Bass Coast Shire Council
Minutes for Ordinary Meeting
Wednesday, 17 June 2020
Virtual Meeting
11.00am

1. **These minutes are due to be confirmed on 15 July 2020**
2. **Any decision included in these minutes is subject to change resulting from a rescission motion passed by Council.**

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Meeting commenced

The meeting commenced at 11.03am

Cr Brett Tessari read the Livestreaming Statement.

Livestreaming

As the Meeting Chair, I give my consent for this Open Council Meeting to be streamed live, recorded and published online, in accordance with Council's Livestreaming Policy and Meeting Procedure Local Law 2018.

The Chair and/or the CEO have the discretion and authority at any time to direct the termination or interruption of livestreaming.

Such direction will only be given in exceptional circumstances where deemed relevant. Circumstances may include instances where the content of debate is considered misleading, defamatory or potentially inappropriate to be published.

Attendees are advised that they may be subject to legal action if their actions result in inappropriate and/or unacceptable behaviour and/or comments. Thank you.

Cr Brett Tessari read the Virtual Meeting Statement.

Virtual Meeting Statement

The COVID-19 Omnibus Bill 2020 provision allows Council meeting attendance by electronic means. The requirement of the meeting being open to the public is satisfied by the meeting being streamed live to Councils internet. In the event of technical issues with the livestream the meeting will be adjourned. Councillors are deemed as being in attendance if:

- They can hear proceedings
- They can see other members in attendance and can be seen by other members
- They can be heard (to speak)

Cr Geoff Ellis read the Statement of Acknowledgement.

Statement of Acknowledgement

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

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

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

Cr Bruce Kent read the Councillor Statement.

Councillor Statement

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

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

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

A Present and Apologies

Councillors:

Cr Brett Tessari, Bunurong Ward (Mayor)

Cr Geoff Ellis, Western Port Ward (Deputy Mayor)

Cr Julian Brown, Bunurong Ward

Cr Les Larke, Bunurong Ward

Cr Stephen Fullarton, Island Ward

Cr Pamela Rothfield, Island Ward

Cr Michael Whelan, Island Ward

Cr Bruce Kent, Western Port Ward

Cr Clare Le Serve, Western Port Ward

Officers in Attendance:

Ms Ali Wastie, Chief Executive Officer

Ms Allison Jones, General Manager Business Transformation

Ms Jodi Kennedy, General Manager Resilient Communities

Mr James Stirton, General Manager Place Making

Mr David Filmalter, Chief Financial Officer

Mr Christian Stefani, Executive Manager Partnerships, Advocacy & Economy

Ms Robyn Borley, Manager Governance and Property

Ms Lee-Anne Harmer, Acting Team Leader Governance

Apologies: Nil

B Declarations of Interest

There were no Declarations of Interest

C Confirmation of Minutes

C.1 Ordinary Meeting held on 20 May 2020

Council Decision

Moved: Cr. Geoff Ellis / Seconded: Cr. Julian Brown

That the minutes of the Ordinary Meeting held on 20 May 2020 be deferred until the 15 July Ordinary Council Meeting.

CARRIED

D Public Question Time

D.1 Keith Godridge, Inverloch Erosion, Surf Lifesaving Clubhouse

1. Why has only 50 metres of the erosion protection structure been installed in front of the Surf Lifesaving Clubhouse instead of the 70 metres as intended and publicised?
2. What additional protection work will be carried out as a result of the 20 metre shorter length of the structure and at whose cost?

Response:

As advised by DELWP who are responsible for the installation the overall length of the seawall is 70 metres as per design. This length includes the toe assembly.

Cr Brown asked a clarification question.

Only about 50 meters of the structure is visible from the beach, so can we have an explanation on the dimensions of the structure please?

Response

What you can see of the actual structure, it is almost built a bit like a pyramid so the length of the structure is 70 meters and then as it goes along the sandbags come in, so that is the design of it but the actual structure that includes the toe is 70 meters.

D.2 Kevin Griffin, Bass Coast Ratepayers & Residents Association, Media Engagement Policy 2020

1. Will Council advise the community if Councillor Whelan's recent comments to the media (Advertiser, May 6), whereby he described some community members as "scaremongers", are in breach of the Media Engagement Policy 2020?
2. Will Council advise the community if Councillor Larke's recent comments to the media (Sentinel Times June 2, and Advertiser, June 3), whereby he expressed a personal opinion that contradicts some of Council's financial policies and decisions, are in breach of the Media Engagement Policy 2020?

Response:

1. **Cr Whelan's comments were consistent with the Media Engagement Policy 2020. His comments did not name any specific individual but were on the subject of progressing the development of the Cowes Cultural and Community Centre.**
2. **Cr Larke expressed a personal opinion that is consistent with what he stated during the Council Meeting. This was observed and recorded as part of Council's Meeting Livestreaming and has been published on Council's website. This is consistent with the Media Engagement Policy 2020.**

D.3 Graham Jolly, Council Finances

1. Approved Capital Works Project costings includes the Tender cost, Management cost and a Contingency cost, all of which equates to the total project revenue expense. Would you please inform what happens to the portion of the Contingency book revenue not expensed and what happens to the project budget surplus book revenue once the project is fully completed and expensed?
2. Council reported at the 20 May 2020 Ordinary Council meeting there has been $1.8 million of savings achieved up to 31 March 2020 towards Employee expenses. Would you please inform what departments and the categories has the savings been made and will there be further savings ongoing up to the end of year, 30 June 2020.

Response:

1. **Council practice is to provide for internal project management costs associated with staff costs related to direct project management. Council also provides for contingencies (typically 10 to 15 per cent) to enable it to manage;**
   a. **latent issues (e.g. soil contamination),**
   b. **estimating variances (limited competition, scope changes, unforeseen delays, design changes, third party impacts e.g. utilities connections)**

   This is a sound and prudent practice that reduces the risk of the capital works portfolio being underfunded. It is normal for a complex capital projects portfolio to have project cost overruns on some of the projects. Officers manage these cost overruns by identifying offsets from savings on other projects in the capital projects portfolio. This is done within the internal governance framework provided by the Capital Works Steering Group. Net savings on the capital project portfolio after allowing for carry over funding for deferred capital projects is returned to consolidated revenue at the end of the financial year.
2. **The departments with significant employee savings at March 2020 are Strategy and Growth, Governance and Property and Asset Management. These savings are mainly linked to ongoing vacancies, staff being backfilled by contractors and acting arrangements within these departments. The COVID-19 pandemic also triggered the closure of some Council facilities (e.g. WUCAC, Visitor Information Centres) and this added to the projected labour cost savings. We now expect the $1.6 million year to date savings in March 2020 to be realised in full and have forecast full year savings to June 2020 to be $1.8million.**

D.4 Meg Anderson, Hooded Plovers and the dogs-off-leash beach at Ventnor

1. Would Council consider reviewing the 24/7 dogs-off-leash beach at Ventnor in terms of its boundaries and timing due to the massive threat that dogs off leash pose to the Hooded Plover nesting site on the Grayden's Rd section of the beach, in order to improve the chances of next season's Hooded Plover chicks fledging successfully?
2. If not, what measures will Council put in place to increase compliance and reduce the impact of dogs off leash in order to improve the survival chances of this important and vulnerable beach nesting bird's population on the island?

Response:

1. **Council will be gathering community feedback and continuing with its observations of dog owner and beach user behaviour at all current beach off-leash areas during the coming financial year, which is the last year of the current Domestic Animal Management Plan. This information will be used to help identify if current off-leash beach areas are meeting community expectations and reducing the impacts of dogs on beaches. This process will inform future activities associated with beach off-leash areas for consideration in the next DAMP.**
2. **The following improvements to native wildlife protection has been identified for this year:**
   - **Increased enforcement patrols when Hooded Plovers are nesting in this location and ensuring controls are conducted at optimum times**
   - **Ongoing education/warnings outside of the peak period and Hooded Plover breeding season**
   - **Improved signage to ensure greater awareness of the impacts of dogs on beaches in sensitive locations**
   - **Increased education/enforcement of rules for using the off-leash area**

D.5 John Trigt, Indigenous Lives Matter

Will the Bass Coast Shire Council approach the elders and the traditional owners and the Bunurong, Boon wurrung members of the Kulin Nation on which we are situated to alter the Bass Coast Statement of Acknowledgement and add the following?

INDIGENOUS LIVES MATTER

Response:

Bass Coast Shire is committed to reconciliation and building strong, meaningful relationships with the traditional custodians of the land upon which we live and work; and with the broader Aboriginals and Torres Strait Islander Community.

Self determination is a key foundation of reconciliation. Under a self-determination model, any change to Council's Statement of Acknowledgment would only be made if the Indigenous and Torres Strait Islander members of our Bass Coast Reconciliation Network requested such a change and the wording was developed by them.

D.6 Helen Grimaux, Rural Roads Victoria's proposed review of speed limits across Phillip Island

In light of a petition circulating at Ventnor calling for changes to speed limits and signage that are inconsistent, confusing and dangerous for road users and wildlife, will council as a matter of urgency formally endorse a partnership with Rural Roads Victoria in its proposed review of speed limits across Phillip Island?

Response:

RRV and Council have recently commenced a review of existing speed limits on Phillip Island and San Remo. The aim is to provide a safer road environment for the local community and visitors, while also protecting precious native wildlife at this popular tourist destination.

RRV and Council are working closely together to determine appropriate speed limits on these roads and to consider how to best address community concerns in implementing any changes. Community engagement is anticipated to commence later in 2020. The stakeholder and community engagement will provide opportunity for feedback to achieve the best outcome for safety and efficiency of the road network.

D.7 Tricia O'Brien, Community Engagement and Conflict Resolution

Does Council use its 'customer request and complaints database' to identify hotspots of community concern and, if so, can ratepayers access this data to use in building a body of evidence of prior complaints/requests when formally petitioning council about ongoing matters of concern?

Response:

Council does use the information it captures to provide services and address concerns; however, not all of it may be available to the public.

To best support a resident's request to access information or to address a particular matter, Council encourages people to make contact with Council officers in the first instance, who may be able to assist with the enquiry and provide the relevant information.

Community members can also request to access information under the Freedom of Information Act 1982.

E Petitions, Joint Letters, Deputations and Correspondence

There were no Petitions, Joint Letters, Deputations and Correspondence

Notices of Motion

F Notices of Motion

F.1 220/20 Corinella Coastal Erosion, Cr Clare Le Serve

I, Cr Clare Le Serve hereby give notice that I intend to move a motion at the Ordinary Meeting on 17 June 2020, which reads as follows:

CORINELLA COASTAL EROSION

Motion

That Council

1. **Note the urgent situation occurring at the Corinella Foreshore as a result of coastal erosion and the contamination of Western Port occurring as a result of the exposure of an old tip site.**
2. **Assist the Corinella Foreshore Committee of Management to advocate to the State Government for urgent funds for the remediation of the old waste landfill site including funds for the Restoration and Revegetation of the Settlement Point Corinella Foreshore Reserve cliff face, below Palmer St (south side) and the coast reserve.**
3. **Assist the Corinella Foreshore Committee of Management to contact the EPA to ensure they are aware of the current and ongoing contamination of Western Port occurring from an old waste landfill site exposed by wave action as a result of coastal erosion and urge that they take strong action to remediate the contamination.**

Councillor Comments

There is an area of the cliff that has slumped on the Settlement Point Corinella Foreshore Reserve south cliff face and is impacting Western Port with landfill waste. The area is below Palmer St across from the old tennis courts and only accessible at low tide along the beach from Beach St Corinella towards the Settlement Point.

The area was an illegal dumping area that now has been exposed by the erosion of the cliff face.

There is a need to slow the run off of the surface water and revegetate the above reserve to help protect this fragile cliff face from further slumps.

The concern is the amount of waste that has slipped down onto the beach and into the sea causing environmental damage.

If this situation is not rectified it will continue to cause further damage to the stability of the cliff face and adjacent properties.

Officer's Comments

The Crown Land Foreshore Landholder for the subject site is the Department of Environment, Land, Water and Planning (DELWP) and the Crown Land Foreshore Manager is the Corinella Foreshore Committee of Management (COM).

At this stage Council officers have been unable to understand the history of the waste deposit site (the site) at Settlement Road including whether the site was illegal or otherwise.

Council officers undertook a site inspection on Friday 5 June 2020 and can confirm that erosion is exposing fill material that includes waste sporadic ranging from engine components, glass and clothing throughout the exposed face of the fill area.

Further erosion of the toe of the fill material may result in additional slippage of the fill onto the foreshore, which has the potential to expose more waste. The percentage of waste material exposed may increase as the erosion of the fill progresses inward, however this will be subject to further understanding of the site. The extent of the fill material is unknown.

The notice of motion to assist the Corinella COM to advocate assistance from State Government and provide contacts for the Environment Protection Authority Victoria (EPA) can be undertaken, taking into consideration Council's resources and ongoing management of erosion issues where Council is Crown Land Foreshore Manager and /or has assets under threat.

……..
Cr Clare Le Serve, Western Port Ward
Dated: **17 June 2020**

Attachments

There are no attachments for this report

Council Decision

Moved: Cr. Clare Le Serve / Seconded: Cr. Geoff Ellis

That the motion be adopted.

CARRIED

Mayor and Councillors Reports

G Mayor and Councillors Reports

G.1 Mayoral Report - Cr Brett Tessari

Bass Coast Shire Council is saddened and offended at the appalling conduct of the ex Minister for Local Government towards the Minister for Women. His behaviour was sexist, threatening and totally at odds with the outstanding progress made by Bass Coast Council towards building gender equity and creating a more welcoming and respectful Victoria.

Bass Coast Shire Council is an organisation that has zero tolerance of violence or bigotry of any kind. We pride ourselves on developing a culture of inclusivity and respect.

We have a longstanding and strong commitment to Preventing Men's Violence against Women and supporting our LGBTIQ community.

It is an absolute disgrace that in 2020 we still see the type of behaviour. We will not stand back and let this behaviour occur, which is why I stand here today delivering this statement calling it out. We are an organisation that will always call out violence and bigotry when we see it, and will work hard towards the prevention of these behaviours in our community, because there is no place for them.

Passing of Greg Wright

I would like to acknowledge the passing of Greg Wright on 15 May 2020, former Chair of the Chief Executive Officer Employment Matters Committee.

Greg was appointed to the role in March 2018 and worked with members of the Committee for review of the Chief Executive Officers' performances and also oversaw the recruitment process and appointment of our current Chief Executive Officer, Ali Wastie.

Due to illness Greg resigned from the Committee in January of this year. Greg was very close with his extended family and our sympathies go out to them.

Key Setches, Order of Australia

I would like to recognise and congratulate Surf Beach's Kay Setches, who was appointed to the Order of Australia on the Queen's Birthday Honour list last week, for significant service to the people and Parliament of Victoria and to women in politics.

As a former MP and minister with the State Government, Kay was instrumental in paving the way for women in politics. Throughout her life, Kay's political, social and feminist beliefs have been central to her community service and she continues to make a significant contribution to the community.

People who know Kay would attest to her active engagement in community events and causes, her generosity as a mentor and the leadership she demonstrates in all areas of her community service. Kay is highly deserving of this recognition.

Meetings

Attended Council Workshops and Briefings

Chaired Councillor Only Meetings

Weekly meetings with CEO, Council Support and Communications

Attended Audit Committee Meeting

- Additional Meetings:
- One Gippsland Mayors Meeting
- One Gippsland Board Meeting
- Budget Briefing
- Meeting with PINP Board Chair – Liz Stinson
- FedUni/TAFE Gippsland Meeting
- SMC Strategies Meeting – Wonthaggi Branding/Identity
- Meeting with Jordan Crugnale – Dinosaur Trail Project
- PUGRC EcoDev Review Meeting
- Attended CEO Employment Matters Committee Meeting
- Community Leadership Recovery Group Meeting
- Community Leadership Recover Group Agenda Meeting
- Discussion on Planning Matters Meeting
- Corinella Erosion Site Visit Meeting
- Bunnings Briefing
- Local Government Mayoral Advisory Panel Meeting
- Arts & Culture Subgroup Meeting
- Environment Subgroup Meeting
- Local Economic Subgroup Meeting
- Community Wellbeing Subgroup Meeting
- Asset Management Reports Discussion for the June 17 Ordinary Council Meeting
- Wonthaggi Power Football Netball Club Future Works Meeting

G.2 Councillor Report - Cr Geoff Ellis

May

20 - Virtual Council Meeting – Attended at Civic Centre

21 - South Gippsland Bass Coast Reconciliation Meeting

25 – Meeting with Mayor and CEO

25 - Meeting with Mayor and Communications

25 - Councillor only time

25 - Chaired Community Wellbeing sub group meeting.

27 – Attended Council briefings and Workshops from 8.30 AM to 2pm

28 – Catch up with Ben Corcoran and Paul Drew re access and inclusion

28 - Community Leadership Recovery Group meeting.

June

1 - Meeting with Mayor and CEO

1 - Meeting with Mayor and Communications

1 - Councillor only time

1 - Meeting with Unemployed Worker Union.

3 – Council meetings and briefings.

4 - Community Leadership Recovery Group meeting.

5 – Interviewed by Sally O'Neil about my role in suicide prevention.

5 - Coffee with a constituent

5 – TPRA

6 - Attended and spoke at Solidarity in Surf rally at Eagles Nest on the Bunurong Coast

9- Community meeting re homelessness and affordable housing.

9 - Celebrated the OAM with Kay Setches.

10 - Council briefings and Workshops

11- Meeting with Headway

11 - Lunch with Farmers in Kernot

11 - Photo shoot re suicide prevention article

11 - Coffee with a constituent

11 - Community Leadership Recovery Group meeting.

11 - Phone catch up with State Member re HPG

12 - Drainage Asset Management Plan meeting

13 - Follow up re HPG

15 - Meeting with Mayor and CEO

15 - Meeting with Mayor and Communications

15 - Councillor only time

15 - Chaired Community Wellbeing sub group meeting.

G.3 Councillor Report - Cr Les Larke

- Municipal Emergency Management Planning Committee meetings
- Community Leadership Recovery Group meetings
- Local Economy Recovery Subgroup meetings
- Proposed Budget 2020/21 briefings
- Developer/Planning/Asset Management/Community briefings
- Consultant briefing re Wonthaggi strategies/branding
- Reconciliation week webinar 'In this together'
- Councillor only/CEO weekly sessions
- Active collaborations through email or chats (by phone or online) across our Community including businesses, residents and ratepayers

G.4 Councillor Report - Cr Clare Le Serve

I would like to thank All members of the Response and Recovery Leadership Grant Group. And as the Chair for the Arts & Cultural Sub Committee I would especially like to thank all community members, Cr Whelan and Council Officer David Burrows for their hard work and commitment to aiding Council to distribute the grant package to the Bass Coast Community.

G.5 Councillor Report - Cr Pamela Rothfield

- Councillor Briefings
- 2021 Annual Budget Briefings
- Community Leadership Recovery Group Meetings
- Chairing Local Economy Subgroup meetings
- DPI Board Meeting
- Audit Committee Meeting
- Cowes Cultural and Community Centre

G.6 Councillor Report - Cr Michael Whelan

SECCCA

As Chair of the Councillors Advisory Group I wrote on behalf of SECCCA to:

The Premier Daniel Andrews and the Minister for Energy, Environment and Climate Change re Strong interim emissions reduction targets driving a zero carbon economic recovery

ALGA and MAV regarding their climate change resolutions and follow up actions

Building industry representatives regarding Affordable, Available and Achievable energy efficiency and renewable energy for homes

Black Lives Matter

I want to express strong support for our aboriginal and Torres Strait Island community in their ongoing fight for equality, recognition, and a fair go. The community is systemically disadvantaged, and this must change. In this regard I am very pleased with the work being undertaken by the CEOs of Bass Coast Shire and Bass Coast Health engage Dr Doseena Fergie as the Aboriginal and Torres Strait Islander Community Strategic Advisor working across BCSC and Bass Coast Health.

Reports Requiring Council Decision

H Reports Requiring Council Decision

H.1 Draft Annual Budget 2020/2021

File No:	**CM20/299**
Division:	**Finance**
Council Plan Strategic Objective:	**Governance**
	We are responsive, open, transparent and financially sustainable

Declaration

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

Summary

The purpose of this report is to seek Council authorisation to release the Proposed Budget to the community.

Council has prepared the Proposed Budget for 2020-2021, which is aligned to the vision in the Council Plan 2017-2021. It seeks to maintain our existing services and infrastructure as well as deliver projects and services that are valued by our community. The Proposed Budget provides for $2.8 million in fee relief and economic stimulus as a response to COVID19. It also contains a capital program of $28 million, which will provide public realm improvements. The proposed budget has been developed within the rate cap increase of 2.0% mandated by the State Government.

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

The report recommends that Council release the Proposed Budget for public exhibition and submissions from 22 June 2020 - 21 July 2020.

Background

The Council Plan sets the framework for strategic decision making for Council and is the base on which the Budget is developed.

As this is the final year of the Council Plan 2017-2021, it is proposed that no changes are made to the Council Plan Strategic Indicators and Measures as they are considered to remain highly relevant.

The Budget provides the authorisation for the delivery of all services and includes performance measures, intended borrowings, and sets the rates and charges for the year. It also identifies the Capital Works projects that are planned to be commenced and/or delivered during 2020-21.

The Budget includes a Strategic Resource Plan, providing a four year financial outlook for the Council including forward cash flow, balance sheet and capital works projections. Projections for a number of Financial Indicators including indicators set by the Victorian Auditor-General's Office (VAGO) and Local Government Victoria (LGV) have also been included in the Budget. The forward indicators confirm that Bass Coast's financial position will remain sound with ongoing operating and adjusted operating surpluses, and increased investment in capital expenditure including asset renewal. While the Budget reflects increased Council borrowings, this is tied to the major capital investment program and the level of debt is still expected to remain within prudential guidelines (indebtedness ratio less than 60%).

The Council Plan and Budget documents:

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

Strategic Basis

Council Plan Objective:

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

Statutory Requirements/Codes/Standards/Policies

The proposed Council Plan and Budget will be available for inspection and members of the public have the right to make a submission under Section 223 of the *Local Government Act 1989*. The proposed Budget and Review of the Council Plan 2017-2021 will be open for submissions from Monday, 22 June 2020 until 5.00 p.m. Tuesday 21 July 2020. Council will receive and hear submissions on these key Council planning documents at a Special Council Meeting that has been scheduled for 29 July 2020.

The provisions of sections 127, 158 and 161 of the *Local Government Act 1989* apply to the budget process. Clauses 8 and 9 of the *Local Government (Planning and Reporting) Regulations 2014* also apply.

Discussion

The Proposed Budget projects an operating surplus of $3.1 million for 2020-21 and a balanced Funding Statement position. It offers a record capital works program of $28 million, an array of major strategic projects for delivery across a number of different precincts and growth and development within the shire. The Proposed Budget responds to the operational impacts of COVID-19 to Council as we continue our recovery program. It provides both direct relief to the community and stimulus to the local economy through the fast-track of project spend. This has been achieved through continually seeking efficiencies from the way in which Council operates and through the prudent use of borrowings and existing reserves. All of this is provided within the rate cap increase of 2.0% mandated by the State Government.

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

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

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

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

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

- Total Expenditure $104.5 million
  - Operations $64.0 million
  - Capital Works $28.0 million
  - Debt Servicing $12.5 million
- Funded by:
  - Rates and Charges $64.4 million
  - Grants and Subsidies $9.9 million
  - Fees and Charges $6.4 million
  - Borrowings $17.2 million
  - Contributions $0.8 million
  - Asset Sales $3.2 million
  - Interest $0.5 million
  - Transfers from Reserves $1.7 million
  - Other Revenue $0.5 million

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

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

- Freeze on fees and charges - $350,000
- Full year waiver of business signage, footpath trading and liquor licences - $30,000
- Three months' rent relief to Council lessees - $200,000
- Business and Event recovery support - $40,000
- Affordable Housing Initiative - $130,000
- Fast tracking a number of strategic initiatives and capital works in order to stimulate the local economy.

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

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

Our investment in capital projects continues to be a priority with a proposed program of $27.97 million. This program includes:

- Land purchases and associated building works - $10.93 million
- The replacement of plant, fleet and equipment - $2.34 million
- Infrastructure works such as pathways, roads, drainage, open space and recreation facilities -$6.4 million

More specifically, the proposed capital budget includes:

- Aquatics planning and design- $3.08 million
- Cowes Cultural and Community Centre Redevelopment - $4.0 million (being the initial funding for a $19 million project)
- Wonthaggi Guide Park - $1.15 million
- Phillip Island Transfer Station- $0.25 million
- Climate Change Actions - $0.5 million
- Anderson Road Boat Ramp East Carpark Upgrade, Cowes - $0.38 million
- Dalyston Netball Court and Toilet Pavilion Upgrade - $0.5 million

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

Finances

The Proposed Budget for 2020-21 provides for total operating income of $82.5 million and total operating expenditure of $79.4 million – a budgeted surplus of $3.1 million (underlying surplus of $0.2 million).

On a cash basis, the Funding Statement projects a balanced budget with total budgeted expenditure of $104.5 million, funded through Rates and Charges $64.4 million; Grants and Subsidies $9.9 million; Fees, Charges and Contributions $7.2 million; Borrowings $17.2 million; Reserves $1.7 million; and interest/asset sales/other income $4.2 million.

Total Equity is budgeted to increase from a forecast $720.4 million at 30 June 2020 to $723.6 million at 30 June 2021.

Stakeholders

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

A community consultation program will be undertaken during early July to provide stakeholders with the opportunity to discuss the Proposed Budget. The Proposed Budget will be available on Council's website at www.basscoast.vic.gov.au/abetterbasscoast or at any of our Customer Service Centres.

Due to COVID-19 we will not be holding a drop in session as in prior years. There will be an on-line forum which will provide people an opportunity to come along and have a chat about the proposed document or provide their input including any specific questions through a Facebook link. The date and time of the proposed session is:

- **Facebook** – Tuesday 7 July at www.facebook.com/basscoastshire from 6.00 pm to 7.30 pm

Other Options

The *Local Government Act 1989* requires Council to prepare an Annual Budget and to review their Council Plan. Council could choose not to approve the proposed Budget or to review their Plan for community consultation however it would be in breach of the *Act.*

Conclusion

The Proposed Budget identifies how the priorities identified through the development of the Council Plan will be funded and is an important tool for measuring the performance of Council and determining where Council's financial resources will be directed. It is also used in association with other plans and strategies to provide direction to Council in decision making.

A copy of the Proposed 2020/2021 Budget is attached to this report (AT-1).

Recommendation

That Council:

1. **Approves the 2020-2021 Proposed Budget annexed to this resolution as the Proposed Budget prepared by the Council pursuant to section 127 of the *Local Government Act 1989*.**
2. **Approves the Revised Council Plan (Council Plan Strategic Indicators, Measures and Major Initiatives) set out in Section 4 of the 2020-2021 Proposed Budget annexed to this resolution.**
3. **Authorises the Chief Executive Officer to:**
   a. **Give public notice of the Proposed Budget and Revised Council Plan in accordance with section 129(1) of the *Local Government Act 1989*.**
   b. **Make available for public inspection a copy of the Proposed Budget and Revised Council Plan in accordance with section 129(3) of the *Local Government Act 1989*.**
4. **Calls for written submissions in accordance with section 223 of *the Local Government Act 1989* on the proposals contained in the 2020-2011 Proposed Budget including the Revised Council Plan – written submissions will be accepted until 5.00 pm Tuesday 21 July 2020.**
5. **Considers any submissions received and hears any person who wishes to be heard (either personally or by a person acting on their behalf) in support of a submission received, in relation to the Proposed Budget and Revised Council Plan at a Special Council Meeting to be held at 11.00 am on Wednesday, 29 July 2020 at the Bass Coast Civic Centre.**

Attachments

AT-1 Bass Coast Shire Council Proposed Budget 2020/21 61 Pages

Council Decision

Moved: Cr. Pamela Rothfield / Seconded: Cr. Michael Whelan

That the recommendation be adopted.

CARRIED

H.2 Response to Petition / Joint Letters - Sunset Strip Residents: Roads, Amenities and Open Space

File No:	**CM20/80**
Division:	**Place Making**
Council Plan Strategic Objective:	**Liveability**
	Enjoying the place we live

Previous Items: PE2/20 - Joint Letters - Sunset Strip Residents: Roads, Amenities, Open Space - Council - 19 Feb 2020 5.00pm

Declaration

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

Summary

The purpose of this report is to provide a response to a petition received by Council in relation to Roads, Amenities and Open Space at Sunset Strip.

A petition was received by Council at the 19 February 2020 Ordinary Meeting of Council regarding *Joint Letters – Sunset Strip Residents: Roads, Amenities and Open Space.*

Council resolved at the 19 February 2020 Ordinary Meeting of Council:

1. *That the joint letters, Sunset Strip Residents: Roads, Amenities, Open Space be received and lie on the table until a future Ordinary meeting of Council.*
2. *That the head petitioner be advised of Council's decision.*

This report recommends thanking the head petitioner and advising them of the following.

That Council:

- Will continue to manage its road network in accordance with the Urban Roads and Drainage Improvement Policy 2019 which does not support the installation of primer seal.
- Will continue to manage its playspace assets in accordance with the Bass Coast Playspace Strategy 2017 which does not support the inclusion of public toilets or barbeques within a Local Level playspace.
- Will continue to monitor the need for any further clearing of undergrowth in accordance with fire reduction standards.

Background

At the 19 February 2020 Ordinary Meeting of Council 215 joint letters containing 232 signatures was presented to Council (refer AT-1). The letter read:

To the Bass Coast Shire Council,

I am a property owner in Sunset Strip and am disgusted that you the council have dug up our roads.

This has caused excess dust, which is coating our lungs, our bodies, our children, our homes, cars and gardens.

I object to your excessive special charge scheme for roads and drainage.

The property owners in Sunset Strip must collectively contribute at least $500,000 in rate payments each year and I fail to see where any of this money is spent in our estate.

I believe it's about time our rates were spent to improve our quality of life not destroy it with dust.

Therefore, I respectfully request our roads be covered with the successful dust suppressant "Primer Seal".

That a toilet and bbq are built in our park to enable us to gather there as a community.

That the undergrowth in the bush at the top of the estate be cleared as it is a fire and snake hazard.

Yours Sincerely

Council resolved at the 20 February 2020 Ordinary Meeting of Council:

1. That the joint letters, Sunset Strip Residents: Roads, Amenities, Open Space be received and lie on the table until a future Ordinary meeting of Council.
2. That the head petitioner be advised of Council's decision.

This report responds to the first part of that resolution.

Strategic Basis

Council Plan Objective:

Liveability – *Enjoying the place we live*

Major Initiative / Initiative

Addressing concerns related to roads, amenities and open space at Sunset Strip is not a major initiative or initiative in Council's 2019/20 Budget.

Strategies / Policies

Council's Asset Management Policy and Strategy 2017

Council's Road Management Plan 2017

Council's Road Asset Management Plan 2019-2023

Council's Urban Roads and Drainage Improvement Policy 2019

Bass Coast Playspace Strategy 2017

Statutory Requirements/Codes/Standards/Policies

Local Government Act 1989, 2020

Road Management Act 2004

The *Road Management Act 2004* requires Council to prepare a Road Management Plan. This was adopted by Council in 2017.

Discussion

1. Road management

Council's position in maintaining and upgrading road infrastructure in urban areas is confirmed via the *Urban Roads and Drainage Improvement Policy 2019*. This Policy has been developed to work towards improved conditions for all residential areas across the shire.

The Policy confirms Council's strategic and operational approach to upgrading unsealed roads and drainage in urban areas. It sets out to resolve unsealed road and drainage issues for approximately 5300 affected properties in Bass Coast.

The Urban Roads and Drainage Upgrade Program is the mechanism that stipulates the order road conversion is to occur within the shire. The Policy aims to ensure that all communities receive permanent benefits that come with good quality infrastructure. Sunset Strip is currently the fourth community within the program to be considered.

With regard to the request for primer seal to be applied to unsealed roads in Sunset Strip, this is contrary to Council's policy, asset management strategy and road maintenance practice. The application of primer seal to unsealed roads was assessed as a past trial program and considered to have failed and Council resolved not to continue the program. The Urban Roads Improvement Policy sets out to deliver permanent and sustainable infrastructure solutions with a consistent approach across Bass Coast.

2. Recreation Request

The *Bass Coast Playspace Strategy 2017* outlines a hierarchy of all play spaces within the shire. This hierarchy confirms the different levels of playspace provision and service levels that are provided in each play space across Bass Coast.

The Sunset Strip playspace is identified as a 'Local Level' facility. This identification considers such items as the immediate area and the playspace catchment, such as walking distance of that locality.

Local Level playspaces are small and focus play opportunities on primarily younger children. These spaces may include trees for shade and visitation is mostly for very short periods by smaller numbers of people. These playspaces generally have an amenity level and accessibility requirements that represent this local catchment.

As Local Level playspaces exist in high numbers across Bass Coast they do not support local infrastructure such as public toilets or barbeques. Public toilets and barbeques are directed towards larger playspaces and open space assets with much larger catchments.

3. Maintenance Request

Since the petition being received in February 2020, Council has conducted mowing in the road reserve near Vision Circuit. Council will continue to monitor the need for clearing of undergrowth in accordance with fire reduction standards.

Finances

There is no current budget or resources allocated to continue with planning and delivery of the road and drainage upgrade project at Sunset Strip.

Existing operational budgets would support mowing and undergrowth clearance in the road reserve between Vision Circuit and Phillip Island Road.

Stakeholders

- Sunset Strip residents and ratepayers
- Bass Coast Shire Council
- Visitors to the area
- Regional Roads Victoria
- Melbourne Water
- Service Companies

Other Options

Council could consider funding the primer seal requested in the petition. To consider funding a primer seal, Council could defer consideration and request further information relating to cost and implications. However this is not recommended as it would be outside of Council's adopted policy position. Council may also request further information, including costs to expedite planning for the Urban Road and Drainage Upgrade project, taking into consideration other areas on the priority program.

Council could consider funding a toilet and a barbeque in the Sunset Strip Park. However this would not be consistent with its Playspace Strategy 2017. There are many similar parks and open space areas in Bass Coast and the Strategy and hierarchy ensures that they are all considered consistently with regard to facilities and service provision. To consider a toilet and barbeque Council could defer consideration and request further information relating to cost and implications.

Conclusion

Council's current policy is to bring all unsealed roads in urban areas up to modern standards and this is set out in the Urban Road and Drainage Improvement Policy 2019. The Sunset Strip area is identified as an area for upgrade and is the fourth on the priority program.

A consistent approach to playspaces is outlined in the Playspace Strategy 2017. The Playspace Strategy and hierarchy ensures that all playspaces are considered consistently with regard to facilities and service provision. As outlined within the Strategy, Local Level playspaces do not indicate the inclusion of public toilets or barbeques.

Council has conducted mowing in the road reserve near Vision Circuit and will monitor the need for further clearance of undergrowth in accordance with fire reduction standards.

Recommendation

That Council thanks the head petitioner and advises that it:

1. **Will continue to manage its road network in accordance with the *Urban Roads and Drainage Improvement Policy 2019* which does not support the installation of primer seal.**
2. **Will continue to manage its playspace assets in accordance with the *Bass Coast Playspace Strategy 2017* which does not support the inclusion of public toilets or barbeques within a Local Level playspace.**
3. **Will continue to monitor the need for any further clearing of undergrowth in accordance with fire reduction standards.**

Attachments

AT-1 ***CONFIDENTIAL*** - Joint Letters 215 Pages

Council Decision

Moved: Cr. Stephen Fullarton / Seconded: Cr. Bruce Kent

That the recommendation be adopted.

CARRIED

H.3 Proposed Planning Scheme Amendment C159 - Mahers Landing Integrated Marina Development

File No:	**CM20/218**
Division:	**Place Making**
Council Plan Strategic Objective:	**Our Character** Celebrating the uniqueness of our townships

Declaration

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

Summary

The purpose of this report is for Council to consider requesting the Minister for Planning to commence a Planning Scheme Amendment. The proposed Amendment is proponent led and seeks to facilitate the rezoning and integrated development of land on Mahers Landing Road, Inverloch. The land is currently zoned Farming Zone, with a small section within the Public Park & Recreation Zone. The site is also covered by the Environmental Significance Overlay Schedule 1 – Coastal Wetland Areas (ESO1), Significant Landscape Overlay Schedule 5 – Anderson Inlet (SLO5) and the Land Subject to Inundation Overlay (LSIO).

The amendment proposes to:

- Rezone 253 Hectares of land from the Farming Zone (FZ) to a new Special Use Zone Schedule 7 – Mahers Landing Marina Village (SUZ7);
- Apply new Development Plan Overlay – Mahers Landing Marina Village (DPO) to all 253 Hectares of land;
- Delete the Land Subject to Inundation Overlay (LSIO) in lieu of works required by the other controls; and
- Retroactively include the settlement of 'Mahers Landing Marina Village' in the Bass Coast Planning Policy Framework as:
    - A 'Village' in the Settlement Hierarchy Table at Clause 21.02-1;
    - A moderate growth settlement at Clause 21.09; and
    - A designated 'Tourism Area' at Clause 21.03-4

This report details Council officer's position on the proposed amendment, concluding that on balance, the fundamental requirement for strategic justification is not met.

This report recommends that Council refuse to seek authorisation from the Minister for Planning to prepare the proposed amendment.

Background

Subject land

The land included in the proposal is approximately 253 hectares and is located at 556, 574, 644, 680 and 682 Inverloch-Venus Bay Road, Inverloch.

Specifically, the proposal includes the following titles:

- Lot 1 LP146512
- Lot 2 LP146512
- CP154459
- Lot 1 PS616949
- Lot 2 PS616949



Figure 1: Aerial Photography showing the subject sites

The land is predominately covered by the Farming Zone (FZ) with a small section on the northern boundary within the Public Park & Recreation Zone (PPRZ) occupied by the Screw Creek CFA Station and tennis courts. The Public Conservation and Resource Zone (PCRZ) applies along the coastline to Anderson Inlet.

The land is entirely covered by the Significant Landscape Overlay Schedule 5 – Anderson Inlet, which describes a high level of aboriginal cultural heritage values as well as visual landscape values.

Land within 300m of the coastline is also covered by the Environmental Significance Overlay Schedule 1 – Coastal Wetland Areas. The purpose of this control is to ensure that development is environmentally sensitive to coastal areas.

With the exception of a few areas of land along Inverloch-Venus Bay Road, the site is also covered by the Land Subject to Inundation Overlay (LSIO), which identifies land at risk of flooding and coastal inundation.

Generally, the northern bounds of the subject site is formed by Inverloch-Venus Bay Road, an arterial road connecting the two settlements. Beyond this is farmland primarily used for grazing and dairying.

Mahers Landing Road forms the western bounds of the subject land, which runs between Inverloch-Venus Bay Road and the Mahers Landing Public Boat Ramp. Beyond this is farmland primarily used for grazing and dairying.

To the immediate east of the subject land is Pound Creek, which forms the boundary of Bass Coast Shire Council's municipal area. Beyond this is farming land within the South Gippsland Shire Council.

To the immediate South is Andersons Inlet, a natural inlet managed by Gippsland Ports. The inlet serves as an important marine nursery and is used by recreational boat users and fishers. Beyond Andersons Inlet is the township of Venus Bay, which is within the South Gippsland Shire Municipality.

The subject site is not adjacent to or immediately close to any existing settlement, the closest being Inverloch located approximately 7km away. In the opposite direction, the small township of Tarwin Lower is located approximately 14km away. The land is proximal to the Mahers Landing boat ramp (hence the name) and includes the Pound Creek CFA and tennis courts in its bounds.



Figure 2: Aerial Photography showing the subject sites in context (supplied)

The Proposal

The proposal seeks to facilitate the integrated development of the land into a Marina Village comprising recreational, tourism and residential uses including a marina, regional boating facilities and residential subdivision. To accomplish this, the proponent seeks to:

- Rezone 253 Hectares of land from the Farming Zone (FZ) to a new Special Use Zone Schedule 7 – Mahers Landing Marina Village (SUZ7);
- Apply new Development Plan Overlay – Mahers Landing Marina Village (DPO) to all 253 Hectares of land;
- Delete the Land Subject to Inundation Overlay (LSIO) in lieu of works required by the other controls; and

- Include the settlement of 'Mahers Landing Marina Village' in the Bass Coast Planning Policy Framework as:
  - A 'Village' in the Settlement Hierarchy Table at Clause 21.02-1;
  - A moderate growth settlement at Clause 21.09; and
  - A designated 'Tourism Area' at Clause 21.03-4



Figure 3: Concept Plan (supplied by proponent)

The Process

This report forms the first stage of a Planning Scheme Amendment Process (see Figure 4). At this stage, Council is not making a decision on the proposal, but rather a decision about whether or not the Planning Scheme Amendment process should be commenced.



Figure 4: The Planning Scheme Amendment process

If Council resolves for the process to commence, the Planning Scheme Amendment process provides an opportunity for affected parties and the community to make submissions through a formal exhibition process.

Following assessment of submissions, Council could then make a decision to either abandon or refer the amendment to an independent planning panel.

Council would then have a further opportunity to consider the recommendations of the Panel and then make a decision about whether to proceed with the amendment. Council is not bound by the recommendations of the Panel.

Should Council adopt the final amendment in some form, the Minister for Planning will then consider the amendment and make a decision whether to approve the planning scheme amendment. It then would form part of the Bass Coast Planning Scheme.

This pre-amendment stage as well as following the exhibition and panel hearing stages effectively act as hold points for Council.

The requirements of the process are stipulated in the *Planning and Environment Act 1987.*

Community Interest

As the proposed amendment has not been authorised by either Council or the Minister for Planning, it has not yet been exhibited to the community. However, as of 4 June 2020, Council Officers have received 38 pieces of correspondence from the community on the proposal. All 38 of these items object to the proposal on various grounds.

Strategic Basis

Council Plan Objective:

Liveability – *Enjoying the place we live*

Major Initiative / Initiative

This planning scheme amendment is not a major initiative or initiative.

Strategies / Policies

State and local planning policy framework

A detailed response to the State and Local Planning Policy Framework provisions forms part of the discussion section below.

Statutory Requirements/Codes/Standards/Policies

An amendment to the Planning Scheme is subject to the provisions of the *Planning and Environment Act 1987* that stipulates the process Council must follow when preparing an amendment.

The proposed rezoning has been assessed against Planning Practice Note 46 (*Strategic Assessment Guidelines for preparing and evaluating planning scheme amendments*). The Practice Note advises Council as to the environmental, social and economic objectives that must be considered as part of a Planning Scheme Amendment process. A detailed response to these considerations forms part of the discussion section below.

Ministerial Direction No. 15: *The Planning Scheme Amendment Process* sets out timeframes for completing steps in the planning scheme amendment process. The timeframe requirements commence following receipt of Authorisation for the amendment from the Minister for Planning.

Distinctive Areas and Landscapes Declaration

On 23 October 2019 the Governor in Council, under section 46AO(1) the *Planning & Environment Act 1987* and on the recommendation of the Minister for Planning, declared the municipal boundary of Bass Coast, including a 600 metre buffer seaward from the coast, a 'distinctive area and landscape' (DAL).

This declaration acknowledges that Bass Coast includes the majority of attributes identified in the Act, which are under significant or irreversible land use change that would affect the environmental, social or economic value of the area. These attributes include *outstanding environmental significance; significant geographical features; heritage and cultural significance; and natural resources or productive land of significance*.

As Bass Coast has been declared, the Act requires the preparation of a Statement of Planning Policy (*SPP*). The SPP will include a long-term vision of at least 50 years, policy objectives and strategies to achieve the vision, and a strategic framework plan for guiding the future use and development of land in the declared areas.

Although an SPP has not yet been prepared, a level of weight should be lent to the declaration as an acknowledgement of special landscape qualities belonging to land within the municipality and as seriously entertained state-level policy. This approach is consistent with that of DELWP who are making extra considerations related to DAL as part of their planning scheme amendment assessment process as demonstrated in the authorisation letter for Amendment C136 – Cape Paterson North.

Marine and Coastal Policy (2020)

The newly adopted Victorian Government Marine and Coastal policy provides guidance for managing and conserving marine and coastal environments including development in their environs. Further consideration of this forms part of the discussion section below.

Gippsland Boating Coastal Action Plan (2013)

The Gippsland Boating Coastal Action Plan (2013) is referenced by the application as partial justification for recreational boating upgrades at Mahers Landing.

This report was prepared by the Gippsland Coastal Council to provide a roadmap for recreational boating in the Gippsland Region from Andersons Inlet to the NSW border. While the Mahers Landing and Inverloch boat ramps and jetty sit on the boundary between the Gippsland and Central Coastal regions under the Victorian Coastal Strategy, the assets ultimately sit within the Central Coastal region.

A proposal to investigate an upgrade to the Mahers Landing boat ramp to a 'district boating facility' is contemplated in the Gippsland Boating Coastal Action Plan report. The proposal would alleviate pressure on Inverloch's boat ramp and jetty during peak times. Such an upgrade was not included in the Central Region Recreational Facilities Framework (Central Coastal Council, 2015) in the program of upgrades projected to 2030 and therefore should not be given significant weight.

Discussion

Strategic Justification

Planning Practice Note 46 (*Strategic Assessment Guidelines for preparing and evaluating planning scheme amendments*) sets forth assessment criteria for planning authorities such as Council when considering proposals to amend planning schemes. A full assessment against the strategic assessment guidelines is included at Attachment 2 and includes both the response prepared by the proponent and by Council officers.

The strategic assessment guidelines requires an assessment of an amendment against the following criteria (among others):

- The objectives of planning in Victoria as written at section 4 of the *Planning and Environment Act 1987;*
- Any relevant ministerial directions, including Ministerial Direction No. 13 – Managing Coastal Hazards and the Coastal Impacts of Climate Change; and
- The local planning policy framework as contained within the Bass Coast Planning Scheme.

These aspects of the assessment are addressed in turn.

Objectives of Planning in Victoria

Pursuant to Section 4 of the *Planning and Environment Act 1987,* The objectives of planning in Victoria are (emphasis added):

(a) To provide for the fair, orderly, economic and sustainable use, and development of land;

(b) To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;

(c) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;

(d) To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;

(e) To protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;

(f) To facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);

(fa) To facilitate the provision of affordable housing in Victoria; and

(g) To balance the present and future interests of all Victorians.

The proposed amendment is not seriously contemplated in any previous strategic work undertaken at the state, regional or local level and it is therefore contended that the proposal does not represent fair, orderly, economic or sustainable use or development of land in the Bass Coast Shire. Council has a robust settlement planning regime across multiple pieces of work such as the *Bass Coast Strategic Coastal Planning Framework (2011), Inverloch Design Framework (2011)* and regularly updated land supply and demand analyses. This work is supported at the regional and state level by the *Gippsland Regional Growth Plan (2014)* which identifies settlements appropriate to accommodate growth.

The Gippsland Regional Growth Plan forms part of a set of eight other regional growth plans across Victoria, which along with the metropolitan planning strategy, Plan Melbourne, provides a framework for growth and land-use across the state

The proposal to create a new settlement and retroactively insert it into Council's settlement planning process does not represent sound strategic planning or a coordinated approach between state, regional and local policy.

While the proposal includes a recreational boating facility upgrade, this upgrade is likewise not mentioned in any detail in any previous strategic work.

Ministerial Direction No. 13 - Managing Coastal Hazards and the Coastal Impacts of Climate Change

Ministerial Direction No. 13 (MD13) applies to any planning scheme amendment that proposes the rezoning of non-urban land for urban use and development, such as proposed by this amendment.

The ministerial direction requires any proposal to be consistent with the policies, objectives and strategies for coastal Victoria as outlined in the State Planning Policy Framework. The Victorian Government's "Marine and Coastal Policy 2020" (MCP) is considered the most relevant policy document. It provides guidance for managing and conserving marine and coastal environments including development in their environs and came into effect in March 2020, representing the most up to date guidance from state government on our coastline.

The creation of a new coastal settlement is at odds with this policy.

Specifically, the following policies in Chapter 8 – Coastal Settlements discourage the proposal (and in part, outright prohibit):

8.2 Identify clear settlement boundaries in planning schemes, to plan for growth and protect coastal values; and direct growth to within these boundaries. Where no settlement boundary is identified, define the extent of the settlement by the existing urban zoned land and land identified in the planning scheme for future urban settlement.

8.4 Avoid development on primary coastal dune systems, shorelines of estuaries, wetlands and low-lying coastal areas.

8.5 Avoid linear urban sprawl along the coast and within rural landscapes.

8.6 Retain and protect existing non-urban breaks and uses between all coastal settlements.

8.7 Urban renewal and redevelopment opportunities should be encouraged within existing settlements where they do not increase coastal hazard risk.

8.11 Prohibit the development of new residential canal estates.

Bass Coast Planning Scheme

As noted previously in this report, the proposal seeks to retrospectively recognize the proposed development as an independent settlement within the settlement hierarchy at Clause 21.02-1 and other sections of the local planning policy framework. The following strategies and objectives in the current local planning policy framework are at odds with the proposal:

21.02–Settlement

Objective 2 – To ensure that residential development and related urban uses are restricted to existing or identified settlements

Objective 4 – To discourage urban development that encroaches or impacts on significant environmental features.

Objective 5 – To discourage inappropriate development in areas where an environmental hazard has been identified.

21.04 -3– Biodiversity Conservation and Habitat Protection

Objective 2 – To discourage development in locations, which impacts or conflicts with the quality and sensitivity of the natural environment

Strategy 2.3 – Strongly discourage development that affects the natural flow paths of waterways

Objective 6 – To protect the Western Port Ramsar listed wetland, Anderson Inlet and the Marine National Parks.

Strategy 6.1 – All development close to Western Port, Anderson Inlet and identified Marine National Parks should take into account any relevant Ramsar wetland listings and environmental significance. Development should not only minimise impacts on these areas, but also enhance the environmental values of these areas

21.04-5 – Environmental Hazards

Objective 3 – To restrict and control development on land prone to flooding and salinity

Strategy 3.2 - Strongly discourage development on land prone to flooding and salinity and ensure that development does not increase the risk of an environmental hazard.

21.04-6 – Climate Change

Objective 3 – To discourage development in areas that may be affected by climate change

Strategy 3.5 – Discourage inappropriate development in areas affected by riverine flooding and coastal inundation, in particular, areas affected by the Land Subject to Inundation Overlay

The proposed amendment is considered inconsistent with the guidance placed within the Bass Coast Planning Scheme which itself is based on Council's own objectives, policies and strategies. The proposed amendment seeks to effectively circumvent this work by inserting references to the proposed development into Council's existing policy framework without any basis in previous work undertaken by any arm of Council.

Council's existing settlement planning work is robust and has not previously considered the need for the proposed land to be rezoned and developed.

Other Matters and Additional Documentation

The submitted planning report includes reference to a number of technical reports that Council officers have not yet requested or assessed such as those relating to land and marine ecology, hydrology/drainage, cultural heritage, bushfire risk and infrastructure servicing.

It is the view of Council officers that the policy issues previously mentioned in this report are irreconcilable.

As this fundamental requirement of amending the Bass Coast Planning Scheme has not been met, it is not considered necessary to request or assess technical reports unless Council resolve to progress this proposal any further.

Furthermore, it is acknowledged that further approvals for the proposal would be required under other legislative jurisdictions and it is unclear if the proposal would receive these approvals given its policy shortfalls.

Finances

This is a developer initiated planning scheme amendment that requires fees to be paid to Council to process the amendment. Planning Panel costs associated with the consideration of any submissions will be at the cost of the proponent/developer, should Council proceed.

Costs to Council would principally involve officer time and could include additional resources such as legal representation and/or expert witnesses for a panel hearing. Budget for presenting Council's position regarding developer led amendments are included in the 2019/20 Budget, as processing Planning Scheme Amendment applications is considered core business.

Stakeholders

- The applicant
- Surrounding residents and landowners
- Wider Inverloch, Pound Creek and Venus Bay community
- Department of Environment, Land, Water and Planning (DELWP)
- Parks Victoria
- Gippsland Ports
- West Gippsland Catchment Management Authority
- Referral Authorities and relevant ministers
- South Gippsland Shire and community
- Wider Bass Coast Shire community

There is a statutory process for the exhibition of Planning Scheme Amendments, which stipulates notification requirements. Council leads the process as the Responsible Authority considering the application.

Options

Option 1

The first, as recommended by this report, is for Council to not seek authorisation from the Minister for Planning to proceed with the proposed amendment and by extension, the proposed integrated marina development.

Implications:

- The proposed amendment to the Bass Coast Planning Scheme would not be able to proceed in its current form
- 253 hectares of land would remain under its current zone and overlay regime and be prevented from future urban development unless considered for rezoning in future by Council.
- The applicant would have no opportunity to formally appeal this decision by Council.
- The applicant has the opportunity to request the Minister for Planning to use his powers of intervention under the act to prepare a similar amendment.

Option 2

The second option is to formally request further information including all relevant technical reports, assess them internally and subsequently seek authorisation to proceed with the amendment from the Minister for Planning.

Implications:

- As discussed earlier in this report it is the view of Council officers that policy issues associated with this proposal are irreconcilable and on this basis requesting further information would not change officers advice to Council regarding the proposal.
- Council officers would assess the relevant technical reports and request authorisation to prepare and exhibit the proposed amendment. Given the proposal is inconsistent with some state and regional policy, it may not receive this authorisation.
- Following authorisation, the amendment would be placed on public exhibition. Following the exhibition period, the proposed amendment would be returned to Council for consideration of further action.

Conclusion

The proposal represents an inappropriate intrusion onto the fragile coastal environment unsupported by any existing state, regional or local policy or strategy. The proposal is not considered fair, orderly, economic or sustainable use or development of land in the Bass Coast Shire.

The proposal is inconsistent with the state government's most recent guidance on coastal settlements through the Marine and Coastal Policy (2020) and therefore Ministerial Direction No. 13 - Managing Coastal Hazards and the Coastal Impacts of Climate Change.

The proposed amendment seeks to circumvent Council's existing settlement planning work by retroactively inserting reference to itself in the Bass Coast Planning Scheme. None of Council's existing settlement planning framework contemplates the need for a new coastal settlement to satisfy current land supply and demand requirements.

Given the above, it is concluded that as the proposed amendment is not strategically justified, no planning scheme amendment should proceed and the proposal should be abandoned.

Recommendation

That Council:

1. **Not seek Authorisation from the Minister for Planning in accordance with Section 8A of the Planning and Environment Act 1987 to prepare Planning Scheme Amendment C159 on the following grounds:**
   a. **The proposed creation of a new coastal settlement is contrary to state, regional and local planning policies and framework and more generally is not considered fair, orderly, economic or sustainable use or development of land in the Bass Coast Shire.**
2. **Write to the Minister for Planning to advise of Council's decision and grounds for doing so, to ensure a coordinated approach to the settlement planning in Bass Coast.**

Attachments

AT-1	Submitted Planning Report	65 Pages
AT-2	Strategic Assessment Guidelines Checklist	9 Pages
AT-3	Proposed Schedule to the Special Use Zone	4 Pages

Council Decision

Moved: Cr. Julian Brown / Seconded: Cr. Pamela Rothfield

That the recommendation be adopted.

CARRIED

H.4 Integrated Water Management Plan 2020

File No:	**CM20/285**
Division:	**Place Making**
Council Plan Strategic Objective:	**Liveability**
	Enjoying the place we live

Declaration

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

Summary

The purpose of this report is for Council to consider the *Integrated Water Management Plan 2020 – Strategy Document* (IWMP).

The IWMP identifies Council's role as a responsible stormwater manager and a water consumer. In this role, Council is one of many agencies that have responsibilities across the whole water cycle, involving stormwater, potable water and wastewater.

The IWMP enables Council's commitment to work together with the water sector, and the community, to better plan, manage and deliver water to the Bass Coast community. The IWMP establishes clear strategic objectives relating to Council's role in the water cycle. It will assist with future funding opportunities, including existing Council projects.

This report recommends the adoption of the *Integrated Water Management Plan 2020 - Strategy Document* (AT-1).

Background

In 2017, the Victorian Government set out the Integrated Water Management Framework, the first of its kind in Australia. The Framework is designed to help councils, water corporations, catchment management authorities, traditional owners and other organisations, work together to ensure that the water cycle efficiently contributes to the region's liveability. Communities are at the centre of decision-making.

Bass Coast is part of two greater catchment areas, Western Port and Gippsland. The various agencies within these greater catchments established two integrated water management (IWM) forums, to manage the implementation of IWM throughout the regions. Stakeholders in these forums developed a set of Strategic Directions Statements that included a prioritised list of IWM opportunities. Among the strategic projects identified, creating the Bass Coast IWMP was identified as Project No. 7 in the Western Port forum and Project No. 1 in the Gippsland forum.

The Strategic Directions Statements also set out guiding principles for collaboration across the water sectors and set out seven strategic outcomes for IWM as follows:

1. Safe, secure and affordable water supplies in an uncertain future;
2. Effective and affordable wastewater systems;
3. Opportunities are sought to manage existing and future flood risks and impacts;

4. Healthy and valued waterways and marine environments;
5. Healthy and valued urban, rural, agricultural and green landscapes;
6. Community values are reflected in place-based planning;
7. Jobs, economic growth and innovation.

Since the Strategic Directions Statements were adopted by each region, officers have worked with staff from all local agencies in the IWM forums to develop a common set of strategic objectives for use in the Bass Coast IWMP. Stakeholders have identified key drivers as water security challenges arising from anticipated population growth and urbanisation, in addition to climate change impacts.

Council officers engaged a consultant to help develop the Bass Coast IWMP in two parts. The first component, the 'Integrated Water Management Plan – Strategy Document' was developed in line with the State IWM framework and in accordance with both Western Port and Gippsland Strategic Directions Statements.

Strategic Basis

Council Plan Objective:

Environment – *Maintain and protect the natural environment*

Liveability – *Enjoying the place we live*

Major Initiative / Initiative

The IWMP is not a major initiative or initiative in Council's 2019/20 Budget.

Strategies / Policies

- Drainage Services Asset Management Plan 2020-2024
- Natural Environment Strategy (2016-26)
- Infrastructure Design Manual

Councils' Natural Environment Strategy identifies a key strategic Action Area –

- 1.2.3 Sustainable Development – to Support and promote Integrated Water Cycle Management (IWCM), Water Sensitive Urban Design (WSUD) and water conservation within the community, industries, developers and other agencies to maximise 'fit for purpose' use.

An adopted IWMP provides a document which forms Council's strategic position for use during master planning, development approvals, funding opportunities and project prioritisation works.

Statutory Requirements/Codes/Standards/Policies

- *Water Act, 1989*
- *Local Government Act, 1989, 2020*
- *Environment Protection Act, 1970*
- State Environment Protection Policies (SEPP), 2003
- *Planning and Environment Act, 1987*
- Urban Stormwater-Best Practice Environmental Management Guidelines,1999

- Clause 56.07 of the Victorian Planning Provisions

Discussion

The value of an Integrated Water Management planning approach lies in its holistic consideration of the entire water cycle. This approach to planning requires water sector members to clearly understand their own accountabilities and those of other organisations. This clarity facilitates the allocation of benefits, costs and risks for integrated solutions.

The six Bass Coast IWMP strategic objectives have been set out as follows:

1. Develop targets which underpin the objectives outlined within the 'Council Plan, Natural Environment Strategy, Biodiversity Bio Links Plan and other local, state and federal government documents;
2. Provide a document which forms Council's strategic position for use during master planning, development approvals, funding opportunities and project prioritisation works;
3. Provide a document that supports the developed Regional Strategic Directions Statements;
4. Incorporate Council's vision and values and develop a set of clear targets to work towards;
5. Engage and collaborate with the relevant stakeholders and outline the roles and responsibilities in the management of water; and
6. Provide the strategic basis behind Council's subsequent IWMP Implementation Document.

By adopting the IWMP – Strategy Document as a first step, Council is setting the strategic objectives for integrated water management in Bass Coast, informing the scope of potential improvement actions and projects.

The Integrated Water Management approach involves robust economic analysis that compares options against a base case (often the business-as-usual solution) to identify the best solution. This tests the effectiveness of both traditional and integrated solutions in a transparent way to increase the integrity of water infrastructure investment. It also enables other factors such as improved liveability to be considered.

The IWMP will guide our decisions on future investment into projects that achieve the Integrated Water Management objectives. Being involved means having the chance for community priorities to be included in a collaborative planning effort, to deliver enhanced, more effective outcomes. It is recommended that Council formally commit to adopting the Integrated Water Management approach. This will assist in building community confidence and enables an adaptive and resilient approach to challenges which may arise.

With an adopted IWMP – Strategy Document, the next step is for Council to review and endorse the IWMP - Implementation Plan. The Implementation Plan identifies projects, partnerships and funding opportunities in Bass Coast across all agencies to achieve the strategic Integrated Water Management objectives. Some of these project opportunities are already well advanced toward delivery, such as the Pioneer Bay Road and Drainage upgrade project partnership with Melbourne Water.

Another significant benefit of developing an IWMP is strengthening relationships with the water authorities and Department of Environment, Land, Water and Planning (DELWP) as well as gaining an insight into how other regions manage water sustainably and develop their projects.

Finances

Through ongoing involvement in the Integrated Water Management forums, Bass Coast has been successful in receiving two rounds of grant funding for the implementation of the Bio Links Plan. Bass Coast has received $50,000 from the Western Port Forum and $30,000 from the Gippsland Forum. There will be further opportunities in future funding rounds to apply for grant funds if our Integrated Water Management projects align with the outcomes of the seven strategic indicators in the IWMP – Strategy Document.

Adopting the IWMP – Strategy Document commits Council along with multiple other agencies responsible for water management in our catchments, to working together to achieve two significant advantages:

1. Collaborative water management solutions to integrate water cycle systems, leading to a greater range of solutions and outcomes;
2. Better value for community investment in water management, because of the shared benefits achieved through an integrated solution.

Having an endorsed IWMP opens up alternate funding streams for projects already identified in various land, asset and environment management programs. In many cases partnering with other agencies will better leverage our funding applications for grant and program opportunities, usually only applicable for Catchment, Water and other state managed agencies.

Stakeholders

- Bass Coast Shire Council
- Residents and ratepayers
- Visitors
- Melbourne Water
- Westernport Water
- Western Port Integrated Water Management Forum
- Gippsland Integrated Water Management Forum
- West Gippsland Catchment Management Authority
- Regional Roads Victoria
- Bunurong LCAC
- Department of Environment, Land, Water and Planning (DELWP)

Other Options

Options Council may consider:

- Not to adopt the IWMP
- Defer consideration of the IWMP
- Direct further amendments of the IWMP

These options are not recommended. The Bass Coast IWMP has been developed consistently with the Victorian Government Integrated Water Management Framework, and collaboratively across the two local Integrated Water Management Forums with multiple agency involvement.

Conclusion

Forecast development growth in Bass Coast creates significant stormwater-related considerations. The Integrated Water Management approach addresses stormwater issues, together with planning for potable water supplies and wastewater management.

The IWMP – Strategy Document is important to Bass Coast because it sends a clear message to other stakeholders involved in the water cycle. Council's strategic objectives agrees with the Integrated Water Management vision and objectives. The document provides a framework to engage with other key stakeholders within local catchments with a common goal. The IWMP – Strategy Document also specifies organisational objectives with linkages to operational activities in the water cycle as a storm water manager, water user and community leader.

Recommendation

That Council adopt the Bass Coast Integrated Water Management Plan 2020 – Strategy Document.

Attachments

AT-1 Integrated Water Management Plan - Strategy Document 24 Pages

Council Decision

Moved: Cr. Michael Whelan / Seconded: Cr. Clare Le Serve

That the recommendation be adopted.

CARRIED

H.5 Drainage Asset Management Plan 2020-2024

File No:	**CM20/284**
Division:	**Place Making**
Council Plan Strategic Objective:	**Liveability**
	Enjoying the place we live

Declaration

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

Summary

The purpose of this report is to present Council with the *Drainage Services Asset Management Plan 2020–2024* for consideration.

The Drainage Services and Asset Management Plan (DSAMP) is one of a suite of Asset Management Plans in line with the Asset Management Strategy and Policy. The DSAMP outlines the current management arrangements for Council's drainage assets which provide an often unnoticed but critical service to the community. The DSAMP demonstrates the responsible management of drainage assets and recommends long term funding needed to provide positive sustainable drainage outcomes for the community.

This report recommends the adoption of the *Drainage Services Asset Management Plan 2020–2024* (AT-1).

Background

Council provides and maintains an extensive network of drainage infrastructure throughout urban areas of Bass Coast with a total current valuation of $106 million. The primary purpose of the drainage network is to support the efficient transport of stormwater runoff through the urban environment with the least flooding impact to properties, minimal disruption to services and to improve the quality of stormwater.

The below table quantifies the drainage assets covered by the DSAMP:

Asset Category	Assets Qty.	Replacement Value
Underground Drainage Pipes	17,523 (443km)	$62,678,000
Urban Pits	16,028	$32,988,000
Inlets, Outfalls & End Pipes	2,227	$1,547,000
End Walls & Head Walls	835	$848,000
Gross Pollutant Traps	25	$879,000
Retention Basins	49	$1,547,000
Wetlands	7	$1,928,000
Rain Gardens	145	$2,401,000
Swales – Vegetated & Grassed	108	$1,664,000
Total	**36,947**	**$106,488,000**

Council manages an extensive and often inaccessible network of drainage assets and have been systematically collecting information about this infrastructure since 2010. Most recently, officers collected a comprehensive inventory of its Water Sensitive Urban Design (WSUD) assets such as raingardens, wetlands and detention basins.

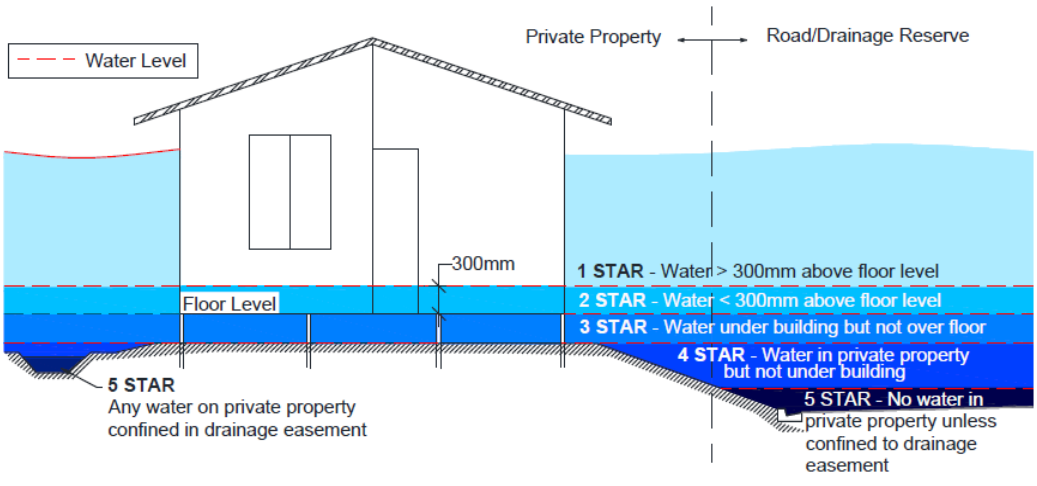
Council adopted its first DSAMP in June 2015. The Plan set out a vision for stormwater management in line the Asset Management Strategy. Council seeks to continuously improve its asset management practice and its focus in line with the Asset Management Strategy in shifting from an 'Asset Centric Focus' to a 'Service Centric Focus'.

The first DSAMP started this improvement shift towards 'service centric focus' in three key areas of stormwater management by:

1. Developing a management plan for Water Sensitive Urban Design (WSUD);
2. Introducing a '5-star' service level framework for measuring stormwater flooding; and
3. Proposing a desired '4-star' service level target initially for existing urban areas and setting out to understand the appropriate level of service for our community.

Since then officers commissioned a study of our existing WSUD assets and through the recommendations, delivered a number of WSUD capital works renewal projects. Officers have also completed important work training staff on how to best manage complex WSUD assets.

To further inform Council's existing service levels, officers commissioned a flood modelling exercise to identify built-up urban areas subject to flooding. The flood modelling provided detailed information which was not available when the previous DSAMP specified a desired '4-star' service level. Using the new flood data modelling available, an assessment of the potential flooding against desired service levels was completed. The assessment has proposed an achievable target of '3-star' in existing urban areas. This service level is consistent with Melbourne Water's service level and with new data available is representative of pre-existing local conditions. A '5-star' level of service will continue to be required in all new developments.



In addition to this work, multiple teams across Council have been working in partnership with key stakeholders across the water industry to develop an Integrated Water Management Plan.

Strategic Basis

Council Plan Objective:

Liveability – *Enjoying the place we live*

Major Initiative / Initiative

The DSAMP review is one of Council's key initiatives for 2019/20.

Strategies / Policies

Asset Management Plans are strategic documents that provide direction for our Business Plans, The Council Plan, Strategic Resource Plan and Long Term Financial Plan.

We should note that whilst asset management plans are not currently compulsory, the *Local Government Act 2020* will stipulate that local governments will be required to adopt both a 10-year financial plan and a 10-year asset plan.

The DSAMP should be read with the following strategic asset management documents:

- Bass Coast Shire Council Asset Management Policy – Infrastructure Assets 2017-2021
- Bass Coast Shire Council Asset Management Strategy for Infrastructure Assets 2017-2021.

Statutory Requirements/Codes/Standards/Policies

This Asset Management Plan is governed by a range of legislative and statutory requirements including:

- *Local Government Act 1989, 2020*
- *Water Act 1989*
- Integrated Water Management Framework 2017
- *Road Management Act 2004*
- *Disability Discrimination Act 1992*
- *Occupational Health and Safety Act 2004*
- *Environment Protection Act 1970*
- *Planning and Environment Act 1987*
- Bass Coast Shire Council Planning Scheme

Discussion

During the Plan review process the latest information available was considered and this formulated a financial and strategic plan to best manage stormwater assets into the next decade. Using a modelling tool, condition data has been utilised to predict the future expenditure demand to renew Council's stormwater assets before they fail, upon reaching the end of useful lives.

Whilst drainage data is mostly complete and accurate, there are still key aspects of these assets that need further investigation. For example, pipes have been inspected at each end, so further CCTV camera survey work is required to validate original inspections. Various actions have been identified and included in an improvement plan to enhance the management of the drainage network.

Currently Council values the stormwater network in excess of $106 million, which is growing in the order of $4 million per year. Most of Council's underground stormwater assets are long lived and are generally in the early stages of useful life. WSUD assets, however, are much shorter lived and many already require renewal to restore their service potential for optimal environmental outcomes.

The demand to replace shorter-lived WSUD assets is moderate over the next decade. According to condition modelling conducted, demand to replace poorly functioning drainage assets in areas identified as prone to flooding is very high. Demand for stormwater asset renewal based on condition is currently low. It is however, predicted to build strongly beyond the next decade.

The current situation presents opportunity to establish an appropriate and affordable drainage service level, and focus on treating known flooding risks in urban areas that currently fall below desired service levels.

To determine the desired service level, flood modelling of properties potentially affected by flooding was considered. The severity of the flooding and Council's financial capacity to upgrade any "under-capacity" stormwater infrastructure in these areas was also considered. This has resulted in a targeted level of service for existing urban areas in Bass Coast. This service level is also consistent with Melbourne Water's target.

Using model outputs, the potential flooding of properties was assessed against targeted service levels. The assessment produced a prioritised program with cost estimates for inclusion in the future capital works program. Typically the program identifies replacing existing drainage assets with larger capacity pipes, deeper overland flow paths and stormwater detention systems.

Based on current Long Term Financial Plan funding for stormwater renewal, it is anticipated that it will take 33 years to complete all works to rectify flooding issues in project areas to achieve the highest level of service.

Based on targeted service levels and objectives to provide continuous efficiencies and improvements, officers have formulated an improvement plan with the following key actions to be delivered over the 4-year life of the plan:

- Detailed design and delivery of top priority flood model project areas;
- Further refinement and validation of the flood modelling;
- Improved knowledge of WSUD assets;
- Validation of knowledge of underground asset condition through CCTV pipe inspections;
- Collection and inclusion of Open Drains data; and
- Improve the accuracy and completeness of the asset data (ongoing Quality Assurance).

Finances

Council endeavours to continue to deliver expected quality services to the community. This needs to be achieved making best use of financial resources with consideration of aging and increasingly costly to maintain infrastructure.

Through scenario modelling the proposed financial forecasts aim to balance the need to replace a relatively small number of poor condition assets versus replacing a growing number of assets that are functioning below the expected service capacity. Through consideration of scenario modelling it is recommended that the current long-term funding for stormwater renewal remains at its current level as outlined in Council's Long Term Financial Plan.

The DSAMP includes an improvement plan that outlines a number of key actions. These actions are able to be delivered using a mix of officer's time and external resources, funded within operational budgets.

Stakeholders

- Bass Coast Shire Council
- Bass Cost Shire residents and property owners
- Visitors to the area
- Local businesses
- Westernport Water
- South Gippsland Water
- Melbourne Water
- West Gippsland Catchment Management Authority

Other Options

Options Council may consider:

- Not to adopt the DSAMP;
- Defer consideration of the DSAMP; and
- Direct further amendments of the DSAMP.

These options are not recommended as the review of the DSAMP is a major budget initiative for 2019/2020 and is a strategic objective linked to the Council Plan and Asset Management Policy and Strategy.

The DSAMP is a dynamic plan and actions identified in the plan will be undertaken to continuously improve Council's knowledge and management of the drainage network. During the Plan review, officers explored a number of alternate funding models, including spending more money to reduce the timeframe to mitigate all identified flood prone areas.

At this stage it is recommended to start delivering the proposed flood mitigation program over the next four years using existing LTFP levels. The DSAMP is reviewed on a four-year cycle and it is anticipated further review will inform future funding models.

Conclusion

The Drainage Services Asset Management Plan 2020-2024 demonstrates responsive management of Council's stormwater network and provides an improvement plan to ensure a shift further toward a service based approach to asset management to allow for optimal stormwater management. The Plan ensures that Council complies with regulatory and legislative requirements and it proposes to achieve efficient management and sustainable outcomes with funding that is consistent with Council's current Long Term Financial Plan.

Recommendation

That Council adopts the Drainage Services Asset Management Plan 2020-2024.

Attachments

AT-1 Drainage Services Asset Management Plan 2020-2024 38 Pages

The meeting was adjourned at 12.07pm.

The meeting resumed at 12.11pm.

Council Decision

Moved: Cr. Michael Whelan / Seconded: Cr. Bruce Kent

That the recommendation be adopted.

CARRIED

H.6 Phillip Island Entrance Roundabout Designs

File No:	**CM20/297**
Division:	**Partnerships, Advocacy & Economy**
Council Plan Strategic Objective:	**Liveability**
	Enjoying the place we live

Declaration

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

Summary

The purpose of this report is to seek Council's endorsement of the roundabout designs prepared by Steve Wallbrink, Landscape Architect for the Woolamai Beach Road and Back Beach Road roundabouts and for approval to fund $113,000 (ex GST) from the proposed 2020/21 Budget towards the first stage of upgrades to the roundabouts.

Regional Roads Victoria (RRV) are currently constructing the roundabouts and the existing contract allows for concrete only in the roundabouts and median splitters.

In order to achieve an outcome which is more in line with the objectives of the Entry to Phillip Island Project, additional expenditure is required to upgrade the amenity of the roundabouts to include landscaping and other pavement treatments.

This report recommends that Council endorses the designs and allocates $113,000 for RRV to upgrade the amenity of the roundabouts at Woolamai Beach Road and Back Beach Road on Phillip Island.

Background

Regional Roads Victoria are currently constructing the roundabouts at the intersections of Phillip Island Road with Woolamai Beach Road and Back Beach Road on Phillip Island.

Their construction contract allows $25,000 per roundabout for landscaping works and their intention is to install concrete for the entire roundabout and median splitters.

Council committed $50,000 in the 2019/20 budget to develop a design for an entry concept for Phillip Island to celebrate its importance as a place of environmental significance. The intention is that the key elements of the design inform landscape and other features at key landmarks across the Island, including the two roundabouts listed above.

Council appointed Steve Wallbrink, Landscape Architect to undertake this design in November 2019 and designs have been presented to Council.

Strategic Basis

Council Plan Objective:

Advocacy - *Representing the community*

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

Environment – *Maintain and protect the natural environment*

Liveability – *Enjoying the place we live*

Our Character – *Celebrating the uniqueness of our townships*

Major Initiative / Initiative

This is not a major initiative.

Strategies / Policies

- Phillip Island and San Remo Visitor Economy Strategy 2035 Growing Tourism
- Bass Coast Shire Council Economic Development Strategy 2016-21
- Bass Coast Shire Council Plan 2017-2021 (*Revised June 2019*)
- Bass Coast Shire Council Natural Environment Strategy 2016-26

Statutory Requirements/Codes/Standards/Policies

There is no statutory requirement for Council to implement the designs proposed from the Project.

Discussion

The Entry to Phillip Island Project is an initiative supported by Council that aligns with the actions and vision identified in the Phillip Island and San Remo Visitor Economy Strategy 2035, Growing Tourism (the Strategy)

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

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

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

Action 16 in the Strategy states: ***Create a sense of place by developing a branding and entry statement for Phillip Island***

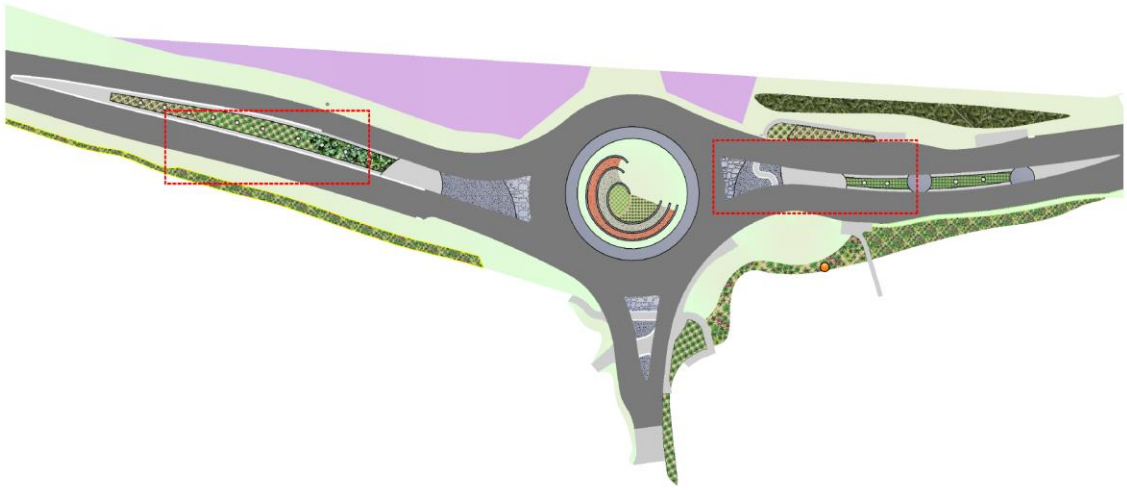
The Entry to Phillip Island project aims to develop a sense of arrival on to Phillip Island. Regional Roads Victoria is currently constructing the roundabouts and the existing contract allows for concrete only in the roundabouts and approaches.

Council engaged Steve Wallbrink, Landscape Architect to develop the designs proposed for the roundabouts, which were presented to Council in April 2020.

In order to achieve an outcome which is more in line with the objectives of the Entry to Phillip Island project, additional expenditure is required on top of the $25,000 allocated by RRV to upgrade the amenity of the roundabouts to include landscaping and other pavement treatments.

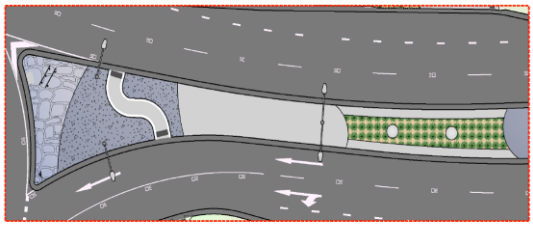
The designs aim to incrementally implement an overall landscape-based journey along Phillip Island Road, while addressing the safe maintenance of median planting, safe road function while balancing implementation cost, recurrent maintenance cost and amenity. The images below outline the plans for the two roundabouts.

PHILLIP ISLAND ROAD ROUNDABOUT LANDSCAPE CONCEPTS
WOOLAMAI BEACH RD



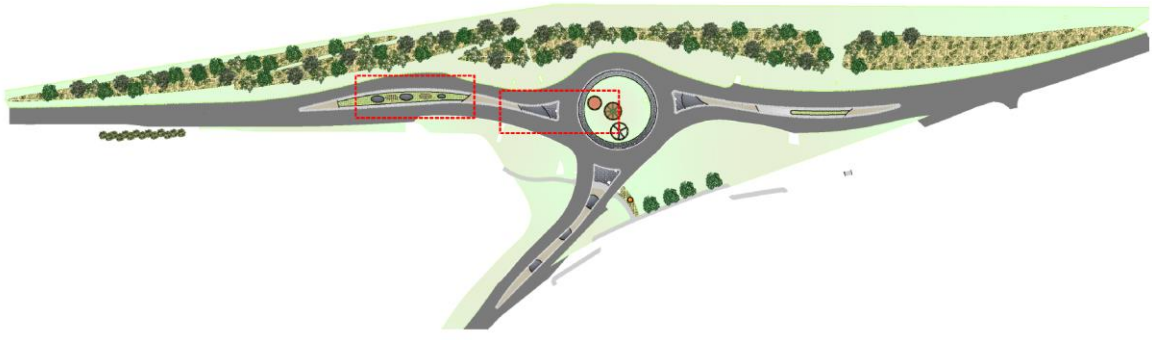


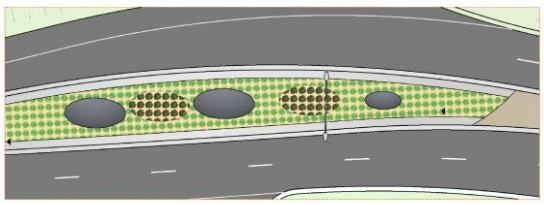
1:250 PROPOSED MEDIAN TREATMENT



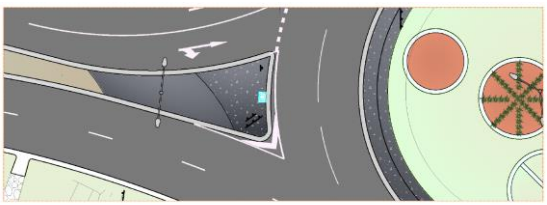
1:250 PROPOSED MEDIAN TREATMENT

PHILLIP ISLAND ROAD ROUNDABOUT LANDSCAPE CONCEPTS
BACK BEACH RD





1:250 PROPOSED MEDIAN TREATMENT



1:250 PROPOSED MEDIAN TREATMENT

The key features of the landscape works are to use a mixture of paving textures and planting to achieve the desired effect in keeping with the overall concept for the Entrance to Phillip Island.

The RRV construction tender has been awarded and road works are well advanced.

The cost to implement the overall works on the roundabouts, lane splitters and roadsides will be $220,000 ex GST. The project has however been broken into two stages.

Stage one includes the planting and textured concrete works on the roundabouts themselves and the median splitters. For the two roundabouts the cost estimate is $113,000 ex GST.

Stage two extends the planting to the roadside areas and will cost $107,000 ex GST.

The reason why a two stage approach is recommended is that it is more economical for Council to do it this way. A large part of the cost of undertaking work on a roundabout is traffic management. It is much cheaper to have all the landscape and concrete texturing work done as part of the roundabout construction whilst traffic management measures are in place, than having to implement traffic management measures to undertake the works once the roundabouts are operational.

This safety imperative is not such an issue with landscape works on the roadside areas, hence this can be undertaken later once budget for stage two is made available.

The table below summarises the cost for stage one and stage two for each roundabout. These costs **are in addition to RRV's allocation** of $25,000 per roundabout.

WOOLAMAI BEACH RD ROUNDABOUT

MEDIAN & ROUNDABOUT CHANGES TO PAVEMENTS & PLANTING	$61,000	Potential Stage 1
ADDITIONAL ROADSIDE PLANTING	$70,000	Potential Stage 2
TOTAL	$131,000	
GST	$13,100	
TOTAL inc GST	$144,100	

BACKBEACH RD ROUNDABOUT

MEDIAN & ROUNDABOUT CHANGES TO PAVEMENTS & PLANTING	$52,000	Potential Stage 1
ADDITIONAL ROADSIDE PLANTING	$37,000	Potential Stage 2
TOTAL	$89,000	
GST	$8,900	
TOTAL inc GST	$97,900	

Maintenance

As is the case with public infrastructure of this type constructed by a third party, responsibility for ongoing maintenance generally falls to Council. The cost estimate to maintain the two roundabouts based upon the design presented above is:

Horticulture - Service Level 2

- Weed spraying every 6 weeks – Staff (2)/plant (1)/materials/traffic management

  $600 per visit

  $4,800 per year

- Annual tidy/clean up prior to high season

  1 day per R/A Staff (8)/plant (4)/ materials/traffic management

  $6,600 per R/A

  $13,200 per year

  Vandalism/repairs/ materials $4,000

Mowing - Service Level 3

- Around 12-14 cuts per year- staff (2)/plant (3)/traffic management

  $2,800 per visit

  $39,200 per year

- Annual herbicide (broadleaf spray)

  $1,200

  Vandalism/repairs/ materials $4,000

Total $66,400 to maintain per year. This cost will be managed through Council's annual maintenance budget.

Finances

A capital allocation of $200,000 is included in the draft 2020/2021 budget for the roundabout works and the installation of a Bass Coast entry sign. It is proposed $113,000 of that allocation be used for the Stage One roundabout works.

Stakeholders

- Bass Coast Shire Council
- Regional Roads Victoria
- Phillip Island Entrance Reference Group
- Local tourism industry
- Visitors to Phillip Island and Bass Coast
- Community members

Other Options

1. Council may allocate $113,000 towards the roundabouts and achieve the objectives proposed in the Entry to Phillip Island Project.
2. Council may resolve not to fund the proposed designs. Regional Roads Victoria will implement the standard designs as per their current contract and standards. This may lead to work that does not provide the sense of arrival consistent with the objectives proposed in the Entry to Phillip Island Project.
3. Council may resolve not to fund the proposed designs. Regional Roads Victoria will implement the standard designs as per their current contract and standards. Council may wish to seek rectification works at a future date to implement the designs proposed in the Entry to Phillip Island Project. It is expected that this would be at a much higher cost, which is unknown at this time. The higher cost is largely due to traffic control measures which will have to be put in place to undertake the works separately later on. These costs are already factored into the RRV works currently underway.

Conclusion

The Entry to Phillip Island Project is an opportunity to develop a sense of arrival to Phillip Island that reflects its natural environment, culture and status as a premier tourism destination.

The designs for the roundabouts that have been developed by landscape architect, Steve Wallbrink will form part of the overall improvements envisioned to improve the amenity at the entrance to Phillip Island.

Officers recommend that Council endorses the designs prepared by Steve Wallbrink, Landscape Architect and allocate $113,000 to RRV to amend the current contracts and implement Stage One of the proposed designs while the roundabouts are under construction.

Recommendation

That Council

1. **Endorses the roundabout designs prepared by Steve Wallbrink, Landscape Architect for Woolamai Beach and Back Beach Road roundabouts on Phillip Island**
2. **Allocates $113,000 from the proposed 2020/21 Budget to Regional Roads Victoria to upgrade the amenity of the roundabouts by implementing Stage One of the proposed landscape and pavement treatment works.**

Attachments

AT-1 Phillip Island Roundabout Landscape Designs 4 Pages

Council Decision

Moved: Cr. Stephen Fullarton / Seconded: Cr. Michael Whelan

That the recommendation be adopted.

CARRIED

H.7 Waste Services Contract Variation - Impact of Recycling Industry Processors

File No:	**CM20/210**
Division:	**Resilient Communities**
Council Plan Strategic Objective:	**Environment**
	Maintain and protect the natural environment

Declaration

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

Summary

The purpose of this report is to seek a round of variations for the Waste Services Collection Contract (C16005) and the Management of the Inverloch and Wonthaggi Transfer Station Contract (C16040). These services are undertaken on behalf of Council by Wonthaggi Recyclers Pty Ltd (WR), and the current variations for managing recyclables expire on 30 June 2020.

These variation requests cover a period of two years (1 July 2020 to 30 June 2022) and will ensure continuation of the collection and processing of recyclable material in Bass Coast Shire.

These variations are required while the recycling industry and State Government establish longer term options in accordance with the State's Circular Economy Policy (Ref: *Recycling Victoria, 2020.* https://www.vic.gov.au/transforming-recycling-victoria).

The value of these ten (10) year contracts (2017-2027) are currently:

- C16005: $5,039,248.19 per annum
- C16040: $1,679,223.15 per annum

Council officers have reviewed the information provided by WR to support its variation requests. These costs will be considered in future annual budgets, and accommodated within the garbage charge.

This report recommends that Council approves the variations for:

1. Up to $1,716,817 (including GST) to Council's Waste Collection Services Contract (C16005) from 1 July 2020 to 30 June 2022; and
2. Up to $114,155 (including GST) to Council's Management of the Inverloch and Wonthaggi Transfer Station Contract (C16040) from 1 July 2020 to 30 June 2022.

Background

WR is currently contracted to deliver Council's waste collection service contract (C16005) and operate its transfer stations at Inverloch and Wonthaggi (C16040). The ten (10) year contracts end in August 2027.

As a result of China's 2018 ban on accepting recyclables from Australia and a review of recycling operations by Visy Recycling (WR's subcontractor for processing co-mingled streams), Council approved the current variation for both contracts (16005 and 16040) for a period of two years. These variations will expire on 30 June 2020.

Long term options for recyclables processing are currently being evaluated and developed by State Government, and have not yet yielded a viable alternative for management of recyclable waste for Bass Coast Shire. The State's recently released Circular Economy Policy (*Recycling Victoria, 2020*) will guide future options and progress.

Strategic Basis

Council Plan Objective

Environment – *Maintain and protect the natural environment.*

Major Initiatives / Initiative

Not a Major Initiative / Initiative

Strategies / Policies

Natural Environment Strategy 2016-26

Action 1.1.4 - Identify and invest in environmentally sustainable waste technology and options to increase materials efficiency and reduce consumables.

Action 1.2.4 - Continue to ensure the social, environmental and economic responsible disposal of municipal waste.

Waste Management Strategy 2015-25

Objective - Provision of waste management services and infrastructure to community, residents and businesses to meet their needs as efficiently and equitably as possible, in a financially, socially and environmentally responsible manner.

Statutory Requirements/Codes/Standards/Policies

- Recycling Victoria, 2020
- *Local Government Act 1989*
- *Environment Protection Act 1970*
- National Waste Policy: Less Waste, More Resources
- Getting Full Value: the Victorian Government Waste and Resource Recovery Policy
- Statewide Waste and Resource Recovery Infrastructure Plan
- Regional Waste and Resource Recovery Implementation Plan
- Bass Coast Procurement Policy, April 2017
- Natural Environment Strategy 2016-2026
- Waste Management Strategy 2015-25
- Waste Contracts 2017- 2027

Discussion

The waste and recycling sectors across Australia are currently undergoing significant change and growth.

There is a recognised need for additional infrastructure and markets to process and re-use recyclables. Victoria's State Government has recently released its Circular Economy Policy (Ref: *Recycling Victoria, 2020*) which will be implemented in stages over the next ten years.

Meanwhile, changing community expectations, and State and Local Government initiatives in response to environmental pressures, have resulted in a marked increase in the volumes of both co-mingled and organic recycling being collected in the Bass Coast by WR. The gate fee imposed by Visy Recycling for Council's recyclable materials has increased from $100 (excluding GST) per tonne to $145 (excluding GST) per tonne.

Council officers have reviewed the information provided by WR in support of its variation request.

In addition to this current request for variation, it is possible that in two years' time, if State efforts to transition to a circular economy have not been significantly progressed, Council will be considering another variation request from WR beyond 2022.

Although the financial impact on the Management of the Inverloch and Wonthaggi Transfer Station Contract (C16040) is below the variation threshold requiring a Council resolution in accordance with Council's Procurement Policy, seeking a decision from Council demonstrates transparency and good governance. This paper also identifies the potential for another variation request in 2022, with further financial implications for Council. This paper highlights to Council the importance of action being achieved statewide through *Recycling Victoria, 2020*.

Finances

WR has recently renegotiated a two-year extension to its contract with Visy Recycling, until 2022. This will result in an additional increase to the contract budgets for Waste Collection Services (C16005) and the Management of the Inverloch and Wonthaggi Transfer Stations (C16040).

The calculated cost variations to continue to process recyclable materials are:

- Waste services Collection Contract (C16005) is $1,716,817 (including GST); and
- Management of the Inverloch and Wonthaggi Transfer Station Contract (C16040) is $114,155 (including GST).

These figures are calculated on the actual tonnage of recyclable materials received, growth projections and the net increase to the cost per tonne to process recyclable materials through Visy Recycling.

The recycling processing industry market in Victoria (and Australia) has shifted and a price adjustment has been imposed on the municipal kerbside collection contractors and Councils for the co-mingled municipal recycling material. The increased gate fee for this material has a significant impact on kerbside collection contractors and contracts.

Financial modelling was undertaken to substantiate the variation sought by Wonthaggi Recyclers Pty Ltd. The variation sought maintains the return on capital invested in relation to the recycling operations segment of Wonthaggi Recyclers business. The return on capital in this segment is considered to be modest.

These costs will be considered in future annual budgets, and accommodated within the garbage charge.

Stakeholders

The following stakeholders have been identified:

- Bass Coast Shire Council
- Bass Coast Shire residents and ratepayers
- All Victorian Councils
- State Government
- Wonthaggi Recyclers (WR)
- Municipal Association of Victoria
- Gippsland Waste and Resource Recovery Group
- Metropolitan Waste and Resource Recovery Group,
- Sustainability Victoria
- EPA Victoria
- Recycling materials processors

Other Options

Options to resolve the management of recyclables are currently limited, both in a financial and a practical sense. Council officers have not identified cheaper or feasible alternatives, and are relying on the *Recycling Victoria 2020* action plan to identify and develop broader options for all Victorian local government authorities. Council will participate in Circular Economy initiatives as they develop.

Options for Council to respond to this paper are:

1. Council may choose to note this report, the information within and approve the officer's recommendation. This would demonstrate transparency and good governance in line with Council's Procurement Policy regarding seeking a variation to a contract, and would ensure waste services can continue to be provided to the Bass Coast community.
2. Council may choose not to accept the report and officer recommendation, and let the contractor, Wonthaggi Recyclers Pty Ltd, absorb the cost of the additional gate fee imposed by Visy Recycling. This may cause the contractor, a significant local business and employer, to become financially unsustainable and in turn trigger a breach of contract, resulting in cessation of Council's kerbside collection.

3. Council may choose not to accept the report and officer recommendation, and send its collected co-mingled municipal recycling material to landfill. This option would be inconsistent with Council's adopted position as a Climate Emergency Council, exhaust airspace in the landfill and cost more than the gate fee being imposed by Visy Recycling for the recycling material.

Conclusion

These variations are for a period of two years, 1 July 2020 to 30 June 2022, allowing for the continuation of Bass Coast's recyclable material to be collected and processed whilst the materials recycling industry and State Government establish longer term changes, including a shift to a circular economy. The proposed contract variations are considered to be reasonable and responsible.

Recommendation

That Council approves the variations for:

1. **Up to $1,716,817 (including GST) to Council's Waste Collection Services Contract (C16005) from 1 July 2020 to 30 June 2022.**
2. **Up to $114,155 (including GST) to Council's Management of the Inverloch and Wonthaggi Transfer Station Contract (C16040) from 1 July 2020 to 30 June 2022.**

Attachments

There are no attachments for this report

Council Decision

Moved: Cr. Michael Whelan / Seconded: Cr. Pamela Rothfield

That the recommendation be adopted.

LOST

Moved: Cr. Les Larke / Seconded: Cr. Julian Brown

That Council defer consideration of the Waste Services Contract Variation- Impact of Recycling Industry Processors subject to receiving a report at a future council meeting that provides advice in relation to options to renegotiate with Wonthaggi Recyclers over the $45 per tonne increase and identifies the risks associated with re-negotiating the existing contract.

CARRIED

H.8 Significant Roadside Vegetation Management Plan 2020

File No:	**CM20/286**
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 document is to seek Council endorsement for the review and update of the Roadside Vegetation Management Plan (November 2003) and bring the document up to date with current legislation. The updated Plan will provide a framework for consistent and strategic management of rural roadsides Council is responsible for across the Bass Coast Shire.

The objectives of the Plan are to protect roadside biodiversity and landscape values without compromising other essential functions of roadsides, such as road safety, fire management, and the provision of utilities and services.

Background

Roadside vegetation represents the last remaining examples of vegetation that was once abundant in the area. Bass Coast Shire Council recognises the significant contribution that indigenous roadside vegetation has in the landscape. Council is committed to the conservation and enhancement of this highly valuable asset.

Less than 14% of remnant indigenous vegetation remains across the Bass Coast Shire (*Bass Coast Shire Council Biodiversity Biolinks Plan 2018*). This low percentage is due to the wide-scale clearing that opened up the region for settlement, agriculture and industry. The vegetation that does remain today occurs as small isolated patches or linear strips in reserves, on private land, and growing along our roadsides. Roadside vegetation provides important genetic diversity of the forest that covered the shire prior to European settlement and are integral in conserving the gene pool of indigenous plant species.

The networks of vegetation on our roadsides play a key role in linking together fragmented vegetation across the landscape and allows for movement, population dispersion and occasional nesting sites and food reserves for fauna.

Roadside vegetation makes an important contribution to landscape values helping to define the unique characteristics of our area, providing a valuable source of indigenous seed stock. Roadside vegetation helps to protect against erosion, salinity, climate change and can provide protection for livestock on adjoining properties.

The current Roadside Vegetation Management Plan was developed in November 2003 and requires updating.

Strategic Basis

Council's Significant Roadside Vegetation Management Plan 2020 contributes to the delivery of the key themes and strategic objectives that are set out in the Council Plan 2017-2021. This is achieved through:

- Restoring coastal and inland vegetation corridors in partnership with land owners, land managers and Landcare groups.
- Enhancing our visitor economy through preservation of our natural environment.
- Enhancing our environment and landscape with vegetation and native wildlife protection initiatives.
- Protecting our natural environment balanced with access for all to enjoy.

Strategies / Policies

- Shaping a better Bass Coast – Council Plan 2017-2021
- Natural Environment Strategy 2016-26
- Biodiversity Biolinks Plan 2018
- Roadside Asset Management Plan 2019-2023
- Tree Maintenance Policy 2017

Statutory Requirements/Codes/Standards/Policies

- Victoria's Native Vegetation Management – A Framework for Action 2011
- *Local Government Act 1989*
- *Planning and Environment Act 1986*
- *Environment Protection Act 1970*
- Bass Coast Planning Scheme
- VicRoads Roadside Management Strategy 2011 - Roadside Management – a balanced approach
- Procedure to rely on the road safety exemption in planning schemes August 2018
- *Road Management Act 2004*

Discussion

Bass Coast's native vegetation coverage has been greatly reduced since European settlement. Native vegetation removal or displacement for new housing and industrial estates, agriculture, service infrastructure, road construction and widening, fence construction and tracks, as well as displacement through the encroachment of weeds, leads to incremental losses and further degradation and fragmentation. These pressures reduce the viability and value of services that the vegetation can provide.

It is vital to protect the remaining vegetation from indiscriminate clearing while managing and enhancing it to prevent further decline and degradation. Research has demonstrated that in a landscape which has 35% native vegetation, a total of 75-80% of species could still survive. However, any further decrease below the 35% level, extinctions accelerate rapidly (WGCMA Native Vegetation Plan).

The Significant Roadside Vegetation Management Plan 2020 is an operational plan and was developed in consultation with the relevant roadside stakeholders. It will assist Council staff and contractors, organisations, service authorities and individuals concerned with road construction, roadside management, land protection, roadside conservation, fire protection and provision of services to maintain the integrity of roadsides identified as high conservation value in the Bass Coast Shire. At the request of Councils Infrastructure Maintenance team the plan includes prescriptive guidelines to manage significant roadside vegetation.

The Plan links protection of vegetation and environmental outcomes to on-ground works and it will assist to embed environmental considerations into standard practice.

The key changes to the Significant Roadside Vegetation Management Program was the introduction of GIS mapping of roadside weeds. The mapping took place in 2013 and 2019 and allowed for a comparison of weed coverage. The total blackberry coverage on roadsides decreased 39% over the six (6) year period, and there was an additional 552 km of weed free roadsides in this period.

Finances

Preparation of the review was included in the 2019/20 operational budget. The review of the Significant Roadside Vegetation Management Plan 2020 ensures that Council meets current legislation and community expectation.

The Rural Engagement Group requested that the roadside weed budget be increased from $66,000 to $100,000 in 2019/2020. This was approved by council and contractors can now successfully control weed infestations across 50% of all roadsides each year.

Stakeholders

The plan is primarily an internal document, and targeted consultation was undertaken with the Phillip Island Conservation Society, Rural Engagement Group, Bass Coast Landcare Network and Phillip Island Nature Parks.

The key stakeholders are:

- Landowners
- Rural Engagement Group
- Phillip Island Conservation Society
- Bass Coast Shire Council
- Road users
- Bass Coast Landcare Network
- Contractors
- Indigenous seedbanks
- Phillip Island Nature Parks

- Department of Environment Land Water and Planning

Other Options

Council could not adopt the updated Plan and continue to use the existing Roadside Vegetation Management Plan (November 2003) version. If this occurred Council may not be meeting its current legislative requirements and working to best practice.

Conclusion

The review and update of the Significant Roadside Vegetation Management Plan 2020 will ensure that Council are meeting current legislative requirements and providing best practice management of roadside vegetation.

Recommendation

That Council endorse the Significant Roadside Vegetation Management Plan 2020.

Attachments

AT-1 2020 05 24 Draft Significant Roadside Vegetation Management Plan 44 Pages

Council Decision

Moved: Cr. Clare Le Serve / Seconded: Cr. Geoff Ellis

That the recommendation be adopted.

CARRIED

H.9 Contract Variation - Environmental Monitoring of Landfill Sites

File No:	**CM20/318**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Environment**
	Maintain and protect the natural environment

Declaration

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

Summary

The purpose of this report is to seek a variation for the Environmental Monitoring Contract (C19015) for the landfill sites at Grantville, Wonthaggi and Rhyll. These services are undertaken on behalf of Council by Meinhardt Infrastructure & Environment Pty Ltd (Meinhardt). The contract is for three years from 1 October 2019 to 30 September 2022.

The variation request will cover the period of three years (1 February 2020 to 30 September 2022) and will ensure Council can continue to meet its environmental compliance obligations as determined by the EPA.

This variation is required to meet additional monitoring and reporting to comply with EPA approved After Care Management Plans and Environmental Management Plans for the landfill sites.

The value of the three-year contract (2019-2022) is currently:

- C19015: $258,720 excluding GST

Council officers have reviewed the information provided by Meinhardt to support its variation request. The cost will be considered in future annual budgets, and accommodated within the garbage charge.

This report recommends that Council approves the variation for:

1. Up to $171,943 (excluding GST) to Council's Environmental Monitoring Contract (C19015).

Background

After an open request for tender (RFT) process; Meinhardt was commissioned by Council to undertake environmental compliance monitoring and reporting at Grantville, Rhyll and Wonthaggi landfill sites for a contract period of three (3) years from 1 October 2019 to 30 September 2022.

Environmental compliance monitoring and reporting is required at each landfill site in accordance with respective EPA Licences, Post Closure Pollution Abatement Notices (PC PANs) and environmental monitoring programmes (Aftercare Management Plans [AMPs]) and/or Environmental Monitoring Programmes (EMPs) for each site. The AMPs / EMPs set out regular groundwater (GW), surface water (SW), leachate and landfill gas (LFG) monitoring and reporting to be conducted at each site.

In preparation for works under the contract, Meinhardt noted discrepancies between the requirements of the contract and the EPA approved AMP's / EMP's for each site. The AMPs / EMPs did not form part of the RFT documentation.

Meinhardt have completed three monitoring rounds and reports at each landfill site to date.

Strategic Basis

Council Plan Objective:

Environment – Maintain and protect the natural environment

Major Initiative / Initiative

Not a Major Initiative / Initiative

Strategies / Policies

Natural Environment Strategy 2016-26

Action 1.1.4 - Identify and invest in environmentally sustainable waste technology and options to increase materials efficiency and reduce consumables.

Action 1.2.4 - Continue to ensure the social, environmental and economic responsible disposal of municipal waste.

Waste Management Strategy 2015-25

Objective - Provision of waste management services and infrastructure to community, residents and businesses to meet their needs as efficiently and equitably as possible, in a financially, socially and environmentally responsible manner.

Statutory Requirements/Codes/Standards/Policies

- *Recycling Victoria, 2020*
- *Local Government Act 1989*
- *Environment Protection Act 1970*
- National Waste Policy: Less Waste, More Resources
- Getting Full Value: the Victorian Government Waste and Resource Recovery Policy
- Statewide Waste and Resource Recovery Infrastructure Plan
- Regional Waste and Resource Recovery Implementation Plan
- Bass Coast Procurement Policy, April 2017
- Natural Environment Strategy 2016-2026
- Waste Management Strategy 2015-25

Discussion

The first scheduled monitoring event under the contract was undertaken in October 2019. As part of its preparation works Meinhardt noted discrepancies between the requirements of the contract and the EPA approved AMP's / EMP's for each site.

The updated monitoring programs for each landfill is required to ensure that Council is in compliance with its environmental monitoring obligations in accordance with the respective EPA Licence, PC PANS, and environmental monitoring programs for each site.

Council appoints an EPA appointed environmental auditor to review annual environmental monitoring reports prepared by Meinhardt in accordance with each sites AMP/EMP. The environmental auditor's report includes a section on recommendations which can impact future monitoring and infrastructure requirements (e.g. installation of monitoring bores). Council is required to install additional monitoring bores at Grantville landfill based on the auditor's recommendations, which will require additional monitoring and reporting.

In addition to this current request for variation, it is possible that future auditor recommendations, or non-compliance with the existing licence, PC PANS and AMPs / EMPs, will result in Council considering further variation requests.

As part of the tender review process, Meinhardt demonstrated applicable capability and experience and value for money for the lump sum fee of $258,720 excluding GST. It should be noted that none of the conforming tender submissions received identified the discrepancies between the RFT and EPA approved AMPs / EMPs. The AMPs and EMPs did not form part of the RFT documentation. It would be reasonable to assume that additional costs would have been included by all submissions for the additional monitoring and reporting required by the AMPs / EMPs had they been included in the RFT.

Finances

This variation request will result in an additional increase to the contract budget for Landfill Environmental Monitoring and Reporting (C19015).

The calculated cost variation to continue to meet its environmental monitoring compliance obligations:

- Landfill Environmental Monitoring and Reporting Contract (C19015) is $171,943 (excluding GST).

These figures are calculated for updating the environmental monitoring program to meet the requirements of the EPA approved AMPs/EMPs for each site using rates provided in the contract (C19015).

The cost will be considered in future annual budgets, and accommodated within the garbage charge.

Stakeholders

The following stakeholders have been identified:

- Bass Coast Shire Council
- Bass Coast Shire residents and ratepayers
- State Government
- Meinhardt Infrastructure and Environment Pty Ltd
- Gippsland Waste and Resource Recovery Group
- Sustainability Victoria

- EPA Victoria

Other Options

Environmental monitoring and reporting require specialist skills. Council officers have not identified cheaper or feasible alternatives, and Council relies on specialist consultants with experience in landfill monitoring and reporting and dealing with environmental auditors and the EPA.

Options for Council to respond to this paper are:

1. Council may choose to note this report, the information within and accept the officer recommendation. This would demonstrate transparency and good governance in seeking a variation to a contract in line with Council's procurement policy to ensure the continued delivery of services to the community.
2. Council may choose not to accept the report and officer recommendation, and let the consultant (Meinhardt) continue to deliver the scope of works defined in the original contract C19015. This would result in Council being non-compliant with its environmental obligations, which will lead to fines and additional enforcement notices from the EPA and under the new EPA Act, potentially the community.
3. Council may choose not to accept the report and officer recommendation, and retender the works as required by the AMPs / EMPs, landfill licence, and PC PANS. This will have an impact on the monitoring schedule defined by the AMPs/EMPs and is unlikely to provide additional benefit over and above the current contract.

Conclusion

The variation is for the period to 30 September 2022, allowing for Council to continue to meet its environmental compliance obligations. The proposed contract variation is considered to be reasonable and responsible.

Recommendation

That Council approves the variation for up to $171,943 (excluding GST) to the Landfill Environmental Monitoring Contract C19015.

Attachments

There are no attachments for this report.

The meeting was adjourned at 1.02pm

The meeting resumed at 1.15pm

Council Decision

Moved: Cr. Les Larke / Seconded: Cr. Julian Brown

That Council defer consideration of the Contract Variation- Environmental Monitoring of Landfill sites subject to receiving a report providing advice to Council regarding how the procurement process undertaken for Contract C19015 may have been improved and identifies the risks associated with potentially terminating the existing contract and re-tendering.

LOST

Cr Les Larke called for a division

For	Against
Cr Brown	Cr Le Serve
Cr Larke	Cr Rothfield
	Cr Tessari
	Cr Fullarton (abstained)
	Cr Whelan
	Cr Ellis
	Cr Kent

Moved: Cr. Pamela Rothfield / Seconded: Cr. Michael Whelan

That the recommendation be adopted.

CARRIED

Cr Les Larke called for a division

For	Against
Cr Le Serve	Cr Brown
Cr Rothfield	Cr Larke
Cr Tessari	
Cr Fullarton	
Cr Whelan	
Cr Ellis	
Cr Kent	

H.10 Community Sports Infrastructure Stimulus Program

File No:	**CM20/333**
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 to submit three funding applications to the Community Sports Infrastructure Stimulus Program (AT-1) to assist in funding the delivery of the 2020 Sports Pavilion Project, the 2020 Field Lighting Project and the Guy Road Trail Project.

Background

Coronavirus (COVID-19) has resulted in far reaching implications for the Victorian community and generating jobs and economic activity will be critical to the revival of Victoria's economy.

The $68 million Community Sports Infrastructure Stimulus Program will support Victoria's economy by working with Local Government Authorities, Alpine Resort Boards and sporting organisations to fast-track shovel-ready community sport and active infrastructure projects across Victoria.

The desired outcomes of the program are to:

- Provide a stimulus to local economic activity by planning, building and operating new or redeveloped significant community sport and active recreation infrastructure.
- Respond to demand for new participation opportunities by considering strategic and well-planned projects that have broad community and sector support.
- Improve diversity and inclusion by increasing participation by disadvantaged and underrepresented groups identified in Active Victoria.

Only Local Government Authorities (LGAs) and the Alpine Resort Boards are eligible to apply for this program. Eligible applicants can submit up to three (3) applications.

Funding may be provided for the construction and/or upgrade of significant community sport and active recreation infrastructure that is ready to commence construction within six (6) months of executing a funding agreement with the Department of Jobs, Precincts and Regions.

This may include but is not limited to:

- New sports fields, sports courts and surfaces that increase capacity or improve safety, including provision of sports lighting
- Pavilions including change rooms for participants that are female friendly and accessible
- Active recreation spaces such as significant play spaces and shared recreation trails

The Program was announced on Thursday 28 May:



Council officers have identified seven (7) shovel ready projects, that meet funding guidelines and that are the highest and most ready priorities for Council as identified in Council's Advocacy Strategy, Active Bass Coast 2018 and relevant Master Plans.

The seven (7) projects have been grouped into two (2) major projects:

1. **2020 Sports Pavilion Project**
    - Phillip Island Croquet Club Pavilion
    - Wonthaggi Croquet Club Pavilion
    - Wonthaggi Tennis Club Pavilion
2. **2020 Field Lighting Project**
    - Cowes Recreation Reserve Field Lighting
    - Dalyston Recreation Reserve Field Lighting
    - Inverloch Recreation Reserve Field Lighting
3. **Guy Road Trail Project**

The **2020 Sports Pavilion Project** continues the significant work of Council to renew and redevelop key recreational pavilions across the Shire.

The Phillip Island Croquet Club Pavilion Project is fully designed and was identified as an action in Active Bass Coast 2018 and Blue Gum Reserve Master Plan 2019 and will provide members and guests a facility which incorporates accessible toilets (including an external toilet for Blue Gum Reserve public use), meeting room, kitchenette, verandah and office space. The Phillip Island Croquet Club has committed $25k to this project should it be successful.

The Wonthaggi Croquet Club Pavilion Project is fully designed and was identified as an action in Active Bass Coast 2018 and Wonthaggi Recreation Reserve Master Plan 2019 and will provide members and guests a facility which incorporates accessible toilets, meeting room, kitchenette, verandah and office space. The Wonthaggi Croquet Club has committed $25k to this project should it be successful.

The Wonthaggi Tennis Club Pavilion Project is fully designed and was identified as an action in Active Bass Coast 2018 and Wonthaggi Recreation Reserve Master Plan 2019 and will provide members and guests a facility which incorporates accessible toilets, meeting room, kitchenette, verandah, storage and office space. The Wonthaggi Tennis Club has committed $35k to this project should it be successful.

The **2020 Field Lighting Project** continues the efforts of Council to provide safe, compliant training spaces for our winter sports clubs. The delivery of these three (3) projects will complete the need to upgrade lighting across the Shire.

The Cowes Recreation Reserve Lighting Project is fully designed and will provide the Phillip Island Football Netball Club members with 200 lux (playing standard) LED lighting. The Phillip Island Football Netball Club has committed $25k to this project should it be successful.

The Dalyston Recreation Reserve Lighting Project is fully designed and will provide the Dalyston Football Netball Club members with 200 lux (playing standard) LED lighting. The Dalyston Football Netball Club has committed $25k to this project should it be successful.

The Inverloch Recreation Reserve Lighting Project is fully designed and will provide the Inverloch Kongwak Football Netball Club members with 200 lux (playing standard) LED lighting. The Inverloch Kongwak Football Netball Club has committed $25k to this project should it be successful.

The **Guy Road Trail Project** creates a 2.5metre wide shared cycling and walking link between Corinella and Bass Valley Primary School via Tenby Point.

The Trail which stretches 5.9 kilometres, will link the popular coastal hamlet of Corinella to Bass Valley Primary School, via Tenby Point. The pathway will provide an option for visitors to experience the Waterline area through walking and cycling.

This pathway will also establish a safe commuter link from Tenby Point and Corinella to Bass Valley Primary School. This aspect of the path links with the Victorian Cycling Strategy which seeks to increase cycling as transport and support cycling to school.

The Trail has been identified as a high priority on Council's Advocacy Priorities and the designs are complete. Pathways play an important role in the health and wellbeing of a community.

In Bass Coast, they also make a significant contribution to our visitor economy, providing links to key attractions and contributing to our unique eco-tourism.

Strategic Basis

Council Plan Objective:

Advocacy - *Representing the community*

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

Liveability – *Enjoying the place we live*

Major Initiative / Initiative

This is not a Major Initiative or Initiative

Strategies / Policies

- Active Bass Coast 2018
- Bass Coast Aspirational Network Pathways Plan 2016
- Bass Coast Shire Council Advocacy Strategy 2018-21
- Blue Gum Reserve Master Plan 2019
- Dalyston Recreation Reserve Master Plan 2019
- Inverloch Recreation Reserve Master Plan 2019
- Municipal Health and Wellbeing Plan 2017-21
- Phillip Island and San Remo Visitor Economy Strategy 2035 – Growing Tourism
- Victorian Cycling Strategy 2018-28
- Wonthaggi Recreation Reserve Master Plan 2019

Statutory Requirements/Codes/Standards/Policies

Australian Standard Lighting

Australian Building Code

Discussion

Council relies upon funding programs to assist in the delivery of key recreation projects.

The Community Sports Infrastructure Stimulus Program has been developed in direct response to the current COVID-19 Pandemic and aims to:

- Provide a stimulus to local economic activity by planning, building and operating new or redeveloped significant community sport and active recreation infrastructure.
- Respond to demand for new participation opportunities by considering strategic and well-planned projects that have broad community and sector support.
- Improve diversity and inclusion by increasing participation by disadvantaged and underrepresented groups identified in Active Victoria.

The 2020 Sports Pavilion Project and 2020 Field Lighting Project consist of three 'like' projects, which have been strategically grouped to meet eligibility criteria. The third application, Guy Road Trail, is Council's third application.

Each Project have been identified as priorities and previously endorsed by Council through Council's Advocacy Strategy, Active Bass Coast 2018 and relevant Master Plans.

Each Project has been identified as priorities and previously endorsed by Council through Council's Advocacy Priorities January 2021, Active Bass Coast 2018 and relevant Master Plans.

The projects are fully designed, costed and should the applications be supported by Council and successful, will commence by February 2021.

Should the projects be unsuccessful through the application process, they will not proceed.

The Corinella Boating and Angling Club Pavilion was presented to Council officers following the identification of the proposed projects. Following discussions with the Club, and Sport and Recreation Victoria it is recommended that this project requires additional preparation and would not meet the timelines required for this grant program. Council officers understand the importance of this project and will work with the club committee to ensure that it is prepared for future funding opportunities.

Finances

Applications for funding from this program must be between $1 million and $10 million.

A 10 percent minimum local financial contribution of the funding amount is required to be committed and confirmed by LGAs or Alpine Resort Boards, for each application submitted. For example, a grant request of $1 million should be matched with a contribution of at least $100,000.

The following table outlines how the three proposed projects will be funded:

Group	Projects	Project $	Club	Council	Total combined contribution (Club/Council)	Grant Request	Project Value
Pavilions	1. Phillip Island Croquet Club 2. Wonthaggi Croquet Club 3. Wonthaggi Tennis Club	1. $610k 2. $510k 3. $975k	1. $25k 2. $25k 3. $35k	$124.5k	$209.5k	$1,885,5m	$2.095m
Lighting	1. PIFNC 2. DFNC 3. IKFNC	1. $400k 2. $400k 3. $400k	1. $25k 2. $25k 3. $25k	$45k	$120k	$1.080k	$1.2m
Trails	Guy Road Trail	$2.8m	$0	$280k	$280k	$2.52m	$2.8m
Totals		**$6.095m**	**$160k**	**$449.5k**	**$609.5k**	**$5,485,5m**	**$6.095m**

To deliver the seven projects with an estimated total value of $5.945m, Council's anticipated contribution is $434,500.

Council funds have been identified within its Long Term Financial Plan for trails and through recreation projects identified in the 2020/21 Draft Budget.

Club contributions have been agreed and formally committed to Council.

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

Stakeholders

- Corinella Community
- Dalyston Football Netball Club
- Dalyston Recreation Reserve Committee of Management

- Member for the Victorian seat of Bass
- Phillip Island Croquet Club
- Phillip Island Football Netball Club
- Tenby Point Community
- Wonthaggi Croquet Club
- Wonthaggi Tennis Club

Other Options

Council may choose not to support the proposals for the Community Sports Infrastructure Stimulus Program to apply for funding to deliver the 2020 Sports Pavilion Project, the 2020 Field Lighting Project and the Guy Road Trail Project.

There is currently no other 'shovel ready' projects that meets the grant eligibility criteria that could be considered within the afforded timelines.

Conclusion

The Community Sports Infrastructure Stimulus Program provides Council with an opportunity to access significant State funding to deliver key recreation projects.

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

This report recommends that Council supports the 2020 Sports Pavilion Project, contributing $124,500 to the Project, the 2020 Field Lighting Project, contributing $30,000 to the Project and the Guy Road Trail Project, contributing $280k to the Project.

Amended Recommendation

That Council:

1. **Endorses Council officers to apply to the Community Sports Infrastructure Stimulus Program for $1,885,500 to assist in the delivery of the 2020 Sports Pavilion Project and commits $124,500 in the 2020/21 year should the project be successful.**
2. **Endorses Council officers to apply to the Community Sports Infrastructure Stimulus Program for $1.08m to assist in the delivery of the 2020 Field Lighting Project and commits $45k in the 2020/21 year should the project be successful.**
3. **Endorses Council officers to apply to the Community Sports Infrastructure Stimulus Program for $2.52m to assist in the delivery of the Guy Road Trail Project and commits $280k in the 2020/21 year should the project be successful.**

Attachments

AT-1 Community Sports Infrastructure Stimulus Program Guidelines 12 Pages

The meeting was adjourned at 1.34pm

The meeting resumed at 1.36pm

Council Decision

Moved: Cr. Pamela Rothfield / Seconded: Cr. Stephen Fullarton

That the amended recommendation be adopted.

CARRIED

H.11 Gifts, Benefits and Hospitality Policy and Council Support and Resources Policy

File No:	**CM20/298**
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 the report is to present the draft Gifts, Benefits and Hospitality Policy and the draft Council Support and Resources Policy to Council for consideration.

The draft Gifts, Benefits and Hospitality Policy provides clarity on when gifts, benefits or hospitality can and cannot be accepted and the process for accepting, declining and recording gifts.

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

Both policies support Council's commitment to transparency, accountability and good governance.

Background

Under the *Local Government Act 2020* (the Act) Council is required to adopt a Council Expenses Policy detailing the level of support and resources available to Councillors and members of delegated committees on or before 1 September 2020. Council is also required to adopt a Gifts Policy no later than 30 April 2021. These policies supersede any previous requirements under the *Local Government Act 1989*.

On 21 November 2018 Council adopted the Provision of Resources to Councillors Policy. The draft Council Support and Resources Policy is an amended version of the Policy which has been renamed for consistency with the *Local Government Act 2020*. In addition to specifying the support and resources provided to Councillors, the policy also sets out the support and resources to be provided to members of delegated committees.

Council has previously had processes in place for managing gifts, benefits and hospitality, but not a formally adopted policy for Councillors and Council officers. In addition to providing clarity to Councillors and officers, the draft Gifts, Benefits and Hospitality Policy also demonstrates to the community, potential suppliers or other stakeholders, the clear boundaries of acceptable behavior to avoid any suggestion of improper conduct.

Strategic Basis

Council Plan Objective:

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

Major Initiative / Initiative

This is not an initiative or major initiative in the budget or capital works program.

Strategies / Policies

Provision of Resources to Councillors Policy

Statutory Requirements/Codes/Standards/Policies

Local Government Act 2020, sections 39, 40, 41, 42

The draft policies are before Council to ensure that the organisation meets its requirements under the *Local Government Act 2020*. The report also reflects Council's commitment to transparency, accountability and good governance.

Discussion

Gifts, Benefits and Hospitality Policy

The draft Gifts, Benefits and Hospitality Policy has been informed by an extensive review of similar policies developed by other councils. The draft policy will apply to all Councillors, Council officers, members of delegated committees and members of Community Asset Committees as well as members of Section 86 committees established under the *Local Government Act 1989* until these are enacted as Community Asset Committees under the new legislation.

It provides practical guidance to enable effective operation without causing offence, for example when offered a box of chocolates at Christmas or given a pen and notepad at a conference.

The draft policy is also clear on what cannot be accepted, reporting requirements for accepting and declining gifts and the threshold for understanding when a person is determined to have an 'interest' in a matter.

Council Support and Resources Policy

Council's *Provision of Resources to Councillors Policy*, last adopted by Council in 2018, detailed the level of resources and professional support that Council would provide to Councillors. The draft Council Support and Resources Policy builds on the previous policy with the inclusion of support for members of delegated committees under Section 63 of the Act. A baseline level of support for members of delegated committees has been included in the draft policy.

Council has one existing committee that it may consider transitioning to a delegated committee under the new Act, however this would require a change in structure.

It is recommended that the supports outlined in the draft policy be reviewed should Council choose to create a delegated committee.

Finances

Council's 2019/20 adopted budget and draft operational budget for 2020/21 provides for the delivery of resources and support to Councillors as set out in the draft Council Support and Resources Policy. Council does not currently have any delegated committees under Section 63 of the *Local Government Act 2020* and therefore no budget has been allocated for member entitlements. In the event that a delegated committee is formed, the financial implications will be reviewed.

There are no financial implications for the Gifts, Benefits and Hospitality Policy.

Stakeholders

- Councillors
- Council officers
- Members of Community Asset Committees and other delegated committees
- Community members
- Suppliers

The draft policies have been developed to ensure that Council is meeting its legislative obligations as well as providing good governance to the community.

Councillors have been briefed on the two draft policies and officers have provided feedback.

Key stakeholders will be informed of their requirements should the draft policies be adopted by Council.

Other Options

The Local Government Act 2020 mandates that Council adopt a Council Expenses Policy on or before 1 September 2020 and a Gift Policy by 30 April 2021.

Council could choose to meet its legislative obligations by including the information in a combined policy document. This option is not recommended as it makes it more challenging for stakeholders to find the information.

Conclusion

The draft Gifts, Benefits and Hospitality Policy provides clear practical advice for stakeholders.

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

Both policies support Council to meet its legislative obligation under the *Local Government Act 2020*.

Recommendation

That Council:

1. **Adopt the Gifts, Benefits and Hospitality Policy, and**
2. **Adopt the Council Support and Resources Policy, superseding the Provision of Resources to Councillors Policy**

Attachments

AT-1 Draft Gifts, Benefits and Hospitality Policy 3 Pages

AT-2 Draft Council Support and Resources Policy 3 Pages

Council Decision

Moved: Cr. Michael Whelan / Seconded: Cr. Pamela Rothfield

That Council:

1. **Defers consideration of the Gifts, Benefits and Hospitality Policy for consideration until after the Council election, taking into consideration the following:**
   a) **Tighten the process for councillors and officers seeking clarification on the policy (refer 1.1 and 1.3) by specifying a single point of contact being the Manager Governance and Property and requiring a record of the advice given**
   b) **A Councillor, notwithstanding the Gift Disclosure Threshold, should not meet representatives of developers, gambling or hospitality businesses or other business organisations that may have business come before Council other than through an Assembly of Councillors meeting**
   c) **Councillors must not accept hospitality or gifts of any kind from business other than where it is deemed by the Mayor that attendance at a function is in Council's interest. In that case arrangement must be made with the CEO to arrange payment of costs or otherwise the councillor must personally pay for the cost of any hospitality or benefit.**
2. **Adopt the Council Support and Resources Policy, superseding the Provision of Resources to Councillors Policy**

CARRIED

H.12 Creation of Easement - Drainage Reserve, Clifton Crescent, Cowes

File No:	**CM20/287**
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 the statutory procedures under the *Local Government Act 1989* (Act) be completed for the creation of an easement on Council land.

In order to complete a subdivision the owner of 161-169 Justice Road, Cowes requests the creation of a sewerage easement through a Council owned drainage reserve.

Before granting an easement, Council must comply with the statutory procedures set out in sections 189 and 223 of the Act. The procedures require a public notice to be published inviting submission on the proposal. No submission was received.

Background

The owner of 161-169 Justice Road, Cowes is attempting to complete a two lot subdivision that would create a vacant battle-axe allotment at the rear. A planning permit (no. 180411) was granted on 19 August 2019. Prior to certification of the plan, the owner needs to arrange for services with the relevant authorities. Westernport Water requires the vacant allotment to be connected to the sewerage system.

The owner proposes to connect to the sewerage system in Clifton Crescent through a Council owned Drainage Reserve. The sewer will be a Westernport Water asset. Westernport Water requires an easement to ensure that it has rights to locate the asset in the land and have access to maintain it.

The grant of an easement is a disposition of property rights. There is a value associated with the property rights. Therefore, section 189 of the Act, dealing with the sale of land, applies to the grant of an easement. Before making a decision to sell the property rights, Council must publish a notice inviting submissions and then hear and consider any submissions before making a final decision.

The requisite notice was published in the Phillip Island and San Remo Advertiser on 6 May 2020. No submission was received.

Strategic Basis

Council Plan Objective:

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

Major Initiative / Initiative

This is not an initiative or major initiative.

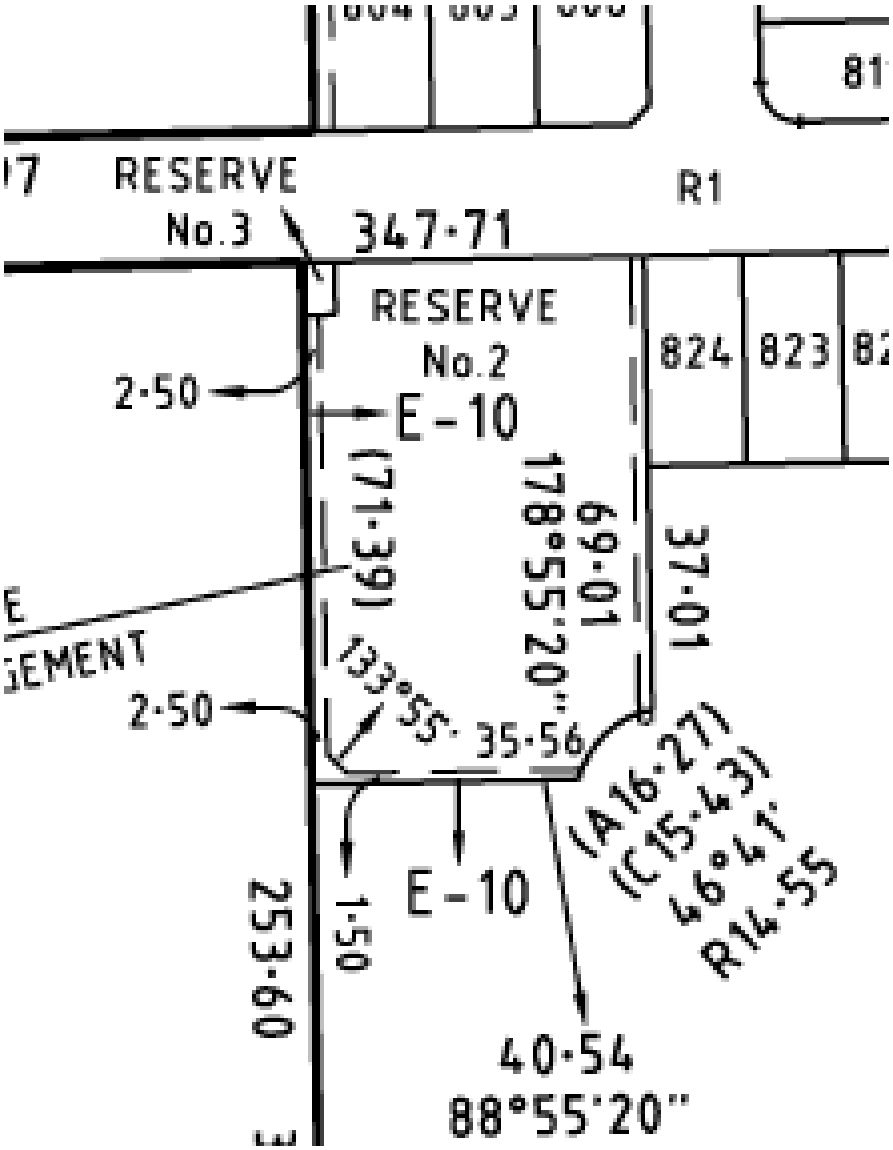
Statutory Requirements/Codes/Standards/Policies

Local Government Act 1989 – Sections 189 and 223

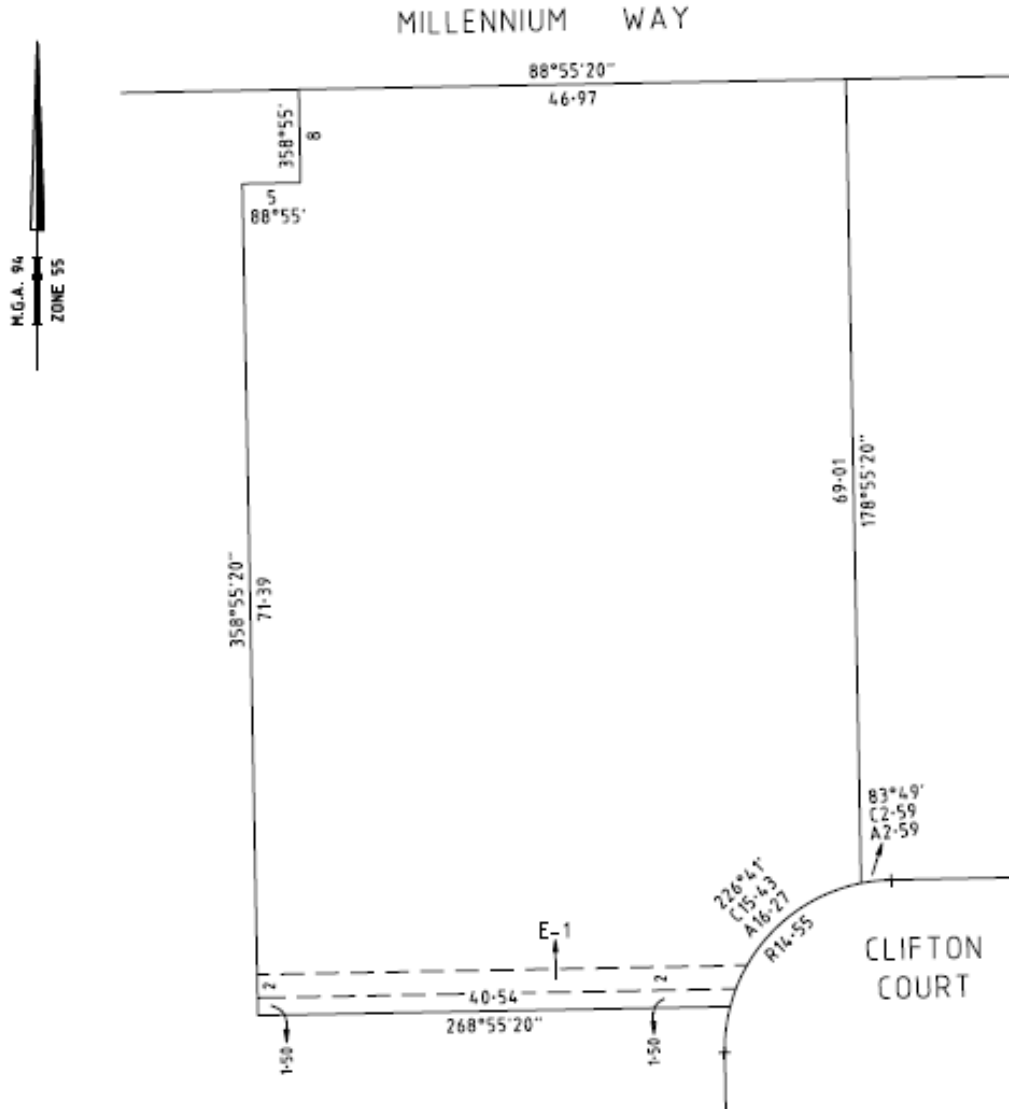
Transfer of Land Act 1958 – Section 45(1)

Discussion

Council is the registered proprietor of the land in Certificate of Title Volume 11986 Folio 018. The land is a drainage reserve (Reserve No 2 shown below) that has powerline easements along the western and southern boundaries and a sewerage easement along the eastern boundary.



The proposal is to create a 2.0 metre wide sewerage easement in favour of Westernport Region Water Corporation. The easement would be adjacent to an existing 1.5 metre wide powerline easement that runs along the southern boundary.



Officers would normally take action to avoid encumbering Council land. In this case:

- There is no feasible alternative for the owner of 161-169 Justice Road;
- Council will want to own the land and use it as a drainage reserve over the long term;
- As a drainage reserve the Council land has no development potential;
- Council's land is already encumbered by a powerline easement along the southern boundary;
- Council will be compensated for the loss of the property rights.

Finances

The owner of 161-169 Justice Road, Cowes will have to pay for the property rights as determined by Council's valuer as well as any costs incurred by Council including advertising, valuation and legal fees to make the title available.

The grant of the easement has been valued at $3,000.

Stakeholders

- Bass Coast Shire Council
- Owner of 161-169 Justice Road, Cowes
- Westernport Water
- Community

Other Options

Council may decide to disallow the request to grant an easement. This is not the preferred option as the request is reasonable given that there is little impact on the current and future use of the drainage reserve.

Conclusion

The proposal to encumber Council land with a sewerage easement causes low impact to Council. Council will be compensated and the proponent will have a low cost solution for access to sewerage.

The creation of an easement will cause a loss of property rights. A disposition of property rights is subject to the statutory procedures set out in sections 189 and 223 of the Act. The statutory procedures have been implemented and Council is now able to make a decision.

Recommendation

That Council:

1. **Having commenced the statutory procedures under Sections 189 and 223 of the Local Government Act 1989 and noting that no submission has been received authorizes the grant of an 2.0 metre wide sewerage easement in favour of Westernport Region Water Corporation along the southern portion of the Council drainage reserve at 1 Millennium Way, Cowes as shown on the plan included in this report.**
2. **Authorises the Chief Executive Officer or delegate to execute the necessary documents to achieve the creation of the easement on title.**

Attachments

There are no attachments for this report

Council Decision

Moved: Cr. Stephen Fullarton / Seconded: Cr. Michael Whelan

That the recommendation be adopted.

CARRIED

H.13 Future Wonthaggi Recreation Site

File No:	**CM20/327**
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

On 18 October 2018 Council resolved to seek to be appointed the Committee of Management for a 14.66 ha Crown land site in Billson Street Wonthaggi near Carneys Road. The land is now identified as Crown Allotment 2029. The resolution was made to secure a site adjacent to the Wonthaggi Education Precinct for future recreational needs as shown in yellow in the plan below.



In assessing the request, the Department of Environment Land Water and Planning (DELWP) has suggested that the site be extended to include both Crown Allotments 2029 and 2039 in the Township of Wonthaggi as shown on the plan below.





This report recommends that Council seek to become the Committee of Management for Crown Allotments 2029 and 2031 Township of Wonthaggi and that the land be reserved for Public Purposes.

Background

The previous decision followed Active Bass Coast Plan 2018 – 2028 which was adopted by Council on 19 September 2018. One of the key consultation findings in Active Bass Coast Plan 2018 – 2028 is a need to develop the greenfield site adjacent to the Wonthaggi Education Precinct to cater for forecasted population growth and demand for purpose built sporting facilities.

The process for re-reservation of the land and appointment of Council to Committee of Management status requires a formal request to DELWP by Council after making a resolution.

Acting on the previous decision a formal request was made to DELWP. In assessing this request DELWP has suggested that Council manage the whole of the cleared land in the area.

Strategic Basis

Council Plan Objective:

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

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

Strategies / Policies

Bass Coast Sport and Active Recreation needs Assessment (April 2016)

Bass Coast Shire Council Property Strategy (May 2016)

Active Bass Coast Plan (September 2018)

Statutory Requirements/Codes/Standards/Policies

Crown Land (Reserves) Act 1978

Discussion

The Bass Coast Sport and Active Recreation needs Assessment recommends that land adjacent to the Wonthaggi Education Precinct be secured for future recreation needs. The needs are based on forecasted population growth and increased demand and participation in sports like soccer.

The Bass Coast Shire Council Property Strategy recommends that Council acquire or retain land that contributes to service delivery or is part of a future plan.

The location on Billson Street near Carneys Road and adjacent to the Wonthaggi Education Precinct is ideal as it enables a consolidation of complementary public uses and ease of access for young people.

It was previously considered that a 14.66 ha (Crown Allotment 2029) is an adequate size for future regional recreational use as assessed by Council's Recreational Planner.

Crown allotments 2029 and 2031 together comprise approximately 27 ha. The additional land and second road frontage provides flexibility in the potential planning for future recreational needs. It covers all of the cleared land in this vicinity. It avoids the creation of an irregular shaped parcel of land the DELWP would have to manage separately. The 27ha site is consistent with the with the site area indicated in the Active Bass Coast Plan 2018-2028.

Finances

The land is currently used for agistment and it is proposed that this be continued until it is redeveloped for recreational purposes.

At a future time, Council will be responsible for the development of the land.

Stakeholders

- Bass Coast Shire Council
- The Wonthaggi community
- Local sporting clubs and organisations
- The broader community
- Department of Environment, Land, Water & Planning

Other Options

Council could decide not to pursue control of the additional land. This would leave an irregular shaped parcel of land to be fenced and for DELWP to manage separately,

Council could decide to pursue a purchase of the land from the State Government. Although a more secure form of tenure, it requires unbudgeted expenditure and does not represent value for money given the recommended approach.

Conclusion

It is recommended that Council plan for future recreation needs for Wonthaggi by securing 27 ha site that it can control for that purpose.

The identified land is of a more than adequate size and is in an ideal location.

As the land is Crown land, approval for an appropriate reservation of the land and for Council to be appointed as the Committee of Management of the land must be sought from DELWP.

Council has a number of recreation infrastructure priorities to be funded, identified through the Active Bass Coast Plan. While the land may be reserved for future recreation needs it has not been prioritised for development at this stage and will be retained with a licence for grazing purposes.

Recommendation

That Council:

1. **Resolves that Crown Allotments 2019 and 2031 in the Township of Wonthaggi are required for future recreation needs, and**
2. **Requests the Minister for Energy, Environment and Climate Change to reserve the land for Public Purposes and that the Council be appointed as the Committee of Management for the land under the Crown Land (Reserves) Act 1978.**

Attachments

There are no attachments for this report.

Council Decision

Moved: Cr. Julian Brown / Seconded: Cr. Clare Le Serve

That the recommendation be adopted.

CARRIED

H.14 Reappointment of Homi Burjorjee as an Independent Member to the Audit Committee

File No:	**CM20/340**
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 approval for the reappointment of Mr Homi Burjorjee to the position of Independent Member of the Audit Committee. Mr Burjorjee was appointed to the Audit Committee in July 2017 for a three year term, due to expire on 30 August 2020 and has been a valuable member of the committee during this time.

Mr Burjorjee has confirmed that he would like to seek reappointment beyond the expiry of the current term.

Background

The Audit Committee performs a vital role in advising the Council on a range of matters central to the governance of the Council. The integrity and independence of the committee is enhanced by the appointment of external members who can bring knowledge, expertise and objectivity to the committee.

Council's Audit Committee Charter says that independent members can be appointed for one three year term, with the option of a second three year term. After two terms the position/s must be readvertised. An independent member may formally reapply for a third term, for an agreed period no longer than three years.

Strategic Basis

Council Plan Objective:

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

Major Initiative / Initiative

The appointment of an independent member of the Audit Committee is not a Major Initiative or Initiative within the Council Plan.

Statutory Requirements/Codes/Standards/Policies

Section 139 of the Local Government Act 1989

This section of the Act sets out the requirements of an Audit Committee, the roles, responsibilities and obligations of individual members.

Audit Committees – A guide to good practice for Local Government

The document was prepared and published by the Department of Planning and Community Development in 2011, it is also published by Australian Institute of Company Directors (AICD) and the Institute of Internal Auditors — Australia (IIA Australia) and the Auditing and Assurance Standards Board (AUASB) in February 2008.

This Guide provides a practical introduction to the role and responsibilities of an audit committee. It explains the context in which an audit committee typically operates and outlines good practice.

Audit Committee Charter

This document sets out the purpose of the Committee, its authority, meeting requirements and responsibilities.

The Audit Committee Charter requires Council to make the decision around the appointment or reappointment of an independent member.

Discussion

Mr Burjorjee has made a significant contribution to the Audit Committee over the past three years. He brings a wealth of knowledge and experience in the Local Government sector, holding independent member positions for various Council Audit Committees.

Mr Burjorjee is a Fellow of the Institute of Chartered Accounts in Australia and Member of the Institute of Internal Auditors in Australia.

Finances

The Independent members for the Audit Committee receive a sitting fee for each meeting. The Chairman receives $1,500 per meeting and the Independent members receive $1,000 per meeting. This is consistent with other Gippsland Councils.

The sitting fees for the independent members of the Audit Committee are allowed for within the Governance operational budget.

Stakeholders

Council, ratepayers, residents and visitors are all affected by the delivery of the program.

Other Options

The Council could choose to not offer Mr Burjorjee an additional three year term on the Audit Committee. If that were to happen we would need to commence a recruitment process immediately for his replacement. This would have a budget implication to cover the costs associated with advertising and the recruitment process.

Conclusion

Mr Burjorjee is a highly experienced independent member of the Audit Committee and provides a balanced approach to the oversight of risk management, reporting and governance practices, financial management, and the challenges faced in Local Government.

A further three year term would continue to add strength to the Audit Committee with his knowledge and understanding of the key issues at Bass Coast Shire Council.

Recommendation

That Council reappoints Mr Homi Burjorjee as an Independent Member of the Audit Committee from 31 August 2020 to 30 August 2023.

Attachments

There are no attachments for this report.

Council Decision

Moved: Cr. Pamela Rothfield / Seconded: Cr. Michael Whelan

That the recommendation be adopted.

CARRIED

H.15 Review of Procurement Policy 2020

File No:	**CM20/301**
Division:	**Finance**
Council Plan Strategic Objective:	**Governance**
	We are responsive, open, transparent and financially sustainable

Declaration

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

Summary

Section 186 of the *Local Government Act 1989* (the Act) requires Council to review its Procurement Policy annually. The new *Local Government Act 2020* will govern Council procurement from June 2021. The Procurement Policy 2019 was adopted by Council in accordance with the Act at its meeting held on 19 June 2019.

Council's procurement practices are in line with Local Government Best Practice Procurement Guidelines and the State Government's Best Practice Guidelines for Procurement. The policy is strategically aligned with wider Council objectives, which allows Council to recognise the corporate and social responsibility that Council procurement activities can provide in relation to positive outcomes to the local community.

The Procurement Policy 2020 has been reviewed in accordance with the Local Government Best Practice Procurement Guidelines and Council's internal policy formatting.

Background

Council's procurement processes will facilitate expenditure of over $60 million on goods and services in the 2020-2021 financial year. This procurement activity supports the delivery of services and projects in the Council Plan.

Local Government Best Practice Procurement Guidelines outline that Council procurement should be undertaken in a manner that ensures value for money and accountability to the community for the expenditure of public monies.

Bass Coast's policy sets out the principles for procurement and assists Council to:

- Obtain best total value in terms of price, quality and service while meeting the Council's economic, environmental and community objectives.
- Source goods and services from local suppliers where possible as part of Councils commitment to increasing and promoting a sustainable local economy in Bass Coast.
- Consider the environmental impact when purchasing good and services.
- Provide accountability for the achievement of best value for money in the procurement of goods and services.

- Improve business relationships through a procurement process that is consistent and transparent and reduces the cost of doing business.

Strategic Basis

Council Plan Objective:

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

Statutory Requirements/Codes/Standards/Policies

The annual review of the Procurement Policy is required under Section 186 of the *Local Government Act 1989* (the Act).

Discussion

The Policy was reviewed in accordance with the *Local Government Act 1989*, the Victorian Local Government Best Practice Procurement Guidelines and Councils internal policy framework. Key stakeholders were engaged, including Councillors, the Executive Leadership Team and officers involved in procurement decision making.

The following proposed changes have been included in the revised policy:

1 Review the procurement principles to reflect the ranked importance of best value in procurement, buying local, sustainable procurement and social procurement.

2 Include reference to the Gifts, Benefits and Hospitality Policy in relation to Procurement Principles.

As the Gifts, Benefits and Hospitality Policy provides clarity on when gifts, benefits or hospitality can and cannot be accepted and the process for accepting, declining and recording gifts, referring directly to this policy will remove any ambiguity

3 The policy requires that Council maintain a Procurement Delegations Framework.

Council's Procurement Delegations Framework is modelled from the Best Practice Procurement Guidelines, while also taking into account Bass Coast Shire Council's requirements.

The following changes to staff delegations are recommended to be reflected in the delegations framework.

Purchasing Delegations

Table 1

Expenditure (GST Inclusive)	Current Delegation	Delegated Authority
Up to $25,000	Up to $25,000	Coordinator
$25,000 to $100,000	$25,000 to $100,000	Manager
$100,000 to $150,000	$100,000 to $150,000	General Manager/Executive Manager
$150,000 to $1Million	$150,000 to $250,000	Chief Executive Officer
> $1Million	> $250,000	Council

Contract Award Delegations

Table 2

Expenditure (GST Inclusive)	Current Delegation	Delegated Authority
Up to $1 Million	Up to $250,000	Chief Executive Officer
> $1 Million	> $250,000	Council

The proposed increase from $250,000 to $1 million in the CEO's delegated authority will support and streamline the delivery of a record capital works program. This delegated authority will also serve the organisation well as it transitions towards a new Council including during the Caretaker period. As part of the review, the delegated authority to the CEO for purchasing and contract award was reviewed and benchmarked with a number of other councils. Councillors were also engaged to provide input into the recommended delegation.

For comparison, other councils have the following Contract award delegations:

Wellington Shire Council	$400,000
Latrobe City Council	$500,000
Baw Baw Shire Council	$750,000
Yarra Ranges Council	$1,000,000
City of Casey	$5,000,000

The next review in 2021 will be undertaken to ensure Council maintains continued compliance with the incoming Local Government Act 2020, which has a staged implementation process.

The Procurement and Fleet Services policies, processes and procedures are subject to annual review by the Victorian Auditor General's Office as part of our standard financial audit process.

Finances

Council's procurement activity supports the delivery of services and projects in the Council Plan.

A sound Procurement Policy and Procurement Delegations Framework provides the tools for officers to undertake their duties in a financially responsible and efficient manner.

Stakeholders

- Councillors
- Executive Leadership Team
- Council officers (including contract managers)

For the review of the Procurement Policy, Councillors, the Executive Leadership Team and other internal stakeholders were engaged to inform the priorities of Council's procurement functions.

Other Options

The *Local Government Act 1989* mandates that Council review and adopt a Procurement Policy Annually.

Council could choose to meet its legislative obligations by adopting the current policy. This option is not recommended as it misses the opportunity to incorporate the improvements included in the revised policy.

Conclusion

The Procurement Policy 2020 provides clear and effective procedures for procurement activity.

The revised Procurement delegations framework provides the tools required to undertake responsible and efficient operational financial decisions on behalf of Council.

Both the policy and the framework support Council to meet its legislative obligation under the *Local Government Act 1989*.

The next review of the policy will be in line with the *Local Government Act 2020* as part of the phased implementation of the new act.

Recommendation

That Council:

1. **Adopt the revised Procurement Policy 2020.**
2. **Adopt the revised Procurement Delegations Framework.**

Attachments

AT-1	Procurement Policy 2020	19 Pages
AT-2	Procurement Delegations Framework June 2020	4 Pages

Council Decision

Moved: Cr. Pamela Rothfield / Seconded: Cr. Michael Whelan

That the recommendation be adopted.

CARRIED

Cr Les Larke called for a division

For	Against
Cr Le Serve	Cr Brown
Cr Rothfield	Cr Larke
Cr Tessari	
Cr Fullarton	
Cr Whelan	
Cr Ellis	
Cr Kent	

H.16 Award of Tender No 20001 - Pioneer Bay Road Drainage Improvement Project

File No:	**CM20/195**
Division:	**Finance**
Council Plan Strategic Objective:	**Governance**
	We are responsive, open, transparent and financially sustainable

Declaration

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

Summary

This report to Council presents the outcome of the tender evaluation for Tender No 20001 – Pioneer Bay Road and Drainage Improvement Project. This project will be delivered via the Special Charge Scheme provisions within the *Local Government Act (1989)* and in conjunction with Melbourne Water who will also be completing flood mitigation, creek enhancement and wetland works at Pioneer Bay.

A Panel, consisting of Council Officers was formed for the purpose of tender evaluation.

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

The Panel concludes that the tender submitted by All-Waste Pumping Solutions Pty Ltd (AWS Civil) will satisfy the requirements of the works and will provide Council with best value for money.

This report recommends Council to accept the tender submission and award Contract No 20001 to AWS Civil.

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

Background and Context

The road and drainage improvements for the Pioneer Bay Estate shall incorporate road, minor drainage and footpath construction.

Council is arranging the project through its capital works program. The works are to be constructed under a Special Charge Scheme whereby the abutting landowners are contributing approximately 92% of the total costs of the works.

This project will be delivered concurrently with Melbourne Water's scope of works to deliver upgraded drainage assets to the Pioneer Bay community. In order to allow Melbourne Water enough lead in time to secure the required consents, finalise designs and procure, Council's portion of the works will commence on the 31 August 2020 (site possession) and the 14 September 2020 (contractor mobilisation), pending favourable weather conditions and contractor availability.

The term of the contract will be 36 weeks.

Strategic Basis

Council Plan Objective:

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

Statutory Requirements/Codes/Standards/Policies

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

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

Tender Process

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

Tenders closed at 2.00pm on 10 March 2020 and Council received five conforming tender submissions.

Evaluation Process

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

Table 1 – Evaluation Selection Criteria	
Criterion	**Weighting**
Mandatory	
Integrated Management System	Pass/Fail
Insurance	Pass/Fail
Financial Capacity	Pass/Fail
Weighted	
Price	35%
Site Management (Traffic, Environmental and Communication)	20%
Capacity – Staff Resources, Sub-contractors, Suppliers and Plant & Equipment	15%
Previous Related Experience & Referees	15%
Construction Period & Methodology	10%
Benefit to Bass Coast Shire Economy	5%

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

Each tenderer passed the mandatory selection criteria. For the tender submissions received, each Panel member scored the criteria out of a maximum possible five points. Following the initial independent evaluation, the Panel met to discuss their independent scores for each criterion. The average scores were calculated 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 AWS Civil's nominated referees, which confirmed there were no issues with AWS Civil's capability to carry out the works. 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	* Price Score %	# Non-Price Score %	Total Score %
1	AWS Civil	35%	46%	81%
2	Tender B	34%	37%	71%
3	Tender C	0%	47%	47%
4	Tender D	0%	43%	3%
5	Tender E	0%	41%	41%

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

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

A tender price over the allocated tender budget achieve a score of zero for price.

ASW Civil presented the lowest cost conforming tender and in accordance with the selection criteria present the best value to Council; they were also deemed by the evaluation panel to have relevant experience, sound methodology and appropriate capacity and resources allocated.

Contract Management

The Capital Projects Coordinator will act as Contract Superintendent for the contract and the Technical Projects Officer will act as the Contract Superintendent's Representative. Authorisations of variations will be in accordance with the Procurement Delegations Frameworks adopted by Council on 16 May 2018.

Site possession would be 31 August 2020 and mobilisation would be 14 September 2020, subject to favourable weather conditions and contractor availability. This timeframe will also allow Melbourne Water enough lead in time to secure the required consents, finalise designs and procure for their works.

Anticipated Contract Completion would be 36 weeks from commencement of project.

Finances

This project is in the 2019-2020 capital works program.

The budget available for the contract is $4,371,190.00 (GST exclusive), which includes contingency and project management fees.

The total value of the contract is $3,290,834.00 (GST exclusive), which includes a provisional sum of $307,580.00.

	GST Exclusive
Construction including permits and approvals (lump sum components)	$2,983,254.00
Provisional Sums to be completed by Contractor (summarise items to be included)	$307,580.00
Total Contract Sum	**$3,290,834.00**
Internal Project Management costs	$197,450.00
Contingency (10%) *	$329,083.00
TOTAL	**$3,817,367.00**

* 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.

Stakeholders

The stakeholders for this tender include:

- Bass Coast Shire Council
- Melbourne Water
- Residents, ratepayers and visitors

Other Options

1. Not award a contract at this time and re-tender for the Pioneer Bay Road Drainage Improvement Project. 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 AWS Civil scored the highest in the evaluation process such a decision may not be consistent with the advertised evaluation criteria.

Conclusion

The Tender Evaluation Panel Report is attached.

The panel report concludes that the tender submitted by AWS Civil will provide Council with best value for money for the following reasons:

- The tender price was within the allocated budget for the project.
- They achieved the highest score based on the method of evaluation.
- They have the financial capacity to undertake the contract.

- They demonstrated they have the specific and relevant experience and capability to undertake the works in accordance with the Specification.

Recommendation

That Council:

1. **Accept the tender from All-Waste Pumping Solutions Pty Ltd and award Contract No 20001 – Pioneer Bay Road Drainage Improvement Project for the contract sum of $3,290,834.00 plus GST of $329,083.40.**
2. **Authorise the Chief Executive Officer to execute Contract 20001 between Council and All-Waste Pumping Solutions Pty Ltd.**

Attachments

AT-1 ***CONFIDENTIAL*** - Tender Evaluation Report with Appendices 20001 9 Pages

Council Decision

Moved: Cr. Stephen Fullarton / Seconded: Cr. Clare Le Serve

That the recommendation be adopted.

CARRIED

H.17 Award of Tender No 20006 - Demolition of Cowes Cultural & Community Centre

File No:	**CM20/317**
Division:	**Finance**
Council Plan Strategic Objective:	**Governance**
	We are responsive, open, transparent and financially sustainable

Declaration

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

Summary

This report to Council presents the outcome of the tender evaluation for Tender No 20006 – Demolition of Cowes Cultural and Community Centre.

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

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

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

This report recommends Council to accept the tender submission and award Contract No 20006 to Deconstruct Group Pty Ltd.

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

Background and Context

The Cowes Cultural and Community Centre is located in the township of Cowes on Phillip Island (91-97 Thompson Avenue Cowes Phillip Island 3922). The Cowes Cultural and Community Centre Project involves replacing the outdated facility with a modern, purpose-built centre for visitors and the community to utilise.

The existing Cowes Cultural Centre has served Cowes and its regional community for many years. Since early 2000, the community and Council embarked on a journey to refresh the town centre and capitalise on the economic and population growth of Cowes and the region. On 16 October 2019, Council resolved and approved; recommending the demolition and construction of a new purpose build facility: Cowes Cultural and Community Centre.

The demolition works will be conducted in two stages. This contract is for stage one only.

The demolition contractor is engaged to perform the demolition works of the existing Cowes Cultural and Community Centre, located at 91-97 Thompson Ave, Cowes.

The demolition contractor shall supply all labor, material, plants and equipment necessary to complete the works in strict accordance: AS2601, Codes, WorkSafe, OH&S Act and regulation.

The Council intends handing over the site to the demolition contractor after 13 July of 2020 and is estimated that the works will take around two month to complete.

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 and Contract Confidentiality

Tender Process

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

Tenders closed at 2pm on Wednesday, 13 May 2020 and Council received one conforming tender submissions.

Evaluation Process

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

Table 1 – Evaluation Selection Criteria	
Criterion	**Weighting**
Mandatory	
Integrated Management System	Pass/Fail
Risk, Insurance and Registration	Pass/Fail
Compliance with Specification	Pass/Fail
Weighted	
Price	30%
Previous Related Experience and Referees	30%
Construction Period & Methodology (Site Management, Traffic, Environmental and Communication)	25%
Capacity – Staff Resources, Sub-contractors, Suppliers and Plant &	5%

Table 1 – Evaluation Selection Criteria	
Criterion	**Weighting**
Equipment	
Environment	5%
Benefit to Bass Coast Shire Economy	5%

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

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 each tender against the specification requirements and the selection criteria, identified issues for further review, clarified issues with tenderers and sought additional information.

Due to the specialised nature of the works, there were fewer potential tenderers to provide benefit to the Bass Coast Shire economy.

Extensive reference checks were carried out with Deconstruct Groups nominated referees, which confirmed they have the capability to carry out the works. Further information was also requested 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	* Price Score %	# Non-Price Score %	Total Score %
1	Deconstruct Group Pty Ltd	30%	45%	75%

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

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

Deconstruct Group Pty Ltd presented the lowest cost conforming tenders and in accordance with the selection criteria present the best value to Council.

The evaluation panel considered that, whilst only one tender was received, the price represents value for money for the works. The price was submitted in a competitive market. Re-tendering these works would be unlikely to attract additional tenderers and could risk a price rise and further delay to the project being 'shovel ready' to enable completion of the project in a timely manner.

The responses to the survey conducted with tender registrants who downloaded the documents but did not submit a tender, indicate that re-tendering this work would be unlikely to attract additional tenderers. Re-tendering could also risk the project being delayed with a potential flow on effect to future projects.

Deconstruct Group Pty Ltd have demonstrated they have the capacity and capabilities to undertake the works in the required timeframes and in accordance with the requirements of the specification.

Contract Management

Manager Major Projects will act as Contract Superintendent for the contract. The authorisation of variations will be in accordance with the Procurement Delegations Frameworks adopted by Council on 16 May 2018.

Contract Commencement: 13 July 2020

Anticipated Contract Completion: 13 September 2020

Finances

This project is in the 2019/20 capital program.

The total value of the contract is $230,983 (GST exclusive), which includes a provisional sum of $7,723 (GST exclusive).

	GST Exclusive
Demolition including permits and approvals (lump sum components)	$223,260
Provisional Sums to be completed by Contractor (division 6 - asbestos removal including hygienist costs)	$7,723
Total Contract Sum	**$230,983**
Contingency (15%) *	$34,647
TOTAL	**$265,630**

* Normal practice for a capital project is to allow for a contingency sum of 10% of the contract value. However, in this case we have allowed 15% of the contract value. This contingency refers to unforeseeable costs, likely to be incurred during the contract, and the like hood of contamination under the building surface if required.

This proposed contract amount is in line with the project estimate.

The budget available for the contract is $300,000 (GST exclusive), which includes contingency and project management fees.

Stakeholders

The stakeholders for this tender include:

- Bass Coast Shire Council
- Phillip Island Community Art and Craft Gallery
- Phillip Island Tourism and Business Association
- West Gippsland Regional Library Corporation

Other Options

1. Not award a contract at this time and re-tender for the Demolition of Cowes Cultural and Community Centre. 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.

Conclusion

The Tender Evaluation Panel Report is attached.

The panel report concludes that the tender submitted by Deconstruct Group Pty Ltd will provide Council with best value for money for the following reasons.

- They have demonstrated previous experience for similar projects and scale.
- Their tender price was within the allocated budget for the project.
- They have a demonstrated capacity to undertake the works in accordance with the requirements of the contract.
- They achieved a high score.

Recommendation

That Council:

1. **Accept the tender from Deconstruct Group Pty Ltd and award Contract No 20006 Demolition of Cowes Cultural and Community Centre for the contract sum of $230,983 plus GST of $23,098.30, which includes lump sum and provisional amounts.**
2. **Increase the contingency from 10% to 15% of the contract sum; this is due to the likelihood of contamination under the building surface.**
3. **Authorise the Chief Executive Officer to execute Contract 20006 between Council and Deconstruct Group Pty Ltd.**

Attachments

AT-1 ***CONFIDENTIAL*** - Tender Evaluation Panel Report 9 Pages

Council Decision

Moved: Cr. Stephen Fullarton / Seconded: Cr. Pamela Rothfield

That the recommendation be adopted.

CARRIED

Cr Stephen Fullarton called for a division

For	Against
Cr Le Serve	Cr Larke
Cr Rothfield	
Cr Tessari	
Cr Brown	
Cr Fullarton	
Cr Whelan	
Cr Ellis	
Cr Kent	

H.18 Award of Tender No 20008 - Wonthaggi Railway Station Extension and Glazing

File No:	**CM20/316**
Division:	**Finance**
Council Plan Strategic Objective:	**Governance**
	We are responsive, open, transparent and financially sustainable

Declaration

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

Summary

This report to Council presents the outcome of the tender evaluation for Tender No 20008 – Wonthaggi Railway Extension and Glazing.

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

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

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

This report recommends Council to accept the tender submission and award Contract No 20008 to TS Constructions Pty Ltd.

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

Background and Context

Wonthaggi railway station was built in 1912 and decommissioned in 1978. The Wonthaggi and District Historical Society (the Society) currently operate a local history museum from the station building.

They are proposing making alterations to the station building and surrounds to enhance the management and amenity of the museum. They hope to provide additional administration space, storage space for the museum collection, additional amenity for volunteer museum staff, and ultimately to enhance the experience of visitors to the museum.

The works shall be completed in two main stages and was tendered as two projects:

- Stage 1 (priority): West Wing Extension
- Stage 2 (provisional option): Platform Glazing

At the time of tender, both Stage 1 and Stage 2 pricing was sought, to best understand Council's capacity to deliver this project.

Wonthaggi Railway Station Museum shall remain operational on site during these periods and construction staging access and site fencing shall accommodate the personnel and visitor's access to and around the site.

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
- Bass Coast Shire Council Policy - Tender and Contract Confidentiality

Tender Process

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

Tenders closed at 2pm on Tuesday 12 May 2020 and Council received two conforming tender submissions.

Evaluation Process

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

Table 1 – Evaluation Selection Criteria	
Criterion	**Weighting**
Mandatory	
Integrated Management System	Pass/Fail
Insurance and Registration	Pass/Fail
Weighted	
Price	40%
Capacity – Staff Resources, Sub-contractors, Suppliers and Plant and Equipment	20%
Previous Related Experience and Referees	20%
Construction Period & Methodology (Site Management, Timeframes and Methodology/Approach)	15%
Benefit to Bass Coast Shire Economy	5%

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

Each tenderer passed the mandatory selection criteria.

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

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

The Panel did not require reference checks to be carried out as the preferred tenderer has previously worked for Council on many other similar projects with all works completed to a high standard, as noted in past performance reports.

The final weighted scores are set out in Table 2.

Table 2 – Final Weighting Scores

No.	Name	* Price Score %	# Non-Price Score %	Total Score %
1	TS Constructions Pty Ltd	40	60	100
2	Tender B	32.8	43.3	76.1

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

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

TS Constructions Pty Ltd presented the lowest cost conforming tender and in accordance with the selection criteria present the best value to Council.

The evaluation panel considered that, whilst only two tenders were received, the price still represents value for money for the works. The prices were submitted in a competitive market. Re-tendering this work would be unlikely to attract additional tenderers and could risk a price rise and further delay to the project.

TS Constructions Pty Ltd achieved the highest score, are the lowest cost conforming tender and will provide Council with the best value for money. Their tender demonstrated they have a thorough understanding of the works required, the necessary experience and capability to undertake the works in accordance with the specification.

Contract Management

The Project Manager will act as Contract Superintendent for the contract and Coordinator Civil Construction will act as the Contract Superintendent's Representative. Authorisations of variations will be in accordance with the Procurement Delegations Frameworks adopted by Council on 16 May 2018.

Nominated Contract Commencement: 1 June 2020, or as agreed with the Contract Superintendent in accordance with the tenderer's submitted program of works.

Anticipated Contract Completion: 13 October 2020

Finances

This project is a multi-year project in the 2019/20 capital program.

The Society contribution to this project is $100,000. The Society has funded the design and heritage permit process for the project at a cost to the Society of $12,968.35. Up to $87,031.65 will be contributed by the Society as a cash contribution to the delivery of the project. Council funding is $200,000. This project relates to the delivery of Stage One–West Wing Extension only. Costings were sourced through the tender process for Stage Two-Platform Glazing. Additional funding must be sourced to complete Stage Two.

The works shall be completed in two main stages and was tendered as two projects:

- Stage One (priority): West Wing Extension
- Stage Two (provisional option): Platform Glazing

Stage One – West Wing Extension

The total value of the contract for Stage One is $265,810 (GST exclusive), which includes a provisional sum of $14,400 (GST exclusive). Refer to Table 3 below for a breakdown of costs for Stage One.

Table 3 – Breakdown of Stage One	**GST Exclusive**
Stage One - Construction	$222,700.00
Stage One - Provisional Sum	$14,400.00
Total Contract Sum – Stage One	**$237,100.00**
Contingency (10%) *	$23,710.00
Internal Project Management costs	$5,000.00
TOTAL – Stage One	**$265,810.00**
Total Budget	**$287,031.65**
Total Project Savings (to go to the Society as per agreement)	**$21,221.65**

* 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.

This proposed contract amount is in line with the project estimate.

The budget available for the contract is $287,031.65 (GST exclusive), which includes contingency and project management fees.

The award of Stage One of the contract will result in savings of $21,221.65 which will be returned to the Society in accordance with the funding agreement between Council and the Society.

An additional funding amount of $189,500 must be sourced to complete Stage Two – Platform Glazing.

Stakeholders

The stakeholders for this tender include:

- Bass Coast Shire Council
- Wonthaggi and District Historical Society
- Residents, ratepayers and visitors

Other Options

1. Not award a contract at this time and re-tender for the Wonthaggi Railway Station Extension and Glazing. 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.

Conclusion

The Tender Evaluation Panel Report is attached.

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

- They achieved the highest score based on the method of evaluation.
- They have demonstrated they have the specific and relevant experience, capability and capacity to undertake the works in accordance with the specification.
- They were the lowest cost offer.

Recommendation

That Council:

1. **Accept the tender from TS Constructions Pty Ltd and award Contract No 20008 – Wonthaggi Railway Station Extension and Glazing for Stage One for the contract sum of $265,810.00 plus GST of $26,581.00 which includes lump sum and provisional amount.**
2. **If funds were to become available prior to Stage One works being completed, that Council approve the expenditure for Stage Two provisional item as a variation to the contract.**
3. **Authorise the Chief Executive Officer to execute Contract 20008 between Council and TS Constructions Pty Ltd.**

Attachments

AT-1 ***CONFIDENTIAL*** - Evaluation Report and Appendices 9 Pages

Council Decision

Moved: Cr. Julian Brown / Seconded: Cr. Les Larke

That the recommendation be adopted.

CARRIED

Statutory Reports

Council Decision

Moved: Cr. Pamela Rothfield / Seconded: Cr. Michael Whelan

That agenda items 1.1, 1.2, 1.3, 1.4 and 1.5 be considered as a block.

CARRIED

I Statutory Reports

I.1 Assembly of Councillors

File No: **CM20/84**
Division: **Business Transformation**
Council Plan Strategic Objective: **Governance**

We are responsive, open, transparent and financially sustainable

Declaration

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

Summary

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

Introduction

Section 3 of the Act defines an Assembly of Councillors as

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

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

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

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

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

Council Plan Objective:

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

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

Recommendation

That the attached Assembly of Councillors Records be received.

Attachments

AT-1	Assembly of Councillors 6 May Policy Workshop	2 Pages
AT-2	Assembly of Councillors 13 May Policy Workshop	2 Pages
AT-3	Assembly of Councillors 25 May Budget Briefing	1 Page
AT-4	Assembly of Councillors 27 May Policy Workshop	1 Page

I.2 Planning and Building Statistics - April 2020

File No:	**CM20/251**
Division:	**Place Making**
Council Plan Strategic Objective:	**Our Character**
	Celebrating the uniqueness of our townships

PERMITS REFUSED:

Nil.

PERMITS ISSUED:

Island Ward

180478: Subdivision of the land into two lots and the development of the land for seven units in the Mixed Use Zone located at 5 Lock Road, Rhyll.

190376: Development of the land for second dwelling and removal of an easement located at 5 Milton Street, Cape Woolamai.

190378: Additions and alterations to existing dwelling for lot under 300sqm located at 3/260 Church Street, Cowes.

200022: Development of land for a dwelling in BMO located at 7 Sweet Bursaria Place, Cowes.

200069: Removal of one tree in VPO 2 located at 3 Saraghi Place, Cowes.

200070: Removal of one tree in VPO 2 located at 3 Saraghi Place, Cowes.

200071: Removal of one tree in VPO 2 located at 3 Saraghi Place, Cowes.

200101: Building and works for visitor centre in SUZ located at 381 Back Beach Road, Ventnor.

Western Port Ward

190147: Buildings and works associated with the construction of access tracks located at 706 Loch-Wonthaggi Road, Krowera.

190279: Use and development of land for dwelling in FZ located at Lot 1 PS318633 McKenzie Road, Bass.

190332: Development of land for outbuilding located at 91 Acacia Road, Grantville.

190411: Subdivision of land into two lots located at 133-135 Phillip Island Road, Surf Beach.

190412: Development of land for a dwelling in FZ, SLO1 and HO located at Lot 1 TP397264 Loch-Kernot Road, Kernot.

200003: Development of land for two dwellings in the GRZ1 and BMO located at 32 Portview Avenue, Grantville.

200024: Development of land for dwelling HO30 located at 18 Gaudi Boulevard, Corinella.

200043: Alterations and additions to an existing dwelling in BMO1 located at 1426 Bass Highway, Grantville.

200084: Development of the land for a dwelling in a BMO1 located at 26 Cleeland Street, Newhaven.

200085: Development of the land for Dwelling in HO located at 30 Gaudi Boulevard, Corinella.

Bunurong Ward

190062: Development of the land for a Store (self storage units) in the C2Z and ESO4 located at 127-131 South Dudley Road, South Dudley.

190215: Development of the land for additional two dwellings located at 25 Hunter Street, Wonthaggi.

190337: Subdivision of land into two lots located at 1 Garden Street, Wonthaggi.

190374: Development of land for a dwelling over 7 metres in a DDO1 and BMO located at 51-53 Viminaria Road, Harmers Haven.

190309: Subdivision of the land into three lots; creation of a new access to a Road Zone Category 1 located at 29 Powlett Street, Inverloch.

190370: Varying a restriction located at 1 Radiata Place, Inverloch.

190393: Subdivision of land into 17 lots located at Lot F PS820130 Cliffy Place, Inverloch.

200026: Works for front fence in HO located at 57 Broome Crescent, Wonthaggi.

200027: Removal of a Restriction located at 19 Matthew Street, Wonthaggi.

200040: Construction of an inground swimming pool located at 212 Surf Parade, Inverloch.

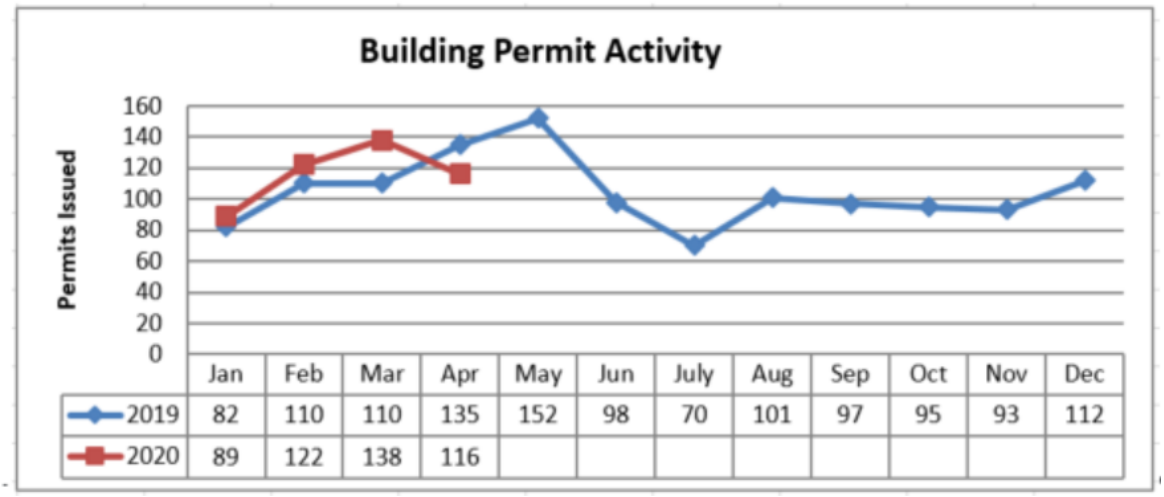
200102: Development of the land for Dwelling in HO located at 112 Reed Crescent, Wonthaggi.

200106: Subdivision of land into two lots located at 236White Road, North Wonthaggi.

PLANNING AND BUILDING ACTIVITY REPORT FOR APRIL 2020

Statutory Planning	This month (April)	Last month	Year to date (financial year)
% of applications determined within statutory timeframe	60	57	64
Average Gross Days (Responsible Authority determination)	130	185	150
(new) Average Gross Days to final outcome	169	193	165
Number of live applications	179	206	-
Number of applications received for the month	28	45	398
Number of Responsible Authority outcomes	55	45	429

Municipal Building Services & Enforcement	This month (April)	Last month	Year to date (financial year)
Essential Safety Measure inspections	0	0	0
Swimming Pool & Spa safety barrier inspections	0	1	21
Report and Consent applications	12	24	175
Siting consents issued for temporary structures	0	1	9
Complaints received requiring investigation	8	2	48
New building enforcement cases	3	0	15
Number of open building enforcement cases	46	44	n/a
Building permits issued by Council	0	0	0



Planning Enforcement	This month (April)	Last month	Year to date (financial year)
Complaints received requiring investigation	8	**4**	74
New planning enforcement cases	3	**6**	25
Open enforcement cases	142	140	-
Pre commencement meetings	0	3	13
Official warnings issued	0	1	2
Number of planning infringement notices issued	0	1	6
Total infringements received ($)	$1652.20	$1652.20	$9493.80

Recommendation

That Council:

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

Attachments

There are no attachments for this report.

I.3 Contracts Awarded Report

File No:	**CM20/315**
Division:	**Finance**
Council Plan Strategic Objective:	**Governance**
	We are responsive, open, transparent and financially sustainable

Declaration

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

Summary

Contracts Awarded

For the period from 1 April 2020 to 30 April 2020, no contracts have been awarded under the Chief Executive Officer's Instrument of Delegation.

Contract No.	Description	Contractor	Contract Sum

Contracts Extended

For the period from 1 April 2020 to 30 April 2020, no contracts were extended under the Procurement Delegation Framework.

Contract No.	Description	Contractor	Contract Sum

Recommendation

That Council receives this report.

Attachments

There are no attachments for this report.

I.4 Receipt of Bass Coast Shire Council Audit Committee Minutes - 4 December 2019

File No:	**CM20/295**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Governance**
	We are responsive, open, transparent and financially sustainable

Declaration

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

Summary

Attached are the minutes of the Bass Coast Shire Council Audit Committee Meeting held on Wednesday 4 December 2019. Items discussed at this Meeting were:

Confirmation of Minutes

- Confirmation of Audit Committee Meeting Minutes from 4 September 2019
- Confirmation of Audit Committee Special Meeting Minutes from 4 September 2019

Matters Arising from Previous Minutes

- Actions arising from previous meeting

General Business

- Adoption of Audit Committee Annual Meeting Schedule for 2020

Internal Audits

- Status report on action items identified through the audit program
- Review of Corporate Governance
- Review of Payroll
- Monitor the Satisfaction with the internal audit service

Financial Reports

- 2019/2020 Major Initiatives, Finance and Capital Works First Quarter Report

Risk Management

- Review any instances of fraud or possible illegal acts
- Risk Management Report
- Review any reports concerning evidence of material violation or breaches of fiduciary duty
- Fraud Control Action Plan Review

- Occupational Health & Safety Report
- Evidence Based Controls Effectiveness Testing

Compliance

- Monitor open communication between the internal auditor, external auditor and Council
- Legislative Compliance Registers
- Research reports from other agencies
- Non-compliance and legal counsel engagement report for the period 1 July 2019 to 30 September 2019

Governance Matters

- Excessive Leave at 25 October 2019
- Review and Assess the adequacy of the Audit Committee Charter
- Project Phoenix - IT Core System Quarterly Report

Recommendation

That the minutes of the Bass Coast Shire Council Audit Committee meeting held on 4 December 2019 be received and the recommendations therein adopted.

Attachments

AT-1 ***CONFIDENTIAL*** - Audit Committee Minutes 4 December 2019 38 Pages

I.5 Receipt of Bass Coast Shire Council Audit Committee Minutes - 4 March 2020

File No:	**CM20/296**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Governance**
	We are responsive, open, transparent and financially sustainable

Declaration

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

Summary

Attached are the minutes of the Bass Coast Shire Council Audit Committee Meeting held on Wednesday 4 March 2020. Items discussed at this Meeting were:

Confirmation of Minutes

- Confirmation of Audit Committee Meeting Minutes from 4 December 2019

Matters Arising from Previous Minutes

- Actions arising from previous meeting

Internal Audits

- Status report on action items identified through the audit program
- Review of the Internal Audit Plan

Financial Reports

- Debt Management, Financial Hardship and Fund Investment policy reviews
- 2019/2020 Major Initiatives, Finance and Capital Works Second Quarter Report

Risk Management

- Review any reports concerning evidence of material violation or breaches of fiduciary duty
- Review any instances of fraud or possible illegal acts
- Evidence Based Controls Effectiveness Testing
- Risk Management Report
- Draft Fraud Policy and Fraud and Corruption Control Plan

Compliance

- Legislative Compliance Registers
- Non-compliance and legal counsel engagement report for the period 1 October 2019 to 31 December 2019
- Research reports from other agencies

Governance Matters

- Project Phoenix - IT Core System Quarterly Report
- Review and Assess the adequacy of the Audit Committee Charter
- Agenda Planner 2020

Recommendation

That the minutes of the Bass Coast Shire Council Audit Committee meeting held on 4 March 2020 be received and the recommendations therein adopted.

Attachments

AT-1 ***CONFIDENTIAL*** - Audit Committee Minutes 4 March 2020 32 Pages

Council Decision

Moved: Cr. Michael Whelan / Seconded: Cr. Stephen Fullarton

That the recommendations attached to agenda items 1.1, 1.2, 1.3, 1.4 and 1.5 be adopted.

CARRIED

J Urgent Business

There was no Urgent Business

Mayoral Announcement Of Next Meeting Of Council

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

Council will be pausing Community Connection Sessions for the coming months.

The next Ordinary Council Meeting will be held virtually 15 July 2020 commencing at 11.00am.

It will be open to the public via livestream.

Council Decision

Moved: Cr. Stephen Fullarton / Seconded: Cr. Michael Whelan

That the meeting be closed to members of the public pursuant to Section 66 of the Local Government Act 2020, to consider an item/s as they deal with confidential information section 3 (1):

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

CARRIED

Meeting adjourned

The meeting was adjourned at 2.40pm

Meeting resumed

The meeting resumed at 2.46pm.

Items Closed to the Public

Excerpt of Section 66 of the Local Government Act 2020.

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

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

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

confidential information means the following information—

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

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

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

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

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

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

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

(i) relates to trade secrets; or

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

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

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

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

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

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

K Confirmation of Closed Minutes

K.1 Minutes of Closed Ordinary Meeting held on 15 April 2020

L Reports Requiring Council Decision Closed to the Public

L.1 Drainage Risk Matter

It is recommended that the meeting be closed to members of the public pursuant to Section 3 (1) (f) of the Local Government Act 2020, to consider this item as it deals with personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

These grounds have been applied as the information in the report includes financial information of an individual and precedes a private negotiated sale.

Meeting closed

The meeting closed at 3.09pm.