

Bass Coast Shire Council
Council Meeting Agenda

Wednesday 19 June 2024

Council Chamber

Bass Coast Civic Centre

Baillieu Street East, Wonthaggi

Commencing at 1:00 pm



Community Vision 2041

Vision Statement

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

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

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

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



Notice of Meeting

Notice is hereby given that the next **Council Meeting** of the Bass Coast Shire Council will be held at the Council Chamber Bass Coast Civic Centre Baillieu Street East, Wonthaggi on 19 June 2024 at **1:00 pm**

Date of Notice – 14 June 2024

Greg Box

CEO

Mobile Telephone Reminder

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

Statement of Acknowledgement

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 agenda:

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

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

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1 Present and Apologies

2 Declarations of Interest

3 Confirmation of Minutes

3.1 Council Meeting 15 May 2024

That the minutes of the Council Meeting held on 15 May 2024 be confirmed.

Mayor and Councillor Reports

4 Mayor and Councillor Reports

5 Public Question Time

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

Please note:

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

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

Governance Rules

Part C – Meetings Procedure

Division 8 – Public Question Time

54. Question Time

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

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

54.3 Questions submitted to Council must be:

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

54.3.2 be lodged 48 hours prior to the Council meeting.

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

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

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

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

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

54.6.3 deals with a subject matter already answered.

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

54.6.5 relates to personnel matters.

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

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

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

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

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

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

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

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

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

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

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

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

Notices of Motion

6 Notices of Motion

7 Petitions and Joint Letters

7.1 Petition - Closure of the Aussie Outdoor Emporium

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

Declaration

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

A Petition containing 377 signatures has been received. The petition reads:

It is truly Beggars belief why council wants to close down the Nursery Aussie outdoor Emporium, at the approach to Cowes!

This Nursery has enhanced this area being ascetically pleasing to the eye & kept very neat & tidy, including the nature strip.

Closer to Cowes we have unsightly Gum Trees that are rotten & extremely dangerous to both vehicles & pedestrians including many children riding bikes to & from schools in the area, along with unruly grass to harbor snakes.

Council keeps allowing subdivisions across the Island with the constant removal of most if not all Fauna & Flora & without permits.

Our Wildlife & Bird life need to find new homes, which is fast disappearing due to the over development, this is so disappointing!

With all the new housing estates, people like to have a nice garden to encourage the wildlife to return.

The Aussie Emporium nursery enables people/ ratepayers to support a local business & not have to go off the Island to the likes of Bunnings to establish, Landscape & Maintain their gardens.

Have any of the councillors taken the time to see just what verity of Plants, Trees, Shrubs, Pots, Water Freatures & Sculptures etc. Are available to local & visitors to the Island?

The area is Zoned as farmland, surely Ramada Holiday Resort is not classified as a Farm!

Perhaps Aussie Outdoor Emporium should be called a horticultural Plant Farm.

Surely it is time Locals/Residents were listened to by Council!!

Is this just another case of ONE COMPLAINT, & THE MINORITY get their way?

Officer Comments

Planning schemes and planning permits regulate the way land can be used and developed and are designed to meet community objectives on a number of key themes as they relate to the controls of land.
Planning Schemes are required to be enforced by local councils under the *Planning and Environment Act 1987*.

Officers have recently been informed by the landowner of their intent to lodge a planning application. With the lodgement of a planning application the current enforcement will be put on hold while the planning application is being assessed.

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

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

Recommendation

That Council:

1. **Receive the petition, Closure of the Aussie Outdoor Emporium**
2. **Resolve to deal with the petition at this meeting.**
3. **Afforded the landowner the opportunity to advise Council of when a planning application will be lodged.**
4. **The current enforcement matter will be put on hold while the permit application is being assessed.**
5. **Advise the head petitioner of Council's decision.**

Attachments

1. Petition - Aussie Outdoor Emporium [**7.1.1** - 14 pages]

Reports Requiring Council Decision

8 Reports Requiring Council Decision

8.1 Adoption of Annual Budget 2024/25

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

Declaration

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

Summary

The purpose of this report is to adopt the 2024/25 Budget, Fees and Charges schedule and Annual Action Plan.

Council has prepared the 2024/25 Budget, which is aligned to the Council Plan 2021-2025 and Long Term Financial Plan 2021-2031. It seeks to maintain our existing services and infrastructure as well as deliver projects and services that are valued by our community. The Budget reflects the organisation's approach to continuous improvement to create efficiencies and opportunities to refocus finances from the delivery of day-to-day services to investing in the future of the Shire through capital upgrades and renewal of its existing infrastructure base.

An Annual Action Plan to support progress towards the achievement of the Council Plan 2021-2025 has been developed and includes 21 actions. These actions represent the priorities for Council during 2024/25 and align to the strategic objectives of the Council Plan. These actions are included within the 2024/25 Budget and progress towards the completion of these actions will be reported to Council through the Quarterly Performance Report and Annual Report.

The 2024/25 Budget provides a capital program of $24.1 million, which will provide the community with a significant investment in tracks & trails, infrastructure renewal and community projects. The Budget has been developed within the rate cap increase of 2.75 per cent mandated by the State Government.

Background

Council endorsed the Draft 2024/25 Budget, Fees and Charges Schedule and Annual Action Plan for community engagement in April 2024.

The documents were made available to be downloaded from the Council's website at https://engage.basscoast.vic.gov.au/budget24-25

The Draft Budget, Fees and Charges schedule was open for written submissions from 18 April 2024 until 16 May 2024. Council received 8 written submissions. Of those submissions received, 4 were heard by Council on 22 May 2024. One Annual Action Plan submission was received.

The Budget is based on the activities that Council planned for the 2024/25 financial year. In response to the submissions received from the community and additional information that has been provided since the release of the draft budget for public comment, there are several minor changes to the final 2024/25 Budget due to recent council decisions and grant funding outcomes.

Discussion

The Budget projects an operating surplus of $3.2 million for 2024/25 and a balanced Funding Statement position. It includes a capital works program of $24.1 million, an array of major strategic projects for delivery across many different precincts and provides for growth and development within the Shire. A rate cap increase of 2.75 per cent has been maintained as mandated by the State Government.

The adjusted underlying position (deficit of $49,000) has been impacted by a significant reduction in revenue, including lower property rates growth and a lower rate cap. The depreciation charge has increased significantly, reflecting higher asset replacement valuations and the recognition of new assets including Berninneit. Council has imposed a stringent cost containment discipline in the budget build process and included targeted labour and fleet cost efficiency targets in the draft budget. Council is projecting a positive Operating Result in 2024/25 with this measure improving over the life of the Strategic Resource Plan (SRP).

The 2024/25 Budget provides for the following total income and expenditure (cash basis):

- Total Expenditure $104.0 million
  - Operations $78.6 million
  - Capital Works $24.1 million
  - Debt Repayments $1.3 million
- Funded by:
  - Rates and Charges $77.6 million
  - Grants and Subsidies $13.4 million
  - Fees and Charges $9.6 million
  - Borrowings $5.9 million
  - Contributions $0.3 million
  - Interest $1.7 million
  - Other Revenue $0.8 million
  - Transfers to reserves ($5.8 million)
  - Proceeds from asset sales $0.5 million

Funding has been provided in the operating budget for the following strategic plans and projects:

- Neighbourhood Character & Housing Strategy Implementation - $200,000
- Healthy Communities Plan - $50,000
- Leisure Facilities Contract Specification and Procurement - $60,000
- Economic Development Fund - $10,000

Council's investment in capital projects continues to be a priority with a program of $24.1 million with a strong focus on renewing and maintaining existing assets. More specifically, the capital budget for 2024/25 includes funding for:

- Strategic Pathways and Trails (Wonthaggi-Inverloch Shared Path) - $3.7 million.
- Roads Renewal, Grantville Glen Alvie Road - $2.0 million.
- Culvert Renewal, Berrys Beach Road and Ventnor Road - $1.2 million.
- Grantville Landfill Rehabilitation Works - $950,000.
- Cowes Senior Citizen Roof Renewal - $675,000.
- Cowes Toilet Block - $380,000.
- Community Projects including Disability Plan Actions - $165,000.

The Budget continues to support our agricultural community with a rating differential of 80% plus the opportunity to apply for the Rural Land Management Program, which returns approximately $655,000 to the rural community for land management.

Sustainability Implications

There are no sustainability implications associated with this report.

Finances

The Budget for 2024/25 provides for total operating income of $103.5 million and total operating expenditure of $100.3 million and a budgeted surplus of $3.2 million (underlying deficit of $49,000).

On a cash basis, the Funding Statement projects a balanced budget for the 2024/25 financial year.

Total Equity is budgeted to increase from a forecast $971 million as at 30 June 2024 to $974 million as at 30 June 2025.

Stakeholders

All residents, ratepayers, visitors, businesses and other government agencies have an interest in the Annual Budget.

Four public engagement sessions were held throughout the Shire:

- Sunday 21 April 2024 10:00 am – 2.00 pm at Grantville Hall, 1470 Bass Hwy Grantville
- Tuesday 30 April 2024 11.00 am - 2.00 pm at Berninneit Library, 91-97 Thompson Avenue, Cowes
- Thursday 2 May 2024 12.00 pm – 2.30 pm at Wonthaggi Library, 6 Murray Street Wonthaggi
- Tuesday 7 May 2024 10.00 am – 12.30 pm at Inverloch Community Hub, 16 A'Beckett Street Inverloch

The Budget documents were available on Council's Engage Bass Coast website at engage.basscoast.vic.gov.au as well as Council's website at www.basscoast.vic.gov.au and at our Customer Service Centres.

Conclusion

Council has worked with the community to ensure their aspirations and feedback have been considered in the 2024/25 Budget. These documents have been on public exhibition between 18 April 2024 and 16 May 2024, submissions to this process were heard on 22 May 2024.

The 2024/25 Budget is now presented for adoption.

Governing Documents

The provisions of sections 94 and 96 of the *Local Government Act 2020* and sections 7 and 8 of the *Local Government (Planning and Reporting) Regulations 2020* apply to the budget process.

The community must be engaged on the Budget document in line with the Community Engagement Policy.

Recommendation

That Council:

1. **Adopts the Annual Action Plan 2024-25.**
2. **Having considered all submissions received, adopts the 2024/25 Budget and 2024/25 Fees and Charges annexed to this resolution, in accordance with *Section 94* and 96 of the *Local Government Act 2020* (the Act).**
3. **Authorises the Chief Executive Officer to:**
   - **3.1. Give public notice of this decision to adopt the 2024/25 Budget;**
   - **3.2. Make available copies of the 2024/25 Budget on request for public inspection; and**
   - **3.3. Thank persons making submissions to the budget in writing for their submission and advise them of the outcome of the budget decision.**
4. **In accordance with the provisions of the Act, declares that the amounts that it intends to raise by way of general rates and service charges for the period 1 July 2024 to 30 June 2025 are as follows:**

General Rates	**$59,325,114**
Annual Service (Garbage) Charge	**$17,310,926**
Total	**$76,636,040**

   The declaration above excludes any supplementary rates, supplementary charges or rates in lieu.

5. **Authorises a general rate be declared for the period commencing 1 July 2024 to 30 June 2025 and that:**
   - **5.1. It be declared that the general rate be raised by the application of differential rates.**
   - **5.2. A differential rate be respectively declared for rateable land having the respective characteristics specified below, which characteristics will form the criteria for each differential rate so declared:**
     - **5.2.1. Developed Land is any land which does not have the characteristics of:**
       - **5.2.1.1. Farm Land;**
       - **5.2.1.2. Vacant Land; and**
       - **5.2.1.3. on which a building is erected, which building is:**

5.2.1.3.1. lawfully used primarily for residential, commercial or industrial purposes; and

5.2.1.3.2. designed for permanent occupation.

5.2.2. Vacant Land is any land which does not have the characteristics of:

5.2.2.1. Farm Land;

5.2.2.2. Developed Land; or

5.2.3. Farm Land is any land which is 'farm land' within the meaning of section 2(1) of the *Valuation of Land Act 1960*.

5.3. Each differential rate will be determined by multiplying the Capital Improved Value of each rateable land (categorised by the characteristics described in paragraph 4. 2. of this Recommendation) by the relevant cents in the dollar indicated in the following table:

CATEGORY	Cents in the dollar
Developed Land	0.213510 cents in the dollar of Capital Improved Value
Farm Land	0.170800 cents in the dollar of Capital Improved Value
Vacant Land	0.320260 cents in the dollar of Capital Improved Value
Recreational	0.128106 cents in the dollar of Capital Improved Value

5.4. It be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that:

5.4.1. The respective objectives of each differential rate be those specified in the Schedule to this Recommendation; and

5.4.2. The respective types or classes of land which are subject to each differential rate be those defined in the Schedule to this Recommendation; and

5.4.3. The respective uses and levels of each differential rate in relation to those respective types or classes of land be those described in the Schedule to this Recommendation; and

5.4.4. The relevant:

5.4.4.1. uses of;

5.4.4.2. geographical locations of;

5.4.4.3. planning scheme zonings of; and

5.4.4.4. types of buildings on the respective types or classes of land be those identified in the Schedule to this Recommendation.

5.5. Notwithstanding anything else contained in this Recommendation and in accordance with section 4(4) of the Cultural and Recreational Lands Act 1963, the amount of rates payable in respect of each rateable land to which that Act applies be determined by multiplying the Capital Improved Value of that rateable land by 0.128106 cents in the dollar.

6. Authorises the following Annual Service Charges:

6.1. An annual service charge be declared in respect of the 2024/2025 Financial Year.

6.1.1. The annual service charge of $575.21 per annum per tenement be declared for the collection and disposal of refuse.

6.1.2. The annual service charges be for each rateable land and non-rateable land (or part) in respect of which a service is provided, and an annual service charge may be levied.

7. Having considered submissions received in relation to the 2024/25 Budget, directs that the rates and charges as declared for 2024/25 be levied by sending notices to the persons who are liable to pay, in accordance with *Section 2* of the Act.

8. Resolves that the rates and charges for 2024/25 must be paid by the following dates:
In full by 15 February 2025 or
By equal instalments on the following dates:

- **30 September 2024**
- **30 November 2024**
- **28 February 2025**
- **31 May 2025**

9. Declares that it be recorded that Council requires any person to pay interest at the maximum rate fixed under *Section 2* of the *Penalty Interest Rates Act 1983* (currently 10%) on any amounts of rates and charges which:

9.1. that person is liable to pay; and

9.2. have not been paid by the date specified for their payment.

10. Authorises the Chief Executive Officer to demand payment of and recover the rates and charges as declared in the 2024/25 Budget.

11. Authorises the Chief Executive Officer to sign and seal any loan and financial documents relating to the proposed new borrowings of $5,925,000 in the 2024/25 Budget.

12. Notes that any additional unfunded programs, services and projects will be considered by Council after the consideration of the 2024/2025 Budget.

APPENDIX A

DIFFERENTIAL RATES

SCHEDULE A

DEVELOPED LAND

Characteristics

Developed land is any land that does not have the characteristics of Farm Land or Vacant Land and on which a building is erected, which building is:

1. lawfully used for primarily for residential, commercial or industrial purposes and
2. designed for permanent occupation.

Objective

The objective of this differential rate is to ensure that such land makes an equitable financial contribution to the cost of carrying out the functions of Council. Those functions include the –

1. implementation of good governance and sound financial stewardship; and
2. construction, renewal, upgrade, expansion and maintenance of infrastructure assets; and
3. development and provision of health, environmental, conservation, leisure, recreation, youth and family community services; and
4. provision of strategic and economic management, town planning and general support services; and
5. promotion of cultural, heritage and tourism aspects of Council's municipal district**.**

Types and Classes

Rateable land having the relevant characteristics described above.

Use and Level of Developed Land Differential Rate

The developed land rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The developed land rate is set at a level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the relevant Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Planning Scheme.

Types of Buildings:

All buildings which are now constructed on the land or which are constructed prior to the expiry of the 2024/25 Financial Year.

SCHEDULE B

VACANT LAND

Characteristics

Vacant Land is any land which does not have the characteristics of Farm Land or Developed Land.

Objective

The objective of this differential rate is to: -

1. encourage the development of land; and
2. ensure that such land makes an equitable financial contribution to the cost of carrying out the functions of Council. Those functions include the –
    a. implementation of good governance and sound financial stewardship; and
    b. construction, renewal, upgrade, expansion and maintenance of infrastructure assets; and
    c. development and provision of health, environmental, conservation, leisure, recreation, youth and family community services; and
    d. provision of strategic and economic management, town planning and general support services; and
    e. promotion of cultural, heritage and tourism aspects of Council's municipal district.

Types and Classes

Rateable land within this differential rate having the relevant characteristics described above.

Use and Level of Vacant Land Differential Rate:

The vacant land rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The vacant land rate is set at a level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the relevant Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Planning Scheme.

SCHEDULE C

FARM LAND

Characteristics

Farm Land is any land which is 'farm land' under the meaning of *Section 2(1) of the Valuation of Land Act 1960.*

Objective

The objective of this differential rate is to: -

1. identify land used for primary production; and
2. ensure that such land makes an equitable financial contribution to the cost of carrying out the functions of Council. Those functions include the –
    a. implementation of good governance and sound financial stewardship; and
    b. construction, renewal, upgrade, expansion and maintenance of infrastructure assets; and
    c. development and provision of health, environmental, conservation, leisure, recreation, youth and family community services; and
    d. provision of strategic and economic management, town planning and general support services; and
    e. promotion of cultural, heritage and tourism aspects of Council's municipal district.

Types and Classes

Rateable land having the relevant characteristics described above.

Use and Level of Farm Land Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the relevant Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Planning Scheme.

Types of Buildings:

All buildings which are now constructed on the land or which are constructed prior to the expiry of the 2024/2025 Financial Year.

Attachments

1. Bass Coast Shire Council Budget 2024-25 [**8.1.1** - 77 pages]
2. Bass Coast Shire Council Fees and Charges 2024-25 [**8.1.2** - 12 pages]
3. Annual Action Plan 2024-25 [**8.1.3** - 11 pages]
4. Budget Submissions 2024-25 Redacted [**8.1.4** - 60 pages]

8.2 Planning Application 230003 - 556, 574, 644 & 682 Inverloch-Venus Bay Road, Inverloch VIC 3996

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

Declaration

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

Purpose of Report

For Council to consider a planning application for use and development of land for a camping and caravan park with ancillary food kiosk/general store and retail space, a caretakers house, restaurant, art gallery and museum, place of assembly (community space), and boat hire and boat and caravan storage at 556, 574, 644 and 682 Inverloch Venus Bay Road Inverloch.

Executive Summary

Application number:	230003
Applicant:	Mering (Inverloch) Corporation Pty Ltd C/- Urbis
Land/Address:	556, 574, 644 and 682 Inverloch-Venus Bay Road Inverloch
Ward:	Bunurong Ward
Proposal:	Use and development of land for: Camping and caravan park (144 powered sites) with ancillary food kiosk/general store and retail space, a caretakers house, 50 x one and two bedroom cabins, restaurant, art gallery and museum, a place of assembly (community space), and boat hire and storage.
Zone:	Farming Zone (FZ)
Overlay:	Environmental Significance Overlay - Schedule 1 (ESO1) Land Subject to Inundation Overlay - Schedule 1 (LSIO1) Significant Landscape Overlay Schedule - 5 (SLO5)
Aboriginal cultural heritage sensitivity	The site is located within an area of identified cultural heritage sensitivity and an approved Cultural Heritage Management Plan (CHMP) is required. There is no approved CHMP submitted to Council.

Title:	Land in Plan of Consolidation 154459 in Volume 11542 Folio 748 Lot 1 on Plan of Subdivision 616949 in Volume 11098 Folio 628. A 12 metre wide powerline easement is shown in favour of SPI Electricity. Lot 2 on Plan of Subdivision 616949 in Volume 11098 Folio 629. Lot 2 on Plan of Subdivision 146512 in Volume 09570 Folio 901
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. The cost of development for the proposal is $54 million.
Officer recommendation:	Refusal to Grant a Planning Permit

Summary of Officer Recommendation

That Council issue a Refusal as outlined in the Officer Recommendation section of this report.

The proposal is not recommended for support for the following reasons:

- An approved cultural heritage management plan has not been submitted. Section 52(1) of the *Aboriginal Heritage Act 2006* provides that the decision maker must not grant a statutory authorisation for the activity unless a cultural heritage management plan is approved.
- There is insufficient information and outstanding requests for further information.
- The proposal is inconsistent with the strategic direction for land use and development identified in the objectives and strategies of state and local planning policy.
- The proposal does not respond satisfactorily to the application requirements or provisions of the zone and overlays that apply to the land.
- The proposal is locationally challenged and shows a highly modified and maladapted response to facilitate the development that would result in an unacceptable outcome and does not represent orderly planning.
- Notwithstanding the inadequacy of information, the development provides no net community benefit.

Main Considerations

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

- Whether the proposal is consistent with state and local planning policy in relation to coastal settlement planning and tourism expectations.
- Whether the proposal is consistent with state and local planning policy and planning provisions in relation to the protection of agricultural land.
- Whether the proposal is consistent with the protection of identified landscape and environmental values including the removal of native vegetation.
- Whether climate change risk is accurately assessed and whether it is demonstrated that it can be managed and mitigated to result in an acceptable planning outcome.

The Proposal

Amendment C159 was considered by Council in June 2020 and not supported. This application presents as a similar proposal.

This application proposes a substantial tourism use and development shown on the concept master plan to include four key precincts linked by new internal roads, a bridge, and boardwalks.

The proposal is underpinned by a conceptual 're-wilding' blue carbon initiative that would see significant fill brought into the site to raise the buildings and breach the man made circa 1966 levee in two places. An existing walking track around the top of the levee is to be retained and new bridges across the levee are also proposed. It is proposed to restore areas of the land for mangrove, saltmarsh, and supratidal forest.

Two upgraded vehicle access points and constructed slip lanes are proposed to the two existing access points from Inverloch-Venus Bay Road and one new vehicle access will be created on Mahers Landing Road.

Bulk fill earthworks are proposed in the order of 100,000m2 for building works to raise buildings to applicable levels and for internal roads, the bridge and raised boardwalks.

Alterations to the man-made levee including the construction of a bridge are also proposed.

The development proposes to remove 0.946 hectares of native vegetation, comprising 0.866 hectares of patch vegetation and two scattered trees.

The following outlines the location and the use and development in each of the proposed precincts.

- Precinct 1 is located in the northeast section of the site and will be accessed from Inverloch-Venus Bay Road. It includes a caravan park with 144 powered sites and ensuites, a caretakers house and several ancillary buildings and amenities typical of a resort style caravan park. The camping ground area is separated to the west of

the caravan park area and consists of powered camping sites, parking, ablution, and amenity buildings.

- Precinct 2 is located in the middle southern section of the site and will be accessed from Inverloch-Venus Bay Road. An internal road and bridge are proposed to be constructed to access the 50 one- and two-bedroom cabins that include parking alongside each building.
- Precinct 3 is centrally located on the site and will be accessed from Inverloch-Venus Bay Road. It includes a restaurant and café, an art gallery and museum, a community centre and car parking.
- Precinct 4 is located adjacent to Mahers Landing Road and the public boat ramp. It includes two boat/caravan storage sheds, an area for boat cleaning and washing, a shop, kiosk and a pop-up retail space and convenience store. A large car park and a toilet block are also proposed in this precinct.

The decision plans and documents are provided as Attachment one and are detailed below:

- Town Planning Report prepared by Urbis Version 2 9 June 2023
- Feature Level Survey prepared by Beveridge Williams Version A August 2017.
- Development Plans prepared by Rebecca Naughtin Architect 10 June 2023.
- Landscape and Visual Impact Assessment prepared by Hansen Partnership June 2023.
- Landscape and Photomontage prepared by Hansen Partnership 1 June 2023.
- Bulk Earthworks Plan prepared by Beveridge Williams 25 May 2023.
- Coastal and Marine Policy review prepared by Water Technology December 2022
- Inundation Modelling Assessment prepared by Water Technology 3 August 2022
- Coastal Hazard Vulnerability Assessment Report prepared by Water Technology Version 4 6 June 2023.
- Flora and Fauna Assessment Report and Native Vegetation Removal Report prepared by Biosis 8 June 2023.
- Bushfire Development Report prepared by Terramatrix June 2023.
- Sustainability Management Plan prepared by Low Impact Development Consulting 8 June 2023.
- Stormwater Management Strategy prepare by Water Technology May 2023.
- Stage B Coastal Acid Sulfate Soil Assessment prepared by Beveridge Williams 31 May 2023.
- Traffic Impact Assessment prepared by One Mile Grid 6 June 2023.
- Market Need and Economic Benefits Report prepared by Urbis May 2023.

- Waste Management Plan prepared by Traffix Group May 2023.
- Agronomic Overview prepared by Agrisolutions December 2022.
- Lighting Report prepared by Schuler Shook 24 March 2023.

Discussions with the applicant were held in December 2023 with an alternate concept plan shown to council officers. The application was, however, not formally amended.



Figure 1 – Photo montage of whole site



Figure 2 – Concept Master Plan

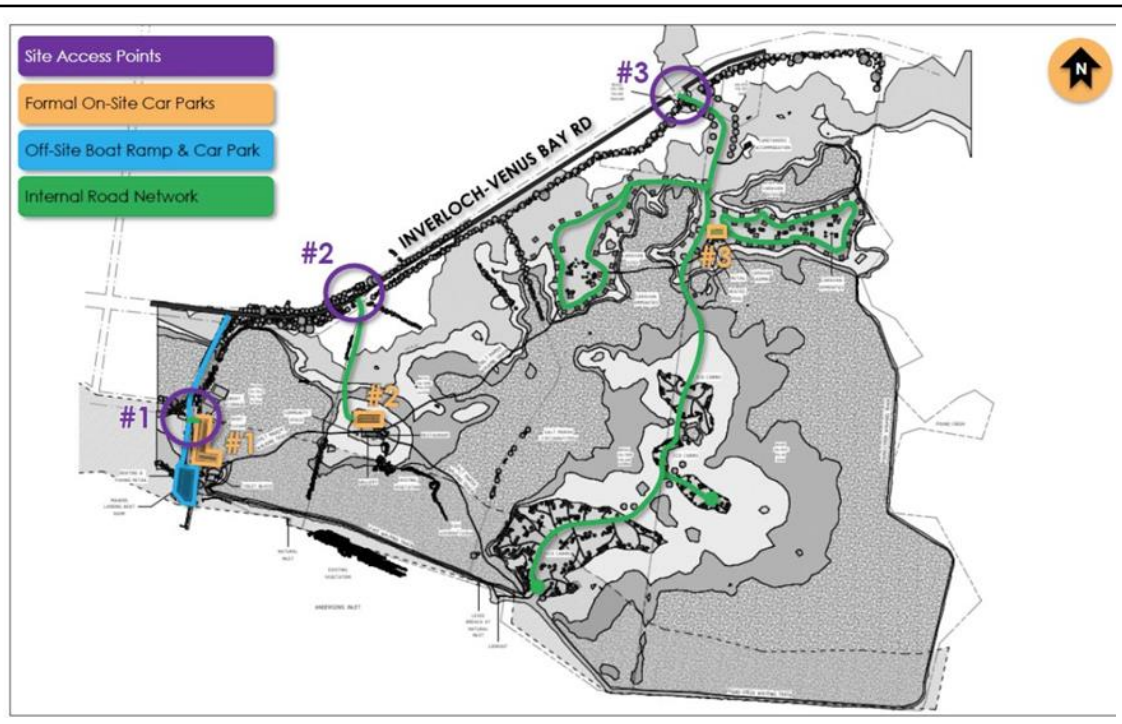


Figure 3 – Vehicle access and movement (Source: Applicant submission One Mile Grid)

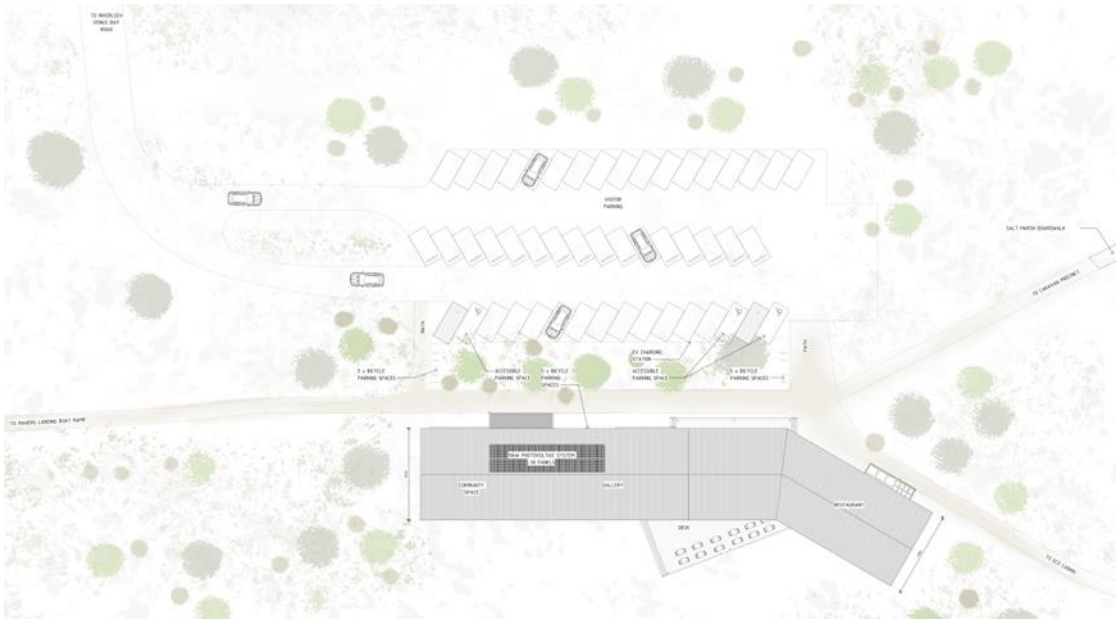


Figure 4 – Community space, gallery and restaurant precinct

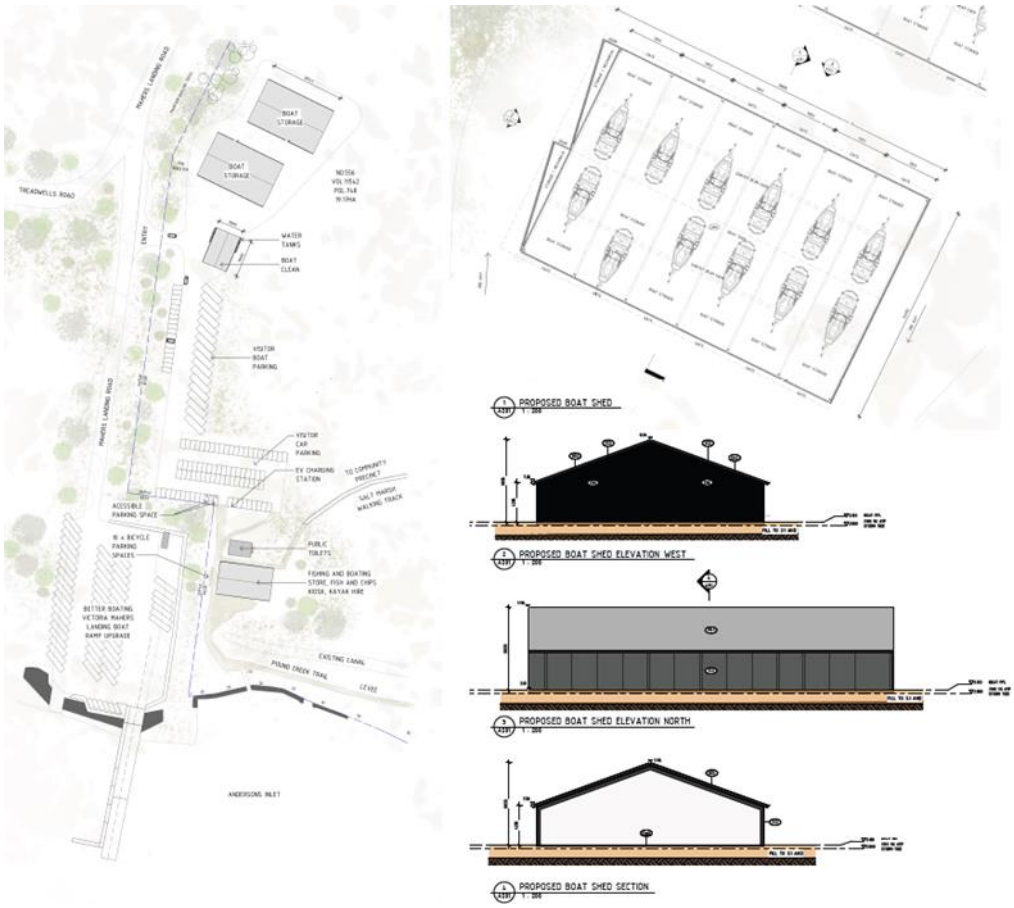


Figure 5 – Boat ramp environs – Mahers Landing Road precinct



Figure 6 – Caravan and camping park and caretakers house precinct



Figure 7 – One and two bedroom self-contained cabin/duplex precinct

Subject Site and Surrounds

The four lots that comprise the subject site all have frontage to Inverloch-Venus Bay Road and have a combined area of 251.5 hectares.

682 Inverloch-Venus Bay Road has an area of approximately 122 hectares.

644 Inverloch-Venus Bay Road has an area of approximately 64 hectares.

574 Inverloch-Venus Bay Road has an area of approximately 46 hectares.

556 Inverloch-Venus Bay Road has an area of approximately 19.49 hectares.

The land has been used for many decades for dairy farming and extensive grazing and each of the lots except for number 574 contains a dwelling used in association with the agricultural use of the land. The land is generally improved for agricultural purposes and contains fencing, outbuildings, vegetation consistent with the environmental conditions and windbreaks and dams.

The site is located approximately five kilometres to the east of Inverloch township on the southern side of Inverloch-Venus Bay Road. The land abuts Anderson Inlet to the south and Mahers Landing Road and the boat ramp to the west. Pound Creek and South Gippsland Shire are to the east. Surrounding land uses are agricultural (extensive grazing) in the main and also contain important environmental and landscape values.

The land is flat, low lying and to the south it is subject to riverine and coastal inundation reflecting its level well below 5.0 AHD. The north of the site is at 3.0AHD grading down to 1.0AHD at the Anderson Inlet abuttal.

A man made levee circa 1966 is constructed along the southern boundary and is 3.4-3.6AHD and at the Mahers Landing boat ramp the levee bank lowers to approximately 2.5AHD.



Figure 8 - Aerial photography of subject site (Source: Applicant's Town Planning Report V2)

The main characteristics of the surrounding area are:

North	Adjoining the land to the north is Inverloch-Venus Bay Road. The site abuts the CFA station and a bushland reserve. The land to the north is extensive grazing land.
South	Adjoining the land to the south is Anderson Inlet and a man-made levee. The adjoining land is regionally significant and contains highly valued environmental and landscape values. Council's municipal boundary dips into the inlet and across the inlet is Venus Bay.
East	Separated by Pound Creek and adjoining the land to the east is a large agricultural holding situated in the South Gippsland municipal district.
West	Adjoining the land to the west is Mahers Landing Road and the public boat ramp and facilities. Smaller agricultural lots, rural lifestyle lots are located west along Treadwells Road.



Figure 9 - Zoning Map showing all of the land in the Farming Zone abutting Public Conservation and Resource Zone to Anderson Inlet in the south and Pound Creek to the east

Planning Controls

The following planning controls are permit triggers that must be considered:

Zone

Clause 35.07 Farming Zone – Schedule 1

In accordance with Clause 35.07-1 a planning permit is required to use the land for camping and caravan park and ancillary uses, place of assembly (community space), restaurant, art gallery/museum and retail and boat and caravan storage.

In accordance with Clause 35.07-4 a planning permit is required to construct or carry out buildings or works associated with section 2 uses and buildings within 100 metres of a designated waterway, wetland or floodplain.

Overlays

Clause 42.01 Environmental Significance Overlay – Schedule 1

In accordance with Clause 42.01-2 a planning permit is required to construct a building or construct or carry out works, construct trails and remove, destroy or lop any vegetation.

Clause 42.03 Significant Landscape Overlay – Schedule 5

In accordance with Clause 42.03-2 a planning permit is required to construct a building or construct or carry out works and to remove, destroy or lop native vegetation.

Clause 44.04 Land Subject to Inundation – Schedule 1

In accordance with Clause 44.04-2 a planning permit is required to construct a building or construct or carry out works.

Particular Provisions

Clause 52.17 Native Vegetation

In accordance with Clause 52.17-1 a planning permit is required to remove, destroy or lop native vegetation including dead native vegetation.

Clause 52.29 Land adjacent to the principal road network

In accordance with Clause 52.29-2 a permit is required to alter access to a road in a Transport Zone 2

Clause 52.05 Signs

This application does not propose signage.

Clause 52.06 Car parking

The proposal will provide car spaces, which exceeds the required number of car parking spaces. 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.

Clause 52.34 Bicycle facilities

The proposal will provide bicycle facilities and meet the requirement of Clause 52.34-5 and Clause 52.34-6 and therefore a permit is not required to waive or vary the requirement.

Consultation

Notice of the application was not undertaken.

Section 52(1A) of the *Planning and Environment Act 1987* provides that the responsible authority may refuse an application, and, if it does so, it does not have to comply with subsection (1) and (1AA) stating that notice must be given.

Referrals

The following table outlines the referral requirements of this application.

Referral Authority	Comments
External	
West Gippsland Catchment Management Authority	Section 55 Referral – recommending authority The Authority objects to the proposal as it is not consistent with the Municipal Planning Strategy or the Planning Policy Framework in relation to natural hazards and climate change, floodplain management and protection of water quality. It states that there is no support for the use of fill such as proposed to mitigate flood risk. The Authority considers the proposal inconsistent with the purpose and decision guidelines of the Land Subject to Inundation Overlay. The Authority considers the proposal is inconsistent with the principles and objectives of the WGCMA *Guidelines for development in flood prone areas* (2020) and is not consistent with Practice Note PNP11 *Applying for a Planning Permit Under the Flood Provisions – A guide for council's, referral authorities and applicants;* in that: It is not consistent with state or local planning policy, it is likely to result in danger to life, health and safety of occupants due to flooding of the site, it relies on low level access to and from the site, it is likely to increase the burden on emergency services and the risk to emergency personnel and it is likely to increase the amount of flood damage to public and private assets.

DEECA/DELWP	Section 55 Referral to DELWP and Section 52 Notice under Clause 66.06 to DEECA The Authority required substantial further information that was not provided. DEECA advised that, *'the proposed changes to the whole of the site arising from creating breaks in the existing levee to allow inundation of the site as well as bulk fill, boardwalks, bridgework to facilitate the proposed development of the site has not adequately addressed the impacts on native vegetation, the environmental service this vegetation serves as habitat and the consequential effect on species dependent on this habitat.'* The referral response in relation to the proposed regeneration concept, *'Whilst the application describes the concept for site regeneration and net benefit to the environment it is has not adequately considered the transitional short-term as well as long-term impacts of the proposed development on significant environment values…'* and *'…the existing significant values and future planned natural values are likely to be negatively impacted through increased human disturbance and changed land use unless the balance between tourism and protection of sensitive coastal environments and species use of these habitats is achieved.* The authority does not consider that stormwater and wastewater released into future inundation areas has been adequately addressed and further information is required on how increased human activity across the precincts on the site will impact listed threatened terrestrial, coastal and marine species within and adjacent to the subject land. Marine and Coastal consent would also be required.
VicRoads	Section 55 Referral The authority requires further information that was not submitted. The referral response states that The Department of Transport and Planning will require 3.5m for all lanes.
Environment Protection Authority	Section 55 Referral An application that would see the generation of greater than 5000lt of wastewater per day requires referral to the EPA. As a Land Capability Assessment was not submitted, the application was not referred.

Internal Council Departments	
Development Services	Development Services (DS) acknowledge the works to alter the flood levee are a matter for WGCMA as the flood plain manager. Mahers Landing Road is of concern as the traffic management report underestimates the extent of upgrades needed in order to make it fully operational for the proposed use. DS requested further information in relation to stormwater management and traffic and no further submissions were received.
Environmental Health	No Land Capability Assessment was prepared to refer to the team.
Waste Services	Can meet requirements for waste management.

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-08 Inverloch

Clause 11.03 - Planning for Places

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

Clause 12.02 Coastal areas

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

Clause 12.03 Water Bodies and Wetlands

- Clause 12.03-1S River corridors, waterways, lakes and wetlands
- Clause 12.03-1R High value water body assets - Gippsland
- Clause 12.03-1L River corridors, waterways, lakes and wetlands

Clause 12.05 Significant Environments and Landscapes

- Clause 12.05-1S Environmentally sensitive areas
- Clause 12.05-2S Landscapes
- Clause 12.05-22L-01Landscapes
- Clause 12.05-2L-02 Landscape character areas
- Clause 12.05-2L-03 Hilltops, ridgelines and prominent coastal landform protection in Rural Zones

VPP 13 Environmental Risks and Amenity

Clause 13.01 Climate Change Impacts

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

Clause 13.02 Bushfire

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

Clause 13.03 Floodplains

- Clause 13.03-1S Floodplain management
- Clause 13.03-1L Floodplain management

Clause 13.04 Soil Degradation

- Clause 13.04-1S Contaminated and potentially contaminated land
- Clause 13.04-3S Salinity

Clause 13.07 Amenity and Safety

- Clause 13.07-1S Land use compatibility

VPP 14 Natural Resource Management

Clause 14.01 Agriculture

- Clause 14.01-1S Protection of agricultural land
- Clause 14.01-1R Protection of agricultural land - Gippsland
- Clause 14.01-1L Dwelling and subdivisions in rural areas
- Clause 14.01-2S Sustainable agricultural land use
- Clause 14.01-2L-01 Sustainable agricultural land use
- Clause 14.01-2L-02 Sustainable agricultural land use in the Farming Zone

Clause 14.02 Water

- Clause 14.02-1S Catchment planning and management
- Clause 14.02-1L Catchment planning and management
- Clause 14.02-2S Water quality
- Clause 14.02-2L Water quality

VPP 15 Built Environment and Heritage

Clause 15.01 Built Environment

- Clause 15.01-1L-02 Landscape design
- Clause 15.01-2S Building design
- Clause 15.01-2L Building design
- Clause 15.01-6S Design for rural areas

Clause 15.03 Heritage

- Clause 15.03-2S Aboriginal cultural heritage

VPP 17 Economic Development

Clause 17.04 Tourism

- Clause 17.04-1S Facilitating tourism
- Clause 17.04-1R Tourism - Gippsland
- Clause 17.04-1L Facilitating tourism
- Clause 17.04-2S Coastal and maritime tourism and recreation

VPP 19 Infrastructure

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

Having regard to the Planning Policy Framework (PPF) it is considered that the proposal fails to comply with the strategic direction set for settlement planning and land use and development expectations at clauses 02.03-1 and 11.01.

State policy at Clause 15.01-6S recognises that development should respect valued areas of rural character and that development should be sited away from important landscape features. It is not demonstrated that the application will provide an economic or tourism outcome such that this should come at the detriment to agricultural and environmental aspirations for this land.

Settlement and Tourism

The PPF recognises the importance of accommodating development within established settlement boundaries in order to limit the impact on the character of coastal areas. In relation to economic development policy at Clause 17 this tourism related development is not in an identified location and is in direct contrast to local policy at Clause 17.04-1L that discourages tourist development from establishing along tourist routes and in areas containing valued environmental and landscape qualities. Tourist accommodation and tourism-related development should be integrated into existing settlements with existing tourist and urban infrastructure and should not come at the expense of the environment, the landscape or agricultural land.

Policy directions include retaining separation breaks between townships. It is submitted by the applicant that this proposal is *low impact and will generally not be seen*. This is at odds with the architectural plans and landscape viewsheds that have been submitted that show there will be a visual impact.

The Bass Coast Planning Scheme does not identify this land for further investigation into any time frame for accommodation or tourism related use and development.

Landscape and environment

In consideration of state and local planning policy at Clause 12, Council generally agrees with the applicant's position that the subject land sits within a location that has moderate to high landscape values. With the coastal fringe area being highly significant. It is considered that the proposal will result in unacceptable changes to the character of the floodplains and coastal dunes. This proposal results in significant built form with heights upwards of 8 metres from natural ground level to achieve the necessary heights due to flood risk.

It will produce an unacceptable visual intrusion on the undulating and diverse agricultural landscape that contains strong ribbons of vegetation along creek-lines, rivers, property boundaries and roads.

A preliminary lighting assessment was prepared and submitted with the application. The author of that report states that activity on the site is expected to be low, *'considering the limited number of people and vehicles permitted on the site at any given time*.' This is an underestimation and at odds with the proposal that shows an additional 194 rooms/sites plus camping sites, along with community facilities and food and beverage premises that would all be utilized at night. The lighting needs for such a large development are not considered to result activity on the site being low as suggested.

It is possible to provide a lighting schema to minimize night time impacts and maintain dark skies at night. However, this is a large rambling site with uses that require lighting spread over the whole of it. It is considered that in order to meet safety obligations, detect potential hazards, to provide lighting for orientation and wayfinding and for general ambience that the lighting impacts will be unacceptable on the landscape values described above and on migratory birds and on fauna.

The application was referred to DELWP/DEECA who prepared a lengthy and substantive request for further information. The applicant did not provide a response and the application was not referred a second time.

Distinctive Area and Landscape (DALs)

The *Planning and Environment Act 1987* was amended to provide for the declaration of distinctive area and landscapes and the preparation and implementation of a Statement of Planning Policy in relation to each declared area to ensure coordinated decision-making by public entities.

In October 2019, Bass Coast was declared a Distinctive Area and Landscape under the Act. The Statement of Planning Policy is to create a framework for the future use and development of land in the declared area to ensure the protection and conservation of the distinctive attributes of the declared area.

DELWP has prepared a draft Bass Coast Statement of Planning Policy and proposed landscape planning controls. The Distinctive Areas and Landscapes Standing Advisory Committee will inform the final draft Bass Coast Statement of Planning Policy. The draft landscape planning controls propose a new Significant Landscape Overlay – Schedule 5 (SLO5) for the site. It is unclear when the new overlay may apply to the land.

Climate change

The application proposes to manipulate and adapt this vulnerable land to a development outcome that is at odds with known climate change risk. It is policy to avoid use and development in areas vulnerable to coastal inundation and to ensure that development or protective works that seek to respond to coastal hazard risks avoid detrimental impacts on coastal processes. Further, individual landowners adjacent to the coast are discouraged from constructing their own sea wall barriers.

A Preliminary Risk Assessment in relation to potentially contaminated land would be required to understand whether the levee that was constructed with imported fill around 1966 contains contaminated material.

Coastal Acid Sulfate Soils

This land is identified as having potential for Coastal Acid Sulfate Soil (CASS). The application includes a detailed CASS assessment and report (Beveridge Williams 2023).

The disturbance of CASS is governed by environmental regulation and *Victorian Best Practice Guidelines for Assessing and Managing CASS (2010).* Having regard to this and to the flow diagram for Victorian CASS risk identification, there are four necessary stages of assessment depending on risk. This development meets the definition of a 'high' risk activity due to the placement of more than 100m3 of fill at a depth greater than 0.5 metres over in situ potential acid sulfate soils. This interference can force the underlying acid sulfate soils above the water table at the margins of the added soil or fill.

It is estimated that 100,000m3 of fill will be required to raise the fill pads. Further fill is also required for roads and car parking areas. A thorough understanding of the excavation work for the bridge, the raised walking structures and for the levee work has not been properly considered by the applicant.

The Beveridge Williams assessment and report considers that the proposed development is a low-risk design that avoids disturbing acid sulphate soils and adheres to risk management BPMG CASS Strategy measures, on the basis that an Acid Sulfate Soil Management Plan (ASSMP) is created for the site and the development gains approval from the relevant authority.

Council considers that further CASS assessment is required. In particular, consideration needs to be given to excavation and it is probable that a surface and groundwater assessment and depending on the results of that, a further hazard assessment may need to be undertaken prior to the preparation of an ASSMP.

Council does not have sufficient information to be satisfied that risks are known and can be managed.

Agriculture

The proposal is inconsistent with state and local planning policy that seeks to protect agricultural land and it does not align with expectations for the shire's rural areas.

The Agronomic Overview Report prepared by Agrisolutions indicates that the land was successfully farmed variously for dairying and extensive beef grazing for many decades.

It is not sufficient to suggest that the site is marginal for agricultural use in the absence of contemporary best practice land management. It is understood portions of the land have not been improved in many years. The proposal includes revegetation and other conceptual environmental improvements that would arguably equally support improved agricultural uses as they would a tourism development. The Agrisolutions Report did not provide an assessment of the agricultural benefits from a rewilding blue carbon initiative.

Policy seeks to prevent land use conflict in agricultural areas by discouraging uses in rural areas that are not directly related to or that may have an adverse impact on current and future agricultural opportunities. If this proposal were to be supported, a very large agricultural holding in single ownership would be lost to an unrelated use.

Infrastructure

A desktop review prepared by Beveridge Williams has been submitted with the application. This review concludes that further assessment and confirmation of details will be necessary during planning and design stages of the development.

Council considers that the delivery of the necessary infrastructure for this project requires significant and complex engineered solutions that have not been fully considered or costed. Except for electricity, relevant authorities do not service the site and have no future plans to do so.

In relation to wastewater management, it is proposed to connect to South Gippsland Water assets within the Inverloch township. It is unknown whether this is feasible and if it is not possible (say due to cost or logistics) then onsite treatment and discharge would be required. It is likely that the treatment and retention of wastewater on site will exceed 5000 litres per day and would require referral to the EPA. A land Capability Assessment has not been prepared that would assist Council to refer to the application or understand the impact of this approach.

Potable or reusable water is not available and there are limited opportunities to capture and reuse water onsite.

The site is very low lying and subject to inundation from both tidal and overland flows. This is a complex constraint. The Stormwater Management Strategy (Water Technology May 2023) indicates that discharge of stormwater to the areas of the subject site targeted for saltmarsh and mangrove re-establishment will be used to meet best practice targets. The catchment management authority considers that the on-going discharge of significant volumes of freshwater to these areas will inhibit the re-establishment of the proposed salt tolerant vegetation communities and further notes that the MUSIC results shown in Table 4-2 of the Stormwater Management Strategy indicate that the proposal to discharge stormwater to the areas for revegetation will not meet the best practice targets for reduction of nutrients or sediment load, with only a 4% reduction on Nitrogen load proposed. Council agrees with these observations and concludes that the drainage strategy presented is heavily dependent upon upgrading the levee and extensive earthworks to manipulate the land. The solutions presented in the application cannot be tested in an evidentiary way to fully appreciate, manage or mitigate risk.

Zone Assessment

Clause 35.07 – Farming Zone

The purpose of the Farming Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

The application is not consistent with the purpose or decision guidelines of the Farming Zone. It does not represent the highest and best use of the land and it is considered that just because the land is not currently optimally managed for agriculture, it does not mean that the land cannot be sustainably farmed. It is considered that the establishment of this non-agricultural land use would permanently remove all of this land from future agricultural use. The proposed blue carbon initiative could equally be applied to improve the capacity of the land for agriculture.

Environmental and landscape concerns and land use incompatibility have been discussed in the policy and overlay sections of this report.

Overlay Assessment
Clause 42-01 – Environmental Significance Overlay Schedule 1

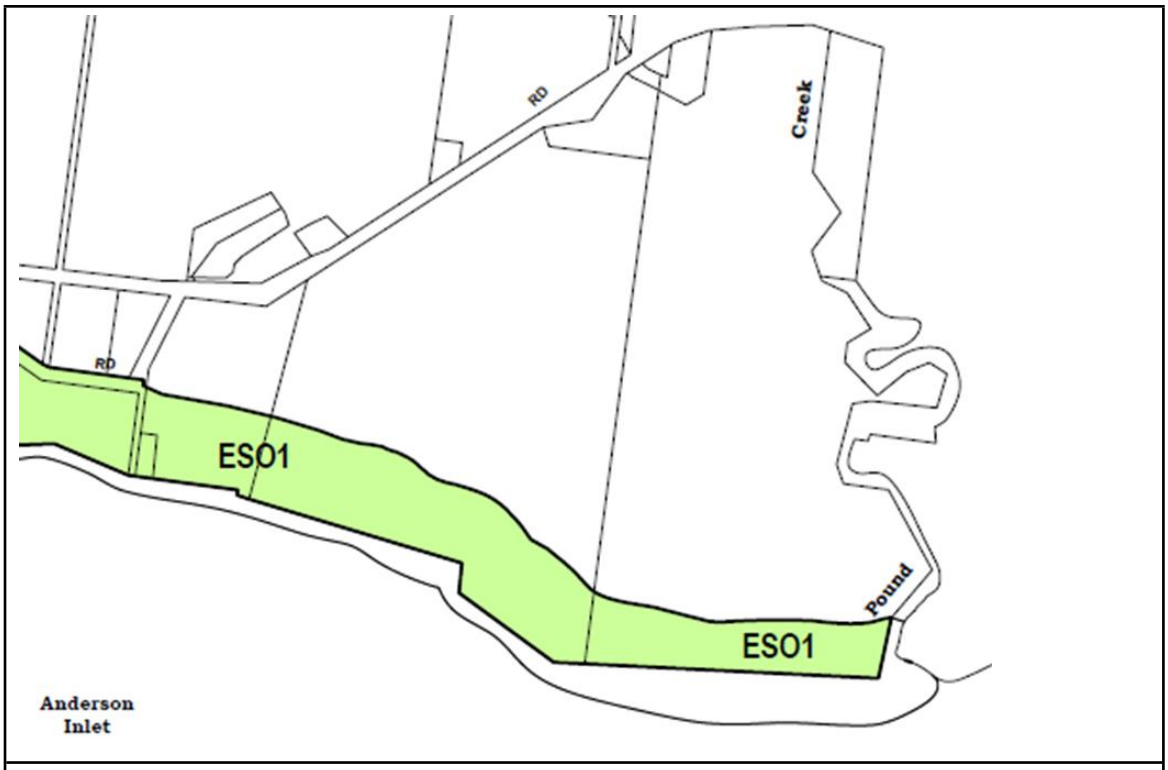


Figure 10 – Environmental Significance Overlay – Schedule 1 Coastal Wetland Areas

The purpose of the Environmental Significance Overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify areas where the development of land may be affected by environmental constraints.*
- *To ensure that development is compatible with identified environmental values.*

Clause 2.0 of schedule 1 contains environmental objectives to be achieved. They are:

- To ensure that development is compatible with the environmentally sensitive coastal areas.
- To maintain and enhance the ecological attributes such as the biological, physical and chemical components of the wetland ecosystem, and their interactions which maintain the function of wetlands and of Ramsar sites.
- To protect and ensure the long-term future of terrestrial and aquatic habitat for native plants and animals, include shorebird feeding areas, roosts, species, and communities listed under the Flora and Fauna Guarantee Act 1988.
- To encourage ecological restoration, regeneration and revegetation with indigenous species within the site and in adjoining areas.

- To ensure that land abutting or draining into wetlands is managed to prevent any degradation of wetland function and values.
- To protect water quality and prevent water pollution in watercourses, water bodies, wetlands and groundwater.

Clause 3.0 of schedule 1 require notice of the application to DELWP.

Clause 5.0 of schedule 1 contains the following decision guidelines which must be considered:

- The maintenance and improvement in the stability of coastal wetlands, dunes, and coastlines.
- The impact of the proposal on coastal processes and the need to protect and enhance environmentally sensitive coastlines.
- The conservation of any areas of environmental importance or significance
- Potential threats to the quality, life cycle processes or functioning of aquatic and terrestrial ecosystems or native plant and animal species.
- The function of the wetland, watercourse or habitat area as part of a broader natural system.
- The preservation of any existing native vegetation including measures to rejuvenate degraded areas and areas abutting watercourses with indigenous plant species.
- The extent of any proposed removal of native vegetation.
- The necessity of retaining a buffer strip of vegetation in the vicinity of water courses, roads and property boundaries.
- Control of noxious and environmental weeds and pest animals, including the need to minimise the spread of weeds and soil pathogens.
- The capacity of the soil and water to absorb wastes and the design of any effluent disposal system.
- The works to prevent and control drainage and stormwater run-off from any building, works, access road or driveway.
- The need to maintain the seasonality, quantity and quality of water flows through the area and through other areas with a common system of drainage.
- The need to minimise water pollution through the establishment of best practice performance standards and monitoring regimes for stormwater.
- The location, dimension and level of any excavation or alteration to the natural surface that may impact on the drainage function of the wetland, including works to stabilise buffers in areas of fill or excavation.
- Any comments from the Department of Environment, Land, Water and Planning.

The application is not consistent with the environmental objectives to be achieved or the decision guidelines of this overlay. The application has not demonstrated the maintenance and improvement in the stability of coastal wetlands, dunes and coastlines and it is considered that the proposal will impact coastal processes. The rewilding proposal is conceptual at best, and it has not been sufficiently demonstrated that existing native vegetation will be preserved.

The application was referred to DEECA/DELWP as required who requested significant further information. Council generally agrees with the statements and comments that are summarised in the earlier section of this report. Comments in relation to stormwater management are also summarised in an earlier section of this report.

Clause 42-03 – Significant Landscape Overlay – Schedule 5

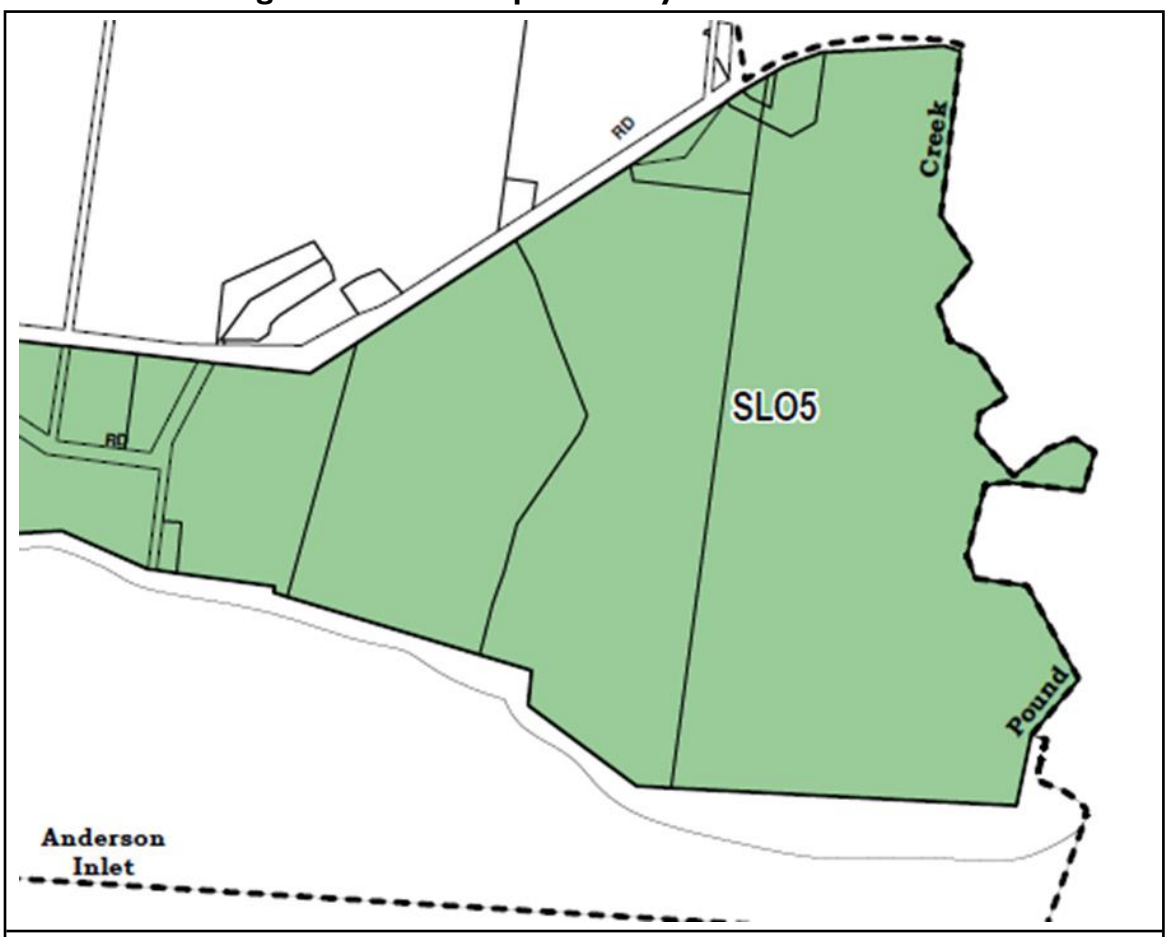


Figure 11 – Significant Landscape Overlay – Schedule 5 Anderson Inlet

The purpose of the Significant Landscape Overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify significant landscapes.*
- *To conserve and enhance the character of significant landscapes.*

Clause 1.0 to schedule 5 states that, *'The landscape is highly significant for its Aboriginal cultural heritage values, with many known sites scattered throughout the coastal sand dunes. It is also of high community value for its scenic qualities and recreation opportunities, including fishing, walking, and boating'.*

Clause 2.0 to schedule 5 states the following landscape character objectives to be achieved:

- To retain and improve indigenous vegetation, particularly at roadsides and in riparian strips, to minimise the visual intrusion of new development.
- To protect locally significant views and vistas which contribute to the character of the landscape, particularly open views across Anderson Inlet.
- To ensure buildings and structures sit within, rather than dominate, the landscape.
- To retain the sense of uncluttered openness throughout the area.
- To minimise the visual impact of signage and other infrastructure, particularly on hill faces, in coastal areas and in other areas of high landscape values or visibility.
- To protect landscape character and attributes that are consistent with the Aboriginal cultural heritage values of the area.
- To recognise, and protect, the landscape of Anderson Inlet as places of significant Aboriginal cultural heritage value.

Clause 5.0 to schedule 5 states that the following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The key objectives and strategies at Clause 21.08-1, Landscape.

Native Vegetation

- The impact of the vegetation removal on the valued character of the State significant Phillip Island Western and Southern Coast.
- The species of vegetation, its age, health and growth characteristics.
- Whether the vegetation is isolated or part of a vegetation patch.
- The availability of sufficient unencumbered land to provide for offset planting.
- The impact of maintenance activities on the retained vegetation, for example, maintenance of a structure or infrastructure.
- The impact of the vegetation on the structural integrity of existing or future buildings, including foundations. Whether the buildings and works have been located to avoid or minimise impacts on vegetation.

- Vegetation management requirements to reduce fire hazard, prevent erosion and maintain flood control measures.

Building and Works

- Whether the proposed buildings are sited and designed to maximise retention of existing vegetation and provide for the planting of new indigenous coastal vegetation wherever possible.
- Whether the visibility of the proposal is minimised in landscapes visible within 500 metres of formal scenic lookouts in the area.
- On large rural lots that extend further than 500 metres back from the southern coast, the proposed development is sited on the side of ridgelines and hills away from the coast to avoid built intrusion into the coastal viewshed.
- The cumulative impact of developments visible from all key viewing corridors (e.g., from Phillip Island Tourist Road) and scenic lookouts on the open rural character of these views, and the availability of scenic views to the ocean, coastal dunes/cliffs.
- Whether the proposed development is an extension or alteration to a development already in existence on the land.

The application is not consistent with the landscape character objectives to be achieved or the decision guidelines of the overlay.

As discussed in the policy section of this report it is considered that this proposal results in significant built form with heights upwards of 8 metres from natural ground level to achieve the necessary heights due to flood risk. The buildings are not a light touch on the landscape as described in the application submissions. The cumulative impact will result in clutter that visually intrudes on the openness of the surrounding area.

It will produce an unacceptable visual intrusion on the undulating and diverse agricultural landscape that contains strong ribbons of vegetation along creek-lines, rivers, property boundaries and roads.

A previously approved Cultural Heritage Management Plan has not been submitted such that it would guide the development to ensure the protection of Aboriginal cultural heritage.

Native vegetation impacts have not been sufficiently considered to understand the full extent of removal including from road reserves that would further diminish the landscape.

Clause 44-04 – Land Subject to Inundation Overlay

The purpose of the Land Subject to Inundation Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To minimise the potential flood risk to life, health and safety associated with development.
- To reflect a declaration under Division 4 of Part 10 of the Water Act, 1989.
- To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.
- To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.

The schedule to Clause 44.04 states that a Coastal Hazard Vulnerability Assessment be submitted and Clause 44.04-7 states that an application must be referred to the relevant floodplain management authority.

Clause 44.04 also contains the following (as relevant) decision guidelines which have formed part of this assessment:

- Any comments from the floodplain management authority.
- The existing use and development of the land.
- Whether the proposal could be located on flood-free land or land with a lesser flood hazard outside of the overlay.
- Alternative design or flood proofing responses.
- The susceptibility of the development to flooding and flood damage.
- The potential flood risk to life, health and safety associated with the development.
- The effect of the development on redirecting or obstructing floodwater, stormwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.
- The effect of the development on river, marine and coastal health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality, estuaries and sites of scientific significance.

A Coastal Hazard Vulnerability Assessment, a review of policy related to environment and coastal management and further inundation modelling all prepared by Water Technology were submitted with the application. The policy review states that the site is '*highly vulnerable to SLR and storm tides,'* and that the '*2100 1% AEP storm tide is modelled to inundate must of the site'.*

It is considered that the application is not consistent with the purpose of the Land Subject to Inundation Overlay and that the proposal does not comply with Practice Note PNP11 Applying for a Planning Permit under the flood provisions – a guide for council's referral authorities and applicants.

The application was referred to West Gippsland Catchment Management Authority who do not support the proposal. The Authority notes that '*the proposed development is contrary to the Hierarchy of Adaptation as described in the Marine and Coastal Policy 2020, which identifies 'Non-intervention' (i.e., acceptance of future change and increases risk) and 'Avoid' (i.e., to locate new uses and development away from areas that will be negatively impacted by coastal hazards) as the first two options to manage future hazard. The Authority considers that the development of a tourist accommodation precinct in this location could be avoided, thus removing the risk to future owners and occupiers.'* They go on to state in their referral response that, '*the proposal includes 'rewilding' of the property through deliberate breaches of the existing levee/se wall adjacent to Anderson Inlet. Which would allow for re-establishment of increased areas of coastal saltmarsh and mangrove habitat. While the Authority is conceptually supportive of allowing space for coastal environments to migrate as sea levels rise, we note that this can be achieved at the property without the use and development of a caravan and camping park and other associated infrastructure.* Council agrees with the Authority's comments and considers further that the detrimental impact on natural systems and the risk to life, health and safety associated with the development cannot be satisfactorily mitigated. It is considered that the manipulation of the land with the import of 100,000m3 plus of fill suggested as being required to raise the development precincts and build the roads, bridges and trails to an appropriate level would result in unsatisfactory outcomes on natural systems and the broader environment.

It is noted that discussions were held with council officers and the proponent introduced an amended concept plan showing the development located away from the most sensitive, low-lying areas of the site. As the proposal was not generally supported on a number of grounds, it was not formally amended.

Particular Provisions Assessment

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 proposal can provide the necessary number of spaces, meeting this requirement.

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 Native Vegetation Removal Report (NVRR) was submitted, and the assessment was under the detailed pathway and accordingly required referral to DEWLP who requested further information. An updated NVRR was not supplied.

It is noted that in order to achieve the upgrade to Inverloch-Venus Bay Road required by the roads authority, further native vegetation would require removal from the road reserve. This was not included in plans or in the NVRR.

Accordingly, the application does not meet the application requirements to be considered.

Clause 52.29 – Land adjacent to the principal road network

In accordance with Clause 52.29-2 a permit is required to alter access to a road in a Transport Zone 2.

Site access is provided at three locations. Each access point will provide fully directional access and turn in or slip lanes along Inverloch-Venus Bay Road will be constructed. In the case of access, upgrades will be made to the Inverloch-Venus Bay/Mahers Landing Road intersection as part of the development.

The proposal was referred to VicRoads and to Council's Development Services team who both require further information. Development Services note that Mahers Landing Road is of concern as the traffic management report underestimates the extent of upgrades needed in order to make it fully operational for the proposed use.

Matters in relation to access cannot be further considered so as to make a decision.

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.

The proposal can achieve the necessary supply of bicycle facilities.

Conclusion

The application has been assessed against the Bass Coast Planning Scheme and cannot be supported. The proposal relies upon a heavily engineered response to achieve a development outcome and has the potential to cause irreversible detrimental impacts to biodiversity, Aboriginal cultural heritage, valued landscapes and to the floodplain ecosystem.

The highly modified and adapted environment required to realise the development is not consistent with state and local planning policy and does not respond positively to the purpose or decision guidelines of the Farming Zone. The proposal does not respond adequately to the objectives and identified strategies in the Environmental Significance, Land Subject to Inundation or Significant Landscape overlays that apply to the land and has not demonstrated that it will protect, manage and mitigate risk in identified sensitive and important areas.

It is recommended that Council resolve to refuse to issue a planning permit for planning application 230003 for the following reasons:

- An approved cultural heritage management plan has not been submitted. Section 52(1) of the *Aboriginal Heritage Act 2006* provides that the decision maker must not grant a statutory authorisation for the activity unless a cultural heritage management plan is approved.
- There is insufficient information and outstanding requests for further information.
- The proposal is inconsistent with the strategic direction for land use and development identified in the objectives and strategies of state and local planning policy.
- The proposal does not respond satisfactorily to the application requirements or provisions of the zone and overlays that apply to the land.
- The proposal is locationally challenged and shows a highly modified and maladapted response to facilitate the development that would result in an unacceptable outcome and does not represent orderly planning.
- Notwithstanding the inadequacy of information, the development provides no net community benefit.

Recommendation

That in relation to planning permit application 230003 for use and development of the land for camping and caravan park with ancillary food kiosk/general store and retail space, caretakers house, restaurant, art gallery and museum, place of assembly (community space) and boat hire and storage located at 556, 574, 644 and 682 Inverloch-Venus Bay Road Inverloch, Council resolves to issue a Notice of Refusal on the following grounds:

- **An approved cultural heritage management plan has not been submitted. Section 52(1) of the *Aboriginal Heritage Act 2006* provides that the decision maker must not grant a statutory authorization for the activity unless a cultural heritage management plan is approved. The objective to ensure protection and conservation of places of Aboriginal cultural heritage at clause 15.03 is not met.**
- **The application has not provided sufficient or required information.**

- **The proposal is inconsistent with local and state planning policy in relation to settlement planning in coastal areas at Clause 11.**
- **The proposal is inconsistent with local and state planning policy in relation to biodiversity at clause 12.01, protection of marine and coastal environments and areas at clause 12.02, protection of water bodies and high value water body assets at clause 12.03 and the protection and conservation of significant environments and landscapes at clause 12.05.**
- **The proposal is inconsistent with local and state planning policy in relation to managing natural hazards and mitigating climate change risk at clause 13.01, floodplain management and salinity objectives and strategies at clauses 13.03 and 13.04 and is not compatible with adjacent and nearby land use objectives at clause 13.07.**
- **The proposal is inconsistent with local and state planning policy in relation to protection and retention of agricultural land at clause 14.01 and does not meet the objectives in relation to catchment planning and management at clause 14.02.**
- **The proposal is inconsistent with state and local planning policy in relation to tourism development at Clause 17.04 and in this location this typology is discouraged as at Clause 17.04-1L.**
- **The proposal is inconsistent with state and local policy in relation to integrated water management objectives and strategies in Clause 19.03.**
- **The proposal is inconsistent with the purpose and decision guidelines of the Farming Zone in relation to land use, permanent removal of agricultural land, and environmental issues and impacts on natural physical features and resources as a consequence of the scale, design and location as at Clause 35.07.**
- **The proposal is inconsistent with the environmental objective to be achieved for coastal wetland areas in the shire at Clause 2.0 and the decision guidelines of Clause 5.0 of Schedule 1 to the Environmental Significance Overlay at clause 42.01.**
- **The proposal is inconsistent with the landscape character objectives relating to Anderson Inlet that are to be achieved at Clause 2.0 and the decision guidelines of Clause 5.0 of Schedule 5 to the Significant Landscape Overlay at Clause 42.03.**
- **The proposal is inconsistent with the purpose of the Land Subject to Inundation Overlay at clause 44.04 as relevant, which seeks to minimize the potential flood risk to life, health and safety associated with the development, to ensure that development maintains the free passage and temporary storage of flood waters, minimises flood damage,**

responds to the flood hazard and local drainage conditions and will not cause any significant risk, to protect water quality and waterways and to ensure development maintains, protects or improves waterways and floodplains.

- **The proposal does not meet the application requirements for the removal of native vegetation as required by clause 52.17.**

Attachments

1. Flora and Fauna Assessment and Native Vegetation Removal Report [**8.2.1** - 103 pages]
2. Infrastructure Servicing Report by Beveridge Williams [**8.2.2** - 31 pages]
3. Landscape and Visual Impact - Photomontage [**8.2.3** - 12 pages]
4. Landscape and Visual Impact Assessment [**8.2.4** - 65 pages]
5. Lighting Basis of Design Report [**8.2.5** - 8 pages]
6. Market Need & Economic Benefits [**8.2.6** - 27 pages]
7. Modelling Assessment - Inundation [**8.2.7** - 17 pages]
8. Stage B Acid Sulfate Soil Assessment [**8.2.8** - 278 pages]
9. Stormwater Management Strategy [**8.2.9** - 19 pages]
10. Sustainability Management Plan [**8.2.10** - 36 pages]
11. Town Planning Report Version 2 [**8.2.11** - 56 pages]
12. Transport Impact Assessment [**8.2.12** - 50 pages]
13. Waste Management Plan [**8.2.13** - 33 pages]
14. Agronomic Report [**8.2.14** - 21 pages]
15. Architectural Plans [**8.2.15** - 24 pages]
16. Bulk earthworks plans [**8.2.16** - 5 pages]
17. Bushfire Development Report [**8.2.17** - 48 pages]
18. CHVA Extra Modelling [**8.2.18** - 17 pages]
19. Coastal Hazard Vulnerability Assessment Report [**8.2.19** - 34 pages]
20. Coastal Policy Review [**8.2.20** - 20 pages]
21. Feature Level Survey [**8.2.21** - 1 page]

8.3 Response to Petition - Masterplan and Addition Open Space at Cape Woolamai

Division	**Place Making**
Council Plan Strategic Objective	**Healthy Community** *An inclusive community that embraces its lifestyle and supports health and wellbeing* **Our Places** *Strengthening the connection between people and the public places they share*

Declaration

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

Summary

The purpose of this report is to provide a response to the petition received by Council requesting a master plan be undertaken for Sunnyside Reserve in Cape Woolamai and a master plan for a second open space (including a playspace) in Cape Woolamai.

A petition was received by Council at the 20 March Council meeting regarding master planning of open space in Cape Woolamai. In relation to the petition, Council resolved the following:

1. *Receive the petition, Masterplan and Additional Open Space for Cape Woolamai, to lie on the table for a report to be presented no later than the June 2024 Council Meeting.*
2. *Advise the head petitioner of Council's decision*

This report provides an update to Council on the actions taken by officers to consider the issues outlined within the petition.

Recommendation

That Council:

1. **Commences a Master Plan for Sunnyside Reserve in 2024/25 in consultation with the Cape Woolamai community**
2. **Notes there is currently no suitable land to install a second play space in Cape Woolamai**
3. **Continues to develop the Mountain Bike/BMX/Pump Strategy including consideration for recreational riding sites within Cape Woolamai**

Background

Sunnyside Reserve is a Council owned parcel of land located on Sunnyside Avenue in Cape Woolamai. The reserve is 3600m2 and consists of a local level playspace, basketball ring and grassed open space.



As part of the playspace renewal program, Council is currently in the process of upgrading the playspace at the reserve.

Consultation surrounding the renewal commenced in July 2023 through an online survey which asked the community to provide feedback on what they wanted to see at the reserve, followed by a "drop in" consultation session held at the reserve on 14 November 2023.

Through the consultation phase, officers heard demand for a pump track at Sunnyside Reserve to cater to the younger population of Cape Woolamai. This was re-enforced further via a petition received by Council on 12 February 2024 asking for a pump track.

Council is currently completing a Mountain Bike/BMX/Pump Strategy that will outline locations for off road cycling amenities across the Shire. Residents desire for a pump track at Sunnyside has been acknowledged within the draft strategy.

At the 20 March 2024 Council Meeting, a petition containing 88 signatures was presented to Council. The petition read:

Dear Bass Coast Shire,

Re: Request for Masterplan & Additional Open Space at Cape Woolamai

We the undersigned, being permanent residents, holiday home owners and visitors of Cape Woolamai, request a Masterplan for the public open space area at Sunnyside Avenue, Cape Woolamai, and a Masterplan for a second open space (including a playspace) in the suburb of Cape Woolamai.

We request the Masterplans give consideration to the following being included in a play space in Cape Woolamai:

- *Toilets*
- *Shelter*
- *Water fountain*
- *Pump track (in accordance with previous community petition)*
- *100% Wheelchair accessibility*

The permanent population of Cape Woolamai (according to 2021 Census Data) is 2301, which includes 583 families. 24.7% of the population, being some 568 people, are under the age of 19. This is the highest percentage of residents under 19 in the shire.

However, Cape Woolamai provides only one play space for these 2301 people. This is less than half the playspace to population ratio of any other area of Bass Coast Shire, despite the area having the highest proportion of young people.

Comparatively:

- *San Remo has a ratio of 554 people per playspace (upon completion of San Remo's- 3rd playspace at Anderson Street);*
- *Cowes: one playspace for every 1132 population;*
- *Wonthaggi: one playspace per 1053 population; and*
- *Rhyll: one playspace per 364 population (the 2021 Census data indicates only 103 people in Rhyll being under 18, yet they have 2 playspaces).*

Further, despite the Cape Woolamai population and demographic, the Sunnyside Avenue Park is categorised as a "Local" park, which only caters for ages 0 to 8 years. Having a high proportion of youth in the area, this is inadequate to cater to local need, and the many children in the area aged 9 to 17.

Concerningly, Council considers that playspaces categorised as Local do not have to be wheelchair accessible. This is highly discriminatory to people with disabilities in the local region.

San Remo, which has a lower population, and smaller proportion of young people, has one Township park in addition to 2 Local parks. Anderson Street, San Remo is classified as a Local park, and was allocated $600k in this year's Council budget.

It is imperative that Council prioritize a second playspace for Cape Woolamai that is accessible for people with disabilities, which can assist in providing adequate spaces for the growing young population of the area.

As you would be aware, there is a strong push for a pump track in Cape Woolamai to provide recreational facilities for the growing population of youth that live in the area. We request that consideration be given to this proposal focusing on the permanent residents of the area, not through the lens of providing attractions for tourists. While we understand the importance of tourist income, the facilities for local residents are vastly lacking.

There is a known gap in Cape Woolamai between provision of playspaces and community need. We understand that the current Council costs for maintaining open space in Cape Woolamai are low compared with other areas with similar population, because Phillip Island Nature Parks funds and manages a significant proportion of the required maintenance. Council should therefore prioritise funding for Cape Woolamai to close the gap between community need and existing facilities.

Yours faithfully, Cape Woolamai Residents, Owners & visitors undersigned.

This report responds to the petition.

Discussion

In response to feedback received via the petition and the recent engagement on the Draft Mountain Bike/BMX/Pump Strategy, officers recommend a master plan is commenced for the reserve in 2024/25. The master plan should be developed in accordance with the final Mountain Bike/BMX/Pump Strategy recommendations.

The master plan will consider appropriate drainage of the reserve to accommodate new amenities for the space that exists on the southern side of the reserve. It will also consider recommendations for a small pump track as outlined within the Mountain Bike/BMX/Pump Strategy and an upgrade to the existing basketball ring.

A community consultation process will be undertaken with the Cape Woolamai community to inform the master plan. Accessibility to the reserve and facilities will be considered as part of the master planning process.

The petition received from the Cape Woolamai community requests a second playspace be constructed within the township. Council's Playspace Strategy, which was implemented in 2017, does not outline a suitable location for a new playspace, instead recommending that the existing playspace at Sunnyside Reserve be upgraded. Council has investigated opportunities for additional playspaces within Cape Woolamai and there is no suitable land currently available.

Council has however identified another potential recreational riding site through the development of the Draft Mountain Bike/BMX/Pump Strategy. This site is adjacent to Cleeland Road and Phillip Island Road at the northern end of Cape Woolamai. The opportunity to develop this site with dirt jump features for BMX and Mountain Bike will be progressed subject to the draft strategy being adopted by Council. This potential site would be developed in consultation with the local bike riding community.

Sustainability Implications

There are no sustainability implications associated with this report.

Finances

The creation of a master plan for Sunnyside Reserve will be undertaken internally by Council officers, subject to the Mountain Bike/BMX/Pump Strategy being adopted by Council.

Once the Strategy has been adopted, officers can seek external funding for projects listed within it and will prioritise a new pump track for Sunnyside Reserve.

Stakeholders

- Cape Woolamai Community
- Department of Energy, Environment and Climate Action
- Phillip Island Nature Parks
- Councillors

Conclusion

A master plan for Sunnyside Reserve will improve open space opportunities for families living in Cape Woolamai and provide direction for the installation of new recreation amenities at the reserve.

Although there is no suitable land available for an additional playspace, a site for a dirt jumps track has been identified via the Draft Mountain Bike/BMX/Pump Strategy.

A new BMX dirt jumps track will provide local youth with a sanctioned and Council managed/maintained track for residents from Cape Woolamai to enjoy.

Governing Documents

- Bass Coast Shire Council Play Space Strategy 2017
- Active Bass Coast 2018 - 2028

Attachments

Nil

8.4 Urban Road and Drainage Improvement Policy

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

Declaration

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

Summary

The purpose of this report is to present the review the Urban Roads and Drainage Improvement (URDI) Policy 2019 and associated evaluation list of projects. A review of the policy is scheduled to take place every five years.

The URDI Policy 2019 provided guidance for Council on the development and delivery of improvement projects for urban areas with unmade roads and inadequate drainage.

The review considered:

- outcomes of projects within the URDI Policy 2019 program
- improvement opportunities to the policy
- reprioritisation of projects on the evaluation list.

The URDI Policy (AT-1) has been updated to address the outcome of the review findings and is attached to this report to be considered for adoption by Council.

Petitions Received

Council received nine separate petitions in relation to requests for road and drainage upgrades in the Surf Beach and Sunderland Bay area. The petitions were received from February to April 2024. The petitions have been considered as part of the policy review.

Two projects along The Esplanade, Surf Beach are already ranked highly on the proposed priority list and are scheduled to be commenced in 2025. A third project along Links Street, Surf Beach is scheduled to be commenced in 2030 within the proposed priority list. These three projects are proposed to be reprioritised and commenced in 2024 in consideration of the petitions received and community engagement undertaken. The other six petitions do not meet the requirement of this proposed policy.

Recommendation

That Council:

1. **adopt the URDI Policy 2024 and priority list of improvement projects**
2. **proceed with the initiation of three upgrade projects consisting of two at The Esplanade and another at Links Street**
3. **note that the preferred concept designs and funding mechanism for potential upgrade projects would need to be considered at a future meeting of Council**
4. **note the other six petitions for street upgrades shall remain in the same priority ranking in accordance with this proposed policy**
5. **advise the head petitioners of Council's decision.**

Background

In March 2019, Council adopted the revised Urban Roads and Drainage Improvement Policy and Framework 2019. The Policy and associated project evaluation priority list was based on the objectives of the Council Plan 2017-2021.

In October 2021, the Council adopted the Council Plan 2021-2025. Changes to the Council Plan strategic objectives were considered as part of the URDI Policy 2019 review.

In June 2022, the Council adopted the Asset Plan 2022. This plan requires to be considered when the URDI Policy 2019 is reviewed. The Asset Plan 2022 is a strategic document informing the community on how Council infrastructure, such as roads and drains, will be managed to achieve the Council Plan objectives and community vision statement.

In February 2024, Council received five separate petitions in relation to road and drainage improvement requests within Surf Beach Sunderland Bay.

The first Petition, Sealing of Batman Street Surf Beach containing 39 signatures, reads:

> *We, the undersigned property owners in Batman St., Surf Beach, call upon the Council to address the issue of excessive dust on Batman St. By sealing the road either with the sealant previously applied to the road or bitumen, as used in Sunderland Bay Rd.*
>
> *Batman St., according to Council data, carries the heaviest volume of traffic on the estate. This traffic comprises holiday makers, day trippers, and islanders checking out the surf, rather than locals who reside on Batman St. For this reason, we call upon Council to meet all or most of the cost of sealing the road.*

The second petition, Infrastructure Improvement project for the section of The Esplanade between Sunderland Bay Road and Batman Street, Surf Beach, containing 17 signatures reads:

> *We the undersigned, being owners of properties abutting The Esplanade, Surf Beach between Sunderland Bay Road and Batman Street, request that Bass Coast Shire Council prioritises an urban road and drainage infrastructure improvement project for this section of road in accordance with Council's Urban Roads and Drainage Improvement Policy. We understand that the project will be funded through 'user pays' principles in accordance with Council's Special Rates and Charges Policy.*

The third petition, Glen Street, Surf Beach, road and drainage upgrade containing 8 signatures reads:

> *Following the rejection of the 'user pays' contribution scheme in 2023, the undersigned property owners of Glen Street. Surf Beach, respectfully request that Bass Coast Shire Council investigate alternative funding models for road and drainage improvements to our area, and present those funding models to us for consideration.*

The fourth petition, Road Upgrades to Links Street, Surf Beach containing nine signatures reads:

> *We the undersigned, being owners of properties abutting Links St, Surf Beach, request that Bass Coast Shire Council prioritises an urban road and drainage infrastructure improvement project for this section of road in accordance with Council's Urban Roads and Drainage Improvement Policy. We understand that the project will be funded through 'user pays' principles in accordance with Council's Special Rates and Charges Policy.*

The fifth petition, Dover St Sunderland Bay, road and drainage upgrade, containing 14 signatures reads:

> *We the undersigned, being owners of properties abutting Dover St Sunderland Bay, request that Bass Coast Shire Council prioritises and urban road and drainage infrastructure improvement project for this section of road in accordance with Councils Urban Roads and Drainage Improvement Policy. We understand that the project will be funded through 'user pays' principles in accordance with Councils Special Rates and Charges Policy.*

At the 21 February 2024 meeting of Council, it was resolved to:

1. Receive the five petitions to lie on the table with a report to be presented no later than the June 2024 Council Meeting.
    a. Sealing of Batman Street, Surf Beach
    b. Infrastructure Improvement project for the section of The Esplanade between Sunderland Bay Road and Batman Street, Surf Beach
    c. Glen Street, Surf Beach, road and drainage upgrade
    d. Road Upgrades to Links St Surf Beach
    e. Dover St Sunderland Bay, road and drainage upgrade
2. Advise the head petitioners of Council's decision.

In March 2024, the Council received three separate petitions in relation to road and drainage upgrades within Surf Beach Sunderland Bay.

The first Petition The Esplanade Sunderland Bay containing 29 signatures, reads:

We the undersigned, being owners of properties abutting The Esplanade Sunderland Bay, request that Bass Coast Shire Council prioritises an urban road and drainage infrastructure improvement project for this section of road in accordance with Councils Urban Roads and Drainage Improvement Policy. We understand that the project will be funded through 'user pays' principles in accordance with Councils Special Rates and Charges Policy.

The second petition, Tolley Ave, Surf Beach containing 11 signatures, reads:

We the undersigned, being owners of properties abutting Tolley Ave, Surf Beach, request that Bass Coast Shire Council prioritises an urban road and drainage infrastructure improvement project for this section of road in accordance with Councils Urban Roads and Drainage Improvement Policy. We understand that the project will be funded through 'user pays' principles in accordance with Councils Special Rates and Charges Policy.

The third petition, Sealing of Dunvegan Crescent, Surf Beach, reads:

We would like to meet and work with Councillors and Shire officers to find a suitable, lowcost road design and to seek alternate funding for the works. This funding could come from State or Federal Grants or other such sources.

Given that the bulk of the road dust issues are not caused by property owners and that the bulk of the enjoyment of the road is by others, our contention is that the property owners on Dunvegan Crescent should not have to bear the costs of improvements and maintenance.

At the 20 March 2024 meeting of Council, it was resolved to:

1. Receive the three petitions to lie on the table with a report to be presented no later than the June 2024 Council Meeting.
    a. The Esplanade Sunderland Bay, road and drainage upgrade
    b. Tolley Ave, Surf Beach, road and drainage upgrade
    c. Sealing of Dunvegan Crescent, Surf Beach
2. Advise the head petitioner of Council's decision.

In April 2024, the Council received another petition in relation to a road and drainage improvement project along Anglers Road, Sunderland Bay

The petition containing 17 signatures reads:

We the undersigned, being owners of properties abutting Anglers Road Sunderland Bay, request that Bass Coast Shire Council prioritises an urban road and drainage infrastructure improvement project for this section of road in accordance with Council's Urban Roads and Drainage Improvement Policy. We understand that the project will be funded through 'user pays' principles in accordance with Council's Special Rates and Charges Policy.

At the 17 April meeting of Council, it was resolved to:

1. Receive the petition, Anglers Road Sunderland Bay urban road and drainage infrastructure improvement program to lie on the table with a report to be presented no later than the June 2024 Council Meeting.
2. Advise the head petitioner of Council's decision.

Discussion

The URDI Policy 2019 guides the Council on the development and delivery of improvement projects for urban areas with unmade roads and inadequate drainage.

There are approximately 100 kilometres of unmade roads and inadequate stormwater drainage in urban areas in Bass Coast, which do not meet Infrastructure Design Manual standards required by Council.

The Urban Roads and Drainage Improvement Policy 2019 states that the Policy and accompanying Urban Upgrade Evaluation List will be reviewed at no more than a five year period. This requirement has initiated the review of the policy in 2024.

The following aspects have been considered within the review of the URDI Policy 2019:

- outcomes of projects within the URDI Policy 2019 program
- improvement opportunities to the policy
- reprioritisation of projects on the evaluation list.

<u>Outcomes of project improvements considered and developed</u>

Two large scale projects were combined and developed for a potential upgrade project, which were Surf Beach and Sunderland Bay estates. These two estates contain 15 kilometres of road network and over 1000 properties. The project's development took over two years. There was a majority of objections from the property owners at the proposed declaration stage and consequently the project was abandoned.

There have been nine separate petitions from the property owners of specific roads of Surf Beach and Sunderland Bay to have their road considered for an upgrade project since the overall combined estates project was abandoned. These specific roads have higher risks regarding dust, safety and flooding compared to the rest of the estates.

The Jam Jerrup community attempted to have a project reprioritised through a petition. The petition had close to 50% support, which did not meet the threshold requirement of 70% support to initiate the project.

In Wonthaggi, Baillieu Street West property owners initiated an improvement project through a petition. The petition had 100% support, meeting the threshold requirement of 70% support to initiate the project. The project is continuing to be developed in consultation with the property owners.

Improvement opportunities to the Policy

Whilst Council has recently delivered a special charge scheme in Pioneer Bay, there have been several large projects developed and objected to by property owners at the late stages of development, resulting in those projects being abandoned or deferred. These projects include Cape Paterson, Sunset Strip, Surf Beach and Sunderland Bay. There are roads within those large projects that have much higher risks regarding dust, safety and flooding as compared to the rest of the project areas. There is potential to separate those higher risk roads into smaller projects so that improvement works can be considered and developed in accordance with a revised project priority evaluation list. Breaking the larger projects into smaller projects would increase the number of projects from 47 to 137. It will also provide a staged approach to developing and delivering improvement projects in the large estates.

The 70% threshold of community support required to reprioritise an improvement project is considered too high. This is because community initiated projects are difficult as there is a high rate of non-resident property owners typically in these areas that are difficult for petitioners to contact. A lowering of the threshold from 70% to 50% community support would provide an improved opportunity to have highly supported projects reprioritised and developed. Through the URDI review engagement Council heard that assistance to contact non-resident property owners and gauge any additional support from the community would also make these projects easier to develop.

Interim Strategy

Some projects on the priority list will take decades before improvement projects are considered. There are no interim treatment options within the policy to undertake interim treatments such as dust reduction. The current policy only allows for a full road and drainage upgrade project. Providing an interim treatment option to resolve dust issues prior to the full road and drainage upgrade will assist concerned property owners.

The review allows an opportunity to improve the layout and structure of the URDI Policy. Currently, there are two documents (the policy and the framework) adopted in 2019. There was also a third internal facing document recommended to be created in 2019 for the guidelines. Reevaluating the layout and structure of the policy, it is now recommended to combine all three documents (policy, framework and guidelines) into one comprehensive document. This is recommended so all relevant information required to understand the process is easily found in one document.

Reprioritisation of projects on the evaluation list

The review of the URDI Policy 2019 allows for the opportunity to reprioritise improvement projects based on the priorities of the Council. The Council Plan objectives have been used in previous reviews to prioritise improvement projects. This review has used both the Council Plan 2021-2025 and also the Council Asset Plan 2022 to prioritise improvement projects. Each project has been assessed against a range of criteria within each objective of the Council Plan and Council Asset Plan and given a weighted score. These scores are then combined to form a total score which results in

each project being ranked accordingly based on score. The ranking of projects is listed in the associated priority list (AT-2) of this report.

The objectives in the updated Council Plan and Council Asset Plan are like the previous Council Plan that the URDI Policy 2019 was based on. These strategic objective themes are shown in the table below for reference.

Table 1: Council Plan and Council Asset Plan strategic objective themes

Council Plan 2017-2021	Council Plan 2021-2025	Council Asset Plan 2022
Advocacy		Climate Emergency
Environment	Protecting our Natural Environment	Protect and Enhance Natural Environment
Liveability	Sustainable Development	Access and Movement
Health and Wellbeing	Healthy Community	Healthy and Inclusive Communities
Governance	Leading for our Community	
Economic Development	Growing our Economy	Education, Creative Economy and Industry
Our Character	Our Places	

Additional criteria and score weighting have been added to the evaluation post community engagement in regard to the Council draft Affordance Housing Strategy 2024 and also the settlement hierarchy of the Bass Coast Shire Planning Scheme. Adding some score weighting for these two criteria has made minor adjustments to ranking of projects.

Petitions

Council has received nine separate petitions in relation to road and drainage upgrades from the Surf Beach Sunderland Bay community from February to April 2024.

The following three of these petitions meet the requirements of the proposed updated policy in respect to having at least 50% of property owners signing the petition and being willing to financially contribute towards the project:

- The Esplanade (from Sunderland Bay Road to Batman Street)
- The Esplanade (from Zephyr Court to Sunderland Bay Road)
- Links St

The two projects along The Esplanade are already ranked highly (2nd and 4th) on the priority list and are proposed to be commenced in 2025. Links Street is ranked 19th on proposed priority list and is planned to be commenced in 2030.

The other petitions do not meet the requirement of this proposed policy as the community support level to have an upgrade project undertaken is less than 50% or they are not willing to financially contribute towards the project.

Note that two of the petitions that did not meet the requirements of this proposed policy are proposed to be commenced in 2025 based on the outcome of the priority ranking. These two projects are:

- Batman Street
- Glen Street

The other remaining six petitions that do not meet the requirements of this proposed policy are to remain in the same priority ranking as proposed.

A summary table illustrating the level of support from the community and willingness to financially contribute is shown below.

Table 2: Upgrade project petitions summary

Petition	Community Support (requires min 50%)	Willing to financially contribute	Ranking on priority list
The Esplanade (Sunderland Bay Road to Batman Street)	94%	Yes	2
The Esplanade (Zephyr Court to Sunderland Bay Road)	83%	Yes	4
Links Street	75%	Yes	19
Batman Street	80%	No	1
Glen Street	50%	No	3
Dunvegan Crescent	0% (not signed)	No	22
Dover Street	38%	Yes	43
Anglers Road	33%	Yes	43
Tolley Avenue	27%	Yes	60

Sustainability Implications

Section 9(2)(c) of the Local Government Act 2020 states: 'the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted'.

Economical

Urban road and drainage improvement projects provide economical sustainability for communities such as:

- reduced risk of property damage due to flooding
- reduced cost and need for private stormwater pumps and tanks
- reduced financial impacts from transport crashes

Social

Urban road and drainage improvement projects provide social sustainability improvements for the community if constructed such as:

- improved amenity for the community
- less impacts and risk from road dust
- Less restrictions from flooding
- less smell of stagnant water
- less risk of mosquitoes and associated diseases
- reduced safety concerns and risks associated with open drains
- less impacts and risk of vehicles crashes
- Improved accessibility.

Environmental

Urban road and drainage improvement projects would provide environmental sustainability improvements for the community if constructed such as:

- improved downstream water quality and reduced erosion with the installation of water sensitive urban design swales and wetlands
- improved wildlife habitat with the installation of water sensitive urban design swales and wetlands

Climate change

Urban road and drainage improvement projects would provide climate change for the community if constructed such as:

- Reduced flooding from increased storm rainfall intensities or rises in sea levels
- Reduced impacts of dust from unsealed roads in hot temperature and windy conditions.

Finances

There are no direct financial implications associated with this policy review and report.

The URDI Policy and the *Local Government Act 1989* provide for flexibility in both the amount and funding sources that can be utilised to deliver urban upgrade projects. Funding sources may include:

- direct Council contribution
- external grants, funding or contributions
- a special rate or charge in accordance with Section 163 of the *Local Government Act 1989*
- And / or a combination of the above options.

This offers flexibility in the annual budget process, and development of the annual and long-term capital works program to facilitate implementation of urban upgrade projects.

Funding of individual improvement projects developed in accordance with this policy will be subject to Council approval.

Stakeholders

Consultation with the community was done from 12 April 2024 to 12 May 2024. Results from the community consultation show:

- there was 1238 website visits to the engagement page regarding the URDI Policy review.
- there was 235 online feedback forms submitted for the URDI Policy review.
- there were nine emailed submissions received for the URDI Policy review.
- the majority of the feedback from the Surf Beach community (projects not planned to be commenced in the near future) was generally not supportive of the proposed changes.
- the majority of the feedback from the Surf Beach community (projects planned to be commenced in the near future) was generally supportive of the proposed changes.
- the majority of the feedback from the Surf Beach community (projects planned to be commenced in the near future) was generally supportive of the proposed changes.
- A summary report of the feedback received from the community has been produced (AT-3).

Conclusion

In summary, the review of Council's URDI Policy 2019 has identified several improvement opportunities that can be incorporated into the updated policy.

Improvement projects have also been reassessed and ranked in priority order in accordance with the strategic objectives of the Council Plan and Council Asset Plan.

A summary of changes proposed to be included in the updated URDI Policy based on the review are:

- Large scale projects require to be broken into smaller ones.
- Community initiated projects require to be made easier.
- Projects should be considered for reconfiguration if there is high amounts of support and objection during early consultation.
- Interim dust only treatment options should be incorporated.
- Layout and structure changes.
- Project reprioritisation.

Three petitions align with the requirements of the community initiated projects section of this policy and can be considered for reprioritisation and progressions. Six petitions do not meet the requirements of the policy. These areas can be considered for reprioritisation under the new policy subject to community support.

Governing Documents

The following documents inform and support this policy:

- *Road Management Act 2004.*
- *Local Government Act 1989.*
- *Local Government Act 2020.*
- Special Rates and Charges Ministerial Guidelines 2004.
- Bass Coast Shire Council – Council Plan 2021-25.
- Bass Coast Shire Council – Planning Scheme.
- Bass Coast Shire Council – Asset Management Policy 2022-2026.
- Bass Coast Shire Council – Asset Plan 2022.
- Bass Coast Shire Council – Drainage Services Asset Management Plan 2024-2028.
- Bass Coast Shire Council – Road Asset Management Plan 2019-2023.
- Bass Coast Shire Council – Road Management Plan 2022.
- Bass Coast Shire Council – Community Engagement Policy 2021.
- Bass Coast Shire Council – Long Term Financial Plan 2021-2031.

- Bass Coast Shire Council – Stormwater Management Plan Report 2003.
- Bass Coast Shire Council – Debt Management Policy.
- Bass Coast Shire Council - Affordance Housing Strategy 2023.
- Bass Coast Shire Council - draft Neighbourhood Character Study 2024.
- Infrastructure Design Manual.

Attachments

1. AT - 1 Urban Road and Drainage Improvement Policy 2024 Version 3 [**8.4.1** - 19 pages]
2. AT - 2 Urban Road and Drainage Improvement Policy 2024 Priority List Version 1 [**8.4.2** - 5 pages]
3. AT - 3 URDI Policy Feedback Summary Rev 2 [**8.4.3** - 6 pages]
4. CONFIDENTIAL REDACTED - AT - 4 Feedback emails URDI 2024 Community Engagement Results Rev 0 [**8.4.4** - 35 pages]

8.5 Environment Fund

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

Declaration

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

Summary

The purpose of this report is to outline the approach that officers have considered in the development of the Environment Fund and recommend that Council commence the establishment of an Environment Fund in partnership with Biodiversity Legacy.

The establishment of the Environment Fund positions Bass Coast Shire Council as a leader in environmental innovation and conservation. By strategically leveraging its unique location and forming key partnerships, Council can drive significant social, environmental, and economic benefits.

The Environment Fund will facilitate collective action and community engagement, fostering a sustainable legacy for future generations. This initiative provides a forward-thinking approach to biodiversity preservation and landscape restoration, serving as a model for other regions and demonstrating Council's commitment to combating climate change and reversing extinction.

Recommendation

That Council:

1. Commence the establishment of the Environment Fund as a company limited by guarantee:

a) with the purpose to:

"Reverse biodiversity decline by preserving and enhancing existing habitat and accelerating the restoration of connected habitat across the landscape."

b) with two founding members: Biodiversity Legacy and Bass Coast Shire Council. Each member will have equal voting rights and will appoint an equal number of directors, ranging from 2 to 4 each, to the governing board.

2. Draft a constitution to underpin the Environment Fund, and undertake a process to identify directors, for approval by Council at a future meeting.

{recommendation-end-do-not-remove}

Background

Council is in a unique position to act as a leader, and connect organisations, businesses, and investors to create social, environmental, and economic benefits through the development of an Environment Fund. By taking an active role in southeast Victoria's nature markets, Bass Coast Shire can become known as a hub for innovation in this field. Strategically located at the intersection of Western Port and West Gippsland catchments, Bass Coast is well-placed to access Melbourne nature markets along with Gippsland organisations and local governments.

Council is committed to:

> *"Reverse biodiversity decline by preserving and enhancing existing habitat and accelerating the restoration of connected habitat across the landscape."*

The Environment Fund will achieve this purpose by leveraging partnerships, donations, and green investment markets to deliver and maintain landscape-scale projects to:

- Protect priority areas of existing biodiversity
- Secure and restore land with high potential for biodiversity
- Establish viable habitat refuges and connect them through the landscape with biolinks
- Create a legacy for future generations and be a model for other regions

Council will establish a legal entity and governing board for the Environment Fund. Biodiversity Legacy will assist in setting up this entity, offering legal advice, governance templates, and connections to environmental and philanthropic organisations. The governing board will be composed of 4 to 8 directors, with 50% appointed by Biodiversity Legacy and 50% appointed by Council to ensure each member has equal representation and equal voting rights.

Discussion

Through the development of the Environment Fund to date, officers have worked closely with Biodiversity Legacy, a not-for-profit organisation dedicated to creating community stewarded biolinks and ensuring safe ownership structures for the long-term protection of landscapes for future generations. Officers consider Biodiversity Legacy an ideal partner for establishing the Environment Fund Ltd, as they bring expertise in creating not-for-profit entities that safeguard properties with natural assets in perpetuity. They also offer valuable support in the form of governance models, Memoranda of Understanding (MoU), stewardship, and constitutional templates, ensuring the new entity is established cost-effectively and efficiently.

The initiative reduces risk by setting up the fund as a Company Limited by Guarantee, ensuring it is a not-for-profit and eligible for tax-deductible donations. This structure protects land ownership, a crucial mechanism for safeguarding the land in perpetuity, in addition to other mechanisms such as conservation covenants registered on title. It also promotes community and First Nations engagement. With charity status, the initiative can attract philanthropic funding and is eligible to receive grant funding.

Biodiversity Legacy is a suitable fit for this partnership as their purpose and values align with Council's vision to preserve and restore the landscape, while combatting climate change and reversing extinction.

The Fund's success will hinge on its ability to attract funding and other resources, and manage those resources effectively in the long term, to deliver its purpose. These critical success factors have informed the recommended governance foundations for the Environment Fund, notably:

- Establishing a new entity, separate to Council – to broaden and diversify the available income streams, including tax-deductible donations, and ensure the Fund is financially independent of Council;
- Partnering with a second member (Biodiversity Legacy), with equal (50/50) voting rights, and appointing equal numbers of directors to the board – ensures that once established, the Fund's constitution and resources cannot readily be co-opted by a 'member' in the future.

As with all worthwhile ventures, some residual risk remains. Notably, reputational risk to Council could arise if the Fund's governance and/or operations fell into disrepute. Appointing reputable, skilled, and experienced directors to represent Council on the board, and maintaining an ongoing working relationship with the Fund over time will be key to managing this risk.

While the working title "Environment Fund" is used here, it is worth noting that that legal entity's name can be changed after establishment, and/or the fund can operate under a trading name as determined in future.

Sustainability Implications

The aim of the Environment Fund is to "Reverse biodiversity decline by preserving and enhancing existing habitat and accelerating the restoration of connected habitat across the landscape."

This will be achieved through fundraising, forging partnerships, and working with land stewards to deliver outcomes in the field. The Fund's activities will attract visitors, researchers, and volunteers, offering inspiration and a sense of collective action to achieve the vision.

Finances

Partnering with Biodiversity Legacy reduces the upfront costs Council might otherwise incur in setting up the entity, by working to their established model. Independent legal advice will be sought to ensure that Council's interests are protected throughout the establishment process.

Importantly, the Fund will be established in such a way as to be attractive and accessible to funding sources that Council cannot (or would not) attract, especially bequests (of funds and/or land), and tax-deductible donations. This supports Council's vision for the fund to be financially independent, and not limited to what it could achieve with Council resources.

The costs of establishing the Environment Fund are funded from the approved 2023/24 operating budget.

Stakeholders

The recommendation is that the Environment Fund have two members, Council and Biodiversity Legacy. Once established, the Environment Fund could work with a range of partners and stakeholders to share knowledge and drive outcomes, including:

- Traditional Owners
- Landcare Groups and Networks
- Sout East Councils Climate Change Alliance (SECCCA)
- Other Local Governments in Victoria and/or nationally
- Western Port Biosphere
- Local Conservation Societies – South Gippsland, Phillip Island, Save Western Port Woodlands
- National/International Conservation NGOs – WWF, Greening Australia, Victorian National Parks Association
- Regenerative Tourism movement
- Local land managers: Phillip Island Nature Parks, Parks Victoria, Catchment Management Authorities,
- Schools
- Community groups
- Bass Coast Community Foundation
- Destination Phillip Island Love Phillip Island/Millowl pilot program
- Bass Coast Community

Conclusion

This initiative is a response to Council's action in the Annual Action Plan to 'Design and implement a dedicated perpetual environment fund for accelerating habitat restoration on public and private land and provide a recommended way forward.'

The Environment Fund will be an independent, not for profit entity that will raise funds, build partnerships, and deliver action across the region to accelerate habitat restoration.

The collaboration with Biodiversity Legacy will support robust governance and legal structures, facilitating the fund's effective operation. Biodiversity Legacy is a not-for-profit charity that is dedicated to supporting organisations who strive to protect biodiversity and ensure the equitable transfer of land to future generations. By working together, Council and Biodiversity Legacy will establish the Environment Fund Ltd, allowing this important work to get underway.

Governing Documents

Council Plan 2021-2025 - Protecting our natural environment

Council Annual Action Plan 2023-24

Climate Change Action Plan 2020-2030

Biodiversity Biolinks Plan 2018

Attachments

Nil

8.6 Partnership with Destination Phillip Island

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

Declaration

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

Summary

The purpose of this report is to provide Council with the appropriate information to enter into an 18-month partnership agreement between Bass Coast Shire Council and Destination Phillip Island (DPI).

DPI is the Regional Tourism Board for Phillip Island and San Remo and is one of Council's key strategic partners in developing the visitor economy in Bass Coast. DPI is the state recognised Regional Tourism Board, an independent peak body for the Phillip Island and San Remo tourism sector. It is directed by a skills-based board focused on the development and growth of the tourism industry in the region.

The purpose of the partnership agreement is to clearly articulate the relationship, responsibilities and funding commitment that supports the collaborative working arrangements between Bass Coast Shire Council and DPI. It is recommended that Council authorise officers to enter into a partnership agreement between Bass Coast Shire Council and DPI from 1 July 2024 to 31 December 2025.

Recommendation

That Council authorise officers to enter into a Partnership Agreement from 1 July 2024 until 31 December 2025 between Bass Coast Shire Council and Destination Phillip Island.

Background

Council has financially supported DPI since its inception in 2004, when it was first recognised by the State Government that Phillip Island should have its own regional campaign committee.

In 2013, the DPI campaign committee changed to skills based, Regional Tourism Board under Tourism Victoria's (now Visit Victoria) revised regional tourism board structure. Council is a member of DPI and has had a representative on the DPI board since its inception with the CEO of Bass Coast Shire Council currently appointed as Board Director.

In March 2019 the State Government commissioned the Regional Tourism Review with the goal to provide the tourism industry in Regional Victoria the support and opportunity needed to grow. The findings from this Review lead to the development of the Visitor Economy Recovery and Reform Roadmap, providing a framework for industry and the Victorian Government. Included in the Roadmap, existing Regional Tourism Boards will transition to a new network of Visitor Economy Partnerships.

The structure of how the Visitor Economy Partnerships will form in our region is yet to be finalised. The State Government has committed to financially supporting DPI in its current form through to December 2025. During this time Council will work with DPI, Destination Gippsland and relevant State Government departments to ensure a smooth transition.

DPI's role as defined in its Statement of Purpose is:

- To act as the peak Regional Tourism Board for the Phillip Island region, as defined from time to time in tourism industry strategic plans developed by Visit Victoria or their equivalent, focusing on the development and growth of the tourism industry in the region, strategic tourism development and advocacy for the region.
- To consolidate the strategic direction of the tourism industry for the entire Phillip Island region and communicate with key partners such as Local Government, Visit Victoria and other relevant independent legal entities.
- To perform the following functions for the Phillip Island region: industry development, product development, regional marketing, strong advocacy and united voice for the region, effective coordination and communication, skills training, leadership and mentoring, networking, identifying investment/infrastructure opportunities and managing tourism sustainability.

Bass Coast Shire Council's current three-year partnership with DPI is set to expire 30 June 2024.

Discussion

Tourism plays a pivotal role in driving economic growth, enhancing community well-being, and promoting local culture and heritage. In Bass Coast, tourism has also played a significant role in protecting and enhancing the local environment. Our community has a rich history of welcoming visitors from all over the world and continues to be a key international destination for Australia. In 2023 the Bass Coast welcomed an estimated 2.784 million visitors that spent $892 million in local expenditure (Dec 2023).

In recognition of the importance of the visitor economy to Bass Coast, Council continues to proactively engage to drive positive outcomes that support the visitor economy. Identified in the Council Plan 2021 to 2025, Growing our Economy, Council seeks to 'progressing opportunities for visitor economy and business growth in harmony with our natural environment and sustainable values.'

The visitor economy and natural world also represents a key pillar of Council's Economic Development Framework 2030 that aims to drive positive regenerative tourism practices, strengthen the region's position as an international destination, build on the emerging wellness offerings, and drive off-peak event activation.

Council support for DPI is an essential part of delivering a strategic and coordinated approach for the visitor economy. Work to support the visitor economy is guided by a Destination Management Plan for Phillip Island and San Remo, which DPI are the lead agency.

The governance of the delivery of the Destination Management Plan is shared collaboratively between DPI, Phillip Island Nature Parks, and Bass Coast Shire Council. Annual actions are agreed between the three organisations, subject to their own relevant approval process. Officers across the organisation maintain close working relationships with DPI.

DPI is the state recognised Regional Tourism Board, an independent peak body for the Phillip Island and San Remo tourism sector. It is led by a skills-based board focused on the development and growth of the tourism industry in the region. DPI is an Incorporated Association and is governed by the Associations Incorporation Reform Act 2012 and its rules of association. While there is a financial contribution from Council, Council will remain a member of DPI. Council's CEO is a Board Director of DPI.

The proposed partnership agreement will commence 1 July 2024 and end 31 December 2025. The reason for the specific length of the agreement is to align with the current state government funding agreement with DPI. It is included in the partnership agreement terms that DPI will continue to report annually on relevant activity to Councillors.

The principles of the agreement are as follows:

- Both DPI and the Council will reasonably seek to ensure that the activity operates in a manner which:
    - Ensures that the expectations and key strategic objectives of DPI and the Council are aligned.
    - Significantly advances the relationship between the tourism sector, operators, businesses and local tourism authorities.
    - Ensures that key staff of the Council and DPI work collaboratively in planning for tourism industry development, advocacy and marketing for the region.
    - Ensures that DPI addresses and takes a leading role in tourism issues and opportunities relevant to Phillip Island and San Remo visitor economy and where appropriate the broader Shire.
    - Makes available information to the wider industry about the operation of the Activity.
    - Provides a safe working environment.
    - Takes account of equal opportunity principles.
    - Utilises linkages with other services.

Sustainability Implications

There are no sustainability implications associated with this report.

Finances

For the three-year duration of the current partnership agreement, Council provided DPI with $340,179 of financial support. Council also provided non-financial support through in-kind support for industry development, cooperative marketing, collateral, and events.

2021/2022

Annual contribution	$84,340
Whale Festival	$10,000
Off-peak marketing contribution (holiday home registrations)	$34,175
Total	**$128,515**

2022/2023

Annual contribution	$88,472
Whale Festival	$10,000
Island villages marketing campaign	$8,500
Ken Hore mentoring program	$500
Total	**$107,472**

2023/2024

Annual contribution	$93,692
Whale Festival	$10,000
Ken Hore mentoring program	$500
Total	**$104,192**

It is proposed the annual contribution to DPI increases by the Annual Local Council Rate Cap. This is a shift from the previous method of calculating the annual increase using the Consumer Price Index Trimmed Mean (June index).

The 2024/2025 annual contribution to DPI will be $96,268.88 ex GST.

Stakeholders

- Bass Coast Shire Council
- Destination Phillip Island
- Destination Gippsland
- Victorian Government Department of Jobs, Skills, Industry and Regions
- Visit Victoria
- Tourism Australia

Conclusion

It is important that the Council continues to maintain effective working relationships with peak tourism bodies in the region such as DPI and Destination Gippsland. The Council's contribution supports DPI operations, domestic and international marketing and Phillip Island's participation in strategic touring routes such as Sydney Melbourne Touring and Go Beyond Melbourne. Council support for DPI is an essential part of delivering the strategic direction for Phillip Island and San Remo visitor economy.

It is recommended that the Council authorise officers to enter into a partnership agreement with DPI from 1 July 2024 to 31 December 2025.

Governing Documents

- Economic Development Framework 2030
- Phillip Island and San Remo Destination Management Plan 2033

Attachments

Nil

8.7 Instruments of Appointment and Authorisation

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

Declaration

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

Summary

The purpose of this report is to recommend that Council resolve to appoint the named officer/s as an Authorised Officer and approve the execution of the attached Instrument of Appointment and Authorisations. Council is also recommended to revoke authorisation to officer/s that no longer require it under the *Planning and Environment Act 1987.*

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

Recommendation

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

1. **The members of Council staff referred to in the attached instrument be appointed and authorised as set out in the instrument:**
   - **Emily Boyce**
   - **Carlos Munoz Gutierrez**
2. **The instrument comes into force immediately it is signed by Council's Chief Executive Officer and remains in force until Council determines to vary or revoke it.**
3. **Revokes the instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* to:**
   - **Mark Hayward**

Background

Council currently exercises its powers to appoint Authorised Officers.

Discussion

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

Sustainability Implications

There are no sustainability implications associated with this report.

Finances

There are no financial implications associated with this report.

Stakeholders

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

Staff – ensuring the ability to undertake their roles.

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

Conclusion

It is recommended that Council adopt the attached Instrument of Appointment and Authorisation to the named officer/s as an Authorised Officer and approve the execution of the attached Instrument of Appointment and Authorisations. Council is also recommended to revoke authorisation to officer/s that no longer require it under the *Planning and Environment Act 1987*.

Governing Documents

Section 313 Proceedings of the *Local Government Act 2020*.

Section 188 Planning authorities and responsible authorities may delegate powers of the *Planning and Environment Act 1987*.

Attachments

1. Emily Boyce S11A Instrument of Appointment and Authorisation Planning and Environment Act 1987 [**8.7.1** - 1 page]
2. Carlos Munoz Gutierrez S11A Instrument of Appointment and Authorisation Planning and Environment Act 1987 [**8.7.2** - 1 page]

8.8 Review of Instrument of Delegation – Council to Chief Executive Officer

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

Declaration

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

Summary

The purpose of this report is to recommend 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 19 July 2023.

There are no changes to the Instrument of Delegation from Council to Chief Executive Officer attached. It is best practice and good governance to review delegations to ensure they remain up to date and cover all relevant legislative and regulatory provisions.

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 [**8.8.1** - 4 pages]

8.9 Renewal of Banking Services Contract

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

Declaration

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

Summary

This report to the Council seeks commitment to a four-year renewal of its banking services under the collaborative state purchasing contract (SPC), awarding tender 24018 to Westpac Banking Corporation (Westpac).

Bass Coast Shire Council awarded a three-year contract for banking services with Westpac in July 2019, following a competitive tender process. This contract contained an option to extend the contract for a further two years, and this was exercised in June 2022. The current contract will expire on 30 June 2024.

During the current contract period, Council officers have worked closely with Westpac and our technology service providers to implement improvements to the customer interface, creating a seamless receipt process and transactional banking efficiencies. These efficiencies will provide ongoing benefits to Council and users of the Westpac portal as they will be retained as the Council's principal banking services provider.

Westpac were the only banking services provider as part of the State Purchase Contract (SPC) panel when the banking services contract was awarded in June 2019. Since then, a refresh of the contract has seen both the National Australia Bank (NAB) and Commonwealth Bank of Australia (CBA) join as providers.

This SPC contract is a collaborative contract which aligns with requirements under section 109 of the Local Government Act 2020; Council must consider collaborative opportunities with other councils and public bodies where available.

The SPC confirmed that the Council may elect to renew its existing contract with Westpac for four more years. As detailed above the recently implemented improvements to our banking service offering, including the customer portal support the extension with Westpac. Officers have also carried out a due diligence pricing comparison between the three banking providers to ensure that this aligns with our commitment to Best Value Procurement. The pricing comparison confirmed Westpac as being marginally more expensive than the cheapest provider with a differential annual cost of approximately $1,427 or less than 1 per cent of the annual budgeted cost for this service.

The recommendation is to now renew the banking services for a further four years with Westpac which is based upon:

- The competitive price of the services.
- It being a renewal of an existing contract with no additional implementation costs.
- The recent enhancements to the customer banking portal and the implementation of several transactional banking efficiencies.

Recommendation

That Council:

1. **Renew the State Purchase Contract for banking services and award Tender 24018 to Westpac Banking Corporation for an initial contract term of two (2) years with an option to extend for a further two (2) years at the discretion of Council. The anticipated spend for year 1, under the schedule of rates is $90,000.**
2. **Affixes the Common Seal of the Bass Coast Shire Council to Contract No 19004 between Council and Westpac Banking Corporation.**

Background

Bass Coast Shire Council awarded the Banking Services contract to Westpac in June 2019 for an effective five-year period following a competitive tender process. This decision resulted in the Council moving its banking service from NAB to Westpac and the transition process to a new provider posed several resourcing and technical challenges. In 2023 a senior Council Finance Business Partner worked closely with both Westpac and its information technology consulting team on the implementation of a few significant improvements to its payments portal including the implementation of a new Application Programming Interface (API). Additionally processing efficiency enhancements were implemented to support more effective accounting and management of Council's banking transactions.

A formal contract management review was done before the contract's initial three-year term lapsed, and management agreed to a further two-year extension.

While the value of the banking contract is above the tendering threshold of $300,000 set in Council's Procurement Policy 2023, under the Local Government Act Council must consider opportunities for collaborative contracts. Officers assessed the comparative costs of the three providers under the SPC, Westpac, NAB and CBA. It was determined that Westpac would still provide Council with the best value (being comparable with the cheapest provider – 1% differential). Council will not be exposed to the complexity and additional costs associated with changing banking providers and will also benefit from the meaningful improvements that were implemented during 2023 to enhance the current banking product.

Discussion

In 2023 Council worked closely with Westpac and Technology One (its Enterprise software provider) on the development of an enhanced payment portal as well as several banking transactional improvements to streamline and enhance the ease of processing and reconciling its banking transactions. This project required the deployment of specialised resources to assist with the integration of the payment portal with Council's subsidiary ledgers (rate and debtors). A comprehensive testing regime was followed ahead of going live with this system and included enhancements aimed at minimising payment fraud.

The banking services contract with Westpac expires in July 2024 and as there are no further extension options available, Council needs to appoint a new banking provider or re appoint Westpac. Officers have researched the provider market and noted that the State Government Panel for banking services has been expanded to include the CBA and NAB and Westpac. The State Government website includes a cost comparison work sheet, and this has been populated with indicative volumes for the different transaction types that would be chargeable under a future banking services contract to Bass Coast Council. The results of this analysis confirm that the projected costs of a new Westpac banking services contract are competitive ($1,427 per annum or within 1 per cent of the lowest cost provider). While this is not the cheapest offering, there are significant costs and complexity associated with changing banking providers. Additionally, the significant work done on enhancing Council's payment portal and streamlining its banking processes in 2023 would be wasted.

This analysis supports Council's approach, sourcing a single quotation from Westpac for a new two-year banking services contract with an option at Council's discretion for a further two-year extension. The State Purchase Contracts Panel confirmed that this approach is in order and compliant.

Westpac has been approached to pride a formal schedule of rates quotation for the provision of banking services to Bass Coast Shire Council. Officers reviewed the rates schedule with the projected indicative transactional volumes. This analysis suggests that the annual cost of Council's banking services in 2024/25 is expected to be $90,000.

Sustainability Implications

There are no sustainability implications associated with this report.

While Westpac may invest in the fossil fuels sector, the other two banks (NAB and CBA) on the SPC also invest in this sector.

Finances

Council has provided $95,000 within the 2024/25 budget for costs associated with its banking service. This includes the transactional costs for BPay receipts, credit card payments, interactive voice response payments (IVR) or telephone banking and large volume of direct credit payments that are made to vendors and employees (payroll).

The projected cost to council over the 4-year period is $380,000 based on the historical volumes and trends of accessing these banking services.

The proposed contract is fully funded in the Budget and will have no incremental budgetary impact for Council.

Stakeholders

Ratepayers and Bass Coast service users who access our payment portals.

Conclusion

The proposed banking services contract award to Westpac is informed by the cost competitiveness of their proposal, the avoidance of significant costs and complexity associated with changing banking providers and the fact that significant enhancements to council's payment portal and banking processes were recently implemented.

Governing Documents

Local Government Act 2020

Attachments

Nil

8.10 Extension of Contracts 22002 A, B, C & D – One Council CIA Panel of Suppliers

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

Declaration

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

Summary

TechnologyOne's OneCouncil CiA is a cloud-based system that helps local councils manage their operations more efficiently. It combines different functions like finance, human resources, customer requests and asset management into one easy-to-use platform that can be accessed from any device. This system helps councils reduce IT complexity, improve service delivery, and make better decisions with real-time data.

Council established a panel of suppliers through its formal procurement process. The purpose of the panel was to enable Council to effectively and efficiently engage specialist technical services for the ongoing delivery and enhancement of its OneCouncil platform.

This report to Council presents a request to accept a contract extension option associated with current Panel contracts:

- Contract No 22002B – One Council CIA Panel of Suppliers with Atturra Business Applications
- Contract No 22002C – One Council CIA Panel of Suppliers with Esstev Consulting
- Contract No 22002D – One Council CIA Panel of Suppliers with Lanluas Consulting Pty Ltd

The extension is required to enable the continuation of the contract following expiry of the initial contract term in accordance with Clause 2.3 of the Conditions of Contract.

This report recommends that Council approves the extension option with the following contractors to deliver the services as provided for in the contract specification for an additional 12-month period, commencing 6 July 2024 to 5 July 2025:

- Contract No 22002B – Atturra Business Applications
- Contract No 22002C – Esstev Consulting
- Contract No 22002D – Lanluas Consulting Pty Ltd

Council will not be extending Contract No 22002A – allaboutXpert Australia Pty Ltd, as the company in concern is no longer in operation

Recommendation

The Council:

1. **Extend the contract with Atturra Business Applications for Contract No 22002B – One Council CiA Panel of Suppliers for a further period of 12 months to 5 July 2025, for the schedule of rates submitted on 29 May 2024.**
2. **Extend the contract with Esstev Consulting for Contract No 22002C – One Council CiA Panel of Suppliers for a further period of 12 months to 5 July 2025, for the schedule of rates submitted on 29 May 2024.**
3. **Extend the contract with Lanluas Consulting Pty Ltd for Contract No 22002D – One Council CiA Panel of Suppliers for a further period of 12 months to 5 July 2025, for the schedule of rates submitted on 29 May 2024.**

Background

On 5 July 2022 Council awarded the following Panel Contracts, for a term of two years with an extension option of up to 12 months at the discretion of Council:

- Contract No 22002A – One Council CIA Panel of Suppliers with allaboutXpert Australia Pty Ltd.
- Contract No 22002B – One Council CIA Panel of Suppliers with Atturra Business Applications
- Contract No 22002C – One Council CIA Panel of Suppliers with Esstev Consulting
- Contract No 22002D – One Council CIA Panel of Suppliers with Lanluas Consulting Pty Ltd

The contracts were based on submitted Schedules of Rates. The total estimated value of the services to be provided under the One Council CiA Contract Panel was estimated to be $500,000 (GST exclusive) over the proposed contract term (including extension options).

Clause 2.3 of the Conditions of Contract allows for an extension of the contract of up to 12 months to be given at the discretion of Council.

Statutory Requirements/Codes/Standards/Policies

- The Victorian Local Government Procurement Best Practice Guidelines 2024
- Bass Coast Shire Council's Procurement Policy
- Local Government Act 2020

Finances

Contract Particulars - **General Ledger Number: 10-8025-1001**	**$ Amount (Excluding GST)**
Original estimated value for contract term including extension options	**$500,000**
Actual payments made to date under each of the panel contracts:	
Contract No 22002A - allaboutXpert Australia Pty Ltd	$0.00
Contract No 22002B - Atturra Business Applications	$1,219,905.55
Contract No 22002C – Esstev Consulting	$0.00
Contract No 22002D - Lanluas Consulting Pty Ltd	$147,360
Total payments to date for initial contract term of 2 years:	**$1,367,265.55**
Proposed estimated value for contract extension option (2024/25)	**$500,000**

The total value of the services to be provided under the One Council CiA Contract Panel was estimated to be $500,000 (GST exclusive) over the proposed contract term (including extension options) of three years. This figure was based on the considered future service delivery requirements and current spend at that time, prior to tendering the service. Based on the information provided, award of the Panel fell under CEO delegation.

However, the actual total amount paid to date for the initial contract term of two years equates to $1,367,265.55 GST exclusive. This over-spend in the contract in comparison to the initial estimated value of the contract is due to an accelerated body of works for the implementation, integration and delivery of key modules within the OneCouncil platform:

- Animal Management Module - $14,025.00
- Accounts Automation - $10,003.10
- Customised Dashboards and Reporting - $27,225.00
- Records Management Module - $258,975.13
- Infringements Module - $72,697.94
- Name and Address (NAR) - $9,900.00
- Online Permits - $21,450.00
- Statutory Planning Module - $612,319.38
- Governance Risk Module - $9900.00
- Online Payments - $5,160.00
- Specialist Support Services - $178,000

- eRecruitment Module - $55,575.00
- Banking Systems Integration - $70,785.00
- Expenses and Purchase Card Module - $21,000.00

The operational or project budget has not experienced any increase due to the variation in this contract. All expenditures remain consistent with the allocated budget.

Contract Financial Reports generated from Council's contract management system for Atturra Business Applications and Lanluas Consulting Pty Ltd are included as Attachments 1 and 2.

In accordance with Clause 3 of the Conditions of Contract, adjustment of rates for the extension period will be based on the current Consumer Price Index – All Melbourne Groups (CPI).

Contractor Performance

The Contractor's performance has been reviewed, as well as the specification in accordance with Council's Contract Administration Manual.

The Specification will continue to meet the needs of the community by:

- Supporting Councils core business platform, OneCouncil CIA. Which enables the currency of the platform and the ongoing implementation and enhancement that enables:
    - Better reporting tools with real-time information
    - A single source of truth – one integrated database for all business processes
    - Better access to customer information
    - Faster response times
    - Improved on-time delivery
    - Improved order accuracy

Council has leveraged the services of Lanluas Consulting Pty Ltd and Atturra Business Applications over the course of the current contract. Both these suppliers specialised in the modules implemented and enhanced during the contract. We anticipate leveraging other panel contractors for the upcoming 12-month extension period.

The overall conclusion is that the Contractor's performance has met the contract requirements.

Stakeholders

The following stakeholders have been identified:

- Bass Coast Shire Council
- Local community groups
- Bass Coast Shire residents and rate payers

Conclusion

The panel of contracts facilitates the timely and effective procurement of specialized services for the implementation, enhancement, and maintenance of Council's fundamental business platform. This guarantees the fulfillment of present and prospective operational requirements while ensuring ongoing improvements.

It is recommended that the Council approve the extension option to deliver the services specified in the contract for an additional 12-month period, from 6 July 2024 to 5 July 2025.

Attachments

1. CONFIDENTIAL REDACTED - 22002 B Atturra Contract Financials Report [**8.10.1** - 1 page]
2. CONFIDENTIAL REDACTED - 22002 D Lanluas Contract Financials Report [**8.10.2** - 1 page]

8.11 Award of Tender No 24004 Wonthaggi to Inverloch Shared Path

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

Declaration

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

Summary

This report to Council presents the outcome of the tender evaluation for Tender No 24004 Wonthaggi to Inverloch Shared Path. A panel, consisting of five Council officers, was formed for this tender evaluation.

The Panel's objective was to assess the tender submissions against the selection criteria and identify a preferred tenderer enabling the Council to reach a tender award decision.

The Panel concludes that the tender submitted by SR Excavations will satisfy the requirements of the works and shall provide Council with the best value for money.

This report recommends the Council accept the tender submission and award Contract No 24004 Wonthaggi to Inverloch Shared Path to SR Excavations.

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

Recommendation

That Council:

1. **Accept the tender from SR Excavations and award Contract No 24004 Wonthaggi to Inverloch Shared Path for the contract sum of $3,967,966.46 plus GST of $396,796.64 which includes lump sum and provisional amounts.**
2. **Authorise the Chief Executive Officer to execute Contract 24004 between Council and SR Excavations.**

Background and Context

Bass Coast Shire Council invited tenders from suitably qualified contractors for the Wonthaggi to Inverloch Shared Path project.

The pathway alignment originates from Bass Coast's Aspirational Network Pathways Plan and delivers on its subsequent Tracks and Trails Strategy 2022 - 2032. It also supports community demand, with walking identified as the most popular activity within the Shire as identified in the Active Bass Coast Strategy 2018-28 and the 2021-25 Council Plan engagement.

The 14km shared route features an array of native vegetation which encourages an appreciation for the natural environment and supports biodiversity. As part of the project, revegetation works will be undertaken in existing cleared areas.

Due to the specialised nature of this project, a collaborative process was not suitable.

Tender Process

This Tender was publicly advertised through The Age and social media platforms.

At the close of the Tender on the 5th of April 2024 at 2pm, Council received seven conforming tender submissions and one alternative submission.

Evaluation Process

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

Table 1 – Evaluation Selection Criteria	
Criterion	**Weighting**
Mandatory	
Integrated Management System	Pass/Fail
Insurance and Registration	Pass/Fail
Weighted	
Price	30%
Construction Period, Methodology Program of Works and Site Management Procedures	25%
Capacity – Staff Resources, Sub-contractors, Suppliers, Plant & Equipment and Current contractual Commitments	15%
Previous Related Experience & Referees	10%
Environmental Management	10%
Benefit to Bass Coast Shire Economy and Social Procurement Outcomes	10%

An Evaluation Panel consisting of 4 Council Officers was formed. The panel was chaired by an Officer from the Procurement Team who oversaw the process and did not score the tenders.

Each tenderer passed the mandatory selection criteria.

For the tender submissions received, each panel member scored the criteria out of a maximum possible ten points. Following the initial independent evaluation, the Panel met to discuss their independent scores and arrived at a consensus on final scores for each criterion. The scores were then multiplied by the relevant weighting to obtain final scores.

The Panel assessed the technical worth of each tender against the specification requirements and the selection criteria, identified issues for further review, clarified issues with tenderers and sought additional information.

In terms of local and social criterion, SR Excavation's responses demonstrated that the company is a high local and social performer and included elements that would help Council achieve its QBL outcomes.

Extensive reference checks were carried out with referees nominated by SR Excavations. The reference checks provided validation and additional assurance that SR Excavations have the capacity and capability to undertake the works required in this Project

The final weighted scores are set out in Table 2.

Table 2 – Final Weighting Scores

No.	Name	* Price Score %	# Non-Price Score %	Total Score %
1	SR Excavations	24.44	56.88	82.32
2	Tender B	14.77	58.63	73.40
3	Tender C	30.00	37.50	67.50
4	Tender D	19.05	47.63	66.67
5	Tender E	17.91	48.63	66.53
6	Tender F	16.29	41.00	57.29
7	Tender G	16.72	40.38	57.10
8	Tender H	14.17	32.25	46.42

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

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

Although SR Excavations was not the lowest cost tender, the panel felt justified paying an additional 15% due to their extensive experience delivering similar projects and demonstrated capacity and capabilities to undertake the works in the required timeframes in accordance with the requirements of the specification. In accordance with

the selection criteria, the Evaluation Panel concluded SR Excavations presents the best value for Council.

Contract Management

Council has appointed two internal officers to act as the Contract Superintendent and a Superintendent Representative for this contract. Authorisations of variations will be in accordance with the Council's current Procurement Policy 2023.

Contract Commencement: July 2024

Anticipated Contract Completion: March 2026

Finances

This project is a multi-year project in the 2024/25 capital program.

Funding of up to $3 million has been committed by the Growing Suburbs Fund.

The total value of the contract is $3.967,966.46 GST exclusive, which includes a provisional sum of $481,089.54 GST exclusive.

	GST Exclusive
Construction including permits and approvals (lump sum components)	$3,486,876.92
Provisional Sums to be completed by Contractor (summarise items to be included)	$481,089.54
TOTAL	**$3,967,966.46**
Internal Project Management costs (6%)	$238,077.99
Contingency (10%) *	$396,796.64
TOTAL	**$4,602,841.09**

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

The budget available for the project is $7,700,000 (GST exclusive).

This is a multi-year project and the adopted budget amount is to be retained as agreed by the external funding body. Some of works being carried out under this project require assessment and remedy between the contractor and Council including a cultural heritage interpretive signage strategy and its implementation. Other additional costs outside of this contract may include legal costs, technical or environmental assessments, Officer time and unforeseen deliverables or variations. It is anticipated that the final required project budget will be phased in the second year of the project once construction works are well progressed.

Stakeholders

The stakeholders for this tender include:

- Bass Coast Shire Council
- Residents of, and visitors to Inverloch and Wonthaggi
- Bass Coast landowners situated along the Wonthaggi to Inverloch Shared Path

Other Options

Not award a contract now and re-tender the project. It is unclear though that Council would receive any benefit in doing this and it would delay the start of the project for at least twelve weeks.

Conclusion

The Tender Evaluation Panel Report is attached.

The panel report concludes that the tender submitted by SR Excavations will provide Council with best value for money for the following reasons

- SR Excavations achieved the highest score based on the method of evaluation and provided a high-quality submission which demonstrated a very good understanding of the Project's requirements;
- The company demonstrated a high level of relevant experience and capability to undertake this project in accordance with the Specification;
- Demonstrates a strong, site-specific understanding of the challenges associated with these works and provides confidence that they have the ability to manage site works and liaise effectively and harmoniously with the community including Landowners; and
- SR Excavations attained the highest score with relation to Benefit to the Local Economy and Social Procurement Outcomes which will support Quadruple Bottom Line (QBL) outcomes for Council.

Governing Documents

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

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

Attachments

1. CONFIDENTIAL REDACTED - Final Tender Evaluation Report 24004 [**8.11.1** - 18 pages]

8.12 Council Support and Resources Policy

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

Declaration

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

Summary

An amended Council Support and Resources Policy was presented to the 15 May 2024 Council Meeting.

Council resolved:

> *That Council defer the Councillor Support and Resources Policy to the June 2024 Council Meeting.*

The draft Policy has undergone further review and additional amendments have been made to adjust or clarify transport, professional development and technology support. A copy of the draft Policy with 'track changes' enabled is included as Attachment 1.

This report seeks the adoption of the updated Council Support and Resources Policy.

Recommendation

That Council adopt the Council Support and Resources Policy.

Background

Section 41 (1) of the *Local Government Act 2020* (the Act) requires Council to adopt and maintain an expenses policy in relation to the reimbursement of out of pocket expenses for Councillors and members of delegated committees formed pursuant to Section 63 of the Act.

Discussion

The Council Support and Resources Policy was adopted by Council on 16 June 2021 in line with the requirements of the Act. Following the application and use of the Policy, opportunities for improvements were identified.

At the 15 May Council Meeting, officers presented a draft revised Council Support and Resources Policy which sought to enhance clarity of processes and communication channels and amended language to be reflective of current practices.

Council resolved to defer consideration of the draft Policy to the 19 June 2024 Council meeting.

Following further review, additional changes have been made to remove the need for Councillors to use a pool vehicle for distances over 150km, to specify the provision of new technology equipment at the commencement of each Council term and to remove the clause requiring a Council resolution for some professional development opportunities.

These changes provide Councillors with reassurance that they're receiving fit for purpose technology and have flexibility in determining the most appropriate mode of transport to meet their needs. Changes to professional development requirements recognise the very limited need for Councillors to seek a formal qualification and encourage a more targeted and tailored approach in procuring training services.

The updated draft Council Support and Resources Policy is included as Attachment 1 and is recommended for adoption.

Sustainability Implications

The Policy was drafted considering economic and environmental sustainability and includes practices that support efficiency measures previously reported to Council. This is most visibly reflected in Council's use of technology to support real time access to information for all Councillors, reduce Council's reliance on printed materials and provide a more effective and efficient reimbursement process.

Finances

The support outlined in the revised draft Council Support and Resources Policy can be delivered through the adopted operating budget.

Stakeholders

- Councillors
- Council officers
- Community members
- Potential Delegated Committee Members (Council does not currently have any Delegated Committees subject to Section 63 of the Act)

Conclusion

The draft Council Support and Resources Policy has been reviewed to improve clarity and enhance processes following three years of practical application. It is recommended that the revised draft Council Support and Resources Policy be adopted by Council.

Governing Documents

Local Government Act 2020

Attachments

1. Draft Council Support and Resources Policy [**8.12.1** - 9 pages]

Statutory Reports

9 Statutory Reports

9.1 Informal Meeting of Councillors

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

Declaration

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

Summary

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

Recommendation

That Council receive the attached Informal Meeting of Councillors records.

Introduction

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

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

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

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

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

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

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

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

Governing Documents

Local Government Act 2020

Governance Rules

Attachments

1. Informal Meeting of Councillors 7 May 2024 .docx [**9.1.1** - 2 pages]
2. Informal Meeting of Councilors 15 May 2024 [**9.1.2** - 2 pages]
3. Informal Meeting of Councilors 22 May 2024 [**9.1.3** - 3 pages]
4. Informal Meeting of Councilors 8 May 2024 [**9.1.4** - 3 pages]
5. Informal Meeting of Councilors 5 June 2024 [**9.1.5** - 3 pages]

9.2 Planning and Building Statistics - April 2024

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

Declaration

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

Summary

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

PLANNING PERMITS, AMENDMENTS AND VICSMARTS REFUSED:

Application Number	Address	Proposal
N/A		

PLANNING PERMITS, AMENDMENTS AND VICSMARTS ISSUED:

Island Ward

Application Number	Address	Proposal
PDPLANVIC-2024/001508	234 Thompson Avenue, Cowes	Subdivision of land (boundary realignment S226856M)
PDPLANPER-2023/001257	601 Ventnor Beach Road, Ventnor	Development of land for a dwelling in a Bushfire Management Overlay (BMO)
PDPLANVIC-2024/001379	6 Chicory Avenue, Cowes	Remove one tree in a Vegetation Protection Overlay (VPO2)
PDPLANPER-2023/001206	19 Alandale Close, Ventnor	Construction of a dwelling in a Design and Development Overlay (DDO1) and Bushfire Management Overlay (BMO)
PDPLANVIC-2024/001421	26 Lock Road, Rhyll	Remove one tree in a Vegetation Protection Overlay (VPO2)

PDPLANPER-2023/000773	19 Justice Road, Cowes	Construct a dwelling exceeding 7 metres in height in the Design and Development Overlay (DDO1) and removal of vegetation in the Vegetation Protection Overlay (VPO2)
PDPLANPER-2023/000658	58 Hallway Drive, Wimbledon Heights	Two lot subdivision and construct a second dwelling in a General Residential Zone (GRZ1)
PDPLANVIC-2024/001653	4 Charles Court, Cowes	Remove one tree in a Vegetation Protection Overlay (VPO2)
PDPERAMD-2024/150330-3	46 Chapel Street, Cowes	Correct legal description of land and modification to the wording of Condition 8
PDPLANPER-2023/001210	64 Bruce Road, Silverleaves	Alteration and extension to an existing dwelling in a Land Subject to Inundation Overlay (LSIO1)
PDPERAMD-2023/000140-1	17 Martin Street, Silverleaves	• Modification to Preamble; • Inclusion of Conditions 11-16; • Renumbering of subsequent Conditions; • Inclusion of additional Permit Notes
PDPLANPER-2024/001397	43 Bruce Road, Silverleaves	Construct extensions to an existing dwelling in a Land Subject to Inundation Overlay (LSIO)
PDPLANPER-2023/000527	19B Broadbeach Road, Cape Woolamai	Development of land for a dwelling in a Bushfire Management Overlay (BMO) and Design and Development Overlay (DDO1)

Western Port Ward

Application Number	**Address**	**Proposal**
PDPLANPER-2023/001058	25 Laurette Avenue, San Remo	Construction of a dwelling in a Design and Development Overlay (DDO1)
PDPLANPER-2024/001554	210 Payne Road, Ryanston	Buildings and works to extend an existing dwelling in a Farming Zone (FZ) and Significant Landscape Overlay (SLO1)
PDPLANPER-2023/000034	6 Hamilton Street, Corinella	Four lot subdivision

PDPLANPER-2023/000032	242 Bay Road Jam Jerrup	Use and development of land for a dwelling in an Environmental Significance Overlay (ESO1 AND ESO2) and Farming Zone (FZ)
PDPLANVIC-2024/001564	210 Bass Road, Bass	Extend an existing dwelling in a Farming Zone (FZ)
PDPLANPER-2023/001083	2-4 Hamilton Street, Corinella	Six lot subdivision and the removal of native vegetation
PDPLANVIC-2024/001606	35 Corona Road, Cape Woolamai	Remove one tree in a Vegetation Protection Overlay (VPO2)
PDPLANPER-2023/000960	296 Agar Road, Bass	Use and development of the land for a food and drink premises and the sale and consumption of liquor, display of advertising signage, and a reduction in car parking requirements
PDPLANPER-2023/000908	3 Whiting Street, Pioneer Bay	Buildings and works to extend an existing dwelling in the Design and Development Overlay (DDO1), Land Subject to Inundation Overlay (LSIO), and the Bushfire Management Overlay (BMO1)
PDPLANPER-2023/000510	1010a Loch-Kernot Road, Kernot	Two lot subdivision (re-subdivision) in the Farming Zone
PDPLANPER-2024/001343	25 Penniwells Drive, San Remo	Construction of a dwelling in a Design and Development Overlay (DDO1)

Bunurong Ward

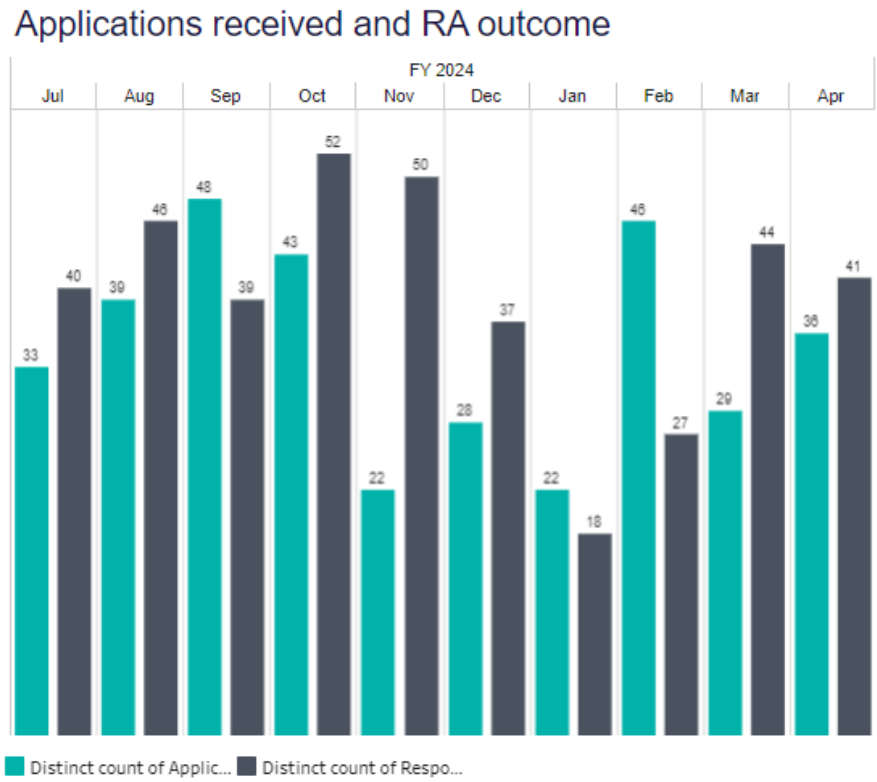
Application Number	Address	Proposal
PDPLANPER-2023/001222	22-40 Murray Street, Wonthaggi	Building and works in a Commercial 1 Zone (C1Z) and reduction in carparking
PDPLANPER-2023/000883	74 Chisholm Road, Wonthaggi	Building and works associated with a dwelling in a Farming Zone (FZ) and Bushfire Management Overlay (BMO)
PDPLANVIC-2024/001509	26 Surf Parade, Inverloch	Construction of a shed in a Design and Development Overlay (DDO9)

PDPLANPER-2023/001159	28-30 Reilly Street, Inverloch	Six (6) lot subdivision of land adjacent to a road in a Transport Road Zone 2 (TRZ2) (S21119V)
210248	Bass Highway, Inverloch	Subdivision of the land into 300 lots, creation of a restriction and removal of native vegetation
PDPLANPER-2023/000905	Toorak Road, Inverloch (adjacent to No. 11 & 17)	Removal of Native Vegetation
PDPLANPER-2023/001251	46-48 Graham Street, Wonthaggi	Buildings and works associated with an existing Convenience Restaurant (KFC) and the display of new and replacement business identification signage including internally illuminated signage in the General Residential Zone (GRZ1)
PDPLANPER-2024/001418	6 Lindsey Close, Inverloch	Construct a garage and extensions to an existing dwelling in a Land Subject to Inundation Overlay (LSIO)
PDPLANPER-2024/001514	70 Cape Paterson-Inverloch Road, Inverloch	Construction of an outdoor shade structure in a Special Use Zone (SUZ5), Environmental Significance Overlay (ESO1) and Bushfire Management Overlay (BMO)
PDPLANPER-2024/001435	127 Lohr Avenue, Inverloch	Buildings and works (studio, storage and decking) associated with an existing dwelling in a Design and Development Overlay (DDO9)

PLANNING AND BUILDING ACTIVITY REPORT FOR APRIL 2024

Statutory Planning	This month (April)	Last month (March)	Year to date (financial year)
% of applications determined within statutory timeframe	63.64%	46.37%	52.96%
Average Gross Days (Average processing days to RA Outcome)	168.9	153.5	176.3
Average Gross Days to final outcome (Average processing days to final outcome)	202.3	179.7	172.6

Number of live applications (Planning Permit, s72 Amendments, VicSmarts, Ending/Amending S173 and Appeals)	166	169	N/A
Number of applications received for the month (Planning Permit, Amendments and VicSmarts)	39	31	N/A
Number of Responsible Authority outcomes (Planning Permit, Amendments and VicSmarts)	41	50	394



Municipal Building Services & Enforcement	**This month (April)**	**Last month (March)**	**Year to date (financial year)**
Essential Safety Measure inspections	0	0	2
Report & Consent applications			
• Siting	17	18	173
• Build Over Easement	1	3	18
• Demolitions	13	11	94

POPE and Siting consents issued for temporary structures	1	0	12
Complaints received requiring investigation	4	2	39
Complaints relating to Stormwater	0	0	13
New building enforcement cases	1	1	11
Number of open building enforcement cases	25	25	25
Building permits issued by Council	0	0	0
Building permit activity	90	79	813
Planning Enforcement	**This month (April)**	**Last month (March)**	**Year to date (financial year)**
New complaints/case files opened	17	6	78
Complaints/case files closed	11	4	**42**
Current open complaints/case files	85	79	N/A

STATUTORY PLANNING DEFINITION:

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

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

Recommendation

That Council:

1. **Receives and notes the Planning Permits issued under delegation report for April 2024; and**
2. **Receives and notes the Planning and Building Activity Report for April 2024.**

Attachments

Nil

9.3 Contracts Awarded and Extended via CEO delegation

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

Declaration

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

Summary

Contracts Awarded

For the period from 1 April 2024 to 30 April 2024, 2 contracts were awarded under the Chief Executive Officer's financial delegation in accordance with Council's Procurement Policy.

Contract No.	Description	Contractor	Contract Sum
24002	Culvert Renewal Loch Kernot Road, Kernot	APS Drainage and Civil	$ 598,837.00
24005	Design and Construction of Pioneer Bay Community Toilet Facility	James G Morrison Builders	$ 203,184.82

Contracts Extended

For the period from 1 April 2024 to 30 April 2024, no contracts were extended under the Chief Executive Officer's financial delegations in accordance with Council's Procurement Policy.

Governing Documents

Procurement Policy 2023

Recommendation

That Council notes the above contracts were awarded and or extended under the delegated authorities in accordance with the Procurement Policy during April 2024.

Attachments

Nil

10 Urgent Business

11 Mayoral Announcement of Next Meeting of Council

The next Council Meeting will be held on 17 July 2024 in the Bass Coast Civic Centre Council Chamber, Baillieu Street East, Wonthaggi commencing at 1.00pm.

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

> (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

Items Closed to the Public

Excerpt of Section 66 of the Local Government Act 2020.

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

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

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

confidential information means the following information—

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

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

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

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

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

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

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

i. relates to trade secrets; or

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

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

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

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

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

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

12 Confirmation of Closed Minutes

12.1 Closed Council Meeting held on 15 May 2024

13 Reports Requiring Council Decision Closed to the Public

13.1 Chief Executive Officer Employment Matters Committee Meeting 7 May 2024

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.