

Bass Coast Shire Council
Council Meeting Minutes

Wednesday 16 August 2023

Town Hall

Bass Coast Civic Centre

Baillieu Street East, Wonthaggi

Commencing at 1:00 pm

The meeting commenced at 1:03 pm.

Cr. Michael Whelan read the Virtual Meeting Statement, Mobile Telephone Reminder and Statement of Acknowledgement.

Virtual Meeting Statement

The Governance Rules 2020 allows Council meeting attendance by electronic means.

The requirement of the meeting being open to the public is satisfied by the meeting being streamed live to Councils internet.

In the event of technical issues with the livestream the meeting will not be adjourned as the meeting is open to the public.

Councillors are deemed as being in attendance if:

- They can hear proceedings
- They can see other members in attendance and can be seen by other members
- They can be heard (to speak)

Cr. Geoff Ellis read the Councillor Statement.

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1 Present and Apologies

Councillors:	Cr Michael Whelan Island Ward (Mayor)
	Cr Rochelle Halstead, Western Port Ward (Deputy Mayor)
	Cr Leticia Laing, Bunurong Ward
	Cr Brett Tessari Bunurong Ward
	Cr Les Larke, Bunurong Ward
	Cr Ron Bauer, Island Ward
	Cr David Rooks, Island Ward
	Cr Geoff Ellis, Western Port Ward
	Cr Clare Le Serve, Western Port Ward
Officers:	Mr Greg Box, Acting Chief Executive Officer
	Ms Robyn Borley, General Manager Business Transformation
	Ms Donna Taylor, Acting General Manager Partnerships, Economy and Culture
	Mr James Stirton, General Manager Place Making
	Ms Jodi Kennedy, General Manager Resilient Communities
	Ms Sharyn Tilley, Acting Manager Governance and Property
Apologies:	Nil

Cr Geoff Ellis was sworn in on Monday 14th August 2023 after the Victorian Electoral Commission conducted a countback of votes from the previous general election following the resignation of Bruce Kent.

2 Declarations of Interest

Cr. David Rooks declared a conflict of Interest in agenda item 8.9 Creation of Easements - Warley Ave, Cowes and Phillip Island Rd, San Remo under section 127 of the Local Government Act 2020.

3 Confirmation of Minutes

3.1 Council Meeting 19 July 2023

Council Decision

Moved: Cr. Brett Tessari / Seconded: Cr. Ron Bauer

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

CARRIED

4 Mayor and Councillor Reports

4.1 Cr Michael Whelan - Mayoral Report

Vale Noel McRae

It is with great sadness that we acknowledge the passing of Noel McRae who was a long serving member of Bass Coast Shire Council for over 20 years. Noel was known for the great empathy he showed our residents and was a very loved and valued member of Bass Coast. Noel was very active in his community including the Dalyston Football Club and Glen Alvie Cricket Club where his sons play. He will be remembered for his sense of humour, care for others and pride for his family and community. His colleagues fondly remember how proudly he would speak of his son's achievements. Our thoughts and support go out to Noel's family at this difficult time.

Activities

- Ali Wastie farewell afternoon tea
- Open Homelessness Day
- Welcome Cr Geoff Ellis afternoon tea

Meetings

Attended Council Workshops and Briefings

Chaired Councillor Only Meetings

Weekly meetings with CEO, Council Support and Communications

Additional Meetings:

- One Gippsland Members Meeting
- One Gippsland - Delegation Meeting with Minister Shing
- Dominique La Fontaine – SECCCA Meeting
- Victorian Greenhouse Alliances Conference 2023
- CEO Employment Matters Committee Meeting
- CEO Employment Matters Meetings
- Recruitment Agency de-brief meeting
- Renewables roundtable follow up meeting
- Cowes Cultural Centre Launch Meeting
- On Site Visit - Cape Woolamai Track
- Cr Geoff Ellis Oath/Affirmation of Office
- Peri Urban Councils Victoria - Delegation Meeting With The Deputy Premier The Hon Jacinta Allan MP
- Peri Urban Councils Victoria - Delegation Meeting With The Hon Harriet Shing MLC
- Peri Urban Councils Victoria - Delegation Meeting With The Office of The Hon Melissa Horne MP

- Planning for SECCCA Breakfast in October

Other

Media Enquiries/Interviews

Phone calls, emails and letters

4.2 Cr David Rooks - Councillor Report

Meetings

- Council meeting
- Project Control Group CCC
- San Remo and Phillip Island DMP discussion with Tourism Collective
- 1 on 1 meeting with acting CEO
- Chaired Bass Coast Event Advisory meeting

Briefings

- Weekly Wednesday Council Briefings
- Island Ward monthly planning briefings

Ongoing

- Prepared for monthly Councillor meeting.
- Dealt with constituents' issue and queries – email, phone.

4.3 Cr Rochelle Halstead - Councillor Report

I wish to thank Cr. Bruce Kent who resigned from his role as Councillor this month after 7 years representing his community on Bass Coast Shire Council. We only had a short time working together but he was a committed and passionate member of the Westernport Ward Team and I wish him all the very best.

Congratulations and welcome back to Westernport Ward Geoff Ellis who has continued to be involved in the Westernport Ward since the 2020 election and can now hit the ground running as part of the team again.

A huge "thank you" to the committee, supporters and participants in the KernArt Prize Art Show who after 6 magnificent art shows over several years providing the space for local artists of all abilities to share and show their work, have announced they are hanging up their boots. The program awarded more than $13,000 in prizes to artists and donated more than $24,000 to Bass Coast Health and the Kernot CFA with a particular focus on mental health the final donation of $6,500 was handed over to Bass Coast Health in July 2023. I'd like to acknowledge the efforts of committee members – Adam McLeod (Chairman), Rob Parson's (Vice Chair), Janice Orchard (Secretary), Mandy Taylor (Treasurer) and Emmy Van Nimwegan (Webmaster). A huge thank you to all volunteers over the years with special mention to Anne Duncan, the Wilkinson, Taylor and McLeod families.

It was an honour to have joined the Go Girls Foundation to celebrate 11 graduates of the program this year. What a courageous and inspiring group of women! A huge thank you to the sponsors of this incredible program that assists women from domestic violence, social isolation, homelessness, suffering from depression and/or anxiety. Michelle, Rita and the team Go Girls do an amazing job and the room at RACV Inverloch was filled with love and excitement for the future. Well done to all!

Congratulations to all the kids from Bass Valley Primary School, Powlett River Primary School, Wonthaggi North Primary School and Newhaven Primary School who got to show off their hard work in the community as part of the "Kids for Catalysts" Program this year held at the Dalyston Hall. It is always a pleasure to see the innovative ways the kids reach out to make a difference in their communities. Once again the School Principals, Teachers, Bass Coast Community Foundation and Bass Coast Council pitched in but really it was the kids that shined!

I report my study in the AICD course has begun. At this early stage the course is self-driven with topics covered so far being: Governance, Legal and currently Risk and Strategy. It has taken a strong commitment of time however I cannot state strongly enough how relevant the topics of this course are to the role of Councillors and I am looking forward to growing my knowledge in the weeks ahead.

Thank you to so many who have contacted me to express their support and encouragement.

Western Port Biosphere News

Blue Carbon Following the strong support of the several council members of Western Port Biosphere the state government has announced a $1.2 million investment in Blue Carbon within the UNESCO Biosphere Reserve. Western Port Biosphere will be working with the Bunurong Land Council to help improve Western Ports marine ecosystems and its growing potential as a site for blue carbon capture.

UNESCO status confirmed for next decade formal feedback has been received from UNESCO the Periodic Review submitted in 2022 was successful. UNESCO's response recognized and commended the efforts of all those involved in helping to achieve positive outomes for the Biosphere Reserve.

Western Port Strategic Framework thanks to the recent support of all Western Port Councils, a strategic framework for Western Port is under consideration by the State Government.

Council Briefings

- San Remo Project meeting Hawthorn FC Agreement wrap up Aquatics
- Developer Briefing x 2 Wonthaggi Secondary Site
- Integrated Transport Strategy Workshop

Council Meetings

- Minister Ingrid Stitt and Jordan Crugnale MP – Wonthaggi Kindergarten Announcement

Community Meetings

- Rural Engagement Group Morning Tea Corinella Community Centre Lunch
- San Remo Library – Opening PICES Exhibition Go Girls 2023 Graduation San Remo Tidal Festival Committee Meeting

4.4 Cr Leticia Laing - Councillor Report

Vale Nancy Pattinson

It is with sadness that I acknowledge the passing of Nancy Pattinson. I extend my sympathy to the family and friends of Nancy and those whose lives were touched by her compassion.

Nancy left this community in a better place than where it was; a truly valued member of our community and passionate advocate for people with a disability. I am extremely grateful for her membership to Council's Access & Inclusion Advisory Committee which she was a part of for many years and her extensive work in the Wonthaggi We Help Ourselves advocacy and action group for people with a disability. She also dedicated herself to advocate for mental health and she touched many lives through the Focusing on Care and Support Group.

An avid table-tennis player she was instrumental in the development of the Wonthaggi Table Tennis Association which no doubt was so successful in the league tables because of her.

Nancy's legacy is one of kindness, respect, and community support.

Events/Conferences

- Inverloch Jazz Festival – official opening
- Homelessness Awareness Event

Meetings

- Myli – My Community Library briefing
- Friends of the Albert Ruttle Estate
- Women Leading Locally inter-council women's group meeting
- Responding to various resident and community group inquiries.

4.5 Cr Geoff Ellis - Councillor Report

Aug 14

- Formally welcomed to Council.

Aug 15

- Attended briefings with officers to understand the detail of the August Council Meeting Agenda after reading the 200 page document.

5 Public Question Time

5.1 Melissa Dagg, Topic: Attendance to 19 July 2023 Council Meeting

I ask the Mayor to clearly and precisely provide the reason the Mayor stopped the public from attending in person to the General Council meeting, held on 19th July 2023?

Response:

The Mayor did not stop the public from attending the July 2023 Council Meeting. The meeting was open to the public for attendance via a livestream on Council's website in line with the Local Government Act 2020.

5.2 Melissa Dagg, Topic: Tender Contract 20005 – Cowes Cultural Community Centre

I request the council to disclose to the public how much money council paid for tender contract 20005 to Novate PTY LTD for the design and variation design for the replacement building of the Cowes Cultural and Community Centre?

Response:

In May 2020 Contract No. 20005 – Design Services for Cowes Cultural & Community Centre was awarded to Jackson Clements Burrows Pty Ltd for the contract sum of $1,348,360 plus GST for designing a new replacement community facility.

5.3 Mal Pinkerton, Topic: Tender Contract 20005 – Cowes Cultural Community Centre

Please disclose precisely how much money with variation did council pay for Tender Contract 20005 to Jackson Clements Burrows Architects for the design services for the new building of the Cowes Cultural and Community Centre.

Response:

In May 2020 Contract No. 20005 – Design Services for Cowes Cultural & Community Centre was awarded to Jackson Clements Burrows Pty Ltd for the contract sum of $1,348,360 plus GST for designing a new replacement community facility.

5.4 Graham Jolly, Topic: Sandon IBAC Report

The "Sandon IBAC Report" has wordings of "Community Expectations". What is council's understanding of "Community Expectations" for 29 townships when 9 'Township Structure Plans for Settlements in the Bass Coast Shire are very old while 20 settlements have no plan.

Response:

Structure Plans are only used for land use planning purposes where there are different uses such as commercial and residential within a town. Many of our towns only contain residential uses and therefore do not have a plan. Following finalisation of the Distinctive Areas and Landscape Project Council will recommence our rolling review of town Structure Plans.

5.5 Trish Jansen, Topic: NBN Network in Kilcunda

The NBN network in Kilcunda, is congested slow and inadequate, especially during peak times, adversely impacting small business, such as traders on festival days and people attempting to work from home. What are councillors going to do to ensure that the currently insufficient NBN network won't be further negatively impacted?

Response:

Telecommunications and digital connectivity improvements are an advocacy priority for Council. While Council does not control this infrastructure, we are committed to advocating to the federal government to ensure that Bass Coast is not left behind. Our advocacy is centred around:

- **Greater bandwidth**
- **High speeds in remote areas**
- **Greater connectivity in new estates**

5.6 Trish Jensen, Topic: Saturday Start Times

Can councillors please request that starting time on Saturdays be amended to 9.00am to be in accordance with Bass Coast Residential and Commercial Noise document – Point - Noise from residential and new developments?

Response:

There have been some recent changes to the EPA guidelines regarding noise complaints and Council is currently working to understand these changes before updating our website. The Environmental Health team will be happy to discuss the matter further with Ms Jansen.

5.7 Kym Lightfoot, Topic: Governance Rules

The public are allowed 2 question by 50 words. No question referring to an agenda item of the meeting will be read out and answered during community question time. When will councillors review the rules governing community question time?

Response:

The Governance Rules were last reviewed in 2022. A further review is not scheduled.

It is good governance for Council to refrain from commenting on questions regarding matters that are subject to consideration by Council at the same meeting.

5.8 Kym Lightfoot, Topic: Zero Net Emissions

Council declared a climate emergency in 2019 with a plan to achieve net zero emissions by 2030. Since the start date of 2019 how far has the council achieved towards net zero?

Response:

In 2019-20, Council's emissions were 13,736 tonnes (of CO2 equivalent). In 2021-22, emissions had reduced to 11,919 tonnes. This represents an almost 14% decrease, mostly due to Council's participation in the Victorian Energy Collaboration. This partnership provides 51 participating Victorian councils with 100% renewable energy sourced within Victoria.

Emissions accounting for 2022-23 is currently being compiled.

5.9 Kerryn McLeod, Topic: Cowes Aquatic Centre

What progress has council made for the construction of the Aquatic Centre Cowes?

Response:

There is no allocation in the 2023/24 budget for construction works for Aquatic Centres. Work continues on the Phillip Island Recreation Master Plan and Council will continue to advocate to the State and Federal Governments for funding.

5.10 Kerryn McLeod, Topic: Inverloch Shared Pathway

What progress has council made in the continuation of the shared pathway in Inverloch to the Surf Life Saving Club?

Response:

Council will engage with the Inverloch community on a design response in the coming weeks.

5.11 Mal Pinkerton, Topic: 3rd Quarterly Report

Councils 3rd quarter Capital Works Program spreadsheet shows columns with headings Approved Budget + Carry over another located adjoining shows Last Posted Forecast which differs from the variance column. Why is the Last Posted Forecast different to the Budget + Carry over financial figures.

Response:

The Last Posted Forecast includes anticipated expenditure of Grant Funding yet to be received. The grant funding is secured and is received in accordance with the Grant Agreement Milestones

5.12 Terry Parkin, Topic: Tender Contracts Awarded

I seek a confirmation that the Tender Contracts Awarded website file of Council does NOT contain within the listing every Contract Awarded by Council for the period 22/2/2018 to 19/4/2023.

Response:

All contracts publicly awarded by Council pursuant to a public tender process are included in the listing of Contracts Awarded by Council for the period February 2018 to April 2023.

5.13 Graham Jolly, Topic: Contracts Awarded

The Mayor, head of Council and an Audit and Risk Committee member please provide the statutory law permitting council to report 63 Contracts Awarded in council's file having NO financial figures reported as "Schedule of Rates".

Response:

Council has complied with Section 108 and 109 of the Local Government Act 2020. A schedule of rates is typically used where Council is appointing an annual supply contract. Annual supply contracts allow Council to use the supplier at an agreed price for works throughout the year, rather than for one specific project.

5.14 Caroline Vogels, Topic: 8.5 Planning Application 210122

1. There are serious safety concerns around the access and road management to and from the development site via Messmate Rd, the only access road. Would at least one councillor agree to meet community member/members to physically attend the site to view and discuss before voting on this development application?
2. Currently the development application does not meet the open space required by council. Will the councillors please ensure this open space is physically provided and not just met by paying a contribution to council. There is ample opportunity to provide a small barbecue facility and meeting place for the community.

Response:

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

5.15 John Lambert, Topic: 8.5 Planning Application 210122

1. Can Council confirm the average lot size of existing dwellings in the Kilcunda township and compare this with proposed development. Confirm this does not greatly increase (say 15% plus reduction) the density of development thus destroying the townships small rural hamlet nature .
2. Do you consider the Traffic Management Assessment was appropriate? Sampling time –one day during Covid lockdown?. Appears completely inadequate Should be revisited re current traffic flows and over a more significant time frame such as 2 to 3 weeks. Highly likely it seriously underestimates the impact of the proposed development.

Response

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

5.16 Cliff and Jan Farrow, Topic: 8.3 Surf Beach Sunderland Bay

1. What are the approximate costs of the upcoming road works?
2. When will the works fix the draining issues?

Response:

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

5.17 John Trigt, Topic: 8.3 Surf Beach Sunderland Bay

1. What is the estimated planned construction phase of the Sunderland Bay and Surf Beach Special charge scheme.
2. At what stage of the project does payment commence

Response

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

6 Notices of Motion

There were no Notices of Motion.

7 Petitions and Joint Letters

7.1 Petition - Children's Bike Track at Cape Woolamai Foreshore

Council Decision

Moved: Cr. Rochelle Halstead / Seconded: Cr. Geoff Ellis

That Council:

1. Receive the petition, Children's Bike Track at Cape Woolamai Foreshore and resolve to deal with matter at this Council Meeting.
2. Preserve the natural amenity and habitat values of the foreshore conservation reserve by proceeding with works to restrict access and restore native vegetation
3. Advise the head petitioner of Council's decision.

CARRIED

8 Reports Requiring Council Decision

8.1 First Nations naming of new cultural centre in Cowes

Moved: Cr. David Rooks / Seconded: Cr. Leticia Laing

That Council endorse the name 'Berninneit' to be submitted to the Registrar of Geographic Names for consideration as the name for the new cultural facility at 60 Church St, Cowes.

Cr. Les Larke moved an amendment.

Moved: Cr. Les Larke / Seconded: Cr. Rochelle Halstead

That Council endorse the name 'Berninneit Cultural Centre' to be submitted to the Registrar of Geographic Names for consideration as the name for the new cultural facility at 60 Church St, Cowes.

LOST

The motion before Council.

That Council endorse the name 'Berninneit' to be submitted to the Registrar of Geographic Names for consideration as the name for the new cultural facility at 60 Church St, Cowes.

CARRIED

Cr. Ron Bauer called for a division
For: Cr. Brett Tessari, Cr. Clare Le Serve, Cr. David Rooks, Cr. Geoff Ellis, Cr. Les Larke, Cr. Leticia Laing, Cr. Michael Whelan and Cr. Rochelle Halstead
Against: Cr. Ron Bauer

The meeting was adjourned at 1:38pm.

The meeting resumed at 1:39pm.

8.2 Quarterly Performance Report - Quarter Four - April - June 2023

Council Decision

Moved: Cr. Rochelle Halstead / Seconded: Cr. Clare Le Serve

That Council receive the June 2023 Quarterly Performance Report.

CARRIED

8.3 Surf Beach Sunderland Bay Intent to Declare a Special Charge Scheme

Council Decision

Moved: Cr. David Rooks / Seconded: Cr. Clare Le Serve

That Council:

1. Commences the statutory process under section 163 of the Local Government Act 1989 (as amended by section 6 of the Local Government Legislation Amendment (Rating and Other Matters) Act 2022) to declare at the 13 December 2023 Council Meeting a Special Charge for the purpose of defraying the expenses and costs to be incurred by Council in relation to the construction and drainage of the roads in the Surf Beach and Sunderland Bay Estate area to be known as the 'Surf Beach and Sunderland Bay Area Special Charge Scheme Number 66' (Special Charge or Scheme).
2. In accordance with sections 163(1A) and 163B(3) of the Local Government Act 1989, directs that public notice of the proposed declaration be given in 'The Age', 'South Gippsland Sentinel Times' and 'Phillip Island and San Remo Advertiser' of the intention of Council to declare at the 13 December 2023 Council Meeting a Special Charge in the form of the attachment to this resolution (Proposed Declaration of Special Charge) (Attachment 4 and including Schedule 1 and Schedule 2 and also the statement pursuant to sections 163(2)(a), (2A) and (2B) of the Local Government Act 1989 (Benefit Ratio Statement (Attachment 2)) such Special Charge to be for the purposes specified in paragraph 1 and otherwise set out in the Proposed Declaration of Special Charge.
3. Further directs in accordance with section 163(1C) of the Local Government Act 1989 that separate letters enclosing a copy of the public notice be sent to the owners of the properties referred to and set out in Schedule 2 to the Proposed Declaration of Special Charge advising of the intention of Council to declare the Special Charge at the 13 December 2023 Council Meeting, the amount for which each property owner will be liable, the basis of the calculation and distribution of the Special Charge and notifying such persons that any submissions and/or objections in writing in relation to the Proposed Declaration of Special Charge must be received by 11 October 2023 and will be considered and/or taken into account by Council in accordance with sections 163A, 163B and 223 of the Local Government Act 1989.
4. Establishes and appoints a Committee under section 223(1)(b)(i) of the Local Government Act 1989 comprised of the Mayor and the three Western Port Ward Councillors to hear any persons who have requested that they be heard in support of their submissions.
5. Authorises the Council's General Manager Place Making or the person for the time being acting in that position to carry out any and all other administrative procedures to enable Council to carry out its functions under section 163A and sections 163(1A), (1B) and (1C) and sections 163B and 223 of the Local Government Act 1989.

CARRIED

8.4 Planning Application 210357 - Kitty Millers Bay Road Ventnor - Use of the land for Group Accommodation, associated buildings & works in a FZ and TRZ2; creation/alteration of access to a road in a TRZ2, removal of native vegetation under cl. 52.17

Council Decision

Moved: Cr. David Rooks / Seconded: Cr. Clare Le Serve

That in relation to planning permit application 210357 for Use of the land for Group Accommodation (Eco-tourism retreat) and associated buildings and works in a FZ, and TRZ2, creation and alteration of access to a road in a TRZ2 and removal of native vegetation pursuant to Clause 52.17 located at 155 Kitty Millers Bay Road Ventnor, Council resolves to issue a Notice of Refusal on the following grounds:

- The proposal is inconsistent with the objectives of Local and State Planning Policy in relation to settlement planning in rural and coastal areas, protection of agricultural land for sustainable agriculture, environmental risks and amenity and rural landscape character.
- The proposal is not consistent with the purpose of the Farming Zone and does not satisfy the decision guidelines of the Farming Zone.
- The development would result in unmitigated risk to the environment.
- The proposed use and development does not achieve a net community benefit as the negative impacts on the environment and landscape and risk to sustainable agriculture outweigh the economic development benefits.

CARRIED

8.5 Planning Application 210122 - for a 104 lot subdivision, the creation of restrictions and alteration of access to a transport zone 2

Council Decision

Moved: Cr. Rochelle Halstead / Seconded: Cr. Clare Le Serve

That in relation to Planning Permit application 210122 for Subdivision (re-subdivision) of land, modifying access to the principal road network, creating a restriction and the removal of native grasses. located at 35 Messmate Road Kilcunda Council resolves to issue a Notice of Decision to issue a permit subject to the following conditions:

Amended plans required

1. Before any works commence or any plan of subdivision is certified under the Subdivision Act 1988 a final development plan or plans drawn to scale with dimensions must be submitted to and approved by the responsible authority. The plan must be generally in accordance with the indicative plan of Subdivision Version 7 dated 01/11/2021 but modified in the following ways;

a. The plan/s shall be titled with the estate name, address, identified as version number 1 and dated.

b. The reference to lot A as subject to separate Planning Permit must be removed.

c. The plan must include names for all new roads in accordance with 'The Naming rules for places in Victoria, Statutory requirements for naming roads, features and localities - 2016'.

d. Any variation to the size of the drainage reserve required to accommodate the Stormwater Management Strategy preliminary sizing.

e. The plan must identify those lots affected by proposed covenants.

f. The zone boundaries must be removed and staging accentuated.

g. Include the annotation "the drainage reserve shown has been indicatively sized in this plan. The exact dimensions, layout and area required are to be determined at detailed design and may require changes to the size, dimension layout or number of adjacent roads and lots.

h. The plan/s must clearly illustrate or annotate the timing and delivery of external public works associated with each stage of the estate, including:

- The construction of messmate road and intersection with Gruber Street.
- The timing of the Bass Highway / Peppermint Road construction;

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

2. Concurrent with the submission of plans required by Condition 1 and before the commencement of buildings and works, a landscape masterplan generally in accordance with that prepared by Beveridge Williams Pty Ltd dated 23/11/2021 as submitted with the application must be modified in the following ways:

a. Delete page 2 of the plan.

b. Increasing the legibility/ size of the tree schedule associated with figure 2.

c. Replace Acacia longifolia subso. Sophorae (Coast Wattle) in Stage 4 with Hakea laurina (Kodjet)

d. Replace Leucophyta Brownii with Myoporum parvifolium (creeping Boobiala)

e. The drainage reserve plans at figure 3 and 4 must be modified to provide landscaping within a 30m vegetation buffer each side of the designated waterway consistent with these conditions, which may also include a path and landscape furniture at rest nodes, to the satisfaction of the West Gippsland Catchment Management Authority and the Responsible Authority.

f. Increase the legible size of the planting schedule for suggested drainage reserve species, include EVC categories and planting density.

3. The Staging of the subdivision must occur in accordance with the numerical order shown on the endorsed plans.

4. Prior to the certification of a plan of subdivision or the commencement of any works, evidence to the satisfaction of the responsible authority that unused road license 1202930 has been cancelled and the unused road made available for use as a road in accordance with this permit to the satisfaction of the responsible authority.

Council drainage and roads conditions

5. Before the endorsement of any civil design plans, an amended stormwater management strategy (SWMS) must be submitted to the satisfaction of the Responsible Authority for endorsement by the Responsible Authority. The plan must generally be in accordance with the SWMS submitted but amended to show, as a minimum:
    a. A review of the necessary works within the current outfall through private property to ensure the existing drainage path and the road culvert at Bonwick Ct have the capacity to contain the design flows (taking into account all existing external flows into that outfall) and to avoid any flooding or adverse effects (erosion) on the subject or neighbouring lands.
    b. The determination of the flow capacity of the existing underground drainage system in Messmate Road in order to restrict design pipe flows to the capacity of that system.
    c. Include preliminary sizing and sections of the proposed drainage reserve swale, retardation, and bio-retention basin with RLs. Also include details of any proposed energy dissipater to be located at the outlet to reduce flow velocity.

Functional Layout Plan

6. Before the certification of a plan of subdivision, a functional layout plan for the subdivision must be submitted to and approved by the responsible authority. When approved the functional layout plan will be endorsed and will then form part of the permit. The functional layout plan must be drawn to scale with dimensions. An electronic copy (PDF) must be provided. The functional layout plan must be generally in accordance with the application plans but incorporate the following:
    a. A subdivision layout drawn to scale, including proposed street names, lot areas, lot numbers and widths of street reservations.
    b. Topography and existing features, including contours for the subject land and any affected adjacent land.
    c. The location of all trees (or group of trees) existing on the site, including dead trees and those that overhang the site from adjoining land.
    d. Details of tree protection zones for all trees to be retained on site.
    e. Any trees proposed for removal from the site clearly designated.
    f. Typical cross-sections for each street type, dimensioning individual elements, services offsets and any other spatial requirements applying to the land.
    g. A table of offsets for all utility services and street trees.
    h. Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls/calming.

i. The proposed minor drainage network and any land required for maintenance access.

j. The major drainage system, including any watercourse, basin, lake, wetland, sediment silt pond, and/ or piped elements showing preliminary sizing and sections.

k. Overand flow paths (100-year ARI) to indicate how excess runoff will safely be conveyed to its destination.

l. Drainage outfall system (where applicable both interim and ultimate), indicating legal point of discharge and any access requirements for construction and maintenance.

m. Preliminary location of reserves for electrical kiosks.

n. Works external to the subdivision, including both interim and ultimate access requirements.

o. Preliminary design layout at external intersections at Messmate/ Gruber St and at Peppermint Rd/ Bass Hwy.

p. Road layout to provide efficient and safe traffic flow throughout the development site.

q. proposed linkages to future streets, open space, regional path network and upstream drainage

Civil construction plans required

7. Before certification of the Plan of Subdivision for each stage, 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 and abutting road reserves, 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 conveying stormwater to the legal point of discharge and connecting into Bass Coast Shire Council's stormwater drainage system.

      iii. The piped underground drainage system is to service the lowest corner of each lot with easement drains provided with a grated house drain pit in accordance with the IDM.

iv. 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 (including redirection of any external flows) are restricted to no more than the pre-development flow rates for storm events up to and including the 1% AEP at each respective drainage outfall point unless otherwise agreed by the West Gippsland Catchment Management Authority and the Responsible Authority. The retardation system must be maintained during the maintenance period to the satisfaction of the Responsible Authority

v. Sediment capture is to be via a sediment basin and/or GPT to the satisfaction of the Responsible Authority.

vi. Provision of over-land surcharge routes for storm events up to and including 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.

vii. 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.

viii. Melbourne Water Flood Safety Criteria checks are to be provided at critical locations in the road reserve (including any swales), drainage reserve and within the private property drainage outfall.

ix. Drainage computations shall include external catchments in the design of the piped drainage system with an extreme event overflow path through the subject land via road and drainage reserve to the satisfaction of the Responsible Authority.

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

i. All proposed roads including Messmate Rd (Gruber St to the north end of Messmate Rd) shall be fully constructed including an asphalt wearing course pavement with kerb and channel, signage, footpath both sides (except for Messmate Rd where a footpath is only required on the eastern side of the road), pedestrian linkages and underground drainage in accordance with the IDM and to the satisfaction of the Responsible Authority.

ii. For the construction of the unused Government Road (other than the extension of Messmate Road) the proposed kerb and channel on the farm zoned side can be replaced with Council's 450mm wide edge strip and open earth swale discharging to the underground system to the satisfaction of the Responsible Authority.

iii. The design road layout including intersections with Messmate Rd are to provide for traffic calming measures such as, but not restricted to, splitter islands, entry thresholds, modified Ts, line marking with RRPMs, Statcon signage, seagulls, single land platform humps.

iv. The 5-way intersection of Messmate Road, Gruber Street & Peppermint Road is to be designed generally in accordance with the Messmate Road/Peppermint Road/Gruber Street Concept Plan dated 11/10/2021 and included in the Traffic Impact Assessment prepared by Beveridge Williams Pty Ltd 09/12/2021 submitted with the application but modified in the following ways:

   a. Include a threshold treatment and stop sign on the western leg of Gruber Street;

   b. Include a threshold treatment on the eastern leg of Peppermint Road;

   c. Realign proposed kerb & channel at the eastern leg of Gruber Street to facilitate the turning movements of a service vehicle;

   d. Include traffic island, approx. 3.5m long x 1.5m wide, at eastern end of Gruber Street to prevent right hand turning movements from Gruber Street into Messmate Road

v. Turning for emergency service vehicles and garbage trucks must be provided at Court heads (minimum carriageway radius of 10.5 metres).

vi. Any shared driveway road reserves shall be 5.5m wide, including one parking space per lot and allowance for a 3-point turn for a B99 standard vehicle.

vii. Concrete garbage bin pads shall be provided where waste collection vehicles cannot access lots.

viii. Indented parking bays on roads abutting reserves.

ix. Internal roads to have a carriageway width of 7.3m carriageway in accordance with the road hierarchy in the IDM.

x. Roads that are likely to cater for bus movements are to be provided with paved carparking spaces behind back of kerb.

xi. Concrete driveway crossovers serving each lot in accordance with IDM standard drawings (i.e., SD 240) except where agreed to be secured by S173 agreement. A 1.5m wide concrete footpath on both sides of residential streets including all path linkages to existing network. (Include requirements for 2.0 metre paths on reserves and 2.5 m shared paths if applicable)

xii. Bollards must be provided to prevent direct vehicle access to drainage/ open space reserves. Removable bollards are to be provided at access points to reserves for Council maintenance purposes.

xiii. Minimum kerbs return radii of 8m to back of kerb and appropriate curve radius for service and delivery vehicles on curvilinear alignments.

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

b. 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.

c. 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 these plans before the issue of Statement of Compliance for the Plan of Subdivision.

8. Before the issue of Statement of Compliance for Stage 1:
   a. All works in Messmate Road required by conditions 7(b)(i) and 7b(iii) between the 5-way intersection and the northern boundary of 21 Messmate Road must be constructed; and
   b. The 5-way intersection of Messmate Road, Gruber Street & Peppermint Road required by Condition 7(b)(v) must be constructed.
   c. The registration of any agreement for the deferral of individual crossover construction to each lot provided such construction and location is to the satisfaction of the responsible authority and any costs involved in the preparation and registration of the agreement are borne by the permit holder.
9. Before the issue of Statement of Compliance for the plan of subdivision for each stage, a landscape plan must be prepared by a or suitably qualified person/company and must be submitted to and approved by the Responsible Authority. The plans must be prepared to the satisfaction of the Responsible Authority and in accordance with the landscape masterplan. When approved, the plans will be endorsed and form part of the permit. The plans must be drawn to scale with dimensions. An electronic copy (PDF) must be provided. The plans must show:
   a. Street trees must be provided on both sides of roads/streets in accordance with and not exceeding the following average intervals:
      i. Small trees (less than 10 metre canopy), at an 8-10 metre interval;
      ii. Medium trees (10-15 metre canopy), at a 10-12 metre interval; and
      iii. Large trees (canopy larger than 15 metres), at 12-15 metre intervals
   b. A schedule of proposed species that are to be planted on the site including scientific names;
   c. Quantities of all species to be planted on site including their size when mature; and
   d. A notation on the landscape plan providing that the permit holder will maintain all landscaping (including any replacement of dead or diseased plants) as per the endorsed landscape plan for a period of two years to the satisfaction of the Responsible Authority.
   e. The type of species to be used for street tree planting.

f. Street-tree planting to specify pot size and planting height on each plan with maintenance and management notes as appropriate to the satisfaction of the responsible authority.

g. Access to each lot in the subdivision.

Construction Management plan

10. Before certification of the Plan of Subdivision for each stage, 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 worker's compound. The compound must be located a reasonable distance from any neighbouring residence to minimise amenity impacts. The compound must be used for the storage of building materials, parking for construction workers and as the location for the site offices and amenities.

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:

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

i. Best Practice Environmental Management Guidelines for Urban Stormwater.

ii. Environmental Guidelines for Urban Stormwater (EPA Publication)

iii. 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.

11. Provision for the parking of all contractors, subcontractors and staff vehicles must be provided within the subject land to the satisfaction of the Responsible Authority.
12. 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.
13. Before the issue of a Statement of Compliance the developer must pay:
    a. 0.75% of the total estimated cost of the civil and hard 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 hard landscaping works of the project for the supervision of works associated with the development approved by this permit.
    c. A refundable bond of 5% of the total estimated cost of the civil works and hard landscaping 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 purposes of ensuring soft engineering (e.g., plantings) are maintained including weeding and replacement of missing plants during the 12 month defect liability period.
    e. A 24 month defect liability bond for landscaping
14. 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 kerb 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.

15. 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.
16. Before the issue of Statement of Compliance for each stage, an independent Road Safety Audit (RSA) must be completed following a Practical Completion inspection in accordance with the Infrastructure Design Manual (IDM), unless otherwise agreed to in writing by the Responsible Authority. All works must be completed in accordance with the recommendations of the RSA to the satisfaction of the Responsible Authority.
17. As constructed plans
    a. Before the issue of a Statement of Compliance for each stage, the following must be provided to the responsible authority:
    b. CCTV footage of the Council drainage assets in accordance with the IDM.
    c. 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.
    d. "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.
    e. Location of any permanent survey marks.
18. 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.

Public Open Space Contribution

19. Before the issue of a Statement of Compliance under the *Subdivision Act* 1987 for *a plan of subdivision*, the applicant or owner must pay or agree to pay to the Council 5 percent of the site value of all of the land contained in that stage of the subdivision to the responsible authority as a contribution to public open space in accordance with Section 18 of the *Subdivision Act 1987.*

20. A public open space contribution is determined by a current valuation of the land conducted by a qualified valuer. The council shall at prepare a valuation for the first open space payment at its own expense. All costs associated with the undertaking of any subsequent valuation of the land affected by this permit will be at the expense of the developer/landowner.

Westernport Region Water Authority Conditions

21. 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.
22. Provision of a reticulated water supply 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.
23. Payment of any outstanding contributions towards existing water schemes, such amount being determined by the Corporation at the time of payment.
24. Provision of separate water services to each allotment within the development.
25. 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.
26. 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.
27. 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.
28. Payment of any outstanding contributions towards existing sewerage schemes, such amount being determined by the Corporation at the time of payment.
29. 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.
30. Provision of easements in favour of Westernport Region Water Corporation over all existing and proposed sewer mains located within private property.
31. 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.
32. 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.

33. 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 developer's expense and shall be in favour of Westernport Region Water Corporation.
34. Preparation of a digitised plan of subdivision and ancillary requirements in accordance with the Corporations drafting standards and practices.
35. 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.
36. 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.
37. The plan of subdivision lodged for certification is to be referred to Westernport Water Region Water Corporation pursuant to Section 8(1) of the Subdivision Act 1988.

Ausnet Electrical Services Conditions

38. The plan of subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the subdivision Act 1988.
39. The applicant must –
    a. Enter in an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot under 16Ha on the endorsed plan.
    b. Enter into an agreement with AusNet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.
    c. Enter into an agreement with AusNet Electricity Services Pty Ltd for rearrangement of the points of supply to any existing
    d. 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.
    e. 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.
    f. Obtain for the use of AusNet Electricity Services Pty Ltd any other easement required to service the lots.
    g. 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.

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

i. Provide survey plans for any electric substations or Isolating Transformers required by AusNet Electricity Services Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years.

j. AusNet Electricity Services Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.

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

l. 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.

m. 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.

Department of Transport Conditions

40. The existing Intersection of the Bass Highway and Peppermint Road must be upgraded generally in accordance with Beveridge Williams traffic report 1800287 to include a right turn treatment (CHR) and left turn lane (AUL) generally in accordance with the Austroads Guidelines.

41. A splitter island is to be constructed on Peppermint Road to provide separation between opposing lanes. The intersection must be upgraded with v3 roadway lighting to the satisfaction of the Head, Transport for Victoria.

42. Prior to the Statement of Compliance for stage 2, Detailed Functional Layout plans in accordance with Gippsland Regions Developer Funded Checklist of the intersection of the Bass Highway and Peppermint Road must be submitted and approved by the Head, Transport for Victoria.

43. Prior to the Statement of Compliance for Stage 3, Detailed Design Plans of the Bass Highway and Peppermint Road intersection (in accordance with Gippsland Regions Developer Funded Checklist) must be submitted and approved by the Head, Transport for Victoria.

44. Prior to the Statement of compliance for Stage 4, the required roadworks at the Bass Highway and Peppermint Road intersection must be completed at no cost and to the satisfaction of the Head, Transport for Victoria.

45. Prior to design plans beginning, the applicant's consultants must attend a predesign meeting with the Department of Transport (Gippsland Region).

46. The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the Responsible Authority and the Head, Transport for Victoria.

47. Prior to commencement of the earthworks on the site, a truck wheel-wash must be= installed at the property boundary to enable all mud and other tyre borne debris from vehicles to be removed prior to exiting the land.
48. The truck wheel-wash must be maintained in good order during the construction phase of the development and may be removed at the end of the construction phase of the development.
49. Separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act. For the purposes of this application the works will include provision of:
    a. Right turn lane
    b. Left turn lane
    c. Roadway lighting
    d. splitter island

Country Fire Authority Conditions

50. Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:
    a. Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes the rear of the lots) must be 120 metres and the hydrants must be no more than 200m apart. These distances must be measured around lot boundaries.
    b. The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

Roads

51. Roads must be constructed to the following standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
52. The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
    a. Curves must have a minimum inner radius of 10 metres.
    b. Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the accessway
    c. Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including rollover kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

West Gippsland Catchment Management Authority Conditions

52. Prior to Certification of the subdivision the applicant must provide an amended Stormwater Management Plan, to the satisfaction of the West Gippsland Catchment Management Authority, that specifies the timing for construction of the box culvert detention and connection to the two Discharge Points; and includes a maintenance plan for the ongoing management of the stormwater management assets associated with the subdivision.
53. Prior to the issue of a Statement of Compliance for each stage of the subdivision, the water quality treatment works outlined in the Stormwater Management Plan must be undertaken to the satisfaction of the West Gippsland Catchment Management Authority.
54. Prior to the issue of a Statement of Compliance for Stage 1 of the subdivision, the owner(s) shall enter into an Agreement with the responsible authority pursuant to Section 173 of the *Planning and Environment Act 1987* ('the Act') and make application to the Registrar of Titles to have the Agreement registered on the title to the land under Section 181 of the Act. The owner(s) must pay all reasonable costs of the preparation, execution, and registration of the Agreement. The Agreement will stipulate that:
    a. A rainwater tank with a minimum capacity of 3,000 litres must be connected to any future dwelling on all lots within the subdivision, and that rainwater tank must be plumbed to all toilets and laundries in dwellings constructed on those lots.
55. Prior to the issue of a Statement of Compliance for Stage 1 of the subdivision a Waterway Management Plan (WMP) must be endorsed in writing by the West Gippsland Catchment Management Authority. The WMP must include:
    a. Details of existing environmental values.
    b. Details of any initial stabilisation and vegetation works.
    c. A landscape plan for revegetation of land within a 30-metre buffer either side of the waterway, including a species list and proposed density of the plantings. The vegetation must be representative of the Ecological Vegetation Class for the site.
    d. A maintenance plan detailing the sequencing and periods of short-, medium- and long-term actions, including inspections, and the parties responsible for each action.
56. Within six months of the endorsement of the Waterway Management Plan, the owner of the land must commence implementation of the plan

Telecommunication Services

57. 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.

58. 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.

Expiry condition

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

    a. The plan of subdivision for stage 1 is not certified under the Subdivision Act 1988 within four years of the date of this permit; or

    b. A plan of subdivision for each subsequent stage is not certified within 2 years of the previous stage.

    c. 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.**

CARRIED

8.6 Planning Application 220364 - Ending of Section 173 Agreement U792700N - 96 Albert Ruttle Drive, Inverloch VIC 3996

Planning Permit application 220364 for the Removal of Section 173 Agreement U792700N located at 96 Albert Ruttle Drive, Inverloch VIC 39963 was withdrawn by the applicant after the agenda was released to the public.

8.7 Planning Application 220459 - Development of land for accommodation, removal of vegetation and reduction in car parking requirement in a Special Use Zone (SUZ5), Environmental Significance Overlay (ESO1) & Bushfire Management Overlay (BMO) - 70 Cape

Council Decision

Moved: Cr. Brett Tessari / Seconded: Cr. Rochelle Halstead

Development of land for accommodation, removal of vegetation and reduction in car parking requirement in a Special Use Zone (SUZ5), Environmental Significance Overlay (ESO1) & Bushfire Management Overlay (BMO)

ALTERNATE RECOMMENDATION

That in relation to Planning Permit application 220459 for the development of land for accommodation, removal of vegetation and reduction in car parking requirement in a Special Use Zone (SUZ5), Environmental Significance Overlay (ESO1) & Bushfire Management Overlay (BMO) located at 70 Cape Paterson-Inverloch Road, Inverloch VIC 3996, Council resolves to Grant a Planning Permit, subject to the following conditions:

Amended Plans Required

1. Before the development commences, amended plans drawn to scale with dimensions must be submitted to and approved by the responsible authority. The plans must be generally in accordance with the plans submitted with the application, but modified to show:

a) A detailed landscape plan in accordance with Condition 5

b) An ESD Statement in accordance with Condition 8

c) A Tree Protection Management Report in accordance with Condition 10

d) A Tree Removal Management Plan in accordance with Condition 20

e) A Construction Management Plan in accordance with Condition 21

f) A Bushfire Management Plan in accordance with Condition 22

g) Site Civil Design Plans in accordance with Condition 24

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

Layout not to be Altered

2. The layout of the site and size, design and location of buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the responsible authority. Note: This does not obviate the need for a permit where one is required.

Maintenance of Buildings

3. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

Control of Light Spill

4. External Lighting must be designed, baffled, and located so as to prevent any adverse effect on adjoining land, to the satisfaction of the responsible authority.

Provision of a Detailed Landscape Plan

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

   a) any design changes as required by Condition 1;

   b) a survey (including botanical names) of all existing vegetation to be retained and/or removed;

   c) a survey, including botanical names, of all existing trees on neighbouring properties where their Tree Protection Zones (calculated in accordance with AS4970-2009) encroach into the subject site. details of surface finishes of pathways and driveways;

   d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;

   e) details of all proposed hard surface materials including pathways, patio or decked areas.

Completion and Maintenance of Landscaping

6. Within 3 months of the completion of the works or within the next applicable planting season, whichever is the earlier; the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority. The landscaping must thereafter be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.
7. Prior to the occupation of the development and once the landscaping has been completed, a letter/report with relevant photographs must be provided by the landscape architect (or as relevant) confirming that the landscaping has been completed in accordance with the endorsed landscape plan, all to the satisfaction of the responsible authority.

Provision of Environmentally Sustainable Design Statement

8. Concurrent with the submission of plans required by Condition 1 and before the commencement of buildings and works an electronic copy of an Environmentally Sustainable Design (ESD) Statement to address sustainability matters inherent to the proposed extension of residential facilities (design, water, energy, waste, building materials, transport, emissions, landscaping and construction and ongoing building management) is to be provided to the satisfaction of the responsible authority.

ESD Works Confirmation of Implementation

9. Prior to the occupation of any works approved under this permit, a report from the author of the Environmentally Sustainable Design Report approved pursuant to this permit, or similarly qualified person or company, must be submitted to the responsible authority. The report must be to the satisfaction of the responsible authority and must confirm that all measures specified in the ESD Report have been implemented in accordance with the approved Plan.

Provision of Tree Protection Management Report

10. Concurrent with the submission of plans required by Condition 1 and before the commencement of buildings and works including any related demolition or removal of vegetation, a Tree Management Report (TMR), prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority. This report must be made available to all relevant parties involved with the site.

    The Tree Management Report must include a Tree Protection Plan (TPP) in accordance with AS4970-2009 Protection of Tees on Development Sites. Both the TMR & TPP must be part of one document that must be named as the Tree Management Report (TMR):

    The TMR must include:
    details of Tree Protection Zones, as per AS4970-2009, for all trees to be retained on the site within 15 metres of all works;

    a) protection measures to be utilised and at what stage of the development they will be implemented;

    b) appointment of a project arborist detailing their role and responsibilities;

c) stages of development at which the project arborist will inspect tree protection measures and;

d) monitoring and certification by the project arborist of implemented protection measures.

The TPP must:

a) be legible, accurate and drawn to scale;

b) show the location of all tree protection measures to be utilised and;

c) include a key describing all tree protection measures to be utilised.

Modifications to the Tree Management Report

11. Any modification to the Tree Management Report must be approved by the project arborists. Such approval must be noted and provided to the responsible authority within seven days.

Adherence to the Tree Management Report

12. All actions and measures identified in the Tree Management Report must be implemented.

Contact for Implementation of Tree Management Report

13. Before any works associated with the approved development, the contact details of the project arborist responsible for implementing the endorsed Tree Management Report must be submitted to the responsible authority.

Engagement of Site Project Arborist

14. Concurrent with the endorsement of plans or prior to the commencement of any works at the site (including demolition and excavation whether or not a planning permit is required), whichever occurs sooner, a letter of engagement must be provided to the responsible authority from the project arborist selected to oversee all relevant tree protection works. The project arborist must be an appropriately experienced and qualified professional (minimum Cert IV or equivalent in experience).

Site Arborist Log Books

15. The project arborist must maintain a log book detailing all site visits. The log book must be made available to the responsible authority within 24 hours of any request.

Installation of Tree Protection Fences

16. Prior to the commencement of any works at the site (including demolition and excavation whether or not a planning permit is required), the project arborist must advise the responsible authority in writing that the Tree Protection Fences have been installed to their satisfaction.

Copy of TPZ to be included in Construction Contracts

17. A copy of the tree protection zones are to be included in any contract for the construction of the site or for any other works which may impact upon the trees.

Existing Vegetation Removal

18. Prior to and during construction and the removal of existing vegetation, the recommendations of the Flora and Fauna Assessment Report prepared by GHD and dated 16 November 2022, endorsed as part of this permit, must be adhered to alongside the following additional requirements:

    a) In the week prior to removal, a suitably qualified zoologist must undertake a pre-clearance survey of trees and shrubs to be removed to identify the presence of any nests or hollows. If considered necessary based on the results of the pre-clearance survey, that person must be on site during any tree/shrub removal works to capture and relocate any fauna or nests that are present.

    b) At least 48 hours prior to removal of the native vegetation and trees authorised by this permit the affected trees must be clearly marked with a painted coloured "X" and a copy of the planning permit and endorsed plan showing the areas of vegetation removal displayed on the site.

    c) All construction personnel must be appropriately briefed on the recommendations and requirements of the report prior to works commencing onsite.

    d) The layout of the site and the proposed extent of native vegetation to be removed, trimmed, or lopped as shown on the plan submitted with the application, must not be altered or modified without the written consent of the responsible authority.

    e) Vegetation removal and disposal must not cause damage to vegetation stands to be retained and to drainage lines and/or water courses.

No alterations to Vegetation Removal

19. The removal of vegetation as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

Vegetation Removal Management Plan

20. Concurrent with the submission of plans required by Condition 1 and prior to the removal of the vegetation, a Works Management Plan must be submitted to and approved by the responsible authority. The plan must include details about how vegetation is to be removed, including method of disposal, transporting offsite, and soil erosion management measures. When approved, the plan will be endorsed and will then form part of the permit.

Construction Management Plan

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

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

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

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

d) Demonstrate all environmental and cultural protection measures identified on a drawing(s) drawn to scale and prepared in accordance with West Gippsland Catchment Management Authority standards for such drawings.

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

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

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

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

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

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

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

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

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

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

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

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

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

r) Locations of cut and fill stockpiles;

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

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

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

v) Reporting requirements to demonstrate compliance with the latest revision of the following documents:

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

   ii. Best Practice Environmental Management Guidelines for Urban Stormwater;

   iii. Environmental Guidelines for Urban Stormwater (EPA Publication)

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

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

Bushfire Management Plan

22. Concurrent with the submission of plans required by Condition 1 and prior to the commencement of works, a Bushfire Management Plan must be submitted to and endorsed by the responsible authority. Once endorsed the plan must not be altered unless agreed to in writing by the CFA and the responsible authority. The plan must show the following bushfire protection measures:

    a) Defendable space for a distance of 50 metres around the proposed relocated villa (or to the property boundary, whichever is the lesser distance) must be provided where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:

       i. Grass must be short cropped and maintained during the declared fire danger period.

       ii. All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.

       iii. Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.

iv. Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.

v. Shrubs must not be located under the canopy of trees.

vi. Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.

vii. Trees must not overhang or touch any elements of the building.

viii. The canopy of trees must be separated by at least 5 metres.

ix. There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

b) The relocated villa must be constructed to a minimum Bushfire Attack Level of 12.5 (BAL-12.5).

Mandatory Bushfire Management Conditions

23. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

Site Civil Design Plans

24. Before the issue of a Building Permit, detailed 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 (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 proposed buildings, open space and paved areas within each lot will be drained for a 20% AEP storm event to the existing onsite constructed wetland system.

ii. 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 and discharging to the existing onsite constructed wetland system.

b) Vehicle and pedestrian access and car parking to the satisfaction of the of the responsible authority including:

i. Car parking areas and access ways on-site to be designed, constructed, and sealed with an all-weather seal pavement (asphalt or concrete) to the satisfaction of the responsible authority.

ii. Car parking spaces and access ways designed in accordance with the Australian Standard for off-street car parking AS 2890.1-2004 and the Bass Coast Planning Scheme.

Maintenance of Onsite Drainage System

25. The onsite stormwater drainage system including stormwater detention and treatment, must not be removed, or modified, without the further approval (in writing) of the responsible authority.

Construction

26. Before the issue of an Occupancy Permit, 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 in accordance with the endorsed plans.

    c) Areas for vehicle access and car parking within the land must be constructed in accordance with the endorsed civil design plans.

Car Parking Construction

27. Before the commencement of the use or occupation of the development, the area/s set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:-

    a) constructed to the satisfaction of the responsible authority;

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

    c) surfaced with an all-weather seal coat OR surfaced with crushed rock or gravel and treated to the satisfaction of the responsible authority to prevent dust;

    d) drained;

    e) line-marked to indicate each car space and all access lanes (for seal finish) OR marked to indicate each car space (for other surface finish);

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

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

Protection of Landscape Areas

28. In areas set aside for car parking, measures must be taken to the satisfaction of the responsible authority to prevent damage to fences, other structures and any landscaped areas.

Lighting of Carparks and Accessways

29. Low intensity lighting must be provided to ensure that car park areas and pedestrian accessways are adequately illuminated without any loss of amenity to the surrounding area, to the satisfaction of the responsible authority

Mud on Roads

30. 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.

Flood Hazard Response Plan

31. Prior to the commencement of works, an amended Detailed Climate Hazard Emergency Response/Management Plan prepared by an accredited risk management or other suitably qualified professional, must be prepared to the satisfaction and approval of the responsible authority and West Gippsland Catchment Management Authority, and must be binding to successors in title to provide for ongoing effective management of flood risks. The amended plan must include:
    a) Adequate details related to a specific suite of actions to be taken by RACV to identify the hazard and minimise the risk associated with a flooded egress route;
    b) Adequate details to identify actions, triggers and response to ensure the safety of occupants at the resort;
    c) Details of the adopted Cape to Cape Resilience Plan;
    d) Details relating to Storm Tides, including:
        i. Flooding Characteristics;
        ii. Warning Times.
    e) Risks and Consequences;
    f) Site Accessibility, including:
        i. Evacuation;
        ii. Isolation;
        iii. Road Closures.
    g) An Emergency Response Procedure, including:
        i. Before a Significant Storm Event;
        ii. During a Significant Storm Event;
        iii. Following a Significant Storm Event;
        iv. Relevant Emergency Contacts.
    h) Survey data of any Emergency Evacuation Route;
32. The Emergency Response Procedure detailed within the endorsed Detailed Climate Hazard Emergency Response/Management Plan must be implemented and enacted by the occupier when required, for the life of the development.

Section 173 Agreement for Flood Risk Management

33. Prior to the issue of an Occupancy Permit for the development, the owner of the land must enter into an agreement pursuant to Section 173 of the *Planning and Environment Act 1987* with the Responsible Authority and West Gippsland Catchment Management Authority. All costs associated with the establishment of the Agreement must be borne by the owner/permit holder. The Agreement must be registered on the Title of the land and must provide, to the satisfaction of the responsible authority and West Gippsland Catchment Management Authority, for:

    a) Prospective and future owners of the Land to be informed that the access routes will be subject to future inundation; and

    b) The implementation of a Flood Risk Management Plan which has been approved by the responsible authority and West Gippsland Catchment Management Authority.

Cultural Heritage Management Plan

34. The use and development of the site must be carried out in accordance with the approved Cultural Heritage Management Plan (18850) prepared by GHD and dated 25 May 20923 and approved by the Bunurong Land Council Aboriginal Corporation on 30 May 2023, to the satisfaction of the responsible authority.

Permit Expiry

35. This permit will expire if:

    a) The development does not commence within three years from the date of this Permit; or

    b) The development is not completed within six years from the date of this Permit.

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

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

PERMIT NOTES

A. Building Permit Required

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

B. Planning Permission

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

C. Asset Protection

Prior to commencement of any building works, an Asset Protection Permit must be obtained. For further information please contact Council's Asset Protection Officer on 1300 BCOAST (226 278) or (03) 5671 2211 or apply online on Council's website.

D. Failure to Comply

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

E. Native Vegetation Control

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

F. Cultural Sites

This permit does NOT exempt the applicant/developer from any approvals required pursuant to the Archaeological and *Aboriginal Relics Preservation Act 1972* and *Aboriginal and Torres Strait Islander Heritage Protection Act 1984.*

G. Permit to Building Surveyor

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

CARRIED

8.8 Proposed Development Plan Endorsement (DPO24) Ullathornes Road West, Inverloch

Council Decision

Moved: Cr. Brett Tessari / Seconded: Cr. David Rooks

That Council resolves to endorse the proposed Development Plan and associated Report referenced as "Lot 2 on PS305409Q, Bass Highway, Inverloch Development Plan Report – Development Plan Overlay, July 2023" under Schedule 24 of the Development Plan Overlay (Clause 43.04 of the Bass Coast Planning Scheme).

CARRIED

8.9 Creation of Easements - Warley Ave, Cowes and Phillip Island Road, San Remo

Cr. David Rooks declared a conflict of interest in agenda item 8.9 Creation of Easements - Warley Ave, Cowes and Phillip Island Road, San Remo under section 127 of the Local Government Act 2020. They left the meeting at 2:25 pm and took no part in the debate or decision.

Council Decision

Moved: Cr. Brett Tessari / Seconded: Cr. Ron Bauer

That Council:

1. Grant a 2-metre-wide sewerage easement in favour of Westernport Region Water Corporation with no compensation payable, along the length of the western boundary of the Council-owned land at 16 Warley Avenue, Cowes.
2. Grant a 2-metre-wide water easement in favour of Westernport Region Water Corporation with no compensation payable, across the Council-owned reserve at Phillip Island Road, San Remo.

CARRIED

Cr. David Rooks returned to meeting at 2:26 pm.

8.10 Instruments of Appointment and Authorisation

Council Decision
Moved: Cr. David Rooks / Seconded: Cr. Leticia Laing
That Council in the exercise of the powers conferred by s 147(4) of the *Planning and Environment Act 1987*, resolves that:

1. The members of Council staff referred to in the attached instrument be appointed and authorised as set out in the instrument:
   - Gregory Box
2. The instrument comes into force immediately it is signed by Council's Chief Executive Officer and remains in force until Council determines to vary or revoke it.
3. Revokes the instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* to:
   - Ali Wastie
   - Mary-Ann van Ballekom
   - Vivek Anilkaumar

CARRIED

8.11 Procurement of a recruitment agency

Council Decision

Moved: Cr. Brett Tessari / Seconded: Cr. Clare Le Serve

That Council appoints Davidson to deliver the Chief Executive Officer recruitment.

CARRIED

8.12 Council Fees and Charges 2023-2024

Council Decision

Moved: Cr. David Rooks / Seconded: Cr. Clare Le Serve

That Council notes the changes to the 2023-24 Fees and Charges schedule and releases the attached schedule consistent with the adopted 2023-24 Budget.

CARRIED

8.13 Award of Tender No, 23011 Annual Supply of Concreting, Paving & Associated Works

Council Decision
Moved: Cr. David Rooks / Seconded: Cr. Brett Tessari

That Council:

1. Accept the tenders from, and award Contracts for the Annual Supply of Concreting, Paving and Associated Works to:
   - SR Excavations Pty Ltd
   - Super Paving (Vic) Pty Ltd
   - Future Civil Group Pty Ltd
   - Ultimate Civil Pty Ltd

   For the Schedule of Rates provided in each of their tender submission, for a Contract term of two (2) years with an extension option of up to a maximum of two (2) years.
2. Authorise the Chief Executive Officer to execute Contracts between Council and the four (4) contractors listed in Recommendation 1.

CARRIED

9 Statutory Reports

Council Decision

Moved: Cr. Brett Tessari / Seconded: Cr. Ron Bauer

That agenda items 9.1, 9.2, 9.3 and 9.4 be considered as a block.

CARRIED

9.1 Informal Meeting of Councillors Records

That Council receive the attached Informal Meeting of Councillors records.

9.2 Planning and Building Statistics - June 2023

That Council:

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

9.3 Contracts Awarded & Extended Report

That Council notes the above contracts were awarded under financial delegations in accordance with the Procurement Policy during June 2023.

9.4 Councillor Expenses for the Council Term - 9 November 2020 to 30 June 2023

1. That Council receive the report on Councillor Expenditure for the Council term between 9 November 2020 and 30 June 2023.
2. That Council receive the report on Councillor Expenditure for the financial year ending 30 June 2023.

Council Decision

Moved: Cr. Brett Tessari / Seconded: Cr. Clare Le Serve

That the recommendations attached to agenda items 9.1, 9.2, 9.3 and 9.4 be adopted.

CARRIED

10 Urgent Business

There was no Urgent Business.

11 Mayoral Announcement of Next Meeting of Council

The next Council Meeting will be held on 20 September 2023 in the Bass Coast Civic Centre Council Chamber, Baillieu Street East, Wonthaggi commencing at 1.00pm.

12 Meeting Closed

The meeting be closed at 2:35 pm