

Bass Coast Shire Council
Council Meeting Minutes

Wednesday 19 April 2023

Council Chamber

Bass Coast Civic Centre

Baillieu Street East, Wonthaggi

Commencing at 1:00 pm



Community Vision 2041

Vision Statement

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

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

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

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

The meeting commenced at 1:01 pm.

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

Virtual Meeting Statement

The COVID-19 Omnibus Bill 2020 provision 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. Rochelle Halstead 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 Ron Bauer, Island Ward
Cr David Rooks, Island Ward
Cr Bruce Kent, Western Port Ward
Cr Clare Le Serve, Western Port Ward

Officers: Ms Ali Wastie, Chief Executive Officer
Mr Wayne Mack, General Manager Business Transformation
Mr Shannan Little, General Manager Partnerships, Economy and Culture
Mr James Stirton, General Manager Place Making
Ms Jodi Kennedy, General Manager Resilient Communities
Ms Robyn Borley, Manager Governance and Property

Apologies: Cr Les Larke, Bunurong Ward
Cr Leticia Laing, Bunurong Ward
Cr Brett Tessari Bunurong Ward

2 Declarations of Interest

There were no Declarations of Interest.

3 Confirmation of Minutes

Council Decision

Moved: Cr. Ron Bauer / Seconded: Cr. Clare Le Serve

That the minutes of the Council Meeting held on 15 March 2023 be confirmed.

CARRIED

4 Mayor and Councillor Reports

4.1 Cr Michael Whelan - Mayoral Report

Activities

- Wonthaggi Secondary College Site Visit
- Annual Harvest Festival, Wimbledon Heights
- Bystander Awareness Training, Wonthaggi
- Open Jazz Extravaganza Day, Cowes

Meetings

Attended Council Workshops and Briefings

Chaired Councillor Only Meetings

Weekly meetings with CEO, Council Support and Communications

Additional Meetings:

- Council Briefing – Budget Big Picture
- Draft Cowes Recreation Reserve Master Plan Meeting
- Project Control Group - Cowes Cultural and Community Centre
- 2023 National Forum on Coastal Hazards, Fremantle – 3 day conference
- Annual Action Plan Review Meeting
- Peri Urban Councils Victoria - Opposition Local Member Round Table Delegation Meeting
- Policy discussion meeting
- Jordan Crugnale MP - McBride Campus discussion
- One Gippsland - Delegation Meeting with Minister McBain MP
- Meeting with Tim Large
- CEA discussion forum - Climate Active
- Energy Innovation Co Operative Meeting with Chair & Deputy Chair
- Peri Urban Councils Victoria - State Local Member Round Table Delegation Meeting
- SECCCA Strategic Plan & Regional Forum Working Group

Other

Media Enquiries/Interviews

- Interview AIR News - Hawks Game, 30 April
- Phone Call Samantha Mansfield MP, Westernport Woodlands

Phone calls, emails and letters

4.2 Cr Rochelle Halstead - Councillor Report

The lead up to Easter has been an exciting time with many young and young at heart looking forward to the family gatherings and guilt free chocices! Once again Bass Coast businesses and the community rose to the occasion to make this special time extra special. From the wonderful Easter Fair on Coronet Bay Foreshore with Luminous Galleries putting on a great display once again, to the delightful creativity of Jake at Coronet Bay Hall displaying his beautifully colourful artwork. To volunteer groups such as the San Remo CFA for their brilliant effort raising funds for the Good Friday Appeal and supported by local business owners such as Jims Bait and Tackle and the San Remo Hotel. Merindah Hills Farm Produce and Store also did a wonderful job entertaining the kids with an Easter egg hunt and the most delicious burgers! Congratulations to all who braved the, at times, cold and windy weather, to get out there and enjoy family and community while raising funds for an incredible cause! Special thanks to Kerry Underwood and her grandson Jack, who completed the "Walk for the Kids" San Remo township walk on Easter Friday with me and whose family donated $1,000 to the San Remo Hotel Good Friday Appeal. The appeal total was $35,391. An amazing effort by all involved. Well done Peter and Colleen Williams and all the staff at San Remo Hotel.

It was a real honor to have launched the Youth Live4life Program on Tuesday 4th April 2023

Joined by Deputy Mayor South Gippsland Shire Clare Williams, 800 students from across six schools heard from motivational speaker Beau Vernon at Gumbuya World Tynong. Live4life is a registered health promotion charity, bringing together rural and regional communities to improve youth mental health and wellbeing. The 800 students came from Bass Coast College, Foster Secondary College, Leongatha Secondary College, Mirboo North Secondary College, Korumburra Secondary College and Mary MacKillop Catholic Regional College. Congratulations Live4life for a really well organized event, to Beau Vernon for sharing his incredible story of courage and determination and to all teachers, volunteers and Gumbuya World for seeing the need and doing something about it.

I was pleased to join my fellow Councillors at the DAL Standing Advisory Committee Hearings held at the Cape Paterson Life Saving Club in support of the submission put forward by the Save Western Port Woodlands Community Group. This forest corridor of rare coastal forest and remnant vegetation is under threat by sand mining activities. Our community values this forest for its serenity and therapeutic values. Known to be home to the rare sun orchid, lizards that can grow up to two metres in length, scarlet robins and the ever popular calls of the kookaburra can be heard here. Hopeful of a positive decision by the Minister for Planning, Mayor Michael Whelan, Cr. David Rooks, Cr. Ronnie Bauer, Cr. Clare LeServe, Cr Leticia Lang, Cr. Brett Tessari and myself all attended to show our communities strong support for protecting this natural wonderland. I am extremely proud to be a part of a Council and community that feels so strongly about our natural environment and its protection.

Council Briefings

Budget Big Picture

Annual Action Plan Review Pioneer Bay facility update Policy Review

Urban Forest Strategy Significant Tree Register

Draft Building Asset Management Plan

First Nations Renaming Cowes Cultural Community Centre Recreation and Transport Department

Domestic Animal Management Plan

Economic Development Framework Discussion Paper Surf Parade Shared Pathway

Affordable Housing Policy

Cowes Recreation Reserve Masterplan

Community Events

Easter Friday Appeal – San Remo Hotel Coronet Bay Illuminous Gallery Easter Display Jake's Art Exhibition – Coronet Bay Hall

Merindah Hills Farm Produce & Shop Easter Egg Hunt DAL Panel – Cape Paterson Life Saving Club

Council Events

Live4Life program

Community Meetings

Rural Engagement Group

4.3 Cr David Rooks - Councillor Report

Meetings

- Event Advisory committee - chaired
- Council meeting
- Cowes Cultural Centre :Project Control Group
- Draft Cowes Recreation Reserve Master plan meeting
- Working with Women on Gender Equality

Briefings

- Weekly Wednesday Council Briefings
- Island Ward monthly planning briefings
- Council Briefing – Big Budget

Training

- Company directors course

Functions

- Presented to Rotary 'Working with Women on Gender Equality'

Ongoing

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

5 Public Question Time

5.1 Kevin Griffin, Inverloch Shared Pathway

Last month Council claimed that DEECA will not permit the continuation of design option 2 from Ozone Steet onto Goroke Street.

Will council now publish to its website without redactions all past and future communications between Council and DEECA which relate to stage 3a and/or stage 3b of the pathway?

Response:

Engage Bass Coast has comprehensive information to inform the community about this project.

Council is engaging with DECCA on options for the next stage of the Surf Parade shared path. To date all indication from the state government has been that any vegetation removal or encroachment into the sand dunes will not be supported.

Council will continue to explore the most environmentally sensitive design option for this project and engage with the Inverloch community on this design response in the coming months.

5.2 Kevin Griffin, Unreasonable Conduct by Customers Policy

The UCC requires that a review be undertaken 12 months after restrictions are initially imposed. It is more than 12 months since the CEO began intercepting and censoring my correspondence to councillors. How much longer does the CEO intend to continue intercepting and censoring my communications with our elected representatives.

Response:

The Unreasonable Conduct by Customers Policy requires a review every 12 months. Your next review date is 29 June 2023, 12 months after your meeting with the CEO.

5.3 Nathan Smith, Social and Affordable Housing

1. In the absence of their own Social and Affordable Housing Strategy, how does the Council justify recommending sites to Community Housing Victoria (CVHL) for future development?
2. What is Council's response to the immediate neighbours of the proposed Social and Affordable Housing sites who will see an instant devaluation of their property?

Response:

The Healthy Communities Plan 2021-25 has a clear objective to support social and affordable housing in Bass Coast.

Any impact on property values is subjective, however the impact on property values is not a planning consideration. This has been a widely held planning principle that has been established at VCAT.

5.4 Graham Jolly, State Debt

It has been reported that the State Government has a massive "net debt" increasing daily. Council advocates to the State Government for grant funds for shovel ready Operational and Capital projects.

What advocated projects will be delayed or effected due to the State Debt?

Response:

Council is awaiting the release of the State Government budget to understand if any projects or programs are impacted.

It is vital that the State Government maintains grant programs to offset the impact of rate capping, particularly in an environment where the rate cap is not keeping pace with inflation.

5.5 Graham Jolly, Cowes Cultural and Community Centre

A worker constructing the new Cowes Cultural and Community Centre commented :- indicating council changed the build plans after the initial plans were received, costed and approval given to build.

During the build multiple inclusions and changes have occurred. Would council please explain.

Response:

McCorkell Constructions were appointed in October 2021 under a design and construction contract to deliver the Cowes Cultural and Community Centre. It is normal process for adjustments to be made when using a design and construct approach.

5.6 Jillian Mitchell, Special Charge Schemes

1. Are the current roadworks to seal Shetland Heights Road in San Remo being funded by a Special Charge Scheme or is the majority of funding being provided by council?
2. What percentage of the sealed roads in Newhaven, Rhyll and Cowes have been funded by Special Charge Schemes?

Response:

Shetland Heights Road was funded by a Federal Government grant and developer contributions.

A percentage of road network funded through special charge schemes is not recorded on Council records.

5.7 Kym Lightfoot, Arts and Cultural Plan 2015-2019

Council Arts and Cultural Plan 2015-2019 on page 8 states " This plan will be reviewed in 2016-2017 with the inclusion of a detailed action plan." What is causing the delay in updating this 2015-2019 plan?

Response:

The review of Council's Arts and Cultural Plan 2015-2019 began in 2018, and following extensive community consultation was replaced by the Bass Coast Shire Council Arts and Culture Strategy 2019 - 2029, as adopted by Council in 2019.

5.8 Kym Lightfoot, Foreshore and Bushland Reserve Use Policy

Councils Foreshore and Bushland Reserve Use Policy dated 20th September 2017, page 4, states "Council will review this policy within 4 years of its adoption." When will this policy be reviewed and updated?

Response:

The Foreshore & Bushland Reserve Use Policy is currently under review.

5.9 Malcolm Pinkerton, Council Plans

1. The Building Asset Management Plan 2016 has a life of 4 years and will be updated at that time. What is causing the delay in updating this 2016 plan?
2. Bass Coast Shire Aspirational Network Pathways Plan 2016. When will council review this plan?

Response:

The Building Asset Management Plan will be reviewed in 2023/24 and is listed as an initiative in Council's draft 2023/24 budget.

The Tracks and Trails Strategy replaces the Aspirational Network Pathways Plan 2016.

5.10 Melissa Dagg, Council Plans

1. Councils Biodiversity Biolinks Plan 2018 is part of councils Municipal Strategic Statement at clause 21.04-3. Biodiversity Conversation and Habitat Protection, page 12. Council is reviewing it's Planning Scheme through the government. When will this plan be reviewed?
2. Ayr Creek Reserve Management Plan June 2016, page 43 states 'A final review (2022) of the implementation of the plan.' This plan is overdue. What is causing the delay?

Response:

Council's Biodiversity Biolinks Plan was adopted in 2018 and is due for review in 2023.

The Ayr Creek Reserve Management Plan was developed to guide Council's management of the reserve over 5 years. Recommendations within the Plan with inform Council's approach to evaluation and review.

6 Notices of Motion

There were no Notices of Motion

7 Petitions and Joint Letters

A copy of the *Petition Against Sunderland Bay/Surf Beach Potential Special Charge Scheme* with additional signatures was provided to Council.

Council received the petition at the February 2023 Council meeting, therefore the copy does not need to be presented again. The additional signatures have been provided to the responsible department.

8 Reports Requiring Council Decision

8.1 Draft 2023/24 Budget

Council Decision

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

That Council:

1. Approve the release of the draft 2023/24 Budget and the draft Fees and Charges 2023/24 for community engagement. The draft Budget has been prepared by the Council in accordance with the requirements of Sections 94 and 96 of the *Local Government Act 2020*.
2. Approves the draft Annual Action Plan 2023/24 for community consultation.
3. Authorises the Chief Executive Officer to deliver the following community engagement pursuant to Council's Community Engagement Policy:
    a. Give public notice of the release of the draft 2023/24 Budget including the draft Annual Action Plan 2023/24 and the draft Fees and Charges 2023/24.
    b. Make available for public inspection a copy of the draft 2023/24 Budget.
    c. Call for written submissions on the proposals contained in the draft 2023/24 Budget to be received up to 5.00 pm Monday 15 May 2023.
4. Considers any submissions received and hears any person who wishes to be heard (either personally or by a person acting on their behalf) in support of a submission received, in relation to the draft Budget on Wednesday, 24 May 2023 either at the Bass Coast Civic Centre, or virtually.

CARRIED

8.2 Planning Application 220259 - 100 Church St Cowes - Construction of 10 dwelling, vegetation removal, removal of easement and common property

Council Decision

Moved: Cr. David Rooks / Seconded: Cr. Ron Bauer

That in relation to planning permit application 220259 for Development of land for 10 dwellings in the General Residential Zone (GRZ1) and Design and Development Overlay (DDO1), removal of vegetation in a Vegetation Protection Overlay (VPO2) and removal of easement E-1 & E-2 and common property located at Lot 1 & Lot 2 100 Church Street, Cowes VIC 3922 , Council resolves to issue a Notice of Decision 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 advertised but modified to show:
   a) Deletion of the third floor of dwellings 5 and 10
   b) Colour scheme revised to less reflective colour scheme with deletion of whites and "surfmist" roof.
   c) North and South elevations revised to correct reference for these orientations as required
   d) Dwelling 1 amended to remove excavation works with in the TPZ of tree 13
   e) A tree protection plan in accordance with Condition 6
   f) Amended landscape plan in accordance with Condition 3

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

2. Prior to certification, an amended plan of subdivision to the satisfaction of the Responsible Authority 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. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
   a. The removal of the common property and E-2.
   b. Easement requested by Westernport Water

Amended Landscape Plan required

3. Concurrent with the submission of plans required by Condition 1 and before the commencement of buildings and works an electronic copy of a Landscape Plan (drawn to scale with dimensions) to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The Landscape Plan must be generally in accordance with the Concept Landscape Plan dated 04/07/2022 prepared by Neil Fletcher Design, except that the plan must show:

a) any design changes as required by Condition 1;

b) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary or whose Tree Protection Zones (TPZ) enters the site;

c) 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) landscaping and planting within all open areas of the site;

f) 18 (eighteen) canopy trees capable of reaching a mature height of 10-15m selected from Permit Note A;

g) Addition of midstory vegetation in the front setback of Dwelling 1 and 6 which has a height at maturity of 4 meters.

h) only the use of plant species indigenous to the locality;

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

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

Completion and maintenance of landscaping

4. Within 3 months of the completion of the dwellings 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.
5. The development and plan of removal of easement as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

Tree Protection Plans

6. Tree Protection Plans which incorporates elements from the recommendations but not limited to the following:
    a. All trees must be clearly numbered and correspond with the tree data.
    b. Location of site sheds.
    c. Location of protection fencing.
    d. Trees identified to have trunk and canopy protection measures.
    e. TPZ areas to be mulched (in accordance with recommendations/conditions of consent).
    f. Location of Haulage roads.
    g. Location Building storage materials.
    h. Location Building waste area's.

i. Location Site toilets being used (Where applicable and must be outside the TPZ).

j. Location of installations of services and methodology to be used.

Excavations

7. A qualified Arborist must be present at the time of excavation to ensure suitable protection of the trees to be retained. Any work/pruning required on the trees to be retained must be undertaken by a qualified Arborist and pruning works must conform to AS4373-2007 Pruning of Amenity Trees. All areas of cut adjacent to the trees to be retained must be mulched to the satisfaction of the Arborist present.

Completion report from Arborist

8. At the completion of works, the Arborist must submit a written statement, indicating the impact of the proposed works on the trees, pruning works to trees undertaken and methods used to protect the trees to be retained.

Protection of vegetation – before construction

9. Before any works start (including demolition and/or excavation):

   a. a vegetation protection fence must be erected around the trees to the extent of the TPZ measured from the base of the trunk/s to define a ' Tree protection zone';

   b. the fence must be of solid chain mesh or similar type fencing at a minimum height of 1.8 metres in height held in place with concrete feet.

   c. the ground surface of the vegetation protection zone must be covered by a 100mm deep layer of mulch;

   d. signs must be clearly displayed at all times on the vegetation protection zone fences advising that the zone/s must not be used for any purpose during construction;

   e. the applicant/owner must notify the responsible authority that the vegetation protection zone is in place and ready for inspection;

   f. the responsible authority must advise in writing that the fencing and other tree protection measures are to its satisfaction before the development starts.

Protection of vegetation - during construction

10. The following vegetation protection measures must be complied with:

    a. All contractors and subcontractors engaged to undertake construction work on the site must have included in their contract a reference to the retention of tree/s and the planning permit requirements for their protection.

    b. Signs to the same effect must be displayed at all times on the tree protection zone fences.

c. No excavation, heavy machinery, vehicle and pedestrian access, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the responsible authority.

d. All supports, and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging roots where possible.

e. No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the responsible authority.

f. Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.

g. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ and must be restored in accordance with the above requirements at all other times.

h. Prior to the commencement of any site works, including demolition and excavation, the responsible authority must be provided with evidence that a project arborist has been engaged as part of the ongoing consultant team to oversee all buildings and works, and to ensure the development does not have a detrimental impact on the ongoing health and stability of the trees to be retained. The project arborist must have a qualification in arboriculture and hold a minimum Diploma in Horticulture (Arboriculture) to be the project arborist.

Replacement Planting

11. The trees must not be removed until a replacement tree-planting plan has been submitted in a digital format to and endorsed by the responsible authority. This plan, when endorsed, must form part of this permit. This plan must show:

    a. Location of the trees to be removed.

    b. Replacement of a canopy tree selected from the species in the list under Permit Note-A or to the satisfaction of the responsible authority.

    c. New tree set back a minimum of 3 metres from buildings on the site (10 metres where site falls under BMO) and with 35sqm of open ground clear of all hard surfacing, building structures and other tree canopies.

    d. Proposed canopy trees should be capable of reaching a minimum mature height of 10-15m and of advanced stock (minimum 52L/50cm pot size and 2 metre tall at time of planting).

    e. A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.

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

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

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

No other trees to be removed

13. No other trees on site that are protected by the Planning Scheme/Local Law may be destroyed, felled, lopped or uprooted without the written consent of the responsible authority (other than in accordance with a Notice given pursuant to the Local Government Act 2020). All existing trees to be retained and trees required by this permit to be planted shall be maintained to the satisfaction of the responsible authority.

No damage to surrounding vegetation

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

Pruning of trees to be retained

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

Soil contamination

16. Where Phytophthora cinnamomi is present in the soil all construction vehicles, machinery and plants must be washed down before entering or leaving known infected areas at a designated site and quarantine practices introduced to prevent further spread to the satisfaction of the responsible authority.

Prior to works commencing

17. Prior to works commencing, or such later time as may be agreed in writing by the responsible authority, evidence must be provided to the satisfaction of the Responsible Authority that Section 173 Agreement AU978090U has been removed from all lots subject of this permit.

18. Prior to works commencing, or such later time as may be agreed in writing by the responsible authority, evidence must be provided to the satisfaction of the Responsible Authority that easement E-1 on Plan of Subdivision 848210K has been removed.

Consolidation of Titles before a building permit is issued

19. Prior to the issue of a building permit, the titles comprising Lot 1 of PS848210K and Lot 2 PS848210K must be consolidated into a single title satisfactory evidence in the form of the new title be submitted to Council and to the satisfaction of the Responsible Authority. This is to include evidence of common property identified as CM1\PS84210 dissolved and consolidated into the previous mentioned titles that are subject to the planning permit.

Obscure glazing

20. Prior to occupation of the dwellings hereby approved, all first floor habitable room windows must be fitted with fixed obscure glazing to a height 1.7m above the finished floor level as indicated on the endorsed plans, to the satisfaction of the Responsible Authority.

Adherence to Tree Management Report

21. All actions and measures identified in the Arborist Report by Constructive Arboriculture (dated May 2022) to protect trees to be retained must be implemented at all times during construction.

Completion and maintenance of landscaping

22. Within 3 months of the completion of the development hereby approved 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.

Photographic evidence of planting to be submitted

23. Within one month of the completion of the development hereby approved, at least 3 high quality photographs (from various angles and distances) must be provided demonstrating the landscaping has planted in accordance with the endorsed plans. This may be accompanied by additional evidence including receipts of the purchased trees, formal letter on letterhead by an arborist confirming the landscaping has been undertaken in accordance with the endorsed plans.

Plant /Equipment or Features on Roof

24. Plant, equipment, services or architectural features, other than those shown on the endorsed plans, must not be located above the roof level of the building(s) without the written consent of the responsible authority.

Car Parking Construction

25. Prior to occupation of the dwellings, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:

    a. constructed;

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

c. surfaced with an all-weather seal coat;

d. drained;

e. to the satisfaction of the responsible authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

Maintenance

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

Amenity during construction

27. The development must be managed during construction so that the amenity of the area is not detrimentally affected through the:

    a. transport of materials, goods or commodities to or from the land;

    b. appearance of any building, works or materials;

    c. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, litter, dust, wastewater, waste products, grit or oil; and

    d. presence of vermin or animals.

28. Adequate provision must be made for the storage and collection of waste and recyclables within the site prior to the commencement of use or occupation of the building. This area must be appropriately graded, drained and screened from public view to the satisfaction of the Responsible Authority.

29. Prior to the occupation of the building, fixed privacy screens (not adhesive film) designed to limit overlooking in accordance with the endorsed plans must be installed to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

30. The existing footpath levels must not be lowered or altered in any way to facilitate access to the site.

Asset Management Conditions

SITE CIVIL DESIGN PLANS

31. Before the issue of a building permit by a relevant building surveyor, detailed civil construction plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. All construction plans submitted for approval must be consistent with this permit and must conform with the requirements of all relevant servicing authorities. The plans must be drawn to scale with dimensions and an electronic copy (PDF) must be provided. The plans must show:

a. Drainage of the subject land, including levels or contours of the land on AHD (including relevant external catchments) and all hydraulic computations. The drainage plan must be prepared in accordance with the requirements of the Infrastructure Design Manual (IDM) as amended and must provide for the following:

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

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

iii. The provision of stormwater detention within the site and prior to the point of discharge into Bass Coast Shire Council's drainage system. The stormwater detention system must be designed to ensure that stormwater discharges arising from the proposed development of the land are restricted to pre-development flow rates. The rate of pre-development stormwater discharge shall be calculated using an allowable discharge rate for the site 37 l/sec/ha.

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

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

b. Vehicle and car parking to the satisfaction of the Responsible Authority including:

i. A vehicle access to be designed in accordance with IDM standards (SD 250). Clearance from obstructions including existing street trees, service authority assets, footpaths, kerb and channel, poles, rain gardens, pits, cables, pipes, bus shelters / stops, street furniture, signs, etc. must be shown on the plans.

CONSTRUCTION

32. Before the issue of certificate of occupancy, the following works must be completed to the satisfaction of the Responsible Authority including all necessary permits being obtained and inspections undertaken:

a. All civil construction works, must be constructed in accordance with the civil design plans for the property as endorsed by the Responsible Authority pursuant to this planning permit

b. All drainage works (excluding any above ground detention tanks deferred via a Section 173 agreement) in accordance with the endorsed civil plans.

c. Photographic evidence of the legal point of connection to Council's drainage system must be provided if Council inspection cannot be arranged prior to backfilling.

d. Areas for common property, vehicle access and car parking within the land must be constructed in accordance with the endorsed civil design plans.

e. All proposed vehicle crossings and footpaths must be constructed in accordance with the endorsed plans and IDM standards,

f. All redundant infrastructure (including vehicle crossings) abutting the site shall be removed and the kerb, channel, naturestrip and footpath shall be reinstated.

MUD ON ROADS

33. 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.

MAINTENANCE OF ONSITE DRAINAGE SYSTEM

34. The onsite stormwater drainage system including stormwater detention, installed in accordance with the endorsed plans, must not be removed or modified without the further approval (in writing) of the Responsible Authority.

STORM WATER QUALITY TREATMENT

35. 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

WESTERNPORT WATER CONDITION

36. Provisioning of 1m easement around the WPW maintenance structure.

Time for Starting and Completion

37. This Permit will expire if:

a. The development does not start within 2 years from the date of this Permit; or

b. The development is not completed within 4 years of the date of this Permit; or

c. the vegetation removal is not completed within 12 months of the date of this permit; or;

d. The plan of removal of easement is not certified within two (2) years of the date of this permit.

e. The plan of removal of easement is not registered within five (5) years of the date of certification.

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

NOTES

Building permit may be required

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

Planning permission

Nothing in the grant of this permit should be constructed 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.

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.

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.

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.

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.

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.

Road Occupation Permit

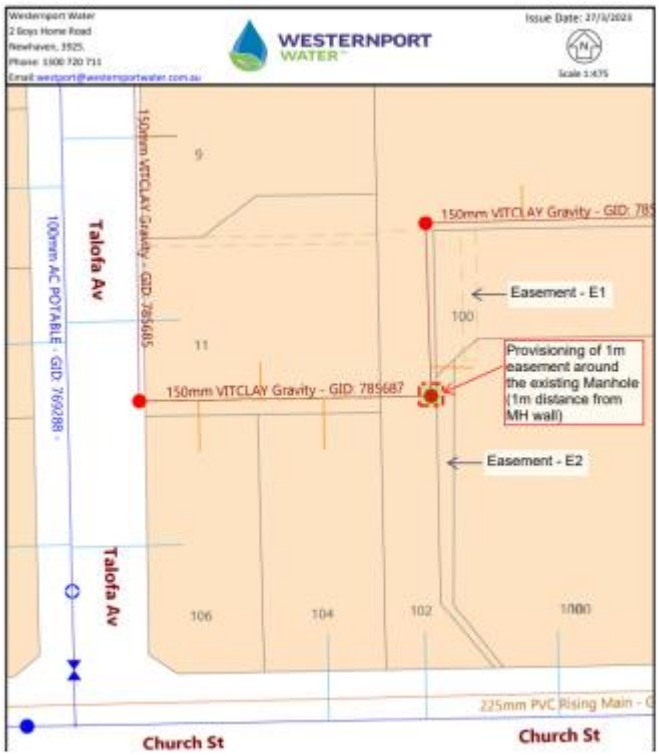
A Bass Coast Shire Road Occupation Permit must be obtained prior to the commencement of the construction of all new vehicle crossings and for the upgrading, alteration or removal of existing vehicle crossings. The relevant fees, charges and conditions of the Road Occupation Permit will apply to all vehicle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

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.

Westernport Water Note:

Provisioning of 1m easement around the WPW maintenance structure as shown in the attached drawing



CARRIED

8.3 Policies Review

Council Decision

Moved: Cr. Rochelle Halstead / Seconded: Cr. David Rooks

That Council:

1. Revoke the following policies:
    - Archives and Disposal Policy
    - Arts and Culture Policy
    - Business Development Policy
    - Capital Investment Policy
    - Community Minor Capital Works Policy
    - Compliance and Enforcement Policy
    - Confidential Information Policy
    - Council Intervention into Private Building Surveyors Functions Policy
    - Council Services Pricing
    - Essential Services Policy
    - Events Policy
    - Financing of Major Capital Community Projects Policy
    - Food Safety Management Policy
    - Fraud Policy
    - Housing Policy
    - Investment Attraction & Facilitation Policy
    - Livestreaming Policy
    - Media Engagement Policy
    - Older Persons Housing Policy
    - Public Open Space Policy
    - Positive Ageing Policy
    - Provision of Property Information Held by Council Policy
    - Risk Management Policy
    - Signage in Public Places Policy
    - Single Use Plastic Free Policy
    - Sponsorship Policy

- Strategic Land Use Planning Funding Policy
- Street Light Policy

2. Note the following policies have been superseded
   - Councillor IT Equipment Policy
   - Councillors Travel Policy
   - Privacy and Data Protection Policy
   - Purchasing Card Policy

CARRIED

8.4 Crown Land Policy

Council Decision

Moved: Cr. Rochelle Halstead / Seconded: Cr. David Rooks

That Council endorse the Draft Crown Land Policy for community consultation.

CARRIED

8.5 Award of Tender No. 22019 - Professional Engineering Consultancy Services (including Public & Sports Lighting, Arborists and Landscapes Architects)

Council Decision

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

That Council:

1. Accept the tender submissions from and award Contracts to:
   - 2MH Consulting
   - Antler Environmental
   - Arborzone Total Tree Care
   - Arcadia Landscape Architecture
   - Beveridge Williams Co Pty Ltd
   - Bridgeford Group
   - CMW Geosciences East Coast Pty Ltd
   - Craig Civil Design
   - Creo Consultants
   - Data Audit Systems Pty Ltd

- Design Table Landscape Architecture - Urban Design
- Ecology and Heritage Partners
- Emerge Associates
- Endeavour Turf Products Pty Ltd
- Engeny
- Harris Kmon Solutions
- HDS Australia
- JJ Ryan Consulting Pty Ltd
- McGregor Coxall
- MLEI Consulting Engineers
- Pavement Management Services Pty Ltd
- Spiire Australia Pty Ltd
- SPORTENG
- Tonkin and Taylor
- Water Technology Pty Ltd
- XYLEM Tree Care

For the Schedule of Rates provided in each of their tender submissions, for a Contract term of three (3) years with an additional two extension options of up to two (2) years each at the discretion of Council.

2. Authorise the Chief Executive Officer to execute Contracts between Council and the twenty-six (26) companies listed in Recommendation No.1 and outlined in this report.

CARRIED

8.6 Award of Tender No. 23005 Cowes Boat Ramp and Jetty Upgrade

Council Decision

Moved: Cr. Ron Bauer / Seconded: Cr. David Rooks

That Council:

1. Accept the tender from Bridgewater Marine Pty Ltd, subject to Council receiving the signed funding agreements from Better Boating Victoria, and award Contract No 23005 Cowes Boat Ramp and Jetty Upgrade for the contract sum of $2,779,798.41 plus GST of $277,979.84 which includes lump sum and provisional amounts.
2. Authorise the Chief Executive Officer to execute Contract 23005 between Council and Bridgewater Marine Pty Ltd.

CARRIED

9 Statutory Reports

Council Decision

Moved: Cr. Rochelle Halstead / 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

That Council receive the attached Informal Meeting of Councillors records.

9.2 Planning and Building Statistics - February 2023

That Council:

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

9.3 Contracts and Contract Extension Award Report

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

9.4 Receipt of Audit and Risk Committee Minutes - 23 November 2022

That Council receive the attached Informal Meeting of Councillors records.

Council Decision

Moved: Cr. Ron Bauer / Seconded: Cr. David Rooks

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 17 May 2023 in the Bass Coast Civic Centre Council Chamber, Baillieu Street East, Wonthaggi commencing at 1.00pm.

12 Meeting Closed

The meeting closed at 1:46 pm