

Bass Coast Shire Council
Council Meeting Agenda

Wednesday 17 May 2023

Council Chamber

Bass Coast Civic Centre

Baillieu Street East, Wonthaggi

Commencing at 1:00 pm



Community Vision 2041

Vision Statement

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

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

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

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

Notice of Meeting

Notice is hereby given that the next **Council Meeting** of the Bass Coast Shire Council will be held at the Council Chamber Bass Coast Civic Centre Baillieu Street East, Wonthaggi on 17 May 2023 at **1:00 pm**

Date of Notice – 12 May 2023

Ali Wastie

CEO

Mobile Telephone Reminder

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

Statement of Acknowledgement

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

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

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

Councillor Statement

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

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

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

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1 Present and Apologies

2 Declarations of Interest

3 Confirmation of Minutes

3.1 Council Meeting held on 19 April 2023

That the minutes of the Council Meeting held on 19 April 2023 be confirmed.

Mayor and Councillor Reports

4 Mayor and Councillor Reports

5 Public Question Time

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

Please note:

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

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

Governance Rules

Part C – Meetings Procedure

Division 8 – Public Question Time

54. Question Time

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

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

54.3 Questions submitted to Council must be:

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

54.3.2 be lodged 48 hours prior to the Council meeting.

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

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

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

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

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

54.6.3 deals with a subject matter already answered.

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

54.6.5 relates to personnel matters.

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

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

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

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

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

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

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

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

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

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

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

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

Notices of Motion

6 Notices of Motion

6.1 253/23 Western Port Strategic Framework, Cr Rochelle Halstead

6.1 253/23 Western Port Strategic Framework, Cr Rochelle Halstead

Declaration

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

I, Cr Rochelle Halstead, hereby give notice that I intend to move a motion at the Council Meeting 17 May 2023, which reads as follows:

Motion

That Council

1. **Supports the Strategic Framework for the future of Western Port Bay, as a formal document advocating for the restoration and protection of the marine environment and surrounding catchment of Western Port, to establish an ecologically sustainable and thriving economy for the future.**
2. **Writes to the Minister for Environment and the Minister for Climate Action, Energy and Resources to request:**
   a. **recognition for Western Port, its bay and surrounding catchment areas – including the Biosphere Reserve and Ramsar wetlands – as an important environmental, social and economic region; and a public commitment to protect it for those who reside, work and visit.**
   b. **delivery of a Strategic Plan and a dedicated fund for Western Port, that restores and protects the marine life environment, and continues to provide for a sustainable, thriving economy for the future.**
   c. **that the Department of Energy, Environment and Climate Action (DEECA) establish a new collaborative management partnership with Traditional Owners, Melbourne Water and other key stakeholders (including community and other Bay users), under the Marine and Coastal Act 2018 and the State Environment Protection Policy (Waters) 2018, to protect and manage the bay's environmental values.**

Background by Councillor

This Notice of Motion is a result of my role as a delegate on the Westernport Biosphere Foundation, together with all member councils – inclusive of Casey, Mornington, Cardinia and Bass Coast who adjoin this incredibly significant environment and who are supportive in a united approach for the protection of Westernport Bay. This Notice of Motion seeks to encourage the Victorian State Government to commence with a Strategic Framework to protect this Internationally recognized waterway. Westernport Bay is recognized by the United Nations as a Biosphere Reserve and the International Ramsar Convention for wetland conservation. It is imperative that all local governments adjoining it are provided with an overarching plan that provides the vision and direction for community and government ensuring management is conducted in a way that protects it for future generations.

Officers Comments

The development of a Strategic Plan for Western Port would build on strategic work Council has already contributed to, including the development of a Western Port Ramsar Management Plan, and the work of the Western Port Biosphere Foundation. The Vision and Objectives of the *Strategic Framework for the future of Western Port Bay* align well with Council's objectives, as outlined in the Council Plan, Community Vision, and Natural Environment Strategy 2016-2026. A dedicated collaborative management partnership for Western Port would lead to more efficient use of Council resources while improving environmental, social, and economic outcomes for the region.

……..

Cr Rochelle Halstead, Western Port Ward

Dated: 17 May 2023

Attachments

1. VNPA Western Port Framework final [**6.1.1** - 8 pages]

7 Petitions and Joint Letters

Reports Requiring Council Decision

8 Reports Requiring Council Decision

8.1 Planning Application 220172 for a 59 lot subdivision, removal of vegetation and the creation of easements at 273 to 297 Church Street Cowes

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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 Subdivision into 59 lots, the removal of native vegetation and the creation of easements at 273 to 297 Church Street Cowes.

Executive Summary

Application number:	220172
Applicant:	Total Peripheral Supplies Pty Ltd C/- Whiteman Property and Associates
Land/Address:	273-297 Church Street, Cowes VIC 3922
Ward:	Island Ward
Proposal:	Fifty nine lot subdivision in a General Residential Zone (GRZ1), removal of vegetation in a Vegetation Protection Overlay (VPO2) and the creation of easements, restrictions and reserves.
Zone:	General Residential Zone – Schedule 1 (GRZ1)
Overlay:	Vegetation Protection Overlay – Schedule 2 (VPO2)
Aboriginal cultural heritage sensitivity	The site is not located within an area of identified cultural heritage sensitivity.
Title:	Crown Allotment 56 Cowes Parish of Phillip Island Volume 10726 Folio 108
Number of submissions:	A total of 26 objections were received.

Reason a Council decision is required:	Council's delegations require applications that attract five or more objections to be determined by Council. This application attracted 26 objections.

The Proposal

This application proposes to subdivide the land generally in accordance with the Urban Design Package V2 prepared by Beveridge Williams Pty Ltd. The decision plans are provided as Attachments numbered and detailed below:

1. Urban Design Package V2, prepared by Beveridge Williams Pty Ltd, dated 19.08.2022
2. Arboriculture Report V2 prepared by Treemap Arboriculture dated June 2022
3. Biodiversity and Offset report V2 by Ecology and Heritage Partners Dated May 2022
4. Landscape Masterplan VA by TPS Pty Ltd dated August 2022
5. Stormwater Management Strategy V2 by Beveridge Williams Pty Ltd dated 26.08.2022
6. Traffic Management Strategy V2 by Beveridge Williams Pty Ltd dated August 2022
7. Planning Proposal report V2 by Whiteman Property and Associates Dated 28 August 2022
8. Preliminary Site Investigation V1 by DRC Environmental

Key features of the proposal include:

- The creation of 59 individually titled allotments of between 301m2 and 765m2;
- The construction of an internal road network, pedestrian links, stormwater drainage network and the provision of utilities to provide services for new allotments;
- The removal of vegetation to facilitate the construction of road works and infrastructure – and to allow adequate siting of dwellings on each allotment;
- The creation of a tree reserve between the internal road network and Church Street and retention of much vegetation contained therein.
- Building envelopes on each allotment to ensure the minimum garden areas are achieved and particular vegetation assets are protected.
- Acceptance of design guidelines to manage development within the estate to a high standard.



Figure 1 Proposed Development Plans



Figure 2 Site Response Details (building envelope, dimension, orientation) demonstrating appropriate size to contain a dwelling while preserving garden areas and amenity.

Subject Site and Surrounds

The site is located on the west side of Cowes, South of Church Street, east of the Bella Vista walkway and west of Norman Drive. The site is a square allotment with a frontage to Church Street of approximately 180 metres and extending approximately 200 metres to the south. The total site area is approximately 3.6 hectares.



Figure 3 Aerial photography of subject site (Source: Council's GIS System, dated December 2021)

The site is developed with a small shed and maintains an existing single access point to Church Street. Trees have been planted on the property's frontage and up to the shed which are now well established and contribute to the amenity of the area.



Figure 4 View of subject site from Church Street (Source: Site inspection conducted on 18/04/2022)

The main characteristics of the surrounding area are:

North	Adjoining the land to the north is Church Street which is one of two east/west collector streets linking the residential areas of Cowes to the town centre. Church Street west of Cowes is characterised by its roadside vegetation and tourist accommodation.
South	Adjoining the land to the South are 10 well established predominantly large two storey private dwellings accessed from Anthony Court. The dwellings are oriented to both Anthony Court and to the north taking advantage of the open pasture of the development site and elevated position. North facing open spaces generally feature manicured exotic or vegetable gardens with two properties featuring native trees of more substantial size
East	Adjoining the land to the East are ten well established dwellings of mixed composition. A medium density development supports four two storey dwellings with minimal private open space but a well maintained common accessway and landscaping, while the remaining dwellings are single storey set amongst native or introduced gardens. Between the abutting rows of dwellings on the south and east of the development site but structurally excluded from the development site is a recreation reserve of approximately 7700 square metres called 'North Shore Estate Reserve.' The reserve includes formal pedestrian links, natural shelter, and a play-space.

West	Adjoining the land to the West is the Bella Vista walkway. This 410 metres unconstructed road is limited to pedestrian/cyclist and emergency access between Settlement Road and Church Street and features a compacted gravel surface lined with established native trees. Further west and abutting this walkway a residential village which is currently under construction.

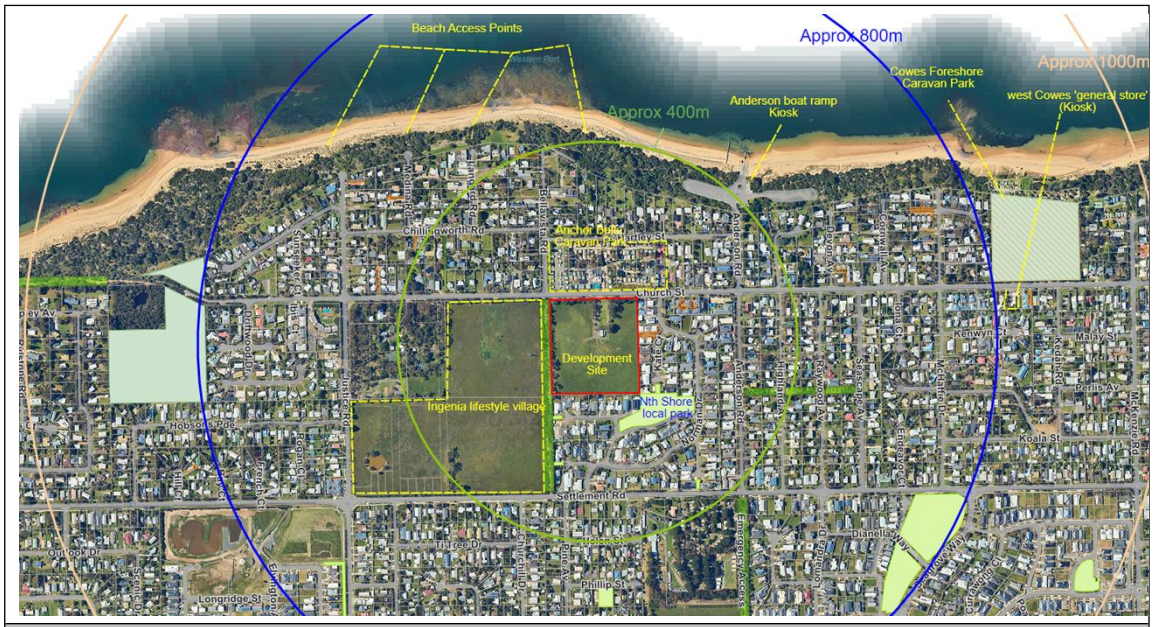


Figure 4 Site and Context imagery- Council Intramaps December 2022



Figure 4 Zoning map (VicMap)

Consultation

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

The Applicant gave notice in the following manner:

- Sent copies of the Notice by registered mail to land owners and occupiers; and
- Placed two Notices on the land to front Church Street.
- Publishing a Notice in two editions of the Phillip Island San Remo Advertiser.

In response to notification the application attracted 26 objections.

A copy of each submission is included in Attachment two.

The submitter concerns and comments are summarised further in this report.

Referrals

The following table outlines the referral requirements of this application.

Referral Authority	Comments
External (Section 55 of the *Planning and Environment Act 1987*)	
Ausnet Electrical Services	No objection to the application subject to conditions.
APA Group Gas	No objection to the application. No conditions requested.
Country Fire Authority	No objection to the application subject to conditions.
Westernport Region Water Authority	No objection to the application subject to conditions.
External (Section 52 of the *Planning and Environment Act 1987*)	
Department of Transport (Public Transport Victoria)	No objection to the application. No conditions requested.
Internal (Section 52 of the *Planning and Environment Act 1987*)	
Revenue Services	No objection to the application.
Development Services	No objection to the application subject to conditions.
Environment (coast and bushland)	No objection to the application.
Community Safety (local laws)	No objection to the application.

Open Space and recreation	Advised that the existing North Shore reserve provided appropriate open space and informal recreation opportunity to the area. No objection to the application.
Open space maintenance (parks and gardens)	No objection to the application.
Arboriculture advice	No objection to the application subject to conditions.

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-03 'Cowes and Silverleaves'

Clause 11.02 - Managing Growth

- Clause 11.02-1S Supply of urban land

VPP 12 Environmental and Landscape Values

Clause 12.01 Biodiversity

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

VPP 13 Environmental Risks and Amenity

Clause 13.04 Soil Degradation

- Clause 13.04-1S Contaminated and potentially contaminated land

VPP 15 Built Environment and Heritage

Clause 15.01 Built Environment

- Clause 15.01-1S Urban design
  - Clause 15.01-1L-01 Urban Design in Bass Coast
  - Clause 15.01-1L-02 Landscape design
- Clause 15.01-3S Subdivision design
  - Clause 15.01-3L Subdivision design
- Clause 15.01-4S Healthy neighbourhoods
- Clause 15.01-5S Neighbourhood character
  - Clause 15.01-5L Neighbourhood character

VPP 16 Housing

Clause 16.01 Residential Development

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

VPP18 Transport

Clause 18.02 Movement networks

- Clause 18.02-1S Sustainable personal transport
  - Clause 18.02-1L Sustainable personal transport
- Clause 18.02-3S Road system

VPP 19 Infrastructure

Clause 19.02 Community Infrastructure

- Clause 19.02-6S Open space
  - Clause 19.02-6L Open space

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
- Clause 19.03-4S Telecommunications
  - Clause 19.03-4L High speed telecommunications

The following provides an assessment of the proposal against the relevant Planning Policy Framework (PPF) under the themes of Settlement and housing, natural environment and risk, Built Environment and landscape, infrastructure provision and neighbourhood character.

Settlement and Housing

The PPF recognises the importance of accommodating development within established settlement boundaries in order to reduce urban sprawl. The PPF further seeks to ensure that a sufficient supply of land is available for residential use and encourages the consolidation of urban areas within settlement boundaries if that development respects existing neighbourhood character.

The development site is specifically identified within the Cowes and Silverleaves Strategic Framework Plan as an 'in-fill development opportunity' as illustrated by figure 5 and is anticipated to cater for residential development.



Figure 5 Cowes and Silverleaves Strategic Framework Plan

It is considered that this strategic identification is consistent with managing growth and the supply of urban land.

The proposal achieves the objective of Housing Supply responding directly to the strategies suggested at state (16.01-1S) and local level (16.01-1L) but is unlikely to provide for much diversity in the housing stock owing to a lack of lots suitable for medium or high-density development. It is considered that a subdivision which provides for more standard density development is appropriate in the neighbourhood context.

Natural Environment and Risk

The proposal is consistent with high level state and local policies, providing for residential development in a location with minimal risk from natural hazards including climate change impacts, bushfire and flooding. The land has been investigated and found free of contamination resulting from any historical land uses (13.04-1S).

Appropriate assessments have been undertaken consistent with the general strategies for the protection of biodiversity. The land (including its resident trees) is found to be highly degraded and fragmented with low biodiversity value which is anticipated for planted vegetation in the urban context. Detailed vegetation assessments confirm that the objective of native vegetation management (12.01-2S) is achieved.

Built environment and landscape

The proposal is considered to implement the objective of Urban design (15.01-1S) and will facilitate development generally consistent with that of adjoining properties being single dwellings on individual lots. It is considered that the subdivision implements the state objectives for subdivision design (15.01-3) and adequately meets the local objective at 15.01-3L on balance with competing policies. The objectives of landscape design and healthy neighbourhoods are also generally considered to be achievable.

Infrastructure

The proposal is considered to be consistent with the objectives of transport providing walking (18.02-1S) and cycling (18.02-2S) connectivity within the context of the estate. Road infrastructure is appropriate to the neighbourhood setting and prioritises alternative transport options and low speed environments. Development infrastructure is designed in accordance with Council standards and utility infrastructure (water, sewer, electricity and telecommunications) can be efficiently provided to service the estate.

The development site is appropriately located in proximity to existing an established open space which is anticipated to service the informal recreation needs of residents consistent with the objective of Open Space (19.02-6) and Standard C13 of the Bass Coast planning Scheme.

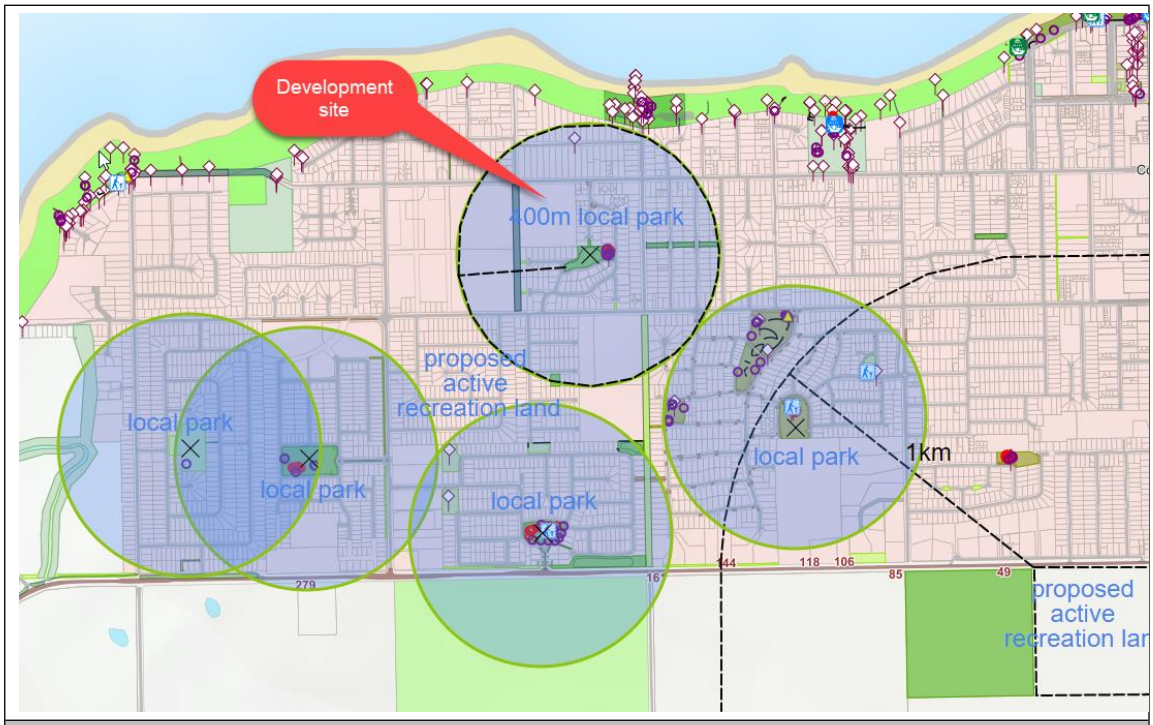


Figure 6 The catchment to achieve compliance in Standard C13 Public open space provision

Zone Assessment

Clause 32.08 – General Residential Zone

The purpose of the General Residential Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

Garden area

As per Clause 32.08-4 (General Residential Zone), each lot created by the subdivision is required to provide 25% of the lot as garden area. The proposal demonstrates that this is achieved and secured through building envelopes. Therefore, the application is consistent with the minimum garden area requirement under the zone.

Where proposal would seek to subdivide the land, Clause 56 (Residential Subdivision) must be assessed and considered in the decision-making process and is discussed further in the report below.

Clause 32.08-13 also contains the following (as relevant) decision guidelines which have formed part of this assessment:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives, and standards of Clause 56.

The application is consistent with the objectives and decision guidelines of the General Residential Zone.

Vegetation Protection Overlay Assessment

Clause 42.02 Schedule 2 (Phillip Island)

The purpose of the overlay generally is to:

- *To protect areas of significant vegetation.*
- *To ensure that development minimises loss of vegetation.*
- *To preserve existing trees and other vegetation.*
- *To recognise vegetation protection areas as locations of special significance, natural beauty, interest and importance.*
- *To maintain and enhance habitat and habitat corridors for indigenous fauna.*
- *To encourage the regeneration of native vegetation.*

With the objective of Schedule 2 being:

- *To protect and enhance existing indigenous and larger native species within the urban area of Phillip Island.*

The applicant's arboriculture advice identified 214 trees that would (or may) be affected by the proposed subdivision. These trees were distributed as follows:

- 110 trees on the development site
- 37 trees on neighbouring property
- 67 street trees

After applying exemptions, 56 trees would require a planning permit pursuant to the vegetation protection overlay. From these 56 agreed species 38 were proposed to be removed on the basis of their poor condition.

Clause 42.02-5 also contains decision guidelines which have formed part of this assessment. In consideration of the arboriculture report, the advice of Council arboriculture, environmental and open space maintenance staff it was determined that:

- The value of the vegetation was greater to the character and streetscape of Church Street and surrounds than was established in the applicants report and the extent of proposed removals were excessive when considered in the context of the overall design.

- The retention of some centrally located trees was impractical in an urban setting where the vegetation had established in an open pastural landscape. There were some necessary but acceptable losses to efficiently utilise the land for the purpose it was zoned. These trees are identified in the arboriculture report as numbered 48 to 93.
- There were no rare species identified and the urban context of the vegetation is highly displaced from the wildlife corridors and biolinks of Phillip Island. The removal of vegetation will not have any effect on the long-term viability of remnant vegetation in the locality.
- The proposal will result in a net increase in canopy coverage within the road reserves of the proposed subdivision.

The application is generally consistent with the objectives of the overlay as this development minimises vegetation loss while providing for efficient use of the land for residential purposes. Key vegetation such as that abutting Church Street is contained with either a tree reserve or a drainage reserve and will be maintained by Council, as a result despite the recommendation that much of it be removed the Council will retain and maintain the vegetation by directing the protection of those trees prior to handover of the reserve.

Vegetation within the Bella Vista walkway will be protected from individual encroachment as the bulk of development is separated by road reservations which will be widened to accommodate and protect the existing vegetation from compaction by conditions of the recommended permit. Paths through the vegetation to connect with the walkway will be sited and designed to go through areas absent of trees or high weed prevalence.

Particular Provisions

Clause 52.02 – Easements Restrictions and Reserves

Clause 52.02 seeks to regulate the removal or alteration of easements, reserves and restrictions through the Victorian Planning System. The purpose of the clause is:

- *To enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered.*

This application proposes the creation of tree reserves. There are no concerns regarding the method of reservation, or the purpose of reserves being sought in support of the subdivision.

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).

1. *Avoid the removal, destruction or lopping of native vegetation.*
2. *Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
3. *Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy, or lop native vegetation.*

To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

The applicant commissioned by Ecology and Heritage Partners to assess the vegetation on the development site in accordance with the removal, destruction or lopping of Native Vegetation (the guidelines).

'*The Guidelines*' determine the relevant decision points that the responsible authority must consider, and the relevant balancing measures required to offset any vegetation which is proposed to be removed.

The report identified two patches of native vegetation within the study area located in amongst easily identified wind-rows. Initially these patches were proposed to be retained within a small parklet (see public open space) and the trees in these patches were given additional relevance in the accompanying arboriculture report which noted:

"As a consequence of the influence of Clause 52.17 (Native vegetation) of the planning scheme, the most significant trees on the site are the 3 small trees identified as indigenous (Tree 52, 55 & 63). These trees are located towards the current site entrance and include 3 small Acacia melanoxylon (Black Wattle), all in poor condition."

The arboriculture report also described the interdependency of trees which were planted in rows noting "increased or changed exposure can lead to windthrow and branch failure" which in conjunction with the poor quality of the vegetation weighed against retention.

The updated Biodiversity Assessment concluded that the vegetation patches assessed under the Guidelines for the removal of native vegetation were so inconsequential that they did not require offsets to be obtained. Figure 2 identifies the relevant vegetation in context.

The remainder of the vegetation is considered to be exempt from the requirements of Clause 52.17 as non-native or planted vegetation.

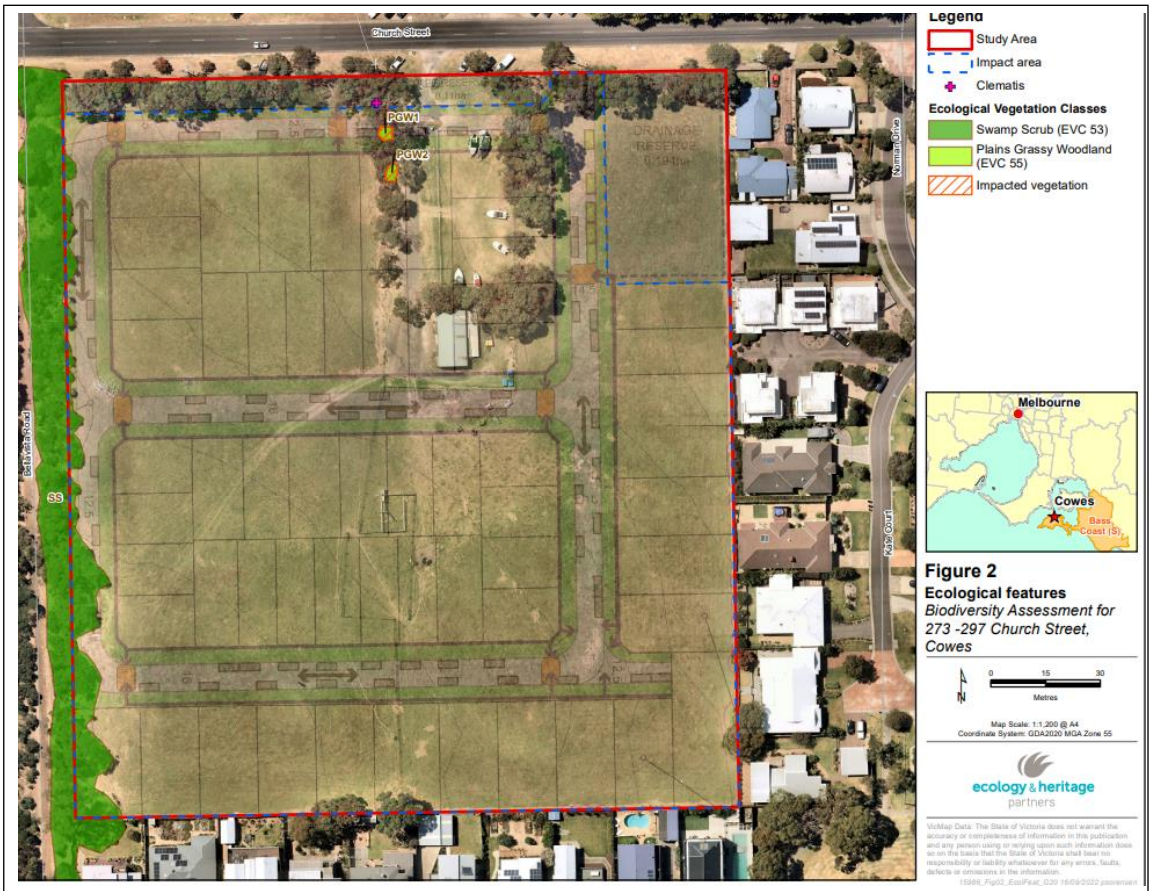


Figure 7 Vegetation triggered under clause 52.17

General Requirements and Performance Standards

Clause 56 – Residential Subdivision

The proposal is considered to have satisfied the standards of Clause 56 (residential subdivision) through appropriate siting and the proposed design; further detail is provided below:

Clause 56.01 Subdivision Site and Context Description and Design Response

The subdivision design response must respond to the site and the context of the area including those key elements that are established in policy statements or strategic documentation.

It is considered that the design response is completely in alignment with Councils established strategy for growth in Cowes while respecting the transitional position of the development site between areas of low residential density and more intensive residential land uses. The importance of built form and landscaping is retained through the conditional implementation of a proposed landscape scheme and design guidelines for development.

Clause 56.04 Lot Design

The proposed subdivision demonstrates through building envelopes that dwellings can be sited on each lot with appropriate solar access, private open space and garden areas. The lots and building envelopes themselves do not dictate the form or personal expression delivered by individual housing choices on each land, only that if developed to their maximum extent each lot would still provide for acceptable standards of amenity.

To ensure that the estate will establish a bespoke character and make a positive contribution at the lot level to the residential areas of Cowes. Design guidelines will regulate new builds via a private design review panel, consistent with the Victorian Building Regulations.

Clause 56.05 Urban Landscape

The proposal is accompanied by a conceptual landscape plan for the streetscapes which demonstrates a substantial improvement in canopy cover and landscaping at maturity from the historical condition of the land. Street tree planting is proposed to be endemic natives and will benefit from ongoing management by the Council.



Figure 8 Historical photos of the site from 1937, 1984 and 2005 (DRC Environmental)



Figure 9 Proposed landscape solution (Beveridge Williams pty ltd)

Clause 53.01 – Public Open Space Contribution and Subdivision

A person who proposes to subdivide land must make a contribution to the Council for public open space in an amount specified in the Bass Coast Planning Scheme. The schedule to the above clause requires a 5% value contribution where land is to be subdivided into three or more lots within residential, industrial, mixed use and commercial zones.

A 5% cash contribution is to be made for the provision or improvement of open space in accordance with Section 18A of the Subdivision Act 1988.

Concerns Raised By Submitters

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

Submitter Theme	Council Officer Response
Neighbourhood Character	This report details how the proposal has considered to respond to the site, context, and the established and emerging character of the immediate neighbourhood. The development site is nominated as an 'infill development opportunity' in the Cowes and Silverleaves Strategic Framework Plan anticipating and encouraging new development.

	The streetscape will be largely unchanged and the form and dimension of lots are considered to respond to the varied urban form of accommodation which surrounds the development site. There is no prescription on density within the Bass Coast Planning scheme and the subdivision as proposed contains standard density allotments in a pattern considered to be sensitive to the abutting North Shore Estate. The implementation of design Guidelines will further ensure the development fits within its context while having its own sense of 'place.'
Absence of public open space	The whole of the proposed development resides within a walkable catchment of the North Shore Reserve and will maintain pedestrian connectivity to the surrounding suburbs via the Bella Vista walkway. Parks and reserves are not created for the exclusive use of residents within that estate and the existing north Shore Park provides an established and appropriately equipped public open space to service the informal recreation needs of future residents.
Misalignment / offsetting of boundaries	This is not a specific consideration under the Bass Coast Planning Scheme.
Strain on infrastructure	This development was informed by preliminary engagement with relevant authorities and responded to the available services and resources located in Cowes. No utility authority or service provider has objected to the proposal. The Council sought additional advice from the Department of Transport who offered no objection. The permit holder will be required to address infrastructure servicing demands as required by the conditions of this permit. There are no infrastructure reasons to refuse the application.
Traffic and congestion	The submitted Traffic Report, prepared by Beveridge Williams, found negligible impacts will be

	generated to Church Street from the proposal, Councils traffic engineers saw no reason to dispute the analysis provided. The streets have been designed in accordance with the applicable standards for local streets, consistent with all new residential development in Victoria. Seasonal and isolated traffic matters, such as congestion caused by tourist or event traffic accessing Phillip Island, are not a relevant consideration of this application under the Planning Scheme.
Biodiversity and Wildlife	The site has been inspected by a qualified ecologist who found predominantly exotic grasses likely to be used by common birds and rabbits. No large hollows were observed, and the habitat was considered unsuitable to be used for foraging or breeding given its altered state. Therefore, no unreasonable impacts to fauna are expected as a result of the development.
Vegetation Removal	The subject site is lacking in healthy, established, indigenous trees. The vast majority of tree removal has been considered by the applicant's arborist, ecologist, and Council's environmental officers as appropriate. Nevertheless, to compensate for the loss of trees, the applicable offsets will be secured by the proponent of the subdivision for the indigenous trees in accordance with Clause 52.17 and a tree reserve has also been proposed in order to retain existing trees and provide ample space for additional tree planting. The implementation of Design Guidelines to ensure the provision of additional lot-based landscaping.
Damage to trees on adjoining property	With the exception of some Council trees on Church Street all trees on neighbouring properties have been sought to be protected. This is evidenced by the building envelopes which stay clear of assessed tree protection zones.

Stormwater runoff/flooding	A detailed drainage strategy outlines the management of stormwater generated from increased impermeable surfaces. In summary, overland flows will be captured and conveyed via roadways, captured to a proposed detention basin in the northeast corner. The basin will store and treat stormwater to pre-development levels. Each new dwelling will be installed with a minimum 2000l water tank for additional treatment and reuse. The proposal was reviewed by Council's Development Services team who have reviewed the potential impacts of the development and have not objected to the granting of a permit subject to conditions which ensure these outcomes are applied.
Impacts during construction.	There are likely to be short term inconveniences experienced during the construction phase of a development. Conditions are applied to the permit requiring Construction Management Plans which seek to manage adverse amenity impacts in accordance with EPA guidelines.
Overlooking	Assessment of this application is limited to the subdivision of the land; it will be the responsibility of the registered building surveyor to assess siting and building design matters through a building permit.
Solar Access	The proposed lots are designed in accordance with Standard C9 of Clause 56.04-3 (Solar Orientation of Lots Objective) of the Bass Coast Planning Scheme. This will ensure that appropriate solar access can be achieved to each future dwelling.
Construction of two or more story dwellings abutting Anthony Court.	No dwellings are proposed to be constructed through this proposal. The application seeks subdivision only.
Inclusion of a manhole on the rear of 12 Kate Court Cowes impacting the use of a clothesline.	It is not considered that the subdivision works would impact on the operation of the clothesline at 12 Kate Court.

Concern regarding compulsory acquisition of land.	The Council has not engaged or planned for any compulsory acquisition in relation to this development. Discrepancies regarding boundaries as defined by licensed surveyors are a private matter between landholders.
Payments made to Council to assist with application.	Planning and responsible authorities provide services under the Planning and Environment Act 1987 which attracts a fee in accordance with the Planning and Environment (Fees) Regulations 2016. The total fee paid for consideration of this application was $2675.40.
Construction of Bella Vista Walkway	The Bella Vista path is not proposed to be upgraded or altered into a road.
Timing of notice in December	The notice period was circumstantial with the supply of application materials however the holiday period also coincides with higher occupancy rates of local properties and increased foot traffic to observe notice boards and notices in locally circulated papers.

Conclusion

The application has been assessed against the Bass Coast Planning Scheme and is considered to be an appropriate proposal consistent with relevant strategic framework plans, settlement planning and housing policy.

The application underwent notification and as a result there were 26 submissions received. Concerns raised by submitters were considered in the assessment of the application.

It is recommended that Council resolve to issue a notice of decision to grant a Planning Permit for planning application 220172, subject to conditions.

Recommendation

That in relation to Planning Permit application 220172 for a fifty nine lot subdivision in a General Residential Zone (GRZ1), removal of native vegetation and vegetation protected by a Vegetation Protection Overlay (VPO2) including the creation of easements, restrictions and reserves located at 273-297 Church Street, Cowes VIC 3922 Council resolves to issue a Notice of Decision to Grant a Permit, subject to the following conditions:

Amended plans required

1. **Before a plan is certified under the *Subdivision Act 1988 or any works commence*, an amended urban design package to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan/s will be endorsed and form part of the permit. The layout must be generally in accordance with Urban Design Package V2 by Beveridge Williams Pty Ltd dated 19.08.2022 but modified in the following way:**

   The Design Response Plan to illustrate

   a. **Re-arrangement of the pedestrian pathway within the tree / Church Street reserve such that it meanders from east to west within the road/tree reserve avoiding existing trees where possible and connecting with Bella Vista Access track. Additional connections to the internal street network may be provided where avoiding existing trees.**

   b. **a minimum 14.5m wide road reserve along the western side of the subject land.**

   c. **a minimum 14m wide road reserve abutting the tree reserve on the northern side of the subject land.**

   d. **Annotation identifying a connection to Bella Vista Access track on the south-west of the estate subject to the satisfaction of the responsible authority.**

   e. **The illustration of protection and TPZs to existing trees located within the proposed tree and drainage reserves including the annotation 'subject to detailed civil design and the satisfaction of the responsible authority.'**

   f. **The illustration of protection and TPZs to all vegetation located within the Bella Vista access track reserve and on adjoining properties.**

   g. **The illustration of removal of trees 2, 101 to 107 for the creation of access to the estate and trees 48 to 95 located within the residential areas.**

   h. **Removal of irrelevant notations, including the words 'draft, preliminary or for discussion.'**

   Indicative plan of subdivision to be substituted with:

   i. **A plan of subdivision prepared by a licensed land surveyor in accordance with the registrars' requirements for form and content of plans and suitable for certification under the Subdivision Act 1988.**

   j. **The plan of subdivision must show street names in accordance with the Office of Geographical Naming requirements.**

Once approved, the plans will be endorsed and form part of the Planning Permit.

2. **The subdivision and its works must be developed in accordance with the endorsed plans to the satisfaction of the responsible authority. A plan certified under the Subdivision Act 1988 is considered to be satisfactory pursuant to this condition.**
3. **All retained vegetation must be protected in accordance with the recommendations of the Tree Map Arboriculture report dated June 2022.**
4. **Prior to the Certification of the Plan of Subdivision under the *Subdivision Act 1988*. Design and Landscape Guidelines must be submitted to and endorsed by the Responsible Authority. The Design and Landscape Guidelines endorsed as part of this permit must not be amended without the written consent of the Responsible Authority.**
5. **The Design and Landscape Guidelines endorsed as part of this permit must be applied as a restriction on the plan of subdivision or be applied through an agreement with the responsible authority under Section 173 of the Act that is registered on the title to the land. If a Section 173 Agreement is used, a dealing number must be provided to the Responsible Authority prior to the issue of Statement of Compliance for each stage.**
6. **Before certification of the Plan of Subdivision, detailed civil construction plans must be prepared to the satisfaction of the Responsible Authority for endorsement by the Responsible Authority. All construction plans submitted for approval must be consistent with this permit and must conform with the requirements of all relevant servicing and road authorities, and in particular water, sewerage, drainage, telephone, gas and power authorities, VicRoads and Council. The plans must be drawn to scale with dimensions. An electronic copy (PDF) must be provided. The plans must show:**
    a. **Drainage of the subject land, including levels or contours of the land (including relevant external catchments) and all hydraulic computations. The drainage plan must be prepared in accordance with the requirements of the Infrastructure Design Manual (IDM) as amended and must provide for the following:**
        i. **How the land including all buildings, open space and paved areas will be drained for a 20% AEP storm event to the legal point of discharge.**
        ii. **An underground pipe drainage system for the 20% AEP storm event conveying stormwater to the legal point of discharge and connecting into Bass Coast Shire Council's stormwater drainage system.**

iii. **The provision of a drainage retardation system within the site and prior to the point of discharge into Bass Coast Shire Council's drainage system. The stormwater retardation system must be designed to ensure that stormwater discharges arising from the proposed development of the land are restricted to pre-development flow rates for storm events up to and including the 20 % AEP & 1% AEP. The retardation system must be maintained during the maintenance period to the satisfaction of the Responsible Authority.**

iv. **Minimum 3m wide access track around the perimeter of the retarding basin.**

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

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

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

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

ii. **All roads to have asphalt wearing course pavement with kerb and channel;**

iii. **Intersection treatments for traffic channelization including entry threshold treatments with Statcon signage.**

iv. **Turning for emergency service vehicles and garbage trucks must be provided.**

v. **One indented carpark per lot abutting shared driveways.**

vi. **End of shared driveways to cater for turn movements for a B99 standard vehicle.**

vii. **Internal roads to have a carriageway width in accordance with the road hierarchy in the IDM.**

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

ix. **A 1.5m wide concrete footpath for the full frontage of the site on Church Street, connecting the shared path on Bellavista Road to the existing path on the eastern boundary of the site.**

x. **A 1.5m wide concrete footpath on both sides of residential streets including all path linkages to existing network.**

xi. **Bollards must be provided to prevent direct vehicle access to reserves other than via the vehicle crossing(s).**

c. **Standard street lighting to be provided in accordance with IDM requirements.**

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

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

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

7. **The plan of subdivision submitted for certification under the Subdivision Act 1988, must show appropriate easements set aside for drainage purposes, to the satisfaction of the Responsible Authority.**

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

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

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

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

   d. **Demonstrate all environmental and cultural protection measures identified on a drawing(s) drawn to scale and prepared in accordance with Melbourne Water standards for such drawings.**

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

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

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

h. Identify the location and method of any Tree Protection Zones.

i. All machinery bought on the site must be weed and pathogen free.

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

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

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

m. Appropriate mechanisms for protecting environmental and heritage assets during the construction phase of subdivision.

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

o. hours of construction work. The CMP must provide that such hours are to be 7.00am to 6.00pm Monday to Friday and 7.00am to 1.00pm Saturday, with no construction on Sunday or public holidays. The CMP must provide that the hours of construction from Monday to Saturday (inclusive) may be extended with the consent of the Responsible Authority provided all adjoining residents are notified prior to the extended hours of construction. All deliveries, unloading and collection of materials associated with the construction phase of the development must occur within the hours of construction work, unless further permission is given in writing by the Responsible Authority;

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

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

r. locations of cut and fill stockpiles;

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

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

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

v. reporting requirements to demonstrate compliance with the latest revision of the following documents:

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

ii. **Best Practice Environmental Management Guidelines for Urban Stormwater;**

iii. **Environmental Guidelines for Urban Stormwater (EPA Publication)**

w. **Construction Techniques for Sediment Pollution Control (EPA Publication)**

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

9. **Before the issue of a Statement of Compliance the developer must pay:**

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

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

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

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

10. **Before the issue of a Statement of Compliance a Landscape plan generally in accordance with Landscape Masterplan Revision A by Beveridge Williams Pty Ltd updated in accordance with the Urban Design Plans endorsed under condition 1 must be prepared by a landscape architect or suitably qualified person/company and must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and form part of the permit. The plans must be drawn to scale with dimensions. An electronic copy (PDF) must be provided. The plans must show:**

   a. **Street trees provided on both sides of roads/streets in accordance with and not exceeding the following average intervals:**

      i. **Small trees (less than 10 metre canopy), at a 8-10 metre interval;**

      ii. **Medium trees (10-15 metre canopy), at a 10-12 metre interval; and**

iii. **Large trees (canopy larger than 15 metres), at a 12-15 metre intervals**

b. **The schedule of proposed species that are to be planted on the site including scientific names;**

c. **The quantities of all species to be planted on site including their size when mature; and**

d. **Establishment and maintenance notes for plantings.**

e. **A notation providing that the permit holder will maintain all landscaping (including any replacement of dead or diseased plants) as per the endorsed landscape plan for a period of two years to the satisfaction of the Responsible Authority.**

f. **The specification of advanced trees, with minimum container size of 50 litres and height when planted of 2m.**

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

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

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

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

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

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

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

13. **Before the issue of a Statement of Compliance all public works must be completed in accordance with IDM standard drawings to the satisfaction of the Responsible Authority including:**

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

b. **redundant infrastructure must be removed, and the area reinstated to the satisfaction of the Responsible Authority including appropriate kerbing and channelling, footpath and landscaping;**

c. **standard street lighting must be provided in accordance with the IDM and the endorsed civil design plans;**

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

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

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

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

14. **Before the issue of Statement of Compliance, an independent Road Safety Audit (RSA) must be completed in accordance with the Infrastructure Design Manual (IDM). All works must be completed in accordance with the recommendations of the RSA to the satisfaction of the Responsible Authority unless otherwise agreed to in writing by the Responsible Authority.**

15. **Before the issue of a Statement of Compliance, the following must be provided to the responsible authority:**

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

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

i. **One A1 film tracing per drawing**

ii. **Collated electronic PDF format**

c. **"As constructed" digital data measurements of public works in a GIS ready format. The format required is:**

i. **ESRI Shapefile format complying with Council's template (subset of A-Spec Digital Data Specification).**

ii. **Horizontal Datum: GDA94 on MGA94 Zone 55.**

iii. **Vertical Datum: AHD.**

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

16. **All works to serve the subject land must be maintained for defects to the satisfaction of the Responsible Authority until asset ownership handover in accordance with the IDM.**

Westernport Region Water Authority Conditions

17. **Payment of a New Customer Contribution Fees and distribution contribution for water supply for the development, such amount being determined by the Corporation at the time of payment;**
18. **Provision of a reticulated water supply and associated construction works to each allotment within the development, at the developers expense, in accordance with standards of construction adopted by and to the satisfaction of Westernport Region Water Corporation;**
19. **Payment of any outstanding contributions towards existing water schemes, such amount being determined by the Corporation at the time of payment;**
20. **Provision of separate water services to each allotment within the development.**
21. **Any existing water service which crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only and to the satisfaction of Westernport Region Water Corporation;**
22. **Payment of a New Customer Contribution Fees and trunk sewer contribution for sewerage services to the development, such amount being determined by the Corporation at the time of payment;**
23. **Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of Westernport Region Water Corporation;**
24. **Payment of any outstanding contributions towards existing sewerage schemes, such amount being determined by the Corporation at the time of payment;**
25. **Disconnection of any existing house connection drain crossing over proposed allotment boundaries, and each allotment to be independently and directly connected to a sewer main of Westernport Region Water Corporation;**
26. **Provision of easements in favour of Westernport Region Water Corporation over all existing and proposed sewer mains located within private property;**
27. **A notation is to be placed on the plan of subdivision to note that pursuant to Section 12(2) of the Subdivision Act 1988, there exists "implied easements" over all of the allotments and the common property within the development;**

28. **Alternatively, the developer is to provide a two metre wide easement over the common portion of the house connection drain, in favour of the benefiting land, to the satisfaction of Westernport Water Region Water Corporation;**
29. **Pursuant to Section 36 of the Subdivision Act 1988, Westernport Region Water Corporation considers that for the economical and efficient subdivision and servicing of the land covered by the Application for Permit it requires the owner of the land to acquire an easement over other land in the vicinity, namely any land not owned by the Developer through which a sewerage extension to service the development is to be located. The easements shall be created at the developers expense and shall be in favour of Westernport Region Water Corporation;**
30. **Preparation of a digitised plan of subdivision and ancillary requirements in accordance with the Corporations drafting standards and practices;**
31. **The operator under this permit must enter into an Agreement with Westernport Region Water Corporation relating to the design and construction of any sewerage or water works required to service the proposed development;**
32. **The form of such Agreement shall be to the satisfaction of Westernport Region Water Corporation. A copy of the format of the Agreement will be provided on request;**

Ausnet Electrical Services Conditions

33. **The applicant must –**
    i. **Enter into an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot under 16Ha on the endorsed plan.**
    ii. **Enter into an agreement with AusNet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.**
    iii. **Enter into an agreement with AusNet Electricity Services Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AusNet Electricity Services Pty Ltd.**
    iv. **Provide easements satisfactory to AusNet Electricity Services Pty Ltd for the purpose of "Power Line" in the favour of "AusNet Electricity Services Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AusNet Electricity Services Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.**
    v. **Obtain for the use of AusNet Electricity Services Pty Ltd any other easement required to service the lots.**

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

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

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

ix. **Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AusNet Electricity Services Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.**

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

Country Fire Authority Conditions

34. Hydrants

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

34.1 Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.

34.2 The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

Telecommunication Services

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

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

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

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

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

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

General Amenity Conditions

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

Expiry

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

a. The plan of subdivision is not certified under the *Subdivision Act 1988* within four years of the date of this permit; or

b. Registration of the plan of subdivision is not completed within five years of the certification of the plan of subdivision under the *Subdivision Act 1988*.

A permit may be extended in accordance with Section 69 of the *Planning and Environment Act 1987*.

PERMIT NOTES

A. Asset Protection Permit

Unless exempted by the Bass Coast Shire, an Asset Protection Permit must be obtained prior to the commencement of any proposed building works, as defined by Local Law No. 1 Neighbourhood Amenity 2012. Bass Coast Shire Council's Asset Protection Officer must be notified in writing at least 7 days prior to the building works commencing or prior to the delivery of materials/equipment to the site.

B. Road Occupation Permit

A Bass Coast Shire Road Occupation Permit must be obtained prior to the commencement of the construction of all new vehicle crossings and for the upgrading, alteration or removal of existing vehicle crossings. The relevant fees, charges and conditions of the Road Occupation Permit will apply to all vehicle crossing works. It is a requirement that all vehicle crossing works be inspected by Bass Coast Shire Council's Asset Protection Officer.

C. Stormwater Discharge Point

A Bass Coast Stormwater Discharge Point must be obtained prior to the connection of all new stormwater drainage into Bass Coast Council's stormwater drainage system. All new stormwater drainage connections must be inspected by Bass Coast Council's Asset Protection Officer before any backfilling of the connection is undertaken.

***D.* Memorandum of Authorisation**

Pursuant to Regulations under Part 2 – Installation of Traffic Control Devices – of the Road Safety (Traffic Management) Regulations 2009, the permit operator will need to apply to Council's Operations Team for authorisation to erect, display, place, remove or alter Traffic Control Devices.

E. CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site (www.cfa.vic.gov.au)

Attachments

1. 273-297 Church Street, Cowes - Arboriculture report V 2 [**8.1.1** - 18 pages]
2. 273-297 Church Street, Cowes - Certificate of Title [**8.1.2** - 5 pages]
3. 273-297 Church Street, Cowes - Feature survey V 2 [**8.1.3** - 1 page]
4. 273-297 Church Street, Cowes - Infrastructure and Servicing Report V 2) [**8.1.4** - 41 pages]
5. 273-297 Church Street, Cowes - Landscape Masterplan V 2 [**8.1.5** - 1 page]
6. 273-297 Church Street, Cowes - Preliminary Site investigation V 2 [**8.1.6** - 116 pages]
7. 273-297 Church Street, Cowes - Stormwater Management Strategy V 2 [**8.1.7** - 62 pages]
8. 273-297 Church Street, Cowes - Traffic Management Strategy V 2 [**8.1.8** - 50 pages]
9. 273-297 Church Street, Cowes - Urban Design package V 2 [**8.1.9** - 9 pages]

10. CONFIDENTIAL REDACTED - 273-297 Church Street, Cowes Compiled Objections) [**8.1.10** - 57 pages]
11. 273-297 Church Street Cowes Biodiversity Offset report- V 2 [**8.1.11** - 34 pages]

8.2 Planning Application 220371 - Use of the land for a private helicopter landing site - Victoria Road, Ventnor

8.2 Planning Application 220371 - Use of the land for a private helicopter landing site - Victoria Road, Ventnor

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 the use of the land for a private helicopter landing site pursuant to Clause 52.15 at Victoria Road, Ventnor.

Executive Summary

Application number:	220371
Applicant:	Mitchell Belden
Land/Address:	Victoria Road, Ventnor
Ward:	Island Ward
Proposal:	Use of land for a helicopter landing site – Clause 52.15
Zone:	Farming Zone (FZ)
Overlay:	Significant Landscape Overlay Schedule 2 (SLO2)
Aboriginal cultural heritage sensitivity	The site is not located within an area of identified cultural heritage sensitivity.
Title:	Lot 1 on Title Plan 085697P in Volume 09505 Folio 893. No covenants or easements affect the land.
Number of submissions:	A total of 5 objections were received.
Reason a Council decision is required:	Council's delegations require applications that attract five or more objections to be determined by Council. This application attracted seven objections.
Officer recommendation:	Notice of Decision to Grant a Planning Permit

The Proposal

This application proposes to use the land for a private helicopter landing site in accordance with the site plan prepared by Wolf Architects. The decision plans are provided as Attachment one and are detailed below:

- Site plan prepared by Wolf Architects, dated 26/10/2021.
- Acoustic Report prepared by DDEG (Acoustics), Revision 1, dated 28/09/2022.
- Fauna Impact Assessment prepared by Nature Advisory, dated December 2022.
- Planning Report prepared by Plan Urban, submitted 10 February 2023.

Key features of the proposal include:

- The helicopter landing site is for the purpose of private helicopter access for the occupants of the future dwelling on site. The helicopter landing site will be ancillary to the use of the land for a dwelling and will have no commercial activities associated with its use.
- No development or works associated with the helicopter landing site are sought.
- The proposed operation hours:
    - Monday to Friday - 8am to sunset or 8.00pm whichever is earlier.
    - Public Holidays and weekends - 9am to sunset or 8.00pm whichever is earlier.
- The landowner seeks to fly the helicopter a total of 6 times per year which will involve two movements, the first to land, and the second to take off. In addition, no month would include more than two landings/take-off.
- The proposed Helicopter would be Robinson R44 helicopter or similar to be used for the flights. The maximum gross take-off weight of the helicopter is approximately 1100kg.
- No fuel or storage is proposed to be retained on the subject site.
- The helicopter is proposed to approach from Berrys Beach via Flight Path West as shown in Figure 2. The flight path accords with the Phillip Island Fly Neighbourly Advice to avoid flying over the sensitive environmental areas within the park as per the guidelines.
- A logbook recording the date and time of use, the pilot and the purpose of the flight would be kept by the site owner and made available where necessary.

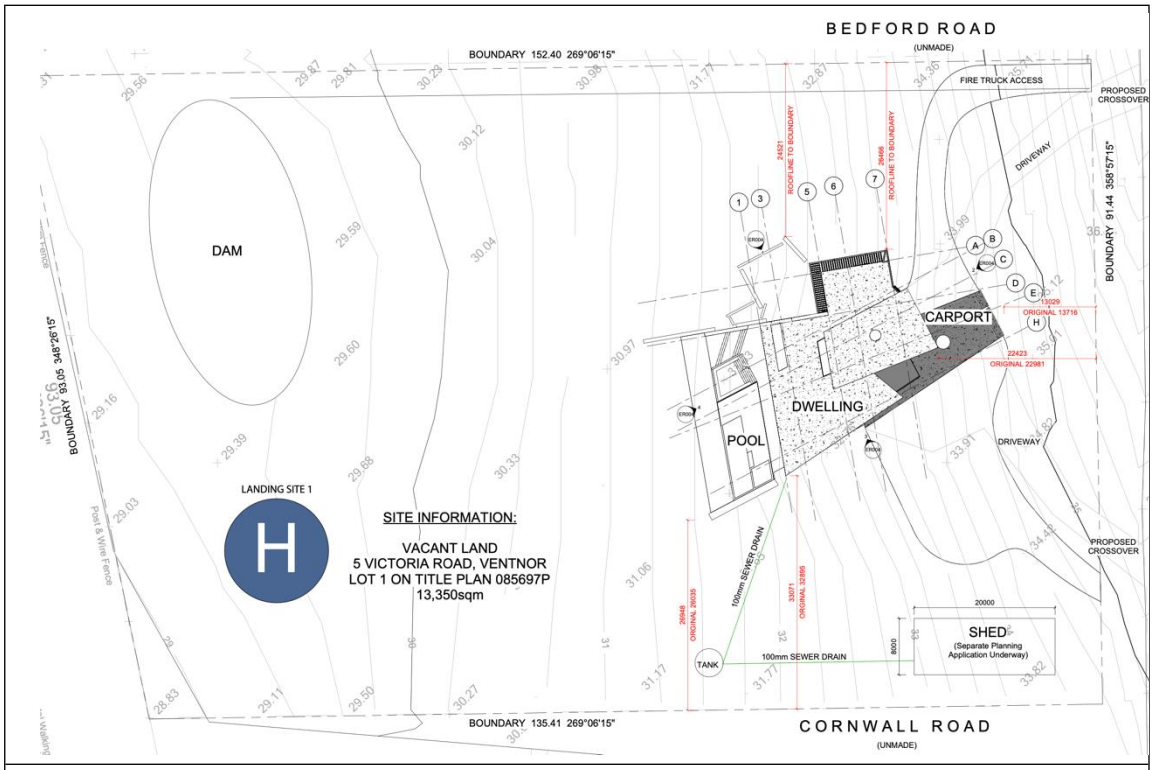


Figure 1 – Proposed Site Plan



Figure 2 – Proposed Flight Path design by Phillip Island Helicopters (Source: Appendix to the Planning Report prepared by Plan Urban)

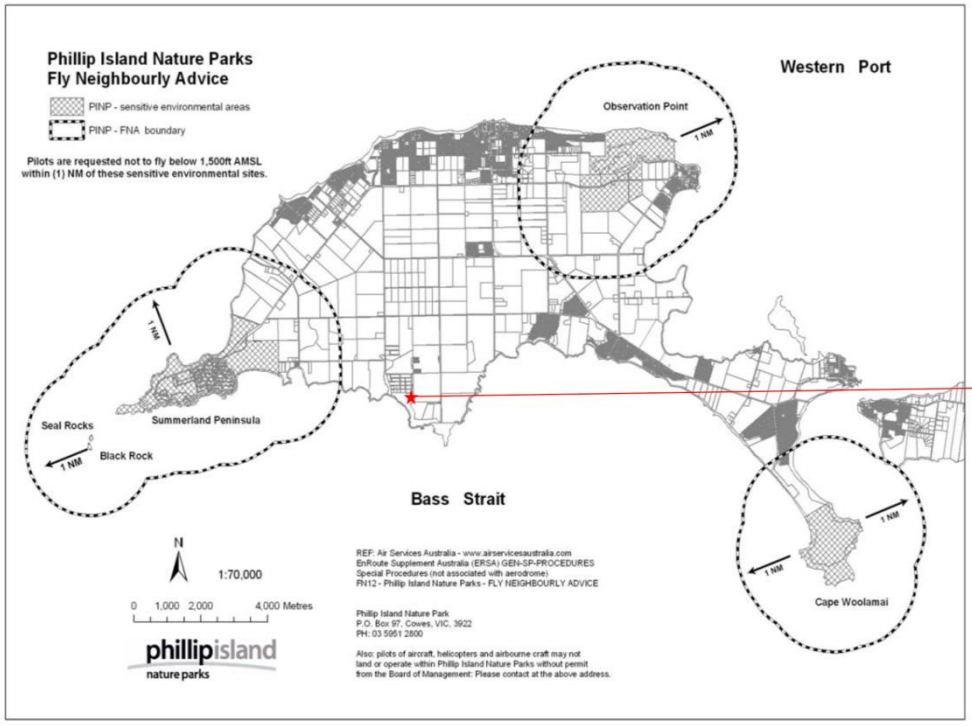


Figure 3: Phillip Island Nature Park Fly Neighbourly Advice (Source: Appendix to the Planning Report by Plan Urban)

Subject Site and Surrounds

The subject site is located within the Phillip Island Southern Coast area. The subject site is irregular in shape with a total area of 13,350sqm. The site has a direct frontage to Victoria Road and secondary frontages to the unmade roads of Bedford and Cornwall Road. The land has a gradual slope from the eastern boundary to the rear western boundary and is not impacted upon by any easements.

The site is currently vacant and does not feature any vegetation. The applicant has advised that whilst the dwelling approved under Permit 992878 has not commenced construction at this stage, the landowner is currently in the process of engaging a builder to facilitate this construction in the near future.



Figure 4: Aerial photography of subject site (Source: VicPlan imagery, dated April 2023.



Figure 5: View of subject site from Ventnor Road (Source: Page 6 of the Fauna Impact Assessment *prepared by Nature Advisory, dated December 2022*

The main characteristics of the surrounding area are:

North	The site abuts Bedford Road on the north which is unmade. The land north of Bedford Road is 9 Glamis Road which is approximately 15223 square metres in area and contains a single dwelling with associated infrastructure. This dwelling maintains a minimum setback of 62m from the northern boundary of the subject site and would be approx. 130m from the proposed helicopter landing site. The dwelling gains access from Glamis Road and is clear of all vegetation.
South	The site abuts Cornwall Road on the south which is unmade. Adjoining the land to the south of Cornwall Road is 3 Victoria Road Ventnor. This lot is approximately 11408 square metres in area and contains a single dwelling. This dwelling maintains a minimum of 25m from the northern boundary of the subject site and would be approx. 90m from the proposed helicopter landing site. Similar to subject site the land is clear of all vegetation.
East	The land fronts onto Victoria Road Ventnor on the east side.
West	Adjoining the land to the west if the Phillip Island Nature Park. The park encompasses wildlife sanctuaries, wetlands, woodlands, and coastlines. Whilst being owned by the Victorian Government the reserve is managed by a non-for-profit body. The body has incorporated tourism-based activities into the park inclusive of Penguin Parade, Antarctic Journey, and various other interactive experiences. In addition, public walking tracks are provided within the reserve which provide access to scenic lookouts including Pyramid Rock, Berry Beach, Storm Bay Lookout, Redcliff Head.

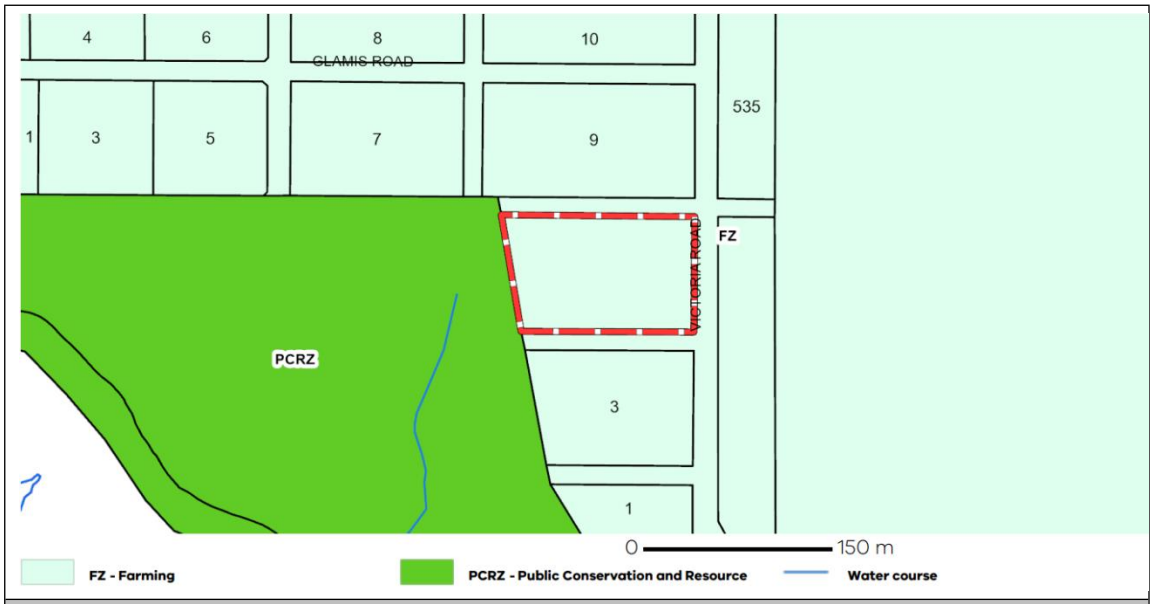


Figure 6: Zoning Map

Consultation

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

The Applicant gave notice in the following manner:

- Sent copies of the Notice by registered mail to 28 landowners and occupiers; and
- Placed a Notice on the land.

In response to notification the application attracted seven submissions comprising five objections.

A copy of each submission is included in Attachment two.

The submitters concerns and comments are summarised further in this report.

Referrals

The following table outlines the referral requirements of this application.

Referral Authority	Comments
External (Section 52 of the *Planning and Environment Act 1987*)	
Department of Energy, Environment and Climate Action	No objection to the application, and offered the following recommendations: • Adopting the mitigation measures proposed by Nature Advisory in the Ecology Assessment as conditions to mitigate the risk to aircraft and wildlife. • Flights are not to be undertaken within 500m of sandy beaches. • No flights are to be undertaken between September and May during dawn or dusk to avoid collision risk with Short-tailed Shearwaters.
Phillip Island Nature Parks	No objection to the application, and offered the following comments on the proposal: • The use of the land for a helicopter landing should follow the mitigation measures as outlined in the 5 Victoria Road– Fauna Impacts Assessment for Helicopter landings except that condition three is amended to be: "Between the months of September and early May, flying between sunset and sunrise is not recommended permitted due to the daily movements of Short-tailed Shearwaters to and from their burrows in nearby sand dune.

	• The use of the land for a helicopter landing should follow the mitigation measures as outlined in the Acoustic Engineering Report.
Internal (Section 52 of the *Planning and Environment Act 1987*)	
Environment	Council's environment team has not raised an objection to the application and advised as below: *The helicopter flight path is proposed to cross a public conservation and recreation reserve on the Southern Coastline of Phillip Island. This area is a State significant landscape under the Distinctive Area and Landscape draft Statement of Planning Policy and is renowned for its wild and undeveloped nature.* *The Acoustic Report shows a comparison of Noise Levels with EPA Noise Criteria and clearly stipulates that there is a noticeably louder than compliant noise level. The coastline is home to Shearwater rookeries and Hooded Plovers which may be disturbed or harmed by the introduction of a helicopter flight pathway.*

Planning Scheme Provisions

Planning Policy Framework Assessment

The relevant Planning Policy Framework clauses are as follows:

VPP00 Purpose and Vision

Clause 02 – Municipal Planning Strategy

- Clause 02-03 Strategic direction

VPP11 Settlement

Clause 11.01 - Victoria

- Clause 11-01-1S Settlement
- Clause 11-01-1R Settlement – Gippsland

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 12.02 Coastal areas

- Clause 12.02-1S Protection of coastal areas
- Clause 12.02-1L Protection coastal areas

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 costal landform protection in Rural Zones

VPP 13 Environmental Risks and Amenity

Clause 13.05 Noise

- Clause 13.05-1S Noise abatement

Clause 13.07 Amenity and Safety

- Clause 13.07-1S Land use compatibility

The following provides an assessment of the proposal against the relevant Planning Policy Framework (PPF) under the themes of Environment and landscape values, Coastal Areas, and Environmental risks and amenity.

The PPF recognises the importance of protecting Victoria's coastal landscape, biodiversity and marine and coastal environment.

The proposal is consistent with these policies given no building nor works are sought to facilitate the helicopter landing site. The subject site does not seek the removal of vegetation, trees nor shrubs to facilitate the landing site. Given the usage is limited to 6 take offs/landings per annum this would ensure any impacts on the surrounding environment and visual amenity of this prominent coastal location would be negligible.

In respect to the site's abuttal to the Phillip Island Nature Park, the Phillip Island Nature Parks (PINP) Fly Advice map indicates the site is not located within the sensitive environmental area nor is it within close proximity to this area which at its nearest location is at Summerland Peninsula. Furthermore, the referral response from PINP indicates they are satisfied that the proposal will not impact the integrity of the park and only requested that the helicopter complies with the Fly Neighbourhood Advice requirements which the submitted flightpaths demonstrate will be achieved and complied with.

The policies around environmental Risk and amenity seek to assist the management of noise effects on sensitive land uses and to protect community amenity from uses with adverse off-site impacts.

Given no buildings and works or vegetation removal is proposed the potential offsite amenity impacts relate to only noise impacts. The application is accompanied by an acoustic report which has explored numerous landing site options and made a series of recommendations and concluded that the noise levels at the majority of residences near to the proposed landing site will comply with the helicopter noise criteria prescribed by the EPA Noise Control Guidelines if proposed Landing Site 1 is adopted, and approach /

departure at altitudes of less than 150 m is restricted to the western flight path. This recommendation will be enforced via conditions on the permit.

Having regard to the Planning Policy Framework (PPF) it is considered that the proposal achieves appropriate compliance with the relevant objectives and strategies.

Zone Assessment

Clause 35.07 – Farming Zone

Pursuant to Clause 73.03 of the Bass Coast Planning Scheme, a Helicopter landing site is defined as *Land used for the take-off and landing of a helicopter, with or without a permanent landing pad, but without permanent facilities for the assembly and distribution of goods or passengers*.

In accordance with Clause 35.07-1, Helicopter Landing Site is not included in Table of uses.

A dwelling is under construction on the subject site. The applicant submits that the Helicopter land site is for the personal use of the landowner and is therefore ancillary to the dwelling use on the site. Accordingly, a Planning Permit is not required to use the land for an ancillary activity of the Helicopter landing site.

Overlay Assessment

Clause 42-03 – Significant Landscape Overlay

In accordance with Clause 42.03-2 and Section 3 of Schedule 2 to SLO, a permit is only triggered for buildings and works, fences and removal of native vegetation. A permit is not triggered for 'land use.'

Considering the application is not proposing to construct a specific landing site on the land or to construct any other associated infrastructure or to remove native vegetation, a Planning Permit is not triggered under this overlay.

Particular Provisions Assessment

Clause 52.15 – Heliport and Helicopter Landing Site

The purpose of this clause is:

- *To ensure the amenity impacts of a heliport and a helicopter landing site on surrounding areas is considered.*

In accordance with Clause 52.15-1 a Planning Permit is required for the use or development of any land for a heliport or a helicopter landing site even if it is ancillary to another use on the land, unless the table to this Clause specifically states that a permit is not required.

The proposed Helicopter Landing is proposed to be ancillary to the future domestic use of the site and cannot avail the exemptions listed under Table of Exemptions for use.

Clause 52.15-3 provides decisions guidelines for the responsible authority to take into consideration. These are:

- *Whether the proposal achieves a suitable separation distance from a nearby sensitive use, having regard to the Noise Control Guidelines (Environment Protection Authority, 2008).*
- *The effect of the proposal on nearby sensitive uses in terms of the proposed frequency of flight movements and hours of operation.*

An Acoustic report has been submitted which demonstrates that the noise impacts with the proposal are of an acceptable level when considering any nearby sensitive uses (dwellings).

The table to exemptions for use under Clause 52.15-1 provides various exemptions for helicopter landing sites, some of which relate to emergency services or agricultural based uses, but there are also general considerations which are more applicable to private use which is what is sought in this subject application.

The general exemptions require:

- *The landing point is located more than 500 metres from a building used for a sensitive use (accommodation, child care centre, education centre and hospital) that is not associated with the helicopter operation and more than 200 metres from a shipping channel in the Port of Melbourne, provided:*
    - *The number of flight movements does not exceed eight in a 30 day period and four in a 24 hour period (for the purposes of this provision the take-off and landing of a helicopter are separate flight movements).*
    - *Flight movements do not take place before 7am or after sunset on a weekday.*
    - *Flight movements do not take place before 8am or after sunset on a weekend or holiday; or*
- *The landing point is located more than 1000 metres from a building used for a sensitive use that is not associated with helicopter operation and more than 200 metres from a shipping channel in the Port of Melbourne.*

Whilst the proposal does not achieve a 500 metre clearance to building used for a sensitive use (dwelling), it generally remains consistent with the additional requirements under the exemption. The proposal seeks a maximum of six landings and take-offs per year with a maximum of two return movements in a month. This falls well below what would be permissible under this exemption whereby based on the maximum movements of eight in one month would allow 96 movements over a year. The proposal provides only provides for slightly more than 10% of this amount, indicating the minor scale of the proposed use.

In terms of the hours for use, it is proposed to maintain adherence to the hours included within the general exemption. This indicates the proposal has provided a more sympathetic response to the surrounding rural residential use. The accompanying acoustic reports recommendations have been accorded with in respect to the landing sites location and the flight paths to and from the site. These measures alongside the report's findings demonstrate that the proposal is sympathetic to these sensitive uses and provide for an appropriate outcome.

The EPA Noise Control Guidelines stipulates the maximum Pressure Level L_{Amax} for Noise Sensitive Areas is 82 dB(A) at the nearest residential premises. Table 3 of the report provides the Calculated Maximum Sound Pressure Level at NSAs, L_{Amax} dB(A). The noise levels for Flight Path West at landing Site 1 comply with the standard for NSA1, 2 & 4. The noise levels for NSA 3 (3 Victoria Road Ventnor) exceed 2dB(A) and the noise level on Berry Beach

The report provides the following justification:

NSA 5 (Berry Beach) will exceed the recommended maximum noise levels of the EPA Noise Control Guidelines for the western flight path, however the duration of maximum exposure at this location will be significantly less than at the other NSAs since the helicopter will be traveling at a much higher speed. For context 91 dB(A) is approximately equivalent to the maximum sound pressure level of a truck passing in the street.

In conclusion the report notes *the noise levels at the majority of residences near to the proposed landing site will comply with the helicopter noise criteria prescribed by the EPA Noise Control Guidelines if proposed Landing Site 1 is adopted, and approach / departure at altitudes of less than 150 m is restricted to the western flight path.*

The application was also referred to PINP and DEECA who have not opposed the application subject to adherence to the Acoustic Engineering report and the Fauna Impacts Assessments for Helicopter landing. These recommendations can be enforced via conditions on the permit.

As discussed above, the only trigger for permit in this instance is the 500 metre buffer. The granting of a permit in this instance would provide for greater controls over the flight path, frequency, operation of the landing site in respect to amenity, noise, emissions, and intensity with conditions enabling long term requirements for the operation on the subject site.

Concerns Raised By Submitters

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

Submitter Theme	Council Officer Response
Impact on Fauna	Concern has been raised regarding the impact of the proposal on the endangered fauna in the area. The application has been accompanied by a Fauna Impact Assessment, which has recommended a number of mitigation measures to reduce these impacts. With respect to relocating the landing site, it is noted that this would result in increased adverse impacts to surrounding residents from noise, and that the responsible authority must ultimately balance the potential impact on the environment with any potential impact on surrounding residents. The proposal seeks to limit the frequency of flights to a maximum of six flights per annum and a

	maximum of two in any given month, and these flight restrictions will be conditioned on the permit should one issue.
Conflicts with the Farming Zone	Concern has been raised regarding the conflict of the land use with the purposes of the Farming Zone. It is first and foremost noted that the proposal is exempt from planning permission under the Farming Zone, however it is also noted that the proposal is ancillary to the approved use of the land for a dwelling.
Impact on public amenity of the local area	The objectors are concerned with the adverse impacts on the beach goers. The adverse impacts primarily relate to noise impacts. As noted in the acoustic report the noise exposure on the beach will be significantly less and is compared to the noise level from a truck passing. It is also noted that the frequency of the flight is minimal and limited to 6 flights per year.
Risk of wildfire from aviation fuels	The proposal explicitly states that no fuel will be stored on the subject site.
Lack of airspace regulations	The objector is concerned in the lack of airspace regulation. The proposal to limit the flights to no more than 2 in any month is meaningless. The objector is concerned with the land of authority to regulate the frequency of the use. The applicants have proposed a logbook recording the date and time of use, the pilot and the purpose of the flight will be kept by the site owner and made available where necessary. This approval will be conditional to this logbook being maintained.
Amenity impacts on the adjoining residential properties	This objector is concerned with the dust and noise impacts on the surrounding residents. The proposed landing site is at least 90m away from the closest dwelling. It is furthermore not proposed to construct a landing site or to undertake any works. In relation to the dust impacts it is noted that the subject site is primarily covered in open grassland, and the helicopters would be landing and taking off from this grassland. Therefore, no dust issues are anticipated.

	In relation to noise impacts it is noted that an acoustic report has been submitted.
Contradictions between the recommendations contained within the Acoustic Report and the Fauna Impact Assessment with respect to siting.	Concern has been raised regarding the conflicting recommendations in the Acoustic Report and the Fauna Impact Assessment, particularly how they relate to the siting of the helicopter landing pad. Whilst not unnoticed, ultimately these two reports were prepared to address different aspects of the proposal, and their potential impacts on surrounding residents and/or the environment. It is considered that the proposal seeks to minimise impacts as much as practicable through a highly limited annual flight schedule and siting of the landing area as far as practicable from adjoining dwellings.

Conclusion

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

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

It is recommended that Council resolve to issue a Notice of Decision to Grant a Planning Permit for planning application 220371, subject to conditions.

Recommendation

That in relation to Planning Permit application 220371 for the use of the land for a helicopter landing site located at Victoria Road, Ventnor, Council resolves to issue a Notice of Decision to Grant a Permit, subject to the following conditions:

1. **The use of the land as shown on the endorsed plans must not be altered without the written consent of the responsible authority.**
2. **Unless with the prior written consent of the responsible authority, the flight path to and from the subject site is to be limited to Flight Path West as identified in the endorsed plan and must accord with the Phillip Island Fly Neighbourly Advice.**
3. **A logbook recording the date and time of use, the pilot and the purpose of the flight must be kept on site and made available where necessary, to the satisfaction of the responsible authority.**
4. **Unless with prior written consent of the responsible authority, the operation hours must be limited as follows:**
    a. **Monday to Friday- 8 am to sunset or 8.00pm, whichever is earlier.**

b. **Public Holidays and weekends- 9 am to sunset or 8.00pm, whichever is earlier.**

5. **Unless with prior written consent of the responsible authority, the Helicopter movements must be limited to:**
   a. **6 movements per year, including landing and take offs from the site.**
   b. **no more than 2 movements per calendar month.**
6. **The Helicopters must only be used for ancillary purposes to the dwelling on the site and must not be used for any form of commercial operation to the satisfaction of the responsible authority.**
7. **Unless with prior written consent of the responsible authority, the flights on the site be limited as below:**
   a. **Robinson R44 helicopter or similar to be used for the flights on the site.**
   b. **The maximum gross take-off weight of the helicopter to be approximately 1100kg.**
8. **No form of aviation or Helicopter fuel is to be stored on the site.**
9. **The permitted use must be undertaken in accordance with the recommendations of the Acoustic Engineering Report prepared by DDEG (Acoustics), dated 19/09/2022.**
10. **The permitted use must implement the mitigation measures recommended by the Assessment of Fauna Impacts from Helicopter activity, prepared by Nature Advisory, dated December 22.**
11. **This Permit will expire if:**
    a. **The permitted use does not start within 2 years from the date of this Permit; or**
    b. **The use is discontinued for a period of 2 years or more.**

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

Permit Notes

A. Planning permission

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

B. Failure to Comply

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

Attachments

1. Attachment One - Site Plan [**8.2.1** - 1 page]
2. CONFIDENTIAL REDACTED - Attachment Two - Combined Objections [**8.2.2** - 16 pages]
3. Planning Application 220371 Use of the land for a private helicopter landing site (1) [**8.2.3** - 14 pages]

8.3 Planning Application 230002- Two lot Subdivision at 7 Connor Place, Kilcunda

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 a two lot subdivision and creation of a restriction at 7 Connor Place, Kilcunda.

Executive Summary

Application number:	230002
Applicant:	Beveridge Williams & Co Pty Ltd - Wonthaggi
Land/Address:	7 Connor Place, Kilcunda VIC 3995
Ward:	Bunurong Ward
Proposal:	Two lot subdivision and creation of a restriction
Zone:	General Residential Zone – Schedule 1 (GRZ1)
Overlay:	Significant Landscape Overlay (SLO1) Environmental Significance Overlay (ESO4)
Aboriginal cultural heritage sensitivity	The site is not located within an area of identified cultural heritage sensitivity.
Title:	Lot 1 on Plan of Subdivision 613452V in Volume 11075 Folio 567. No covenants or easements affect the land.
Number of submissions:	A total of five objections were received.
Reason a Council decision is required:	Council's delegations require applications that attract five or more objections to be determined by Council. This application attracted five objections.
Officer recommendation:	Notice of Decision to Grant a Planning Permit

The Proposal

This application proposes to subdivide the subject land into two lots and create a building envelope restriction in accordance with the proposed plan of subdivision prepared by Beveridge Williams. The decision plans are provided as Attachment one (AT-1) and are detailed below:

- Proposed Plan of Subdivision, Version 2 prepared by Beveridge Williams, dated 10/11/2023.
- Drainage Strategy Plan Lot 1 on PS613452V Vol 11075 Fol 567, Surveyor's Ref 2202155, Version 3 prepared by Beveridge Williams, dated 01/02/2023.
- Site Context Plan Lot 1 on PS613452V Vol 11075 Fol 567, Surveyors Ref. 2202115, Version 32 prepared by Beveridge Williams, dated 10/11/2022.
- Geotechnical Report Lot 1 on PS613452V Vol 11075 Fol 567, prepared by Civil Test Pty Ltd.

Key features of the proposal include:

- Lot 1 will measure 995 sqm with a frontage to Connor Place, measuring approximately 36.24 metres. Lot 1 contains the existing dwelling and ancillary buildings. The eastern boundary measures 47.16 metres, the south-west boundary will measure 25.85 metres, and the western boundary will measure a total of 25.79 metres as it abuts Lot 2. There is existing access to the site.
- Lot 2 will measure 451 sqm and is proposed to be vacant. The frontage to Connor Place will measure 34 metres, the south-west boundary will measure 36.84 metres, and the eastern boundary will measure a total of 25.79 metres as it abuts Lot 1. A building envelope restriction is to be placed on the lot, with a 4 metre setback from Connor Place, and a 1 metre setback from the south-west and north-east boundaries. Access is proposed toward the western end of the frontage to Connor Place.

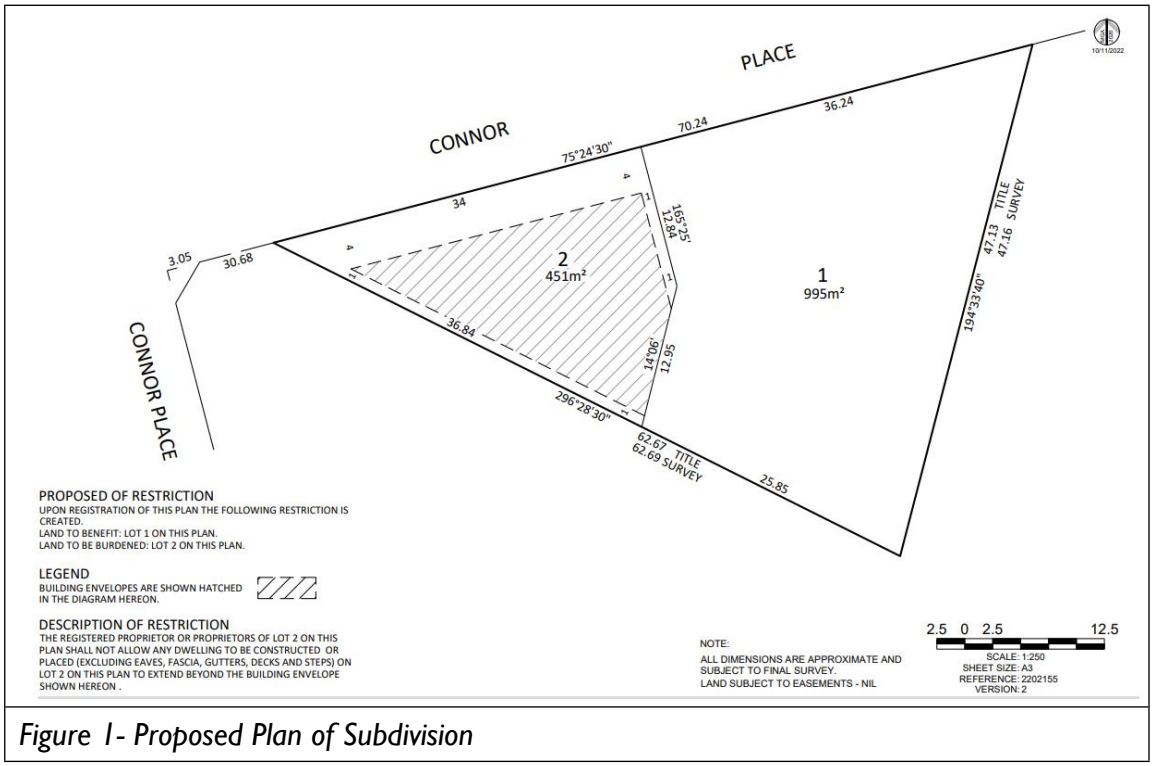


Figure 1- Proposed Plan of Subdivision

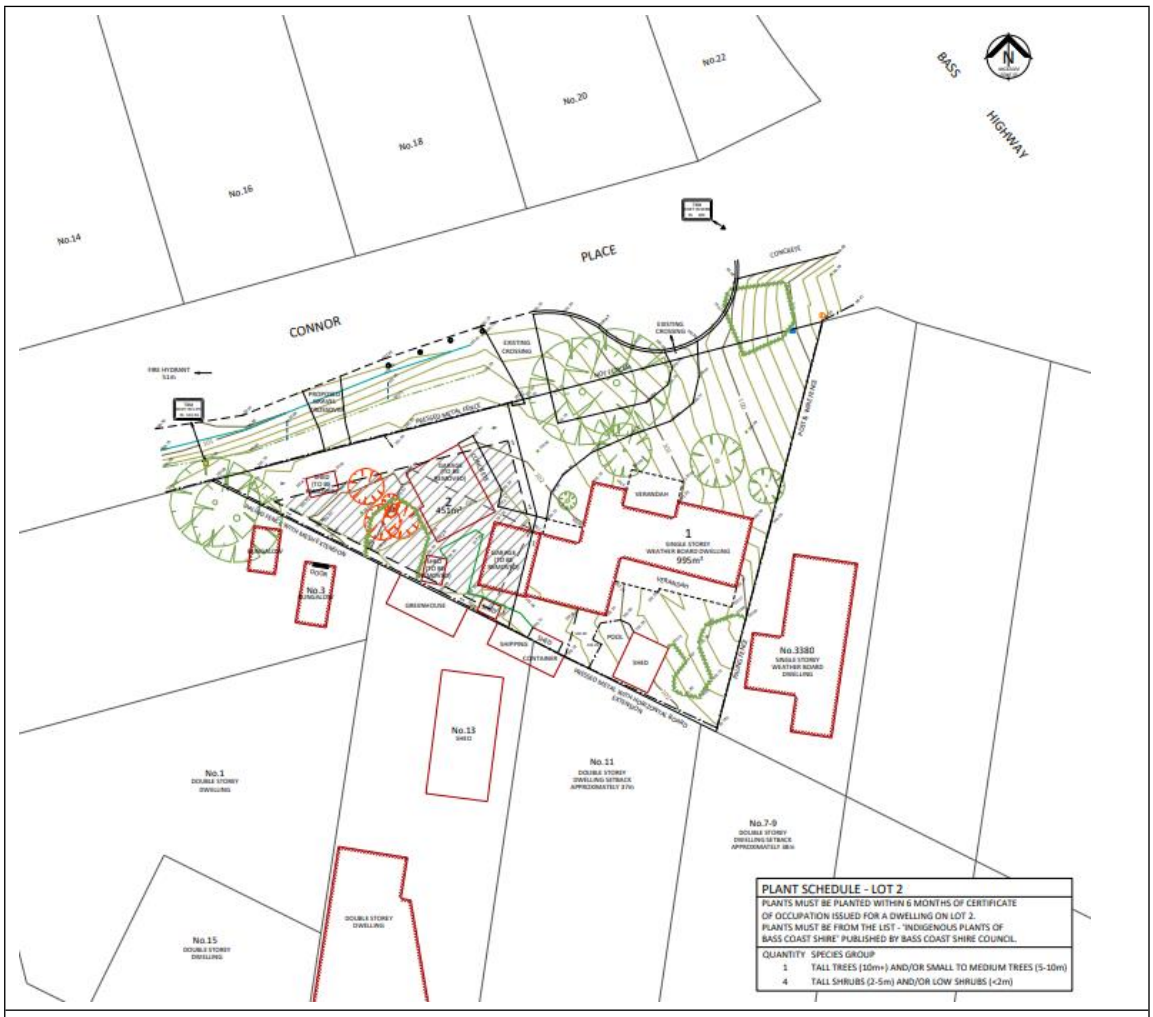


Figure 2- Site context Plan



Figure 2- Drainage Strategy Plan

Subject Site and Surrounds

The subject site is located in the township of Kilcunda, approximately 1.4 kilometres north-west of the small commercial area of Kilcunda, and approximately 11 kilometres north-west of Wonthaggi.

The site is located on the south side of Connor Place. The site has a triangular shape with a 70.24 metre frontage to Connor Place, a maximum depth of 62.69 metres and a site area of approximately 1,582 square metres.

The dwellings in the surrounding area are a mix of older and contemporary design. Built form in the immediate neighbourhood is a mixture of single dwellings on allotments constructed in a variety of styles and scales, and emerging medium density development.

Connor Place is a gravel road with grass shoulders and open drains, with a sealed court bowl, and has a scattering of vegetation in the road reserve.



Aerial photography of subject site (Source: Council's GIS System, dated December 2021)

The site is developed with a single storey dwelling with an attached carport. There are four trees identified to be removed, which comprise of pittosporum and three deciduous trees interspersed with mirror bush. These trees are surrounded by succulents and ornamental shrubs. The trees are to be removed to allow for the building envelope restriction to be placed on title, and are all non-native, or weeds. The trees to be removed do not require planning permission or a Local Law Permit.



View of subject site from Connor Place (Source: Applicant supplied, January 2023)

The main characteristics of the surrounding area are:

North	To the north of 7 Connor Place Kilcunda are 22 Connor Place, 20 Connor Place and 18 Connor Place. These lots are approximately 549 square metres, 610 square metres and 688 square metres in area, respectively. 22 Connor Place is an empty residential Lot. Both 20 & 18 Connor place contain a single dwelling. The lots are rectangular in shape and do not feature any significant vegetation. 20 Connor Place and 18 Connor Place are built with a concrete crossover.
South	To the south of 7 Connor Place Kilcunda are 11 Rees Street, and 13 Rees Street. These lots are approximately 1,129 square metres and 1,153 square metres in area, respectively. Both 11 & 13 Rees Street contain a single dwelling. The lots are rectangular in shape. 11 Rees Street contains large amounts of vegetation around the rear side of the lot and 13 Rees Street has some vegetation around the rear boundary of the lot.
East	To the east of 7 Connor Place Kilcunda is 3380 Bass Highway. The lot is approximately 649 square metres and contains a single dwelling. The lots are irregular in shape. 3380 Bass Highway contains large amounts of vegetation on the eastern boundary of the lot. The lot is built with a gravel crossover.

West	To the west of 7 Connor Place Kilcunda is 3 Connor Place. The lot is approximately 936 square metres and contains a single dwelling. The lots are irregular in shape. 3 Connor Place contains large amounts of vegetation on the western boundary of the lot.



Figure 3– Site and surrounds

Consultation

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

The Applicant gave notice in the following manner:

- Sent copies of the Notice by registered mail to 15 landowners and occupiers; and
- Placed a Notice on the land.

In response to notification the application attracted (5) submissions comprising (5) objections.

A copy of each submission is included in Attachment two.

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

Referrals

The following table outlines the referral requirements of this application.

Referral Authority	Comments
External (Section 55 of the *Planning and Environment Act 1987*)	
	External referrals/notice were not required by the Planning Scheme. Standard conditions relating to servicing will be included on any permit that might be issued.
Internal (Section 52 of the *Planning and Environment Act 1987*)	
Development Services	No objection to the application subject to conditions.
Planning Arborist	Consent subject to conditions.

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-13 Kilcunda

Clause 11.02 - Managing Growth

- Clause 11.02-1S Supply of urban land
- Clause 11.02-2S Structure planning
- Clause 11.02-3S Sequencing of development

Clause 11.03 - Planning for Places

- Clause 11.03-4S Coastal settlement

VPP 13 Environmental Risks and Amenity

Clause 13.02 Bushfire

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

VPP 15 Built Environment and Heritage

Clause 15.01 Built Environment

- Clause 15.01-3S Subdivision design
- Clause 15.01-3L Subdivision design
- Clause 15.01-5S Neighbourhood character
- Clause 15.01-5L Neighbourhood character

VPP 16 Housing

Clause 16.01 Residential Development

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

VPP Infrastructure

Clause 19.03 Residential Development

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

The following provides an assessment of the proposal against the relevant Planning Policy Framework (PPF).

The PPF recognises the importance of accommodating development within established settlement boundaries in order to limit the impact on the character of the area and coastal areas. The PPF further seeks to ensure that a sufficient supply of land is available for residential use and encourages the consolidation of urban areas within settlement boundaries if that development respects existing neighbourhood character.

The proposed subdivision of the land into two lots is consistent with the purpose of the zone and the overlay and is considered to be a satisfactory response to the decision guidelines by creating an additional lot within an established residential area that respects neighbourhood character.

Clause 16.01-1L discourages increased housing density without the infrastructure or services to support such development however the site offers an infill opportunity, and the proposed subdivision will not result in a detrimental impact on the existing residential character. The proposed two lot subdivision is considered to have merit when consideration is given to the broader state and local policies related to land supply, residential lot design, residential development, site management, integrated water management, utilities, and urban landscape.

Zone Assessment

Clause 32.08 – General Residential Zone

The purpose of the General Residential Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*



Figure 4– Zoning Map

The application is consistent with the objectives and decision guidelines of the General Residential Zone. In addition to its consistency with the Planning Policy Framework, the application is consistent with the purpose of the zone in its encouragement of a diversity of housing types. Furthermore, the subdivision is considered compatible with the infill development patterns of the surrounding neighbourhood as the (Lot 1) containing the existing dwelling will have a size approximately similar to surrounding lots. The new lot (Lot 2) will have adequate ability to develop a new dwelling including driveway and will have adequate setbacks from adjoining lots. This lot is of a size that will allow the development of a dwelling without the need for additional planning approval under the zone. A building envelope will be created to provide a 4 metre setback from Connor Place, which is more than the existing built form on the site, for the buildings that are to be removed.

It is also considered that the proposed allotments can be adequately serviced and will not cause undue effect on the operation of the road, given that the application has been referred to all relevant determining authorities and internal teams, resulting in no objections subject to conditions.

Garden area

Pursuant to Clause 32.08-3 - Subdivision, an application to subdivide land that would create a vacant lot less than 400 square metres capable of development for a dwelling or residential building, must ensure that each vacant lot created less than 400 square metres contains 25% of garden area.

The proposed Lot 2 has an area of 451 square metres and has the capacity to set aside 25 percent as garden area as the subdivision design is not a battle axe and also has the capacity to include a 10mx15m rectangle on the lot. Therefore, a garden area analysis plan was not requested as part of the assessment.

The proposal complies with garden area requirements.

Overlay Assessment

Clause 42.01 - Environmental Significance Overlay (Schedule 4)

The purpose/objectives of the overlay are to:

- *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.*

In accordance with Clause 42.01-2 a planning permit is required to subdivide land.

The application is consistent with the objectives and decision guidelines of the Environmental Significance Overlay. There are many areas around Wonthaggi, South Dudley and Kilcunda where former coal mining activities have made the land susceptible to land subsidence. This could impact on the location and extent of development on a particular site.

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- A geotechnical report from a qualified geologist that addresses the suitability of the site for the proposed development and the effects of any undermining.

A geotechnical report prepared by CivilTest. This report notes there appears to be no evidence of troughs or hummocky grounds, which might signify the effect of subsidence occurring on the site. The report also provides recommendations as to building design suggesting future building design be made as flexible as possible to absorb any movement that may occur. Recommended building materials are timber or similar flexible construction. If masonry material is proposed, it should be fully articulated so as not to cause distress to the structure should movement occur.

Clause 42.02 - Significant Landscape Overlay (Schedule 1)

The purpose/objectives of the overlay are to:

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

In accordance with Clause 42.03-2 a planning permit is not required to subdivide land.

Particular Provisions

Clause 53.01 - Public Open Space Contribution and Subdivision

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the Subdivision Act 1988.

An exemption may be provided if it is considered that the application subdivides land into two lots, and it is unlikely that each lot will be further subdivided.

Given the layout of the lots and the pattern of surrounding subdivisions, it is considered that it is unlikely that the lots can be further subdivided and on this basis a contribution is not required.

Clause 56 – Residential Subdivision

The proposal is considered to have satisfied the objectives, standards and decision guidelines of clause 56 of the Bass Coast Planning Scheme.

It is considered that the proposed subdivision will not result in a detrimental impact on the existing residential character or identity of the area as it appropriately responds to the neigbourhood character.

Concerns Raised By Submitters

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

Submitter Theme	Council Officer Response
Traffic and congestion	The application at this stage is not assessing any of the future developments that would occur. Council has considered the suitability of the location and size of the two lots. It is expected that the future infill development will be of a small scale due to the size of the lot created. The existing road network would be able to accommodate the increase in traffic. The application has been reviewed and assessed by Council's engineers who have not raised any traffic issues.
Stormwater runoff/flooding	The proposal was reviewed by Council's Development Services team who have reviewed the potential impacts of the subdivision and have not objected to the granting of a permit subject to conditions.
Heath, wellbeing and safety	Concerns raised by the objector relate more to land use concerns than for a residential subdivision. It is noted that the majority of Connor place and Rees Street is a gravel road with open drains that could create extra dust due to the increase in vehicle movement, However it is not a consideration under the zone provisions. Creation of an extra lot will not have a major detrimental impact on the amenity of the area.
Building Envelope	Objections related to the proposed building envelope have been taken into consideration. However pursuant to Clause 56.04-2 Lot area and building envelope objective Standard C8 requires lots between 300 and 500 square metres to contain a rectangle measuring 10 metres by 15 metres, The proposal complies with this requirement as the site context plan indicates that the proposed building envelope will be able to contain a rectangle measuring 10 metres by 15 metres.

Lack for Public Transport	Creation of an additional lot is not considered to be a bearing factor for additional public transport facilities and services.
Overdevelopment and Policy Concerns	The land is in a general residential zone, with a variety of lot sizes present throughout the estate. General policy guidelines of Clause 16.01-1L encourage 1 dwelling per 450 square metres on land located within 800 metres of town activity centre. The location of the subdivision in Kilcunda is considered appropriate.
Precedent for further subdivisions	Precent is not a planning consideration. Any application received is assessed on its own merits having regard to the planning scheme of the day.
Economic Viability	The perceived devaluation of land is not a planning consideration.
Visitor and Street Car Parking	There are no specific car parking standards to be met. There have been concerns about the lack of street and visitor parking, however this cannot be addressed through the planning application for a subdivision.

Conclusion

The application has been assessed against the Bass Coast Planning Scheme and is considered that the proposed subdivision is consistent with the objectives of state planning policies, local planning policies, the General Residential Zone, and Environmental Significance Overlay – Schedule 4. The proposal also satisfies the relevant objectives and standards of Clause 56 (Residential Subdivision) which is an indication of the suitability for the land to be developed.

The application underwent notification and as a result there were 5 submissions received. Concerns raised by submitters were considered in the assessment of the application.

It is recommended that Council resolve to issue a notice of decision to grant a planning permit for planning application 230002, subject to conditions.

Recommendation

That in relation to planning permit application 230002 for Two lot subdivision and the creation of a restriction located at 7 Connor Place, Kilcunda. Council resolves to issue a Notice of Decision to Grant a Permit subject to the following conditions.

1. **The layout and site dimensions of the hereby approved subdivision as shown on the endorsed plans must not be altered without the written consent of the responsible authority. There are no requirements to modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plans**
2. **The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.**
3. **All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.**
4. **The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.**
5. **Before the issue of a Statement of Compliance under the Subdivision Act 1988, the applicant or owner must pay or agree to pay to the Council five percent (5%) of the site value of all the land in the subdivision to the Responsible authority as a contribution to public open space in accordance with Section 18 of the Subdivision Act 1988.**

Telecommunication Services

6. **The owner of the land must enter into an agreement with:**
   a) **a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and**
   b) **a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**
7. **Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:**

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

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

General Amenity Conditions

8. **No mud, dirt, sand, soil, clay, stones, oil, grease, scum, litter, chemicals, sediments, gross pollutants, animal waste or domestic waste shall be washed into, allowed to enter, or discharged to the stormwater drainage system, receiving waters or surrounding land and road reserves, during the construction works hereby approved to the satisfaction of the responsible authority.**
9. **No buildings or works shall be constructed on any existing easement (including implied sewer, drainage, telephone, gas, power, and water easement) or proposed easement without the further approval in writing of the Responsible Authority and/or the relevant service provider.**
10. **The development must be managed during construction so that the amenity of the area is not detrimentally affected through the:**
    a) **transport of materials, goods, or commodities to or from the land;**
    b) **appearance of any building, works or materials;**
    c) **emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, litter, dust, wastewater, waste products, grit, or oil; and**
    d) **presence of vermin or animals.**

Engineering Conditions

11. **Before certification of the Plan of Subdivision, detailed civil construction plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. All construction plans submitted for approval must be consistent with this permit and must conform with the requirements of all relevant servicing authorities. The plans must be drawn to scale with dimensions and an electronic copy (PDF) must be provided. The plans must show:**
    a) **Drainage of the subject land, including levels or contours of the land on AHD (including relevant external catchments) and all hydraulic computations. The drainage plan must be prepared in accordance with the requirements of the Infrastructure Design Manual (IDM) as amended and must provide for the following:**

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

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

iii. **The provision of stormwater detention within the site and prior to the point of discharge into Bass Coast Shire Council's drainage system. The stormwater detention system must be designed to ensure that stormwater discharges arising from the proposed development of the land are restricted to pre-development flow rates.**

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

v. **No part of any above ground stormwater detention system is to be located within a stormwater drainage easement or a sewerage easement unless with the Responsible Authority's written approval.**

vi. **Any above ground detention tanks to be deferred via a Section 173 agreement must be noted on the plans.**

b) Vehicle and pedestrian access and car parking to the satisfaction of the Responsible Authority including:

i. **A vehicle access to each lot in the subdivision, to be designed in accordance with IDM standards (SD 240). Clearance from obstructions including existing street trees, service authority assets, footpaths, kerb and channel, poles, rain gardens, pits, cables, pipes, bus shelters / stops, street furniture, signs, etc. must be shown on the plans.**

ii. **Building envelopes (existing or proposed), service authority assets on site, all easements (existing, proposed, and implied) and other building, drainage, and access restrictions / obstructions as applicable.**

12. **Before the issue of a Statement of Compliance for this subdivision under the Subdivision Act 1988, all stormwater discharging from the existing buildings must be conveyed to the legal point of discharge to the satisfaction of the Responsible Authority.**

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

14. **Before the issue of a Statement of Compliance for this subdivision under the Subdivision Act 1988, the following works must be completed to the satisfaction of the Responsible Authority including all necessary permits being obtained and inspections undertaken:**
    a) **All civil construction works, must be constructed in accordance with the civil design plans for the property as endorsed by the Responsible Authority pursuant to this planning permit.**
    b) **All drainage works (excluding any above ground detention tanks deferred via a Section 173 agreement) in accordance with the endorsed civil plans.**
    c) **Photographic evidence of the legal point of connection to Council's drainage system must be provided if Council inspection cannot be arranged prior to backfilling.**
    d) **Areas for vehicle access within the land must be constructed in accordance with the endorsed civil design plans.**
    e) **All proposed vehicle crossings must be constructed in accordance with the endorsed plans and IDM standards,**
    f) **All redundant infrastructure (including vehicle crossings) abutting the site shall be removed and the kerb, channel, nature strip and footpath shall be reinstated.**
    g) **Removal of any sheds or redundant buildings located on created land parcels not accommodating a dwelling.**

S173 Agreement

15. **Before the issue of a Statement of Compliance, the owner of the land must enter into an Agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987. The cost of the preparation, lodgement and registration and any subsequent removal of the Agreement shall be borne totally by the owner of the land. The Agreement must be registered on the certificate of title for the land. Evidence of the registration of the agreement must be provided to the Responsible Authority prior to the issue of a Statement of Compliance authorised by this permit. The Section 173 agreement must provide for the following:**
    a) **Before an Occupancy Permit is issued for a dwelling on lot 2, a stormwater detention tank must be installed in accordance with the endorsed drainage plans;**
    b) **The owner will maintain and not modify the on-site storm water detention system without prior Council written approval, and will allow the system to be inspected by a duly appointed officer of the Council at mutually agreed times;**
    c) **The capacity of the on-site stormwater detention system cannot be reduced and must be maintained to the satisfaction of the Responsible Authority; and**

d) The owner will pay for all the costs associated with the operation, maintenance, and Council inspection of the on-site storm water detention system.

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

a) The plan of subdivision is not certified under the *Subdivision Act 1988* within two years of the date of this permit; or

b) Registration of the plan of subdivision is not completed within five years of the certification of the plan of subdivision under the *Subdivision Act 1988*.

A permit may be extended in accordance with Section 69 of the *Planning and Environment Act 1987*.

PERMIT NOTES

A. Asset Protection Permit

Unless exempted by the Bass Coast Shire, an Asset Protection Permit must be obtained prior to the commencement of any proposed building works, as defined by Local Law No. 1 Neighbourhood Amenity 2012. Bass Coast Shire Council's Asset Protection Officer must be notified in writing at least 7 days prior to the building works commencing or prior to the delivery of materials/equipment to the site.

B. Road Occupation Permit

A Bass Coast Shire Road Occupation Permit must be obtained prior to the commencement of the construction of all new vehicle crossings and for the upgrading, alteration or removal of existing vehicle crossings. The relevant fees, charges and conditions of the Road Occupation Permit will apply to all vehicle crossing works. It is a requirement that all vehicle crossing works be inspected by Bass Coast Shire Council's Asset Protection Officer.

C. Stormwater Discharge Point

A Bass Coast Stormwater Discharge Point must be obtained prior to the connection of all new stormwater drainage into Bass Coast Council's stormwater drainage system. All new stormwater drainage connections must be inspected by Bass Coast Council's Asset Protection Officer before any backfilling of the connection is undertaken.

Attachments

1. A T-1 Proposed Plan of Subdivision [**8.3.1** - 1 page]
2. A T-2 Site context and design response [**8.3.2** - 1 page]
3. A T-3 Drainage Strategy Plan [**8.3.3** - 1 page]
4. A T-4 Planning Report [**8.3.4** - 28 pages]
5. CONFIDENTIAL REDACTED - A T-5 Objections [**8.3.5** - 13 pages]

8.4 Bridges Renewal Program, Heavy Vehicle Safety and Productivity Program

8.4 Bridges Renewal Program, Heavy Vehicle Safety and Productivity Program

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 seek authorisation from Council to submit three grant applications through the Federal Government's Bridges Renewal Program, and Heavy Vehicle Safety and Productivity Program for the following projects:

- Grantville Glen Alvie Road renewal and upgrade
- Kongwak Road, Glen Alvie culvert renewal
- Loch Kernot Road, Kernot culvert renewal

These grant applications have commenced and if successful will contribute funding for priority rural road infrastructure renewal and upgrade projects as identified in Council's Road and Bridge Renewal program. Officers will withdraw the applications if Council choose not to authorise them.

Recommendation

That Council:

1. **Authorise grant submissions and allocate road and bridge renewal funding towards the current round of the Federal Government's Bridges Renewal Program, and Heavy Vehicle Safety and Productivity Program for the following projects:**
    - **Grantville Glen Alvie Road renewal and upgrade**
    - **Kongwak Road, Glen Alvie culvert renewal**
    - **Loch Kernot Road, Kernot culvert renewal**
2. **In the event of unsuccessful Bridge Renewal program funding endorse $812,000 be reallocated from the renewal program to fund the high priority culvert renewal projects for delivery in 2023.**

Background

Council pursues external funding opportunities for projects and programs that reflect the community's highest priorities, issues and projects and that are consistent with the current Council Plan, Long Term Financial Plan (LTFP), Budget and Advocacy Strategy.

The Federal Government Bridges Renewal Program (BRP) and the Heavy Vehicle Safety and Productivity Program (HVSPP) are complementary programs designed to provide up to 80% funding for projects. The program targets projects that upgrade and replace bridges to enhance access for local communities and facilitate higher productivity vehicle access and increase the productivity and safety of heavy vehicle operations.

Applications are accepted all year round and we anticipate tranches to close around the end of February, May, August and November each year. For applications to be successful, Council's own funding needs to be committed in line with program delivery requirements.

Bridge Funding Priorities

Council currently has eight major culverts that are nearing the end of life with two metal culverts needing renewal in the next 12 months and the Kongwak Road Culvert currently closed to traffic for safety reasons. Design investigations to renew the highest priority culvert at Kongwak Road, Glen Alvie are currently underway with the preliminary estimate at $550,000 to renew it.

A design for the next highest priority structure at Loch Kernot Road, Loch, is almost complete and is estimated to cost approximately $700,000 to re-line and over $1million to renew.

The third metal culvert is estimated to cost $150,000 to renew.

The total cost of all high priority major culvert renewal works over the next four years is estimated at $3million.

A previous feasibility study for the load-limited Stewart Road Bridge in Kernot identified options for realigning the road and renewing the bridge at a new crossing further upstream. The preferred option was estimated to cost approximately $10 million which is twice the limit of BRP funding. Council currently has allocated $3 million seed funding for the bridge upgrade in the LTFP with further feasibility work to renew the bridge planned for 2023/24.

Road Funding Priorities

The Gippsland Freight Strategy identifies the section of Grantville Glen Alvie Road as an important freight route and is one of Council's key road upgrade advocacy priorities. The section between Loch Kernot Road and Loch Wonthaggi Road requires renewal with upgrades to width and alignment to improve safety and accessibility for higher productivity trucks. Two sections are in poor condition with the first 1km section east of Tozer Road upgraded in 2021. Four kilometers of road remain to be upgraded with the 1km section east of Loch Kernot Road needing renewal. Renewal and upgrade of the remaining 4km is estimated to cost $6 million.

Discussion

The Federal Government BRP and the HVSPP are ideal sources of funding to help Council bring forward the highest priority road and bridge renewal and upgrade works. The Australian Government will contribute up to 80% of the cost for successful projects located in regional areas. If successful in the best-case scenario 80% of project costs would be funded for the three priority projects with the remaining 20% funded from Council's own budget.

If both culverts are successfully funded through the BRP, the minimum Council funds required is $250,000, enabling both projects to be completed in the next 12 months. If unsuccessful with either bid, the Loch Kernot Rd Culvert renewal and other culvert renewal priorities would need to be funded from other programs or grants.

If Grantville Glen Alvie Road upgrade project is successfully funded through the HVSPP, the minimum Council own funds required would be $1.2 million enabling Council to complete the remaining 4km upgrade by 2025.

Sustainability Implications

The sustainable delivery of Council's services is dependent on asset infrastructure which has been developed and maintained over generations. This investment continues to grow through Council's capital investment program and developer contributed assets. Most of Council's assets are long lived and require ongoing investment in maintenance and renewal activities to ensure they deliver the required levels of service expected by the community.

Asset management combines management, financial, economic, and technical practices with the objective of meeting required service levels through physical assets in the most cost-effective manner. A responsible element of asset economic management is to seek alternative sources of funding, leveraging Council's own resources to enhance our capacity to care for our existing assets providing essential services for our community.

Finances

As overall stewards for infrastructure assets that are owned or controlled by Council, Council needs to consider appropriate resources for asset management activities in the LTFP and the annual budget. The following tables are an overview of current LTFP projected funding allocations for Road and Bridge Renewal and Upgrade programs and proposed funding application amounts for each nominated project:

Program	2023/24	2024/25	2025/26	2026/27
Bridge renewal program	$688,000	$602,000	$106,000	$112,000
Bridge upgrade program *	$0	$100,000	$1,900,000	$1,000,000
Rural road renewal program	$1,492,000	$1,224,000	$1,220,000	$1,360,000
Road upgrade program	$310,000	$285,000	$292,000	$300,000

* Upgrade funding planned for Bass River bridge on Stewart Road, Kernot

Grantville Glen Alvie Road renewal and upgrade

Project Cost Estimate	$6,000,000
Council contribution minimum	$1,500,000
Heavy Vehicle Safety and Productivity Program	$4,500,000

In 2024/25 Council is planning to fund approximately $1.5 million to renew and upgrade the highest priority 1km section of Grantville Glen Alvie Road. Using this money as seed funding it is possible through the HVSPP to source the remaining $4.5 million and upgrade the remaining 4km section between Loch Kernot Road and Loch Wonthaggi Road.

Kongwak Road, Glen Alvie culvert renewal

Project Cost Estimate	$550,000
Council minimum contribution	$110,000
Bridges Renewal Program	$440,000

Loch Kernot Road, Kernot culvert renewal

Project Cost Estimate	$700,000
Council minimum contribution	$140,000
Bridges Renewal Program	$560,000

Stakeholders

Road and bridge accessibility and safety concern all motorists and cyclists using public roads within Bass Coast Shire. Adopted service standards and associated expenditure are captured in Council's Road Asset Management Plan, Road Management Plan, 10-Year Asset Plan and Long Term Financial Plan. Council reviews these plans regularly and incorporates public consultation as a core part of the review process.

Conclusion

Council currently has eight major culverts that are nearing the end of life with two metal culverts needing renewal in the next 12 months and another closed to traffic for safety reasons.

The Gippsland Freight Strategy identifies Grantville Glen Alvie Road as an important freight route and is one of Council's key road upgrade advocacy priorities.

The Federal Government Bridges Renewal Program and the Heavy Vehicle Safety and Productivity Program are ideal grant opportunities to leverage existing Council funds to bring forward these important projects.

Governing Documents

- Asset Management Policy 2022-2026
- Road Asset Management Plan 2019-2023
- Road Management Plan 2022

Attachments

Nil

8.5 Bass Coast Skate Strategy Review 2023

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

Declaration

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

Summary

The purpose of this report is for Council to consider the Skate Park Strategy Review. The Skate Park Strategy review has been undertaken to analyse what has been achieved since the adoption of the Bass Coast Skate Strategy in 2018 - 2028. The review sets out a revised vision for the existing and future skate parks across the Shire. The review will be supplementary to the existing Strategy.

The Skate Park Strategy Review details a new direction for providing skate facilities throughout the Shire. It includes a local level skate park for Richard Grayden Memorial Reserve in Newhaven and two sub-regional facilities located in Wonthaggi and Cowes.

Recommendation

That Council adopts the Bass Coast Skate Park Strategy Review and incorporates the recommendations into the Skate Strategy 2018-2028.

Background

A review of the existing Skate Park Strategy (2018 - 2028) has been conducted. The review provides an update of the key deliverables since the adoption of the original Skate Strategy.

There has been significant investment from Council in skate facility provision since 2018. This includes the major redevelopment of the Cowes Skate Park and new local level skate facilities constructed at Grantville and Corinella. In addition to this, a new local area skate park is currently under construction on the foreshore in Kilcunda. Remedial works have been undertaken on both the Inverloch and Wonthaggi skate parks to improve their performance and safety.

The Skate Park Review responds to challenges surrounding a suitable location for a regional skate facility within the Shire, which was a key pillar of the Bass Coast Shire Skate Strategy 2018 - 2028. The review also determines a suitable level of skate park for Richard Grayden Memorial Reserve in Newhaven.

The Skate Park Strategy Review updates Council's vision for skateparks across the Shire in line with Active Bass Coast and Recreation Reserve Master Planning. It provides a new direction regarding a regional facility and further strengthens the need and justification for developing future skate parks throughout the Shire.

Discussion

The original Skate Strategy incorporated a hierarchical model for skate parks that included local, district and regional level facilities. Whilst having a single large regional facility is a valid and justified approach for many councils, the geographical make-up and subsequent population distribution of Bass Coast Shire made it difficult to select an appropriate location. Given there are two main clusters of population within Bass Coast (Phillip Island/Surrounds and the Wonthaggi/ Inverloch area), the Skate Park Strategy Review recommends a new model that will create two sub-regional facilities at each of the Shire's two main population centers in Wonthaggi and Cowes.

The design of a local level skate park in Newhaven and a sub-regional facility in Wonthaggi are listed as short-term priorities within the review. Subject to the review's adoption, the design for a local level skate park at Richard Grayden Memorial Reserve in Newhaven will be undertaken in 2023/24. Community consultation would take place throughout the design process.

The new sub-regional facility for Wonthaggi will be located at the Wonthaggi Recreation Reserve on the site of the existing skate park. The feedback received during the consultation highlighted that the existing skate parks throughout the shire do not contain elements that challenge experienced skaters looking to progress their skills so they can compete at a higher level. Council officers will work with the community to design a skate park that is usable by all levels of skater and include some challenging features for skaters wanting to build on their skills.

The new sub-regional facility in Cowes will be located at the Council-owned site on the corner of Ventnor and Phillip Island Roads where Council intends to develop a future recreation precinct. The development of this facility will align with the establishment of the Master Plan for the site and is considered a longer-term priority.

Sustainability Implications

There are no sustainability implications associated with this report.

Finances

There are no financial implications associated with this report.

Stakeholders

The consultation process for the review consisted of a survey being placed on Engage Bass Coast for interested community members to complete, as well as Council initiated pop-up sessions at three key skate park locations (Wonthaggi, Newhaven, and Cowes). Feedback via survey was open from 15 December 2022 until 3 February 2023. 237 responses were received.

The feedback received consisted of an equal mix of genders, whilst just under half of the respondents were representing their children. The majority of those surveyed are regular users of existing skate facilities in Bass Coast, whilst over half travelled outside of the Shire to visit other skate parks. There was resounding support for the proposed sub-regional facilities in Cowes and Wonthaggi. Feedback indicated that the two facilities should complement each other and contain different skate components that increase the variety for skaters across the Shire.

The recommendation within the review for a local level skate park to be constructed at Richard Grayden Memorial Reserve met some resistance at the pop in session in Newhaven. Concerns surrounded the scale of the skate park and were linked to the initial proposal which was to put a regional facility at the Reserve.

Council officers confirmed at the Newhaven session that the skate park would be scaled to that of a local level skate park and designed, in consultation with the community, to integrate with the existing play space. Feedback also suggested that the facility should be aimed at attracting beginners. It was also noted that the community did not want the facility to encroach on the existing green open space at the reserve.

Overall, the majority of respondents to the survey and those who attended the pop in sessions in Wonthaggi, Newhaven, and Cowes, believed the proposed facilities would meet their needs and encourage them to use the skate parks more often.

Council officers will continue to consult with the community throughout the design and construction of skate parks across the Shire. The feedback and detail provided throughout such consultation is critical to ensuring skate facilities are constructed to meet the demand of users and satisfy local communities in which they are built.

Conclusion

The Skate Strategy Review acknowledges the work delivered to date as part of the 2018 Strategy. It provides clear direction for the future provision of skate facilities across Bass Coast and ensures skaters can access quality skate facilities within the Shire. The adoption of the Skate Strategy Review will enable Council officers to continue to work with the community in designing and constructing skate parks that meet demand and provide facilities that cater to all levels of skaters.

Governing Documents

Bass Coast Shire Council Skate Strategy 2018

Active Bass Coast 2018

Attachments

1. 2023 04 28 BCSC Skate strategy review final [**8.5.1** - 13 pages]

84 Draft Urban Forest Strategy

8.6 Draft Urban Forest Strategy

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 seek Council adoption of the Urban Forest Strategy incorporating feedback from a second round of community consultation.

Expanding and growing the urban forest in Bass Coast Shire Council is a key initiative towards adapting to a changing climate. Urban forests provide a wide range of benefits such as improving air and water quality, reducing urban heat island effects, providing wildlife habitats, and enhancing the aesthetic value of the environment.

Recommendation

That Council adopt the Urban Forest Strategy 2022 - 2040.

Background

The draft strategy is the first of its kind for Bass Coast. It directly supports the delivery of the Council Plan 2021-2025, Community Vision 2041 and is a key action identified in the Climate Change Action Plan 2020-2030.

By adopting and implementing this Strategy, Council is directly seeking to:

1. **PROTECT** our urban forest
2. **GROW** our urban forest and ensure all communities enjoy the benefits of urban greening; by aiming for 40% canopy coverage across all townships by 2040, with no neighbourhood falling below 25% canopy coverage
3. **EMPOWER** our community and other land holders to protect and grow the urban forest on their land
4. **EMBED** best practice urban forest principles into our everyday work.

Discussion

Bass Coast is fortunate to still have a substantial cover of vegetation in many urban areas, but this vegetation is in decline. Without a concerted effort to protect and enhance the existing urban forest, Council can expect to see a continual decline of the urban ecosystem over coming decades.

The draft Urban Forest Strategy recommends the following priority actions to deliver the outcomes and help transition our urban forest into a healthy and viable climate change adaptation tool.

Priority Actions for Council

1. Improve our tree and vegetation data. Compile a detailed tree inventory, including data on vacant street tree sites and baseline urban forest cover for all remaining townships.

2. Continue to support and resource the enforcement of tree protection mechanisms such as the Local Law No 30 and the Significant and Protected Tree Register.

3. Develop a Street and Park Tree Protection and Removal Policy outlining clear and transparent protocols for tree protection and removal on public land.

4. Develop an annual street and park tree planting program that will:

   a. Plant 1,500 trees per year (an increase of approx. 1,200 trees per year on the current program)

   b. Utilise species from our Species Selection Matrix that are likely to adapt well in our changing climate

   c. Increase shade and vegetation cover in townships with low tree canopy cover and a high number of vacant sites, as a priority

   d. Improve landscape character and amenity as well as shade in areas of high pedestrian activity such as along shopping strips, walkways, schools, new developments, in parks and around sports grounds

   e. Prioritise the planting of native and indigenous vegetation where this can enhance urban Biolinks

   f. Include diverse understorey plantings where possible

5. Build organisational capacity, improve risk management and planning outcomes through appropriate resourcing.

A thematic analysis of the community consultation feedback highlights that a successful urban forest in Bass Coast will be indicated by:

- a year-on-year increase in canopy cover,
- equitable benefits for everyone in the community,
- a sustainable program of planting that can be maintained over time,

- community participation in growing and understanding the value of the urban forest,
- support for biodiversity and creating links for wildlife, and
- trees working in synergy with other infrastructure.

By focussing on these goals, Bass Coast can build a healthier and more resilient environment that supports the physical and mental well-being of its residents, while also mitigating the impacts of climate change.

Our community clearly wants to see their urban forest thrive, and to be able to connect with nature and wild spaces. However, the strategy identifies that Bass Coast's existing urban forest is under increasing pressure on multiple fronts, including:

- fragmentation
- dieback
- poor quality development
- infrastructure conflicts
- climate change

Sustainability Implications

Our urban forest is one of the most efficient and cost-effective tools available for adapting our region to climate change. Providing vegetation cover enhances neighbourhood character and sense of place while supporting biodiversity and connectivity in the landscape.

There are many benefits of urban greening. Tree shade can improve energy efficiency and reduce electricity consumption in buildings, and encourages more active modes of transport such as walking and cycling.

Well placed urban trees also absorb carbon dioxide, remove air pollutants, reduce the urban heat island effect and help to intercept and manage stormwater.

Finances

Development of the Urban Forest Strategy was included in the 2022/23 budget. Implementation actions of the Urban Forest Strategy will be referred to future budgets and funding programs for consideration.

Stakeholders

At the ordinary meeting on 14th December, Council endorsed the release of a draft strategy for community consultation. This is the second round of engagement and was open from 18th December 2022 to 20th February 2023 and engagement consisted of:

- Community – online survey and written submissions
- 37 Individual surveys and
- 11 community submissions
- Natural Environment Strategy Advisory Group
- Bunurong Land Council

Feedback from all these sources has been incorporated into the final draft Strategy to improve outcomes. The proposed improvements are practical and address important challenges such as monitoring vegetation loss, accommodating trees and bushes on private land, developing resources to improve weed control, minimising impacts on trees during infrastructure planning and collaborating with schools to protect significant remnant forests on school grounds.

By implementing these improvements, Council can strengthen the protection and management of the urban forest, enhance its ecological value and connectivity, and ensure that it continues to provide multiple benefits to the community.

Conclusion

Our urban forest plays a critical role in supporting Council's strategic objectives – including climate adaptation, health and wellbeing, place making, and sustainable development.

Long-term strategic investment in the planning, maintenance, and management of the urban forest is crucial to achieve the outcomes desired by our community.

Community feedback has been incorporated into the final draft strategy to ensure that the needs and perspectives of the community are considered. By gathering input from a diverse range of stakeholders, the strategy has been tailored to address the unique needs of various neighbourhoods and communities.

Governing Documents

- Council Plan 2021-2025
- Health and Well Being Plan 2021-2025
- Climate Change Action Plan 2020-2030
- Natural Environment Strategy 2016-2026
- Biodiversity Biolinks Plan 2018
- Local Government Act 2020
- Planning and Environment Act 1987

Attachments

1. BCC A 4 Urban Forest Strategy electronic version b [**8.6.1** - 58 pages]
2. Draft Urban Forest Strategy (1) [**8.6.2** - 4 pages]

87 First Nations Naming of New Cultural Centre

8.7 First Nations Naming of New Cultural Centre

Division	**Partnerships, Economy & Culture**
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 seek Council's endorsement to name the new cultural centre in Cowes with a First Nations name. This outcome is:

- consistent with Council's commitment to First Nations reconciliation,
- recognises the unique role of Traditional Owners,
- encouraged by Geographical Names Victoria (GNV), and
- appropriate for a significant cultural space.

The report outlines the process that includes Bunurong Land Council Aboriginal Corporation (BLCAC), GNV and community participation to achieve this outcome. Included in the report are the First Nations language words provided to Council by BLCAC.

The recommended naming process would allow the Bass Coast community to vote on four First Nations naming options, prior to Council adoption and submission of the final name to GNV.

Recommendation

That Council:

1. **Endorse the proposal to name the new Cultural Centre with a First Nations name, and**
2. **Receive the four names provided by BLCAC and undertake a community engagement process to select one of the four names for the new facility.**

Background

The development of the new cultural centre will be completed in 2023. The new facility will bring together the cultural and social aspirations of the community to express our stories and showcase the culture and history of the region.

As the construction nears completion, the opening of the building provides an opportunity for naming to create a new local landmark.

The naming process for public infrastructure, buildings and open space can take many forms with policy settings to guide the process including the Geographical Place Names Act 1998.

One of the key shifts in naming processes is to acknowledge the extensive history and heritage associated with First Nations communities. Many councils now recognize the opportunity of naming public places as an act of reconciliation and an opportunity to build genuine and meaningful relationships between First Nations and non-Indigenous communities.

Discussion

The naming of public buildings with First Nations language is a visible act of reconciliation and as such, naming a prominent cultural landmark presents Council with an opportunity to acknowledge First Nations communities in a meaningful and lasting way.

It is clear that Council has a strategic direction and imperative to seek acts of reconciliation.

Council's Community Vision 2041, developed by a deliberative panel of community members states that:

"*We live proudly on Bunurong Country and build on learnings from our First Peoples and their knowledge. We co-exist in harmony with our environment and are prepared for future challenges and changes.*"

Council's Acknowledgement of Country, represented in all key strategic documents states that:

"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."

It is also a key strategic action in our Council Plan 2021-2025.

Naming the new cultural centre with a First Nations name delivers is consistent with our stated intentions.

Naming options

Under GNV Naming rules for places in Victoria – Statutory requirements for naming roads, features and localities – 2022 (Naming rules),

- The use of Traditional Owner languages in the naming of roads, features and localities is encouraged, and is subject to agreement from the relevant Traditional Owner group(s).
- Naming authorities must consult with the relevant Traditional Owner group(s) prior to any public consultation on the proposed name(s) in Traditional Owner language.

In anticipation of this opportunity, BLCAC were consulted on the development, and have provided Council with four naming options in the local Boon Wurrung language, along with English translations.

BLCAC provided the following First Nations naming options for the building:

1. **Barmewoon**
   Meaning: Only My Strength
2. **Mogarmarlarly Murk**
   Meaning: Lead Me
3. **Berninneit**
   Meaning: Gather Together
4. **Kummargee**
   Meaning: Rise Up

It is a condition of BLCAC that any language options provided to Council are not offered as a choice against other language options. This is consistent with current practice where Traditional Owners are engaged.

Pronunciation

There is a strong tradition of using First Nations language in Australia with hundreds of names in use across the country for localities, towns, landmarks and facilities. Pronunciation guides will be provided through the engagement process.

Naming Process

Any new building name must be compliant with Naming rules to be accepted by GNV. Naming rules require Council to provide the community with the opportunity to object or make a submission.

Community involvement will immediately commence should Council endorse the process at the May Council meeting:

1. A page will be published on the Engage Bass Coast website announcing the First Nations language word options, seeking feedback, and gauging community preference. The poll will be open for a minimum of 30 days, as per Naming rules, and ask participants to select their preference, indicate why it resonates with them, and offer the opportunity to make comments, suggestions and objections.
2. Each respondent must provide a name and address for their preference to be recorded as valid by GNV.
3. Other forms of engagement including a media release and direct mail to relevant community groups will encourage community participation in the poll.

After the engagement period has closed, data from community submissions will be collated and a report brought to formally endorse a name at a future Council Meeting.

Sustainability Implications

There are no sustainability implications associated with this report.

Finances

There are no financial implications associated with this report.

Stakeholders

Bass Coast Shire has a Community Engagement Policy which references the International Association for Public Participation (IAP2) engagement spectrum to determine best engagement practice.

Council is leading this naming initiative and it will involve the community in the decision-making process. It is recommended that Council endorse a First Nations name for the new cultural centre and then ask community to choose between the four names provided by BLCAC.

Council has previously consulted with the Bass Coast Australian First Peoples Advisory Committee and with BLCAC.

Conclusion

Development of the new cultural centre provides an opportunity for Council to create an iconic cultural landmark in Cowes Township. Council is requested to endorse the decision to choose a First Nations name for the building. This action will demonstrate Bass Coast Shire Council's leadership and is consistent with Council's commitment to First Nations reconciliation.

A name using First Nations language is appropriate for a significant cultural space and is a major acknowledgement of the Bunurong as the Traditional Owners of the lands and waters of Bass Coast.

The recommended process provides the opportunity for the whole community to participate.

Governing Documents

- Geographic Place Names Act 1998

Attachments

Nil

68 Advocacy Strategy

8.8 Advocacy Strategy

Division	**Partnerships, Economy & Culture**
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 present the Advocacy Strategy 2023-26 for adoption by Council.

The Council Plan 2021-25 provides direction on how the council will collaborate with residents to achieve the community's aspirations outlined in the Bass Coast Community Vision 2041. The plan contains various strategies and initiatives that we will implement to realise our vision for a Bass Coast that is "recognised for its natural environment and healthy, inclusive communities." This Advocacy Strategy supports each of the six strategic objectives outlined in the Council Plan.

By following the strategy guidelines, Council will advocate on issues and opportunities that align with the Council Plan and are significant to the community. It will allow Council to advocate with confidence, balance, research, and respect, building upon strategic relationships with the community, partners, and stakeholders. Additionally, it will set a flexible and dynamic approach to enable council advocacy priorities to adapt and accommodate unexpected or unique circumstances in a changing environment.

The Advocacy Strategy 2023-26 is presented to Council for consideration.

Recommendation

That Council adopt the Advocacy Strategy 2023-26 and implement the actions outlined within the plan.

Background

Advocacy is a deliberate process that aims to represent the needs of our community and influence decision makers to achieve a positive outcome for the Bass Coast community. It seeks to bring about positive changes in policies and services that impact Bass Coast at a local, regional, and national level.

The Council Plan 2021-25 emphasises the importance of advocacy. The previous Advocacy Strategy (2018-21) was adopted in June 2018, with the Annual Action Plan 2022-23 committing to a review of the Strategy.

Discussion

The revised Advocacy Strategy aims to provide the Bass Coast Shire Council with a framework to represent our community confidently. The strategy will support Council to:

1. Advocate to improve State and Federal government investment in Bass Coast facilities and services, as well as to develop state and federal policies that benefit Bass Coast.
2. Represent the community's needs, opportunities, and concerns to key service providers and decision makers.
3. Encourage, empower, support, and work with the community.
4. Revise the priority list document that identifies key priorities and explains why additional funding support should be provided to the Bass Coast Shire Council for each.
5. Continue to ask, listen, and adapt to the priorities of the community.
6. Pursue opportunities for funding and support, including philanthropic possibilities.
7. Establish strong links within the community and foster healthy relationships with key stakeholders and all levels of government.

This strategy will guide Council in achieving our advocacy objectives, as outlined in our Council Plan and other strategies and positions adopted by Council, through key actions including;

1. Maintaining dynamic advocacy priorities
2. Developing action plans for advocacy priorities
3. Meeting with relevant State and Federal Minister(s) and Shadow Ministers
4. Building strategic partnerships
5. Attracting and securing funding for major projects
6. Sharing the Bass Coast story

Implementing the strategy will ensure that Council uses its resources (time, funds, and skills) effectively, minimises risks, and maximises opportunities.

The revised strategy emphasises the need for partnerships, the importance of priorities to guide which funding opportunities to seek, and sharing our story so that governments invest in our region.

Sustainability Implications

The Council Plan 2021-25, Outcome 3.6, highlights the importance of advocating for and creating sustainable and connected places that support active and low-emission transport options.

The proposed strategy is aligned with this outcome and aims to address the economic, social, environmental, and climate change challenges faced by the community.

By advocating for policies and services that promote sustainable practices, such as low-emission transport options and reliable public transport, the strategy can help create a more sustainable future for the Bass Coast community. The strategy can also help raise awareness about the importance of sustainability and encourage individuals and businesses to adopt sustainable practices in their daily lives.

Overall, the strategy has significant sustainability implications and will play a crucial role in promoting sustainable development and addressing environmental challenges.

Finances

There are no financial implications associated with this report.

Stakeholders

The strategy has a wide range of stakeholders, including the community, council, state and federal government and various partner organisations.

The community will continue to play a crucial role in the development and implementation of the strategy, with a focus on sharing stories and gathering feedback through various engagement programs. By involving the community in this process, the strategy can be tailored to meet the community's needs and priorities.

Council will also collaborate with various partner organisations, including One Gippsland, Peri Urban Councils Victoria, Municipal Association of Victoria, Australian Local Government Association, Food and Fibre Gippsland, Destination Gippsland, and Destination Phillip Island, to achieve the strategy's objectives. These partnerships will help maximise the benefits for the community and ensure that the strategy is aligned with broader regional and national goals.

The Strategy's priority projects will align with the Council Plan 2021-2025 and other strategies and plans developed or reviewed by Council. This alignment will ensure that our advocacy priorities meet the needs and priorities of the community and broader strategic objectives of Council.

Conclusion

The Advocacy Strategy is a crucial tool in achieving the community's aspirations outlined in the Bass Coast Community Vision 2041 and the Council Plan 2021-2025.

The revised strategy, with its three new pillars, will guide Council's advocacy efforts in cultivating partnerships, seeking funding, and sharing its story.

Measures of success will include;

- Successfully advocating for funding
- Successfully advocating for changes in government policy
- Promotion of social justice issues

- Stronger ties with strategic partners

These measures will see Bass Coast Shire Council establish strong leadership at the local, state, and federal levels, enhancing the community's confidence and resilience.

Governing Documents

Bass Coast Community Vision 2041

Council Plan 2021-25

Action Plan 2022-23

Attachments

1. Advocacy Strategy MARC H 23 FA Digital [**8.8.1** - 20 pages]

8.9 Quarterly Performance Report - Quarter Three - January - March 2023

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

Declaration

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

Summary

The Quarterly Performance Report provided in Attachment 1 presents a summary of Council's performance from January through to March 2023.

This report provides an update on the progress towards the completion of the Annual Action Plan for 2022/23. Five out of 24 actions have been completed to date. Four actions are forecast to be completed in 2023/24, with all others progress tracking well to be completed by 30 June 2023. There are three actions remaining from the 2021/22 Annual Action Plan that are also reported against. One of these actions has now been completed with the remaining two close to completion.

This report also provides an overview of Council's year to date and forecast 2022/23 financial performance. Council's forecast net result is favourable to budget by $17.8 million with a $20.0 million surplus forecast for the year ending 30 June 2023.

Recommendation

That Council:

1. **Receive the March 2023 Quarterly Performance Report.**
2. **Note and approve the budget re-allocation of $206,876 of available funding from the Road Renewal Program to the Off Street Renewal Program to allow planned projects to be completed.**

Background

Section 96 of the *Local Government Act 2020* (the Act) requires councils to prepare a quarterly financial report that includes a comparison of its actual and budgeted financial results for the year to date, including explanations of any material variances and updated financial forecasts for the full financial year.

Council uses this opportunity to provide a summary of performance against the Annual Action Plan and celebrate achievements to provide transparency in its performance and maintain good governance practices.

Council's quarterly reports are published on its website and can be accessed by the public at any time.

Discussion

The purpose of this report is to provide advice on Council's performance for the months of January through to March 2023, including its performance against the Annual Action Plan 2022/23, financial performance against its 2022/23 Budget and capital works project delivery.

Annual Action Plan Performance

The Annual Action Plan 2022/23 contains 24 activities and initiatives to be delivered by 30 June 2023.

During this quarter the year one action plan from the Access, Equity and Inclusion Plan has been completed, the year one action plan for the Living Young Plan has been completed and progress against the Health Communities Plan is tracking well with year two actions nearing completion. Some important highlights are identified in the report including the success of the accelerated Bioinks program, events supporting and celebrating youth in Bass Coast, as well as milestones being reached in our capital projects including Guy Road – Corinella shared pathway and Thompsons Reserve cricket nets.

All actions are tracking well for completion by 30 June 2023, with the exception of three actions that are dependent on engagement and activities progressing with external stakeholders.

Financial Performance

Council's year to date (YTD) operating results reflect a $24.0 million surplus. This is due to the practice of raising rates and charges for the full financial year when the rates notices are issued in August each year. The YTD surplus is $4.9 million favourable to budget due to delays in recognising closed landfill capping costs.

Council's forecast net result is favourable to budget by $17.8 million with a $20.0 million surplus forecast for the year ending 30 June 2023. Similar to the Q2 results the main driver for this variance is $12.9 million in unbudgeted capital grants including funding for the Cowes Cultural Centre, Dinosaur Trail and Rhyll Boat Ramp and Playground.

Council's forecast adjusted underlying net result (which excludes capital grants and contributions) is a $0.3 million surplus.

During the period January to March 2023, some emerging issues have had an adverse impact on Council's projected full year results. These include:

- Higher than anticipated kerbside waste collection expenses
- Higher than anticipated landfill levy expenses

- Higher than budgeted leachate disposal due to unseasonably high rainfall
- Higher than budgeted planning legal expenses as a result of delayed DAL planning advice

Council's 2022/23 capital works program is forecast to be $54.1 million which is inclusive of multi-year projects that had budget allocated in previous years.

The Forecast Financial Sustainability risk indicators for 2022/23 prepared by the Victorian Auditor General are in the low-risk zone, with the following exceptions:

- Council is projecting an Adjusted Underlying surplus of $0.3 million
- Internal financing metric is forecast to be 62%. This reflects that Council has been the beneficiary of significant external funding for the delivery of its large capital works program.

Full details are provided in the attached quarterly report.

Detailed information on the capital works program is also provided in the quarterly report. It is highlighted that $206,876 of available funding from the Road Renewal program has been re-forecast to be expended to deliver the Off Street Car Park Renewal program and Council approval for this budget change is recommended.

Stakeholders

- Bass Coast Shire community
- Councillors
- Council officers

Conclusion

The Quarterly Performance Report (Attachment 1) provides the performance information for January through to March 2023.

The delivery of progress updates against all annual activities of the Council Plan 2021-25 and a financial report contribute to the ongoing enhancement of good governance across Council.

The March 2023 Quarterly Performance Report will be available on Council's website.

Governing Documents

Local Government Act 2020

Attachments

1. Q3 2022 23 Quarterly Report to the Community March 2023 (1) [**8.9.1**]

8.10 Review of Instrument of Delegation - Council to Staff

8.10 Review of Instrument of Delegation - Council to Staff

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 staff, revoke the previously adopted Instrument of Delegation from Council to staff and adopt the Planning Delegations Procedure.

This report is presented to Council to ensure the delegations are updated to reflect changes and requirements to all the relevant Acts and Regulations.

Instruments of Delegation are appointed to positions, not people. A power, duty or function applied to any position through an Instrument of Delegation cannot be on-delegated, but does cover anybody who is 'acting' in a position.

Recommendation

That Council:

1. **In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Bass Coast Shire Council (Council) resolves that:**
   1.1. **There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.**
   1.2. **The instrument comes into force immediately upon the resolution being made and is to be signed by the Council's Chief Executive Officer.**
   1.3. **On the coming into force of the instrument, all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.**

1.4. 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.

2. Adopt the Planning Delegations Procedure attached.

Background

Council currently exercises its powers to delegate to positions.

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.

The Planning Delegations Procedure has been established to provide the framework for delegation of planning responsibilities to facilitate efficiency, effectiveness, transparency and to ensure accountability for Planning decisions. The procedure breaks down the policy into operational procedures, providing guidance to Council Officers and Councillors on the processes and timeframes.

The previous Instrument of Delegation from Council to Staff was adopted 19 October 2022 and updates from Maddocks have identified changes to the following Acts/Regulations:

- Section 52 of the Cemeteries and Crematoria Act 2003 has been inserted relating to the duty to report annually to the Secretary.
- Regulations 25(a) and (b) of the Planning and Environment Regulations 1987 have been slightly amended by the Planning and Environment Amendment Regulations 2022, to refer to the public availability requirements.

Planning and Environment Act 1987 conditions updated as outlined in the Statutory Planning Delegations Review attached. Review of all delegations across the document and amendments to position titles have been updated accordingly.

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 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 staff for the powers, duties and functions under the relevant legislation as outlined in the attachment and adopt the Planning Delegations Procedure attached.

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.

- *Cemeteries and Crematoria Act 2003*
- *Domestic Animals Act 1994*
- *Food Act 1984*
- *Heritage Act 2017*
- *Local Government Act 1989*
- *Planning and Environment Act 1987*
- *Residential Tenancies Act 1997*
- *Road Management Act 2004*
- *Cemeteries and Crematoria Regulations 2015*
- *Planning and Environment Regulations 2015*
- *Planning and Environment (Fees) Regulations 2016*
- *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020*
- *Residential Tenancies Regulations 2021*
- *Road Management (General) Regulations 2016*
- *Road Management (Works And Infrastructure) Regulations 2015*

Attachments

1. S6 Instrument of Delegation Council to Members of Council Staff [**8.10.1** - 190 pages]
2. Planning Delegations Procedure [**8.10.2** - 6 pages]
3. Statutory Planning Delegations Review [**8.10.3** - 11 pages]

8.11 Delegated Authority to the CEO for Acceptance and Execution of Loan Quotation and Documentation

8.11 Delegated Authority to the CEO for Acceptance and Execution of Loan Quotation and Documentation

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

Declaration

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

Summary

Council's 2022/23 Budget provides authority for it to refinance the $11.737 million interim funding facility that it established in 2022 with Treasury Corporation Victoria (TCV).

TCV require Council to provide specific authority to the Chief Executive Officer to accept the loan proposal and pricing and execute the applicable loan facility agreements with the lender on Council's behalf.

As part of the 2023/24 budget process, Council has agreed to the repayment of $3.737 million of the funding facility and will accordingly be re-financing the balance of $8 million when it falls due for rollover in June 2023.

This report provides the Chief Executive Officer with specific authority to accept any quotation(s) received by Council for the purpose of refinancing this facility. Any Quotation(s) received pursuant to a request for quotation are valid at the time the financial institution provides the response. This requires Council to agree to and lock in the quoted interest rate on the same day.

While the Chief Executive Officer has delegated procurement of up to $1 million for budgeted expenditure, all loans and borrowings transactions require approval through a Council resolution.

Recommendation

That Council:

1. **Authorise the Chief Executive Officer to accept the loan proposal and pricing from TCV for a new interim loan facility of $8 million.**
2. **Authorise the Chief Executive Officer to execute the applicable loan facility agreements with the successful lender on behalf of Bass Coast Shire Council.**

Background

Council established a one year loan facility with TCV in June 2022. The 2022/23 Budget has provided for this facility to be re-financed in full when it falls due in June 2023. During the 2023/24 Budget deliberations Council indicated their support for an officer recommendation to repay $3.737 million of this loan when it falls due in June 2023 and re-finance the $8 million balance. The quantum of the expected annual interest payable is expected to be around $300,000.

In 2021 the Victorian Government approved TCV to become a direct lender to local Councils. The State's strong credit rating means it can borrow and lend money at cheaper rates than those that are commercially available to councils. This policy initiative will enable Victorian councils to achieve interest cost savings by being able to access low interest loans directly from TCV. This supports the recommendation to directly access the re-financing of this loan from TCV rather than seeking multiple quotations from other financial institutions.

Re-financing of the loan facility of $11.737 million is included in the 2022/23 Budget. This provides Council with the necessary authority to enter into the proposed loan transaction.

Discussion

Council has included in its Long Term Financial Plan principles that are in place to responsibly guide the use of borrowings, with a focus on borrowing only for new intergenerational projects. The interim funding facility is a legacy arrangement that was put in place to enable Council to access planned funding that has been deferred indefinitely. This facility is tied to a number of projects in the Capital Works Program and is identified in our Long Term Financial Plan.

As part of the 2023/24 budget process, Council has agreed to the repayment of $3.737 million of the funding facility and will be re-financing $8 million when this falls due for rollover in June 2023. Council can also directly access TCV (the current lender) who are on the State Government Panel for this purpose. As highlighted in the background the interest rates available through TCV reflect the benefits attached to the State's credit rating and are lower than those that other financial institutions can provide.

Council needs to delegate authority to the Chief Executive Officer to enable her to:

- Provide a same day acceptance of the loan re-financing offer provided by TCV and
- Commit Bass Coast Shire Council to the proposed loan re-financing offer.

Sustainability Implications

There are no sustainability implications associated with this report.

Finances

The financial impact of the proposed loan transactions is summarised below. The projected interest costs are in line with Council's forward estimates and will have an insignificant impact on its financial plan.

- Rollover of loan amount of $8 million at an estimated interest rate in the range of 3.75 per cent to 4.0 per cent per annum.
- Council's annual interest costs in relation to this loan rollover are expected to be between $300,000 and $320,000 per annum.

Re-financing of the loan facility of $11.737 million is included in the 2022/23 Budget. This provides Council with the necessary authority for the proposed loan transaction.

Stakeholders

Bass Coast Councillors

Bass Coast Community

The community was invited to provide feedback and submissions on Council's Long Term Financial Plan 2021-2031 which was adopted in October 2021. This Plan included a specific reference to the use of borrowings - "Borrowings have been identified as an important funding source for the capital works program". The Plan also details some guiding principles for the use of borrowings, including the need to cap borrowings at 60 per cent of rates and charges revenue.

Conclusion

Specific authority is required from Council to enable the Chief Executive Officer to accept any loan quotation(s) on Council's behalf and to execute a new loan agreement on behalf of Bass Coast Shire Council for the rollover of $8 million of the existing interim loan facility.

Governing Documents

- 2022/23 Bass Coast Shire Council Budget
- Draft 2023/24 Bass Coast Shire Council Budget
- Long Term Financial Plan 2021-2031

Attachments

Nil

Statutory Reports

9 Statutory Reports

9.1 Informal Meeting of Councillors Records

9.1 Informal Meeting of Councillors Records

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 2022,* requires all Informal Meetings of Councillors records to be reported at the next practicable Council Meeting and to be recorded in the minutes of that meeting. The purpose of this report is to meet this requirement.

Recommendation

That Council receive the attached Informal Meeting of Councillors records.

Background

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

- is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors and contains three or more Councillors;
- is a meeting of a Council Committee that a Councillor is appointed to;
- is attended by at least one member of Council staff; and
- is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting.

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

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

Sustainability Implications

There are no sustainability implications associated with this report.

Finances

There are no financial implications associated with this report.

Stakeholders

- Councillors
- Council Officers
- Guest presenters
- Community members

Conclusion

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

Governing Documents

Local Government Act 2020

Governance Rules 2022

Attachments

1. 5 April 2023 Councillor Briefings Informal Meeting of Councillors [**9.1.1** - 2 pages]
2. 11 April 2023 Monthly Planning Update Meeting Informal Meeting of Councillors [**9.1.2** - 1 page]
3. 12 April 2023 Councillor Briefings Informal Meeting of Councillors Record [**9.1.3** - 2 pages]
4. 19 April 2023 Councillor Briefings 19 April 2023 Informal Meeting of Councillors [**9.1.4** - 1 page]

9.2 Planning and Building Statistics - March 2023

9.2 Planning and Building Statistics - March 2023

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

Declaration

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

Summary

PERMITS REFUSED:

210496: Subdivision of the land in to 12 lots in Bushfire Management Overlay and Design & Development Overlay Schedule 1, Vegetation Removal and the creation of an access to a category 1 Road Zone located at Bass Highway, Grantville.

220338: Two lot subdivision in a Farming Zone (FZ1) located at 479 Berrys Beach Road, Ventnor.

230047: Removal of a tree in a Vegetation Protection Overlay (VPO2) located at 9 Southhampton Street, Rhyll.

PERMITS ISSUED:

Island Ward

220275: Three lot subdivision (boundary realignment) located at 161-163 Thompson Avenue, Cowes, 6 Melissa Court, Cowes and 207 Settlement Road, Cowes.

220318: Three lot subdivision located at 1 Page Avenue, Surf Beach.

220372: Three lot subdivision located at 14 Shorland Way, Cowes.

230042: Removal of native vegetation in a Vegetation Protection Overlay, Schedule 2 (VPO2) located at 381 Back Beach Road, Ventnor.

Western Port Ward

220238: Development of land for a replacement dwelling in a Design and Development Overlay (DDO1) and Bushfire Management Overlay (BMO1) located at 51 Stewart Street, Grantville.

220254: Use and development of a dwelling in a Farming Zone (FZ1) located at 1 Samuel Amess Drive, Newhaven.

220373: Use and development of the land for a dwelling in a Rural Activity Zone (RAZ) located at 519 Corinella Road, Coronet Bay.

220419: Development of land for a dwelling in a Design and Development Overlay (DDO1) located at 1B-2C Oceanview Drive, San Remo.

220454: Construction of a dwelling in a Design & Development overlay (DDO1) and Development Plan Overlay (DPO22) located at 7 Stella Maris Crescent, San Remo.

220456: Use and development of a replacement dwelling in the Farming Zone (FZ) and Significant Landscape Overlay (SLO1) located at 130 Gaws Road, Woodleigh.

230012: Construction of a garage associated with a dwelling in an Environmental Significance Overlay (ESO2) located at 36 Foreshore Road, Jam Jerrup.

Bunurong Ward

220337: Buildings and works in a Design and Development Overlay (DDO1) located at 37 The Esplanade, Inverloch.

220435: Extension to a dwelling on a lot less than 300sqm in a General Residential Zone (GRZ1) located at 1 Murray Street, Inverloch.

220446: Two lot subdivision and creation of a restriction located at 18 Hunter Street, Wonthaggi.

220465: Development of land for a dwelling in the Low-Density Residential Zone (LDRZ) and Bushfire Management Overlay (BMO) and Design and Development Overlay (DDO1) located at 117-121 Viminaria Road, Harmers Haven.

230008: Buildings and works in a Design and Development Overlay Schedule 9 (DDO9) located at 11 Beach Avenue, Inverloch.

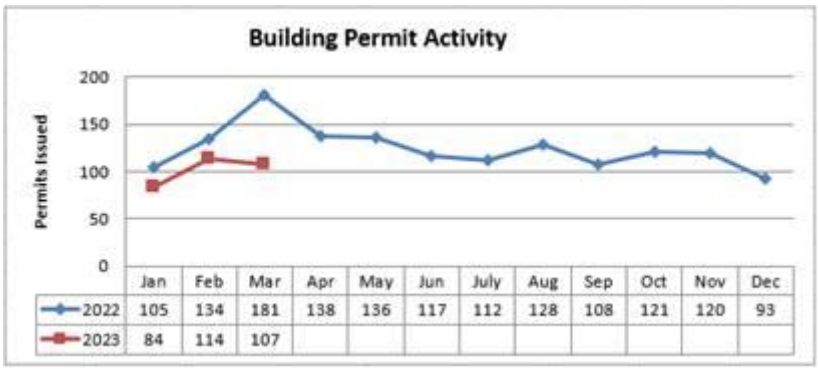
230017: Extension to the red line area associated with a liquor licence located at 1/23 A`Beckett Street, Inverloch.

PLANNING AND BUILDING ACTIVITY REPORT FOR MARCH 2023

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

Statutory Planning	This month (March)	Last month (February)	Year to date (FY)
% of applications determined within statutory timeframe	NA	80	NA
Average Gross Days (Responsible Authority determination)	NA	135.9	NA
(new) Average Gross Days to final outcome	NA	155.6	NA

Average Statutory Days (Responsible Authority)	NA	30	NA
Number of live applications	237	177	NA
Number of applications received for the month	52	28	375
Number of Responsible Authority outcomes	36	38	388
Municipal Building Services & Enforcement	**This month (March)**	**Last month (February)**	**Year to date (FY)**
Essential Safety Measure inspections	0	0	0
Report and Consent applications	22	33	277
POPE and Siting consents issued for temporary structures	1	1	8
Complaints received requiring investigation	7	9	92
New building enforcement cases	4	4	26
Number of open building enforcement cases	31	36	n/a
Building permits issued by Council	0	0	0



Planning Enforcement	**This month (March)**	**Last month (February)**	**Year to date (FY)**
New complaints/case files opened	8	*9*	**65**
Complaints/case files closed	12	*16*	**88**
Current open complaints/case files	**34**	*35*	-

Recommendation

That Council:

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

Attachments

Nil

9.3 Contracts Awarded & Extended under CEO Delegation

9.3 Contracts Awarded & Extended under 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 March 2023 to 31 March 2023, no contracts were awarded under the Chief Executive Officer's Instrument of Delegation.

Contracts Extended

For the period from 1 March 2023 to 31 March 2023, no contracts were extended under the Procurement Delegation Framework.

Governing Documents

Procurement Policy 2021

Recommendation

That Council notes that no contracts were awarded under financial delegations in accordance with the Procurement Policy during March 2023.

Attachments

Nil

9.4 Councillor Expenses for the Council Term - 9 November 2020 to 31 March 2023

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

Declaration

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

Summary

The *Local Government Act 2020* provides for the Mayor and Councillors to be paid an allowance and be provided with appropriate tools and support to enable them to properly fulfill their roles.

Recommendation

That Council receive the report on Councillor Expenditure for the Council term between 9 November 2020 and 31 March 2023.

Background

The Mayor and Councillors Expense Register includes:

- Mayor and Councillor allowances
- Conferences and professional development expenses
- Information technology and telecommunication expenses
- Travel expenses
- Car mileage travel claims submitted by Councillors
- Vehicle expenses
- Carer expenses

The Provision of Resources to Councillors Policy prescribes the range of resources that must be provided to the Mayor and Councillors to enable them to effectively carry out their role.

Sustainability Implications

There are no sustainability implications associated with this report.

Finances

The Attachment sets out details of Councillor Expenditure for the Council term between the dates 9 November 2020 to 31 March 2023.

Stakeholders

Stakeholders include the ratepayers of the municipality and Council.

Governing Documents

The statutory requirements and standards relevant to the provision of resources to Councillors include:

- Sections 39, 40 and 41 of the *Local Government Act 2020*.
- The provisions of the Council Support and Resources Policy.

Attachments

1. Councillor Expenses 9 Nov 2020 to 31 Mar 2023 [**9.4.1** - 1 page]
2. Councillor Expenses for the Council Term 9 November 2020 to 31 March 2023 (1) [**9.4.2** - 2 pages]

9.5 Chief Executive Officer Report to Council - Community Asset Committees Annual Report

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 outlines the activities of Council's Community Asset Committees (CACs) in the 2022 calendar year and satisfies the requirement under section 47(6) of the Local Government Act 2020 (the 'Act') that the CEO provide such a report to Council annually.

Recommendation

That Council:

1. **Notes this annual report of the activities and performance of Community Asset Committees; and**
2. **Thanks the Community Asset Committee volunteers for their contributions to the management of Council facilities during the 2022 calendar year.**

Background

Council's Community Asset Committees (CACs), formerly known as Section 86 Committees, were established by Council resolution in July 2020 in accordance with section 65 of the Act and operate under an Instrument of Sub-delegation of CEO powers. A CAC is established by Council for the purpose of managing a community asset in the shire. Council's CACs consist of volunteers who give their time to manage a range of facilities in Bass Coast on behalf of Council, including halls and reserves. The key duties of these volunteer committees include:

a) Manage, improve, maintain, and develop the asset for the overall benefit and safety of users and the community;

b) Advise Council in relation to the general development and ongoing maintenance of the asset;

c) Seek Council approval before undertaking any alterations, additions, or capital works to or at the asset;

d) Be responsible for the day-to-day management and maintenance of the asset;

e) Use the asset to the best economic advantage of the community;

f) Report on the finances and identified issues as directed by Council;

g) Maintain records and administer the asset and Committee's affairs in an open, transparent, and honest manner; and

h) Ensure the Committee remains financially sustainable / self-sustaining (i.e., that it has enough income to pay all its related expenses).

Throughout 2022, Council had ten (10) CACs managing the following community assets:

1. Cape Paterson Hall;
2. Corinella Hall;
3. Dalyston Recreation Reserve;
4. Dalyston Hall;
5. Glen Alvie Hall & Reserve;
6. Glen Forbes Reserve;
7. Kernot Hall & Reserve;
8. Krowera Hall;
9. Newhaven Hall; and
10. Rhyll Hall & Reserve.

The designated management areas of each committee are attached.

Discussion

Committees were requested to provide data as per their annual reporting requirements to Council under their Instruments of Delegation. The attached report provides information received by Council on the activities and performance of committees for 2022 and compares this to the prior year. Information includes:

- Committee membership;
- Number of meetings;
- Total income ($);
- Total expenditure ($);
- Last reported bank balance ($);
- Total number of hires; and

- Committee achievements.

In 2022, committees reopened facilities as COVID-19 restrictions were lifted. Many committees saw significantly increased hire numbers with the reopening. Committees are to be commended for their efforts in managing these assets on behalf of Council.

During 2022, feedback was sought on the establishment of a uniform fee schedule which was adopted and implemented. Council officers are working with several committees to improve their reporting of data for 2023. Further, officers will continue to review the best way to manage these Council assets into the future.

Sustainability Implications

Local communities have a sense of ownership, pride and great fondness for the assets that committees manage. The report provides information and accountability about how these facilities are run on behalf of the Council and provides insight into the activities of committees.

Finances

Committees are provided with an annual maintenance grant and supported by the Property Team.

Stakeholders

Council officers liaised with representatives of the committees. While the report necessitated engagement with the Community Asset Committees, broader engagement was not required.

Conclusion

The report provides visibility and recognition of Council's Community Asset Committees. This annual report draws attention to the overall activity and performance of the CACs, by providing a summary of financial and general data, and adding an additional level of transparency to how Council's CACs conduct their business in relation to their Instrument of Delegation.

Governing Documents

Under section 65 of the Local Government Act 2020, Council may establish a Community Asset Committee for the purpose of managing a community asset in the municipal district. Section 47 (1) allows for duties, functions and powers to be delegated to the committee members via the Chief Executive Officer. The delegation is provided via a written instrument, and includes specified terms and conditions, including limits on and purpose for financial delegation, compliance with governance requirements and monitoring and reporting of the activities and performance of each committee. Section 47(6) requires the Chief Executive Officer to submit an annual report to the Council in relation to the activities and performance of a Community Asset Committee in respect to the delegation provided by the CEO.

Attachments

1. CAC Annual Report FY22 [**9.5.1** - 1 page]
2. CAC Designated Management Areas F Y 22 [**9.5.2** - 3 pages]

10 Urgent Business

11 Mayoral Announcement of Next Meeting of Council

The next Council Meeting will be held on 21 June 2023 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 14 December 2022

13 Reports Requiring Council Decision Closed to the Public

13.1 Audit and Risk Committee Appointment of Independent Member

13.1 Audit and Risk Committee Appointment of Independent Member

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.