

# Bass Coast Shire Council

# Council Meeting Agenda

**Wednesday 19 July 2023**

**Virtual Meeting**

**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 Virtually on 19 July 2023 at **1:00 pm**

**Date of Notice – 14 July 2023**

**Ali Wastie**

**CEO**

## Mobile Telephone Reminder

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

## Statement of Acknowledgement

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

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

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

## Councillor Statement

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

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

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

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# 1 Present and Apologies

# 2 Declarations of Interest

# 3 Confirmation of Minutes

## 3.1 Council Meeting 21 June 2023

**That the minutes of the Council Meeting held on 21 June 2023 be confirmed.**

# Mayor and Councillor Reports

# 4 Mayor and Councillor Reports

# 5 Public Question Time

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

***Please note:***

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

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

**Governance Rules**

**Part C – Meetings Procedure**

**Division 8 – Public Question Time**

**54. Question Time**

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

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

54.3 Questions submitted to Council must be:

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

*54.3.2* be lodged 48 hours prior to the Council meeting.

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

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

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

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

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

*54.6.3* deals with a subject matter already answered.

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

*54.6.5* relates to personnel matters.

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

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

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

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

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

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

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

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

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

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

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

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

# Notices of Motion

# 6 Notices of Motion

# 7 Petitions and Joint Letters

# Reports Requiring Council Decision

# 8 Reports Requiring Council Decision

## 8.1 Planning Application 220416 - 1531 & 1545 Bass Highway Grantville - Use and development of land for a supermarket and retail premises, an office & a service station in a MUZ & DPO, sale of liquor and alteration to access of a Transport Zone 2

| | |
|---|---|
| **Division** | **Place Making** |
| **Council Plan Strategic Objective** | **Sustainable Development**<br>*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 use and development of land for shops (supermarket including bottle shop, shops and pharmacy), office (Bank), retail premises (two food and drink premises and postal agency), & service station in a Mixed-use Zone (MUZ) & Development Plan Overlay (DPO3), use of the land for sale of liquor for off premises consumption (packaged liquor licence), native vegetation removal and the alteration of access to Transport Zone 2 at 1531 & 1545 Bass Highway Grantville.

### Executive Summary

| | |
|---|---|
| Application number: | 220416 |
| Applicant: | Frank Perry |
| Land/Address: | 1531 Bass Highway Grantville |
| Ward: | Western Port Ward |
| Proposal: | Use and development of land for shops (supermarket including bottle shop, shops and pharmacy), office (Bank), retail premises (two food and drink premises and postal agency), & service station in a Mixed-use Zone (MUZ) & Development Plan Overlay (DPO3), use of the land for sale of liquor for off premises consumption (packaged liquor licence), native vegetation removal and the creation of access to Transport Zone 2. |
| Zone: | Mixed Use Zone (MUZ) |
| Overlay: | Development Plan Overlay 3 |

| | |
|---|---|
| Aboriginal cultural heritage sensitivity | The site is not located within an area of identified cultural heritage sensitivity. |
| Title: | Lot 1 on Plan of Subdivision 848902D, Volume and Folio to be confirmed.<br>No covenants affect the land.<br>A section 173 Agreement (AW893042L)<br>The land is also encumbered by a 2 metre wide easement running along the west boundary. |
| Number of submissions: | The proposal was exempt from public notification |
| Reason a Council decision is required: | Council's delegations require that applications for developments of more than $5 million be received by Council for determination.<br>The cost of the development is approximately $9.5 million. |
| Officer recommendation: | Planning Permit subject to conditions |

**Summary of Officer Recommendation**

That Council issue 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 proposal is consistent with the endorsed Development Plan 3.
- The proposal is consistent with the strategic directions for Grantville.

**The Proposal**

This application proposes to use and develop the land for shops (supermarket including bottle shop, shops and pharmacy), office (Bank), retail premises (two food and drink premises and postal agency), & service station in a Mixed-use Zone (MUZ) & Development Plan Overlay (DPO3), use of the land for sale of liquor for off premises consumption (packaged liquor licence), native vegetation removal and the alteration of access to Transport Zone 2 in accordance with architectural prepared by Select Architects. The decision plans are provided as Attachment one and are detailed below:

- Site Context Plan, Site Plan 1, 2, & 3, Roof Plan, Proposed Elevations (Retail, Retail & Streetscape & Fuel), Sectional Plan, 3D Perspectives, Retail Site Plan, Public Seating Areas and Materials & Finishes, prepared by Select Architects, dated 09/12/2022
- Landscape Plan prepared by Mexted Rimmer Landscape Architects, dated 13/12/2022
- Redline Plan prepared by Select Architects, dated 20/12/2022
- Stormwater Management Plan prepared by Brosnan Engineering dated 20/12/2022
- Native Vegetation Assessment prepared by Jardine Johnstone dated March 2023
- Traffic Assessment by TTM dated 24/10/2022
- Culminative Impact Assessment prepared by Frank Perry Town Planning dated December 2022

Key features of the proposal include:

- Construction of a commercial precinct comprising of a supermarket including bottle shop, retail shops, a pharmacy, a bank, a food and drink premises and postal agency, and a service station.
- The total leasable retail area is 3,524 square metres.
- The use of the land for sale of liquor for off premises consumption (packaged liquor license associated with the supermarket)
- Native vegetation removal to accommodate
- The alteration of access to Transport Zone 2.

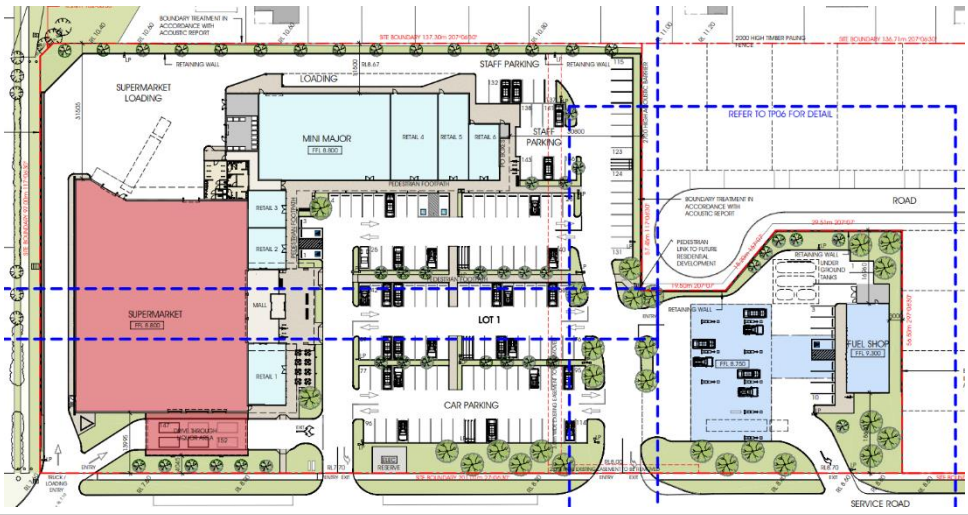


*Figure 1 - Proposed Site Plans*

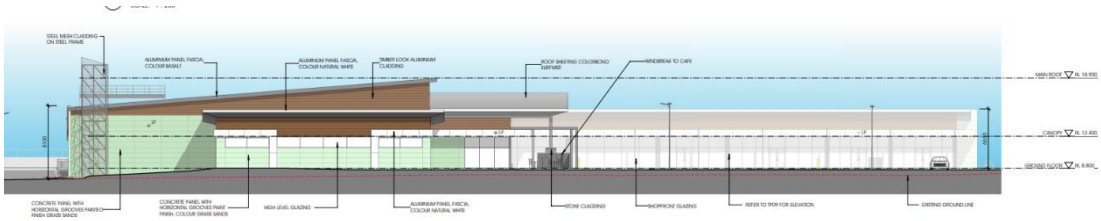

*Figure 2 - Proposed West Elevation Plan the development it faces Bass Highway*



*Figure 3 - Proposed North-West Elevation Plan the development it presents to Bass Highway*

**Title details**

Planning permit 210104 allowed for a boundary realignment to create a lot to accommodate the supermarket, commercial and service station development considered in this application.

The new title process is almost complete, and the subject site will be located on Lot 1 on Plan of Subdivision 848902D, Volume and Folio to be confirmed pending the issue of new titles.

A section 173 Agreement (AW893042L) was applied to the land and is an agreement between Council, the Department of Transport and the landowners to ensure that service lane construction requirements are ongoing, and no use can commence, or no subsequent subdivision can reach completion until Council and Department of Transport are satisfied the service land is completed to their satisfaction.

The Officer recommendation will include provision for a permit not to be issued until new titles are issued.

**Subject Site and Surrounds**

The site is located on the east side of Bass Highway, between Grantville Glen Alvie Road to the north and Stanley Road to the south. The site is an irregular shaped lot with a 201.01 metre frontage to Bass Highway, a maximum depth of 97 metres and a site area of 1.710 hectares.




*Figure 4 - Aerial photography of subject site (Source: Council's GIS System, dated Dec 2021)*

The site is void of development and vegetation; the site has been used for low scale agriculture.



*Figure 5 - View of subject site from the intersection of Delany Street and Bass Highway looking south-east (Source: Site inspection conducted on 14 October 2021)*



*Figure 6 - View of subject site in foreground when looking south from Grantville Glen Alvie Road (Source: Site inspection conducted on 14 October 2021)*

The site is in the Grantville Town Centre, south of Grantville Glen Alvie Road and east of Delany Street. The subject site is void of development as are the two adjoining site fronting Bass Highway. The township of Grantville has a small commercial centre with a medical centre, service station, bakery, café, real estate and other varied retail. Notably there is no grocery store in Grantville with residents travelling to Koo Wee Rup, Leongatha, Wonthaggi, San Remo and Cowes for food supplies.

The main characteristics of the surrounding area are:

| | |
|---|---|
| **North** | Adjoining the land to the north is 1517-1529 Bass Highway Grantville. This lot is approximately 7804 square metres in area and is void of development. The site has a valid planning permit (210196) for commercial development including take away food outlet, service station and shop however no plans are endorsed, and no works have started on site. |
| **South** | Adjoining the land to the south is 1545 Bass Highway Grantville. This lot is approximately 1.06 hectares in area and is void of development but has some remnant vegetation on the southern boundary. The site is part of the same Development Plan as the subject site and is anticipated to host single dwelling residential lots. |
| **East** | Adjoining the land to the east are residential properties who front Brazier Street. These lots are approximately 600 square metres in area and contain a mix of double and single storey dwellings. |
| **West** | Adjoining the land to the west is the Bass Highway. Across the highway is a former hardware store. The site has a planning permit for buildings and works associated with a supermarket. The other lots that front Bass Highway are vacant and no historical planning permits exist for the sites. |




*Figure 7 – Site and surrounds*




*Figure 8 - Zoning Map*

## Planning Controls

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

## Zone

Clause 32.04 – Mixed Use Zone, Schedule 1

In accordance with Clause 32.04-2 a planning permit is required for the use the land for:

- shops (supermarket including bottle shop, shops and pharmacy),
- office (Bank),
- retail premises (two food and drink premises and postal agency), &,
- a service station

In accordance with Clause 32.04-9 a planning permit is required for buildings and works associated with a section 2 use.

## Overlays

Clause 43.04 – Development Plan Overlay, Schedule 3 ((Corner of Bass Highway And Glen Alvie Road, Grantville)

In accordance with Clause 43.04-02 a planning permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.

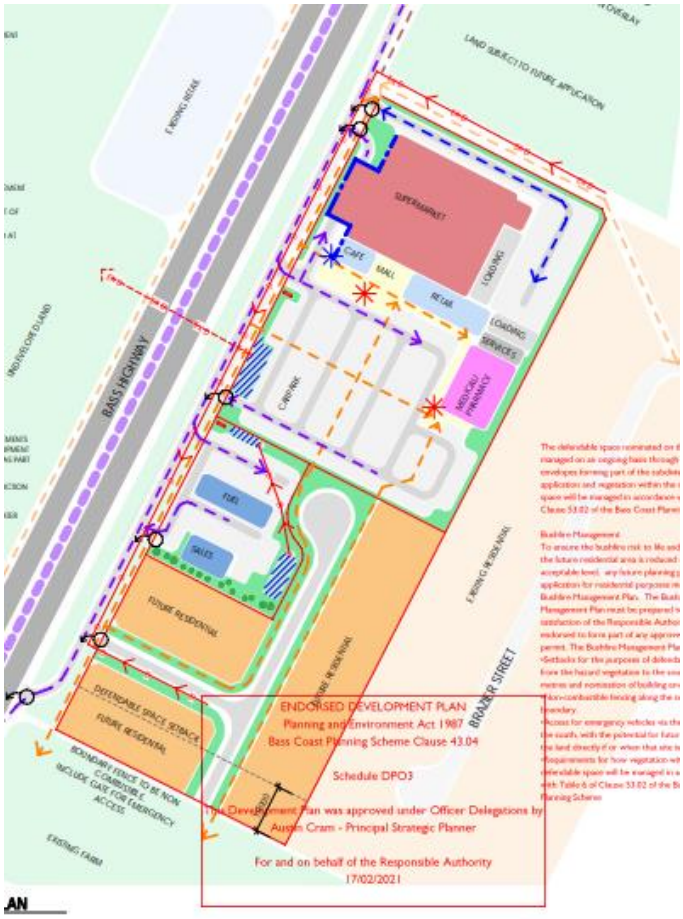


*Figure 9 - Endorsed Development Plan – Schedule 3 – Endorsed 17/02/2021*

## Particular Provisions

***Signs***

Clause 52.06 - Signs

In accordance with Clause 52.06-1 a planning permit is required for the display of signage, the applicant does not include signage. Signage associated with the tenancies will be applied for by tenants.

***Native Vegetation Removal***

Clause 52.17 – Native Vegetation

In accordance with Clause 52.17-1 a planning permit is required for native vegetation removal. The proposal includes native vegetation removal in the road reserve as such a permit is required.

***Licensed Premises***

Clause 52.27 – Licensed Premises

In accordance with Clause 52.27 a planning permit is required for the sale and or consumption of liquor. The proposal includes packaged liquor sale associated with the supermarket.

***Land Adjacent to Principal Road Network***

Clause 52.29 – Land Adjacent to Principal Road Network

In accordance with Clause 52.29-2 a planning permit is required to create access to a road in Transport Zone 2. The proposal requires creation of access to Bass Highway which is a Transport Zone 2 as such a permit is required.

***Clause 52.06 – Car parking***

The proposal will provide 163 number of spaces, which exceeds the required number of car parking spaces by 19 spaces. The service station use does not have a specified number of spaces in Clause 52.06 but 10 have been provided. Therefore, the excess rate of car parking associated with the shops is 10. Therefore, in accordance with Clause 52.06-3 a permit is not required to reduce the number of car parking spaces required under Clause 52.06-5.

## Aboriginal Cultural Heritage Sensitivity

The subject site is located within an area of Aboriginal Cultural Heritage Sensitivity. The applicant has provided a copy of an approved Cultural Heritage Management Plan (CHMP) 18017 (prepared by Triskel Heritage October 2021). The approval is subject to conditions set out within the CHMP, which are now compliance requirements.

## Consultation

If a development plan has been prepared to the satisfaction of the responsible authority, an application under any provision of this planning scheme is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

As there is an approved Development Plan has been endorsed for the subject site, the proposal was exempt from public notification under section 52 (1)(a),(b) & (d) the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

**Referrals**

The following table outlines the referral requirements of this application.

| Referral Authority | Comments |
|---|---|
| External (Section 55 of the *Planning and Environment Act 1987*) | |
| Department of Transport (& Planning) | No objection to the application subject to conditions. |
| Internal (Section 52 of the *Planning and Environment Act 1987)* | |
| Melbourne Water | No Response |
| Wonthaggi Police (VicPol) | No Response |
| Westernport Water | No Response |
| Internal (Section 52 of the *Planning and Environment Act 1987*) | |
| Development Services | No objection to the application subject to conditions. |
| Waste | No objection to the application subject to conditions. |
| Sustainable Transport | Sough increased pedestrian outcomes. |
| Community Planning | Concerns raised with location of drive through liquor. |

**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-07 Grantville

Clause 11.03 - Planning for Places

- Clause 11.03-2S Growth areas
- Clause 11.03-4S Coastal settlement
- Clause 11.03-5S Distinctive areas and landscapes
- Clause 11.03-6S Regional and local places

**VPP 12 Environmental and Landscape Values**

Clause 12.01 Biodiversity

- Clause 12.01-2S Native vegetation management

Clause 12.05 Significant Environments and Landscapes

- Clause 12.05-1S Environmentally sensitive areas
- Clause 12.05-2S Landscapes
- Clause 12.05-22L-01Landscapes

**VPP 13 Environmental Risks and Amenity**

Clause 13.01 Climate Change Impacts

- Clause 13.01-1S Natural hazards and climate change

Clause 13.05 Noise

- Clause 13.05-1S Noise management

Clause 13.07 Amenity and Safety

- Clause 13.07-1S Land use compatibility

**VPP 15 Built Environment and Heritage**

Clause 15.01 Built Environment

- Clause 15.01-1S Urban design
- Clause 15.01-1L-01 Urban Design in Bass Coast
- Clause 15.01-1L-02 Landscape design

- Clause 15.01-1L-03 Signs
- Clause 15.01-2S Building design
- Clause 15.01-2L Building design
- Clause 15.01-4S Healthy neighbourhoods

Clause 15.02 Sustainable Development

- Clause 15.02-1S Energy and resource efficiency

Clause 15.03 Heritage

- Clause 15.03-2S Aboriginal cultural heritage

**VPP 17 Economic Development**

Clause 17.01 Employment

- Clause 17.01-1S Diversified economy
- Clause 17.01-1R Diversified economy - Gippsland
- Clause 17.01-1L Diversified economy

Clause 17.02 Commercial

- Clause 17.02-1S Business
- Clause 17.02-1R Commercial centres - Gippsland

Clause 17.04 Tourism

- Clause 17.04-1S Facilitating tourism
- Clause 17.04-1R Tourism - Gippsland
- Clause 17.04-1L Facilitating tourism

**VPP18 Transport**

Clause 18.01 Integrated Transport

- Clause 18.01-1S Land use and transport planning
- Clause 18.01-2S Transport system
- Clause 18.01-2R Transport system - Gippsland

Clause 18.02 Movement networks

- Clause 18.02-1S Sustainable personal transport
- Clause 18.02-1L Sustainable personal transport
- Clause 18.02-4S Car parking
- Clause 18.02-4L Car parking

Clause 19.03 Development Infrastructure

- Clause 19.03-2S Infrastructure design and provision
- Clause 19.03-2L Infrastructure design and provision
- Clause 19.03-3S Integrated water management
- Clause 19.03-3L Integrated water management

The following provides an assessment of the proposal against the relevant Planning Policy Framework (PPF) under the themes of Urban Design & Built Environment, Economic Diversity, and the strategic direction for Grantville.

The PPF recognises the importance of accommodating commercial development within established settlement boundaries in order to limit the impact on the character of the area and coastal areas. The PPF identifies Grantville as a service centre for the north of the municipality, with sufficient supply of commercial land available for mixed uses.

The proposed supermarket & commercial precinct is considered to have merit when consideration is given to the broader state and local policies related to the economic diversity of the municipality and the strategic direction for Grantville. It is also an important development for Grantville, the gateway town for the Municipality, and as such, the expectation is for a development which responds to the site's prominence.

**Grantville**

Having regard to the Planning Policy Framework (PPF) it is considered that the proposal fails to comply with Clause 02.03-7 (Diversified economy) which seeks to grow and diversify the local economy and support business services that cater to both residents and visitors. Clause 11.01-1L-07 (Grantville) seeks to encourage the development of Grantville as an emerging district service center. Clause 11.01-1R (Settlement – Gippsland) seeks to create vibrant and prosperous town centres that are clearly defined and provide commercial and service activities that respond to changing population and market conditions. The development is consistent with the strategic direction for Grantville by providing a supermarket complex in the township. However, the development needs to respond to the site context as a development of local significance.

**Urban Design**

Having regard to the Planning Policy Framework (PPF) it is considered that the proposal fails to comply with built environment and urban design policy as outlines in the following clauses: Clause 15.01-1S, Clause 15.01-1L-01, Clause 15.01-2S, Clause 15.01-2L, Clause 15.01-6S. These policies seek development which can support the social life of the street and accommodate expected pedestrian traffic. The development should be designed to respond to human scale by creating spaces that are of human interest. It is strategically important that the proposal is designed to respond to the locality and support local and tourist economies. The proposal is not considered to fully respond to these policies.

A summary of some of the urban design strategic direction that applies to the application are:

Clause 15.01-1S (Urban Design) - Strategies:

- *Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.*
- *Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.*
- *Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.*
- *Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.*
- *Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.*

Clause 15.01-1L-01 (Urban Design in Bass Coast)- Strategies:

- *Design development to reflect the coastal setting and coastal architecture through built form and materiality.*
- *Encourage development of active retail frontages within the commercial area of the town centres*

Clause 15.01-2S (Building Design):

- *Ensure development responds and contributes to the strategic and cultural context of its location.*
- *Improve the energy performance of buildings through siting and design measures that encourage: Passive design responses that minimise the need for heating, cooling and lighting.*

Clause 15.01-2L (Building Design)

- *Incorporate design elements and a variety of materials that add visual interest and articulation to all visible facades of a development, especially when visible from main traffic routes.*

The development is considered to have failed to meet a number of the key above-mentioned objectives. Of particular note, the following has been identified in the assessment of the application:

- A lack of sense of place, the development makes little effort for human scaled design including narrow pedestrian walkways and lack of kerb side trading opportunities.

- The liquor drive through is the most prominent design element when viewed from the street and a use that is closed up preventing full activation of the Bass Highway interface.
- Poor orientation with all the external areas in the south orientation. Notably the one café has seating proposed on the south-west being in the location of the prevailing chilly wind from the bay.
- A lack of village style of architecture in that the proposal is inconsistent with the Grantville township.
- A lack of tourism-based details which would accommodate tourist markets who would be transiting through Grantville and seeking a place of rest.
- Domination of car parking along Bass Highway.
- Generic suburban design details. The proposal could be situated anywhere and does not respond to coastal village setting.

During the application process, the applicant was given feedback and suggestions from the Council including incorporating feedback from the Victorian State Architecture Panel. The applicant made some improvements as a result, however ultimately the design response was not amended to fully address Council's and the Victorian State Architecture Panel's initial concerns with the design.

Opportunities for improvement of to the design of the development put forward by Council Officers to the applicant included:

- Wider ffootpaths to allow for kerb side trading.
- More seating areas not linked to the café would allow for picnic and other social interactions.
- Greater landscaping opportunities.
- Making the liquor drive through less dominant.
- Adding a colour scheme which was more complimentary to the area.
- Reducing car park lengths and aisle widths to Planning Scheme requirements to allow for more footpaths.

It is acknowledged the community's need for a supermarket is great, with locals commuting 30 plus minutes for groceries, however it is considered that at same time the community deserves a well-considered and designed development to service their needs. To address the outstanding design concerns, conditions on any permit that would issue will require amended plans to alleviate these concerns.

These conditions suggested to address these design issues will seek to achieve the following:

- A greater footpath trading area.
- Additional landscaping opportunities within the development in order to soften the extensive building form
- Minor changes to the proposed car parking configuration to allow for an increase in outdoor dining areas, pedestrian movement, and connectivity.
- Changes to the proposed colour scheme

**Economic Diversity**

Having regard to the Planning Policy Framework (PPF) it is considered that the proposal satisfactorily addresses Clause 17.01-1S (Diversified Economy), Clause 17.02-1S (Business), Clause 17.04-1S (Facilitating Tourism) & Clause 17.04-1L (Facilitating Tourism).

Some notable strategies from these clauses include:

Clause 17.02-1S (Business)

- *Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.*

Clause 17.04-1S (Facilitating Tourism)

- *To encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.*

Clause 17.04-1L (Facilitating Tourism)

- *Integrate tourism-related development with existing settlements and existing tourist and urban infrastructure.*
- *Encourage tourist facilities and services that are compatible with and add value to the existing built and natural attractions of the municipality*

The economic strategies and objectives of the Planning Scheme- recognize the importance of the economic contribution of developments such as the one being considered. Such proposals osal have the ability to significantly contribute to the locality by servicing the local community and tourism trade. The proposed development has the potential to exceed the aims if the development provides a sense of place for people, not just for cars. Some built form hurdles that have previously been highlighted, need to be overcome to ensure that the development can support the social life of the street and accommodate expected pedestrian traffic and potential kerb side trading.

On balance the proposal will respond to the needs of the local community and broader economic vitality of the area.

Conditions will be suggested to be placed on the permit (if issued), to seek additional design changes that will ultimately result in a good urban design outcome for Grantville which is recognised as a gateway town for the Municipality.

### Zone Assessment

This application does not trigger a planning permit under the Mixed Use Zone.

### Clause 32.04 – Mixed Use Zone

The purpose of the Mixed Use Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
- *To provide for housing at higher densities.*
- *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
- *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*

Clause 32.04 – Mixed Use Zone, Schedule 1

In accordance with Clause 32.04-2 a planning permit is required for the use the land for:

- shops (supermarket including bottle shop, shops and pharmacy),
- office (Bank),
- retail premises (two food and drink premises and postal agency), &,
- a service station

The proposed floor area for the uses are as follows:

| *Use* | *Floor area* |
|---|---|
| *Supermarket* | *1993 sqm* |
| *Mini Major* | *610 sqm* |
| *Retail 1* | *119 sqm* |
| *Retail 2* | *80 sqm* |
| *Retail 3* | *72 sqm* |
| *Retail 4* | *220 sqm* |
| *Retail 5* | *140 sqm* |
| *Retail 6* | *90 sqm* |
| *Service station* | *200 sqm* |
| | *3524 sqm* |

The proposal includes various retail uses. The uses are considered appropriate for the site context in the Grantville township. The strategic direction identifies Grantville as a township that can cater to the needs of the north of the municipality. The retail spaces vary in size and present opportunity for different uses to service the community.

The shop entrances face west towards Bass Highway rather than towards adjoining the residential land to the east so there is not considered to be an amenity impacts to adjoining neighbours. The Development Overlay sets out the condition for hours of delivery which will be applied to the permit so as to not disturb the residential uses to the east. The proposed uses identified on the plans are considered worthy of support and some amenity-based conditions will be applied to the permit.

The service station use required additional consideration as required by the zone. The use of the land for a service station needs to consider adjoining uses, traffic, and built form design.

An assessment of the service station is provided as follows:

- The effects that existing uses on adjoining land will have on the proposal, and conversely the proposal will have on adjoining land, are considered appropriate, as the proposal has provided for sufficient setbacks to adjoining agricultural and residential land.
- The service station is located in accordance with the approved Development Plan. Amenity-based features including sound minimising fences are included in the proposal to mitigate the impacts of the service station on surrounding residential properties.
- The traffic generation can be accommodated as the use will be accessed via a service lane off Bass Highway.

In accordance with Clause 32.04-9 a planning permit is required for buildings and works associated with a section 2 use.



Figure 10 – Perspective from Bass Highway (west elevation)

*Buildings and Works:*

The buildings and works and car parking configuration are of concern, as mentioned above the proposal falls short of a quality outcome for a significant development in a high visibility site in the gateway to the municipality. Some conditions will be applied to the permit to improve the design to one suitable for the site context. These conditions include:

- Improved colour schedule
- Reduction in car parking
- Detail streetscape plan which provides for an attractive public realm
- Additional landscaping
- Wider footpaths
- Creation of a 'shared zone' in one aisle of the car park

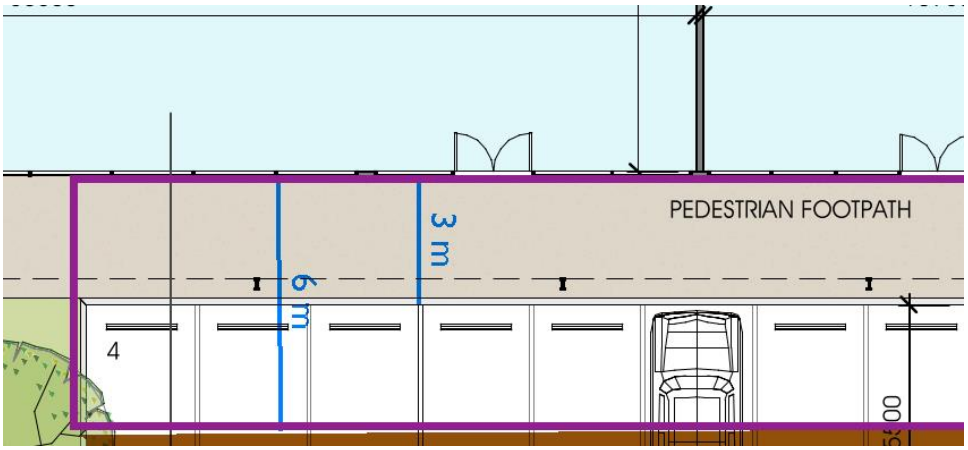


Figure 11 – Grey showing proposed extended footpath required via condition

The proposed footpath along the front of retail shops is a mere 3 metres wide and this is not considered to be an acceptable outcome. The diagrams below demonstrate how narrow this width is for active pedestrian walkways.

A condition on any permit issued will seek to increase the pedestrian access to 6 metres wide in order to provide street activation and safety.

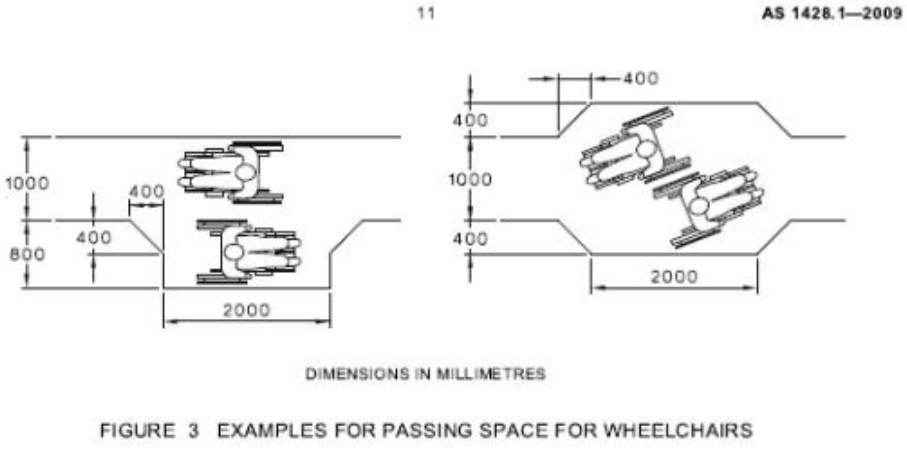


Figure 12 – Building standards for pass spaces for wheelchairs.




Figure 13 – Kerbside trading policy figure

The applicant contends that a wider footpath area is not required as the tenants in the retail shops will be prohibited from occupying footpath with goods or seating. Examples across the municipality demonstrate that commercial tenants require flexibility for street occupation to secure tenants and the success of the 'parklets' has added activation to commercial areas and has demonstrated how valuable street activation is. A wider footpath would future proof the development to allow for footpath trading to occur, subject to tenancy agreements.

Overall, the application is consistent with the objectives and decision guidelines of the Mixed-Use Zone subject to conditions on any permit issued.

**Overlay Assessment**

**Clause 43-04 – Development Plan Overlay**

The purpose of the Development Plan Overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.*
- *To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.*

Schedule 3 of Clause 43.04 provides an exemption from notice and review subject to the proposed planning permit being generally in accordance with the endorsed Development Plan (see Figure 9). The application is considered to be generally in accordance with the endorsed Development Plan as the proposal has satisfactorily responded to these requirements related to access and parking, the provision of utilities and the preferred uses and developments indicated.

During the planning permit application and development plan approval process the application was referred to the Department of Transport, Melbourne Water and Council's Development Services department seeking comments related to access and utility provisions notably stormwater management, drainage, and provision of a service lane. No objections have been raised and conditions have been recommended for inclusion on any permit issued.

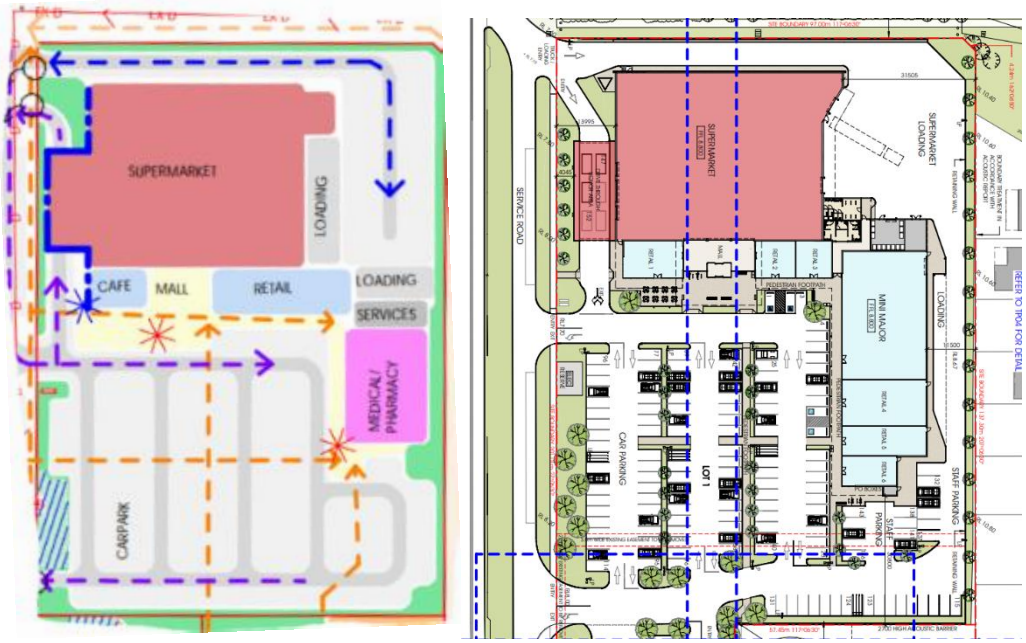


Figure 14– Site plan & Development Plan comparison

Schedule 3 to the Development Plan Overlay includes conditions to be applied to planning permits. Conditions will be applied to the permit, including a Construction Management Plan, delivery times for trucks and bicycle-related conditions in accordance with the Schedule.

## Particular Provisions Assessment

### Clause 52.05 – Signs

Pursuant to Clause 32.05-15, the proposal is subject to Category 3 of the advertising controls as set out in Clause 52.05. Pursuant to Clause 52.05 some of the key considerations for signage applications are:

- *The character of the area.*
- *Impacts on views and vistas.*
- *The relationship to the streetscape, setting or landscape.*
- *The relationship to the site and building.*
- *The impact of structures associated with the sign.*
- *The impact of any illumination.*

The proposal does not include signage or signage structures, the applicant has informed officers that the tenants of the tenancies will be applying for their own signage. Council anticipates multiple signage applications associated with the site should this application be approved and is satisfied that these applications can be assessed at that time.

### Clause 52.06 – Car Parking

Clause 52.06-1 applies to:

- *a new use; or*
- *an increase in the floor area or site area of an existing use; or*
- *an increase to an existing use by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.*

The proposed retail, shop and office use require 144 car parking spaces. The service station car parking rate is to the satisfaction of the Responsible Authority and has proposed 8 spaces.

In total, the proposal will provide 163 number of spaces, exceeding the Planning Scheme requirement by 19 car spaces, 8 spaces associated with the service centre is higher than required so Council does consider that the excess car spaces is 11.

| Car parking | | Size floor | Rate Measure | Rate / 100s qm | Req | Provided | |
|---|---|---|---|---|---|---|---|
| **Retail Premises** | | | | | | | Provided = 163 |
| | **Food and Drink** | 119 | 100sqm | 4 | 4 | 4 | 159 |
| | **postal agency** | 90 | 100sqm | 4 | 4 | 4 | 155 |
| **Shops** | | | | | | | |
| | **Supermarket & bottle shop** | 2,000 | 100sqm | 5 | 100 | 100 | 55 |
| | Shop 2 | 80 | 100sqm | 4 | 31 | 31 | 24 |
| | Shop 3 | 72 | | | | | |
| | **Pharmacy** | 220 | | | | | |
| | Mini Major | 610 | | | | | |
| | | =784 | | | | | |
| **Office** | **(Bank)** | 140 | 100 | 3.5 | 5 | 5 | 19 |
| **Ungrouped** | **Service centre** | 200 | To the satisfaction of the Responsibility | | | 8 | |
| | | | | | 144 | 163 | Excess 11 |

The proposal includes car park lengths and aisle widths which are greater than the requirements in the Planning Scheme by a minimum of 4.8 metres, with the current overall distance from the road being 58 metres but this can be reduced to 52.9 metres. The applicant argues that the aisle widths are better suited for supermarket car parking spaces however the additional extent of car parking in terms of physicality and car parking numbers is unsatisfactory from Council's perspective. The extent of car parking dominates the public realm and there is an opportunity to gain footpath area if the car parking lengths and aisle widths required by the Planning Scheme are applied. Conditions will be applied to reduce the physical extent of car parking and increase foot path area. A further condition will be applied which required a "shared zone" finish from the main pedestrian crossing and the aisle adjacent to the retail stores.



Figure 15 – Proposed 'shared zone' & wider footpath area

The 'shared zone' finish includes paving finishes which slow drivers down and will create a village style urban design outcome. The Cowes and Wonthaggi Activity Centre Plans propose these types of paved areas to create more vibrant commercial centres. While these finishes are not ordinarily associated with supermarkets; in this instance creating a village style retail area in what is a very standard suburban design will create a unique and responsive development in a coastal setting and will prioritise pedestrians rather than cars.

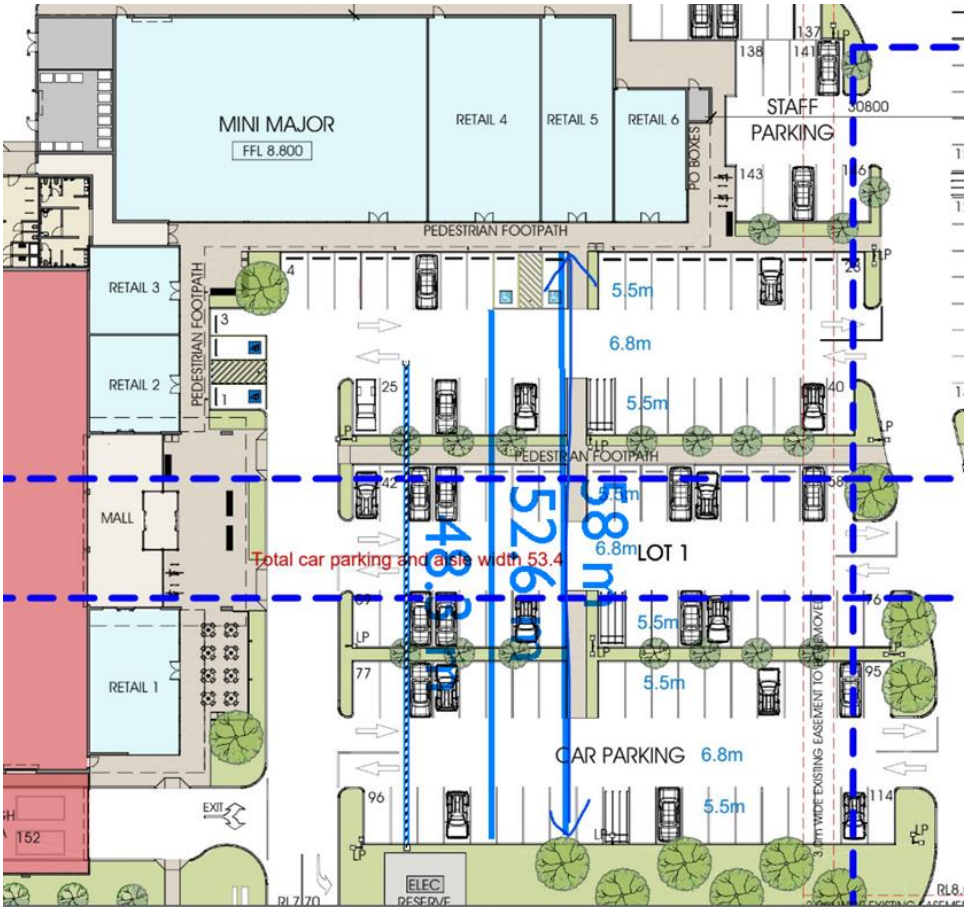


Figure 16 – Extent of car parking in proposal – exceeding lengths in BCPS by 5 metres



Figure 17 – Example from Greater Shepparton City Council streetscape improvements




Figure 18 – Excerpt from the Wonthaggi Streetscape strategy

### Clause 52.34 – Bicycle Facilities

Clause 52.34 seeks to encourage cycling as a mode of transport and provide secure, accessible, and convenient bicycle parking spaces and associated shower and change facilities.

In accordance with Clause 52.34-5 the proposed use must provide four bicycle spaces. The proposal will provide for four bicycle spaces, two located near the supermarket and two next to Retail 6.

| Car parking | | Size floor | | Rate Measure | Rate | Req | Provided | |
|---|---|---|---|---|---|---|---|---|
| **Retail Premises** | | | | | | | | |
| | **Food and Drink** | 119 | | 1/ 100sqm | 1 | 1 | | |
| | **postal agency** | 90 | | 1/ 300sqm | 1 | 0 | | |
| **Shops** | | | | | | | | |
| | **Supermarket & bottle shop** | 2,000 | | 1/ 600sqm if floor area exceeds 1000 sqm | 1 | 3 | | |
| | Shop 2 | 80 | | 1/600sqm if floor area exceeds 1000 sqm | 1 | 0 | | |
| | Shop 3 | 72 | | | | | | |
| | **Pharmacy** | 220 | | | | | | |
| | Mini Major | 610 | | | | | | |
| | | =784 | | | | | | |
| **Office** | | | | | | | | |
| | **(Bank)** | 140 | | 1/300sqm | 1 | 0 | | |
| **Ungrouped** | **Service centre** | 200 | | 1/800sqm | 1 | 0 | | |
| | | | | | | 4 | 4 | |

Sufficient bicycles spaces have been provided to service the development.

### Clause 52.17 – Native Vegetation

Clause 52.17 seeks to ensure there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the *Guidelines for the removal,* destruction *or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017).

A planning permit is required for the removal of native vegetation, the proposal includes removal of native vegetation in the road reserve along Bass Highway.




Figure 19 – Native Vegetation removal area

The proposed vegetation removal is of vegetation mostly tea tree species to accommodate the service lane along Bass Highway.

The vegetation along this area is regrowth from vegetation was removed under a previous Planning Permit 110007. As the vegetation associated with the previous permit was removed over 10 years ago and as such a new application for vegetation removal was required.

The vegetation removal is supported in this instance and offset conditions will apply to the permit.

## Clause 52.27 - Licences Premises

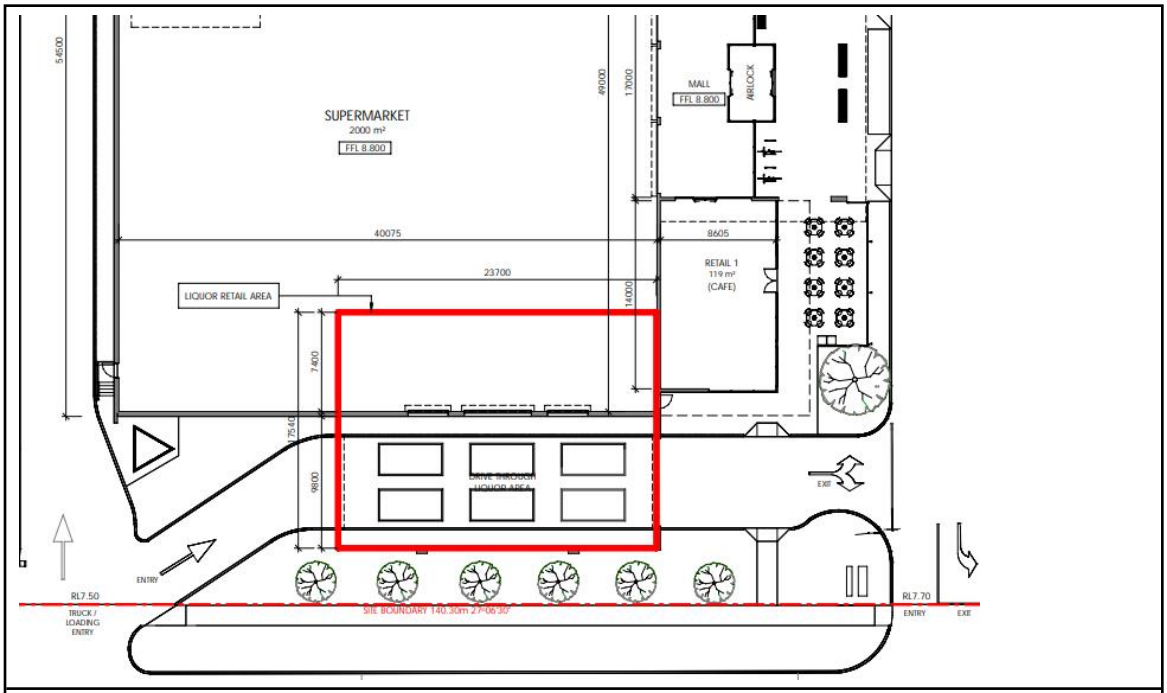


Figure 20 – Proposed red line area

The purpose of Clause 52.27 - Licences premises is to:

- Ensure that licensed premises are situated in appropriate locations.
- Ensure that the impact of the licensed premises on the amenity of the surrounding area is considered

A planning permit is required for the sale of liquor for offsite consumption, the application if for the sale of packaged liquor through a liquor store associated with a supermarket and drive through liquor area.

When considering the liquor licence application Clause 52.27 requires the Responsible Authority to consider the following:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of the surrounding area.
- The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

The proposed liquor shop and associated drive through sale area is considered undesirable from a siting perspective but is in accordance with the approved Development Plan. This concern was raised with applicant who declined to amend the application.

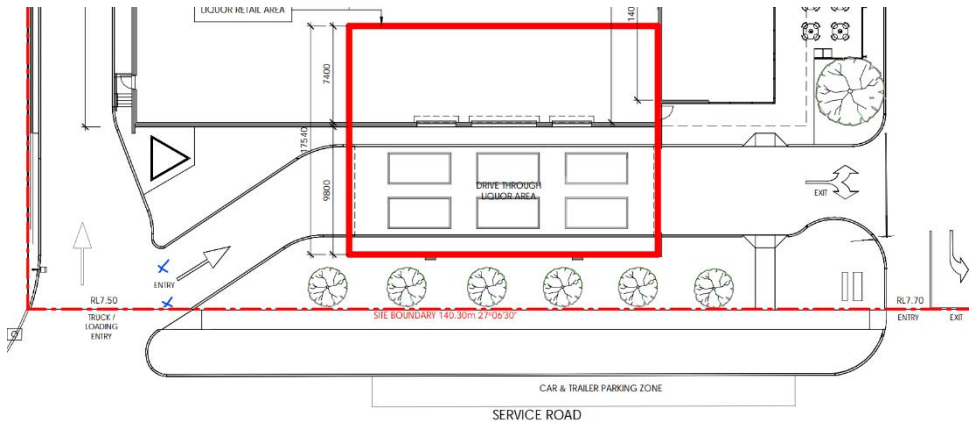


Figure 21 – Red line area

The drive through liquor location has provided some challenges with regards to streetscape activation, some conditions will be applied to the permit to make the access safer and reduce the dominance of the area by removing highly reflective colours such as white on the roller doors.

The applicant provided a cumulative impact assessment identifying other licenced venues in the area which did not exceed saturation points outlined in Clause 52.27. As the proposed liquor licence will not exceed saturation point the assessment was restricted to hours of sale, patrons, and amenity impacts.

The location of the liquor is a reasonable distance from the residential properties to minimise amenity impacts. Notice of the application was sent to Wonthaggi Police who did not object to the proposal. The hours of sale will be conditioned to the permit ensuring that the hours of sale are not excessive. Patron numbers have also been specified. Broad consideration is given to packaged liquor sales, the licence holder will ultimately be responsible for responsible service of liquor and no one site consumption will be available.

Should a permit issue, conditions will reduce the hours proposed for drive through based sales. On balance the proposed sale of packaged liquor is considered to meet the decision guidelines and objectives of the Clause.

**Access to Principal Road Network**

The purpose of Clause 52.29 (Land Adjacent to the Principal Road Network) is to:

- *To ensure appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network.*
- *To ensure appropriate subdivision of land adjacent to Principal Road Network or land planned to form part of the Principal Road Network.*

The proposal triggers Clause 52.29 as a permit is required to Create or alter access to a road in a Transport Zone 2. As Bass Highway is a Transport Zone 2 and no access to the site exists the application required to apply for the access to Bass Highway.

The proposal requires a service land the length of the frontage to Bass Highway, this was a condition of the Development Plan – Schedule 3.

The application was given consent from DoT and conditions requested by DoT have been applied to the permit which relate to the construction of the service lane.

### Conclusion

The application has been assessed against the Bass Coast Planning Scheme and is considered worthy of support as it meets the overall strategic direction for the site and context. While there are some shortcomings of the proposal, some improvements will be sought via conditions to be applied to the permit. The outcome of this permit is a much-needed supermarket for the township of Grantville which will make a positive contribution that will improve the overall amenity for the residents of Grantville.

It is recommended Council resolve to issue a Planning Permit for planning application 220416, subject to conditions.

### Recommendation

**That in relation to planning permit application 220416 for the use and development of land for shops (supermarket including bottle shop, shops and pharmacy), office (Bank), retail premises (two food and drink premises and postal agency), & service station in a Mixed-use Zone (MUZ) & Development Plan Overlay (DPO3), use of the land for sale of liquor for off premises consumption (packaged liquor licence), native vegetation removal and the alteration of access to Transport Zone 2 located at 1531 Bass Highway Grantville, Council direct a Planning Permit issue subject to the conditions upon confirmation of the issue of new titles in accordance with the boundary realignment approved under planning permit 210104 being provided to Council. Conditions to be included on the Planning Permit 220416 are as follows:**

**Amended plans required**

1) **Before the use and development commences, amended plans drawn to scale with dimensions must be submitted to and approved by the responsible authority. The plans must be generally in accordance with the plans submitted with the application dated 12 December 2022 but modified to show:**
    a) **Pedestrian footpath along the frontage of the minor major, retail 4 to retail 6 to be no less than 4.5 metres wide.**
    b) **Vehicle aisle adjacent to the retails shop to be a 'shared zone' finish which is of a paved style finish**
    c) **As a response to 1 a) & 1 b) parking reduced by up to 11 spaces and inclusion of parallel parking or angular parking to be included, as necessary.**

**d) Pedestrian crossing from front across liquor drive through to be raised and a treatment to ensure pedestrian safety**

**e) Vehicle barriers to prevent access to liquor drive through slip land to be erected outside sale of liquor times.**

**f) Height and length of wind break dimensioned, lower one metre to be a solid material such as stone wall or bricks and overall height to be at least 2 metres**

**g) Colour scheme amended to:**

**i) Reduce extent of highly reflective colours such as such surfmist and natural white**

**ii) Detailing to be more consistent with a coastal colour scheme and with some more neutral tones**

**h) Footpath plan including:**

**i) More detailed plans of public seating and inclusion of more seating and diversity of seating**

**ii) Additional material typology to increase attractiveness of footpath such as paving and textures as not to only be concrete**

**iii) Additional landscaping**

**iv) Dimensioned to scale**

**i) Pedestrian access to Lot 2 (future residential subdivision) to be an accessible ramp.**

**j) Amended landscape plan in accordance with Condition 3**

**k) Public seating with safety fencing is located at the service station.**

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

**Layout not to be altered – Use & Development**

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

**Landscape Plan to be modified**

**3) Concurrent with the submission of plans required by Condition 1 and before the commencement of buildings and works an electronic copy of a Landscape Plan (drawn to scale with dimensions) to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The Landscape Plan must be generally in accordance with the landscape concept plan submitted with the application prepared by Mexted Rimmer Landscape Architects, dated 13/12/2022, except that the plan must show:**

a) **any design changes as required by Condition 1;**

b) **Additional landscaping across the development including on footpaths which add to attractiveness of the development**

c) **Only list additional changes required to the plan which were missing on the submitted Landscape Plan;**

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

**Completion and maintenance of landscaping**

4) **Before the use commences, all landscaping works as shown on the endorsed plan must be carried out and completed to the satisfaction of the Responsible Authority. When the landscaping works have been completed, written confirmation must be provided to the satisfaction of the Responsible Authority that landscaping of the land has been undertaken in accordance with the endorsed landscaping plans.**

5) **The landscaping is to be maintained from practical completion of the landscaping. Any dead, diseased or damaged plants or landscaped areas are to be replaced to the satisfaction of the Responsible Authority.**

6) **Any weed infestations resulting from soil disturbance and/or the importation of sand, gravel and other material must be controlled during the construction period to ensure that there is no weed spread outside of the subject site to the satisfaction of the Responsible Authority.**

**Native Vegetation Removal**

7) **To offset the removal of 0.049 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) as specified below: Select General offset, Species offset, or both as detailed in the NVR report. Large tree requirement can be met across any offset type of General offset A general offset of 0.019 general habitat units:**

a) **A general offset of 0.019 general habitat units:**

i) **located within the Port Phillip & Westernport CMA**

ii) **with a minimum strategic biodiversity score of at least .0232**

**Waste Management Plan**

8) **Prior to the endorsement of plans under Condition 1, a Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. The WMP must include:**

a) **Method of waste collection for each of the supermarket and shops**

b) **The location of waste collection.**

c) **Hours and days of waste collection as per condition 21.**

**When approved the WMP will be endorsed and will then form part of the permit.**

**Appearance of buildings and site**

9) **Any materials or goods must be stored internally within a building or screened from public view to the satisfaction of the Responsible Authority.**

10) **All buildings must be maintained in good order and appearance to the satisfaction of the Responsible Authority.**

11) **The loading areas must be maintained in good order and appearance to the satisfaction of the Responsible Authority.**

12) **External lighting must be designed, baffled and located so as to prevent any unreasonable adverse effect from light spill on adjoining land to the satisfaction of the Responsible Authority.**

13) **All external materials, finishes and paint colours are to be to the satisfaction of the Responsible Authority.**

14) **All new walls on or facing the boundary of an adjoining property must be cleaned and finished to the satisfaction of the Responsible Authority.**

15) **No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building unless otherwise agreed in writing by the Responsible Authority.**

16) **All piping and ducting (excluding down pipes, guttering and rainwater heads) must be concealed from public view to the satisfaction of the Responsible Authority.**

**All areas of disturbed ground must be stabilised and revegetated at the completion of the development to the satisfaction of the Responsible Authority.**

**Hours of operation**

17) **Except with the written consent of the Responsible Authority, the use of the land for the service station and convenience restaurant may operate 24 hours a day, seven days a week.**

18) **Except with the written consent of the Responsible Authority, the use of the land for the retail premises, shops and the office may operate only between the hours of:**

a) **6.00am – 12.00am, seven days a week.**

**Sale of packaged liquor**

19) **The sale of packaged liquor from the shop may only occur between the following hours, unless otherwise agreed in writing by the Responsible Authority:**

   a) **9am to 11pm Monday to Saturday;**

   b) **10am to 11pm Sunday; and**

   c) **12pm to 11pm Anzac Day.**

20) **The sale of packaged liquor from the drive through area may only occur between the following hours, unless otherwise agreed in writing by the Responsible Authority:**

   a) **9am to 10pm Monday to Saturday;**

   b) **10am to 10pm Sunday; and**

   c) **12pm to 10pm Anzac Day.**

21) **Unless without the prior written consent from the Responsible Authority no more than 50 patrons in the packaged liquor sale area at one time.**

**Amenity**

22) **Noise emanating from the premises, including plant and other equipment, must comply with EPA Publication 1826.4 (Noise Protocol), to the satisfaction of the Responsible Authority.**

23) **Delivery and waste collection must not occur on Sundays and not occur before 8:00am and after 6:00pm, Monday to Saturday.**

24) **All electricity supplies for the development to be provided underground**

25) **No signage to be erected on the site unless specifically exempt under the Bass Coast Planning Scheme**

26) **Four (4) bicycles spaces and racks within the site, with showers and change room facilities located within the development**

27) **Shower and changerooms must be available to all employees at all times.**

**Traffic & Car Parking**

28) **Before the use starts, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:**

   a) **fully constructed;**

   b) **properly formed to such levels that may be used in accordance with the plans;**

c) **surfaced with an all weather surface or seal coat (as appropriate);**

d) **drained to prevent diversion of flood or drainage waters and maintained in a continuously usable condition;**

e) **line marked to indicate each car space, loading bay and/or access lane;**

f) **clearly marked to show the direction of traffic along access lanes and driveways;**

g) **properly illuminated with lighting designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land;**

h) **measures taken to prevent damage to fences or landscaped areas of adjoining properties and to prevent direct vehicle access to an adjoining road other than by an approved location;**

i) **provision of traffic control signage and/or other structures as required;**

j) **provision of signage directing drivers to the area(s) set aside for car parking. Such signs are to be designed, located and maintained to the satisfaction of the Responsible Authority**

**All to the satisfaction of the Responsible Authority.**

29) **Car spaces, access lanes and driveways must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.**

30) **Before the use starts, protective devices to prevent damage to fences or landscaped areas must be installed to the satisfaction of the Responsible Authority.**

31) **A minimum of 153 on site car parking spaces must be provided on the subject lot.**

32) **The dimensions of all new car parking spaces and aisle widths must comply with parking requirements of the Planning Scheme.**

33) **Car parking spaces must be specifically allocated for staff of the supermarket development in the proposed car park to the satisfaction of the Responsible Authority.**

34) **In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.**

35) **Parking areas must be designed for disabled persons and must be clearly set aside for such purposes and no other use of such space will be permitted.**

**No damage to Council infrastructure**

36) **Any Council road(s), footpaths(s) or other infrastructure adjacent to the land that is damaged as a result of the construction works (including, but not limited to trenching and excavation for utility service connections, movement of vehicle and the like), must be reinstated to the satisfaction of the Responsible Authority and at the cost of the permit holder.**

**Loading and unloading, and vehicle access**

37) **The loading and unloading of goods from vehicles for the supermarket must only be carried out on the land subject to this permit (within the designated loading bay(s) and must not disrupt the circulation and parking of vehicles on the land).**

38) **All delivery vehicles for the supermarket must enter and exit the site in a forward direction.**

39) **All disused or redundant vehicle crossings must be removed and reinstated to the satisfaction of the Responsible Authority.**

**Asset Department Conditions**

**Functional Layout Plan**

40) **Before the commencement of works onsite, a functional layout plan (FLP) for the service road must be submitted to and approved by both Bass Coats Shire Council and the Department of Transport. When approved the FLP will be endorsed and will then form part of the permit. The FLP must be drawn to scale with dimensions. An electronic copy (PDF) must be provided. The FLP should include but not limited to the following:**

a) **Details and dimensions of pavement extents and kerb and channel alignments,**

b) **Traffic calming treatments.**

c) **Pedestrian linkages and pram crossings.**

d) **Drainage layout.**

e) **All line-marking and signage.**

f) **Swept path analysis for 19m semi and B-double vehicles.**

g) **Independent road safety audit of the proposed design.**

**Stormwater Management Strategy**

41) **Before the endorsement of the civil design plans, an amended stormwater management strategy (SWMS) must be submitted to the satisfaction of the Responsible Authority for endorsement by the Responsible Authority. It must generally be in accordance with the**

**SWMS submitted (Brosnan Engineering Solutions Revision H February 2023) but amended to show, as a minimum:**

a) **Minor (underground) drainage system for the site designed for the 5 % AEP storm event in accordance with IDM standards for commercial areas.**

b) **Catchment map of the site and including all external catchments discharging to the Bass Highway culvert.**

c) **Capacity calculations for the existing culvert across the Bass Highway proposed as the LPOD for the site. Include consideration of existing external flows.**

d) **Re-calculation of the permissible site discharge (PSD) based on the available capacity of the Bass Highway culvert.**

**Civil construction plans required**

42) **Before the issue of a Building Permit, detailed civil construction plans must be prepared to the satisfaction of the Responsible Authority for endorsement by the Responsible Authority. All construction plans submitted for approval must be consistent with this permit and must conform with the requirements of all relevant servicing and road authorities, and in particular water, sewerage, drainage, telephone, gas and power authorities, VicRoads and Council. The plans must be drawn to scale with dimensions. An electronic copy (PDF) must be provided. The plans must 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 requirements of the Infrastructure Design Manual (IDM) as amended and must provide for the following:**

i) **How the land including all buildings, open space and paved areas will be drained for a 5% AEP storm event to the legal point of discharge.**

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

iii) **The provision of a drainage retardation system within the site and prior to the point of discharge. The stormwater retardation system must be designed to ensure that stormwater discharges arising from the proposed development of the land are restricted to pre-development flow rates for storm events up to and including the 1% AEP. The retardation system must ensure the site discharge does not exceed the capacity of the Bass Highway culverts for events up to the 1 % AEP.**

**iv) Provision of over-land surcharge routes for all storm events up to and including the 1% AEP. This must include 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.**

**v) Compliance with the Best Practice Environmental Management Guidelines for Urban Stormwater including any quality treatments proposed in accordance with these Guidelines and Clause 22.01 of the Bass Coast Planning Scheme.**

**b) Vehicle and pedestrian access and car parking in accordance with IDM standards and to the satisfaction of the Responsible Authority, including:**

**i) Access to the site only from a new service in accordance with endorsed development plan and VicRoads concept plans.**

**ii) Engineering plans and specifications of the proposed works including all roads, intersections, traffic calming, traffic circulation, signage, footpaths and pedestrian linkages.**

**iii) New service road to have asphalt wearing course pavement with kerb and channel;**

**iv) Intersection treatments for traffic channelization including entry threshold treatments with Statcon signage, splitter islands and turn lanes.**

**v) Turning for emergency service vehicles and garbage trucks must be provided**

**vi) Provision of trailer parking along the service road.**

**vii) 2.5m wide shared concrete footpath along the full frontage of the site on Bass Highway road reserve. The shared path must connect to existing path from Brazier Street.**

**c) Standard street lighting to be provided 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.**

**All works must be constructed or carried out in accordance with those plans before the occupation of the development.**

**Construction Management plan**

**43) Before commencement of earthworks onsite, a Construction Management Plan (CMP) must be prepared to the satisfaction of the Responsible Authority for endorsement by the Responsible Authority. The plans must be drawn to scale with dimensions. An electronic copy (PDF) must be provided. The plan must address, but not be limited to following:**

- **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) Demonstrate all environmental and cultural protection measures identified on a drawing(s) drawn to scale and prepared in accordance with Melbourne Water standards for such drawings.**
- **e) Measures to ensure that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the storm water drainage system.**
- **f) 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.**
- **g) Address any recommendations of any approved Cultural Heritage Management Plan applying to the land.**
- **h) Identify the location and method of any Tree Protection Zones.**
- **i) All machinery bought on the site must be weed and pathogen free.**
- **j) 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;**
- **k) Contractors working on the site must be inducted into an environmental management program for construction works.**
- **l) Best practice erosion and sediment control techniques must be used to protect any native flora and fauna.**
- **m) Appropriate mechanisms for protecting environmental and heritage assets during the construction phase of subdivision.**

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

o) **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;**

p) **location of the construction workers 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;**

q) **management of all building and construction waste, including any measures to recycle materials generated during construction;**

r) **locations of cut and fill stockpiles;**

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

t) **a liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced;**

u) **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);**

v) **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 Construction Management Plan, once endorsed, will form part of the permit. All works constructed or carried out must be in accordance with the approved Construction Management Plan. All care must be taken to minimise the effect of construction activity on the amenity of the surrounding neighbourhood. Once endorsed the Construction Management Plan must not be altered except with the written consent of the Responsible Authority.**

**Civil works fees**

**44) Before the occupation of the site, 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.**

**LANDSCAPING**

45) **Before the commencement of works onsite, a landscape plan must be prepared by a landscape architect or suitably qualified person/company and must be submitted to and approved by the Responsible Authority. The plans must be prepared to the satisfaction of the Responsible Authority. When approved, the plans will be endorsed and form part of the permit. The plans must be drawn to scale with dimensions. An electronic copy (PDF) must be provided. The plans must show:**

- **a) Street trees must be provided on both sides of roads/streets in accordance with and not exceeding the following average intervals:**
  - **i) Small trees (less than 10 metre canopy), at a 8-10 metre interval;**
  - **ii) Medium trees (10-15 metre canopy), at a 10-12 metre interval; and**
  - **iii) Large trees (canopy larger than 15 metres), at 12-15 metre intervals**
- **b) A schedule of proposed species that are to be planted on the site including scientific names;**
- **c) The incorporation of locally indigenous species;**

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

e) **A notation on the landscape plan providing that the permit holder will maintain all landscaping (including any replacement of dead or diseased plants) as per the endorsed 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.**

g) **Access to each lot in the subdivision.**

**LANDSCAPE MANAGEMENT PLAN**

46) **Before a statement of compliance is issued for any stage of the subdivision under the Subdivision Act 1988, a Landscape Management Plan must be submitted to and endorsed by the Responsible Authority. The Landscape Management Plan must provide for the interim management of the land within the estate until the end of the 24 month landscaping maintenance period and handover to Council. The plan must include details of:**

a) **Mowing, slashing and fire risk management;**

b) **Mowing schedule (maximum interval of one month unless otherwise agreed with Responsible Authority – more frequent in spring/autumn);**

c) **Details of how street trees are to be maintained; including levels of mulching, watering schedules and regularity of landscape inspections;**

d) **Weed and pest control measures;**

**MAINTENANCE OF LANDSCAPING**

47) **The landscaping shown on the endorsed landscape plan must be maintained to the satisfaction of the Responsible Authority for a minimum of 24 months from the date of practical completion of the landscaping. All maintenance activities are to be undertaken until a Final Completion Inspection is completed and is to the satisfaction of the Responsible Authority. During this period, any direction to undertake maintenance activities must be completed within 14 days of the written notification being received from the Responsible Authority.**

**WORKS COMPLETION**

48) **Before the opening of any commercial stores on the site, the following works must be completed in accordance with IDM standard drawings and to the satisfaction of the Responsible Authority including:**

a) **All roads (including the service road), carparks, paths, drainage, open space and other 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 endorsed civil design plans;**

d) **all landscaping works in accordance with the endorsed landscape plan.**

e) **All public areas 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.**

**ROAD SAFETY AUDIT**

**49) Before the occupation of the site, an independent Road Safety Audit (RSA) must be completed in accordance with the Infrastructure Design Manual (IDM), unless otherwise agreed to in writing by the Responsible Authority following a Practical Completion inspection. All works must be completed in accordance with the recommendations of the RSA to the satisfaction of the Responsible Authority.**

**As constructed plans with list**

**50) Before the opening of any commercial stores on the site, the following must be provided to the responsible authority:**

a) **CCTV footage of the Council drainage assets in accordance with the IDM.**

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

- **One A1 film tracing per drawing.**
- **Collated electronic PDF format.**

c) **"As constructed" digital data measurements of 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.**

d) **Location of any permanent survey marks.**

**Private infrastructure**

**51) The owner of the property is responsible for the upkeep and maintenance of the private stormwater detention and quality treatment infrastructure constructed onsite.**

**MUD ON ROADS**

**52) 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.**

**Defect liability period – maintenance of public assets**

**53) All public 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. Defect liability periods where the owner is responsible for the maintenance of any defects include the following:**

**a) 12 months for civil works (eg: service road) following passing of the practical completion inspection for civil works.**

**b) 24 months for landscaping (eg: street trees) following passing of the practical completion inspection for landscaping works.**

**Department of Transport & Planning Conditions**

**54) Prior to works beginning in the road reserve, detailed Functional Layout Plans of the service road and the required roadworks must be submitted and approved by the Head, Transport for Victoria. The plans are to be in accordance with Gippsland Regions developer funded checklists.**

**55) Prior to works beginning in the road reserve, detailed Design Plans of the service road and the required roadworks must be submitted and approved by the Head, Transport for Victoria. The plans are to be in accordance with Gippsland Regions developer funded checklists.**

**56) Prior to the use of the buildings hereby approved, the service road and associated roadway modifications must be completed at no cost and to the satisfaction of the Head, Transport for Victoria.**

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

**58) The truck wheel-wash must be maintained in good order during the construction phase of the development and may be removed at the end of the construction phase of the development with the prior approval of the Head, Transport for Victoria.**

**Cultural Heritage Management Plan**

**59) With reference to section 63(1)(a)(i) of the Aboriginal Heritage Act 2006 (Act), the Bunurong Land Council Aboriginal Corporation as the Registered Aboriginal Party (RAP) have approved the Cultural Heritage Management Plan (CHMP) 18017 (prepared by Triskle Heritage October 2021) which must comply with all conditions as set out within the CHMP and to the satisfaction of the Responsible Authority.**

**(Please note: All activities carried out on the site must comply with the approved Cultural Heritage Management Plan 18017).**

**Time for Starting and Completion**

**60) This Permit will expire if:**

**a) The insert development does not start within 4 years from the date of this Permit; or**

**b) The development is not completed within 6 years of the date of this Permit.**

**c) The use (land uses and sale of packaged liquor) does not start within 4 years from the date of this Permit; or**

**d) The use (land uses and sale of packaged liquor) is discontinued for a period of 2 years or more.**

**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 use and development has not commenced.**

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

**Native Vegetation Removal Expiry**

**61) This permit will expire if one of the following circumstances applies:**

**a) The removal, destruction or lopping of native vegetation does not start within two years of the date of this permit.**

**b) The removal, destruction or lopping of native vegetation is not completed within ten years of the date of this permit.**

**Permit Notes**

**A. Building permit may be required**

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

**B. Planning permission**

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

**D. 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.**

**E. Boundary fencing**

**The exact design detail of the fences on the eastern and southern boundaries of the site and the division of costs is to be determined with the adjoining owners in accordance with the provisions of the *Fences Act 1968*.**

**G. Build Over Easement**

**Separate consent is required to build over the easement. It will be necessary to obtain consent from all relevant authorities prior to construction. Please note that consent may or may not be given, depending on specific site circumstances and conditions.**

**H. Native Vegetation Control**

**A planning permit is required to remove, destroy or lop native vegetation on the land, except in accordance with an exemption specified in the Bass Coast Shire Planning Scheme.**

**I. Permit for Protected Fauna**

**Before the commencement of works, a *Flora and Fauna Guarantee Act 1988* (FFG) permit to take protected flora is required if the works will impact on protected flora species or communities. The applicant should confirm whether a FFG permit to take protected flora is required to remove protected flora during construction works associated with the road drainage works.**

**J. Retention of Existing Street Trees**

**Nothing in the permit hereby issued may be construed to allow the removal of damage to or pruning of any street tree without the further written consent of the Bass Coast Shire Council. Contact Council Arborists on BCOAST (226 278) or (03) 5671 2211 for further information.**

**L. Permit to Building Surveyor**

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

**M. Bushfire Prone Area**

**This site is located within a designated Bush Fire Prone Area. Compliance with AS3959 is required.**

**N. Department of Transport and Planning note**

**Separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act 2004. For the purposes of this application the works will include provision of:**

- **Right turn lane**
- **Median opening**
- **Service Road**
- **Roadway Lighting**

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**Attachments**

1. revised architectural plans December 2022 [**8.1.1** - 17 pages]
2. RED LINE PLAN - 1531 & 1545 Bass Highway Grantville - 220416 [**8.1.2** - 1 page]
3. CONFIDENTIAL REDACTED - 2022 09 28 - 0928 OVGA VDRP Grantville Commercial Precinct - VDRP report - 220224 [**8.1.3** - 6 pages]

## 8.2 Adoption of the Wonthaggi Activity Centre Streetscape Master Plan

| | |
|---|---|
| **Division** | **Place Making** |
| **Council Plan Strategic Objective** | **Our Places**<br>*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 is to present the Wonthaggi Streetscape Master Plan for adoption by Council after a period of community and key stakeholder consultation.

The Wonthaggi Streetscape Master Plan has been developed as a recommendation of the adopted Wonthaggi Activity Centre Plan 2021 and the Wonthaggi Access and Movement Study 2021, which identified the need for master planning within the town's activity centre. The Streetscape Master Plan delivers schematic designs and a staging plan that will guide the delivery of streetscape works to the Wonthaggi Activity Centre into the future.

The objective of the Streetscape Master Plan is to reinvigorate the activity centre by implementing significant enhancements to pedestrian safety and traffic management using raised crossings and surface treatments. Additionally, the Master Plan aims to enrich and elevate the public environment by incorporating artistic elements, lighting installations, and landscaping.

These improvements to the streetscape will be realised through imaginatively designed green spaces, fostering both physical and community links to various areas within the town. The ongoing investment by the Council in the Wonthaggi town centre will ensure sustained improvements in its attractiveness, functionality, connectivity, and safety for the years ahead.

It is recommended that the Wonthaggi Streetscape Master Plan is adopted to provide strategic guidance on the future delivery of streetscape works in Wonthaggi.

### Recommendation

**That Council adopt the Wonthaggi Streetscape Master Plan 2023.**

## Background

In April 2021, Council adopted the Wonthaggi Activity Centre Plan and Wonthaggi Access and Movement Study which looked to:

- Enhance quality and character of the Wonthaggi Activity Centre to reinforce its status as a regional centre
- Enhance safety, functionality and presentation of key activity and movement corridors along McBride Avenue and Graham Street
- Reinforce Wonthaggi's character through streetscape
- Activate the retail core as a gathering place for community both during the day and at night
- Create a movement network that prioritises pedestrian and cyclist amenity and safety.

The Activity Centre Plan and the accompanying Access and Movement Study made a number of key recommendations, some of which have already been delivered. These include:

- Intersection upgrades to Biggs Drive and Murray Street intersection
- Introduction of two new pedestrian crossings in Graham Street and an upgrade to the existing pedestrian crossing in Murray Street
- Apex Park Landscape Master Plan and delivery of a new play space and toilet block redevelopment including a changing place facility
- Pre-feasibility studies at the former Wonthaggi Secondary Collage site.

The Streetscape Master Plan builds on the Activity Centre Plan and Access and Movement Study as a major place shaping plan. Streetscape improvements, achieved through strengthening pedestrian connectivity, will provide a physical and community connection to multiple spaces throughout the town.

## Discussion

The Wonthaggi Streetscape Master Plan includes the key areas of:

- Graham Street
- Murray Street
- Watt Street
- McBride Avenue
- Bilson Street/Biggs Drive
- McKenzie Street
- Key laneways

In developing the Master Plan, key guiding principles and objectives were identified that underpin the design recommendations.

The key guiding principles are:

- Re-create 'streets for people'
- Reinvigorate the character of Wonthaggi
- Activate the centre of town and connect the four ends
- Shift the transport mode hierarchy to prioritise pedestrians
- Ensuring flexible design solutions to meet short, medium and long term goals
- Future proofing through innovative solutions and smart city infrastructure.

The project design is inspired by both Wonthaggi's history and the present day. Materiality considered in the design draws on elements that reflect Wonthaggi's rich history while acknowledging its future.

Concept designs were developed and presented to key stakeholders and community for feedback through consultation from 2 November 2022 and 8 March 2023. Various methods of engagement were used throughout this time including digital platforms (social media, Engage Bass Coast and Council website, QR codes), print platforms (newspapers and signage) and face to face sessions (key community group presentations and drop-in sessions). Three drop-in sessions at Apex Park were held with approximately 90 community members attending. Social media channels, including Facebook and Instagram reached 1,978 people. The Engage Bass Coast project page was viewed 830 times by 300 people, with 12 surveys completed, 63 markers dropped on concepts plans and nine written submissions.

Key themes identified during consultation and engagement period include:

- Pedestrian Safety
    - Improved pedestrian and traffic safety measures including raised pedestrian crossings and intersections with textural surface treatments.
- Parking
    - Inclusion of carparking that is suitable for varying demographic and the seasonal demands of Wonthaggi.
    - Provision of adequate parking available in key locations i.e., bank, pharmacy, supermarket.
    - Allowance for a variety of car parking types (i.e., timing of parking in key areas, loading bays, accessible parking).
- Signage and Wayfinding
    - Clear wayfinding and signage is required for parking, key locations, precinct areas and attractions.
- Public realm enhancements
    - Art elements
    - Security and lighting
    - Inclusion of bike racks, drinking fountains, seating, and rubbish bins
    - Greening the streets of the activity centre.

Given the overall positive feedback and support for the Draft Master Plan, the final document has largely remained unchanged.

A high-level cost plan was completed based on the Master Plan that informs an implementation staging plan. The staging plan provides Council direction on a staged design and delivery of the Streetscape Master Plan. The implementation of the staging plan is partially funded through successful grant funding obtained in 2021, however full delivery of the Master Plan is dependent on additional budget allocation through Councils long-term financial plan and advocacy efforts for further additional grant funding.

### Sustainability Implications

The Environmentally Sustainable Design (ESD) Policy has been followed during the development of the Master Plan and these considerations have been added to the final Master Plan.

### Finances

A high-level cost plan and staging plan has been developed for the Master Plan. Delivery of the project will require budget allocation through Councils long term financial plan and external grant funding. Funding has been obtained for initial delivery in the 2023/24 financial year.

The recommendations within the Master Plan extend further than this period, and assessment and review of the staging plan will be ongoing. Advocacy for funding will support delivery of the Wonthaggi Streetscape Master Plan staging plan.

### Stakeholders

Stakeholders were engaged in a variety of methods including key stakeholder workshops, Engage Bass Coast website which included a survey and interactive concept maps, media releases, social media, signage across the Wonthaggi Activity Centre, through notifications and targeted email campaigns. Stakeholders consulted include:

- Businesses and traders
- Community
- Access and Inclusion Advisory Committee
- Youth Advisory Committee
- Department of Transport
- Regional Roads Victoria

## Conclusion

The Wonthaggi Streetscape Master Plan has been developed as a recommendation from the Wonthaggi Activity Centre Plan 2021 and Wontahggi Access and Movement Study 2021. The Master Plan comprises several key areas in the activity centre and addresses the key strategic project principles.

A Draft Master Plan was presented to key stakeholders and the community for extensive consultation. Overall, the concepts were widely accepted with minor changes being reflected in the final Master Plan concepts.

The final Wonthaggi Streetscape Master Plan considers all feedback received during the consultation period and provides strategic direction to inform the next stages of detailed design and delivery.

Adoption of the Wonthaggi Streetscape Master Plan will guide planning and delivery of the development of Wonthaggi's Activity Centre.

## Governing Documents

1. Wonthaggi Access and Movement Study 2021
2. Wonthaggi Activity Centre Plan 2021

## Attachments

1. Appendix D - Wonthaggi Wayfinding Strategy 23.08.22 [**8.2.1** - 21 pages]
2. Appendix C - P S 130426 A L- R B-001- Wonthaggi Activity Centre Lighting Response [**8.2.2** - 26 pages]
3. Wonthaggi Activity Centre Infographic June 23 Round Two [**8.2.3** - 1 page]
4. Appendix E - 230512 Cost Plan Summary [**8.2.4** - 10 pages]
5. Wonthaggi Activity Centre Streetscape Final Master Plan Report [**8.2.5** - 65 pages]

## 8.3 Procurement Policy Amendments 2023

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

### Declaration

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

### Summary

Council adopted a new Procurement Policy in December 2021 as part of significant changes enacted under the *Local Government Act 2020 (the Act)*.

Council's Procurement Policy is governed by sections 108 and 109 of *the Act*, which allows it to be reviewed at any time, or at least once every 4 years.

A further review of the Procurement Policy has now been undertaken in consultation with internal and external stakeholders and consideration made to Council's current systems and processes. The Local Government Best Practice Procurement Guidelines and Council objectives were also considered as part of preparing the policy changes.

### Recommendation

**That Council adopt the Procurement Policy 2023.**

### Background

Given the changes to requirements under *the Act* which led to significant changes in redeveloping Council's Procurement Policy in 2021, the last 18 months has allowed Council to develop and implement key policy changes and procurement processes that balance value for money and efficient delivery of goods, works and services for the Bass Coast Community.

During this time internal business partnering and extensive external networking through regional and metro Council's has occurred and allowed Council to recognise areas within the policy that require further refinement. These changes complement Council systems and processes allowing more efficient and functional procurement activities, whilst considering value for money and probity principles.

### Discussion

Council's Procurement Policy supports the delivery of services and projects in the Council Plan and should provide a framework for officers to undertake duties in a financially responsible and efficient manner.

The Procurement Policy sets out the principles, processes and procedures that apply for the purchase of goods, services and works carried out by the Council and applies to all Councillors, Council officers, and other persons undertaking procurement on Council's behalf.

*Section 9* of the *Local Government Act 2020* requires Council's to pursue innovation and continuous improvement. During implementation of the new policy adopted in 2021, opportunities were unearthed to refine the policy which would allow more efficient and practical procurement practices. These changes would continue to promote open and fair competition, value for money, collaborative procurement and guidance on ethical behaviour and an effective control environment for procurement activities. It will continue to enable Council to demonstrate accountability by application of best practice procurement activities for ratepayers and residents.

They proposed key changes within the policy are:

- Definitions: introduced to provide clarity to wording and their meanings, that may have been open for interpretation
- Updates to Appendix 1 – Procurement Thresholds for spends between $50,001 and $300,000 which provides staff with more flexibility on the approach to market when seeking quotations from suppliers including the need to consider the risks relating to the specific project
- Expanding on Financial Accountability requirements to ensure alignment with Council's systems and compliance with budget management, financial delegations and procurement thresholds
- A streamlined approach to support the utilisation of Bass Coast Shire Council Panel Contracts
- Minor change to the exemption justification 'Lack of Competition' and the introduction of a new exemption justification for 'Levies and Taxes' which can be used for spends related to Fringe Benefit Tax, EPA Levies etc.
- Amendment to GST within the policy. All figures unless otherwise stated will now GST exclusive. This is consistent with Council's financial systems and processes. While the CEO's delegated authority has increased slightly as a result, this delegation can only be exercised for expenditure that has been included in Council's Budget.
- Inclusion of Child Safety and Gender Equality statements.

**Sustainability Implications**

As overarching objective of the Procurement Policy is for assurance that Council's procurement practices provide value for money outcomes. Value for money includes consideration of key elements as part of a purchase; those being economic, local, social and environmental impacts. This approach is called the Quadruple Bottom Line and is embedded into Bass Coast Shire Council Procurement Policy and Practices.

## Finances

There are no direct financial implications associated with this report.

## Stakeholders

Extensive business partnering has been undertaken with key internal users and management across Council. The proposed policy will allow for a more enabling and streamlined approach for the procurement of goods, services or works, in line with adopted budget, while still providing assurance that best value opportunities and probity principles are followed.

In addition, regular networking with the South Eastern Procurement Network and Regional Councils has provided insight into what is working well in the sector, including opportunities for collaborative procurement.

## Conclusion

This review and the updates made to the Procurement Policy will enable Council to meet its legislative obligations under *Sections 108 and 109* of the *Local Government Act 2020.* The changes will support the execution of responsible and efficient operational procurement practices by Council.

## Governing Documents

*Local Government Act 2020*, sections 108 and 109.

## Attachments

1. Procurement Policy 2023 Review Final Draft [**8.3.1** - 18 pages]

## 8.4 Review of Instrument of Delegation – Council to Chief Executive Officer

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|---|---|
| **Division** | **Business Transformation** |
| **Council Plan Strategic Objective** | **Leading for our Community**<br>*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 adopts the Instrument of Delegation from Council to Chief Executive Officer and revoke the previously adopted Instrument of Delegation from Council to Chief Executive Officer.

This report is presented to Council to review the Chief Executive Officers delegations.

The function of delegating powers, duties and functions of Council to the Chief Executive Officer allows for the effective operation of the organisation. The Chief Executive Officer may on-delegate certain powers duties and functions to staff.

### Recommendation

**In the exercise of the power conferred by s 11(1)(b) of the *Local Government Act 2020* (the Act), Bass Coast Shire Council (Council) resolves that:**

1. **There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer*, subject to the conditions and limitations specified in that Instrument.**
2. **The instrument comes into force immediately the common seal of Council is affixed to the instrument.**
3. **On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.**
4. **The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

## Background

Council currently exercises its powers to delegate to the Chief Executive Officer.

Council subscribes to a suite of Instruments prepared by Maddocks Lawyers, which are then adapted and completed to meet the requirements of Bass Coast Shire Council.

## Discussion

Delegation facilitates the achievement of good governance for the community by empowering positions to make decisions on behalf of Council and the Chief Executive Officer.

The previous Instrument of Delegation from Council to Chief Executive Officer was adopted 15 June 2022.

The Instrument of Delegation has been updated to align with the Procurement Policy.

## 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 Instrument of Delegation from Council to Chief Executive Officer for the powers, duties and functions under the relevant legislation as outlined in the attachment.

## Governing Documents

The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Section 11(1)(b) Power of Delegation of the *Local Government Act 2020*.

## Attachments

1. S5 Instrument of Delegation to Chief Executive Officer [**8.4.1** - 4 pages]

# Statutory Reports

# 9 Statutory Reports

## 9.1 Informal Meeting of Councillors Records

| | |
|---|---|
| **Division** | **Business Transformation** |
| **Council Plan Strategic Objective** | **Leading for our Community**<br>*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 2022,* 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.**

### Background

Chapter 6 of the *Bass Coast Shire Council Governance Rules 2022* defines an Informal Meeting of Councillors as a meeting of Councillors that:

- is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors and contains three or more Councillors;
- is a meeting of a Council Committee that a Councillor is appointed to;
- is attended by at least one member of Council staff; and
- 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:

- tabled at the next convenient Council meeting; and
- recorded in the minutes of that Council meeting.

### 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
- Guest presenters
- Community members

### Conclusion

The report tables the summary of matters discussed at recent informal meetings of Councillors in line with the requirements of the Governance Rules 2022.

### Governing Documents

*Local Government Act 2020*

Governance Rules 2022

### Attachments

1. Councillor Briefings 7 June 2023 Informal Meeting of Councillors [**9.1.1** - 2 pages]
2. Councillor Briefings 21 June 2023 Informal Meeting of Councillors [**9.1.2** - 1 page]

## 9.2 Planning and Building Statistics - May 2023

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

### Declaration

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

### Summary

**PERMITS REFUSED:**

220356: Development of land for a single dwelling in a Land Subject to Inundation Overlay (LSIO) located at 32 Silverleaves Avenue, Silverleaves.

**PERMITS ISSUED:**

**Island Ward**

220392: Construction of dwelling in the Design and Development Overlay, Schedule 1 (DDO1) and removal of vegetation in a Vegetation Protection Overlay (VPO2) located at 9 Talofa Avenue, Cowes.

220429: Construct a second dwelling and two lot subdivision in a General Residential Zone (GRZ1) located at 366 Church Street, Cowes.

230022: Three lot subdivision located at 19-21 Galleon Crescent, Sunset Strip.

230027: Use of land to sell and consume liquor located at Shop 8/209-211 Settlement Road, Cowes.

PDPLANPER-2023/000140: Buildings and works to an existing dwelling in a Land Subject to Inundation Overlay (LSIO) located at 17 Martin Street, Silverleaves.

PDPLANVIC-2023/000190: Remove a tree in a Vegetation Protection Overlay (VPO2) located at 62 Marlin Street, Smiths Beach.

PDPLANVIC-2023/000296: Two lot subdivision in an Industrial 3 Zone (IN3Z) located at 14 Harvey Drive, Cowes.

**Western Port Ward**

220134: Removal of native vegetation in accordance with Clause 52.17 located at Foreshore Reserve, Bass Highway, Grantville.

220266: Construction of two dwellings and two lot subdivision in a General Residential Zone (GRZ1) located at 1 Second Avenue, Cape Woolamai.

220335: Use and Development of a second dwelling and extension to any existing outbuilding, three lot subdivision and creation of a restriction, and the removal of native vegetation located at 120 Acacia Road, Grantville.

220424: Development of land for a second dwelling in a General Residential Zone (GRZ1) located at 14 Walpole Street, Corinella.

220449: Boundary realignment, removal of easement, and use and development of a dwelling and associated outbuilding (shed) in a Rural Activity Zone (RAZ) and Heritage Overlay (HO28) located at Brick Kiln Road, Corinella.

220451: Use and development of a replacement dwelling in the Farming Zone (FZ) located at 270 McKenzie Road, Bass.

220471: Realignment of common boundaries between two lots in the Farming Zone (FZ), Land Subject to Inundation Overlay (LSIO), and Environmental Significance Overlay (ESO3) locate at 2730 Bass Highway and 100 Bass Landing Road, Bass.

230021: Two lot subdivision located at 1650 Bass Highway & 28 Queensferry Road, Grantville.

230038: Buildings and works associated with a dwelling in a Farming Zone (FZ) and Significant Landscape Overlay (SLO1) located at 135 Punch Bowl Road, San Remo.

PDPLANPER-2023/000083: Development of land for a dwelling in the Design and Development Overlay (DDO1) located at 31 Elsa Terrace, San Remo.

PDPLANPER-2023/000093: Buildings and works in a Design and Development Overlay, Schedule 1 (DDO1) located at 4 Norling Way, San Remo.

**Bunurong Ward**

220324: Two lot subdivision and development of land for a second dwelling in a General Residential Zone (GRZ1) located at 22 Dudley Street, South Dudley.

220329: Conversion of an existing agricultural shed to a dwelling in a Farming Zone (FZ) located at Boundary Park, 265 Boundary Road, Inverloch.

220384: Construction of two dwellings and removal of vegetation in a General Residential Zone (GRZ1), Design and Development Overlay (DDO1) and Vegetation Protection Overlay (VPO3) located at 9 Hopetoun Street, Inverloch.

220458: Development of land for a dwelling in a Design and Development Overlay (DDO9), and removal of vegetation in the Vegetation Protection Overlay (VPO3) located at 12 Overlook Drive, Inverloch.

230025: Two lot subdivision located at 6 Citadel Way, Inverloch.

230037: The development of an outbuilding in a Public Parks and Recreation Zone (PPRZ) & Significant Landscape Overlay (SLO5) located at 686 Inverloch-Venus Bay Road, Pound Creek.

PDPLANPER-2023/000031: Buildings and works to existing dwelling in an Environmental Significance Overlay (ESO1) located at 41 Viminaria Road, Harmers Haven.

PDPLANPER-2023/0-00070: Construction of a dwelling in a Bushfire Management Overlay (BMO) located at 12 Blue Water Circle, Cape Paterson.

PDPLANPER-2023/000219: Subdivision of land (boundary realignment) located at 12 & 13 Youll Grove, Inverloch.

PDPLANPER-2023/000227: Buildings and works, including partial demolition in a Commercial Zone (C1Z) and Heritage Overlay (HO165) located at 2-6 McBride Avenue, Wonthaggi.

PDPLANVIC-2023/000257: Construction of a shed in a Farming Zone (FZ) located at 1005 Inverloch-Outtrim Road, Inverloch.

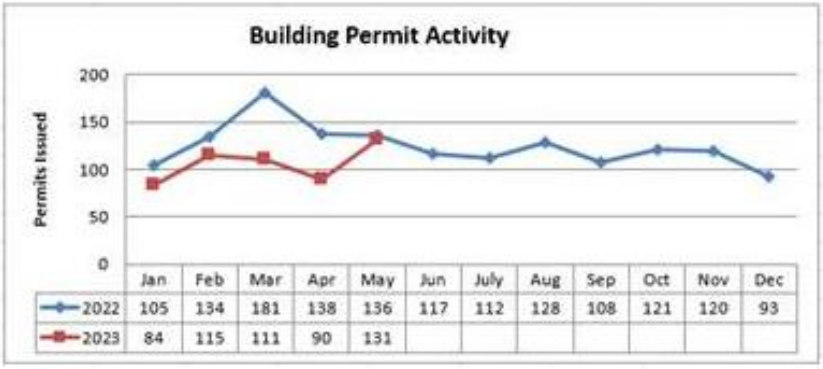
PDPLANVIC-2023/000311: Construction of a shed in a Design and Development Overlay (DDO9) located at 18 Halford Street, Inverloch.

## PLANNING AND BUILDING ACTIVITY REPORT FOR MAY 2023

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

| Statutory Planning | This month (May) | Last month (April) | Year to date (FY) |
|---|---|---|---|
| % of applications determined within statutory timeframe | NA | NA | NA |
| Average Gross Days (Responsible Authority determination) | NA | NA | NA |
| (new) Average Gross Days to final outcome | NA | NA | NA |
| Average Statutory Days (Responsible Authority) | NA | NA | NA |
| Number of live applications | 200 | 203 | NA |
| Number of applications received for the month | 65 | 29 | NA |
| Number of Responsible Authority outcomes | 45 | 24 | NA |

| Municipal Building Services & Enforcement | This month (May) | Last month (April) | Year to date (FY) |
|---|---|---|---|
| Essential Safety Measure inspections | 0 | 0 | 0 |
| Report and Consent applications | 29 | 17 | 323 |
| POPE and Siting consents issued for temporary structures | 0 | 0 | 8 |
| Complaints received requiring investigation | 4 | 2 | 98 |
| New building enforcement cases | 0 | 4 | 26 |
| Number of open building enforcement cases | 29 | 30 | n/a |
| Building permits issued by Council | 0 | 0 | 0 |




| Planning Enforcement | This month (May 2023) | Last month | Year to date (FY) |
|---|---|---|---|
| New complaints/case files opened | 8 | *8* | **81** |
| Complaints/case files closed | 14 | *8* | **110** |
| Current open complaints/case files | **29** | *33* | - |

## 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 May 2023; and**
2. **Receives and notes the Planning and Building Activity Report for May 2023.**

**Attachments**

Nil

## 9.3 Contracts Awarded & Extended Report

| | |
|---|---|
| **Division** | **Business Transformation** |
| **Council Plan Strategic Objective** | **Leading for our Community**<br>*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 May 2023 to 30 May 2023, no contracts were awarded under the Chief Executive Officer's Instrument of Delegation.

Contracts Extended

For the period from 1 May 2023 to 30 May 2023, no contracts were extended under the Procurement Delegation Framework.

Contract Variation

An administrative error has been identified in the resolution for the Mahers Landing Boat Ramp contract award report from June 2023 Council meeting. The contract sum contained in the resolution was incorrectly stated as $4,245,240 plus GST of $424,624 and should have been $4,246,240 plus GST of $424,624. The $1,000 correction has been made under delegation as a variation, all other values within the report reflect the correct value of $4,246,240.

### Governing Documents

Procurement Policy 2021

### Recommendation

**That Council:**

1. **Notes that no contracts were awarded or extended under financial delegations in accordance with the Procurement Policy during May 2023.**
2. **Notes the variation to awarded amount for Mahers Landing Boat Ramp contract.**

### Attachments

Nil

## 10 Urgent Business

## 11 Mayoral Announcement of Next Meeting of Council

The next Council Meeting will be held on 16 August 2023 in the Bass Coast Civic Centre Council Chamber, Baillieu Street East, Wonthaggi commencing at 1.00pm.

## Items Closed to the Public

*Excerpt of Section 66 of the Local Government Act 2020.*

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

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

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

**confidential information** means the following information—

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

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

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

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

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

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

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

i. relates to trade secrets; or

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

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

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

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

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

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

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

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

**Meeting adjourned**

That the meeting be adjourned

**Meeting resumed**

That the meeting be resumed

# 12 Confirmation of Closed Minutes

## 12.1 Closed Council Meeting held on 21 June 2023

# 13 Reports Requiring Council Decision Closed to the Public

## 13.1 CEO Employment Matters Committee

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

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

# 14 Meeting Closed

That the meeting be closed.