



**Bass Coast Shire Council  
Minutes for Ordinary Meeting  
Wednesday, 18 July 2018  
Heritage Centre  
89 Thompson Avenue  
Cowes  
5.00pm**

- 1. These minutes are due to be confirmed on 15 August 2018**
- 2. Any decision included in these minutes is subject to change resulting from a rescission motion passed by Council.**

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**Meeting commenced**

The meeting commenced at 5.00pm

Acknowledgement: Cr Geoff Ellis read the acknowledgement.

Statement: Cr Julian Brown read the Councillor Statement.

**A Present and Apologies**

Councillors: Cr Pamela Rothfield, Island Ward (Mayor)  
Cr Brett Tessari, Bunurong Ward (Deputy Mayor)  
Cr Julian Brown, Bunurong Ward  
Cr Les Larke, Bunurong Ward  
Cr Stephen Fullarton, Island Ward  
Cr Michael Whelan, Island Ward  
Cr Geoff Ellis, Western Port Ward  
Cr Bruce Kent, Western Port Ward  
Cr Clare Le Serve, Western Port Ward

Officers in Attendance:

Mr Paul Buckley, Chief Executive Officer  
Mr Mark Brady, General Manager Corporate and Community  
Ms Felicity Sist, General Manager Infrastructure and Environment  
Ms Allison Jones, General Manager Advocacy, Economy and Liveability  
Mrs Sharon Fowles, Governance and Information Services

Apologies: Nil

**B Declarations of Interest**

There were no Declarations of Interest.

**C Confirmation of Minutes**

***C.1 Ordinary Meeting held on 20 June 2018***

**Council Decision**

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

**That the minutes of the Ordinary Meeting held on 20 June 2018 be confirmed.**

**CARRIED**

## **D Public Question Time**

### **D.1 Ron Day - Wildlife roadkill on the Island**

1. Is Council alarmed or concerned at the rampant wildlife roadkill taking place on the Island?
2. Will Council undertake to convene a meeting between representatives of BCSC, PINP, PICS and the three State Government Departments which have a vested interest in, and a responsibility for, the protection of all the Island wildlife?

#### **Response:**

**Council are always concerned at the death of our wildlife on the Island. Council currently works cooperatively with PINP and VicRoads on initiatives to reduce wildlife roadkill. These discussions have had a major focus on Shearwaters in particular.**

**Actions to minimise roadkill are discussed at meetings. To assist to reduce the occurrence of roadkill Council:**

- **Trims back roadside vegetation**
- **Has placed advisory signs where high levels of wildlife are observed,**
- **Removes roadkill from the roads it maintains to safety of animals that feed on roadkill.**

**Council Officers are meeting with PINP and VicRoads in late August and will discuss this request. Officers have also contacted DELWP to pass on these concerns.**

### **D.2 Patricia Coles - agenda item H.1 Planning Application 180054 - Two Lot Subdivision, 18 Cuttriss Street Inverloch**

1. In considering the subdivision application, can the Council provide me (and perhaps other objectors) with assurances that driveway access for any buildings to be erected on the land at 18 Cuttriss Street Inverloch will run along the south-side of the land and will not abut the fence line of 14-16 Cuttriss Street Inverloch?  
OR
2. is a VCAT process the only way of resolving this matter?

#### **Response:**

1. **The application and all submissions received, including those that have raised concerns regarding the location of the driveway, will be considered by Council tonight As you know the application before council tonight, proposes that the driveway is on the north side of the land. The Mayor advised she could not give the questioner any assurances in respect to that as Council will determine to either issue a Notice of Decision with conditions, or to refuse the application tonight.**
2. **Following the decision of Council - all parties have the opportunity to appeal Council's decision to VCAT.**

**D.3 Kate Mackenzie on behalf of Save Our Beaches - Cowes Car Ferry Business Case and dune erosion**

1. Can we have an update on the Council's deferral of the Car Ferry Business Case and the secondary request for funding to the Government?  
What Actions have occurred on the Ferry issue since the May Council meeting?
2. Will any studies/action plan on dune erosion be holistic and look at the whole of Cowes rare north facing beaches from Silverleaves to Anderson Street?

**Response:**

1. **Following Council's decision at the April meeting, the Mayor wrote to Minister Jaala Pulford advising her of Council's decision and invited ongoing discussion about the prospect of further State Government funding to investigate the feasibility of the Cowes Jetty as the site for the car ferry terminal. No commitment of any further funding has been made by the State Government at this stage.**
2. **Council has recently undertaken two technical studies on erosion management options at Cowes Main Beach foreshore and Cowes East Foreshore (Erehwon point to Anderson Rd). These reports are currently being finalised and include recommendations and cost estimates for short and long term actions. The area from Anderson Rd east to the Rhyll Inlet may be included in a future study.**



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## **E Petitions, Joint Letters, Deputations and Correspondence**

### **Council Decision**

**Moved: Cr. Brett Tessari / Seconded: Cr. Julian Brown**

**Receive the petition presented to Council at this evenings meeting from the Inverloch Historical Society Inc.**

**CARRIED**

### **E.1a Petition - In support of proposed Inverloch Maritime and Museum**

A petition containing 2089 signatures has been presented to Council. The petition reads:

*To the Mayor and Councillors of the Bass Coast Shire Council*

*The petition of the following named residents and/or ratepayers draws the attention of the Council to the unsuccessful efforts over forty years by members of the Inverloch Historical Society to find a permanent home for its extensive collection of local historical memoranda and artefacts.*

*Despite several assurances of assistance in the past Council has never delivered.*

*On the 11<sup>th</sup> October 2017 the Society presented a proposal to the Council to build an Inverloch History & Maritime Museum on vacant land adjacent to the Inverloch Boat Ramp.*

*This proposal received strong encouragement from the Local State Government Department.*

*The Society is not asking for an financial support at this stage. What is seeks is a site.*

*The following petitioners herby give their support to the proposal and request Council*

*immediately commence its investigation with the relevant Local State Government*

*Department and assist in every possible way for the Society to find a permanent home.*

### **Council Decision**

**Moved: Cr. Brett Tessari / Seconded: Cr. Bruce Kent**

**Deal with the petition at this Meeting in conjunction with agenda item F.1 198/18 Inverloch Historical Society - Historical and Maritime Museum Proposal, Cr Brett Tessari.**

**CARRIED**

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**E.1 Petition - Reject the Inverloch Historical Society proposal to build a Cafe and Museum on the overflow carpark at the Inverloch Boat Ramp**

**File No:** CMI8/530  
**Division:** Corporate & Community  
**Council Plan Strategic Objective:** Governance

We are responsive, open, transparent  
and financially sustainable

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A petition containing 100 signatures has been presented to Council. The petition reads:

*The land next to the Inverloch Boat Ramp is Crown Land and is used as an overflow car and boat trailer parking facility as well as a family recreational area for residents and visitors. The area is heavily used during summer, Easter and long weekends. However, it is alleged in an article in the Sentinel Times on October 17 last year that for "50 weeks a year, the two acres sits empty, occasionally used for overflow parking from the boat ramp during summer". This is totally false and misleading.*

*During the summer and holiday periods The Esplanade is very busy with vehicle, bicycle and pedestrian traffic. The construction of a two storey building on this land would significantly reduce the amount of available boat trailer parking and force people to park their cars and boat trailers on The Esplanade and intersecting streets. This would create an unnecessary and dangerous risk to people driving, riding and walking along this road.*

*This could also cause a dangerous precedent for further development on Crown Land along our foreshores.*

*We the undersigned are concerned citizens who urge our Councillors to act now to reject the proposal and keep our foreshore free of development.*

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 Council;**

- 1. Receive the petition requesting Council reject the Inverloch Historical Society proposal to build a Cafe and Museum on the overflow carpark at the Inverloch Boat Ramp, and agree to deal with the petition at this Meeting in conjunction with agenda item F.1 198/18 Inverloch Historical Society - Historical and Maritime Museum Proposal, Cr Brett Tessari**
- 2. That the head petitioner be advised of Council's decision.**

**Attachments**

**AT-1 CONFIDENTIAL** - Petition 16 Pages

**Council Decision**

**Moved: Cr. Geoff Ellis / Seconded: Cr. Bruce Kent**

**That Council;**

- 1. Receive the petition requesting Council reject the Inverloch Historical Society proposal to build a Cafe and Museum on the overflow carpark at the Inverloch Boat Ramp, and agree to deal with the petition at this Meeting in conjunction with agenda item F.1 198/18 Inverloch Historical Society - Historical and Maritime Museum Proposal, Cr Brett Tessari**
- 2. That the head petitioner be advised of Council's decision.**

**CARRIED**

# Notices of Motion

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**F Notices of Motion****F.1 198/18 Inverloch Historical Society - Historical and Maritime Museum Proposal, Cr Brett Tessari**

I, Cr Brett Tessari, hereby give notice that I intend to move a motion at the Ordinary Meeting on 18 July 2018, which reads as follows:

**INVERLOCH HISTORICAL SOCIETY MARITIME MUSEUM PROPOSAL****Motion**

**That Council provides in principle support to the development of the Inverloch Historical and Maritime Museum by the Inverloch Historical Society on Crown Land Reserve adjacent to the Inverloch boat ramp, subject to demonstration of broad community support for the project.**

**Officer Comments**

In October 2017 the Inverloch Historical Society made a presentation at a Community Connection session seeking Council support for the development of an Inverloch Historical and Maritime Museum in the grassed open space and overflow boat trailer carpark area next to the pier.

In November 2017 Council received correspondence seeking assistance to acquire tenure of land in Inverloch for the purpose of building the Inverloch Historical and Maritime Museum.

The proposal is for the Historical and Maritime Museum to be developed on Crown Land Coastal Reserve adjacent to Inverloch boat ramp. This area is currently used as an overflow carpark. The final design of the museum would include a gallery, café and sufficient floor space for exhibiting historical items. An artistic impression has been provided by the Society (see attached).

Under the *Crown Land (Reserves) Act 1978*, the State Government (via DELWP) delegates the responsibility and management of Crown land reserve to a local government organisation, other organisation or a community volunteer group. Council is the Crown Land Manager of the Inverloch Foreshore Crown Land.

Coastal Management Act consent is required from DELWP for tenure and planning permits to proceed.

The Bass Coast Planning Scheme identifies two planning overlays for the area; Land Subject to Inundation Overland (LSIO) and partial Environmental Significance Overlay (ESO). These would need to be addressed through a planning permit process.

.....  
Cr Brett Tessari, Bunurong Ward  
Dated: **18 July 2018**

**Attachments**

**AT-1** Artistic Impression Inverloch History and Maritime Museum Proposal | Page

**Council Decision**

**Moved: Cr. Brett Tessari / Seconded: Cr. Geoff Ellis**

**That Council provides in principle support to the development of the Inverloch Historical and Maritime Museum by the Inverloch Historical Society on Crown Land Reserve adjacent to the Inverloch boat ramp, subject to demonstration of broad community support for the project.**

**LOST**

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**F.2 12/18 Rescind resolution passed at the Ordinary Council Meeting on 20 June 2018 relating to H.9 - Live Streaming Council Meetings, Cr Brett Tessari**

I, Cr Brett Tessari, hereby give notice that I intend to move a motion of rescission at the Ordinary Meeting on 18 July 2018, which reads as follows:

**RESCIND RESOLUTION PASSED AT THE ORDINARY COUNCIL MEETING ON 20 JUNE 2018 RELATING TO H.9 - LIVE STREAMING COUNCIL MEETINGS**

**Motion**

**That Council, rescind the resolution passed at the Ordinary Council Meeting on 20 June 2018 relating to H.9 - Live Streaming Council Meetings**

**Vis:**

**That Council:**

- 1. Invests in the purchase of suitable equipment and software up to the value of \$2,500 to conduct live streaming of Council Meetings.**
- 2. Develops a draft Live Streaming Council Meeting Policy and Statement to be considered by Council at their Ordinary Meeting in August 2018**
- 3. Commences live streaming of Council Meetings as a six-month trial across its Meeting venues from September 2018, subject to a Live Streaming Policy and Statement being adopted**
- 4. Receives a report on the effectiveness of live streaming following the six-month trial period**

.....  
Cr Brett Tessari, Bunurong Ward  
Dated: **18 July 2018**

**Council Decision**

**Moved: Cr. Brett Tessari / Seconded: Cr. Bruce Kent**

**That Council, rescind the resolution passed at the Ordinary Council Meeting on 20 June 2018 relating to H.9 - Live Streaming Council Meetings**

**CARRIED**

Cr Les Larke called for a division

<b>For</b>	<b>Against</b>
Cr Le Serve	Cr Rothfield
Cr Tessari	Cr Brown
Cr Fullarton	Cr Larke
Cr Ellis	Cr Whelan
Cr Kent	



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**F.3 200/18 Biggs Drive, Wonthaggi Bus Stop Upgrade, Cr Les Larke**

I, Cr Les Larke, hereby give notice that I intend to move a motion at the Ordinary Meeting on 18 July 2018, which reads as follows:

**BIGGS DRIVE, WONTHAGGI BUS STOP UPGRADE****Motion**

**That pedestrian safety improvements to the Murray Street and Biggs Drive intersection in the Wonthaggi CBD area are brought forward to complement the bus stop redevelopment, and to co-jointly (with other relevant authorities) resolve intersection safety issues.**

**Officers Comments**

Murray Street and Biggs Drive is in the Wonthaggi Central Business District, and is surrounded by businesses and private residences with the Biggs Drive Bus Stop nearby. The Responsible Road Authority for the road intersection is Bass Coast Shire Council. The bus stop and shelter is the responsibility of Public Transport Victoria (PTV). VicTrack, on behalf of PTV, have scheduled works to the bus stop and the concrete surroundings starting on 9 July 2018 and estimated to take up to 4 weeks. These works will include improving the shelter, its orientation and improving Disability Discrimination Act compliance.

In relation to the intersection;

At the June 2017 Ordinary meeting Council resolved:

**That Council consider further pedestrian safety improvements to the Murray Street and Biggs Drive intersection in the Wonthaggi CBD area following the completion of the Wonthaggi Activity Centre Plan.**

The Wonthaggi Activity Centre Plan ('Woni Proud') is currently underway and is due to be completed by the end of this calendar year. All current pedestrian crossings in the area have been upgraded to the latest standard to meet Disability Discrimination Act (DDA) compliance. The intersection has been assessed in accordance with the Council adopted Local Road Safety Improvement Program criteria. The safety risk score was 6.5. The highest priority project on the list has a safety risk score of 10.5. It is estimated that further intersection improvements would be in the vicinity of \$140,000 dependent on the number of service relocations. There is no allocated funding for intersection work in the 2018/19 budget.

.....  
Cr Les Larke, Bunurong Ward  
Dated: **18 July 2018**

**Attachments**

There are no attachments for this report.

**Council Decision**

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

**That pedestrian safety improvements to the Murray Street and Biggs Drive intersection in the Wonthaggi CBD area are brought forward to complement the bus stop redevelopment, and to co-jointly (with other relevant authorities) resolve intersection safety issues.**

**LOST**

# Mayor and Councillors Reports

## **G Mayor and Councillors Reports**

### **G.1 Mayoral Report - Cr Pamela Rothfield**

The Mayor acknowledged:

TS Constructions and DAS Construction Pty Ltd were given top honours on Friday 6 July at the South East Master Builders Regional Building Awards.

- TS Constructions was named Residential Builder of the Year (South East) their delivery of a bright, brick-clad outpost overlooking the surf at Cape Woolamai.
- DAS Construction Pty Ltd was named Commercial Builder of the Year (South East) for their work on Newhaven College.

Congratulations to Judy Hughes who won the School Crossing Supervisor of the Year (Region 4 Category) award at a ceremony held on Friday, 13 July.

Judy Hughes from Inverloch school crossing and Shirley Fleisner from Newhaven school crossing (nominated)

Judy and Shirley were nominated in the region 4 category - which includes Knox, Cardinia, Latrobe, Baw Baw, Wellington, Toowong, Dandenong, Yarra Ranges, Bass Coast, East Gippsland and South Gippsland.

#### **Activities:**

- Attended Active Bass Coast Project Board Meeting
- Attended GLGN Group Forum
- Attended and spoke at Official Opening of Wonthaggi Woodcrafters Workshop
- Attended White Road Kindergarten Announcement
- Attended Gippsland Regional Assembly
- Attended Official Opening of Smiths Beach Rescue Station
- Attended Opening of 'The Conjurers Express'
- Attended C151 Drop-In Sessions in Cowes
- Attended Winter Sunshine Festival and presented trophies
- Attended 150<sup>th</sup> Tapestry Presentation
- Attended the Youth Parliament at Parliament House
- Attended Island Whale Festival Opening and Smoking Ceremony
- Attended and opened NAIDOC (National Aboriginal and Islanders Day Observance Committee) Week Community Celebration
- Attended Phillip Island 150<sup>th</sup> Celebration Committee Meeting

**Meetings:**

- Attended Council Workshops and Briefings
- Attended Community Connection Sessions
- Chaired Council Meeting
- Chaired Councillor Only Meetings
- Weekly meetings with CEO, Council Support and Communications
- Meeting – Adam Mabilia – Wonthaggi Housing Shortage
- Meeting – Kevin Love – Phillip Island Nature Parks Chair
- Meeting – John Mutsaers – Wonthaggi Sculpture Park
- Meeting – Bev Munro – Miniature Railway for Phillip Island
- Meeting – Newhaven Yacht Club Members - lease
- Meeting – Sophie Morell – Committee for Gippsland Inc
- Meeting – Liz Stinson and Catherine Basterfield, PINP – Environmental fund and Joint Pathways Project
- Meeting – Trevor Bowler – Wonthaggi Housing Shortage
- Meeting – Andrew Marston – Survey Results

**Other:**

- Media Enquiries;
- Phone calls, emails and letters
- Event briefings
- Meeting with constituents
- Radio Interviews

**G.2 Councillor Report - Cr Stephen Fullarton**

- Attended the opening of the Island Whale Festival
- Attended the opening of NAIDOC Week. Ruby Gates was acknowledged who was the first person to raise the aboriginal flag outside of the Council Office in Cowes.

**G.3 Councillor Report - Cr Les Larke**

- Rotary Club of Wonthaggi Changeover Dinner
- Gippsland Regional Assembly

- Environmental Review Committee Meeting
- Corinella Public Art Launch
- Wonthaggi Fire Brigade Annual Dinner
- Phillip Island Whale Festival Opening
- NAIDOC – Inverloch Indigenous Art Exhibition
- NAIDOC – Churchill Island community Celebration
- Drop in session – Proposed Amendment C151 Cowes Activity Centre

**G.4 Councillor Report - Cr Geoff Ellis**

- Wonthaggi - Ordinary Meeting of BCSC
- Wonthaggi - Dinner with a councillor - McDonalds
- Tenby Point - Coffee with a constituent x1
- San Remo - Councillor Only Time
- Inverloch - Bass Coast South Gippsland Reconciliation Group Meeting
- Wonthaggi - printed WGRLC documents
- Loch: Meeting: WGRLC CEO
- Wonthaggi Library: Between the Devil and the Deep Blue Sea - Movie SGRAR
- Tenby Point: Winter Solstice Festival and The Edge of Us
- Corinella - Coffee with constituents x5
- Jam Jerrup Foreshore inspection
- Bass Valley Lions Club Change Over Dinner - Bass
- BCSC emails and facebook update - 2.5 hours
- Wonthaggi - Council workshops and briefings
- Inverloch - Visited Inverloch Library
- Wonthaggi - Chaired Access and Inclusion meeting, including inspection of Union Theatre
- Leongatha - Chaired WGRLC Board meeting -
- Corinella - Unveiled Public Art Work
- Wonthaggi Library - Ethics Discussion Group - The ethics of charity.
- Met with organisers of a car show to raise funds for the Specialist School
- Attended meeting of the Unemployed Workers Union, Wonthaggi Branch
- Visited Wonthaggi Library
- Wonthaggi - Council workshops and briefings

- Wonthaggi - Attended meeting of South Gippsland Rural Australians for Refugees to discuss Community Sponsorship of Refugees.
- Cowes - Visited Phillip Island Library
- Cowes - Phillip Island Whale Festival - blessing of the Whales
- Inverloch - NAIDOC Week Art Show Opening - continues to July 25th at the Hub. BECAUSE OF HER, WE CAN
- Travelled from Inverloch to Penguin Parade (and return) in an electric car to test feasibility.
- Kernot - Section 86 AGM
- Wonthaggi - Council workshops and briefings including community connection session
- Wonthaggi - South Coast Inclusion Network meeting at BCH
- Wonthaggi - Watched Gurrumul at the Union Theatre
- Wonthaggi - Met with organisers of a car show to raise funds for the Specialist School
- Wonthaggi - Meeting at Civic Centre to discuss music festivals in Krowera
- Cowes - Council Meeting
- Incidental across the month - Approximately 50 hours of email correspondence, newsletter writing and council focused reading and contemplation.

**G.5 Councillor Report - Cr Michael Whelan**

- Has been away for a few weeks
- Totally Renewable Phillip Island has commenced with a well-attended meeting

**G.6 Councillor Report - Cr Bruce Kent**

- Attended the Newhaven Residents Association winter warmer soup night
- Attended the Winter Sunshine Festival supporting the training of companion dogs

**G.7 Councillor Report - Cr Brett Tessari**

Has been away dealing with a family issue and acknowledged the support of his fellow Councillors, Senior Council Staff and community members

**G.8 Councillor Report - Cr Julian Brown**

- NAIDOC – Inverloch Indigenous Art Exhibition
- Anniversary of Inverloch Men’s Shed

**G.9 Councillor Report - Cr Clare Le Serve**

- Luminous Galleries Winter Solstice at Tenby Point
- Bass Valley Lions AGM
- Gippsland Regional Assembly
- Woolamai Recreation and Reserve AGM
- NAIDOC Week Community Celebration at Churchill Island, celebration of the life of Ruby Gates
- Kernot Hall and Reserve Committee AGM



# **Reports Requiring Council Decision**

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## H Reports Requiring Council Decision

### H.1 *Planning Application 180054 - Two Lot Subvision, 18 Cuttriss Street Inverloch*

<b>File No:</b>	<b>CMI8/438</b>
<b>Division:</b>	<b>Advocacy, Economy &amp; Liveability</b>
<b>Council Plan Strategic Objective:</b>	<b>Our Character</b>
	Celebrating the uniqueness of our townships

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#### Application Details

<b>Use/Development Sought:</b>	<b>Two lot subdivision</b>
<b>The Land:</b>	<b>18 Cuttriss Street Inverloch</b>
<b>Planning Scheme:</b>	<b>Bass Coast Planning Scheme</b>
<b>Zoning:</b>	<b>General Residential Zone</b>
<b>Overlays:</b>	<b>Vegetation Protection Overlay Schedule 3</b>

#### Declaration

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

#### Executive Summary

This application proposes to subdivide the land at 18 Cuttriss Street Inverloch into two lots.

The proposal triggers the need for a planning permit under Clause 32.08-4 of the Bass Coast Planning Scheme. The application was advertised and received six submissions.

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

On this basis, it is recommended that Council resolve to issue a Notice of Decision to grant a planning permit for application 180054.

#### Strategic Basis

##### **Council Plan Objective:**

Our Character – *Celebrating the uniqueness of our townships*

##### **Strategic Outcome:**

- Partnering with our community to protect and enhance the unique character of our townships, open spaces and rural landscape
- Ensure the review of the Municipal Strategic Statement improves the controls within our townships to ensure that the character is protected

- Strengthen the role of Wonthaggi as our regional centre
- Manage the sensitivities of development and growth pressures
- Be proud of, and share, our history and cultural life

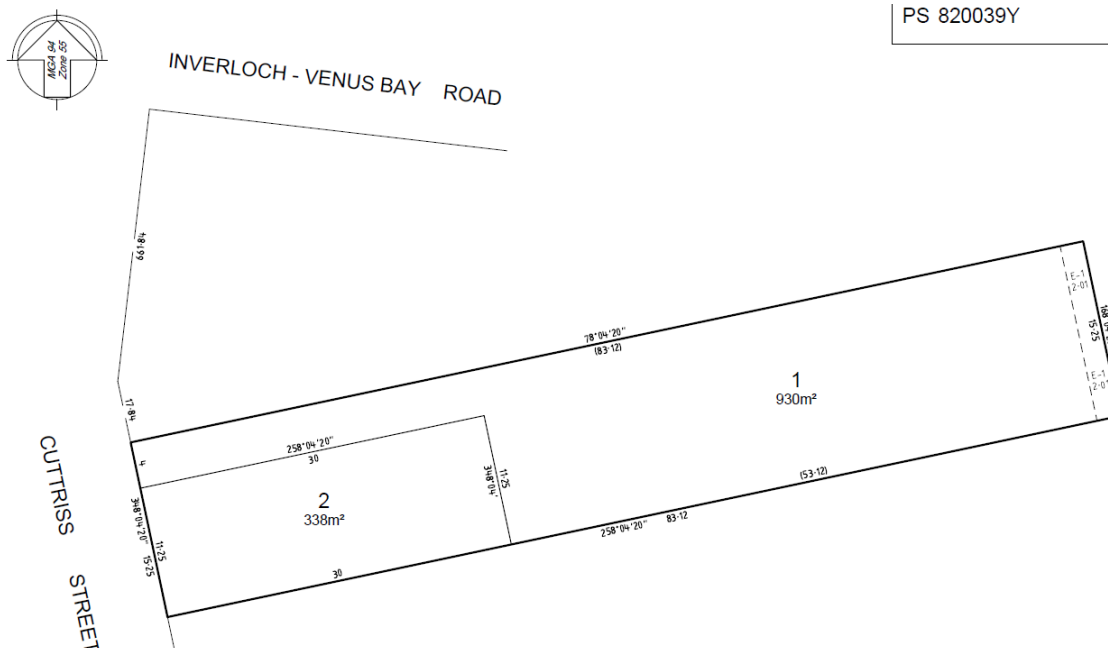
**Strategic Indicators:**

Strategic Indicators	Measures
Build capacity in community planning	Host quarterly community building events and networking opportunities each year
Overall Community Satisfaction Rating	Achieve the top quartile of Large Rural Councils
Advocate on behalf of the community on key planning issues *	Make representation to state and federal government on key planning matters
Review the Municipal Strategic Statement	Completed by June 2018
Develop a strategic vision/plan for Wonthaggi as regional centre	Implement actions identified in Wonthaggi Dalyston Structure Plan review  Strategic vision developed and adopted
Wonthaggi North East Precinct Structure Plan	Implement into Planning Scheme by June 2018
Sites and Theme Plan 2014-24	Action Plan completed annually
Incorporate the Phillip Island and San Remo Visitor Economy Strategy 2035 – Growing Tourism in the Planning Scheme as a reference document	Planning Scheme updated by June 2018

**Application Details**

This application proposes to subdivide the land at 18 Cuttriss Street in accordance with proposed plan of subdivision prepared by Steve Palmer Surveys. A copy of the plan is provided as Attachment One (ATT-1).

PS 820039Y



**Reason a Council Decision is required**

Council’s delegations require applications that attract five or more objections to be determined by Council. This application attracted six objections.

**Background**

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

Site Dimensions	The site is rectangular with north and south boundaries of 83.12m and east/west boundaries of 15.25m. The total area of the site is 1068m <sup>2</sup> .
Site Frontage	The site has a single frontage of 15.25m to Cuttriss Street.
Topography	The site is low lying and slightly undulating
Vegetation Cover	There one native tree on the western boundary of the property.
Current Use	The site is currently vacant
Easements	A two metre drainage easement runs the length of the eastern boundary
Restrictive Covenants	There are no existing restrictions on the site
Aboriginal Cultural Heritage Sensitivity	A two lot subdivision is exempt from cultural heritage requirements
Planning Permit History	110378 (expired) permitted the development of four dwellings and vegetation removal

The subject site is located at 18 Cuttriss Street Inverloch approximately 250m walking distance from the inlet shore and 1.4km from the Inverloch CBD. The site is located in an area comprising large narrow allotments which front Cuttriss Street between Bayview Avenue and the Esplanade. West of Cuttriss is a conventional grid layout of allotments featuring substantial homes set amongst garden and native vegetation. Two storey developments are dominant. On the east side of Cuttriss Street a number of medium density developments have been established including the nine townhouses abutting the property to the south.



**Notice**

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

The Applicant gave notice in the following manner:

- Sent copies of the Notice by registered mail to 19 land owners and occupiers; and
- Placed a Notice on the land.

**Submissions**

In response to notification the application attracted six submissions, a copy of each submission is included in Attachment Two (ATT-2).

**Table one:** Summary of Concerns raised in each objection

Submission	Summary of Concerns
1	Subdivision facilitates development of a dwelling which would have amenity impacts on our property.
2	The development of a dwelling on the newly created lot will have an amenity impact on our property.

3	Not enough information on the development of a dwelling to make a proper decision. There is an existing approval that is not being acted upon.
4	The subdivision will remove winter sun and create privacy issues to our property.
5	The development of the smaller lot will unreasonably affect the amenity of our property through loss of winter sun and privacy.
6	Loss of winter sun and privacy when allotments are developed.

## Referrals

The following table outlines the referral requirements of this application.

**Table two:** Referral requirements and their comments

Referral Authority	Comments
Internal (Section 52 of the <i>Planning and Environment Act 1987</i> )	
Revenue Services	Consent
Asset Management	Consent subject to conditions being applied to the permit

## Officer's Considerations

### State and Local Planning Policy Framework Assessment

State and local policy seeks to ensure there is an adequate supply of residential land available for residential development and to ensure the sustainable development of communities through a settlement framework. Local policy seeks to ensure that the townships of Bass Coast are developed in accordance with structure plans for settlement growth to limit the impact on agricultural productivity, natural and earth resources and ecological values. Clause 21.02 (*Growth of Towns*) identifies a settlement hierarchy based on expansion and infill capacity. Inverloch sits midway on the hierarchy and is identified as a 'Town' with moderate spatial growth capacity. Growth is encouraged within the existing urban boundaries in appropriate locations.

The following objectives are relevant to this proposal:

- *To ensure that residential development and related urban uses are restricted to existing or identified settlements;*
- *To encourage sustainable development, minimise impacts on the natural systems, increase natural reserves and vegetation in urban areas and improve the quality of life for the community*
- *To discourage urban development that encroaches or impacts on significant environmental features and in areas affected by future climate change impacts.*
- *To enhance the sense of identity for each community.*

State and local residential housing policies have consistent themes, these include increasing housing densities and consolidation of urban areas that offer good access to services; to provide a diversity of housing types and lot sizes to meet the community needs; to provide more affordable housing; encourage housing that is well designed and respect neighbourhood character; improve housing choice; and make better use

of existing infrastructure. The following housing objectives are relevant to this proposal:

- *To increase housing densities and the consolidation of urban areas in appropriate locations – Encourage increased housing densities within Wonthaggi, Cowes/Ventnor, San Remo, Inverloch and Grantville*
- *To provide a diversity of housing types to meet the needs of all residents and visitors to the municipality.*
- *To provide more affordable housing options in the municipality.*
- *To provide a diversity of lot sizes to meet the needs of all residents and visitors to the municipality.*

The Strategic Framework Plan illustrates the location of the subject site just within character area 2 and just within the town centre. The strategic plan for Inverloch (Clause 21.08-1) anticipates a much higher density of development in this area of Inverloch

If approved, the proposed lot sizes will add diversity in this area where few small allotments are available. The subject site is appropriately zoned and is in an area where further subdivision is anticipated. As such, the proposed subdivision is considered to be consistent with State and Local Planning Policies.

## **Zone Assessment**

### General Residential Zone

The subject site is within the General Residential Zone. The purpose of the zone is to encourage a diversity of housing types in locations that are appropriately serviced and to encourage development that respects the neighbourhood character of the area.

The application is consistent with the objectives of the General Residential Zone as the proposal would seek to create two allotments of sufficient size to accommodate a dwelling with good northerly aspect and sufficient infrastructure.

Whilst there is only one tree on the subject site, established vegetation is located along the boundaries of adjoining properties. In consultation with the applicant, building envelopes, to be secured by a Section 173 agreement are recommended for both lots to ensure that this vegetation is protected from further development.

With reference to Clause 32.08-3 of the General Residential Zone, the proposal has been assessed against the relevant objectives and standards of Clause 56 (Residential Subdivision) of the Bass Coast Planning Scheme. The proposal is considered to have satisfied the relevant objectives and standards related to a two lot subdivision.

The application is consistent with the pattern of subdivision in the area, which comprises a mix of larger lots and multi-dwelling developments. It is considered that if Council were to approve this proposal it would facilitate development consistent with the provisions of the Bass Coast Planning Scheme.

## **Overlays**

The application does not trigger a planning permit under the Vegetation Protection Overlay, as no vegetation is proposed to be removed.

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## Particular Provisions

### Clause 52.01 – Public open space contribution and subdivision

A person who proposes to subdivide land must make a contribution to the Council for public open space as specified in a schedule to this clause. Clause 52.01-1 sets out specific instances where a subdivision is exempt from making a public open space contribution, including subdivision of land into two lots where Council considers it unlikely that the lots will be further subdivided.

Given the size of Lot 2 at 930m<sup>2</sup>, it could potentially be further subdivided in the future, on this basis it is recommended that should a permit issue a 5% public open space contribution should be included as a condition on the permit.

### Concerns raised by Submitters

- *The design of future dwellings and the impacts that a design may have on objectors properties.*

This application is for subdivision only. No proposal to develop the land with any structures is before Council. Potential future development of the land is not a planning consideration for this proposal.

- *The location of the driveway should be on the south side of the allotment.*

This concern relates to the development of proposed lots which may affect solar access to abutting properties on the south. It is considered that the proposed design is optimal for protecting solar access to each lot created and is consistent with the purpose and objectives of residential subdivision.

- *Not enough information on the future development of the site.*

The application has been made in accordance with the requirements of the planning scheme. Any future development of the land would be subject to the requirements of the Planning Scheme (should a permit be required) or Building Act.

### Conclusion

The application has been assessed against the Bass Coast Planning Scheme and is considered to be an appropriate response to the site and its context.

The application underwent notification and as a result there were six submissions received. Concerns raised by submitters were considered in the assessment of the application.

It is recommended that Council resolve to issue a Notice of Decision to grant a planning permit for application I80054, subject to conditions.



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**Recommendation**

That in relation to planning permit application 180054 for two lot subdivision located at 18 Cuttriss Street Inverloch, Council resolves to issue a planning permit subject to the following conditions:

1. **Prior to the commencement of any works hereby permitted, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted but modified to show:**
  - a) **Construction of vehicle access for Proposed Lot 1 & 2 to IDM SD 245.**
  - b) **Building envelopes that provide a minimum two metre buffer for any buildings and works on the eastern and western boundaries of the site.**
2. **Prior to the certification of the plan of subdivision under the Subdivision Act 1988, a site drainage plan, including levels or contours of the land and all hydraulic computations, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The drainage plan must be prepared in accordance with the requirements of the Infrastructure Design Manual (IDM) and must provide for the following:**
  - a) **Extension of the existing underground Council Stormwater System at the rear of properties in Cuttriss St. south of the subject land to cater for Lot 2 in the proposed development.**
  - b) **Configure drainage to allow proposed Lot 1 to drain to Cuttriss Street.**
  - c) **Demonstrate how the land including all existing buildings, open space and paved areas within each lot will be drained for a 1 in 5 year ARI storm event to the legal point of discharge for each lot without concentration of surface flows discharging to downstream property.**
  - d) **An underground pipe drainage system conveying stormwater to the legal point of discharge and connecting into Bass Coast Shire Council's stormwater drainage system.**
  - e) **The provision of stormwater detention within the site and prior to the point of discharge into Bass Coast Shire Council's drainage system. The stormwater detention system must be designed to ensure that stormwater discharges arising from the proposed development of the land are restricted to pre-development flow rates. The rate of pre-development stormwater discharge shall be calculated using an allowable discharge rate for the site 37 l/sec/ha.**

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- f) **No part of any above ground stormwater detention system is to be located within a stormwater drainage easement or a sewerage easement unless with the Responsible Authority's written approval.**
  - g) **Drainage plan with Site Levels, Corner heights to Site Contours (to AHD).**
3. **The plan of subdivision submitted for certification under the Subdivision Act 1988, must show appropriate easements set aside for drainage purposes, to the satisfaction of the Responsible Authority.**
  4. **Prior to the issue of a Statement of Compliance for this subdivision under the Subdivision Act 1988, the following works must be completed to the satisfaction of the Responsible Authority including all necessary permits being obtained and inspections undertaken:**
    - a) **All drainage works must be constructed in accordance with a site drainage plan for the property as approved by the Responsible Authority pursuant to this planning permit**
    - b) **All proposed vehicle crossings must be constructed in accordance with the endorsed plans**
    - c) **All redundant vehicle crossings abutting the site shall be removed and the kerb, channel, naturestrip and footpath shall be reinstated**
  5. **Prior to the issue of a Certificate of Occupancy, the owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 and provide evidence to the Responsible Authority that the agreement has been registered on the certificate of title for the land. The agreement will stipulate that:**

#### **Drainage requirements**

- a) **The owner will maintain and not modify the on-site storm water detention system without prior Council written approval, and will allow the system to be inspected by a duly appointed officer of the Council at mutually agreed times;**
- b) **The capacity of the on-site stormwater detention system cannot be reduced and must be maintained to the satisfaction of the Responsible Authority; and**
- c) **The owner will pay for all the costs associated with the operation, maintenance and Council inspection of the on-site storm water detention system.**

#### **Building envelopes**

- d) **All buildings and works shall be constructed within the building envelopes on the endorsed plans unless the prior written consent of the Responsible Authority is obtained.**

The cost of preparation, lodgement and registration of the agreement and any subsequent amendment, enforcement, removal or other dealing associated with the agreement shall be borne totally by the owner of the land.

#### **Public Open Space Contribution**

- 6. Before a Statement of Compliance is issued under the Subdivision Act 1988 for a plan of subdivision the owner must make a contribution to public open space equal to five percent of the value of the land in that plan of subdivision.**
- 7. The subdivision as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
- 8. All existing and proposed easements and sites for existing and required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.**
- 9. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.**
- 10. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.**
- 11. The owner of the land must enter into an agreement with:**
  - a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and**
  - b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network (NBN) will not be provided by optical fibre.**
- 12. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:**
  - a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and**
  - b) A suitably qualified person that fibre ready telecommunications facilities have been provided in accordance with any industry specifications or any standards**

set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

13. The development must be managed during construction so that the amenity of the area is not detrimentally affected through the:
- a) Transport of materials, goods or commodities to or from the land;
  - b) Appearance of any building, works or materials;
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, litter, dust, waste water, waste products, grit or oil; and
  - d) Presence of vermin or animals.
14. No mud, dirt, sand, soil, clay, stones, oil, grease, scum, litter, chemicals, sediments, gross pollutants, animal waste or domestic waste shall be washed into, allowed to enter or discharged to the stormwater drainage system, receiving waters or surrounding land and road reserves, during the construction works hereby approved to the satisfaction of the Responsible Authority.
15. This permit will expire if one of the following circumstances applies:
- a) The plan of subdivision is not certified under the Subdivision Act 1988 within two years of the date of this permit; or
  - b) Registration of the plan of subdivision is not completed within five years of the certification of the plan of subdivision under the Subdivision Act 1988.

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

#### Notes

Condition 2 - internal drainage is to meet 1 in 5yr Storm to LPOD for proposed Lots 1 & 2 with orifice diameters for Detention System Tanks >25mm diameter and orifice diameters for Detention System Pit or Pipe >50mm.

#### Attachments

- AT-1** Planning Application 180054 - Plan of Subdivision 2 Pages  
**AT-2** **CONFIDENTIAL** - Planning Application 180054 - Submissions 4 Pages

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**Council Decision**

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

**That in relation to planning permit application 180054 for two lot subdivision located at 18 Cuttriss Street Inverloch, Council resolves to issue a notice of decision to issue a planning permit subject to the following conditions:**

- 1. Prior to the commencement of any works hereby permitted, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted but modified to show:**
  - a) Construction of vehicle access for Proposed Lot 1 & 2 to IDM SD 245.**
  - b) Building envelopes that provide a minimum two metre buffer for any buildings and works on the eastern and southern boundaries of the site.**
- 2. Prior to the certification of the plan of subdivision under the Subdivision Act 1988, a site drainage plan, including levels or contours of the land and all hydraulic computations, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The drainage plan must be prepared in accordance with the requirements of the Infrastructure Design Manual (IDM) and must provide for the following:**
  - a) Extension of the existing underground Council Stormwater System at the rear of properties in Cuttriss St. south of the subject land to cater for Lot 2 in the proposed development.**
  - b) Configure drainage to allow proposed Lot 1 to drain to Cuttriss Street.**
  - c) Demonstrate how the land including all existing buildings, open space and paved areas within each lot will be drained for a 1 in 5 year ARI storm event to the legal point of discharge for each lot without concentration of surface flows discharging to downstream property.**
  - d) An underground pipe drainage system conveying stormwater to the legal point of discharge and connecting into Bass Coast Shire Council's stormwater drainage system.**
  - e) The provision of stormwater detention within the site and prior to the point of discharge into Bass Coast Shire Council's drainage system. The stormwater detention system must be designed to ensure that stormwater discharges arising from the proposed development of the land are restricted to pre-**

development flow rates. The rate of pre-development stormwater discharge shall be calculated using an allowable discharge rate for the site 37 l/sec/ha.

- f) No part of any above ground stormwater detention system is to be located within a stormwater drainage easement or a sewerage easement unless with the Responsible Authority's written approval.
  - g) Drainage plan with Site Levels, Corner heights to Site Contours (to AHD).
3. The plan of subdivision submitted for certification under the Subdivision Act 1988, must show appropriate easements set aside for drainage purposes, to the satisfaction of the Responsible Authority.
  4. Prior to the issue of a Statement of Compliance for this subdivision under the Subdivision Act 1988, the following works must be completed to the satisfaction of the Responsible Authority including all necessary permits being obtained and inspections undertaken:
    - a) All drainage works must be constructed in accordance with a site drainage plan for the property as approved by the Responsible Authority pursuant to this planning permit
    - b) All proposed vehicle crossings must be constructed in accordance with the endorsed plans
    - c) All redundant vehicle crossings abutting the site shall be removed and the kerb, channel, naturestrip and footpath shall be reinstated
  5. Prior to the issue of a Certificate of Occupancy, the owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 and provide evidence to the Responsible Authority that the agreement has been registered on the certificate of title for the land. The agreement will stipulate that:

#### Drainage requirements

- a) The owner will maintain and not modify the on-site storm water detention system without prior Council written approval, and will allow the system to be inspected by a duly appointed officer of the Council at mutually agreed times;
- b) The capacity of the on-site stormwater detention system cannot be reduced and must be maintained to the satisfaction of the Responsible Authority; and
- c) The owner will pay for all the costs associated with the operation, maintenance and Council inspection of the on-site storm water detention system.

**Building envelopes**

- d) **All buildings and works shall be constructed within the building envelopes on the endorsed plans unless the prior written consent of the Responsible Authority is obtained.**

**The cost of preparation, lodgement and registration of the agreement and any subsequent amendment, enforcement, removal or other dealing associated with the agreement shall be borne totally by the owner of the land.**

**Public Open Space Contribution**

6. **Before a Statement of Compliance is issued under the Subdivision Act 1988 for a plan of subdivision the owner must make a contribution to public open space equal to five percent of the value of the land in that plan of subdivision.**
7. **The subdivision as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
8. **All existing and proposed easements and sites for existing and required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.**
9. **The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.**
10. **The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.**
11. **The owner of the land must enter into an agreement with:**
  - a) **A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and**
  - b) **A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network (NBN) will not be provided by optical fibre.**
12. **Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:**
  - a) **A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the**

provider's requirements and relevant legislation at the time;  
and

- b) A suitably qualified person that fibre ready telecommunications facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

13. The development must be managed during construction so that the amenity of the area is not detrimentally affected through the:

- a) Transport of materials, goods or commodities to or from the land;
- b) Appearance of any building, works or materials;
- c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, litter, dust, waste water, waste products, grit or oil; and
- d) Presence of vermin or animals.

14. No mud, dirt, sand, soil, clay, stones, oil, grease, scum, litter, chemicals, sediments, gross pollutants, animal waste or domestic waste shall be washed into, allowed to enter or discharged to the stormwater drainage system, receiving waters or surrounding land and road reserves, during the construction works hereby approved to the satisfaction of the Responsible Authority.

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

- a) The plan of subdivision is not certified under the Subdivision Act 1988 within two years of the date of this permit; or
- b) Registration of the plan of subdivision is not completed within five years of the certification of the plan of subdivision under the Subdivision Act 1988.

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

#### Notes

Condition 2 - internal drainage is to meet 1 in 5yr Storm to LPOD for proposed Lots 1 & 2 with orifice diameters for Detention System Tanks >25mm diameter and orifice diameters for Detention System Pit or Pipe >50mm.

**CARRIED**



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**H.2 Active Bass Coast (Municipal Open Space & Recreation Plan) Draft Report for exhibition**

<b>File No:</b>	<b>CMI8/59</b>
<b>Division:</b>	<b>Corporate &amp; Community</b>
<b>Council Plan Strategic Objective:</b>	<b>Health and Wellbeing</b>
	We are a healthy and active community

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**Declaration**

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

**Summary**

The purpose of this report is to present the Draft Active Bass Coast Plan (the draft Plan) to Council prior to releasing the Plan for public exhibition.

The draft Plan provides the strategic direction for prioritisation and delivery of open space and recreation improvements across the Shire and includes a short, medium and long term Implementation Plan.

The report recommends endorsement of the draft Plan to be placed on exhibition for community review and feedback. The final Active Bass Coast Plan will then be presented for consideration by Council for final endorsement at a future Ordinary Meeting.

The report will be placed on exhibition for 6 weeks from Monday 23rd July 2018 to Sunday 2nd September 2018.

**Background**

The development of Active Bass Coast is a major initiative identified in the Council Plan 2017-2021.

The Active Bass Coast project aims to create healthy, active environments and services that encourage people to participate in sport, socialise, play and relax in our parks, engage in community activities and events, and to enjoy Bass Coast's natural coastline, bushlands and waterways. The draft Plan has been informed by extensive community engagement undertaken throughout March 2018 (see AT-2 for details of community engagement activities).

Key consultation themes and high level priorities have been workshopped with the community and are now presented as part of the draft Plan. The draft Plan is proposed to be released for public exhibition in July – September 2018.

**Strategic Basis**

**Council Plan Objective:**

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

**Strategic Outcomes:**

- Provide opportunities for involvement in healthy active lifestyles

- Improved accessibility for people with a disability
- Engage in health promotion activities that support the health and wellbeing of our community
- Advocate for health services in our community\*
- Deliver and advocate for appropriate services for older people, families and children
- Plan and prepare for emergency responses in the region
- Support our communities to be connected and empowered
- Work with other agencies to implement Family Violence Prevention Plans and Strategies

**Strategic Indicators:**

Strategic Indicators	Measures
Participation in health promotion activities	Health promotion activities from Health and Wellbeing Plan Actions undertaken annually
Compliance with Municipal Emergency Management Plan 2014	100% compliance
Implement the Youth Action Plan 2016-20	Action Plan completed annually
Implement the Disability Action Plan 2016-20	Action Plan completed annually
Implement Municipal Early Years Plan 2016-20	Action Plan completed annually

**Council Plan Objective:**

Liveability – *Enjoying the place we live*

**Strategic Outcome:**

- Promote Bass Coast as an all year events destination whilst supporting the continuation and development of new events
- Facilitate opportunities for multi-purpose facilities to improve access to recreation and sporting activities
- Plan for and support a healthy, connected and active community
- Support youth recreation and learning activities in our community
- Support dynamic and diverse arts and cultural activities
- Protect our natural environment balanced with access for all to enjoy
- Ensure any road or drainage infrastructure projects consider safe and accessible crossings for pedestrians
- Plan and provide well maintained public amenities and facilities

**Strategic Indicators:**

<b>Strategic Indicators</b>	<b>Measures</b>
Community grants program supporting events	Funding contributed to community events as identified in Annual Budget
<b>Develop Municipal Recreation Plan</b>	<b>Developed by June 2018</b>
Implement annual Health and Wellbeing Action Plan	Action Plan completed annually
Build community infrastructure that improves quality of life	90% of the projects included in the Capital Works program to be completed
Implement Asset Management Policy and Strategy Improvements	Action Plan completed annually
Implementation of annual maintenance programs	Annual program implemented
Implement priorities identified in the Pathways Network Plan 2016	Delivery of identified budgeted path projects Grant opportunities identified and applied for
Develop and Implement Domestic Animal Management Plan 2017-20	Action Plan completed annually
Implement Arts and Culture Plan 2015-19	Action Plan completed annually New plan revised and adopted by 2019
Implement Youth Action Plan 2016-20	Action Plan completed annually New plan revised and adopted by 2020

**Major Initiative / Initiative**

This is a major initiative in the Council Plan 2017-2021

**Strategies / Policies**

Active Bass Coast has been developed with consideration of the following Council Strategies and Policies:

- Council Plan incorporating the Municipal Public Health and Wellbeing Plan 2017-2021
- Municipal Recreation Plan 2009–2014
- Open Space Plan 2008
- Sport and Active Recreation Needs Assessment 2016
- Skate Strategy 2018
- Playspace Strategy 2017
- Aquatics Strategy 2015

- Pathways Plan 2016
- Disability Action Plan 2016
- Youth Action Plan 2016

## Discussion

Active Bass Coast is a 10 year Plan that sets the vision for the provision and use of open spaces and recreation activities across the Shire. The vision is for a healthy and connected community that regularly participates in recreation and social activities in both natural and structured open spaces. The draft Active Bass Coast Plan is set out in Attachment 1 (AT-1).

The Plan builds on the Sport and Recreation Needs Assessment (SARNA) undertaken in 2016 and integrates a number of Council strategies such as the Municipal Public Health and Wellbeing Plan; along with more recreation specific Plans including the Skate Strategy and Playspace Strategy. This Plan also references key state government Plans and priorities including Active Victoria 2017 (Sport and Recreation Victoria).

The Plan has a number of short, medium and long term recommendations that have been prioritised using criteria that supports the objectives of the Plan. The recommendations have been categorised into regional projects, area based projects, and planning projects and cover recommendations that relate to recreation reserves, parks, foreshores and pathways. Research and benchmarking along with extensive consultation helped formulate focus areas for the draft Plan. These have been grouped under the themes Active People, Active Places and Active Partnerships.

### Active People

1. Adapting to changing trends in sport and recreation participation
2. Increasing physical activity and targeting the least active members of the community
3. Empowering the community to lead the way
4. Ensuring inclusive environments and access for all

### Active Places

5. Providing adequate open space and recreation options in growth areas
6. Equitable and sustainable management of facilities, reserves and foreshores
7. Connecting the Bass Coast Shire via walking and cycling trails
8. Conserving the natural environment while promoting sustainable active recreation

### Active Partnerships

9. Identifying and prioritising regional recreation facilities
10. Equitable and sustainable relationships with community groups
11. Partnering with government and organisations to increase funding for open space and recreation
12. Boosting the economy via recreation tourism

The draft Active Bass Coast Plan provides the high level direction for recreation and open space provision based on current and future needs and the management of these spaces throughout the Shire.

It is proposed to undertake public exhibition regarding the draft Plan from July – September 2018. The public exhibition process will comprise the following:

- Promotion on the Council website
- Hard copy draft Plans available in libraries /Council offices
- Drop in sessions – Cowes and Wonthaggi
- Facebook Q & A
- Radio Show
- Email to all people registered as part of the initial engagement activities.

At the end of the exhibition period, all feedback will be collated and adjustments made (if required) to the Plan. The Active Bass Coast Plan will then be presented to Council for final consideration at a future Ordinary meeting.

The community engagement activities associated with the development of Active Bass Coast also sought feedback on priority projects for the allocation of funding within Council's Resort and Recreation Fund. As part of the process for development of land, Council collects contributions from developers for the enhancement of public open space. These funds are kept by Council in a 'Resort and Recreation Fund' and generally spent on enhancing open space and recreation opportunities in the towns where the development occurred.

This feedback has been considered in the development of the draft Plan. Following consideration and endorsement of the Active Bass Coast Plan (including criteria for prioritisation of projects) a report will be prepared for consideration at a future Ordinary Council Meeting. This future report will recommend allocation of Resort and Recreation Funding for priority projects that align with the Active Bass Coast Plan.

## **Finances**

The draft Implementation Plan has been developed to align with Councils 10 year Capital Works Plan and identifies existing funding streams including:

- Resort and Recreation Fund
- Annual budget allocations
- Capital Works Renewal
- Grants / Contributions

## **Stakeholders**

- Community consultation and engagement has reached over 1000 community members via surveys, pop up engagement events and workshops -
  - General community
  - Committees of Management & partner organisations
  - Government agencies

- Sport and recreation peak body organisations
- Community groups
- Sports clubs

### **Other Options**

If Council does not agree to commence the public exhibition of the draft Plan in its current form, the exhibition period can be delayed to allow time to review the document.

### **Conclusion**

The draft Active Bass Coast Plan has been completed and further consultation will be undertaken during the exhibition phase.

The Plan sets the vision for the provision and use of open space and recreation activities across the Shire for the next 10 years with short, medium and long term recommendations. The Plan includes the prioritisation criteria used to prioritise recreation and open space projects.

### **Recommendation**

**That Council endorses the Draft Active Bass Coast Plan and Implementation Plan for a 6 week public exhibition period from 23 July 2018 to 2 September 2018.**

### **Attachments**

<b>AT-1</b>	Active Bass Coast Draft Plan 2018	46 Pages
<b>AT-2</b>	Active Bass Coast Plan Community Engagement Report	89 Pages

### **Council Decision**

**Moved: Cr. Les Larke / Seconded: Cr. Bruce Kent**

**That the recommendation be adopted.**

**CARRIED**

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### H.3 Leasing and Licensing Policy

<b>File No:</b>	<b>CMI8/492</b>
<b>Division:</b>	<b>Corporate &amp; Community</b>
<b>Council Plan Strategic Objective:</b>	<b>Governance</b>

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#### 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 a new *Bass Coast Shire Council Leasing and Licensing Policy 2018* to replace the current policy entitled *Council Owned and Managed Land Occupancy Policy*.

The proposed Leasing and Licensing Policy is intended to:

- Protect Council's assets
- Provide consistency to the terms and conditions applied, and
- Enhance the value to the community through the use of Council property.

The policy considers the impact of the legislative framework, aligns with other policies plans and strategies and seeks to maximise community benefit through new leases and licences.

The scope of the policy will help Council:

- Make agreements with external organisations or persons seeking to occupy Council owned or managed land.
- Make decisions about new leases and licences.
- Cover property owned or managed by Council including Crown land for which the Council is the appointed Committee of Management.

The policy does not apply to property managed by a special committee of Council or to temporary uses under a hire agreement or permit.

#### Background

Land and buildings are critical assets in the provision of Council services and in meeting community needs now and into the future. It is prudent to have a legally binding agreement in place in the form of a lease or licence when a Council owned or controlled property is occupied on an ongoing basis by another party.

A lease grants a tenant exclusive use of land and any improvements and a financial interest in the land that can be valued.

A licence grants a non-exclusive occupation of a defined space but no financial interest in property that can be valued.

Without a robust and transparent policy, there can be decisions that do not consider the wider or longer-term issues which can lead to inconsistency, inequity, uncertainty and a lack of flexibility to adapt to future needs.

The objective of the Leasing and Licensing Policy is to establish leases that:

- Are transparent, consistent, fair and give certainty,
- Comply with relevant legislation, policies, plans and strategies,
- Are appropriate and suitable to the circumstances,
- Contain conditions that are fair and equitable while at the same time protect Council's position,
- Make the best use of property through the permitted use, integration, co-location and general public access,
- Anticipate future needs for development or re-purposing,
- Maximise community benefits, and
- Promote environmental sustainability

### Strategic Basis

#### Council Plan Objective:

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

#### Strategic Outcome:

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

#### Strategic Indicator:

Strategic Indicators	Measures
Community Satisfaction with Council Decisions	Achieve the top quartile of Large Rural Councils
<b>Transparency of Council decisions</b>	Achieve the top quartile of Large Rural Councils
Community Satisfaction with Consultation and Engagement	Achieve the top quartile of Large Rural Councils
Community satisfaction with customer contact	Achieve the top quartile of Large Rural Councils



Local Government Performance Reporting Framework (LGPRF) – Financial Performance	Measures that are reported are within the top quartile for Large Rural Councils as identified in the LGPRF
Victorian Auditor General Office (VAGO) Financial Sustainability indicators	The Strategic Resource Plan and the Long Term Financial Plan to meet or better VAGO low risk indicators
Other financial and non-financial performance indicators	Adjusted underlying operation result aims to achieve an operating surplus Implementation of monthly and year to date financial reporting, with plain English version for our Community Implementation of monthly and year to date non-financial performance reporting, with plain English version for our Community Increased efficiencies as a result of information technology improvements
Communications and Engagement Strategy 2015-18 actions implemented	Complete Strategy implementation by June 2018
Develop and Implement a Revenue Strategy	Strategy developed and actions implemented

### Strategies / Policies

The draft policy aligns with all other Council policies and strategies.

The Council Property Strategy articulates when and why Council owns property and this draft policy sets the Governance framework.

The draft policy does not have any inconsistencies with the State Government's *Leasing Policy for Crown Land in Victoria 2010*.

### Statutory Requirements/Codes/Standards/Policies

The legislative framework, particularly for leasing, is complex in regard to processes and the use of various terms and conditions.

The *Crown Land (Reserves) Act 1978* requires a two stage approval process for leases and licences. The first stage is an approval in principle for the decision to lease/licence and key terms and sometimes this involves parliamentary scrutiny. The second stage requires an approval by the Minister for Energy, Environment and Climate Change. It also specifies the maximum terms for leases and licences.

The *Local Government Act 1989* restricts leases to a maximum of 50 years. It has provisions for mandatory community consultation for leases of 10 years or more and for leases between 1 and 10 years where the actual rent or market rent exceeds \$50,000 in any one year.

The *Retail Leases Act 2003* promotes certainty and fairness between a landlord and tenant in the leasing of retail premises. What constitutes "retail premises" is broadly defined by the courts and can include a not-for-profit organisation that provides goods or services for a fee. This act contains some provisions that cannot be

contracted out of in a lease, e.g. landlord responsibility for maintenance and repairs, and assignment that cannot unreasonably be withheld.

### Discussion

Council’s property portfolio is diverse and supports a wide range of uses. A “one size fits all” approach to leasing and licensing is simply impractical.

The policy is built on the identification of three categories of lessee/licensee as follows:

- Commercial - where the primary objective of the lessee/licensee is to trade goods and services for profit. Examples include caravan parks and restaurants. This category is supported by Council through an agreement because the use delivers benefits through rent/fees, provision of an appropriate service in the locality, enhances the tourism appeal of the region, enables the delivery of an essential service or allows for the management of property at no cost until the land is required for another purpose.
- Community/Commercial (or semi-commercial) – where the primary objective of a community based organisation or public body is to provide a community, social, cultural, recreational or essential service and through this activity or part of the activity is able to generate the sale of goods and services in competition with others in an open market. Examples include childcare and art gallery. This category is supported where a lessee/licensee pays a market rent/fee or reduced market rent/fee based on a capacity to pay rent/fees and/or demonstrated through benchmarking or historical agreements. A reduced market rent/fee is justifiable through the delivery of significant community benefits. This category also includes a community lease where a third party commercial operator has a licence or sub-lease.
- Community – where a not-for profit incorporated association pays low rent/fees as its core values and objectives are to provide and promote social, cultural and/or recreational opportunities for participation by the general public. Examples include a lifesaving club and senior citizens club. This category may also include circumstances where there is a desire to support or partner with an essential or emergency service provider.

The policy considers the basis for entering into an agreement having regard to:

- Strategy – the preferred future use of the property and alignment to other plans, policies and strategies.
- Value – getting the best value for money, the provision of service or in partnering with other organisations.
- Community benefits - maximizing benefits to the community through leasing and licensing.

The table below summarises other principles to be applied to leases and licences:

PRINCIPLE	APPLICATION	REASON
Tenant selection	An open and competitive process to be used to select a tenant especially for commercial tenants	Promotes equity, transparency and best value

Rent	To be determined by an open and competitive process or market valuation. \$310 per annum (increasing annually by CPI) where a community concessional rent is applied.	Demonstrates value to the community  \$104 (\$2 week) in 1985 upgraded by CPI calculation
Length of Term	5 years unless there is a strategic need to have a longer term. 15 to 20 years to support capital investment	A lease at 5 year intervals gives flexibility to respond to changes in legislation policies and plans Enables a tenant to receive benefits from capital investment and can support financing
Assignment	To be restricted where possible	Restrictions are appropriate if a lease is negotiated through private treaty Restrictions are appropriate for community tenants
Sub-letting and licensing	To be considered on merit	Leases should incorporate conditions to ensure there are conditions for community tenants proposing commercial sub-tenants
Outgoings	All property charges to be a tenant responsibility	A tenant must pay for costs associated with the tenancy
Asset management	To incorporate asset management plans where possible	Where possible the parties should be aware of plans for renewal
Maintenance	Clearly defined responsibilities for the landlord and tenant	Include a schedules of maintenance responsibilities for each of the parties
Insurance	Appropriate insurances to be current at all times	Regular monitoring of tenant insurance. Public liability insurance is essential
Environment	Tenants encouraged to reduce impact on the environment	Appropriate environmental conditions included in an agreement
Consultation	To be appropriate meaningful and genuine	Statutory consultation considered to be a minimum requirement
Risk management	Incorporate risk management plans	Tenant's to maintain a risk management plan

Reporting	All community/commercial and community tenants to provide an annual report	To confirm annually that community tenants are viable and generally conforming to their objectives
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### Finances

Property management is a function of the Governance and Information Services and is supported through an operational budget.

The policy promotes the more efficient and effective use of property which will improve the budget position over time due to greater rental income.

### Stakeholders

Bass Coast Shire Council and officers across the organisation.

Department of Environment, Land, Water and Planning – demonstrating Bass Coast Shire's aim to manage Crown land in a responsible and effective way.

Tenants/Licensees – giving clear advice as to what Council expects through leasing and licensing.

The broader community – having confidence in Council's ability to manage property on behalf of the community.

### Other Options

1. It is considered that the existing *Council Owned and Managed Land Occupancy Policy* does not give sufficient guidance to inform decision makers (Council, Council officers and tenants) about new leases and licences that are to be established. Having no policy at all carries more risk than the current policy.
2. Council may decide to amend the draft policy before adoption.
3. Council may to decide to defer the consideration of a new leasing and licensing policy.

### Conclusion

It is considered that the categorization of lessees/licensees and use of principles that variously apply to each category is appropriate and will help achieve the objectives of the policy over time.

### Recommendation

**That Council adopts the Bass Coast Shire Council Leasing and Licensing Policy 2018, being Attachment I to this report, to replace the Council Owned and Managed Land Occupancy Policy adopted by Council on 17 September 2014.**

### Attachments

**AT-I** Leasing and Licensing Policy 7 Pages

**Council Decision**

**Moved: Cr. Brett Tessari / Seconded: Cr. Stephen Fullarton**

**That Council defers consideration of the Leasing and Licensing Policy to allow for further discussion.**

**CARRIED**

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**H.4 Proposed Lease Newhaven Yacht Squadron**

**File No:** CMI8/526  
**Division:** Corporate & Community  
**Council Plan Strategic Objective:** Governance

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**Declaration**

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

**Summary**

This report responds to a leasing proposal (Attachment 1) made by the Newhaven Yacht Squadron Inc. Newhaven Yacht Squadron seeks a new 21 year lease through a direct negotiation at a rental of \$5,000 per annum plus GST.

The recommended option is to offer a 21 year lease with an annual rental of \$8,500 per annum plus GST. Under this option the lease can be exempted from the *Retail Leases Act 2003* as the rent is less than \$10,000 per annum which enables the following principles to be included in a lease;

- Newhaven Yacht Squadron to continue to have the responsibility for all maintenance and repairs, and
- A prohibition on the ability to transfer the lease to another entity.

**Background**

Newhaven Yacht Squadron is situated on Crown land comprised of land above and below sea level. The land in the lease is described as Crown Allotments 5, 6, 2049, 2050 and 2119, Parish of Phillip Island. The total area of the site is 3.167 hectares with the sea bed component measuring 2.105 hectares. The site is shown on the attached aerial photo - Attachment 2.

Tenure is currently in overholding (month to month) as the 21 year lease expired on 28 February 2018. Council was appointed as the Committee of Management for the land (including sea bed) in July 1997, after the lease was entered into by the relevant Minister. The current rent of \$5,000 per annum has been in place since 1997.

Building improvements include a sealed driveway and car park, clubrooms, maintenance shed, boat shed and marina. All improvements were constructed and maintained by Newhaven Yacht Squadron.

Established in 1962, Newhaven Yacht Squadron is an Incorporated Association managed by volunteers. It has two paid staff being a part-time administrator on wages and a marina/maintenance yard manager paid a retainer.

Newhaven Yacht Squadron reported in October 2017 that there were 560 members comprising senior (509), social (24), and other membership categories (27) together with 442 associate members making a total of 1002.

In its lease proposal Newhaven Yacht Squadron submits that its objectives are as follows;

“To promote, encourage and support the sports of yachting, boating, angling at Phillip Island and surrounding waters. To foster and train members in yachting and boat handling, as well as imbue amongst its members a sense of water safety and seamanship. To acquire and maintain and develop squadron premises, plant and equipment, boats, jetties, slipways, mooring facilities, boat storage, and a safe boat haven. To apply for, obtain, hold and renew as required from time to time any certificates, licences, permits, leases or any other requirements needed for the Squadron’s existence, facilities and welfare. To seek and arrange for the necessary affiliation of any organisation which would be of benefit to the squadron. To foster fellowship and social activity within the club.”

Newhaven Yacht Squadron has been identified as a Regional Facility in the *Recreational Boating Facility Framework* developed by the Central Coastal Board in response to the *Victorian Coastal Strategy*.

### Strategic Basis

#### Council Plan Objective:

Environment – *Maintain and protect the natural environment*

#### Strategic Outcome:

- Provide efficient and equitable waste management services and infrastructure
- Reduce the carbon footprint of the municipality
- **Manage the balance between our natural environment, public access and use of our foreshores and waterways**
- **Enhance our environment and landscape with vegetation and native wildlife protection initiatives**
- Partner with other land managers along coastal areas for consistent management
- Advocate for state and federal government support and assistance on coastal erosion\*

#### Strategic Indicator

Strategic Indicators	Measures
Emission Reduction	By 2025 achieve a 50% reduction in greenhouse gas levels per Bass Coast resident compared to 2009/10
Restore coastal and inland vegetation corridors in partnership with land owners, land managers and land care groups	Complete Biolinks Plan and commence implementation by June 2018
Increase coverage of native vegetation in the Shire	Increase native vegetation cover by minimum of 1.5% each year
Implement the Waste Management Strategy 2015-25	Increase diversion of kerbside waste from landfill to 70% by 2021 to extend the life of our landfill

Implement the Natural Environment Strategy 2016-26	Action Plan completed annually
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**Council Plan Objective:**

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

**Strategic Outcome:**

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

**Strategic Indicator:**

Strategic Indicators	Measures
Community Satisfaction with Council Decisions	Achieve the top quartile of Large Rural Councils
Transparency of Council decisions	Achieve the top quartile of Large Rural Councils
Community Satisfaction with Consultation and Engagement	Achieve the top quartile of Large Rural Councils
Community satisfaction with customer contact	Achieve the top quartile of Large Rural Councils
Local Government Performance Reporting Framework (LGPRF) – Financial Performance	Measures that are reported are within the top quartile for Large Rural Councils as identified in the LGPRF
Victorian Auditor General Office (VAGO) Financial Sustainability indicators	The Strategic Resource Plan and the Long Term Financial Plan to meet or better VAGO low risk indicators
Other financial and non-financial performance indicators	Adjusted underlying operation result aims to achieve an operating surplus Implementation of monthly and year to date financial reporting, with plain English version for our Community Implementation of monthly and year to date non-financial performance reporting, with plain English version for our Community Increased efficiencies as a result of information technology improvements



Communications and Engagement Strategy 2015-18 actions implemented	Complete Strategy implementation by June 2018
Develop and Implement a Revenue Strategy	Strategy developed and actions implemented

**Council Plan Objective:**

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

**Strategic Outcome:**

- **Provide opportunities for involvement in healthy active lifestyles**
- **Improved accessibility for people with a disability**
- **Engage in health promotion activities that support the health and wellbeing of our community**
- Advocate for health services in our community\*
- Deliver and advocate for appropriate services for older people, families and children
- Plan and prepare for emergency responses in the region
- **Support our communities to be connected and empowered**
- Work with other agencies to implement Family Violence Prevention Plans and Strategies

**Strategic Indicator:**

Strategic Indicators	Measures
Participation in health promotion activities	Health promotion activities from Health and Wellbeing Plan Actions undertaken annually
Compliance with Municipal Emergency Management Plan 2014	100% compliance
Implement the Youth Action Plan 2016-20	Action Plan completed annually
Implement annual Municipal Public Health and Wellbeing Action Plan	Action Plan completed annually
Implement the Disability Action Plan 2016-20	Action Plan completed annually
Implement Municipal Early Years Plan 2016-20	Action Plan completed annually

**Council Plan Objective:**

Liveability – *Enjoying the place we live*

**Strategic Outcome:**

- Promote Bass Coast as an all year events destination whilst supporting the continuation and development of new events
- **Facilitate opportunities for multi-purpose facilities to improve access to recreation and sporting activities**
- **Plan for and support a healthy, connected and active community**
- **Support youth recreation and learning activities in our community**
- Support dynamic and diverse arts and cultural activities
- **Protect our natural environment balanced with access for all to enjoy**
- Ensure any road or drainage infrastructure projects consider safe and accessible crossings for pedestrians
- Plan and provide well maintained public amenities and facilities

**Strategic Indicators:**

<b>Strategic Indicators</b>	<b>Measures</b>
Community grants program supporting events	Funding contributed to community events as identified in Annual Budget
Develop Municipal Recreation Plan	Developed by June 2018
Implement annual Health and Wellbeing Action Plan	Action Plan completed annually
Build community infrastructure that improves quality of life	90% of the projects included in the Capital Works program to be completed
Implement Asset Management Policy and Strategy Improvements	Action Plan completed annually
Implementation of annual maintenance programs	Annual program implemented
Implement priorities identified in the Pathways Network Plan 2016	Delivery of identified budgeted path projects Grant opportunities identified and applied for
Develop and Implement Domestic Animal Management Plan 2017-20	Action Plan completed annually
Implement Arts and Culture Plan 2015-19	Action Plan completed annually New plan revised and adopted by 2019
Implement Youth Action Plan 2016-20	Action Plan completed annually New plan revised and adopted by 2020
Bass Valley Children's Centre construction	Construction completed and facility opened by February 2018

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### Strategies / Policies

Being on Crown land, the Victorian Government's *Leasing Policy for Crown Land in Victoria 2010* applies.

A lease should also align with all other relevant Council plans policies and strategies including the *Phillip Island and San Remo Visitor Economy Strategy 2035 Growing Tourism* (adopted 2016). The Visitor Economy Strategy proposes a Marine Study to be undertaken in years 2 – 5 (2018 - 2021) to identify the cost and benefit of upgrading facilities in Rhyll, Newhaven and San Remo.

The *Victorian Coastal Strategy 2014* provides a long term vision for the planning, management and sustainable use of the coast. The *Recreational Boating Facility Framework* consolidates information on boating facilities in the central region (Port Phillip and Western Port Bays) and in planning precincts around the bays and provides a planning framework for each of the precincts. The Central Coastal Board will develop a Regional Coastal Action Plan to implement planning initiatives. At this stage, upgrades in this municipality are proposed for boating facilities at Corinella, Rhyll and the Cowes boat ramp by 2030.

Both the *Phillip Island and San Remo Visitor Economy Strategy 2035 Growing Tourism* and the *Recreational Boating Facility Framework* envisage increased demand for boating facilities in the future.

### Statutory Requirements/Codes/Standards/Policies

*Crown Land (Reserves) Act 1978*

*Local Government Act 1989*

*Retail Leases Act 2003*

*Leasing Policy for Crown Land in Victoria 2010*

### Discussion

#### Proposal

Newhaven Yacht Squadron seeks a new 21 year lease through a direct negotiation at a continued rental of a \$5,000 per annum plus GST with no increase through the term of the lease.

Newhaven Yacht Squadron has provided a submission detailing its suitability and the associated benefits for a new long term lease agreement.

Newhaven Yacht Squadron appears to be particularly well managed. Its financial management appears to be based on providing boating facilities at a low cost to members while accumulating reserves to fund future major capital expenditure on maintenance and renewal.

#### Legislative considerations

A 21 year lease is the maximum term permitted under the *Crown Land (Reserves) Act 1978*.

A lease, having a term of more than 10 years, can only be granted by Council after having complied with Sections 190 and 223 of the *Local Government Act 1989* (the statutory procedures).

Generally, the *Retail Leases Act 2003* would apply to the proposed lease but the use of a Ministerial Determination can enable an exemption. A lease of premises used wholly or predominantly by a not for profit organization that exists for the purpose of providing or promoting a community, cultural, sporting or recreational activity and the rent is not greater than \$10,000 per annum (inclusive of GST).

An exemption from the *Retail Leases Act 2003* enables maintenance and repair obligations to remain rightfully with Newhaven Yacht Squadron and also enables a restriction on the ability to assign (transfer) the lease to another entity.

### **Assessment**

The following is an assessment of the lease proposal having regard to the relevant policies.

#### Tenant Selection

This lease is being considered under a direct negotiation rather than a competitive process which the *Leasing Policy for Crown Land in Victoria 2010* allows in special circumstances. It is considered that the following special circumstances justify a direct negotiation for a new lease;

- Newhaven Yacht Squadron has been in existence at the site since 1962,
- Newhaven Yacht Squadron has established all current assets at the site at its own cost,
- Newhaven Yacht Squadron intends to continue to maintain all buildings and infrastructure and undertake upgrades where necessary,
- Newhaven Yacht Squadron provides demonstrable community benefits,
- Newhaven Yacht Squadron has been a good tenant,
- Newhaven Yacht Squadron is a competent and responsible organisation,
- There is no other strategic purpose for the site, and
- It is not practical or genuine to offer the site to another party.

#### Land

The marina component of the complex (sea bed) enables the sale (through licensing) of moorings for a fee in competition with others in an open market. Privately operated marinas in Westernport Bay, like Yaringa Marina and Western Port Marina, offer a similar service.

#### Permitted Use

The permitted use is for a Yacht Squadron, Clubrooms, Marina, Maintenance and Storage Yard. No third party private commercial use could form part of the permitted use.

#### Term

The term sought is for the maximum length of 21 years permitted under the Crown Land (Reserves) Act 1978.

It is considered preferable to have shorter lease terms to enable flexibility to respond to such things as changes to legislation, policy, plans and contemporary practices.

However, a long term lease is justified where the tenant is required to expend substantial funds on capital works. A long term lease provides security of tenure enabling the tenant to benefit from the investment. A long term lease may also be required to help secure finance.

### Rent

The following table shows the annual cost for marina berths at privately operated marinas in Western Port Bay.

Marina	Annual fee
Yaringa Boat Harbour (8 metre berth)	\$3,760
Westernport Marina (7.6 metre berth)	\$4,200

Berths within the Newhaven Yacht Squadron marina are licensed. A licence is purchased for a “one-off” fee at the current price. The price moves annually in keeping with CPI. When a licence is relinquished, the original licence fee is returned to the former licensee as a refund but only when Newhaven Yacht Squadron finds a new licensee agreeing to pay the new current price. For example, a 7.5 metre berth can be purchased this year for \$17,000. Assuming CPI is 2 % and the berth is retired after one year, Newhaven Yacht Squadron will sell the berth to a new licensee for \$17,340 and pay \$17,000 to the old licensee as a refund. Therefore the cost to a licensee for one year in this example is \$340.

Assuming 180 berths at an average of \$14,000 (there are some 6 metre berths and some 7.5 metre berths) and CPI at 2%, a theoretical income is \$50,400 per annum. If there is no change of licence in any year, there is no income, but it is deferred to later years.

The rent proposed by the squadron is \$5,000 per annum plus GST with no scheduled increase. This is the same rent that has applied throughout the period of the 1997 lease.

Applying the ABS CPI Inflation calculator, \$5,000 in 1997, is equivalent to \$8,320 in 2018.

A recent market rental valuation has been received. The assessment is based on a comparison of rentals for other yachting clubs around Port Phillip Bay that are leased by a Council. The assessment includes an analysis of the rental for land above the High Water Mark and separately for the sea bed where the club has marine facilities. The following table shows that there is a lack of consistency in Yacht Club facilities and how rental is applied.

Yacht Club	Rent Per annum Ex GST	Analysis Above High Water Mark Sq m pa	Analysis Seabed Sq m pa
Newhaven	\$27,700 (valuation)	\$5.00	\$0.65*
Port Melbourne	\$17,104	\$11	\$2
Sandringham	\$168,156	\$5.14	\$1
Royal Brighton	\$112,773	\$10.77	\$1.12
Royal Victoria (Williamstown)	\$150,000	\$6.97	\$1
Royal Melbourne	\$87,490	\$14.77	\$1.05
Canadian Bay	\$15,600	\$10	\$2
Royal Geelong	\$51,000	\$5	\$3
St Leonards	\$4,650	\$3.6	
Mornington	\$41,000	\$6.86	

\* The market rental assessment for the sea bed also includes the access road and maintenance area.

Any person can join Newhaven Yacht Squadron as a member. The fees for a senior member are low compared to other yachting around Port Phillip Bay.

Club	Annual Membership fees
Newhaven Yacht Squadron	\$220
Port Melbourne	\$460
Sandringham	\$1,074
Royal Brighton	\$1,311
Royal Victoria (Williamstown)	\$1,135
Royal Melbourne	\$1,145
Canadian Bay	\$500
Royal Geelong	\$868
St Leonards	\$130
Mornington	\$1,030

### Capital Program

Newhaven Yacht Squadron forecasts that it will be required to undertake major works to keep its facilities and equipment in good working order. Newhaven Yacht Squadron's proposed capital expenditure program in current dollar terms is summarized below:

Period	Capital Item and cost
Years 1 to 5	Marina de-silting \$300K Lower level clubroom refurbishment \$100K
Years 5 to 15	Replace Southern Arm of Marina \$1.9M Replace safety boat \$120 – 150K Replace tractor \$40K

### Transparency

If the lease triggers the statutory procedures under the *Local Government Act 1989* any person may make a submission and have his/her views considered before a final decision is made by Council.

The standard form of lease provided by the Department of Environment Land Water and Planning will form the basis of the lease and this helps to promote consistency in leasing.

### Community Benefits

Newhaven Yacht Squadron exists to provide opportunities to participate in sailing, fishing and general boating as well as to promote an interest in safety on the water and the marine environment.

It is considered that Newhaven Yacht Squadron directly contributes to help to achieve the Strategic Outcomes in the *Council Plan, and Municipal Public Health and Wellbeing Plan 2017-2021* under various objectives.

The Newhaven Yacht Squadron leasing proposal contains statements about the community benefits it provides including the following:

- It has implemented the “Sailability” program initiated by Vic Sailing. The program introduces dinghy sailing to youth with a disability. It is planned to extend the program to adults with a disability. At its own cost Newhaven Yacht Squadron has constructed a large storage shed (\$35K) and with partial grants has funded the purchase of three dinghies (Newhaven Yacht Squadron cost \$7K each) and plans to purchase a further safety vessel in the near future. The same program is to be extended to schools at no cost to the schools.
- It conducts “come and try” days.
- The clubrooms are made available to other community groups.
- It is promoting the free use of its facilities for the 2018 Phillip Island 150<sup>th</sup> celebrations.
- It conducts training and safety courses for members and other groups.
- It provides free access to its safe harbor for emergency service vessels and assists with searches and rescues.
- It maintains the visual safety markers and dredging where necessary in the area that services both Newhaven Yacht Squadron and the Newhaven Public Boat Ramps.

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Environment

As stated in the Council Plan Environmental Sustainability objectives, Council considers importance of the following:

- Managing the balance between our natural environment, public access and use of our foreshores and waterways.

The use of the leased area legitimately favours the section of the community that wishes to have safe and ready access to the water for recreational boating. In its setting on this part of the coastline it is considered that the Yacht Squadron boating activities do not detract from coastal views or impede those walking the coastline for leisure.

- Enhance our environment and landscape with vegetation and native wildlife protection initiatives.

The yacht squadron has successfully revegetated the embankment along the internal access road to prevent erosion.

The Newhaven Yacht Squadron submission itemises the following environmental practices in place:

- Only uses Phillip Island indigenous plants when re-planting,
- Maintains perimeter control to ensure that no water overflows from the marina to the wetlands
- Approved boom spill kits are available in the case of any hazardous spill
- Only approved antifouling products are used at the marina
- An EPA approved waste interceptor has been installed
- The club has rules to restrict the use of electricity and water use
- The Council re-cycling code of conduct is followed.

Other environmental measures can be further specified in a lease to reduce the impact of the use on the environment and to reduce the energy use and water.

**Finances**

Council currently receives revenue in the form of rent (\$5,000 per annum plus GST). In addition, Newhaven Yacht Squadron currently pays \$3,925 per annum to Council under the *Cultural and Recreational Lands Act 1963* which is a rating assessment for outdoor recreational uses and discounted by the Council. It is treated separately to general rates.

There are resources required to oversee and manage the Council property portfolio which is part of the operating budget of Governance and Information Services Department.

**Stakeholders**

Newhaven Yacht Squadron committee and members

Bass Coast Shire Council



The Newhaven community

The broader community

Department of Environment, Land, Water & Planning

### Other Options

- Council may decide not to lease the land and return it to foreshore giving full public access. However, the Yacht Squadron use of the site allows for a balance of site use enabling some public access while maintaining facilities and accessibility to the water for boating and recreation.
- Council may decide not to directly negotiate. However, the *Leasing Policy for Crown Land in Victoria 2010* and the *draft Bass Coast Shire Council Leasing and Licensing Policy 2018* allow for direct negotiation with an incumbent tenant where the circumstances are justified to ensure the continued use of the site for its purpose.
- Council may decide to lease the land on a commercial basis. However, the community benefits including accessibility for people of all abilities and provision of emergency and safety services allows for part of the site to be categorised as “community”.

A full market rent, as assessed by the valuer, would not cover the cost of landlord obligations for repairs and maintenance if the lease was granted under the *Retail Leases Act 2003*. Therefore, one of the two Ministerial Determinations can be used to provide an exemption.

The key considerations for leasing in this case are the length of term and rent. There could be many variations.

- The Yacht Squadron seeks a new long term lease as it is known that it is necessary to invest significant funds on the replacement of the southern arm of the marina. A further long term lease will provide the confidence to invest and the certainty to obtain the benefit from the investment.
- The rent is maintained but adjusted to CPI which enables the yacht squadron to continue to manage the club and facilities as it has for many years.

### Conclusion

A new lease with Newhaven Yacht Squadron requires agreement by Newhaven Yacht Squadron. In recent negotiations the yacht squadron has indicated a willingness to accept an adjustment of rent from the \$5,000 pa in the previous lease to \$8,500 pa in a new lease. This is the CPI adjustment from 1997.

It is considered that the lease proposed by Newhaven Yacht squadron would maintain the balance between its charges for services and the payment of rent. The Yacht Squadron keeps memberships at a lower than those for similar facilities in Port Phillip Bay. The Yacht Squadron charges for marina berths are much lower than those charges by privately operated marinas in Westernport Bay. The proposed rent is enables the club to continue to manage the club as it has for many years.

This option:

- Complies with legislation and policy,

- Is fair and reasonable given the significant funds required to maintain the facilities and the considerable community benefits derived from the use of the land.

## Recommendation

### That Council:

1. Resolves that the statutory procedures be commenced under Section 190 of the Local Government Act 1989 (the Act) for a new lease with Newhaven Yacht Squadron Inc by publishing a notice in the local newspaper inviting interested persons to make a submission under Section 223 of the Act for the proposed lease of premises on part of the Phillip Island Coastal Reserve in Newhaven on the following key terms:
  - 1.1 Permitted Use Yacht Squadron Clubrooms, Maintenance and Storage Yard and Marina
  - 1.2 Term 21 years
  - 1.3 Rent \$8,500 plus GST pa
  - 1.4 Maintenance All maintenance and Repairs to be a responsibility of the tenant
  - 1.5 Community benefits The Yacht Squadron is to report annually on the Community benefits provided through the use of the Crown land.
2. Authorises the Chief Executive Officer to undertake the administrative procedures necessary to enable Council to carry out its functions under Section 223 of the Act.
3. Resolves to hear and consider any submissions received pursuant to Section 223 of the Act at the Council meeting in September 2018.

## Attachments

<b>AT-1</b>	NYS Lease Renewal - Submission from the Newhaven Yacht Squadron September 2017	14 Pages
<b>AT-2</b>	Newhaven Yacht Club Site Area	1 Page

**Council Decision**

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

**That the recommendation be adopted.**

**CARRIED**

**Cr Les Larke foreshadowed an alternative motion.**

# Statutory Reports

**Council Decision**

**Moved: Cr. Brett Tessari / Seconded: Cr. Geoff Ellis**

**That agenda items 1.1, 1.2, 1.3, 1.4 and 1.5 be considered as a block**

**CARRIED**

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## I Statutory Reports

### I.1 CEO's Report for July 2018

**File No:** CMI8/502  
**Division:** Advocacy, Economy & Liveability  
**Council Plan Strategic Objective:** Governance

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#### Declaration

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

#### Summary

Council is committed to introducing more regular updates on the projects and initiatives that are implemented for our community. The attached report (AT-1) highlights a number of projects and initiatives, along with their progress.

#### Strategic Basis

The Council Plan 2017-2021 contains a number of themes and key strategic outcomes and indicators. The projects outlined in this report all contribute to the achievement of this Plan. The themes in the Council Plan include:

- Advocacy
- Economic Development
- Environment
- Governance
- Health and Wellbeing
- Liveability
- Our Character

Major Initiatives are identified annually through the budget process, these initiatives ensure the strategies and plans which aid Council to sustain and deliver better services to the community are achieved.

#### Finances

All of the projects highlighted in this report are funded through the 2018/19 Budget. Some of these projects may have received grant funding.

#### Stakeholders

Council, ratepayers, external funding bodies, residents and visitors are all affected by the delivery of Council projects and the programs.

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

The Major Initiatives are allocated for in the 2018/19 Budget. These projects are developed, approved and spent in accordance with the *Local Government Act 1989*, and the Procurement Policy.

The Local Government Act states that the primary objective of Council is to endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions.

**Recommendation**

**That the CEO's Report for July 2018 be received.**

**Attachments**

**AT-1** CEO's Report - July 2018 3 Pages

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## 1.2 Assembly of Councillors Report

**File No:** CMI8/468  
**Division:** Corporate & Community  
**Council Plan Strategic Objective:** Governance

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### Declaration

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

### Summary

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

### Introduction

Section 3 of the Act defines an Assembly of Councillors as

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

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

*but does not include a meeting of the Council, a special committee of the Council, an audit committee established under 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.

### Council Plan Objective:

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

### Strategic Outcome:

- Provide equitable distribution of resources across the Shire
- Be diligent in ensuring services meet community need and are cost effective
- Manage our financial resources and report on our performance



- Engage with the community on decisions that impact them
- Explore other alternatives for revenue opportunities

**Strategic Indicator:**

<b>Strategic Indicators</b>	<b>Measures</b>
Community Satisfaction with Council Decisions	Achieve the top quartile of Large Rural Councils
Transparency of Council decisions	Achieve the top quartile of Large Rural Councils
Community Satisfaction with Consultation and Engagement	Achieve the top quartile of Large Rural Councils
Community satisfaction with customer contact	Achieve the top quartile of Large Rural Councils
Local Government Performance Reporting Framework (LGPRF) – Financial Performance	Measures that are reported are within the top quartile for Large Rural Councils as identified in the LGPRF
Victorian Auditor General Office (VAGO) Financial Sustainability indicators	The Strategic Resource Plan and the Long Term Financial Plan to meet or better VAGO low risk indicators
Other financial and non-financial performance indicators	Adjusted underlying operation result aims to achieve an operating surplus Implementation of monthly and year to date financial reporting, with plain English version for our Community Implementation of monthly and year to date non-financial performance reporting, with plain English version for our Community Increased efficiencies as a result of information technology improvements
Communications and Engagement Strategy 2015-18 actions implemented	Complete Strategy implementation by June 2018
Develop and Implement a Revenue Strategy	Strategy developed and actions implemented

<b>Date</b>	<b>Assembly of Councillors</b>	<b>Councillors in attendance</b>
23 April 2018	Inverloch Historical Society	Cr P Rothfield, Cr B Tessari, Cr L Larke, Cr J Brown
30 May 2018	Policy Workshop	Cr P Rothfield, Cr B Tessari, Cr L Larke, Cr M Whelan, Cr B Kent, Cr C Le Serve, Cr G Ellis
5 June 2018	Rural Engagement Group	Cr P Rothfield, Cr C Le Serve, Cr M Whelan
6 June 2018	Policy Workshop	Cr P Rothfield, Cr B Tessari, Cr L Larke, Cr M Whelan, Cr B Kent, Cr C Le Serve
13 June 2018	Community Connection Session	Cr P Rothfield, Cr B Tessari, Cr L Larke, Cr M Whelan, Cr B Kent, Cr J Brown, Cr C Le Serve, Cr S Fullarton, Cr G Ellis
15 June 2018	Municipal Fire Management Planning Committee	Cr Bruce Kent
20 June 2018	Policy Workshop	Cr P Rothfield, Cr B Tessari, Cr L Larke, Cr M Whelan, Cr B Kent, Cr J Brown, Cr C Le Serve, Cr S Fullarton, Cr G Ellis
27 June 2018	Policy Workshop	Cr P Rothfield, Cr L Larke, Cr M Whelan, Cr B Kent, Cr J Brown, Cr C Le Serve, Cr S Fullarton, Cr G Ellis

**Recommendation**

**That the Assembly of Councillors Records be received.**

**Attachments**

**AT-I** Assembly of Councillors forms 10 Pages

**1.3 Place Names Committee Meeting Minutes**

**File No:** CMI8/449  
**Division:** Corporate & Community  
**Council Plan Strategic Objective:** Governance

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**Declaration**

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

**Summary**

Council's Place Names Committee met on 28 March 2018. A copy of the minutes for the meeting is attached for information.

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

1. Proposed naming of laneway to Haddow Lane - Wonthaggi
2. Re-naming and/or numbering of Victoria Road - Ventnor
3. Other business and updates

**Recommendation**

**That the minutes of the Place Names Committee meeting held on 28 March 2018 be received.**

**Attachments**

**AT-1** Place Names Committee Meeting 28 March 2018 5 Pages

**I.4 Planning and Building statistics - May 2018**

<b>File No:</b>	<b>CMI8/439</b>
<b>Division:</b>	<b>Advocacy, Economy &amp; Liveability</b>
<b>Council Plan Strategic Objective:</b>	<b>Our Character</b>
	Celebrating the uniqueness of our townships

**Summary****PERMITS REFUSED:**

170376: Western Port Ward – Development of a dwelling on land under 300m<sup>2</sup> in a General Residential Zone Schedule 1 located at 35 Oceanaires Avenue, Coronet Bay.

**PERMITS ISSUED:****Island Ward**

- 170208: Use and development of a second dwelling and subdivide land into two lots located at 35 Plover Street, Cowes.
- 170320: Development of two warehouses and a reduction of the car parking requirement located at 27-29 The Concourse, Cowes.
- 170394: The removal of a restriction on PS 603109R to subdivide the land to create two (2) reserves on PS814424F located at 7 Wonga Lane, Cowes.
- 180014: Use and development for a Telecommunications Facility in a Public Conservation and Resource Zone located at Penguin Reserve, 1019 Ventnor Road, Summerlands.
- 180026: Use the site for beverage production (Brewery) and reduce the parking requirement located at 13 Harvey Drive, Cowes.
- 180041: To remove vegetation on land in a Vegetation Protection Overlay Schedule 2 located at 4B Hereward Close, Cowes.
- 180125: Remove one tree (Tree 1) in Vegetation Protection Overlay located at 4 Silverstone Drive, Cowes.
- 180126: Remove one tree (Tree 2) in Vegetation Protection Overlay located at 4 Silverstone Drive, Cowes.
- 180134: Remove one tree located at 42 Silverleaves Avenue, Silverleaves.

**Western Port Ward**

- 170019: To construct one (1) single storey dwelling and one (1) shed in the farming zone located at Lot 1 TP889283H West Creek Road, West Creek.
- 170282: Multi lot subdivision in stages with vegetation removal in a General Residential Zone Schedule 1 with a Development Plan Overlay Schedule 21 located at 90 Fuller Road, North Wonthaggi.
- 170345: To subdivide the land into two (2) lots in a General Residential Zone Schedule 1 located at 23 Woolamai Grove, San Remo.

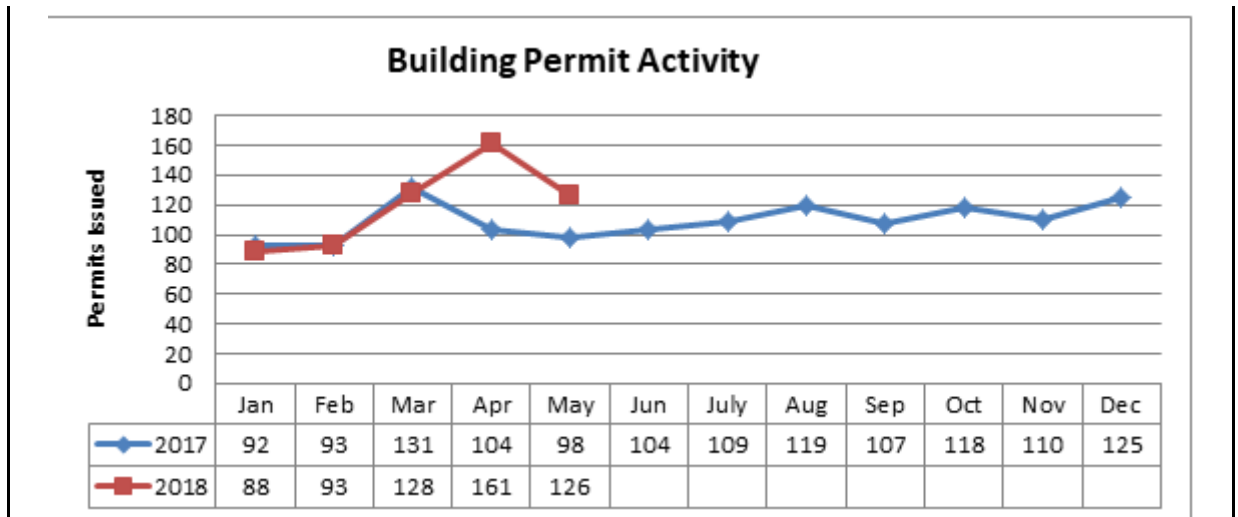
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- 170354: Building and works for the development of a dwelling in a Bushfire Management Overlay located at 130 Acacia Road, Grantville.
- 170367: Buildings and works for a single dwelling in the Significant Landscape Overlay Schedule 1 located at 533 Nyora–St Helier Road, Woodleigh.
- 180051: Development of a new dwelling (replacing the existing dwelling) in a Farming Zone located at 2559 Loch-Wonthaggi Road, West Creek.
- 180062: Building and works for a dwelling in a Bushfire Management Overlay Schedule 2 located at 6 Buttonwood Way, Grantville.
- 180063: Building and works for a dwelling in a Bushfire Management Overlay Schedule 1 located at 9 Helen Street, Pioneer Bay.
- 180090: Subdivision of the land into two (2) lots located at 156 Malcolm Avenue, Surf Beach.
- 180093: Buildings and works for a new dwelling in a Bushfire Management Overlay BMO1 and Design Development Overlay DDO1 located at 7 Clarke Street, Grantville.
- 180100: Extension to an existing dwelling located at 2554 Loch-Wonthaggi Road, Ryanston.
- 180130: Subdivide land into two lots located at 2 Bayview Avenue Surf Beach.
- 180156: Buildings and works in a Farming zone located at Lot 1 LPI40833 Grantville-Glen Alvie Road, Grantville.

**Bunurong Ward**

- 170109: Development of land for three dwellings (two additional) located at 36 Dunn Street, Wonthaggi.
- 170230: Use and development of a Childcare Centre in the General Residential Zone and alteration to access to a Road Zone Category 1 located at 278-280 White Road, North Wonthaggi.
- 170328: Use and development of the land with two dwellings and subdivision of the land located at 23A Toorak Road, Inverloch.
- 170342: Building and works for the additions and alterations to the Veterinary Clinic in a General Residential Zone Schedule 1 and an Environmental Overlay Schedule 4 (ESO4) located at 290 White Road, Wonthaggi.
- 180070: Construction of a dwelling and an ancillary outbuilding located at 36 Blue Water Circle, Cape Paterson.
- 180082: The construction of a dwelling located at 66 Silvereye Circuit, Wonthaggi.
- 180095: The addition of a verandah and water tank located at 8-14 Murray Street, Wonthaggi.
- 180161: Remove one tree (Tree 1) located at 82 Lohr Avenue, Inverloch.
- 180162: Remove one tree (Tree 2) located at 82 Lohr Avenue, Inverloch.
- 180163: Remove one tree (Tree 3) located at 82 Lohr Avenue, Inverloch.

**PLANNING AND BUILDING ACTIVITY REPORT FOR MAY 2018**

<b>Statutory Planning</b>	<b>This month (May)</b>	<b>Last month</b>	<b>Year to date (financial year)</b>
% of applications determined within statutory timeframe	78%	86%	82%
Average Gross Days (Responsible Authority determination)	101	146	107
(new) Average Gross Days to final outcome	129	148	118
Number of live applications	182	163	-
Number of applications received for the month	67	34	459
Number of Responsible Authority outcomes	48	29	417
<b>Municipal Building Services &amp; Enforcement</b>	<b>This month (May)</b>	<b>Last month</b>	<b>Year to date (financial year)</b>
Essential Safety Measure inspections <i>(Commercial building owners must maintain and ensure all safety systems within their building are operational. This may include: Fire services, Exits, Emergency lighting, alarms etc.)</i>	2	1	16
Swimming Pool & Spa safety barrier inspections <i>(All swimming pool and spa owners are required to maintain a safety fence or barrier. Council is required to implement an audit program to ensure compliance is being achieved.)</i>	4	0	45
Report and Consent applications determined <i>(Building proposals cannot always comply or fit into a required building envelope. Where this situation arises, Council may provide consent with respect to the non-compliance issue.)</i>	24	13	198
Siting consents issued for temporary structures <i>(Consent of the Municipal Building Surveyor must be obtained in order to erect marquees, grandstand or stages in association with any place of public entertainment or event.)</i>	1	6	17
Complaints received requiring investigation	9	2	53
New building enforcement cases	1	3	19
Number of open building enforcement cases	60	59	n/a
Building permits issued by Council	0	0	1



Planning Enforcement	This month (May)	Last month	Year to date (financial year)
Number of new planning cases	7	6	105
Number of live enforcement files	137	138	—
Pre commencement meetings	2		
Official warnings issued	2		
Number of planning infringement notices issued	2	2	6
Number of VCAT enforcement orders issued	0	0	0
Number of Magistrates Court prosecutions	0	0	1
Total infringements received (\$)	\$3172.00	\$0.00	\$4726.60
Number of CRS's closed	21	18	n/a
Number of closed enforcement cases	8	6	n/a

**Recommendation**

**That Council:**

1. **Receives and notes the Planning Permits issued under delegation report for May 2018; and**
2. **Receives and notes the Planning and Building Activity Report for May 2018.**

**Attachments**

There are no attachments for this report.

**1.5 Contracts Awarded Register**

**File No:** CMI8/465  
**Division:** Corporate & Community  
**Council Plan Strategic Objective:** Governance

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**Declaration**

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

**Summary****Contracts Awarded**

For the period from 1 May 2018 to 31 May 2018, no contracts were awarded under the Chief Executive Officer's Instrument of Delegation.

**Contracts Extended**

For the period from 1 May 2018 to 31 May 2018, the following contracts were extended under the Procurement Delegation Framework.

<b>Contract No.</b>	<b>Description</b>	<b>Contractor</b>	<b>Contract Sum Including GST for Extension Period</b>
16013	Organisation Development Programs	Alignments Australia Training and Development Pty Ltd	N/A*
16019	Organisation Development Programs	LGPro (Local Government Professionals Vic Inc)	N/A*
16020	Organisation Development Programs	Logan Consulting Group	N/A*
16024	Organisation Development Programs	Preferred Training Networks Pty Ltd	N/A*

\* There is no sum committed by the award of these contract extensions. Contractors supply a schedule of rates under which Council would engage them, if required, and within established budgets.

**Recommendation**

**That Council receives the report.**

**Attachments**

**AT- CONFIDENTIAL** - Extension Report for Contract 16013 to 16025 and 3  
**I** 16027 to 16013 Pages



**Council Decision**

**Moved: Cr. Brett Tessari / Seconded: Cr. Geoff Ellis**

**That the recommendations attached to agenda items 1.1, 1.2, 1.3, 1.4 and 1.5 be adopted.**

**CARRIED**

**J Urgent Business**

There was no Urgent Business.

***Mayoral Announcement Of Next Meeting Of Council***

The next **Community Connection Session** will be held on 8 August 2018 in the Bass Coast Civic Centre Council Chamber, Baillieu Street East, Wonthaggi commencing at 3.00pm.

The next **Ordinary Council meeting** will be held on 15 August 2018 in Bass Coast Civic Centre Council Chamber, Baillieu Street East, Wonthaggi commencing at 5.00pm.

**Meeting adjourned**

The meeting was adjourned at 6.34pm.

**Meeting resumed**

The meeting resumed at 6.42pm.

**Council Decision**

**Moved: Cr. Brett Tessari / Seconded: Cr. Julian Brown**

**That the meeting be closed to members of the public pursuant to Section 89 (a) and (h) of the Local Government Act 1989.**

**CARRIED**

# 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.

**K Confirmation of Closed Minutes**

*K.1 Minutes of Closed Ordinary Meeting held on 20 June 2018*

**L Reports Requiring Council Decision Closed to the Public**

*L.1 Chief Executive Officer Employment Matters Committee Meeting 14 June 2018*

It is recommended that the meeting be closed to members of the public pursuant to Section 89 (a) (h) of the Local Government Act 1989, to consider this item as it deals with personnel matters; AND any other matter which the Council or special committee considers would prejudice the Council or any person.

*L.2 Gippsland Business Initiative*

It is recommended that the meeting be closed to members of the public pursuant to Section 89 (h) of the Local Government Act 1989, to consider this item as it deals with any other matter which the Council or special committee considers would prejudice the Council or any person.

**Council Decision**

**Moved: Cr. Stephen Fullarton / Seconded: Cr. Brett Tessari**

**That the meeting be reopened to the public.**

**CARRIED**

**Meeting closed**

The meeting closed at 6.59pm.