



Minutes

Council Meeting

11 March 2020

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Baw Baw Shire Council
Council Meeting
11 March 2020
Minutes

Minutes of the Ordinary Meeting of the Baw Baw Shire Council held in the Fountain Room WGAC, commencing at 5:30pm on 11 March 2020.

Present

Cr D Goss, Cr P Kostos, Cr J Gauci, Cr M Leaney, Cr M Power, Cr K Cook, Cr D Wallace, Cr T Jones and Cr J O'Donnell.

In Attendance

| | |
|--------------------|--|
| Ms A Leighton | Chief Executive Officer |
| Mr M Dupe | Director Corporate and Community Services |
| Mr C Van der Velde | Director Community Infrastructure |
| Ms Y Woods | Director Planning and Development |
| Mr M Kestigian | Executive Manager Communications and Economic Development |
| Mr M Hopley | Chief Information Officer |
| Mr P Harris | Manager Governance |
| Ms E Newbegin | Governance Officer |
| Ms P Zuidema | Governance Admin |
| Ms D Foenander | Executive Assistant to the Chief Executive Officer and Mayor |

1. OPENING AND RECOGNITION OF TRADITIONAL CUSTODIANS

Cr D Goss opened the meeting with recognition of the traditional custodians being, I acknowledge the traditional custodians of the land on which we meet the Gunaikurnai people. We pay our respects to Elders, past, present and emerging, and Elders of other communities who may be here today.

2. READING OF AFFIRMATION AND PRAYER

Cr D Goss read the Councillors affirmation, being, 'We now pause to reflect upon the solemn responsibilities conferred on us by the Parliament of Victoria through the *Local Government Act (1989)*.

We acknowledge that it is the responsibility of local government to ensure the peace, order and good governance of our Shire.

We are to be responsible and accountable to our community here in Baw Baw Shire through good governance and leadership.

Almighty God,

Give wisdom and understanding to the members of this Baw Baw Shire Council.

In all our deliberations help each of us to listen carefully, perceive the best course of action have courage to pursue it and grace to accomplish it.

Amen

3. APOLOGIES

Nil

4. CIVIC CEREMONIES

Nil

5. CONFIRMATION OF PREVIOUS MEETING MINUTES

| |
|---|
| RECOMMENDATION |
| That the minutes of the Ordinary Council Meeting held on 26 February 2020 be confirmed. |
| COUNCIL MOTION |
| Moved: Cr M Leaney Seconded: Cr J O'Donnell |
| CARRIED |

6. COUNCILLORS DECLARATIONS OF INTEREST/CONFLICT OF INTEREST

Nil

7. MEETING CLOSED TO THE PUBLIC: RELEASE OF INFORMATION TO THE PUBLIC

| |
|---|
| <u>7.1 RELEASING OF COUNCIL MOTIONS IN CLOSED TO THE PUBLIC SESSION</u> |
| Council did not hold a confidential meeting and therefore there was no information to be released to the public |

8. COMMUNITY PARTICIPATION TIME

8.1 QUESTIONS ON NOTICE

Response to Questions on Notice submitted by Frederick Cunningham

- 1. Why has Council failed to protest this inadequacy (no public toilets at Trafalgar Railway Station) or at least provide facilities themselves in the town for both hygiene and tourism reasons?**

At its 11 December 2013 meeting, Council resolved to discontinue its lease with VicTrack for the management of the public toilets at the Trafalgar Railway Station. This decision was made largely due to the cost of maintaining these toilets, onerous obligations under the VicTrack lease and location of the public toilets 140 metres away on Contingent Street.

Providing and maintaining public toilets at railway stations is the responsibility of VicTrack and VLine.

At the time Council did engage with the State Member, VicTrack and VLine in relation to keeping the toilets at the railway station open. Sometime after Council stopped leasing the toilets these organisation opted to close them.

The Baw Baw Arts Alliance lease rooms at the railway station directly from VicTrack through a lease auspices by the Bendigo Community Bank. Council has no involvement in the arrangement between the three parties. Council is happy to write to the Baw Baw Arts alliance on your and others behalf to consider public access in emergencies to the toilets. It is noted though that the group only operates on limited hours.

In relation to handwashing facilities at local parks, unless there are public toilets this isn't something that Council currently provides. Council has no current plans to change this level of service.

Signed

Alison Leighton
Chief Executive Officer

8.2 SUBMISSIONS

The following persons spoke on an item on the agenda.

| Item | Name |
|------|----------------|
| 10.1 | Peter Finlay |
| 10.1 | Rhona Hendrick |
| 10.1 | Dianne Cook |
| 10.1 | Judy Farmer |
| 10.1 | Allan Leasing |

9. PETITIONS

9.1 WEERONG ROAD, DROUIN

(Cr Keith Cook)

A petition was submitted to Council from Evison Pet & Produce in relation to making Weerong Road, Drouin, a safe road to drive on.

RECOMMENDATION

That Council;

1. Receive and note this petition signed by a total of 270 signatories;
2. Refer this matter to the appropriate Director to action;
3. Provide a response directly to the lead petition writer detailing Council's action on this matter no later than four Council Meetings.

COUNCIL MOTION

Moved: Cr K Cook
Seconded: Cr T Jones

CARRIED

10. VIBRANT COMMUNITIES

10.1 PLA0249/19 - MAIN SOUTH ROAD, DROUIN

Coordinator Statutory Planning

Directorate: Planning and Development

Ward: West

Appendix: 4 attachments

| | |
|--|---|
| PURPOSE | |
| To inform Council of the relevant planning matters for planning application PLA0249/19. | |
| RECOMMENDATION | |
| That Council refuse the planning application for buildings and works to construct 12 dwellings, and demolition of two sheds. | |
| COUNCIL MOTION | |
| Moved: | Cr T Jones |
| Seconded: | Cr J O'Donnell |
| | CARRIED |
| Cr Jones called for a division | |
| For: | Cr K Cook, Cr D Goss, Cr T Jones, Cr P Kostos, Cr M Leaney, Cr J O'Donnell and Cr M Power |
| Against: | Cr J Gauci and Cr D Wallace |

1. EXECUTIVE SUMMARY

| | |
|--|---|
| Planning Permit Application Number: | PLA0249/19 |
| Proposal: | Buildings and Works to construct 12 dwellings, and demolition of 2 sheds |
| Address: | CA 33, CA 33A, CA 33B, and CA 34 Sec 13 Parish of Drouin West; Lot 1 TP748756G; and Lot 1 TP352893C. |
| Date Lodged: | 58 days |
| Applicant: | XWB Consulting |
| Zone: | General Residential Zone – Schedule 1 (GRZ1) |
| Overlay | Heritage Overlay – Schedule 211 (HO211) |

| | |
|--|---|
| | <p>Design and Development Overlay – Schedule 2 (DDO2)</p> <p>Development Contributions Plan Overlay – Schedule 1 (DCPO1)</p> |
| MSS/Council Policies | <ul style="list-style-type: none"> • Clause 11.01-1R – Settlement Gippsland • Clause 15 – Built Environment and Heritage • Clause 15.01-01S – Urban Design • Clause 15.01-02S – Building Design • Clause 15.01-5 – Neighbourhood Character • Clause 15.02 – Sustainable Development • Clause 15.03 – Heritage • Clause 16 – Housing • Clause 16.01 – Residential Development • Clause 16.01-03S – Housing Diversity • Clause 21.02 – Municipal Vision • Clause 21.03 – Settlement • Clause 21.04 – Main Towns • Clause 21.09 – Heritage |
| Permit Trigger/s: | <ul style="list-style-type: none"> • Buildings and Works pursuant to Clause 32.08-6 • Demolition pursuant to Clause 43.01-1 |
| Objections: | 66 |
| Key Issues: | <ul style="list-style-type: none"> • Interface with Alex Goudie Park; • Not consistent with DDO2; • Amenity; • Neighbourhood character. |
| Is there a restriction registered on Title? | No |
| Was a CHMP required? | No |

2. SITE AND SURROUNDING LOCALITY

A site inspection was undertaken on 18 December 2019.

The subject site is approximately 5042m² and currently contains the Drouin Co Op Butter Factory and two outbuildings.

The site is located within the General Residential Zone (GRZ1) and is affected by the Heritage Overlay (HO211), Design and Development Overlay (DDO2) and the Development Contributions Plan Overlay (DCPO1).

The site adjoins land in the Public Use Zone 4 (PUZ4 – Transport) to the south, which contains Vic Track railway line.

To the south and east of the subject site is land within the Public Park and Recreation Zone (PPRZ) which contains the Alex Goudie Park and a bushland reserve.

The subject site address is Main South Road, but the proposed development will front onto Montague Avenue.

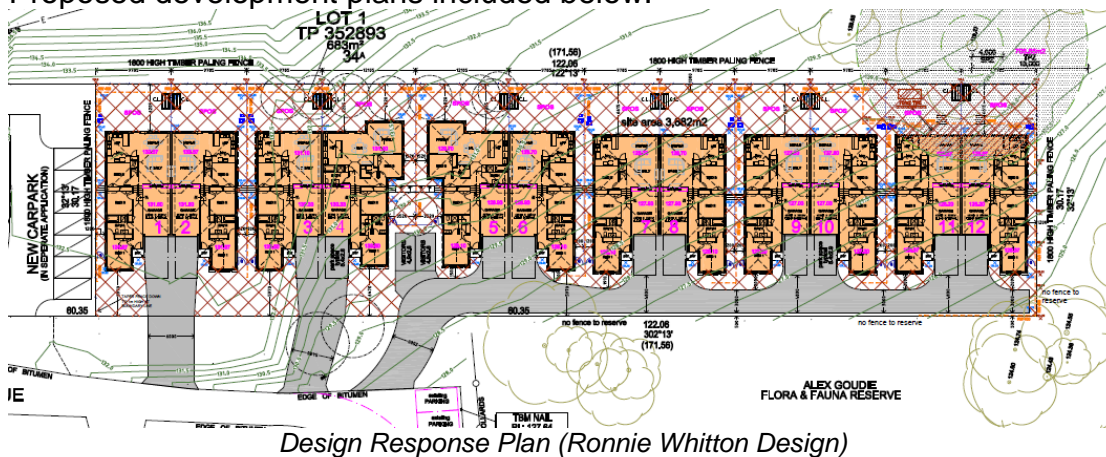
The site is within an existing settlement with a range of development sizes and styles in the surrounding area.

In the immediate vicinity of the site is a mix of uses including commercial, residential, and recreation.

3. THE PROPOSAL

The applicant is seeking planning approval for buildings and works to construct 12 dwellings across four titles, and for the demolition of two sheds in a Heritage Overlay.

Proposed development plans included below:



The proposed dwellings/units are to be single storey, three-bedroom houses with an attached single car garage associated with each dwelling. An additional car parking space is included within the driveway of each dwelling, and two visitor car parking spaces have been included between Units four and five.

Access to the site is to be provided via three crossovers/shared driveways onto Montague Avenue. A swept path analysis or traffic impact assessment has not been provided as part of the application.

The proposed sheds to be demolished are located to the rear of the existing Drouin Co Op Butter Factory building and have been identified as mid-late 20th Century additions to the local heritage site.

4. RELEVANT HISTORY

SITE INSPECTION

The site has been subject to the following previous permit applications:

| Planning Permit No. | Issued on | This permit allowed for |
|---------------------|---|--|
| PLA0336/08 | Refused by Council, decision upheld at VCAT | Develop land with multi-story units (15 dwellings) |
| PLA0051/13 | 9/04/2014 | Buildings and Works & liquor license |
| PLA0020/18 | 20/04/2018 | Two lot subdivision |
| PLA0184/19 | Active application | Buildings and works/Change of use |

5. NOTIFICATION

REFERRALS

The following internal referrals were required:

| | |
|--------------------|--|
| Traffic | Concerns raised regarding access, parking (on-street and off-street). |
| Engineering | Concerns raised regarding drainage, access, and waste management. |
| Heritage | No concerns raised regarding new development. Requested additional information regarding proposed demolition, which was provided through an RFI process. |

PUBLIC NOTIFICATION

Notification of the planning application was given pursuant to the requirements of Section 52 of the *Planning and Environment Act 1987*.

Notification was given in the form of:

- Mail to adjoining owners and occupiers;
- Sign erected on the site frontage; and

As a result of the public notification, 66 objections have been received to date.

The reasons for objection include:

- Lack of car parking (resident and visitor), which will lead to cars parking on the street and in the Alex Goudie Park;
- Lack of housing diversity and housing affordability. The proposal will not facilitate low income housing, or housing suitable to single person households and retirees;
- No guarantee that the garden areas will be retained following development;
- Visual impact, would dominate streetscape;
- Not consistent with HO and DDO;
- No canopy trees/fencing facing Alex Goudie Park;
- Impact on traffic in Montague Avenue, more accidents likely;
- Units are too small;
- Too many units;
- Unsympathetic to local natural and built environments;
- Impact on amenity of existing residents;
- Too many bins requiring collection, not enough room in Montague Avenue road reserve for them;
- Too much impervious surfaces;
- Increased density would result in more noise;
- Lack of Private Open Space;
- Does not fit with neighbourhood character;
- Pedestrian safety;
- Will intrude/impact on Alex Goudie Park;
- Will create precedent for developments that impact on natural reserves and parks;
- Potential for train line to impact negatively on future residents;
- Driveway and crossover arrangements are dangerous to pedestrians and road users, three driveways entering/exiting onto Montague St at a point where the road makes a sharp right angle turn;
- Road infrastructure of Montague Ave not adequate for increase in traffic, road is too narrow and in poor condition;
- Increased traffic entering/exiting Main South Rd/Montague Ave intersection;

A full response to the objections has been included as an appendix to this report.

6. PLANNING ASSESSMENT

Planning Policy Framework

The proposal is considered to be inconsistent with the relevant Planning Policy Framework. The proposal will result in development that does not meet the design objectives for the precinct in which it is located and will impact on the amenity and character of the neighbourhood. Relevant clauses include:

Clause 15.01-1S – Urban Design;

Clause 15.01-2S – Building Design;

Clause 15.01-5S – Neighbourhood Character; and

Clause 16.01-3S – Housing Diversity.

Local Planning Policy

The proposal does not comply with the Objectives of Clause 21.03-3 (Directions for Growth) which seeks to achieve population growth which respects the existing character of settlements.

Zone

General Residential Zone

A planning permit is required for the construction of two or more dwellings on a lot under Clause 32.08-6.

Decision Guidelines

The purpose of this zone.

The subject site is located within the GRZ1, which seeks to encourage development that respects neighbourhood character, and housing growth in areas with good access to services and transport.

Whilst the site is located within walking distance to the main commercial centre of Drouin and public transport options (train and bus) the proposal does not respect the overall character of the neighbourhood which consists of low-density style allotments and outdoor recreation.

For the construction and extension of two or more dwellings on a lot, dwellings on common property or residential buildings, the objectives, standards and decision guidelines of Clause 55. This does not apply to an apartment development of five or more storeys, excluding a basement.

An assessment against the provisions of Clause 55 has been undertaken and is discussed further on in this report.

Overlay

Heritage Overlay

A planning permit is required under Clause 43.01-1 of the HO for the demolition of buildings, and for buildings and works to construct a building.

Decision Guidelines

- *The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.*

The subject site is affected by Schedule 211 of the HO, relating to the Drouin Co-Op Butter Factory. The Butter Factory is an early 20th Century industrial addition to Drouin, which has local historical significance.

The proposed development includes the demolition of two shed adjacent to the significant building.

A heritage consultant report has identified the two sheds as being later additions to the site, and of little to no heritage significance.

The proposed demolition is not considered to be a risk to the heritage significance of the site.

The proposed development of 12 dwellings at the rear of the site is not considered to be a significant risk to the significance of the site. The

development would be separated from the existing buildings by a proposed car park (to be developed as part of planning application PLA0184/19).

- *Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.*

The Drouin Co-Op Butter Factory is considered to be architecturally and historically significant to Drouin, and the Baw Baw Shire as a whole.

The 2011 heritage citation for the site identify the original 1904 timber factory, 1911 factory, and 1932 Milk Depot buildings as the significant structures on site.

- *Any applicable heritage design guidelines specified in the schedule to this overlay.*

The schedule to the HO does not identify any specific guidelines or controls relevant to this site.

- *Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.*

Council's Heritage Advisor has indicated they have no specific concerns relating to the proposed development, and any potential impact on the significance of the site.

Being single storey dwellings, the proposed development would not dominate the existing butter factory building, and the design includes separation between the buildings and the new development.

- *Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.*

The applicant has provided a heritage report addressing the proposed demolition of two sheds, which has identified the buildings as being late additions to the site, with little to no significance.

The 2011 heritage citation specifically states that all buildings constructed after 1938 are non-significant to the heritage site. Based on the materials and construction methods used for the sheds proposed to be demolished it appears they were mid-late 20th Century additions.

Design and Development Overlay

A planning permit is required to construct a building or construct or carry out works in accordance with Clause 43.02-2 of the DDO.

Decision Guidelines

- *The design objectives of the relevant schedule to this overlay.*

The subject site is affected by Schedule 2 to the DDO, which relates to the Drouin Town Centre.

The overriding design objectives of the DDO2 are to '*encourage high quality urban design*' which is appropriate in scale and character to its surroundings.

The site is located in Precinct 4 (Alex Goudie Park interface) of the DDO2, which requires developments facing Alex Goudie Park or Montague Avenue

to provide for the planting of canopy trees and provide an 'attractive interface to' the park.

The proposed development does not meet the design requirements or outcomes of Precinct 4 of the DDO2.

The proposal does not include sufficient land along the southern boundary for landscaping and the planting of canopy trees, and the eastern boundary of the site will be fenced. It is considered that the proposed design does not provide for an attractive interface with the park or Montague Avenue.

- *Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*

The subject site is located within the GRZ1, and in the context of a standard residential area the proposal would not be considered to be out of character, however the existing residential development in the area is more akin to low-density. Additionally, within the context of a site adjoining a public reserve the proposed design is not considered to be appropriate.

The interface treatment between the subject site and the Alex Goudie Park has not been addressed satisfactorily.

The eastern boundary interface is to have a 1.8m high fence, and the southern interface is to be a driveway with no proposed landscaping.

The requirements and outcomes of Precinct 4 of the DDO2 include the provision of adequate land for planting canopy trees, and an attractive interface to the park.

The proposed development does not meet these requirements.

- *Whether the design, form, layout, proportion and scale of any proposed buildings and works is compatible with the period, style, form, proportion, and scale of any identified heritage places surrounding the site.*

The subject site is located within the HO211, the objectives and decision guidelines of which have been considered previously in this report.

- *Whether any proposed landscaping or removal of vegetation will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*

The application has not been accompanied by any landscaping plans.

Given the design requirements and outcomes for Precinct 4 it is not considered acceptable or appropriate for the landscaping to be determined post-permit through conditions.

The design plans also do not provide sufficient space along the southern boundary for landscaping or the planting of canopy trees as required by the DDO2.

- *The layout and appearance of areas set aside for car parking, access and egress, loading and unloading and the location of any proposed off-streetcar parking.*

With no landscaping or interface treatment proposed along the southern boundary the driveway and car parks associated with Units 5-12 will be highly visible from the Alex Goudie Park.

The development has also not included a fence at the end of the proposed driveway, which would potentially result in vehicles accessing the park which is a significant safety issue.

- *Any other measures specified in a schedule to this overlay:*
 - *The design objectives of this schedule. As discussed above.*
 - *Whether the proposal achieves the design requirements and the outcomes to be achieved in Table 1 of this schedule. As discussed above.*

Development Contribution Plan Overlay

A permit is not triggered by the Development Contributions Plan Overlay; however, payment of a Development Contributions Plan levy can be required as a condition of any permit issued due to the creation of additional dwellings.

Particular Provisions

Clause 52.06 – Car Parking

The driveways for proposed dwellings 1 and 2 and 3 and 4 do not comply with the requirements under Clause 52.06-9 as vehicles will be required to exit the site in a reversing direction. This is also considered to be a safety hazard due to the bend in the road on Montague Avenue.

The proposed visitor car parking does not meet requirements of Clause 52.06-9, the proposed plans indicate the spaces to be 2.6m wide, the Clause requires 2.9m wide spaces. The required width cannot be achieved due to the requirements of Clause 55.03-10 (discussed below).

Clause 55

An assessment of the application has been undertaken against Clause 55 and found to be partially compliant with the the following clauses needing to be addressed further:

Clause 55.02-3 – Dwelling diversity

The proposal includes the development of 12 three-bedroom dwellings, all single story, but with two different designs.

The applicant has suggested that the three bedrooms give a flexibility to the dwellings, but ultimately, they do not cater for smaller households or single occupancies.

Clause 55.02-4 – Infrastructure

The site has access to Council stormwater, however onsite retention would also likely be required. A stormwater management plan has not been provided by the applicant and would be required prior to any development commencing.

Clause 55.02-5 – Integration with the street

The proposed dwellings are to be oriented to face south, with units 1 - 4 having a direct frontage to Montague Ave.

Due to the alignment of the street and shape of the block units 5 - 12 will front onto Alex Goudie Park. No fence or landscaping between the units and the reserve to the south is proposed.

Clause 55.03-7 – Safety objectives

Units 1 - 4 will have good passive surveillance and will be visible from the street as they will have direct frontage to Montague avenue.

Units 5 - 12 will not have direct frontage and will be looking out over the Alex Goudie Park.

Clause 55.03-8 – Landscaping

No landscaping plans have been provided with the application.

No interface treatment or canopy planting has been included along the southern boundary adjoining the Alex Goudie Park.

The eastern boundary adjoining the park has a proposed 1.8m high fence used as an interface treatment.

The applicant has advised that the landscaping plan 'will be provided' but given the interface with the Alex Goudie Park and the design guidelines of the DDO2 it is not considered acceptable for the landscaping to be determined post-permit through conditions.

Clause 55.03-9 – Access

The proposed crossovers will occupy 35% of the site frontage. This is a minimal increase from the 33% listed under standard B14, however it should also be noted that Councils engineers have raised concerns over the safety of the proposed access arrangements.

The driveways for Units 1 and 2 and 3 and 4 also do not meet Clause 52.06-9 (Car Parking).

Clause 55.03-10 – Parking

Each proposed unit has one secure car park (single car garage), and one unsecured car park in front of the garage. Details of ventilation has not been indicated on the plans but could be conditioned on any permit issued.

The shared driveway provided for units 5-12 has a minimum separation of 1.5m from habitable rooms windows.

The separation between the visitor car parks and habitable room windows of units 4 and 5 has not been included on the plans, but appears to be approximately 1-1.2m. Due to the site layout and location of the car parks this could not be amended as part of a condition as it does not appear that a 1.5m separation is achievable.

The application also does not meet the car parking requirements under Clause 52.06, as discussed above.

Clause 55.05-2 – Dwelling Entry

Units 1-4 have a good sense of address and are easily identifiable and visible from Montague Ave.

Units 5-12 do not have direct street frontage, and with the long orientation of the block the entrances to the more eastern dwellings will be obscured from the street but will be highly visible from the adjoining public reserve.

Clause 55.06-4 – Site Services

The applicant has stated that each unit will have a mailbox, but the plans do not include details regarding mailboxes. This could be addressed through conditions on any permit issued.

Rubbish bin storage areas have been included on the proposed development plans.

Details for how rubbish collection is to be managed given the lack of street frontage has not been addressed by the applicant, except that bins will be placed along the street. A Waste Management Plan would be required to address this issue.

A full response to the objectives and standards of Clause 55 has been included as an appendix to this report.

The standards under Clause 55 are generally 'should', not, 'must' requirements, however the number of objectives and standards which have been found to be non-compliant is considered to be unacceptable.

This application has been assessed against the Planning Policy framework and Local Planning Policy framework, Particular Provisions and Zone Provisions of the Baw Baw Shire Planning Scheme. It is considered that the proposal does not comply with the relevant objectives, standards and/or requirements of the Planning Scheme as listed above.

7. CONCLUSION

As a result of the above assessment it is considered that the proposal is:

- Inconsistent with the policies and objectives of the Baw Baw Planning Scheme, including the relevant clauses of the Planning Policy Framework and the General Residential Zone.
- The proposal does not meet the design objectives or decision guidelines of the Design and Development Overlay – Schedule 2 and does not comply with the relevant standards and objectives of Clause 55 of the Scheme.
- The proposal does not create a sensitive or complementary interface with the Alex Goudie Park or the bushland reserve to the east of the subject site.
- The proposed scale and massing of the dwellings is uncharacteristic of residential development in the area and is an inappropriate response to the context which fails to address urban design and amenity considerations.
- The proposal therefore cannot be supported, and a refusal is warranted.

8. RECOMMENDATION

That Council refuse Planning Permit Application PLA0249/19 based on the following grounds:

1. The proposal is inconsistent with the policies and objectives of the Baw Baw Planning Scheme, including the relevant Clauses of the Planning Policy Framework and the General Residential Zone;
2. The proposal does not meet the design objectives or decision guidelines of the Design and Development Overlay – Schedule 2;
3. The proposal does not create a sensitive or complementary interface with the Alex Goudie Park or the bushland reserve to the east of the subject site;
4. The proposal does not comply with the relevant standards and objectives of Clause 55 of the Baw Baw Planning Scheme;
5. The proposed scale and massing of the dwellings is uncharacteristic of residential development in the area;
6. The proposal is an inappropriate response to the context and fails to address urban design and amenity considerations.

9. OFFICER DIRECT OR INDIRECT INTEREST

No Council officers involved in the preparation of this report have a direct or indirect interest in matters for consideration.

10. COUNCIL PLAN

This planning permit application assists with the achievement of the key strategic objective as set out in the Council Plan 2017-2021:

Vibrant Communities

Managing Baw Baw's growth and development.

11. THRIVING ECONOMY

11.1 AGED AND DISABILITY SERVICES STRATEGIC SERVICE REVIEW

Manager Community Services

Directorate: Corporate and Community Services

Ward: All

Appendix: 1 attachment

PURPOSE

For Councillors to consider the six strategic options regarding Council's future direction for Aged and Disability Services.

RECOMMENDATION

That Council:

1. Notes that Council is fully committed to making sure residents have ongoing access to a range of quality aged and disability care providers and services;
2. Notes that the Federal Government is changing the way it funds and delivers the Commonwealth Home Support Programs to increase the number of service providers and provide more choice and flexibility for consumers, which limits Councils ability to continue to deliver its current level and range of aged and disability services;
3. Realign its services to enhance the ways residents can pursue fulfilling lives, strengthening its Positive Ageing and social inclusion work by addressing the current and emerging un-met needs such as:
 - a. Community transport
 - b. Information and service navigation, and
 - c. Social isolation and loneliness;
4. Continue to deliver non-market services and programs to maintain or increase social inclusion including Social Support Groups, Carer Support, Delivered Meals, Property Maintenance, Community Transport, Volunteer Coordination, and Senior Citizen clubs support subject to further review work and the trial of options to optimise the sustainability of the service models in a competitive market model;
5. From 1 July 2022 exits from Commonwealth and State funded direct care services (Domestic Assistance; Personal Care and Respite) where the market is well developed, with quality providers readily available; and develop and resource a transition plan that:
 - a. Ensures exiting clients are supported to transfer their service/s to another service provider
 - b. Assists all staff impacted by the new arrangements and supports the implementation of their full entitlements under enterprise agreement;
6. Commit to receiving six monthly updates on the progress of the proposed transition and exit from direct care services and review work undertaken to optimise the sustainability of non-market services and programs.

7. Monitors the impacts of aged care and disability sector changes for the community and Council, and advocates to the State and Commonwealth to address any emerging issues.

COUNCIL MOTION

Moved: Cr J O'Donnell
Seconded: Cr J Gauci

CARRIED

KEY ISSUES

- Councils have a long history of delivering aged and disability services, beginning in the 1950's and becoming more formalised in partnership with the State and Commonwealth Governments with the introduction of the Home and Community Care (HACC) program in 1985.
- Council currently engages 68 employees and over 350 volunteers to provide aged and disability services to over 2,500 people annually. It costs approximately \$5 million per annum to deliver Councils current aged and disability services. The total revenue received in 2018/19 including State and Commonwealth Government funding and client contribution for services was \$3.17 million; with Council subsidising aged and disability services by \$1.76 million.
- The Commonwealth Government is implementing significant aged and disability reforms, impacting Council's Aged and Disability services and programs including: the National Disability Insurance Scheme (NDIS); introduction of the National Aged Care Reforms with the Commonwealth assuming full funding, policy and operational responsibility of aged care services in Victoria as part of the Commonwealth Home Support Program (CHSP) from July 2016; and changes to the Regional Assessment Service for aged care assessments.
- The aged care system will continue to change to ensure the Commonwealth Government agenda to create a consistent and affordable national program with a suite of aged services from entry level home support through to residential care is achieved. The key philosophies and principles that underpin the reform are:
 - A simplified national gateway (My Aged Care)
 - Consumer directed care
 - Demand driven system
 - Competitive neutrality, and
 - Market efficiencies.
- The 2019 Australian Government budget package announcement on 2 April 2019 provided notice of funding certainty for Commonwealth Home Support Program (CHSP) to 30 June 2022. This budget decision did not impact Aged Care Assessment. The Commonwealth Government has committed to implement streamlined consumer assessments for all aged care services to be delivered by a new national assessment workforce.

- As resolved at the Council Meeting 28 August 2019 Council will cease providing Aged Care Assessment effective from 1 July 2020.
- Council took advantage of the option to extend the Building Inclusive Communities (BIC) funding arrangements with the Department of Health and Human Services (DHHS) until 30 December 2019, to align with the National Disability Insurance Agency's (NDIA) proposed Information, Linkages and Capacity Building (ILC) funding timelines, which will now not be established until March 2020. Subsequently, Council's Rural Access Officer position was made redundant effective 13 December 2019.
- Council at the 27 March 2019 meeting endorsed an end date, 30 September 2019, for Council's NDIS interim support arrangement for existing clients and services as they transition to new NDIS providers and extended the NDIS Transition Officer role until 30 October 2019.
- In line with the move to a market-based aged care system, it is anticipated Councils will be required to implement full-cost reflective pricing for aged care support services from 1 July 2022, to comply with the Competitive Neutrality Policy; and upfront block funding will be replaced by a competitive market process.
- Since the introduction of the Commonwealth Home Support Program in Victoria in July 2016, many Councils have reviewed their current services to determine the potential impact of the reforms on their business and to identify strategic options available to them and their role moving forward.
- Council has engaged EY consulting (formerly Ernst and Young) to conduct a strategic review of the Aged and Disability services program. EY have conducted this analysis for several Councils including Bass Coast.
- EY presented six options to Council and the evidence-based analysis that forms the basis for the report to a Councillor Briefing on 11 December 2019. Options considered included:
 1. **Remain in service delivery (business as usual)** – under the changing Aged Care System business as usual for Council is not considered a realistic option. There is, and will be, more providers in the market, so Council's market share is reducing and is likely to be significantly lower. Associated funding and requirements will change. This option also limits investment in other aged and disability programs/needs.
 2. **Optimise service delivery** – Service operating models and cost structures would need to be optimised and requires significant systems investment to support the new model. There is no guarantee changes would be enough to be sustainable or viable in financial terms.
 3. **Establish a new business** – This is a very high cost option (either with other businesses or Councils). There is no certainty around Council's viability or capacity to compete in the new market.

4. **Sub-contract service delivery to a third party** – This option involves considering sub-contracting options which were not seen as beneficial to Council or clients.
 5. **Exit by 2022** – Council would wind down and cease all funded programs. There are some concerns around local market viability for some services.
 6. **Exit by 2022 but remain in non-market services** – In this option, Council would wind down and cease market developed services (direct care) and continue non-market and social inclusion services.
- After careful consideration the proposed direction is a blend of options 2 and 6, that Council continue delivering non-market and social inclusion programs through optimised models and exit market developed services (direct care) on 30 June 2022.
 - A program and plan to review and provide Council with options for the ongoing delivery or exit from the existing non-market and social inclusion services will be provided to a Council Briefing in August 2020. This will provide the current and future Council with a foundation to consider the future for these services post June 2022 in terms of community and financial impact. This is consistent with item 4 in the recommendation.
 - Exiting direct care services would impact approximately 50 staff with redundancies equivalent to approximately \$2.2M including leave entitlements for which Council has provisions available.
 - Council policies highlight Council's key role in enabling residents to actively participate in their communities and stay connected.
 - With the aged and disability reforms being rolled out, Council is observing an increase of new and existing providers expanding into this market. As at March 2020 there are seven other Commonwealth Home Support Program (CHSP) care funded providers for direct care services and many more service providers in the market.
 - Council can have confidence that there are active, suitable, alternative market providers for direct care services **Domestic Assistance, Personal Care and Respite Care services**. Financial analysis and modelling indicate limited options for reducing the overall costs and addressing the competitive neutrality requirements.
 - **Property maintenance and home modifications** is a highly valued and trusted service. There is concern that the existing market may not be agile enough to address client needs such as very small jobs. Council currently engages a panel of nine subcontractors to deliver this service. There is an opportunity to support these contractors to become providers. There is potential to exit 2022 with direct care services.
 - **Delivered Meals** - Council currently contracts the meals preparation and volunteers predominately deliver the meals. There are limited opportunities to reorient the service delivery model to improve efficiencies. Other providers don't necessarily address the socialisation and welfare checks which are part of Council's service.

- **Social Support Groups** - There is limited market readiness and a high dependency on suitable venues for this service. This service plays a key role in connecting communities and provides participants with a sense of place. This role and function will be particularly important during the next few years as the reform and transitions take effect. By retaining a presence in this service, it provides Council with the opportunity to optimise a much-needed quality service.
- **Volunteer Coordination and programs** – This is predominately Council funded and is essential to supporting people to pursue fulfilling lives by providing community transport and addressing social isolation and loneliness.
- To safeguard seniors into the future the Aged Care Quality and Safety Commission role expanded from 1 January 2020 and the following functions transitioned to the Commission, building on the Commissions existing responsibilities for complaints resolution and the accreditation, assessment and monitoring of aged care services:
 - Aged care compliance and enforcement actions
 - Compulsory reporting of assaults
 - Prudential compliance operations
 - Approving all residential and home care providers
 - Home care compliance and investigations

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

- Council is currently subsidising Aged and Disability services by approximately \$1.8M per annum.
- In line with the key directions of the National Aged Care Reforms, existing block funding arrangements are being replaced with a competitive market model involving fee for service, competitive tendering and full cost reflective pricing.
- Financial analysis of Council's Aged and Disability Services for 2018-19 has been undertaken and six strategic options have been identified. Given that the Commonwealth Home Support Programme (CHSP) is more than 80% of Council's funding, service delivery mix and human resource requirements, the 10-year cash flow modelling component is based upon the CHSP program.
- It is important to note that the redundancy figure (\$2.66M) is a point in time, as at 27 September 2019, for all 68 current employees and include staff leave entitlements (\$1M) which Council has provisions for; and all costings include in-direct cost allocations that impact on the cost to council analysis.
- If Council were to exit services corporate overheads would continue to be a cost to Council and recovered over the remaining council wide services.

- Benchmarking analysis shows that Council has a comparatively low level of subsidisation relative to other Councils.

Environmental Impact

Nil identified

Community Impact

Changes in service providers are likely to have short-term impacts on continuity of care for clients.

CONSULTATION

The Aged and Disability Services Strategic Service Review Report includes a high-level stakeholder communication and engagement plan for Council's consideration.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

This Aged and Disability Services Strategic Service Review Report assists with the achievement of the key strategic objective as set out in the Council Plan 2017-2021:

Vibrant Communities: Quality community focused services, facilities and infrastructure to support a growing community – Transition aged and disability support services in line with Federal policy direction and funding.

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

The Aged and Disability Services Strategic Service Review has been reviewed under the *Charter of Human Rights and Responsibilities* and is considered compatible.

Consumer Directed Care has a strong human rights and philosophical basis. The market driven system being implemented by the Commonwealth provides for better access to a variety of providers with a broader and more flexible range of services.

LEGAL

- *Local Government Act 1989.*
- Competitive Neutrality.
- The Aged Care Legislation Amendment (New Commissioner Functions) Bill 2019, took effect from 1 January 2020.
- Council's Employee Enterprise Agreement.

POLICY IMPACTS

- Positive Ageing Strategy 2015.
- Disability Action Plan 2019-2022.

CONFLICT OF INTEREST DECLARATION

No officer involved in the preparation of this report has a disclosable interest.

OPTIONS FOR CONSIDERATION

The six strategic options previously presented by EY regarding Council's future direction for Aged and Disability Services.

12. SAFE AND SUSTAINABLE ENVIRONMENTS

Nil Reports

13. ORGANISATIONAL EXCELLENCE

13.1 COUNCILLOR AND AUDIT COMMITTEE EXPENSES AND ENTITLEMENTS POLICY

Manager Governance

Directorate: Corporate and Community Services

Ward: All

Appendix: 1 attachment

PURPOSE

In response to an internal audit this report proposes updates for inclusion in the Councillor and Audit Committee Expenses and Entitlements Policy.

RECOMMENDATION

That Council adopts the Councillor and Audit Committee Entitlements Policy with the additions noted within the attachment to this report.

COUNCIL MOTION

Moved: Cr D Wallace

Seconded: Cr J Gauci

CARRIED

KEY ISSUES

- In line with Section 75B of the *Local Government Act 1989*, Councils must adopt and maintain a policy in relation to the reimbursement of expenses for Councillors and members of Council committees.
- It is a requirement of Section 75 B (3) that this policy is required to be available for inspection at Council Offices and is also a policy that is required under Section 82A (2) (c) to be on Council's website.
- Where Councillors incur expenses in discharging their duties under the Act, they are entitled to to be reimbursed. These expense reimbursements must not be off set against, or used to subsidise, the allowances paid to Councillors.
- The Act provides guidance in both mandatory and minimum items that Councils should provide for Councillors and expenses to be reimbursed. The *Mayor and Councillor Entitlements Information Guide* released by the State Government advises that Council's should set policies which are *flexible and tailored* in consideration of each Council's unique circumstances.
- In Baw Baw Shire's case, the regional nature, including the far east of the Shire, requires Councillors to travel large distances in order to represent their constituents. It is therefore expected that the reimbursement for vehicle travel costs would be higher than many other Council's.

- An internal audit into Councillor and Senior Officer expenses was undertaken by RSD Audit (Council's immediate past internal auditors). A part of this audit RSD examined the current Councillor and Senior Officer Expenses and Entitlements policy, recommending some amendments to the policy.
- Management accepted these recommendations and propose to include them as amendments to the current policy. These amendments are highlighted in the attached policy.
- The following list outlines the amendments to be added to the current policy;
 - Reference to the Remote Area Travel Allowance
 - Reimbursement of Public Transport travel
 - Overseas travel requires a Resolution of Council
 - Reimbursement of Parking fees
 - Clarification of accommodation standards
 - Written requests and approval for conference attendance or training courses and inclusion of a cap
 - Clarification of partner attendance at events
 - Cap on childcare rates
 - Requirement of a statutory declaration when there is no receipt
 - Annual reporting to the audit committee
- A full review of this policy will be undertaken after the Election and will likely also include changes from the expected implementation of the new Local Government Act 2019.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

Financial obligations associated with Councillor and Audit Committee Expenses and Entitlements are funded within the current operational budget.

Environmental Impact

There are no environmental factors with this report.

Community Impact

These additions provide further transparency into the entitlements for which Councillors are allowed by the *Local Government Act and Regulations*.

CONSULTATION

Community Consultation is not required for this policy.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

This policy assists with the achievement of the key strategic objective as set out in the Council Plan 2017-2021:

Organisational Excellence

Providing community benefit by effectively managing council's resources and finances.

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

This report has been reviewed under the *Charter of Human Rights and Responsibilities* and is considered compatible.

LEGAL

This policy complies with the requirements of the *Local Government Act 1989* and supporting regulations.

POLICY IMPACTS

The amendments are to be included in the existing policy and will be published on Council's website.

CONFLICT OF INTEREST DECLARATION

No officer involved in the preparation of this report has a disclosable interest.

OPTIONS FOR CONSIDERATION

1. Council may wish to make further amendments to the policy
2. Council may undertake a full review of the policy
3. Council may reject the internal audit recommendations in part, or full

14. NOTICES OF MOTION

Nil Reports

15. COMMITTEE AND DELEGATES REPORTS

Nil Reports

16. ASSEMBLY OF COUNCILLORS

16.1 ASSEMBLY OF COUNCILLORS

Governance Officer

*Directorate: Corporate and Community
Services*

Ward: All

Appendix: 4 attachments

PURPOSE

To present the written records of Assemblies of Councillors that have occurred.

RECOMMENDATION

That Council receives and notes the Assembly of Councillors records tabled for the period from Friday 14 February to Friday 28 February 2020.

COUNCIL MOTION

Moved: Cr M Leaney

Seconded: Cr P Kostos

CARRIED

KEY POINTS/ISSUES

The *Local Government Act 1989* requires that the written record of an Assembly of Councillors be, as soon as practicable, reported at an ordinary meeting of the Council and incorporated into the minutes of that meeting.

17. MAYORAL MINUTE

Cr D Goss addressed the meeting reflecting on the positive impact that Alison Leighton has had throughout the organisation during her time as Chief Executive Officer. Cr Goss noted significant improvements to the organisation culture, customer service, systems and processes. Cr Goss acknowledged that Alison will be greatly missed and thanked Alison for her hard work and wise counsel during her time with Baw Baw Shire Council. On behalf of Councillors Cr Goss wished Alison well in her new role and presented Alison with a small gift in appreciation for her work.

18. GENERAL BUSINESS

Cr M Leaney formally thanked Alison Leighton on behalf of the Councillors, Staff and Community for her service and for it to be recorded in the minutes.

| | |
|-----------------------|-------------|
| COUNCIL MOTION | |
| Moved: | Cr M Leaney |
| Seconded: | Cr M Power |
| CARRIED | |

Meeting closed at 7.05 pm

Confirmed at this meeting 25 MARCH 2020

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Cr D Goss
Mayor