framework.

Contract No.	Description	Contractor	Contract Sum
17010	Municipal Building Surveyor	Stephen Scimonello	Schedule of Rates Contract (Estimated cost $75,000)

Recommendation

That Council receive this report.

Attachments

There are no attachments for this report

I.4 Councillor Expenses for the Current Council Term - 4 November 2016 to 30 June 2020

File No:	**CM20/462**
Division:	**Finance**
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 Local Government Act 1989 provides for the Mayor and Councillors to be paid an allowance and be provided with appropriate tools and support to enable them to properly fulfill their roles as Councillors.

Background

The Mayor and Councillors Expense Register includes:

- Mayor and Councillor allowances
- Conferences and professional development expenses
- Information technology and telecommunication expenses
- Travel expenses
- Car mileage travel claims submitted by Councillors
- Vehicle expenses

Strategic Basis

The Provision of Resources to Councillors Policy prescribes the range of resources that must be provided to the Mayor and Councillors to enable them to effectively carry out their role.

Council Plan Objective:

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

Statutory Requirements/Codes/Standards/Policies

The statutory requirements and standards relevant to the provision of resources to Councillors include:

- Sections 74 and 75 of the Local Government Act 1989.
- The Provisions of Resources to Councillors Policy.

Finances

Attachment 1 sets out details of details of Councillor Expenditure for the current term and Attachment 2 sets out details of Councillor Expenditure for the 2019/20 financial year.

The 2019/20 Budget allocated funds to cover the Provision of Resources to Councillors and reimbursement of Councillors expenses. Actual expenditure of $61,882 for the 2019/20 financial year on Councillor expenses and resources is within the budget allocation.

Stakeholders

Stakeholders include the ratepayers of the municipality and Council.

Recommendation

That Council:

1. **Receive the report on Councillor Expenditure for the current Council term to 30 June 2020.**
2. **Receive the report on Councillor Expenditure for the financial year ending 30 June 2020.**

Attachments

AT-1	Councillor Expenses Report 4 Nov 2016 to 30 Jun 2020	1 Page
AT-2	Councillor Expenses Report for the year ended 30 Jun 2020	1 Page

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 for the coming months.

The next **Ordinary Council Meeting** will be held virtually 16 September 2020 commencing at 1.00pm. It will be open to the public via livestream.

Meeting closed

That the meeting to be closed