



**20 March 2013 - Minutes for Ordinary Meeting**

**Bass Coast Shire Council**

**Civic Centre Council Chamber,**

**Baillieu Street, Wonthaggi**

**5.00pm**

- 1. These minutes are due to be confirmed on 17 April 2013**
- 2. Any decision included in these minutes is subject to change resulting from a rescission motion passed by Council.**

**TABLE OF CONTENTS**

<b>A</b>	<b>Present and Apologies .....</b>	<b>4</b>
<b>B</b>	<b>Community Question Time .....</b>	<b>5</b>
	<i>B.1 Maurice Schinkel, Cowes – King tide in Western Port .....</i>	<i>5</i>
	<i>B.2 Maurice Schinkel, Cowes - Council submission to the Melbourne Metropolitan Strategy.....</i>	<i>5</i>
	<i>B.3 Maurice Schinkel, Cowes - Port of Hastings.....</i>	<i>5</i>
	<i>B.4 Patricia Hunt, Cowes - Removal of vegetation .....</i>	<i>5</i>
	<i>B.5 Sue Saliba, Cowes - Removal of vegetation.....</i>	<i>6</i>
	<i>B.6 Bruce Fergie, Kilcunda - Correspondence with Council.....</i>	<i>6</i>
	<i>B.7 Cr Phil Wright - Online employment service .....</i>	<i>6</i>
<b>C</b>	<b>Confirmation of Minutes.....</b>	<b>7</b>
	<i>C.1 Ordinary Meeting held on 20 February 2013.....</i>	<i>7</i>
<b>D</b>	<b>Petitions and Deputations .....</b>	<b>8</b>
	<i>D.65 Petition - Planning Application No. 120388 - Grantville Sand Quarry.....</i>	<i>8</i>
<b>E</b>	<b>Reports Requiring Council Decision.....</b>	<b>11</b>
	<i>E.1 Submission to Minister for Planning regarding the Metropolitan Strategy .....</i>	<i>11</i>
	<i>E.2 Submission in Response to the Draft National Harmonised Regulatory Framework for Coal Seam Gas .....</i>	<i>18</i>
	<i>E.3 120388 - Use and develop the land for extractive industry, associated buildings and works, and create access to a road zone at 1381-1395 Bass Hwy, Grantville.....</i>	<i>24</i>
	<i>E.4 Response to petition - Cowes Jetty Kiosk .....</i>	<i>62</i>
	<i>E.5 Tenby Point Special Charge Scheme No. 55 - Reconciliation of Final Costs .....</i>	<i>68</i>
	<i>E.6 Proposed fee structure for Asset Protection Permits.....</i>	<i>78</i>
	<i>E.7 Petition - move the location of the toilet block and construction of a car park in Cape Woolamai.....</i>	<i>82</i>
	<i>E.8 2014 Revaluation of Shire .....</i>	<i>87</i>
	<i>E.9 Councillor Ward Discretionary Funds.....</i>	<i>90</i>
<b>F</b>	<b>Notices of Motion.....</b>	<b>95</b>
<b>G</b>	<b>Committees and Delegates Reports .....</b>	<b>97</b>
	<i>G.1 Place Names Committee.....</i>	<i>97</i>
<b>H</b>	<b>Performance Monitoring Reports.....</b>	<b>100</b>
	<i>H.1 Planning Permits Decided Under Delegation - February 2013 .....</i>	<i>100</i>
	<i>H.2 Planning Permit Approval Statistics .....</i>	<i>102</i>
	<i>H.3 Building Statistics February 2013.....</i>	<i>103</i>
	<i>H.4 Finance Report.....</i>	<i>104</i>
	<i>H.5 Contracts Awarded Report .....</i>	<i>105</i>
<b>I</b>	<b>Watching Bass Coast .....</b>	<b>107</b>
	<i>I.1 Leasing review.....</i>	<i>107</i>
	<i>I.2 Events Update.....</i>	<i>111</i>
	<i>I.3 Assembly of Councillors Report.....</i>	<i>116</i>
<b>J</b>	<b>Acknowledgements.....</b>	<b>118</b>
	<i>J.1 Mrs Lyn Chambers – Mr Allan Bawden.....</i>	<i>118</i>
	<i>J.2 Phillip Island Music Fest - Cr Phil Wright.....</i>	<i>118</i>

---

<b>J.3</b>	<b>Launch of the Phillip Island National Surfing Reserve - Cr Phil Wright.....</b>	<b>118</b>
<b>J.4</b>	<b>Clean Up Australia Day – Cr Phil Wright.....</b>	<b>118</b>
<b>J.5</b>	<b>Indigenous Health Forum – Cr Jordan Crugnale.....</b>	<b>118</b>
<b>J.6</b>	<b>Clean Ocean Foundation - Cr Neil Rankine .....</b>	<b>119</b>
<b>J.7</b>	<b>Wonthaggi Business Association - Cr Neil Rankine .....</b>	<b>119</b>
<b>J.8</b>	<b>Phillip Island Golf Club Pro Am - Cr Kimberley Brown .....</b>	<b>119</b>
<b>J.9</b>	<b>Young Leader Awards - Cr Kimberley Brown.....</b>	<b>119</b>
<b>J.10</b>	<b>International Women’s Day - Cr Kimberley Brown.....</b>	<b>119</b>
<b>J.11</b>	<b>San Remo Rotary Art and Photographic Show - Cr Bradley Drew .....</b>	<b>119</b>
<b>J.12</b>	<b>Corinella Art Show - Cr Clare Le Serve.....</b>	<b>119</b>
<b>J.13</b>	<b>Inverloch Jazz Festival - Cr Clare Le Serve.....</b>	<b>119</b>
<b>J.14</b>	<b>CWA Creative Arts Exhibition - Cr Clare Le Serve.....</b>	<b>120</b>
<b>J.15</b>	<b>Clean Up Australia Day at Corinella - Cr Clare Le Serve.....</b>	<b>120</b>
<b>J.16</b>	<b>International Women's Day - Cr Clare Le Serve .....</b>	<b>120</b>
<b>K</b>	<b>Urgent Business.....</b>	<b>121</b>
<b>K.1</b>	<b>Public Health Services - Cr Andrew Phillips.....</b>	<b>121</b>
<b>L</b>	<b>Items Closed to the Public .....</b>	<b>123</b>
<b>L.1</b>	<b>Contractual Matters.....</b>	<b>123</b>
<b>L.2</b>	<b>Contractual Matters.....</b>	<b>123</b>

## **A Present and Apologies**

### **Meeting commenced**

The meeting commenced at 5.10pm

Councillors: Cr Clare Le Serve (chair), Leadbeater Ward  
Cr Bradley Drew, Anderson Ward  
Cr Phil Wright, Churchill Ward  
Cr Neil Rankine, Hovell Ward  
Cr Kimberley Brown, McHaffie Ward  
Cr Andrew Phillips, Thompson Ward  
Cr Jordan Crugnale, Townsend Ward

Officers: Mr Allan Bawden, Chief Executive Officer  
Mr Steve Piasente, Community and Economic Development Director  
Mr Danny Luna, Corporate Services Director  
Ms Felicity Sist, Infrastructure Director  
Ms Hannah Duncan-Jones, Planning & Environment Director  
Ms Emma Kruse, Governance Officer  
Ms Eleanor McKay, Communications Coordinator

Apologies: Nil

Prayer: Cr Brown read the prayer.

Acknowledgement: Cr Crugnale read the acknowledgement.

Statement: Cr Phillips read the Councillor Statement.

---

**B Community Question Time****B.1 Maurice Schinkel, Cowes – King tide in Western Port**

Is Council aware of the king tide scheduled to occur in Western Port at 4.24pm on 29 May; and what preparations will Council be taking; particularly at San Remo in the vicinity between the Phillip Island Tourist Road and Western Port, an area that will be vulnerable if the king tide coincides with a northerly wind or storm?

**Mr Bawden responded that Council officers are aware that large tides occur during this time of year and will provide information to the members of Council's Municipal Emergency Management Planning Committee. The members of this committee are senior officers within emergency management organisations. Mr Bawden said Council will advise VicRoads and the Department of Sustainability and Environment of the question.**

**B.2 Maurice Schinkel, Cowes - Council submission to the Melbourne Metropolitan Strategy**

Will Council ensure that the full text of the motion of 20 February 2013 including the words, "or may not", is included in the comment on the Port of Hastings on page 6 of the Shire submission to the Melbourne Metropolitan Strategy.

**Mr Bawden responded that this has now been rectified and the words "or may not" have been included in the submission.**

**B.3 Maurice Schinkel, Cowes - Port of Hastings**

Is Council, or are any Council staff, the subject of an approach or communication by Deloitte, GHD, AECOM, Cardno or AUS Australia, acting as consultants for the Port of Hastings Development Authority?

**Mr Bawden responded that inquiries have been undertaken with staff and no staff have indicated that any approaches or communication have been received from these consultants.**

**B.4 Patricia Hunt, Cowes - Removal of vegetation**

Will Council explain the removal of vegetation and filling in of a dam at the Shearwater Estate along Coghlan Road, Cowes? In the plans for the subdivision the area around the dam, with mature trees, was to be retained and much of the roadside vegetation was also to be preserved. Also, will replanting take place on site to soften the currently ugly roadside and restore habitat? The vegetation is swamp scrubs which is part of an important EVC – similar vegetation on the other side of the road has been deemed significant.

**Mr Bawden responded that Council officers will investigate the issue and respond to Ms Hunt in writing.**

**B.5 Sue Saliba, Cowes - Removal of vegetation**

I asked this question at the Council Meeting of January 2013 but have still received no reply. An excessive amount of vegetation has been removed from the corner of Justice and Settlement Roads, Cowes. When will this be replaced?

**Mr Bawden responded that Council will investigate and respond to Ms Saliba's question in writing.**

**B.6 Bruce Fergie, Kilcunda - Correspondence with Council**

When a ratepayer hand delivers a letter outlining concerns, is it reasonable for that person to expect a written reply?

**Mr Bawden responded that he had spoken with Mr Fergie prior to the meeting about his issue. Ms Duncan-Jones responded that Rebecca Mouy, a new staff member has been assigned to the issue and was following up all previous enquiries as the previous manager has left Council.**

**B.7 Cr Phil Wright - Online employment service**

Why have Council introduced an online employment service? How long do Council intend to run this service and what was the cost involved?

**Mr Piasente responded that the establishment of a job opportunities website was identified as part of the work undertaken by Council in the development of the Positive Ageing policy. The website is aimed primarily at filling a gap in the market for retirees and those looking for part time work. Job Seekers can register their details and the type of work that they are seeking and an email is sent to an employer seeking employees in that field.**

**The website is designed to supplement the work of Job seeking Agencies and does not contain advertising. Council Officers have consulted with the local Job Seeking Agencies and they have responded positively to this new service. The service is proposed to be ongoing and is a similar to that offered by a number of other Councils.**

**Mr Piasente said it cost approximately \$2,000 to establish the site and approximately 1-2 hours of staff time a month to maintain the website**

**C Confirmation of Minutes**

**C.1 Ordinary Meeting held on 20 February 2013**

**Council Decision**

**Moved: Cr. Andrew Phillips / Seconded: Cr. Bradley Drew**

**That the minutes of the Ordinary Meeting held on 20 February 2013 be confirmed.**

**CARRIED**

---

**D Petitions and Deputations****D.65 Petition - Planning Application No. 120388 - Grantville Sand Quarry**

**File No:** CMI3/196  
**Department:** Corporate Services  
**Council Plan Strategic Objective:** Good Governance

We will manage our resources effectively, keep the community engaged, listen to our communities' concerns to create positive outcomes.

---

A petition has been received containing 342 names, addresses and signatures.

The petition states *"We, the undersigned, oppose this application. We note that the quarry will be located within the approximately 300 metres of residential areas and the RAMSAR listed wetlands of Westernport. Noise, dust and water pollution will impact on local residents and pose an unacceptable risk to Westernport*

*We also note that the sand quarry will result in over 100 extra truck movements per day and require a new set of traffic lights on the Bass Highway, thus impacting all users of the Highway.*

*We therefore petition the Bass Coast Shire Council to reject the current application No 120388 or defer it and require a full independent Environmental Effects Study and an alternative transport strategy prior to further consideration."*

Section 63.2 of the Bass Coast Shire Council Meeting Procedure Local Law 2009 states that:

*"A petition or joint letter presented to Council must lie on the table until the next ordinary meeting of Council and no motion, other than to receive the petition or joint letter may be accepted by the Chairperson, unless the Council agrees to deal with it earlier."*

**Recommendation**

**That the petition be dealt with as part of this agenda.**

**Attachments**

**AT-1 CONFIDENTIAL - Petition 21 Pages**

A further 200 names, addresses and signatures for the petition were tabled at the meeting.

**Council Decision**

**Moved: Cr. Jordan Crugnale / Seconded: Cr. Neil Rankine**  
**That the recommendation be adopted.**

**CARRIED**

# **Reports Requiring Council Decision**

---

## E Reports Requiring Council Decision

### E.1 Submission to Minister for Planning regarding the Metropolitan Strategy

**File No:** CMI3/153  
**Department:** Planning and Environment  
**Council Plan Strategic Objective:** Cohesive Communities

We will improve lifestyle opportunities and options by managing the built environment and encouraging cohesive communities.

---

**Previous Items:** PR1/13 - Submission to Minister for Planning regarding the Metropolitan Strategy - Council - 20 February 2013

#### Declaration

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

#### Summary

The purpose of this report is to present the submission that has been prepared in response to the Minister for Planning's proposed Metropolitan Strategy 'Melbourne lets talk about the future'.

The report recommends that Council endorse the submission and send the submission to the Department of Planning and Community Development before 28 March 2013.

A report recommending endorsement of a draft submission was deferred from Council's Ordinary Meeting on the 20 February to allow for further consideration of wording within the of final submission. Changes within this revised report and associated revised submission strengthen Council's position at regarding Principle 2 ('A globally connected and competitive city') with some more discussion about the need to further protect the environment of Westernport.

#### Introduction

Department of Planning and Community Development have released a Discussion Paper to inform the development of the new Metropolitan Planning Strategy.

There has been ongoing consultation with the community including a Ministerial Roundtable at which Council was represented by former Mayor Veronica Dowman and Hannah Duncan-Jones, Planning & Environment Director.

The Government is encouraging the community to share their views about the ideas raised in a Discussion Paper as part of the development of the new Metropolitan Planning Strategy. Feedback received from the community and industry groups will help shape the final Metropolitan Planning Strategy, which will act as a blueprint for Melbourne's future for the next 40 years. The aim is to "prompt debate around the challenges and ideas for Melbourne's future" so that community views can help to inform the final version of the Metropolitan Planning Strategy.

It is on this basis that Council officers are preparing a submission that will be forwarded to the advisory committee to be considered prior to the finalisation of the Metropolitan Planning Strategy.

The Metropolitan Planning Strategy will replace the former Labour State Government's Melbourne 2030 planning framework. Nine principles outlined in the discussion paper will inform the development of the new Metropolitan Planning Strategy. The first five relate to 'what we want to achieve':

- A distinctive Melbourne
- A globally connected Melbourne
- Social and economic participation
- Strong communities
- Environmental resilience

The next two principles highlight what needs to change:

- A polycentric city linked to regional cities
- Living locally - A 20 minute city

The last two principles are about making it happen:

- Infrastructure investment that supports city growth
- Leadership and partnership

### **Current Status**

The Project has the following stages:

- Issues and Challenges – Complete
- Strategic Principles – Complete
- Discussion Paper – Current Stage
- Draft Strategy – Future Stage
- Final Strategy – Future Stage
- Implementation – Future Stage

### **Strategic Basis**

The preparation of this submission is supported by the Council Plan 2009 – 2013 strategic objective one, Advocacy, as follows:

*We will use a strong voice and accurate information to advocate for the best quality lifestyle for our communities.*

The *Planning and Environment Act 1987* articulates the responsibilities of Local Government and includes at Section 8A that councils are Planning Authorities and then in Section 12 the responsibilities of Planning Authorities. As Council has legislative responsibility it is considered prudent to actively participate in this review that may have considerable impact on the architecture of the Victorian Planning System.

It is anticipated that eventually the Metropolitan Strategy will inform the Victorian Planning Provisions, which in turn will inform the Bass Coast Planning Scheme.

---

## Implications

The future of Melbourne and Bass Coast are intrinsically linked and it is important for Council to participate in the development of the strategy. As Melbourne expands in population there are a pressures that will be experienced by Bass Coast Shire Council in assisting in catering for recreation, residential alternatives and producing agricultural products. It is necessary for Bass Coast Shire Council to put in a submission to the Melbourne Metropolitan Strategy Discussion paper to ensure that these pressures are acknowledged.

## Finances

The cost to Council for the preparation of this submission is the cost of officer time. The preparation of submissions in response to policy changes is a core part of the Strategic Planning teams work and is included in existing budget provision.

## Stakeholders

Ensuring that the Metropolitan Strategy takes into consideration peri-urban municipalities and reflects the importance in the role that the Bass Coast plays in Melbourne's future is important for existing and future community members.

## Statutory Requirements/Codes/Standards/Policies

The Planning System in Victoria is guided by legislation: the *Planning and Environment Act 1987* is the primary legislative guidance for the system.

## Other Options

Council has three options in relation to the submission to the Metropolitan Strategy.

### Option 1

To adopt the submission as drafted.

### Implications

Option 1 is the preferred option, given that Council have had the opportunity to have input into the submission through a workshop held on 16 January 2013. The submission has been prepared in accordance with comments and discussions from this workshop.

### Option 2

To adopt the submission with changes.

### Implications

Any changes to drafted document should be drafted prior to a Council meeting to ensure that they can be incorporated into the submission prior to the closing date for the submission on the 1 March 2013.

### Option 3

Not adopt the submission.

### Implications

If the submission is not adopted then the Minister for Planning will not be informed about any issues arising from the Metropolitan Strategy from Bass Coast Shire Council's perspective.

The new strategy does propose a change to the land use planning in Victoria and it is essential that the views of Bass Coast Shire Council are put forward. To not make a submission would mean that Council has not effectively fulfilled its advocacy role.

### Officer's Considerations

The future of Melbourne and Bass Coast are intrinsically linked and it is important for Council to participate in the development of the strategy. Overall it will be the Council officer's recommendation that Council generally supports the principles put forward in the discussion paper.

There are a number of aspects of the Metropolitan Planning Strategy that will have benefits for the development of Melbourne and should be supported. The table below outlines key areas of the discussion paper and some discussion about each principle or supporting proposal.

Principle	Ideas and aspirations	Discussion
A distinctive Melbourne	N/A	Generally Council should support the principle and its supporting actions.
A globally connected and competitive city	Investigation of further airport needs in the east and south-east of Melbourne.	This will benefit the region through tourism, employment and trade connections. The employment benefit to the Gippsland and South Eastern Melbourne population would be significant.
	Expansion of the Port of Hastings	It is considered that this project may be of benefit to the region through tourism, employment and trade connections.  However, Bass Coast Shire Council is not able to state a position to support this project at this stage. Should investigations go ahead it is Council's opinion that this investigation needs to be based on robust methodology that includes the use of the precautionary principle around environmental issues given the significant environmental values of Western Port. Council considers that these concerns need to be documented prior to the policy development phase. Any policy development regarding this action should have a significant amount of further investigation as necessary prior to its commencement.
Social and economic participation	N/A	Generally Council should support the principle and its supporting actions.

Principle	Ideas and aspirations	Discussion
Strong communities	N/A	Generally Council should support the principle and its supporting actions.
Environmental Resilience	Green edge to the city	Council should support this clause as it is integral to future of Melbourne and it supports the need to protect peri-urban areas from ongoing encroachment.
	Food Production	Council should support this clause as it recognises the importance of Melbourne’s hinterland. It is an extremely important aspect to Bass Coast’s future that agricultural land is protected and valued as important in Melbourne’s future.
A Polycentric city linked to regional cities	Connection to regional cities	Councils should support this clause given the recognition within the strategy of the importance of regional cities.
Living locally – A 20 minute city	N/A	Generally Council should support the principle and its supporting actions.
Infrastructure investment that supports city growth	Identifying a long-term framework for metropolitan infrastructure	<p>Council should generally support this principle; however it should also include some advocacy around encouraging investment in infrastructure outside of the Melbourne Metropolitan area as well. If the regions are relied upon to support the growth of Melbourne there should be a focus on this investment as well to support those households that live in Regional Victoria. Bass Coast Shire Council has in the past suffered from a lack of overall funding and commitment from the State Government (in particular road infrastructure). This will need to improve in order for Bass Coast to play a role in supporting Melbourne’s Growth into the future.</p> <p>The Minister and Advisory panel really should investigate the implementation of an infrastructure contribution implementation tool, or other legislative tool for areas (in</p>

Principle	Ideas and aspirations	Discussion
		particular regional areas) to ensure the ongoing delivery and viability of communities.
Leadership and partnership	N/A	Generally Council should support the principle and its supporting actions.
Other issues	Consultation	Council should advocate to the Minister to undertake more significant in depth consultation with residents to allow for better understanding of the repercussions of the plan and its guidance for the future. This will allow the community to be better informed and have more ownership over the Metropolitan Planning Strategy, hopefully assisting in the future with the implementation of the strategy.
	Framework for implementation	Council needs to advocate to the Minister to ensure that there is seamless integration with their other plans such as Gippsland Integrated Land Use Plan. It is important that there is a direct relationship and consistency with this plan, particularly given Council's long term and ongoing involvement in drafting the plan so that it is consistent with the future of Bass Coast into 2041.

### Conclusion

Council has an opportunity to respond to the current draft discussion paper that has been placed out for comment by the Minister for Planning. Although Bass Coast Shire Council is not considered a metropolitan council there are a number of policy objectives that will have an impact on Bass Coast Shire. It is important that Council put in a submission to ensure that the Metropolitan Strategy acknowledge and reflect the pressures that this strategy could place on peri-urban municipalities.

### Recommendation

#### That Council

**Endorses the submission to the Metropolitan Strategy in accordance with the document that forms Attachment I to this Council report.**

**Attachments**

**AT-1** Draft Submission for Melbourne Metropolitan Strategy 8 Pages

**Council Decision**

**Moved: Cr. Neil Rankine / Seconded: Cr. Jordan Crugnale**  
**That the recommendation be adopted.**

**CARRIED**

---

**E.2 Submission in Response to the Draft National Harmonised Regulatory Framework for Coal Seam Gas**

**File No:** CMI3/149  
**Department:** Planning and Environment  
**Council Plan Strategic Objective:** Advocacy

We will use a strong voice and accurate information to advocate for the best quality lifestyle for our communities.

---

**Previous Items:** 61/12 - 119/12 Coal Seam Gas - Council - 15 February 2012  
CBR2/12 - Mining Exploration Licence Application 5416 (12.55 - 1.25pm) - Policy Workshop - 7 March 2012  
SR4/12 - Coal Seam Gas Exploration Application EL5416 - Council - 21 March 2012  
67/12 - 125/12 Exemption of land from the granting of coal and unconventional gas exploration or mining licences in Bass Coast - Council - 21 March 2012  
SR2/12 - Exploration and Mining - Advocacy Options - Council - 16 May 2012  
SR3/12 - Coal Seam Gas - Endorsement of Submission to EL5416 - Council - 16 May 2012  
68/12 - 127/12 Coal Seam Gas - Use of Council Owned and Managed Land - Council - 25 July 2012  
CBR6/12 - Coal Seam Gas - Department of Primary Industries (2.30 - 3.30pm) - Policy Workshop - 5 September 2012  
CBR4/13 - The Draft National Harmonised Regulatory Framework (11.40am - 12.30pm) - Policy Workshop - 6 February 2013  
CBR6/13 - Coal Seam Gas - Department of Primary Industries (2.30 - 3.30pm) - Policy Workshop - 27 February 2013

**Declaration**

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

**Summary**

The purpose of this report is to recommend that Council adopt the submission drafted in response to the release of the Draft National Harmonised Framework for Coal Seam Gas by the Standing Council on Energy and Resources.

**Introduction**

The Draft Framework was released by the Standing Council on Energy and Resources on 14 December 2012 and submissions closed on 28 February 2013. The attached submission was lodged with the Standing Council on Energy and Resources on 27 February 2013 subject to adoption by Council.

Council formalised a position of opposition to coal seam gas exploration and mining in 2012.

Through Notice of Motion 125/12 on 21 March 2012 Council articulated opposition to new mining of coal, and to gas extraction associated with coal (unconventional gas), within the shire. Following this on 16 May 2012 Council reiterated their opposition and resolved to seek a moratorium on exploration and mining of coal seam gas.

On 24 August 2012 the Hon Michael O'Brien, Minister for Energy and Resources announced '*a hold on approvals to undertake hydraulic fracturing ('fracking') as part of onshore gas exploration and a hold on the issuing of new exploration licenses for coal seam gas until the upcoming national framework proposals have been considered*'.

The Minister detailed the work that was being undertaken through the Standing Council on Energy and Resources to develop the National Harmonised Framework for Coal Seam Gas as a key driver for the suspension of issuing licenses.

As Council is opposed to coal seam gas exploration and mining scrutiny of the framework is appropriate.

### **Strategic Basis**

Our Council Plan 2009 – 2013 details Council's objectives, and Council's role in relation to this application is part of advocacy role that is detailed in objective 1:

#### **Advocacy**

We will use a strong voice and accurate information to advocate for the best quality lifestyle for our communities.

### **Finances**

Costs to Council principally relate to officer time and can be accommodated within existing resources, however if Council wants to raise the profile of their advocacy approach then this may require review.

The preparation of submissions in response to policy changes is a core part of Council's work and is included in existing budget provision.

### **Stakeholders**

There are many stakeholders that could be impacted by coal seam gas exploration and mining legislation including:

- Farmers;
- Business and Tourism Operators;
- Environmental Organisations;
- Residents and Ratepayers; and
- Council.

### **Statutory Requirements/Codes/Standards/Policies**

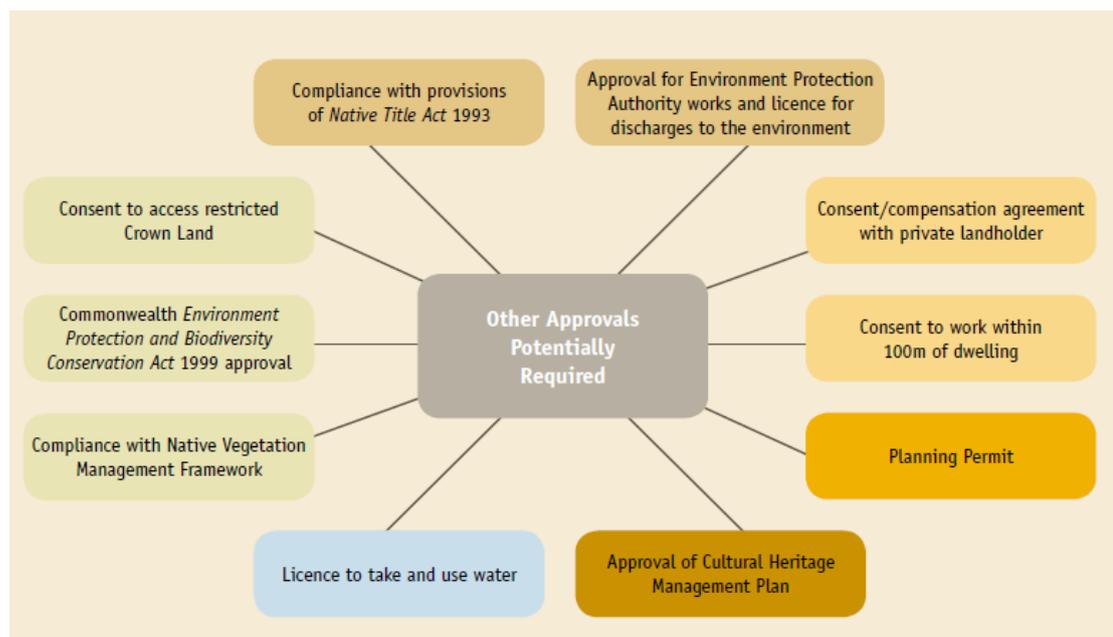
Council has no formal statutory role in the exploration licence process, however if exploration was successful and the applicant went onto apply for a mining licence then a number of other approvals maybe required including:

- A planning permit triggered by the *Planning and Environment Act 1987* and the;
- A Works Approval and Licence triggered by the *Environment Protection Act 1970*;

- An Environment Effects Statement triggered by the *Environmental Effects Act 1978*; and/or
- An Approval triggered by the *Environment Protection and Biodiversity Conservation Act 1999*.

Licences are regulated under Section 15 of the Mineral Resources (Sustainable Development) Act 1990 (the Act) and Schedule 2 of the Mineral Resources Development Regulations 2002 (the Regulations).

The legislative approvals that may be required are detailed in the diagram below.



### Other Options

Council has limited options in this process as it has no statutory role, Council could decide not to participate in the process and not prepare a submission in response to the exhibition of the Draft Framework.

Council has undertaken significant strategic work and research on the value of tourism, agriculture and the natural environment to our economy and this has informed development of Council's strategic plans. The Council Plan clearly articulates the challenges that Council needs to address in relation to these, including:

- Achieving a sustainable future for our natural environment
- Encouraging sustainable farming practices
- Conserving, protecting and enhancing the natural environment
- Developing a business climate that helps to expand existing businesses and attract new investment
- Ensuring a viable and sustainable agricultural sector
- Increasing tourism opportunities
- Planning for the diverse and sometimes competing needs of our communities
- Challenging State and Federal Government to be more dynamic in their response to the changing shape and needs of our growing communities

- Meeting our communities needs and expectations

Council is addressing these challenges in a number of ways including the development of a Rural Strategy, supporting the community vision by including consideration of the vision in the development of strategies and supporting actions and undertaking advocacy on behalf of the community.

Participating in this process by preparing a submission clearly aligns with Council's advocacy role.

The implications of not fulfilling our advocacy role relate to the impact on Council's reputation and the perception the community holds of Council's ability to effectively execute its responsibilities on their behalf.

### **Officer's Comments/Conclusion**

The Draft Framework articulates 18 leading practices across four core areas of coal seam gas activities:

- well integrity
- water management
- hydraulic fracturing
- chemical use.

The Draft Framework discusses each of the leading practices and an analysis of the issues associated with the leading practice.

The Draft Framework does not provide:

- a matrix of current legislative approaches;
- the strengths and weaknesses of the approaches taken in different jurisdictions;
- an analysis of how each jurisdictions legislative approach performs against the leading practices detailed in the Draft Framework; or
- an implementation approach or plan.

Without the above elements it is unclear how Victorian legislation performs comparative to the other jurisdictions or the leading practices. This means it is unclear whether the Draft Framework, if adopted by Victoria, will make any real difference to how decisions regarding coal seam gas are made.

In the submission the following issues are raised:

- The status of the Multiple Land Use Framework and whether there will be any community consultation on this framework;
- The assumptions that exploration and mining will occur in a framework of co-existence. Co-existence in the framework is defined as multiple and sequential land use;
- The restriction of the areas of community concern, as these areas do not recognise that communities are concerned about the independence and rigour of current environmental assessment processes;

- 
- The lack of research undertaken by governments on understanding the size of the resource and whether this allows for fraud and corruption as is currently being investigated in New South Wales;
  - The need to embody the precautionary principle in all mining and environmental legislation;
  - The necessary improvements to the environmental assessment process. It is important that the process is independent of government to ensure that governments are appropriately managing our environment now and into the future;
  - The assumption in the Draft Framework that all the environmental issues associated with the extraction of coal seam gas can be managed;
  - The fact that the standards rely on the National Strategy for Ecologically Sustainable Development (1992). Given that this document is now over 20 years old, Council considers that there have been considerable changes in policy, knowledge, community expectations, and technology since that time and that these standards need to be updated;
  - While the Draft Framework recognises that further research is required to understand impacts on water systems, it does not consider this as important enough to suspend further expansion of the industry;
  - The assumption that because hydraulic fracturing has been utilised for 40 years it is safe and understood practice. However it is clear that the impacts of hydraulic fracturing vary depending on the geology and type of resource that is being extracted; and
  - The Draft Framework does not propose any mechanism to insure communities are informed of the type and amount of chemicals being utilised in the hydraulic fracturing process.

On this basis the submission concludes that the appropriate framework to enable the safe and responsible extraction of coal seam gas has not been established through this Draft Framework. There are clear deficiencies in our understanding of the impacts on the environment, and in the decision making framework that need to be addressed.

It is recommended that Council adopt the submission and advise the Standing Council on Energy and Resources of the decision.

## **Recommendation**

### **That Council:**

- 1. Adopt the submission at Attachment I of this report; and**
- 2. Advises the Standing Council on Energy and Resources of the decision.**

**Attachments**

<b>AT-1</b>	Council Submission	9 Pages
<b>AT-2</b>	Draft National Harmonised Regulatory Framework Coal Seam Gas	82 Pages
<b>AT-3</b>	Standing Council on Energy and Resources Policy Statement on Coal Seam Gas	4 Pages

**Council Decision**

**Moved: Cr. Neil Rankine / Seconded: Cr. Jordan Crugnale  
That the recommendation be adopted.**

**CARRIED**

**E.3 120388 - Use and develop the land for extractive industry, associated buildings and works, and create access to a road zone at 1381-1395 Bass Hwy, Grantville**

**File No:** CMI3/158  
**Department:** Planning and Environment  
**Council Plan Strategic Objective:** Cohesive Communities

We will improve lifestyle opportunities and options by managing the built environment and encouraging cohesive communities.

### Application Details

<b>Use/Development Sought:</b>	<b>Use and develop the land for extractive industry and associated buildings and works, and works and create access to a road zone</b>
<b>The Land:</b>	<b>1381-1395 Bass Highway, Grantville</b>
<b>Planning Scheme:</b>	<b>Bass Coast</b>
<b>Zoning:</b>	<b>Farming Zone</b>
<b>Overlay/s:</b>	<b>Bushfire Management Overlay</b>
<b>Locality Plan:</b>	(refer attached)

### Declaration

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

### Executive Summary

The permit application was lodged with Council on 26 October 2012.

The permit application has been submitted by FocusCDS Consultants as agent for Dandy Premix Quarries Pty Ltd.

Dandy Premix Quarries consume approximately 300,000 tonne of sand per annum in relation to its concrete production operations. The proposed quarry will be the supplier of sand to the concrete production operations.

The permit application is comprehensive and includes 10 specialist reports.

The proponent holds a work plan endorsed by the Department of Primary Industries in relation to Work Authority 1488 which applies to the subject land. Statutory endorsement of a work plan signals that it is suitable to support a planning permit application.

The proposal will directly employ 14 persons and expenditure of \$5M in construction costs.

The proposal has been referred to relevant parties and has undergone extensive notification to the community.

At the time of writing there have been 57 submissions received in response to the notification of the application, which include two petitions; one with 10 signatories and one with 341 signatories.

The concerns raised in these submissions have been considered in this report.

It is recommended that the Council support the proposal and that a Notice of Decision to Grant a Planning Permit be issued subject to conditions.

### **Proposed Use & Development**

The proposal is to extract, using dry extraction methods, approximately four million tonnes of clean, loose, fine to coarse sand over a period of approximately 10 to 15 years.

Extraction rates are expected to commence at approximately 200,000 tonnes per annum increasing to 500,000 tonnes per annum by year three.

The subject site has an area of 156 hectares and the proposed use is to be contained within the west part of the site; closest to the Bass Highway.

Setbacks of the extraction area from the property boundary are as follows:

- 20 metres from the southern boundary;
- 60 metres from the northern property boundary;
- 140 metres from the western boundary (Bass Highway); and
- 30 metres from the tributary of the Deep Creek to the north and east of the extraction area.

Strategic screening bunds and vegetation screens will be located at the western part of the subject site.

The plant and stockpile hardstand area will be located north-east of the extraction pit. There is to be a 1.5 metre high bund with a 2.5 metre high screen for acoustic and screening purposes plus vegetative screening.

Topsoil from the extraction pit footprint, plant and hard-standing area and other works areas will be stockpiled to the south east of the extraction pit. There will be some 85,000 cubic metres of topsoil stockpiled for future rehabilitation purposes.

There will be approximately 1.5 million cubic metres of clay overburden produced in total. Some of this will be used for constructing the hard stand area and for progressive rehabilitation. It is estimated that up to 110,000 cubic metres may need to be stored at any one time. The overburden will be stored to the south-east of the extraction pit.

Operating hours are proposed to be 6.00am to 6.00pm Monday to Friday and on Saturdays between 6.00am and 1.00pm. No operations will take place on Sundays or public holidays. Extension of these hours will be subject to the prior approval by Department of Primary Industries and the Council. Essential maintenance is intended to take place outside the specified operating hours.

The following two-way truck movements (truck and trailer and B-double) will be associated with the quarry operation increasing from the first year of operation up to the anticipated level of operation by the fifth year of operation:

- Weekdays - 38 increasing to 104; and
- Saturdays – 21 increasing to 58.

Access to and from the subject site to the Bass Highway will be via a signalised intersection and will include a deceleration lane on the northern approach and modifications to the median and the existing bus stop and the introduction of a pedestrian crosswalk on the southern leg of the signalised intersection.

The internal access road will be sealed and will incorporate a wheel wash. It will run adjacent to the northern boundary of the subject site.

The fixed infrastructure will include:

- a feed ramp and bins for raw sand feed;
- a dry sand screen;
- a radial stacker;
- diesel generator;
- bunded diesel storage tank (AS1940-2004 compliant);
- office and amenities building;
- weighbridge; and
- workshop.

Truck and car parking areas will be provided as shown on the plans submitted.

Extraction and mobile plant will include:

- an excavator;
- bulldozer;
- front-end loader;
- dump trucks;
- grader;
- scraper; and
- water tankers.

The methodology for site establishment, sand extraction and sand processing are specified in the permit application and the endorsed work plan (pages 14-19 of the work plan).

### **Reason a Council Decision is required**

A Council decision is required as the proposal is worth in excess of \$3M and over four submissions have been received in response to the notification of the proposal.

### **Background**

This report relates to the planning permit application for a sand extraction and processing proposal. The proposal has been prepared in consultation with the Department of Primary Industries and the draft work plan which is part of the planning permit application has been endorsed by the Department of Primary Industries.

Statutory endorsement of work plans by the Department of Primary Industries removes the duplication of referrals. As Council has received a work plan which has received statutory endorsement, the referrals already undertaken are not repeated.

The Department of Primary Industries has referred the proposal to the Environment Protection Authority, Department of Sustainability and Environment, Heritage Victoria, Melbourne Water and the Country Fire Authority.

The work plan is approved after planning approval has been granted. Conditions may be attached to the work plan approval. Subsequent to receiving an approved work plan the applicant will be required to apply for an Extractive Industry Work Authority from the Department of Primary Industries. The Extractive Industry Work Authority can also include conditions that can strengthen the required outcomes.

Any Extractive Industry Work Authority issued for the proposal will include a comprehensive suite of conditions relating to onsite technical and operation matters, including:

- complaints management
- public safety
- environmental matters
- dust
- noise
- visual amenity
- hazardous materials
- risk management
- insurance
- incident notification
- buffers
- slope stability, and
- rehabilitation.

### **Subject Site**

The subject site is cleared agricultural land, being used for grazing purposes. It is located approximately one kilometre to the north of the Grantville township.

It is south of an ephemeral tributary of the Deep Creek. It has an area of 156 hectares and frontage to the Bass Highway of approximately 300 metres. It extends eastward from the Bass Highway for some 2,177 metres and is 1,137 metres at its greatest width (north-south).

There are three dwellings on the subject site adjacent to the Bass Highway.

The subject site has a raised area in its centre, although it generally falls and drains to the west, towards Westernport Bay.

There is vegetation to the north and south. The land rises towards the east forming part of the foothills of the Strzelecki Ranges.

The subject site is part of a larger holding owned by Dandy Premix Quarries Pty Ltd, which comprises of six titles.

The sand resource at the subject site is described by Bell Cochrane Associates as; "... typically clean, loose (free running) fine to medium "Grantville" resource with sporadic layers of coarse sand ...".

The site is within Extractive Industry Interest Area 883998.

### Surrounds

There are a number of rural living lots to the south-west of the subject site, one of which abuts the subject site.

A vegetated unmade Government Road abuts the southern boundary of the subject site.

There is an established residential settlement on the western side of the Bass Highway opposite the subject site.

The closest sensitive use is a dwelling which is some 200 metres to the south-west of the extraction area.

There are two other dwellings approximately 280 metres and 320 metres to the south-west.

The closest dwellings on the western side of the Bass Highway are approximately 220 metres from the extraction pit.

A dwelling is also located approximately 245 metres to the north-west of the extraction pit.

### Notice

Pursuant to section 52 of the *Planning and Environment Act 1987*, extensive notice of the application was given in the following way:

- Post under cover of a letters dated 21 November 2012 to adjoining and adjacent property owners and occupiers.
- Notice was also placed in a local newspaper (The Sentinel Times) on 20 November 2012.

Additional community engagement was undertaken to the broader Grantville area, advising residents that they could attend any of a series of Information Sessions being held at the local Council offices to gain an understanding the proposal.

## Submissions

At the time of writing this report in response to the notification of the application 57 submissions (including two petitions) have been received. The table below provides a breakdown of the submissions received. Six submitters provided a second submission and one provided a third submission.

Type	Number
Comment	8
Objection	40
Petition	2
Second Objection	6
Third Objection	1
<b>Grand Total</b>	<b>57</b>

The matters raised in the submissions received may be broadly summarised as falling within the following areas:

- traffic issues including an accident risk on the Bass Highway as a result of an increased number of trucks, including B-double trucks;
- increased noise as a result of the quarry operations and increased number of trucks on the Bass Highway;
- devaluation of neighbouring properties as a result of the quarry operation;
- not complying with the Aboriginal Heritage Regulations 2007;
- dust emissions from the subject site;
- the proposed traffic lights will be an inconvenience;
- pollution of groundwater;
- impacts upon native wildlife;
- loss of views;
- pollution of Westernport Bay;
- detrimental impact on watercourses;
- the subject site is too close to existing residential estate opposite the subject site and to the west of the Bass Highway;
- detrimental impact on the current lifestyle and amenity enjoyed by those near the subject site;
- it will have a detrimental impact on tourism;
- it will have a detrimental impact on local business; and
- the notice of application was inadequate.
- extractive industry is not a permitted use in the planning scheme;

- chemicals may be used in relation to the sand extraction in the future
- diesel and petrol fumes will be emitted; and
- the quarry pit may be used as a landfill following the completion of extraction.

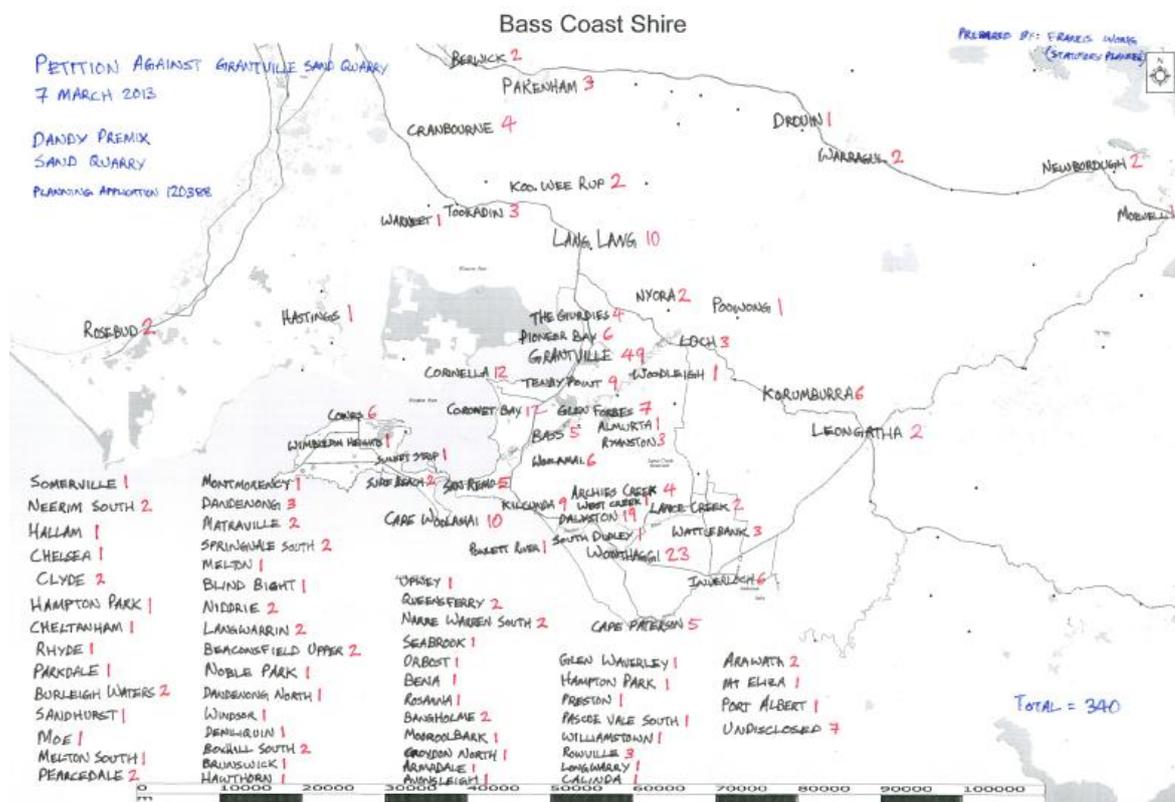
The first petition received by Council contained 10 signatures and raised the following concerns:

- loss of bushland;
- concerns in relation to the rehabilitation of land; and
- concern at the number of existing sand quarries in the area.

The second petition contained 341 signatures although only 10% were from residents in the immediate area. The concerns raised within this petition included the following:

- the location of the quarry within 300 metre of a Ramsar listed wetland;
- the generation of noise, dust and water pollution and its impact on residents and Westernport Bay; and
- generation of traffic from truck movements.

The signatories to the second petition have been mapped and show locations from across Gippsland and Melbourne.



In addition, Council facilitated three community information sessions, conducted during November and December 2012. This enabled the community opportunity to speak with the Applicant to obtain information regarding the proposal and to raise any concerns.

---

A further consultative meeting, facilitated by Council, was held in February 2013. This provided the community with a further opportunity to ask questions and raise any concerns with the Applicant and specialist consultants, VicRoads, the Department of Primary Industries and Council.

## Referrals

### External Referrals

#### VicRoads

The application was referred to VicRoads pursuant to Section 55 of the Planning and Environment Act 1987. VicRoads raised no concerns subject to conditions being included on any permit issued.

#### Department of Sustainability and Environment

The Department of Sustainability and Environment was given notice of the application under section 52 of the *Planning and Environment Act 1987*. The Department advised by way of a letter dated 26 November 2012 that it had already been consulted by the Department of Primary Industries in relation to the work authority application and had no objection to the granting of a planning permit.

### Internal Referrals

#### Economic Development

Council's Economic Development Team had no objection to the grant of a planning permit. They provided the following comments:

- *The consultant report (FOCUS CDS) has been considered in relation to the establishment of the Dandy Pre Mix Quarry at Grantville.*
- *From an economic development point of view this project will deliver considerable advantages for the area.*
- *The project, when established, will employ 6 to 8 full time staff and additional casuals and contractors. Provided most of these are locals, that will provide good employment at a range of skill levels for people living in the vicinity.*

The application was not referred to Council's Infrastructure and Property Management Department as the proposal did not involve Council infrastructure and internal road design and maintenance has already been endorsed through the Work Authority 1488.

### State and Local Planning Policy Framework

The permit application includes a comprehensive review of the State Planning Policy relevant to the proposal.

Suffice to say, the policy tension created by this proposal relates to the protection of the natural and cultural environment on one hand, as opposed to the utilisation of natural resources for economic security and prosperity.

The relevant policies and the associated objectives for this application are detailed below.

- *Clause 12.01-1 Protection of habitat*

To assist the protection and conservation of biodiversity, including native vegetation retention and provision of habitats for native plants and animals and control of pest plants and animals.

- *Clause 12.01-2 Native vegetation management*

To achieve a net gain in the extent and quality of native vegetation

- *Clause 12.02-1 Protection of Coastal areas*

To recognise and enhance the value of the coastal areas to the community and ensure sustainable use of natural coastal resources.

- *Clause 12.02-5 Bays*

To improve the environmental health of the bays and their catchments.

- *Clause 12.04-1 Environmentally sensitive areas*

To protect and conserve environmentally sensitive areas

- *Clause 12.04-2 Landscapes*

To protect landscapes and significant open spaces that contribute to character, identity and sustainable environments.

- *Clause 13.04-1 Noise abatement*

To assist the control of noise effects on sensitive land uses.

- *Clause 13.04-2 Air quality*

To assist the protection and improvement of air quality.

- *Clause 14.02-1 Catchment management and planning*

To assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.

- *Clause 14.02-2 Water quality*

To protect water quality.

- *Clause 14.03 Resource exploration and extraction*

To encourage exploration and extraction of natural resources in accordance with acceptable environmental standards and to provide a planning approval process that is consistent with the relevant legislation.

### **Local Planning Policy Framework**

Local Planning Policy seeks to protect the unique and scenic environment and marine ecological processes while facilitating economic growth and prosperity within the local community.

Extractive industry is specifically dealt with at clause 21.06 as a result of the well-recognised sand resources in the Gurdies-Grantville area and the importance of this to the local, regional and State economies.

---

The Local Planning Policy relevant to the proposal includes:

- *Clause 21.03 – Key Issues*

This clause discusses the issues relevant to land use that are impacting on the Shire.

- *Clause 21.04 – Vision*

This clause details the vision from the Council Plan 2009-2013 and then details how this vision is to be enacted through planning with the areas of:

- Settlement
  - Housing
  - Economic Development
  - Environment
  - Landscape and Built Form
  - Infrastructure
- *Clause 21.06 – 3 – Industry*

Industrial activity provides significant economic benefits for the Shire and employs large numbers of people. Smaller industrial estates generally provide a local service industry function.

Objectives and Strategies of this clause are:

**Objective 1 To facilitate the establishment and further development of industry in the Shire.**

Strategy 1.1 Encourage new industrial development to locate in Wonthaggi to build on the existing infrastructure and industrial base.

Strategy 1.2 Encourage new and existing industries to locate within existing and planned industrial estates where all physical infrastructure is available, and which are readily accessible to transport networks.

Strategy 1.3 Strongly discourage the establishment of industry that may also have offsite amenity impacts on land outside of existing and planned industrial estates.

Strategy 1.4 Encourage the relocation of industrial activities from predominantly residential areas to new industrial estates.

Strategy 1.5 Encourage consolidation of industrial uses that support the northern part of the Shire in Grantville.

**Objective 2 To promote the development of certain industry in appropriate locations.**

Strategy 2.1 Encourage manufacturing and processing industries that use sand and ancillary products as a raw material in Grantville.

Strategy 2.2 Encourage the establishment of 'value-adding' industries within the Shire.

- *Clause 21.06 - 7 - Extractive Industry*

The known sand resources at The Gurdies-Grantville area will become increasingly important for concrete sand supplies in metropolitan Melbourne over the next 20 years. Although extractive industry itself may not employ many workers, the transporting of material, the associated service activities and related industrial activities provide employment opportunities for the local population.

Objectives and Strategies of this clause are:

**Objective 1 To ensure the long term protection of known and potential sand resources.**

Strategy 1.1 Discourage incompatible use or development from within or adjacent to buffers of known stone and sand resources.

**Objective 2 To effectively manage extractive industry in response to surrounding land uses and the natural environment.**

Strategy 2.1 Ensure that extraction of stone is carried out in accordance with high environmental standards and does not have a detrimental impact on the environment or significant landscape areas.

Strategy 2.2 Ensure that extensive buffer zones of indigenous vegetation are planted around quarries.

Strategy 2.3 Minimise the impact of extractive industries on the infrastructure capacity of the surrounding area.

Strategy 2.4 Ensure quarries are located or designed so as to minimise impacts on areas of high landscape and environmental quality.

## **Clause 70 - Definitions**

### **Characterisation of the proposed use**

The proposed use falls within the defined land use term *Stone extraction* at clause 74 of the Bass Coast Planning Scheme. The term *Stone* is defined at clause 72 of the Scheme as including sand and gravel.

The land use term *Stone extraction* is nested under the land use term *Earth and energy resources industry* at clause 75 of the Scheme.

## **Planning Scheme Requirements**

### **Clause 34.07 - Farming Zone**

The subject site is within the Farming Zone of the Scheme.

The proposed use is a Section 2 use in the Farming Zone. The basis for the use being a Section 2 use is set out below.

Neither *Stone extraction* or *Earth and energy resource industry* are listed in the table of uses at clause 35.07-1 of the Farming Zone.

Section 2 of the Table of uses includes the use *Any use listed in Clause 62.01*.

Clause 62.01 is headed *Uses not requiring a permit*. *Earth and energy resources industry* is listed in clause 62.01 (sixth bullet point). As the condition in clause 62.01 relating to *Earth and energy resources industry* is not met in the current case, the use is a Section 2 use in the current circumstances.

The Farming Zone is predominantly intended to provide for agriculture. The proposed use is a non-agricultural use. One of the purposes of the Farming Zone is to ensure that non-agricultural uses do not adversely affect the use of land for agriculture.

Under clause 35.07-4 a permit is required for buildings and works associated with the proposed sand extraction and processing use.

#### **Clause 44.06 – Bushfire Management Overlay**

The subject site is within a Bushfire Management Overlay (WMO) in the Scheme.

The purpose of the Bushfire Management Overlay is to strengthen community resilience to bushfire, and identify bushfire hazard areas which require specified bushfire protection measures are considered and implemented accordingly.

A permit is not required to construct a building or construct or carry out works for the proposal under the provisions of the Overlay. This is because 'Earth and energy resources industry' is not a used specified in Clause 44.06-1, requiring a permit .

#### **Particular Provisions**

##### **Clause 52.08 - Earth and Energy Resources Industry**

The purpose of Clause 52.08 of the Scheme, among other things, is to encourage the extraction of earth resources in accordance with acceptable environmental standards.

Clause 52.08-2 provides in effect that referral by the Responsible Authority to referral authorities under the planning scheme (other than VicRoads) is not required if the work plan was referred to the referral authorities as part of the consideration of the work plan.

##### **Clause 52.09 - Stone Extraction and Extractive Industry Interest Areas**

Clause 52.09 specifically relates to stone extraction (including sand extraction).

The purposes include ensuring that sand extraction does not adversely affect the environment or amenity of the area during or after extraction and that extracted areas can be appropriately rehabilitated.

The decision guidelines at clause 52.09-5 include:

- The impact on native flora and fauna;
- The impact on the natural and cultural landscape;
- The ability to retain emissions within the site;
- The effect of traffic, dust and noise on the amenity of the area;
- The ability to satisfactorily rehabilitate the site; and
- The impacts on surface water and groundwater.

##### **Clause 65 - Decision Guidelines**

The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of clause 65.

---

Matters to be considered that are of relevance to this application are:

- *The matters set out in Section 60 of the Act.*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of the zone, overlay or other provisions.*
- *Any matter required to be considered in the zone, overlay or other provisions.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*

### **Planning and Environment Act 1987**

As relevant, Section 60 of the Act relates to ‘What matters must a responsible authority consider?’

Of particular relevance to this application is:

- a) Any significant social and economic effect of the use or development for which the application is made.*

### **Officer’s Considerations**

#### **State and Local Planning Policy Framework**

The State and Local Planning Policy Framework recognise the need to explore, protect and utilise the natural resources such as sand for the interests of the state. Clause 21.06 stresses the importance of the sand resources in the Gurdies-Grantville area for the provision of sand supplies for concrete industry and needs for Metropolitan Melbourne. Investigation of the subject site has identified the existence of high quality sand within a site which is open, clear of vegetation and has direct access onto the Bass Highway. It is anticipated that the site will have a minimum life of 15 years and will produce 200,000 to 500,000 tonnes of sand per annum. It is considered that the site is suitable for the proposed use and consistent with Clauses 14.03 – Resource, exploration and extraction; and Clause 21.06 – Land uses (Extractive Industry).

In addition the proposal will also contribute to local employment opportunities through the creation of approximately 12 – 18 jobs. This is consistent with Clause 21.04 – Vision in relation to Economic Development which seeks to have “*Industrial activities bringing prosperity to the local economy, while being responsive to the environment and surrounding land uses*”.

The subject site offers a rare opportunity for the extraction of sand without the removal of vegetation. In addition, the site for the quarry has also been positioned away from both the Deep Creek and Colbert Creek areas.

An Ecological Assessment has been provided which has identified an Ecological Vegetation Class present which has not previously been identified in this area as existing along the Deep Creek and Colbert Creek.

The applicant has proposed that five areas of land, totalling approximately 120 hectares to be enhanced through revegetation and preserved for conservation purposes. These areas will strengthen the habitat corridors between The Gurdies Nature Conservation Reserve and the Grantville Bushland Reserve. On this basis, it is considered that the proposed use and development is consistent with the objectives and strategies listed within Clauses 12.01-1 - Protection of Habitat, 12.01-2 – Native Vegetation Management; 12.04-2 – Landscapes and Clause 14.02-2 – Water Quality. The application also addresses issues identified within Clause 21.03 – Key Issues and Clause 21.04 – Vision.

### **Farming Zone**

The Farming Zone is predominantly intended to provide for agriculture however enables other uses such as extractive industry to take place subject to approval.

One of the main purposes of the Farming Zone is to ensure that non-agricultural uses do not adversely affect the use of land for agriculture. The subject land is currently used for grazing purposes although the land is considered to be of only marginal quality on the western elevation of the ridgeline.

It is intended that while the area to the west will be utilised for sand extraction, the area to the east will continue to be used for cattle grazing.

It is considered that the sand extraction will not detrimentally impact on the ability for agricultural uses to continue either on the subject land or adjoining properties.

Another purpose of the Farming Zone is to implement planning policy. It is considered that the current proposal does implement policy relating to *Earth and energy resources industry* and *Stone extraction*.

### **Noise**

Watson Moss Growcott Acoustics Pty Ltd conducted a noise assessment of the proposal in terms of the Environment Protection Authority publication *Noise from Industry in Regional Victoria – Recommended Maximum Noise Levels from Commerce, Industry and Trade Premises in Regional Victoria*.

The report derives recommended maximum noise levels based upon matters including the nature of the proposed operation at the subject site, the zoning of the subject site and ambient background noise, including the Bass Highway.

The derived maximum noise levels are 50dB(A) for houses nearest the quarry and approximately 200 metres from the Highway, and 55dB(A) for houses in the vicinity of the Highway for the periods 7.00am-6.00pm Monday to Friday and 7.00am to 1.00pm Saturday.

The derived maximum noise level is 45dB(A) for any house for the period 6.00am-7.00am Monday to Friday.

The Environment Protection Authority publication Annoyed by Noise provides the following overview of noise.

Decibels (dB)	
Louder	140 Jet aircraft taking off
	130 Threshold of pain
	120 Ambulance siren
	110 Chainsaw
	100 Jackhammer
	90 Lawn Mower
Quieter	80 Power drill
	70 Vacuum cleaner
	60 Normal conversation
	50 Quiet conversation
	40 Refrigerator
	30 Quiet bedroom
	20 Still country day
	10 Breathing
	0 Threshold of hearing

The noise levels that need to be achieved are below the level of normal conversation.

The following noise control measures are recommended:

- a four metre high noise barrier along the south-western, western and north-western sides of the screening and stockpile area;
- restricting the operation of machinery and trucks in the period between 6.00am and 7.00am; and
- using reversing alarms that adjust relative to the ambient noise level.

It is concluded that the proposed operation can be developed and operated in compliance with *Noise from Industry in Regional Victoria – Recommended Maximum Noise Levels from Commerce, Industry and Trade Premises in Regional Victoria*.

## Dust

Potential dust emissions from the subject site as a result of the proposed sand extraction and processing represent a valid basis for concern in terms of the potential impacts of the proposal.

The application documents outline various measures to control dust emissions, including a dust control management plan. Dust control measures to ensure that the issue is appropriately managed include:

- wetting down of loads;
- wetting down of excavation surfaces, haul roads, and the hard standing area;
- sprinkler systems to be installed for the dual purpose of watering landscape and screening vegetation and dust control;
- the use of a water truck fitted with a spray bar for unsealed trafficked areas;

- the use of a water cannon, fixed sprays and sprinkler systems to control dust from stockpiles and the processing area;
- the use of dust suppressants where applicable to enhance the effectiveness of dust control measures;
- imposing speed limits on internal roads;
- the adequate availability of water for dust control purposes from existing and proposed storage dams; and
- suspending operations in certain extreme circumstances.

Environmental Science Associates undertook a dust assessment of the proposed operations and concluded that provided the dust control measures proposed are implemented dust emissions should not have any significant adverse impacts on local amenity. It was noted that the proposed measures are more stringent than measures outlined in the Environment Protection Authority Best Practice Management Guidelines for Major Construction Sites.

Given that the proposal exceeds the requirements of the Environment Protection Authority it is considered that the issue can be effectively managed through conditions.

### **Native flora and fauna**

The proposed extraction site, plant and stockpile area and overburden storage area are all to be located upon existing cleared agricultural land. No native trees are to be removed as a result of the proposal.

Additional native vegetation will be established at the subject site as part of the proposal, including re-establishment of vegetation along the tributary to the Deep Creek, and planting of native vegetation in conjunction with landscaping and screening.

Norris and Schoeffel undertook an ecological assessment of the subject site in its current condition and the impact of the proposed quarry on the current ecological values. The report concluded that the proposal is unlikely to affect matters of environmental significance on or off the subject site.

The proponent has indicated that in addition to the above, a native vegetation/wildlife corridor will be voluntarily established connecting the southern and northern forested areas.

If the establishment of the vegetation wildlife corridor becomes part of the obligations in relation to any planning permission for the proposal that may be granted, there would arguably be a significant net gain in terms of flora and fauna values as a result of the proposal.

There are a number of potential methods for protecting the revegetated wildlife corridor. These include:

- an agreement under section 173 of the *Planning and Environment Act*;
- a Trust for Nature covenant; or
- An agreement under section 69 of the *Conservation Forests and Lands Act*.

In terms of which method may be best in the current circumstance, the section 173 agreement is specifically intended as a tool to provide for ongoing obligations in relation to land use planning matters and would allow the Responsible Authority the greatest level of control over the obligations and circumstances of the agreement in the future.

While the other two methods are arguably effective in protecting environmental values, they lack flexibility and provide limited opportunity for input or future adaptability on the part of the Responsible Authority or the land owner.

### **Surface water management**

The permit application is supported by an expert report regarding drainage and water quality management issues prepared by Neil Craigie Pty Ltd.

The proposal includes various protection works in relation to the tributary to Deep Creek. The report concludes that the proposal will result in a net improvement of the water quality in the tributary compared with the existing conditions.

The report recommends that a surface water quality monitoring program be undertaken over the life of the quarry operation. Surface water quality monitoring commenced in October 2012 to establish baseline data.

If there is any deleterious change in the water quality through the operation of the site then this would be picked up through monitoring and comparison to the baseline data. If the application is supported then a condition of the proposed permit would require that an environmental management plan be prepared and include water monitoring.

### **Westernport Bay**

A screening report by Scott Chidgey of CEE Consultants Pty Ltd indicates that the likely potential impacts on the marine environment of Westernport Bay would be indirect and occur as a result of impacts upon the Deep Creek and its tributary or impacts to groundwater.

The report concludes that the likely impacts would be negligible to minor and confined to the mouth of the Deep Creek.

The application was referred by Council to the Department of Sustainability and Environment for comment in relation to the matters relating to water quality, coastal impacts and vegetation management. The Department of Sustainability and Environment advised that they had no concerns or conditions as they had already been involved with the proposal during the endorsement of Work Authority 1488.

The application was also referred to Melbourne Water who has required the inclusion of conditions within the endorsed Work Authority 1488 in relation to runoff into drains and waterways and retention onsite.

On the basis that the experts in managing the impacts have been involved in the work plan and permit process it is considered that the issues can be appropriately managed through conditions.

### **Groundwater**

An expert report regarding the groundwater circumstances and management at the subject site was undertaken by John Leonard Consulting Services.

The report indicates that the surface of the groundwater generally falls in a westerly direction, towards Westernport Bay. The level of the surface of the groundwater is approximately two to four metres Australian Height Datum at the subject site.

As part of the process for the endorsement of the work authority, the application was referred to Southern Rural Water. In response, Southern Rural Water has placed conditions within the Work Authority 1488 pertaining to the protection and monitoring of ground water (Section 40 – Ground and Surface Water).

### **Landscape and visual assessment**

An expert landscape and visual impact assessment of the proposal was undertaken by Tract Consultants Pty Ltd. The assessment report concludes that the proposal will have a low landscape and visual impact on the setting.

The works associated with the extractive industry are to occur on the eastern side of a natural crest which will obscure to the works from being visible from the Bass Highway. In addition, conditions can also be included in a permit if approved for additional landscaping work to be undertaken along the western boundary of the property.

The existing vegetation located to the north, along Deep Creek and to the south along Colbert Creek will also provide additional screening of the operations taking place within the site. The intent of the applicant to secure these areas of vegetation will provide an ongoing assurance that these areas will not be depleted in the future.

In addition, the conditions contained within Sections 13 and 17 of the Work Authority 1488 also apply controls in relation to 'Vegetation Management and Buffer Zones' and 'Visual Amenity'.

### **Aboriginal cultural heritage**

The subject site is not within an identified area of Cultural Heritage Sensitivity or within 50 metres of a recorded Aboriginal Place in terms of the Aboriginal Heritage Regulations 2007.

Nicholas Clark, an Aboriginal cultural heritage advisor undertook an assessment of the subject site having regard to the Aboriginal Heritage Regulations 2007 and concluded that there are no impediments or requirements in terms of Aboriginal cultural heritage.

### **Traffic**

The Traffix Group prepared a traffic engineering assessment of the access arrangements for the proposal.

The section of the Bass Highway adjoining the subject site is a divided highway with two lanes of traffic in each direction. The speed limit is 100 km/h.

The following truck movements (truck and trailer and B-double) will be associated with the quarry operation increasing from the first year of operation up to the anticipated level of operation by the fifth year of operation:

- Weekdays - 19 increasing to 52; and
- Saturdays – 11 increasing to 29.

Access to and from the subject site to the Bass Highway will be via a signalised intersection and will include a deceleration lane on the northern approach and modifications to the median and the existing bus stop and the introduction of a pedestrian crosswalk on the southern leg of the signalised intersection.

The internal access road will be sealed and will incorporate a wheel wash. It will run adjacent to the northern boundary of the subject site.

Council referred the application to VicRoads and have been involved in discussions between the applicant and VicRoads in relation to traffic and associated noise management.

VicRoads have advised that traffic signals will be required at the intersection of the access to the site and the Bass Highway to ensure the safe movement of vehicles to and from the site.

In addition, VicRoads have also advised that they will review and consider the reduction in speed limit along the section of the Bass Highway to improve safety in relation to the installation of traffic signals. This will be a separate and operational process undertaken by VicRoads.

VicRoads have also advised that the proposed development and change in traffic conditions do not meet the criteria for the installation or extension of noise barriers between the Bass Highway and the residential area to the west.

Should Council seek the installation of such, then it would need to be condition of the permit that the applicant be responsible for the erection and maintenance of any noise barriers which extend beyond those which already exist.

### **Social and economic**

The permit application states that the proposal will result in more competitive production costs for Dandy Premix Concrete as a result of providing a secure and cost effective supply of sand for concrete production and employment opportunities within the municipality.

The National Institute of Economic and Industry Research conducted an economic and social impact assessment of the proposal.

The report estimates that the proposal would result in a \$450 million cost saving to the Victorian economy over a 20 year period.

The report identifies positive benefits to the municipality by way of a significant proportion of the truck fleet relocating to the municipality and the opportunity for local employment.

The application was referred to Council's Economic Development Department who advised that the proposed use and development would contribute to the Bass Coast economy through the creation of employment opportunities at a range of skill levels.

The application was also referred to Council's Community Strengthening Department for comment on the social implications. The Community Strengthening Department advised that the proposed use and development was unlikely to impact on matters of lifestyle as the land is currently in private ownership and is not utilised as public open space.

The department was supportive of the enhancement of bushland connectivity between the Grantville Bushland Reserve and Gurdies Nature Conservation Reserve through the surety of land for conservation purposes for future generations. This will provide for passive recreation opportunities and enhancement of visual amenity.

In relation to matters of physical amenity, it was noted that the Bass Highway already had an impact on amenity due to traffic and the proposed use and development would not introduce a new impact.

Council's Community Strengthening Department further reinforced the comments provided by Council's Economic Development Department in relation to the benefits derived from employment opportunities and economic spin off effects for local Granville businesses.

Overall it is considered that the proposed use and development will provide both social and economic benefits to the local community.

### **Rehabilitation**

At the conclusion of the extraction operations it is proposed that where practical, the land will be rehabilitated and sown to pasture to allow agricultural use.

It is proposed to rehabilitate the site progressively, as practicable, once a terminal face has been reached.

Rehabilitation will include contouring the surface using the clay overburden in accordance with the rehabilitation plan and then overlaying the surface with a 200mm layer of topsoil. The rehabilitated areas will be sown down to pasture.

Requirements for rehabilitation of a site post operations, is a key component of any work authority issued by Department of Primary Industries.

As such, there are requirements for the operator to undertake progressive rehabilitation of disturbed land and includes restoration to previous state and site revegetation using indigenous plant species appropriate to the Ecological Vegetation Class. Section 27 of the endorsed Work Authority also requires the use of clean fill and the preparation of 'Clean Fill Management Plan' if deemed necessary by Department of Primary Industries.

### **Submitters concerns**

- *Traffic issues including an accident risk on the Bass Highway as a result of an increased number of trucks, including B-double trucks*

This matter has been considered above.

- *Increased noise as a result of the quarry operations and increased number of trucks on the Bass Highway;*

This matter has been considered above.

- *Devaluation of neighbouring properties as a result of the quarry operation*

Property values are not a planning consideration.

- 
- *Not complying with the Aboriginal Heritage Regulations 2007*
    - A Cultural Heritage Management Plan is not required under the *Aboriginal Heritage Regulations 2007* for the application. A 12 page report was submitted with the application that included the assessment of the impact utilising the assessment tool provide by the Aboriginal Affairs Victoria. The assessment concluded that a plan was not required under the regulations.
  - *Dust emissions from the subject site*

This matter has been considered above.
  - *The proposed traffic lights will be an inconvenience*

The incorporation of a signalised intersection is a requirement of VicRoads.
  - *Pollution of groundwater*

This matter has been considered above.
  - *Impacts upon native wildlife*

This matter has been considered above.
  - *Loss of views*

The loss of views is not a valid planning consideration.
  - *Pollution of Westernport Bay*

This matter has been considered above.
  - *Detrimental impact on watercourses*

This matter has been considered above.
  - *The subject site is too close to existing residential estate opposite the subject site and to the west of the Bass Highway*

Consideration has been given to potential impact on nearby sensitive uses from traffic, dust, noise and light. These matters are considered in more detail above and are to be addressed through proposed conditions. In addition, with the exception of one submission, all submissions received within the Grantville area were from residents located on the east side of the Bass Highway. The Bass Highway is a dual lane highway which provides a level of separation between the subject site and the residential area to the east.
  - *Detrimental impact on the current lifestyle and amenity enjoyed by those near the subject site*

This is discussed above.
  - *It will have a detrimental impact on tourism*

The application was referred to Council's Economic Development Department. No issues were raised in response to the impact of the proposed use and development on tourism.

- *It will have a detrimental impact on local business; and*

As discussed above, the application was referred to Council's Economic Development Department and Community Strengthening Department for comment. Both identified that the proposed use and development would have a positive impact on local businesses through employment opportunities to local community and associated spin off effects.

- *The notice of application was inadequate.*

Notice of the application was undertaken in accordance with Section 52 of the Planning and Environment Act 1987. In addition four public consultation and information sessions were conducted during November, December and February.

- *Extractive industry is not a permitted use in the planning scheme;*

This matter has been considered above.

- *Chemicals may be used in relation to the sand extraction in the future*

The application was referred to the Environment Protection Authority as part of the Work Authority Application Process. Conditions addressing this issue would be subject to Environment Protection Authority requirements.

- *Diesel and petrol fumes will be emitted;*

Given the openness and size of the site, it is not anticipated that diesel and petrol fumes will impact on surrounding property owners. State Environment Protection Policy - Air Quality Management also outlines requirements for the management of local air quality impacts from particular sources including industry, motor vehicles and open burning.

- *The quarry pit may be used as a landfill following the completion of extraction.*

It is anticipated that the quarry will be used for a period of 15 years. Alternative use of the site such as a landfill would be subject to further applications and approval.

- *Loss of bushland.*

This matter has been considered above. There will be a net gain of native vegetation and proposed protection of the an extensive area of remnant vegetation into perpetuity.

- *Concerns in relation to the rehabilitation of land.*

This matter has been considered above.

- *Concern at the number of existing sand quarries in the area.*

The subject site is located within a State recognised sand belt area.

- *The location of the quarry within 300 metre of a Ramsar listed wetlands.*

The impact of the proposed use and development on the Westernport Ramsar site was a consideration of Department of Sustainability and Environment during the endorsement of the Work Authority 1488. Conditions are contained within the Work Authority to monitor and manage any off site impacts which could occur from the operations on the environment.

- *The generation of noise, dust and water pollution and its impact on residents and Westernport Bay.*

This matter has been considered above.

- *Generation of traffic from truck movements.*

This matter has been considered above.

### Conclusion

The permit application documents are comprehensive and adequately address the range of planning considerations relevant to the proposal.

The proposal will result in detrimental impacts, the nature of which have been identified by objectors, however, on balance the impacts are considered to be reasonable and can be managed to a reasonable level, when weighed up against the benefits and policy support relating to the utilisation of a valuable natural resource and the economic benefits associated with the utilisation of the sand resource.

### Recommendation

**That in relation to planning permit application 120388 for the use of the land for sand extraction and associated processing and associated buildings and works, and create access to a road in a Road Zone Category 1 in accordance with the endorsed plans located at 1381-1395 Bass Highway, Grantville, Council resolves to issue a Notice of Decision to Grant a Permit subject to the following conditions:**

#### Plans

1. **The plans to be endorsed and which will then form part of the permit are:**
  - a) **Development Plan (Drawing: NS-1164 Rev:3 24/05/2012) (Figure 5 of the endorsed Work Plan);**
  - b) **Primary Water Quality Management Works around processing and access track areas plan (Figure 7 at page 22 of the Endorsed Work Plan);**
  - c) **DPQ Dust Control Management Plan (Attachment 2 at Appendix 7 of the endorsed Work Plan); and**
  - d) **Bass Highway Intersection Functional Layout Plan – Option 3 (Traffix Group Pty Ltd DWG No. G13716A-03 26 September 2012 – 2 sheets).**
2. **Prior to the commencement of the use and development hereby approved, amended plans to the satisfaction of the Responsible Authority**

must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must show the following:

- a) A landscape and revegetation plan, prepared by a qualified person, detailing the location of planting or establishment, botanical and common names, height at maturity of the vegetation (locally indigenous species) and ongoing management of the vegetation to be planted for the purposes of landscaping, screening, revegetation of drainage lines and for a flora and fauna corridor (linking the forested areas to the north and south of the Work Authority area).
3. The use and development of the subject land must not commence until the Work Authority, including an Approved Work Plan, is issued pursuant to the *Mineral Resources (Sustainable Development) Act 1990* unless with the written consent of the Responsible Authority and Department of Primary Industries.
4. The use and development of the land must at all times be generally in accordance with the endorsed plans forming part of this permit, to the satisfaction of the Responsible Authority.
5. The layout of the land, and the proposed works as shown on the endorsed plans, shall not be altered or modified (whether or not in order to comply with any Statute, Statutory Rule or Local Law or for any other reason) without the prior consent of the Responsible Authority.

#### Hours of operation

6. The permitted use (including the arrival and departure of heavy vehicles) must operate only between the following hours, except with the further consent of the Responsible Authority:

Activity	Monday to Friday *	Saturday *
Site establishment/Construction	6am-6pm	6am-1pm
Extraction:	6am-6pm	6am-1pm
Processing	6am-6pm	6am-1pm
Product loading and despatch	6am-6pm	6am-1pm
Repairs and maintenance	6am-10pm	6am-10pm
<b>Notes: Public holidays excluded except for maintenance operations. Queuing of trucks not permitted before 6am</b>		

**7. Maintenance may be carried out outside the hours specified in condition 6 subject to and in accordance with the conditions and requirements of a Maintenance Management Plan which is to be submitted for approval to the satisfaction of the Responsible Authority. The Maintenance Management Plan must specify what the maintenance activities are, including the location of those activities, and must demonstrate that such activities:**

- a) will not be audible outside the property boundaries; and**
- b) will not unreasonably affect the amenity of the area by way of light spill or otherwise.**

#### **Environmental Policy**

**8. The use and development of the land must at all times comply with:**

- a) Environment Protection Authority Protocol for Environmental Management: Mining and Extractive Industries;**
- b) State Environment Protection Policy – Waters of Victoria;**
- c) State Environment Protection Policy – Ground Waters of Victoria;**
- d) State Environment Protection Policy - Air Quality Management;**
- e) State Environment Protection Policy No. N-1. and**
- f) Environment Protection Authority Best Practice Environmental Management – Environmental Guidelines for Major Construction Sites.**

**9. The use and development must be managed, to the satisfaction of the Responsible Authority, so that the amenity of the area is not detrimentally affected through the:**

- a) transport of materials, goods or commodities to or from the land;**
- b) appearance of any building, works or materials;**
- c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;**
- d) presence of vermin; or**
- e) other matters.**

#### **Dust**

**10. The use and development hereby permitted must at all times comply with:**

- a) the Environment Protection Authority Protocol for Environmental**

**Management: Mining and Extractive Industries; and**

- b) the dust management plan, prepared by Dandy Premix Quarries included as Appendix 2 of the Dust Assessment Report by Environmental Sciences Associates (22 May 2012) at Appendix 7 of the Endorsed Work Plan, to the satisfaction of the Responsible Authority.**

- 11. The internal access road must be constructed, drained and the pavement sealed prior to the commencement of earthworks at the fixed plant and processing area and prior to removal of top soil and overburden from the extraction pit area.**
- 12. At all times during the use of the Land for the purpose of sand extraction and processing an adequate water supply must be maintained for dust control measures in accordance with the endorsed dust management plan.**
- 13. All trucks entering and exiting the land, whether loaded or not, must have the load area tarped.**

#### **Noise**

- 14. The use and development hereby permitted must at all times comply with:**
  - a) Environment Protection Authority 'Noise from Industry in Regional Victoria' ('NIRV' - EPA publication no 1411),**
  - b) The recommendations in the Noise Emission Assessment by Watson Moss Growcott Acoustics Pty Ltd at Appendix 6 of the endorsed Work Plan; and**
  - c) Environment Protection Authority State Environment Protection Policy No. N-1.**
- 15. Reverse beepers installed on mobile plant used within the site must be of a type and design that minimises potential offsite noise impacts and which, among other things, adjust relative to the ambient noise level. The permit holder must use its best endeavours to ensure that the movement of vehicles around the site minimises the potential for offsite noise impacts.**
- 16. Noise emissions from the land must be monitored and appropriate records maintained to confirm compliance with the requirements of condition 11 to the satisfaction of the Responsible Authority. Any such records must be provided to the Responsible Authority upon request.**

#### **Drainage**

- 17. Prior to the commencement of any on-site works, a detailed erosion and sediment control plan for the management of sediment pollution must be prepared and submitted to the Responsible Authority for approval. All plans and subsequent works must be prepared and undertaken in**

---

accordance with EPA Publication 275 “Construction Techniques for Sediment Pollution Control” to the satisfaction of the Responsible Authority.

18. Construction must follow sediment control principles outlined in ‘Construction Techniques for Sediment Pollution Control’ (EPA, 1991) to the satisfaction of the Responsible Authority.
19. All works must be undertaken in a manner that minimises soil erosion, and any exposed areas of soil must be stabilised to minimise soil erosion as appropriate, to the satisfaction of the Responsible Authority.
20. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into any tributary to the Deep Creek or to the Deep Creek directly. Pollution or litter traps must be provided as appropriate on site to the satisfaction of Responsible Authority.
21. Surface water monitoring must be undertaken as recommended in the Drainage and Water Quality Management Report at Appendix 2 of the endorsed Work Plan.

#### **Wastewater**

22. All wastewater must be treated and disposed of using an EPA approved system, installed, operated and maintained in compliance with the relevant EPA Code of Practice and Certificate of Approval and be to the satisfaction of Council’s Environmental Health Department.
23. The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away from this area. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.
24. Within 6 months of the completion of the fixed plant construction stage (and in any event within 3 years of the commencement of development) the permit holder must engage a suitably qualified person to prepare an audit report to satisfaction of the Responsible Authority. The audit report must assess compliance with the landscape and rehabilitation management plan, make recommendations for continual improvement and if it finds any areas of non-compliance, make recommendations to ensure compliance with that plan. The findings of the audit report must be implemented to the satisfaction of the Responsible Authority.
25. Screening vegetation and landscape planting in accordance with the endorsed plans must be planted and maintained for the operational life of the quarry, to screen activity on the site to the satisfaction of the Responsible Authority.

---

**Native Vegetation**

- 26. Screening vegetation, landscaping and revegetated areas (including drainage lines and the vegetation corridor) must be planted and maintained in accordance with the endorsed landscape and revegetation plan for the operational life of the quarry to the satisfaction of the Responsible Authority.**
- 27. Revegetation at the land must be generally in accordance with the plan titled *Conservation and Revegetation Sites* provided as part of the permit application materials and which identifies five areas for revegetation and protection.**
- 28. Prior to the commencement of the use and development, an agreement under section 173 of the *Planning and Environment Act 1987* between the owner of the land and the Responsible Authority must be recorded on the titles to the land and provide for the establishment, protection and maintenance of the native vegetation corridor area and the revegetated drainage lines beyond the life of the sand extraction and processing use of the land to the satisfaction of the Responsible Authority. All costs associated with the preparation of the agreement shall be borne by the developer/landowner. All costs incurred by the Responsible Authority associated with the preparation, execution and recording must be fully reimbursed prior to the registration of the agreement by Council.**

**Car parking**

- 29. Prior to the commencement of any onsite works, detailed design plans relating to onsite car parking facilities must be submitted for approval to the satisfaction of the Responsible Authority. The plans must address the following:**
- a) car parking layout;
  - b) provision of adequate car spaces;
  - c) pavement type;
  - d) site drainage; and
  - e) car space delineation.
- 30. Prior to the commencement of the use hereby permitted, car park facilities must be constructed by the developer in accordance with the approved plans.**
- 31. Parking areas must be provided for employees' cars and all vehicles used on the land in accordance with the endorsed plans, to the satisfaction of the Responsible Authority.**

**VicRoads**

- 32. Prior to the commencement of the sand extraction operations the access**

---

and intersection works at the Bass Highway must be completed to the satisfaction of Vic Roads.

#### General

33. Retail sales of sand or sand products to the general public is not permitted.
34. Rehabilitation works must be completed within 2 years of the cessation of sand extraction.
35. The operator must advise the Responsible Authority in writing upon the quantity of sand transported from the land exceeding 500,000 tonnes in a 12 month period. Within 28 days of notice being given to the responsible authority the operator must provide an audit of compliance with the conditions of this permit, carried out by a suitably qualified and experienced independent consultant, to the satisfaction of the Responsible Authority. If the quantity of sand being transported from the land exceeds 500,000 tonnes for two or more consecutive 12 month periods, further audit reports must be provided at periods of no greater than 12 months apart for as long as the volume exceeds 500,000 tonnes.
36. Trucks must not queue in the vicinity of the entrance to the land prior to the commencement of operations on any particular day.
37. The number of two-way truck movements in respect of the land must not exceed 120 per day without the written consent of the Responsible Authority.
38. The groundwater level in the vicinity of the extraction area must be monitored throughout the life of the extraction operation to ensure that the base of the extraction pit does not intercept the groundwater surface. The extraction pit must be managed such that the level of the base of the extraction pit is above any likely variation in the groundwater level. The operator must advise the Responsible Authority without delay if the base of the extraction pit does intercept the groundwater surface level.

#### Expiry

39. This permit will expire if the use is not started within five years of the date of this permit. The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within three months afterwards.
40. This permit will expire if the Work Authority for the use issued under the provisions of the *Mineral Resources (Sustainable Development) Act 1990* is cancelled in accordance with Section 77O of that Act.

**Attachments**

<b>AT- 1</b>	Locality Plan	2 Pages
<b>AT- 2</b>	Town Planning Application and Cover letter	4 Pages
<b>AT- 3</b>	Planning Report Volume 1 - October 2012	144 Pages
<b>AT- 4</b>	Specialists Reports Volume 2 - October 2012	346 Pages
<b>AT- 5</b>	Appendix 5 Revegetation Species for General Location Plan - Regional Site Plan - Photo Work Authority Area Development Plan - Rehabilitation Plan and Parts of Grantville Work Plan - 25 May 2012	74 Pages
<b>AT- 6</b>	Cultural Heritage Advice	12 Pages
<b>AT- 7</b>	Landscape Assessment	14 Pages
<b>AT- 8</b>	Air Quality Dust Report	15 Pages
<b>AT- 9</b>	Noise Emission Assessment	21 Pages
<b>AT- 10</b>	Ecological Assessment for Permit	29 Pages
<b>AT- 11</b>	Hydrogeological Assessment for Permit	74 Pages
<b>AT- 12</b>	Water Quality Management for Permit	38 Pages
<b>AT- 13</b>	Summary of Property Title and Plan Details	31 Pages
<b>AT- 14</b>	Environmental Monitoring Program and Community Engagement Plan	19 Pages
<b>AT- 15</b>	Work Authority 1488 Section 771 and Schedule of Conditions	5 Pages
<b>AT- 16</b>	Endorsed Cover Page Environmental Monitoring Program and Community Engagement Plan Work Plan for Extractive Industry Work Authority 1488	1 Page
<b>AT- 17</b>	Endorsed Cover Page Work Plan for Extractive Industry Work Authority No 1488 prepared by Bell Cochrane and Associates Extractive Industries	1 Page
<b>AT- 18</b>	Traffic Engineering Report - February 2013	15 Pages
<b>AT- 19</b>	Map - Conservation Corridor (Bio-link) Plan - Revision 3	1 Page

<b>AT- 20</b>	<b>CONFIDENTIAL</b> - Submissions - Objections, Comments and two Petitions	138 Pages
<b>AT- 21</b>	<b>CONFIDENTIAL</b> - Late Submissions	15 Pages

### Council Decision

**Moved: Cr. Bradley Drew / Seconded: Cr. Neil Rankine**

### Recommendation

**That in relation to planning permit application 120388 for the use of the land for sand extraction and associated processing and associated buildings and works, and create access to a road in a Road Zone Category 1 in accordance with the endorsed plans located at 1381-1395 Bass Highway, Grantville, Council resolves to issue a Notice of Decision to Grant a Permit subject to the following conditions:**

### Plans

- 1. The plans to be endorsed and which will then form part of the permit are:**
  - a) Development Plan (Drawing: NS-1164 Rev:3 24/05/2012) (Figure 5 of the endorsed Work Plan);**
  - b) Primary Water Quality Management Works around processing and access track areas plan (Figure 7 at page 22 of the Endorsed Work Plan);**
  - c) DPQ Dust Control Management Plan (Attachment 2 at Appendix 7 of the endorsed Work Plan); and**
  - d) Bass Highway Intersection Functional Layout Plan – Option 3 (Traffix Group Pty Ltd DWG No. G13716A-03 26 September 2012 – 2 sheets).**
  - e) The Conservation and Revegetation Plan required by condition 3 of this permit.**
- 2. Prior to the commencement of the use and development hereby approved, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must show the following:**
  - a) A landscape and revegetation plan, prepared by a qualified person, detailing the location of planting or establishment, botanical and common names, height at maturity of the vegetation (locally indigenous species) and ongoing management of the vegetation to be planted for the purposes of landscaping, screening, revegetation of drainage lines and for a flora and fauna corridor (linking the forested**

areas to the north and south of the **Work Authority** area).

- b) The inclusion of an acoustic fence along the western boundary of the property between Deep Creek and 1393 Bass Highway, Grantville. The fence must be designed and constructed to an appropriate standard as recommended by a qualified acoustic engineer and is designed to be sympathetic to the visual landscape to the satisfaction of the **Responsible Authority**.
3. Prior to the use commencing, a **Conservation and Revegetation Plan** must be submitted to the **Responsible Authority** for approval. The plan must identify the areas to be preserved for wildlife corridors, conservation and revegetation purposes. The plan must also identify the implementation requirements, staging and timeframes pertaining to each area. Once endorsed, this plan will form part of the **Section 173 Agreement** required as per condition 30 of the permit.
4. The use and development of the subject land must not commence until the **Work Authority**, including an **Approved Work Plan**, is issued pursuant to the *Mineral Resources (Sustainable Development) Act 1990* unless with the written consent of the **Responsible Authority** and **Department of Primary Industries**.
5. The use and development of the land must at all times be generally in accordance with the endorsed plans forming part of this permit, to the satisfaction of the **Responsible Authority**.
6. Prior to the use commencing, the acoustic fence must be erected to the satisfaction of the **Responsible Authority**.
7. The layout of the land, and the proposed works as shown on the endorsed plans, shall not be altered or modified (whether or not in order to comply with any **Statute, Statutory Rule or Local Law** or for any other reason) without the prior consent of the **Responsible Authority**.

**Hours of operation**

8. The permitted use (including the arrival and departure of heavy vehicles) must operate only between the following hours, except with the further consent of the Responsible Authority:

Activity	Monday to Friday *	Saturday *
Site establishment/Construction	7am-6pm	7am-1pm
Extraction:	7am-6pm	7am-1pm
Processing	7am-6pm	7am-1pm
Product loading and despatch	7am-6pm	7am-1pm
Repairs and maintenance	7am-10pm	7am-10pm
<b>Notes: Public holidays excluded except for maintenance operations. Queuing of trucks not permitted before 7am</b>		

9. Maintenance may be carried out outside the hours specified in condition 6 subject to and in accordance with the conditions and requirements of a Maintenance Management Plan which is to be submitted for approval to the satisfaction of the Responsible Authority. The Maintenance Management Plan must specify what the maintenance activities are, including the location of those activities, and must demonstrate that such activities:
- will not be audible outside the property boundaries; and
  - will not unreasonably affect the amenity of the area by way of light spill or otherwise.

**Environmental Policy**

10. The use and development of the land must at all times comply with:
- Environment Protection Authority Protocol for Environmental Management: Mining and Extractive Industries;
  - State Environment Protection Policy – Waters of Victoria;
  - State Environment Protection Policy – Ground Waters of Victoria;
  - State Environment Protection Policy - Air Quality Management;
  - State Environment Protection Policy No. N-1. and
  - Environment Protection Authority Best Practice Environmental Management – Environmental Guidelines for Major Construction Sites.

**11. The use and development must be managed, to the satisfaction of the Responsible Authority, so that the amenity of the area is not detrimentally affected through the:**

- a) transport of materials, goods or commodities to or from the land;
- b) appearance of any building, works or materials;
- c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
- d) presence of vermin; or
- e) other matters.

#### **Dust**

**12. The use and development hereby permitted must at all times comply with:**

- a) the Environment Protection Authority Protocol for Environmental Management: Mining and Extractive Industries; and
- b) the dust management plan, prepared by Dandy Premix Quarries included as Appendix 2 of the Dust Assessment Report by Environmental Sciences Associates (22 May 2012) at Appendix 7 of the Endorsed Work Plan, to the satisfaction of the Responsible Authority.

**13. The internal access road must be constructed, drained and the pavement sealed prior to the commencement of earthworks at the fixed plant and processing area and prior to removal of top soil and overburden from the extraction pit area.**

**14. At all times during the use of the Land for the purpose of sand extraction and processing an adequate water supply must be maintained for dust control measures in accordance with the endorsed dust management plan.**

**15. All trucks entering and exiting the land, whether loaded or not, must have the load area tarped.**

#### **Noise**

**16. The use and development hereby permitted must at all times comply with:**

- a) Environment Protection Authority 'Noise from Industry in Regional Victoria' ('NIRV' - EPA publication no 1411),
- b) The recommendations in the Noise Emission Assessment by Watson Moss Growcott Acoustics Pty Ltd at Appendix 6 of the

---

endorsed Work Plan; and

- c) Environment Protection Authority State Environment Protection Policy No. N-1.

17. Reverse beepers installed on mobile plant used within the site must be of a type and design that minimises potential offsite noise impacts and which, among other things, adjust relative to the ambient noise level. The permit holder must use its best endeavours to ensure that the movement of vehicles around the site minimises the potential for offsite noise impacts.
18. Noise emissions from the land must be monitored and appropriate records maintained to confirm compliance with the requirements of condition 16 to the satisfaction of the Responsible Authority. Any such records must be provided to the Responsible Authority upon request.

#### Drainage

19. Prior to the commencement of any on-site works, a detailed erosion and sediment control plan for the management of sediment pollution must be prepared and submitted to the Responsible Authority for approval. All plans and subsequent works must be prepared and undertaken in accordance with EPA Publication 275 "Construction Techniques for Sediment Pollution Control" to the satisfaction of the Responsible Authority.
20. Construction must follow sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991) to the satisfaction of the Responsible Authority.
21. All works must be undertaken in a manner that minimises soil erosion, and any exposed areas of soil must be stabilised to minimise soil erosion as appropriate, to the satisfaction of the Responsible Authority.
22. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into any tributary to the Deep Creek or to the Deep Creek directly. Pollution, sediment, or litter traps must be provided as appropriate on site to the satisfaction of Responsible Authority.
23. Surface water monitoring must be undertaken as recommended in the Drainage and Water Quality Management Report at Appendix 2 of the endorsed Work Plan.

#### Wastewater

24. All wastewater must be treated and disposed of using an EPA approved system, installed, operated and maintained in compliance with the relevant EPA Code of Practice and Certificate of Approval and be to the satisfaction of Council's Environmental Health Department.
25. The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate

---

vegetation to maximise its performance. Stormwater must be diverted away from this area. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.

26. Within 6 months of the completion of the fixed plant construction stage (and in any event within 3 years of the commencement of development) the permit holder must engage a suitably qualified person to prepare an audit report to satisfaction of the Responsible Authority. The audit report must assess compliance with the landscape and rehabilitation management plan, make recommendations for continual improvement and if it finds any areas of non-compliance, make recommendations to ensure compliance with that plan. The findings of the audit report must be implemented to the satisfaction of the Responsible Authority.
27. Screening vegetation and landscape planting in accordance with the endorsed plans must be planted and maintained for the operational life of the quarry, to screen activity on the site to the satisfaction of the Responsible Authority.

#### **Native Vegetation**

28. Screening vegetation, landscaping and revegetated areas (including drainage lines and the vegetation corridor) must be planted and maintained in accordance with the endorsed landscape and revegetation plan for the operational life of the quarry to the satisfaction of the Responsible Authority

Revegetation at the land must be generally in accordance with the plan titled Conservation and Revegetation Sites provided as part of the permit application materials and which identifies five areas for revegetation and protection.

29. Prior to the commencement of the use and development, an agreement under section 173 of the *Planning and Environment Act 1987* must be entered into between the owner of the land, the Responsible Authority and the Department of Sustainability and Environment, which ensures the establishment, protection and maintenance of the native vegetation corridor areas and drainage lines as identified the plan 'Conservation and Revegetation Plan' that is endorsed under this permit'. The agreement must ensure the ongoing protection and maintenance of the vegetated areas during and beyond the life of the sand extraction and processing use of the land to the satisfaction of the Responsible Authority.

The agreement must be registered on title.

All costs associated with the preparation of the agreement shall be borne by the developer/landowner. All costs incurred by the Responsible Authority associated with the preparation, execution and recording must

---

be fully reimbursed prior to the registration of the agreement by Council.

#### **Car parking**

**30. Prior to the commencement of any onsite works, detailed design plans relating to onsite car parking facilities must be submitted for approval to the satisfaction of the Responsible Authority. The plans must address the following:**

- a) car parking layout;
- b) provision of adequate car spaces;
- c) pavement type;
- d) site drainage; and
- e) car space delineation.

**31. Prior to the commencement of the use hereby permitted, car park facilities must be constructed by the developer in accordance with the approved plans.**

**32. Parking areas must be provided for employees' cars and all vehicles used on the land in accordance with the endorsed plans, to the satisfaction of the Responsible Authority.**

#### **VicRoads**

**33. The proposed access must generally be in accordance with the "Traffix Design" concept design option 3 drawing G13716A-03.**

**Before the commercial operation for the development approved by this permit, the following road works on the Bass Highway must be completed at no cost to and to the satisfaction of VicRoads:**

- right turn lane
- left turn lane
- pedestrian crossing
- bus bay
- acceleration / deceleration lane
- traffic signals

**34. Road safety audits for the road works must be provided to VicRoads at Functional layout, detail design and post opening.**

**35. Prior to commencement of the development or use hereby approved, a truck wheel-wash must be installed at the property boundary to enable all mud and other tyre borne debris from vehicles to be removed prior to exiting the land.**

#### **General**

- 
36. No sand washing can occur on site at anytime.
37. Retail sales of sand or sand products to the general public is not permitted.
38. Rehabilitation works must be completed within 2 years of the cessation of sand extraction.
39. The operator must advise the Responsible Authority in writing upon the quantity of sand transported from the land exceeding 500,000 tonnes in a 12 month period. Within 28 days of notice being given to the responsible authority the operator must provide an audit of compliance with the conditions of this permit, carried out by a suitably qualified and experienced independent consultant, to the satisfaction of the Responsible Authority. If the quantity of sand being transported from the land exceeds 500,000 tonnes for two or more consecutive 12 month periods, further audit reports must be provided at periods of no greater than 12 months apart for as long as the volume exceeds 500,000 tonnes.
40. Trucks must not queue in the vicinity of the entrance to the land prior to the commencement of operations on any particular day.
41. The number of truck movements in respect of the land must not exceed 120 per day without the written consent of the Responsible Authority.
42. The groundwater level in the vicinity of the extraction area must be monitored through appropriate testing throughout the life of the extraction operation to ensure that the base of the extraction pit does not intercept the groundwater surface to the satisfaction of the Responsible Authority. The extraction pit must be managed such that the level of the base of the extraction pit is above any likely variation in the groundwater level. The operator must advise the Responsible Authority without delay if the base of the extraction pit does intercept the groundwater surface level.

#### Expiry

43. This permit will expire if the use is not started within five years of the date of this permit. The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within three months afterwards.
44. This permit will expire if the Work Authority for the use issued under the provisions of the *Mineral Resources (Sustainable Development) Act 1990* is cancelled in accordance with Section 770 of that Act.

**CARRIED**

---

**E.4 Response to petition - Cowes Jetty Kiosk**

<b>File No:</b>	<b>CM13/156</b>
<b>Department:</b>	<b>Planning and Environment</b>
<b>Council Plan Strategic Objective:</b>	<b>Good Governance</b>
	We will manage our resources effectively, keep the community engaged, listen to our communities' concerns to create positive outcomes.

---

**Previous Items:** Petition - Renewal of lease of the Jetty Kiosk in Cowes - Council - 20 February 2013

**Declaration**

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

**Summary**

To respond to a petition received at Council on 20 February 2013 regarding the leasing arrangements for the Cowes Jetty Shed and recommend that Council:

- 1. Continue to operate within the Department of Sustainability and Environment Leasing Policy for the leasing of Crown land, which allows leasing of land through direct negotiations or an expression of interest / tender process, all with suitable advertising arrangements.**
- 2. As part of a leasing services review, develop a Bass Coast Shire Council Leasing policy, that includes guidance on the situations when it is most appropriate to undertake direct negotiations, and when it is most appropriate to undertake an expression of interest / tender process**
- 3. Advise the head petitioner of the Council decision.**

**Introduction**

The petition received at Council on 20 February 2013 pertains to the existing tenants of the Cowes Jetty Shed, who operate their business, the Cowes Pier Diner, from that location.

The current tenants took over the lease on 31 March 2009, and their tenancy is due to end on 1 September 2016.

The current tenant has requested that they be granted a new lease for the use of the site.

This request has been refused on the basis that future strategic planning for Cowes may see the community request that the site be given over to another type of use. A Crown Land lease is generally for 21 years, or allows for a term of that period. On this basis a new lease may preclude future community options for a generation.

A recent request from Cowes community members has been made of Council to undertake a master plan or activity plan of Cowes, and it is expected that such planning would be undertaken at some time in the next five years.

---

If a further lease is granted during that time, it may commit the Council and the community to the use of the site as a kiosk, when a preferred use may be the result of that community planning and consultation.

### Strategic Basis

Council acts as the Committee of Management under the *Crown Land (Reserves) Act 1978* (Victoria), for much of the coastal land in Bass Coast. Assets such as buildings that sit upon that land are able to be leased to community groups or businesses in accordance with the Department of Sustainability and Environment *Leasing Policy for Crown Land in Victoria 2010*.

As part of good financial management and good asset management, Council chooses to lease such properties, rather than have them remain vacant, to support a community need or function, gain a financial return and ensure each property is well maintained.

### Finances

As part of granting a lease, a valuation is undertaken by an independent valuer, who provides advice on the commercial rent that should be received in relation to the property. This valuation is further assessed and approved by the Valuer-General Victoria as part of the leasing process.

A tenant running a commercial operation pays the valuer-determined rent for a property, and most leases include a rent review clause that enables further valuations through the life of a lease. The Department of Sustainability and Environment are preparing guidelines which would allow a rent reduction where the premises were partially or fully used for a community purpose.

### Stakeholders

- The current tenants of the Cowes Jetty Kiosk
- Department of Sustainability and Environment
- Cowes community members
- Visitors to Cowes.

### Statutory Requirements/Codes/Standards/Policies

Under the Department of Sustainability and Environment *Leasing policy for Crown Land in Victoria 2010*, Crown land may be leased under the following principles:

1. To provide benefits to the public through leasing
2. To ensure consistency and transparency in leasing
3. To manage leased Crown land in an ecologically sustainable manner.

A competitive selection process applies to leasing Crown land, which is as follows:

- Settle criteria for the property to be leased and call for expressions of interest in the property
- Assess expressions of interest (Land manager)
- Invite selected tenders (Land manager)
- Assess tenders according to criteria (Land manager)

- 
- Prepare approval in principle request to go to Department of Sustainability and Environment (Land manager)
  - Prepare a business case (Tenant)
  - Review business case (Department of Sustainability and Environment and Valuer-General Victoria)
  - Offer to tenant (Land manager)
  - Draft lease preparation (Land manager)
  - Draft lease review (Department of Sustainability and Environment)
  - Final lease preparation (Land manager)
  - Ministerial approval (Department of Sustainability and Environment and Minister)

The criteria includes assessing whether the proposed use would be in accordance with the *Victorian Coastal Strategy*. Under that strategy, Council is required to give preference to activities / uses on Crown Land that are coastal dependant. That said, there is also provision for activity related uses, such as dining. For example, a fish processing use, while coastal dependent, is unlikely to be desirable so close to a residential and commercial centre.

### Other Options

Direct negotiations may be undertaken with the current tenant in accordance with the Department of Sustainability and Environment *Leasing policy*, which states that:

‘The final decision to allocate a lease through a direct negotiation process instead of a competitive allocation process rests with the Minister at the time of the AiP [approval in principle] to lease. The Minister may require as a condition of the AiP that the Crown land manager or the proponent undertake a public notification process of the intention to negotiate directly.’ [*Leasing policy*, page 9.]

Under the Department of Sustainability and Environment *Leasing policy*, tenants whose lease is coming to the end of its life, can request to directly negotiate a new lease with Council.

The following process must be followed:

- Register a request to directly negotiate a lease (Tenant)
- Review of application (Land manager)
- Public notification of intention to negotiate direct lease (Land manager)
- Assess responses (Land manager)
- Prepare approval in principle request to go to Department of Sustainability and Environment (Land manager)
- Prepare a business case (Tenant)
- Review business case (Department of Sustainability and Environment and Valuer-General Victoria)
- Offer to tenant (Land manager)
- Draft lease preparation (Land manager)
- Draft lease review (Department of Sustainability and Environment)

- Final lease preparation (Land manager)
- Ministerial approval (Department of Sustainability and Environment and Minister)

A similar amount of work is required to fulfil each set of processes, particularly in relation to the preparation of a business case and the need for approvals by the Department of Sustainability and Environment. The main difference between direct negotiations and expression of interest is that Council needs to demonstrate they are satisfied with the current use and current tenant, to the extent they are deemed suitable to hold a further lease.

Transparency is ensured through the issuing of a public notice near the commencement of the process inviting public comment.

Commercial value is ensured through the use of an independent valuer. This valuation forms part of the business case submission and approval by the Department of Sustainability and Environment and the Valuer-General Victoria.

However, the process of renewing on leases for Crown Land by direct negotiation was created by the Department of Sustainability and Environment in 2010 and the process for doing this is still being worked out. Other leases being sought through this process have not yet passed the approval in principle stage, and as such, there is no guarantee that Council choosing to directly negotiate a lease will be acceptable to the Department of Sustainability and Environment.

#### **Officer's Comments/Conclusion**

The incumbent tenant has requested a further lease, from the time their tenancy expires in 2016.

A strong consideration in not granting a further lease is the work Council is looking to do to strategically plan for the future of Cowes. Council has indicated they would like to work towards a strategic master plan or activity plan for the foreshore and adjacent areas, and part of that process will give us an indication of the preferred future use for the Cowes Jetty Shed.

The signatories to the petition state that, 'there should be consistency in the tendering process adopted by Bass Coast Shire Council, and the same process should apply to all foreshore establishments, namely, the Jetty Kiosk and the two council owned Island caravan parks'. All leasing of Crown Land, is undertaken consistently, in accordance with the Department of Sustainability and Environment *Leasing policy for Crown Land in Victoria 2010*. Three businesses across Bass Coast Shire are currently working through the process of direct negotiations. Advertising of the leasing of the two Council owned Phillip Island based caravan parks, and the Inverloch Bowling Club occurred last year inviting submissions from community and other parties interested in commenting on the intention of Council to enter into direct negotiations in relation to the leasing of those properties. Only one submission was received. That was in relation to the Cowes Caravan Park which asked that the decision be taken by the new Council, which is occurring due to the time that has passed. This has created an expectation, and possibly a right, that those properties will continue to proceed under direct negotiations.

The signatories to the petition state that they, 'wish to see it continue in its present form and under its present management.'

Petitioners should be aware that the grant of a further lease in no way guarantees that the kiosk will remain under the present management, as the lease holder remains in a position to sell the business at any time, in the same way that the current tenants bought the business from the previous tenant in 2009.

Council needs to take a considered approach to leasing Crown Land to ensure that the best outcomes for the whole community are achieved. In reaching the recommendation to continue to utilise both direct negotiation and expression of interest/tender process the following factors have been considered:

- Not limiting Council options – Council needs to operate in a financially viable, and business-like manner and should not adopt a position that limits the way Council operates;
- Reducing impacts on low earning organisations, including community organisations to the potential extra expense of participating in an expression of interest/tender process;
- Reducing the possibility that community organisations would be put under the stress and uncertainty of having to compete with commercial operations for a site; and
- Being able to directly negotiate on the future capital investment in a building or site that is well known to the incumbent tenant.

On this basis it is recommended that Council;

- continue to utilise both methods of lease procurement;
- develop a policy that provides guidance on the situations when it is most appropriate to undertake direct negotiations, and when it is most appropriate to undertake an expression of interest / tender process; and
- advise the head petitioner of Council's decision.

## Recommendation

### That Council:

1. **Continue to operate within the Department of Sustainability and Environment Leasing Policy for the leasing of Crown land, which allows leasing of land through direct negotiations or an expression of interest / tender process, all with suitable advertising arrangements.**
2. **As part of a leasing services review, develop a Bass Coast Shire Council *Leasing policy*, that includes guidance on the situations when it is most appropriate to undertake direct negotiations, and when it is most appropriate to undertake an expression of interest / tender process**
3. **Advise the head petitioner of the Council decision.**

## Attachments

There are no attachments for this report.

**Council Decision**

**Moved: Cr. Andrew Phillips / Seconded: Cr. Phil Wright**

**That Council:**

- 1. Continue to operate within the Department of Sustainability and Environment Leasing Policy for the leasing of Crown land, which allows leasing of land through direct negotiations or an expression of interest / tender process, all with suitable advertising arrangements.**
- 2. As part of a leasing services review, develop a Bass Coast Shire Council *Leasing policy*, that includes guidance on the situations when it is most appropriate to undertake direct negotiations, and when it is most appropriate to undertake an expression of interest / tender process**
- 3. Advise the head petitioner of the Council decision.**
- 4. Prior to the lease ending give the lessee the opportunity to reapply for direct negotiations after the completion and in accordance with a crown land leasing policy, and after consideration of the Cowes Master Plan. This should be by December 2014, when the lease will still have over 18 months left on the lease.**

**CARRIED**

---

**E.5 Tenby Point Special Charge Scheme No. 55 - Reconciliation of Final Costs**

**File No:** CM13/147  
**Department:** Infrastructure  
**Council Plan Strategic Objective:** Cohesive Communities

We will improve lifestyle opportunities and options by managing the built environment and encouraging cohesive communities.

---

**Declaration**

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

**Summary**

Bass Coast Shire Council commenced the formal scheme procedure for the Tenby Point Area Special Charge Scheme (SCS) No. 55 in February 2009.

The scheme provided for the construction, widening and sealing of the existing gravel road pavement for the full length of Bayview Avenue and Marine Road. Kerb and channel with underground drainage was constructed in Guy Road only.

All the statutory procedures relating to declaring and levying of the scheme have been completed.

The final costs for the construction of the Tenby Point Area SCS have been determined with the completion of works in September 2011 and the issuing of the final completion certificate for the contract in January 2013.

Property owners in the scheme have been levied individual costs based on Council's estimate prior to tendering. Final costs have now been determined and show that the final costs for the scheme have exceeded estimated costs for the scheme.

Council is required to determine whether they will bear these additional costs \$37,487.99 or to charge affected landowners an additional amount to fund the shortfall.

This report recommends that Council adopt the final actual cost of the scheme and bear the additional costs of \$37,487.99.

**Introduction**

Council has been working on the Special Charge Scheme for the Tenby Point Area for the past few years.

Council declared the scheme in June 2009. An appeal was lodged with the Victorian Civil and Administrative Tribunal (VCAT). A VCAT hearing was held in February 2010 to review Council's decision to declare the special charge. The tribunal made a number of changes to the costs attributed to the applicants and confirmed the special charge.

Council entered into a contract for the works in the scheme. Works commenced in March 2011 and reached practical completion in September 2011.

The defects liability period was scheduled to end in September 2012, however final completion of the works was not finalised until January 2013. Now that final completion for the contract has been issued, the actual project and scheme costs can now be calculated.

#### Background

As an isolated residential subdivision, surrounded by extensive rural properties, Tenby Point has had a history of poor road and drainage infrastructure. The former Shire of Bass prepared separate road and drainage schemes in the early 1990's under the previous 1956 Local Government Act. Due to ongoing matters primarily revolving around the drainage outfalls that could not be resolved, these two schemes were quashed by VCAT in 1995.

At the request of the Tenby Point Residents Association - Road Action Group, Council sent a resident survey to all landowners in Bayview Avenue, Park Lane and Marine Road in April 2006 requesting feedback on a number of construction alternatives. The alternatives were:

1. Drainage construction and temporary road seal.
2. Rural road standard
3. Full residential road standard.

It was considered a majority of the landowners who responded were in favour of the introduction of a special charge scheme and in favour of bringing forward the road construction. Council resolved at its meeting on 15 December 2006 that a Special Charge Scheme for the construction of roads and ancillary drainage in Tenby Point be prepared.

#### Properties included in the scheme

There were a total of 133 properties included in the scheme. They are shown in the Scheme Declaration in Attachment I. They were principally all properties located adjacent to the proposed works.

#### Proposed Works

The scheme generally included the following works:

1. Pavement works to a maximum width of 5.5m.
2. Construction of kerb and channel along Guy Road and the Park Lane intersection.
3. Construction of defined drainage networks for the purpose of draining the roadway.
4. Spray seal surface treatment.
5. Construction of Watts Profile Speed Humps.
6. Nature strip works including street and easement planting and seeding.
7. Construction of rain gardens and vegetated swales to improve water quality.

These works are consistent with a rural road standard.

Final Scheme Costs

The original cost estimates were determined by up to date contract rates and associated estimated service authority charges (ie water and sewer, gas, Telstra and power relocation works). In addition, a CPI value of 4%, and a design, supervision and administration amount of 12% were included based on the overall total project costs.

Actual costs have now been determined based on the construction contract plus other design and administration costs from Council's financial systems. The costs are summarised below:

ITEM	DESCRIPTION	ESTIMATED COSTS	ACTUAL COSTS
Preliminary Works and General	These involve mobilisation and site establishment, public protection works, preparation of OHS, traffic management, quality and environment plans, pre condition and "as constructed" surveys etc	\$16,400.00	\$ 44,400.00
Earthworks		\$85,200.00	\$61,340.00
Drainage Pipes and Pits	All pipes and pits within road reserve and easement. Also subsoil drains	\$96,982.00	\$130,900.60
WSUD Elements including specific plantings	Rain gardens, infiltration trenches and basins etc, excludes design costs	\$139,450.00	\$ 315,360.70
Pavement Works	Includes crushed rock, spray seals and widening trenches.	\$268,325.00	\$386,903.90
Concrete Works	Includes kerb and channel and other concrete paving	\$13,860.00	\$25,392.00
Landscaping Works	Naturestrip works including tree planting and installation costs for gravel driveways	\$209,530.00	\$149,899.00
Traffic Management Works	Include linemarking, signage, speed humps etc	\$43,500.00	\$50,160.00
Provisional Quantity Items	Include renewal of water services, future water services for vacant allotments, subgrade improvements for roadworks, drainage connection points for properties and alteration to service authority assets due to WSUD drainage alignments	\$26,000.00	\$156,459.81
Provisional Sum Items	sub grade improvements for roadworks, drainage connection points for all properties  Allowances included for various unknowns determined during construction (10%) and CPI of 4% as well as land acquisition costs	\$295,998.01	Nil
Design,	This allows for such costs as land and	\$143,429.40	\$266,405.93

Administration and Supervision (12%)	geotechnical surveys, concept and detailed designs, cost estimates, permits, community information sessions, administration, special charge scheme and tendering process, contract and construction supervision.		
Land Acquisition	Includes legal expenses, compensation, fencing etc		\$ 43,027.26
VCAT	Includes legal advice, administration, preparation of reports and documentation		\$ 100,560.49
<b>Total Project Costs (ex GST)</b>		<b>\$1,338,674.41</b>	<b>\$1,730,809.69</b>

Construction of the scheme works commenced in March 2011. The works reached practical completion in September 2011. In September 2012 the contract for the construction works was scheduled to reach final completion.

Final Completion was delayed due to time taken by the contractor in finalising the defects that have been required to be addressed as part of the completion of the contract works. Final Completion has now been reached and therefore final costs for the project can be determined. The final project costs are used to reconcile the costs associated with the special charge scheme.

Between the time when Council declared the scheme in June 2009 and the issuing of the final completion certificate, a number of issues and circumstances have arisen that had an impact on the overall project costs.

Significant legal costs were incurred due to the two appeals made to VCAT. Due to the complexity of the nature of the appeals made by both applicants, specialist legal advice was sought to represent Council and defend the validity of the special charge scheme. This has resulted in costs related to the VCAT hearing of \$100,560.49.

Whilst the VCAT hearing has resulted in additional costs to the project these costs cannot be included as part of the special charge scheme costs. Section 163(9) of the Local Government Act states that expenses incurred which relate to any proceedings or anticipated proceedings before VCAT including application for review under section 185 or an application for a declaration under section 185AA cannot be included within the total scheme costs to be attributed to property owners.

During the consultation with the community for the scheme, it was determined that the property owners within the Tenby Point Area would support a scheme for the upgrade of Bayview Avenue to a rural standard only, and would not support an urban type standard including full kerb and channel with underground drainage.

While Council Officers recommended to the community that a full underground drainage scheme should be undertaken along with the road upgrade due to limited outfall in some locations of the estate, there was little support for a drainage scheme. Given the support for the road scheme, Council resolved to declare a special charge scheme for a rural type standard only with minimal drainage, namely open swale drains and culvert crossings.

Given the history of localised inundation of properties in the area, Council Officers worked with Melbourne Water Officers to develop and integrate some water sensitive urban design (WSUD) treatment into the project, to try and alleviate the recognised drainage issues in the Tenby Point Area.

Subsequent to the declaration of the Special Charge Scheme, Council obtained funding from Melbourne Water towards the project to include an upgrade to the limited roadside drainage proposed as part of the scheme, with a range of WSUD treatments which included vegetated swales, bioretention swales and basins, infiltration trenches and infiltration basins.

Due to the funding agreement Council resolved that the costs of the WSUD should be taken from the overall scheme costs in an effort to reduce the scheme costs to property owners in the area. The funding from Melbourne Water was \$250,000.

Upon tendering for the scheme works, the costs for the WSUD component of the project were well in excess to the funding approved by Melbourne Water. Given this, Council Officers contacted Melbourne Water to obtain further funding for the shortfall.

This request for further funding was not successful. As a result of this, Council would need to fund the shortfall in the WSUD funding and the actual construction costs.

Over recent years the costs to undertake the relocation of service authority assets have increased significantly in particular – Telstra cables and pits. This project was originally estimated back in 2009. The delay due to the VCAT hearing between when the works were estimated and when they actually started meant that the price increases in service asset relocation had increased well in excess of construction consumer price indices. These costs equated to nearly 10% of the total project costs and added a further 30% to the works that were required to implement the WSUD.

As part of the project, acquisition of private land for the purpose of an easement was required. The initial valuation of the land was undertaken by an independent property valuer. This valuation determined that the level of compensation for Council to offer the property owner was \$10,000. The property owner disputed the valuation and as a result the costs for the compensation for land acquisition were in the order of \$43,000.

Construction of the project commenced in March 2011. Around this time was the start of a period of significant rainfall that was consistently recorded well above average. The ongoing poor weather over the construction period of the works and the limited drainage outfalls in some areas of the estate caused significant issues during construction. This led to a number of significant variations to the works under contract to complete the works and manage the adverse ground conditions caused by the excessive wet weather.

Due to internal resources already committed on other projects it was necessary to have the design works undertaken by external consultants. This meant the design costs were substantially higher than would have otherwise been expected if the design was carried out by Council's design engineers.

These circumstances and issues have had an impact on the overall project costs, leading to a total increase in costs by \$340,000 or 29%.

These increases are summarised as follows:

The substantial increases are summarised as follows:

	Estimated	Actual
WSUD*	\$139,450.00	\$315,360.70
Service Relocations	\$26,000.00	\$156,459.81
Land Acquisition	\$10,000.00	\$43,027.26
Design, Supervision & Admin	\$143,429.40	\$266,405.93
VCAT***		\$100,560.49

\* These costs do not include the service relocation costs that can be directly attributed to the WSUD works.

\*\*\* The costs borne by Council for VCAT hearings are not able to be included within the scheme costs and therefore unable to be apportioned back to the property owners.

### Strategic Basis

There are a number of policies that support the construction of the special charge scheme.

Council's Urban Streets Improvement Policy states that:

- Council will be committed to upgrade and maintain all the urban streets to a sealed status.

The achievement of this objective is assisted through the works constructed as part of this special charge scheme.

### Finances

Owners of each property were levied the amounts based on an estimate of the cost of the works.

The total value of the Special Charge Scheme was estimated at \$1,338,674.41 which included an estimated Council contribution of \$131,598.50 (9.83%). There were adjustments to the costs apportioned to a number of properties as directed by VCAT subsequent to the hearing for the amount of \$18,895.34, whereby Council accepted the difference of \$18,895.34 as part of its contribution.

The following table identifies the estimated costs versus final “actual” costs associated with the project:

	Estimated Costs	Actual Costs
<b>Total Project Costs</b>	<b>\$1,338,674.41</b>	<b>\$1,730,809.69</b>
VCAT Expenses		-\$100,560.49
Melbourne Water Grant		-\$250,000.00
<b>Total Scheme Costs</b>	<b>\$1,338,674.41</b>	<b>\$1,380,249.20</b>
Net increase in scheme costs	3.1% or	\$41,574.79
Maximum Amount recoverable from landowners (90.17%)		\$37,487.99

The final scheme cost is greater than the original estimated scheme cost. The contribution to the scheme calculated as community benefit has also increased from \$131,598.50 to \$135,685.30. The total landowner contribution for the scheme has increased from \$1,207,075.91 to \$1,244,563.90.

In accordance with Section 166 (3)(b) in circumstances where variations (or increases) to the scheme costs have occurred and are capped at 10% of the original levy amount, Council can decide whether these additional costs are borne by Council or they will be apportioned back to the affected property owner.

### Stakeholders

The primary stakeholders are the scheme contributors who have funded the works included in the scheme.

Other stakeholders include visitors to the area and users of the facilities considered as part of the Community Benefit contribution.

### Statutory Requirements/Codes/Standards/Policies

All statutory requirements in relation to the Special Charge Scheme procedures, tendering and construction have been met to date.

The only remaining statutory requirement is for Council to finalise the scheme and advise landowners of the final actual cost.

Section 166 (3)(b) applies in circumstances where variations (increases) to the scheme costs have occurred and are capped at 10% of the original levy amount unless you recommence the legislative process again.

The Council must decide whether these additional costs are borne by Council or they will be apportioned back to the affected property owner.

### Other Options

Options available to Council include the following:

- *Pass on additional costs to affected property owners*

This option would not be considered acceptable by those owners included within the scheme, particularly those landowners whose properties are located in areas that are still subject to inundation.

---

In addition to this it would be anticipated that significant resources would be required to send out further invoices, as well as respond to the concerns raised by contributors to the scheme once invoices were sent out.

- *Council to not pass on the additional costs to affected property owners*

Given the increases in costs were generally due to circumstances of which Council had little control it seems a more practical outcome for Council to wear the small increase in costs.

Council has in the past carried out both of the above options; however over the past few years 5 schemes have been finalised with only one having cost increases. For that scheme Council resolved not to pass on the additional costs to the property owners included within the scheme.

### **Officer's Comments/Conclusion**

The final costs are approximately 3% more than those levied and therefore a further payment can be recovered from those property owners included within the scheme to recover the additional costs. While Council can legally recover these costs in accordance with the legislation, a further request for payment is not recommended based on the following reasons.

Preliminary investigations were undertaken during the period of extended below average rainfall, whereby Victoria had been classified as drought affected. This led to Council accepting a lower level of infrastructure, due to the limited community support for a full drainage scheme, which would have otherwise been adopted.

During 2010-2011, the Tenby Point Area received rainfall events that were well above historical levels. Accordingly, newer residents or simply those who were unaware of the impacts of higher levels of rainfall in the area were subject to the same issues that had plagued this area historically.

Ironically, if the scheme had not been moved up the priority list, the scheme process would have commenced during this period of above average rainfall and the necessity of a full drainage scheme in conjunction with the road upgrade would likely have been supported by the community.

While Council Officers recommended to the community and to Council to include a full drainage scheme as part of the scope of works, this type of scheme was not supported due to the additional cost imposition and the community's concern that the inclusion of kerb and channel and underground drainage would detract from the somewhat rural neighbourhood character. However, there has been an expectation from a wide segment of the community in Tenby Point that the WSUD component of the project was going to be the solution to the ongoing issues of drainage and inundation of properties.

While WSUD can act as a drainage system for the conveyance of stormwater runoff, its primary function is generally to improve the quality of stormwater runoff. It must be noted that the inclusion of the WSUD into the project, through the Melbourne Water funding, was a concerted effort by Council Officers to try and alleviate some of the drainage issues that existed in the area. It has had varied success and while it has been successful in some areas of Tenby Point, it has not alleviated the greater drainage issues in others.

This expectation from the community has also lead to a number of residents expressing concerns that the drainage problems have not been resolved; therefore they have the perception that they have not received what they had paid for in accordance with the scheme. However the scheme was not designed to cope with all the drainage issues as there was no support within the community at the time for a full drainage scheme.

Given that the issues relating to drainage within the area are still ongoing, Council officers are currently working with Melbourne Water to develop a drainage strategy for the Tenby Point Area to deal with the issues of an extensive rural catchment and inundation of properties for some property owners. This project could take some years and will require a co-contribution from Melbourne Water. Council will need to decide in the future how it wants to fund its contribution to the works that form part of the overall drainage strategy.

Historically, Council has relied on the implementation of a special charge scheme for the purpose of drainage upgrades. If Council decided to recover the additional costs for the current special charge scheme works it may jeopardise this process due to a lack of confidence in the community of Council's ability to successfully implement such schemes.

This may also mean that if Council was committed to addressing the overall drainage issues within the Tenby Point area through the implementation of the drainage strategy, it may need to use general rate revenue to do so if limited support could be gained from property owners to implement a drainage scheme.

Therefore, it is recommended that Council adopt the final actual cost of the scheme and bear the full amount of the additional scheme costs of \$41,574.79, of which only \$37,487.99 could be recovered from the property owners included within the scheme.

## Recommendation

**In accordance with section 166 of the Local Government Act 1989 Council resolve that:**

- 1. The total amount to be recovered from property owners included within the Tenby Point Area Special Charge Scheme No. 55 remain at \$1,207,075.91.**
- 2. Letters are sent to property owners included within the scheme advising of Council's decision.**

## Attachments

**AT-I** Attachment I - Scheme Declaration 7 Pages

**Council Decision**

**Moved: Cr. Andrew Phillips / Seconded: Cr. Bradley Drew  
That the recommendation be adopted.**

**CARRIED**

---

**E.6 Proposed fee structure for Asset Protection Permits**

**File No:** CMI2/632  
**Department:** Infrastructure  
**Council Plan Strategic Objective:** Good Governance

We will manage our resources effectively, keep the community engaged, listen to our communities' concerns to create positive outcomes.

---

**Declaration**

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

**Summary**

This reports deals with the proposed fee structure for both the existing Road Occupation Permit (ROP) and the new Asset Protection Permit (APP).

The current fee for a ROP is \$50 – unchanged since the introduction of the permit in 2000. The recently adopted Local Law No. 1 Neighbourhood Amenity 2012 also provides for the introduction of an APP. The objective of both permits is to ensure that works on the road reserve, or that impact on Council's infrastructure assets within the road reserve, are completed in accordance with Council Standards and at no risk to the public or Council's infrastructure assets.

It recommends that Council adopt the new fee structure set out below including an increase of the ROP application fee from \$50 to \$100 effective from Monday, 1 April 2013, and the introduction of a \$200 application fee for the new APP effective from 1 July 2013.

Also recommended is that in accordance with Local Law No. 1 Neighbourhood Amenity 2012 that as a condition of issuing a ROP or an APP, that Council officers can require payment of a bond between \$1000 and \$5000 where in the reasonable opinion of the relevant officer, that the risk of damage to Council assets warrants it.

**Introduction**

Council currently has a ROP system in place in order to control works within the road reserve. Works may include, but are not limited to, vehicle crossing construction, services connections. The current system has been in place since 2000, and has been governed by the Local Law in place at the time.

The current fee for a ROP is \$50 – unchanged from 2000.

At its Ordinary Meeting of 25 July 2012 (Item E.11 refers) Council adopted Local Law No. 1 Neighbourhood Amenity 2012. This Local Law provided for an expansion of the ROP and the introduction of an APP to minimise potential damage to Council's assets as a result of building works on private land, previously not being monitored. Both these permits provide the authority to Council to request the payment of a bond.

When developing the proposed fee structure the equivalent application fee of neighbouring Shire Councils was taken into consideration, as outlined below.

Proposed Fee Structure	Bass Coast Shire Council	Baw Baw Shire Council	South Gippsland Shire Council	Cardinia Shire Council
ROP - application fee	Currently \$50 Proposed \$100	\$140	\$69	\$62.70 - \$144.10
APP - Application fee	Proposed \$200	\$180	N/A	\$220
Applicable Bond	Proposed \$1000 - \$5000	\$3000	N/A	\$860 - \$1114

The table shows that the proposed increase in application fees from \$50 to \$100 for the existing ROP and the proposed \$200 application fee for the recently adopted APP permit are consistent with the application fees of other Shires.

The current application fee for a ROP is \$50 which does not cover the cost to Council to provide the service. Council has processed an average of approximately 400 ROP applications a year over the past few years. This generates an average revenue of approximately \$20,000 – well short of the cost involved in employing a full time staff member to provide this service. The service includes administration, assessment, consultation and pre and post onsite inspections.

The recently adopted Local Law No. 1 Neighbourhood Amenity 2012 provides for the payment of a bond for both permits if there is deemed to be an unacceptable level of risk to Council's assets as a result of works within the road reserve (ROP) or building works on private land (APP).

The amount of the bond will be dependent on the level of risk to Council's assets, which will be individually assessed on the relative circumstances applying to each individual case. This assessment will utilise Council's well established and robust Risk Assessment matrix and process.

### Strategic Basis

The ROP currently contributes to Council's broader Asset Management Plans by ensuring that works within the road reserve are completed in accordance with Council standards while protecting existing and future infrastructure. This will be further enhanced by the implementation of the new APP.

### Finances

In the 2011/2012 financial year revenue received by ROP's, totalled \$20,700. With the proposed increase in the application fee to \$100 and the introduction of the new APP we estimate that the total revenue will increase to approximately \$50,000 annually, therefore better contributing to the expense of providing the service.

The cost of implementing the new ROP fee will mostly relate to printing costs associated with new application forms.

The cost of implementing the new APP fee will include staff time to establish liaison mechanisms between Council's Building Department and the Asset Protection Officer to 'flag' works requiring a Permit, design and printing of forms, communication to the building trade and wider community of the change, and general administrative costs.

All of the implementation costs are provided for in Council's operational budgets.

### **Stakeholders**

- permit applicants
- builders, developers and managing contractors
- road users
- Council
- ratepayers as a whole

### **Statutory Requirements/Codes/Standards/Policies**

- Local Government Act 1989
- Road Management Act 2004
- Local Law No. 1 – Neighbourhood Amenity 2012
- BCSC Standard Drawings

### **Other Options**

Other options available to Council include maintaining level of existing ROP application fee and/or not adopting proposed application fee for new APP, or to set an alternate fee than those proposed.

The effect of not increasing the existing fee and or not introducing the new fee will result in the great majority of the cost of the service being funded by ratepayers in general instead of the applicant.

The effect of increasing the proposed fees by more than what is recommended could result in an increase in non-compliance, potentially increasing the risk to Council assets at the expense of the ratepayer. However this is considered to be a low risk.

### **Officer's Comments/Conclusion**

Adopting the proposed fee structure for the existing ROP and the new APP will increasingly move the applicable fees to a "user pays" principle and is a fair and equitable method of cost recovery. The structure takes into consideration the costs associated with the permits and equivalent application fees of neighbouring Shire Councils.

Implementing the proposed fee structure will provide funding towards fulfilling objectives within Councils Asset Management plans and ensuring Councils Assets remain protected.

### Recommendation

#### That Council:

1. Adopts a fee of \$100 for a Road Occupation Permit effective from Monday 1 April 2013.
2. Adopts a fee of \$200 for an Asset Protection Permit effective from Monday 1 July 2013.
3. Authorise Council officers to require payment of a bond between \$1000 and \$5000 as a condition of issuing a Road Occupation Permit or Asset Protection Permit, where in the reasonable opinion of the relevant officer, the risk of damage to Council infrastructure assets warrants it.

### Attachments

There are no attachments for this report.

### Council Decision

**Moved: Cr. Neil Rankine / Seconded: Cr. Kimberley Brown**  
That the recommendation be adopted.

**CARRIED**

---

**E.7 Petition - move the location of the toilet block and construction of a car park in Cape Woolamai**

**File No:** CMI3/175  
**Department:** Infrastructure  
**Council Plan Strategic Objective:** Good Governance

We will manage our resources effectively, keep the community engaged, listen to our communities' concerns to create positive outcomes.

---

**Previous Items:** 60/12 - Petition - Construction of carpark at Cape Woolamai Shopping Centre - Council - 21 November 2012  
SR2/13 - Petition - Construction of carpark at Cape Woolamai Shopping Centre - Council - 30 January 2013  
64/13 - Petition to move the location of the toilet block and construction of a car park in Cape Woolamai - Council - 20 February 2013

**Declaration**

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

**Summary**

This report concerns a petition which states:

*“Petition to the Council in relation to building the local Car park at Cape Woolamai. We wish the toilets to be moved across the car park so as not to hinder the line of sight the drivers and the general public. We wish this change to plan and the car park to be built A.S.A.P as this amenity is greatly needed” [sic].*

As required by the relevant Local Law, this matter has laid on the table in order to allow for the preparation of a detailed report to Council at a subsequent meeting.

A previous petition relating to the construction of the car park was considered by Council at the ordinary meeting of 30 January 2013 (Refer Item E.2). Council resolved to confirm that it will consider the construction of the car park in the context of the 2013-2014 Capital Works Program in its budget considerations later this year.

The construction of the toilet was completed in December 2012 and this report recommends that Council

1. Confirm leaving the newly constructed public toilet amenity at its current location.
2. Confirm that it will consider the construction of the car park and associated landscaping in the context of the 2013-2014 Capital Works Program in its budget considerations later this year.
3. Advise the head petitioner of Council's decision.

## Introduction

A petition has been received with 45 names, addresses and signatures requesting that Council relocate the toilet block from its current position and that Council build the carpark as soon as possible.

The location of this site is shown at attachment AT-2.

Section 63.2 of the Bass Coast Shire Council Meeting Procedure Local Law 2009 states that:

*“A petition or joint letter presented to Council must lie on the table until the next ordinary meeting of Council and no motion, other than to receive the petition or joint letter may be accepted by the Chairperson, unless the Council agrees to deal with it earlier.”*

In its consideration of the 2012-2013 CAPEX budget, Council considered a comprehensive project for the Cape Woolamai shopping centre precinct, including construction of a public toilet and full construction of the car park. Funds were not available for the total project. Given that a gravel parking area already existed whereas there was no existing public toilet, the ultimate decision made by Council was to fund the public toilet component and consider the remainder in the context of the 2013-2014 CAPEX budget.

## Strategic Basis

Council adopted an updated Asset Management Policy at its Ordinary Meeting of 12 December 2012. The objective of this policy is to:

“Enable Council to optimise the whole of life costs of its assets, whilst meeting the present and future service delivery needs of the community and minimising exposure to risk”.

Further revisions of supporting documentation (for example, Asset Management Plans) will be considered by Council through the year. In addition, as required by the Local Government Act 1989, the incoming Council will be preparing a new Council Plan (which will inform the preparation of all strategic planning documents) in the coming months.

## Finances

A temporary toilet block has been provided over the summer period for the 2008/2009, 2009/2010, 2010/2011 and 2011/2012 financial years at a total cost of \$50,000. The new facility has been built at a cost of \$65,000. This has meant savings in the hire costs, however there will be an increase the maintenance and operational costs as the toilet will not need to be serviced all year round.

Council Officers has obtained as estimate from the contractor, who built the pre fabricated toilet block, to relocate the new facility in accordance with the petitioner’s request and the estimated cost for the works including dismantling the existing structure, relocation of the sewer line and electricity, excavating and pouring a new concrete slab and erection of the existing structure would be in the order of \$35,000.

In addition to this, Council would also need to allow for the cost of the amendment to the planning process and redesign of the car park.

---

## Stakeholders

Council, Cape Woolamai shopping centre traders and their customers, Cape Woolamai residents, visitors to Cape Woolamai and ratepayers in general who would need to fund the relocation costs.

## Statutory Requirements/Codes/Standards/Policies

Council's Infrastructure Projects Team have been onsite to inspect the location of the new facility, and have determined that the sight distances are safe and constructed to a higher standard than required in accordance with the Austroads Guide to Traffic Engineering for a 50 km/hr design speed, which is the expected and sign posted speed environment for this area.

The works were also the subject of a planning application under Section 52 of the Planning and Environment Act 1987. One objective of the Act is to ensure that any person who may be affected by the planning application receives appropriate notice. The prescribed signage was placed on the land concerned and was present during the period 10 to 27 November 2012.

In addition Council officers visited local shopping centre traders with hardcopy plans. The works were also the subject of an consultation phase which included consultation on the proposed car park layout and the location of the public toilets (attachment AT-3 Drawing Number 40506-01 and the landscape design (attachment AT-4 Drawing number 2077-901).

The location of the toilet was known to most traders prior to its construction.

## Other Options

If Council would to consider moving the toilet, the following would need to occur

1. Amendment to the planning permit
2. Redesign of the carpark
3. New estimate for car park
4. Move the toilet (estimated costs \$35K)

It would also mean that the car park would not be able to be considered in the 2013/14 capital works budget and funding for construction should only be considered if the project is shovel ready, otherwise the risk of the project not meeting quality and costs is increased.

Consideration could also be given to doing some landscaping now to improve amenity, however if the carpark is funded in the 2013/14 capital works program, this is probably not an appropriate course of action given that landscaping is a part of the project and works may not be conducive to plants that have just been established.

If the car park is unable to be funded in the 2013/14 capitals works program, then Council may wish to consider some landscaping to improve the amenity. The planting should be considered in the context of the larger project to avoid unnecessary waste of funds.

---

**Officer's Comments/Conclusion**

The carpark project has had detailed design and cost estimates, and therefore can be referred to capital works for a construction budget bid. However, as advised previously, this needs to be taken into account in the context of funds available for capital works and the renewal demand. This is consistent with good capital project management practice, as confirmed by the internal audit carried out by Council's internal auditors Mann Judd, into the initiation and evaluation of capitals works (2012).

A relocation of the toilet would require an amendment to the planning permit, redesign of the carpark and associated revision of estimated costs. This means that the carpark could not be considered for funding for 2013/14 budget process.

It is clear that some local traders and the signatories to the petition would prefer to relocate the three month old facility due to perceived safety issues. As demonstrated above the works meet the relevant traffic engineering requirements for sight distances and as a result do not pose a safety issue.

In terms of amenity, this can be improved as landscaping is part of the of the carparking funding.

Whilst a petition has been presented to Council there have also been traders who have contacted Council to commend Council on the new facility and the standard of cleanliness that the toilet block has had over the busy summer period.

The toilet has presented a higher level of service to the customers of the traders, particularly for those customers who visit businesses that do not provide customer toilets, and visitors to the area.

**Recommendation****That Council:**

- 1. Confirm leaving the newly constructed public toilet amenity at its current location.**
- 2. Confirm that it will consider the construction of the car park and associated landscaping in the context of the 2013-2014 Capital Works Program in its budget considerations later this year.**
- 3. Advise the head petitioner of Council's decision.**

**Attachments**

<b>AT-1</b>	<b>CONFIDENTIAL</b> - Petition and map	2 Pages
<b>AT-2</b>	Location	1 Page
<b>AT-3</b>	Landscape Plan Drawing No. 40506-01	1 Page
<b>AT-4</b>	Concept Plan - Drawing No 2077-901	1 Page

**Council Decision**

**Moved: Cr. Phil Wright / Seconded: Cr. Bradley Drew**

**That Council:**

- 1. Confirm leaving the newly constructed public toilet amenity at its current location at Vista Place Cape Woolamai.**
- 2. Confirm that it will consider landscaping around the toilet in 2013-2014 Capital Works Program in its budget considerations later this year.**
- 3. Advise the head petitioner of Council's decision.**

**CARRIED**

**E.8 2014 Revaluation of Shire**

**File No:** CMI3/185  
**Department:** Corporate Services  
**Council Plan Strategic Objective:** Good Governance

We will manage our resources effectively, keep the community engaged, listen to our communities' concerns to create positive outcomes.

---

**Declaration**

The reporting officer has no direct or indirect interests in this matter.

**Summary**

Council needs to put in place certain matters in order to meet the legislative requirements for the 2014 Revaluation of the Bass Coast Shire.

This report makes recommendations that will meet these requirements.

**Introduction**

All rateable properties in the Bass Coast Shire were last valued in 2012 and are required to be revalued in 2014.

In order to meet the legislative requirements relating to the valuation, Council must do certain things under the Valuation of Land Act 1960.

Council needs to resolve to make the valuation, appoint Valuers, receive declarations of impartiality from the Valuers and notify certain authorities of its resolution to carry out a general valuation.

**Strategic Basis**

The Council Plan requires Council to comply with statutory provisions and industry practice in relation to the valuation of properties within the Shire.

**Finances**

The revaluation of properties within the Shire every two years requires a considerable financial commitment by the Council. Approximately half the cost is recouped from the State Revenue Office once the valuation is completed.

The valuation will be conducted over the 2012/13 and 2013/14 financial years.

**Stakeholders**

Council, ratepayers and other rating/taxing authorities, contract & staff valuation members, and the Valuer-General, all have a stake in the outcomes of the valuation.

### **Statutory Requirements/Codes/Standards/Policies**

The Valuation of Land Act requires Council to return a valuation every two years.

In order to commence the valuation process, Council must resolve to make the valuation pursuant to Section 6 of the Valuation of Land Act. This resolution is important because it formally notifies the Valuer-General of the revaluation. It also gives the opportunity for other rating/taxing authorities (e.g. State Revenue Office.), to be formally advised that the revaluation is taking place and allows them to obtain the revaluation information from Council.

Council appointed Mr Russell Anthony as its Staff Valuer in 2005 under the provisions of Section 13DA of the Valuation of Land Act and does not need to formally reappoint this officer for the 2014 valuation. However as Council has contracted out part of the valuation to Westernport Property Consultants it will need to reappoint the principals of this firm as Valuers for the 2014 valuation.

Council is required under section 13DH (2) of the Act to receive declarations of impartiality from Council's Staff Valuer and the Contract Valuers, and record this in the minutes.

The Declarations have been made in relation to the 2014 valuation and are in Council's possession.

### **Other Options**

Because of the legislative provisions, Council needs to undertake the revaluation and comply with the other requirements.

### **Officer's Comments/Conclusion**

Council needs to comply with the matters discussed above and the adoption of the following recommendations will meet these requirements.

### Recommendation

1. That Council makes a valuation of the Bass Coast Shire with a level of value date of 1 January 2014, as required under the Valuation of Land Act 1960.
2. That Council gives notice to:
  - (a) The Valuer-General
  - (b) State Revenue Office
  - (c) Westernport Water
  - (d) South Gippsland Water
  - (e) South Gippsland Shire
  - (f) Cardinia Shire
  - (g) Port Phillip Regional Catchment and Land Protection Board
  - (h) West Gippsland Catchment Management Authorityof its resolution to make a valuation of the Shire in 2014.
3. That Council appoints the principals of Westernport Property Consultants as Contract Valuers for the 2014 valuations; and
4. That Council receives and notes in the minutes, the receipt of the statutory declarations of impartiality from Council's Staff Valuer and the principals of Westernport Property Consultants, in accordance with section 13DH of the Valuation of Land Act 1960.

### Attachments

There are no attachments for this report.

### Council Decision

**Moved: Cr. Andrew Phillips / Seconded: Cr. Neil Rankine**  
**That the recommendation be adopted.**

**CARRIED**

---

**E.9 Councillor Ward Discretionary Funds**

**File No:** CMI3/179  
**Department:** Corporate Services  
**Council Plan Strategic Objective:** Good Governance

We will manage our resources effectively, keep the community engaged, listen to our communities' concerns to create positive outcomes.

---

**Declaration**

The author has no direct or indirect interests in this matter.

**Summary**

The Councillor Ward Discretionary Fund Program provides Councillors with the opportunity to identify small projects within each ward, and provide funding to assist in the realisation of these projects. This creates a community benefit through the provision of small infrastructure items or assistance in funding a community group in a variety of ways.

**Introduction**

The Councillor Ward Discretionary Fund Policy was adopted by Council on 27 July 2011. The objectives of this policy are to:

- ensure an appropriate process is adopted by Council for the allocation of the funds and that applications do not conflict with other revenue sources available to Council,
- provide a framework for the assessment of applications to final approval which can only be at a formal meeting of Council, and
- Ensure there is an appropriate acquittal process for the spending of funds and that Council is acknowledged for providing them.

**Strategic Basis**

The funds from the Councillor Ward Discretionary Fund need to be allocated in a strategic manner including:

- consistency with adopted Council master plans, design frameworks, strategies and policies
- community support and utilisation
- compliance with health and safety and other key legislation.

**Finances**

Council currently allocates \$12,000 per year to each ward from its annual budget. This funding is to be used for the construction of minor infrastructure items and to provide assistance to community groups for various projects.

The value of funds will be determined as part of the budget process per ward per annum. The funds are only available for the financial year in which they are allocated, and cannot be carried over into future financial years. This is to ensure a fair and equitable source of funding is available to each ward.

**Stakeholders**

Stakeholders include community, community groups and ratepayers.

**Statutory Requirements/Codes/Standards/Policies**

The particular statutory requirements and standards relevant to the allocation of the Discretionary Ward Funds Program include;

- The *Local Government Act 1989* – in particular the provisions relating to the approval of expenditure by Council as part of its budget process.
- Councillor Ward Discretionary Fund Policy and Guidelines.
- Council's procurement procedures to ensure appropriate controls over expenditure.

**Other Options**

Council may choose to refuse an individual application or defer the consideration whilst additional information is gathered to a future meeting.

**Officer's Comments/Conclusion**

Each application has been nominated by the Ward Councillor and a Senior Officer has assessed each project. The application forms attached to this report provide an overview of each project. Applications put before Council must meet the requirements of the Councillor Ward Discretionary Fund Policy and Guidelines. Approved applications are subject to an acquittal process and are required to acknowledge the contribution provided by the Ward Councillor within a reasonable time following the projects completion.

The following projects have been identified by Councillors and are presented to Council for consideration.

**Anderson Ward**

<b>Project</b>	<b>\$ requested</b>	<b>\$ remaining</b>
San Remo Pre-School Replacement and installation of a new pedestrian gate at San Remo Pre-School.	\$2,559.00	\$5,441.00

**Hovell Ward**

<b>Project</b>	<b>\$ requested</b>	<b>\$ remaining</b>
State Coal Mine Rescue Station Sourcing authentic bricks for repair project at the State Mine Rescue Station	\$500.00	\$7,500.00

**Recommendation**

**That Council approve the allocation of funds for the following projects:**

**Anderson Ward**

<b>Project</b>	<b>\$ requested</b>	<b>\$ remaining</b>
San Remo Pre-School	\$2,559.00	\$5,441.00

**Hovell Ward**

<b>Project</b>	<b>\$ requested</b>	<b>\$ remaining</b>
State Coal Mine Rescue Station	\$500.00	\$7,500.00

**Attachments**

- AT-1** Anderson - San Remo Pre-School Gate application form 2 Pages  
**AT-2** Anderson - San Remo Pre-School gate quote 1 Page  
**AT-3** Hovell - State Mine Rescue Station application form 2 Pages  
**AT-4** Hovell - State Mine Rescue Station letter 1 Page

**Council Decision**

**Moved: Cr. Bradley Drew / Seconded: Cr. Jordan Crugnale**  
**That the recommendation be adopted.**

**CARRIED**

# Notices of Motion

**F Notices of Motion**

Nil

# Committees and Delegates Reports

---

## **G Committees and Delegates Reports**

### **G.1 Place Names Committee**

**File No:** CMI3/I34  
**Department:** Infrastructure  
**Council Plan Strategic Objective:** Good Governance

We will manage our resources effectively, keep the community engaged, listen to our communities' concerns to create positive outcomes.

---

### **Declaration**

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

### **Summary**

Council's Place Names Committee met on Monday 4 February 2013. A copy of the meeting minutes are attached for information.

At this meeting, the Committee considered the following issues (which are outlined in greater detail in the meeting minutes):

1. Risk assessment of naming cases backlog.
2. Update – Proposed re-naming of Beach Avenue, Inverloch.
3. Proposed naming of unnamed road at 332-334 White Road, Wonthaggi.
4. Proposed naming of common property at 25-27 Small Court, San Remo.
5. Proposed naming of common property at 227-229 Smiths Beach Road, Smiths Beach.
6. Proposed naming of unnamed road at 1740 and 1742 Loch-Wonthaggi Road, Ryanston.
7. Proposed naming of unnamed road at 180 Cameron Street, Wonthaggi.
8. Proposed naming of unnamed access roads within Cape Paterson Foreshore.
9. Other business.

### **Recommendation**

**That the report be received.**

### **Attachments**

**AT-I** Place Names Committee 4 February 2013 Meeting Minutes 8 Pages

**Council Decision**

**Moved: Cr. Kimberley Brown / Seconded: Cr. Phil Wright  
That the report be received.**

**CARRIED**

# Performance Monitoring Reports

---

## H Performance Monitoring Reports

### H.1 Planning Permits Decided Under Delegation - February 2013

**File No:** CMI3/169  
**Department:** Planning and Environment  
**Council Plan Strategic Objective:** Cohesive Communities

We will improve lifestyle opportunities and options by managing the built environment and encouraging cohesive communities.

---

#### Summary

##### PERMITS REFUSED:

I20264: Remove four trees and lop one tree at 38 Chapel Street, Cowes.

##### PERMITS ISSUED:

###### Anderson Ward

I20199: Develop the land for three dwellings at 58 Genista Street, San Remo.

I20270: Subdivide the land into two lots, remove an easement and create access to a Road Zone Category I at 37-41 Phillip Island Road, San Remo.

###### Churchill Ward

Nil.

###### Hovell Ward

I20346: Subdivide the land into two lots at 70 McKenzie Street, Wonthaggi.

I20355: Subdivide the land into twelve lots adjacent to a Road Zone Category I at I100, I150 and I168 Inverloch-Kongwak Road, Inverloch.

I20385: Use the land for a Spartan Race Event at 220 West Area Road, Wonthaggi.

###### Leadbeater Ward

I20222: Develop a single storey dwelling at 1920 Bass Highway, Queensferry.

I20268: Subdivide the land into two lots at 42 Balcombe Street, Corinella.

I20278: Use the land for the display of signage at Shops 4, 5 and 6/1509 Bass Highway, Grantville.

I20364: Remove native vegetation for safety reasons at Road Reserve, Korumburra-Wonthaggi Road, Lance Creek.

###### McHaffie Ward

I20151: Subdivide the land into two lots at 25 Fraser Street, Wimbledon Heights.

I20312: Construct a dwelling in a Bushfire Management Overlay at 8 Pasadena Drive, Cowes.

- I20373: Construct a dwelling in a Bushfire Management Overlay at 3 Blossom Road, Cowes.
- I20374: Construct a dwelling in a Bushfire Management Overlay at 5 Blossom Road, Cowes.
- I20430: Remove native and exotic vegetation encroaching onto neighbouring property at 16 Sunset Drive, Sunset Strip.
- I20432: Remove two (2) native (eucalyptus) trees for safety reasons at 19 Holiday Court, Cowes.

#### **Thompson Ward**

- I10449: Staged subdivision of the land into 185 lots, remove an easement, remove native vegetation and associated works at 60 McKenzie Road, Cowes.
- I20448: Remove one (1) native (swamp paperbark) tree in poor condition at 5 Walton Street, Cowes.
- I20452: Waive car parking requirements and allow for minor alterations to the building façade at 69 Thompson Avenue, Cowes.
- I20462: Display business identification and promotional signage associated with the occupation of the tenancy as a Commonwealth Bank branch at 119-135 Thompson Avenue, Cowes.
- I20464: Subdivide the land into two lots at 2 Acacia Close, Cowes.

#### **Townsend Ward**

- I20392: Develop a shed at Lot 1 PS613460 Townsend Bluff Road, Inverloch.
- I20419: Subdivide the land into three lots at 15 Glendale Court, Inverloch.

#### **Recommendation**

**That the report be received.**

#### **Attachments**

There are no attachments for this report.

**H.2 Planning Permit Approval Statistics**

**File No:** CMI3/170  
**Department:** Planning and Environment  
**Council Plan Strategic Objective:** Cohesive Communities

We will improve lifestyle opportunities and options by managing the built environment and encouraging cohesive communities.

---

**Summary**

Attached is the report detailing the Planning Permit Approval Statistics for the month of February 2013.

**Recommendation**

**That the report be received.**

**Attachments**

**AT-1** Planning Permit Stats - February 2013 2 Pages  
**AT-2** Town Stats - February 2013 1 Page

**H.3 Building Statistics February 2013**

**File No:** CMI3/176  
**Department:** Planning and Environment  
**Council Plan Strategic Objective:** Cohesive Communities

We will improve lifestyle opportunities and options by managing the built environment and encouraging cohesive communities.

---

**Summary**

Attached is the report detailing the Building Statistics February 2013.

**Recommendation**

That the report be received.

**Attachments**

**AT-1** Building Statistics February 2013 2 Pages

**H.4 Finance Report**

**File No:** CMI3/177  
**Department:** Corporate Services  
**Council Plan Strategic Objective:** Good Governance

We will manage our resources effectively, keep the community engaged, listen to our communities' concerns to create positive outcomes.

---

**Summary**

Attached is the Finance Report for the month of February 2013.

**Recommendation**

**That the report be received.**

**Attachments**

**AT-1** Finance Report - February 2013 16 Pages

**H.5 Contracts Awarded Report**

**File No:** CM13/178  
**Department:** Corporate Services  
**Council Plan Strategic Objective:** Good Governance

We will manage our resources effectively, keep the community engaged, listen to our communities' concerns to create positive outcomes.

---

**Declaration**

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

**Summary**

01/02/2013 to 28/02/2013

No contracts have been formed under the Chief Executive Officer's Instrument of Delegation for the month of February.

**Contracts Awarded by Council**

No contracts have been accepted or formed by specific resolution of the Council for the month of February.

**Recommendation**

**That the report be received.**

**Attachments**

There are no attachments for this report

**Council Decision**

**Moved: Cr. Phil Wright / Seconded: Cr. Andrew Phillips**  
**That agenda items H.1, H.2, H3, H.4 and H.5 be received.**

**CARRIED**

# Watching Bass Coast

---

## I Watching Bass Coast

### I.1 Leasing review

<b>File No:</b>	<b>CM13/150</b>
<b>Department:</b>	<b>Planning and Environment</b>
<b>Council Plan Strategic Objective:</b>	<b>Environmental Sustainability</b>

We will ensure the natural assets at Bass Coast are promoted and managed in a sustainable manner so they can be enjoyed now and by future generations.

---

### Declaration

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

### Summary

Council leases a significant number of buildings for the use of community groups and commercial operations. In general, the leasing services, such as contract, property and asset management are undertaken by the Council department responsible for the relevant activity or land.

In August 2012 a review of leasing services and determine the most appropriate model the lease management commenced. This request arose from the identification in business planning assessments that leasing services may be more effectively delivered by a central team, rather than the current, decentralised, service manager approach.

### Introduction

Bass Coast Shire Council manages a significant amount of valuable land upon which foreshores, bushland reserves, kindergartens, sportsgrounds, health and leisure facilities are situated.

Where an individual, business or community group wants exclusive rights to use that land, or a building upon it, the land is leased to them. If it is Crown Land, that occurs within the parameters of the *Crown Land Reserves Act 1978*.

As stated above a review of leasing services has been undertaken, and a centralised model property management model is proposed.

Whilst implementation of the new model has not commenced it is anticipated that the following benefits will be achieved:

- more efficient use of resources
- greater consistency in application of legislation, and leasing policies
- central, consistent procedures for tenant and property management
- allows service managers to focus on relationship related to service delivery, not have that potentially soured by rent / property management issues
- specialised in-house knowledge of leasing and related practices

- exercise good practice model from other Councils
- greater monitoring of all leasing arrangements
- ability to make coordinated improvements to leasing processes
- increased consistency in rent collection and rent reviews, leading to greater income for Council.

This review was undertaken following the *Bass Coaster* model, with the assistance of a range of departments to discover:

Where we are now?–

1. What is working with the service manager model
2. What is not working with the service manager model

Where are we going? –

3. Centralised property management
4. Future model

How do we get there? –

5. Transition arrangements.

### **Where are we now?**

Many of the activities undertaken within Council on behalf of the community are coordinated on a service basis. For example, the Community Strengthening Department, as well as being involved in aged care and social planning, manage the lease and tenancy arrangements for organisations such as childcare centres that lease our Council facilities. Similarly, the Arts and Leisure Department manages leases in relation to sporting facilities, as well as coordinating activities relating to those clubs.

Each year all Council departments are involved in business planning activities that assess the services they provide, the value of those services to the community, and the appropriateness of the area of Council that provides those services. The delivery of leasing services has been raised on several occasions in relation to their relevance in relation to the team in which they sit.

The Environment Department alone manages Crown land leases to the value of \$450,000. Good financial management of these assets is crucial.

On this basis it was agreed that a review of the current leasing arrangements be undertaken to determine what is the most appropriate model for their efficient management. Key issues for consideration include the increasing complexity in land management and the need to provide accurate, fair, consistent and efficient service delivery for our community and commercial tenants,

Strengths of the current model, primarily relate to the consistency of service that each individual tenant receives:

- single point of contact and oversight
- consistent service delivery.

A number of issues with the current services manager model of managing leasing have been identified, primarily related to consistency in the application of leasing rules and conditions across tenancies:

- requirement for specialist knowledge in relation to contract management and asset renewal
- potential for inconsistency in lease terms, conditions and the application of policy
- differing approaches to asset management and asset renewal
- need for greater transparency in awarding lease contracts.

### **Where are we going?**

To counter the weaknesses of the current model, centralised management of leasing was suggested by members of the review team who have worked in other Councils and have seen how effectively it can operate.

The review team undertook a detailed assessment of the strengths, weaknesses, opportunities and threats of each model.

On balance, the review team found that the weaknesses of the current service manager approach in relation to leasing services outweigh the benefits, and that a centralised approach to property management is desired.

With a centralised approach, it is important to ensure that the different departments that continue to have an interest in leasing outcomes are informed about leases and tenants that affect them.

The review also found there is a need for greater clarity of the roles required of people undertaking service management, property management and asset management in relation to leased properties. It was recommended that as part of the transition arrangements, the impacted teams confirm and implement the roles and responsibilities of service, property and asset managers.

It is recommended that a leasing policy be developed to guide decision making by, service, property and asset managers and Council. The following issues should be considered to form part of such a policy:

- policies for selection of tenants / activities
- reasons to deviate from standard lease agreements
- recommended period for rent reviews
- guidance for rent reductions or subsidies
- guidance for Council contribution to maintenance and capital works
- guidance on the level of capital works contributions by a tenant
- reporting to Council on leases.

Many of these issues are set out in policy and legislation. However, other issues are less clear, such as when should a rent reduction be applied. If a rent reduction is applied for on the basis of the activity being a community use, what is truly a community use needs to be clarified. The Department of Sustainability and Environment is working towards a matrix to demonstrate the reduction that should be applied, and in discussions have indicated that a bowling club, for example, while citing a community purpose, may not be determined as a full community use as its activities are primarily for the exclusive use of paying members of the club. The intention of the leasing policy is to clarify such information so that the legislation and policies are universally understood and applied.

---

### How do we get there?

The following steps are in the process of being undertaken to implement the change to Council processes:

- Confirmation of the team with which this responsibility would sit
- Undertake the transition, with the team responsible for property management:
  - working with service managers to confirm a detailed list of managed leases and relevant information, including start and end dates, capital works undertaken, rent, reviews undertaken and any other relevant information
  - meet with each service manager to handover leases
  - with the service manager, meet with affected tenants to explain the changed arrangements
  - identify standard lease agreements for use as new leases
- Ensure there is continued interaction of those areas responsible for service management, property (contract) management and asset management
- Undertake an assessment of the resource impacts of the centralised model, and seek funding, implement productivity gains or other support, if necessary
- Undertake a post implementation review, within 12 months of implementation.

### Make the journey

The process of implementation detailed above is scheduled for the second quarter of 2013. It is anticipated that full implementation would commence in the 2013/14 financial year.

### How did we go?

A review of the new approach will be undertaken by December 2015 and a further Watching Bass Coast Report provided to Council on the outcomes.

### Recommendation

**That the report be received.**

### Attachments

There are no attachments for this report.

### Council Decision

**Moved: Cr. Andrew Phillips / Seconded: Cr. Kimberley Brown  
That the report be received.**

**CARRIED**

---

## 1.2 Events Update

<b>File No:</b>	<b>CM13/161</b>
<b>Department:</b>	<b>Community and Economic Development</b>
<b>Council Plan Strategic Objective:</b>	<b>Business Prosperity</b>
	We will create an economic environment that increases wellbeing and prosperity in the Shire.

---

### Declaration

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

### Summary

Council supports community and private events which create economic and social benefits for the region and enhance resident, participant and visitor experience.

This support may take the form of planning, promotions, financial or in kind and has the objective of maximising the benefits of events while minimising their negative impact on the community

### Introduction

One of the key recommendations of the 2012 Events Policy was to improve communication with Council. To help implement this recommendation a monthly Watching Bass Coast Report which identifies potential new events or significant changes to existing events will be presented to Council. The report will also list upcoming events and briefly report on events completed in the previous month.

### Strategic Basis

Council Plan Objective 04 Business Prosperity lists the following strategies:

- Support and encourage infrastructure, land use planning, events and services that support economic development and lifestyle opportunities
- Achieve a spread of visitor numbers across the whole year, improve visitor satisfaction and increase economic benefits to the area

### Finances

Council provides a range of funding through its community grant program to events in Bass Coast along with providing support for events through Council Officers time and planning expertise.

### Stakeholders

- Council
- Ratepayers & community
- Visitors
- Event organisers

- Event patrons
- Emergency services

### **Statutory Requirements/Codes/Standards/Policies**

Council's Events Policy - adopted June 2012

### **Other Options**

A monthly Watching Bass Coast report to Council was considered the most effective means of providing a regular update to Council about upcoming events.

### **Officer's Comments/Conclusion**

#### **I. Events completed in the previous report period (February 2013):**

##### **Powlett River Camp Draft – 9-10 February**

Approximately 150 riders competed in this annual event held on Alan Mitchell's O'Meara's Road property. This event has been held there for the last 15 years and is one leg of series of camp drafts held around Gippsland. The proceeds of the event go to local charities and sporting clubs. Council provides waste management assistance through the Community Grants program.

##### **Woolamai Cup – 9 February**

Record numbers attended the 2013 Woolamai Cup meeting in ideal weather conditions. Police reported attending to deal with a disruptive buck's day group but otherwise the very big crowd was well behaved. Woolamai is one of the very few true picnic race meetings and one of the only ones to still allow BYO alcohol. Increased security screening of patrons on entry should be considered for the bigger race meetings. Council has very little involvement with the race meetings at Woolamai.

##### **King & Queen of Inverloch – 9 February**

This event involving swim, paddle and run components was held on the Inverloch foreshore in the vicinity of the Angling Club and attracted 75 competitors. In the past it was auspiced by the Inverloch Life Saving Club but this year it was run solely by an independent event company. The organisers were quite happy with the way it went but were hoping to attract 100 competitors. Council assisted with the necessary permits and loaned the organisers some equipment.

##### **Cowes Classic – 9 February**

The final stage of the Bass Coast Series of biathlons drew just under 300 competitors which was slightly down on the previous year. This event which is put on by the Woolamai Beach S.L.S.C and Phillip Island Football Club involves a 500m swim on the Cowes front beach and a 4 km run through the streets. Council provides \$3,000 in cash and assistance with planning, traffic management and equipment through the Community Grants program.

**Penguin Swim Classic – 10 Feb**

This event which is also put on by the Woolamai Beach S.L.S.C and Phillip Island Football Club involves a 2km swim on the Cowes front beach. Held in conjunction with the Cowes Classic it invites competitors to participate in both and encourages an over night stay for visitors. Council contributes \$2,000 through the Community Grants program.

**Bass Coast Series**

Just under 1,000 people competed in the three legs of the Bass Coast Series which is comprised of the Cape Paterson Aquathon, the San Remo Channel Challenge and the Cowes Classic. Local competitors took out many of the categories. While the organisers would like to attract more competitors from outside the Shire it is very encouraging that so many locals embrace the three events. Council contributes the \$3,000 prize money for the series through the Community Grants program.

**Bass Coast Barracudas Triathlon – 20 February**

75 competitors participated in the third and final leg of the Alex Scott triathlon series which was held at Inverloch. Put on by the Bass Coast Barracudas this event and the whole series has run very well. The club is progressively getting stronger and their events more professionally run. Council provides planning assistance and provides event and traffic management equipment.

**Superbike World Championships – 22-24 February**

61,500 people attended over the three days which was about 5% less than the previous year. Traffic operations around the circuit were reviewed with a view to minimise the disruption to nearby estates and the general public. The changes had minimal impact on the event while improving local access and increasing pedestrian safety between the circuit and Smith's Beach.

In previous years Council provided entertainment in Cowes on Saturday evening of the event. This took the form of a stage being set up on the Esplanade in front of the toilet block with bands performing from 6pm to 11pm. Licensed premises at the bottom of Thompson Avenue would extend their operations onto the street to increase their capacity. Only one business applied to extend their operations for this event and implementing the closure and spending around \$10,000 for entertainment, security and street closures could not be justified for what was expected to be fewer people attending. The decision to not have entertainment was made quite late and was also influenced by the negative feedback received from Esplanade traders following the closures implemented during the Tough Mudder event.

The crowd numbers in Cowes on Saturday night were probably the equivalent to or less than an average summer Saturday. The number of people in Cowes during the Superbikes has decreased steadily over the years while the total attendance at the event has remained in the 60-70,000 range for the last 5 years. One of the main objectives of the entertainment in Cowes was to encourage event patrons to come into town. The current activities appear to be having minimal impact and the practice needs to be reviewed for future events.

Council officers received 3 complaints about the lack of Council generated activity in Cowes for the event. An advantage of the street closures is that it can readily turn the street into a motorcycle precinct and this was much less evident this year. Cowes is programmed to have flag poles installed in the next financial year.

This will simplify making the street more visually appealing. Parking in Thompson Avenue could be restricted to motorcycles while allowing normal vehicular access and a motorcycle precinct could be created while maintaining traffic flow. These measures need to be considered for future events together with other ways of encouraging visitors and the community into Cowes.

The Phillip Island event is the first on the calendar and teams are here for at least a week prior testing and preparing for the new season. This has significant economic benefits for Bass Coast and the event itself generates in excess of \$20million to the local economy. Council this year contributed around \$10,000 towards the traffic operations and officers' time for planning and meeting the legislative requirements of the building and health departments.

## **2. Events undertaken and planned for March 2013:**

Spartan Race – 2 March

San Remo Art & Photography Show – 8-11 March

Corinella Art & Photography Show – 8-11 March

Inverloch Jazz Festival 8-11 March

Phillip Island Music Festival – 9-10 March

San Remo Fishing Village Festival – 10 March

Keep Kids Fun Run – 16 March

Phillip Island Surfing Reserve opening – 16 March

Inverloch Food & Wine Festival – 16 March

Wonthaggi HPV- 23 -24 March

Pet Expo Wonthaggi 23 March

Grantville Pirate Festival – 23 March

Coronet Bay Easter Fair - 31 March

Cultural Lifestyle and Music Festival Bell Park - 29-31 March

Nissan Datsun Car Club Nationals Cowes – 31 March

## **3. New events / Matters of interest to Council:**

### **Street Music Festival Cowes**

Preliminary talks are continuing with the promoter. The unavailability of venues has changed the proposed date from Cup Weekend to January 2014. This event has many issues which would need to be resolved before it could proceed.

## **4. Filming Activities**

No film permits were issued during the reporting period. The television series Leongatha which was filmed predominantly in Bass Coast begins screening on Channel 31 on May 9.

**Recommendation**

**That the report be received.**

**Attachments**

There are no attachments for this report

**Council Decision**

**Moved: Cr. Kimberley Brown / Seconded: Cr. Bradley Drew  
That the report be received.**

**CARRIED**

---

### 1.3 Assembly of Councillors Report

**File No:** CM13/180  
**Department:** Corporate Services  
**Council Plan Strategic Objective:** Good Governance

We will manage our resources effectively, keep the community engaged, listen to our communities' concerns to create positive outcomes.

---

#### Declaration

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

#### Summary

Section 80A of the Local Government Act 1989 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

The *Local Government and Planning Legislation Act 2010* was proclaimed on Friday 24 September 2010, making amendments to the *Local Government Act 1989* (the Act).

The amendments included changes to the definition of 'assembly of Councillors' as well as to the requirements of such an assembly.

Section 76AA of the Act now 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 section 139, 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.

Below is a summary of all assembly of Councillors records since the last ordinary meeting of Council.

<b>Date</b>	<b>Assembly of Councillors</b>	<b>Councillors in attendance</b>
13 February 2013	Policy Workshop	All Councillors
20 February 2013	Policy Workshop	Cr Le Serve, Rankine, Brown, Drew, Phillips
20 February 2013	Councillors and CMT	All Councillors
27 February 2013	Policy Workshop	Crs Le Serve, Rankine, Brown, Crugnale, Drew, Phillips
27 February 2013	Community Engagement Briefing	Crs Le Serve, Rankine, Brown, Crugnale, Drew, Phillips
6 March 2013	Policy Workshop	Crs Le Serve, Rankine, Brown, Crugnale, Drew

### Recommendation

**That the attached assembly of Councillors records be received.**

### Attachments

<b>AT-1</b>	2013 02 13 Policy Workshop	1 Page
<b>AT-2</b>	2013 02 20 Policy Workshop	1 Page
<b>AT-3</b>	2013 02 20 Councillors and CMT	1 Page
<b>AT-4</b>	2013 02 27 Policy Workshop	1 Page
<b>AT-5</b>	2013 02 27 Community Engagement Briefing	1 Page
<b>AT-6</b>	2013 03 06 Policy Workshop	1 Page

### Council Decision

**Moved: Cr. Neil Rankine / Seconded: Cr. Jordan Crugnale**  
**That the report be received.**

**CARRIED**

## **J Acknowledgements**

### **J.1 Mrs Lyn Chambers – Mr Allan Bawden**

The Council wishes to acknowledge the passing of well known and respected local historian, Mrs. Lyn Chambers.

Mrs. Chambers passed away peacefully on Sunday 3<sup>rd</sup> March with her family beside her.

Lyn Chambers was a wealth of information on Wonthaggi's history, and together with her late husband Joe, wrote many publications and collected individual's histories to ensure the preservation of the town's history for future generations.

She was a long time Secretary of the Wonthaggi and District Historical Society and took pride in the preservation of the former railway station being developed into the Society's Museum.

It was a fitting tribute to her commitment to Wonthaggi's heritage, that Lyn Chambers was asked to launch the Wonthaggi Centenary's Memories of Wonthaggi publication.

She will be sadly missed, and we pass on our sympathy to her family.

### **J.2 Phillip Island Music Fest - Cr Phil Wright**

Cr Wright acknowledged the Phillip Island Music Fest that was held over the long weekend at the Phillip Island Winery. Cr wright commented on the talents of the band Stonefield, a band made up of four young sisters.

### **J.3 Launch of the Phillip Island National Surfing Reserve - Cr Phil Wright**

Cr Wright acknowledged the launch of the Phillip Island Surfing Reserve.

### **J.4 Clean Up Australia Day – Cr Phil Wright**

Cr Wright acknowledged the work of the Friends of the Koalas group on Clean Up Australia Day. Cr Wright assisted at Surf Beach and was impressed to see only three bags of rubbish were collected.

### **J.5 Indigenous Health Forum – Cr Jordan Crugnale**

Cr Crugnale acknowledged the Bass Coast/South Gippsland Reconciliation Group for the Indigenous Health Forum that was recently held at the Inverloch Hub. Cr Crugnale said it was a well attended event.

**J.6 Clean Ocean Foundation - Cr Neil Rankine**

Cr Rankine acknowledged the work of the Clean Ocean Foundation on Clean Up Australia Day. The Foundation held a clean up at Williamsons Beach including divers.

**J.7 Wonthaggi Business Association - Cr Neil Rankine**

Cr Rankine acknowledged the Wonthaggi Business Association. The Association are preparing to regroup to reinvigorate the Wonthaggi CBD. Cr Rankine encouraged the community to get involved.

**J.8 Phillip Island Golf Club Pro Am - Cr Kimberley Brown**

Cr Brown acknowledged that Phillip Island Golf Club for the recent Pro Am event that was held by the club.

**J.9 Young Leader Awards - Cr Kimberley Brown**

Cr Brown acknowledged the Young Leader award recipients from Newhaven College Primary School, Tia Ware and William Cuttriss and the Young Leader award recipients from Cowes Primary School, Cale Farrell and Charli Ross.

**J.10 International Women's Day - Cr Kimberley Brown**

Cr Brown acknowledged the recent Bass Coast Shire Council celebration of International Women's Day. Cr Brown acknowledged the guest speaker Ms Fiona McKenzie.

**J.11 San Remo Rotary Art and Photographic Show - Cr Bradley Drew**

Cr Drew acknowledged the recent San Remo Art and Photographic Show. Cr Drew acknowledged all the artists who submitted work and said it was a well attended event with a great range of artwork.

**J.12 Corinella Art Show - Cr Clare Le Serve**

Cr Le Serve acknowledged the recent Corinella Art Show. Cr Le Serve thanked Cr Drew for attending the San Remo Art Show on the same evening on her behalf.

**J.13 Inverloch Jazz Festival - Cr Clare Le Serve**

Cr Le Serve acknowledged the Inverloch Jazz Festival and enjoyed assisting with the judging of the street parade. Cr Le Serve thanked Cr Rankine for attending the opening of the Festival on her behalf.

**J.14 CWA Creative Arts Exhibition - Cr Clare Le Serve**

Cr Le Serve acknowledged the CWA on their recent Creative Arts Exhibition that was held in Corinella.

**J.15 Clean Up Australia Day at Corinella - Cr Clare Le Serve**

Cr Le Serve acknowledged the recent Clean Up Australia Day efforts in Corinella. Cr Le Serve said it was great to see less rubbish collected than the previous year.

**J.16 International Women's Day - Cr Clare Le Serve**

Cr Le Serve acknowledged the Bass Coast Shire Council run event for International Women's Day that was held at the Silverwater Resort.

## **K Urgent Business**

### ***K.1 Public Health Services - Cr Andrew Phillips***

#### **Council Decision**

**Moved: Cr. Andrew Phillips / Seconded: Cr. Neil Rankine**

**To lobby the State Government to better the inadequate public health services in the Bass Coast, and to get a definitive answer to the pending IPCC application at Cowes, which has been sitting in the health department since September 2012.**

**CARRIED**

### ***Mayoral Announcement Of Next Meeting Of Council***

The Mayor advised that the next meeting of Council will be the Meeting to be held on Wednesday, 17 April 2013 in Cowes (Venue TBC) at 5.00pm.

The meeting will be open to the public from 5.00pm onwards.

There will be no public briefings held prior to the Council Meeting.

### **Meeting adjourned**

The meeting was adjourned at 7.19pm

# Items Closed to the Public

*Excerpt of Section 89 of Local Government Act 1989.*

- (2) A Council or special committee may resolve that the meeting be closed to members of the public if the meeting is discussing any of the following:
- (a) Personnel matters;
  - (b) The personal hardship of any resident or ratepayer;
  - (c) Industrial matters;
  - (d) Contractual matters;
  - (e) Proposed developments;
  - (f) Legal advice;
  - (g) Matters affecting the security of Council property;
  - (h) Any other matter which the Council or special committee considers would prejudice the Council or any person;
  - (i) A resolution to close the meeting to members of the public.
- (3) If a Council or special committee resolves to close a meeting to members of the public the reason must be recorded in the minutes of the meeting.

**Meeting resumed**

The meeting resumed at 7.25pm

**Council Decision**

**Moved: Cr. Neil Rankine / Seconded: Cr. Jordan Crugnale**

**That the meeting be closed to members of the public pursuant to Section 89 (d) of the Local Government Act 1989, to consider these item as they deal with contractual matters.**

**CARRIED**

**L Items Closed to the Public**

**L.1 Contractual Matters**

It is recommended that the meeting be closed to members of the public pursuant to Section 89 (d) of the Local Government Act 1989, to consider this item as it deals with contractual matters. (Commercial in confidence - Terms and conditions of a contract in negotiation )

**L.2 Contractual Matters**

It is recommended that the meeting be closed to members of the public pursuant to Section 89 (d) of the Local Government Act 1989, to consider this item as it deals with contractual matters. (Commercial in confidence - Terms and conditions in negotiation )

**Meeting closed**

The meeting closed at 8.27pm