

Bass Coast Shire Council

Council Meeting Agenda

Wednesday 17 September 2025

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 17 September 2025 at **1:00 pm**

Date of Notice – 12 September 2025

Greg Box

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

We acknowledge the Bunurong as the Traditional Owners and Custodians of the lands and waters, and pay respect to their Elders past, present and emerging

Councillor Statement

All members of this Council pledge to the Bass Coast Shire community to consider every item listed on this 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 20 August 2025

That the minutes of the Council Meeting held on 20 August 2025 be confirmed.

Mayor and Councillor Reports

4 Mayor and Councillor Reports

5 Public Question Time

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

Chapter 2 – Meeting Procedure for Council Meetings

Division 9 – Public Question Time

53. Public Question Time

53.1 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.

53.2 Sub-Rule 53.11 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.

53.3 Questions submitted to Council must:

53.3.1 be in writing, state the name, email and address of the person submitting the question and generally be in a form approved or permitted by Council. This Personal Information is held in accordance with the Privacy and Data Protection Act 2014 (Vic) Principles. The submitted question/s and your name will be entered into the Council Minutes, be available to the public when placed on Council's website: and

53.3.2 be lodged 48 hours prior to the Council meeting.

53.4 No person may submit more than two questions at any, one meeting. If a question has multiple parts to it, it is considered multiple questions. Any additional question will not be read out at the meeting or included in the minutes.

53.5 The person who submitted the question may be present in the Chamber at Public Question Time when the Chair will call their name. The submitter will have an opportunity to read out the previously submitted question or request the Chair read their question. The question and the response will then be included in the minutes.

53.5.1 The submitter may not raise any additional questions or alter the previously submitted question.

53.5.2 Speakers must abide by the direction of the Chair and in accordance with these Governance Rules.

53.5.3 If the person is not present, the question may be read out. The question and answer will be included in the meeting minutes. They will not be afforded another opportunity to read their question.

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

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

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

53.6.3 deals with a subject matter already answered.

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

53.6.5 relates to personnel matters.

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

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

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

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

53.7 Any question which has been disallowed by the Chair will not be read at the meeting or published in the meeting minutes.

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

53.9 Where the Mayor or Chief Executive Officer does not accept a question, the submitter is to be informed of the reason or reasons for which their question was not accepted.

53.10 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.

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

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

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

53.14 A Councillor or the Chief Executive Officer may require a question to be taken on notice. If a question is taken on notice, the answer may be provided in the minutes or a written copy of the answer will be provided to the submitter, where practicable.

53.15 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.

53.16 Question time will be for a maximum of 30 minutes unless extended by a Council resolution.

Notices of Motion

6 Notices of Motion

6.1 262/25 Urgent Safety Concerns Regarding School Crossing Near Gap Rd, Cowes, Cr Tracey Bell

Declaration

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

I, Cr Tracey Bell, hereby give notice that I intend to move a motion at the Council Meeting 17 September 2025, which reads as follows:

Motion

That Council:

1. Receive a report by no later than 19 November 2025 regarding the progress of establishing a school crossing on Phillip Island Road at Wimbledon Heights, including options and the timeframes for delivery.
2. Expedite all grant applications to secure funding to implement the preferred crossing design.
3. Send a letter to Jordan Crugnale MP, noting the advocacy efforts of community, council, and Cowes Primary School for this crossing and seeking her support in securing the required funding from the Victorian state government.

Background by Councillor

I'm bringing this Notice of Motion on behalf of a group of parents who are concerned about the longstanding and unresolved safety issue affecting children commuting from Wimbledon Heights to Cowes Primary School, Our Lady Star of the Sea Primary School, and Newhaven College. There are at least 64 students who travel from Wimbledon Heights to school every day, and most rely on their parents to drive them because the crossing is too risky.

For around 10 years, residents have been working to raise awareness about the dangers of the pedestrian crossing located just after the turnoff to Gap Rd, on the way into Cowes. Despite their efforts towards both VicRoads and Bass Coast Shire Council, there has been little traction.

This crossing is extremely hazardous:

- It is situated in an 80km/h zone, with limited visibility due to a hill on one side and a bend on the other.
- The crossing is poorly marked, and many drivers are unaware it exists.
- Unlike other intersections on the Island, the speed limit does not reduce to 60km/h, making it particularly unsafe for children, elderly individuals, and people with disabilities.

Compounding the issue is the lack of school bus access for families in Wimbledon Heights. The suburb is within the catchment area that is considered close enough to walk or cycle, so there is no provision for a school bus. However, the current road conditions make this route unsafe for children.
I acknowledge and appreciate that the Department of Transport contacted Bass Coast Shire Council on 10 September 2025 with a promise to investigate crossing options at this site.
The parents in Wimbledon Heights and I are hopeful for a collaborative effort to ensure the safety of our children. A petition on change.org shows the community support https://www.change.org/p/safe-road-crossing-wimbledon-heights.

Officers Comments

Phillip Island Road at Wimbledon Heights is managed by the Department of Transport and Planning (DTP).
DTP have recently confirmed that the are investigating options to improve pedestrian safety when crossing Phillip Island Road near Wimbledon Heights.
Potential treatments under consideration include, but are not limited to, formalised crossing points and supporting infrastructure such as refuges, road markings, signing, and holding rails. Changes to the existing speed zones to support these treatments will also be examined.
The investigation will also consider potential funding sources for any recommended treatments.
DTP have committed to work with Council to identify suitable treatment options and to secure funding, both for the short, medium, and longer term.
Delivery timeframes are unlikely to be known as they will be dependent on potential funding sources when application dates. If Council contribution is required then any upgrade works would be subject to a future budget submission and adoption.
The State Government provides road safety funding for improvements to both Council and State roads via different funding programs. Council works closely with DTP to ensure funding is utilised for eligible priority safety improvements across the Shire.

……..

Cr, Tracey Bell, Island Ward

Dated: 17 September 2025

Attachments

1. safe-routes-to-school-guide [**6.1.1** - 16 pages]

6.2 263/25 Rabbit plague on Phillip Island, Cr Ron Bauer

Declaration

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

I, Cr Ronnie Bauer, hereby give notice that I intend to move a motion at the Council Meeting 17 September 2025, which reads as follows:

Motion

That Council Officers provide a report for the eradication of the rabbit plague on Phillip Island.

Background by Councillor

The rabbit population on the Island is out of control. The destruction of the flora due to the rabbit population is causing 1000s and 1000s of dollars worth of damage especially to resident's gardens.
After the Recreation Reserve, the most common complaint I hear from the community is "When is Council going to do something about the rabbits."

Officers Comments

Council officers work in collaboration with Phillip Island Nature Parks and Bass Coast Landcare Network to develop innovative approaches for rabbit control on Phillip Island, while minimising risk to native wildlife.
Regular interagency meetings are held to discuss methods for control, including baiting under protective cages, fumigation, and rabbit proof fencing. Next year a trial led by Phillip Island Nature Parks, with a PhD candidate will aim to determine the effectiveness of different control methods and determine the risk to Eastern Barred Bandicoots and other animals.
Council provides funding to Bass Coast Landcare Network through the Memorandum of Understanding to answer public enquiries and provide advice to residents on the most appropriate rabbit control measures.
Landowners are responsible for rabbit control on their land under the Catchment and Land Protection Act 1994 (CALP Act) and advice can be sought on the best control methods.

……..

Cr, Ron Bauer, Island Ward

Dated: 17 September 2025

Attachments

Nil

6.3 264/25 Notice of Motion - Bass Coast Unlocking Rural Tourism scheme (BURT), Cr Tim O'Brien

Declaration

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

I, Cr Tim O'Brien, hereby give notice that I intend to move a motion at the Council Meeting 17 September 2025, which reads as follows:

Motion

That Council receive a report on the Bass Coast Unlocking Rural Tourism Strategy (BURT) no later than 19 November 2025, including how the BURT will be impacted by the intent of the Distinctive Areas and Landscapes (DAL) to preserve character, protect environment and curtail development in sensitive areas.

Background by Councillor

This motion is put forward by all three Island Ward councillors.
Preserving the rural character of Phillip Island and the Bass Coast Region is a primary responsibility of Council – it sets this region apart, it defines the casual, family-friendly rural visitor experience, and it connects the region with its history, its indigenous connection to place, its agricultural past and future, and its unique and largely unspoiled environmental assets and coastal habitats.
The region's sweeping ocean vistas and shorelines, framed by its scenic landscapes and undulating farmlands, define a unique rural character of national and international significance.
Furthermore, the Bass Coast community regularly places the preservation of the rural character of Bass Coast and Phillip Island high on its list of key concerns.
This what the ill-conceived BURT puts at risk.
The narrative to the BURT indicates its intent to facilitate "mid- to large-scale tourism development" in areas now restricted by FZ and FAZ zoning. Essentially being to unlock restrictions within the planning scheme to large-scale development in farm zone areas.
In so doing, it brings a host of potential unintended consequences, prime among them being:

1. Undermining the intent in the DAL around preservation of character, protecting environment and curtailing development and growth into sensitive areas. The tensions outlined in the BURT around attracting and facilitating expanded tourism developments through rezoning, potentially sits at crossed purposes to the DAL. (Under current zoning, such activity is limited to small scale initiatives such as farm stays, farm gate sales and other similar entrepreneurial activities.)

2. In facilitating re-zoning under the BURT, it encourages 'land bank' purchasing, pushing up the price of farmland (and capital values). Its ill-considered foundation that proposes "strategic work (being) required to determine the productivity of agricultural land across the shire", shows that outside its nominated sub-regions and special use zones, no farm land is safe.
3. It poses risk to some of our most treasured places, hinterland and shorelines.

The BURT pleases almost no-one. There is significant opposition from Bass Coast farmers (NFF, and REG), conservation groups (such as PICS), community groups (such as Island Voice) and, given the expressed outcomes of community engagement surveys as to the importance of preserving the region's special rural character and environment (paraphrased), it has little to no support from the community.
The dangers to the region's character, environment and recognised identity is most evident in these words: "There is an opportunity for Scheme provisions and policies to be changed to establish a nexus between an appropriate tourism activity that complements, protects and enhances the surrounding landscape values."
Those words – straight out of a developer's playbook – should carry a chill for all who recognise their intent.

Officers Comments

The Bass Coast Unlocking Rural Tourism Strategy (BURT) was adopted in March 2023. The project was prepared as a land use study for Bass Coast's Rural Tourism Precincts to investigate the reasons for what has been considered limited or inappropriate tourism investment in the designated rural tourism areas of the Shire. The strategy involved assessing the current policy environment, reviewing existing gaps in appropriately considering tourism activity in the Shire and proposing a future vision for rural tourism for Bass Coast. Following community consultation, the final strategy was revised to better emphasise environmental, landscape and cultural heritage values.
The Strategy was prepared in the context of Bass Coast's declaration as a Distinctive Area and Landscape, originally undertaken in 2019 and directly references the need for rural tourism to align with this declaration and the Statement of Planning Policy which was not final at that point in time.
Officers will prepare a report to Council no later than 19 November 2025 outlining how the BURT Strategy is aligned with the Bass Coast Statement of Planning Policy and declaration as a Distinctive Area and Landscape, and what further work would be required prior to implementation of the strategy.

……..

Cr, Tim O'Brien, Island Ward

Dated: 17 September 2025

Attachments
Nil

7 Petitions and Joint Letters

Reports Requiring Council Decision

8 Reports Requiring Council Decision

8.1 Planning Application PDPLANPER-2025/000449 - Removal of two trees in the Vegetation Protection Overlay (VPO2) - 24 Hastings St, VENTNOR

Division	**Future Places**
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 Permit application for the Removal of two trees in the Vegetation Protection Overlay (VPO2) at 24 Hastings Street, Ventnor.

Executive Summary

Application number:	**PDPLANPER-2025/000449**
Applicant:	Katie Bailey c/- Phillip Island Arborist
Land/Address:	24 Hastings Street, Ventnor
Ward:	Island Ward
Proposal:	Removal of two trees in the Vegetation Protection Overlay (VPO2)
Zone:	General Residential Zone – Schedule 1 (GRZ1)
Overlay:	Vegetation Protection Overlay, Schedule 2 (VPO2)
Aboriginal cultural heritage sensitivity	Yes, the site is partially located within an area of identified Aboriginal Cultural Heritage sensitivity, however, the two subject trees are not located within this area.
Title:	Lot 43 on Plan of Subdivision 001266 in Volume 08783 Folio 421. No covenants or easements affect the land.
Number of submissions:	A total of 22 objections were received as of 13 August 2025.
Reason a Council decision is required:	Council's delegations require applications that attract 15 or more objections to be determined by Council. This application attracted 22 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 for the following reasons:

- The proposal has been assessed as providing a satisfactory response to the relevant strategies and decision guidelines of the Municipal Planning Strategy, the Planning Policy Framework and the Vegetation Protection Overlay.
- The proposed tree removal is supported due to the declining health, structure and low useful life expectancy of each tree, and remedial works are unlikely to prolong the life of the trees.
- The trees are assessed as presenting a risk of limb failure, even if remedial works were undertaken.
- The replanting conditions will result in a significant longer-term enhancement of the flora and will significantly contribute to the future habitat value on the subject site and within the immediate neighborhood of Ventnor.

Main Considerations

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

- Environmental and landscape values
- Landscape response
- The risk of limb failure

The Proposal

This application proposes to remove two trees, one *Eucalyptus saligna* (Sydney Blue Gum) and one *Eucalyptus globulus* (Southern Blue Gum), in accordance with the Arboricultural Assessment prepared by Urban Forestry Victoria Pty Ltd. The decision plans are provided as Attachment One and are detailed below:

- Arboricultural Assessment prepared by Trevor Moulynox of Urban Forestry Victoria Pty Ltd, dated 16/04/2025.

Key features of the proposal include:

- Removal of two trees, one *Eucalyptus saligna* (Sydney Blue Gum) and one *Eucalyptus globulus* (Southern Blue Gum).



Figure 1 - Site plan showing the location of the two subject trees, Page 8 of Arboricultural Report prepared by Urban Forestry Victoria Pty Ltd, dated 16 April 2025

Tree 1



Tree 1 basal cavity with internal decay



Tree 1 torsional crack and union cavity



Tree 1 dead wood within canopy



Figure 2 - Images of 'Tree 1' Sydney Blue Gum proposed to be removed, Page 9 of Arboricultural Report prepared by Urban Forestry Victoria Pty Ltd, dated 16 April 2025



Figure 3 - Images of 'Tree 2' Southern Blue Gum proposed to be removed, Page 10 of Arboricultural Report prepared by Urban Forestry Victoria Pty Ltd, dated 16 April 2025

Subject Site and Surrounds

The site is developed with a double-storey brick dwelling with a pitched roof approved under Planning Permit 110405 on 06 December 2011. The site is accessed via a single unsealed crossover to Henderson Street. The rear of the site is fenced by a 1.8-metre-high wooden fence; the front setback is not fenced. The two trees for removal are located within the rear setback of the lot. The site does not contain any other significant vegetation.



Figure 4 – Aerial image of the subject site, Council's GIS 2025





Figure 5 - View of subject site and subject trees from Henderson Street (Source: Site inspection conducted by Council's Arborist on 02 July 2025

The main characteristics of the surrounding area are:

North	Adjoining the land to the north is 68 Henderson Street, Ventnor. This lot is approximately 637 square metres in area and contains a double storey dwelling that appears to have been constructed in 2008. The site contains several mature trees within the front and side boundary setbacks, and within the road reserve. The site is accessed via an unsealed crossover to Hastings Street. The side does not contain a front or side boundary fence.
South	Adjoining the land to the south is 23 King Street Ventnor. This lot is approximately 1,154 square metres in area and contains a double storey weatherboard dwelling. The site contains several mature trees that are a mix of native and exotic species. The site contains a front and side post and wire boundary fence. The site is accessed via an unsealed crossover to King Street.
East	Adjoining the land to the east is 230 Lyall Street, Ventnor. This lot is approximately 10.92 hectares in area and contains two dwellings and several outbuildings. The site contains rows of vegetation located along the boundary fence lines and the waterway that bisects the site. The site is accessed via an unsealed crossover from Lyall Street.
West	Adjoining the land to the west is 22 hastings Street, Ventnor. This lot is approximately 917 square metres in area and contains a double storey weatherboard dwelling and an outbuilding located in the rear setback. The site contains several established trees, located throughout the site. The site is accessed via a single unsealed crossover to Hastings Street. The front boundary does not contain a front fence.

Planning Controls

The following controls/permit triggers are considerations for this application:

Zone

Clause 32.08 – General Residential Zone, Schedule 1
In accordance with Clause 32.08-5 a planning permit is not required for the removal of vegetation.

Overlays

Clause 42.02 – Vegetation Protection Overlay, Schedule 2
In accordance with Clause 42.02-2 a planning permit is required to remove, destroy or lop any vegetation specified in a schedule to this overlay. Schedule 2 to the Vegetation Protection Overlay specifies that a Planning Permit is required to remove, destroy or lop any tree or shrub with a girth greater than 30 centimetres (when measured 30 centimetres above ground level) or a height of at least two metres.
This does not apply to introduced species of ornamental shrubs or fruit trees or to species identified as being weeds; or to pruning. The two trees subject to the proposal trigger a permit for these reasons.

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

In response to notification the application attracted 22 objections.
A copy of each submission (objection) 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 been made aware of the objections, and the Assessing Officer has requested that the applicant provide a replanting plan prior to the Council Meeting.

Referrals

The following table outlines the referral requirements of this application.

Referral Authority	Comments
Internal Council Departments	
Planning Arborist 3 June 2025	No objection to the application subject to conditions. The following comments were received: • The subject trees present as poor specimens. Tree 1 has a significant structural fault that cannot be remedied using standard arboricultural techniques and is showing signs of poor wound wood

	development indicating larger health issues present with the tree. No hollows have been identified. • Tree 2 is in a state of decline where further remedial action is not expected to be effective in retaining the tree and will likely cause further issues. Poor wound wood development around sites of wounding indicates a tree in poor vigor with significant structural faults throughout the canopy. No hollows have been identified, and stems do not appear to be of a suitable hollow bearing size. • It is not expected that the removal of these trees will greatly impact on the habitat value of the area and there does not appear to be alternative options available to retain the vegetation; removal is supported. Officer Response: Based on the assessment provided by the Council's qualified and experienced Planning Arborist, the removal of the two subject trees should be supported. A replacement planting plan will be included as a Condition 1 requirement of any Planning Permit should one issue. The condition will require the planting of eight medium to large canopy trees and 52 indigenous shrubs, groundcovers and grasses.

Aboriginal Heritage Act 2006

The site is partially located within an area of identified cultural heritage sensitivity. Pursuant to Section 52 of the *Aboriginal Heritage Act 2006*, Council must not grant a statutory authorisation for an activity within an area of cultural heritage sensitivity unless a cultural heritage management plan is approved in respect to that activity or meets a relevant exemption. The two trees proposed for removal are located outside of the area of sensitivity.

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-04 – Ventnor

VPP 12 Environmental and Landscape Values

Clause 12.01 Biodiversity

- Clause 12.01-1S Protection of biodiversity
- Clause 12.01-1L Protection of biodiversity
- Clause 12.01-2S Native vegetation management

VPP 15 Built Environment and Heritage

Clause 15.01 Built Environment

- Clause 15.01-5S Neighbourhood character
- Clause 15.01-5L Neighbourhood character

The following provides an assessment of the proposal against the relevant Planning Policy Framework (PPF) under the themes of Settlement, Environmental and Landscape Values, and Built Environment and Heritage. The PPF recognises the importance of the underlying natural landscape character and the significance of the environmental attributes, landscape values and visual qualities of coastal areas.

The proposed removal of two trees is considered to have merit when consideration is given to the broader state and local policies related to settlement and environmental values. The above policies mainly focus on the need to balance conservation of native vegetation within settlement boundaries, increase vegetation across the municipality and enhance the landscape values in urban areas.

The application proposes the removal of two trees that are both considered to have structural issues, and ongoing remediation work would not result in a retainable outcome. Council's Planning Arborist has advised that the tree removal will not greatly impact on the habitat value of the area and that there does not appear to be any alternative option available to retain the vegetation. The replanting of eight canopy trees and 52 indigenous understory shrubs, groundcovers and grasses will address the loss in habitat value resulting from the removal of the two subject trees.

Additionally, Council's Planning Arborist has provided a suitable species list for replanting on the site. The subject site contains an appropriate amount of space for the planting and establishment of eight canopy trees. The replanting conditions will contribute to the vegetated nature of the immediate neighborhood. Only Tree 2 (*Eucalyptus globulus*) is a species indigenous to Bass Coast, Tree 1 (*Eucalyptus saligna*) is indigenous to coastal areas from Syndey to central Queensland. The planting of the eight canopy trees species and native understory vegetation will contribute to the conservation and enhancement of local flora.

Zone Assessment

This application does not trigger a planning permit under the General Residential Zone.

Overlay Assessment

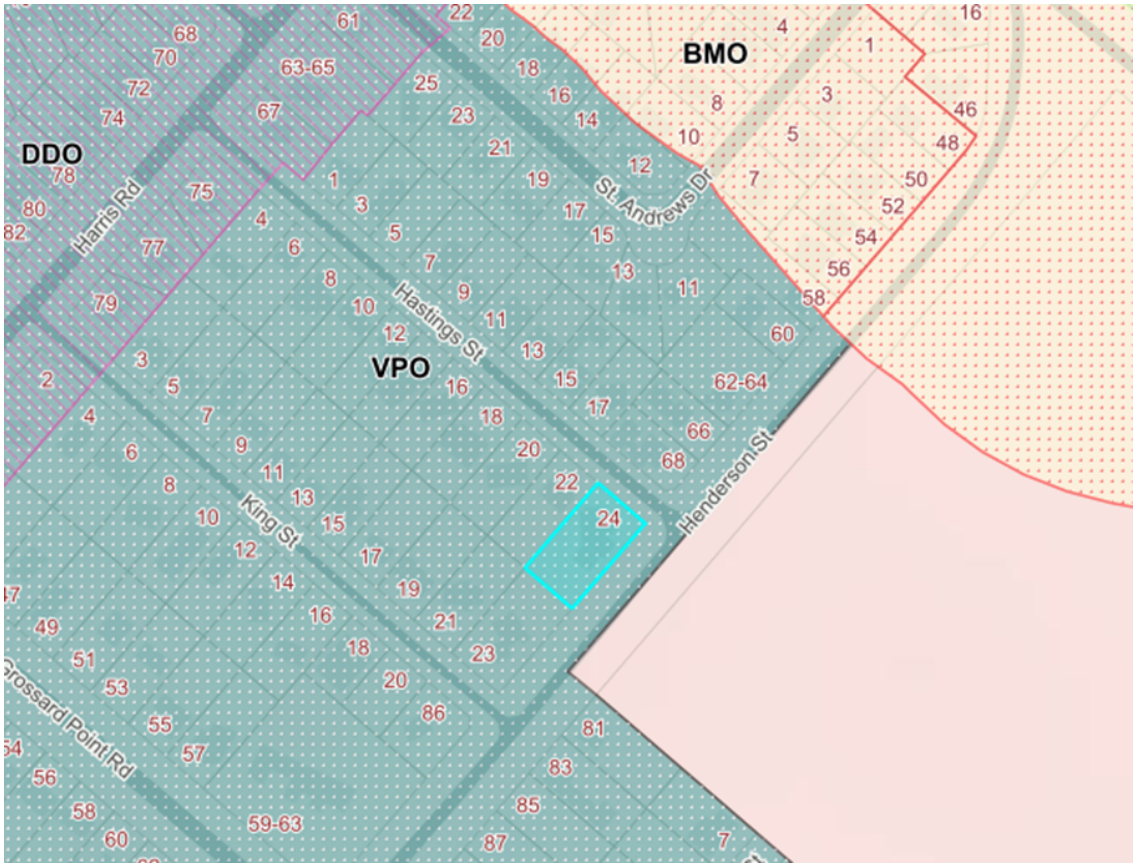


Figure 6 – Overlay Map, Council's GIS 2025

Clause 42-02 – Vegetation Protection Overlay

The purpose of the Vegetation Protection Overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To protect areas of significant vegetation.*
- *To ensure that development minimises loss of vegetation.*
- *To preserve existing trees and other vegetation.*

- *To recognise vegetation protection areas as locations of special significance, natural beauty, interest and importance.*
- *To maintain and enhance habitat and habitat corridors for indigenous fauna.*
- *To encourage the regeneration of native vegetation.*

Schedule 2 of Clause 42.02 also contains the following (as relevant) decision guidelines which have formed part of this assessment:

- The effect on the habitat value and long-term viability of remanent vegetation in the locality.
- The significance of the vegetation, particularly if it forms part of a recognized wildlife corridor.
- The reason for any removal of native vegetation and whether an alternative option can be developed which conserves vegetation.
- The effect any removal of vegetation will have on ground water recharge and discharge areas.

The application is consistent with the objectives of the overlay, noting that the two trees to be removed have been assessed as having low or medium retention value and useful life expectancies of less than ten years. The health of each tree is unlikely to be remediated through pruning and will eventually require removal. Both trees are native species however only Tree 2 (*Eucalyptus globulus*) is a species indigenous to Bass Coast, Tree 1 (Eucalyptus saligna) is indigenous to coastal areas from Syndey to central Queensland.
The supplied arborist report outlines that Tree 1 presents torsional cracking on the main stem which appears to have developed because of disproportionate load distribution caused by the retention of overextended limbs. The tree also contains dieback and the loss of significant sections of its canopy. It has been advised that remedial pruning and management interventions are unlikely to sufficiently reduce the probability of structural failure or arrest the ongoing physical decline of the specimen. The tree has been assessed as having useful life expectancy of less than 5 years and consequently graded as having a low retention value.
Tree 2 presents in a state of decline with poor wound wood development and significant structural faults throughout the canopy. The chlorotic foliage present within the upper canopy and the thinning of the canopy is indicative of a dysfunction of the trees' vascular system that indicates a decline in the health and structure of the trees' major stem. Whilst the removal of the major stem may allow for the tree to be preserved, it would not be best practice and would ultimately lead to further health and structural issues with the tree. Council's Arborist has advised that the tree stems do not appear to be a suitable hallow bearing size, and that the stem integrity is not ideal for the installation of nesting boxes.
The site is not located within any recognised wildlife corridor, the Boat Creek BioLink is located approximately 80 metres to the north-east of the subject site. It is expected that the replanting conditions will contribute to the indigenous and native flora in the area. Several of the adjoining properties contain established native canopy trees. It is recognised that the two trees proposed to be removed do provide a positive contribution to the existing flora and fauna, however the removal of the two trees is due to their poor health and structure. If the trees were to be retained, their health would continue to decline to the point of presenting a risk to persons and property.

The replanting conditions will provide a net positive outcome for canopy cover on the site and will increase flora and fauna diversity in the immediate area.
The two trees proposed for removal contribute to the local flora and fauna. However, due to the deteriorating health of the trees, it is considered appropriate that their removal be supported and that a Condition 1 requirement for eight canopy trees and 52 indigenous shrubs, groundcovers and grasses to be planted within three months of the trees being removed. Planning Permit 110405 was issued on 06 December 2011 authorised the removal of 15 trees on the subject site. Condition 2 of this permit required the replanting of 60 locally indigenous species, consisting of at least two tall or medium storey canopy trees and four small to medium storey trees, with the remainder consisting of a combination of mid-storey and small shrubs, groundcovers and grasses. The permit condition did not specify any timeframe for the replanting to occur. It has subsequently been determined that the replanting has not been carried out, and the conditions of this permit will require the equivalent replanting which was required under Planning Permit 110405 with an additional two canopy trees to be replanted. This will result in a favourable outcome of eight canopy trees across the site and at least 52 indigenous shrubs, groundcovers and grasses.
A condition of the permit should one issue will require the endorsement of a Landscape Plan prior to the trees being removed. The permit will include a condition to require evidence that the replanting has occurred within 3 months of the trees being removed. Whilst the replanting requirements are considerable for an application to remove two trees, as previously discussed the replanting conditions are to address the previous removal of vegetation from the site, and the proposed removal of two trees is ultimately seeking to harmonise the outcome between the two decisions and facilitate an improved landscape amenity outcome for the site and surrounding area.
The removal of the two trees that have a low and medium retention value, is not expected to be detrimental to the habitat value and long-term viability of remnant vegetation. The replanting of eight indigenous canopy trees and 52 indigenous shrubs, ground covers and grasses will contribute to the long-term establishment of native vegetation in local area.

Concerns Raised By Submitters

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

Submitter Theme	Council Officer Response
Impact on vegetation and objection to the Arborist Report assessment of the trees.	The submitted Arborist Report has been prepared by a qualified Arborist who holds a Diploma of Arboriculture (AQF Level 5) and a Certificate 3 in Horticulture. The report author is deemed to be qualified to prepare and assess both tree's structure and health. Additionally, Council's qualified Arborist has reviewed the submitted report and conducted a site inspection, concluding that the poor structure and health of the two trees is consistent with that represented within the submitted arborist report. Therefore, on the weight of the assessment above, the removal of the

	two trees should be supported with the replanting of additional canopy trees and understory vegetation. The replanting conditions will contribute to the longer-term enhancement of the local flora.
Loss of vegetation	The site is located within a Vegetation Protection Overlay which recognises the importance of preserving vegetation. The removal of the two trees is only being supported due to the poor structure and low useful life expectancy of each tree, and the poor prospect of successful remediation works prolonging the life of each tree. The replanting conditions will result in a significant longer-term enhancement of the local flora and will significantly contribute to the future habitat value on the subject site and within the immediate neighborhood of Ventnor.
The subject trees are in good health and are proposed to be removed due to inconvenience of leaf and bark litter	The two trees have been assessed by a qualified arborist as well as Council's qualified Arborist, both of whom have determined that the two trees are in a state of decline and that remedial work is unlikely to be effective in retaining the trees. The decision to support the removal of the two trees is based on an assessment of the health, structure, potential remediation, and useful life expectancy of the trees, and not any inconvenience that the trees may cause the owner of the property.
Habitat loss	It has been acknowledged that the removal of 15 trees previously occurred on the site under Planning Permit 110405. Additionally, the removal of the two trees under this application will result in the clearing of all canopy trees from the site. However, the reason for the tree removal is due to the poor health and structure of the trees, and the inability to effectively remediate the trees. Council's Arborist has assessed the trees and has determined that any remedial work is unlikely to result in a favorable outcome for the health or structure of the trees. The subject site is not located within a recognised BioLink area. The Boat Creek BioLink area is

	located approximately 80 metres to the southwest of the subject site, see figure 7. Council's Arborist has advised that neither tree is of sound quality and that there does not appear to be an alternative option or remediation available to retain the two trees. Additionally, the tree removal will not greatly impact the habitat value of the immediate area. The required replanting of eight canopy trees and the combined 52 shrubs, ground covers and grasses will improve the amount of habitat for local fauna, considering the site mostly clear of vegetation.
Privacy concerns	Whilst it is acknowledged that the tree removal may contribute to some additional overlooking of neighboring properties, privacy concerns associated with overlooking and screening are not contained in the decision guidelines of the Vegetation Protection Overlay and are not under assessment in this application.
No existing vegetation planted on the site	The replanting conditions for eight canopy trees and 52 species of combined indigenous shrubs, ground covers and grasses will result in the revegetation of the site and will enhance the diversity of flora and fauna in the immediate neighborhood.
Amenity	The above replanting conditions will enhance the amenity of the immediate neighborhood of Ventnor through the provision of eight canopy trees and 52 indigenous species of shrubs, ground covers and grasses. This replanting will enhance the long-term habitat value of the area.
Non-Resident	The frequency to which the property owner resides at the property is not a relevant consideration within the context of an application under the *Planning and Environment Act 1987*.
Preservation Order	A review of the planning permit history associated with this site does not indicate any evidence of a preservation order. Furthermore, the site does not contain any restrictions listed on title that relate to the preservation of vegetation.

Previous VCAT Decisions at other properties in Ventnor	Each planning application is assessed on its own merits, whilst a recent VCAT decision within Ventnor mentioned the local landscape character and environmental attributes, this was in the context of referencing the applicable Municipal Planning Strategy. Additionally, that application did not require the removal of vegetation.
Erosion	It is not expected that the tree removal will significantly contribute to soil erosion or salinisation. The subject site is not within 30 metres of a recognised waterway or wetland. The replanting conditions for canopy trees and understory vegetation should reduce any erosion on the site in the future.



Figure 7 – BioLink Map, Council's GIS 2025

Conclusion

The application has been assessed against the Bass Coast Planning Scheme and is considered to adequately respond to the intent of the Vegetation Protection Overlay. The application underwent notification and as a result there were 22 objections 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-2025/000449 for the following matters, subject to conditions:

Planning scheme clause	Matter for which the permit has been granted
Clause 42.02-2 (Vegetation Protection Overlay, Schedule 2)	Removal of two trees with a height greater than two metres.

Recommendation

That in relation to Planning Permit application PDPLANPER-2025/000449 for the removal of two trees in the Vegetation Protection Overlay located at 24 Hastings Street, Ventnor, Council resolves to issue a Notice of Decision to Grant a Permit, subject to the following conditions:

Amended plans required

1. **Before the tree removal commences, a Replacement Planting Plan drawn to scale with dimensions must be submitted to and approved by the responsible authority. The plans must be generally in accordance with the plans submitted but modified to show:**
    a. **Location of the trees to be removed**
    b. **The replacement of eight canopy trees is to be selected from the Type 'B' and Type 'C' Bush Coastal list contained within the Bass Coast Preferred Canopy Tree Species List or to the satisfaction of the responsible authority. See permit Note A for more guidance on list details.**
    c. **The planting of 52 Indigenous species consisting of a combination of shrubs, groundcovers and grasses selected from the Indigenous Plants of Bass Coast Shire list or to the satisfaction of the Responsible Authority.**
    d. **New trees to be planted within open ground clear of all hard surfacing, buildings, structures and other tree canopies**
    e. **Proposed canopy trees should be capable of reaching a minimum mature height of six (6) at 5-10m and two (2) at 15m+ and of advanced stock (minimum 35cm pot size and 2 metre tall at time of planting).**

f. **The soil from the hole should be replaced around the tree root ball and firmed in and watered in well. The area, a minimum of 1 metre radius from the trunk of the tree, should be mulched with composted mulch at a minimum depth of 50-75 millimetres and watered well during dry periods for a minimum of 12 months to ensure the new tree establishes in its new position.**

g. **All species selected must be to the satisfaction of the Responsible Authority.**

h. **Only the trees marked "Trees to be removed" on the Endorsed Plan may be removed.**

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

No damage to surrounding vegetation

2. **Vegetation removal and disposal must not cause damage to vegetation stands to be retained.**

No other trees to be removed

3. **Only Tree 1 *Eucalyptus saligna* and Tree 2 *Eucalyptus globulus* as labelled in the submitted arborist report dated 16/04/2025 prepared by Urban Forestry Victoria Pty. Ltd. may be removed from the site.**
No other trees on site that are protected by the Planning Scheme or Local Law may be destroyed, felled, lopped, uprooted or be subject to any other tree damaging activities without the written consent of the Responsible Authority (other than in accordance with a Notice given pursuant to the *Local Government Act 2020*). All existing trees to be retained and trees required by this permit to be planted shall be maintained to the satisfaction of the Responsible Authority.

Timeframe for completing new planting

4. **The new plantings are required to be completed within three months of the hereby approved tree removal. The replanting shown on the endorsed plans must be thereafter maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced within two months of any failing and any trees to be retained or planted are to remain in situ for the life of this permit.**

Photographs of completed landscaping

5. **High quality photographs (from various angles and distances) to be provided within 3 months from when the tree removal is complete demonstrating the trees as being planted in accordance with the endorsed plans. The Responsible Authority may require this to be accompanied by additional evidence including but not limited to receipts of the purchased trees or a formal written statement by an arborist confirming the landscaping has been undertaken in accordance with the endorsed plans.**

Pruning of trees to be retained

6. **Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996.**

Briefing of contractors

7. **Works engineers, design engineers, surveyors, works crews, contractors and plant operators must be properly briefed on all relevant conditions contained within this permit, before any works start.**

Permit expiry

8. **The vegetation removal is not complete within 12 months of the date of this Permit.**

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with *Section 69 of the Planning and Environment Act 1987*.
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 tree removal has not commenced.

Permit Notes

A. The preferred canopy tree species lists can be found on Bass Coast Shires website on the Native Vegetation Lists webpage found at Native Vegetation Lists | Bass Coast Shire

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.

Attachments

Nil

8.2 Planning Application 2023/000649 - 158 Reed Cres Wonthaggi

Division	**Future Places**
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 the staged subdivision of land into nine lots in the Low Density Residential Zone (LDRZ) and Design and Development Overlay (DDO8) at 158 Reed Cresent, Wonthaggi.

Executive Summary

Application number:	PDPLANPER-2023/000649
Applicant:	Beveridge Williams and Co
Land/Address:	158 Reed Cresent, Wonthaggi
Ward:	Bunurong Ward
Proposal:	Staged subdivision of land into nine lots
Zone:	Low Density Residential Zone – Schedule 1 (LDRZ1)
Overlay:	Design and Development Overlay – Schedule 8 (DDO8)
Aboriginal cultural heritage sensitivity	The site is located within an area of identified cultural heritage sensitivity.
Title:	Lot 2 on Plan of Subdivision 748689 in Volume 12048 Folio 463. Covenants Y000002X is registered on the title There are 2 drainage easements that affect the land.
Number of submissions:	A total of 17 objections were received.
Reason a Council decision is required:	Council delegations require applications that attract 15 or more objections to be determined by the Council. This application attracted 17 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 proposed development is consistent with the objectives of Local and State Planning Policy.
- The proposed subdivision is consistent with the purpose of the Low Density Residential Zone.
- The proposed allotments all exceed the applicable minimum lot size of 0.2 hectares in the Low Density Residential Zone.

Main Considerations

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

- Current drainage issues that pertain to the subject site and the implications for further subdivision.
- Impacts on wildlife in the local area.
- Neighbourhood character and building scale.
- Amenity impacts to adjoining properties.
- Secondary street access via Broome Crescent
- Current land licences over sections of Broome Crescent

The Proposal

This application proposes to subdivide land into nine lots in two stages in accordance with the Proposed Plan of Subdivision prepared by Beveridge Williams, Wonthaggi. The decision plans are provided as Attachment one and are detailed below:

- Proposed Plan of Subdivision, Reference 2102696, Version 1 prepared by Beveridge Williams
- Site Context Survey, Version 2, prepared by Beveridge Williams, dated 18/07/2024
- Landscape Plan, prepared by Jardine Johnston, dated 24/11/2023.
- Stormwater Management Strategy (Revision F), prepared by Beveridge Williams, dated 08/05/2025.
- Drainage Strategy Plan (Revision 4), prepared by Beveridge Williams, dated 16/02/2024
- Cultural Heritage Management Plan Number 19153, prepared by Triskel Heritage, dated 27/07/2023 and approved by the Bunurong Land Council 31/07/2025.

Key features of the proposal include:

- Subdivision of land into nine large lots, across two stages;
- Stage 1 – five lots:
    - Requires the extension of the unmade section of Broome Crescent, to the west.
    - Creates a court bowl extending south from Broome Crescent to provide access to the following vacant lots:
        - Proposed Lot 1 with an area of 2074 square metres.
        - Propsoed Lot 2 with an area of 2033 square metres.
        - Proposed Lot 3 with an area of 2001 square metres.
        - Proposed Lot 4 with an area of 2064 square metres.
        - Proposed Lot 5 with an area of 2057 square metres.
- Stage 2 – four lots;
    - Creates three vacant lots with access from the Broome Crescent extension:
        - Proposed Lot 7, 'battleaxe' style lot with an area of 2349 square metres.
        - Proposed Lot 8, 'battleaxe' style lot with an area of 2081 square metres.
        - Proposed Lot 9, with an area of 2012 square metres.
            - Proposed Lot 6, which is the largest lot at 4187 square metres, will untilise the current access from Reed Crescent and includes the existing dwelling;
- The land within the Broome Crescent extension is comprised of three unused road licenses.
- DEECA have currently issued the licenses to local landowners for the purposes of grazing. Cancellation of these licences for grazing is required for the development to proceed;
- Building envelopes demonstrated on the site context plan are indicative only.
- Removal of six existing trees, that were previously planted.
- The planting of three canopy trees per lot, in line with Council's *Urban Forest Strategy* and *Climate Action Plan*.

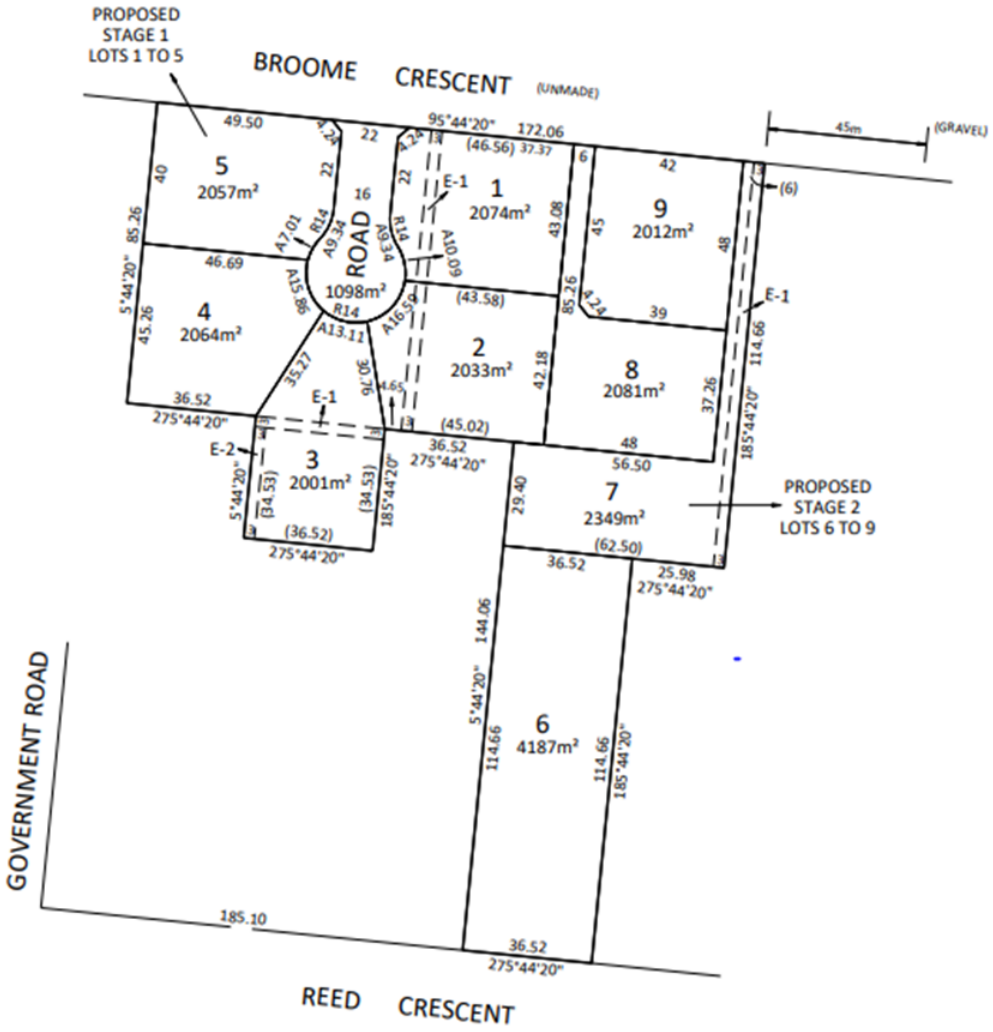


Figure 1 - Proposed Subdivision Plan



Figure 2 – Site Context Plan Version 2 – building envelopes are indicative only

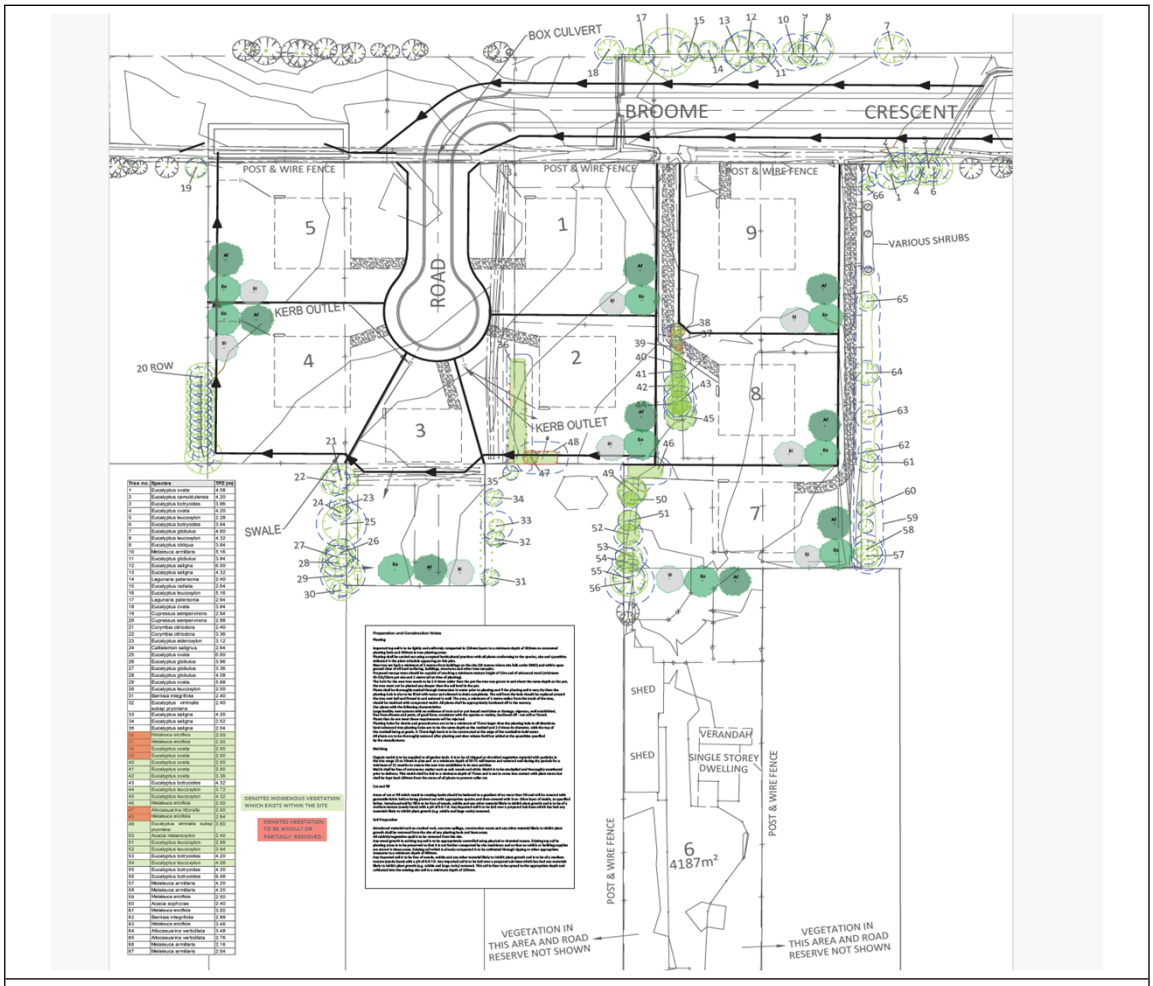


Figure 3 – Proposed Landscape Plan

Broome Cresent Licenses

Broome Cresent extends west from the intersection with Brown Street for approximately 178 metres and has a gravel surface. The unmade portion of Broome Crescent beyond this is comprised of three road licenses currently issued to the adjoining landowners for grazing purposes. These licenses can be cancelled at any time by DEECA, upon notification from Council.

As identified in the application, the land covered by the licenses is proposed to be used to provide access to eight of the new allotments, and for a dry storage basin. As the licences are now required for their intended purpose, which is access, the licences are required to be cancelled.

The process for cancellation of the licences requires Council to provide written notification to DEECA advising that pursuant to section 407(1) of the *Land Act 1958* that it is desirable in the public interest to have unused road licenses 2018651, 2016717, 2016714, as shown coloured yellow on the attached plan (Figure 4), open for traffic.

Once DEECA receives the above notification from council it will commence the process of cancelling the licenses.

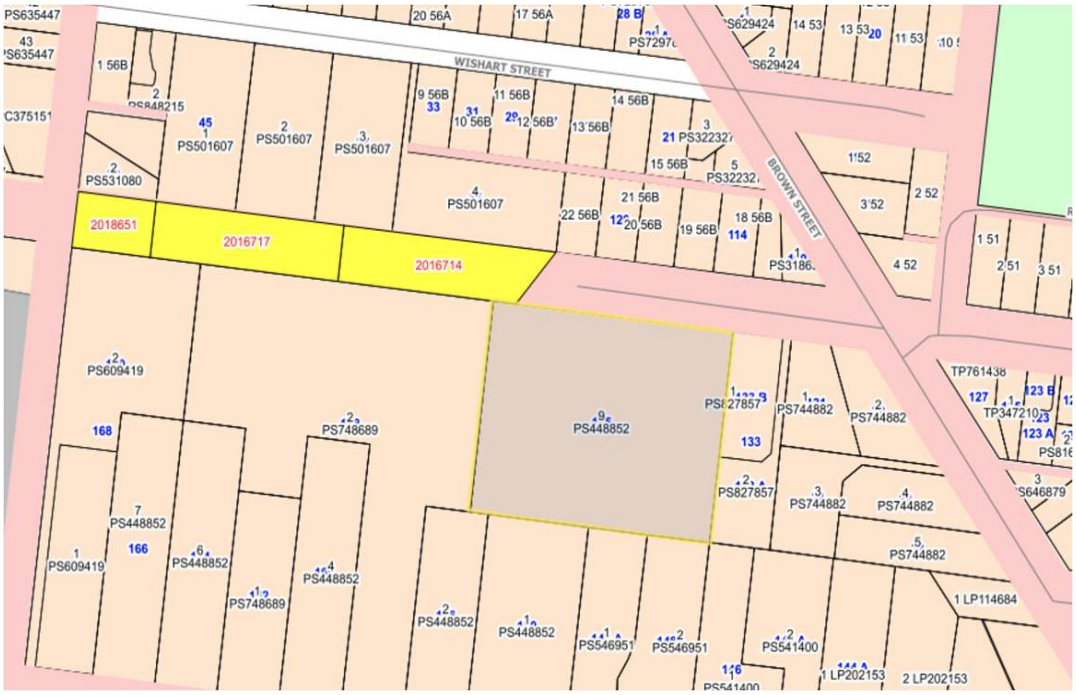


Figure 4 – License Plan of Broome Cresent, Wonthaggi

Subject Site and Surrounds

The site is located on the north side of Reed Crescent, between Brown Street to the east and Government Road to the west. The site is an irregularly shaped lot with a 36 metre frontage to Reed Crescent, a maximum depth of 229 metres and a site area of 2.195 hectares.



Figure 5. Aerial photography of subject site (Source: Council's GIS System, dated 2023)

The site is developed with a single dwelling accessed from Reed Cresent to the south with ability to access the unmade paper road extension of Broome Cresent. This section of unmade road is currently leased by DEECA.



Figure 6. View of subject site from Reed Cresent, Wonthaggi (Source: Google Maps dated August 2023)

The site is located within the Wonthaggi town boundary; the subject site is located approximately 1 kilometre southwest of the town centre.
The main characteristics of the surrounding area are:

North	Adjoining the land to the north is a paper road extension of Broome Cresent, Wonthaggi, currently leased to an adjoining property owner for grazing. To the north side of this section of Broome Cresent are four large residential properties, all over 4000 square metres, and generally orientated to the north with access provided from Wishart Street. Surrounding these to the north, west and east are smaller sized residential lots or approximately 1000 square metres, developed with single dwellings. The land is all zoned General Residential.
South	Adjoining the land to the south are large residential allotments, generally over 4000 square metres in size and each containing a single dwelling with access from the north side of Reed Crescent. Residential lots on the south side of Reed Crescent are similar in size to the north side of the street. Further south, behind these lots, an approved subdivision (planning permit 160132) of over 80 lots of approximately 2000 square metres in size, is currently being constructed, with newly created roads providing access to the lots, from both Dowson Drive and Reed Crescent. It is known as 'The Range Estate'. A few single dwellings have been constructed, though most remain vacant at present. All lots are zoned Low Density Residential.
East	Adjoining the land to the east are two properties: • 135 Broome Cresent, which has a planning permit issued for a two-lot subdivision (PDPLANPER 2023/001213) to create lots of 4320 square metres and 1.185 hectares, in size; and • 156 Reed Cresent which is 4187 square metres in size and contains a single dwelling. Both lots are zoned Low Density Residential.
West	Adjoining the land to the west is the 'battleaxe' style lot that is 170 Reed Street, which is 8047 square metres in size and contains a single dwelling. An unmade government road extends along the length of the west boundary of this property. The land is zoned Low Density Residential. Reserve land that includes wetlands, abuts the west side of this unmade road.



Figure 7 – Site and surrounds

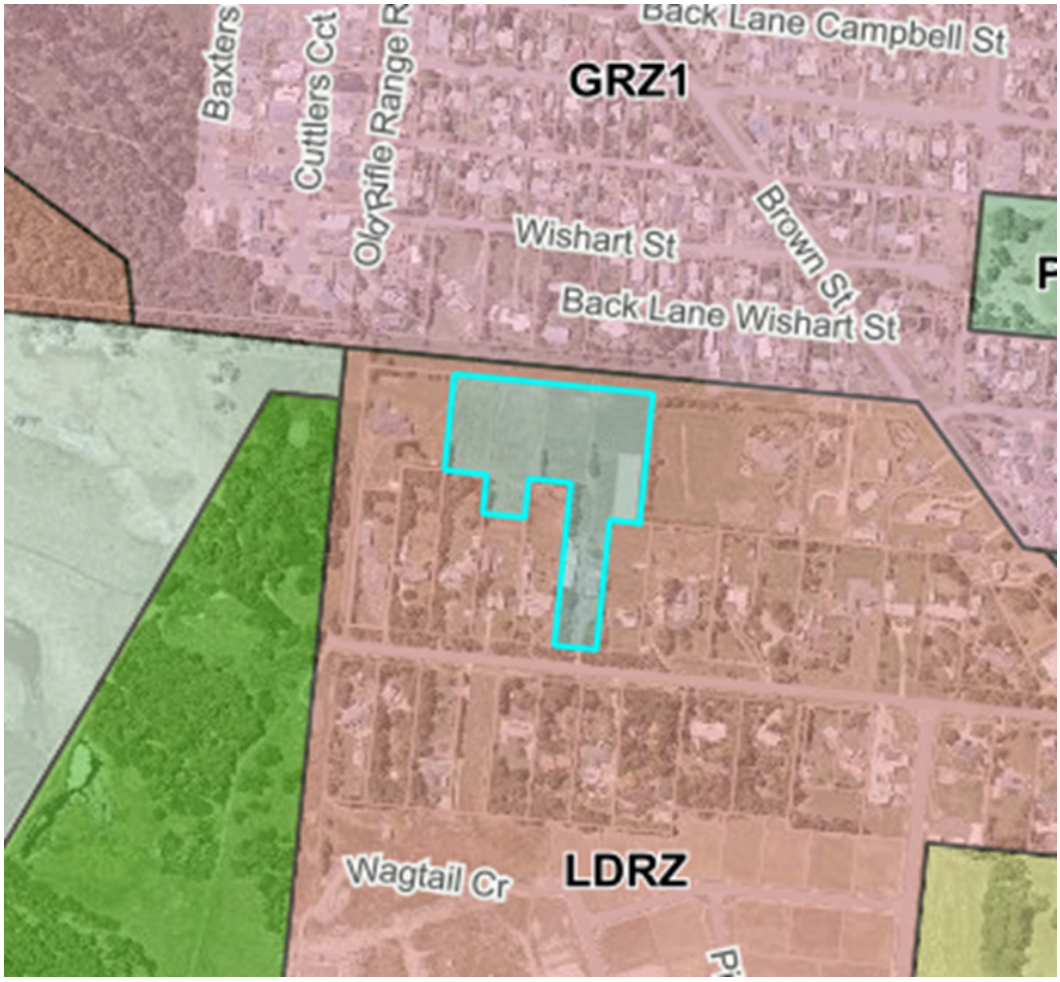


Figure 8 - Zoning Map

Planning Controls

The following controls/permit triggers are considerations for this application:

Zone

Clause 32.03 – Low Density Residential Zone, Schedule 1

- In accordance with Clause 32.03, a planning permit is required to subdivide land.

  Each lot must be at least the area specified for the land in a schedule to this zone. Any area specified must be at least:

  - 0.4 hectare for each lot where reticulated sewerage is not connected. If no area is specified each lot must be at least 0.4 hectare.
  - 0.2 hectare for each lot with connected reticulated sewerage. If no area is specified each lot must be at least 0.2 hectare.

Overlays

Clause 43.02 – Design and Development Overlay

- In accordance with Clause 43.02-3, a planning permit is required for the subdivision of land

Particular Provisions

Clause 53.01 – Public Open Space Contribution and Subdivision

- In accordance with Clause 53.01 a person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both).
  The Schedule to the provision specifies all subdivisions of three or more lots within residential zones are liable to pay a 5% contribution.

Clause 56 – Residential Subdivision

- In accordance with Clause 32.03-6, the relevant standards of Clauses 56-07-1 to 56.07-4 are required to be considered for an application for subdivision of land in the Low Density Residential Zone.

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 34 landowners and occupiers; and
- Placed two Notice's on the land, one facing onto Reed Crescent and one facing onto Broome Crescent.

In response to notification the application attracted 18 submissions comprising 18 objections. One objection has been withdrawn.
A copy of each submission is included in Attachment two.
The submitter's concerns and comments are summarised further in this report including a Council Officer response in the table provided.

Referrals

The following table outlines the referral requirements for this application.

Referral Authority	Comments
External	
DECCA 22-12-2023	Section 52 Notice Council referred the application to DEECA, as 8 of the 9 proposed lots will be accessed via an extension to Broome Crescent. Broome Crescent is a paper road and only partially constructed. DEECA advises that licenses are currently issued by adjoining landowners for grazing purposes. The license can be cancelled at any time by DEECA upon notification from council. As identified in the submitted plans, part of the licensed area is to be used for access purposes and a dry storage basin. As these areas are required to create access, the licenses will be cancelled pursuant to section 407(1) of the Land Act 1958 No objection to the application
South Gippsland Water 18-12-2023	Section 55 Referral No objection to the application subject to conditions.
Multinet Gas Networks 04-12-2023	Section 55 Referral No objection to the application no conditions required
CFA 14-12-2023	Section 55 Referral No objection to the application subject to conditions.
AusNet Electricity 05-12-2023	Section 55 Referral No objection to the application subject to conditions.
Internal Council Departments	
Development Services	No objection to the application subject to conditions.
Planning Arborist 11/08/2023	No objection to the application subject to conditions. Lots offer sufficient opportunity to plant canopy trees at 3 per Lot, this is supported by the Urban Forest Strategy and Climate Action Plan.

Aboriginal Heritage Act 2006

The site is located within an area of identified cultural heritage sensitivity. Pursuant to Section 52 of the *Aboriginal Heritage Act 2006*, Council must not grant a statutory authorisation for an activity within an area of cultural heritage sensitivity unless a cultural heritage management plan is approved in respect to that activity or meets a relevant exemption.
Approval for the Cultural Heritage Management Plan 19153 was granted on 27 July 2023 at 158 Reed Cresent Wonthaggi. Approval for a variation to the Cultural Heritage Management Plan 19153 was granted on 31 July 2025.
The variation was due to an expansion to the development area from 35,481square meters to 38,033 square meters. The area reviewed initially included the development site and Broome Cresent unmade road reserve. The area was extended to include land along the unmade Government Road that abuts the west boundary of the property at 170 Reed Street, as shown in Figure 9, where additional drainage works will be required to be undertaken.

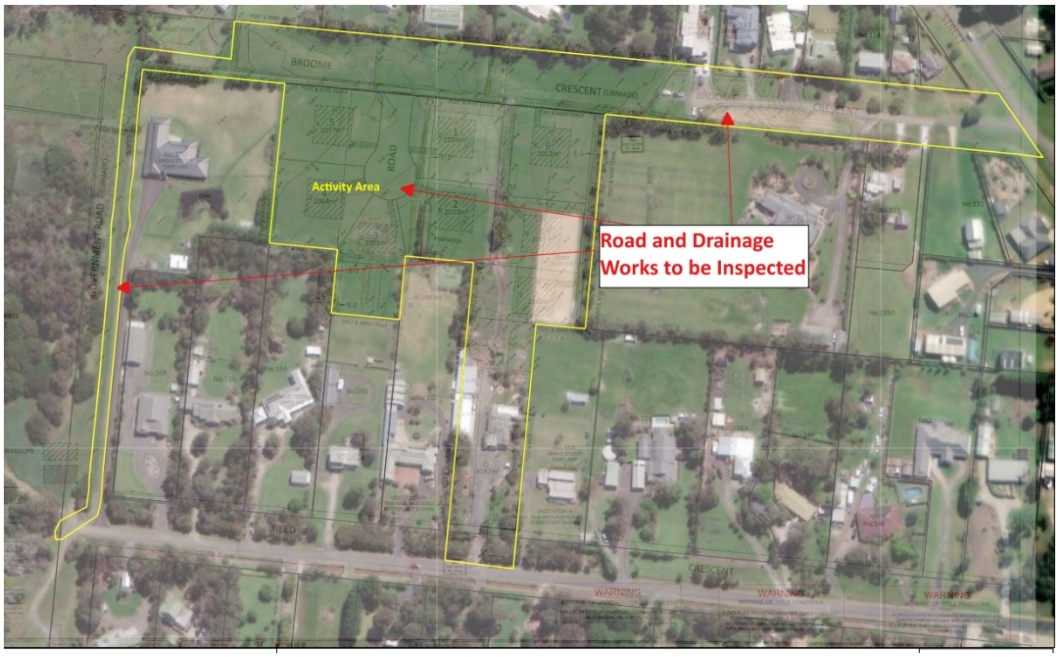


Figure 9– Plan of area assessed under the CHMP requirements plans

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 02-03-1 Strategic direction – Settlement
- Clause 02-03-5 Built environment and heritage – Landscape and built form
- Clause 02-03-6 Housing

- Clause 02-03-7 Infrastructure – Infrastructure design
- Clause 02-03-7 Infrastructure – Stormwater management
- 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-02 Wonthaggi

VPP 12 Environmental and Landscape Values

Clause 12.05 Significant Landscapes

- Clause 12.05-22L-01 Landscapes

VPP 15 Built Environment and Heritage

Clause 15.01 Built Environment

- Clause 15.01-1L-02 Landscape design
- Clause 15.01-3S Subdivision design
- Clause 15.01-3L Subdivision design
- Clause 15.01-4S Healthy neighbourhoods
- Clause 15.01-5S Neighbourhood character
- Clause 15.01-5L Neighbourhood character

Clause 15.02 Sustainable Development

- Clause 15.02-1S Energy and resource efficiency

Clause 15.02 Heritage

- Clause 15.03-2S Aboriginal Cultural Heritage

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

The proposed subdivision is considered to have merit when consideration is given to the broader state and local policies related to residential development and housing affordability within Wonthaggi town boundary.

Wonthaggi is identified within Clause 02.03-1 (Settlement) as a 'Regional Centre District' which is the highest status in the settlement hierarchy in recognition of its large, diverse population, variety of housing and large employment base. The township is also identified as having high spatial growth capacity and potential for infill development.
Clause 02.03-6 (Housing) actively seeks to support housing close to commercial centre and community facilities. 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.
The Wonthaggi Strategic Framework Plan within Clause 11.01-1L-02 (Wonthaggi) identifies the subject site as being within an 'Existing urban area'. Clause 16.01-1L (Housing supply) also seeks by way of strategy to increase the proportion of housing in designated locations in established urban areas. This includes underutilized urban land as being suitable for development, which encourages increased housing densities in Wonthaggi. The Low-Density Residential Zone allows for larger lot sizes that can be developed relatively close to Wonthaggi services, retail and businesses.
Clause 15 seeks to promote subdivision and development that is well designed, environmentally suitable and respectful of the surrounding area. The proposed subdivision achieves this through a lot size and layout that is in keeping with the surrounding pattern of subdivision. Stormwater strategies and drainage plans demonstrate the proposal can be undertaken successfully.
Clause 15.01-1L-02 (Landscape design) objective is to enhance landscape values in urban areas. The submitted landscape plan demonstrates extensive vegetation over the subject site with three trees shown to be removed due to the installation of services and vehicle access. The site allows for canopy trees to be installed which is supported by the Urban Forest Strategy and Climate Action Plan.
Clause 15.02-3S and 15.01-3L (Subdivision design) seeks to Clause 15.03-2S (Aboriginal Cultural Heritage) ensures the protection and conservation of places of Aboriginal cultural heritage significance. An amendment to the initial drainage plan required the cultural heritage management plan to be amended. The subdivision and drainage works have been approval under the Aboriginal Heritage Act 2006 and an amended Cultural Heritage Management Plan has been issued.
Clause 16.01-1S (Housing Supply) The housing supply affordability strategy works to improve housing affordability by increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities. The proposed subdivision provides sone diversity in housing in Wonthaggi, due to the minimum lot size being 2000 square meters. The subject site is relatively undeveloped and is able to be developed in accordance Low Density Zone requirements.

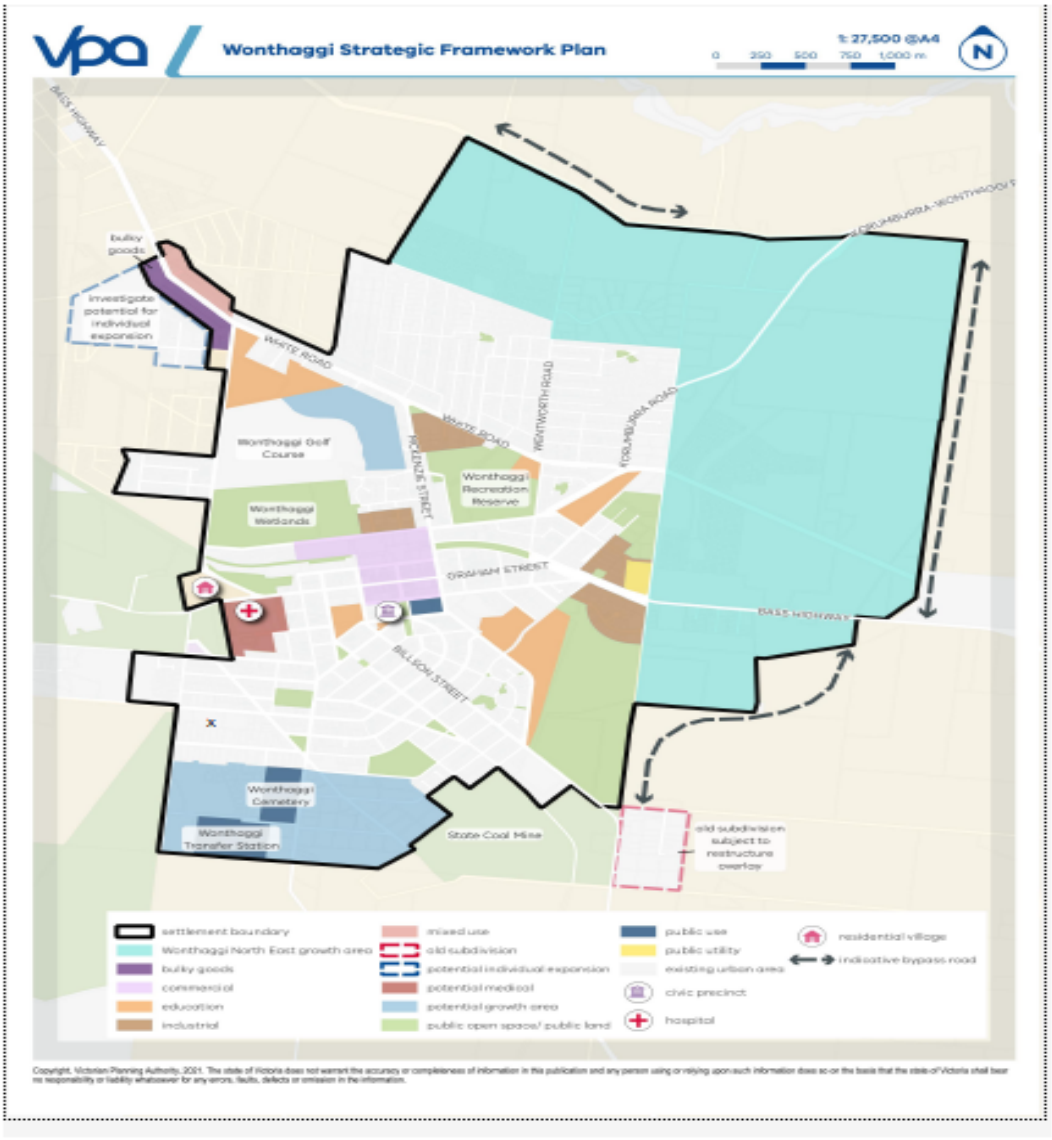


Figure 8– Wonthaggi Strategic Framework Plan with x noting the subject site

Zone Assessment

Clause 32.03 – Low Density Residential Zone

The purpose of the Low Density Residential Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.*

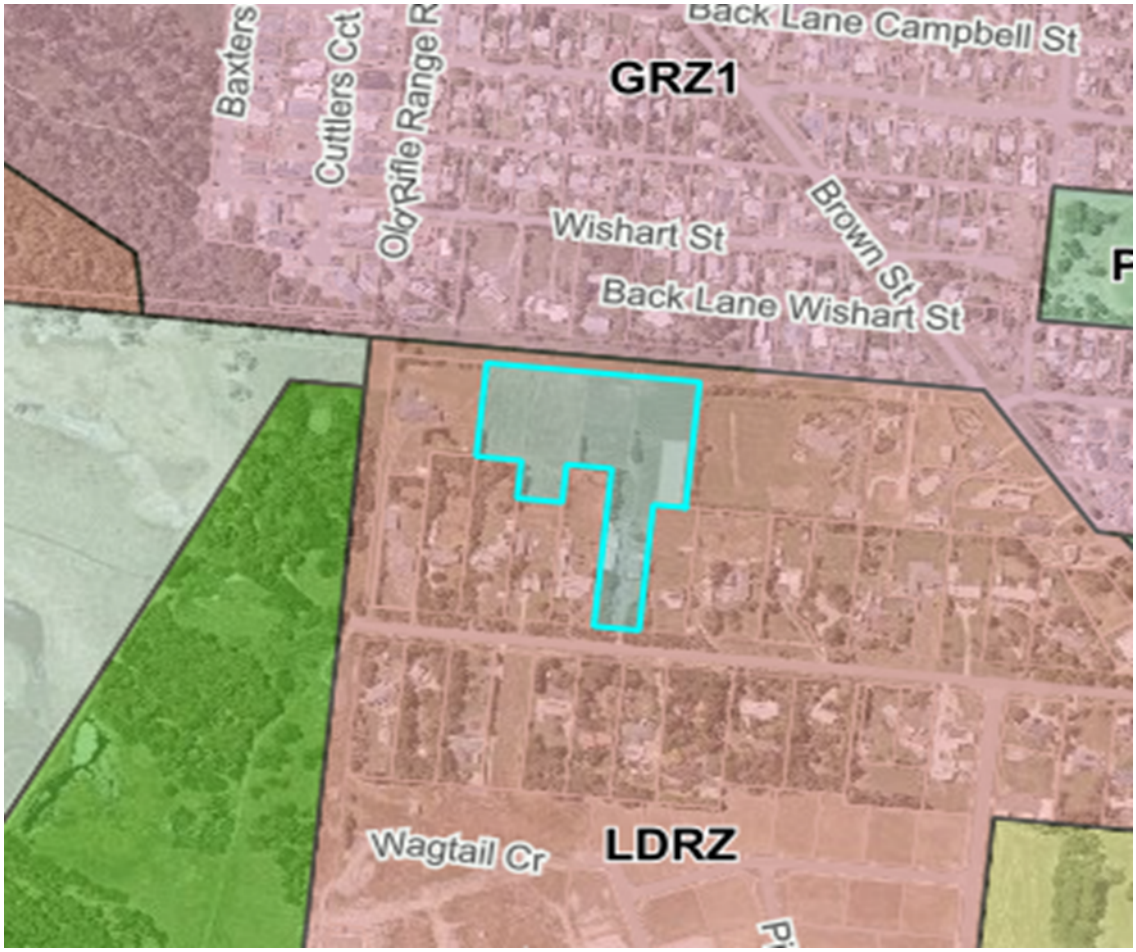


Figure 11 – Zoning Map

The Low-Density Residential Zone dictates the minimum size of lots created through subdivision, on the ability to connect to a reticulated sewerage system or connect to an on-site septic system. Pursuant to clause 32.03-3, each lot able to be connected to reticulated sewerage must be at least 0.2 hectares in size. Otherwise, a lot must be a minimum of 4000 square metres in size.

Eight of the nine proposed lots each meet the minimum lot size of 2000 square meters and can be connected to reticulated sewage. Lot 7 is over 4000 square meters where the existing dwelling is currently located. This is in accordance with the lot size requirements.

The application was accompanied by a plan that shows possible building envelopes and driveway envelopes, existing vegetation and the subdivision in context of surrounding land use and development. The subdivision is proposed to be in two stages, with the lots comprising each stage, shown on the proposed plan of subdivision. This information meets the application requirements of Clause 32.03-5.

The application is consistent with the objectives and decision guidelines of the Low-Density Zone, as the proposed lots are all able to be connected to reticulated sewerage and meet with the minimum lot sizes of the zone. The siting of each lot allows for future development that ensures retention of both existing vegetation and those canopy trees proposed to be planted as part of the subdivision.

While an assessment of the residential subdivision provisions of Clause 56 is not required, the authority responsible is required to consider relevant standards of Clauses 56.07-1 to 56.07-4. These relevant standards refer to 'Intergrated Water Management' which requires consideration in reducing the use of drinking water, recycling water where appropriate, wastewater management and storm water objectives. The proposal is considered to be consistent with these standards, as discussed later in this report.

Overlay Assessment

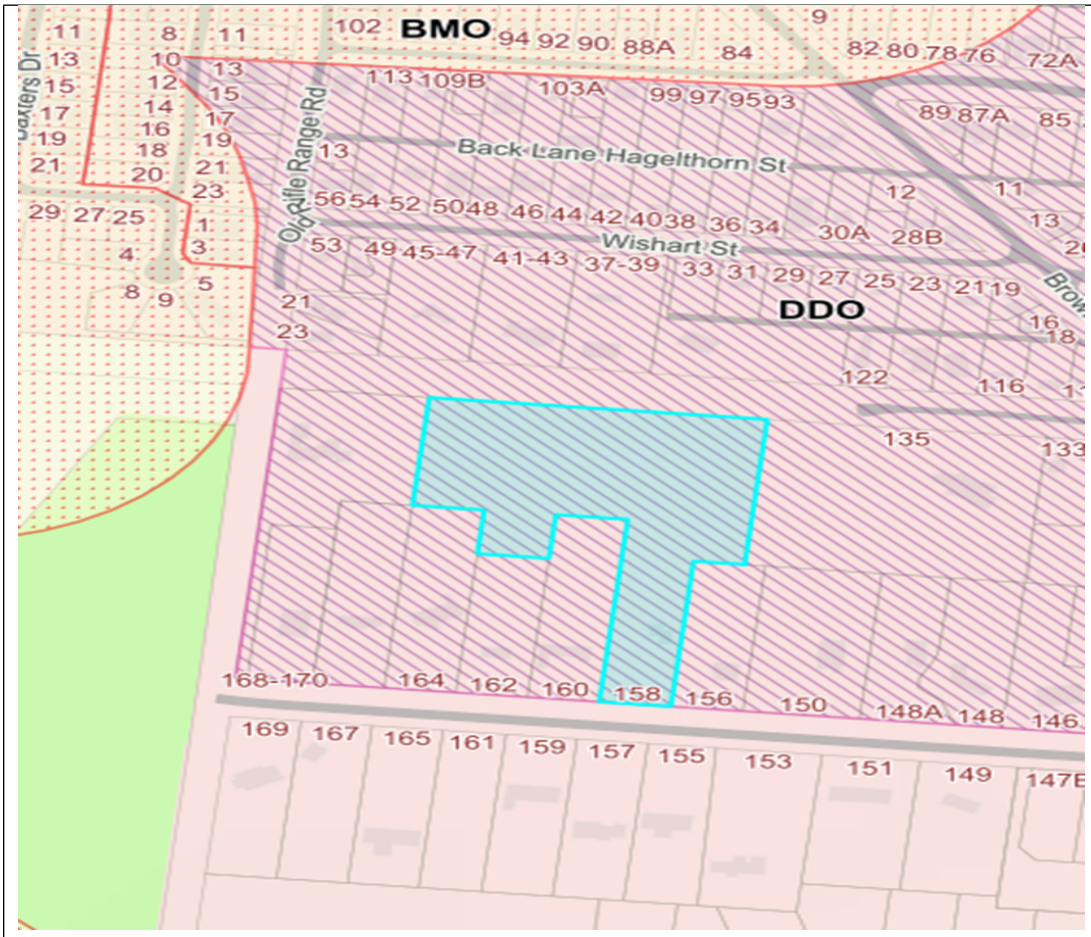


Figure 12– Overlay Map

Clause 43.02 - Design and Development Overlay (Schedule 8)

The purpose of the Design and Development Overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify areas which are affected by specific requirements relating to the design and built form of new development*

Schedule 8 of Clause 43.02 has the following design objectives:

- *To ensure that the height of new development does not encroach on the flight path areas associated with the Wonthaggi Hospital helicopter landing site.*

- *To ensure that the height of new developments avoids creating a hazard to aircraft using the Wonthaggi Hospital helicopter landing site and to facilitate safe emergency medical service helicopter operations.*

Schedule 8 of Clause 43.02 contains no decision guidelines that are relevant to the assessment of this proposal, as they relate only to the height and design of proposed buildings. As the proposal is for subdivision of land only, that is, the creation of lots, there is no built form that forms part of the application that would exceed this height requirements.
Clause 43.02-6 contains the relevant decision guidelines that form part of this assessment:

- *Whether any proposed landscaping or removal of vegetation will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*
- *Whether subdivision will result in development which is not in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*

The application is consistent with the objectives of the overlay as each lot created will be planted with three canopy trees, with very little existing vegetation proposed for removal. The size of lots created is consistent with the surrounding area, and with the lots created through the subdivision of land to the south, that comprises 'The Range Estate'.
Any future development on the lots created will require consideration of built form in accordance with Schedule 8 of the Design and Development Overlay.

Particular Provisions

Clause 53.01 – Public Open Space Contribution and Subdivision

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the Bass Coast Planning Scheme. The schedule to the above-mentioned clause requires a 5% contribution for land to be subdivided into three or more lots within residential, industrial, mixed use and commercial zones. Clause 53.01 sets out several exemptions of when a contribution is not required to be made to the responsible authority. The nine-lot subdivision is not exempt the requirement to provide contributions, and a condition will be included on any permit that is issued.

Clause 56 – Residential Subdivision

Pursuant to Clause 32.03-6 Decision guidelines of the Low Density Residential Zone, council must consider as appropriate the relevant standards of Clauses 56.07-1 to 56.07-4. This refers to Stormwater Management objectives. A full Clause 56 is not required to be undertaken.
Clause 56.07-1 to 56.-07-4 specifically looks at the management of the supply and distribution of water, including reused and recycled water, wastewater management, and urban run-off. This is either the delivery of water to the individual allotments and the management of stormwater entering and exiting the subject site.

The proposal exhibits a high compliance against these relevant objectives and strategies of the above clauses as follows:

- Each lot created will be able to connect to a reticulated potable water supply, and reticulated sewerage, as required and conditioned by South Gippsland Water.
- The application has submitted a satisfactory Stormwater Management Strategy and Drainage Plan. This follows on from significant work undertaken between Councils engineers and the applicant in navigating the best way to manage the subject site. This is due to the lack of existing infrastructure on the south side Broome Crescent and the lack of fall over the subject site.
- Solutions to ensure appropriate stormwater management include the provision of an on-site detention basin within the Broome Crescent extension; regrading of the government road that traverses 170 Reed Cresent to serve as an overland flow path so as not to adversely impact neighbouring properties; and upgrade of the culvert at the west end of Reed Crescent. To fully meet the satisfaction of Council's Development Services Team, *Stormwater Management Strategy Revision F*, is required (as a permit condition), to be modified to increase the retrofitting required to the existing drainage provision of the surrounding area. This will ensure the subdivision will not adversely affect the surrounding properties and wetlands.

Concerns Raised By Submitters

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

Submitter Theme	**Council Officer Response**
Impact on animal/wildlife	There are several homes built along Broome Cr what cohabitate with native animals. Whilst there may be some disturbance during the construction of homes, it does not mean they will permanently leave the area. The land is zoned for residential development, and it is considered appropriate that the land be able to be developed in accordance with the zone.
Overdevelopment	The application is for the subdivision of the land to create eight additional allotments. The council is considering the provisions of the Low Density Residential Zone, the suitability of the subdivision in the location and size of the lots being created. There is no development plans proposed at this stage
Impact on wetlands	Whilst overflow will be directed to the wetlands, any conditions recommended by the Council's

	Development Services team will be put in place to prevent any downstream adverse impact.
Stormwater runoff/flooding	The proposal has been thoroughly assessed by Council's Development Services Team, who have taken into consideration the lack of fall on the land, the current pool of water that occurs when it rains and has worked with applicant the best way to drain the area appropriately. The intention is to prevent any adverse impact on neighbouring properties. Pre-development flows are a mandatory requirement for any new development proposal. Mitigation strategies to be employed to prevent downstream adverse impact, i.e. rifle range wetlands. Mitigation conditions will be put in place to prevent downstream adverse impact on any permit that is issued.
Proposed subdivision layout – Address is Reed Cresent	Objections received highlighted the fact the address of the land is Reed Cresent however 8 of the allotments proposed are to be accessed off Broome Cresent. The subject site has two road frontages, although only one is available at present. The current address of the subject land is Reed Crescent. Council's property team will advise of the new street addresses for all proposed lots, as part of the certification process (post permit).
Impact of sewerage systems if unable to remove waste due to drainage issues	Objections received highlight concern as to whether the sewerage system proposed will be able to function effectively. This is due to the lack of fall on the land and experience in dealing with water pooling along the unmade Broome Cresent. South Gippsland Water requested the allotments to be connected to the local sewerage network. The drainage works required by Council engineers to be undertaken will result in a reduction in flooding of the area.
Devalue land	Land valuation is not a planning consideration.
Strain on infrastructure	The permit holder will be required to address infrastructure servicing demands as required by the various service agencies as part of the subdivision approval process.

Conclusion

The application has been assessed against the Bass Coast Planning Scheme and is considered to adequately respond to the planning intent of the area. The application underwent notification and as a result there were 17 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 2023/000649 for the following matters, subject to conditions:

Planning scheme clause	Matter for which the permit has been granted
Clause 35.07-3 (Low Density Residential Zone)	Subdivision of land
Clause 43.02-3 (Design and Development Overlay, Schedule 8)	Subdivision of land

Recommendation

Amended plans required

1. **Before the development starts/plans are endorsed for the hereby approved development, an electronic copy of an accurately dimensioned Landscape Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The Landscape Plan must show:**
   a) **stage 1 and Stage 2 of the subdivision.**
   b) **a survey (including botanical names) of all existing vegetation to be retained and/or removed;**
   c) **buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary or whose Tree Protection Zones (TPZ) enters the site;**
   d) **details of surface finishes of pathways and driveways;**
   e) **a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;**
   f) **landscaping and planting within all open areas of the site;**
   g) **27 canopy trees at 2m tall at time of planting in the following areas: 3 per Lot;**
   h) **planting of Trees**
      i) **Location of the any trees to be removed.**

ii) Location of canopy trees selected from the species in the list under Permit Note-B or to the satisfaction of the responsible authority.

iii) New tree set back a minimum of 3 metres from buildings on the site (10 metres where site falls under BMO) and within open ground clear of all hard surfacing, buildings, structures and other tree canopies.

iv) Proposed canopy trees should be capable of reaching a minimum mature height of 15m and of advanced stock (minimum 45-52L/50cm pot size and 2 metre tall at time of planting).

v) The hole for the new tree needs to be 2-3 times wider than the pot the tree was grown in and about the same depth as the pot, the tree must not be planted any deeper than the soil level in the pot.

vi) The soil from the hole should be replaced around the tree root ball and firmed in and watered in well. The area, a minimum of 1 metre radius from the trunk of the tree, should be mulched with composted mulch at a minimum depth of 50-75 millimetres and watered well during dry periods for a minimum of 12 months to ensure the new tree establishes in its new position;

vii) All species selected must be to the satisfaction of the responsible authority.

When approved, the plan will be endorsed and will then form part of the permit.

2. Before certification of the plan of subdivision for stage 1, an amended Storm Water Management Strategy (SWMS) is to be submitted for review and approval to the satisfaction of the responsible authority. When approved, the SWMS will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted but modified to show:

a) RL for the top of bank of the retarding basin to feature a 300mm freeboard above the TWL of the 1% AEP.

b) Assessment of any backflow effect on the outfall drainage design based on the current water levels in the Reed Crescent open drains. Tailwater value to reflect the downstream TWL.

c) Drainage computation to show that the downstream open drain has capacity to discharge the 1% AEP with the appropriate freeboard.

Street Tree Landscape Plan

3. **Before the issue of Statement of Compliance for the plan of subdivision for each stage, a Street Tree Landscape Plan prepared by a qualified landscape architect or suitably qualified person/company must be prepared and submitted to the responsible authority. The Street Tree Landscape Plan must be drawn to scale with dimensions and an electronic copy in PDF format must be provided to the responsible authority. The Street Tree Landscape Plan plans must incorporate:**

   a) **Street trees on both sides of roads/streets at a minimum spacing of 3m intervals with consideration to the following:**

      i. **40% canopy cover target in accordance with Council's urban forest strategy,**

      ii. **Minimum requirement of one tree planted outside each residential allotment, where practicable, with more on those verges/nature strips that allow.**

      iii. **Centralising to verge / nature strip width.**

      iv. **A minimum clear area of 900mm is maintained from invert of kerb.**

      v. **2 metres from driveway crossovers, ensuring lines of sight are satisfactory;**

      vi. **2 metres from fire hydrants, commercial and residential services, pits or junctions;**

      vii. **Small trees (less than 8 metres in height) if overhead powerlines present;**

   b) **A schedule of proposed species that are to be planted on the site including scientific names, taking into consideration Bushfire Management Overlays;**

   c) **The incorporation of locally indigenous species where possible and suitable, taking into consideration verge / nature strip width and Bushfire Management Overlays;**

   d) **Quantities of all species to be planted on site including their size when mature; and**

   e) **A notation on the Street Tree Landscape Plan providing that the permit holder will maintain all landscaping (including any replacement of dead or diseased plants) as per the endorsed Street Tree Landscape Plan for a period of two years to the satisfaction of the responsible authority.**

f) The type of species to be used for street tree planting. All proposed street-tree planting to use semi-advanced trees, with minimum container size of 45 litres, to be single stem trees to Australian Standard AS2303 and planted with a minimum of 2 stakes, strapping and mulch well around base

g) Access to each lot in the subdivision. Once to the satisfaction of the responsible authority, the Street Tree Landscape plan will be endorsed and will form part of this permit.

Commencement of permit

4. **This permit does not come into operation until the unused road licences 2018651, 2016717, 2016714 (west of Broome Crescent), have been cancelled and the road opened for traffic.**

General Conditions

5. **The layout and site dimensions of the hereby approved subdivision as shown on the endorsed plan/s must not be altered without the written consent of the responsible authority. There are no requirements to modify the endorsed plan if a plan is certified under the provisions of the *Subdivision Act 1988* that is generally in accordance with the endorsed plan/s.**
6. **The subdivision must proceed in the numerical order of stages as shown on the endorsed plan, and in accordance with the unless otherwise agreed in writing by the Responsible Authority.**

Easements

7. **The plan of subdivision submitted for certification for each stage under the *Subdivision Act 1988,* must show appropriate easements set aside for drainage purposes in favour of lots on the plan of subdivision, to the satisfaction of the responsible authority.**

Civil Constructions Plans

8. **Before certification of the Plan of Subdivision for stage 1, detailed Civil Construction Plans (CCP) must be prepared and submitted to the responsible authority. The CCP must be drawn to scale with dimensions and an electronic copy in PDF must be provided to the responsible authority. The CCP must be consistent with the plans submitted with the application and must conform with the requirements of all relevant servicing and road authorities and show:**

a) Drainage of the subject land, including levels or contours of the land (including relevant external catchments) and all hydraulic computations. The drainage plan must be prepared in accordance with the endorsed SWMS and the requirements of the

Infrastructure Design Manual (IDM) as amended and must provide for the following:

i. **How the land including any buildings, open space and paved areas within each lot will be drained for the 20% & 1% AEP storm events to the legal point of discharge.**

ii. **An underground drainage system conveying stormwater to the legal point of discharge and connecting into Bass Coast Shire Council's stormwater drainage system.**

iii. **Provision of an underground pipe drain to service the lowest corner of each lot with easement drains provided with a grated pit.**

iv. **Reconstruction of the open drain between the proposed detention basin for the site and the outfall culvert across Reed Crescent.**

v. **Upgraded outfall culvert across Reed Crescent in accordance with endorsed SWMS.**

vi. **The provision of a drainage retardation system within the site (or with RA approval within Broome Cres road reserve) and prior to the point of discharge into Bass Coast Shire Council's drainage system. The stormwater retardation system must be designed to ensure that stormwater discharges arising from the proposed development of the land are restricted to predevelopment flow rates for storm events up to and including the 1% AEP. The retardation system must be maintained during the maintenance period to the satisfaction of the responsible authority.**

vii. **Provision of over-land surcharge routes for all storm events (including storm events exceeding the 1% AEP). This must include cut-off drains and associated infrastructure for the safe and effective passage of stormwater flows arising from areas upstream of the subject land discharging into Bass Coast Shire Council's drainage system.**

viii. **Compliance with the Best Practice Environmental Management Guidelines for Urban Stormwater including any quality treatments proposed in accordance with these Guidelines and the Bass Coast Planning Scheme.**

b) **Vehicle and pedestrian access and car parking designed in accordance with IDM standards including:**

i. **Engineering plans and specifications of the proposed works including all roads, intersections, traffic calming, traffic circulation, signage, open space reserves, footpaths and pedestrian linkages.**

ii. **Broome Crescent to be widened from Brown Street intersection and extended to the proposed court bowl and sealed all the way through. The Broome Crescent road upgrade is to have a minimum 7m sealed width with 1.5m shoulders and table drains.**

iii. **The road within the subject land (including the court bowl) is to be kerbed including along the bends, asphalted with underground drainage where required. Internal road to have a carriageway width in accordance with the road hierarchy in the IDM (7.3m).**

iv. **Turning for emergency service vehicles and garbage trucks must be provided at the road bend and Court heads (minimum carriageway radius of 10.5 metre.**

v. **Concrete driveway crossovers serving each lot in accordance with IDM standard drawings (i.e. SD 240/SD 260)**

vi. **All frontages of the subject site facing Broome Crescent to have a 1.5m concrete footpath in accordance with IDM standard drawing 205.**

vii. **Fencing of the basin must be provided to prevent public access.**

c) **Standard street lighting to be provided on Broome Crescent in accordance with IDM requirements.**

d) **Primary cadastral marks (PCMs) to be placed no further than 100 metres apart with 1 in 3 to be Permanent Survey Marks (PSMs). RLs to Australian Height Datum (AHD) must be included.**

e) **Fire hydrants, spaced no further than 200 metres apart. Fire hydrants must be located to be within 120 metres from the farthest corner of each lot in the subdivision. This distance is to be measured around lot boundaries.**

All works must be constructed or carried out in accordance with those plans before the issue of Statement of Compliance for the Plan of Subdivision

Construction Management Plan

9. **Before certification of the Plan of Subdivision for each Stage, a Construction Management Plan (CMP) must be prepared and submitted to the responsible authority. The CMP must be drawn to scale with dimensions and an electronic copy in PDF must be provided to the responsible authority. The CMP must incorporate:**

a) **Address occupational health and safety, traffic management, environmental controls and cultural protection measures to the satisfaction of the responsible authority.**

b) **Include the proposed route for construction vehicle access to the site including a program for the upgrade and maintenance works required along this route while works are in progress.**

c) **Include measures to reduce the impact of noise, dust and other emissions created during the construction process.**

d) **Measures to ensure that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the storm water drainage system.**

e) **Include means by which foreign material will be restricted from being deposited on public roads by vehicles associated with the building and works on the land to the satisfaction of the responsible authority.**

f) **Address any recommendations of any approved Cultural Heritage Management Plan applying to the land.**

g) **Identify the location and method of any Tree Protection Zones.**

h) **All machinery bought on the site must be weed and pathogen free.**

i) **A truck wheel-wash must be installed and used or a similar arrangement employed so vehicles leaving the site do not deposit mud or other materials on roadways. All machinery wash down, lay down and personnel rest areas must be clearly fenced and located in disturbed areas;**

j) **Contractors working on the site must be inducted into an environmental management program for construction works.**

k) **Best practice erosion and sediment control techniques must be used to protect any native flora and fauna.**

l) **Appropriate mechanisms for protecting environmental and heritage assets during the construction phase of subdivision.**

m) **Landscaping, re-vegetation and construction works carried out on the site must be supervised by a person with recognised environmental qualifications;**

n) **Hours of construction work. The CMP must provide that such hours are to be 7.00am to 6.00pm Monday to Friday and 7.00am to 1.00pm Saturday, with no construction on Sunday or public holidays.**

The CMP must provide that the hours of construction from Monday to Saturday (inclusive) may be extended with the consent of the responsible authority provided all adjoining residents are notified prior to the extended hours of construction. All deliveries, unloading and collection of materials associated with the construction phase of the development must occur within the hours of construction work, unless further permission is given in writing by the responsible authority;

o) Location of the construction worker's compound. The compound must be located a reasonable distance from any neighbouring residence to minimise amenity impacts. The compound must be used for the storage of building materials, parking for construction workers and as the location for the site offices and amenities;

p) Management of all building and construction waste, including any measures to recycle materials generated during construction;

q) Locations of cut and fill stockpiles;

r) The gravel and any other approved soil-derived material used in the construction of pedestrian links and paths must be guaranteed Phytophthora free;

s) a liaison officer for contact by residents and the responsible authority in the event of relevant queries or problems experienced;

t) timing of bulk earth works. The CMP must detail conditions that will cause bulk earth works to be suspended (for example after significant and prolonged rain event);

u) reporting requirements to demonstrate compliance with the latest revision of the following documents:

i. EPA guidelines for Major Construction Sites and Techniques for Sediment Pollution Control and other provisions of the approved EMP;

ii. Best Practice Environmental Management Guidelines for Urban Stormwater;

iii. Environmental Guidelines for Urban Stormwater (EPA Publication)

iv. Construction Techniques for Sediment Pollution Control (EPA Publication)

The CMP, once endorsed, will form part of the permit. All works constructed or carried out must be in accordance with the endorsed CMP. All care must be taken to minimise the effect of construction activity on the amenity of the surrounding neighbourhood. Once endorsed the CMP must not be altered except with the written consent of the responsible authority.

Amenity Condition

10. **The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:**
    a) **transport of materials, goods or commodities to or from the land;**
    b) **appearance of any building, works or materials;**
    c) **emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise;**
    d) **presence of vermin;**

Mud on roads

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

Traffic & Parking during construction

12. **Provision for the parking of all contractors, subcontractors and staff vehicles must be provided within the subject land to the satisfaction of the responsible authority.**

Public Open Space Contribution

13. **Before the Statement of Compliance for the plan of subdivision for Stage 1 is issued under the *Subdivision Act 1988*, the applicant or owner must pay a monetary contribution for public open space of five percent of the value of all the land in the subdivision. The monetary public open space contribution must be determined by a current valuation prepared by a qualified property valuer and paid to the responsible authority within 12 months of the date of that valuation or before the issue of a statement of compliance for Stage 1,(whichever occurs first), including the resolution of any dispute to the valuation within that period. The applicant or owner must contact Council in writing to obtain a valuation undertaken by a qualified property valuer at the expense of Council and allow at least 30 days for a valuation to be conducted for the purpose of public open space contribution.**

Any subsequent or additional re-valuations will be at the expense of the applicant/landowner.

Mandatory Subdivision Conditions

14. The owner of the land must enter into an agreement with:

a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and

b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

15. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:

a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and

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

16. Any lot shown on the endorsed plan must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This does not apply to:

- **a lot that will not be used for, or include, a dwelling; or**
- **a lot that contains an existing dwelling or apartment; or**
- **a lot where a permit has been granted for a dwelling or apartment on the land in the lot.**

This condition continues to have force and effect after a statement of compliance under the Subdivision Act 1988 has been issued.

S173 Agreement - stormwater tanks

17. Before the issue of a Statement of Compliance for stage 1, the owner of the land must enter into an Agreement with the responsible authority pursuant to Section 173 of the Planning and Environment Act 1987.

The cost of the preparation, lodgement and registration and any subsequent removal of the Agreement shall be borne totally by the owner of the land. The Agreement must be registered on the certificate of title for the land. Evidence of the registration of the agreement must be provided to the responsible authority prior to the issue of a Statement of Compliance authorised by this permit. The Section 173 agreement must provide for the following:

a) Before an Occupancy Permit is issued for a dwelling on lots 1,2,3,4,5,7,8,9, a stormwater tank must be installed in accordance with the endorsed drainage plans;

Public works must be completed

18. Before the issue of a Statement of Compliance for each stage, all public works must be completed in accordance with IDM standard drawings to the satisfaction of the responsible authority including:

a) all roads, paths, drainage, open space and other public infrastructure in accordance with the endorsed civil design plans.

b) redundant infrastructure must be removed and the area reinstated to the satisfaction of the responsible authority including appropriate kerbing and channelling, footpath and landscaping;

c) standard street lighting must be provided in accordance with the IDM and the approved lighting plans;

d) all landscaping works in accordance with the endorsed Street Tree Landscape Plan.

e) the boundary of the allotments abutting the area to be reserved for public open space must be fenced. Such fencing must be constructed to the standard required by the Responsible Authority and must be constructed so that the fence posts and rails are not exposed on the side of the land so reserved and must be compatible with other residential fences within the subdivision;

f) any reserves must be cleared of all rubbish, weeds, debris and spoil and must be landscaped to the satisfaction of the responsible authority. Such landscaping must be in accordance with a plan approved by the responsible authority.

g) A Permanent Mark sketch plan, including RLs, as approved under the *Survey Co-ordination Act 1958* and/or *Surveying Act 2004* shall be completed and registered with Land Victoria. Such registration shall be deemed not to have taken place until notarised advice has been forwarded to Bass Coast Shire Council.

Landscaping and vegetation protection conditions

19. **Before the Statement of Compliance is issued for each stage of the subdivision under the *Subdivision Act 1988,* the landscaping for that stage must be completed in accordance with the endorsed Landscape Plan.**
20. **The landscaping shown on the endorsed Landscape Plan must be thereafter maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced within two months of any failing.**
21. **No other trees on site that are protected by the Planning Scheme/Local Law may be destroyed, felled, lopped or uprooted without the written consent of the responsible authority (other than in accordance with a Notice given pursuant to the Local Government Act 2020). All existing trees to be retained and trees required by this permit to be planted shall be maintained to the satisfaction of the responsible authority.**
22. **Works engineers, design engineers, surveyors, works crews, contractors and plant operators must be properly briefed on all relevant conditions contained within this permit, before any works start.**
23. **The removal of vegetation must only be to the minimum extent necessary to carry out the development, allow the construction of roads, allow the provision of services, allow the construction of fences, provide for essential firefighting protection works to the satisfaction of the responsible authority. Except where impractical, services must not be located near vegetation and trenching must be conducted outside the drip-line of any tree to be retained and where services must be provided within the drip-line boring must be used.**
24. **Vegetation removal and disposal must not cause damage to vegetation stands to be retained and to drainage lines and/or water courses.**
25. **Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified arborist**

Civil works fees

26. Before the issue of a Statement of Compliance for each stage the developer must pay:

a) 0.75% of the total estimated cost of the civil and landscaping works of the project for the checking of engineering plans associated with the development by this permit; and

b) 2.5% of the total estimated cost of the civil and landscaping works of the project for the supervision of works associated with the development approved by this permit.

c) A refundable bond of 5% of the total estimated cost of the civil works of the project for the purposes of ensuring any works defects are rectified during the 12-month defects liability period.

d) A refundable bond of 35% of the total cost of the landscaping works for the purposes of ensuring soft engineering (e.g. plantings) are maintained including weeding and replacement of missing plants during the 24-month landscaping maintenance period

As Constructed plans

27. Before the issue of a Statement of Compliance for each stage, the following must be provided to the responsible authority:

a) Copies of the "as constructed" engineering roads, drainage, lighting, water reticulation and landscaping drawings as follows:

- **Collated electronic PDF format.**

b) "As constructed" digital data measurements of all public works in a GIS ready format.

The format required is:

- **ESRI Shapefile format complying with Council's template (subset of A-Spec Digital Data Specification).**
- **Horizontal Datum: GDA94 on MGA94 Zone 55.**
- **Vertical Datum: AHD.**

c) Location of any permanent survey marks

Defect liability period – maintenance of public assets

28. All works to serve the subject land must be maintained for defects to the satisfaction of the responsible authority until asset ownership handover in accordance with the IDM.

South Gippsland Water Authority conditions

29. **The owner / applicant shall enter into a formal agreement with the South Gippsland Water Corporation for the provision of a reticulated water and sewer supply to service each and every allotment to the design and satisfaction of the Corporation.**
30. **The owner / applicant shall provide a sewer and water property connection point for each and every allotment lot to the satisfaction of the South Gippsland Water Corporation.**
31. **Prior to Certification easements shall be created no less than 3.0 metres wide, in favour of the South Gippsland Water Corporation, over the Corporation's existing and proposed infrastructure located within the proposed subdivisional lots.**
32. **The plan of subdivision submitted for certification must be referred to the Corporation in accordance with Section 8 of the Subdivision Act.**
33. **Prior to the issue of Statement of Compliance, the owner / applicant shall provide a sewer property connection point for each proposed lot unless the subdivision is by way of an Owners Corporation.**
34. **Prior to the issue of Statement of Compliance, the owner shall pay to the South Gippsland Water Corporation "New Customer Contributions for Sewer and/or Water for each new lot created, inaccordance with the Corporation's approved tariffs.**
35. **Prior to the issue of Statement of Compliance, the existing wastewater system on proposed lot 6 must be decommissioned, and evidence of such given to the corporation.**
36. **Prior to the issue of Statement of Compliance, the owner / applicant shall carry out works to ensure the existing water property service pipe is contained solely within the boundary of the lot to which it relates, and any interconnecting pipework shall be disconnected from all other lots.**
37. **The location of the Corporation's existing sewer infrastructure is to be proven on site prior to works commencing.**
38. **Any damage caused to the Corporation's sewer infrastructure during the construction of the proposed plant or ancillary works, shall be rectified and all costs borne by the owner.**

If the Corporations assets are exposed at any time during construction, works must stop immediately, and the Corporation informed by calling 5682 0444

Ausnet Electrical Services conditions

39. The plan of subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the subdivision Act 1988.

40. The applicant must

a) Enter in an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot under 16Ha on the endorsed plan.

b) Enter into an agreement with AusNet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.

c) Enter into an agreement with AusNet Electricity Services Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AusNet Electricity Services Pty Ltd.

d) Provide easements satisfactory to AusNet Electricity Services Pty Ltd for the purpose of "Power Line" in the favour of "AusNet Electricity Services Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AusNet Electricity Services Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.

e) Obtain for the use of AusNet Electricity Services Pty Ltd any other easement required to service the lots.

f) Adjust the position of any existing AusNet Electricity Services Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.

g) Set aside on the plan of subdivision Reserves for the use of AusNet Electricity Services Pty Ltd for any electric substations or Isolating Transformers.

h) Provide to AusNet Electricity Services Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.

i) Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AusNet Electricity Services Pty Ltd. Individual generators must be provided at each supply point.

The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.

j) Ensure that all necessary auditing is completed to the satisfaction of AusNet Electricity Services Pty Ltd to allow the new network assets to be safely connected to the distribution network.

Country Fire Authority Conditions

41. Hydrants

Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:

a) Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured as a hose would be laid on the ground. Not over obstructions and obstacles, such as fences, or over side and rear boundaries.

b) The hydrants must be identified with marker posts, blue road reflectors and white road triangles (as applicable).

***Note:* CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under 'About us' then 'Publications' on the CFA website (www.cfa.vic.gov.au).**

42. Roads

Roads must be constructed to the following requirements:

a) The average grade must be no more than 1 in 7 (14.4%) (8.1degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 metres. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.

b) Curves must have a minimum inner radius of 10 metres.

c) The trafficable width must be a minimum of 3.5 metres, be of all-weather construction and have a load limit of at least 15 tonnes.

d) Encroachments must be clear for at least 0.5 metres on each side and 4 metres vertically.

e) Where the distance to the nearest intersection exceeds 60 metres then a turning area for firefighting vehicles must be provided by one of the following:

i) A turning circle with a minimum radius of 8 metres.

ii) The provision of other vehicle turning heads – such as a T or Y head – which meet the specification of Austroads Design for an 8.8 metre service vehicle.

f) Where the distance to the nearest intersection exceeds 200 metres then passing bays must be provided. Passing bays must be at least 20 metres long and be at least 6 metres wide.

Permit Expiry

43. This permit as it relates to development (subdivision) will expire if one of the following circumstances applies:

a) The plan of subdivision for the first stage has not been certified under the *Subdivision Act 1988* within 2 years of the issued date of this permit;

b) All stages of the plan of subdivision have not been certified within 4 years of the issued date of this permit;

c) A statement of compliance is not issued within 5 years of the date of certification of a particular stage of subdivision.

In accordance with Section 69 of the *Planning and Environment Act 1987,* an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

PERMIT NOTES

A. 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. This may include (but not limited to):

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

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

B. Replacement Tree Schedule

Large canopy trees (>15 metres in height at maturity)

Botanical Name	Common Name	Origin
Angophora floribunda	Rough Barked Apple	AN
Banksia Integrifolia	Coast Banksia	I
Corymbia citriodora	Lemon Scented Gum	AN
Eucalyptus leucoxylon	South Australian Blue Gum	AN
Corymbia maculata	Spotted Gum	AN
Eucalyptus obliqua	Messmate	I
Eucalyptus ovata	Swamp Gum	I
Eucalyptus pauciflora	Snow Gum	VN
Eucalyptus polyanthemos	Red Box	VN
Eucalyptus pryoriana	Coast Manna Gum	I
Lophostemon confertus	Brush Box	AN

VN – Victorian Native; AN – Australian Native; I – Indigenous to Bass Coast

Medium sized canopy trees (5-10 metres in height at maturity)

Botanical Name	Common Name	Origin
Acacia melanoxylon	Blackwood	I
Agonis flexuosa	Willow Myrtle	AN
Allocasuarina littoralis	Black Sheoak	VN
Allocasuarina verticillata	Drooping Sheoak	I
Banksia marginata	Silver Banksia	AN
Elaeocarpus reticulatus	Blueberry Ash	AN
Eucalyptus kitsoniana	Gippsland Mallee	VN
Hymenosporum flavum	Native Frangipani	AN
Leptospermum laevigatum	Coastal Ti-tree	I
Leptospermum lanigerum	Woolly Ti-tree	I
Melaleuca lanceolata	Moonah	I

VN – Victorian Native; AN – Australian Native; I – Indigenous to Bass Coast

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.

Attachments

1. ATTACHMENT 1 SUBDIVISION PLA N, SITE CONTEXT PLA N, LANDSPACE PLAN [**8.2.1** - 3 pages]
2. CONFIDENTIAL REDACTED - ATTACHMENT 2 Objections Registered PDPLANPER 2023 000649 [**8.2.2** - 33 pages]
3. ATTACHMENT 3 - Storm Water Management Plan Rev F [**8.2.3** - 62 pages]

8.3 The Esplanade (Sunderland Bay Road to Batman Street) Road and Drainage Upgrade Project - Notice of Declaration

Division	**Future Places**
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

The purpose of this report, following the decision made by Council on 21 May 2025, and by way of recommendation, is to invite Council to first consider the written submissions and objections received by Council in response to the proposed declaration of the Special Charge for the proposed road and drainage upgrade project for The Esplanade, between Sunderland Bay Road and Batman Street, Surf Beach (Scheme and Proposed Declaration of the Special Charge) and then for Council to proceed with the making of the Declaration of the Special Charge (Declaration of the Special Charge).
A total of 11 (65%) submissions were received from the 17 affected property owners/occupiers in the Scheme, with 2 (12%) objecting to the Scheme. Minor changes have been made to the Proposed Declaration of the Special Charge. These relate to the provision of an updated hardship repayment option and a minor correction in relation to the amount of Council's contribution to the Scheme.
If Council proceeds with the Declaration of the Special Charge, a property owner may apply to the Victorian Civil and Administrative Tribunal (VCAT) within 30 days of receiving the levy notice from Council.

Recommendation

That Council:

1. **Following consideration by Council of written submissions received under sections 163A and 223 of the *Local Government Act 1989* (Act) and taking account of written objections received under section 163B of the Act (as those submissions and objections are respectively summarised in Attachment AT-6 to this report and otherwise noting that no person in their written submission requested that they be heard in support of their submission) hereby declares (in accordance with the form of the declaration set out in Attachment AT-4) a special charge under section 163 of the Act in relation to the construction and improvement of roads and drainage of The Esplanade, between Sunderland Bay Road and Batman Street, Surf Beach to be known as**

the 'The Esplanade (Sunderland Bay Road to Batman Street) Road and Drainage Upgrade Project' (Scheme and Declaration of the Special Charge).

2. **Directs that notice be given to all property owners included in the Scheme and all persons who lodged a written submission and/or an objection of the decision of Council in relation to the Declaration of Special Charge.**
3. **Specifies that the reasons for Council's decision are as follows –**
   (a) **It is considered that there is minimal objection to the Scheme and that there is otherwise a broad level of support for the Special Charge from the property owners;**
   (b) **It is considered that Council is acting in accordance with the functions and powers conferred on Council under the Act (and the *Local Government Act 2020*) having regard to the role, purposes and objectives of Council, particularly in relation to the provision of proper, safe and suitable road and drainage infrastructure and property services in the Scheme area;**
   (c) **It is considered that all persons who are liable to pay the Special Charge and the properties respectively owned by them will receive a special benefit in the form of an enhancement or maintenance in land values and/or a maintenance or enhancement in the use, occupation and enjoyment of the properties;**
   (d) **It is considered that the basis of the distribution of the Special Charge amongst the persons who are liable to pay the Special Charge is fair and reasonable;**
   (e) **It is considered that the works proposed by the Scheme are consistent with policies and objectives set out in the Bass Coast Planning Scheme; and**
   (f) **It is considered that the works proposed under the Scheme are necessary, reasonable, not excessive, sufficient, suitable and not costly having regard to the locality or environment and to the probable use of the roads and the drainage in the area.**
4. **Directs that the Special Charge be levied on those persons who are liable to pay the Special Charge.**

Background

Council's Urban Roads and Drainage Improvement (URDI) Policy 2024 provides a framework for future upgrades to areas across Council with unconstructed streets and inadequate drainage.

The section of The Esplanade between Sunderland Bay Road and Batman Street at Surf Beach was identified as the second-highest priority for a road and drainage upgrade project under the URDI and was scheduled for consideration in 2025.
In line with this Policy, a petition was received at the February 2024 Council meeting from property owners requesting a road and drainage upgrade project for The Esplanade between Sunderland Bay Road and Batman Street at Surf Beach.
At the June 2024 Council meeting, Council resolved to:

1. *Proceed with the initiation of the upgrade project along The Esplanade between Sunderland Bay Road and Batman Street, Surf Beach.*
2. *Note that the preferred concept designs and funding mechanism for a potential upgrade project would need to be considered at a future meeting of Council.*
3. *Advise the head petitioners of Council's decision.*

In the development of the preferred design option (Attachment AT-1) Council has undertaken deliberative community engagement with property owners to identify any problems and to prepare a concept plan to resolve any issues.
Between 31 July 2024 and 28 August 2024, Council officers engaged with affected property owners on a range of concept options and costs, so that a preferred option from the community was understood.
At the 21 May 2025 Council Meeting, Council resolved to:

1. *Adopt the concept option for the road and drainage upgrade project proposed for The Esplanade (Sunderland Bay Road to Batman Street)*
2. *Commence the statutory process under Section 163 of the Local Government Act 1989 (Act) to declare at the 17 September 2025 Council Meeting a Special Charge for the purpose of defraying the expenses and costs to be incurred by Council in relation to the project*
3. *Give public notice in the 'South Gippsland Sentinel Times' and the 'Phillip Island and San Remo Advertiser' of Council's intention to declare a Special Charge Scheme*
4. *Notify property owners referred to and set out in Schedule 2 of Council's Intention to Declare a Special Charge Scheme*
5. *Establish (if required) a Committee of Council to hear any persons who requested to be heard in support of their submissions*
6. *Authorise the Council's General Manager Future Places (or any person for the time being acting in that position) to carry out any and all other administrative procedures to enable Council to carry out its functions under the Act*

Discussion

Council's resolution at the 21 May 2025 Council meeting commenced the statutory process for the declaration of the Special Charge as outlined in Section 163 of the Act.
In line with the requirements of the Act, public notice was given of Council's Intention to Declare the Special Charge. Property owners included in the Scheme, as identified in

Attachment AT-4 (Schedule 2), were informed of Council's Intention to Declare a Special Charge and of their right to make a submission and/or an objection.
All written submissions received by Council under section 223 of the Act and all written objections received by Council under section 163B of the Act have been summarised in Attachment AT-6 and copies of all submissions and objections have been provided to all Councillors with their agenda papers for this meeting.
Due to the low number of objections received, it is recommended that Council proceed with the Declaration of the Special Charge.
Following the Declaration of the Special Charge, Council must proceed to levy the Special Charge on those persons who are liable to pay the Special Charge within 12 months after the day on which the Declaration of the Special Charge is made.
A person aggrieved by the imposition of the Special Charge has a right to apply to the Victorian Civil and Administrative Appeals Tribunal (VCAT) for a review of the Special Charge.

Sustainability Implications

The proposed and preferred concept design option adopted by Council achieves a strategic balance between minimising cost to property owners and Council and improving road safety, accessibility, visual amenity, and reduced flood risk.
Investing in road and drainage infrastructure will position the community to better withstand current and future extreme weather events, strengthening the community's resilience to climate change impacts.
Road upgrades will generally follow the existing alignment of roads, while footpaths will be designed to avoid disruption to established vegetation. Due diligence reports are undertaken to ensure consideration is given to protecting local fauna and flora and to mitigate potential environmental impacts.

Finances

At the 21 May 2025 Council Meeting, Council resolved to commence the statutory process to declare the Special Charge.
The Special Charge provisions of the Act allow for costs to be equitably attributed to those persons who receive a special benefit from the works to be performed under the Scheme.
The estimated costs of the concept design option which was adopted by Council for the upgrade of roads and drainage along The Esplanade (Sunderland Bay Road to Batman Street) area are as follows.

	Council Adopted Design Option
Total Project Cost	$1,601,748
Council 50% Contribution towards footpaths	$48,672

Total Scheme Cost	$1,553,076
Maximum Total Levy to be recovered from Property Owners	$409,391
Council Contribution to Scheme Costs	$1,143,685
Total Council Contribution	$1,192,357

As shown above, Council's contribution to the project would be $1,192,357.
The total project cost of $1,601,748 allows for construction to commence in 2026-27. The expenditure forecast over the next two financial years to complete the project is shown in the table below.

Financial Year	**Expenditure**
2025/26	$200,000
2026/27	$1,401,748

The remaining Council contribution to be made for this upcoming project is $1,192,357. Council's Long Term Financial Plan has an allowance for road and drainage improvement projects which is currently sufficient to accommodate these costs.
Actual costs for the entire project can be determined once construction of the project is completed and after a subsequent 12-month defects liability period.
Section 165 of the Act provides that if Council receives more money than it requires from a Special Charge, it must make a refund proportionate to the contributions received to the current owners of the relevant land. Should actual costs exceed estimated costs, Council may decide to recover the additional costs. However, should Council decide to pass on these extra costs to abutting property owners, any potential increase will be limited to a maximum of 10%.
The 'Benefit Ratio Statement' (Attachment AT-2) provides a full description about how the 'ratio' between the property owners' contribution and the Council's contribution has been calculated, and the basis on which this is being recommended to Council.
A full description of the proposed apportionment method amongst the property owners, including where discounts for various considerations are applied, is included in the 'Apportionment and Distribution Statement' (Attachment AT-3).

Stakeholders

In line with the requirements of the Act, public notices of Council's Intention to Declare the Special Charge were published in the 'South Gippsland Sentinel Times' on 27 May 2025 and in the 'Phillip Island and San Remo Advertiser' on 28 May 2025, and on Council's engagement website. The notices advised of Council's Intention to Declare the Special Charge and invited submissions and/or objections in relation to the proposal.

Property owners included in the Scheme, as identified in **Attachment AT- 4** (Schedule 2), were informed of Council's Intention to Declare the Special Charge Scheme and their right to make a submission and/or an objection by way of a hard copy letter sent to them on 28 May 2025 to their preferred postal address as recorded in Council's database. A copy of this correspondence was sent to the preferred email of available property owners as recorded in Council's database.
Additionally, all property owners were sent a package of information including the following details:

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

Details of the Proposed Declaration of the Special Charge were also provided on Council's engagement website and hardcopies of the Proposed Declaration of the Special Charge were also made available for inspection at customer service centers across the Shire.
Property owners and other stakeholders and any other persons with an interest in the matter were required to return their submissions and/or objections to the Proposed Declaration of Special Charge by 16 July 2025. This provided 34 business days' notice and was otherwise in accordance with the requirements of the Act.
Property owners were provided with a template in which they could 'support' or 'object' to the Scheme and were provided with an area to submit written comments. Property owners were also able to make submissions by any other written method they chose. This template was also available to the broader public on Council's engagement website.
The details of individuals making a submission and/or objection were confirmed on receipt to ensure they matched the property owner's details as per Council's database. Council received a total of 11 formal submissions from 17 property owners. There were 2 (12%) submissions of objection and 9 (53%) submissions of support from property owners to the proposed upgrade project. One verbal response of support was received; however it was not counted in the tallied results as submissions are required to be in writing. A total of 6 (35%) property owners did not provide any response (this includes the 1 property owner that verbally responded). A summary of the responses from property owners is shown in Figure 1 below.

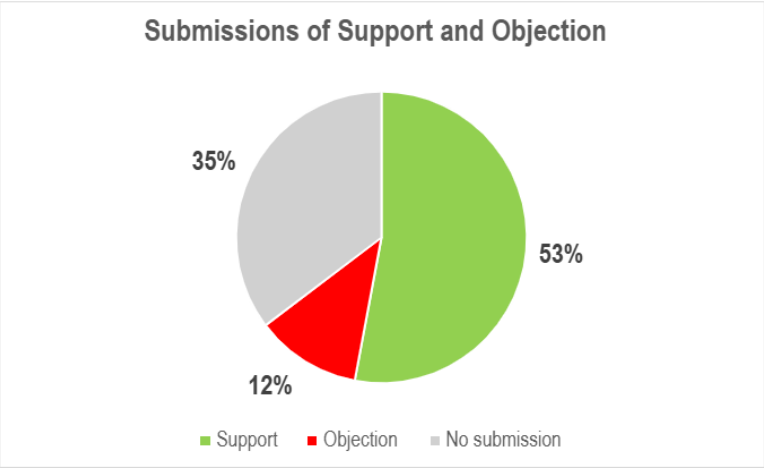


Figure 1: percentage breakdown of submissions of support and objection received from property owners

There were no requests to be heard by the Council or by a Committee of the Council. The main feedback received in the submissions and objections, by way of summary, were;

Feedback	Number
Main reason for support is to reduce dust	4
Concern about the increase in cost from the abandoned Sunderland Bay and Surf Beach Special Charge Scheme (2023)	2
The method used for determining the number of trips per property overestimated the daily trips of property owners	2
Would like to see a reduction in traffic speed limits along The Esplanade	2
Footpaths should be mandatory in designs for high traffic streets to increase pedestrian safety and accessibility	2
Only want the road to be sealed	1
Council should financially contribute for the broader community benefit	1
Concern that individuals who do not reside on the affected section of The Esplanade and did not experience the dust were influencing the process	1

Beyond this summary (Attachment AT-6), and as already noted, copies of all written submissions and objections received by Council under sections 223 and 163B of the Act have been provided to all Councillors with their agenda papers for this meeting.

There are various other stakeholders that would need to be considered as part of any potential road and drainage upgrade of The Esplanade, between Sunderland Bay Road and Batman Street, Surf Beach.
Other key stakeholders include:

- Property owners in the area that may get an indirect benefit;
- Other Bass Coast Shire ratepayers;
- Visitors to the area;
- Phillip Island Nature Parks;
- Bass Coast Shire Council;
- Westernport Water;
- The Department of Transport and Planning (formerly VicRoads);
- Ausnet Services; and
- Telecommunications service providers.

Council, in accordance with its deliberative engagement procedures, has consulted with key stakeholders throughout the development of this road and drainage improvement project.

Conclusion

In accordance with the Act, property owners within the Special Charge Scheme area were provided with the opportunity to formally support or object to the proposed upgrade project. The submissions received indicate strong property owner support with only 2 objections made, representing 12% of property owners. Due to this low number of objections, it is recommended that Council continue the formal statutory scheme process by resolving to declare the Special Charge Scheme for the purpose of improving road and drainage infrastructure along The Esplanade, between Sunderland Bay Road and Batman Street, in accordance with the above recommendations.

Governing Documents

There are 9 governing documents listed below that are related to this proposed upgrade project and detailed in Attachment AT-5.

- *Local Government Act* 1989
- *Local Government Act* 2020
- Council Plan 2021-25
- Bass Coast Planning Scheme
- Asset Management Policy 2022-2026
- Urban Roads and Drainage Improvement Policy 2024
- Debt Management Policy

- Hardship and Financial Hardship Policy
- Long-Term Financial Plan 2021-2031

Attachments

1. AT-1 Concept plan [**8.3.1** - 2 pages]
2. AT-2 Benefit Ratio [**8.3.2** - 18 pages]
3. AT-3 Apportionment and Distribution Statement [**8.3.3** - 19 pages]
4. AT-4 Declaration of Special Charge and Schedules 1 and 2 [**8.3.4** - 5 pages]
5. AT-5 Governing Documents [**8.3.5** - 7 pages]
6. CONFIDENTIAL REDACTED - AT-6 Copy of Submissions and Objections [**8.3.6** - 27 pages]

8.4 Award of Tender No. 25003 Road Renewal Upgrade - Grantville Glen Alvie Road, Almurta (Stage 2)

Division	**Innovation & Engagement**
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

This report to Council presents the outcome of the tender evaluation for Tender No. 25003 Road Renewal Upgrade - Grantville Glen Alvie Road, Almurta (Stage 2).
A Tender Evaluation Panel (TEP) consisting of four (4) Council officers was formed for the purpose of tender evaluation. The objective of the TEP was to assess the submissions against the selection criteria and identify a preferred tenderer for the purpose of assisting the Council in reaching a tender award decision.
The TEP concludes that the tender submitted by Sure Constructions (Vic) Pty Ltd will satisfy the requirements of the works and will provide Council with best value for money. This report recommends Council to accept the tender submission and award Contract No. 25003 Road Renewal Upgrade - Grantville Glen Alvie Road, Almurta (Stage 2). This Report contains an attachment which is declared to be confidential under Section 125, of the Local Government Act 2020 (the Act) in line with Council's Tender and Contract Confidentiality Policy. Sections 108 and 109 of the Act were considered as part of the tendering process.

Recommendation

That Council:

1. **Accept the tender from Sure Constructions (Vic) Pty Ltd and award Contract No 25003 Road Renewal Upgrade - Grantville Glen Alvie Road, Almurta (Stage 2) for the contract sum of $2.232 million plus GST of $223,200 which includes lump sum and provisional amounts.**
2. **Authorise the Chief Executive Officer to execute Contract 25003 Road Renewal Upgrade - Grantville Glen Alvie Road, Almurta (Stage 2) between Council and Sure Constructions (Vic) Pty Ltd.**

Background and Context

Grantville Glen Alvie Road is a significant rural link road in the region connecting farms to other highways and infrastructure. This project will cover a section of road between Loch Kernot Road and Loch Wonthaggi Road, approximately 2.2 kilometres in length. Works will include; widening the carriage way to 7 metres, installation of kerb and channel on several sections of the road, drainage extensions, retaining walls as nominated and unsealed shoulders. A $3.2 million grant funding was received from Bridges Renewal Program, Heavy Vehicle Safety and Productivity Program and Heavy Vehicle Rest Area Initiative and allocated to this project. This is a grant funded project that is specific to Bass Coast and that is not suitable for a collaborative tender with other Councils.

Tender Process

This Tender was publicly advertised through eTenderBox, The Age and social media platforms (Facebook and Instagram). The tender period opened on 4 June 2025 and tenders closed at 2pm on 9 July 2025 with Council received 11 conforming tender submissions.

Evaluation Process

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

Table 1 – Evaluation Selection Criteria	
Criterion	**Weighting**
Mandatory	
Risk, Insurances and Professional Registration	Pass/Fail
Integrated Management System (Work, Health & Safety and Quality Assurance)	Pass/Fail
Weighted	
Price	30%
Environmental Management	5%
Benefit to Local Economy	5%
Construction Period & Methodology / Site Management Procedures	20%
Capacity – Proposed Contractor Resources, Sub-Contractors, Plant & Equipment & Current Contractual Commitments	20%
Previous Related Experience & Referees	20%

A TEP consisting of four (4) Council Officers was formed. The panel was chaired by an Officer from the Procurement Team who facilitated the process and did not score the tenders. All tenderers met the mandatory selection criteria. For the tender submissions received, each panel member scored the criteria out of a maximum possible ten (10) points per criterion.
Following the initial independent evaluation, the PEP met to discuss their independent scores and arrived at a preliminary consensus on scores. These scores were then weighted according to the evaluation criteria to determine the final shortlisting rankings. The TEP evaluated the technical merit of each shortlisted tenderer against the project specification and selection criteria, identified key issues for further review, engaged with tenderers for clarifications and sought additional information as needed. Reference checks were conducted to verify credentials, address queries and support the TEP's assessment of their submission.

The final weighted scores are set out in Table 2.

Table 2 – Final Weighting Scores

No.	Name	# Non - Price Score %	* Price Score %	Total Score %
1	Sure Constructions (Vic) Pty Ltd	50.50%	30.00%	80.50%
2	Tender B	52.25%	26.54%	78.79%
3	Tender C	49.50%	28.04%	77.54%
4	Tender D	50.88%	23.72%	74.59%
5	Tender E	48.88%	25.18%	74.05%
6	Tender F	51.88%	20.36%	72.24%
7	Tender G	51.38%	19.74%	71.12%
8	Tender H	47.38%	22.72%	70.10%
9	Tender I	41.63%	25.39%	67.01%
10	Tender J	53.38%	12.64%	66.01%
11	Tender K	46.63%	18.14%	64.77%

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

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

Although Tender B achieved a marginally higher non-price score, Sure Constructions (Vic) Pty Ltd ranked first overall as their tendered price was lower, resulting in a stronger combined weighted score. The evaluation process balances both capability and cost, and Sure Constructions (Vic) Pty Ltd demonstrated comparable capacity, experience, and methodology while offering Council the best value for money within the allocated budget. Sure Constructions (Vic) Pty Ltd are a broader regional contractor with the majority of their staff, subcontractors, and suppliers based within the broader regional area.

They possess the capacity and capability to complete the work within the required timeframes and have demonstrated extensive experience in delivering similar projects.

Contract Management

The Project Manager from Infrastructure Delivery will act as Contract Superintendent for the contract and the Asset Planning Officer for Roads will act as the Contract Superintendent's Representative. Authorisations of variations will be in accordance with the Council's current Procurement Policy.
Contract Commencement: September 2025
Anticipated Contract Completion: December 2025

Finances

This project is in the 2025/26 Capital Works program. Funding of $3.2 million was received from the Bridges Renewal Program, Heavy Vehicle Safety and Productivity Program and Heavy Vehicle Rest Area Initiative.
The total value of the contract is $2,232,385 (GST exclusive), which includes a provisional sum of $437,733.

	GST Exclusive
Construction including permits and approvals (lump sum components)	$1,794,652
Provisional Sums to be completed by Contractor (summarise items to be included)	$437,733
Total Contract Sum	**$2,232,385**
Internal Project Management costs (6.7%)	$149,561
Contingency (10%) *	$223,239
TOTAL	**$2,605,185**

* Normal practice for a capital project is to allow for a contingency sum of 10% of the contract value. This contingency refers to unforeseeable costs, likely to be incurred during the contract, if required.

This proposed contract amount is in line with the project estimate with several cost savings. The budget currently available for the contract is $3,670,588 (GST exclusive), which includes contingency and project management fees.
The award of this contract will result in savings of approximately $1.06 million. As this project is jointly funded under a cost sharing agreement, when a project is delivered under budget any savings will be apportioned between the parties in the same ratio as the original contribution.

Stakeholders

The stakeholders for this tender include:

- Bass Coast Shire Council
- Residents and Ratepayers
- Bridges Renewal Program, Heavy Vehicle Safety and Productivity Program and Heavy Vehicle Rest Area Initiative.

Conclusion

The Tender Evaluation Panel Report is attached.
The panel report concludes that the tender submitted by Sure Constructions (Vic) Pty Ltd will provide Council with best value for money for the following reasons

- Excellent capability and strong experience in delivering similar road projects
- The capacity and capability to complete the work within the required timeframes.

Governing Documents

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

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

Attachments

1. CONFIDENTIAL REDACTED - 25003 Tender Evaluation Report.docx [**8.4.1** - 8 pages]

8.5 Award of Tender No. 25013 MAV Statewide Roads Panel (RD7214-2024)

Division	**Innovation & Engagement**
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

This report to Council provides a recommendation to opt-in to the MAV Statewide Roads Panel Contract (RD7214-2024) for bitumen, asphalt, surface rehabilitation and associated materials and services. The MAV contract commencement date was 1 January 2025 with a five-year initial term and a further five-year extension option available.

A public tender process was undertaken by the Municipal Association of Victoria (MAV), to appoint a panel of suitably experienced suppliers throughout Victoria for the provision of bitumen, asphalt, surface rehabilitation and associated materials and services. MAV Procurement, on behalf of Victorian Councils, issued a Request for Tender for the MAV Statewide Roads Panel on 20 July 2024. The tender closed on 12 September 2024. Following a thorough evaluation process, involving an assessment of the tenderers' commercial compliance and risk, qualitative evaluation against the selection criteria and a review of the tendered rates, the evaluation panel agreed to recommend 37 providers for inclusion on the MAV Statewide Roads Panel (RD7214-2024).

The contract consists of 6 regional groupings and 37 contractors to ensure tailored pricing and service delivery to the specific logistical and economic conditions of each area. By opting-in to the above panel, it will allow Council to gain further value through volume discounts and collaborative buying group opportunities.

Panel refreshes will be conducted by the MAV throughout the contract term to ensure that it meets the needs of all Victorian councils. This will allow Councils to notify the MAV of any contractors not currently on the panel, for consideration and potential inclusion through the MAV refresh process.

A group consisting of Infrastructure Delivery, Infrastructure Maintenance and Procurement assessed the MAV Statewide Roads Panel Contract (RD7214-2024) as part of re-tendering and opportunities for collaboration. After meeting with the MAV and reviewing the information provided by the MAV, it is concluded that opting into the MAV Statewide Roads Panel Contract (RD7214-2024) will adequately satisfy Council's current and future requirements for bitumen, asphalt, surface rehabilitation and associated materials and services and will provide Council with value for money.

This Report contains an attachment which is declared to be confidential under Section 125, of the Local Government Act 2020 (the Act) in line with Council's Tender and

Contract Confidentiality Policy. Sections 108 and 109 of the Act were considered as part of the tendering process.

Recommendation

That Council:

1. **Accept the recommendation to opt-in to the MAV Statewide Roads Panel Contract (RD7214-2024) for bitumen, asphalt, surface rehabilitation and associated materials and services for a contract term of five years with an extension option of a further five years should the use of the contract continue to meet Council's needs;**
2. **Authorise the Chief Executive Officer to execute the MAV Contract Commitment Form for MAV Statewide Roads Panel Contract (RD7214-2024).**

Background and Context

The purpose of the procurement process undertaken by the MAV for the Statewide Roads Panel was to deliver value for money for the provision of roads services through a combined spend arrangement for 79 participant councils, whilst ensuring quality, safety and consistency.

Council currently has several annual supply contracts that are due to expire in the coming months:

- 22010A – Annual Supply of Stabilisation Works, expires 30/09/2025
- 22010B – Annual Supply of Stabilisation Works, expires 30/09/2025
- 20009 – Bituminous Surfacing of Roads, expires 31/10/2025

In previous years Council has been required to re-tender these works through our own public tender processes, taking up significant time and resourcing of Council staff. As both these services are covered under the MAV Statewide Roads Panel Contract (RD7214-2024), and Council's current suppliers are also suppliers under the MAV panel arrangement, it will allow Council to simply opt-in and utilise those suppliers through the MAV VendorPanel quotation process. MAV contracts are set up following a competitive process that they run as the Procurement aggregator.
As additional suppliers are added to the MAV Statewide Roads Panel Contract (RD7214-2024) within the Gippsland region (including local contractors), Council will be better positioned to utilise the panel for a broader range of capital and operational services, including the annual supply of asphalting materials and crack sealing.

Contract Management

The commencement date of the MAV Statewide Roads Panel Contract (RD7214-2024) was 1 January 2025 with a five-year initial contract term, with expiry of the initial contract term being 31 December 2029. A further five-year extension option is available, ending 31 December 2034.
Council will utilise the panel of suppliers through the MAV VendorPanel quotation process, in accordance with Council's current Procurement Policy.

Finances

Contract Details		**Total Payments (GST excl)**
2022-25	Contract 22010A – Annual Supply of Stabilisation Works	$1,575,024
2022-25	Contract 22010B – Annual Supply of Stabilisation Works	Nil
2020-2025	Contract 20009 – Bituminous Surfacing of Roads	$1,022,347

This Statewide Roads Panel Contract is a multi-year panel contract. For bituminous resurfacing, the expected spend per year over the next five years is $800,000 GST exclusive. For stabilisation projects, the expected spend per year over the next five years is $1,200,000 GST exclusive.
Council can benefit from the collective buying power through this collaborative state-wide contract which will deliver value for money through a combined expenditure arrangement, competitive pricing for participants and promote best practice procurement within the Local Government sector.
Works will be dependent on the requirements of the capital and operational programs.

Stakeholders

The stakeholders for this tender include:

- Bass Coast Shire Council
- Residents
- Ratepayers

Conclusion

The MAV Tender Evaluation Panel Report is attached.
The report concludes that Council opt-in to the MAV Statewide Roads Panel Contract (RD7214-2024) for bitumen, asphalt, surface rehabilitation and associated materials and services, which will provide Council with best value for money for the following reasons:

- The MAV Statewide Roads Panel contractors demonstrated specific and relevant experience and capability to provide the services required by Council
- Panel refreshes will be conducted throughout the contract term, enabling Councils to nominate additional contractors for consideration and potential inclusion
- The MAV Statewide Roads Panel will provide competitive secured rates for the contract term and will allow Council to gain further value through volume discounts and collaborative buying group opportunities
- Council will utilise the panel of suppliers through the MAV VendorPanel quotation process, in accordance with Council's current Procurement Policy

Governing Documents

The entire tender process undertaken by MAV on behalf of Victorian Councils, has met Council's procurement requirements in accordance with the provisions of:

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

Attachments

1. CONFIDENTIAL REDACTED - 9303 R D 7214-2024 MAV Statewide Roads Panel - Tender Evaluation Recommendation Report.docx [**8.5.1** - 13 pages]

8.6 Kilcunda Bass Netball Club Pavilion Construction

Division	**Innovation & Engagement**
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

This report to Council presents the outcome of the tender evaluation for Tender No 25010 Kilcunda Bass Netball Club Pavilion Construction. A Tender Evaluation Panel (TEP) consisting of three (3) Council officers was established to evaluate the tender submissions. The TEP's objective was to assess each submission against the selection criteria and determine a preferred tenderer for the purpose of assisting the Council in reaching a tender award decision.
The Panel concludes that the tender submitted by Allchin Commercial Pty Ltd will satisfy the requirements of the works and will provide Council with the best value for money. This report recommends Council accept the tender submission and award Contract No 25010 Kilcunda Bass Netball Club Pavilion Construction to Allchin Commercial Pty Ltd. This Report contains an attachment which is declared to be confidential under Section 125, of the Local Government Act 2020 (the Act) in line with Council's Tender and Contract Confidentiality Policy. Sections 108 and 109 of the Act were considered as part of the tendering process.

Recommendation

That Council:

1. **Accept the tender from Allchin Construction Pty Ltd and award Contract No 25010 Kilcunda Bass Netball Club Pavilion Construction for the contract sum of $1,234,120 plus GST of $123,412.**
2. **Authorise the Chief Executive Officer to execute Contract No 25010 Kilcunda Bass Netball Club Pavilion Construction between Council and Allchin Construction Pty Ltd.**

Background and Context

This project involves the construction of a single-story pavilion featuring two change rooms and associated amenities, umpire duty and change room and amenities, first aid room, kitchenette, office, accessible toilet and a storeroom. The pavilion will have a limestone exterior with an internal area of 202m2. The external works are limited to the concrete pavement surrounding the building with ramp and accessible car parking space. Site services to be positioned near the building footprint.

A $1.6 million grant was received from The Department of Health and Aged Care. This is a grant funded project that is specific to Bass Coast that is not suitable for a collaborative tender with other Councils.

Tender Process

This Tender was publicly advertised through the Age, eTenderBox and Social Media platforms (Instagram and Facebook).
The tender period opened on Saturday, 28 June 2025 and closed at 2:00pm on Wednesday, 23 July 2025. Council received four (4) conforming tender submissions.

Evaluation Process

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

Table 1 – Evaluation Selection Criteria	
Criterion	**Weighting**
Mandatory	
Risk, Insurances and Professional Registration	Pass/Fail
Integrated Management System (Work, Health & Safety and Quality Assurance)	Pass/Fail
Weighted	
Price	30%
Environmental Management	5%
Benefit to Bass Coast Shire Local Economy	5%
Construction Period & Methodology / Site Management Procedures	25%
Capacity – Proposed Contractor Resources, Sub-Contractors, Plant & Equipment & Current Contractual Commitments	15%
Previous Related Experience & Referees	20%

A TEP comprising of three (3) Council Officers was established. The panel was chaired by an Officer from the Procurement Team who oversaw the process and did not score the tenders.
Each tenderer passed the mandatory selection criteria. For the tender submissions received, each panel member scored the criteria out of a maximum possible ten (10) points. Following the initial independent evaluation, the TEP met to discuss their independent scores and arrived at a consensus on final scores for each criterion. The scores were then multiplied by the relevant weighting to obtain final scores.
The TEP assessed the technical worth of each tender against the specification requirements and the selection criteria, identified issues for further review, clarified issues with tenderers and sought additional information.

Reference checks were carried out with Allchin Commercial Pty Ltd to verify credentials and assist the TEP in its understanding and assessment of their tender.
The final weighted scores are set out in Table 2.

Table 2 – Final Weighting Scores				
No.	**Name**	*** Price Score %**	**# Non-Price Score %**	**Total Score %**
1	Allchin Commercial Pty Ltd	30.00%	64.50%	94.50%
2	Tender B	29.86%	64.17%	94.02%
3	Tender C	24.46%	55.67%	80.13%
4	Tender D	22.07%	58.00%	80.07%

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

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

Allchin Commercial Pty Ltd presented the lowest cost conforming tenders, and in accordance with the selection criteria present the best value to Council. Allchin Commercial Pty Ltd has demonstrated excellent capability, with strong experience delivering similar sports and community projects. Their tender submission is credible and shows a clear understanding of the evaluation criteria, supported by suitable referees. They provided a detailed construction program, site-specific methodology, Work, Health and Safety (WHS), and environmental management plans. Their policies on child safety, gender, and disability are well-developed. With 50% of goods and services being sourced locally, a broad subcontractor pool across all trades, and two of their current projects concluding in August and September 2025, their capacity and regional commitment presenting no risk to delivery of the project.

Contract Management

The Project Manager from Infrastructure Delivery will act as Contract Superintendent for the contract and the Team Leader Buildings & Open Space will act as the Contract Superintendent's Representative. Authorisations of variations will be in accordance with the Council's current Procurement Policy.
Contract Commencement: October 2025
Anticipated Contract Completion: June 2027

Finances

This project is a multi-year project in the 2025-26 and 2026-27 Capital Works Program. Funding of $1.6 million was received from the Department of Health and Aged Care with balance of the budget funded by Council.

The total value of the contract is $1,234,120 (GST exclusive).

	GST Exclusive
Construction including permits and approvals (lump sum components and provisional item for signage)	$1,234,120
Total Contract Sum	**$1,234,120**
Internal Project Management costs (6.7%)	$82,686
Contingency (10%) *	$123,412
TOTAL	**$1,440,218**

* Normal practice for a capital project is to allow for a contingency sum of 10% of the contract value. This contingency refers to unforeseeable costs, likely to be incurred during the contract, if required.

This proposed contract amount is in line with the project estimate with several cost savings. The budget currently available for the contract is $2.02 million (GST exclusive), which includes contingency and project management fees.

Stakeholders

The stakeholders for this tender include:

- Bass Coast Shire Council
- Residents and Ratepayers
- Sporting Associations
- Department of Health and Aged Care

Conclusion

The Tender Evaluation Panel Report is attached.
The panel report concludes that the tender submitted by Allchin Commercial Pty Ltd will provide Council with best value for money for the following reasons:

- Excellent capability and experience in delivering similar projects.
- Capability and capacity to complete work within the required timeframes.

Governing Documents

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

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

Attachments

1. CONFIDENTIAL REDACTED - 25010 Tender Evaluation Report with attachments [**8.6.1** - 17 pages]

8.7 Review of Governance Policies

Division	**Innovation & Engagement**
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 provide reviewed policies to Council for consideration and adoption.
Policies referred to in this report form part of the review process to ensure alignment with best practices and continuous improvement.

Recommendation

That Council adopts the revised:

1. **Council Support and Resources Policy**
2. **Gifts, Benefits and Hospitality Policy**

Background

Council activities are guided by Council and organisational policies and procedures/guidelines.
The review of these policies:

- identifies and provides continuous improvement opportunities;
- details a clear and consistent standard of behavioral expectations and demonstrates a transparent decision-making process.
- sets out the rules for day-to-day work at Council.

Discussion

The *Local Government (Governance & Integrity) Regulations 2020* are regularly amended prescribing the requirements to be implemented in accordance with the Regulations and the *Local Government Act 2020.* The changes may require our policies or guideline documents to be reviewed and updated to reflect the changes and ensure compliance.
In reviewing these policies, officers have also considered recommendations from municipal monitors reports and integrity agencies.

Council Support and Resources Policy

Following the review of the Council Support and Resource Policy, the changes proposed include, but are not limited to:

- Clarification surrounding the lodgement and support of Councillor requests
- Confidential Council information to only be saved onto the Council provided devices and not on any personal devices.
- All receipts and requests for reimbursement are to be supplied to the Mayor and Council Support Officer within one month of the expense being incurred, to allow for timely and transparent expense reporting
- Adding that overseas travel cannot be booked without a resolution of Council
- Clarification on the approval process for payment or reimbursement of attendance at conferences, events and functions
- Clarification on the charging of the Mayor's vehicle
- Inclusion of reimbursement of professional memberships that relate to the duties of Councillor
- Clauses on Mandatory and Discretionary Professional Development
- Inclusion of a Council resolution required for any discretionary Professional Development valued at $5000 or greater.
- Inclusion that no Councillor shall be eligible to undertake the AICD in the final year of the Council term.

Gifts, Benefits and Hospitality Policy

Following the review of the Gifts, Benefits and Hospitality Policy, the changes proposed include, but are not limited to:
The changes proposed include, but not limited to:

- Process timeframes have been clarified
- Statement included that the Gift Register is made publicly available on Councils website in accordance with the Public Transparency Policy
- Gifts Register will be tabled annually to the Audit & Risk Committee
- Attempts to Bribe have been included
- Inclusion of Ceremonial Gifts and process
- GIFT (Giver / Influence / Favour / Trust) Test – many Council policies use a simple table from Victorian Public Sector Commission to assist with articulating decision making
- Reward Programs – not able to collect rewards for personal use

- This policy excludes gifts, benefits, hospitality received through a Council internal rewards and recognition program
- Process for prizes associated with raffle tickets at an event/conference/training
- Clarification regarding token and non-token gifts
- Councillors now included in the threshold for token gifts, in line with industry standards
- Additional provisions around Conflict of Interest
- Gifts from anonymous donors and offers of cash gifts have been included

By reviewing these policies, we reaffirm Councils commitment to transparency, communication, and the conduct obligations of both Council, community and all stakeholders.

Sustainability Implications

There are no sustainability implications associated with this report.

Finances

There are no financial implications associated with this report.

Stakeholders

- Councillors
- Council Officers
- Community

Conclusion

In the interests of transparency, best practice and continuous improvement, it is recommended that Council adopt the policies referred to in this report.

Governing Documents

Local Government Act 2020

Local Government (Governance & Integrity) Regulations 2020

Attachments

1. Council Support and Resources Policy [**8.7.1** - 10 pages]
2. Draft Gifts, Benefits and Hospitality Policy [**8.7.2** - 7 pages]

8.8 Instruments of Appointment and Authorisation

Division	**Innovation & Engagement**
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 that Council resolve to appoint the named officer as an Authorised Officer and approve the execution of the attached Instrument of Appointment and Authorisations.

Instruments of Appointment and Authorisation are appointed to people, not positions.

Recommendation

That Council in the exercise of the powers conferred by s 147(4) of the *Planning and Environment Act 1987*, resolves that:

1. **The members of Council staff referred to in the attached instrument be appointed and authorised as set out in the instrument:**
   - **Rhys Loughran**
2. **The instrument comes into force immediately it is signed by Council's Chief Executive Officer and remains in force until Council determines to vary or revoke it.**

Background

Council currently exercises its powers to appoint Authorised Officers.

Discussion

Authorisation facilitates the achievement of good governance for the community by empowering appropriate members of staff to make decisions.

Sustainability Implications

There are no sustainability implications associated with this report.

Finances

There are no financial implications associated with this report.

Stakeholders

Council – ensuring they can focus on high level strategic and Council planning.

Staff – ensuring the ability to undertake their roles.

Community – knowledge that appropriate delegations and authorisations are in place to allow for the effective and efficient running of Council.

Conclusion

It is recommended that Council adopt the attached Instrument of Appointment and Authorisation to the named officer/as an Authorised Officer and approve the execution of the attached Instrument of Appointment and Authorisations.

Governing Documents

- Section 313 Proceedings of the *Local Government Act 2020*.
- Section 188 Planning authorities and responsible authorities may delegate powers of the *Planning and Environment Act 1987*.

Attachments

1. Rhys Loughran S11A Instrument of Appointment and Authorisation Planning and Environment Act 1987 [**8.8.1** - 1 page]

Statutory Reports

9 Statutory Reports

9.1 Informal Meeting of Councillors

Division	**Innovation & Engagement**
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 2025,* 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 2025* defines an Informal Meeting of Councillors as a meeting of Councillors that:

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

89.2 is a meeting of a Council Committee that a Councillor is appointed to.

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

89.4 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. IMOC - 6 August 2025.docx [**9.1.1** - 2 pages]
2. IMOC - 13 August 2025.docx [**9.1.2** - 2 pages]
3. IMOC - 20 August 2025.docx [**9.1.3** - 2 pages]
4. IMOC - 27 August 2025.docx [**9.1.4** - 2 pages]
5. IMOC - 3 September 2025.docx [**9.1.5** - 2 pages]

9.2 Planning and Building Statistics - July 2025

Division	**Future Places**
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

The below provides a list of all Planning Permit, Amendment and VicSmart applications (i.e. both under delegation and by Council) refused or approved for this month.

PLANNING PERMITS, AMENDMENTS AND VICSMARTS REFUSED:

Application Number	Address	Proposal
Nil.		

PLANNING PERMITS, AMENDMENTS AND VICSMARTS ISSUED:

Island Ward

Application Number	Address	Proposal
PDPLANPER-2025/000050	13 Poulter Av, Rhyll	Construction of a second dwelling on a lot in the General Residential Zone (GRZ1)
PDPLANPER-2024/0001810	53 Smiths Beach Rd, Cowes	Use and development of land for a store (Contractors Depot - in retrospect) in a Rural Activity Zone (RAZ1) and Bushfire Management Overlay (BMO)
PDPLANPER-2024/002350	2-4 Southampton St, Rhyll	Two lot subdivision in a General Residential Zone (GRZ1) and Design and Development Overlay (DDO1), removal of vegetation in a Vegetation Protection Overlay (VPO2) and removal of Native Vegetation (Clause 52.17)

PDPLANPER-2025/000263	22 Hill St, Sunderland Bay	Removal of two trees in a Vegetation Protection Overlay (VPO2)
PDPLANPER-2025/000217	546 Ventnor Beach Rd, Ventnor	Construction of an outbuilding (artist studio) and the retrospective demolition of a shed in the Heritage Overlay (HO128)
PDPLANPER-2025/000381	9 Woodland Av, Silverleaves	Removal of five trees in the Vegetation Protection Overlay (VPO2)
PDPLANVIC-2025/000536	24 Shearwater Dr, Silverleaves	Remove one tree in a Vegetation Protection Overlay (VPO2)
PDPLANPER-2025/000444	13 Bellavista Rd, Cowes	Two Lot Subdivision
PDPLANPER-2025/000475	4 Shalfleet Av, Ventnor	Remove two trees in a Vegetation Protection Overlay (VPO2)
PDPLANPER-2025/000538	3 Ritchie Av, Cape Woolamai	Construction of a replacement dwelling in the Bushfire Management Overlay (BMO)
PDPLANPER-2025/000500	236 Settlement Rd, Cowes	Two lot subdivision in the General Residential Zone (GRZ1) (SPEAR: S249523M)

Western Port Ward

Application Number	**Address**	**Proposal**
PDPLANPER-2025/000389	30 Queensferry Rd, Grantville	Extension to a dwelling in the Design and Development Overlay (DDO1)
PDPLANPER-2024/002589	3513-3515 Bass Hwy, Kilcunda	Construction of an outbuilding (shed) in a Public Use Zone (PUZ1)
PDPERAMD/190223-2	31, 33-37 Cuthbert St, Corinella	Remove Condition 54
PDPLANPER-2025/000456	18 Viking Av, San Remo	Construction of a dwelling in the Design and Development Overlay (DDO1)
PDPLANPER-2025/000192	2-6 Toorak St, North Wonthaggi	Construct a second dwelling on a lot in a General Residential Zone (GRZ1)

PDPLANPER-2025/000296	1/10 Paul St, Grantville	Two lot Subdivision in the General Residential Zone (GRZ1) the Design and Development Overlay (DDO1) and Bushfire Management Overlay (BMO) (SPEAR: S246839)
PDPLANPER-2024/002643	115 Marine Pd, San Remo	Buildings and works in a Commercial 1 Zone (C1Z) and Design and Development Overlay (DDO4), reduction in the car parking and removal of native vegetation under Clause 52.17
PDPLANVIC-2025/000661	1240 Bass Hwy, Grantville	Addition of a verandah and deck to an existing dwelling in the Farming Zone (FZ)
PDPLANPER-2025/000454	1268 Grantville-Glen Alvie Rd, Almurta 1345 Grantville-Glen Alvie Rd Glen Alvie 1340 Grantville-Glen Alvie Rd Almurta 1190 Grantville-Glen Alvie Rd Almurta	Roadworks in an Erosion Management Overlay (EMO1), removal of vegetation in the Significant Landscape Overlay (SLO1) and Erosion Management Overlay (EMO1), and the removal of native vegetation
PDPLANPER-2025/000451	23 Parkes St, North Wonthaggi	Two lot Subdivision in the General Residential Zone (GRZ1) (SPEAR: S249243B)
PDPLANVIC-2024/002199	5 Hamelin Cl, Corinella	Construction of an outbuilding (shed) in a Heritage Overlay (HO28)
PDPLANPER-2024/002578	1127 Glen Alvie Rd, Glen Alvie	Construction of an agricultural outbuilding in the Significant Landscape Overlay (SLO1) and Erosion Management Overlay (EMO1)

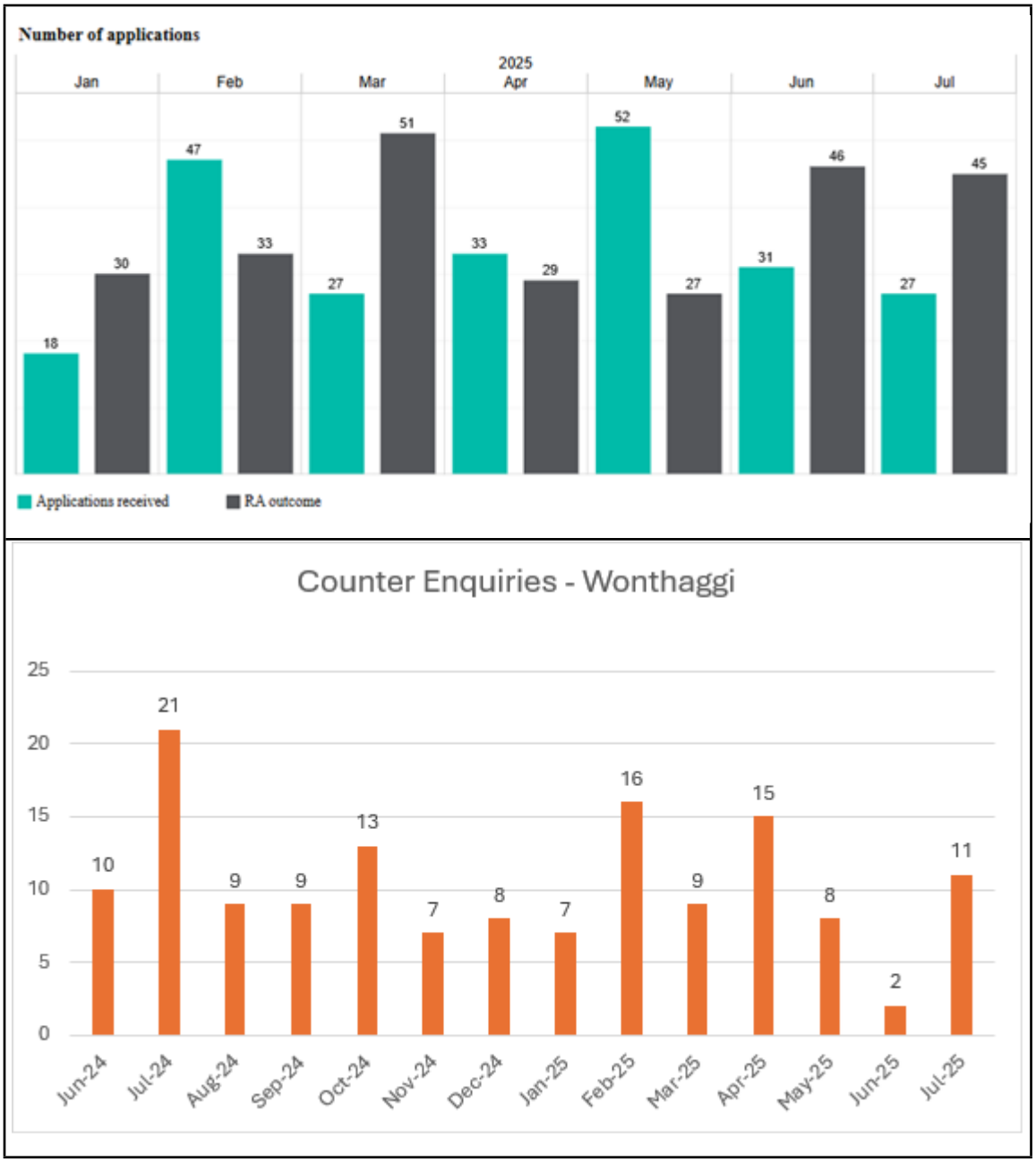
Bunurong Ward

Application Number	**Address**	**Proposal**
PDPERAMD-2024/210247-2	2-4 The Esplanade, Inverloch	Amendment to the use of the land to allow the sale and consumption of liquor, and the

		installation of business identification signage
PDPERAMD/100384-1	2 Biggs Dr, Wonthaggi	Change to permit preamble and plans. Medical centre being added and reduction in the number of specialty shops
PDPLANPER-2024/002486	21 Tower St, Inverloch	Construction of two dwellings on a lot in the General Residential Zone (GRZ1) and the removal of native vegetation
PDPLANPER-2025/000401	4-6 Jazmine Ct, Inverloch	Remove three trees in a Vegetation Protection Overlay (VPO3)
PDPLANPER-2024/002625	137-141 Viminaria Rd, Harmers Haven	Construction of a dwelling and associated outbuilding in a Bushfire Management Overlay (BMO)
PDPLANPER-2024/002308	44 Pymble Av, Inverloch	Construction of two dwellings on a lot and a two lot subdivision, in the General Residential Zone (GRZ1)
PDPERAMD/220125-1	Billson St, Wonthaggi	Removal of additional Native Vegetation and increased offsets for native vegetation
PDPLANPER-2024/002444	127 Reed Cr, Wonthaggi	Three Lot Subdivision (SPEAR: S239289J)
PDPLANVIC-2025/000580	62 Lohr Av, Inverloch	Construction of a swimming pool in the Design and Development Overlay (DDO9)
PDPLANVIC-2025/000626	20a A`Beckett St, Inverloch	Reduction of the number of car parking spaces associated with the use of land for food and drink premises (food vans)
PDPLANPER-2025/000163	80 McKenzie St, Wonthaggi	Variation of Crown Grant Restriction on TP524511P
PDPLANPER-2023/001119	12 Cameron St, Wonthaggi	Construct three dwellings on a lot and three lot subdivision in a General Residential Zone (GRZ1)

PLANNING AND BUILDING ACTIVITY REPORT FOR JULY 2025

Statutory Planning	This month (July)	Last month	Year to date (financial year)
% of applications determined within statutory timeframe	68.89	71.43	68.89
Average Gross Days (Average processing days to RA Outcome)	138.3	133.7	138.3
Average Gross Days to final outcome (Average processing days to final outcome)	142	129.1	142
Number of live applications (Planning Permit, s72 Amendments, VicSmarts)	133	151	133
Number of applications received for the month (Planning Permit, Amendments, VicSmarts)	27	30	27
Number of Responsible Authority outcomes (Planning Permit, Amendments, VicSmarts)	45	49	45


Number of applications
2025
Jan
Feb
Mar
Apr
May
Jun
Jul
18
30
47
33
27
51
33
29
52
27
31
46
27
45
Applications received
RA outcome
Counter Enquiries - Wonthaggi
25
20
15
10
5
0
10
21
9
9
13
7
8
7
16
9
15
8
2
11
Jun-24
Jul-24
Aug-24
Sep-24
Oct-24
Nov-24
Dec-24
Jan-25
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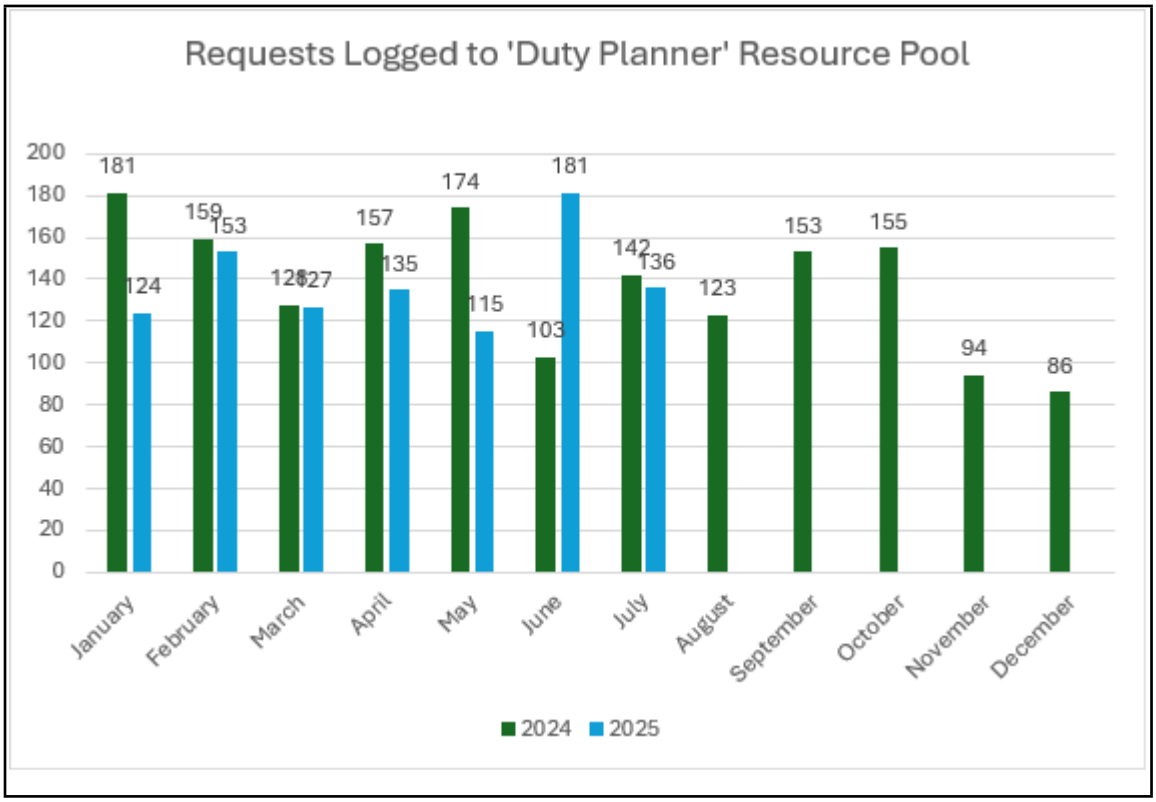
Mar-25
Apr-25
May-25
Jun-25
Jul-25



Municipal Building Services & Enforcement	**This month (July)**	**Last month**	**Year to date (financial year)**
Essential Safety Measure inspections	0	1	0
Report & Consent applications • Siting • Build Over Easement • Demolitions	 20 4 14	 19 1 6	 20 4 14
POPE and Siting consents issued for temporary structures	1	0	1
Complaints received requiring investigation	7	1	7
New building enforcement cases	0	4	0
Number of open building enforcement cases	38	36	n/a
Building permits issued by Council	0	0	0

Planning Enforcement	This month (July)	Last month	Year to date (financial year)
New complaints/case files opened	9	10	9
Complaints/case files closed	11	4	11
Current open complaints/case files	12	14	12

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 July 2025; and**
2. **Receives and notes the Planning and Building Activity Report for July 2025.**

Attachments

Nil

9.3 Contracts Awarded and or Extended under CEO Delegation for July 2025

Division	**Innovation & Engagement**
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 July 2025 to 31 July 2025, no contracts were awarded under the Chief Executive Officer's financial delegation in accordance with Council's Procurement Policy.

Contracts Extended

For the period from 1 July 2025 to 31 July 2025, no contracts were extended under the delegated authority for contract variations and extensions in accordance with Council's Procurement Policy.

Governing Documents

Procurement Policy 2023

Recommendation

That Council notes that no contracts were awarded or extended during July 2025.

Attachments

Nil

10 Urgent Business

11 Mayoral Announcement of Next Meeting of Council

The next Council Meeting will be held on 8 October 2025 in the Bass Coast Civic Centre Council Chamber, Baillieu Street East, Wonthaggi commencing at 1.00pm.

12 Meeting Closed

That the meeting be closed.