

BASS COAST

Council Meeting Agenda

Shaping a better Bass Coast

Wednesday, 20 October 2021

Commencing at 1.00pm

Note: This Meeting of Council will be held virtually.

Open to the public via livestream

Vision, Mission and Values



Vision

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

Mission

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

Values

Customer Focus

We will continue to develop effective relationships with customers

Continuous Improvement

We are committed to improving our processes and service delivery

Pride

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

Integrity

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

Respect

We treat people with dignity and respect

Commitment

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

Notice of Meeting

Notice is hereby given that the next **Council Meeting** of the Bass Coast Shire Council will be held virtually on 20 October 2021 at **1.00pm**

Date of Notice - 14 October 2021
Ali Wastie
CEO

Agenda

Livestreaming

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

Mobile Telephone Reminder

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

Statement of Acknowledgement

Bass Coast Shire Council acknowledge the Bunurong as the Traditional Owners and Custodians of the lands and waters, and pays respect to their Elders past, present and emerging, for they hold the memories, the traditions, the culture and Lore.

Bass Coast Shire Council celebrates the opportunity to embrace and empower the Aboriginal and/or Torres Strait Island Communities in their diversity.

Bass Coast Shire Council will create opportunities for future recognition and respectful partnerships that will honour the Traditional Owners and Custodians, and Aboriginal and/or Torres Strait Islander Peoples.

Councillor Statement

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

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

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

Council Plan Themes

Advocacy *Representing the community*

H.1 Community Vision 2041, page 18

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

H.9 Bass Coast Shire Outdoor Trading Fees, page 72

H.11 Phillip Island Pro Partnership Agreement, page 83

Environment *Maintain and protect the natural environment*

H.12 Western Port Biosphere - Memorandum of Understanding 2021 – 2025, page 87

H.13 Port Phillip and Western Port Regional Catchment Strategy, page 90

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

H.2 Council Plan 2021-2025 and Annual Action Plan 2021-2022, page 22

H.5 Long Term Financial Plan, page 33

H.16 Instrument of Appointment and Authorisation - Planning and Environment Act 1987, page 104

H.17 Award of Tender No. 21008 - Cowes Cultural & Community Centre - Principal Contractor – Construction, page 106

H.18 Award of Tender No. 21029 - Newhaven Soccer Recreation Reserve Pavilion Renewal, page 114

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

H.3 Bass Coast Healthy Communities Plan 2021-2025, page 26

H.4 Access, Equity and Inclusion in Bass Coast 2021-2025 (Disability Action Plan) , page 30

H.14 Community Grants 2021 Round 2 Funding Recommendations, page 93

H.15 Building Block Grant - Planning for Expanding and Improving Kindergarten Infrastructure, page 98

Liveability *Enjoying the place we live*

H.6 Domestic Animal Management Plan 2021-25, page 38

H.7 Planning Application 190116 2-6 Casuarina Court Cowes Proposal to Amend a Section 173 Agreement, page 42

Our Character *Celebrating the uniqueness of our townships*

H.8 Planning Application 070444b-1 Extension to Aged Care Facility at 225-233 Graham Street Wonthaggi, page 55

H.10 Bass Coast Dinosaurs Trail Masterplan , page 77

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A Present and Apologies

B Declarations of Interest

C Confirmation of Minutes

C.1 Council Meeting held on 22 September 2021

Recommendation

That the minutes of the Council Meeting held on 22 September 2021 be confirmed.

D Public Question Time

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

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

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

Governance Rules

Part C – Meetings Procedure

Division 8 – Public Question Time

53. Question Time

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

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

53.3 Questions submitted to Council must be:

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

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

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

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

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

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

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

53.6.3 deals with a subject matter already answered;

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

53.6.5 relates to personnel matters;

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

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

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

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

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

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

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

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

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

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

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

E Petitions, Joint Letters, Deputations and Correspondence

Notices of Motion

F Notices of Motion

Mayor and Councillor Reports

G Mayor and Councillor Reports

Reports Requiring Council Decision

H Reports Requiring Council Decision

H.1 Community Vision 2041

File No:	**CM21/598**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Advocacy**
	Representing the community

Declaration

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

Summary

The purpose of this report is to present the draft Bass Coast Community Vision 2041 (the Vision) to Council for adoption.

The Vision has a 20-year timeframe and will help guide Council, its partners and the broader community with planning and decision making over the next 20 years.

Background

The *Local Government Act 2020* specifies that Council must maintain a Community Vision that is developed in accordance with deliberative engagement practices and is for a period of at least 10 financial years. Council must develop or review the Community Vision by 31 October in the year following a Council election.

Deliberative engagement differs from other engagement practices in three key ways:

- Deliberation – there's an expectation that the deliberating group considers information, weighs up options and comes to a collective agreement on a set of recommendations.
- Representative – the deliberating group is demographically representative of the whole community and is randomly or independently selected.
- Influential – there is an expectation that Council make an upfront promise on the influence, that they will support the group's recommendations to the greatest extent possible and if a recommendation is not implemented they will explain why.

Council recruited a Community Panel to develop the draft Bass Coast Community Vision 2041. Council called for expressions of interest and from this list an independent company selected 43 individuals who are demographically representative of the municipality.

The Community Panel participated in five workshops to consider information and develop the draft vision statement, community aspirations and supporting priorities.

Councillors made a commitment to the Community Panel that they would consider their recommendations and provide an explanation for any recommendation that is not supported. Councillors have accepted the Panel's recommendations in full.

Strategic Basis

Council Plan Objective:

Advocacy - *Representing the community*

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

Major Initiative / Initiative

This is a major initiative in the Budget.

Strategies / Policies

Bass Coast Towards 2030.

Statutory Requirements/Codes/Standards/Policies

Local Government Act 2020

Discussion

43 very different individuals worked together to create a Community Vision that is aspirational and highly reflective of the community they represent. As a group of relative strangers, our Panel members shared their stories, shared what was important to them and carefully weighed up what needed to be included. 43 individual voices created one clear statement.

Across a number of sessions, the Community Panel developed an initial draft Vision statement, four aspirations and a suite of supporting priorities.

The initial draft was placed on public exhibition from 11 August – 8 September 2021. An online survey was developed to support the feedback process. Council received 76 online submissions and 9 hard copy submissions via email and post. There was strong support for the Vision statement with over 80 per cent of respondents agreeing that it reflects the Bass Coast community.

The draft Vision Statement now reads as follows:

> *From its flowing hills to its wild unspoiled coastlines, the Bass Coast is a source of celebration for all who live in and visit the region.*
>
> *Our townships are vibrant, rich with culture and full of life, each with its own distinct character. Drawing on our creativity, innovation and resilience we've created a thriving and diverse economy that supports sustainable agriculture and industry.*
>
> *We live proudly on Bunurong Country, and build on learnings from our First Peoples and their knowledge. We coexist in harmony with our environment, and are prepared for future challenges and changes.*
>
> *We are the people of the Bass Coast. Experience our cultures and history, and contribute to our story.*

The Vision Statement is supported by five community aspirations:

- Healthy and Inclusive Communities
- Protect and Enhance the Natural Environment
- Climate Emergency and Climate Preparedness
- Access and Movement

- Education, Creative Economy and Industry

Feedback Summary

In summary, the most substantive feedback for the Vision statement was to include reference to the Bunurong Country and to split the Natural Environment and Climate Emergency aspiration.

Aspiration 1 – Healthy and Inclusive Communities

The feedback was around the need for culturally appropriate and safe services, changes to be more inclusive with the language used, suggested changes to better reflect the outcome sought rather than the action required.

Aspiration 2 – Natural Environment and Climate Emergency

Strong feedback around the need to separate Natural Environment from Climate Emergency and treat them as separate aspirations. A range of changes were identified to reduce duplication. Other suggested improvements included the need to restore what was, not just protect what remains. In the draft presented for adoption this aspiration has been split and the priorities realigned under the separate aspiration statements.

Aspiration 3 – Access and Movement

Feedback centered around the language used and suggested changes, equality of access was raised, as was the need to talk about people who need to drive and the quality of the roads.

Aspiration 4 – Education, Creative Economy and Industry

Feedback centered on the importance of recognizing volunteerism, changes to language to be more inclusive eg not highlighting a specific age group, the need to diversify our economy and create a stronger 'year round' focus.

The Community Panel considered all the feedback received and supported changes to the Vision Statement, the number and content of the aspirations as well as the supporting priorities.

Finances

A project budget of $80,000 was adopted to deliver the draft Community Vision 2041 and the draft Council Plan 2021-2025.

The aspirations and priorities identified in the Vision will guide project funding through future annual budget cycles.

Stakeholders

- Community Panel
- Councillors
- Bass Coast Community
- Council officers

Conclusion

The draft Bass Coast Community Vision 2041 has been developed through a robust deliberative engagement process and has received strong community support.

Councillors and officers thank the Community Panel for the time, energy and thought that has gone into the development of the draft Bass Coast Community Vision 2041 and congratulates them on what they have achieved.

The evocative document captures community aspirations and priorities and will guide Council planning and decision making for the next 20 years. It is recommended that Council adopt the draft Bass Coast Community Vision 2041.

Recommendation

That:

1. **Council adopt the Bass Coast Community Vision 2041 and revoke Bass Coast Towards 2030.**
2. **The Mayor writes to all Community Panel members to express Council's gratitude for their contribution to the development of the Community Vision 2041.**

Attachments

AT-1	Community Vision	52 Pages
AT-2	Community Vision Summary of Public Exhibition Feedback	15 Pages

H.2 Council Plan 2021-2025 and Annual Action Plan 2021-2022

File No:	**CM21/597**
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 Council Plan 2021-2025 and the Council Plan Annual Action Plan 2021-2022 to Council for adoption.

Background

The *Local Government Act 2020* requires Council to prepare and adopt a Council Plan for a period of at least the next four financial years after a general election. The Council Plan must be developed in line with the Strategic Planning Principles and be adopted by 31 October 2021.

The Council Plan identifies this Council's priorities in working towards the achievement of the Community Vision.

It is good practice for Council to adopt an Annual Action Plan which highlights the specific activities that will be completed each financial year to support delivery of the Council Plan priorities.

Strategic Basis

Council Plan Objective:

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

Major Initiative / Initiative

This is a major initiative in Council's budget.

Strategies / Policies

Council Plan 2017-2021

Statutory Requirements/Codes/Standards/Policies

Local Government Act 2020

Discussion

The draft Council Plan 2021-2025 strives to find the balance between protecting the natural environment and sustainable, responsible development. It recognises the importance of diversifying our economy and the clear leadership role Council plays in representing our community, responding to climate change and supporting

reconciliation. Healthy communities are prioritised along with their unique character and importance of community facilities and open spaces are highlighted.

The draft Annual Action Plan 2021-2022 highlights a number of key projects, such as a Social and Affordable Housing Strategy, that respond to the strong community feedback received.

Delivery of the draft Council Plan 2021-2025 will see our community closer to achieving the Community Vision 2041.

Council Plan Development

The *Local Government Act 2020* introduced a range of changes to corporate planning including the requirement for a long term Community Vision, the use of deliberative engagement practices and strategic planning principles. Both the Community Vision and Council Plan are required to be adopted by Council no later than 31 October 2021.

Bass Coast chose to wait until after the November 2020 general elections to commence the development process for Community Vision with the support of the new Council.

Community Engagement

A broad community engagement process was undertaken across the municipality throughout March and April 2021. Council held drop in sessions at nine locations across the municipality and also spoke with local primary schools and community groups. This gave Council a strong starting point in terms of awareness of community priorities. The outcomes of this engagement were shared with the Community Panel and with Council to help inform the development of both the draft Bass Coast Community Vision 2041 and the draft Council Plan 2021-2025.

Council Plan Development

The Council Plan must address the Community Vision. It sets out how this Council will work towards the achievement of the community's long term vision for Bass Coast.

With the new requirements within the *Local Government Act 2020*, the Community Vision and the Council Plan had to be developed concurrently. To ensure that the Council Plan addressed the priorities within the Community Vision, development of the Council Plan commenced in July following the development of an initial draft of the Bass Coast Community Vision 2041.

The Council Plan drew on the expressed needs of the community identified through the broad community engagement and through Community Panel feedback. Councillors shared priorities identified through their connection with the community and their local experience and officers shared priorities based on their experience and technical expertise.

The draft strategic objectives and strategies of the Council Plan 2021 – 2025 were placed on public exhibition for four weeks. 23 responses were received. Of those approximately half were asking a question about specific Council projects and a response was provided directly to the individual. Other feedback centered around the need to highlight issues of women's safety, the needs of our youth, environmental stewardship, open/green space and gardens, public transport as well as climate change and coastal erosion.

Council received three more extensive submissions that identified their structural expectations of the Plan as well as the need to report back on the achievement of the previous Council Plan. These three submissions were largely supportive of the draft strategic objectives and strategies, while expressing a clear desire for further action on specific projects.

Throughout the Community Vision and Council Plan consultation, Council has consistently received feedback about the need to be inclusive eg not single out specific age groups, so that all people can see themselves reflected in the Council Plan.

There is a really strong connection between the draft Bass Coast Community Vision 2041 and the Council Plan 2021-2025. There has been genuine engagement and the draft Plan is highly representative of the issues and priorities of the community.

The Council Plan 2021- 2025 will be delivered through the achievement of key actions set out in the Annual Action Plan 2021-2022 and the development and delivery of future Annual Action Plans.

Finances

A project budget of $80,000 was adopted to deliver the draft Community Vision 2041 and the draft Council Plan 2021-2025

The Annual Action Plan 2021-2022 can be delivered within current budgets.

Stakeholders

- Councillors
- Community
- Council officers
- Council partners

Conclusion

The draft Council Plan 2021-2025 sets out how Council will work towards achievement of the draft Bass Coast Community Vision 2041. It was informed by community engagement, is highly reflective of the community's priorities and aspirations and has been completed to achieve the 31 October 2021 legislative deadline. The Annual Action Plan 2021-2022 highlights some of the key activities Council will undertake this financial year to deliver on the Council Plan.

Recommendation

That Council:

1. **Adopt the Council Plan 2021-2025.**
2. **Adopt the Council Plan Annual Action Plan 2021-22.**

Attachments

AT-1	Council Plan 2021-2025	40 Pages
AT-2	Annual Action Plan 2021-2022	6 Pages
AT-3	Community Feedback on Draft Council Plan	7 Pages
AT-4	Extended Feedback on draft Council Plan	30 Pages

H.3 Bass Coast Healthy Communities Plan 2021-2025

File No:	**CM21/436**
Division:	**Resilient Communities**
Council Plan Strategic Objective:	**Health and Wellbeing**
	We are a healthy and active community

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 Healthy Communities Plan 2021-2025 (AT-1), to Council for adoption.

The Plan has been developed following a thorough consultation process which was aligned to the development of the Council Plan and Community Vision.

Officers have also worked closely with South Gippsland Shire Council and the South Coast Primary & Community Partnership to develop the final Healthy Communities Plan 2021-2025, taking a regional approach to addressing current issues across a catchment which is serviced by agencies who work across both municipalities.

Background

The Public Health and Wellbeing Act 2008 recognises the significant role of Councils in improving the health and wellbeing of people who live, work, study and play in their municipality. The Act requires Councils to develop a Municipal Public Health and Wellbeing Plan (MPHWP) every four years (within 12 months of each general election of the Council). Council's new Municipal Public Health and Wellbeing Plan has been titled 'Healthy Communities Plan 2021-2025'.

The final Healthy Communities Plan has considered all feedback received from:

- Community consultation as part of the Council Plan and Community Vision development;
- Engagement with key community agencies through various workshops, who work across both Bass Coast Shire and South Gippsland Shire catchments areas;
- Focus group meetings with key stakeholders;
- Collaboration with South Gippsland Shire Council and South Coast Primary & Community Partnership; and
- Community organisations, networks, and individual community members during the recent exhibition period from Monday 16 August - Sunday 12 September 2021.

Strategic Basis

Council Plan Objective:

Advocacy - *Representing the community*

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

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

Liveability – *Enjoying the place we live*

Major Initiative / Initiative

The Healthy Communities Plan 2021-2025 is a major initiative of Council.

Strategies / Policies

Council officers have worked to ensure the themes and priorities across the following Plans are integrated, where appropriate –

- Council Plan 2021-25
- Community Vision 2021-2041
- Disability Action Plan 2021-25
- Social and Affordable Housing Strategy 2021
- Bass Coast Living Young Plan 2021-2025

Discussion

The Public Health and Wellbeing Act requires Councils to have regard to the Victorian Public Health and Wellbeing Plan 2019–2023, when developing its own plan.

The State Plan is the overarching policy framework for improving public health and wellbeing in Victoria. Within the State Plan, ten priorities are identified, based on the issues that are the greatest contributors to the burden of disease, health inequalities and emerging threats or challenges to public health and wellbeing and where a lack of action is likely to result in significant future health burden.

The State Plan has ten priorities, and gives focus to four of those priorities (highlighted in bold below):

- **Tackling climate change and its impact on health**
- Reducing injury in the community
- Preventing all forms of violence
- **Increasing healthy eating**
- Decreasing the risk of drug-resistant infections in the community
- **Increasing active living**
- Improving mental wellbeing
- Improving sexual and reproductive health
- **Reducing tobacco-related harm**
- Reducing harmful alcohol and drug use

The final Healthy Communities Plan 2021-2025 has been developed in response to the consultation with our stakeholders and community and is informed by the State priorities.

The four key priority areas within the final Healthy Communities Plan 2021-2021 are:

1. Creating Healthy Lifestyles: Focusing on healthy eating, active living, reducing smoking, alcohol and drug-related harm, and increasing immunisation.
2. Improving Mental Wellbeing: Focusing on supporting mental wellbeing and building a resilient, connected community.
3. Supporting Affordable Housing: Focusing on safe, secure, affordable and sustainable housing in the community.
4. Improving Equity: Focusing on improving access and inclusion and creating safe and respectful communities.

Finances

The development of the final Healthy Communities Plan 2021-2025 was included within the 2020/21 financial year operating budget.

Actions highlighted within the Plan will be considered as part of Council's future budget planning, with a focus on gaining external funding to support its delivery.

Stakeholders

Council has worked closely and in partnership with South Gippsland Shire Council and the South Coast Primary & Community Partnership on the final Healthy Communities Plan 2021-2025.

Other stakeholders have included:

- Health and Wellbeing Service Providers
- Bass Coast community

Other Options

Council could choose to adopt the Plan with additional amendments or Council may choose to not adopt the Plan.

Both options are not recommended as significant consultation has been undertaken in the development of the Plan and further changes would require additional community consultation.

Conclusion

The final Healthy Communities Plan 2021-2025 brings together key health and wellbeing service providers and stakeholders together to determine short and medium term priorities in line with legislative requirements and State Government strategic directives.

Once adopted, officers will work with Council's health and wellbeing partners to develop an annual action plan. The action plan will be implemented and reported on through an annual cycle to Council and the Department of Health.

Recommendation

That Council adopts the Healthy Communities Plan 2021-2025

Attachments

AT-1 Healthy Communities Plan 2021-2025 32 Pages

H.4 Access, Equity and Inclusion in Bass Coast 2021-2025 (Disability Action Plan)

File No:	**CM21/437**
Division:	**Resilient Communities**
Council Plan Strategic Objective:	**Health and Wellbeing** We are a healthy and active community

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 Access, Equity and Inclusion in Bass Coast Plan 2021-2025 (AT-1), to Council for adoption.

The Plan has been developed following a thorough consultation process which was aligned to the development of the Council Plan and Community Vision.

Background

The final Access, Equity and Inclusion in Bass Coast Plan 2021-2025 (formerly titled Disability Action Plan) has been developed as a requirement of, and in accordance with Section 38 of the Disability Act 2006.

The Plan contains key initiatives for Council to ensure people with a disability are included and can participate fully, in all aspects of community life.

The Survey of Disability, Ageing and Carers 2016, indicates that the percentage of all persons in Bass Coast with a disability is approximately 26% (or 8,600 people in 2016). By 2026, it is estimated that the number of people living with a disability in Bass Coast will be approximately 10,700.

Strategic Basis

Council Plan Objective:

Advocacy - *Representing the community*

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

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

Liveability – *Enjoying the place we live*

Major Initiative / Initiative

The Access, Equity and Inclusion in Bass Coast Plan 2021-2025 (Disability Action Plan) is an initiative of Council.

Strategies / Policies

- Disability Action Plan 2017-2021
- Council Plan 2021-25
- Community Vision 2021-2041
- Municipal Public Health and Wellbeing Plan
- Social and Affordable Housing Strategy 2021
- Bass Coast Living Young Plan 2021-2025

Discussion

Disability Action Plans are intended to support, protect, and promote the rights of people with a disability. Further, these plans are proactive in improving accessibility to services and facilities, reducing barriers to employment, promoting inclusion and participation as well as changing discriminatory behaviours and attitudes towards, people with disability.

Disability Action Plans also seek to ensure that the development of services, programs, buildings, and facilities are guided by the principles of Universal Design.

Our final Access, Equity and Inclusion in Bass Coast Plan will set out the work of Council over four years in addressing key disability access and inclusion issues within the municipality. Actions will range from advocacy to infrastructure design and construction.

The following high priority themes have been established and supported through the consultation period:

An Accessible and Safe Physical Environment

- Includes footpaths, streetscapes, buildings and facilities, recreation facilities.
- Council has a significant direct role in delivering physical infrastructure.

Accessible, Adequate and Appropriate Services and Support

- Includes personal support services, transport services, employment, housing and health services.
- Council's role has changed. It is not a key service provider, but advocates for improved services. Local service providers and businesses have a big role to play.

Inclusive and Safe Community Environment

- The community environment is about a sense of belonging and safety for people of all abilities.
- Council has an important role in community safety and addressing barriers to access. Sporting clubs, community groups and businesses also have a key role.

Universal Design

One of the most important commitments we are making in our Plan is to incorporate 'Universal Design' (UD) principles into Council's project management framework. Universal Design is the design of buildings, products or environments to make them accessible to most people, regardless of age, disability, background or any other factors.

Finances

The development of the final Access, Equity and Inclusion in Bass Coast Plan 2021-2025 was included within the 2020/21 financial year operating budget.

Actions highlighted within the Plan will be considered as part of Council's future budget planning, with a focus on gaining external funding to support its delivery.

Stakeholders

- Access and Inclusion Advisory Committee
- People with a disability, their families and carers
- Disability service providers
- Bass Coast community

Other Options

Council could choose to adopt the Plan with additional amendments or Council may choose to not adopt the Plan.

Both options are not recommended as significant consultation has been undertaken in the development of the Plan and further changes would require additional community consultation.

Conclusion

The Access, Equity and Inclusion in Bass Coast Plan 2021-2025 brings together the priorities identified by the Access and Inclusion Advisory Committee along, with service providers and the community in line with legislative requirements and State Government strategic directives.

This Plan will have a mid-cycle review following 2 years of implementation.

Recommendation

That Council adopts the Access, Equity and Inclusion in Bass Coast Plan 2021-2025.

Attachments

AT-1	Access, Equity and Inclusion in Bass Coast 2021-2025 (Disability Action Plan)	32 Pages

H.5 Long Term Financial Plan

File No:	**CM21/592**
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 endorsement for the adoption of the attached Long Term Financial Plan.

The *Local Government Act 2020* requires all councils to adopt a Long Term Financial Plan by 31 October 2021. Bass Coast Shire Council previously prepared a 10-year financial plan to inform the development of its annual budget and four-year Strategic Resource Plan. (SRP).

The Long Term Financial Plan 2021/22 to 2030/31 (the Financial Plan) provides Council with an overview of its projected forward revenue and expenditure estimates (including capital, financing, borrowings and transfers to and from its discretionary financial reserves). This helicopter view of the aggregate position enables the development and execution of a balanced financial strategy that uses a mix of borrowings, external funding and internal cash flow to fund the delivery of the capital works program.

The Financial Plan sets out the long term implications of Council's revenue and expenditure projections. It is proposed to review the settings annually to reflect changes in the internal environment within which Council operates, as well as the constantly evolving external environment.

The Financial Plan was on public exhibition from 3 September 2021 to 1 October 2021. A summary of feedback received from the community is set out in Attachment 6. Officer responses to this feedback are also incorporated within this Attachment.

It is recommended that Council adopt the Long Term Financial Plan.

Background

Council has prepared a Long Term Financial Plan as required by the *Local Government Act 2020*.

Council endorsed the Draft Long Term Financial Plan to be made available for public exhibition from 3 September 2021 to 1 October 2021 in accordance with its adopted Community Engagement Policy.

While Council has previously prepared a Long Term Financial Plan (LTFP) to inform its annual budget and four-year Strategic Resource Plan (SRP), it has not formally adopted the LTFP.

Strategic Basis

Council Plan Objective:

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

Major Initiative / Initiative

- The development of a Long Term Financial Plan is one of the requirements of the Major Council Initiative – Implementation of Local Government Act.

Strategies / Policies

The Long Term Financial Plan contains links to the following three Council policies:

- Borrowings
- Infrastructure and Asset Management
- Rating

Statutory Requirements/Codes/Standards/Policies

Adoption by 31 October 2021 of the Long Term Financial Plan is a specific requirement of the *Local Government Act 2020.*

Discussion

Financial sustainability is a key objective for the Bass Coast Shire Council, as the establishment and maintenance of a sound financial base is a pre-requisite for enabling the delivery of a suite of Council services, and a well maintained infrastructure network to the Bass Coast community. A strong financial position also underpins the affordability and planned delivery of a number of major capital projects over the next decade.

The Financial Plan contains an ambitious capital works program that is closely aligned to Council's strategic place based planning approach, commitment to zero net emissions and goal to become a premier Victorian destination to live, work, visit and invest in

The Financial Plan provides Council with an overview of projected forward revenue and expenditure estimates including capital expenditure, financing and borrowings and the deployment of discretionary financial reserves. The Financial Plan provides a context within which Council can fund actions and initiatives arising from the Council Plan, key strategic initiatives including the Climate Change Action Plan and enables it to plan for the financial impacts of growth in the Shire, especially Wonthaggi North East.

The Financial Plan supports the ongoing provision of a range of core Council services with no reduction to the scope or standard of services that are provided to the local community. Council will continue to investigate and implement opportunities to enhance its service offering, improve the customer experience and consider alternative ways of delivering services. This will be done within a framework that focuses on the identification of operating efficiencies that can be used to fund service improvements and/or sustainable cost savings.

Contextual information on a number of emerging trends and the external environment is set out in the body of the Financial Plan. This includes the impact of rate capping, the impact of the pandemic, technological evolution and disruption, climate change and adaptation and waste management.

Details of the major capital projects are provided within the Financial Plan. These include the Cowes Cultural and Community Centre, Aquatics, Phillip Island Transfer Station and Depot, Bass Coast Dinosaur Trail and Tracks and Trails.

To support financial sustainability the Financial Plan contains a suite of financial principles and measures which should enable ongoing operating viability, appropriate funding for asset maintenance and renewal and provide a cushion or buffer to absorb unexpected budget shocks.

The Financial Plan sets out the Financial Assumptions that have been used to develop the forward estimates. Explanations and commentary on the basis for these assumptions is included within this section.

The 10-year forward financial statements (income statement, balance sheet, statement of changes in equity, cash flow statement, statement of capital works, and funding impact statement are include as attachments to the Financial Plan. A summary 10 year capital program as well as a detailed capital works program including funding sources as well as projected financial indicators are also provided within the attachments to the Financial Plan.

Finances

This report has been prepared by internal Council officers and there are no other financial costs associated with its development.

The Long Term Financial Plan contains a set of forward financial planning assumptions and other key financial strategies and principles that need to be considered when making financial resourcing decisions. This will provide increased assurance for future budget execution within the planning parameters of the forward financial plan.

Stakeholders

- Bass Coast Councillors
- Community Panel
- Bass Coast Community

Bass Coast Councillors were provided with a Policy Workshop briefing on the draft Long Term Financial Plan on 1 September 2021. Council approved the release of the Plan for public exhibition over the period 3 September 2021 to 1 October 2021.

The Community Panel received a briefing on Council's financial position in the lead up to the Deliberative Engagement that resulted in the development of a draft Bass Coast Community Vision 2041. They have also been provided with the draft Long Term Financial Plan and invited to provide feedback on this document.

The Bass Coast Community have been afforded the opportunity of providing feedback on the Financial Plan over the four-week period that it has been placed on public exhibition in line with Council's community engagement policy.

Council have received seven responses on the Financial Plan. These have been consolidated and summarized with proposed responses on Attachment 6. The key themes from the public feedback are:

- Aquatics - Funding provision has been made for one rather than two Aquatics facilities within the Financial Plan.
- Additional funding should be provided for more Community Development and Support initiatives in the Financial Plan.
- The need for the Shire to diversify its economy and be less reliant on tourism. An increased focus on the knowledge economy, the use of fast broadband and development of Business Incubators could support this diversification.
- The importance of protecting the Shire's natural environment and wildlife from the impact of sand mining with associated vegetation removal and loss of habitat.
- Provision for funding the purchase of the Holden Proving Ground with financial support from State and/or Federal Government should be included in the Financial Plan.
- The need for sustainable development that values the quality of life and in Bass Coast, including assurance on the use of developer cash contributions and the impact of growth on the natural environment.
- A need to ensure that the natural environment is not compromised by the development of Tracks and Trails infrastructure and/or projects that develop the local economy including major projects in the Financial Plan.
- Positive feedback on the Organisational Values and behavioural framework.

Other Options

Adoption of the Long Term Financial Plan by 31 October 2021 is a legislative obligation under the *Local Government Act 2020*.

If Council does not adopt the Financial Plan as required it will be in breach of this statutory requirement.

Conclusion

Development of the Long Term Financial Plan has been informed by input and feedback from all managers and relevant Council officers. This has included close engagement with the managers responsible for capital works delivery, asset management and major projects. In addition input has been obtained from the managers responsible for Council's climate change action plan, waste management and the strategy and growth area. This has enabled the Financial Plan to be developed to account for a realistic capital works plan, changes to the operating environment while being aligned to the new Council Plan 2021-2025.

Council have been briefed on the Financial Plan and endorsed its release for public exhibition in line with the Community Engagement Strategy. Community feedback has been captured and incorporated within the body of this report, together with relevant officer commentary.

The Financial Plan which contains forward financial estimates for the next ten years will maintain Bass Coast's sound financial platform while enabling the funding of a number of exciting major capital projects. This reinforces the recommendation to adopt the Long Term Financial Plan.

Recommendation

That Council adopt the Long Term Financial Plan 2021/22 to 2030/31.

Attachments

AT-1	Long Term Financial Plan	52 Pages
AT-2	Financial Statements	8 Pages
AT-3	Financial Indicators	2 Pages
AT-4	Draft Long Term Capital Works Program 2021-2031	4 Pages
AT-5	Draft Long Term Capital Works Program 2021-2031 - Including Low Level Projects	4 Pages
AT-6	Community Feedback on Draft LTFP	7 Pages

H.6 Domestic Animal Management Plan 2021-25

File No:	**CM21/573**
Division:	**Resilient Communities**
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 present Council with the final Domestic Animal Management Plan 2021-25 (AT-1) for consideration and adoption.

Under the *Domestic Animal Act (1994)*, Council must develop and implement a Domestic Animal Management Plan (DAMP) every four years.

The current DAMP 2017-21 will soon expire and a subsequent DAMP 2021-25 is due.

Council's DAMP must be developed through community consultation and address those areas of greatest concern to the community. Significant community consultation was undertaken in the development of this DAMP.

Key themes emerged during this consultation. These themes, feedback and comments were used to inform the development of the Draft DAMP.

This report recommends that Council endorse and adopt the attached Domestic Animal Management Plan 2021-25.

Background

Domestic Animal Management Plans must follow guidelines and prescribed headings as set by the *Domestic Animal Act* 1994.

The objectives of the DAMP are:

- Promote responsible pet ownership and protect the welfare of pets.
- Protect the community and environment from nuisance dogs and cats.
- Outline Council's animal management services.

Council's DAMP 2021-2025 was developed through two phases of community engagement and consultation which ran from March to September 2021.

Feedback gathered through this process was used to develop the DAMP using the prescribed headings and guidelines.

Council engaged Stubbs Consulting to assist in the analysis of the community feedback as provided within the BCSC DAMP 2021-2025 - Engagement Summary (AT-2) and worked closely with officers to create a DAMP that responds to the community's priorities, is practical and follows best industry practice.

Strategic Basis

Council Plan Objectives:

Environment – *Maintain and protect the natural environment*

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

Liveability – *Enjoying the place we live*

Major Initiative / Initiative

The DAMP is an initiative of Council.

Strategies / Policies

Responsible pet ownership promotes a healthy lifestyle through improved social connectedness and can improve health and wellbeing.

This Plan aligns with Council's:

- Active Bass Coast Plan
- Municipal Health and Wellbeing Plan

Statutory Requirements/Codes/Standards/Policies

The Domestic Animal Management Plan is a requirement for all Councils under the *Domestic Animal Act (1994)*.

Discussion

Community consultation

Council's DAMP was developed through two phases of community engagement and consultation which ran from March to September 2021.

From March to May, 2020, Phase One of this engagement included:

- Inclusion within nine Council Plan Township Sessions across March 2021;
- Councillor and officer workshops with Community Safety Team, 31 March 2021;
- Key Stakeholder Workshop, 25 May;
- Online Survey including 556 responses, 25 May to 1 July;
- 10 Public submissions received;
- Direct engagement with Phillip Island Nature Parks regarding 24/7 cat containment; and
- Pop-Ups held at Wonthaggi Plaza, 23 June and Cowes Shopping Centre, 24 June.

Feedback from this engagement was used to develop an initial Draft DAMP which then went on public exhibition.

Phase Two of the engagement involved a four-week public exhibition period from 9 August to 12 September. During this period Council received 61 written submissions, which resulted in further changes and the development of the final DAMP 2021-25.

Key themes and suggested Objectives and Actions

Analysis of the feedback gathered through the consultation period generated key themes and suggested actions and objectives. These are:

- ***Communication, Education and Training***: Promote responsible pet ownership, strong and simple messages. Ensure that Authorised Officers have the knowledge and skills required to properly administer their role.
- ***Responsible Pet Ownership***: Animals trained and socialised, microchipped, desexed, registered, wearing tags.
- ***Council leadership***: Work with other Councils and in partnership with key stakeholders, be forward thinking, leverage State government funding, lead in domestic cat management.
- ***Regulations, Local Laws and Enforcement:*** Increase patrols and enforcement actions.
- ***Signage:*** Improve and simplify.
- ***Dogs Off Leash Areas:*** Improve and increase enclosed areas, consider dog waste bags and bins, consistent rules around off-leash times on beaches.
- ***Cats:*** A phased implementation of 24/7 Cat Containment including a thorough community education campaign. Increase desexed cats.
- ***Wildlife and Animal Welfare:*** Decrease feral animals, protect wildlife, raise awareness and educate domestic animal owners on the impacts and implications of pets near conservation areas.

Finances

Council has budget allocated in the 2021/22 operational budget to develop the Domestic Animal Management Plan.

Actions highlighted within the Plan will be considered as part of Council's future budget planning, with a focus on gaining external funding to support its delivery.

Stakeholders

The objectives and actions in the DAMP 2021-25 impact the Bass Coast community and some organisations. Council will continue to proactively engage and communicate with these stakeholders, including:

- Bass Coast Shire community, including registered pet owners;
- Visitors to Bass Coast;
- Land Managers including Phillip Island Nature Parks and Parks Victoria; and
- Councillors.

Other Options

Council could choose not to endorse the attached DAMP 2021-25, and/or to defer the decision.

Under the *Domestic Animal Management Act (1994)*, Council must develop and implement a Domestic Animal Management Plan (DAMP) every four years.

The current DAMP will soon expire and a subsequent Plan is due by November 2021.

If the attached DAMP 2021-2025 is not endorsed, Council will need to seek an extension of time.

The DAMP 2021-2025 has been developed in consultation with the community and provides direction and guidance to the community and Councils Community Safety Team. Without a current DAMP, there is a risk that the key priorities for the community are not actioned.

Conclusion

This report recommends that Council adopt the attached Domestic Animal Management Plan 2021-25. This Plan has been developed following community consultation and in accordance with the State Government guidelines and *Domestic Animal Act 1994*.

Recommendation:

That Council adopt the Domestic Animal Management Plan 2021-25

Attachments

AT-1	Domestic Animal Management Plan 2021-2025	33 Pages
AT-2	BCSC DAMP 2021-2025 - Engagement Summary	4 Pages

H.7 Planning Application 190116 2-6 Casuarina Court Cowes Proposal to Amend a Section 173 Agreement

File No: **CM21/590**
Division: **Place Making**
Council Plan Strategic Objective: **Liveability**

Enjoying the place we live

Declaration

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

Executive Summary

Application number:	190116
Landowner / Applicant:	Ms Kimberly Brown / Deb Linkins of Beveridge Williams
Land:	Lot 18 PS447279G (Volume 10667 Folio 376)
Proposal	To Amend Section 173 Agreement – Dealing No. AB431954C
Planning controls:	Clause 32.03 – Low Density Residential Zone (LRDZ) Clause 43.02 Design and Development Overlay – Schedule 6 (DDO6) Clause 42.02 Vegetation Protection Overlay – Schedule 2 (VPO2)
Proposal to amend an agreement:	Section 178A(1)(a) of the *Planning and Environment Act 1987*
Notification and submissions:	Yes – notice of proposal to amend an agreement to 35 landowners affected by Agreement. 14 objections were received.
Key planning considerations:	- Compliance with the requirements of the *Planning and Environment Act 1987* in relation to amending a Section 173 agreement. - The interest of affected parties to the Section 173 agreement. - Purpose of the Zone.
Recommendation:	To issue a notice of refusal to amend the Agreement.

Reason a Council Decision is required

Council's delegations require applications that attract five or more objections to be determined by Council. The application attracted 18 submissions from interested parties following two notification periods. A total of 14 objections and 4 letters of support were received by Council

The Proposal

This application proposes to amend Section 173 Agreement AB431954C (**agreement**) in respect of the land at 2-6 Casuarina Court, Cowes (**subject site**), pursuant to Section 178A of the *Planning and Environment Act 1987* (**Act**).

Specifically, the application proposes to remove the Owner obligations of clauses 3.4, 3.6 and 3.7 of the Agreement from applying to the subject site (identified as Lot 18 PS447279 on Property Title - Plan of Subdivision and as Lot 36 on the endorsed Subdivision Plan).

The relevant sections, clauses and endorsed plans, requiring the creation of the Agreement, are provided as Attachment one and are detailed below:

- Specific obligations clauses 3.4, 3.6 and 3.7 of the Agreement registered on the Property Title on 22 July 2002 Figure 1.

- Endorsed subdivision plans, approved on 3 May 2002, forming part of Planning Permit 991453 and the Agreement Figure 2.

- Property Title – Plan of Subdivision, registered on 7 August 2002 Figure 3.

- Condition 3 of Planning Permit No. 991453, issued on 20 October 2001 (**Planning Permit**) Figure 4.

The purpose of this application is to amend the Agreement to remove restrictions that prevent subdivision, more than one dwelling and restrict building outside the building envelope on the subject site only Figure 3.

The Agreement expressly prohibits:

- buildings located outside of a Building Envelope without the prior written consent of the Responsible Authority;

- more than one dwelling on each lot; and

- further subdivision of the subject site Figures 2 and 4.

3. The Owner agrees and acknowledges that:

3.4 the Owner must not build, construct or erect or cause to permit to be built, constructed or erected any Building or any part of a Building on any lot outside of a Building Envelope without the prior written consent of the Responsible Authority;

3.6 the Owner must not build, construct or erect or cause or permit to be built or constructed more than one dwelling on each of lots 1 to 3 (inclusive) and 30 to 36 (inclusive); and

3.7 lots 1 to 3 (inclusive) and 30 to 36 (inclusive) must not be further subdivided.

Figure 1 – Specific obligations extracted from Agreement, clauses 3.4, 3.6 and 3.7 that are requested to be removed

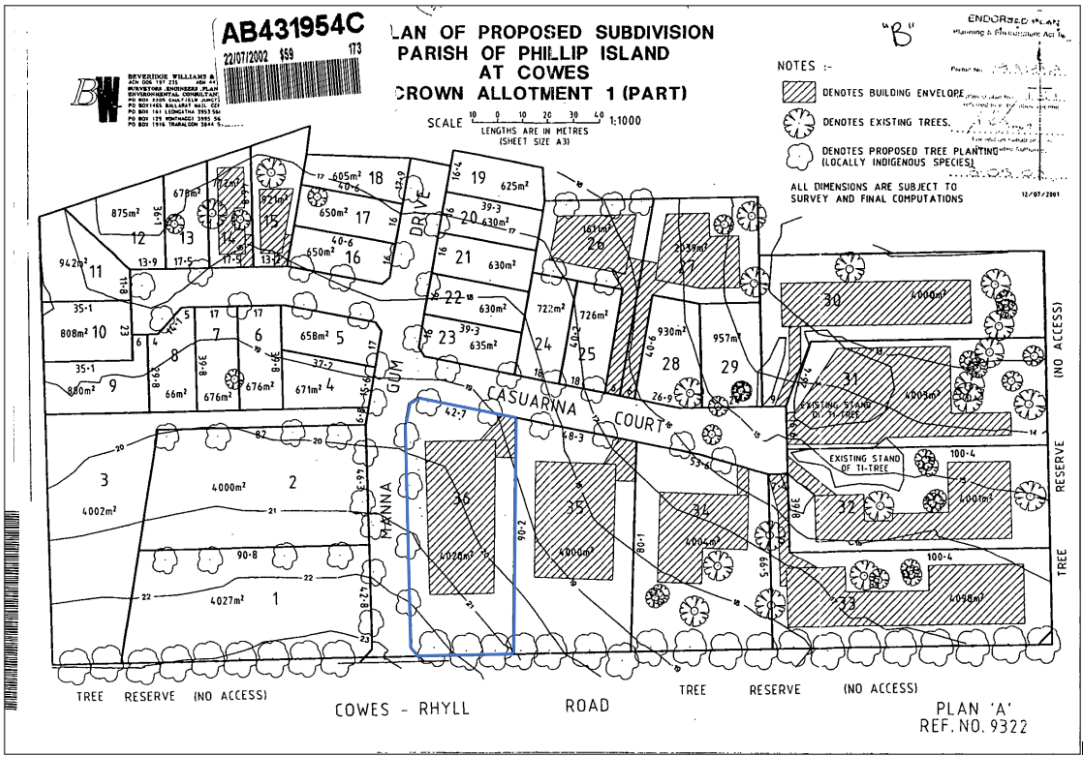


Figure 2 – Endorsed Subdivision Plan given effect in the Agreement – subject site Lot 36 outline in blue (by Planning Officer)

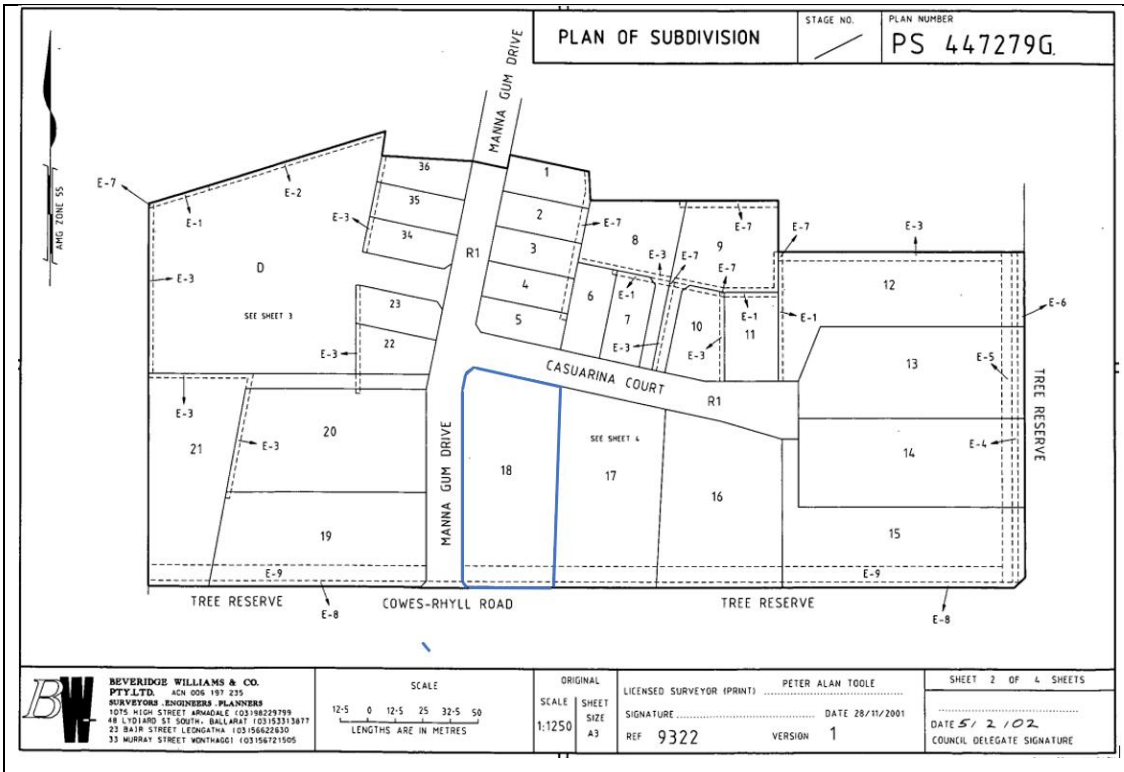


Figure 3 – Title Plan subject site Lot 18 outline in blue (by Planning Officer)

3. The applicant/owner must enter into a Section 173 Agreement with the Responsible Authority which must include the following:

   a) details of proposed boundary fencing to the satisfaction of the Responsible Authority. The fencing of the larger lots (In excess of 3000 square metres) must be permeable to wildlife;

   b) the location and form of power supply to each lot must be approved by the Responsible Authority

   c) all buildings must be located within the building envelopes;

   d) no access from allotments to Cowes-Rhyll Road or Blue Gum Alley;

   e) only one dwelling may be permitted on lots 1, 2, 3, 30. 31, 32, 33, 34, 35 and 36; and

   f) no further subdivision of allotments 1, 2. 3, 30, 31, 32, 33, 34, 35 and 36.

Figure 4 – Condition 3 or Planning Permit 991453

Background

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

Site Area and Dimensions	Rectangular corner lot measuring 4,010 sqm in area, with a maximum width of 39.68 metres and length of 84.46 metres
Site Frontage	84.44 metre wide frontage (west property boundary)
Topography	Gentle 2.5m fall from the southwest corner to northeast corner of property
Vegetation Cover	Limited vegetation on the property consisting of boundary 'hedge' vegetation along sections of the north (side), east (side), west (front) property boundaries
Current Use and Development	Single dwelling and associated outbuildings
Easements	E-8 – 'Tree Reserve' easement at 2.5m wide E-9 – 'Tree Reserve' easement at 7m wide
Restrictive Covenants and/or Section 173 Agreements	Section 173 Agreement – AB431954C
Aboriginal Cultural Heritage Sensitivity	Not mapped within area
Planning Permit History	991453 issued on 19 October 2001 for a 36 lot subdivision 160094 issued on 20 June 2016 to construct a dwelling in accordance with the endorsed plan. The application required assessment in accordance with the Design and Development Overlay – Schedule 6 Emergency Services Flightpath

The subject site is situated within the Blue Gums Estate (i.e. 36 lot subdivision approved in 2001 – see Figure 3) on the south side of the Cowes Township, at the urban / rural interface with the urban. Residential land exists to the north, east and west aspects of the subject site and rural land extends to the south aspect. Figure 5.

The subject site, along with the other minimum 0.4 hectare lots within the Blue Gums Estate, provide a lower density form of development fronting Cowes-Rhyll Road, between the urban and rural interface. The intention of creating this lower density form of development in 2001 was to achieve a balanced approach to developing an urban parcel of land in an environmentally sensitive manner.

The subject site abuts the south-east side of a developed General Residential Zone (GRZ). There is a mix of allotment sizes within the immediate area varying from approximately 600+ sqm developed lots to the north and west aspects in the GRZ to 0.4ha+ developed lots to the west, east and north-east aspects of the subject land. Figure 6. The Blue Gums Estate has availability to connect to reticulated sewerage.

The main characteristics of the surrounding area within 500 metres of the site are:

- North – Land used for dwellings at GRZ densities (lots greater than 500sqm)
- South – Land used for agriculture in the Farming Zone densities (properties greater than 5ha);
- East – Land used for dwellings at LDRZ densities (lots greater than 0.4 hectares); and
- West – Land used for dwellings at LDRZ density (lots greater than 0/4 hectares) and GRZ densities (lots greater than 500sqm).



Figure 5 - Site and Surrounds greater than 1 kilometre from subject site

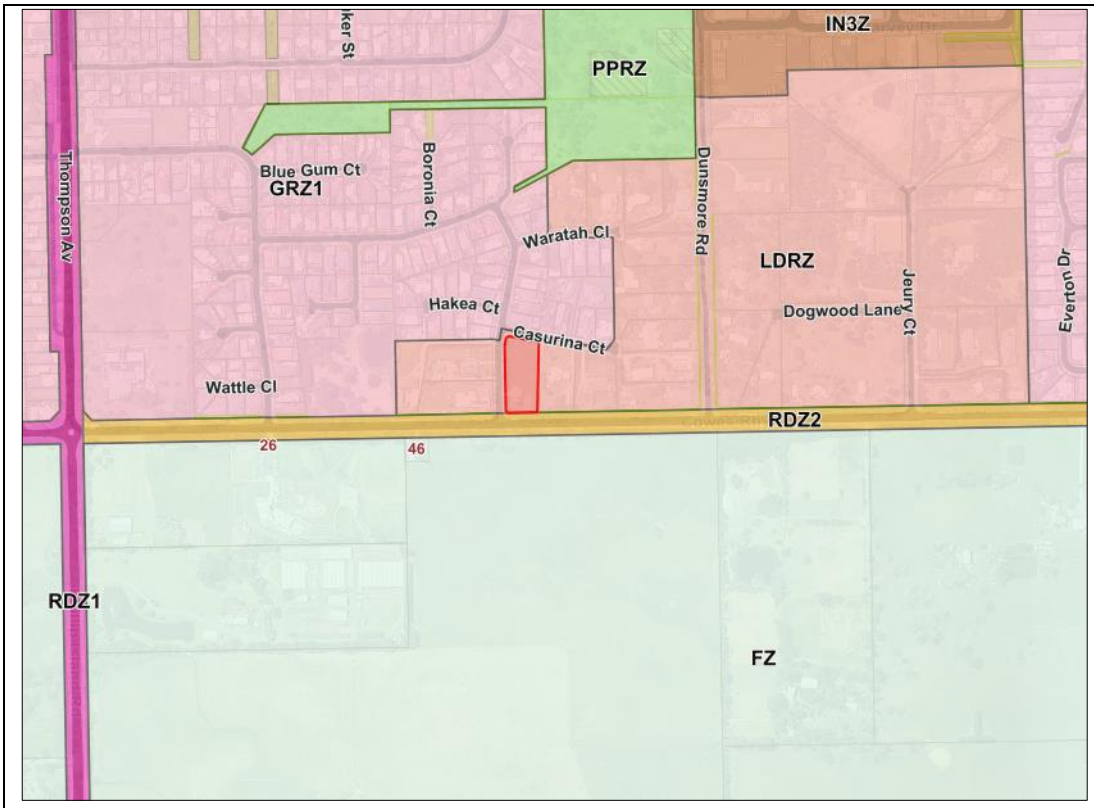


Figure 6 - Zoning Map

Consultation

Notice of the application was required pursuant to sections 178C (1a) & (2)(a)(b) of the Act, as notice of a proposal applies if:

- *An application is made under Section 178A and the responsible authority agrees with the proposal in principle.*

Notification of the proposal to amend the agreement was undertaken on two occasions, with the Council giving notice, provided by registered mail, to all parties to the agreement.

The application attracted 18 submissions from interested parties following two notification periods. A total of 14 objections and 4 letters of support were received by Council.

The first notification was undertaken by Council on behalf of the applicant for a period of 14 days from 13 June 2019 until 28 June 2019. Nine objections were received.

Council agreed to the Applicant's request for re-notification of this application, generally on the basis that Council had not agreed in principle in accordance with the Act, prior to the completion of the first notification period of the application.

The second notification was undertaken by Council on behalf of the applicant for a period of 14 days from 13 July 2021 until 28 June 2021. Eight objections and four letters of support were received. Three of these objectors also submitted an objection to Council in the first notification period.

A copy of each submission is included in Attachment two.

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

Referrals

The following table outlines the referral requirements of this application.

Table two: Referral Authorities and their comments

Referral Authority	Comments
External (Section 55 of the *Planning and Environment Act 1987*)	
No external referrals required.	
Internal (Section 52 of the *Planning and Environment Act 1987*)	
No internal referrals required.	

Matters for consideration

Section 177 of the *Planning and Environment Act 1987* provides that an Agreement may be amended by agreement between the responsible authority and all persons who are bound by any covenant in the Agreement.

The process for ending, or amending as is the case with this application, an Agreement is similar to making an application for a planning permit and the steps are as follows:

1. Responsible authority's in principle support.
2. Notice of the proposal – 'advertising'.
3. Responsible authority's decision
4. Notice of decision.
5. The decision takes effect.

The *Planning and Environment Act 1987 at* sections 178 Amendment of Agreements, 178A Proposal to amend or end Agreement and 178B Matters to be considered in considering proposal to amend or end Agreement are relevant.

In considering a proposal under Section 178A(1)(a) of the Act to amend, the responsible authority must consider the proposal against the following matters listed under Section 178B(1):

1(a): the purpose of the agreement.	The purpose of the Agreement is to regulate, in perpetuity, specific obligations on each landowner (Figure 3) that is a party to the Agreement. The Agreement was created to regulate the specific obligations of Condition 3 of the Subdivision Permit 991453 (Figure 4) and known as Blue Gums Estate. In summary, the intent of the original subdivision planning approval, given effect to in the Agreement, was to provide lower density residential lots (with minimum density of 0.4 hectares), on the basis that these lots would facilitate the passage of wildlife.

	The Agreement expressly prohibits: • buildings located outside of a Building Envelope without the prior written consent of the Responsible Authority; • more than one dwelling on each lot; and • further subdivision of the subject site. See figures 1 and 2.
1(b) the purpose of the amendment.	It is the purpose of this amendment to allow the landowner to: • Subdivide the land into two lots and develop the subject site in accordance with the Low Denisty Residential Zone (LDRZ) provisions of the Bass Coast Planning Scheme. • Remove specific obligations 3.4, 3.6 and 3.7 of the Agreement that prevent the subdivision and restricts further development of the subject site.
1(c) whether any change in circumstances necessitates the amendment.	Since 2001, at the time the Subdivision Permit 991453 was issued, the zone requirements have changed. In 2001 the LDRZ required subdivision of each lot to have an area of least 0.4 hectares. Following a Planning Scheme Amendment, the LDRZ now allows application for subdivision of each lot of at least 0.2 hectares in area, where connected to reticulated sewerage. Specifically, Clause 32.03-3 Subdivision of the LDRZ, subject to planning permit approval, allows the: • Subdivision of the subject site into two new lots of at least 0.2 hectares each and connection to reticulated sewerage. Given the subject site is 4,012 square metres in area with availability to connect to reticulated sewerage, a future planning application for the proposed subdivision of the subject site into two lots, each greater than 0.2 hectares could be considered under the LDRZ. The reduction in minimum lot size in the LDRZ to a minimum of 0.2 hectares, rather than maintaining the minimum 0.4 hectares lot size, does not necessarily change circumstance that necessitates this amendment. However, it is contextually relevant because the Agreement is at odds with the Bass Coast Planning Scheme in relation to: • Planning policy, including settlement planning; • Purpose of the LDRZ; and • Conditions / requirement for subdivision development in context to lot sizes specified pursuant to the LDRZ.

	Notwithstanding the changes to the LDRZ subdivision requirements, there is no change to the intent of the original 'Blue Gum Estate' subdivision planning approval, in respect to implementing lower density lots (with minimum of 0.4 hectares) at the urban/rural interface.
1(d) whether the amendment would disadvantage any person, whether or not a party to the agreement.	Notwithstanding changes to the planning scheme to allow for 2 hectare lots, Council must act conservatively when it comes to permitting the amendment of agreements. In light of the submissions received, it is considered that the amendment would disadvantage parties to the Agreement. Council received 14 objections from parties to the Agreement, who believed that they would be disadvantaged by the proposal. The submitter concerns and comments are summarised further in this report including a Council Officer response in the table provided. If the proposal to amend the Agreement was approved, subject to planning consent, each new lot could potentially contain two dwellings. Should this amendment be supported, a future two lot subdivision could permit up to four dwellings (with planning consent). This has the potential to create a change to the 'lower density' existing neighbourhood character within the Blue Gums Estate at the urban/rural interface.
1(e) the reasons why the responsible authority entered into the agreement.	The reasons why the Responsible Authority entered into the Agreement are: • To achieve a balanced approach to developing an urban parcel of land in an environmentally sensitive manner that also assists in the passage of wildlife. • Provide certainty to landowner's who are party to the Agreement in relation to the 'lower density' pattern of development of the Blue Gums Estate within the LDRZ properties at the urban/rural interface.
1(f) if the amendment is to remove land from the application of the agreement, whether the land is subject to any further liability under the agreement.	The amendment would remove the landowner's land from the agreement. It would remain that that the landowner of the subject site, would be continue to be obliged to abide by the other specific obligation of the Agreement, including the following clauses: 3.1 the Owner must ensure that any boundary fencing on the subject land must be to the satisfaction of the responsible authority. 3.2 the Owner must ensure that any fencing on lots greater than 3000 square metres in area must be permeable to wildlife to the satisfaction of the responsible authority.

	3.3 the Owner must not allow for the power to be supplied to any other lot other than in form and location approved by the responsible authority. 3.5 the Owner must ensure that there can be no means of direct access between the subject land and either Cowes-Rhyll Road of Blue Gum Alley.
1(g) any relevant permit or other requirements the land is subject to under the Subdivision Act 1988.	Planning Permit 991453 issued 20 October 2001, allowing the 36 lot subdivision creating the Blue Gum Estate is completed and spent. The Agreement gives effect to Condition 3 of the planning permit in Figure 4.
1(h) any other prescribed matter.	Not applicable, there is no prescribed matter to consider.

Concerns raised by Submitters

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

Submitter Theme	Council Officer Response
Owners who are party to the Agreement purchased their property on the basis that no further subdivision will occur within the Blue Gums Estate and the existing minimum density of the 0.4 hectare lots will be maintained**.**	Should consent to this proposal to amend the agreement be supported, it could create a precedence for future proposals from landowners within the Blue Gum Estate to apply to amend the agreement for the purpose to enable subdivision of their existing 0.4 hectare lots into two new 0.2 hectare lots. Consequently, consent to this application has the potential to change the existing 'lower density' development pattern within the Blue Gums Estate at the urban/rural interface to higher density lots of 0.2 hectares or greater within the LDRZ area. It is therefore considered that the amendment would disadvantage parties to the Agreement and a refusal to amend the Agreement is recommmended to be issued.
The current subdivision layout of 0.4 hectare lots in the Estate, provides the appropriate transition between General Residential Zone and Farming Zone.	The potential for new 0.2 hectare subdivision development pattern in the Blue Gum Estate does not contravene the Bass Coast Planning Scheme, including in relation to: • Planning policy, including settlement planning; • Purpose of the LDRZ; and • Conditions / requirement for subdivision development in context to lot size requirements in the LDRZ.
Set an undesirable precedence for other property owners to subdivide surrounding 0.4 hectare properties	

which will negatively impact the existing neighbourhood character.	It is not considered that the increased density would impact undesirably on the adjacent agricultural land. Applications would be assessed on merit in individual cases. Neighbourhood character would change, however this would not necessarily be negative. Where there is access to services, these services should be maximised.
Further subdivision will increase traffic movement and adversely affect 'quiet' neighbourhood amenity.	Not a matter to be considered for this amendment application however it is noted that the approval of the application would have a negligible impact on traffic movement within the Estate.
Change to wildlife corridor will have negative impact on wildlife movement.	The proposal to amend the agreement would have a negligible impact on wildlife movement within the Tree Reserve, subject to any future two lot subdivision proposal wholly including the Tree Reserve easement wholly within one of lots proposed to be created. The impact resulting from multiple subdivision approvals allowed in the future on lots within the Tree Reserve easement, has not been assessed as part of this application. These impacts would be subject to further detailed fauna & flora ecological studies to determine the biodiversity significance of the Tree Reserve (wildlife corridor)**.**
Letters of Support	Noted and points raised are valid.

Conclusion

Those matters required to be considered pursuant to Section 178B(1) of the Act have been considered.

The proposal to amend the Agreement underwent notification to all parties to the Agreement and as a result there were 14 submissions of objection received. Concerns raised by submitters were considered in the assessment of this application.

It is recommended that Council resolve to issue a notice of refusal to amend the agreement.

Recommendation

That in relation to the application to amend Section 173 Agreement Dealing No. AB431954C on the land at 2-6 Casuarina Court, Cowes, Council resolves to issue a Notice of Refusal to amend the agreement on the following grounds:

1. **The amendment would disadvantage persons that are a party to the Agreement.**

Attachments

AT-1	Application Documents	21 Pages
AT-2	***CONFIDENTIAL*** - Submissions	28 Pages

H.8 Planning Application 070444b-1 Extension to Aged Care Facility at 225-233 Graham Street Wonthaggi

File No: **CM21/595**
Division: **Place Making**
Council Plan Strategic Objective: **Our Character**

Celebrating the uniqueness of our townships

Declaration

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

Executive Summary

Application number:	070444b-1
Applicant:	Tract Consultants C/- Rose Lodge Aged Care
Land:	225-233 Graham Street, Wonthaggi & 48 Baillieu Street West, Wonthaggi, VIC 3995
Proposal	Construct alterations and additions to the existing aged care facility – Amendment Amend the planning permit to allow the construction of an additional 20 rooms and the net addition of 5 car parking spaces; alteration of Condition 17 and alteration to the preamble.
Planning controls:	Clause 36.01 Public Use Zone – Schedule 3 (PUZ3) Clause 43.02 Design and Development Overlay – Schedule 7 (DDO7)
Planning permit triggers:	Clause 43.02-2 – Buildings and works to construct a building with a height exceeding 31.6m AHD.
Notification and submissions:	Yes – No objections
Key planning considerations:	Appropriateness of buildings and works The views of the Department of Health and Human Services Availability of on-site car parking
Recommendation:	Planning Permit

Reason a Council Decision is required

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

The cost of development for the proposal is $4.8 million.

The Proposal

An application for an Amendment under Section 72 of the *Planning & Environment Act 1987* has been lodged with Council for consideration. This amendment application proposes to extend the existing aged car facility in accordance with Development Plans prepared by the De Nova Group, ref 19-002, dated June 2021. The decision plans are provided as Attachment one (AT-1) and are detailed below, they include:

- An additional 20 aged care beds in a separate dementia ward.
- An external path connection to the existing facility to the north of the proposed works.
- The relocation and expansion of the existing on site car park further south towards Baillieu Street West, resulting in a net increase of five car parking spaces.

To facilitate this proposal and to comply with the Bass Coast Planning Scheme, the following amendments need to be made to planning permit 070444b.

1. Primary consent for the buildings and works associated with the new wing of the aged care facility under Clause 43.02-2 comprising:
    a. Consideration as to whether the height and design of the proposed buildings and works will have an impact on the flights associated with the Wonthaggi Hospital EMS helicopter landing site.
2. An amendment to Condition 17 as it relates to the number of beds allowed in association with the current use of the land for an Aged Care Facility.
3. The addition of conditions related to Stormwater Drainage in accordance with Clause 19.03-3L
4. The addition of conditions provided by the Department of Health and Human Services in accordance with Schedule 7 to Clause 43.02.

The proposal was not amended during the application process.

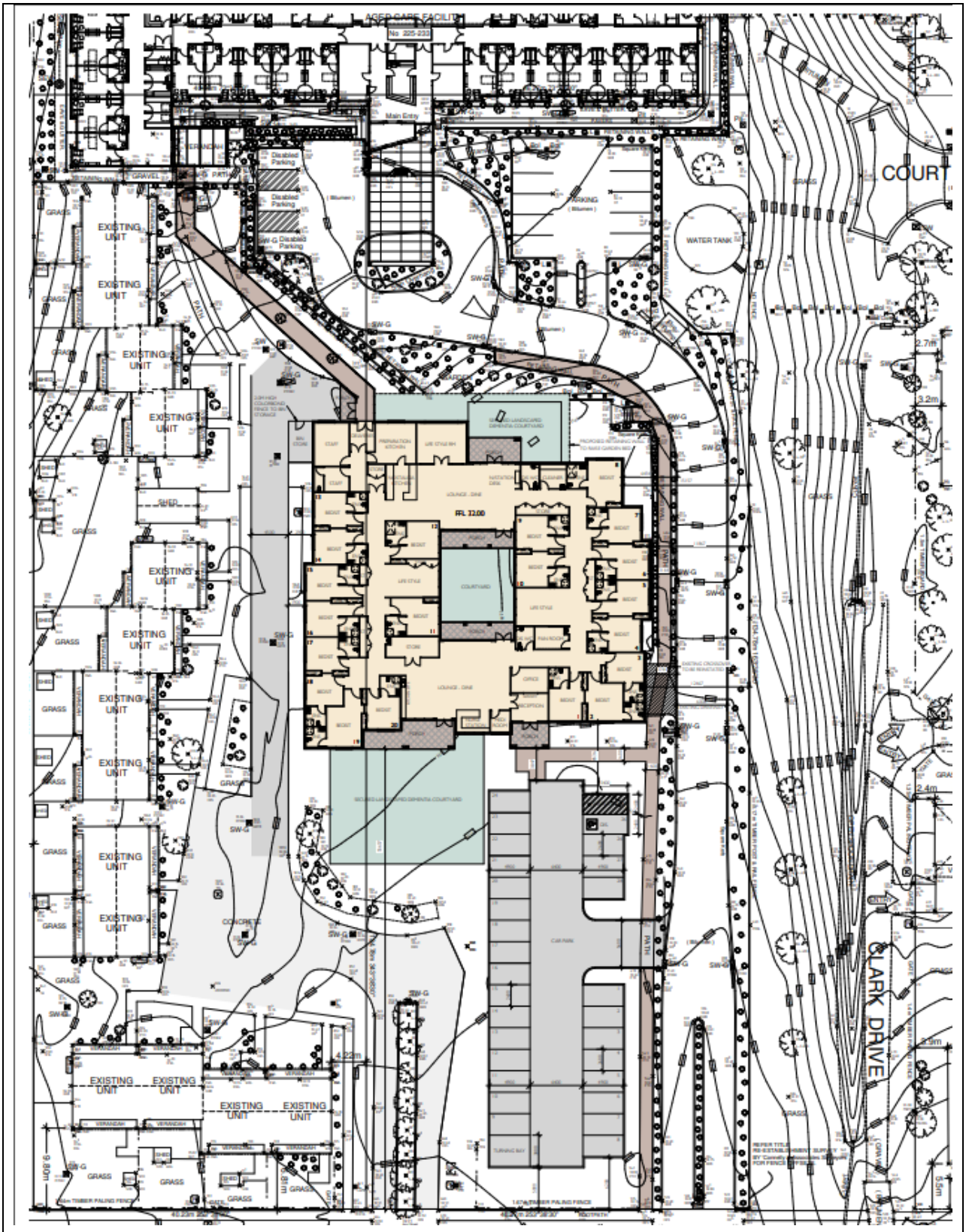


Figure 1 – Proposed Site Plan

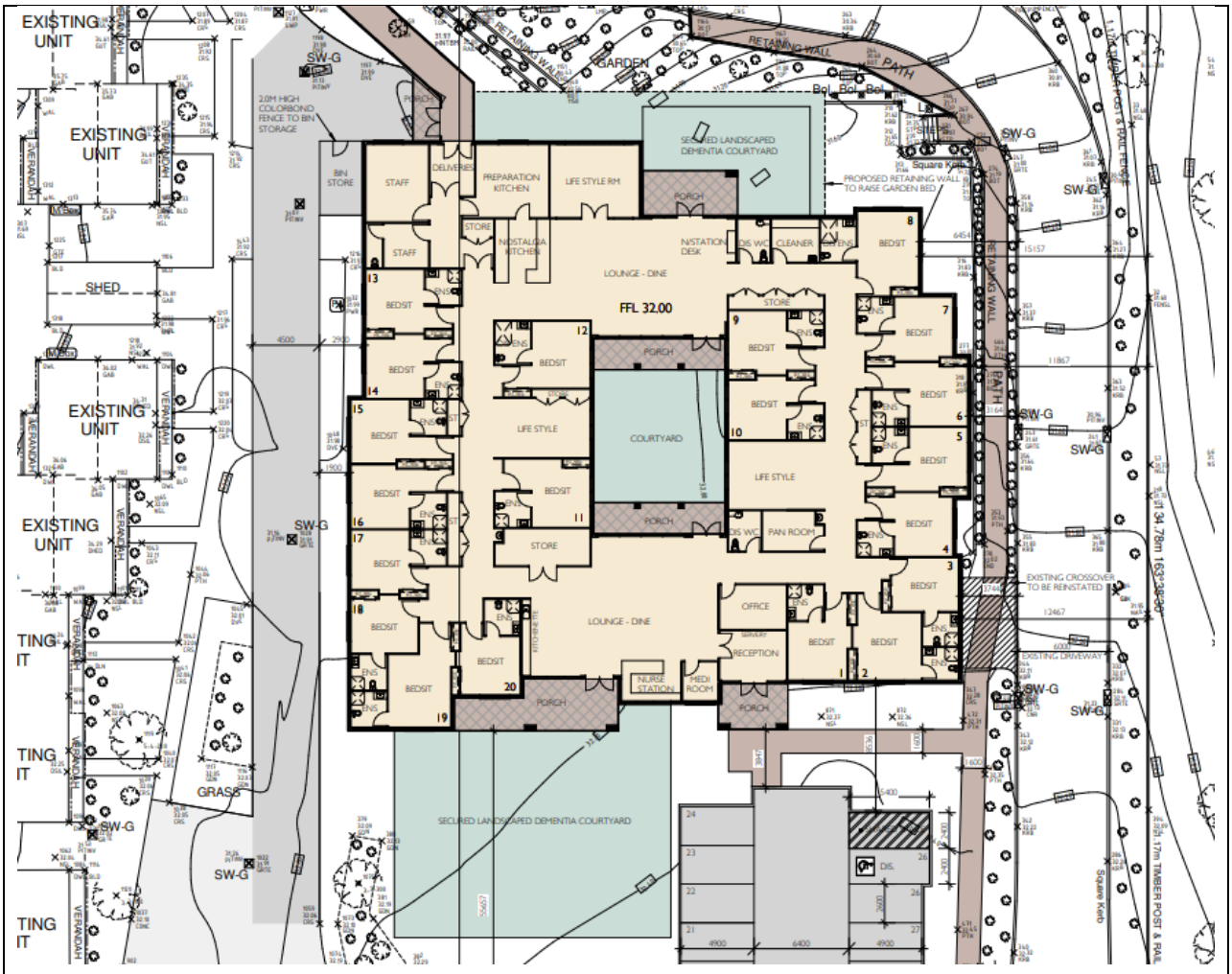


Figure 2 – Detailed Floor Plan



Figure 3 – Detailed Elevations Diagrams

Background

The original planning permit 070444 was issued 19 December 2007 authorising The development of the land for buildings and works to extend the existing aged care facility and allow a reduction in the required provision of car parking spaces in accordance with the endorsed plans. The permit was subsequently amended on 05 February 2008 (070444a) and 14 January 2014 (070444b).

The subject site is developed in accordance with this permit and supports a 99-bed aged care facility with 60 car spaces within 3 separate car parking areas. The site contains three separate parcels of land, each of which provide a distinct function within the context of the aged care facility. The northern lot includes the primary facility, which is comprised of two centrally site, low-rise, and conjoined buildings. The lots are connected by vehicular and pedestrian access. The south-western lot contains 14-semi-attached one-storey units for independent living, with each including private open space and car parking. The south-eastern lot currently contains the existing 24 space car park and access road to Baillieu Street West, and is the primary location for the proposed dementia ward.

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

Site Dimensions and Area	The subject site is rectangular in shape with a total site area of approximately 2.2 hectares. Primary access to the existing facility is via a crossover to the south with Baillieu Street West, as well as a second crossover to the south providing access to the independent living units. A tertiary access point is available from Hospital Drive in the north-eastern corner of the site.
Site Frontage	The site presents a dual frontage to Graham Street at the northern end of the lot, and Baillieu Street West at the southern end of the lot, both presenting a length of 90m.
Topography	The site has a gradual slope upwards from the north to the south.
Vegetation Cover	Vegetation is primarily positioned along the site perimeter, with shrubs framing building edges with ornamental gardens.
Current Use and Development	The site is currently occupied by Rose Lodge, the existing aged care facility.
Easements	None of the parcels contain easements.
Restrictive Covenants and/or Section 173 Agreements	None of the parcels contain Restrictive Covenants or Section 173 Agreements.
Aboriginal Cultural Heritage Sensitivity	The subject site is located in an area of Aboriginal Cultural Heritage Sensitivity; however, the proposed works are associated with a purpose for which the land was lawfully being used prior to 28 May 2007 and therefore are exempt from the requirements to obtain a mandatory Cultural Heritage Management Plan.
Planning Permit History	As noted above.

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

- North – Graham Street, a two-way road, set with a 30m road reserve and categorised as a Road Zone, Category 2. Graham Street includes a median strip and pedestrian crossing providing access to Guide Park further north. Guide Park is a large recreational area of which the Nyora-Wonthaggi Rail Trail runs through.
- South – Baillieu Street West, a two-way unmarked road allowing for car parking on either side. Further south, residential areas continue with similar characteristics such as low-rise centrally sited dwellings. To the south-west is a further gated residential village operated by Kirrak House.

- East – A residential area characterised by sing-storey dwellings with generous front setbacks and vegetation. Dispersed throughout this residential area are multi-unit developments.
- West – Wonthaggi Hospital, operated by Bass Coast Health, which comprises a large car park in the property's north, the primary building towards the south-east and service access via Baillieu Street West.



Figure 4- Site and Surrounds

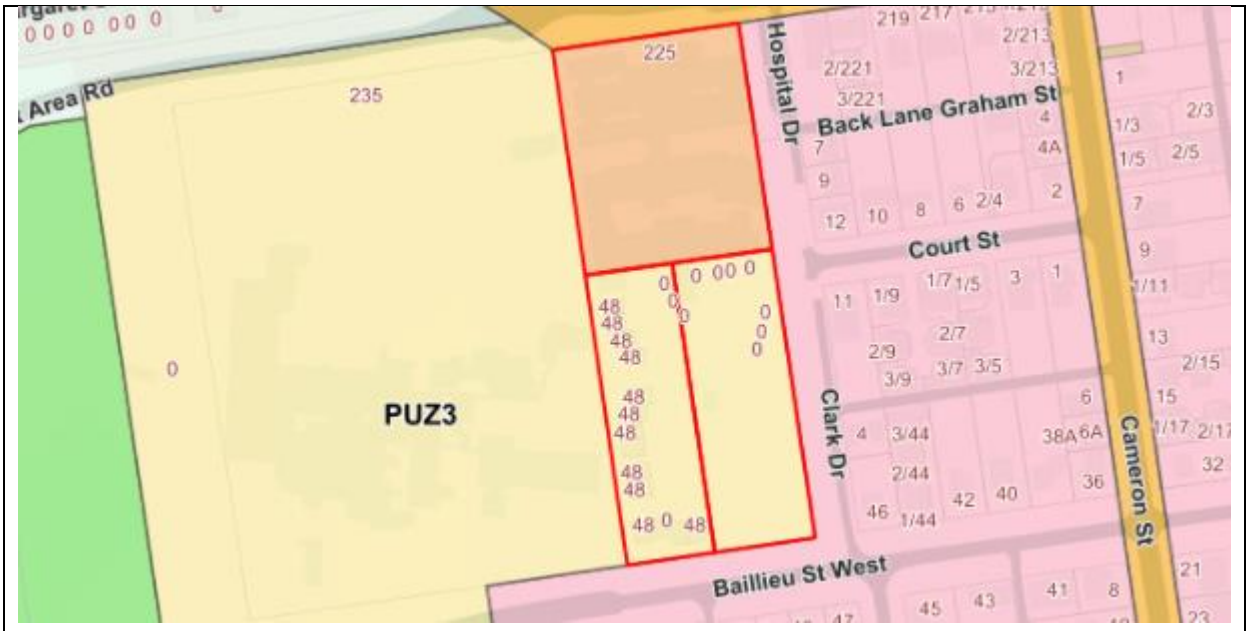


Figure 5 - Zoning Map

Consultation

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

The Applicant gave notice in the following manner:

- Sent copies of the Notice by registered mail to 79 land owners and occupiers; and
- Placed a Notice on the land to front both Graham Street and Baillieu Street West.

In response to notification the application attracted no submissions.

Referrals

The following table outlines the referral requirements of this application.

Table two: Referral Authorities and their comments

Referral Authority	Comments
External (Section 55 of the *Planning and Environment Act 1987*)	
Department of Health and Human Services	No objection to the application subject to conditions, which primarily relate to the inclusion of low intensity steady red lighting to be located at the highest point of cranes and other construction equipment used on site and notification to the Department of Health prior to commencement of works.
Internal (Section 52 of the *Planning and Environment Act 1987*)	
Asset Management	No objection to the application subject to conditions.
Environmental Health	No objection to the application.

Planning Scheme Provisions

Planning Policy Framework Assessment

The relevant Planning Policy Framework clauses are as follows:

- Clause 11.01-1L-02 (Wonthaggi)
- Clause 16.01-5S (Residential Aged Care Facilities)
- Clause 19.02-1S (Health Facilities)
- Clause 19.03-3S (Integrated Water Management)
- Clause 19.03-3L (Integrated Water Management)

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

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

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

The application is considered to meet the objectives of the aforementioned state and local planning policies.

Zone Assessment

Public Use Zone – Schedule 3

The application does not trigger a planning permit under the zone, as the table to Clause 36.01-6 identifies Schedule 3 as land set aside for Health and Community. Pursuant to Clause 36.01-5, a permit is not required to use land, or to construct a building or construct or carry out works on land, listed in a schedule to this zone, provided any condition in the schedule is complied with.

It is noted here that as the proposed extension to the aged care facility is located within the Public Use Zone, assessment against the provisions of Clause 53.17 (Residential Aged Care) is not required. Irrespective of this, it is considered that the development has been designed in accordance with the Development Requirements at Clause 53.17-3.

Overlay Assessments

Design and Development Overlay – Schedule 7

The application triggers the need for a planning permit under Schedule 7 of the Design and Development Overlay for buildings and works to construct a building with a height exceeding 31.6m to the AHD. The proposed building will present a maximum height of 4.67m above finished ground level, however as the ground level sits at approximately 32m to the AHD, a planning permit is required.

The purpose/objectives of the overlay is to:

- Ensure that the height of new development does not encroach on the flight path areas associated with the Wonthaggi Hospital helicopter landing site.
- To ensure that the height of new development avoids creating a hazard to aircraft using the Wonthaggi Hospital helicopter landing site and to facilitate safe emergency medical service helicopter operations.

The application has been assessed as being consistent with the objectives of the Design and Development Overlay as they relate to the Wonthaggi Hospital helicopter flight path for the following reasons:

- The proposed dementia ward presents a low profile, single storey built form consistent with existing built form on the subject land and in the surrounding area.
- Whilst the overall height of the proposal will exceed 31.6m to the AHD, the development will present on average a maximum height of 4.67m above finished ground level.
- The proposal is considered to present a built form consistent with the surrounding character of buildings, and is congruent with the extent of bulk to be expected with works associated with an aged care facility.
- The proposal includes sufficient landscaping within both the contained secure gardens for residents of the dementia ward as well as in the new car park proposed to be constructed to the south of the new ward and to the external permitter of new works to soften the built form.
- The proposal was referred to the Department of Health and Human Services in accordance with the requirements of Schedule 7 to the DDO, who offered conditional consent to the development. These conditions will be included on the permit.
- Given that the Department of Health and Human Services offered conditional consent, it is therein considered that the proposal will not be of any adverse impact to the flight paths associated with the Wonthaggi Hospital Helicopter landing site and any related operations.

Particular Provisions

Clause 52.06 Car Parking

Pursuant to Clause 52.06, where an existing use is increased by the measure specified in Column C of Table 1 at Clause 52.06-5, the car parking requirement only applies to the increase. The relevant car parking rate for residential aged care is 0.3 spaces to each lodging room.

If the Planning Scheme car parking requirement was assessed for only the proposed increase in beds, the increase in car parking would require an additional 6 spaces. As this proposal results in an additional 4 spaces, there is technically a shortfall of 2 spaces.

It is however noted, that the site currently contains a total of 60 car spaces within three separate areas, and therefore the addition of 4 spaces will result in a net total of 64 spaces. Were the application to be assessed as a whole for a 119 bed facility, the Planning Scheme would require the provision of 35 spaces, therefore resulting in a technical surplus of 29 spaces.

Within the context of this technical surplus, it is considered that a shortfall of 2 spaces associated with the extension is reasonable and therefore warrants Council support. In addition, there are at least six accessible parking spaces already provided on-site.

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 Schedule 7 to the Design and Development Overlay.

The application underwent notification and as a result there were no submissions received.

It is recommended that Council resolve to issue an amended planning permit for planning application 070444b-1, subject to conditions.

Recommendation

That in relation to planning permit application 070444b-1 for the development of the land for buildings and works to extend the existing aged care facility and allow a reduction in the required provision of car parking spaces in accordance with the endorsed plans located at 225-233 Graham Street and 48 Baillieu Street West, Wonthaggi, Council resolves to issue a Planning Permit subject to the following conditions:

Amended Plans

1. **Prior to the commencement of the buildings and works hereby permitted, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans submitted with the application but modified to show:**
    a. **security lighting to be included in the parking area and access points;**
    b. **the external courtyards to have overhead shaded areas and all outside surfaces to be non-slip;**
    c. **a schedule of all external materials and finishes showing the materials, colour and finish of all external walls, roof, fascias, window frames and paving (including car park surfacing);**
    d. **the provision of a minimum of three (3) bicycle parking spaces for the use of staff or visitors to the facility.**
2. **Such plan shall be to the satisfaction of the Responsible Authority and when approved, shall be endorsed and form part of this permit.**
3. **Prior to the commencement of the buildings and works hereby permitted for Stage 2 of the additions, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided (one copy must be size A3). The plans must be generally in accordance with the advertised plans submitted with the application**

but modified to show:

i. **full set of plans for Stage two additions, including elevations and car parking spaces.**

4. **Design and specification plans for the café and hairdressing room must be supplied to Council's Health team for approval before the use of the Stage one additions commences.**

5. **Prior to the occupation of the buildings and works hereby permitted, three copies of a landscape plan, prepared by a person suitably qualified, must be submitted to the Responsible Authority. Such plan shall be drawn to scale and the show the following:**

   i. **all existing vegetation on the site to be removed and retained;**

   ii. **the areas to be set aside for landscaping and re-vegetation works;**

   iii. **a schedule of all proposed trees and shrubs, which include the size at maturity and quantities of all plants and the botanical and common names of the plants. The schedule must include all plant communities from ground covers, sedges through to large trees;**

   iv. **details of fencing of the site and fencing off of existing trees and areas to be revegetated within the site;**

   v. **all vegetation on the site must be native vegetation. At least 80 percent of the vegetation on the site must be local indigenous species;**

   vi. **the landscaping of the site must not include any plants that are found in the Bass Coast Shire Council 'Common Weeds of Gippsland' publication; and**

   vii. **contract specification for the construction of the pedestrian paths must adequately address environmental considerations and fully militate against unnecessary impact.**

6. **Such plan shall be to the satisfaction of the Responsible Authority and when approved, shall be endorsed and form part of this permit.**

7. **Landscaping and planting of the subject site, as detailed on the endorsed plans, must be carried out within 12 months of the completion of the buildings and works and maintained thereafter to the satisfaction of the Responsible Authority in accordance with the endorsed plan.**

8. **Prior to the commencement of buildings and works hereby permitted, detailed civil construction plans to the satisfaction of the Responsible Authority must be submitted for approval. All construction plans submitted for approval must be consistent with this permit and must conform to the requirements of all servicing authorities, and in particular water, sewerage, telephone and power supply authorities. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must**

show:

i. Drainage of the subject land. Matters for approval include:

ii. compliance with the Best Practice Environmental Management Guidelines for Urban Stormwater and Bass Coast Shire Stormwater Management Plan (2003);

iii. any quality treatment proposed in accordance with these Guidelines;

iv. consideration of any buildings and works and landscaping in relation to any detrimental impacts to underground drainage pipes located on any existing or proposed drainage or sewerage easement; and

v. vehicle access and car parking, including:

vi. footpaths on the internal road reserves to the satisfaction of the Responsible Authority;

vii. car parking and access ways to be sealed with an all-weather seal pavement to the satisfaction of the Responsible Authority;

viii. car parking spaces and access lanes designed in accordance with the Australian Standard for off-street car parking A.S 2890.1-2004. All works must be constructed or carried out in accordance with those plans;

ix. the provision of traffic management devices and signage in accordance with the approved Traffic Management Plan to the satisfaction of the Responsible Authority. Lighting of the access roads and pedestrian links on site must be provides to the satisfaction of the Responsible Authority.

9. All plant and equipment (including air conditioning units, heating units, hot water systems, etc.) are to be identified and located to the satisfaction of the Responsible Authority.

10. The use hereby permitted shall not disrupt the amenity of the area to the satisfaction of the Responsible Authority.

11. Notwithstanding anything contained therein, the development hereby permitted and the associated passage of vehicles to and from the premises, shall not cause injury to or prejudicially effect the amenity of any nearby land not under the control of the operator of the subject premises by reason of the emission of noise, vibration, dust, smell, waste materials or otherwise.

12. The nature and colour of building materials employed in the construction of the buildings and works hereby permitted shall be harmonious with the environment to the satisfaction of the Responsible Authority.

13. Prior to the occupation of the building, redundant vehicle crossing must be removed and the area reinstated with appropriate kerbing and channelling and then landscaped, to the satisfaction of the

Responsible Authority.

14. **No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.**
15. **External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.**
16. **All electricity must be located underground to the satisfaction of the Responsible Authority.**
17. **The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
18. **Construction on the site shall be restricted to the following times:**
    a) **Monday to Friday 7:00am to 7:00pm**
    b) **Saturday 9:00am to 6:00pm**

    or otherwise as approved by the Responsible Authority in writing.
19. **The maximum number of residents of the aged care facility shall not exceed 119 persons at any given time.**
20. **This permit will expire if one of the following circumstances applies:**

    STAGE 1

    i. **the development is not started within two years of the date of this permit; or**

    ii. **the development is not completed within four years of the date of this permit.**

    STAGE 2

    iii. **the development is not started within four years of the date of this permit; or**

    iv. **the development is not completed within eight years of the date of this permit.**

The Responsible Authority may extend the period referred to above if the request is made in writing before the permit expires of within three months afterwards.

21. **Before the issue of a Building Permit issued by a 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 with the requirements of all relevant servicing authorities. The plans must be drawn to scale with dimensions and an electronic copy (PDF) must be provided. The plans must show:**

22. **Drainage of the subject land, including levels or contours of the land (including relevant external catchments) and all hydraulic computations. The drainage plan must be prepared in accordance with the requirements of the Infrastructure Design Manual (IDM) as amended and must provide for the following:**
23. **How the land including all buildings, open space and paved areas within each lot will be drained for a 10% AEP storm event to the legal point of discharge.**
24. **An underground pipe drainage system conveying stormwater to the legal point of discharge and connecting into Bass Coast Shire Council's stormwater drainage system by the existing underground drainage property connection.**
25. **The provision of stormwater detention within the site and prior to the point of discharge into Bass Coast Shire Council's drainage system. The stormwater detention system must be designed to ensure that stormwater discharges arising from the proposed development of the land are restricted to pre-development flow rates. The rate of pre-development stormwater discharge shall be calculated using an allowable discharge rate for the site 37 l/sec/ha.**
26. **Provision of over-land surcharge routes for all storm events up to the 1% AEP. This must include cut-off drains and associated infrastructure for the safe and effective passage of stormwater flows arising from areas upstream of the subject land discharging into Bass Coast Shire Council's drainage system.**
27. **No part of any above ground stormwater detention system is to be located within a stormwater drainage easement or a sewerage easement unless with the Responsible Authority's written approval.**
28. **Any above ground detention tanks to be deferred via a Section 173 agreement must be noted on the plans.**
29. **Vehicle and pedestrian access and car parking to the satisfaction of the Responsible Authority including:**
30. **A vehicle access to each lot in the subdivision, to be designed in accordance with IDM standards (SD 245). Clearance from obstructions including existing street trees, service authority assets, footpaths, kerb and channel, poles, rain gardens, pits, cables, pipes, bus shelters / stops, street furniture, signs, etc. must be shown on the plans.**
31. **Car parking areas and access ways on-site to be designed, constructed and sealed with an all-weather seal pavement (asphalt or concrete) to the satisfaction of the Responsible Authority.**
32. **Car parking spaces and access aisles designed in accordance with the Australian Standard for off-street car parking AS 2890.1 - 2004 and the Bass Coast Planning Scheme.**

33. **Before the issue of a Certificate of Occupancy by a relevant building surveyor, the following works must be completed to the satisfaction of the Responsible Authority including all necessary permits being obtained and inspections undertaken:**
34. **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**
35. **All drainage works (excluding any above ground detention tanks deferred via a Section 173 agreement) in accordance with the endorsed civil plans.**
36. **Photographic evidence of the legal point of connection to Council's drainage system must be provided if Council inspection cannot be arranged prior to backfilling.**
37. **Areas for common property, vehicle access and car parking within the land must be constructed in accordance with the endorsed civil design plans.**
38. **All proposed vehicle crossings and footpaths must be constructed in accordance with the endorsed plans and IDM standards,**
39. **All redundant infrastructure (including vehicle crossings) abutting the site shall be removed and the kerb, channel, naturestrip and footpath shall be reinstated.**
40. **Removal of any sheds or redundant buildings located on created land parcels not accommodating a dwelling.**
41. **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.**
42. **Before the issue of a Certificate of Occupancy, all Stormwater discharging from the existing buildings must be conveyed to the legal point of discharge to the satisfaction of the Responsible Authority.**
43. **The onsite stormwater drainage system including Stormwater detention, installed in accordance with the endorsed plans, must not be removed or modified without the further approval (in writing) of the Responsible Authority.**
44. **Cranes and other associated construction equipment must be fitted with continuously operated low intensity steady red obstruction lighting in accordance with Chapter 9.4 of the *Civil Aviation Safety Authority Manual of Standards Part 139* at their highest point(s) to ensure that they can be seen within the helicopter flight paths.**
45. **Cranes must be advised to the Department of Health at least three business days prior to commencement.**

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

i. the development associated with amended permit 070444b-1 is not started within two years of the date of this permit; or

ii. the development associated with amended permit 070444b-1 is not completed within four years of the date of this permit.

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

The responsible Authority may extend the periods referred to in accordance with Section 69 of the *Planning & Environment Act 1987*.

NOTES:

Asset Protection Permit

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

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.

a) 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.

Attachments

AT-1	Copy of Plans	3 Pages
AT-2	Copy of Landscape Plans	3 Pages
AT-3	Copy of Traffic Impact Assessment	16 Pages
AT-4	Copy of Waste Management Plan	27 Pages

H.9 Bass Coast Shire Outdoor Trading Support

File No:	**CM21/602**
Division:	**Partnerships, Economy and Culture**
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 seek Council Endorsement of a number of initiatives for the hospitality sector that will assist business to increase outdoor dining over the 2021/22 summer period.

The ongoing implications of COVID-19 and measures to contain its spread have led to widespread disruption and hardship that has disproportionately impacted some business sectors. Council has continued to provide support to business through a number of measures, including facilitating the hospitality sector to expand capacity for outdoor dining.

The State Government through its Roadmap to Deliver the National Plan outlines strategies to facilitate a re-opening of the State and identifies outdoor dining as a key instrument for the hospitality sector to trade in a restricted environment.

This year, there are 180 footpath trading and outdoor dining permits totaling $80,000, that would be impacted should Council endorse waiving and refunding fees already paid for the 2021-2022 financial year.

Background

The COVID-19 pandemic has had a significant impact on the Bass Coast economy and community. Impact from the pandemic has varied depending on industry, location, customer base, business-preparedness and ability to respond.

In response to the COVID-19 pandemic, Governments initiated a number of measures to contain the virus that had adverse impacts on business. Measures implemented included lockdowns, travel restrictions, international travel suspended, state and territories border closures, and capacity limits. The measures had significant and lasting impacts on business, particularly tourism, personal services and hospitality related.

Bass Coast Shire Council implemented a $965,000 Response and Recovery Package aimed to support initiatives already in place from the Federal and State Governments in support of local business and community in the 2020-21 financial year. Council was also successful in securing funding through the State Government Outdoor Eating and Entertainment Package to deliver targeted support to the hospitality sector.

In close consultation with business representative groups across the towns and broader business community, the support for the hospitality sector enabled the

activation of outdoor dining at key sites across the municipality and individual businesses for the 2020-2021 summer period. The 2020-2021 outdoor dining activations included:

- Extended footpath trading in Wonthaggi, Cowes, Inverloch and San Remo.
- Introduced 13 parklets (dining space over existing car park).
- Public space activations at Grantville and Cowes including Olive Justice Place and the Laneway off Thompson Avenue.
- Traffic modification to enabling one-way streets along A'Beckett Street, Inverloch and The Esplanade, Cowes.
- Additional picnic tables on the foreshore in San Remo and in Wonthaggi parks.

Also included in the Community Response and Recovery package was the waiving of footpath trading and outdoor dining permit fees.

The activation of outdoor dining over 2020-2021 provided the opportunity to trial and test initiatives and measure the impact on surrounding businesses. The overall feedback was positive both from consumers and businesses as the support enabled many hospitality businesses additional capacity to continue to trade. There are a number of temporary outdoor dining activations that are currently still in place.

At the 15 September 2021 Council Meeting under Urgent Business, Council adopted the following motion pertaining to outdoor dining permits:

That:

1. **Council officers prepare a report for the October 2021 Council meeting presenting options and costs for the waiving and refunding of footpath trading fees for the 2021/22 financial year**
2. **any fees currently due are not required to be paid until Council has considered this report**
3. **the report considers options to support outdoor dining during the upcoming Summer period**
4. **Council seeks funding from the State Government to support street activation and outdoor dining activities over the Summer period in our key townships**

Strategic Basis

Council Plan Objective:

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

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

Liveability – *Enjoying the place we live*

Major Initiative / Initiative

This is not a Major Initiative or Initiative

Strategies / Policies

Phillip Island & San Remo Visitor Economy Strategy 2035

Economic Development Strategy 2016 – 2021

Statutory Requirements/Codes/Standards/Policies

Not applicable

Discussion

The ongoing implications 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 is well placed to consider additional measures targeted specifically to support local businesses and community.

The Victorian Government's Roadmap to Deliver the National Plan outlines strategies to 'open up' and identifies outdoor dining as a key instrument for the hospitality sector to trade, in a restricted environment.

Council officers have begun discussions with local business groups and businesses in preparation for outdoor dining activation over the upcoming summer period. Council officers will facilitate township approaches with consideration of the needs of all traders.

Olive Justice Place in Cowes is currently trialling an existing local restaurant food vendor onsite. Pending the trial, an expression of interest process will be undertaken to offer the opportunity to other existing traders in Cowes to operate from the site.

Council officers have re-established the internal working group to best facilitate business requests to extend outdoor trading. A set of guiding principles has also been established that seek to provide support for business, whilst ensuring access, safety, town amenity, and impact on other traders and community is considered.

For the 2021-2022 financial year, there are 180 footpath trading and outdoor dining permits, of which 92 have paid and 88 are outstanding. During the permit fee process, Council Officers received feedback from the business community requesting fees be waived due to operational losses and the difficulties presented by the COVID-19 pandemic restrictions.

Outdoor Dinning permits are calculated per square metre. It is understood that permit fees can be prohibitive for some businesses and deter them from introducing or maintaining outdoor dining.

Increasing outdoor dining aligns with Councils focus on Place-making, which aims to strengthen the connections between people through activating and invigorating public places. This also helps build community resilience and is one way of making activity centres and villages more vibrant, adding to our community and visitor experience. Council Officers are currently undertaking a review of the business approval process. This review will consider how Council manages outdoor trading in-perpetuity

There has been no announcement of additional funds from State Government. Council continues to advocate for additional support from State Government to implement outdoor dining initiatives and has written to the Minister for Local Government requesting funding for $500,000. This is equivalent to the support provided to metropolitan and 'regional city' LGA's last summer for outdoor dining initiatives.

Finances

No State Government financial support has been announced to facilitate the increase of outdoor dining initiatives for 2021/22. Any costs associated with implementing outdoor dining initiatives will come from operational savings, unless a suitable program becomes available.

Council's budgeted revenue from footpath trading permits is $80,000 of which $39,000 has already been paid. Noting that the recommendation is to waive footpath trading permit fees for the full 2021-2022 financial year and refund fees already paid, this will have a full year impact of $80,000 on Council's financial results.

Pending the adoption of the recommendation to waive outstanding permit fees and refund paid permit fees, the $80,000 reduction in Local Laws permit income will be reflected as an unfavourable forecast change.

Council has a structured rolling forecast process in place which requires officers to review their budgets every quarter and identify known savings or budget overruns. The likely budget position will be more apparent at the second quarter review when potential offsetting savings may be identifiable.

Stakeholders

- Business representative groups
- Hospitality sector
- Bass Coast Community and visitors

Conclusion

Council is committed to supporting businesses and the local community navigate through the pandemic.

By continuing to provide existing support for outdoor dining initiatives and proposed fee waivers (and refunds), Council will contribute to the support and recovery of the community during and following, the impacts of COVID-19.

Consideration for following financial years will be made as required.

Officers recommend that Council continue to support outdoor dining initiatives, advocate to Government for continued financial support and provide financial support by waiving of fees and refunding already paid fees for the 2021-2022 financial year.

Recommendation

That Council:

1. **Continue to support business to increase appropriate outdoor dining initiatives,**
2. **Advocate to Government for financial support for outdoor dining initiatives, and**
3. **Provide financial support by waiving and refunding footpath trading fees for the 2021-2022 financial year.**

Attachments

There are no attachments for this report.

H.10 Bass Coast Dinosaurs Trail Masterplan

File No:	**CM21/557**
Division:	**Partnerships, Economy and Culture**
Council Plan Strategic Objective:	**Our Character**
	Celebrating the uniqueness of our townships

Declaration

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

Summary

The Bass Coast Dinosaurs Trail (BCDT) project will provide the Bass Coast region with a world-class visitor experience. The Bass Coast Dinosaurs Trail Masterplan (Masterplan) marks the completion of a key stage in the development of this unique project for the region.

Building upon the work of volunteers over a 40 year period, the BCDT project proposes diverse creative experiences at six identified sites, including four towns, along the coast from San Remo to Inverloch. The project celebrates the work of scientists, volunteers and the international significance of polar dinosaurs to the Australian Continent.

The BCDT will draw upon scientific, historical and cultural research to present engaging heritage interpretation, revealing stories and establishing new creative places. The project encourages local engagement and sustained cultural tourism across the year opening up off-peak visitation and increasing visitor nights.

Through careful consideration, the BCDT will protect the environmental values of the Bass Coast region whilst catering for increased visitation demand and changing visitor uses.

It will provide a platform to renew local infrastructure improving local amenity and accessibility. The BCDT is positioned to leverage other strategic investments currently being planned such as the Yallock-Bulluk Marine and Coastal Park.

The Masterplan was developed over the previous 12 months in partnership with key government, business and community organisations. Partners included local scientists, Parks Victoria, Department Environment Land Water Planning, Bunurong Land Council Aboriginal Corporation, Destination Gippsland, Destination Phillip Island, Visit Victoria and multiple community groups.

Following a further period of community engagement in August 2021, the Masterplan was successfully presented to the Parks Victoria Board on 17 September 2021. To support the development of the BCDT, Council purchased an area of land in September 2021 in Wonthaggi to develop the Gondwana Garden proposed in the Masterplan.

The Masterplan is presented as a draft for adoption by Council to enable the next phase of detail design to occur following the securing of external funding.

Background

Approximately 125 million years ago, Bass Coast was a landscape occupied by a unique and diverse range of polar dinosaurs and prehistoric fauna. For the past 40 years the scientific community of local scientists, prospectors, researchers and over 700 volunteers have worked onsite prospecting and excavating areas of the coastline. They partnered with the university sector, museum sector, Traditional Owners and all tiers of government in pursuit of geological and paleontological scientific goals. Their work has contributed to making Bass Coast one of the most significant places in Australia for understanding dinosaur fossils.

The Masterplan is the first step in celebrating, creating and expressing the uniqueness of polar dinosaurs through the development of the BCDT Project.

The purpose of the Masterplan is to:

1. Outline the scope and project delivery requirements of the Dinosaurs Trail.
2. Serve as a strategic roadmap.
3. Provide a framework to curate the delivery experiences .

For each of the six site locations the Masterplan documents:

- The overall vision
- Design framework
- Site planning
- Design narrative

It outlines supporting strategies for the trail that includes; scope, creative design responses, wayfinding, interpretation and curatorial framework.

The Masterplan provides direct guidance for the next design phase of the project and serves as an advocacy document to enable State and Federal Government investment in the region.

Strategic Basis

Council Plan Objective:

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

Environment – *Maintain and protect the natural environment*

Liveability – *Enjoying the place we live*

Our Character – *Celebrating the uniqueness of our townships*

Major Initiative / Initiative

The BCDT is a major project led by Council. Council financially supported the development of the Masterplan in 2020 and 2021. The Masterplan project was led by an internal project team and supported by external consultants.

Strategies / Policies

There is strong correlation with the outcomes of this project and the objectives of Council's Economic Development Strategy 2016-2021, Active Bass Coast and the Gippsland Regional Plan.

The Council Plan 2017-2021 identifies pathways, trails and access to beaches as an area of high priority in terms of the liveability aspirations of the Council Plan. This is supported by recent community consultation for the Our Bass Coast Our Future Council Plan 2021-2025.

The draft Healthy Communities Plan 2021-2025 developed in partnership with South Gippsland Shire Council and South Coast Primary and Community Partnership indicates community support for investment in walking and cycling paths to encourage residents to further experience the natural environment.

The project aligns with the Gippsland Regional Plan and the aim to increase Gippsland's visitor economy. The BCDT is supported by both Destination Gippsland and Destination Phillip Island and aligns with the Destination Management Plans of both of these bodies.

Statutory Requirements/Codes/Standards/Policies

There are no statutory requirements for the preparation of the Masterplan under the Local Government Act 1989 or the Planning and Environment Act 1987.

Discussion

The purpose of the Masterplan is to outline the scope and project delivery requirements for the BCDT. It provides the strategic framework and guidance for locations, narratives, themes and the curatorial drivers for site development and design responses.

The BCDT is a creative, sensory and interactive experience from San Remo via Wonthaggi to Inverloch. The narrative and experience has been approached to enable each location to tell its individual story, based on prehistoric, environmental and cultural layers. Whilst each site stands alone as a diverse and original outcome, the collective experience is amplified by all six sites presenting a connected journey of dinosaur discovery, exploration and learning.

The creative responses are complemented by extensive interpretive wayfinding reflecting the science and values of Traditional Owners. This is enhanced onsite by connecting to a coordinated online platform.

The locations and narratives in the BCDT are represented in the table below.

Location	Narrative	Activation
Inverloch, Wyeth-McNamara Park	Science, art and imagination.	This site is a hero experience and provides an opportunity to be supported by Museum and Cultural Centre
The Caves – Cape Paterson-Inverloch Road	Passion and perseverance	Digital activation, light touch

Eagles Nest – Cape Paterson – Inverloch Road	Fossil fragments	Digital activation, light touch
Wonthaggi, land north of Guide Park	Past Polar Insights	This is hero experience site, supported by a Sound and Light installation
Kilcunda foreshore	Forces of nature and time	Proposed village green integrated with skate and play with creative elements integrated and embedded within planned upgrade of infrastructure
San Remo, Lions Park	Distinct and diverse	A hero experience site celebrating the variety of dinosaurs discovered along the Bass Coast

Masterplan Framework

The Masterplan provides a framework for a new regional tourism offering that compliments existing destinations, infrastructure, environmental and cultural offerings within the region.

The BCDT will generate enthusiasm in different parts of the region, drawing new and existing visitors deeper into the communities and economies of the Bass Coast. Visitors that come to experience the BCDT will:

- Expand their activities into townships and the regional context.
- Increase visitation throughout the year.
- Encourage flow on private investment.
- Promote active recreation opportunities.
- Raise the brand profile of the region.

Finances

Funding for this project has been allocated in Council's Long Term Financial Plan. The BCDT project is currently estimated to cost $20 million to complete the trail, multimedia, sound and light experience and for the Inverloch Museum Discovery Centre.

Council recently invested $1.2 million dollars to purchase land in Wonthaggi to be used to create a Gondwana Garden for the BCDT.

At the July 2021 Council meeting, an application to be lodged with Regional Development Victoria seeking $500,000 in funding for the creative design phase of the project was adopted. The outcome of this application will be known in late October 2021.

Stakeholders

The BCDT project has multiple stakeholders including:

- Bunurong Land Council Aboriginal Corporation

- Parks Victoria
- Department of Environment, Land, Water and Planning (DELWP)
- Tourism bodies including Destination Phillip Island, Destination Gippsland and Visit Victoria
- Dinosaur's scientific and prospecting community
- Business, environmental, cultural and community groups

Stakeholders were engaged formally by involvement in project governance groups including a Project Control Group and a Project Working Group that each met for the duration of the Masterplan development.

Multiple phases of formal and informal community engagement occurred across the project in person and online during May 2021 and again in August 2021. COVID-19 restrictions constrained engagement and online alternatives were organised at short notice.

During the community engagement phase, a number of parties were engaged:

- Over 60 people attended drop in sessions. All were members of the local community.
- Over 100 people shared their feedback on the Masterplan document during online consultation.
- Targeted consultation sessions were run with over 30 members with representatives from Bass Coast Historical Society, arts and culture and environment group representatives.
- 30 people completed the online survey.

The ongoing engagement with the scientific community has enabled the project to develop a sound knowledge base, whilst community feedback has refined the response at key sites, proposing a high quality outcome for each location.

A series of changes were made to the Masterplan following the engagement process that to reflect community feedback. These included (but are not limited to):

- Significant alterations at the Kilcunda site including the introduction of an open lawn concept integrating skate and play, introducing a renewed barbecue area and re-alignment of the carpark creating a civic foreshore precinct.
- Expanding on the idea of a shuttle bus as a key experience of the trail to help address parking issues at smaller sites and encourage less reliance on car access.
- Integrating and boosting the educational outcomes at the San Remo site.
- Enhancing scientific accuracy of information and better representing local dinosaur species.

Other Options

To adopt the Masterplan in its current form and support the funding application for phase two of the project.

This is the preferred option and recommended by this report. The Masterplan incorporates feedback and consultation with key partners and community and presents the project ready to progress to phase two of creative design beginning October 2021 pending a successful funding application. If the Masterplan is altered this would jeopardise further work on the BCDT project and may have negative implication for the funding application currently submitted to the Victorian Government

Conclusion

The Masterplan draws upon a Community vision to visibly amplify Bass Coast's pre-historic past. The Masterplan documents a project across six locations incorporating science, volunteering, art and culture, expressed through a series of diverse creative experiences.

The project provides Council with an opportunity to further collaborate with Parks Victoria, DELWP and Bunurong Land Council Aboriginal Corporation to ensure its conservation and sustainable use.

Through careful consideration, the BCDT will protect the environmental values of the Bass Coast region whilst catering for increased visitation demand and changing visitor uses.

The BCDT will enhance and activate the coastline from San Remo to Inverloch bringing together the history, community, culture and environment. The Masterplan completes the first phase in realising this significant cultural tourism experience for the Bass Coast region.

Recommendation

That Council adopt the Bass Coast Dinosaurs Trail Masterplan, October 2021 and authorise officers to progress to the detailed design phase of the project.

Attachments

AT-1 Bass Coast Dinosaurs Trail Masterplan 142 Pages

H.11 Phillip Island Pro Partnership Agreement

File No:	**CM21/563**
Division:	**Partnerships, Economy and Culture**
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 present Council with information to enter into a three-year partnership agreement between Bass Coast Shire Council and Surfing Victoria to secure the Phillip Island Pro.

Phillip Island Pro has been held annually in November on Phillip Island since 2016 and is regarded as an important event on the Australian surfing calendar and for its local contribution to culture and destination brand and awareness.

The original partnership agreement between Bass Coast Shire Council and Surfing Victoria, presented and agreed to at the Ordinary Council Meeting on 9 December 2015 has now expired.

Background

Council has a longstanding commitment to hosting surfing events in the region that benefit the community. This is recognised as an action in the Phillip Island and San Remo Visitor Economy Strategy 2035: *Action 24 - Secure an annual professional surfing event and two to three state, regional or local surfing events and attract more surf camps for students.*

At the Ordinary Council Meeting on 21 October 2015, Council agreed to host and support a World Surf League Qualifying Series event for the next five years. Council then entered into a partnership agreement with Surfing Victoria to deliver the Phillip Island Pro. A draft agreement was presented at the Ordinary Council Meeting on 9 December 2015 and a five-year agreement was executed.

Phillip Island Pro is a QS1000 rated World Surfing League event that has been held annually in November on Phillip Island since 2016. A QS1000 rated event allows competitors to be awarded points that contribute to their overall rankings, making the event more desirable for professional surfers.

Bass Coast Shire Council has been a major sponsor and presenting partner for the event. The event is part of the Australia/New Zealand Regional Qualifying Series and also incorporates the Victorian Round of the Australian Boardriders Battle along with an Indigenous Invitational to fully engage the community.

The primary location for the Phillip Island Pro is Cape Woolamai, a listed National Surfing Reserve and recognised as one of the best beach breaks in Australia, with secondary locations being Smiths Beach, Flynns Reef, Right Point, Penguin Parade and Surfies Point. The event provides an opportunity to showcase Phillip Island's National Surfing Reserve and capitalise on the significant branding, exposure and promotional opportunities available through World Surfing League, Surfing Australia and Surfing Victoria along with localised marketing channels.

The initial five year partnership with Surfing Victoria (1 July, 2016 to 30 June, 2021) has now expired. Surfing Victoria have presented a draft Partnership Agreement extension for the period July 2021 to June 2024 to continue to deliver the Phillip Island Pro.

Strategic Basis

Council Plan Objective:

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

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

Liveability – *Enjoying the place we live*

Major Initiative / Initiative

The Phillip Island Pro is not a major initiative however it is highlighted as a key event in the Phillip Island and San Remo Visitor Economy Strategy 2035 *Growing Tourism* and the event is included in Council's annual event sponsorship budget.

Strategies / Policies

Bass Coast Shire Council Plan 2017 – 2021

Bass Coast Shire Council Economic Development Strategy 2016 - 2021

Phillip Island and San Remo Visitor Economy Strategy 2035 - *Growing Tourism*

Bass Coast Shire Council Events Policy 2017 - 2021

Bass Coast Shire Council Growing Off Peak Events Report 2018

Discussion

Due to COVID-19 restrictions limiting mass gatherings and lockdowns restricting the travel of intra-state and interstate competitors, the November 2021 event is now proposed for February 2022 with the November 2022, 2023 and 2024 scheduled to go ahead as planned. The 2020 Phillip Island Pro was cancelled due to COVID-19 with Council not financially contributing to Surfing Victoria for the scheduled event.

The estimated economic benefit in 2019, based on competitors, entourage and officials over a period of four event days was $217,300. A high percentage of competitors travel from intra-state and interstate. In 2019 there was an advertising value (print and social) of over $230,000.

Community engagement also plays a large part in the social impact of the event with the Phillip Island Boardriders involvement in the event and students from Newhaven College Surfing Academy volunteering in marshal and judging assistant roles.

The Phillip Island Pro is an important step in the pathway for Victorian junior athletes with the event providing the opportunity to compete against the best surfers from around the country in their own backyard. Training sessions are help on Phillip Island in the lead up to the event with Surfing Victoria's High Performance Team.

Prize money is equal for men and women with the Mens QS1000 and Womens QS1000 winners receiving $10,000 cash.

As part of the agreement, Bass Coast Shire Council is recognised as the presenting partner for the event with Councils logo incorporated into all artwork, merchandise, websites and media plans.

Surfing Victoria is a not for profit and operates as an incorporated association. There is no cost for spectators to attend the event with minimal disruption to public access to the beaches as only a small section is blocked off for the event.

In the event of an event cancellation due to force majeure (factors outside of the control of Surfing Victoria), Bass Coast Shire Council would agree to the following:

- Greater than two weeks out from the event start date – Surfing Victoria will refund money to Bass Coast Shire or retain money to new event date (if postponed).
- Less than two weeks out from the event start date – Surfing Victoria will refund money less event administration fee of $2,000 and any non-recoverable funds (eg. staff flights, accommodation) or retain money to new event date (if postponed).
- If cancellation occurs after the event begins – Surfing Victoria will not refund any of the partner fee.

The initial five year partnership period between Bass Coast Shire Council and Surfing Victoria (1 July, 2016 to 30 June, 2021) has now expired and Surfing Victoria have presented a Partnership Agreement extension for the period July 2021 to June 2024 to continue to deliver the Phillip Island Pro.

Finances

The partner investment is $30,000 per year over three years ($90,000 total) from Council and this commitment is budgeted for in Council's annual event sponsorship budget.

Council applied and was successful in receiving $30,000 from the Gippsland Regional Events Acquisition Fund (GREAF) to help secure the Phillip Island Pro for an additional three years. The GREAF working group recognised the significance of the event and potential to provide high quality exposure for the region while cementing Phillip Island and the Bass Coast as a must visit surfing destination.

This additional funding reduces the overall commitment from Council to $60,000 over three years.

Stakeholders

- Council
- Surfing Victoria
- Surfing Australia

- Phillip Island Nature Parks
- Phillip Island Surfing Reserve
- Competitors
- Ratepayers and Community
- Event patrons
- Visitors

Conclusion

This is one of Council's key strategic supported events and is included in the current budget, it is recommended Council authorise officers to enter into a new Partnership Agreement with Surfing Victoria to secure the Phillip Island Pro for an additional three years.

Recommendation

That Council authorise officers to enter into a Partnership Agreement between Bass Coast Shire Council and Surfing Victoria for the rights to host the Phillip Island Pro for an additional three years (2021-2024).

Attachments

There are no attachments for this report

H.12 Western Port Biosphere - Memorandum of Understanding 2021 - 2025

File No:	**CM21/556**
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 acknowledge the longstanding partnership between Bass Coast Shire Council and the Western Port Biosphere Reserve.

As one of five member Councils, Bass Coast has an important role to play in supporting the work of the Biosphere, and much to gain from the regional cooperation that the foundation makes possible.

This report recommends that Council commit to the partnership through to 2025 by endorsing an updated Memorandum of Understanding (MoU).

Background

The Mornington Peninsula and Western Port Biosphere Reserve (the Biosphere Reserve) was nominated as a result of a community initiative and was designated under UNESCO's Man and the Biosphere Program in November 2002. This designation recognises the area's exceptional ecological values on the fringe of an expanding city.

The Biosphere Reserve includes the whole of Mornington Peninsula Shire, parts of Bass Coast Shire, Cardinia Shire, City of Casey and City of Frankston and the unincorporated areas of French Island and Western Port.

The Biosphere Foundation was formed in 2003 with a charter to guide the management of the Biosphere Reserve and the observance of international obligations to implement the requirements of the UNESCO's Man and The Biosphere program.

This partnership is underpinned by a Memorandum of Understanding, which sets out the roles and responsibilities of each of the five member councils (Bass Coast Shire, Mornington Peninsula Shire, Cardinia Shire, City of Casey and City of Frankston), and the Western Port Biosphere Foundation.

Shared goals of the six member organisations include:

- Protection of the natural resource base of the Biosphere Reserve;
- Promotion and implementation of activities that address the impacts of climate change, protect biodiversity and encourage sustainable land use and development, eco-tourism, sustainable agriculture, conservation, education, research and community involvement; and

- Support for the adoption of environmental best management practices to reverse land and water quality decline through action, knowledge and skills.

Strategic Basis

Given its focus on facilitating sustainable development within a uniquely rich natural setting, the Biosphere program supports a number of Council Plan Objectives.

Council Plan Objective:

Advocacy - *Representing the community*

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

Environment – *Maintain and protect the natural environment*

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

Liveability – *Enjoying the place we live*

Our Character – *Celebrating the uniqueness of our townships*

Major Initiative / Initiative

This partnership is not in itself a major initiative, but is strongly supportive of Council's Climate Action Plan.

Strategies / Policies

Bass Coast Climate Action Plan 2020 - 2030

Phillip Island and San Remo Visitor Economy Strategy: 2035

Natural Environment Strategy 2016 – 2026

Biolinks Plan 2018

Statutory Requirements/Codes/Standards/Policies

Not applicable

Discussion

Officers have reviewed the MoU for the period 2021 – 2025, and recommend it be endorsed by Council as a foundation for this ongoing partnership.

For each of the four years of the MOU, the Biosphere Foundation will develop an Annual Business Plan containing KPIs and linkages to the UN Sustainable Development Goals relevant to this MOU. This plan will be discussed with the five Councils to maximise alignment and relevance of the Biosphere Foundation's projects to the Councils' priorities. KPIs relevant to the partnership with Councils will be discussed and agreed annually, with regular progress updates. The assessment of the Biosphere's progress towards the KPI's within the Annual Business Plan will be reviewed at the last Council Liaison Committee Meeting prior to the end of each financial year.

Finances

Bass Coast's contribution in 2021/2022 will total $21,701.20 (ex GST). For the remaining three years of the MoU, the annual contribution will be indexed on a yearly basis against the State Government imposed local government rate cap.

These contributions have been included in the current budget.

Stakeholders

The key stakeholders in this partnership include the Western Port Biosphere Foundation and the five member Councils: Bass Coast Shire, Mornington Peninsula Shire, Cardinia Shire, City of Casey and City of Frankston.

The roles and responsibilities of each party are clearly set out in the MoU.

Other Options

Council could resolve not to endorse the MoU, effectively withdrawing from the partnership. This would significantly diminish Council's ability to influence, and benefit from, activities being delivered under the Biosphere banner in coming years.

Conclusion

The partnership between Bass Coast, other member Councils and the Westernport Biosphere Foundation is critical to realising our shared aspirations for sustainable development and environmental restoration in the region.

The updated MoU has been developed to provide a strong foundation for the ongoing success of the partnership.

Recommendation

That Council continue its partnership with the Western Port Biosphere Foundation by endorsing the Memorandum of Understanding 2021 – 2025.

Attachments

There are no attachments for this report

H.13 Port Phillip and Western Port Regional Catchment Strategy

File No:	**CM21/596**
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

This report recommends that Council formally support the directions and targets of the next Port Phillip and Western Port Regional Catchment Strategy, and be listed as a partner organisation. This will:

- Enable Council to list one or more priority projects in the Prospectus.
- Demonstrate commitment to a healthy and sustainable environment.
- Demonstrate the level of community engagement and support for the work carried out by Port Phillip & Westernport Catchment Management Authority.

Background

Throughout 2021, the Port Phillip & Westernport Catchment Management Authority (PPWCMA) has been developing a new Regional Catchment Strategy (RCS).

All of the 10 Catchment Management Authorities across Victoria are doing the same for their respective regions.

The Regional Catchment Strategies are prepared under provisions of the Catchment and Land Protection Act 1994 - The legislation that promotes and enables integrated catchment management across Victoria including establishment of catchment management regions, catchment management authorities and the requirement for Regional Catchment Strategies.

This is the fourth edition of the Regional Catchment Strategies since the first in 1995. It builds on 25 years of collaborative achievements and lessons learnt. It brings together planning and information on land, water and biodiversity, demonstrating how these connect across the region.

The new RCSs are being produced in line with Guidelines developed by the Victorian Catchment Management Council. The Guidelines prescribe consistency for many elements of the RCSs to achieve consistent presentation to form a coordinated set of strategies covering the whole state.

In line with the Guidelines and embracing a modern approach to strategic planning, the new RCSs are being produced as websites. This enables them to be available to virtually anyone, anywhere, anytime.

Strategic Basis

Council Plan Objective:

Advocacy - *Representing the community*

Environment – *Maintain and protect the natural environment*

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

Major Initiative / Initiative

- This is not a major initiate or initiative in the budget

Strategies / Policies

Natural Environment Strategy 2016-2026

Biolinks Plan 2018

Bass Coast Climate Action Plan 2020 - 2030

Statutory Requirements/Codes/Standards/Policies

Catchment and Land Protection Act 1994

Discussion

The RCS is founded on the principle that collaboration by many organisations is vital to achieve environmental improvement for our region. The RCS highlights the important roles and plans of Councils, Government agencies and other organisations and shows how each is part of the whole region's conservation enterprise.

It outlines a vision for integrated catchment management in this region and describes the challenges and opportunities in water supply, waterways, wetlands, groundwater, native vegetation, native animals, land use, soil health, agriculture, coasts, marine environments, community volunteerism and climate change. It then identifies informed and measurable targets for the future health and resilience of our environment.

It also provides a Prospectus which showcases priority projects that can contribute to achieving the targets identified in the RCS, and which will help investors identify projects they may wish to support.

Officers recommend Council nominates the 'Biodiversity Biolinks Plan' for inclusion in the RCS Prospectus as a priority project. The 'Biolinks Plan' identifies areas with high biodiversity value for flora and fauna that are viable sites for re-vegetation and remnant protection across Bass Coast Shire. By championing this plan Council aims to introduce connectivity in the landscape, which will in turn improve the capacity for native plants and animals to adapt to predicted climatic impacts such as higher temperatures and extreme weather events. The 'Biolinks Plan' provides a strategic approach to improving native vegetation cover across Bass Coast and allows organisations and communities to participate by revegetating priority areas.

Finances

There are no financial implications of this report.

Stakeholders

- Councils across Metropolitan Melbourne
- Water Authorities
- Department of Land Water Planning and Environment

Other Options

Council could decline the offer of being listed as a formal partner. This would have no bearing on Council's status as a stakeholder in the catchment, however it would preclude Bass Coast from nominating projects in the regional prospectus and may limit opportunity to secure funding for priority projects.

Conclusion

Council would benefit from being listed as a formal partner in the Port Phillip and Western Port Regional Catchment Strategy. This would recognise Council's contribution in the region, and enhance opportunities to secure funding for priority projects in Bass Coast.

Recommendation

That Council:

1. **Accept the offer of being listed as a partner organisation in the Port Phillip and Western Port Regional Catchment Strategy.**
2. **Nominate the Bass Coast Biolinks program for inclusion in the Prospectus as a regional priority project.**

Attachments

There are no attachments for this report.

H.14 Community Grants 2021 Round 2 Funding Recommendations

File No:	**CM21/567**
Division:	**Resilient Communities**
Council Plan Strategic Objective:	**Health and Wellbeing**
	We are a healthy and active community

Declaration

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

Council Officers involved in this Community Grants assessment process were asked to declare conflicts of interest prior to assessing the applications. One officer declared a conflict of interest, so was removed from discussion of that assessment.

Summary

This Report seeks Council endorsement of the Community Grants 2021 Round 2 recommendations as presented by Council officers.

All categories were offered in the round, being:

- General Community Grant – Equipment; Other Projects
- Festivals, Celebrations and Events Grant
- Minor Capital Works Grant
- Climate Action Grant – this category was introduced for the first time this time in this round

The recommendations are based on the funding criteria adopted by Council at its Ordinary Meeting on 21 October 2015 and following a Council officer assessment panel process.

In total, 55 applications were submitted for Community Grants 2021 Round 2 with an overall request of $222,175 in grant funding.

Three of these applications were for the Climate Change Grant totalling $17,101 (ex GST).

It is recommended that 45 projects totalling $144,100 (ex GST) be funded, which is within Council's allocated budget for the Program.

Background

Community Grants 2021 Round 2 opened on Saturday, 6 March 2021 and closed at midnight on Friday, 6 August 2021.

Community Grant Guidelines (AT-1) were available for prospective applicants on Council's website. Three online information sessions were offered in July. Throughout the application period, advice was provided by phone and email to prospective applicants.

Applications have been reviewed and funding recommendations made by an assessment panel of Council Officers.

Strategic Basis

Council Plan Objective:

Liveability – *Enjoying the place we live*

Major Initiative / Initiative

Strategies / Policies

This report is consistent with the Community Grants Program Policy (March 2018).

Statutory Requirements/Codes/Standards/Policies

Not applicable

Discussion

Council has allocated $254,000 in its 2021/22 budget to fund the Community Grants Program. A further $40,000 has been added to specifically fund Climate Action Grants resulting in a total pool of $294,000.

This funding was evenly split between two rounds with $147,000 made available for Round 2 2021 Community Grants.

All grant applications have a funding threshold of up to $5,000 with one application per round being recommended for Major Project funding from $5,000 up to $10,000. An additional Major Project funded up to $10,000 is also available within the Climate Action Grants.

A review of Council's Community Grants Program was adopted at the August Council Meeting and will be implemented at Round 1 2022. This is the final report related to the Community Grants Program, prior to this review being undertaken and changes adopted by Council.

<u>Assessment Process</u>

Two assessment meetings, consisting of Council officers, were held virtually to determine eligibility and to individually assess all applications. Information regarding all applications was forwarded to each assessor prior to each meeting.

Members of the assessment panel were assigned individual applications to assess. The assessment panel then reviewed each application as a group and made their final assessment recommendations.

Assessment recommendations were made in accordance with the Community Grant Guidelines 2019 and ranked against the Community Grants Assessment Criteria (AT-2).

Subject to the resolution of Council, all groups who were not recommended for funding in this round will be contacted and provided feedback.

Funding recommendations providing a breakdown by electoral ward is attached (AT-3 2021 Round 2 - Funding Recommendations).

In summary, of the 55 applications received:

- 25 applicants are recommended for full funding.
- 20 applicants are recommended for part funding. Where part funding is recommended, it has been determined (through information provided in the application and/or consultation with the applicant) that the project is still viable for the group to deliver with a reduced grant amount.
- Five applicants requested major project funding, with four being assessed. Two applicants were awarded major project funding, one for General Community Grants – Festivals, Events and Celebrations, and one for Climate Action Grant
    - Cape Paterson Residents and Ratepayers has been recommended for major project funding to put on a one-day festival at Cape Paterson. The event will be run in conjunction with local businesses and the two local lifesaving clubs and will be a free event.
    - Inverloch Bowling Club has been recommended for the Climate Action Grant major project funding to expand its solar panel capacity.
- Three applications were ineligible; two applicants had not provided quotes and one applicant requested clothing for its members which is not an eligible request.
- Seven applications were declined:
    - Four applicants did not sufficiently address community need and benefit. Three of these applications were from the one group. The groups will be encouraged to liaise further with the community to establish community need and benefit for their proposed projects.
    - One applicant submitted two applications but had limited supporting funds to assist in delivering both initiatives. The group will be encouraged to submit the declined application to another round.
    - One applicant did not provide eligible quotes or required permits and landowner's consent. The group will be encouraged to submit to future round.
    - One applicant submitted two applications and chose to withdraw one application which they will submit to another round.
- Three applicants applied for multiple projects. Due to the low number of multiple applications the assessment panel voted to assess all applications. As a result of the assessments, each applicant is only being awarded funding for one project.

Each of the projects recommended cover a diverse range of activities including minor capital works, sport and recreation, arts, cultural and heritage groups, youth activities, the environment, and projects of benefit to the broader community.

Support for organisations to purchase equipment or make capital improvements to community facilities remains an essential role for Council's Community Grants.

The following table shows the grant categories and recommends financial allocations.

Community Grants 2021 Round 1 Grant Category	Funding requested	Funding to Applications			
		Full	Part	Dec	Funding
General Community Grant: • Equipment • Other Project	 $75,520.26 $45,519.92	 7 6	 10 3	 4 3	 **$46,170** **$23,159**
Festivals, Celebrations and Events (includes Major Grant)	$34,421.00	6	2	-	**$30,639**
Minor Capital Works	$48,248.91	3	5	3	**$27,031**
Climate Action Grant (includes Major Grant)	$18,465.00	3	-	-	**$17,101**
Total	**$222,175.09**	**25**	**20**	**10**	**$144,100**

Recommended funding amounts are considered within the context of the 30/70 funding ratio set out in the Community Grant Guidelines. The ratio outlines a 30% contribution from the applicant in cash, in-kind or a combination of both, and a contribution of 70% by Council. In applying this ratio, assessors consider the capacity of an applicant to make an in-kind or financial contribution to the project. This can result in some applications being partially funded.

With each round of Community Grant assessment, the evaluation process includes feedback from applicants regarding the application process. Feedback has been very positive as groups are becoming more familiar with the Community Grants Program and with the SmartyGrants software, which is used to apply for grants.

A 2020/21 financial year Community Grants Summary Report is attached (AT-4).

Finances

The total funding pool for the 2021/22 Community Grants Program is $294,000.00 exclusive of GST. An amount of $147,000.00 is allocated to each round.

A total of $144,100 (GST excluded) has been recommended for funding in this round with underspent funds of $2,900 being carried forward to Round 1 2022.

Allocations for both full and part funding of applications in this round have been made in accordance with the Community Grant Guidelines.

Stakeholders

- Community Organisations
- Residents and visitors to Bass Coast

Other Options

Council could:

- Request changes to the Assessment Panel's recommendations for grant funding; or
- Resolve not to endorse the Assessment Panel's recommendation report and defer the $144,100 grant funding to the next round.

Conclusion

The Community Grants Program continues to be well received by the community with 55 applications being submitted.

The applications represent a wide range of activities and highlights the importance of the Community Grants Program in supporting the Bass Coast community to enhance services and facilities.

The applications have been assessed in accordance with the Community Grants Assessment Criteria and it is recommended that Council endorse the allocation of $144,100 outlined in attachment three (AT-3).

Recommendation

That Council:

1. **Endorse 2021 Round 2 Community Grants Funding Recommendations; and**
2. **Endorse the public release of the 2021 Round 2 Community Grants Funding Recommendations**

Attachments

AT-1	Community Grants Guidelines 2021	12 Pages
AT-2	Community Grants Assessment Scoring Guide	1 Page
AT-3	***CONFIDENTIAL*** - Community Grants 2021 Round 2 - Funding Recommendations	6 Pages
AT-4	Community Grants 2021 Round 2 Summary Report	1 Page

H.15 Building Block Grant - Planning for Expanding and Improving Kindergarten Infrastructure

File No:	**CM21/594**
Division:	**Resilient Communities**
Council Plan Strategic Objective:	**Health and Wellbeing** We are a healthy and active community

Declaration

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

Summary

The purpose of this report is to seek Council approval for a grant application submitted on Friday, 8 October 2021 for Building Blocks Kindergarten Infrastructure Program – Planning. Approval is being sort following the application being submitted due to short grant opening and closing timeframes.

This stream provides grants for planning and pre-construction work on kindergarten building projects that support the rollout of three-year-old kindergarten across Victoria.

The grant application will fully fund the planning works for the highest priority kindergarten expansion and improvements situated on Council land to accommodate growth in kindergarten places required due to the roll out of 3-year-old funded kindergarten and population growth in Bass coast. The priority projects include Bass Valley Children's Centre expansion, Corinella Wonthaggi North Kindergarten refurbishment (White Road), and Wonthaggi North East Kindergarten development (new centre in line with Precinct Structure Plan).

Once the planning and design stages of each project has been completed, a grant application for the construction works will be submitted to the Building Blocks Capacity Building and Building Blocks Improvement grant streams.

Background

Demand for kindergarten places has been increasing over the years and is expected to exceed current capacity as soon as 2023. The two key factors contributing to this increase in demand is the roll out of funded 3 year old kindergarten from 2022 and our continued population increase.

Council is in the final stages of its Kindergarten Infrastructure and Services Plan (KISP) with the Department of Education and Training (DET).

All Victorian Councils are being asked to complete a KISP. The KISP will allow DET and Council to share information and agree on:

- The current supply (or capacity) and demand for funded kindergarten in the LGA.
- Forecast demand for three and four year old Kindergarten.

- Expectations about how demand growth will be accommodated (for example, the use of existing capacity and building new or expanded capacity, and the role of different types of provision).
- Support funding applications via the Building Blocks grants.

Our KISP has identified the existing kindergarten infrastructure in Bass Coast Shire will be unable to meet kindergarten demand in as early as 2023. As part of developing the KISP, detailed data analysis and planning was done via a Kindergarten Demand Assessment, to understand the upcoming demand and establish a list of priorities for expansion and improvement of existing kindergartens.

The Planning Grant would fund the cost of scoping and design works for the following two projects that have been identified as Council's highest priority.

Bass Valley Children's Centre (Corinella):

- Expansion of the existing kindergarten on the existing site.
- The new building will increase kindergarten capacity for 3 and 4 year old programs and would be expected to be delivered in 2023.

North Wonthaggi Kindergarten (White Road):

- Improved use of existing building by reconfiguration of the multi-purpose room for use by Early Years Support Service.
- Create more child friendly program rooms that support better learning outcomes and helps provide a more supportive environment with children with additional needs.

Wonthaggi North East (new kindergarten as part of PSP):

- Undertake facility scoping and concept planning for early years infrastructure in Wonthaggi North East.

The grant opened on Wednesday, 8 September 2021 and Council can apply for one grant of up to $150,000. Grant applications close on Sunday 10 October 2021. Grant guidelines are included in AT-1.

Due to short timeframe of the grant application period, we are seeking retrospective approval to apply for the grant. Council does have the option to withdraw the grant application if it chooses too.

Officers will continue to work closely with DET and the Victorian School Building Authority (VSBA) on further kindergarten expansion priorities to ensure our kindergarten demand will continue to be met.

Strategic Basis

Council Plan Objective:

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

Major Initiative / Initiative

This is not a Major Initiative or Initiative

Strategies / Policies

Living Young Plan (Municipal Early Year Plan) 2021-2025 – Strategies 1.5, 6.2 and 6.4

Statutory Requirements/Codes/Standards/Policies

Australian Building Code

Discussion

The Building Blocks grant funding streams are a planning and funding program run by the Victorian Government to help deliver early childhood infrastructure in Victoria to support the rollout of funded three year old kindergarten.

As part of the planning works for these projects an architect and other relevant consultants will be engaged to prepare plans and all associated documents to ensure these projects are "shovel ready", preparing Council to apply for construction and improvement grants via the Building Blocks Program in 2022. It is anticipated the construction works will begin in the 2022/23 financial year, should further grants be successful.

The planning work will also include consultation with key stakeholders to ensure planning and designs meet the needs of the kindergartens, families and other early years service providers that may use the spaces.

External project management will also be included to support the planning and construction phases to reduce the workload on internal resources.

Bass Valley Children's Centre

These works will plan for the delivery of a modular kindergarten building to create additional capacity at the existing kindergarten site. This will assist in meeting the growing demand for kindergarten due to the rollout of funded 3 year old kindergarten and the increasing local population.

Following the planning and design phase an application will be submitted to the Building Blocks Capacity Building grant stream. This grant steam provides full funding for modular kindergarten buildings including landscaping, carparking and project management. There is no contribution required by Council.

White Road Kindergarten

There have been ongoing maintenance issues at White Road Kindergarten that has led to limited use of its multi-purpose room.

This project has identified the reconfiguration of the multi-purpose room will make it a suitable space for early years support services such as maternal and child health, support playgroups and other allied health services.

Providing these services within an existing kindergarten service has many benefits including:

- Providing families with easier access to early years support services.
- Better engagement with vulnerable and high risk families and children.
- Assist families to access support service and provide early intervention for children with additional needs.
- Create better connections between early years service providers, kindergartens and the community.

Work is also proposed in the kindergarten program rooms to provide more child friendly program rooms that support better learning outcomes and a more supportive environment children with additional needs.

The kindergarten is currently operating below the authorised capacity due to the large room size and high numbers of children with additional needs. When the number of children with additional needs is high, a service may prefer to have a lower number of children in a program, to ensure all children receive the support they require. If more child friendly program rooms are provided, the service will be able to operate at a higher capacity.

Wonthaggi North East

Wonthaggi North East is expected to experience significant population growth over the next 10 – 15 years with increasing residential development. The Wonthaggi Northeast Precinct Structure Plan recommends the provision of a community hub facility including kindergarten, childcare, maternal and child health and playgroup spaces. While this infrastructure is not required immediately, it is critical that forward planning occurs to ensure the infrastructure and services are available to the community when it is needed.

Once the planning is complete applicants are required to apply for a Buildings Blocks grant to undertake the construction of facilities.

Finances

A quotation to undertake the planning and pre-construction work to prepare all projects has been received for $139,601.

Council is eligible to apply for a grant for up to $150k and no financial contribution is required by Council for this application.

The grant application was submitted for a total of $139,601. A breakdown of the total amount is provided below:

- $94,910 quote provided to undertake the planning and pre-construction work
- $22,000 quote provided to conduct an opinion of probable cost
- $10,000 internal project supervision cost to oversee project
- $12,691 contingency

A condition of the grant application is that following the planning and pre-construction phase a grant must be submitted for the construction component of the works via the Building Blocks grant.

Funds have been identified within Council's Long Term Financial Plan over future years, should these be required as a contribution to a future grant for delivery of the three projects identified.

The following table outlines how construction of the two proposed projects will be funded and any contribution required by Council:

Kindergarten Service	Planning & design requirements	Funding program	Construction cost to Council	Construction timeline
Bass Valley Children's Centre	Siting, layout and design for two room modular building	Building Blocks Capacity Building Steam (DET)	$0	2023/24
White Road Kindergarten, Wonthaggi	New layout, concept plan and design for improved use of existing building.	Building Blocks Improvement Stream (DET/)	A Council contribution to the project is expected but won't be known until the design and costings have been completed.	2023/24
Wonthaggi North East Kindergarten	New kindergarten	Building Blocks Improvement Stream (DET)	A Council contribution to the project is expected but won't be known until the design and costings have been completed.	2025/26?

Should an application be submitted and unsuccessful, it will not be delivered.

Stakeholders

- Victoria School Building Authority (Funding Body)
- Department of Education and Training
- Early Years Managers for Bass Valley Children's Centre and White Road Kindergarten
- Bass Coast Health
- Early Years Support Services
- Families of kindergarten aged children

Other Options

Council may choose to withdraw the grant application and consider funding the works through Council's Capital Works Program.

Conclusion

The Building Blocks funding streams provide Council with an opportunity to access significant State funding to deliver essential infrastructure to meet growing demand for kindergartens in Bass Coast.

Without grant funding, projects such as those proposed would not be possible through Council's Capital Program for many years. The contribution of grant funding (if successful), allows Council to provide the high quality facilities to the community.

This report recommends that Council supports the Building Blocks Planning grant application for the planning and pre-construction works for the expansion works at Bass Valley Children's Centre, improvement works at White Road Kindergarten and the new kindergarten in Wonthaggi North East.

Recommendation

That Council endorse the grant application submitted by Council officers on 8 October 2021 to Building Blocks Planning Program for $139,601 to assist in the planning and pre-construction works for the expansion works at Bass Valley Children's Centre, improvement works at White Road Kindergarten and the new kindergarten in Wonthaggi North East.

Attachments

AT-1 Building Blocks Planning Guidelines Kindergarten Infrastructure 10 Pages

H.16 Instrument of Appointment and Authorisation - Planning and Environment Act 1987

File No:	**CM21/604**
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. This will revoke authorisation to officers that no longer require it.

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

Background

Council currently exercises its powers to appoint Authorised Officers.

Strategic Basis

Council Plan Objective:

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

Discussion

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

Finances

There are no financial implications associated with this report.

Stakeholders

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

Staff – ensuring the ability to undertake their roles.

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

Statutory Requirements/Codes/Standards/Policies

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

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

Other Options

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

Conclusion

It is recommended that Council adopt the attached Instrument of Appointment and Authorisation 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. This will also revoke authorisation to officers that no longer require it.

Recommendation

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

1. **The members of Council staff referred to in the attached instruments be appointed and authorised as set out in the instrument.**
2. **The instrument comes into force immediately it is signed by Council's Chief Executive Officer, and remains in force until Council determines to vary or revoke it.**
3. **Revokes the instrument of Appointment and Authorisation under the Planning and Environment Act 1987 to:**
   - **Margaret Fox**
   - **Fiona Houlihan**
   - **Patrick Kennedy**
   - **Angela Montebello**
   - **Stephanie Northover**
   - **Tanvi Rawat**

Attachments

AT-1	Kerim Omanovic S11A Instrument of Appointment and Authorisation Planning and Environment Act 1987	1 Page

H.17 Award of Tender No. 21008 - Cowes Cultural & Community Centre - Principal Contractor - Construction

File No:	**CM21/603**
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

This report to Council presents the outcome of the tender evaluation for Tender No. 21008 – Principal Contractor Construction Services for the Cowes Cultural and Community Centre.

A panel consisting of four (4) Council officers and four (4) external representatives was formed for the purpose of tender evaluation. In addition to this, Council engaged a probity advisor to oversee the tendering and evaluation process.

The objective of the panel was to assess tender submissions against the selection criteria, reaching a consensus, and thus identifying a preferred tenderer for Council to award the tender.

The panel's conclusion is the tender submitted by McCorkell Constructions Pty Ltd best addresses the tender evaluation criteria and provides Council with the best value for money.

This report recommends Council to accept the tender submission and award Contract No. 21008 – Principal Contractor Construction Services for the Cowes Cultural and Community Centre to McCorkell Constructions Pty Ltd.

The report contains two (2) attachments, the Tender Evaluation Panel Report and Probity Advisor Report. Both attachments are declared to be confidential in accordance with Bass Coast Shire Council's Tender & Contract Confidentiality Procedure and Local Government Act.

Background and Context

Bass Coast Shire Council invited four (4) selective tenders in August 2021 that were shortlisted following an Expressions of Interest process in December 2020 for a principal construction company to work with Jackson Clements Burrows Architects (JCB) to deliver the Cowes Cultural and Community Centre redevelopment.

In May 2020, Council appointed Jackson Clement Burrows Architects as the lead consultant to design a new, purpose-built cultural and community centre to be located on Thompson Avenue in Cowes.

Since that time, significant consultation with local user groups, stakeholders and the community has been undertaken which has included online information sessions, in-person drop-in information sessions, media releases, a dedicated webpage and individual meetings with stakeholders to ascertain the functions that the community and each user group requires of the new centre moving into the future.

Through this engagement with the community, stakeholders and user groups, Council has facilitated a design process based on five core project principles:

1. **Architectural statement** - Locally loved, instilling civic pride, sense of place and arrival into Cowes
2. **Environmentally significant** - To be Council's most energy efficient building and to set an example of what is possible
3. **Inclusive** - All stakeholders will have a place, as will new tenants, groups and the community, without exclusive access
4. **Flexible** - The building will cater for a wide range of needs and uses, not just for now, but for the life of the building
5. **Responsive** - Responds to site context; history, environment, street frontage, existing trees and the transit hub

This collaboration with local groups has informed the design of the new facility which delivers:

- A certified Passivhaus construction ensuring Council's most environmentally sustainable building
- Revised floor plate which retains all existing trees on site
- A 250 fixed-seat theatre totalling 545m²
- New 458m² library
- New 92m² gallery space
- Multi-purpose community spaces totalling 404m²
- Large informal grand hall at 334m²
- Ability for up to 400 seat function
- Allocation for the Historical and Genealogical Societies
- Architectural statement including universal design principles
- Larger allocation for open space including Thompson Avenue frontage and new western courtyard

An independent Economic Impact Assessment was procured by Council to deem the local benefit the project will deliver. This Assessment found the project would deliver $51.8m of benefit to the local community, generate 69 jobs during construction and 30 new jobs in an ongoing capacity.

As a result of this large local benefit to the community, the project has been successful in obtaining external funding that is contributing towards the construction of the new facility. This means that the project will be funded by all tiers of government; Federal, State and local. The successful funding grants include:

- $10,000,000 State Government Community Infrastructure Loan Scheme
- $5,000,000 Federal Government Building Better Regions Fund
- $2,500,000 State Government Growing Suburbs Fund
- $800,000 State Government Living Libraries Fund

Design Contract

In May 2021 Council executed Contract 20005 to Jackson Clement Burrows for the full design of the Cowes Cultural and Community Centre. Since that time, the project scope has changed to include a range of additional functions following consultation; Passivhaus construction and certification, increased 251m² floor plate, additional 100 seats within the theatre, high architectural finish, provision for 400 seat auditorium etc.

As a result of an increase in scope and construction budget, a design variation is sought to reflect the work required to complete the construction drawings of the new facility. As Contract 21008 is a design and construct contract, the outstanding design contract and variation will be novated to the builder for completion. The total novation amount is fully funded from prior year budget allocations.

Strategic Basis

Council Plan Objective:

The redevelopment of the Cowes Cultural and Community Centre addresses each of the six objectives of the draft Council Plan 2021-2025:

1. **Protecting our natural environment:** revised floor plate ensures that all existing vegetation is retained and project is in alignment with the Climate Change Action Plan
2. **Healthy community:** project has shown to have a 2.6 Cost Benefit Ratio for the local community
3. **Our places:** a signature architectural building that is one of the key initiatives of the Cowes Activity Centre Plan, providing a sense of arrival and sense of place for the shire
4. **Growing our economy:** an Economic Impact Assessment has shown the project provides $51.8m in local benefit, provides 69 construction jobs and 30 jobs ongoing
5. **Sustainable development:** will be an exemplar building of environmentally sustainable design, certified Passivhaus, with an estimated 60-70% reduction in operational energy

6. **Leading for our community:** successful funding advocacy at all tiers of government has contributed towards the project; $5m Federal Government Building Better Regions Fund, $2.5m State Government Growing Suburbs Fund, $800k State Government Living Libraries Fund and $10m State Government Community Infrastructure Loan Scheme.

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 was a selective tender process which followed a public Expression of Interest process and as such meets the requirements in accordance with the Local Government Act 1989.

The selective tender process closed at 12pm on Monday 13 September 2021 and Council received submissions from all four (4) selected tenderers with each submission conforming and satisfying the mandatory criteria.

Evaluation Process

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

Table 1 – Evaluation Selection Criteria	
Criterion	**Weighting**
Mandatory	
Insurance, Risk and Registration	Pass/Fail
Weighted	
Price	25%
Program & Cost Savings	10%
Program of Works – Design & Construction	10%
Methodology & Approach (Site Management (Traffic, Environmental and Communication)	20%
Capacity – Staff Resources, Sub-contractors, Current Contractual Commitments	20%
Innovation & Continuous Improvement	15%

The panel which consisted of four (4) internal and four (4) external representatives was chaired by an officer from the Procurement Team who oversaw the process and did not score the tenders.

Council engaged an independent Probity Advisor to provide advice on the procurement processes conducted for Tender No. 21008. The Probity Advisor ensured the procurement activities were conducted in a fair, impartial, transparent and ethical manner.

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.

Extensive reference checks were carried out with all four of the tenderer's nominated referees, and an interview was also conducted to seek clarification and to assist the panel in its understanding and assessment of their tender.

The final weighted scores are set out in Table 2.

Table 2 – Final Weighting Scores

No.	Name	# Non-Price Score %	* Price Score %	Total Score %
1	McCorkell Constructions Pty Ltd	61.58%	23%	84.58%
2	Tender B	55.05%	25%	80.05%
3	Tender C	55.59%	20%	75.59%
4	Tender D	51.31%	18%	69.31%

* 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 McCorkell Constructions Pty Ltd was not the lowest cost tender, the panel felt justified paying an additional higher sum due to the strengths of their methodology and approach, capacity and capabilities. In accordance with the selection criteria the Evaluation Panel concluded McCorkell Constructions Pty Ltd presents the best value to Council.

McCorkell Constructions demonstrated the capabilities to meet the program and scope as well as having a thorough understanding of Passivhaus certification. They are an industry leader and work in a collaborative way ensuring there will be employment opportunities for local trades and sub-consultants, where possible.

Additionally, they have a proven track record of delivering complex projects with high quality finishes. McCorkell Constructions demonstrated they will work in an open and transparent way to benefit the project team.

Their diverse project team highlighted their extensive knowledge and capabilities which adequately addresses the requirements for innovation and continuous improvement throughout all of the project phases.

Overall, McCorkell Constructions submitted the strongest response in all aspects of the evaluation criteria.

Contract Management

The Manager Major Projects will act as Contract Superintendent for the contract and the Senior Major Projects Officer will act as the Contract Superintendent's Representative. Authorisations of variations will be in accordance with the Procurement Delegations Frameworks last adopted by Council on 17 June 2020.

Finances

This project is a multi-year project commencing in the 2020/21 capital program.

As mentioned, the following successful funding amounts have been sourced:

- Funding of $10,000,000 was received from the State Government Community Infrastructure Loans Scheme.
- Funding of $5,000,000 was received from the Federal Government Building Better Regions Fund.
- Funding of $2,500,000 was received from the State Government Growing Suburbs Fund.
- Funding of $800,000 was received from the State Government Living Libraries Fund

The budget available for the construction contract is $27,200,000 (GST exclusive). This is made up of $12.2m of borrowings (including $10m Community Infrastructure Loan Scheme), $5.2m of reserves and rates, $8.3m external funding ($5m Building Better Regions, $2.5m Growing Suburbs, $0.8m Living Libraries) and $1.5m that has been carried forward from the 2020/21 capital budget for this project.

The contingency and project management fees have been allocated within the residual carry forward amount of $2.75m for this project from the 2020/21 capital budget.

As this is a design and construct contract, the remaining design fees from Contract No. 20005 will be novated to the builder. Due to an increase in project scope and increased construction sum, a variation of $545,620 is required to be passed on to Contract No. 21008 for the full construction drawing package and construction supervision. This amount is fully budgeted for.

The total value of the design and construct contract is $28,377,998 (GST exclusive).

Item	Sum (GST exclusive)
Construction amount	$27,178,078
Novated outstanding design amount	$654,300
Novated design variation amount	$545,620
Total contract sum	**$28,377,998**

Stakeholders

The stakeholders for this tender include:

- Bass Coast Shire Council
- Bass Coast community
- West Gippsland Libraries
- Destination Phillip Island
- Community groups
- Local artist groups and societies
- Phillip Island Historical Society
- Phillip Island Genealogical Society

Other Options

1. Not award a contract at this time and re-tender for the Cowes Cultural & Community Centre – Principal Contractor – Construction. 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 McCorkell Constructions Pty Ltd scored the highest in the evaluation process such a decision may not be consistent with the advertised evaluation criteria.

Conclusion

The confidential Tender Evaluation Panel Report is attached.

The panel report concludes that the tender submitted by McCorkell Constructions Pty Ltd will provide Council with best value for money for the following reasons:

- They have a diverse project team which highlights their extensive knowledge and capabilities which adequately addresses the requirements for innovation and continuous improvement throughout all of the project phases
- They have demonstrated the capabilities to meet the program and scope as well as having a thorough understanding of Passivhaus certification.

The redevelopment of the Cowes Cultural and Community Centre will deliver a purpose-built facility of high architectural quality and will be Council's most environmentally sustainable building. The community, stakeholders and user groups have been widely consulted with which has driven the spatial and functional offerings of the new facility which includes a new library, theatre, gallery, community spaces, landscaping and certified environmental sustainable design.

The project has shown it can deliver $51.8m of benefit to the local community and create 69 jobs during construction and 30 ongoing positions. As a result of the strong benefits to the local community, the project has attracted significant funding from both the Federal and State Governments.

It is recommended that Council award McCorkell Constructions Pty Ltd the design and construct contract to deliver the new Cowes Cultural and Community Centre.

Recommendation

That Council:

1. **Accept the tender from McCorkell Constructions Pty Ltd and award Contract No. 21008 Cowes Cultural & Community Centre – Principal Contractor - Construction for the contract sum of $27,178,087 plus GST of $2,717,808 which includes lump sum and provisional amounts;**
2. **Novate Contract No. 20005 from Jackson Clement Burrows Architects for Design Services for Cowes Cultural & Community Centre for the contract sum of $1,199,920 plus GST of $119,992 to Contract No. 21008;**
3. **Authorise the Chief Executive Officer to execute Contract 21008 between Council and McCorkell Constructions Pty Ltd.**

Attachments

AT-1	***CONFIDENTIAL*** - Tender Evaluation Panel Report 21008	9 Pages
AT-2	***CONFIDENTIAL*** - Probity Report BCSC Cowes C contractor Oct 21	4 Pages

H.18 Award of Tender No. 21029 - Newhaven Soccer Recreation Reserve Pavilion Renewal

File No:	**CM21/601**
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

This report to Council presents the outcome of the tender evaluation for Tender No 21029 – Newhaven Soccer Recreation Reserve Pavilion Renewal.

A panel, consisting of three (3) Council officers was formed for the purpose of the tender evaluation.

The objective of the panel was to assess the submissions against the selection criteria and provide a recommendation to Council on a preferred tenderer for awarding of the capital works project.

The panel concludes that the tender submitted by TS Constructions will satisfy the requirements of the works and provide Council with value for money.

As the tender submission price is higher than allocated budget for this project, the panel is recommending Council approve additional funds of $150,820 (GST exclusive) to allow the project to continue and award Contract No 21029 to TS Constructions.

This 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

The Bass Coast Shire Council is committed to providing effective roads, drains, reserves buildings and other public infrastructure within the Bass Coast Shire.

The construction of Newhaven Soccer Pavilion shall incorporate demolition works, building and drainage construction and all ancillary works outlined in the construction plans, specification and associated contract documents.

This project is part of Council's renewal program.

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 publicly advertised in accordance with the Local Government Act 1989.

Tenders closed at 2pm on Wednesday 8 September 2021 with Council receiving one (1) conforming tender submission.

Evaluation Process

The conforming tender was assessed on the following evaluation criteria and weightings:

Table 1 – Evaluation Selection Criteria	
Criterion	**Weighting**
Mandatory	
Integrated Management System	Pass/Fail
Insurance and Registration	Pass/Fail
Weighted	
Price	30%
Previous Related Experience & Referees	20%
Methodology & Construction Period	20%
Capacity – Staff Resources, Sub-contractors, Suppliers	15%
Benefit to Local Economy	5%
Environmental Management	5%
Social Procurement Outcomes	5%

The evaluation panel included three (3) Council officers and was chaired by an officer from the Procurement Team who oversaw the process and did not score the tender.

The tenderer passed the mandatory selection criteria.

For the tender submission 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 the tender against the specification requirements and the selection criteria, identifying issues for review and clarification with the tenderer, obtaining additional information to assist with the decision making.

The final weighted score is set out in Table 2 below.

Table 2 – Final Weighting Scores

No.	Name	* Price Score %	# Non-Price Score %	Total Score %
1	TS Constructions	25%	64%	89%

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

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

Whilst only one (1) tender submission was received, the panel considers the submission and pricing still represents value for money. This is based on the works required and current complexities of the construction industry, where Council has received feedback from local contractors that there has been significant price increases and shortages in some building materials.

In addition to this, there has also been difficulty with current Metro/Regional border closures due to COVID-19 restrictions which hinders some businesses having full capacity of staff to work. This impacts the number of tender submissions for some projects as Bass Coast Shire Council is on the border of Metro/Regional and has contractors regularly tendering from both regions.

Re-tendering this work would be unlikely to attract additional tenderers, risks further pricing rises and further delays in the project completion. There is also risk that Council may lose the $400,000 in grant funding approved by SRV, which is conditional on the funds being spent by December 2022.

TS Constructions are a local contractor with majority of staff, subcontractors and suppliers being local to Bass Coast Shire Council. They have the capacity and capability to perform the work within the required timeframes and have proven extensive experience in these types of projects.

Contract Management

Project Manager – Infrastructure Delivery will act as Contract Superintendent for the contract. Any authorisation of variations will be in accordance with the Procurement Delegations Frameworks adopted by Council on 17 June 2020.

Contract Commencement: 3 November 2021

Anticipated Contract Completion: 28 March 2022

Finances

This project is in the 2021/22 capital program.

Funding of $399,500 (GST exclusive) was received from SRV and Bass Coast Shire Council are contributing $200,000 (GST exclusive) for this project.

The final tender price is $664,000 (GST exclusive).

See below table for a summary of costs:

	GST Exclusive
Construction including permits and approvals (lump sum components)	$664,000
Total Contract Sum	**$664,000**
Internal Project Management costs	$19,920
Contingency (10%) *	$66,400
TOTAL	**$750,320**
Additional funds required for the project to proceed	**$150,820**

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

The budget available for the contract is $599,500 (GST exclusive), which does not include contingency and project management fees.

It is suggested that the funding gap of $150,820 is reflected in the quarter one forecast for the 2021/22 financial year.

Stakeholders

The stakeholders for this tender include:

- Bass Coast Shire Council
- Newhaven Soccer Club
- Residents
- Ratepayers
- Visitors
- Tourists

Other Options

Not award a contract at this time and re-tender for the Newhaven Soccer Pavilion Renewal. As outlined in the evaluation process, there is a risk that costs may increase, and it is unclear that Council may receive any additional submissions by doing this. It will delay the start of the project for at least twelve weeks. This option may also impact the SRV funding which Council has already received.

Conclusion

The Tender Evaluation Panel Report is attached.

The panel concludes that the tender submitted by TS Constructions will provide Council with:

- Demonstrated and relevant experience to undertake the works in accordance with the specification
- Commitment to local economy outcomes; the contractor has majority of staff, subcontractors and suppliers residing within the Bass Coast Shire Council
- The capacity and capability to complete the works within the required timeframes

Recommendation

That Council:

1. **That Council approve the additional spend of $150,880 (GST Exclusive) in excess of budget for the construction of the Newhaven Soccer Pavilion project.**
2. **Accept the tender from TS Constructions and award Contract No 21029 Newhaven Soccer Pavilion Renewal for the contract sum of $664,000 plus GST of $66,400 which is a lump sum**
3. **Affixes the Common Seal of the Bass Coast Shire Council to Contract 21029 between Council and TS Constructions.**

Attachments

AT-1 ***CONFIDENTIAL*** - Tender Evaluation Panel Report 21029 13 Pages

Statutory Reports

1 Statutory Reports

1.1 Informal Meeting of Councillors Records

File No:	**CM21/340**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Governance**
	We are responsive, open, transparent and financially sustainable

Declaration

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

Summary

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

Introduction

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

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

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

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

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

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

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

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

Council Plan Objective:

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

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

Recommendation

That the attached Informal Meeting of Councillors Records be received.

Attachments

AT-1	Regional Engagement Group 24 August 2021 Informal Meeting of Councillors	1 Page
AT-2	Policy Workshop 1 Sept 2021 Informal Meeting of Councillors record	2 Pages
AT-3	Audit and Risk Committee 7 Sept 2021 Informal Meeting of Councillors record	1 Page
AT-4	Councillor and Staff Disability Awareness Training 8 Sept 2021 Informal Meeting of Councillors	1 Page
AT-5	Policy Workshop 8 Sept 2021 Informal Meeting of Councillors record	2 Pages
AT-6	Council Meeting Discussion 15 Sept 2021 Informal Meeting of Councillors	1 Page
AT-7	Lang Lang Vehicle Proving Ground 15 Sept 2021 Informal Meeting of Councillors	1 Page

I.2 Planning and Building Statistics - August 2021

File No:	**CM21/553**
Division:	**Place Making**
Council Plan Strategic Objective:	**Our Character**
	Celebrating the uniqueness of our townships

Summary

PERMITS REFUSED:

Nil.

PERMITS ISSUED:

Island Ward

200415: Subdivision of land into 2 lots in GRZ1 and DDO1 and removal of vegetation in VPO2 located at 35 Lymington Avenue, Ventnor.

210059: Subdivision of land into 2 lots located at 1A Ventnor Road, Cowes.

210093: Subdivision of land into 6 lots in GRZ – Stage 1 located at 14-20 Redwood Drive, Cowes.

210112: Buildings and works to construct two additional dwellings on a lot in a General Residential Zone located at 19 Grandview Grove, Cowes.

210296: Buildings and works associated with a dwelling in the DDO1 located at 22 Chillingworth Road, Cowes.

Western Port Ward

200379: Use and development of land for a dwelling in FZ and SLO2 and removal of native vegetation located at Veterans Drive, Newhaven.

210052: Subdivision of land into 7 lots located at 9 The Corsoit, Kilcunda.

210053: Development of land for a dwelling in DDO1 located at 40 Nouvel Crescent, Corinella.

210088: Development of land for a dwelling in FZ, EMO1, SLO1 located at Lot 2 PS448862 Payne Road, Glen Alvie.

210099: Subdivision of land into 2 lots in GRZ and BMO located at 34 Portview Avenue, Grantville.

210101: Works on the Forrest Caves boardwalk comprising of screw piles and support beams located at Forrest Caves Boardwalk connecting Main Carpark to the Beach, Cape Woolamai.

210111: Building and works for stairs (pathway) in PPRZ and HO28 located at Crown Land, The Esplanade, Corinella.

210121: Use of land for sale and consumption of liquor in association with proposed café (on site consumption) and bottle shop (off site consumption) in a Commercial Zone located at 1528-1536 Bass Highway, Grantville.

210167: Buildings and works for agricultural outbuilding over 100sqm in SLO1 located at 315 Loch-Kernot Road, Loch.

210178: Subdivision of land in to two lots in TZ located at 5 Gruber Street, Kilcunda.

210186: Development of land in excess of 7 metres in the DDO1 located at 24 Elevation Crescent, San Remo.

210198: Building and works for existing building in the C1Z and PPRZ located at Crown Land Lease 1202906 – 170 Marine Parade, San Remo.

210221: Construct or carry out works associated with a dwelling I the BMO1 located at 16 Cottosloe Avenue, Cape Woolamai.

210224: Subdivision of land into two lots located at 11 Furlong Crescent, Dalyston.

210241: Subdivision of land (boundary realignment) in the FZ) located at 14 and 150 The Shuntoff, Grantville.

210258: Subdivision of two lots located at 515 Lynnes Road, Wattle Bank.

Bunurong Ward

210003: Development of land for a dwelling and removal of vegetation located at 23 Norman Road, Inverloch.

210152: Development of land for a dwelling in the LSIO located at 8 Cuttriss Street, Inverloch.

210195: Use of land for licensed premises under Clause 52.17 located at 10G A`Beckett Street, Inverloch.

210215: Subdivision of land into two lots in the GRZ1 located at 51 Broome Crescent, Wonthaggi.

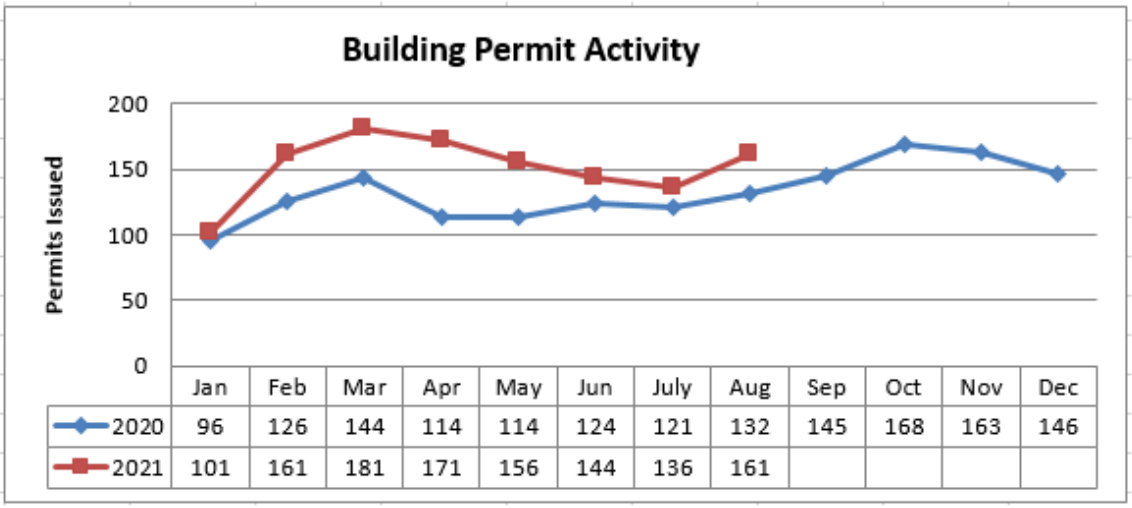
210216: Development of three dwellings and subdivision into three lots in the GRZ located at 33 Dunn Street, Wonthaggi.

210234: Development of the land for an agricultural building located within 50 metres of Road Zone Category 1 located at 531 Cape Paterson Road, Cape Paterson.

PLANNING AND BUILDING ACTIVITY REPORT FOR AUGUST 2021

Statutory Planning	**This month (August)**	**Last month**	**Year to date (financial year)**
% of applications determined within statutory timeframe	63	63	62.4
Average Gross Days (Responsible Authority determination)	319	133	218
(new) Average Gross Days to final outcome	354	127	238
Number of live applications	239	228	-
Number of applications received for the month	50	58	108
Number of Responsible Authority outcomes	48	50	98

Municipal Building Services & Enforcement	This month (August)	Last month	Year to date (financial year)
Essential Safety Measure inspections	0	0	0
Report and Consent applications	19	26	367
Siting consents issued for temporary structures	0	0	2
Complaints received requiring investigation	11	5	175
New building enforcement cases	2	1	19
Number of open building enforcement cases	30	29	n/a
Building permits issued by Council	0	0	0



Planning Enforcement	This month (August)	Last month	Year to date (financial year)
Complaints received requiring investigation	25	14	184
New planning enforcement cases	0	0	8
Open enforcement cases	49	73	-
Pre commencement meetings	0	0	0
Official warnings issued	0	0	0
Number of planning infringement notices issued	2	0	0
Total infringements received ($)	0	0	$1652.20

Recommendation

That Council:

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

Attachments

There are no attachments for this report.

I.3 Contracts Award Report

File No: **CM21/572**
Division: **Business Transformation**
Council Plan Strategic Objective: **Governance**

We are responsive, open, transparent and financially sustainable

Declaration

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

Summary

Contracts Awarded

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

Contract No.	Description	Contractor	Contract Sum (incl gst)
21024	Cowes Foreshore Bank Rotunda Renewal	TS Constructions	$406,088.10
21027	Internal Audit Services	HLB Mann Judd	$165,165.00

Contracts Extended

For the period from 1 August 2021 to 31 August 2021, the following contracts were extended under the Procurement Delegation Framework.

Contract No.	Description	Contractor	Contract Sum (incl gst)
17014	Cleaning Services for Council Offices and Buildings	Peopleworks Cleaning Services Pty Ltd	Estimated $229,875.25 (1 year)

Recommendation

That Council notes the above contracts were awarded in accordance with the Procurement Delegation Framework during August 2021.

Attachments

There are no attachments for this report.

J Urgent Business

Mayoral Announcement Of Next Meeting Of Council

The next **Council Meeting** will be held virtually on 17 November 2021 commencing at 1.00pm.

Meeting closed

That the meeting to be closed