

Bass Coast Shire Council
Council Meeting Agenda

Wednesday 13 December 2023

Council Chamber

Bass Coast Civic Centre

Baillieu Street East, Wonthaggi

Commencing at 1:00 pm



Community Vision 2041

Vision Statement

From its flowing hills to its wild unspoiled coastlines, the Bass Coast is a source of celebration for all who live in and visit the region.

Our townships are vibrant, rich with culture and full of life, each with its own distinct character. Drawing on our creativity, innovation and resilience we've created a thriving and diverse economy that supports sustainable agriculture and industry.

We live proudly on Bunurong Country, and build on learnings from our First Peoples and their knowledge. We coexist in harmony with our environment, and are prepared for future challenges and changes.

We are the people of the Bass Coast. Experience ou cultures and history, and contribute to our story.



Notice of Meeting

Notice is hereby given that the next **Council Meeting** of the Bass Coast Shire Council will be held at the Council Chamber Bass Coast Civic Centre Baillieu Street East, Wonthaggi on 13 December 2023 at **1:00 pm**

Date of Notice – 8 December 2023

Jodi Kennedy

Acting CEO

Mobile Telephone Reminder

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

Statement of Acknowledgement

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

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

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

Councillor Statement

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

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

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

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1 Present and Apologies

2 Declarations of Interest

3 Confirmation of Minutes

3.1 Council Meeting 15 November 2023

That the minutes of the Council Meeting held on 15 November 2023 be confirmed.

Mayor and Councillor Reports

4 Mayor and Councillor Reports

5 Public Question Time

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

Please note:

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

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

Governance Rules

Part C – Meetings Procedure

Division 8 – Public Question Time

54. Question Time

54.1 Public question time must be held at each Council meeting fixed under Rule 9 to enable members of the public to submit questions to Council.

54.2 Sub-Rule 54.11 does not apply during any period when a meeting is closed to members of the public in accordance with section 66(2) of the Act.

54.3 Questions submitted to Council must be:

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

54.3.2 be lodged 48 hours prior to the Council meeting.

54.4 No person may submit more than two questions at anyone meeting.

54.5 The Chair or a member of Council staff nominated by the Chair may read a question and response at the meeting which has been submitted in accordance with this Rule. Not all questions are required to be read at the meeting.

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

54.6.1 relates to a matter outside the duties, functions and powers of Council.

54.6.2 is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance.

54.6.3 deals with a subject matter already answered.

54.6.4 is aimed at embarrassing a Councillor or a member of Council staff.

54.6.5 relates to personnel matters.

54.6.6 relates to the personal hardship of any resident or ratepayer.

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

54.6.8 relates to matters affecting the security of Council property; or

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

54.7 Any question which has been disallowed by the Chair will not be read at the meeting.

54.8 Any question which has been disallowed by the Chair must be made available to Councillors.

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

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

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

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

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

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

Notices of Motion

6 Notices of Motion

7 Petitions and Joint Letters

7.1 Petition - Do Not Allow Council To Abandon The Surf Beach & Sunderland Bay Special Charge Scheme

Division	**Business Transformation**
Council Plan Strategic Objective	**Leading for our Community** *Demonstrating leadership through good governance, transparency and accountability*

Declaration

The author has no general or material interests in relation to this report.

A Petition containing 317 signatures has been received. The petition reads:

To the 47% (490) devastated property owners that have been patiently waiting for decades to have their lives improved. We have been out-voted by a small margin of 6% (62 properties out of 1041) by a population with 60% of non-residents who mostly rent their properties and seldom experience the terrible wet, muddy conditions of winter, and the insufferable dusty conditions of summer.

It is necessary for non-residents who plan to eventually move here, to be aware that Council will not re-reconsider this area for another Special Charge Scheme (SCS), for at least 25 years and with the guarantee that the cost will more than double by then.

The Community Has Not Spoken

The SCS which was created in 1989, was meant for small urban communities, of similar demographics, principally made up of family homes and experiencing similar environmental conditions. It was not meant for very large coastal holiday estates, very diverse in topography, demographics and social connection. It was not meant for a community where permanent residents are significantly outnumbered by absent property owners, who by their absence, have not experienced and cannot appreciate the difficulty of living in these conditions on a daily basis.

So how can it be reasonable and just for absent property owners (regular holiday home users excluded), to have control over the future health and wellbeing of permanents? I doubt that they would tolerate such conditions if they were permanent residents.

Council has been dismissive of our concerns for years with the reassurance that the SCS will fix our problems. We therefore must not allow Council to walk away from its responsibility and obligation to provide a safe and healthy environment, as it did with Cape Patterson and Sunset Strip.

Council cannot claim that "the community" has spoken with such a narrow margin apposing. This is not one homogeneous community, but a collection of small communities that have established their own sense of identity mainly through the different attributes of the area. This needs to be acknowledged and accepted by Council, and it needs to provide a platform to accommodate different requirements.

Alternative Model

Council can correct its serious mistake of a "one-fits-all" option, by mandating a drainage scheme under the Public Health Act, and allowing individual streets the option to upgrade their road to their requirements.

This was the favoured option developed by the community at Sunset Strip, although not mandatory, which unfortunately was abandoned before it could be voted on. The "No" group believed that opposition to the SCS would result in an on-going dust suppressant seal program. Their gamble failed and got nothing!

Do not rely on Council to automatically provide a roads & drainage upgrade for individual roads under the 70% community driven application. If the project is small and isolated, the cost for drainage will be significantly more expensive per property than the current drainage proposal. Council will consider the application on its merits, where Council's contribution I'm sure will be its main consideration.

Please sign this petition for Council not to abandon the SCS, but to either amend it, or adopt a model based on the Sunset Strip option, albeit a mandatory drainage system, with the option to upgrade individual roads.

Please pass this on to other devastated residence before the December 13th Council meeting, and also pass it on to those that have voted "NO" but who may have a change of mind.

Section 55.2 of the Bass Coast Shire Council Governance Rules states that:

"Unless Council resolves to deal with it earlier, no motion (other than a motion to receive the same) may be made on any petition, joint letter or other like application until a future Council meeting after that at which it has been presented."

Recommendation

That Council:

1. **Receive the petition, Do Not Allow Council to Abandon the Surf Beach & Sunderland Bay Special Charge Scheme, and resolve to deal with it at this Council Meeting.**
2. **The petition will be dealt with as part of agenda item 8.2 Surf Beach and Sunderland Bay Road and Drainage Upgrade Project**
3. **Advise the head petitioner of Council's decision.**

Attachments

1. Compined Images Surf Beach Sunderland Bay [**7.1.1** - 6 pages]
2. CONFIDENTIAL - SCS Petition List of Signatories 27th Nov 23 [**7.1.2** - 7 pages]
3. CONFIDENTIAL - SCS - Petition Submission with Signed Covering Letter [**7.1.3** - 1 page]

7.2 Petition - Inverloch Surf Parade Footpath Extension

Division	**Business Transformation**
Council Plan Strategic Objective	**Leading for our Community** *Demonstrating leadership through good governance, transparency and accountability*

Declaration

The author has no general or material interests in relation to this report.

A Petition containing 565 signatures has been received. The petition reads:

We the undersigned community members, call on all currently elected Bass Coast Shire Councillors to:

1. *Publicly acknowledge that in 2016 Council accepted and endorsed the community's preferred design for the remainder of the shared path from Veronica Street to Goroke Street and*
2. *Reject the two options now proposed for stage 3b of the Inverloch Surf Parade shared path, and*
3. *Publicly commit to completing stage 3b to the same standard inclusive of 2-way road travel and formalised parking spaces as was overwhelmingly supported by the community and as was agreed by Council in 2019.*

Section 55.2 of the Bass Coast Shire Council Governance Rules states that:

"Unless Council resolves to deal with it earlier, no motion (other than a motion to receive the same) may be made on any petition, joint letter or other like application until a future Council meeting after that at which it has been presented."

Recommendation

That Council:

1. **Receive the petition, Inverloch Surf Parade Footpath Extension to lie on the table with a report to be presented no later than the May 2024 Council Meeting.**
2. **Advise the head petitioner of Council's decision.**

Attachments

1. CONFIDENTIAL - Signatures [**7.2.1** - 58 pages]

Reports Requiring Council Decision

8 Reports Requiring Council Decision

8.1 Planning Application PDPLANPER-2023/000258 - Buildings and Works associated with a dwelling in a Design and Development Overlay (DDO1) - 42 Broadwater Avenue, Cape Woolamai

Division	**Place Making**
Council Plan Strategic Objective	**Sustainable Development** *Prepare for growth while ensuring the intrinsic values and character of Bass Coast are retained*

Declaration

The author has no general or material interests in relation to this report.

Purpose of Report

For Council to consider a planning application for buildings and works associated with an existing dwelling in the Design and Development Overlay (Schedule 1) at 42 Broadwater Avenue, Cape Woolamai.

Executive Summary

Application number:	PDPLANPER-2023/000258
Applicant:	Draeh Planning
Land/Address:	42 Broadwater Avenue, Cape Woolamai
Ward:	Western Port Ward
Proposal:	Buildings and Works associated with a dwelling in a Design and Development Overlay (DDO1)
Zone:	General Residential Zone – Schedule 1 (GRZ1)
Overlay:	Vegetation Protection Overlay – Schedule 2 (VPO2) Design and Development Overlay – Schedule 1 (DDO1)
Aboriginal cultural heritage sensitivity	The subject site is located within an area of Identified Aboriginal Heritage Sensitivity; however, pursuant to Regulation 9(1)(b) of the *Aboriginal Heritage Regulations 2018,* the construction of extensions to one dwelling on a lot is an exempt activity, and therefore a Cultural Heritage Management Plan is not required.
Title:	Lot 473 on Plan of Subdivision 053096, more particularly described within Volume 08546, Folio 346. The land is also encumbered by a 2.44m easement running along the northern (rear) boundary for the purposes of sewerage and drainage purposes. No other restrictions or agreements are present on the Title.

Number of submissions:	A total of 21 objections were received.
Reason a Council decision is required:	Council's delegations require applications that attract fifteen or more objections to be determined by Council. This application attracted 21 objections.
Officer recommendation:	Notice of Decision to Grant a Planning Permit

Summary of Officer Recommendation

That Council issue a Notice of Decision to Grant a Planning Permit subject to conditions outlined in the Officer Recommendation section of this report.

The proposal is recommended for support for the following reasons:

- The proposal is considered to be generally consistent with the Planning Policy Framework, subject to design changes recommended by proposed Planning Permit conditions.
- The proposal is considered to provide a satisfactory response to the decision guidelines of Schedule 1 to the Design and Development Overlay.
- The proposal is consistent with the purpose of the General Residential Zone.

Main Considerations

The following are the main considerations that formed part of the assessment of this application:

- Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape, or the area.
- Neighbourhood character and building scale.
- Landscape response.
- Amenity impacts to adjoining properties.

The Proposal

This application proposes to construct an extension to the existing dwelling in accordance with architectural plans prepared by Beaumont Building Design. The decision plans are provided as Attachment one (AT-1) and are detailed below:

- Development Plans prepared by Beaumont Building Design, including as follows:
  - Site Context Plan
  - Design Response Plan
  - Existing/Demo Plans
  - Proposed Ground Floor
  - Proposed First Floor
  - Roof Plan
  - Elevations

  - Street Elevation
  - 9am; 12pm; and 3pm Shadow Diagrams (3 pages)
  - View line Plan
- Landscape Plans prepared by Melaleuca Nursery, submitted 18 May 2023.

Key features of the proposal include:

- A maximum building height of 8.71 metres at the southern elevation (frontage).
- At the ground floor level:
  - Removal of the lounge area and walls shown on the Existing/Demo Plans.
  - Removal of porch area and decking.
  - Modification of the existing garage and outdoor stairs on the western side of the dwelling.
  - Relocation of the internal stairwell.
  - Extension to the garage to provide for two car spaces.
  - Additional storage area and carport for caravan storage.
  - Extension to the entrance of the dwelling to provide for a foyer and large porch area.
  - An additional bedroom, bathroom, mudroom, and laundry.
- At the first-floor level:
  - Removal of front verandah and balcony.
  - Removal of the balcony of the eastern side of the dwelling.
  - Removal of external sliding doors accessing the verandah.
  - Modification of the bathroom and WIR for Bedroom 3.
  - Modification of the Pantry
  - The relocation of the balcony above the double garage.
  - An extension to the stairwell and landing on the western side of the dwelling, to provide access to the proposed rooftop deck.
  - The proposed rooftop deck will include a 1.7m high screening wall on the northern and western sides of the deck.
  - Extension to the living, kitchen, and dining areas.
  - A redesign of the balcony on the eastern side of the dwelling.
- The retention of the existing concrete crossover, and an extension to the existing concrete driveway to facilitate access to the proposed double garage and carport.
- The removal of all vegetation on the subject site, primarily consisting of ornamental & fruit trees, short hedges, and other understorey vegetation. It is noted that this is exempt from the requirements of a planning permit.
- The revegetation of the remaining vacant areas of the site with native species indigenous to the area, considered to be more suitable to the local environs and consistent with the intended vegetation character of Cape Woolamai.

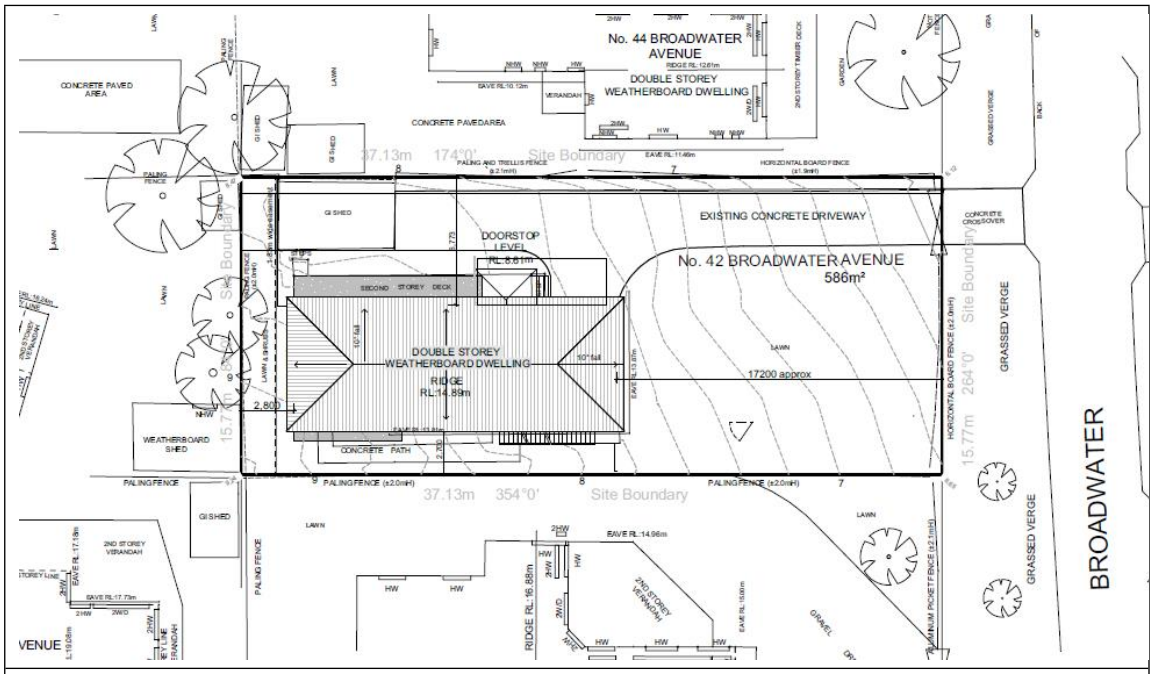


Figure 1 – Existing Site Plan

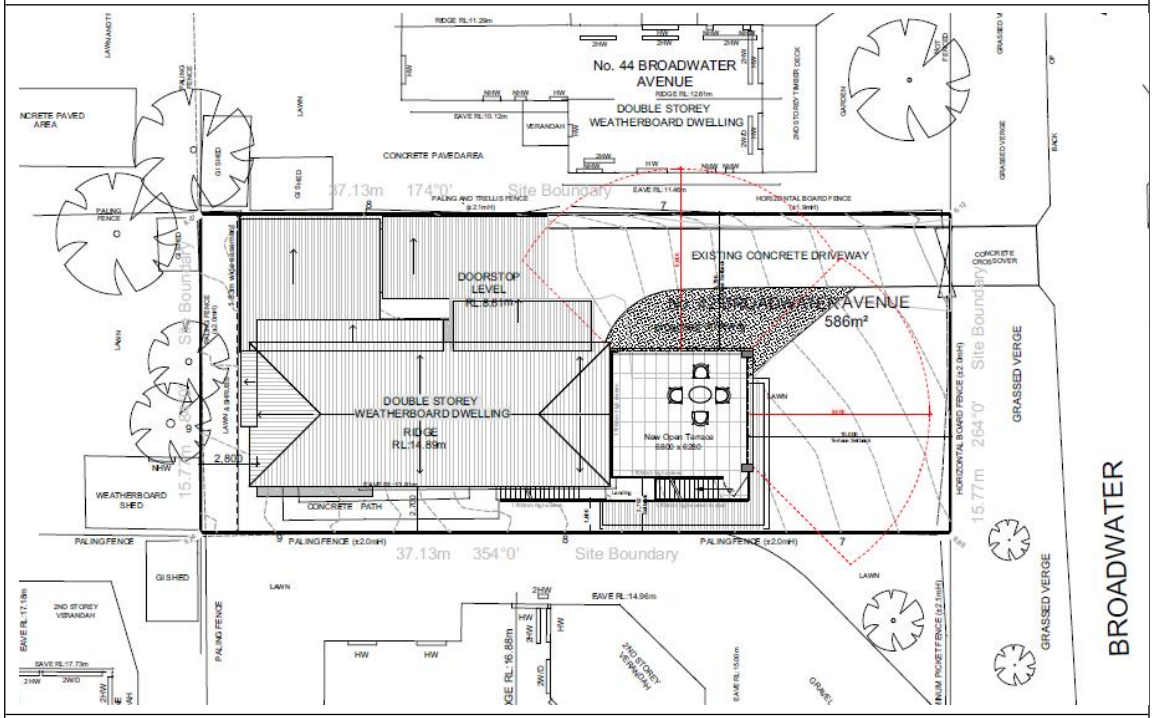


Figure 2 – Proposed Site Plan

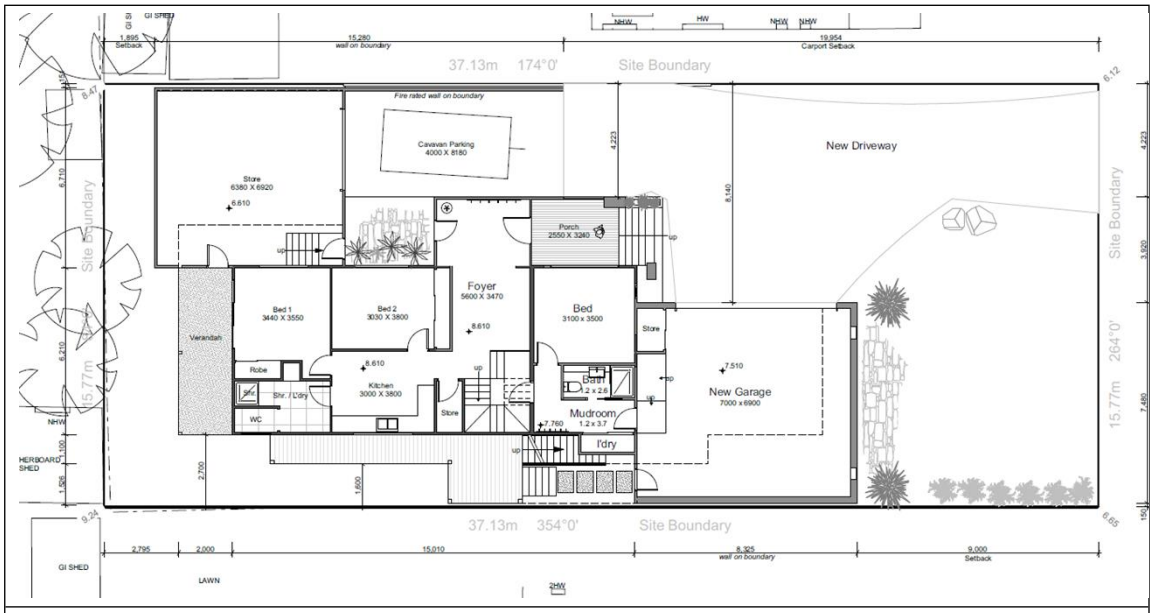


Figure 3 – Proposed Ground Floor Plan

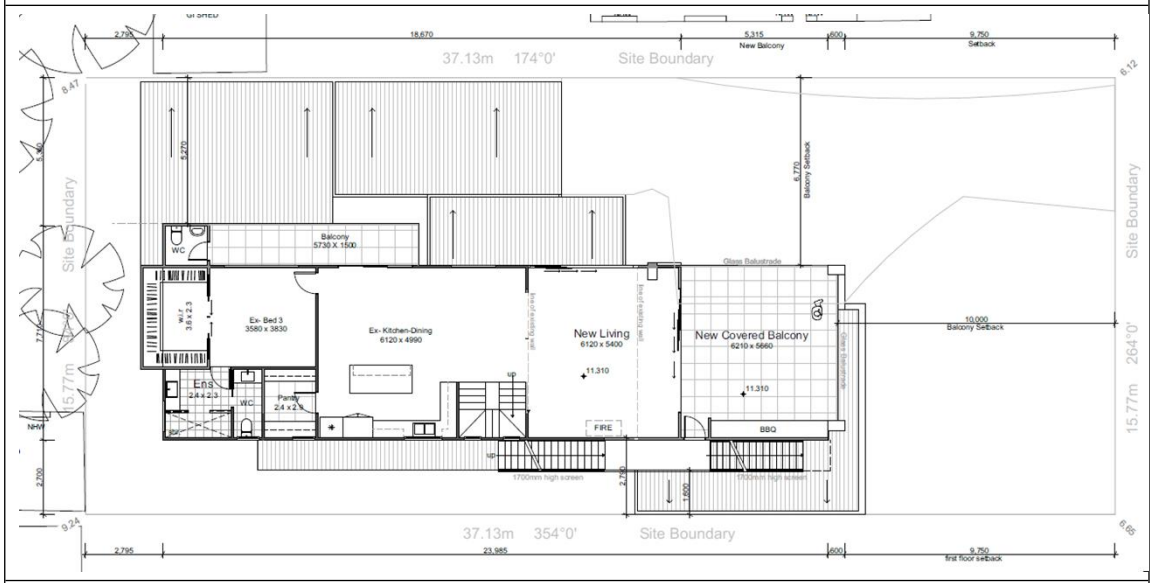


Figure 4 – Proposed First Floor Plan

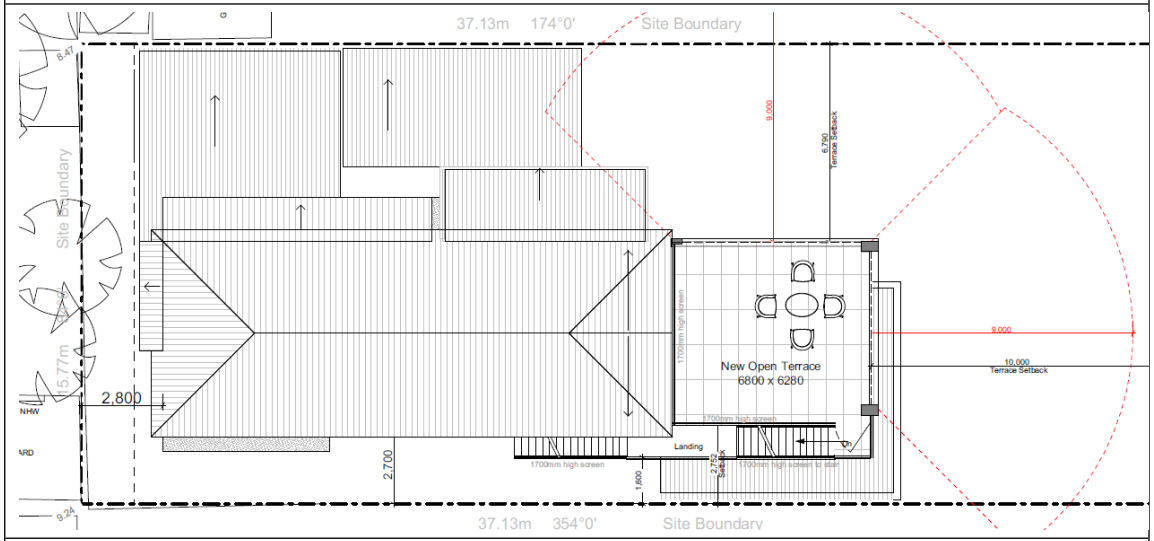


Figure 5 – Proposed Roof Plan

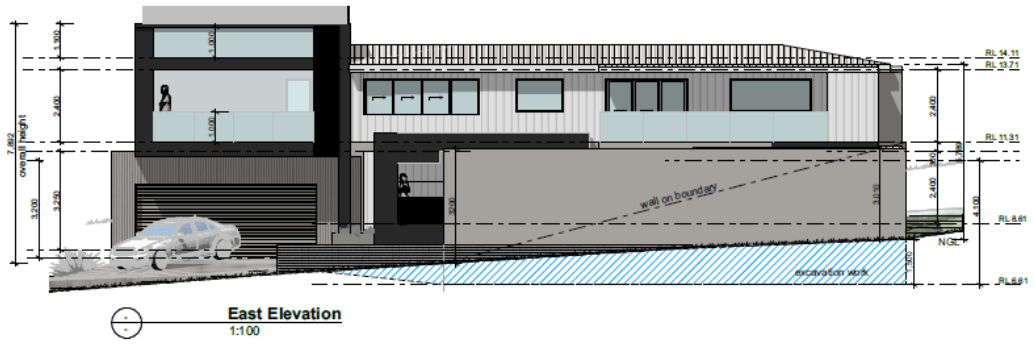


Figure 6 – Proposed Eastern Elevation

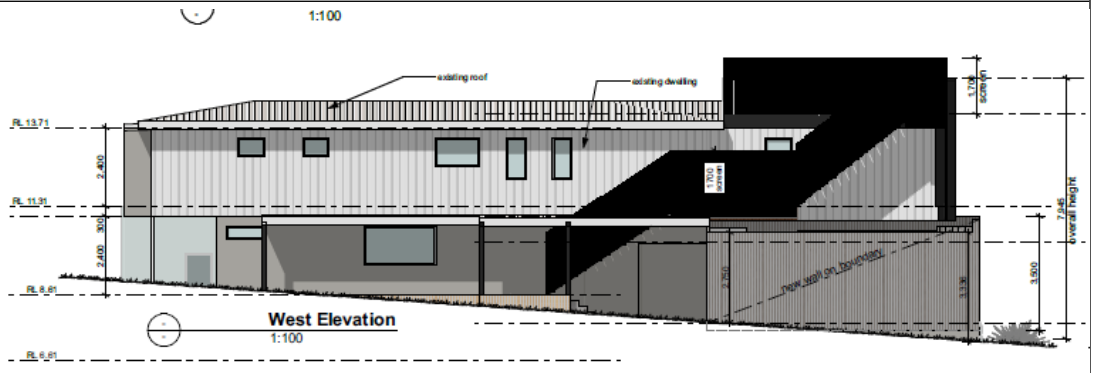


Figure 7 – Proposed Western Elevation

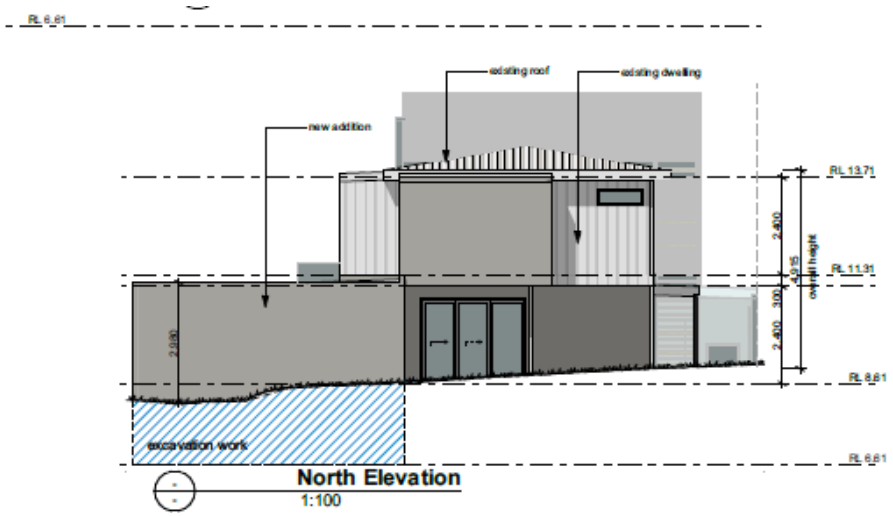


Figure 8 – Proposed Northern Elevation

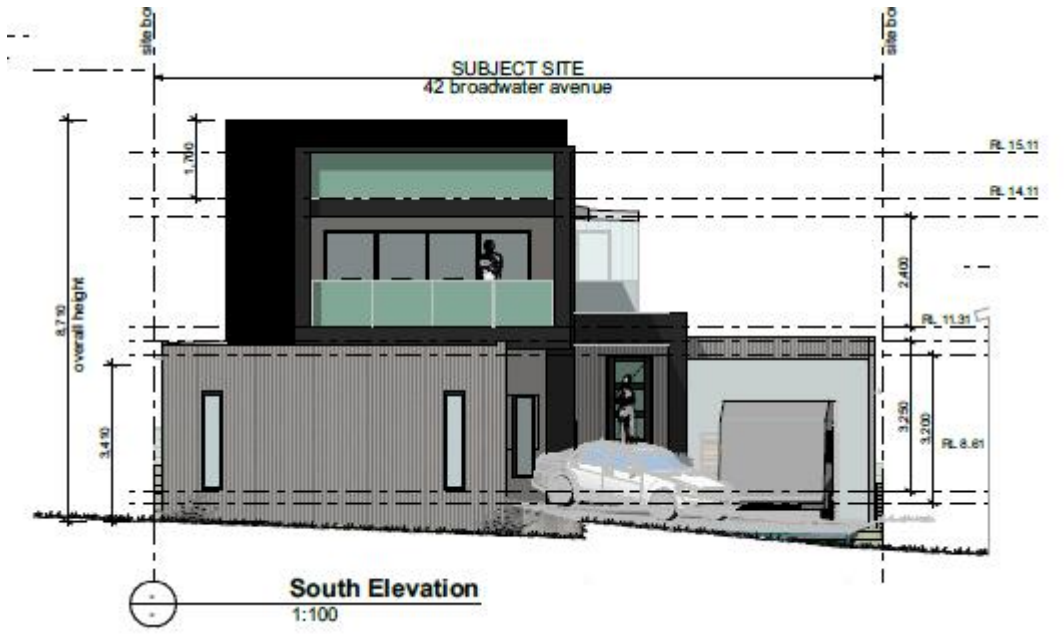


Figure 9 – Proposed Southern Elevation



Figure 10 – Proposed Streetscape Elevation



Figure 11 – Indicative View Line Plan

Subject Site and Surrounds

The site is located on the northern side of Broadwater Avenue. The site is a rectangular allotment with a 15.77 metre frontage to Broadwater Avenue, a maximum depth of 37.13 metres and a site area of 586 square metres.



Figure 12 – Aerial photography of subject site (Source: Council's GIS System, dated November 2023)

The site is presently developed with a contemporary double storey, three-bedroom dwelling which includes a beige clad façade, low-pitched Colorbond roofing and a combination of medium sized windows and large sliding doors. The existing dwelling contains an external stairwell on the western elevation, which provides access to the front balcony.

The site further contains an existing galvanised shed in the north-east corner of the allotment, and an attached single car garage which fronts the existing dwelling, with a roller door on the eastern side of the garage.

The frontage of the allotment provides a 2-metre-high horizontal board fence and gate.



Figure 13 – View of subject site from Broadwater Avenue (Source: Google Streetview, November 2023)

The report provided to support the application outlines the characteristics of the surrounding area as follows:

North	Adjoining the land to the north is a residential property at 41 Clearwater Avenue, consisting of an area of 586 square metres. A contemporary styled double storey dwelling resides on this property and includes a pale grey coloured cladding façade, low pitched Colorbond roof form and medium size windows, except along the eastern side of the dwelling where there are sliding doors providing access to the balcony area. The front entrance is located on the eastern side of the dwelling. The frontage consists of a low paling fence with a timber picket gate. The front setback consists of a lawn area and native trees & shrubs. There is a gravel driveway located on the eastern side of the dwelling. The rear of the dwelling includes a small balcony area and secluded private open space (SPOS) adjoins the subject site. The SPOS contains 2 sheds within the respective corners, native trees, and a large lawn area.

South	Adjoining the land to the east is the residential property at 44 Broadwater Avenue, consisting of an area of 586 square metres. A contemporary styled double storey dwelling resides on this property includes a pale orange coloured cladding façade, hipped Colorbond roof form and large size windows and sliding doors, providing access to a balcony at the front of the dwelling. The front entrance is located on the eastern side of the dwelling. There is an attached carport on the eastern side of the dwelling and a concrete crossover & gravel driveway located on the eastern side of the dwelling. The front setback consists of a native garden, including medium size trees and shrubs.
East	Adjoining the land to the south is the residential property at 41 Broadwater Avenue, consisting of a lot of area of 585 square metres. A contemporary style double storey dwelling resides on this property. The dwelling includes a white coloured cladding façade, a silver Colorbond low hipped roof form and large bay windows on the first-floor level fronting the street. The front entrance is located on the first-floor level fronting the street and there is a stairwell leading to the entrance and balcony area. A single car garage is located under the first-floor level of the dwelling. The front setback consists of native and exotic medium size trees, shrubs, and grasses, particularly along the perimeter of the property. There is a concrete crossover and gravel driveway covering most of the front setback.
West	Adjoining the land to the west is the residential property at 40 Broadwater Avenue, consisting of an area of 586 square metres. A contemporary cottage styled double storey dwelling resides on this property. The dwelling includes a pigeon blue coloured cladding façade, beige coloured hipped Colorbond roof form and large framed windows and sliding doors providing access to a balcony at the front of the dwelling. The front entrance is elevated with a deck area and faces the street covered by a balcony. The front setback consists of minimal garden with a small lawn area and shrubs fronting the dwelling. The circular gravel driveway covers most of the front setback. There is a concrete crossover located on the western side of the property.

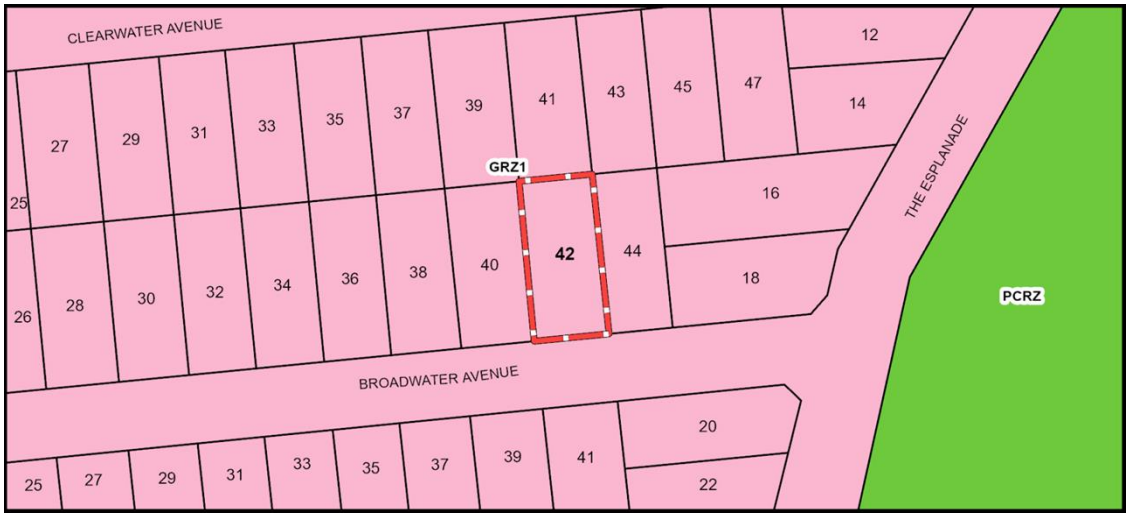


Figure 14 – Zoning Map

Consultation

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 eight landowners and occupiers; and
- Placed a Notice on the land.

In response to notification the application attracted 21 submissions comprising 21 objections.

A copy of each submission is included in Attachment two.

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

The applicant has provided a written response to the concerns raised in the submissions, however, has not opted to make any resultant design changes to the proposal in an attempt to mitigate concerns.

Referrals

No internal or external referrals were required.

Planning Scheme Provisions

Planning Policy Framework Assessment

The relevant Planning Policy Framework clauses are as follows:

VPP00 Purpose and Vision

Clause 02 – Municipal Planning Strategy

- Clause 02-01 Context
- Clause 02-02 Vision
- Clause 02-03 Strategic direction
- Clause 02.04 Strategic framework plan

VPP11 Settlement

Clause 11.01 - Victoria

- Clause 11-01-1S Settlement
- Clause 11-01-1R Settlement – Gippsland
- Clause 11-01-1L-01 Settlement
- Clause 11-01-1L-16 Cape Woolamai

VPP 12 Environmental and Landscape Values

Clause 12.02 Coastal areas

- Clause 12.02-1S Protection of coastal areas
- Clause 12.02-1L Protection coastal areas
- Clause 12.02-2S Marine and coastal Crown land

Clause 12.05 Significant Environments and Landscapes

- Clause 12.05-2S Landscapes
- Clause 12.05-22L-01Landscapes
- Clause 12.05-2L-02 Landscape character areas

VPP 13 Environmental Risks and Amenity

Clause 13.01 Climate Change Impacts

- Clause 13.01-1S Natural hazards and climate change
- Clause 13.01-2S Coastal inundation and erosion
- Clause 13.01-2L Coastal inundation and erosion

Clause 13.02 Bushfire

- Clause 13.02-1S Bushfire planning
- Clause 13.02-1L Bushfire planning

VPP 15 Built Environment and Heritage

Clause 15.01 Built Environment

- Clause 15.01-1S Urban design
- Clause 15.01-1L-01 Urban Design in Bass Coast

- Clause 15.01-1L-02 Landscape design
- Clause 15.01-2S Building design
- Clause 15.01-2L Building design
- Clause 15.01-5S Neighbourhood character
- Clause 15.01-5L Neighbourhood character

VPP 16 Housing

Clause 16.01 Residential Development

- Clause 16.01-1S Housing supply
- Clause 16.01-1L Housing supply
- Clause 16.01-2S Housing affordability

VPP 19 Infrastructure

Clause 19.03 Development Infrastructure

- Clause 19.03-3S Integrated water management
- Clause 19.03-3L Integrated water management

The intent of the relevant policies is to recognise the importance of accommodating development within established settlement boundaries in order to limit the impact on the character of the area and coastal areas.

The following provides an assessment of the proposal against the relevant Planning Policy Framework (PPF) under the themes of Settlement, Coastal Areas, Built Environment and Heritage, Housing and Infrastructure.
The PPF recognises the importance of accommodating development within established settlement boundaries in order to limit the impact on the character of the area and coastal areas. The PPF further seeks to ensure that a sufficient supply of land is available for residential use and encourages the consolidation of urban areas within settlement boundaries if that development respects existing neighbourhood character.

Cape Woolamai is defined at Clause 02.03 (Strategic Direction – Settlement) as a Hamlet with low spatial growth capacity and an identified potential for growth within existing urban or appropriately zoned land, primarily through infill capacity and within defined settlement boundaries.

Clause 11.01-1R (Gippsland) of the Planning Scheme includes a strategy to support the continuing role of towns and small settlements in providing services to their districts, recognising their relationships and dependencies within larger towns and Clause 16.01-2S (Housing Affordability) provides further objectives and strategies that are to be considered for residential development.

The proposed extension to the existing dwelling is considered to be consistent with the intent of these objectives and strategies as relate to residential development. It is considered that the proposal is broadly consistent with the Bass Coast Planning Scheme wherein it directs development and growth within existing settlement boundaries to reduce pressure on the settlement boundaries and maintain breaks between townships.

Clause 15.01-1S (Urban Design) and Clause 15.01-2S (Building Design) seeks to ensure that proposed developments present a building design outcome that positively contributes to the local context and is congruent with the existing and/or emerging character of the immediately surrounding area. In this context it is considered that the proposal presents a relatively satisfactory design response through the provision of a modern double storey-built form, which is consistent with emerging development characteristics in the surrounding area.

Clause 15.01-5S and Clause 15.01-5L (Neighbourhood Caracter) seeks to ensure that proposed developments are respectful to existing, emerging, and preferred neighbourhood character. Cape Woolamai has a policy guideline which seeks to limit building height to a maximum of two storeys, and a maximum height of 8 metres. In this context, it is considered that subject to the removal of the elements of the proposal related to the rooftop deck, the proposal can provide a satisfactory response to this element of local policy.

However, having regard to the PPF, it is considered that the proposal in its current form fails to adequately respond to the existing character through providing a substantial built form across the site and including a rooftop deck, which through the inclusion of screening walls on the western elevation will result in substantial wall height on or near the boundary, and will result in undue impacts to surrounding properties, particularly that to the west.

As will be detailed further in the body of this assessment, it is considered that amendments will be required to be made to the development plans which ultimately remove the rooftop deck from the proposal, which will allow the proposal to maintain a roof height consistent with the existing and will significantly reduce visual bulk of the dwelling when viewed from surrounding properties and the streetscape.

The proposed dwelling extensions are therein considered too broadly have merit, when consideration is given to the broader state and local policies related to the development of residential land for a single dwelling, subject to amended design elements that will be recommended and discussed in further sections of this report.

Overlay Assessment

Clause 43.02 – Design and Development Overlay – Schedule 1

The design objectives outlined in Schedule 1 of the overlay include:

- *To protect views from the coast to adjacent residential areas.*
- *To protect views to the coast from adjacent residential areas.*
- *To minimise the impact of development along the coastline.*
- *To protect and enhance the visual amenity and landscape of the coastal area.*
- *To respond to the potential coastal impacts of climate change.*

Schedule 1 also contains the following (as relevant) decision guidelines which have formed part of this assessment:

- *The siting and design of proposed development in response to background documents Design and Siting Guidelines for Coastal Areas and Rural Hinterland 1999, and Siting and Design Guidelines for Structures on the Victorian Coast (Victorian Coastal Council 1998).*

- *The maintenance and improvement of the visual quality of the coastal landscape.*
- *The siting, colour, and design of buildings.*
- *The need for landscaping or vegetation screening.*

The application is considered to be broadly consistent with the objectives of the Design and Development Overlay as the proposed development is capable of being consistent with the Design and Siting Guidelines for Coastal Areas and Rural Hinterland (1999), subject to required design changes, which will ultimately minimise adverse impacts to the surrounding area and the streetscape, as well as to adjoining properties.

The proposed development in its current form presents a modern, double storey-built form which is not overtly inconsistent with the gradually emerging character of coastal areas within Bass Coast, however when considered within the context of the immediately surrounding architectural vernacular, the proposal would result in a contrasting-built form that is not respectful of the existing character.

In this respect, it is ultimately considered that subject to the removal of upper storey elements as they relate to the rooftop deck and external stairwell to facilitate access to such, the proposal can be considered to result in a satisfactory design outcome.

The proposed development does not aim to construct a dwelling with excessive height in comparison to neighbouring dwellings, nor will it exceed adjacent dwellings by more than a storey in height, as demonstrated in Figure 10 of this report.

The design, colours and materials are considered to be modern in architectural design and will have limited impact on adjoining dwellings views to and from the coast. As demonstrated in Figure 11, the adjoining dwelling to the west of the site will still maintain some views to the coastal area to the south, consistent with the established precedence of case law relevant to view sharing in coastal areas.

The subject site is located within an existing residential settlement and is well setback from the coast, and it is therefore considered that the proposal will not present a substantial built form when viewed from the coast given the existing built form within the surrounding area, particularly when consideration is given to the amendments sought via conditions on the permit should one issue.

Further to this, the location of the development within an existing settlement will be of minimal impact to views from nearby coastal roads with an outlook to or from the coastline. Views from the coast to the site will be distant and consistent with the general view to this part of Cape Woolamai, which features single dwelling developments on graduated slopes, built to take advantage of coastal views.

The dwelling is in an area featuring new and existing dwellings of varying scales, whereby new development is typically of a larger architectural typology and contrasting to existing, ageing housing stock. The visual amenity and landscape character of the coastal area will be retained, as the proposed extensions will be confined to an existing allotment in an established residential area. The character of development in this area is demonstrated by evolving development which is prominent, and clearly visible from public areas and the coast.

The proposal follows section 3.1.3 of the Siting and Design Guidelines for Structures on the Victorian Coast (Victorian Coastal Council 1988) by proposing extensions to an existing dwelling in a residential setting, therefore 'grouping structures' as encouraged by the guideline.

The subject site is located within the General Residential Zone, whereby the intended purpose is to provide for low-moderate scale residential development on generously sized lots. Furthermore, the site is within the existing township boundaries and therefore will not result in an increase in human activity within the natural landscape.

Whilst the development presents a large double storey built form with a maximum height of 8.7 metres, the majority of the bulk of the dwelling is situated below 7m in height, and the extent of works above 7 metres in height is largely confined to the front of the allotment due to the slope of the land, and confined primarily to the rooftop deck elements which conditions of the permit should one issue will address through requiring it's omission from the development plans prior to any endorsement.

It furthermore needs to be noted and acknowledged that while there is a substantial built form being proposed with respect to site coverage, when consideration is given to the proposal caravan storage/outbuilding and wall on the eastern boundary, the scope of assessment relevant to this application is limited to the extent of works exceeding a height of 7 metres above natural ground level, in this instance primarily contained to the rooftop deck elements of the proposal.

The proposal has also been accompanied by a landscape plan which includes indigenous species, which provides a suitable number of indigenous species within the front setback of the property, whilst being cognisant of the presence of powerlines in the road reserve and the planting guidelines prepared by AusNet Services, the relevant electricity transmission authority.

Other Policy and Guidance

The Siting and Design Guidelines for Structures on the Victorian Coast (Department of Environment, Land, Water and Planning, 2020)

The Siting and Design Guidelines outline the best practice for the design of structures on the Victorian coast.

The proposal is considered able to provide a satisfactory response to the guidelines contained within this document, through ensuring that new building work is generally consistent with the existing double storey height of the surrounding neighbourhood, in particular that it does not seek to construct a building exceeding the height of surrounding buildings by more than one storey.

The building will present as generally larger than surrounding existing dwellings, however the removal of rooftop deck elements from the frontage of the proposal will result in reduced visual bulk.

The development is orientated on the lot to optimise energy efficiency as much as practicable, noting that the subject site presents a north-south orientation and is south facing, thereby limiting the extent of energy efficiency, especially considering that the works are primarily an extension to the existing dwelling.

Although the proposed development contains substantial walls on boundaries the proposal is still able to provide landscaping within the front setback of the site. The proposal will result in the removal of vegetation from the subject site; however, it is noted that the vegetation removed from the site is of no substantial significance and is to be replaced with species indigenous to the locality and more suitable for the coastal location of development.

It is also noted that the easement to the rear of the site, and the presence of powerlines in the road reserve, both limit the extent of full-sized canopy trees that can be planted on the site.

Concerns Raised by Submitters

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

Submitter Theme	Council Officer Response
Inappropriate/Over Development; Boundary to Boundary; Inconsistent with existing neighbourhood character; Setting a Precedence.	Whilst the DDO1 sets a preferred maximum building height, it is not intended to be the 'absolute' maximum height, and provision is made within the scheme to allow development to exceed this height at the discretion of the responsible authority. Although the proposal will present a built form outcome that is varied in contrast to the existing neighbourhood character of the surrounding area, this character is largely as a result of older housing stock that will over the course of time be redeveloped consistent with the emerging architectural vernacular of modern development.
Overlooking	Assessment of this application is limited to the extent of buildings and works exceeding 7 metres in height pursuant to the provisions of Schedule 1 to the Design and Development Overlay. Given that the application does not trigger a Planning Permit under the provisions of the General Residential Zone (Clause 32.08), formal assessment of the proposal is not required against the Residential Developmment Code of Clause 54. It is therein noted that overlooking is not a formal consideration of assessment for this development, and compliance will be ensured by the relevant Private Building Surveyor under the *Building Regulations 2018*. Standard A15 of Clause 54.04-6 sets out the required obscuring and screening elements to prevent overlooking within 9m of habitable elements of new works, and it is noted that although overlooking diagrams have been submitted with the rooftop deck plan, they have not been included with the first-floor plan. Given that the relevant Building Surveyor will require compliance with this standard, it is recommended that conditions on the permit should one issue should require amended development plans which demonstrate compliance with Standard A15 for the first-floor windows and balconies. This will ultimately provide certainty to adjoining properties, whilst also

Submitter Theme	Council Officer Response
	removing the requirement to amend any plans in the future.
Height over 7 metres	Whilst it is acknowledged that the proposed dwelling will present a maximum building height of 8.7m and some objections sought for the height to be reduced below 7 metres, this reduction would result in no permit triggers for the development. Although Schedule 1 to the Design and Development Overlay sets a preferred maximum height of 7 metres, an application can be made to allow a development in excess of 7 metres. The proposed maximum building height exceeds the DDO1 height preference by 1.7 metres; however, most of this incursion is tied to the inclusion of the rooftop deck viewing platform and the requisite overlooking screens on the western and northern aspects. Through the removal of these elements via permit condition should one issue, the development will still exceed 7 metres in height, but will provide a substantially reduced visual intrusion and reduced adverse amenity impacts to the surrounding neighbourhood character and immediately adjoining properties.
Loss of View/View Sharing	As evidenced in Figure 11 in earlier sections of this report, the proposal is not considered to result in unreasonably adverse impacts to view lines to and from the coast. It has been a well-established precedent through the Tribunal "that properties away from the foreshore and intercepted by other lots cannot expect no compromise of views. It is also of the view that protection of the entire existing views over the review site cannot be guaranteed to stay forever." (Webb v Mornington Peninsula SC [2007] VCAT 741). In consideration of the impacts to views already present on the site from the existing dwelling, it is noted that through the introduction of additional built form within the front setback will result in a reduction of some views to the adjoining property to the west, however view lines are still maintained to some extent. The removal of the rooftop deck elements via conditions on the permit should one issue will furthermore allow for a reduced visual impact to surrounding properties, particularly those on Clearwater Avenue to the north. Whilst it is acknowledged that the proposal may result in some additional impacts to views due to the extent of the roof height, it is considered that the proposal

Submitter Theme	Council Officer Response
	provides an appropriate design response respectful of view-sharing within the streetscape.
Overshadowing POS; Daylight to Existing Windows	Assessment of this application is limited to the extent of buildings and works exceeding 7 metres in height pursuant to the provisions of Schedule 1 to the Design and Development Overlay. Given that the application does not trigger a Planning Permit under the provisions of the General Residential Zone (Clause 32.08), formal assessment of the proposal is not required against the Residential Developmment Code of Clause 54. It is therein noted that overshadowing is not a formal consideration of assessment for this development, and compliance will be ensured by the relevant Private Building Surveyor under the *Building Regulations 2018*. Shadow diagrams submitted with the application indicate that the proposed extensions to the dwelling will ultimately result in some additional overshadowing, which is largely a result of the walls on boundary associated with the proposed caravan storage and rooftop deck. The removal of the rooftop deck through conditional requirements on the permit should one issue will reduce this extent of overshadowing, particularly to the adjoining dwelling to the west.
Wall on Boundary Length	Assessment of this application is limited to the extent of buildings and works exceeding 7 metres in height pursuant to the provisions of Schedule 1 to the Design and Development Overlay. Given that the application does not trigger a Planning Permit under the provisions of the General Residential Zone (Clause 32.08), formal assessment of the proposal is not required against the Residential Developmment Code of Clause 54. It is therein noted that the length of walls on boundaries is not a formal consideration of assessment for this development, and compliance will be ensured by the relevant Private Building Surveyor under the *Building Regulations 2018*. Nonetheless, Standard A11 of Clause 54.04-2 sets out that a new wall constructed on a boundary should not abut the boundary for more than 10 metres plus 25% of the remaining length of the boundary on an adjoining lot. Given that the property boundary measures 37.13m, the total allowable length of a wall on boundary under the standard is 16.78m. The proposed caravan storage wall located on the eastern boundary measures a length of 15.28m and is therefore technically compliant with this Standard. The proposed

Submitter Theme	Council Officer Response
	garage wall on the western boundary is 8.32m and is further considered compliant with the Standard.
Vegetation Removal and Landscaping; Vegetation Removal; Impacts on Fauna.	It is noted that the removal of vegetation from the subject site as contained within this application is not subject to Planning Permit consideration as it is not considered to trigger a Planning Permit pursuant to the provisions of Schedule 2 to the Vegetation Protection Overlay. The vegetation removed as part of this application will be replaced via proposed landscaping with indigenous species more suited to the area, which will ultimately provide an improved habitat area for native fauna species. Whilst preference might be given to introduce taller plantings within the front setback of the proposed extension, the site is constrained by the presence of powerlines which intervene the property boundary and Broadwater Avenue. AusNet Services requires that all plantings within 7 metres of a power line must not exceed 3 metres in height, and therefore the introduction of/requirement for canopy plantings in this area would not be suitable for the site.
Sustainable Development; Drainage; Garden Area.	Consideration of the level of environmental sustainability is not a relevant planning consideration for the development of the land for residential purposes and extensions under Schedule 1 to the Design and Development Overlay. Although the proposed site coverage is relatively substantial for a single dwelling and associated outbuildings on a lot, assessment of this application is limited to the extent of buildings and works exceeding 7 metres in height pursuant to the provisions of Schedule 1 to the Design and Development Overlay. Given that the application does not trigger a Planning Permit under the provisions of the General Residential Zone (Clause 32.08), formal assessment of the proposal is not required against the Residential Development Code of Clause 54. It is therein noted that the site coverage and site permeability of the development are not a formal consideration of assessment for this development, and compliance will be ensured by the relevant Private Building Surveyor under the *Building Regulations 2018*. The proposal has demonstrated that sufficient Garden Area will be provided on the site at 30.2% of site area, and site permeability will exceed the minimum area of 20% required by Standard A6 of Clause 54.03-4.

Submitter Theme	Council Officer Response
Non-compliant side and rear setbacks	Assessment of this application is limited to the extent of buildings and works exceeding 7 metres in height pursuant to the provisions of Schedule 1 to the Design and Development Overlay. Given that the application does not trigger a Planning Permit under the provisions of the General Residential Zone (Clause 32.08), formal assessment of the proposal is not required against the Residential Development Code of Clause 54. It is therein noted that the side and rear setbacks of the development are not a formal consideration of assessment for this development, and compliance will be ensured by the relevant Private Building Surveyor under the *Building Regulations 2018.* Nonetheless, Standard A10 of Clause 54.04-1 sets out that a new building not on or within 200mm of a boundary should be setback 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. The western wall of the development, once the rooftop deck is removed via conditions on a permit should one issue, will present a height of 6.8 metres, and therefore is required to provide a minimum setback of 2 metres. The proposal provides a setback of 2.79 metres to the wall. It is further noted that under the standard stairways may encroach into those setbacks and is therefore compliant.
Traffic, Parking, Turning Circles within the Site	As previously outlined in this report, the scope of Clause 52.06 (Car Parking) does not apply to the extension of a single dwelling on a lot in the General Residential Zone. It is noted that a four-bedroom dwelling is technically required to provide two car parking spaces, and the proposal accommodates this through a double garage. Turning circles for a caravan within the property are not relevant to the assessment of the application against the provisions of Schedule 1 to the Design and Development Overlay and would be considered onerous requirements for the proponent to provide alongside an application to extend an existing dwelling. It is furthermore not considered that a four-bedroom dwelling will result in adverse traffic impacts on Broadwater Avenue.

Submitter Theme	Council Officer Response
Cultural Heritage Sensitivity	As previously outlined in the cover page of this report, although the subject site is located within an area of Identified Aboriginal Heritage Sensitivity; pursuant to Regulation 9(1)(b) of the *Aboriginal Heritage Regulations 2018,* the construction of an extension to one dwelling on a lot is an exempt activity, and therefore a Cultural Heritage Management Plan is not required.
Asbestos	Asbestos is subject to removal and disposal controls separate to planning legislation. Specifically, all asbestos must be removed in accordance with WorkSafe requirements and disposed of in accordance with EPA (Environment Protection Authority) requirements.
Noise from occupancy	Some of the submissions made against the application referred to the potential for increased noise impacts on adjoining properties as a result of increased external areas of the development such as the proposed front balcony and rooftop deck element. It is noted that not only is occupancy noise from residential development not a relevant planning consideration for buildings and works to extend a dwelling under the provisions of Schedule 1 to the Design and Developmment Overlay, but that the existing dwelling presently contains a first floor verandah within the front setback, which is typical of coastal architectural vernacular in order to provide outdoor living space capable of enhancing views to the coast.
Property Valuation Impacts	It is noted that impacts to surrounding property valuations is not a valid consideration within the Planning Scheme. The Victorian Civil and Administrative Tribunal has consistently found that property values are speculative and not a planning matter.
6 Charmandene & 124 Tampa Road Application Comparisons	Some of the submissions raised comparisons to previous developments at 6 Charmandene Court, Cowes, and 124 Tampa Road, Cape Woolamai, and their refusals by Council to grant a Planning Permit. Both developments were fundamentally different in their circumstances and assessment pathways as follows. <u>6 Charmandene Court, Cowes:</u> Planning Application 200029 sought the development of the land for two dwellings and is a site that immediately fronts the foreshore of Cowes. The proposal furthermore failed to meet several of the

Submitter Theme	Council Officer Response
	standards of Clause 55 as it relates to residential development. 124 Tampa Road, Cape Woolamai Planning Application 210232 sought the development of the land for a new dwelling in the Design and Development Overlay – Schedule 1. The site is immediately adjacent to the foreshore and the Public Conservation and Resource Zone. The development was refused because it did not provide an appropriate response to the coastal setting, in particular that it proposed an 11m maximum building height and would result in a full scale three storey development with significant visual bulk.
3 Storey Development	The proposal in its current form proposes a two-storey development, with a rooftop deck technically creating a third storey. Given the number of submissions related to the development presenting an excessive built form and excessive height, it is recommended that Council resolve to include conditions on the permit should one issue which seek to remove the rooftop deck elements from the proposal, which will reduce built form and contain the development to two storeys.
Colours and Materials	The proposal has provided a complete material and colour schedule which proposes a variety of finishes which are considered to generally be modern in style and consistent with the emerging character of new coastal development. However, a condition of permit will be recommended to update the second storey element above the garage to be more reflective of the surrounding area which comprises a lighter (white) colour palette.

Submitter Theme	Council Officer Response
	material schedule 1. wall cladding: Weathergroove fushion Colour: surfmist or Shale grey 2. wall cladding: Render finish to existing walls Colour: dark grey or similar 3. Feature cladding: 125mm Silvertop Ash-shiplap Colour:natural 4. Windows: Aluminium Windows Colour: monument 5. Roofing: Trimdek Colour: Zincalume (to match existing) 6. Capping, Flashings Downpipes & Rainwater Heads: Colour: Classic cream (to match existing) 7. Decking: Silertop Ash  weathertex cladding fushion:  Silvertop Ash  125mm Silvertop Ash-shiplap
Second extension to the existing dwelling	It is noted that there has previously been an extension to the existing dwelling, in accordance with a building permit issued in 2011, however this is not relevant to the consideration of the application before council for extensions to the existing dwelling under the provisions of the DDO1.

Conclusion

The application has been assessed against the Bass Coast Planning Scheme and is considered to be generally in accordance with the Planning Policy Framework and the Decision Guidelines of Schedule 1 to the Design and Development Overlay, subject to modifications to the built form via proposed Planning Permit conditions.

The application underwent notification and as a result there were 21 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 planning application PDPLANPER-2023/000258, subject to conditions.

Recommendation

That in relation to Planning Permit application PDPLANPER-2023/000258 for Buildings and Works associated with a dwelling in a Design and Development Overlay (DDO1) located at 42 Broadwater Avenue, Cape Woolamai, Council resolves to issue a Notice of Decision to Grant a Permit, subject to the following conditions:

Amended plans required

1. **Before the development commences, amended plans drawn to scale with dimensions must be submitted to and approved by the responsible authority. The plans must be generally in accordance with the advertised development plans (prepared by Beaumont Design, Project 22-32, dated 24 March 2023), but modified to show:**
   a) **The removal of all elements of the proposal related to the rooftop deck, including the stairwell, parapet and overlooking screens.**
   b) **Overlooking Diagrams to demonstrate compliance with Standard A15 for external balconies and windows on the First Floor.**
   c) **A lighter tone, and modified materials for the second storey element located above the proposed garage to reflect the coastal character of the area.**

All to the satisfaction of the responsible authority. When approved, the plans will be endorsed and will then form part of this Permit.

Completion and maintenance of landscaping

2. **Within 3 months of the completion of the works, or within the next applicable planting season, whichever is the earlier; the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority. The landscaping must thereafter be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.**

Layout not to be altered

3. **The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.**

Amenity

4. **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, vapor, steam, soot, ash, litter, dust, wastewater, waste products, grit, or oil; and**
   d) **The presence of vermin or animals.**

5. **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.**

Time for Starting and Completion

6. **This Permit will expire if:**
   a) **The development does not start within 2 years from the date of this Permit; or**
   b) **The development is not completed within 4 years of the date of this Permit.**

The responsible authority may extend the time referred to if a request is made in writing before this Permit expires or within six months after the expiry date if the development has not commenced.

If the development has commenced, the responsible authority may extend the time referred to if a request is made in writing within twelve months of the expiry date.

PERMIT NOTES

A. Building permit may be required

This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.

B. Planning permission

Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents, or approvals.

C. Failure to Comply

Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.

D. Retention of Existing Street Trees

Nothing in the permit hereby issued may be construed to allow the removal of damage to or pruning of any street tree without the further

written consent of the Bass Coast Shire Council. Contact Council Arborists on BCOAST (226 278) or (03) 5671 2211 for further information.

E. ResCode (residential siting) not assessed

This permit application was not assessed against the provisions of Clause 54 – One Dwelling on a Lot (ResCode) of the Bass Coast Planning Scheme. As such, it is the responsibility of the applicant/owner to appoint a Registered Building Surveyor to determine compliance of the endorsed plans associated with the issue of this Planning Permit against Part 5 of the *Building Regulations 2018*. Non-compliance with any Regulation under Part 5 will require the report and consent from Council's Building Department.

F. Permit to Building Surveyor

The permit holder/applicant/owner must provide a copy of the Planning Permit to any appointed Building Surveyor. It is the responsibility of the permit holder/applicant/owner and the Building Surveyor to ensure that the development approved by this Permit is consistent with any Building Permit approved and that all works are consistent with the endorsed plans approved under this Planning Permit.

G. Planning permission

Nothing in the grant of this permit should be constructed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents, or approvals. This may include (but not limited to):

- **Road Occupation Permits.**
- **Asset Protection Permits.**
- **Legal Point of Stormwater Discharge.**

For further information contact Bass Coast Shire Council on 5671 2211.

Attachments

1. Development Plans [**8.1.1** - 13 pages]
2. Landscape Plans [**8.1.2** - 14 pages]
3. CONFIDENTIAL - Combined Copies of Submissions [**8.1.3** - 111 pages]

8.2 Surf Beach and Sunderland Bay Road and Drainage Upgrade Project

Division	**Place Making**
Council Plan Strategic Objective	**Our Places** *Strengthening the connection between people and the public places they share*

Declaration

The author has no general or material interests in relation to this report.

Summary

At the Council meeting on 16 August 2023, the statutory process to declare a special charge scheme for a road and drainage project located at the Surf Beach and Sunderland Bay estates commenced.

The advertising and notification process was conducted in line with Council's statutory obligations.

A total of 559 objections from property owners were received, which was 54% of total property owners in the estates. In accordance with *Section 163B (6)* of the *Local Government Act 1989,* as a majority of property owners liable for the charge have objected, the project cannot proceed.

It is noted that a petition containing requesting that Council not abandon the has been received as part of this report

Recommendation

That Council:

1. **endorses the abandonment of the Surf Beach and Sunderland Bay Special Charge Scheme No. 66 because Council has received objections from persons who will be required to pay the special charge in respect of a majority of the rateable properties in respect of which the special charge would be imposed.**
2. **advise the head petitioner of Council's decision, regarding the petition to not allow Council to abandon the Surf Beach and Sunderland Bay Special Charge Scheme.**

Background

The road and drainage upgrade project at Surf Beach and Sunderland Bay has been previously discussed by Council as follows:

16 March 2022 Council Meeting

Council resolved to:

- proceed to the Project Planning phase which would include the preparation of concept plans, cost estimates and a distribution of costs for the potential road and drainage upgrade project at Surf Beach and Sunderland Bay estates
- present the concept plans back to Council at a later date for consideration

15 March 2023 Council Meeting

Council resolved to:

- adopt Concept Option 1: Base Case (with modifications) for the full upgrade of road and drainage improvements at Surf Beach and Sunderland Bay estates as the preferred design option
- proceed to cost estimating and proposed funding model including distribution of costs for consideration at a future meeting of Council
- advise the head petitioner of Council's decision, regarding the petition against the Surf Beach and Sunderland Bay potential special charge scheme

16 August 2023 Council meeting

Council resolved to:

- commence the statutory process under *Section 163 of the Local Government Act 1989* to declare at the 13 December 2023 Council meeting a special charge scheme for the project
- publish notices in The Age, the South Gippsland Sentinel Times and the Phillip Island and San Remo Advertiser newspapers the intention of Council to declare the special charge scheme
- notify property owners liable to pay the special charge of the proposed declaration
- establish a Committee of Council to hear persons who requested to be heard in support of their submissions
- authorise the Council's General Manager Place Making to conduct any and all other administrative procedures to enable to conduct its functions of *Section 163 of the Local Government Act 1989*

Discussion

Intent to declare the special charge scheme

At the Council meeting on 16 August 2023, it was resolved to undertake notification of an intent to declare a special charge scheme for a road and drainage project at Surf Beach and Sunderland Bay.

Notices of the proposed declaration relating to the proposed road and drainage upgrade project and associated special charge scheme were published in newspapers as following:

- The Age on 29 August 2023

- The South Gippsland Sentinel Times on 29 August 2023
- The Phillip Island and San Remo Advertiser on 30 August 2023

Property owners were notified of the proposed declaration on 30 August 2023 and subsequently 1 September 2023 due to a correction in Council email address provided.

The proposed declaration included details about the following:

- the overall cost of the project
- the amount of cost to be levied as a special charge
- the cost to be solely borne by Council
- the individual special charge for each property owner
- the timing of the proposed special charge
- payment of the special charge
- requirements for submissions and / or objections to the special charge

Property owners were given until 11 October 2023 to make a submission and/or objection to the proposed declaration, which equated to 40 days' notice and was in accordance with the *Local Government Act 1989*, that required a minimum of 28 days' notice.

Council received a total of 702 submissions from 1041 contacted property owners. There was 559 (54%) objections from property owners to the proposed upgrade project and 133 (13%) submissions of support from property owners. 349 (33%) property owners did not provide a response and are subsequently not counted.

As more than 50% of property owners have objected to the scheme, in accordance with *Section 163B (6)* of the *Local Government Act 1989,* the project cannot proceed.

The relevant section of the *Local Government Act 1989* is stated below:

> *'A Council cannot make a declaration if the Council receives objections from persons who will be required to pay the special rate or special charge in respect of a majority of the rateable properties in respect of which the special rate or special charge would be imposed.'*

The main reasons for property owners submitting an objection are shown in Table 1 below:

Table 1: Reasons for objection from property owners

Reason	Number
Financial concerns	120
Don't want to change characteristics	59
Environmental concerns	41
No benefits	40
Council should pay for upgrade	29
Cost apportionment was unfair	29
Native animal and / or bird impacts	27

Scope and cost too high	20
Cost outweighs benefits	15
Safety and traffic concerns with sealed roads	15
Cost and scope uncertainty	14
Dissatisfied with consultation	8
Would increase property value and rates	8
Want Council to contribute more financially	8
Construction disruption	8
Want a different scope	7
Don't trust Council	7
Don't like to be forced to pay	6
Cost may go over budget	6
May cause property owners to sell	6
Other key stakeholders and authorities should contribute	5

The main reasons submitted by property owners in support of the project are listed in Table 2 below:

Table 2: Reasons for support from property owners

Reason	Number
Improve drainage and reduce flooding	12
Reduce dust	8
Safer roads	6
Improved amenity	5

All submissions and objections are contained in Attachment 2 and 3 of this report.

Petition requesting Council not to abandon the Surf Beach and Sunderland Bay Special Charge Scheme

A petition containing 317 names requesting that Council not abandon the special charge scheme has been received. The petition reads:

> *To the 47% (490) devastated property owners that have been patiently waiting for decades to have their lives improved. We have been outvoted by a small margin of 6% (62 properties out of 1041) by a population with 60% of non-residents who mostly rent their properties and seldom experience the terrible wet, muddy conditions of winter, and the insufferable dusty conditions of summer.*

It is necessary for non-residents who plan to eventually move here, to be aware that Council will not re-reconsider this area for another Special Charge Scheme (SCS), for at least 25 years and with the guarantee that the cost will more than double by then.

The Community Has Not Spoken

The SCS which was created in 1989, was meant for small urban communities, of similar

demographics, principally made up of family homes and experiencing similar environmental conditions. It was not meant for very large coastal holiday estates, very diverse in topography, demographics, and social connection. It was not meant for a community where permanent residents are significantly outnumbered by absent property owners, who by their absence, have not experienced and cannot appreciate the difficulty of living in these conditions daily.

So how can it be reasonable and just for absent property owners (regular holiday home users excluded), to have control over the future health and wellbeing of permanents? I doubt that they would tolerate such conditions if they were permanent residents.

Council has been dismissive of our concerns for years with the reassurance that the SCS will fix our problems. We therefore must not allow Council to walk away from its responsibility and obligation to provide a safe and healthy environment, as it did with Cape Patterson and Sunset Strip.

The council cannot claim that "the community" has spoken with such a narrow margin apposing.

This is not one homogeneous community, but a collection of small communities that have established their own sense of identity mainly through the different attributes of the area.

This needs to be acknowledged and accepted by Council, and it needs to provide a platform to accommodate different requirements.

Alternative Model

Council can correct its serious mistake of a "one-fits-all" option, by mandating a drainage scheme under the Public Health Act and allowing individual streets the option to upgrade their road to their requirements.

This was the favoured option developed by the community at Sunset Strip, although not

mandatory, which unfortunately was abandoned before it could be voted on. The "No" group believed that opposition to the SCS would result in an on-going dust suppressant seal program. Their gamble failed and got nothing!

Do not rely on Council to automatically provide a road & drainage upgrade for individual roads under the 70% community driven application. If the project is small and isolated, the cost for drainage will be significantly more expensive per property than the current drainage proposal. Council will consider the application on its merits, where Council's contribution I am sure will be its main consideration.

Please sign this petition for Council not to abandon the SCS, but to either amend it, or adopt a model based on the Sunset Strip option, albeit a mandatory drainage system, with the option to upgrade individual roads.

Please pass this on to other devastated residence before the December 13th Council

meeting, and also pass it on to those that have voted "NO" but who may have a change of mind.

Council acknowledges there are property owners who are disappointed the road and drainage project cannot proceed in the current form.

The petition cannot alter the recommendation of the report that the proposed special charge scheme is to be abandoned in accordance with the *Local Government Act 1989* legislation.

Sustainability Implications

The proposed concept designs provided a balance within the urban environment that considered water sensitive urban design treatments and environmental features proposed within traffic calming treatments. These designs will remain relevant to any further road and drainage upgrade project for Surf Beach and/or Sunderland Bay should any future project ensue.

Finances

Council has committed a total of $622,225 towards this project. These funds cover all preliminary surveys and studies, conceptual and functional designs, planning and project cost estimates to date. It is also noted that Council has allocated $7.5M towards delivery of this project in the adopted long term financial plan which will no longer be required.

Stakeholders

Extensive consultation and engagement has been carried out regarding this project. Constant communication with the 1,041 impacted property owners has been maintained through direct email correspondence, phone calls, an updated frequently asked questions document, dedicated Engage Bass Coast webpage and a monthly newsletter.

In addition, Council has consulted thoroughly with the following project partners:

- Department of Transport and Planning
- Phillip Island Nature Parks
- the property owners north of Phillip Island Road where wetlands were planned
- Department of Environment, Land, Water and Planning
- Department of Energy, Environment and Climate Action
- Parks Victoria
- Melbourne Water
- Western Port Water
- Ausnet Services
- Telstra

Conclusion

Public notices and notifications to property owners within the special charge scheme area were undertaken in accordance with the *Local Government Act 1989*. Submissions and objections were received and collated.

The objections received from property owners amounted to 54%, being a majority of the total number of property owners.

The project cannot proceed in accordance with *Section 163B (6) of the Local Government Act 1989* as a majority of property owners liable for the charge have objected.

A petition containing 317 names requesting that Council not abandon the special charge scheme has been received and considered by Council as part of this report. The petition cannot alter the recommendation of the report that the proposed special charge scheme is to be abandoned in accordance with the *Local Government Act 1989* legislation.

Governing Documents

- *The Local Government Act 1989*
- *Local Government Act 2020 (as amended) (Act)*
- *The Council Plan 2021-25*
- *Bass Coast Planning Scheme*
- *Asset Management Policy 2022-2026*
- *Urban Roads and Drainage Improvement Policy 2019*

Attachments

1. CONFIDENTIAL - SBSB Submissions in support [**8.2.1** - 180 pages]
2. CONFIDENTIAL - SBSB Submissions in objection and statutory objections [**8.2.2** - 829 pages]
3. CONFIDENTIAL - SBSB Petition Signatures [**8.2.3** - 7 pages]

8.3 Industrial Land Use Strategy

Division	**Place Making**
Council Plan Strategic Objective	**Sustainable Development** *Prepare for growth while ensuring the intrinsic values and character of Bass Coast are retained*

Declaration

The author has no general or material interests in relation to this report.

Summary

This report requests Council endorse the Industrial Land Use Discussion Paper and release it for Community consultation via the Bass Coast Engage page. The proposed consultation period is from 14 December to 12 February 2024. Targeted consultation sessions are proposed to be held in Cowes, Newhaven, Grantville, Wonthaggi, and Inverloch.

Recommendation

That Council endorse the Discussion Paper and release it for community consultation.

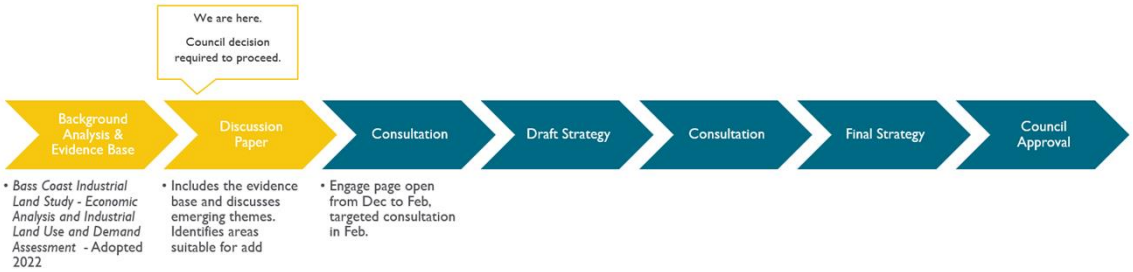
Background

The Bass Coast Industrial Land Use Strategy (referred to as the 'BILUS') will provide a long-term strategic planning framework to guide land use and development of industrial land across the Shire over the next 15-years. The Strategy will:

- Shire-wide Vision and Objectives: set an overarching strategic vision for industrial land use across the Shire, accompanied by a series of supporting strategic objectives.
- Precinct Directions: provide a suite of precinct-specific visions and directions for each of the Shire's individual industrial precincts to support existing industrial uses and shape future uses.
- Actions: outline a mix of statutory and non-statutory initiatives/guidelines to support delivery of the vision, objectives and precinct directions. This will include identifying expansion areas across the Shire suitable for future industrial use.

The BILUS will form the key linkage between strategic land use policy and the Bass Coast Planning Scheme (BCPS).

The development of BILUS is outlined in the below image.



Strategic Basis

Council Plan Strategic Objective:

Sustainable Development - *Prepare for growth while ensuring the intrinsic values and character of Bass Coast are retained Governing Documents*

Bass Coast Planning Scheme:

The Bass Coast Planning Scheme provides guidance on industrial and economic strategies for the Municipality.

Clause 02.03-7 of the Municipal Planning Strategy seeks to diversify the economy for Bass Coast and recognises industrial activity as a significant local economic driver. The strategic directions for industry are to:

- Facilitate the establishment and further development of industry in the Shire,
- To encourage industrial development to locate in Wonthaggi to build on the existing infrastructure and industrial base; and
- To encourage industrial activities to be responsive to the environment and surrounding land uses.

The Council's obligation to monitor land supply, industrial land use trends, and provide sufficient industrial land are found in Clauses 11.02-1S, 13.07-1L, 17.01-1S and 17.03-1S of the Bass Coast Planning Scheme.

Bass Coast Economic Development Framework 2030

The Economic Development Framework 2030 seeks to ensure the Council creates opportunity for economic diversity and business activities. The framework proposes the use of strategies, policies and programs that will attract, encourage, and retain the kind of business activities that will drive the unique local economy. A specific action is to '*commence the facilitation to develop the commercial and industrial land in the Wonthaggi Northeast precinct*'

Discussion

The Council as the Planning Authority has a statutory obligation to ensure there is enough land available for industrial land use.

Currently in Bass Coast, there are seven industrial precincts, refer to Figure 1, either included in the Industrial 1 Zone (IN1Z) or Industrial 3 Zone (IN3Z). To gain an appreciation of the supply and demand of industrial land across the Shire, the Council prepared the *Bass Coast Industrial Lands Study – Economic Analysis, Demand and Supply Assessment.* A summary of the findings includes:

- there is approximately 90 hectares of zoned industrial land in Bass Coast, comprising approximately 72 hectares of land zoned IN1Z and approximately 18 hectares of land zoned IN3Z.
- There is 20.5 hectares of undeveloped zoned industrial land available across the Shire only approximately 8 hectares of this is available for development.
- There are two precincts identified for future industrial supply in Wonthaggi and Grantville, refer to Figure 2 and 3. In total, these two precincts measure a gross area of approximately 102ha.
- Projected demand over the coming years to 2036 could range from 26ha to 36ha of gross industrial land, reflecting net demand of between 1ha and 2ha per annum.

While the future supply suggests there is sufficient land to accommodate the Shire's needs, the State Government's Bass Coast Distinctive Areas, and Landscapes Project (Bass Coast DAL project), through its Draft Statement of Planning Policy identifies the future supply in Grantville as not being suitable for Industrial use, effectively halving the future supply. A key driver for the BILUS project is to address this and secure the Shire's long-term industrial land supply.

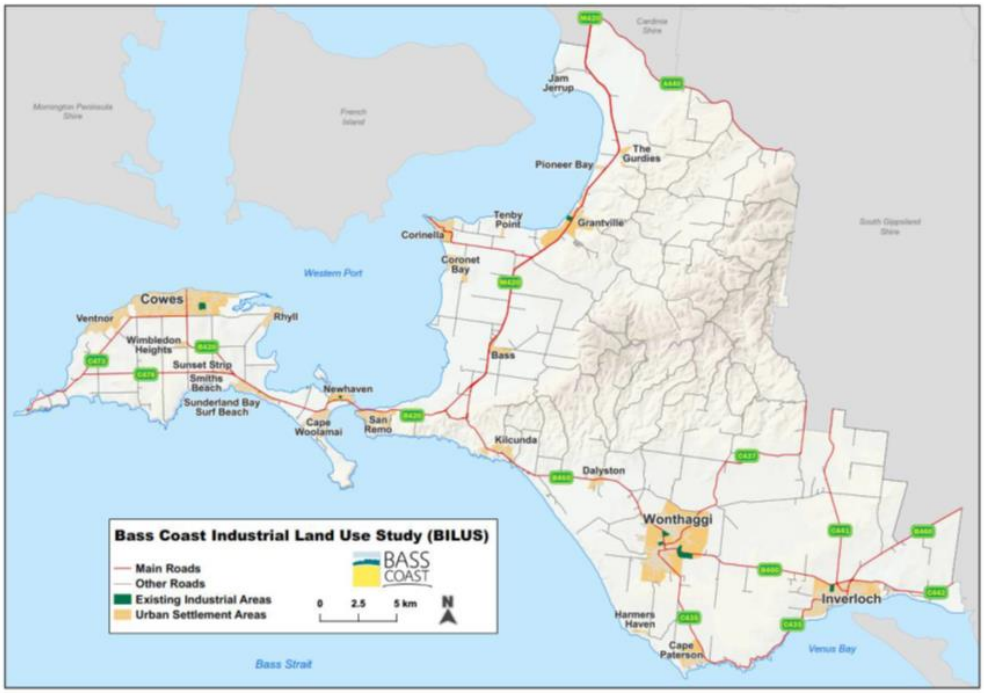


Figure 1: Existing Supply of Industrial Land

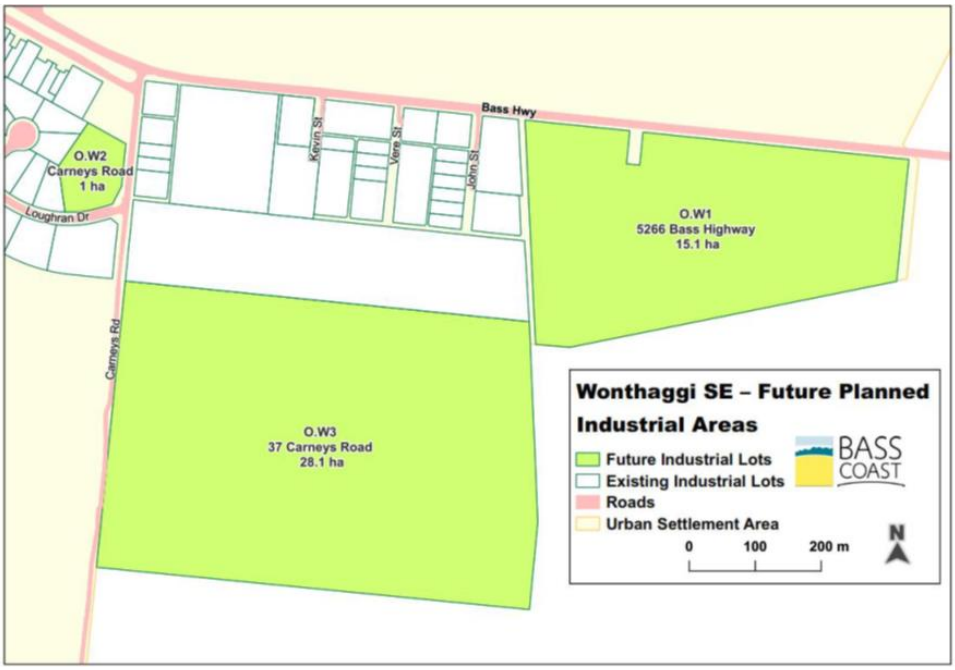


Figure 2, Future Land Supply of Industrial Land in Wonthaggi.



Figure 3, Future Land Supply of Industrial Land in Grantville.

The preparation of the Bass Coast Industrial Land Use Strategy consists of two parts which is outlined below:

- Part A, the Discussion Paper.

  It articulates a vision for Industrial Land Use in Bass Coast through exploration of all background documents, strategies and polices. It clearly articulates the opportunities and challenges facing the Shire and suggests a range of options that could be implemented to address them. This document will be released for community consultation.

- Part B: Bass Coast Industrial Land Use Strategy.

  This document is based on the Part A discussion paper and community consultation. The strategy will include a shared vision for the Industrial Land and identify the type and scope of change projected over time. It will be a key tool to manage and influence planning and investment decisions relating to the Shire's industrial land, and rezoning

Sustainability Implications

The BILUS work will contribute to the improvement of economic, social, and environmental sustainability of the Shire, specifically related to land use planning and economic development.

Finances

This initiative has funding in the current budget.

Stakeholders

The key stakeholders are Businesses and landowners in the Industrial estates, Business Associations, Local Businesses, local Developers/Consultants.

Conclusion

It is recommended that, The Discussion Paper, which is a critical component in the development of the BILUS, is endorsed and released for community consultation.

Governing Documents

Planning and Environment Act 1987

Bass Coast Planning Scheme

Bass Coast Industrial Lands Study – Economic Analysis, Demand and Supply Assessment

Bass Coast Economic Development Framework 2030

Draft Bass Coast Statement of Planning Policy

Attachments

1. BILUS Discussion Paper draft Nov 2023 [**8.4.1** - 21 pages]

8.4 Selective Tender Award for Mahers Landing Civil Works

Division	**Place Making**
Council Plan Strategic Objective	**Sustainable Development** *Prepare for growth while ensuring the intrinsic values and character of Bass Coast are retained*

Declaration

The author has no general or material interests in relation to this report.

Summary

This report to Council presents the outcome of a selective quotation process through Council's Annual Supply Contract 21031 for the Supply of Plant, Labour and Materials – Construction Works to award the project for Mahers Landing Part 2 Civil works.

This report recommends the Council accept the quotation and award the project to Wiltrack Earthmoving Pty Ltd. They are currently listed as an Annual Supply Contractor under Contract 21031D - Supply of Plant, Labour and Materials – Construction Works.

Better Boating Victoria (BBV) in partnership with Bass Coast Shire Council are delivering a significant upgrade to the existing boating facility, car park area and toilets. These works are stage 2 of the project at Mahers Landing with a significant portion of funding allocated by BBV, Council will manage the project delivery.

Recommendation

That Council:

1. **Accept the quotation from Wiltrack Earthmoving Pty Ltd, accessing Annual Supply Contract Rates under C21031D Annual Supply of Plant, Labour & Materials – Construction Works, subject to Council receiving a signed funding agreement from Better Boating Victoria for the award of Part 2 at Maher s Landing Boat Ramp Facility upgrade in Inverloch and award for the contract sum including GST of $1,464,121.49**
2. **Authorise the Chief Executive Officer to execute the award of works under Council's Annual Supply Contract C21031D between Council and Wiltrack Earthmoving Pty Ltd**

Background and Context

Better Boating Victoria (BBV) in partnership with Bass Coast Shire Council are delivering significant upgrades to the existing boat ramp facilities across the Shire. Some major infrastructure projects recently completed were Cowes (Nov 2023, $2.8 million) and Rhyll (2022, $6 million) Boat Ramp facility upgrades.

Mahers Landing Boat Ramp facility upgrade in Inverloch is a significant investment from the State Government's Better Boating Fund to provide for recreational boating improvements across Victoria. The project will improve access and safety for the boating community and support the businesses, community groups and social benefits associated with recreational boating.

The Better Boating Fund returns license and registration fees paid by boaters into delivering major ramp upgrades, more all-abilities boating facilities, grants programs to boost boating access, boating safety initiatives and much more.

The proposed Mahers Landing Boat Ramp Facility Upgrade project was broken into two parts to allow the project to be constructed in two parts if the funding allocation for the entire project was exceeded at time of tender.

- Part 1 Construction of a new boat ramp, rock revetement and jetty
- Part 2 Upgrade of the car park, new toilet block and associated landscaping works

In June 2023, it was concluded at the tender award that the available budget from Better Boating Victoria to complete Part 2 was not available and therefor Council authorised the award of a contract No C23007 – Mahers Landing Boat Ramp Facility Upgrade for Part 1 only – Construction of a new boat ramp, rock revetement. This was awarded to Simpson Construction Company Pty Ltd.

Since this award and the new financial year, BBV has confirmed that funding has been made available for the construction of Part 2 of the project.

The proposed works include the supply of all plant, labour, tools, materials, and incidentals necessary to complete the works. The works include, but are not limited to:

(a) Implement and maintain sediment erosion control measures and removal at completion of works.
(b) Construction of the new carpark facility which will improve traffic flow and include 52 new car-trailer parking bays, and five car parking spaces
(c) Construction of a new toilet block.
(d) Construction of all landscaping elements, footpaths etc.

This work will complete the entire upgrade of this new boat ramp facility.

Mahers Landing Boat Ramp facility upgrade will be completed prior to BBV's next priority being Inverloch Boat Ramp, which is anticipated to start in mid-2024, subject to funding approval, tendering and contractor availability etc. The new facility at Mahers Landing will help alleviate the impact on recreational boat users during the delivery of works at Inverloch boat ramp.

Annual Supply Selection Process

Formal Quotations were sought from Contractors under Contract C21031 - Supply of Plant, Labour and Materials – Construction Works.

Council invited two (2) contractors to submit a quotation on Part 2 works.

The following contractors were invited:

- SR Excavations Pty Ltd,
- Wiltrack Earthmoving Pty Ltd

Evaluation Process

The two submissions were received and assessed on best value for money, construction methodology and timelines and Capacity – staff resources, sub-contractors, suppliers and Plant and Equipment

Wiltrack Earthmoving Pty Ltd the lowest submission and presents the best value to Council.

Contract Management

Senior Capital Project Engineer will act as Contract Superintendent for the contract and Capital Projects Officer will act as the Contract Superintendent's Representative. Authorisations of variations will be in accordance with the Council's current Procurement Policy.

Contract Commencement: Late December 2023

Anticipated Contract Completion: April 2024

Finances

To ensure the successful delivery of the entire project, BBV has provided a letter of commitment for Part 2 to deliver the remaining works at Mahers Landing Boat Ramp Facility.

The funding of the project can be summarised:

Particulars:	**$ (ex. GST)**
Contract Sum and Provisionals*	$1,331,020
Funded by:	
Council Contribution	$150,000
Grant Funding (BBV)**	$1,181,020
Total	**$1,331,020**

* The Project Management Fees associated with the project delivery have been funded through a separate grant agreement with BBV and Council.

** Funding available to complete Part 2 of the upgrade of the boat ramp facility, consists of $1.2 million, plus an additional 20% contingency equating to $240,000, totaling $1.44 million. A further contribution of $150,000 towards the renewal of the existing toilet block has been supported through the annual capital renewal works program. The total available funding is $1.59 million.

Council has allocated this contribution as part of the Building and Open Space renewal program from the adopted Capital Works program for 23/24 financial year. Council will be managing the project delivery.

Stakeholders

The stakeholders for this report include:

- Bass Coast Shire Council, ratepayers, and visitors
- Better Boating Victoria
- Victoria Fisheries Authority
- Department of Energy, Environment and Climate Action (DECCA)
- Marine Safety Victoria
- Gippsland Ports
- Inverloch and surrounding public and business owners

Conclusion

BBV made a significant investment of $4.2 million for Part 1 – Construction of a new boat ramp, rock revetment and jetty. This was awarded in June 2023 and anticipated to be completed in the first half of 2024.

To complete the remaining works (Part 2), BBV and Council have letter of commitment in the order of ($1.2 million) plus additional 20% contingency ($240,000) with a contribution of $150,000 from adopted Council Capital works program 2023/24 financial year.

To ensure completion of Part 2, that Council award these works through annual supply C21031D Wiltrack Earthmoving Pty.

Attachments

Nil

8.5 Bass Recreation Reserve Change Room Refurbishment

Division	**Place Making**
Council Plan Strategic Objective	**Healthy Community** *An inclusive community that embraces its lifestyle and supports health and wellbeing*

Declaration

The author has no general or material interests in relation to this report.

Summary

The purpose of this report is:

- To seek the support of Council for the Chief Executive Officer (CEO) to have financial delegation and authority to award the tender for C23028 - Kilcunda Bass Football Changeroom Refurbishment.
- To seek authority from Council to increase the budget allocation for this project through accessing funds from the 2023/24 Capital Advancement Fund.

This is due to:

- Additional electrical works required to allow project continuity and prevent disruption to delivery timeframes that would significantly impact the Kilcunda-Bass Football Club 2024 season and access to facility.
- Council's procurement policy requires authorisation and delegation by Council where projects exceed more than 20% of the allocated budget and or a capital project such as these additional electrical works are unfunded.

Recommendation

That Council delegate financial authority to the Chief Executive Officer to award all works associated with the refurbishment of the change rooms at Bass Recreation Reserve through accessing additional funds through the 23/24 Capital Advancement Fund.

Background

Council sought tenders for the refurbishment of the change room facilities at Bass Recreation Reserve in October based on a design established through consultation between Council officers and representatives from user groups of the reserve.

The refurbishment will include the installation of a new canteen/kitchen, upgrade of the existing cricket social space, new toilet and shower amenities in the away change rooms and additional works in the change room area including new flooring and lighting.

The installation of a new canteen/kitchen will provide patrons with access to canteen facilities on the spectator viewing side of the reserve, rather than having to walk across to the social pavilion on the other side. The upgrade to the change room and toilet facilities will create unisex amenities that are fit for purpose, meeting the needs of the user groups who play and train at the reserve.

Both the Kilcunda-Bass Football Club and the Kilcunda-Bass Cricket Club, along with Bass Recreation Reserve Committee of Management, see the benefits associated with these works as integral to the long-term sustainability of their clubs.

Discussion

An additional cost implication that shall require new electrical cabling to be trenched from a recently upgraded switchboard (which sits on the opposite side of the oval) to the clubrooms is required to meet the new energy requirements of additional heating/cooling and new kitchen appliances. This work will impact on the initial budget allocated for this project, exceeding the current available budget.

Officers are seeking to use available Capital Advancement Funds through the 2023/24 Capital Works program to meet the shortfall in budget because of these additional electrical requirements.

The intention is for all works to commence as part of refurbishing the pavilion, including the required power upgrade in January 2024, to limit disruption to the Kilcunda-Bass Football Club for the upcoming season. It is anticipated works should commence in January, be completed by June, enabling the club to use the change rooms for the majority of the season.

Council officers from the recreation team will collaborate with the club and the West Gippsland Football League to schedule games in a manner that accommodates the works and limits disruption to the club.

Sustainability Implications

There are no sustainability implications associated with this report.

Finances

A budget of $500,000 was allocated within the 2023/24 Capital Works Program for the refurbishment of the Bass Recreation Reserve Change Rooms. This amount has been reduced as a result of initial project management costs and the remaining budget is $485,000.

It is anticipated that a budget of $650,000 (which includes contingency, project management and additional power requirements) will be required to deliver the works and a shortfall of $165,000 is sought through the Capital Advancement Fund for delivery.

Stakeholders

The stakeholders related to this report include:

- Bass Coast Shire Council ratepayers and visitors
- Kilcunda-Bass Football Netball Club
- Kilcunda-Bass Cricket Club
- Bass Recreation Reserve Committee of Management
- Department of Energy, Environment and Climate Action (DEECA)
- West Gippsland Football League

Conclusion

Approving the use of Capital Advancement Funds to cover the shortfall in budget for this project and subsequent CEO financial delegation will enable works to commence in January 2024 and limit the disruption to the football season for the Kilcunda-Bass Football Netball club.

It will also enhance the facilities at the reserve significantly and provide user groups from the Kilcunda-Bass region with much improved and fully functional facilities for them to utilise.

Governing Documents

Bass Coast Shire Council Procurement Policy

Active Bass Coast

Attachments

Nil

8.6 Dinosaur Trail Growing Regions Grant Application

Division	Partnerships, Economy & Culture
Council Plan Strategic Objective	Growing our Economy Progressing opportunities for visitor economy and business growth in harmony with our natural environment and sustainable values

Declaration

The author has no general or material interests in relation to this report.

Summary

The purpose of this report is to update Council on the progress of the Growing Regions Fund, Expression of Interest for the Bass Coast Dinosaurs Trail. Council has been successful in the Expression of Interest stage for the Growing Regions Fund and is now requested to make a formal application.

Council is requested to endorse the application and approve the allocation of $3 million to match the $3 million sought from the Growing Regions Fund, bringing the project amount to $6 million for this stage of the Bass Coast Dinosaurs Trail.

To further bolster funds being sought in the grant application, the report also seeks Council approval to access funds for San Remo and Kilcunda locations of the Dinosaurs Trail, from the Public Open Space Contribution Fund.

This report requests the approval of redistribution of Council reserve funds to fit with the requirements of the grant guidelines, should the application be successful.

Recommendation

That Council:

1. Endorse the application to the Growing Regions Fund to seek $3 million funding for Bass Coast Dinosaurs Trail.

2. Approve the apportioning of $1 million from the long-term financial plan allocated to the Bass Coast Dinosaurs Trail project to be spent in the 24/25 and 25/26 financial years, should the Growing Regions Fund Grant Fund application be successful.

3. Endorse the allocation of $500,000 from the Public Open Space Fund specifically for projects at San Remo and Kilcunda to support the Bass Coast Dinosaurs Trail project.

Background

The Dinosaurs Trail will reveal the fascinating world of polar dinosaurs through creative and immersive works across sites at Inverloch, The Caves, Eagles Nest, Wonthaggi, Kilcunda and San Remo.

In April 2021, research and investigation began on the Dinosaurs Trail project, followed by community and stakeholder engagement and the development of the Bass Coast Dinosaurs Trail Masterplan.

In October 2021, Council purchased a site for the Gondwana Garden Sound and Light experience.

In 2022, Council received a State Government Investment Fast Track Funding grant of $500,000 to undertake detailed design. This design was completed in October 2023.

Council has allocated $2.5 million in the long-term financial plan (LTFP) to support projects associated with the Dinosaurs Trail, with advocacy efforts focused on government funding programs rather than election commitments. Council endorsed the provision of these funds when endorsing the 2023/24 capital works program in June 2023.

In July 2023, Council lodged an expression of interest (EOI) to the Federal Government's Growing Region's Grant for $2,500,000. Success in this application would enable delivery of some sites of the Dinosaurs Trail.

Following lodgment, Council was advised that, should the EOI process be successful, Council would be invited to lodge a formal application to the Grant, and that in order to do so Council would be required to approve the apportioning of $1 million from the long-term financial plan allocated to the Dinosaurs Trail project.

On Friday 24 November, Council was notified that the EOI process had been successful and are now invited to make a full application prior to the January 15 closing date.

Currently $2.5 million has been allocated to the Dinosaurs Trail in Council's long-term budget, current allocation includes:

- $500k reserves in 24/25 & 25/26 ($1M)
- $500k in reserves in 25/26 & 26/27 ($1M)
- $500k in 27/28 ($.5M)

Discussion

The Dinosaurs Trail is projected to be a major project for the Bass Coast. It will provide a new hero tourism experience linking science, education and nature-based tourism.

The Dinosaurs Trail is positioned to leverage from and support other strategic investments in planning underway in the region, including the State Government's Yallock Bulluk Marine and Coastal Park. This and other initiatives comprise a portfolio of projects that diversify the visitor experience and services to support that offer.

Economic projections supported by the work of SGS Economics show that if Council can deliver the Dinosaurs Trail project, visitor expenditure will increase by up to $8 million by 2030, and up to $11.5 million in 2035.

The opening of the Dinosaurs Trail would see annual visitation in the region grow by 10-20%. Overnight visitation and length of stay are also projected to increase, up to an additional 72,500 visitors p/a by 2030 and up to an additional 93,000 visitors by 2035.

Over 10 years, it is estimated that the Dinosaurs Trail will add $34 million to the value of the economy and support 418 full time employees in new and existing jobs.

The Growing Regions application requires a dollar-for-dollar investment from Council. To match the requested $3 million in Grant funds, Council is required bring forward $1 million from the 26/27 long-term financial plan (LTFP) allocated to the Dinosaurs Trail project to be spent in the 24/25 and 25/26 financial years. Council is also requested also support the allocation of $500,000 from the Public Open Space Contribution Fund to the San Remo and Kilcunda sites.

Finances

The Growing Regions Grant funding would enable the delivery of five of the eight proposed Dinosaurs Trail projects. This includes funding support from Council Reserves of $2.5 million and $500,000 from the Public Open Space Contribution Fund. A total of $3 million.

The contribution sourced from the Public Open Space Contribution Fund for Kilcunda and San Remo will allow Stage 1 of these sites to be built. This includes; the Time Machine tower at San Remo and landscaping works at Kilcunda. There is the opportunity for Council to access other external funding to enable further stages of works at these two sites.

Funds would be matched by the Federal Government in the Growing Regions Fund allocating a total of $6 million to the project. Project	Budget	Funding	Breakdown
Inverloch Dino Hunters Playground	$4,300,000	Council Reserves And Growing Regions – Federal funding	$2,500,000 + $1,800,000
Eagles Nest	$100,000	Growing Regions – Federal funding	$100,000

The Caves	$600,000	Growing Regions – Federal funding	$600,000
San Remo Time Machine	$700,000	Council Public Open Space Funds And Growing Regions Federal Funding	$350,000 + $350,000
Kilcunda Village Green	$300,000	Council Public Open Space Funds And Growing Regions Federal Funding	$150,000 + $150,000
Total	$6,000,000		$6,000,000

Other project sites are not included in this application due to Council not currently having sufficient resources to provide matching funding. These include:

- Some aspects of the Digital Field Guide
- Stage 2: Inverloch Cultural Discovery Centre
- Gondwana Garden

Stakeholders

Council has undertaken extensive consultation over the past three years with the community, engaged scientists, artists, educators and multiple government and non-government agencies. Council is currently collaborating and discussing the project with community, partners and stakeholders following the completion of the detailed phase. Their feedback to date is captured and represented in final design outcomes.

Extensive partner, community and stakeholder engagement has occurred since the launch of Dinosaurs Trail creative concepts in October. Council has engaged community groups, tourism and business industry groups, key project partners, local school groups to discuss and garner feedback on specific sites and the trail as a whole. Furthermore, the project was launched in the media in October to a local and intrastate audience of more than 5 million people. Overwhelmingly positive feedback was received via face to face and social media channels.

Council will continue to meet with stakeholders, partners, tourism organisations, educators and community.

Conclusion

The Bass Coast Dinosaurs Trail will reinforce the Bass Coast as a year-round tourism destination and provide a unique attraction that draws upon the region's heritage. It will provide a platform that improves visitor experience infrastructure for better amenity, accessibility and encourages sustained cultural tourism continuing to unlock the potential of the coast and to open up visitation and tourism activity across the whole year. A successful application to the Federal Government Growing Regions Fund will enable the Bass Coast Dinosaurs Trail to start construction and reinforce Council's commitment to this ground breaking project.

Governing Documents

The project connects with several Council initiatives and projects including:

- Plan Remo
- Tracks and Trails Strategy 2022 – 2032
- Phillip Island and San Remo Visitor Economy Strategy 2035 - Growing Tourism

Attachments

Nil

8.7 Investment Policy Update

Division	**Resilient Communities**
Council Plan Strategic Objective	**Protecting our natural environment** *Building resilience and protecting and enhancing our natural assets*

Declaration

The author has no general or material interests in relation to this report.

Summary

This report's purpose is to obtain Council endorsement for proposed amendments of the Investment Policy (the Policy) that are expected to increase the divestment of Council's surplus funds from financial institutions that fund fossil fuel companies.

The proposed amendments, which are aligned to Action 35 of the Climate Change Action Plan 2020-2030, have resulted in the Investment Policy being reviewed one year ahead of schedule.

The proposed Policy (Attachment 1) is underpinned by the following policy objectives:

- Preservation of capital including consideration of counterparty risk ratings and appropriate portfolio diversification.
- Maximisation of returns (noting the higher incentive to invest in institutions that do not fund entities engaged in fossil fuel extraction) and
- Fossil fuel divestment.

The proposed Policy would provide a significant boost to Council's fossil fuel divestment stance, positioning Bass Coast as a local government sector leader.

The Audit and Risk Committee reviewed the proposed Investment Policy at the meeting on 22 November 2023 and have endorsed this policy for consideration and adoption by Council at a future meeting.

Recommendation

That Council:

1. **Endorses the proposed amendments to the Investment Policy AND**
2. **Adopts the proposed Investment Policy with immediate effect.**

Background

In September 2019, Bass Coast Shire Councilors joined a growing movement of local governments leading the nation in declaring a climate emergency. The adopted motion recognised the serious risk climate change poses to the safety of the entire Bass Coast community, and that immediate and urgent action is required to reduce emissions, build community resilience against the local impacts of climate change, and reverse global warming.

In May 2021, following an extensive community consultation process involving over 580 community members and Council staff, the Climate Change Action Plan was adopted by Councilors. Relevantly, Action 35 states:

> "Increase fossil fuel divestment – Strengthen Clause 5.3 of Council's Investment Policy to further encourage fossil fuel divestment."

Fossil fuel divestment is a strategy to limit global warming by reducing investment in companies comprising the fossil fuel supply chain. Divestment can occur directly, through selling or not purchasing equity in fossil fuel companies, or indirectly, through divesting from financial institutions that finance fossil fuel companies.

Fossil fuel divestment has practical and norm-setting objectives. The practical effect of divestment is to reduce the amount of capital available to fossil fuel companies to continue their operations. Second, it sends a signal to financial markets that investors are shifting capital away from institutions that continue to fund fossil fuels. This can in turn have a normative effect, encouraging financial institutions to implement their own fossil fuel exclusion policies.

Under the *Local Government Act 2020*, Victorian councils are prohibited from direct investment in equity, and therefore already in compliance with a direct divestment strategy. Accordingly, local government divestment strategies consider indirect divestment i.e., from financial institutions that fund fossil fuel companies. At least 29 Australian local governments have adopted fossil fuel divestment strategies.

Council's divestment strategy was initiated via a motion at its December 2015 ordinary meeting and implemented through the adoption of a revised *Funds Investment Policy* in July 2016. The last substantial change to the divestment strategy was in March 2020, with the introduction of a preference for fossil fuel-divested financial institutions where "the interest rate is within 0.3% of the best available rate quoted".

This report presents draft amendments of the Investment Policy that achieve the direction from Council under the Climate Change Action Plan to further strengthen its fossil fuel divestment position.

Discussion

The current Investment Policy is structured according to the following policy objectives: (1) Preservation of capital; (2) Maximisation of returns, and (3) Social and environmental benefits. This report presents a discussion on each objective.

Preservation of Capital

A fundamental objective of the Investment Policy is the preservation of capital. This is addressed by minimising risk exposure to individual banks (especially those with lower credit ratings) or having a concentrated investment portfolio. The policy sets limits on the maximum percentage of funds that can be invested with a single institution, the maximum percentage that credit rating grade can represent of the total investment portfolio, and the maximum deposit term.

Credit ratings typically have an inverse relationship with fossil fuel divestment. That is, banks that fund fossil fuel companies hold higher average credit ratings than banks that do not fund fossil fuel companies. This is not necessarily a causal relationship, instead reflecting historical relationships between the largest banks and fossil fuel companies.

Each Victorian council is responsible for its own risk appetite, reflected in its credit rating settings. The proposed policy alters Council's credit risk exposure as follows:

Long Term Credit Rating		**Short Term Credit Rating**		**Maximum % of Funds with One Institution**		**Maximum % of Total Investment**		**Max Term**
Moody's	S&P	Moody's	S&P	Current	*Proposed*	Current	*Proposed*	
Aaa to Aa3	AAA to AA-	P1	A-1+	60%	*60%*	100%	*100%*	2 Years
A1 to A2	A+ to A	P1/P2	A-1	20%	*30%*	100%	*100%*	2 Years
A3 to Baa1	A-to BBB+	P2	A-2	10%	*15%*	80%	*80%*	2 Years
Baa2 to Baa3	BBB to BBB-	P3	A-2/A-3	5%	*5%*	10%	*15%*	1 Year

Maximisation of Returns

Council is required to place investments in a manner that "maximises the return on capital", through "the use of competitive quotations, assessment of returns over different terms and consideration of asset quality and portfolio risk".

The proposed amendments would allow Council to preference financial institutions that do not fund fossil fuels where the interest rate is within 0.5% of the best available rate quoted (currently 0.3%). This will provide greater flexibility when selecting investments based on fossil fuel divestment but may lead to reduced interest returns.

While it is a common perception that divested financial institutions offer lower rates than their counterparts, the reality is the credit rating/divestment position of a financial institution bears little to no influence on the interest rates available.

For example, when a scenario analysis was conducted to explore the impact of the proposed Policy on Council's annual investment yield, the interest rates offered by NAB, Westpac, and ANZ (fossil fuel-aligned institutions) were all lower than Judo Bank, Bank Australia, and Bank of Queensland (fossil fuel divested institutions).

Social and Environmental Benefits

Under the current Investment Policy, Council is required to preference financial institutions "that do not directly or indirectly support companies engaged in the extraction of coal and other fossil fuels".

The proposed amendment would strengthen this direction, by applying the following hierarchy to investment preferences:

- Preference financial institutions that are fully divested from fossil fuels to the maximum extent permissible under the policy's financial limits (0.5% interest rate differential).
- Preference certified fossil fuel-free financial products from financial institutions that are not divested from fossil fuels to the maximum extent permissible under the policy's financial limits (0.5% interest rate differential).
- Investments in fossil fuel-exposed financial products may be required to support the fundamental capital preservation objective. The policy details asset and portfolio concentration limits that are linked to the credit ratings of the financial institutions that Council may use for investment purposes.

Sustainability Implications

The proposed Policy responds to the urgency of mitigating climate change by increasing fossil fuel divestment. Scenario modelling to explore the impact of the proposed Policy found fossil fuel divestment increased from 35% to 100% under two scenarios.

Finances

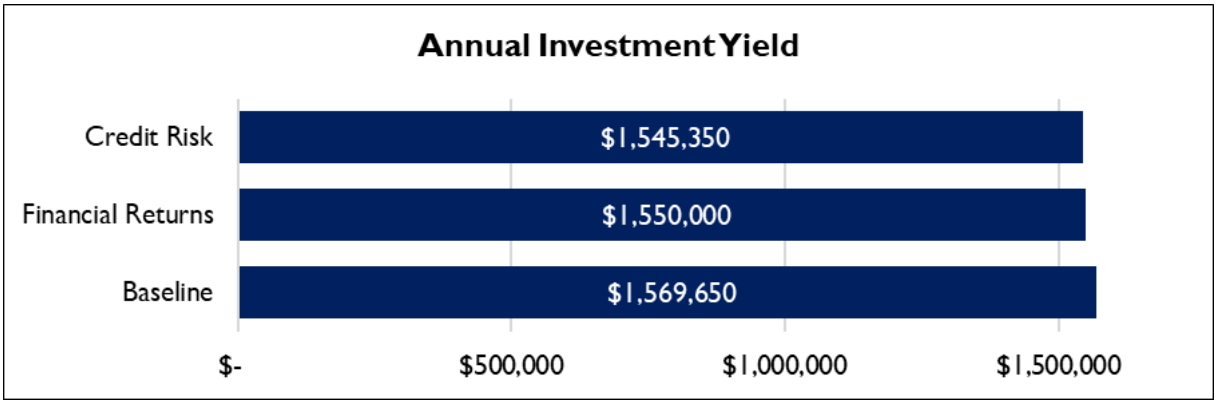
Adoption of the proposed Policy will not have a material impact on Council's annual investment yields and long-term credit risk exposure. To explore and quantify these impacts, a scenario analysis was conducted.

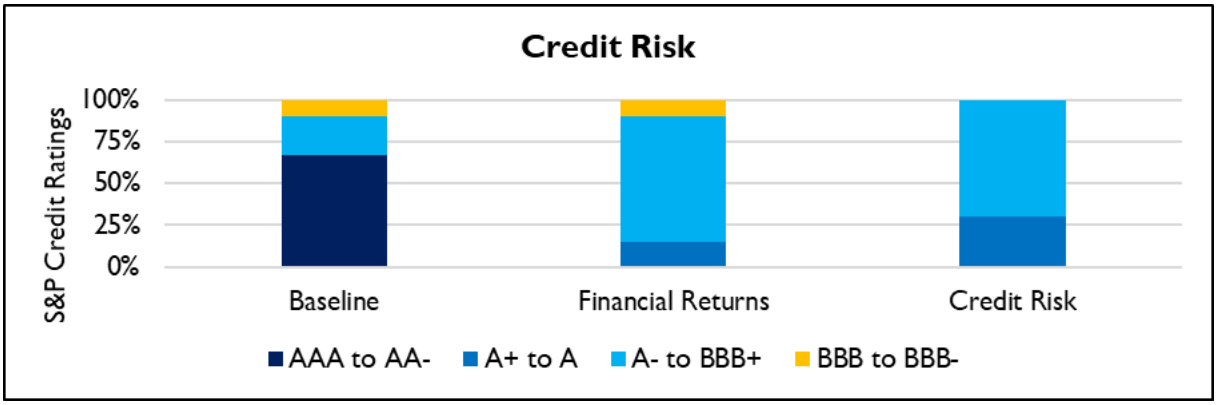
Recognising that under the proposed Policy, Council holds discretion as to where its investments are placed, the scenario analysis explored three scenarios utilising current interest rates (as at October 2023) and an investment portfolio of $31 million:

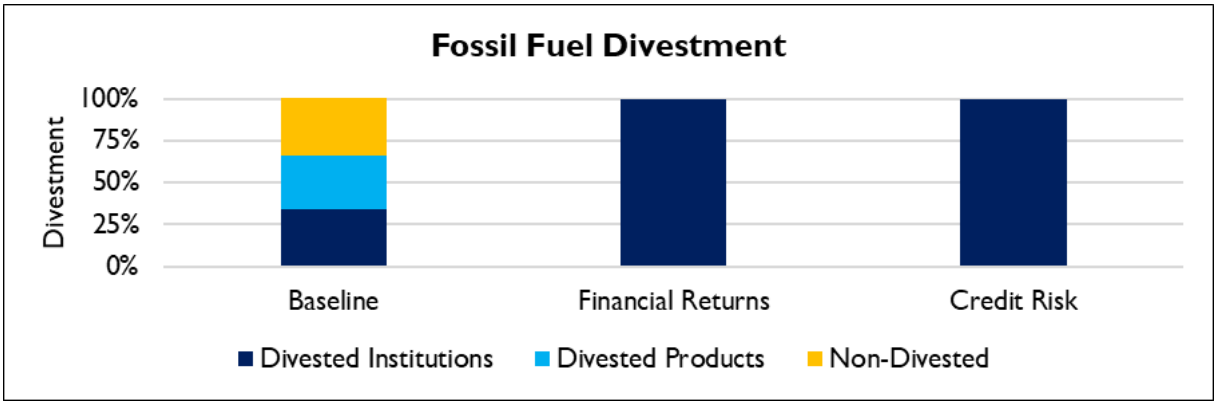
- Baseline Scenario: The current investment portfolio (as at October 2023).
- Financial Returns Scenario: A hypothetical investment portfolio consistent with the proposed Policy that prioritises maximizing financial returns.
- Credit Risk Scenario: A hypothetical investment portfolio consistent with the proposed Policy that prioritises minimizing credit risk.

The results of this scenario analysis are shown below, with the full analysis provided in Attachment 2. In summary, the scenario analysis found:

- The annual yield on investments was between $19,640 to $24,300 less under the hypothetical portfolios, compared to a baseline yield of $1,569,650. This represents a decrease in annual yields of between 1.25% to 1.55%.
- The hypothetical portfolios had higher credit risk exposure, through decreased investment in AAA-rated banks, and increased investment in BBB+ and BBB-rated banks.







Stakeholders

This is a Council led review of the Investment Policy that aligns with the direction provided under the Climate Change Action Plan. Key stakeholders impacted by the proposed Policy include Bass Coast residents and ratepayers, and the financial institutions Council invests or does not invest in.

Conclusion

The proposed Investment Policy retains a focus on the fundamental capital preservation objective. Some amendments have been made to the individual investment limits based on credit ratings as well as the overall portfolio limits based on credit ratings. These changes are not expected to significantly impact on the portfolio risk.

The proposed Policy would potentially enable full divestment from fossil fuel-aligned financial institutions, at a small cost to Council's annual investment return.

It is recommended that Council adopt the proposed Policy to continue providing leadership in its path towards addressing the Climate Emergency.

Governing Documents

- Climate Change Action Plan
- Investment Policy

Attachments

1. Proposed Investment Policy [**8.7.1** - 5 pages]
2. Scenario Analysis Tables [**8.7.2** - 2 pages]

8.8 Appointments to Council Committees and External Committees

Division	**Business Transformation**
Council Plan Strategic Objective	**Leading for our Community** *Demonstrating leadership through good governance, transparency and accountability*

Declaration

The author has no general or material interests in relation to this report.

Summary

Council appoints representatives to a number of Council committees and external committees in order to meet its legislative obligations and to enhance its involvement in community activities and to advocate on behalf of the community.

This report recommends that Council appoints the Mayor or Councillor representatives to Council committees and external committees.

Recommendation

That Council:

1. **Appoints Councillor representatives to the following Council committees:**

Access & Inclusion Advisory Committee	**One Councillor (Chair)**
Arts & Culture Advisory Committee	**Two Councillors (one Councillor is the Chair)**
Audit and Risk Committee	**Mayor & One Councillor**
Bass Coast Natural Environment Advisory Working Group	**One Councillor (Chair)**
BMX/ Mountain Bike/ Pump Strategy Steering Committee	**One Councillor**
Chief Executive Officer Employment Matters Committee	**Mayor and One Councillor (as a minimum)**
Rural Engagement Group (REG)	**One Councillor (Chair)**

2. **Appoints Councillor representatives to the following external committees:**

Australian Coastal Councils Association Inc. (ACCA)	**Mayor & Councillor substitute**
Bass Coast South Gippsland Reconciliation Group	**One Councillor and Councillor substitute**
Municipal Association of Victoria (MAV)	**Mayor and Deputy Mayor substitute**
Myli – My Community Library	**One Councillor and Councillor substitute**
One Gippsland	**Mayor**
Peri Urban Group of Rural Councils (PUGRC)	**Councillor**
Phillip Island Nature Park Community and Environment Advisory Committee	**One Councillor and Councillor substitute**
South East Councils Climate Change Alliance	**One Councillor and Councillor substitute**
Western Port Biosphere Reserve	**One Councillor**

Background

A number of Council committees and external committees exist where the Mayor or Councillors are invited to participate across a broad interest area. Some of these committees have legislative requirements, but most committees operate in an advisory capacity.

It is important for the Mayor and/or Councillors to be represented on committees and networks for a number of reasons including:

- Some committees are legislated to provide input into strategic plans
- Committees provide opportunities for Councillors and the organisation to stay connected to advocacy groups and understand emerging issues
- Provide advice to Council on a variety of issues
- Help Council achieve its Council Plan objectives

To assist with continuity and understanding of subject material, where possible, it is recommended that Councillors are re-appointed for a further term on the same committees.

Discussion

The Council committees and external committees being tabled for Councillor appointments as part of this report are listed below. These appointments are until the end of this Council term.

Council committees:

Access & Inclusion Advisory Committee	**One Councillor (Chair)**
Arts & Culture Advisory Committee	**Two Councillors (one Councillor is the Chair)**
Audit and Risk Committee	**Mayor & One Councillor**
Bass Coast Natural Environment Advisory Working Group	**One Councillor (Chair)**
BMX/ Mountain Bike/ Pump Strategy Steering Committee	**One Councillor**
Chief Executive Officer Employment Matters Committee	**Mayor and One Councillor (as a minimum)**
Rural Engagement Group (REG)	**One Councillor (Chair)**

External committees:

Australian Coastal Councils Association Inc. (ACCA)	**Mayor & Councillor substitute**
Bass Coast South Gippsland Reconciliation Group	**One Councillor and Councillor substitute**
Municipal Association of Victoria (MAV)	**Mayor and Deputy Mayor substitute**
Myli – My Community Library	**One Councillor and Councillor substitute**
One Gippsland	**Mayor**
Peri Urban Group of Rural Councils (PUGRC)	**Councillor**
Phillip Island Nature Park Community and Environment Advisory Committee	**One Councillor and Councillor substitute**
South East Councils Climate Change Alliance	**One Councillor and Councillor substitute**
Western Port Biosphere Reserve	**One Councillor**

Please note that we will no longer be appointing a Councillor to the following committees as they have been discontinued, dissolved or no longer require a Councillor representative.

Australia First People's Advisory Committee	**On hold**
Bass Coast Events Advisory Committee	**Councillor representation no longer required**
Bass Coast Community Road Safety Committee	**Dissolved**
Community Tourism Reference Group	**Dissolved**
Municipal Emergency Management Planning Committee	**Councillor representation no longer required**
Phillip Island Intergrated Transport Strategy Committee (PIITS)	**Dissolved**
South Coast Inclusion Network (SCIN)	**Councillor representation no longer required**
South East Australian Transport Study	**Councillor representation no longer required**
West Gippsland Regional Library Board	**Dissolved**

Sustainability Implications

There are no sustainability implications associated with this report.

Finances

Councillors participation in these committees is covered by their general reimbursement as outlined in the Council Support and Resources to Councillors Policy. These costs are contained within Council's operating budget.

Stakeholders

- Councillors
- Community members
- Council Officers

Conclusion

A list of Council committees and external committees is presented for the Mayor and or Councillors to be appointed to. If a Councillor is not appointed to any of these committees, a Council Officer may be appointed in their place by agreement.

Governing Documents

Local Government Act 2020

Attachments

1. Council Committees List Current Council Meeting [**8.8.1** - 5 pages]
2. External Committees List Current Council Meeting [**8.8.2** - 7 pages]

8.9 Proposed road discontinuance - off Emma Lane, Inverloch

Division	**Business Transformation**
Council Plan Strategic Objective	**Leading for our Community** *Demonstrating leadership through good governance, transparency and accountability*

Declaration

The author has no general or material interests in relation to this report.

Summary

The purpose of this report is to recommend Council commence the statutory procedures to discontinue the government roads adjoining the western and southern borders of the land identified as 1/PS631593 with frontage on Emma Lane, Inverloch and retain the land from the roads as a natural reserve.

Recommendation

That Council:

1. **Resolves that the statutory procedures be commenced to discontinue the government roads adjoining the western and southern borders of the land identified as 1/PS631593 with frontage on Emma Lane, Inverloch, as shown on the plan attached to this report, and retain the land from the roads as a natural reserve, for the protection of the biodiversity and vegetation contained within.**
2. **Directs that public notice of the proposed discontinuance be given under Sections 207A and 223 of the Act.**
3. **Authorises the Chief Executive Officer or delegate to undertake the administrative procedures necessary to enable Council to carry out its functions under Section 223 of the Act.**
4. **Resolves to hear and consider any submissions received pursuant to Section 223.**

Background

Stemming from the Bass Coast Shire Aspirational Network Pathways Plan 2016, the Wonthaggi to Inverloch Shared Path alignment proceeded community workshops held in 2015. The shared path will be constructed largely on unused road reserves, and vegetation and wildlife assessments have been conducted to avoid and minimise disturbance to flora and fauna.

The government roads shown on the plan attached to this report were intended to form part of the shared path alignment. Following realignment of the shared path and a request from a community member, discontinuance of the roads is being proposed.

Council may support the discontinuance and retention of land from a road for reasons including the following:

- It is considered that the road is not reasonably required for general public use.
- The road is not required for access to other properties.
- It is considered that the road or the land in the road has no strategic value for Council.
- It may result in local amenity improvements through the better use of the land.
- It may alleviate local safety and security concerns.
- Council would be compensated for the loss of land.
- Council would reduce its risk and maintenance burden.

In this instance, a community member has requested Council discontinue the government roads with a view to retaining them as a natural reserve.

Discussion

The government roads that run south from Emma Lane for approximately 1315 metres and continue east for approximately 1030 metres are unused road reserves proposed to form part of the Wonthaggi to Inverloch Shared Path alignment. These government roads are shown on the plan attached to this report.

Council investigated the potential for discontinuing the government roads with a view to retaining them as a natural reserve.

Officers' assessment is that the government roads are not required for general public access, or for future strategic need. Discontinuance and retention of the land from the roads as a natural reserve has benefits for the community. To progress this matter, statutory procedures need to be undertaken and Council's approval is requested to commence this process.

Sustainability Implications

There are environmental implications associated with this report. The flora and fauna within the government roads have been identified as worthy of protection and preservation. Discontinuance and retention of the land from the Roads as a natural reserve would promote sustainability of local native flora and fauna within.

Finances

There are no financial implications associated with this report.

Stakeholders

- DEECA
- Bass Coast Shire Council
- Adjoining land owners
- Wider community – consultation as per Section 223 process

Conclusion

Following receipt of a request from a community member, Council investigated the potential for discontinuing the government roads shown on the plan attached to this report with a view to retaining them as a natural reserve.

Officers' assessment is that the government roads are not required for general public access, or for future strategic need. Discontinuance and retention of the land from the roads as a natural reserve has benefits for the community. To progress this matter, statutory procedures need to be undertaken and Council's approval is requested to commence this process.

Governing Documents

Local Government Act 1989 (Road Discontinuance currently sits within this Act)

Road Discontinuance and Sale Policy 2020

Road Discontinuance and Sale Guidelines

Council Property Strategy 2016

Bass Coast Shire Council Tracks and Trails Strategy 2022-2032

Bass Coast Shire Aspirational Network Pathways Plan 2016

Attachments

1. Plan of roads proposed for discontinuance [**8.9.1** - 1 page]

8.10 Transfer of management of Wonthaggi and San Remo Cemeteries

Division	**Business Transformation**
Council Plan Strategic Objective	**Leading for our Community** *Demonstrating leadership through good governance, transparency and accountability*

Declaration

The author has no general or material interests in relation to this report.

Summary

The purpose of this report is to recommend Council commence the statutory procedures to abolish and amalgamate Wonthaggi and San Remo Cemetery Trusts with Southern Metropolitan Cemeteries Trust (SMCT). Council would be required to pay SMCT $4,075,000 to fund the perpetual maintenance obligations of the Wonthaggi Cemetery Trust and San Remo Cemetery trust.

The current management arrangements for the Wonthaggi and San Remo cemeteries are subsidised by Council rates funding. Council has a minimum service offering, and the community would benefit from other services that could be offered under the management of SMCT.

Recommendation

That Council:

1. **Commences the statutory procedures to abolish and amalgamate Wonthaggi Cemetery Trust with Southern Metropolitan Cemeteries Trust.**
2. **Commences the statutory procedures to abolish and amalgamate San Remo Cemetery Trust with Southern Metropolitan Cemeteries Trust.**

Background

All public cemeteries in Victoria are governed and managed by cemetery trusts. A cemetery trust is a body corporate, which is a separate legal entity with perpetual succession. Cemetery trusts serve the community by providing cemetery services and maintaining public cemeteries. They are accountable to the Minister for Health (the Minister) through the Department of Health (the Department).

A small and decreasing number of cemetery trusts are run by local councils with sitting Councillors acting in a voluntary capacity as trustees for the trust. In Bass Coast, Councillors, acting as trust members, delegate the day-to-day management of the 'Council-run' cemeteries at Wonthaggi and San Remo to Council officers.

At its 15 March 2023 meeting Council resolved to explore and determine the requirements for a potential transfer of management of Wonthaggi Cemetery Trust and San Remo Cemetery Trust from Bass Coast Shire Council acting as the Trust, to SMCT. The report estimated the financial obligation to range between $3.8 million - $5 million.

A government owned enterprise, established as one of five Class A cemetery trusts under the provisions of the Act, SMCT is accountable to the Minister through the Department and currently administers and cares for nine cemetery locations in the southern Victoria area.

Discussion

Abolition and amalgamation of cemetery trusts generally occurs because of a voluntary agreement between two or more trusts that have elected to merge. Following Council's meeting of 15 March 2023, officers have explored abolishing the Wonthaggi Cemetery Trust and San Remo Cemetery Trust and transferring management of the cemeteries to SMCT. Negotiations have been held with SMCT to determine the requirements for abolishing the cemetery trusts and agreement has been reached on the terms of a potential amalgamation of the trusts with SMCT.

Requirements for abolition and amalgamation

Under Section 8 of the Cemeteries and Crematoria Act 2003, the Minister may recommend abolishing a cemetery trust and transferring all its assets and liabilities to another cemetery trust. When this occurs, a statutory order is made, and the date of the order published in the Government Gazette formally announcing the abolition of the trust. All applicable trust members would cease to be in office from the date of the order.

In the event of an amalgamation of cemetery trusts, Wonthaggi Cemetery Trust and San Remo Cemetery Trust would no longer be in existence (i.e. they would be abolished) and would be merged into SMCT. They would then take control of the assets and liabilities of the former trusts and become accountable for the management and operation of the cemetery sites.

For Wonthaggi and San Remo Cemetery Trusts to seek abolition, a community consultation process is required. Council officers plan to start a community consultation through Engage Bass Coast on Friday 19 January 2024 on the abolition and potential amalgamation of the cemetery trusts.

The consultation will run over a 5-week period, closing on 22 February 2024. A public notice advertising the consultation and inviting feedback will be placed in the local newspapers.

The consultation will also be advertised on Council's website and social media platforms, and officers will contact 'Friends of the Cemetery' or other similar groups.

A public meeting will be convened during the consultation period to discuss the abolition and potential amalgamation.

Pending the outcome of community consultation and finalising agreement with SMCT, Council will write to the Department seeking approval from the Minister for the abolition and amalgamation of the trusts, providing:

- evidence that the trust supports the merger;
- evidence of the trust's own due diligence and identifying any financial or community impacts of the proposed merger or potential issues associated with the proposed merger;
- the outcome of community consultation relating to the merger;
- the perpetual maintenance obligations of the former trust and transfer of its assets to meet these obligations; and
- advice about how the perpetual maintenance obligation will be managed.

Once this information is submitted, the Department will assess the application. The process for abolition and amalgamation can take up to 12 months to complete.

Terms of a potential amalgamation

Conditional upon satisfactory due diligence and Ministerial approval, SMCT will accept amalgamation for the cemetery trusts, their assets, and $4,075,000 upfront to fund the perpetual maintenance obligations of the former trusts.

Sustainability Implications

This report has social implications, as the community would benefit from other services that could be offered under the management of a Class A Cemetery Trust. It also has financial implications for Council; involving in the short term an initial upfront payment of $4,075,000 to fund perpetual maintenance obligations, which would be offset in the longer term by cost savings through not operating cemeteries.

Finances

Council has liability for perpetual maintenance obligations and would be required to transfer $4,075,000 to SMCT in the event of an amalgamation.

Stakeholders

- Wonthaggi Cemetery Trust & San Remo Cemetery Trust
- State Government
- Southern Metropolitan Cemeteries Trust
- Right of Interment Holders and their families
- Friends of Wonthaggi Cemetery & San Remo Cemetery
- Funeral Directors
- Stonemasons
- Cemetery Contractors
- Council Officers

- Religious and Cultural Community Groups
- Cemeteries & Crematoria Association of Victoria
- Other Cemeteries
- Historians
- Genealogy Groups

Conclusion

The management of cemeteries is not the core business of Council.

Despite local government's long involvement in the management of cemeteries, it is a service that councils are actively moving away from. Council currently has a minimum service offering, and the community would benefit from other services that could be offered through amalgamation with a Class A Cemetery Trust.

It is recommended that Council commences the statutory procedures to abolish and amalgamate Wonthaggi Cemetery Trust and San Remo Cemetery Trust with Southern Metropolitan Cemeteries Trust.

Governing Documents

Cemeteries and Crematoria Act 2003

Manual for Victorian Class A Cemetery Trusts April 2022

Attachments

Nil

Statutory Reports

9 Statutory Reports

9.1 Informal Meeting of Councillors

Division	**Business Transformation**
Council Plan Strategic Objective	**Leading for our Community** *Demonstrating leadership through good governance, transparency and accountability*

Declaration

The author has no general or material interests in relation to this report.

Summary

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

Recommendation

That Council receive the attached Informal Meeting of Councillors records.

Introduction

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

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

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

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

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

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

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

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

Governing Documents

Local Government Act 2020

Governance Rules

Attachments

1. Council Meeting Agenda Discussion 15 November 2023 [**9.1.1** - 1 page]
2. Mayor Deputy Mayor Briefing 15 November 2023 [**9.1.2** - 1 page]
3. Councillor briefings Informal Meeting of Councillors 22 November 2023 [**9.1.3** - 2 pages]

9.2 Planning and Building Statistics - October 2023

Division	**Place Making**
Council Plan Strategic Objective	**Sustainable Development** *Prepare for growth while ensuring the intrinsic values and character of Bass Coast are retained*

Declaration

The author has no general or material interests in relation to this report.

Summary

PERMITS REFUSED:

220352: Use and development of a dwelling in a Farming Zone (FZ) and alteration of access to a road in a Transport Zone 2 (TRZ2) located at 5760 Bass Highway, Inverloch.

PERMITS ISSUED:

Island Ward

230016: Buildings and works associated with the construction of a dwelling exceeding 7 metres in a Design and Development Overlay (DDO1), located at 61 Waikiki Crescent, Smiths Beach.

220391: Construction of a dwelling exceeded 7m in height in a Design and Development Overlay (DDO1) and Removal of Vegetation located at 20-22 Hartley Street, Cowes.

220445: Development of land for a dwelling in a Design and Development Overlay (DDO1) located at 9 Beach Court, Smiths Beach.

PDPLANPER-2023/000535: Removal of Native Vegetation in accordance with Clause 52.17 located at Berrys Beach Road, Ventnor (road reserve adjacent to 105 & 115 Berrys Beach Road, and 285 & 445 Ventnor Road, Ventnor.

PDPLANPER-2023/000864: Creation of a carriageway easement (SPEAR REF S218445B) located at 6-12 Warley Avenue, Cowes.

PDPLANPER-2023/000841: Display of business identification signage in a Public Conservation and Resource Zone (PCRZ) located at 1320 Ventnor Road, Summerlands.

PDPLANPER-2023/000684: Development of land for a telecommunications facility in a Farming Zone (FZ) located at 143 Pyramid Rock Road, Cowes.

PDPLANPER-2023/000367: Buildings and works to construct a Waterslide, shade structures and shed associated with a Section 2 Use in a Rural Activity Zone (RAZ1) located at 1801 Phillip Island Road, Cowes.

PDPLANPER-2023/000980: Remove a tree in a Vegetation Protection Overlay (VPO2) located at 10 Hartley Street, Cowes.

220409: The subdivision of land into 7 lots and creation of common property in the Low Density Residential Zone (LDRZ) and Design and Development Overlay (DDO6), the removal of council drainage easement E-2, and the consequential removal of native vegetation in accordance with Clause 52.17 and in the Vegetation Protection Overlay (VPO2) located at 35 Jeury Court, Cowes.

PDPLANPER-2023/000726: On-premises Liquor License located at 91-97 Thompson Avenue, Cowes.

PDPLANPER-2023/000732: Creation of an easement located at 285 Ventnor Road, Ventnor.

PDPLANPER-2023/000931: Use of land for a Container Deposit Scheme Centre in an Industrial 3 Zone (IN3Z) and reduction of car parking located at 14 Harvey Drive, Cowes.

Western Port Ward

PDPLANPER-2023/000691: Two lot subdivision (SPEAR: S217117B) located at 18 Walpole Street, Corinella.

PDPLANPER-2023/000066: Construction of two dwellings on a lot in a General Residential Zone (GRZ), Land Subject to Inundation Overlay (LSIO1), Bushfire Management Overlay (BMO) and Design and Development Overlay (DDO1) located at 32 Frederick Drive, Grantville.

PDPLANPER-2023/000319: Construct a single dwelling in a Design and Development Overlay (DDO1) located at 24 Paul Street, Grantville.

PDPLANPER-2023/000342: Construction of a dwelling in a Design and Development Overlay Schedule 1 (DDO1) located at 33 Laurette Avenue, San Remo.

PDPLANVIC-2023/000875: Construction of a shed in a Farming Zone (FZ) located at Railway Road (Lot 2 PS635445), Anderson.

230039: Buildings and works in a Significant Landscape Overlay (SLO1) and Erosion Management Overlay (EMO1) located at 528 Densley Road, Woolamai.

PDPLANPER-2023/000366: Buildings and works associated with a dwelling in a Design and Development Overlay (DDO1) located at 1 Bounty Court, Coronet Bay.

PDPLANPER-2023/000578: Construction of a shed associated with a camping and caravan park in a Farming Zone (FXZ), Environmental Significance Overlay (ESO1), Significant Landscape Overlay (SLO4), Bushfire Management Overlay (BMO) and Land subject to Inundation Overlay ((LSIO1) located at 220 Mouth of Powlett Road, Dalyston.

PDPLANPER-2023/000642: Extension to an existing dwelling in a Farming Zone (FZ) located at 85 Ridgway Road, Kilcunda (CA3).

PDPLANPER-2023/000292: Development of the land for a shed in a Significant Landscape Overlay (SLO2) located at 1265 Phillip Island Road, Newhaven.

PDPLANPER-2023/000456: Use and development of a replacement dwelling in a Rural Conservation Zone (RCZ), Significant Landscape Overlay (SLO1) and Erosion Management Overlay (EMO1) located at 1096 Glen Alvie Road, Glen Alvie.

220463: Construction of a dwelling in a Significant Landscape Overlay (SLO1) located at 7 Golf Club Drive, San Remo.

PDPLANPER-2023/000587: Two lot subdivision in a General Residential Zone (GRZ1) (SPEAR S215666A) located at 2 Park Street, Coronet Bay.

220406: Two lot subdivision located at 259 McCraws Road, Wattle Bank.

PDPLANPER-2023/000918: Construction of a dwelling in a Heritage Overlay (HO28) located at 25 Wetherall Drive, Corinella.

Bunurong Ward

PDPLANPER-2023/000080: Use of the land for a Medical Centre and a reduction in the car parking requirements in the General Residential Zone (GRZ1) located at 85 Watt Street, Wonthaggi.

PDPLANPER-2023/000065: Construct four dwellings on a lot in a General Residential Zone (GRZ1) located at 17 Fahey Street, Wonthaggi.

PDPLANPER-2023/000723: Construct a dwelling in a Bushfire Management Overlay (BMO2) located at 100 Surf Beach Road, Cape Paterson.

PDPLANPER-2023/000612: Two (2) lot subdivision in a General Residential Zone (GRZ1) located at 47 Broome Crescent, Wonthaggi.

PDPLANPER-2023/000145: Construction of two dwellings on a lot in a General Residential Zone (GRZ1) located at 1 Kathryn Close, Inverloch.

PDPLANPER-2023/000783: Two lot subdivision in a General Residential Zone (GRZ1) located at 13 Strickland Street, Wonthaggi.

PDPLANPER-2023/000854: Erection of two promotional signs in a General Residential Zone (GRZ1) located at 27-29 Dowling Street, Wonthaggi.

PDPLANPER-2023/000361: Construction of three dwellings in the General Residential Zone (GRZ1) located at 119 Broome Crescent, Wonthaggi.

PDPLANPER-2023/000853: Erect a promotional sign in a General Residential Zone (GRZ1) located at 16-18 Scarborough Street, Inverloch.

PDPLANPER-2023/000591: Buildings and works associated with an existing dwelling in a Design and Development Overlay (DDO1 and DDO9) located at 160 Surf Parade, Inverloch.

PDPLANPER-2023/000808: Use and development (construction of two additional car parking spaces) of the land for a Container Deposit Scheme Centre in an Industrial 1 Zone (IN1Z) located at 36 Inverloch Road, Wonthaggi.

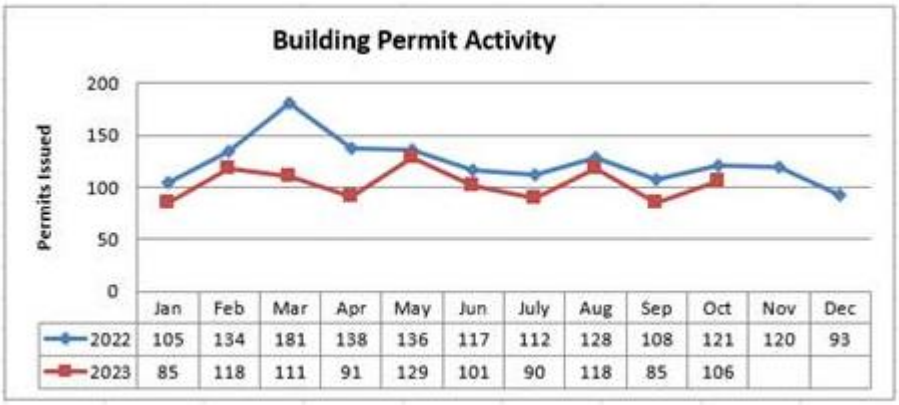
PDPLANVIC-2023/000992: Two lot subdivision located at 19 Golf Street, Inverloch.

PLANNING AND BUILDING ACTIVITY REPORT FOR OCTOBER 2023

Note: Some statutory planning data is unavailable due to transition to new permit processing system. These are shown as "NA."

Statutory Planning	**This month (October)**	**Last month**	**Year to date (FY)**
% of applications determined within statutory timeframe	N/A	N/A	N/A
Average Gross Days (Responsible Authority determination)	N/A	N/A	N/A
(new) Average Gross Days to final outcome	N/A	N/A	N/A
Average Statutory Days (Responsible Authority)	N/A	N/A	N/A
Number of live applications	203	224	-
Number of applications received for the month	41	48	-
Number of Responsible Authority outcomes	60	42	-
Municipal Building Services & Enforcement	**This month (October)**	**Last month**	**Year to date (FY)**
Essential Safety Measure inspections	0	0	0
Report & Consent applications • Siting • Build Over Easement • Demolitions	 15 1 13	 18 0 7	 76 7 36
POPE & Siting consents for temporary structures	1	1	4
Complaints received requiring investigation Relating to Stormwater	1 3	3 0	17 7
New building enforcement cases	1	4	6

Number of open building enforcement cases	25	25	n/a
Building permits issued by Council	0	0	0



Planning Enforcement	**This month (October)**	**Last month**	**Year to date (FY)**
New complaints/case files opened	8	6	34
Complaints/case files closed	1	2	10
Current open complaints/case files	69	63	N/A

STATUTORY PLANNING DEFINITION:

Statutory days: In accordance with the *Planning and Environment Act 1987*, a Council is permitted 60 statutory days to determine a planning application. The 60 statutory days includes weekends, public holidays and commences when the application is lodged. The legislation allows for the 60-day statutory clock to be stopped (e.g., when further information is requested) and re-started in certain circumstances (when further information or amended plans are received).

Gross days: The total number of days to determine a planning application inclusive of weekends and public holidays.

Recommendation

That Council:

1. **Receives and notes the Planning Permits issued under delegation report for October 2023; and**
2. **Receives and notes the Planning and Building Activity Report for October 2023.**

Attachments

Nil

9.3 Contracts Awarded and or Extended under CEO Delegation for October 2023

Division	**Business Transformation**
Council Plan Strategic Objective	**Leading for our Community** *Demonstrating leadership through good governance, transparency and accountability*

Declaration

The author has no general or material interests in relation to this report.

Summary

Contracts Awarded

For the period from 1 October 2023 to 31 October 2023, 4 contracts were awarded under the Chief Executive Officer's financial delegation in accordance with Council's Procurement Policy.

Contract No.	Description	Contractor	Contract Sum (Exc GST)
23021	Cowes Streetscape Master Plan - Stage 1 Functional Plans and Detailed Design	Outlines Landscape Architecture Pty Ltd.	$ 356,282.00
23017	Landfill Environmental Services	SMEC Australia Pty Ltd	$ 622,143.35
23013	Inverloch Hub Refurbishment – Stage 1	TS Constructions	$ 222,970.00
23016	Design & Construct of Coronet Bay Foreshore Toilet Facility	GR Design & Construct	$ 256,960.67

Contracts Extended

For the period from 1 October 2023 to 31 October 2023, the following contract was extended by the General Manager, Resilient Communities under delegated authority for contract variations and extensions in accordance with Council's Procurement Policy.

Contract No.	Description	Contractor	Contract Sum (Exc GST)
20009	Bituminous Surfacing of Roads	Fulton Hogan Industries Pty Ltd	Schedule of Rates

Governing Documents

Procurement Policy 2023

Recommendation

That Council notes the above contracts were awarded and or extended under delegated authority in accordance with the Procurement Policy during the month of October 2023.

Attachments

Nil

9.4 Receipt of Audit and Risk Committee Minutes - 24 May 2023

Division	**Business Transformation**
Council Plan Strategic Objective	**Leading for our Community** *Demonstrating leadership through good governance, transparency and accountability*

Declaration

The author has no general or material interests in relation to this report.

Summary

Attached are the minutes of the Audit and Risk Committee Meeting held on Wednesday 24 May 2023.

Recommendation

That the minutes of the Audit and Risk Committee meeting held on 24 May 2023 be received and the recommendations therein adopted.

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10.2 Economic Development Framework Progress Update

11 General Business

12 Meeting Closed

Attachments

1. CONFIDENTIAL - Audit and Risk Committee Minutes 24 May 2023 [**9.4.1** - 13 pages]

9.5 Receipt of Audit and Risk Committee Minutes - 27 September 2023

Division	**Business Transformation**
Council Plan Strategic Objective	**Leading for our Community** *Demonstrating leadership through good governance, transparency and accountability*

Declaration

The author has no general or material interests in relation to this report.

Summary

Attached are the minutes of the Audit and Risk Committee Meeting held on Wednesday 27 September 2023.

Recommendation

That the minutes of the Audit and Risk Committee meeting held on 27 September 2023 be received and the recommendations therein adopted.

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1 Present And Apologies

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5 Internal Audits

5.1 Status Report On Action Items Identified Through The Audit Program

5.2 Review Of Infrastructure And Assets Management

5.3 Internal Audit Program 23/24 - Draft Scopes

6 External Audits

6.1 Review Of Annual Financial Report

7 Financial Reports

7.1 Councillor Expenses And Quarterly Performance Reporting

7.2 Capital Works Monthly Status Report

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8.1 Risk Management Report

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9 Compliance

9.1 Non-Compliance And Legal Counsel Engagement Report For The Period 1 April 2023 To 30 June 2023

9.2 Legislative Compliance

9.3 Annual Procurement Compliance Report

10 Governance Matters

10.1 Reports From Other Agencies

11 General Business

11.1 Recruitment Risks

12 Meeting Closed

Attachments

1. CONFIDENTIAL - Audit and Risk Committee Minutes 27 September 2023 [**9.5.1** - 12 pages]

9.6 Audit & Risk Committee Reports

Division	**Business Transformation**
Council Plan Strategic Objective	**Leading for our Community** *Demonstrating leadership through good governance, transparency and accountability*

Declaration

The author has no general or material interests in relation to this report.

Summary

The purpose of this report is for Council to receive the:

- Audit and Risk Committee Charter annual assessment for 2022/2023 and;
- Audit and Risk Committee biannual report or the six months ended 30 June 2023

Recommendation

That Council receive the attached:

- **Audit and Risk Committee Charter annual assessment for 2022/2023 and;**
- **Audit and Risk Committee biannual report or the six months ended 30 June 2023**

Background

Council established the Audit and Risk Committee and adopted its Charter on 19 August 2020. The Charter is available on Council's website.

The Charter requires that:

- The Committee prepare an annual assessment of its performance against the Audit and Risk Committee Charter and provide a copy to the Chief Executive Officer for tabling at the next available Council meeting.
- Twice a year the Committee prepare a report to Council, through the Chief Executive Officer, describing the activities of the Audit and Risk Committee including its findings and recommendations.

Attachments

1. Audit Risk Committee Charter Chair Assessment 2022/2023 [**9.6.1** - 6 pages]
2. Audit and Risk Committee Biannual Report to Council for the six months ending 30 June 2023 [**9.6.2** - 3 pages]

10 Urgent Business

11 Mayoral Announcement of Next Meeting of Council

The next Council Meeting will be held on 21 February 2024 in the Bass Coast Civic Centre Council Chamber, Baillieu Street East, Wonthaggi commencing at 1.00pm.

That the meeting be closed to members of the public pursuant to Section 66 of the *Local Government Act 2020*, to consider an item/s as they deal with:

> (k)information prescribed by the regulations to be confidential information for the purposes of this definition;

Meeting adjourned

That the meeting be adjourned

Meeting resumed

That the meeting be resumed

Items Closed to the Public

Excerpt of Section 66 of the Local Government Act 2020.

(5) If a Council or delegated committee determines that a meeting is to be closed to the public to consider confidential information, the Council or delegated committee must record in the minutes of the meeting that are available for public inspection—

(a) the ground or grounds for determining to close the meeting to the public by reference to the grounds specified in the definition of ***confidential information*** in section 3(1); and

(b) an explanation of why the specified ground or grounds applied.

confidential information means the following information—

(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;

(b) security information, being information that if released is likely to endanger the security of Council property or the safety of any person;

(c) land use planning information, being information that if prematurely released is likely to encourage speculation in land values;

(d) law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person;

(e) legal privileged information, being information to which legal professional privilege or client legal privilege applies;

(f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;

(g) private commercial information, being information provided by a business, commercial or financial undertaking that—

i. relates to trade secrets; or

ii. if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;

(h) confidential meeting information, being the records of meetings closed to the public under section 66(2)(a);

(i) internal arbitration information, being information specified in section 145;

(j) Councillor Conduct Panel confidential information, being information specified in section 169;

(k) information prescribed by the regulations to be confidential information for the purposes of this definition;

(l) information that was confidential information for the purposes of section 77 of the **Local Government Act 1989;**

12 Confirmation of Closed Minutes

12.1 Closed Council Meeting held on 15 November 2023

13 Reports Requiring Council Decision Closed to the Public

13.1 Chief Executive Officer Employment Matters Committee

It is recommended that the meeting be closed to members of the public pursuant to Section 66 of the *Local Government Act 2020*, to consider this item for the following reason:

(k) information prescribed by the regulations to be confidential information for the purposes of this definition;

13.2 Recruitment of an independent chairperson to CEO Employment Matters Committee

It is recommended that the meeting be closed to members of the public pursuant to Section 66 of the *Local Government Act 2020*, to consider this item for the following reason:

(k) information prescribed by the regulations to be confidential information for the purposes of this definition;

14 Meeting Closed

That the meeting be closed.