

Bass Coast Shire Council
Council Meeting Agenda

Wednesday 14 December 2022

Council Chamber
Bass Coast Civic Centre
Baillieu Street East
Wonthaggi
Commencing at 1.00pm

BASS COAST



Community Vision 2041

Vision Statement

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

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

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

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

Notice of Meeting

Notice is hereby given that the next **Council Meeting** of the Bass Coast Shire Council will be held at the Council Chamber Bass Coast Civic Centre Baillieu Street East Wonthaggi on 14 December 2022 at **1.00pm**

Date of Notice - 8 December 2022
Ali Wastie
CEO

Agenda

Livestreaming

In accordance with the Bass Coast Shire Council Meeting Livestreaming Policy 2020 adopted 15 April 2020 this Meeting will be livestreamed and the video and audio recording of the Meeting will be made publicly available for viewing on Council's webpage.

Mobile Telephone Reminder

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

Statement of Acknowledgement

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

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

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

Councillor Statement

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

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

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

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A Present and Apologies

B Declarations of Interest

C Confirmation of Minutes

C.1 Council Meeting held on 16 November 2022

Recommendation

That the minutes of the Council Meeting held on 16 November 2022 be confirmed.

D Public Question Time

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

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

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

Governance Rules

Part C – Meetings Procedure

Division 8 – Public Question Time

54. Question Time

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

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

54.3 Questions submitted to Council must be:

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

54.3.2 be lodged 48 hours prior to the Council meeting.

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

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

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

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

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

54.6.3 deals with a subject matter already answered.

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

54.6.5 relates to personnel matters.

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

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

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

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

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

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

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

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

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

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

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

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

E Petitions, Joint Letters, Deputations and Correspondence

Notices of Motion

F Notices of Motion

F.1 251/22 Alteration to the Nobel Prize and Bass Coast Shire citizen of the year to include a category sustainability, Cr Ron Bauer

I, Cr *Ron Bauer*, hereby give notice that I intend to move a motion at the Council Meeting on 14 December 2022, which reads as follows:

ALTERATION TO THE NOBEL PRIZE AND BASS COAST SHIRE CITIZEN OF THE YEAR TO INCLUDE A CATEGORY SUSTAINABILITY

Motion

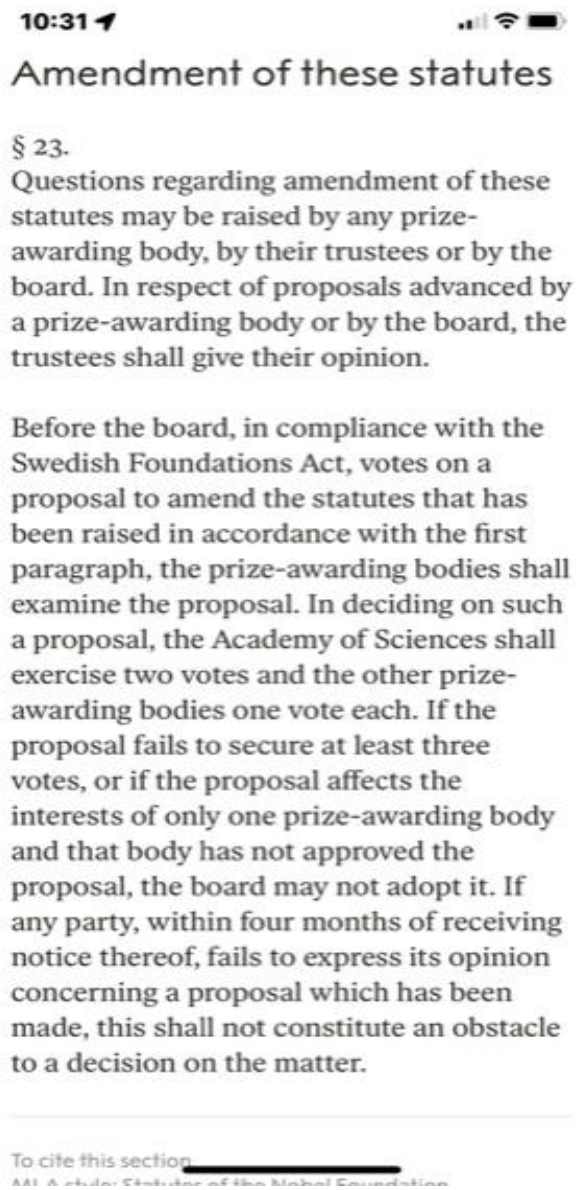
That

1. **A motion be placed on the agenda of the next MAV meeting stating that the MAV petition the office of Prime Minister to write to the governing authority of the Noble Prize in Sweden to include a new category "Sustainably of the Planet".**
2. **A new category be introduced for Bass Coast citizen of the year entitled Sustainable Practices.**

Background by Councillor

The Nobel prize was established in 1901 with the categories reflecting the important issues of that time. Physics, Chemistry, Literature, Peace, and Medicine. In 1968 Economics was added. We now live in the 21st century and our understanding of sustainability and climate change has made this an area of the utmost importance. This motion asks the Australian Government to bring the relevance of the Nobel prize into the modern world by asking the Governing Board of the Nobel Prize to introduce this new category. As the saying goes, no planet, no other prize matters.

The second part of this motion shows that we practice what we preach. By creating a new category for Bass Coast we are leading from the front foot.



10:31

Amendment of these statutes

§ 23.
Questions regarding amendment of these statutes may be raised by any prize-awarding body, by their trustees or by the board. In respect of proposals advanced by a prize-awarding body or by the board, the trustees shall give their opinion.

Before the board, in compliance with the Swedish Foundations Act, votes on a proposal to amend the statutes that has been raised in accordance with the first paragraph, the prize-awarding bodies shall examine the proposal. In deciding on such a proposal, the Academy of Sciences shall exercise two votes and the other prize-awarding bodies one vote each. If the proposal fails to secure at least three votes, or if the proposal affects the interests of only one prize-awarding body and that body has not approved the proposal, the board may not adopt it. If any party, within four months of receiving notice thereof, fails to express its opinion concerning a proposal which has been made, this shall not constitute an obstacle to a decision on the matter.

To cite this section

Officers Comments

It is proposed in a report at this Council Meeting to move the Australia Day awards held in late January into May and align these with National Volunteer Week. Before these awards are conducted council will review the structure of awards to determine what categories will be established. Given council's Climate Action Plan and the significance of this issue, strong consideration will be taken within this review for the inclusion of a sustainable practices or environmental stewardship category.

……..
Cr Ron Bauer, Island Ward
Dated: **14 December 2022**

Attachments

There are no attachments for this report.

Mayor and Councillor Reports

G Mayor and Councillor Reports

Reports Requiring Council Decision

H Reports Requiring Council Decision

H.1 DPO3 - Grantville

File No:	**CM22/686**
Division:	**Place Making**
Council Plan Strategic Objective:	**Sustainable Development**
	Prepare for growth while ensuring the intrinsic values and character of Bass Coast are retained.

Previous Items: SR5/21 - Proposed Development Plan Endorsement (DPO3) - Grantville Mixed Use Zone Precinct (North) - Council Meeting - 16 Jun 2021 1.00pm
SR1/22 - Proposed Development Plan Endorsement (DPO3) - 10-20 Grantville-Glen Alvie Road, Grantville - Council Meeting - 20 Jul 2022 1.00pm

Declaration

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

Summary

The purpose of this report is for Council to consider amendments to a development plan endorsed under Development Plan Overlay Schedule 3 (DPO3).

The proposed amendment relates to the land at 1517 – 1529 Bass Highway Grantville, 6-8 Grantville-Glen Alvie Road, Grantville and 10-12 Grantville Glen Alvie Road Grantville.

The application proposes to separate the development plan so that common land uses are shown on separate plans. This will result in one development plan for the commercial land use and another for the residential land use. The only notable change relates to the proposed residential development plan, as it will include 6-8 Grantville Glen Alvie Road as well as 10-12 Grantville Glen Alvie Road, Grantville.

The proposed residential development plan seeks to:

- Improve site access to 6-8 Grantville Glen Alvie Road. The inclusion of 10-12 Grantville Glen Alvie Road on the development plan allows the width of the common property to be increased to a dimension that allows the common property to become a Public Road. The proposed public road will improve the ability of emergency services and waste management vehicles to access the area.
- The proposed public road can be used to service the lots created on 10-12 Grantville Glen Alvie Road therefore minimising the need for an additional accessway onto Grantville Glen Alvie Road. This is important as it minimises the removal of mature roadside vegetation from within the Grantville-Glen Alvie Road reserve.
- Improves the overall layout of residential development

- Improves the private and public realm landscaping outcomes.

The report recommends council resolve to support the development plan subject to minor amendments to notes on the Development Plan.

Background

The DPO3 applies to all the land coloured red in figure 1.

Several Development Plans have been endorsed for different parcels of land within the DPO3. Of relevance to this application is the Development Plan approved by Council on 16 June 2021 for the land at 1517 – 1529 Bass Highway Grantville and 6-8 Grantville-Glen Alvie Road, as shown in figure 2.

It is proposed to amend the endorsed development plan as per figures 3 and 4. Copies of the proposed development plans are included in AT-1 and AT-2.



Figure 1, extent of the DPO3 in Grantville.

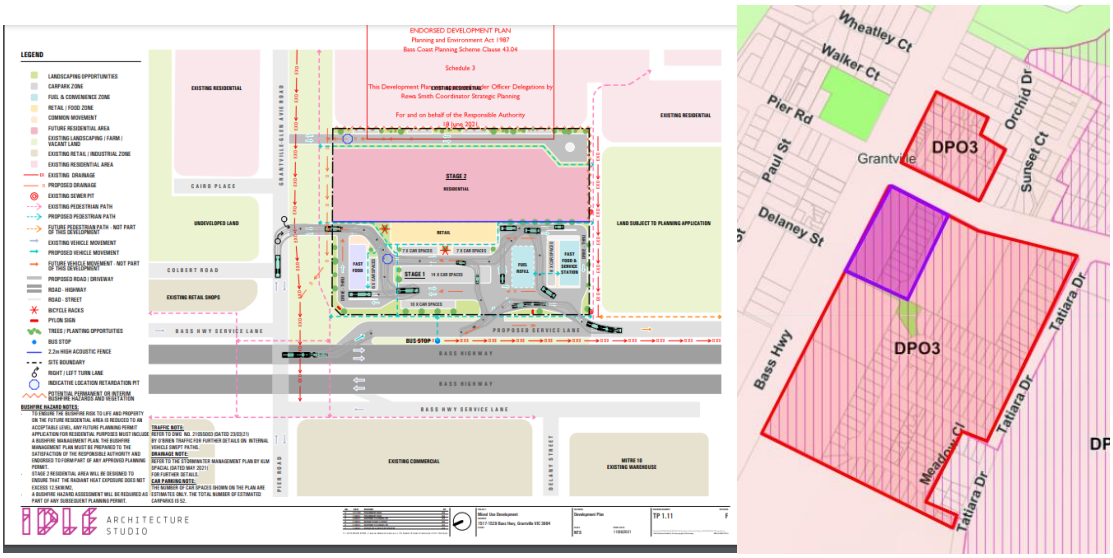


Figure 2, Endorsed Development Plan (subject to amendment) and the area it applies to within the DPO3 (shaded purple).

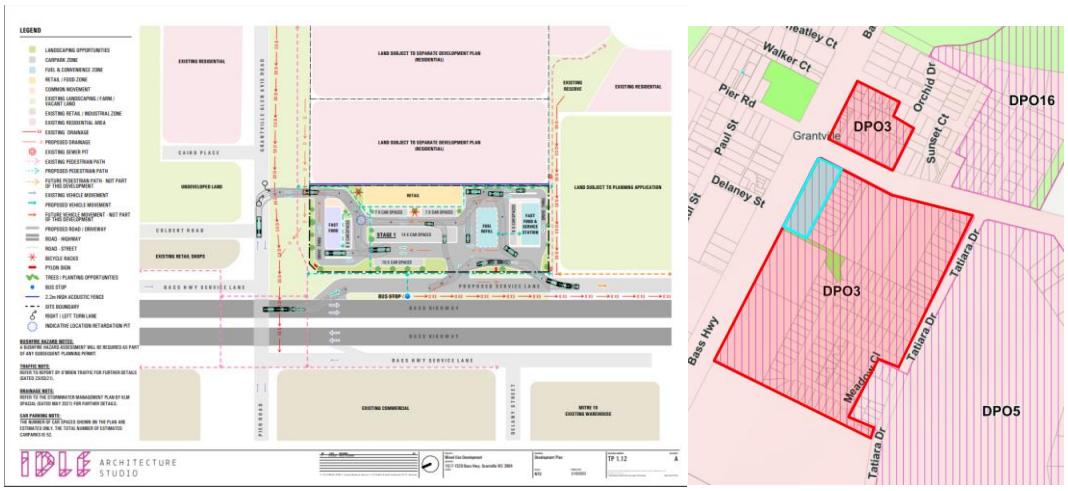


Figure 3, proposed amended development plan for commercial land and the area it applies to within the DPO3 (shaded blue).

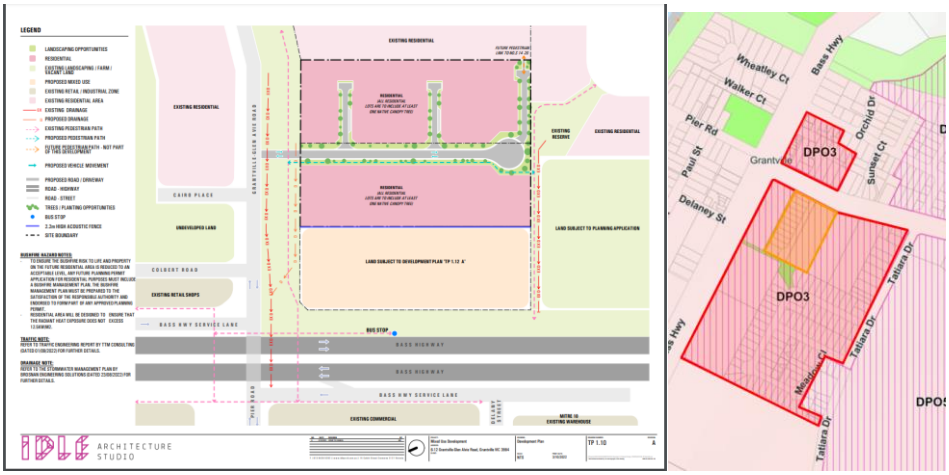


Figure 4, proposed amended development plan for residential land and the area it applies to within the DPO3 (orange).

Site and Surrounds

The subject land is located centrally within the settlement of Grantville and included in the Mixed Used Zone and General Residential Zone. The DPO3 is the only overlay affecting the land.

The land is at the intersection of Bass Highway (Transport Zone schedule 2) and Grantville Glen Alvie Road (a Council managed Road). The road reserves include mature vegetation.

Three individual parcels are included in the application and each site is rectangular shape with dimensions measuring approximately 145m by 50m. Each site has a land area measuring approximately 7250 square metres.

The land area falls to the north east.

Of the lots, only 10-12 Grantville-Glen Alvie Road is developed with a dwelling and outbuildings. The remaining lots are vacant. Mature trees and shrubs are located across the three lots; however, these are predominately located on 1517 – 1529 Bass Hwy and 10-12 Grantville Glen Alvie Road.

The land is in an area of Aboriginal Cultural Heritage Significance.

Recent Planning History

The land has been subject to the following planning applications:

- Development Plan for 1517 – 1529 Bass Highway Grantville and 6-8 Grantville-Glen Alvie Road approved on 16 June 2021

On 16 June 2021 Council approved a development plan for the above properties, as shown in figure 2.

The development allowed new commercial uses comprising two convenience restaurants, service station, retail space and a land area able to accommodate 52 car parking spaces. Two access points were proposed to the commercial land uses, one via Grantville Glen Alvie Road and the other via a service lane fronting Bass Highway.

The development plan also approved an area for residential development. The residential land uses are separated from the commercial land uses with a proposed acoustic fence located along the shared boundary. The residential land uses were proposed to be serviced by a road with court bowl terminus.

- Planning permit 210219 issued on 31 December 2021 approved land at 6-8 Grantville-Glen Alvie Road being subdivided into 11 lots.

The development approved uniform shaped rectangular lots fronting a common property driveway.

Certification and Statement of Compliance have not been issued for this site.

The developer has advised contracts of sale for all permitted lots have been entered.

Should Council resolve to approve the proposed development plans, this permit is required to be amended.

- Development Plan for 6-8 Grantville-Glen Alvie Road, 10-12 Grantville-Glen Alvie Road, 14-16 Grantville-Glen Alvie Road, and 18-20 Grantville-Glen Alvie Road, refused by Council on 20 July 2022

This application was refused by Council because:

- *The proposed plan does not appropriately avoid and minimise the loss of native vegetation, especially considering their contribution to the neighbourhood and landscape character of Grantville*
- *The proposed road layout does not provide an acceptable road network to adequately service all three lots to which it applies*
- *The proposed private road results in a poor community outcome by burdening future landowners with the need for a private waste collection agreement.*
- *The proposed 3.0m wide Council reserve is of insufficient width to properly network with the existing pedestrian pathways*
- *The curve and angle of the proposed crossover is not consistent with the Infrastructure Design Manual and raises a potential pedestrian safety risk.*
- *The proposed development plan does not appropriately consider the whole of the covered area, including 14-16 and 18-20 Grantville-Glen Alvie Road.*

Strategic Basis

Council Plan Strategic Objective:

Sustainable Development - *Prepare for growth while ensuring the intrinsic values and character of Bass Coast are retained*

Governing Documents

The governing document for the assessment of this application are the Planning and Environment Act 1987 (PE Act) and the Bass Coast Planning Scheme.

The policy as relevant to this application includes:

- Clause 02.03, Strategic directions:
  - Clause 02.03-1, settlement
  - Clause 02.03-3, environmental risks and amenity
  - Clause 02.03-5, built environment and heritage
  - Clause 02.03-6, housing
  - Clause 02.03-9, infrastructure
- Clause 11.01-1S, Settlement
- Clause 11.01-1L-07, Grantville
- Clause 12.01-2S, native vegetation management
- Clause 13.02-1S, bushfire planning
- Clause 15, built environment and heritage
- Clause 16, housing
- Clause 19, infrastructure
- Clause 32.04, Mixed Use Zone
- Clause 32.07, General Residential Zone
- Clause 43.04, Development Plan Overlay, schedule 3
- Clause 52.17, native vegetation
- Clause 53.01, Public Open Space Contribution
- Clause 56, Residential subdivision

Procedural Matters, Notification and Referrals

Notification

The provisions of the PE Act and the Bass Coast Planning Scheme do not include specific requirements regarding the advertising of a proposed Development Plan. However, if Council resolved to approve the proposed Development Plan, any planning permit application which is generally in accordance with the Development Plan is exempt from the normal notification and appeal processes. This means that Council does not advertise the development plan application and there is no opportunity for objectors to appeal the merits of Council's decision at the Tribunal.

As such, it is important that in making a decision about the proposed Development Plan Council act in a reasonable manner and take into account all relevant considerations, including community feedback.

As such, on 14 October 2022 the land owners of the existing allotments within the development plan area, as well as those properties south and west of Portview Avenue were advised in writing of the proposed Development Plan. The letter nominated that feedback should be provided by COB Wednesday 2 November 2022. One submission was received. The submission requested the commercial development, for 1517 to 1529 Bass Highway include a note that they have the responsibility for funding the construction of the section of the service road that fronts their site.

In response to this submission Clause 4.0 of schedule 3 to the Development Plan Overlay outlines the requirements for a development plan and explains the development must show the location of the vehicle access and egress to the site. The proposed requirements for a development plan do not include any requirement to address funding requirements of the service lane. Such requirements are matters for consideration via a planning permit application.

Referrals

Similar to notification, the provisions of the PE Act 1987 and the Bass Coast Planning Scheme do not include specific requirements regarding the referral of a proposed Development Plan. However, in the interests of Council acting reasonably and informing itself of all relevant considerations, the proposed Development Plan was referred internally to Council's Development Services team, and Recreation and Open Space teams, and externally to Melbourne Water, Westernport Water, Ausnet, The Department of Transport and the CFA.

Ausnet was the only external authority to provide a response.

The internal Council teams had no objection to the endorsement of the proposed development plans.

Discussion

As the proposed commercial development plan has not been altered from what was originally approved albeit removing the residential site, it is considered to still meet the requirements of the Bass Coast Planning Scheme. Noting that in the time that has elapsed since it was originally approved there have been no changes to the strategic intent for this area or planning controls that would suggest the development plan is no longer appropriate.

As such the remainder of the discussion will focus on the proposed Development Plans for the residential land uses. In summary the proposed residential development plan has been assessed against the relevant provisions of the Bass Coast Planning Scheme and on balance considered acceptable to be endorsed.

Settlement

The planning scheme at Clause 02.03-1 includes a settlement hierarchy for Bass Coast Shire that identifies Grantville as a "Town" with moderate spatial growth capacity and infill development.

The Grantville Strategic Framework Plan, at Clause 11.01-1L-07, establishes a clear direction by defining a settlement boundary for residential development within

Grantville. In terms of residential development, it aims to '*encourage residential development in the area generally south of Glen Alvie Road and west of Acacia*' which is the location of this site. As such, the application is considered to have strong strategic justification.

Environment

The vegetation cover on 6-8 Grantville Glen Alvie Road and 10-12 Grantville Glen Alvie Road varies. 6-8 is vacant allotment with a coverage of pasture grass and weeds while 10-12 is developed with a dwelling and outbuildings set amongst an expansive garden featuring a number of trees.

The application includes an arborist report with the application that outlines the following for the vegetation on 10-12:

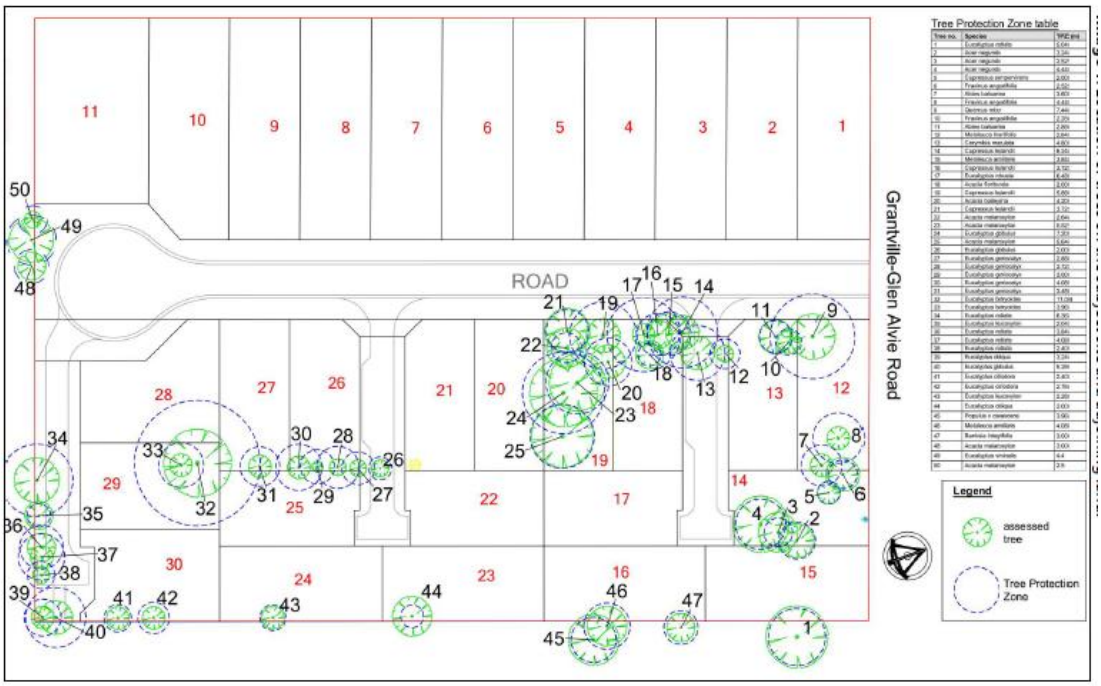


Figure 4, Location of trees on the subject site and adjoining land. Source Arboricultural Assessment and Report prepared by Jardine Johnstone pg. 4

Tree no.	Species	Retention Value
1	*Eucalyptus radiata*	High-moderate
2	*Acer negundo*	Low
3	*Acer negundo*	Low
4	*Acer negundo*	Low
5	*Cupressus sempervirens*	Low
6	*Fraxinus angustifilia*	Low
7	*Abies balsema*	Moderate
8	*Fraxinus angustifolia*	Low
9	*Quercus robur*	Moderate
10	*Fraxinus angustifolia*	Low
11	*Abies balsema*	Moderate-low
12	*Melaleuca linariifolia*	Low
13	*Corymbia maculata*	Moderate-low
14	*Cupressus leylandii*	Low
15	*Melaleuca armillaris*	Low
16	*Cupressus leylandii*	Low
17	*Eucalyptus robusta*	Moderate-low
18	*Acacia floribunda*	Low
19	*Cupressus leylandii*	Moderate-low
20	*Acacia baileyana*	Low
21	*Cupressus leylandii*	Low
22	*Acacia melanoxylon*	Moderate-low
23	*Acacia melanoxylon*	High-moderate
24	*Eucalyptus globulus*	Moderate
25	*Acacia melanoxylon*	Moderate
26	*Eucalyptus globulus*	Low
27	*Eucalyptus goniocalyx*	Low
28	*Eucalyptus goniocalyx*	Low
29	*Eucalyptus goniocalyx*	Low
30	*Eucalyptus goniocalyx*	Low
31	*Eucalyptus goniocalyx*	Low
32	*Eucalyptus botryoides*	Moderate
33	*Eucalyptus botryoides*	Low
34	*Eucalyptus radiata*	Moderate-low
35	*Eucalyptus leucoxylon*	Low
36	*Eucalyptus radiata*	Low
37	*Eucalyptus radiata*	Low
38	*Eucalyptus radiata*	Moderate-low
39	*Eucalyptus obliqua*	Moderate-low
40	*Eucalyptus globulus*	Moderate
41	*Eucalyptus citriodora*	Moderate-low
42	*Eucalyptus citriodora*	Moderate-low
43	*Eucalyptus leucoxylon*	Low
44	*Eucalyptus obliqua*	Low
45	*Populus x canescens*	Moderate
46	*Melaleuca armillaris*	Low
47	*Banksia integrifolia*	Moderate-low
48	*Acacia melanoxylon**	Moderate
49	*Eucalyptus viminalis**	Moderate
50	*Acacia melanoxylon**	Low

Figure 5, retention value ratings of assessed trees. Source Arboricultural Assessment and Report prepared by Jardine Johnstone pg. 5.

In addition to the on-site vegetation, the site benefits from established native vegetation within the Grantville Glen Alvie road reserve.

In considering vegetation removal at this site, Clause 12.01-2S (Native Vegetation Management) has the objective to ensure there is no net loss to biodiversity because of the removal, destruction or lopping of native vegetation. In deciding to remove vegetation it is important to apply the three-step approach of avoid, minimize and offset.

This must be balanced against the strategic intent for this area described in the settlement and housing sections, that strongly encourages higher density development on this site, which is also reinforced by the site's planning controls being the Mixed Use and General Residential Zones. Additionally, the site does not include any specific vegetation protection overlays. Clause 52.17 (native vegetation) is relevant to some non-planted native species.

In saying that, the subdivision provisions at Clause 56 of the scheme do have an expectation that were possible significant vegetation is retained within a development.

In response to the policy, the application proposes to remove all the vegetation from the site. The arboricultural report submitted with the application explains all vegetation is planted on the site (and therefore exempt by Clause 52.17), and the vegetation is not of a quality for retention within the proposed residential development. To offset this loss the developer is proposing extensive landscaping within the proposed road reserve and a requirement that each future lot must include at least one mature native vegetation canopy tree.

It is noted that Trees 1, and 45 to 50 are located on adjacent properties and their tree protection zones extend into the subject site. These tree protection zones will need to be respected as the areas develops.

To facilitate access to the site 0.015 hectares of vegetation is proposed to be removed. This is considered acceptable as the proposed development has avoided the removal of roadside vegetation by upgrading the existing crossover and only having one access to serve the development. The extent of native vegetation being will need to be offset by a general offset amount of 0.003 general habitat units with a minimum strategic biodiversity value score of 0.152.

Environmental Risks

Of relevance to the application is Bushfire Planning.

The site is located in a Bushfire Prone Area, and this means that in making a decision on this application Council must have regard to Clause 13.02-1S, Bushfire planning of the Bass Coast Planning Scheme.

The objective of this clause is '*to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.'* A specific strategy listed to achieve this (as relevant to this application) include:

'*Ensuring that strategic planning documents, planning scheme amendments, planning permit applications and development plan approvals properly assess bushfire risk and include appropriate bushfire protection measures.*' (Emphasis added)

XWB Consulting has prepared a Bushfire Risk Assessment for the site. It nominates that all land within 150m of the site is considered low threat either as developed residential land or managed grassland. The report recommends the following measures are undertaken as part of the future subdivision:

- Constructing dwellings within the designated bushfire prone area to a minimum bushfire attack level of BAL12.5 as required under the Building Regulations 2018.
- Providing access suitable for fire trucks.
- Providing a fire hydrant within the development

In addition, the applicant has made the following notations on the proposed Development Plan:

- To ensure the bushfire risk to life and property on the future residential area is reduced to an acceptable level, any future planning permit application for residential purposes must include a bushfire management plan. The bushfire management plan must be prepared to the satisfaction of the responsible authority and endorsed to form part of any approved planning permit.
- A bushfire hazard assessment will be required as part of any subsequent planning permit.

Built Environment and Heritage

Clause 15.01-3S and 15.01-3L includes directions for subdivision design at the state and local level. While this will be assessed in greater detail as part of the planning permit, the objectives considered relevant are:

- *To ensure the design of subdivisions achieves attractive, safe, accessible, diverse, and sustainable neighbourhoods. (15.01-3S)*
- *To integrate residential subdivision estates with existing neighbourhoods. (15.01-3L)*
- *To protect and enhance the environmental value of the site and surrounding area. (15.01-3L)*

The proposed development plan has been designed to integrate with the existing approval at 6-8 Grantville Glen Alvie Road. In fact, the approved private road which restricts proper integration with the surrounding neighbourhood and prevents delivery of Council waste services, will be resolved if this development plan is approved. It does this by increasing the width of the road to a standard consistent with Council standards and making allocation for a future loop road at the south of the site.

While the development plan will result in the loss of native trees, they development plan intends to offset this with by increasing the width of the road reserve which enables extensive landscaping, and canopy trees will be required on future lots. As noted earlier in this report, on balance this is considered to qualify as acceptable outcome for the site.

Housing

At the state level, Clause 16.01-1S (Housing Supply) seeks *to encourage higher density housing development on sites that are well located in relation to jobs, services, and public transport.*

At the local (Bass Coast) level, Clause 16.01-1L seeks to:

Encourage increased housing densities in Wonthaggi, Cowes, San Remo, Inverloch, and Grantville in areas that are either:

- *Close to activity centres, community facilities and services, or*
- *Nominated in structure plans or design frameworks.*

The proposed development site is located next to the commercial area and is considered to meet these requirements.

Infrastructure

Clause 19.03-3S (integrated water management) have the objective to *sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach.*

Clause 19.03-3-L (integrated water management) includes the following local level policy:

- *To maintain and enhance stormwater quality introduced to the drainage and waterway environment of the Shire.*
- *To address priority stormwater threats facing the urban and non-urban areas of the Shire as documented in the Bass Coast Stormwater Management Plan (Earth Tech Engineering Pty Ltd, 2003).*
- *To maintain stormwater flows and discharges at a maximum of the pre-development flow level.*
- *To maximise the effectiveness of stormwater infrastructure in protecting the waters of Bass Coast Shire.*
- *To manage flooding and drainage so as to minimise risks to the community and the environment.*

The clause also includes several strategies relating to design, maintenance, discharge and conservation that aim to assist with achieving the objectives. In response to this, the developer has produced a Stormwater Management Strategy to address the above policy. It was referred to Development Services for consideration and they have advised the concept is suitable, subject to detailed design as part of the subsequent development applications. The DPO3 assessment table also discusses drainage.

Zone

The land is included in the Mixed Use Zone (MUZ) and General Residential Zone (GRZ), the purpose of each zone is to encourage a diversity of housing types and growth (that is respectful of neighborhood character) in locations offering good access to services and transport.

The proposed development plan is generally in accordance with the intent of the underlaying zone.

Overlay

The land is affected by the Schedule 3 to clause 43.04 Development Plan Overlay (DPO3). The following table provides an assessment of the residential development plan against the requirements of Clause 4.0 of the DPO3.

Requirement	Consideration
A site analysis plan and design response, identifying and responding to the site's opportunities and constraints.	Complies. A design response plan has been provided. It minimises access points to Grantville Glen Alvie Road which benefits road side vegetation protection. The development has been designed to provide for diversity in lot types.
The location of vehicle access and egress to the site.	Complies, subject to minor wording change on the development plan. The application proposes: • 14m road reserve (standard = 16m road reserve). • 6m carriageway (standard = 7.3m).

Requirement	Consideration
	• 8m road reserve for 'shared driveway' to lots 28, 29 & 30 (normally require 14m). In response to this the objectives and standards of Clause 56.60, Access and Mobility Management, are relevant considerations. Of relevance is Clause 56.06-7, neighbourhood street network that seeks '*to design and construct street carriageways and verges so that the street geometry and traffic speeds provide an accessible and safe neighbourhood street system for all users.*' Standard C20 requires amongst other things the road to be consistent with Table C1, based on the TTM report which indicates approx. 300 vpd, the road can be considered an Access Place. The proposed 14m road reserve meets the requirements of the objective. The application was referred to Development Services who have provided consent to the development plan. Although they have made it clear that the proposed variations to the proposed road widths are only acceptable in this instance because it allows development to occur that is improves public access compared to the previously endorsed planning permit that allowed a private (common property) access. The development services team also advised that direct access from future lots to Grantville Glen Alvie Road should not be allowed. It is recommended that should Council resolve to approve the development plan a note is included that prevents direct access from lots to Grantville Glen Alvie Road.
Areas set aside for car parking and loading bays.	Complies, subject to minor wording change on the development plan. While there is adequate area within the road reserves and lots to accommodate vehicles. The application was referred to Development Services who explained on-street parking restrictions will be required. Due to the reduced road width this will need to be limited to one side of the road due to the 6m carriageway width. This is required to ensure emergency vehicles can access the site. For example, the CFA access requires parking restrictions on one side for carriageways under 7.3m wide.

Requirement	Consideration
	It is recommended that should Council resolve to recommend approval of the development plan a note is included that limits on-street parking must be limited to one side of the street.
Areas set aside for bicycle parking.	Complies. Adequate area within lots to accommodate bicycle parking.
Turning circles for cars and delivery vehicles, demonstrating that all accessways are capable of handling vehicles expected to use them.	Complies. The application was referred to Development Services who advised the turning circles are acceptable.
A conceptual drainage strategy for the site.	Complies, subject to minor wording change on the development plan. A Stormwater Management Strategy was submitted with the application. In response to this the Bass Coast Planning Scheme includes substantial detail about the expectations for stormwater management. Of relevance to this application is clause 56.07-4, Stormwater management that has the objective to: • To minimise damage to properties and inconvenience to residents from stormwater. • To ensure that the street operates adequately during major storm events and provides for public safety. • To minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater. • To encourage stormwater management that maximises the retention and reuse of stormwater. • To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces. The stormwater management strategy was referred to development services for consideration and they have advised the concept is suitable, subject to detailed design.

Requirement	Consideration
	However, of concern is the fact the proposed development plan includes a note that refers to a version of the Stormwater Management Plan dated 23 August 2022. However, the version of the stormwater management plan submitted as part of the application does not include a date or version control. As such it is recommended that, should council seek to approve the development plan it is subject to the submission of a stormwater management plan, that is to the satisfaction of the Development Services team and includes dates and version controls that are correctly referenced on the development plan.
Pedestrian and bicycle paths, accessways and linkages to surrounding areas.	Complies. Adequate links are provided.
Landscaping opportunities and treatment for the site.	Complies. The development plan illustrates landscaping opportunities within the road reserve. This detailed landscaping will be secured via any subsequent planning permit application. A notation is included on the development plan that states *"All residential lots are to include at least one native canopy tree."* The proposed trees that are to be used on private property and include: *Acacia implexa, Eucalyptus leucoxylon, Eucalyptus mannifera, and Allocasuarina torulosa*. The use of these trees is considered appropriate by the Council's Open space teams. The inclusion of the tree requirement is admirable as once the trees are established it will improve the urban tree cover, which is particularly important at this site as all vegetation is being removed. The application has demonstrated that the future residential area is of a dimension that can enable appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and planting of canopy trees.

Requirement	Consideration
The stages for the development (if any), and the treatment of land not immediately required for development.	Stages have not been proposed.
The location, proposed use and design of all buildings and works responding to the site in a manner that encourages pedestrian activity and promotes sensitive interfaces with adjoining streets, open space and other public areas	Complies. Lots have been designed to front open space providing passive surveillance opportunities.

Particular provisions

Clause 53.01 (Public Open Space Contribution and subdivision) is a relevant consideration and when read it in conjunction with Clause 19.02-6S (open space) and Clause 56.05-2 (Public Open Space provisions objection) there is a clear imperative set by the scheme for new subdivisions to be include adequate public open space or if not make a monetary contribution towards open space.

The public open space contribution for 6-8 Grantville Glen Alvie Road was assessed under the previous permit and requires a contribution of five percent of the sites value. The public open space contribution for 10-12 Grantville Glen Alvie Road remains unresolved and is not discussed with the application material.

The options available to Council include requiring 5 percent of the land area or 5 percent of the site's value. As the site has a land area of approximately 7000 square metres a land contribution measuring 350 square metres could be reasonably required. The provision of open space within the subdivision could provide a pocket park that would add to the amenity and livability of the medium density estate.

However, it is noted that a public recreation area is located within 200m of the site. As such it is acceptable for the public open space contribution for 10-12 Grantville Glen Alvie Road to be contributed as a five percent of the sites value, this option is supported by Council's open space and recreation team.

Sustainability Implications

The consolidation of residential land within proximity to a commercial area is a means to promote activity transport. Any future subdivision application should consider how to embed the sustainability into the subdivision and future development.

Finances

The cost to Council involves the officer time for the review of the development plan application. All costs have been accommodated within the 2021/2022 Strategic Planning budget allocation.

Stakeholders

The key stakeholders for this project are as follows:

- Submitters to the amendment
- All affected landowners and occupiers
- Bass Coast Shire community
- Statutory referral authorities
- Bass Coast Shire Council

The key stakeholders were notified of the amendment through the planning process by sending out letters.

Conclusion

The proposed development plan is considered to comply with the requirements of the Development Plan Overlay Schedule 3 and relevant requirements of the Bass Coast Planning Scheme subject to minor changes to wording of the Development Plan.

It is recommended that Council resolves to endorse the proposed development plan under the Development Plan Overlay Schedule 3 conditional to recommended changes.

Recommendation

That Council:

- **Supersede the current Development Plan applying to the land at 1517 – 1529 Bass Highway Grantville and 6-8 Grantville-Glen Alvie Road and referenced as '*preparade by Idle Architecture Studio, titled, Mixed Use Development, dated 11/06/2021, Drawing Number TP1.1, Revision F*'**
- **Endorse the proposed commercial development plan referenced as '*Preparade by Idle Architecture Studio, titled, Mixed Use Development, dated 3/10/2022, Drawing Number TP1.12, Revision A*'**
- **Request an amended development plan be prepared for the residential land uses. The amended plan must be generally in accordance with the plan referenced as, '*Preparade by Idle Architecture Studio, titled, Mixed Use Development, dated 3/10/2022, Drawing Number TP1.10, Revision A' b*ut amended to include:**
  - **A note that prevents direct access from future private lots to Grantville Glen Alvie Road.**
  - **A note that limits on-street parking to one side of the street.**

- **Updated stormwater management note that includes correct date and version of the document. To do this a revised stormwater management plan, which is to the satisfaction of the Development Services team, must be submitted to Council which includes dates and version controls.**

Once the amended plan is to Officers satisfaction it will be endorsed.

Attachments

AT-1	Proposed Development Plan for Commercial Site, 1517-1529 Bass Highway Grantville	1 Page
AT-2	Proposed Development Plan Residential Land 6-12 Grantville Glen Alvie Road	1 Page

H.2 Planning Application 210247 - 2-4 The Esplanade, Inverloch

File No: **CM22/612**
Division: **Place Making**
Council Plan Strategic Objective: **Sustainable Development**

Prepare for growth while ensuring the intrinsic values and character of Bass Coast are retained.

Declaration

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

Purpose of Report

For Council to consider amended plans and conditions provided for consideration through the VCAT appeal process for planning permit application 210247.

Executive Summary

Application number:	210247
Applicant:	Forte Group Pty Ltd
Land/Address:	2-4 The Esplanade Inverloch
Ward:	Bunurong
Original proposal: Amended Proposal	Construction of a residential building and buildings and works associated with a mixed use development and a reduction in the required car parking rate. Amended plans show: Reduction in the overall height of the development by 400 millimetres. Reduce the height of the parapet/roof to the fourth floor by 500 millimetres. The correct direction of traffic along The Esplanade Amended the internal layouts of apartments. Amended apartment mix. Removal of conditions: Remove conditions 18 and 19 in relation to onsite management of the accommodation. Amend condition 25 to increase time to start and complete the development and use
Zone:	Mixed Use Zone Schedule 1 (MUZ1)

Overlay:	Design and Development Overlay Schedule 10 (DDO10)
Planning permit triggers:	Clause 32.04-2 (MUZ) a permit is required to use the land for Retail premises and Accommodation. Clause 32.04-9 (MUZ) a permit is required for buildings and works associated with a Section 2 use. Clause 43.02-2 (DDO10) a permit is required for buildings and works. Clause 52.06 (Car Parking) – A permit is required for a reduction in car parking.
Number of submissions:	A total of 31 submissions were received comprising 30 objections and one supporting letter. There are five respondents to the VCAT appeal.
Reason a Council decision is required:	Council's delegations require applications that attract five or more objections to be determined by Council.
Officer recommendation:	That Council advise the Tribunal it: Does not support the removal of condition 1(a) as it would result in an unacceptable planning outcome. Supports the removal of conditions 18 and 19 in relation to management of the accommodation use as it is agreed an onsite manager is not required to be present at all times. Supports the amendment to condition 25 to allow for three years to commence the development, six years to complete the development and six years to commence the use. Supports the amendment to the apartment type mix and the floor plans of apartment types C, D and E.

The Proposal

The proposal is for the construction of a four storey mixed use development at 2-4 The Esplanade, Inverloch in accordance with the development plans prepared by Cornetta Partners Architects.

The application was presented to Council at the June 2022 Council meeting. At the meeting Council resolved to issue a Notice of Decision to grant a Planning Permit subject to conditions including removal of the fourth level built form. The minutes of the meeting are provided as Attachment One (AT-1).

There are two applications for review of Council's decision at VCAT and there are five respondents to those reviews.

The first application is submitted by the permit applicant who has appealed conditions on the Notice of Decision including Council's decision to remove the fourth level roof top bar.

The second application is an appeal objecting to the Notice of Decision.

The proceedings are listed for hearing on 30 and 31 January and 1, 2 and 3 February 2023.

A Compulsory Conference was conducted by VCAT on 14 October 2022.

The applicant for review of conditions has provided amended plans on 6 December 2022 for consideration. The amended plans show a reduction in the overall height of the building, alterations to the internal layout of some of the apartment types, modification to the apartment mix and plan correction to the front road access.

The applicant for review of conditions requests the removal of conditions in relation to the requirements for 24 hour onsite management of the accommodation and the extension to the expiry condition.

Specifically, with reference to the amended plans and changes that are at Attachment 2 (AT-2) the applicant requests:

TPA02 – Design Response Plan

Streetscape Elevation has been modified to reflect changes outlined below.

Service Road one way traffic direction has been reversed. All notations pertaining to direction of traffic adjusted accordingly.

DDO Schedule 10 line has been added to show 9.5m above NGL.

"The proposal" text updated to reflect new apartment numbers, mix and overall height.

TPA03 – Ground Floor Plan

Service Road one way traffic direction has been reversed. All notations pertaining to direction of traffic adjusted accordingly.

Development Summary updated: 40 serviced apartments total in lieu of 42, 0 x Studio serviced apartments in lieu of Two x Studio serviced apartments.

Floor Area Analysis updated.

TPA04 – Level 1 Floor Plan

Facing West: One x studio serviced apartment converted to one x dual key serviced apartment.

Two x two bedroom serviced apartments converted to two x one bedroom serviced apartments.

Setback to western boundary decreased from 7070mm to 6450mm.

Corridor ends setback to western boundary decreased from 4850mm to 4250mm.

Facing south: One x two-bedroom serviced apartment converted to one x dual key serviced apartment.

Two x one-bedroom serviced apartments replaced by one x dual key serviced apartment.

Circulation area updated to suit above mentioned changes.

TPA05 – Level 2 Floor Plan

Level 2 floor lowered by 200mm – from RL13.260 to RL13.060.

Facing West: One x studio serviced apartment converted to one x dual key serviced apartment.

Two x two bedroom serviced apartments converted to two x one bedroom serviced apartments.

Corridor ends setback to western boundary decreased from 4850mm to 4250mm.

Facing south: One x two-bedroom serviced apartment converted to one x dual key serviced apartment.

Two x one-bedroom serviced apartments replaced by one x dual key serviced apartment.

Circulation area updated to suit above mentioned changes.

TPA06 – Level 3 Floor Plan
Level 3 floor lowered by 400mm – from RL16.460 to RL16.060.

TPA07 – Roof Plan

Updated to reflect the abovementioned changes.

TPA08 – Apartment Types

Type C converted to dual key serviced apartment in lieu of studio serviced apartment.

Type D converted to dual key serviced apartment in lieu of two bedroom serviced apartment.

Type E converted to one bedroom serviced apartment in lieu of two bedroom serviced apartment.

TPA09 and TPA10 – Elevations

Level 2 floor lowered by 200mm – from RL13.260 to RL13.060.

Level 3 floor lowered by 400mm – from RL16.460 to RL16.060.

Upper-most parapet (bar) lowered by 400mm – from RL20.060 to RL19.660.

All parapet/wall heights nominated on elevations lowered by 400mm except Level 3 parapet which has been lowered by 900mm (500mm reduction in height + 400 lowering mentioned above).

Lift over-runs lowered by 400mm.

Balcony structure and awnings over reduced in thickness to minimize visual bulk.

DDO Schedule 10 line has been added to show 9.5m above NGL.

TPA11 – Section A

DDO Schedule 10 line has been added to show 9.5m above NGL.

Sections updated to reflect the above-mentioned changes.

TPA12 – TPA13 – Shadow Diagrams

Shadow Diagrams have been updated to reflect the above-mentioned changes.

Assessment of amendment to plans and conditions

The amended plans and request to amend conditions have been considered as follows:

Delete condition 1a) and subsequent amendment to plans

The applicant requests the reinstatement of the fourth level built. The plans show the overall height has been reduced by 0.4 metres. The applicant provides a further concession in the reduction in the height of the parapet. It is considered that the built form encroaches unreasonably beyond the preferred 9.5 metre height for this site and that it does not produce an acceptable planning outcome in consideration of the design objectives of Design and Development Overlay (DDO10).

The amended plans show the maximum height of the building at the lift over run to be 5.5 metres beyond the preferred 9.5 metres and in addition, the top of the roof of the fourth level encroaches 4.37 metres beyond the preferred 9.5 metres.

The effect of the reduction in height is to 'squash' the building and this in turn reduces the design quality and visual permeability of the site. It is further considered that the internal amenity may be impacted.

The use has not been considered and would require further assessment of the parking demand. By way of example, the use of this area as a food and drink premises would require an additional 16 car parking spaces that are not available on the site.

Amendment to plans – accommodation typology and apartment floor plan

Unlike a residential dwelling development, the development is not required to be assessed in accordance with ResCode. The reduction in number of apartments from 42 to 40 and alteration to the floor plans of the accommodation is not a concern save for consideration of parking supply. The reduction does not require further consideration of parking.

Delete conditions 18 and 19

The applicant requests the deletion of conditions 18 and 19 requiring that an on-site manager is present at all times. When consideration is given to how the business will operate removal of this condition is considered reasonable.

Amend condition 25

The amendment to the expiry condition is satisfactory given the scope of the project. An increase in the time to start, complete and use the development is an acceptable outcome.

Conclusion

The amendment has been assessed against the relevant provisions of the Bass Coast Planning Scheme.

The application underwent notification and as a result there were 30 objections and one letter of support received. Four original objectors are now included in the VCAT appeal process. One as an applicant and the other three as respondents. Concerns raised by submitters were considered in the assessment of the amended plans.

It is recommended that Council advise the Tribunal that if it had the power to determine the application that Council:

Does not support the removal of condition 1(a) as it would not result in an acceptable planning outcome.

Supports the removal of conditions 18 and 19 in relation to management of the accommodation use as it is agreed an onsite manager is not required to be present at all times.

Supports the amendment to condition 25 to allow for three years to commence the development, six years to complete the development and six years to commence the use.

Supports the amendment to the apartment type mix and the floor plans of apartment types C, D and E.

Recommendation

That in relation to planning permit application 210247 for Construction of a residential building and buildings and works associated with a mixed use development and a reduction in the required car parking rate located at 2-4 The Esplanade, Inverloch, Council advise the Victorian Civil and Administrative Tribunal that if it had the power to determine the application it would decide the following:

Does not support the removal of condition 1(a) as it would result in an unacceptable planning outcome.

Supports the removal of conditions 18 and 19 in relation to management of the accommodation use.

Supports the amendment to condition 25 to allow for three years to commence the development, six years to complete the development and six years to commence the use.

Supports the amendment to the apartment type mix and the floor plans of apartment types C, D and E.

Attachments

AT-1	Council Minutes for 15 June 2022 - Planning Application Number 210247	33 Pages
AT-2	Amended Plans	17 Pages

H.3 Planning Application 220287 - 6-12 Warley Avenue, Cowes

File No: **CM22/679**
Division: **Place Making**
Council Plan Strategic Objective: **Sustainable Development**

Prepare for growth while ensuring the intrinsic values and character of Bass Coast are retained.

Declaration

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

Purpose of Report

For Council to consider a planning application for the construction of two (2), five-storey apartment buildings with an associated reduction in visitor car-parking and the removal of vegetation at 6-12 Warley Avenue, Cowes (former Warley Hospital site).

Executive Summary

Application number:	220287
Applicant:	8 Warley Ave Pty Ltd C/- Urbis Pty Ltd
Land/Address:	6-12 Warley Avenue, Cowes (former Warley Hospital site)
Ward:	Island
Proposal:	Construction of two (2), five-storey apartment buildings with an associated reduction in visitor car-parking and the removal of vegetation in a Residential Growth Zone (RGZ2), Design and Development Overlay (DDO1 and DDO13) and a Vegetation Protection Overlay (VPO2).
Zone:	Residential Growth Zone – Schedule 2 (RGZ2)
Overlay:	Design and Development Overlay – Schedule 1 (DDO1) Design and Development Overlay – Schedule 13 (DDO13) Vegetation Protection Overlay – Schedule 2 (VPO2)
Aboriginal cultural heritage sensitivity:	The site is located within an area of identified cultural heritage sensitivity and has been accompanied by an approved Cultural Heritage Management Plan.
Title:	Lot 1 on Title Plan 969973P in Volume 12304 Folio 245. No covenants or easements affect the land.
Number of submissions:	A total of four objections have been received.
Reason a Council decision is required:	Council's delegations require that applications for developments of more than $3 million be received by Council for determination. The cost of development for the proposal is $25 million.

Officer recommendation:	Notice of Decision to Grant a Planning Permit

Summary of Officer Recommendation

That Council issue a Notice of Decision to Grant a Planning Permit subject to conditions outlined in the Officer Recommendation section of this report.

The proposal is recommended for support as the proposed development:

- Is consistent with the objectives of Local and State Planning Policy.
- Provides well-located, integrated, and diverse housing that meets community needs whilst reducing the share of new dwellings in greenfield, fringe and dispersed development areas.
- Provides a high level of internal and external amenity.
- Improves access to jobs and supports the local economy.
- Is designed and sited to support environmentally sustainable development by achieving a 6.5 Star average NatHERS Energy Rating through the provision of 40,000 litre capacity water tanks and a 30kW solar PV system.

Main Considerations

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

- Neighbourhood character and building scale.
- Amenity impacts to adjoining properties.
- Vegetation removal and landscape response.
- Environmentally sustainable design.
- Car parking and traffic.

The Proposal

This application proposes to construct two, five storey apartment buildings containing 91 apartments with basement car parking in accordance with the plans advertised on 21 October 2022 and submitted by Urbis by e-mail on 7 October 2022. The decision plans are provided as Attachment one and are detailed below:

- Architectural Plans, prepared by Bruce Henderson Architects, dated 13 September 2022 and 24 May 2022.
- Landscape Plans (L-TP00 – L-TP07, Revision A), prepared by John Patrick Landscape Architects Pty Ltd, dated July 2022.
- Development Impact Assessment (Revision 1), prepared by Arbor Survey Pty Ltd, dated 13 April 2022.
- Sustainable Management Plan (GIW21044, Revision C), prepared by GIW Environmental Solutions Pty Ltd, dated 5 October 2022.
- Transport Impact Assessment, prepared by One Mile Grid, dated 28 July 2022.

- Waste Management Plan, prepared by One Mile Grid, dated 28 July 2022.

Key features of the proposal include:

- Construction of two, five storey apartment buildings with a maximum height of 16.2 metres comprising:
  - 15x one-bedroom apartments.
  - 62x two-bedroom apartments.
  - 14x three-bedroom apartments.
- Provision of 117 car parking spaces (105 for residents and 12 for visitors) within a basement, accessible via Warley Avenue as well as 112 bicycle parking spaces (91 for residents and 21 for visitors). Five motorcycle parking spaces are also provided. A waiver of 6 on-site visitor car parking spaces is sought.
- Removal of seven trees – five of which are protected by the VPO2.
- A total of 36 trees and 110 shrubs planted throughout the site, including relocating the existing Canary Island Date Palm.



Figure 1 – 3D street render of the front façade as seen from Warley Avenue (applicant supplied)



Figure 1 –3D street render of the front façade as seen from Warley Avenue (applicant supplied)

Subject Site and Surrounds

The site is located on the western side of Warley Avenue at the former site of the Warley Hospital (since demolished) and is midblock between The Esplanade to the north and Chapel Street to the south. The site is a rectangular shaped lot with an 80.72 metre frontage to Warley Avenue, a maximum depth of 50.51 metres and a site area of 4052 square metres (1 acre).



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

The site is the former location of the former Warley Hospital which has since been demolished. The land is currently vacant and contains chain mesh fencing along the frontage with a significant 5 metre downward slope from the north-west to the south-east of the site.



Figure 4 - View of the subject site from Warley Avenue (Site inspection, 10 November 2022)

The site is located less than 135 metres west the Thompson Avenue commercial precinct of Cowes and Phillip Island and approximately 75 metres south of the coastal waters of Western Port. The immediate area contains an eclectic mix of building styles, age, uses and density with generally narrow street setbacks albeit with distinct street tree planting of Norfolk Island Pines growing up to 18 metres in height along Warley Avenue.

The main characteristics of the surrounding area are:

North	Adjoining the land to the north is a double storey painted brick apartment building with a pitched, terracotta tiled roof containing four units known as 2-4 Warley Avenue. This lot contains a tall ~1.8-metre-high solid brick front fence across half the boundary.
South	Adjoining the subject site to the south is 14 Warley Avenue which contains a physiotherapy and Pilates studio trading as 'Balance Health Phillip Island' within a single storey weatherboard building. Further south at 16 Warley Avenue is the Phillip Island Community and Learning Centre (PICAL) building which is currently under construction. This building provides vital community services.
East	Opposite the subject site is 9 Warley Avenue which contains nine flats within a three-storey building known as 'Whitehouse Lodge' constructed circa 1970. The site contains high, solid fencing and a blank, brick wall facing Warley Avenue with parking within the front setback. Number 5 and 7 Warley Avenue ('Bayview Apartments') face the subject site and are two, single storey buildings containing seven apartments.

West	Adjoining the land to the west (rear) are a number of lots containing diverse housing stock. Number 1 Walpole Street is a contemporary 8.67-metre-tall double storey, flat roof dwelling approved in 2013. The rear secluded private open space backs on to the subject site.



Figure 5 – View of 17(left) and 16 (right) The Esplanade from Warley Avenue (Site inspection, 10 November 2022)

Consultation

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

The Applicant gave notice in the following manner:

- Sent copies of the Notice by registered mail to 189 land owners and occupiers.
- Placed 3 Notices on the land.
- Publishing a copy of the Notice in the Phillip Island and San Remo Advertiser for 1 edition.

Notice was also provided to the Country Fire Authority (CFA) who did not object to the proposal and did not require any conditions.

The Environmental Protection Authority (EPA) was also provided with an opportunity to comment on the proposal and a review is provided further in this report.

In accordance with Schedule 1 to Clause 43.02 (Design and Development Overlay) notice was given to the Department of Environment, Land, Water and Planning in accordance with Section 52(1)(c) of the *Planning and Environment Act 1987* where the land adjoins coastal Crown land as defined under the *Coastal Management Act 1995* who had no objection.

Notice was also provided to Westernport Water as the relevant water authority, however, no response was received.

In response to notification the application attracted four submissions comprising four objections which is included in Attachment two.

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

Aboriginal Cultural Heritage

As the proposed Activity is a multi-lot residential development within 50 metres of an Aboriginal Place and within 200 metres of the coast, a mandatory Cultural Heritage Management Plan is required to be prepared under Section 46 of the *Aboriginal Heritage Act 2006*.

The application has been accompanied by an approved CHMP (reference number 18417) endorsed on 15 August 2022 by the Registered Aboriginal Party, the Bunurong Land Council Aboriginal Corporation.

Referrals

The following table outlines the referral requirements of this application.

Referral Authority	Comments
External (Section 55 of the *Planning and Environment Act 1987*)	
Head, Transport for Victoria	No objection to the application.
Internal	
Development Services	No objection subject to conditions.
Environmental Health	No objections.
Waste Management	No objections.

Planning Scheme Provisions

Planning Policy Framework Assessment

The relevant Planning Policy Framework clauses are as follows:

VPP00 Purpose and Vision

Clause 02 – Municipal Planning Strategy

- Clause 02-01 Context
- Clause 02-02 Vision
- Clause 02-03 Strategic direction
- Clause 02.04 Strategic framework plan

VPP11 Settlement

Clause 11.01 - Victoria

- Clause 11-01-1R Settlement – Gippsland
- Clause 11-01-1L-01 Settlement
- Clause 11-01-1L-03 (Cowes and Silverleaves)

Clause 11.02 - Managing Growth

- Clause 11.02-2S Structure planning

Clause 11.03 - Planning for Places

- Clause 11.03-1S Activity centres
- Clause 11.03-1L Cowes activity centre
- Clause 11.03-4S Coastal settlement

VPP 12 Environmental and Landscape Values

Clause 12.01 Biodiversity

- Clause 12.01-1L Protection of biodiversity

Clause 12.05 Significant Environments and Landscapes

- Clause 12.05-2S Landscapes
- Clause 12.05-22L-01Landscapes
- Clause 12.05-2L-02 Landscape character areas

VPP 13 Environmental Risks and Amenity

Clause 13.01 Climate Change Impacts

- Clause 13.01-1S Natural hazards and climate change

Clause 13.04 Soil Degradation

- Clause 13.04-1S Contaminated and potentially contaminated land

VPP 15 Built Environment and Heritage

Clause 15.01 Built Environment

- Clause 15.01-1S Urban design
- Clause 15.01-1L-01 Urban Design in Bass Coast
- Clause 15.01-1L-02 Landscape design
- Clause 15.01-2S Building design
- Clause 15.01-2L Building design
- Clause 15.01-4S Healthy neighbourhoods
- Clause 15.01-5S Neighbourhood character
- Clause 15.01-5L Neighbourhood character

Clause 15.03 Heritage

- Clause 15.03-2S Aboriginal cultural heritage

VPP 16 Housing

Clause 16.01 Residential Development

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

VPP 17 Economic Development

Clause 17.01 Employment

- Clause 17.01-1S Diversified economy

Clause 17.04 Tourism

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

VPP18 Transport

Clause 18.01 Integrated Transport

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

Clause 18.02 Movement networks

- Clause 18.02-1S Sustainable personal transport
- Clause 18.02-1L Sustainable personal transport
- Clause 18.02-2S Public Transport
- Clause 18.02-2L Public transport
- Clause 18.02-3S Road system
- Clause 18.02-4S Car parking
- Clause 18.02-4L Car parking

VPP 19 Infrastructure

Clause 19.03 Development Infrastructure

- Clause 19.03-1S Development and infrastructure contributions plans
- Clause 19.03-2S Infrastructure design and provision
- Clause 19.03-2L Infrastructure design and provision
- Clause 19.03-3S Integrated water management
- Clause 19.03-3L Integrated water management

The following provides an assessment of the proposal against the relevant Planning Policy Framework (PPF) under the themes of Vision, Settlement, Environmental and Landscape Values Environmental Risks and Amenity, Built Environment and Heritage, Housing, Economic Development, Transport, and Infrastructure

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

The proposed residential apartment development is considered to have merit when consideration is given to the broader state and local policies related to residential and economic development as well as environmental sustainability.

Clause 13.04-1S (Contaminated and potentially contaminated land) is a relevant consideration for the proposal due to the historical use of the land as a hospital and the development seeking to undertake a sensitive residential land use. The EPA have been engaged through the process and previous environmental assessment of the land has provided sufficient information to satisfy that the proposed development has accorded with this clause of the Planning Scheme.

Policy background of the former Warley Hospital site

Cowes Activity Centre Plan 2015

Council adopted the Cowes Activity Centre Plan 2015 at its meeting held on 24 June 2015. The Plan sought to facilitate the re-building of Cowes as a destination and sets out the following relevant objectives:

- To protect, manage and enhance the foreshore as an important natural, cultural, recreational and tourism asset.
- To deliver a more compact and walkable town centre.
- To facilitate the development of a vibrant civic precinct in the centre of town.
- To deliver more housing choice, diversity, and affordability in and on the edges of the commercial core.
- To create a distinctive and contemporary seaside character.

Zone Assessment

Clause 32.07 – Residential Growth Zone (Schedule 2)

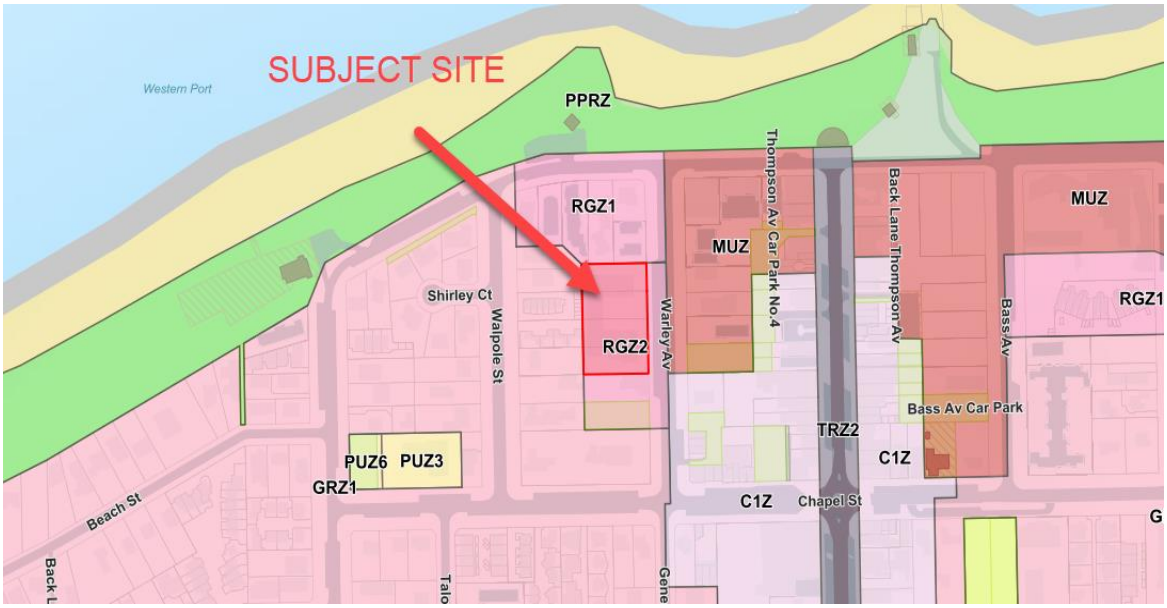


Figure 6 – Zoning Map

The purpose of the Residential Growth Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide housing at increased densities in buildings up to and including four storeys.*
- *To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.*
- *To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.*
- *To ensure residential development achieves design objectives specified in a schedule to this zone.*

The application is considered to be consistent with the objectives and decision guidelines of the Residential Growth Zone by providing a diversity of 91 one-, two- and three-bedroom apartments at an increased density and is consistent with Schedule 2 by not exceeding 17 metres and 5 storeys. Furthermore, the site provides convenient access to the Cowes Activity Centre which is located less than 150 metres to the east.

Garden area

As the site is in a Residential Growth Zone, there are no specific garden area requirements to be met.

Overlay Assessment

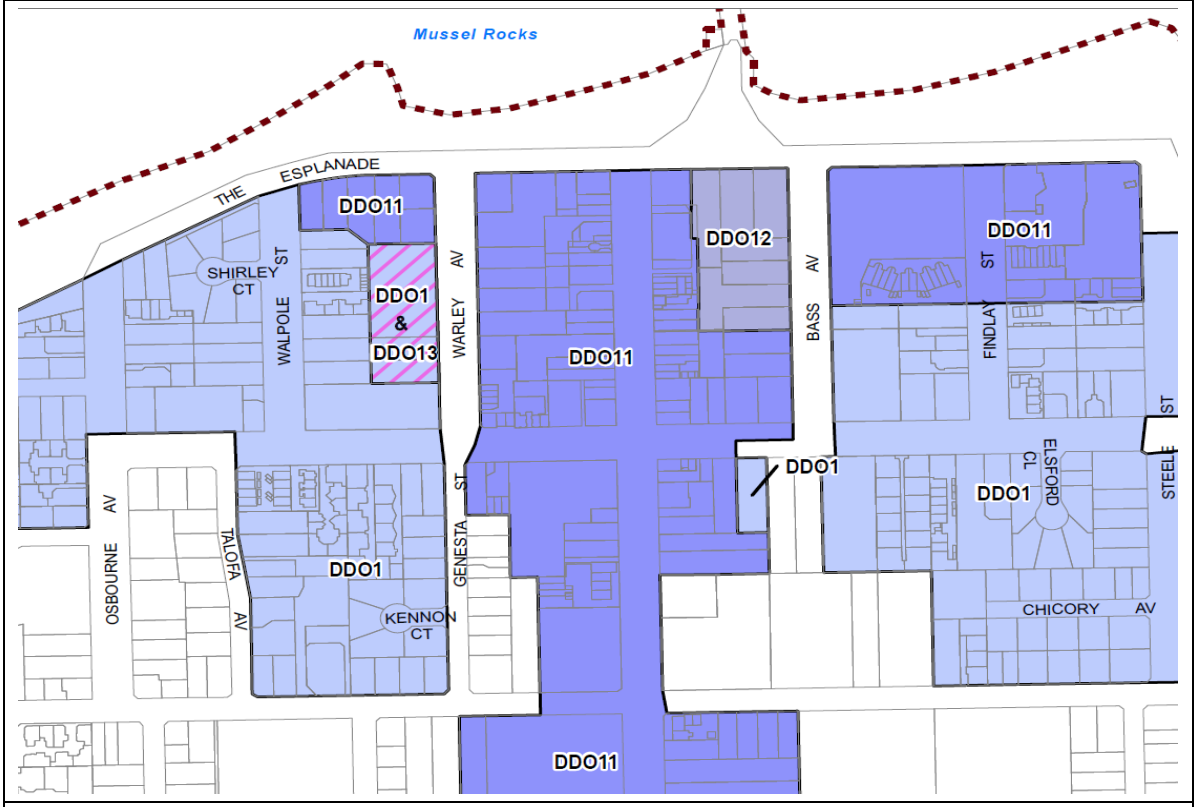


Figure 7 – Overlay Map with pink hatches showing the DDO1 and DDO13

Clause 43.02 – Design and Development Overlay (Schedule 1)

The design objectives of this Overlay are:

- *To protect views from the coast to adjacent residential areas.*
- *To protect views to the coast from adjacent residential areas.*
- *To minimise the impact of development along the coastline.*
- *To protect and enhance the visual amenity and landscape of the coastal area.*
- *To respond to the potential coastal impacts of climate change.*

The application is consistent with the design objectives of the overlay by virtue of being located adjacent to land zoned capable of being constructed to 5 storeys in height and by being located along a downwards slope which reduces the impact of views from properties further south along Warley Avenue which are higher up. The Norfolk Island Pines which are up to 18 metres in height along Warley Avenue and proposed landscaping will assist in enhancing the visual amenity by softening the impact of the built form from the coastal areas.

In line with the *Design and Siting Guidelines for Coastal Areas and Rural Hinterland 1999* the proposed built form is setback from all boundaries to allow adequate separation between buildings and to facilitate landscaping. Whilst the scale and height of the proposal does vary from the surrounding area, there are a number of existing apartment buildings, and the Mixed Use and Residential Growth zoning of the immediate area will continue to see an emergence of higher density of up to 5 storeys. The proposed design successfully draws inspiration from the coastal setting

through the use of beige and bagged, rendered brick, and is considered to be appropriate in its context. DDO13 takes precedence.

Clause 43.02 – Design and Development Overlay (Schedule 13)

The design objectives of this Overlay are:

- *To facilitate a development that features a high level of architectural and landscape design excellence.*
- *To encourage development that contributes to the coastal village character through high quality materials and finishes.*
- *To encourage development that retains significant trees on the site.*
- *To ensure development provides a generous landscape buffer around the site to protect surrounding residential amenity.*

The DDO13 also contains the following built form requirements:

Table 1 Building Heights and Setbacks		
Preferred maximum heigh	Preferred street wall height	Maximum street setback
17 metres (5 storeys)	11 metres (3 storeys)	4 metres
Preferred maximum height is the height in metres, measured from natural ground level. Preferred maximum height excludes rooftop plant and lift overruns, provided these elements are well setback form the roof edge.		

Having regard to the permit requirements and decision guidelines outlined in section 2 and 6 respectively of schedule 13 it is considered that the proposal has high regard to the planning objectives.

The development contains a maximum height of 16.2 metres, a maximum street wall height of 9.3 metres and a maximum ground floor street setback of 3.1 metres. Whilst a portion of the front setback for Apartment G.04 and G.03 is setback approximately 6.5 metres, this is to provide additional courtyard space for the ground floor dwelling and is considered appropriate as it assists in providing visual interest. Appropriate articulation is provided by incorporating two separate buildings to break up the potential of massing as well as a variation in setbacks and materials.

The three-storey street wall and vaulted canopy between the two buildings will create a human scale along Warley Avenue with the built form recession behind the street wall ensuring that view lines are protected from the public realm towards Western Port Bay.

An appropriate visual transition to the adjoining sensitive uses, including St John's Uniting Church to the south and the lower scale residential development to the north and west is achieved through generous and varied setbacks and articulation – avoiding blank sheer walls.

The proposed landscaping response – including planter boxes will soften the appearance of the built form over time as viewed from adjoining properties and the street frontage.

Clause 42-02 – Vegetation Protection Overlay

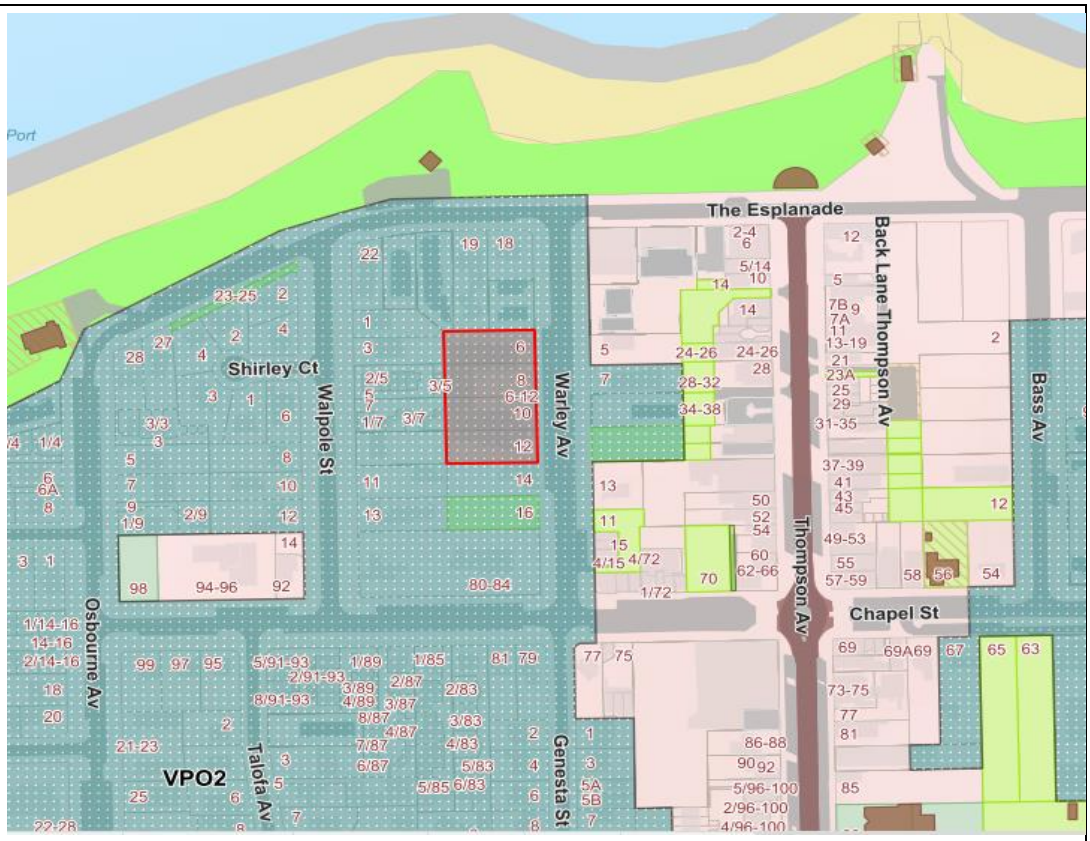


Figure 8 – Overlay Map the subject site in context of the VPO2

The purpose of the Vegetation Protection Overlay is:

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

The VPO2 recognises that less than 15 per cent of Phillip Island retains a natural cover of vegetation and thus seeks to protect indigenous and large native trees in urban areas. It further seeks to encourage the planting of vegetation indigenous to a particular locality to maintain and enhance the natural environment of the urban areas of Phillip Island and to enhance habitat.

The development will result in the removal of the below listed seven trees from the subject site protected by the VPO2 as they have a girth greater than 30 centimetres or a height of at least two metres.

Tree name	Height x spread	Location	Notes
Tree #2 - Lawson's Cypress (exotic species)	13m x 10m	North-eastern corner	**Proposed to be removed** – no protection value, fair-poor structure. Tree noted as having good health albeit with deadwood, asymmetrical Canopy and heavily pruned on the northern side.
Tree #3 - Red Flowering Gum (Australian native species)	7m x 7m	Near the north-eastern corner in the front setback.	**Proposed to be removed** – good health with fair-poor structure. Identified as having two large wounds with Kino present on main stem, cleared from powerlines with an asymmetrical canopy.
Tree #4 – Willow Myrtle (Australian native species)	7.5m x 7m	Near the north-eastern corner in the front setback.	**Proposed to be removed** - Codominant stems with included bark, deadwood.
Tree #5 – Briar Rose (exotic species)	2m x 1m	Near Tree #4 in the front setback.	**Proposed to be removed** – identified in the submitted arborist report as being of poor health and structure with canopy dieback.
Tree #6 – Canary Island Palm (exotic species)	10m x 6m	Centre of the site in the front setback.	**Proposed to be transplanted** to the rear of the subject site, at the western end of the communal walkway. Identified as being in good health and of fair-good structure albeit with dead fronds. Identified as having a medium arboricultural value.
Tree #7 – Queensland Brushbox (Australian native species)	10.5m x 11m	Centre of the site in the front setback.	**Proposed to be removed** - Identified as being in good health with codominant stems and poor pruning on lower lateral branches and of having a low arboricultural value.
Tree #9 group – Hydrangea (exotic species)	2m x 1m	Along the rear boundary with 5 Walpole Street.	**Proposed to be removed** – of poor health and poor structure.
Tree 13 group – Camphor Laurel (exotic species)	5.5m x 3m	Along the northern boundary with 2-4 Warley Avenue.	**Proposed to be removed** – identified as having poor health and poor structure and of low arboricultural value.

The proposal also seeks to relocate the existing 10-metre-tall Canary Island Palm from the front setback to the rear – at the end of the communal walkway as a landscape feature.

In reviewing Victoria's consolidated list of 'declared' weeds on the Agriculture Victoria website, the Canary Island Date Palm is not listed. Having regard to its existing presence, and successful integration within the development, as well as relative amenity value due to its established height it is considered acceptable to retain this tree as proposed by the applicant.

The development will plant 36 new trees on the lower ground level with the majority of new trees being indigenous and which includes:

- 2x Blackwood trees, capable of growing up to 12 metres in height with a width at maturity of 8 metres.
- 7x Black Sheoak, capable of growing up to 7 metres in height.
- 5x Coast Banksia, capable of growing up to 12 metres in height with a width of 6 metres at maturity.
- 10x Woolly Tea-tree, capable of growing up to 6 metres in height.

Furthermore, more than 100 shrubs are proposed all of which are either native or indigenous. In addition, 668 groundcovers and grasses are proposed.

On the ground level, more than 32 trees will be planted along with 213 shrubs.

On the first floor, two Miles Choice Bay trees (4 metre height at maturity) will be planted within the southern balcony of Apartment 1.06 and 1.07 together with 36 shrubs.

The proposal will present a net improvement to landscaping having regard to how the land is currently vacant. It is not practical to retain all the trees on the site having regard to their location along the frontage and the impacts that the basement will have on their longevity. Furthermore, none of the trees on site were rated as having a 'High' protection value.

Particular Provisions Assessment

Clause 52.06 – Car Parking

Clause 52.06-1 applies to:

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

The proposal requires and provides the following car parking requirement:

Use	Statutory requirement	Parking spaces required	Parking spaces provided
Dwelling	1 to each 1 or 2 bedroom dwelling	77	77
	2 to each 3+ bedroom dwelling	28	28
Visitors	1 for every 5 dwellings for developments of 5+ dwellings	18	12
Total:		123	117

The proposal satisfies the car parking rate for the residential component, however, seeks a waiver of six visitor car parking spaces. The applicant has proposed to remove three redundant vehicle crossovers and reinstate the nature strip which will result in the ability to provide additional on-street carparking for approximately five vehicles that had not historically been in place – refer to the indicative diagram below.

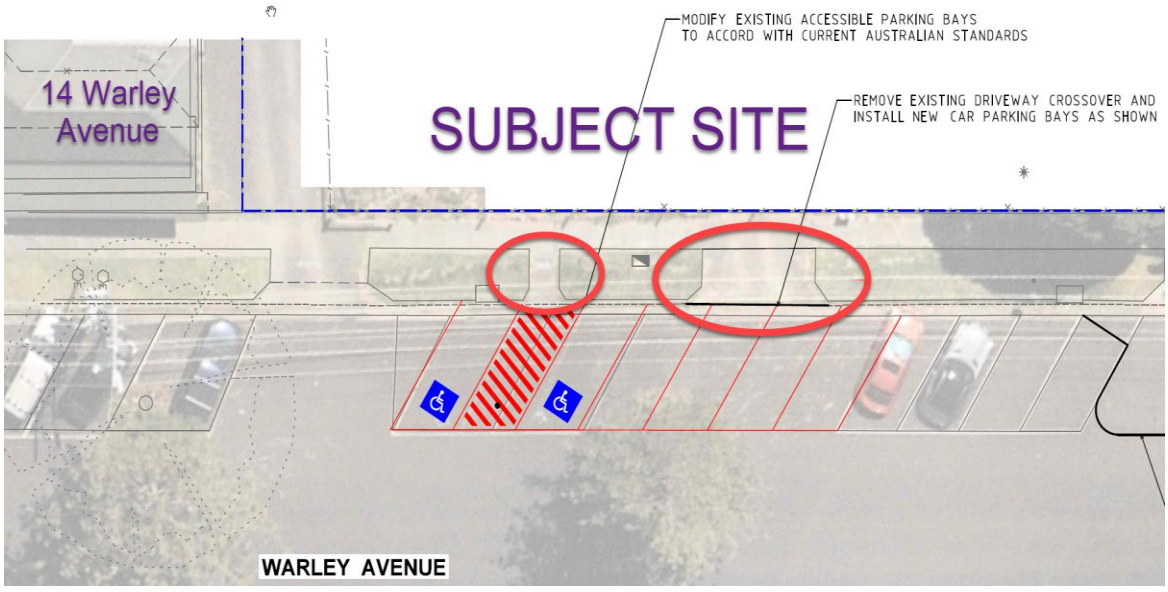


Figure 9 – Indicative removal of redundant vehicle crossovers and additional on-street parking opportunities3

Whilst it is acknowledged visitor parking must be provided on-site as part of a development proposal, visitors are more likely to park on the street and the resultant opportunity to have additional car parking will be provide a benefit to the local area.

The proposed reduction in visitor car parking is also considered appropriate having regard to the anticipated use of many of the dwellings for holiday apartments therefore reducing the likelihood of visitors. A Transport Impact Assessment prepared by traffic engineers has also parking occupancy within Warley Avenue, Chapel Street and The Esplanade on a Saturday, Wednesday and Friday afternoon which found that a maximum of 43% of the 122 available car parking spaces (excluding 1-hour restricted car parking) were occupied.

The planning scheme encourages supporting "sustainable transport alternatives to the motor car" with the proposal providing a surplus of bicycle parking and motorcycle parking (which is not required to be provided).

Furthermore, Council's Development Services team has not objected to the proposal and noted that there would be no traffic implications on surrounding intersections.

In order to enhance pedestrian safety and access to Thompson Avenue, the applicant has agreed to provide a pedestrian pram ramp and kerb outstand along Warley Avenue. The final design will be subject to review by Council's engineers and asset team, and this can be managed via conditions placed on any permit that should issue.

Clause 52.34 – Bicycle Facilities

Clause 52.34 seeks to encourage cycling as a mode of transport and provide secure, accessible, and convenient bicycle parking spaces and associated shower and change facilities.
In accordance with Clause 52.34-5 the proposed use must provide:

- 1 bicycle space to each 5 dwellings for residents in developments of four or more storeys and;
- 1 to each 10 dwellings for visitors.

The proposal is therefore required to provide 27 bicycle spaces consisting of 18 for residents and 9 for visitors. The proposal will provide for 112 bicycle spaces and associated signage directing people to locations within the basement and on the ground level of Building 1. This significantly exceeds the planning scheme requirements and will assist in encouraging alternative modes of transport, particularly for short trips.

Clause 58 Apartment Developments

The provisions of Clause 58 apply to an application to construct an apartment development if the apartment development is five or more storeys, excluding a basement, and is in the Residential Growth Zone.

The proposal is considered to have satisfied all the objectives and most of the standards of Clause 58 of the Bass Coast Planning Scheme as follows:

- The design facilitates a development with a high level of architectural and landscape design excellence, ensuring a landscape buffer around the site whilst satisfying the preferred built form controls of the DDO13.
- The proposed setbacks are considered generous and provide a sense of separation within the subject site itself (due to the communal walkway) and from the side and rear boundaries which provides articulation.

  The setbacks gradually increase as the levels get higher ensuring visual bulk is reduced therefore respecting the lower scale residential interface of adjoining properties. Furthermore, 14 Warley Avenue which directly adjoins the subject site to the south is a physiotherapy and Pilates studio and 16 Warley Avenue is the Phillip Island Community and Learning Centre (PICAL) building, these are considered non-sensitive interfaces given they are non-residential.

  To the rear, the double storey dwellings at 7 and 9 Walpole Street are built in very close proximity to the subject site and accordingly are considered a sensitive interface with the proposal considered to appropriately respond by providing a minimum rear setback of 5.61 metres for Building 2 and 5.80 metres for Building 1 on the lower floors, and up to 8.92 metres on the top floor to the balcony. If the setback is taken to the building, this increases to 11.99 metres which ensures adequate separation.
- It is further noted that the adjoining site at 5 Walpole Street to the rear contains a carport along the shared boundary which provides an additional buffer between Building 2 and the flat and reduces any overshadowing impacts cast by the built form.

- Overlooking to adjoining properties has been managed through generous setbacks (whereby screening is not required beyond a line of sight of 9 metres), privacy screening, planter boxes on the balcony and/or 500 millimetres wide external aluminium fins which prevent downward views. The proposal complies with the amenity standards of Clause 58 related to overlooking.

The following standards have not been met and require an acceptable level of variation. It is considered that the alternative design measures result in only minor variations to the standards and objectives of Clause 58.

Clause 58.03-2 Communal open space

Due to the development containing 13 or more dwellings, the development should provide a total of 250m^2 of communal open space.

The design response proposes approximately 190m^2 of communal outdoor open space in the centre of the site, in between the two buildings. This space is accessible to all residents from the front entrance and measures 6.35 metres wide and 31.39 metres in length making is useable. Whilst the size of the open space is a shortfall of 60m^2, this is considered an acceptable variation noting that a significant number of apartments are provided with generous courtyards, terraces, and balconies. In addition, it is considered that the recreation and amenity need of residents is met through convenient access to the beach less than 130 metres to the north. The foreshore is well landscaped with mature trees and is a popular location for visitors and local people who use it for walking, picnicking and other passive recreational uses. Cowes Recreation Reserve is also located less than 1km (a 2-minute drive or 15-minute walk) to the east containing a skatepark, tennis club, oval and leisure centre.

Clause 58.03-3 Solar access to communal open space

Clause 58.03-3 seeks to provide communal open space that meets the recreation and amenity needs of residents.

The proposed 190m^2 of communal open space is located centrally between the northern and southern buildings and consequently will not receive the required two hours of sunlight to 95m^2 of communal open space.

Whilst the standard is not met, the overall design response is considered appropriate with the location of the communal outdoor open space providing a visual relief in the built form and splitting the development site in two and also being conveniently located for future residents.

Having regard to the decision guidelines of Clause 58.03-3, a variation to Standard D8 is considered acceptable.

Clause 58.03-5 Landscaping

The landscaping response provided by John Patrick Landscape Architects Pty Ltd proposes 788m^2 of total canopy cover which exceeds the minimum required by 127.6m^2 which is considered a positive design response providing shade during the warmer months and provide habitats for native species whilst softening the visual impact of the building.

In terms of deep soil areas, a minor variation to the standard has been identified whereby the soil planting is slightly narrower than the 2.5 metres required by the standard. This is considered an acceptable variation noting that the width of the other deep soil areas varies from 2.7 metres wide to 6.35 metres wide which exceeds the requirement.

Whilst it is acknowledged no significant canopy tree planting is proposed in the front setback, three Pygmy Date Palms capable of growing to 3 metres in height is a positive design response. The landscaping response in the front setback is constrained by the staggered levels due to the slope of the land, as well as by the basement car parking which reduces the ability for deep soil areas needed to provide tree growth. Further to this, DDO13 which applies to the site requires a maximum street setback of 4 metres which reduces the ability for canopy tree planting. Regard must also be had to the existing neighbourhood character along Warley Avenue, the narrow front setbacks and car parking preventing meaningful, established canopy tree planting from being a character feature.

Clause 58.05-3 Private open space

The development successfully ensures that more than 98% of dwellings achieve the required area and dimension of private open space and overall exceeds the minimum amount of open space required for most dwellings. For example, all of the balconies on the second floor are between 9.1m^2 and 14m^2 which exceeds the minimum 8m^2 space required.

On the lower ground and ground floor this exceedance is more pronounced with several courtyards between 40m^2 and 160m^2 – well in excess of the minimum 25m^2 required.

A minor variation has been identified with Apartment G.03 in Building 1 which is located within the front setback to Warley Avenue. Here, the front courtyard is 18.9m^2 which is less than the 25m^2 required. Noting the direct access via a gate that this property has to Warley Avenue it is considered the dwelling has easy access to the Cowes foreshore which is less than 150 metres to the north. Given that the courtyard still provides a minimum dimension of approximately 3 metres to allow for the reasonable service needs of residents, this minor variation is acceptable.

Clause 58.05-4 Storage

The total minimum storage space for 91.2% (83) of apartments exceeds the minimum required by Standard D21. Eight of the apartments are slightly below the volume requirements specified and will be addressed by planning permit condition – noting. It is noted that along the corridors on each floor are storage rooms which provide more secure access than basement storage and have been confirmed by the applicant as additional storage for the non-compliant apartments. The ownership of each storage room has not been identified and will form a permit condition.

Clause 58.07-1 Functional layout

All of the apartments successfully meet and, in most cases, exceed the minimum dimensions required for the bedrooms. Where the standard calls for main bedrooms with a 3.4 metre depth, a depth of 3.6 metres has often been provided. This is a positive outcome which ensures dwellings provide functional areas that meet the needs of residents.

A minor non-compliance has been identified for Apartment 4.01 (Building 2) on the fourth floor whereby a depth of 3.1 metres has been provided in lieu of the required 3.4 metres – a variation of less than 30 centimetres. This is considered acceptable as it still provides a functional room area.

Submitter Theme	Council Officer Response
Car Parking, traffic and pedestrian safety	The proposal was accompanied by a Transport Impact Assessment and reviewed by Council's engineers and the Department of Transport who did not raise any objections. An assessment against the parking requirements of Clause 52.06 is in the body of the report. It is noted that the number of car parking spaces required by the planning scheme has been met for residents whilst the existing on-street parking supply and the removal of redundant crossovers will result in the opportunity for additional parking spaces. The requirement for a pram crossing as a condition of permit will also enhance pedestrian safety, noting that speed limits along Warley Avenue are not able to be assessed as part of this planning application.
Neighbourhood character/height	The site underwent extensive community consultation as part of Planning Scheme Amendment C151basc and was referred to an independent planning panel which recommended the height limit for the site to be 5 storeys. The proposed height is within the preferred height limit of the area.
Impact on drainage	The proposal was referred to Council's engineers who have required a number of permit conditions which relate to drainage and civil design plans. Any damage to property relating to proposed trees would be a civil matter.
Overlooking	The proposal has been assessed against Clause 58 of the Bass Coast Planning Scheme as outlined in the body of the report. The development is found to demonstrate compliance with the requirements of the Standard through generous setbacks (whereby screening is not required beyond a line of sight of 9 metres), privacy screening, planter boxes on the balcony and external aluminium fins which prevent downward views.

Conclusion

The application has been assessed against the Bass Coast Planning Scheme and is considered to provide a high-quality architectural response which satisfies the vision for the site by virtue of its scale, quality, and compliance.

The application underwent notification and as a result there has been four objections received. Concerns raised by objectors were considered in the assessment of the application.

It is recommended that Council resolve to issue a Notice of Decision to Grant a Planning Permit for planning application 220287, subject to conditions.

Recommendation

That in relation to planning permit application 220287 for the construction of two (2), five-storey apartment buildings with an associated reduction in visitor car-parking and the removal of vegetation in a Residential Growth Zone (RGZ2), Design and Development Overlay (DDO1 and DDO13) and a Vegetation Protection Overlay (VPO2) located at 6-12 Warley Avenue, Cowes, Council resolves to issue a Notice of Decision to Grant a 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 in October 2022) but modified to show:**
   a) **Consistency between the architectural plans and the landscape plan with regard to the Canary Island Date Palm.**
   b) **TP-221 to TP-240 to be annotated to confirm a hob less (step-free) shower.**
   c) **Unit Type B1-G03 to be annotated to confirm the entrance door to the apartment is at least 850mm in width in accordance with Standard D18 of Clause 58.05-1 (Accessibility objective) of the Bass Coast Planning Scheme or to be marked as non-compliant.**
   d) **Unit Type B1-G04 to be annotated to confirm the entrance door to the bedroom is at least 850mm in width in accordance with Standard D18 of Clause 58.05-1 (Accessibility objective) of the Bass Coast Planning Scheme or to be marked as non-compliant.**
   e) **The storage rooms along the corridor of each floor to be notated to correlate with the apartment number it belongs to and any consequential changes to TP-221 to TP-240 to be applied.**
   f) **All highlight windows on the elevations to be dimensioned from the finished floor level.**
   g) **A Landscape Plan in accordance with Condition 3.**
   h) **A Tree Management Report in accordance with Condition 6.**
   i) **A Sustainable Management Plan in accordance with Condition 14.**
   j) **A Waste Management Plan in accordance with Condition 15.**
   k) **A Wind Tunnel Assessment in accordance with Condition 16.**

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

LAYOUT NOT TO BE ALTERED – USE/DEVELOPMENT

2. **The 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.**

LANDSCAPE PLAN

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

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

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 development 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 be replaced.**

5. **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 prepared by John Patrick Landscape Architects Pty Ltd all to the satisfaction of the responsible authority.**

PROVISION OF TREE MANAGEMENT REPORT

6. **Before the development starts, 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.**

7. **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:

   a) **details of Tree Protection Zones, as per AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site;**

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

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

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

e) **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

8. **Any modification to the report must be approved by the project arborist. Such approval must be noted and provided to the responsible authority within seven days.**

ADHERENCE TO TREE MANAGEMENT REPORT

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

CONTACT FOR IMPLEMENTATION OF TREE MANAGEMENT REPORT

10. **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

11. **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 and relocation of the Canary Island Date Palm. The project arborist must be an appropriately experienced and qualified professional (minimum Cert IV or equivalent in experience).**

SITE ARBORIST LOG BOOKS

12. **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.**

COPY OF TPZ TO BE INCLUDED IN CONSTRUCTION CONTRACTS

13. **A copy of the TPZ are to be included in any contract for the construction of the site or for any other works which may impact upon the trees.**

SUSTAINABLE MANAGEMENT PLAN

14. **Concurrent with the endorsement of any plans pursuant to Condition 1 a Sustainable Management Plan (SMP) generally in accordance with that prepared by GIW Environmental Solutions, Revision C, dated 5 October 2022 must be submitted to and approved by the responsible authority. Upon approval the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the responsible authority. Amendments to the SMP must be incorporated into plan changes required under Condition 1.**

WASTE MANAGEMENT PLAN

15. **Concurrent with the endorsement of plans, a Waste Management Plan (WMP) must be submitted to and approved by the responsible authority. The WMP must be generally in accordance with that prepared by onemilegrid, dated 28 July 2022.**

    When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the plan, to the satisfaction of the responsible authority.

WIND IMPACT ASSESSMENT

16. **A wind impact assessment is to be prepared by a suitably qualified wind engineer which:**

    a) **includes advice about local wind conditions;**

    b) **describes any wind-mitigation measures required to comply with Clause 58.04-4;**

    c) **verifies that the wind conditions in the standard will be achieved in the outdoor areas;**

    d) **includes the calculations on which the verification is based;**

    e) **advising if wind tunnel modelling is required.**

    The plans must be updated accordingly, with a list of changes required to be clearly identified.

MAINTENANCE

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

CONSTRUCTION MANAGEMENT PLAN

18. **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 (but not be limited to):**

    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) **Ensure all machinery bought on the site is weed and pathogen free.**

    j) **Ensure a truck wheel-wash is 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) **Ensure contractors working on the site must be inducted into an environmental management program for construction works.**

    l) **Use best practice erosion and sediment control techniques to protect any native flora and fauna.**

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

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

o) The CMP must provide that such hours of construction work 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) Locate the construction workers compound 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) Outline the management of all building and construction waste, including any measures to recycle materials generated during construction;

r) Identify the locations of cut and fill stockpiles.

s) Guarantee that the gravel and any other approved soil-derived material used in the construction of pedestrian links and paths is Phytophthora free.

t) Nominate a liaison officer for contact by residents and the responsible authority in the event of relevant queries or problems experienced.

u) Identify the 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) Outline 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 CMP, once endorsed, will form part of the permit. All works constructed or carried out must be in accordance with the approved CMP. All care must be taken to minimise the effect of construction activity on the amenity of the surrounding neighbourhood. Once endorsed the CMP must not be altered except with the written consent

of the responsible authority.

SITE CIVIL DESIGN PLANS

19. Before the issue of a Building Permit, 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 (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 by the existing underground drainage property connection.

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

iv. Provision of over-land surcharge routes for all storm events up to the 1% AEP. This must include associated infrastructure for the safe and effective passage of stormwater flows arising from areas upstream of the subject land. This includes ensuring the 1 % AEP overland flows on Warley Street will not surcharge down the accessway and into the property (300mm freeboard from top of kerb to title boundary).

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

vi. Compliance with the Best Practice Environmental Management Guidelines for Urban Stormwater including any quality treatments proposed in accordance with these Guidelines. Stormwater treatment infrastructure to be designed generally in accordance with the endorsed Sustainable Management Plan (GIW21044 Revision C dated 5 October 2022).

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

i. An industrial strength vehicle access to the site, 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.

ii. Existing Council 75mm thick concrete footpath upgraded to 150mm thick at the crossover to the site.

iii. Long section to be provided from the centreline of Warley Avenue through the accessway ensuring the 1 % AEP overland flows on Warley Street will not surcharge down the accessway and into the private property.

iv. 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.

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

vi. Removal of redundant crossovers and reinstatement of on-street parking spaces to be line-marked with long-life thermoplastic.

vii. DDA compliant pram crossings on both sides of Warley Avenue at 'mid-block' location. Crossing is to include kerb outstands and removal of adjacent on-street parking generally in accordance with One Mile Grid concept plan (Project no. 210810; Drawing no. CLP100; Rev. A).

ESD WORKS CONFIRMATION OF IMPLEMENTATION

20. Prior to the occupation of any dwelling approved under this permit, a report from the author of the Sustainable Management Plan (SMP) 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 SMP have been implemented in accordance with the approved Plan.

CONSTRUCTION

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

d) Areas for vehicle access 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

22. 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.

CONTROL OF LIGHT SPILL

23. 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.

TIME FOR STARTING AND COMPLETION

24. 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.

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 in writing 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. 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.

C. 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.

D. Aboriginal Cultural Heritage

The development of the land must be carried out in accordance with the approved Cultural Heritage Management Plan prepared by Triskel Heritage, dated 12 July 2022, to the satisfaction of the responsible authority.

E. 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.

F. 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.

G. 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.

H. Side and rear boundary fencing not part of approval

This Planning Permit represents the Planning approval for the development of the land. Side and rear boundary fences do not form part of this Planning approval. All matters relating to the boundary fences shall be in accordance with the provisions of the *Fences Act 1968*, i.e. Council will not deliberate on which option prevails but rather the permit holder and adjoining owners will need to cooperatively resolve which of the above outcomes is mutually acceptable.

I. Retention of Existing Street Trees

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

J. 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.

Attachments

AT-1	6-12 Warley Avenue, Cowes - 220287 - ATTACHMENT ONE - Architectural Plans and Reports	227 Pages
AT-2	***CONFIDENTIAL*** - 6-12 Warley Avenue, Cowes - 220287 - ATTACHMENT TWO - Submissions	6 Pages

H.4 Cowes Streetscape Master Plan

File No:	**CM22/605**
Division:	**Place Making**
Council Plan Strategic Objective:	**Our Places** Strengthening the connection between people and the public places they share

Declaration

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

Summary

The purpose of this report is to present the Cowes Streetscape Master Plan for adoption by Council after a period of community and key stakeholder consultation.

The Cowes Streetscape Master Plan has been developed as a recommendation of the adopted Cowes Activity Centre Plan 2015, which identified the need for master planning within the town activity centre. The Streetscape Master Plan delivers high level concept designs and a staging plan that will guide the delivery of beautification works to the Cowes town centre.

The masterplan consists of five key concept areas that form the basis of the town centre. The concepts are underpinned by strategic principles and design influences that will guide preference to pedestrians within the transport modal hierarchy, creating streets for people.

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

Background

In 2015, Council adopted the Cowes Activity Centre Plan that provided a plan for the Cowes town activity centre. The plan delivered four key recommendations that were underpinned by the principles of:

- Connecting the two ends of town
- Creating streets for people
- Reinvigorating the character of Cowes

Recommendations derived from the Cowes Activity Centre Plan include:

- New activity centre planning controls (implemented in 2019)
- Redevelopment of Jetty Triangle (completed in June 2020)
- Construction of a Transit Centre (completed in October 2020)
- Delivery of a new Cultural and Community Centre (due to open in 2023)
- Preparation of a Cowes Streetscape Master Plan (this report)

In 2021, an Access and Movement Study was conducted to provide a detailed assessment of movement and access to, though, and within the Cowes town centre. The report presented a suite of recommendations to improve movement, transportation, and access in Cowes. The study highlights a range of transport issues facing the Cowes town centre including a lack of physically separated bicycle infrastructure and angled parking on Thompson Avenue that poses a risk to cyclists, lack of wayfinding and signage to improve utilisation of carparks, and the conflict between vehicles and pedestrians.

The Cowes Access and Movement Study also identified that the largest industries in Cowes town centre rely on the creation of inviting places to walk and spend time. The recommendations include flipping the transport hierarchy from car dominant design to preference walking and people-oriented design. In doing so, Cowes will recognise the benefits and advantages that are achieved by people walking and staying longer.

The Access and Movement Study principles underpin and support the Cowes Streetscape Master Plan.

The Cowes Streetscape Master Plan builds on the Cowes Activity Centre Plan 2015 as a major place shaping plan. Streetscape improvements, achieved through creatively landscaped areas, will provide a physical and community connection to multiple spaces throughout the town.

Significant community consultation and key stakeholder engagement was undertaken upon the draft concepts and the Cowes Streetscape Master Plan has since been developed based on this feedback.

Strategic Basis

Council Plan Strategic Objective:

Our Places - *Strengthening the connection between people and the public places they share*

Growing our Economy - *Progressing opportunities for visitor economy and business growth in harmony with our natural environment and sustainable values*

Sustainable Development - *Prepare for growth while ensuring the intrinsic values and character of Bass Coast are retained*

Governing Documents

Cowes Activity Centre Plan 2015

Cowes Access and Movement Study 2021

Discussion

The Cowes Streetscape Master Plan includes the key areas of:

- Thompson Avenue, from The Esplanade to Church Street
- The Esplanade, from Bass Avenue to Warley Avenue
- Bass Avenue
- Chapel Street, from Warley Avenue to Bass Avenue, and
- Church Street, from the Transit Centre to Genesta Street.

In developing the master plan, four guiding principles and objectives were identified that underpin the design recommendations. The four principles are:

1. Connect the township to the foreshore
2. Reinvigorate the character of Cowes
3. Connect the two ends of town
4. Flip the transport modal hierarchy in favour of the pedestrian and sustainable mobility.

The project design is inspired by both Cowes' history and the present day. Materiality considered in the designs draw on elements that reflect historical and current elements including the old Isle of Wight Hotel, the Cowes Jetty, bluestone retaining walls and native costal vegetation.

Community consultation and stakeholder engagement program

Concept designs for each key site area were developed and presented to key stakeholders for feedback between May 2022 - July 2022. Concepts were tested and discussed across four stakeholder sessions with over 60 attendees. Key stakeholders provided feedback on the concepts, which informed changes to the master plan designs. Key feedback included:

- Pick-up and drop-off areas for buses/taxis
- Retention of existing loading zones
- Preference of kerb-side protected bike lanes
- Flora and fauna that is suitable for the environment and space.

Through key stakeholder consultation, future detailed planning for Bass Avenue was identified as a missing element of the project due to the proposed Isle of Wight site redevelopment. Inclusion of the Bass Avenue concepts support improved streetscape opportunities within the town centre, with greater connection to the foreshore.

Community consultation on the draft concepts was conducted between 29 August 2022 to 2 October 2022.

Various methods of engagement were used throughout the project including digital platforms (social media, Engage Bass Coast and Council website, QR codes), print platforms (newspapers, school newsletters, signage) and face to face sessions (key community group presentations and drop-in sessions). Three drop-in sessions at Olive Justice Place were attended by approximately 100 community members.

Social media channels, including Facebook, Instagram and Twitter reached over 23,100 people. The Engage Bass Coast project page was viewed by 2,297 people, with 43 surveys completed, 129 pins dropped on concepts plans and 8 written submissions. Articles on the Cowes Streetscape Master Plan concepts were published in the Phillip Island and San Remo Advertiser, The Sentinel Times, The Herald Sun and The Mirage.

Key themes emerging from consultation and engagement period

Key themes from the consultation period include:

1. Traffic Flow
    - Preference for North-bound traffic flow along Thompson Avenue
    - Strong support for one-way traffic with the ability to adapt to seasonal demands (closure during peak season)
2. Car Parking
    - Car parking that is suitable for varying demographics and that caters to the seasonal demands of Cowes
    - Ensure adequate parking is available in key locations i.e. Chemist, Post Office etc.
    - Provision of variety of car parking types i.e. 45-degree parking, loading bays, drop-off/pick-up areas and accessible parking.
3. Signage and Wayfinding
    - Clear wayfinding and signage required for parking, key locations, precinct areas and attractions.
    - Digitalised wayfinding and signage
4. Roundabouts
    - Retention of existing roundabouts for traffic flow and congestion
5. Materiality
    - Retention of Golden Cypress Pines
    - Ensuring appropriate materiality in design and construction (i.e., flora and fauna, surface treatments, seating, fixtures)

As a result of the consultation undertaken, amendments were made to the concept designs. These include:

- Retain North-bound traffic flow along Thompson Avenue from Chapel Street to the Esplanade
- Provide a mixture of parking types along Thompson Avenue, between Chapel Street and The Esplanade e.g. 45 degree and parallel parking
- Retain roundabouts at Chapel Street and Church Street

These changes have been addressed and incorporated into the final Cowes Streetscape Master Plan presented for adoption.

Cost plan and staging plan

A high-level cost plan was completed based on the master plan that informs an implementation staging plan and funding advocacy planning. The staging plan provides Council direction on a staged design and delivery of the Cowes Streetscape Master Plan. The implementation staging plan is dependent on funding in the long-term financial plan and advocacy efforts to realise delivery.

Sustainability Implications

There are no sustainability implications associated with this report.

Finances

A high-level cost plan and implementation staging plan has been developed for the master plan. The project will be delivered across multiple years in line with the $2,250,000 budget allocation in the Long Term Financial Plan, noting that this budget is for planning, design, and delivery.

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

Stakeholders

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

- Businesses and traders
- Community
- South Coast Bus and Taxi
- Friends of the Golden Cypress
- Phillip Island Bicycle Network
- Community Tourism Reference Group
- Totally Renewable Phillip Island
- Destination Phillip Island
- Phillip Island Nature Parks
- Phillip Island Integrated Transport Study Community Reference Group
- Bicycle User Group
- Access and Inclusion Advisory Committee
- Youth Advisory Committee
- Department of Transport
- Regional Roads Victoria
- Department of Water, Education, Land and Planning

Conclusion

The Cowes Streetscape Master Plan has been developed as a result as one of the actions of the Cowes Activity Centre Plan 2015. The master plan comprises six key areas in the Cowes main town and addresses four identified strategic principles:

1. Connect the township to the foreshore
2. Reinvigorate the character of Cowes
3. Connect the two ends of town
4. Flip the transport modal hierarchy in favour of the pedestrian and sustainable mobility.

A draft master plan was presented to key stakeholders and the community for consultation. Overall, the concepts were widely accepted with minor changes being reflected in the final master plan concepts. The key changes relate to traffic direction, assets and infrastructure, retention of roundabouts and materiality.

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

Adoption of the Cowes Streetscape Master Plan will guide planning and delivery of the development of the township of Cowes in line with allocated funding in Council's Long Term Financial Plan.

Recommendation

That Council adopt the Cowes Streetscape Master Plan 2022.

Attachments

AT-1	Cowes Streetscape Community Consultation Infographic	1 Page
AT-2	Cowes Streetscape Master Plan	59 Pages

H.5 Skate Strategy Review and Pump Tracks

File No:	**CM22/704**
Division:	**Resilient Communities**
Council Plan Strategic Objective:	**Healthy Community**
	An inclusive community that embraces its lifestyle and supports health and wellbeing

Declaration

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

Summary

The purpose of this report is to seek authorisation from Council to:

1. Place the Skate Park Strategy Review on public exhibition for community comment throughout Jan-Feb 2023
2. Respond to the petition containing 74 written signature and 735 electronic signature that was received at the September 2022 Ordinary Council meeting that read:

   Please sign to let the Bass Coast Shire know that a pump track would be a great addition to our community!

   What is a pump track? A pump track is circuit of rollers, banked turns and features designed for bicycles, scooters, skateboards and even wheelchairs. Riders can generate momentum by up and down body movements or 'pumping'. Pump tracks are fun and beneficial for people of all ages and abilities!

   by establishing a working group to identify potential, suitable locations for pump tracks across the Shire and develop a program for implementation.

Background

Skate Strategy

The Bass Coast Shire Skate Strategy 2018-2028 was adopted by Council in March 2018. The Strategy outlines the future provision of Skate park facilities across the Shire and nominates San Remo/Newhaven as the location for a Regional skate park.

In 2019, Council was successful in obtaining State Government funding through Sport and Recreation Victoria for the construction of a Regional skate park in San Remo/Newhaven, however, after extensive site investigations and community consultation, the project did not proceed.

At the April 2021 Ordinary Council meeting, Council resolved to no longer support Grayden Reserve as the location for a Regional skate park and playspace project. Consequently Council had to hand back the funding to the State Government and commissioned a review of the Skate Strategy 2018-2028 to find a suitable location for a Regional skate park facility and to also determine the level of skate park provision to be constructed at Grayden Reserve in Newhaven.

In August 2022, Landscape Design Consultants Playce were engaged by Council to undertake a review of the Skate Strategy. Playce have developed a draft Skate Park Strategy Review (attachment 1).

Petition Pump Track

Council received a petition (attachment 2) in August 2022 from residents of Cape Woolamai requesting that a 'pump track' be constructed at Sunnyside Reserve to accommodate the growing population of youth in the area.

A pump track is defined as a circular loop consisting of rollers and berms, that when ridden correctly requires no pedaling or pushing. The popularity of pump tracks, particularly amongst youth, continues to grow and Council officers often receive requests from community members across the Shire for the construction of pump tracks.

Strategic Basis

Council Plan Strategic Objective:

Healthy Community - *An inclusive community that embraces its lifestyle and supports health and wellbeing*

Our Places - *Strengthening the connection between people and the public places they share*

Governing Documents

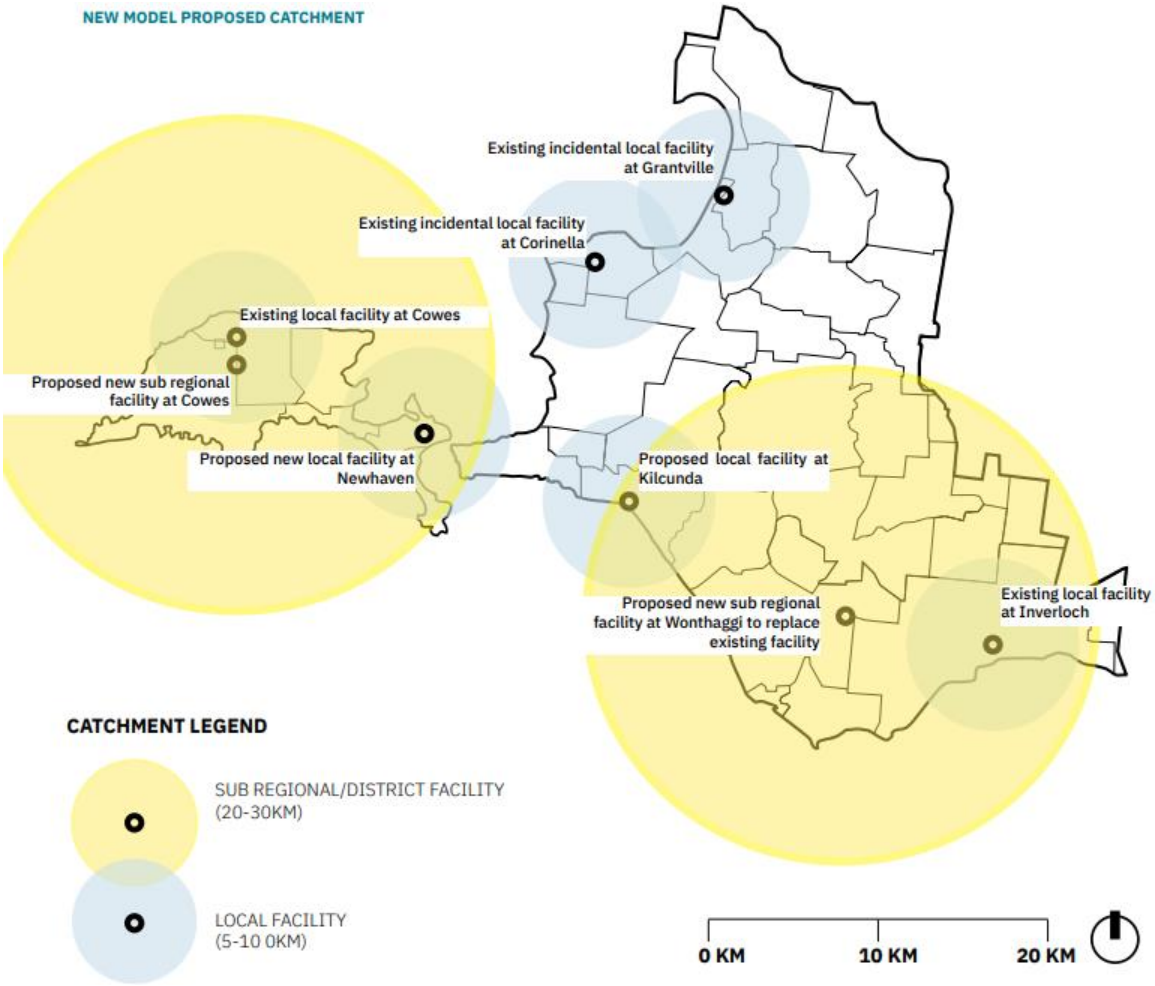
Bass Coast Shire Skate Strategy 2018-2028

Active Bass Coast 2018-2028

Discussion

The draft Skate Park Strategy Review undertaken by Playce, recommends that two Sub Regional skate parks be constructed within the two main population centres of the Shire (Phillip Island and surrounds, and the Wonthaggi/Inverloch area) rather than the one centrally located regional skate park as previously proposed. Similar successful models have been implemented by Mornington Peninsula Shire and Yarra Ranges Shire who have comparable population densities.

This approach ensures that each major population township within the Shire has access to a skate facility within 10 to 15 minutes of their residence. The following distribution model highlights the existing skate parks and proposed locations for new facilities;



Based on this model, each of the Council wards are adequately catered to, with the Phillip Island Ward having two skate parks, Westernport Ward four and the Bunurong Ward two. Each of the skate parks has different characteristics that cater to all levels of ability, which was one of the key recommendations from the community consultation undertaken as part of the initial Skate Strategy.

The sites of the Sub Regional skate parks were determined based on their distance from residential houses and positioning amongst recreation amenities that complement their usage. They are located in the two main population catchments of the Shire, and are accessible from surrounding townships, allowing space to accommodate provisions such as parking, shelter and toilets.

Other locations, including the Vietnam Veterans Museum site in Cape Woolamai, were considered for a Sub Regional or Regional facility, however they do not have the access, car parking, or toilet amenities, and do not fit the recreation purpose that the Reserves in Cowes and Wonthaggi will.

Community consultation will now be undertaken through Council's website and via pop up sessions at skate parks across the Shire during the school holidays in January, to ascertain feedback in relation to the draft Skate Park Strategy Review.

Council Officers within the Recreation Team often receive correspondence from community residents requesting more youth facilities and recently, requests for "pump tracks" have increased. The petition received from Cape Woolamai residents for a pump track at Sunnyside Reserve in Cape Woolamai, has over 800 signatures and highlights the current community interest in pump tracks.

To coincide with the community consultation on the draft Skate Park Strategy Review, Council Officers will seek to establish a small community led working group who will identify suitable sites for pump tracks across the Shire, based on location, size and access.

Terms of Reference for this working group will be developed and brought back to Council at the February 2022 Council meeting.

The working group will also provide details regarding design principles, which will be utilised as part of a budget bid for pump track design money in 2023/24.

Sustainability Implications

There are no sustainability implications associated with this report.

Finances

There are no financial implications associated with this report.

Stakeholders

- Councillors
- Bass Coast Shire Community
- Skate Strategy Steering Group
- Playce

Conclusion

With our rapidly increasing population, the establishment of additional youth facilities across Bass Coast Shire is vital. The implementation of the Bass Coast Skate Park Strategy Review and via the pump track working group, Council will engage youth to determine the future direction of how and where these amenities should be constructed.

Recommendation

That Council:

1. **Allow the Draft Skate Park Strategy Review to be made public to allow for community consultation and feedback throughout December 2022- February 2023**
2. **Endorse the establishment of a community led working group to identify suitable locations for pump tracks across the Shire, including the development of Terms of Reference for the group to be considered at the February 2023 Ordinary Council Meeting.**

Attachments

AT-1	Draft Skate Park Strategy Review	10 Pages
AT-2	Petition - Pump Track for Cape Woolamai Minutes 21 September 2022	1 Page

H.6 Draft Urban Forest Strategy

File No:	**CM22/697**
Division:	**Resilient Communities**
Council Plan Strategic Objective:	**Sustainable Development** Prepare for growth while ensuring the intrinsic values and character of Bass Coast are retained.

Declaration

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

Summary

The purpose of this report is to provide Council with an update on the development of the draft Urban Forest Strategy and present the draft proposed for community consultation.

Bass Coast Shire Council is seeking to expand and grow our urban forest, to help our communities adapt to the threat of climate change. Urban forests are made up of all the trees and vegetation in an urban area. They include street trees, shrubs and other vegetation on nature strips, in parks and open space, as well as in front and backyards, along waterways, in industrial areas and dedicated conservation areas.

Our urban forest is one of the most efficient and cost-effective mechanisms for adapting our region to climate change. While most of our townships enjoy a high cover of vegetation, with an average of 25 percent urban forest cover, our urban forest currently faces some serious threats such as climate change and urban development. Based on scientific evidence from Australia and around the world, we aim to optimise the social, economic and environmental benefits of our urban forest by increasing the average canopy cover across Bass Coast Shire townships to 40%, by 2040; while ensuring no area within a township falls below 25% canopy coverage. This will ensure the benefits of urban greening are enjoyed equitably by all residents, businesses and visitors.

Background

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

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

1. **PROTECT** our urban forest
2. **GROW** our urban forest by aiming for **a target of 40% canopy coverage by 2040** with no neighbourhood falling below 25% canopy coverage, to ensure all communities enjoy the benefits of urban greening.
3. **EMPOWER** our community and other land holders to protect and grow the urban forest on their land

4. **EMBED** best practice urban forest principles into our everyday work.

Strategic Basis

Council Plan Strategic Objective:

Protecting our natural environment - *Building resilience and protecting and enhancing our natural assets*

Healthy Community - *An inclusive community that embraces its lifestyle and supports health and wellbeing*

Our Places - *Strengthening the connection between people and the public places they share*

Growing our Economy - *Progressing opportunities for visitor economy and business growth in harmony with our natural environment and sustainable values*

Sustainable Development - *Prepare for growth while ensuring the intrinsic values and character of Bass Coast are retained*

Leading for our Community - *Demonstrating leadership through good governance, transparency and accountability*

Governing Documents

Council Plan 2021-2025

Health and Well Being Plan 2021-2025

Climate Change Action Plan 2020-2030

Natural Environment Strategy 2016-2026

Biodiversity Biolinks Plan 2018

Local Government Act 2020

Planning and Environment Act 1987

Discussion

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

Priority Actions for Council

1. Improve our tree and vegetation data. Compile a detailed tree inventory, including data on vacant street tree sites and baseline urban forest cover for all remaining townships.
2. Continue to support and resource the enforcement of tree protection mechanisms such as the Local Law No 30 and the Significant and Protected Tree Register.
3. Develop a Street and Park Tree Protection and Removal Policy outlining clear and transparent protocols for tree protection and removal on public land.

4. Develop an annual street and park tree planting program that will:
    a. Plant 1,500 trees per year (an increase of approx. 1,200 trees per year on the current program)
    b. Utilise species from our Species Selection Matrix that are likely to adapt well in our changing climate
    c. Increase shade and vegetation cover in townships with low tree canopy cover and a high number of vacant sites, as a priority
    d. Improve landscape character and amenity as well as shade in areas of high pedestrian activity such as along shopping strips, walkways, schools, new developments, in parks and around sports grounds
    e. Prioritise the planting of native and indigenous vegetation where this can enhance urban Biolinks
    f. Include diverse understorey plantings where possible
5. Build organisational capacity, improve risk management and planning outcomes through appropriate resourcing.

Sustainability Implications

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

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

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

Finances

Community consultation on the draft strategy will be conducted within existing resources. Any budget implications of actions outlined in the strategy will be modelled as the strategy is finalised, and presented for Council's consideration with the final draft.

Stakeholders

The draft Urban Forest Strategy has been developed under the guidance of a dedicated steering group, with the following stakeholders directly engaged for input:

- Councillors
- Community – online survey, workshops and written submissions
- Council staff from relevant teams across the organisation
- Natural Environment Advisory Group
- Access and Inclusion Advisory Group

- Community Tourism Reference Group
- Bunurong Land Council
- Developers

On release of the draft for community consultation, officers will conduct extensive engagement over coming months. New and existing stakeholders will be re-engaged directly, and the draft made available on https://engage.basscoast.vic.gov.au/ with a range of avenues for the broader community to provide feedback.

Conclusion

Our urban forest will play a critical role in achieving our desired local climate change adaptation, environmental and health and wellbeing outcomes. Our community wants to see our urban forest grow and to be able to connect with our wild spaces.

Bass Coast's existing urban forest is under increasing pressure from development and climate change. A long-term strategic investment in the planning, maintenance and management of our urban forest is needed to address these challenges and maximise the social, economic and environmental returns for our region into the future.

The draft strategy looks to provide a framework for Council and others in our community to work together, and grow a healthy urban forest across Bass Coast. This report recommends Council release the draft for community consultation, so that feedback can inform a final draft for Council endorsement in the first half of 2023.

Recommendation

That Council endorses the release of the draft Urban Forest Strategy for community consultation.

Attachments

AT-1 Draft Urban Forest Strategy 58 Pages

H.7 Instruments of Appointment and Authorisation

File No:	**CM22/706**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Leading for our Community** Demonstrating leadership through good governance, transparency and accountability

Declaration

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

Summary

The purpose of this report is to recommend that Council resolve to appoint the named officers as an Authorised Officer under:

- *Planning and Environment Act 1987*
- *Environment Protection Act* 2017, and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021

and approve the execution of the attached Instrument of Appointment and Authorisations. Council is also recommended to revoke authorisation to officers that no longer require it.

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

Background

Council currently exercises its powers to appoint Authorised Officers.

Strategic Basis

Council Plan Strategic Objective:

Leading for our Community - *Demonstrating leadership through good governance, transparency and accountability*

Governing Documents

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

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

Section 242 Authorised Officers of the *Environment Protection Act 2017*.

Discussion

Authorisation facilitates the achievement of good governance for the community by empowering appropriate members of staff to make decisions on behalf of Council and the Chief Executive Officer.

Sustainability Implications

There are no sustainability implications associated with this report.

Finances

There are no financial implications associated with this report.

Stakeholders

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

Staff – ensuring the ability to undertake their roles.

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

Conclusion

It is recommended that Council adopt the attached Instrument of Appointment and Authorisation to the named officers as an Authorised Officer under:

- *Planning and Environment Act 1987*
- *Environment Protection Act* 2017, and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021

and approve the execution of the attached Instrument of Appointment and Authorisations. Council is also recommended to revoke authorisation to officers that no longer require it.

Recommendation

That Council:

1. **In the exercise of the powers conferred by s 147(4) of the *Planning and Environment Act 1987*, resolves that:**
   a. **The member of Council staff referred to in the attached instrument be appointed and authorised as set out in the instrument.**
   b. **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.**
2. **In the exercise of the power conferred by s 242(2) of the *Environment Protection Act 2017* and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, resolves that:**
   a. **The member of Council staff referred to in the attached instrument be appointed and authorised as set out in the instrument.**

b. **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.**

c. **Revokes the instrument of Appointment and Authorisation under the *Environment Protection Act 2017* to:**

- **Bianca Rayner**
- **Sheldon Flanagan**

Attachments

AT-1	Mark Skovdam S11A Instrument of Appointment and Authorisation Planning and Environment Act 1987	1 Page
AT-2	Jodi Kennedy S11B Instrument of Appointment and Authorisation under the EPA 2017	1 Page
AT-3	Melissa Joske S11B Instrument of Appointment and Authorisation under the EPA 2017	1 Page
AT-4	Helena Kearns S11B Instrument of Appointment and Authorisation under the EPA 2017	1 Page

H.8 Review of Instrument of Sub-Delegation Environment Protection Act 2017 – Council to Staff

File No:	**CM22/707**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Leading for our Community** Demonstrating leadership through good governance, transparency and accountability

Declaration

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

Summary

The purpose of this report is to update the staff positions within the Instrument of Sub-Delegation *Environment Protection Act 2017* from Council to staff.

Background

Council currently exercises its powers to delegate to positions.

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

Strategic Basis

Council Plan Strategic Objective:

Leading for our Community - *Demonstrating leadership through good governance, transparency and accountability*

Governing Documents

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

- *Environment Protection Act 2017*

Discussion

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

The attached Instrument of Delegation from Council to Staff was adopted 20 April 2022.

There are no changes to the legislation in the attached Instrument of Sub-Delegation.

Position titles have been updated to include:

- General Manager Resilient Communities

Sustainability Implications

There are no sustainability implications associated with this report.

Finances

There are no financial implications associated with this report.

Stakeholders

- Council – ensuring they can focus on high level strategic and Council planning.
- Staff – ensuring the ability to undertake their roles.
- Community – knowledge that appropriate delegations and authorisations are in place to allow for the effective and efficient running of Council.

Conclusion

It is recommended that Council adopt the Instrument of Sub-Delegation *Environment Protection Act 2017* from Council to staff for the powers, duties and functions under the relevant legislation as outlined in the attachment.

Recommendation

In the exercise of the power conferred by s 437(2) of the Environment Protection Act 2017 and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, Bass Coast Shire Council (Council) resolves that -

1. **There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.**
2. **The instrument comes into force immediately the common seal of Council is affixed to the instrument.**
3. **The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

Attachments

AT-1	Draft S18 Instrument of Sub-Delegation Environment Protection Act 2017	6 Pages

H.9 Award of Tender No. 22016 - Construction of Wonthaggi Croquet Club Pavilion

File No:	**CM22/674**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Leading for our Community** Demonstrating leadership through good governance, transparency and accountability

Declaration

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

Summary

This report to Council presents the outcome of the tender evaluation for Tender No 22016 – Construction of Wonthaggi Croquet Club Pavilion.

A panel, consisting of three (3) Council officers was formed for the purpose of tender evaluation.

The objective of the Panel was to assess the submissions against the selection criteria and identify a preferred tenderer for the purpose of assisting the Council in reaching a tender award decision.

The Panel concludes that the tender submitted by TS Constructions Pty Ltd will satisfy the requirements of the works and will provide Council with value for money.

As the tender submission is higher than the allocated budget for this project, the Panel is recommending Council approve use of $252,212 (GST exclusive) from the capital advancement fund to allow the project to continue and award Contract No 22016 to TS Constructions Pty Ltd.

This Report contains an attachment which is declared to be confidential under Section 125 of the Local Government Act 2020 and in line with Council's Tender and Contract Confidentiality Policy.

Background and Context

The Bass Coast Shire Council is committed to providing effective roads, drains, reserves, buildings and other public infrastructure within the Bass Coast Shire.

The construction of the pavilion for the Wonthaggi Croquet Club shall incorporate building construction and all ancillary works outlined in the construction plans, the specification and associated contract documents.

Council proposes to construct a new pavilion at the Wonthaggi Recreation Reserve, Korumburra-Wonthaggi Road, Wonthaggi. The facility will provide a modern sporting pavilion and associated amenities for croquet.

Strategic Basis

Council Plan Strategic Objective:

Leading for our Community - *Demonstrating leadership through good governance, transparency and accountability*

Statutory Requirements/Codes/Standards/Policies

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

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

Tender Process

This Tender was publicly advertised in accordance with the *Local Government Act 2020*.

Tenders closed at 2pm on Wednesday 19 October 2022. Council received one conforming tender submission.

Evaluation Process

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

Table 1 – Evaluation Selection Criteria	
Criterion	**Weighting**
Mandatory	
Integrated Management System (Work Health & Safety, Quality Assurance and Environmental Management)	Pass/Fail
Risk, Insurance and Registration	Pass/Fail
Weighted	
Price	30%
Construction Period & Methodology	20%
Capacity – Staff Resources, Sub-contractors, Suppliers and Plant & Equipment	20%
Previous Related Experience & Referees	20%
Benefit to Local and Social Economy	10%

An Evaluation Panel consisting of three (3) Council Officers was formed. The panel was chaired by an Officer from the Procurement Team who oversaw the process and did not score the tender.

The tenderer passed the mandatory selection criteria.

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

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

The final weighted scores are set out in Table 2.

Table 2 – Final Weighting Scores

No.	Name	* Price Score %	# Non-Price Score %	Total Score %
1	TS Constructions Pty Ltd	30%	63.6%	93.6%

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

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

The panel considered that, whilst only one tender submission was received, the submission and pricing still represent value for money within the current market.

Taking the current complexities of the construction industry into consideration, and the feedback received from tender registrants who did not submit a tender; re-tendering this work would be unlikely to attract additional tenderers and could risk further industry price rises and delays in the project meeting the required time frame for completion. There is also risk that Council may lose the grant funding approved by Sport and Recreation Victoria (SRV), which is conditional on the funds being spent.

TS Constructions Pty Ltd have a comprehensive and sound understanding of the works required for this project. They have extensive relevant experience, together with the capacity and capability to undertake the works within the specified timeframes in accordance with the requirements of the specification.

In terms of local and social criterion, TS Constructions Pty Ltd's response scored full marks; demonstrating a strong ability to help Council achieve its QBL outcomes.

Contract Management

Council's Capital Project Officer – Building & Open Space will act as Contract Superintendent for the contract. Authorisations of variations will be in accordance with the Procurement Delegations Frameworks adopted by Council on 16 March 2022.

- Contract Commencement: 9 January 2023
- Anticipated Contract Completion: 10 August 2023

Finances

Funding of $459,000 was received from SRV, and a contribution of $25,000 received from the Wonthaggi Croquet Club, with the balance from Council.

The total value of the contract is $661,500 (GST exclusive), which includes a provisional sum of $39,500.

	GST Exclusive
Construction including permits and approvals (lump sum components)	$622,000
Provisional Sums to be completed by Contractor	$39,500
Total Contract Sum	**$661,500**
Internal Project Management costs (6%)	$39,690
Contingency (10%) *	$66,150
Landscaping works	$5,000
TOTAL	**$772,340**
Available budget including approved funding sources: Funding received from SRV ($459,000) Wonthaggi Croquet Club contribution ($25,000)	$520,128
Additional funds required for the project to proceed	**$252,212**

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

The budget available for the contract is $520,128 (GST exclusive), which does not include contingency and project management fees, or landscaping costs.

Additional funding of $252,212 is available through the capital works program advancement funds in the 2022/23 budget and will be used to support delivery of this project.

Stakeholders

The stakeholders for this tender include:

- Bass Coast Shire Council
- Sport and Recreation Victoria
- Wonthaggi Croquet Club
- Residents
- Ratepayers
- Visitors

Conclusion

The Tender Evaluation Panel Report is attached.

The panel report concludes that the tender submitted by TS Constructions Pty Ltd will provide Council with value for money for the following reasons:

- They achieved a high score based on the method of evaluation.
- They demonstrated they have the specific and relevant experience, capacity and capability to undertake the works in accordance with the specification.
- They are able to undertake the project within the required timeframes.
- They have a demonstrated commitment to local and social economy outcomes.

Recommendation

That Council:

1. **Approve the use of $252,212 (GST exclusive) from the capital advancement fund for the construction of the Wonthaggi Croquet Club Pavilion project.**
2. **Accept the tender from TS Constructions Pty Ltd and award Contract No 22016 – Construction of Wonthaggi Croquet Club Pavilion for the contract sum of $661,500 plus GST of $66,150 which includes lump sum and provisional amounts.**
3. **Authorise the Chief Executive Officer to execute Contract 22016 between Council and TS Constructions Pty Ltd.**

Attachments

AT-1 ***CONFIDENTIAL*** - Evaluation Report and Appendices 22016 10 Pages

H.10 Award of Tender No. 22022 - ICT Managed Services

File No:	**CM22/690**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Leading for our Community** Demonstrating leadership through good governance, transparency and accountability

Declaration

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

Summary

This report to Council presents the outcome of the tender evaluation for Tender No 22022 – ICT Managed Services.

A panel, consisting of four Council officers, three scoring and one non-scoring was formed for the purpose of tender evaluation.

The objective of the Panel was to assess the submissions against the selection criteria and identify a preferred tenderer for the purpose of assisting the Council in reaching a tender award decision.

The Panel concludes that the tender submitted by Cirrus Networks (Victoria) Pty Ltd will satisfy the requirements of the service and will provide Council with best value for money.

This report recommends Council to accept the tender submission and award Contract No 22022 to Cirrus Networks (Victoria) Pty Ltd.

This Report contains an attachment which is declared to be confidential under Section 125 of the *Local Government Act 2020* and in line with Council's Tender and Contract Confidentiality Policy.

Background and Context

Bass Coast Shire Council invited tenders from suitably experienced service providers for managing all BCSC IT services – from end-user computing devices, application support, Networks/WAN, Infrastructure, Security and Cyber Security, through to SaaS, cloud and DR environments.

Council's primary objectives are as follows:

- To source a Managed Services Provider (MSP) that offers best value for money, delivering stable and responsive ICT services to Council
- To ensure that Council's technology environment remains aligned with contemporary technical and application architectures
- To provide a reliable and appropriately performing business environment supported by appropriate technology services

Currently, BCSC operates a blended outsourced IT services model.

BCSC has an internal IT team which provides onsite desktop support with the incumbent, an outsourced MSP, providing all other IT support and services.

The existing MSP provides a majority of support remotely with onsite presence as required.

Application and database servers run in the existing current Managed Service Provider's DCaaS, located onsite at BCSC head office.

The MSP further provides BCSC a managed disaster recovery service, DRaaS.

BCSC are transitioning workloads to the public cloud (Azure) and SaaS offerings.

Subsequently, the scope of this tender includes supporting and continuously improving all BCSC IT infrastructure including that which is migrated to a public cloud and SaaS.

Strategic Basis

Council Plan Strategic Objective:

Leading for our Community - *Demonstrating leadership through good governance, transparency and accountability*

Statutory Requirements/Codes/Standards/Policies

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

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

Tender Process

This Tender was publicly advertised in accordance with the *Local Government Act 2020* and Council's Procurement Policy.

Tenders closed at 2pm on Friday 28 October 2022 and Council received three (3) conforming tender submissions.

Evaluation Process

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

Table 1 – Evaluation Selection Criteria	
Criterion	**Weighting**
Mandatory	
Integrated Management System (Work Health & Safety, Quality Assurance)	Pass/Fail
Risk, Insurance and Registration	Pass/Fail

Table 1 – Evaluation Selection Criteria	
Criterion	**Weighting**
Weighted	
Price	40%
Proposed Resources, Previous Related Experience & Referees	25%
Technical Capability and Compliance to Services Requirements	30%
Benefit to Local & Social Economy	5%

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

Each tenderer passed the mandatory selection criteria.

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

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

The final weighted scores are set out in Table 2.

Table 2 – Final Weighting Scores				
No.	Name	* Price Score %	# Non-Price Score %	Total Score %
1	Cirrus Networks (Victoria) Pty Ltd	40%	49.17%	89.17%
2	Tender B	20.96%	35.67%	56.62%
3	Tender C	0%	44.67%	44.67%

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

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

Cirrus Networks (Victoria) Pty Ltd presented the lowest cost conforming tenders, and in accordance with the selection criteria present the best value to Council.

Cirrus Networks (Victoria) Pty Ltd have extensive relevant experience, they have the capacity and capability to undertake the services and will provide Council with best value as they are the highest scoring and lowest cost tenderer.

Contract Management

Manager Transformation and Technology will act as Contract Superintendent for the contract. Authorisations of variations will be in accordance with the Procurement Delegations Frameworks adopted by Council on 16 March 2022.

- Contract Commencement: December 2022
- Anticipated Contract Completion: December 2026
- Extension options: up to 1 + 1 years at Councils discretion

Finances

The total value of the contract is $1,151,184 (GST exclusive), which is for the initial four years based on fixed monthly fees of $287,796 per annum which excludes an onsite engineer.

Option 1 - Pricing excluding an on-site engineer	GST Exclusive
Fixed monthly fees per annum	$287,796
Initial four (4) year contract term	$1,151,184
Total Contract Sum	**$1,151,184**

The current budget allocation is Managed Service $203,400, DCaaS $88,468.80 and DRaaS $58,260 meaning the the budget available for the contract is $350,128.80 (GST exclusive) per annum. This represents a saving of approximately $250,000 over the first four years of the contract.

The contract allows for additional services to be provided and these will be utilised from time to time in accordance with operating and project budgets and requirements.

Stakeholders

The stakeholders for this tender include:

- Bass Coast Shire Council
- Residents
- Ratepayers

Conclusion

The Tender Evaluation Panel Report is attached.

The panel report concludes that the tender submitted by Cirrus Networks (Victoria) Pty Ltd will provide Council with best value for money for the following reasons:

- They achieved the highest score and are the lowest cost tenderer based on the method of evaluation
- They demonstrated they have the specific and relevant experience and capability to undertake the service in accordance with the specification.

Recommendation

That Council:

1. **Accept the tender from Cirrus Networks (Victoria) Pty Ltd and award Contract No 22022 ICT Managed Services for the contract sum of $1,151,184 plus GST of $115,118.40, for a contract term of four (4) years with an extension option of 1 + 1 years at Councils discretion;**
2. **Authorise the Chief Executive Officer to execute Contract 22022 between Council and Cirrus Networks (Victoria) Pty Ltd.**

Attachments

AT-1 ***CONFIDENTIAL*** - Tender Panel Evaluation Report 22022 9 Pages

H.11 Bass Coast Community Awards Program

File No:	**CM22/685**
Division:	**Executive Office**
Council Plan Strategic Objective:	**Our Places**
	Strengthening the connection between people and the public places they share

Declaration

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

Summary

The purpose of this report is to seek Council's endorsement to hold a Bass Coast Community Awards program in May each year. This will replace the Bass Coast Australia Day Awards currently held in January each year.

It is proposed to conduct the Community Awards during National Volunteer Week to create an inclusive local award that celebrates contributions made to the Bass Coast community. The format of the awards will be established in early 2023 and consideration made for the award categories.

Background

The current Bass Coast Australia Day Awards program acknowledges and recognises the valuable contribution of our local community members. The Awards are held in January each year with nominations taking place in September to December the previous year.

Nominations are sought for Citizen of the Year and Young Citizen of the Year (24 years and under), with the Awards presentation ceremony held in the third week of January.

Previously there were more categories awarded than is currently the case. A review in 2013 reduced the categories down to the current Citizen and Young Citizen of the year. This was due to difficulty in obtaining and processing nominations and the overlap that occurred between categories such as environment and arts and culture and the overall citizen of the year.

Due to the timing of the current Awards program, nominations and the presentation ceremony to the winners occurs during a period of the year where end-of-year, end of school, Christmas, New Year and summer holiday preparations are underway. This timing takes considerable focus away from the Awards affecting participation and engagement.

Council also conducts the Bass Coast Business Awards in October each year. These Awards have multiple categories and see considerable engagement in the nomination and voting process.

Strategic Basis

Council Plan Strategic Objective:

Our Places – *Strengthening the connection between people and the public places they share*

Discussion

The Australia Day Awards program begins in September, when nominations are called for and closes in January, when the Awards winners are announced. The program in its current form seeks nominations in two categories, Citizen of the Year and Young Citizen of the Year (24 years and under).

The current timing of this program crosses the end of year, and festive and new year celebrations. This has resulted in a low number of nominations in some years, and no nominations for Young Citizen in two of the past six years.

The timing and process for the Awards has constrained participation, and their association with 26 January affected the perception of inclusivity. Scheduling the program closer to the middle of the year would allow the opportunity for greater focus, involvement and the inclusion of the whole community.

Multiple Victorian metropolitan Councils and several regional Councils in Victoria have moved the date for their Awards or are in the process of doing so.

Volunteer Week

National Volunteer Week, held in May each year, is a time to celebrate, recognise and say thank you for the vital work of volunteers. National Volunteer Week aims to recognise our local community leaders and contributors, many of whom go 'over and above' in their community work. It is proposed to schedule the Awards in May each year to align with National Volunteer Week.

Awards Conducted by Council

Bass Coast Shire Council holds different award ceremonies celebrating our community and business contribution. Throughout the COVID-19 pandemic these ceremonies were postponed, cancelled and altered as part of COVIDSafe guidelines.

Establishing a new Program

It is now proposed to reset Council's approach by holding two awards programs each year, celebrating community and business. The Bass Coast Community Awards would be held in the Autumn (May) whilst the Bass Coast Business Awards would be scheduled for Spring (October).

Re-establishing set dates for these awards and aligning the Community Awards with National Volunteer Week will enable greater certainty and participation.

The programs for both Bass Coast Business Awards and a new Bass Coast Community Awards (BCCAs), will provide the opportunity to come together to acknowledge the significant contribution made to Bass Coast from those within our community. This will provide an opportunity for a more inclusive celebration for our whole community.

It is recommended while the timing of the Awards program is considered, the format and categories for the Awards program should also be reviewed. Further categories previously awarded such as Environmental Stewardship could be considered with the change.

Finances

A budget of $2,000 is allowed for the conduct of the Bass Coast Australia Day Awards program in the 2021/22 Council budget. It is proposed to allocate these funds to the new Bass Coast Community Awards into the future.

Stakeholders

These are civic awards and, as such, the Bass Coast community and Council are stakeholders to the Bass Coast Australia Day Awards and a community awards program.

Conclusion

Recognising the contribution of our community is an important role for Bass Coast Shire Council. Currently the timing and process for the Australia Day Awards constrains participation. The changing of timing of the Awards program to May in each year aligns well with the aims of National Volunteer Week and provides an opportunity for an inclusive awards program. It is recommended Council endorses a change to the timing of a community awards program to May 2023 and consider the format for a new Bass Coast Community Awards.

Recommendation

That Council:

1. **endorses a Bass Coast Community Awards program to be held in May of each year to align with National Volunteer Week.**
2. **reviews the format of the Community Awards program including categories to be awarded.**

Attachments

There are no attachments for this report

Statutory Reports

1 Statutory Reports

1.1 Informal Meeting of Councillors Records

File No:	**CM22/306**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Leading for our Community**
	Demonstrating leadership through good governance, transparency and accountability

Summary

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

Introduction

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

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

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

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

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

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

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

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

Council Plan Strategic Objective:

Leading for our Community - *Demonstrating leadership through good governance, transparency and accountability*

Attached is a summary of the Informal Meeting of Councillors Records completed since the last Council Meeting.

Recommendation

That Council receive the attached Informal Meeting of Councillors records.

Attachments

AT-1	Councillor Briefings 26 October 2022 Informal Meeting of Councillors	2 Pages
AT-2	Councillor Briefings 2 November 2022 Informal Meeting of Councillors	2 Pages
AT-3	Councillor Briefings 9 November 2022 Informal Meeting of Councillors	2 Pages
AT-4	Councillor Briefings 16 November 2022 Informal Meeting of Councillors	1 Page

I.2 Planning & Building Statistics - October 2022

File No:	**CM22/671**
Division:	**Place Making**
Council Plan Strategic Objective:	**Sustainable Development**
	Prepare for growth while ensuring the intrinsic values and character of Bass Coast are retained.

Summary

PERMITS REFUSED:

210307: Development of land for a dwelling in excess of 7m in the DDO1, BMO2 and LSIO located at 11 Beach Boulevard, Pioneer Bay.

220376: Removal of a tree in a Vegetation Protection Overlay (VPO2) located at 3 Leslie Avenue, Cowes.

PERMITS ISSUED:

Island Ward

210491: Construction of four dwellings and the removal of native vegetation under Clause 52.17 and the Vegetation Protection Overlay (VPO2) located at 501-503 Settlement Road, Cowes.

220132: Construction of a second dwelling on a lot and two lot subdivision in a General Residential Zone (GRZ1) located at 11 Rita Avenue, Cowes.

220286: Development of land for a dwelling in a Design and Development Overlay (DDO1) located at 8 Dunsmore Road, Cowes.

220309: Buildings and works, use of the land as a warehouse and reduction in minimum car parking requirements in the Industrial 3 Zone (IN3Z) located at 2 Harvey Drive, Cowes.

220331: Removal of one tree in a Vegetation Protection Overlay (VPO2) located at 2/55B Beach Road, Rhyll.

220334: Extension to a dwelling in a Bushfire Management Overlay (BMO1) located at 14 Pall Mall, Ventnor.

220380: Removal of one tree in a Vegetation Protection Overlay (VPO2) located at 6 Perlis Avenue, Cowes.

Western Port Ward

220079: Construction of buildings and works associated with accommodation (caravan park), including retrospective buildings and works, within a Bushfire Management Overlay (BMO), Lands Subject to Inundation Overlay (LSIO1) and Design and Development Overlay (DDO1) located at 22 Pier Road, Grantville.

220101: Construction of a second dwelling on a lot in a General Residential Zone (GRZ1) located at 7 Anderson Street, San Remo.

220113: Removal of native vegetation located at Crown Land Lease 2016569, 3560 Bass Highway, Kilcunda.

220140: Buildings and works associated with a dwelling in a Design and Development Overlay (DDO1) located at 11 Kowloon Crescent, Coronet Bay.

220292: Three lot subdivision and creation of restriction located at 85-91 Shetland Heights Road, San Remo.

220327: Construction of a fence in a Land Subject to Inundation Overlay (LSIO) located at 23 Malcolm Drive, Grantville.

220381: Removal of one tree in a Vegetation Protection Overlay (VPO2) located at 40 Goldensands Road, Cape Woolamai.

220389: Construction of an outbuilding in the Farming Zone (FZ) located at 485 Glen Alvie Road, Glen Alvie.

Bunurong Ward

220129: Two lot subdivision located at 1 Storey Street, North Wonthaggi.

220163: Subdivision of land into four lots, use and development of land for a display home centre (four display homes) in a Mixed-Use Zone (MUZ), business identification signage and alteration of access to a TRZ2 located at 326 & 328 & 330 White Road, North Wonthaggi.

220164: Construct a dwelling in the Design and Development Overlay (DDO9) located at 6 Florida Avenue, Inverloch.

220174: Two lot subdivision located at 9 St Elena Court, North Wonthaggi.

220249: Construct dwelling additions in a DDO9 located at 35 Toorak Road, Inverloch.

220261: Development of land for a dwelling in a Design and development Overlay (DDO1) located at 5 High Street, Inverloch.

220278: Development of land for a dwelling in a Bushfire Management Overlay (BMO) located at 58 Silvereye Circuit, Wonthaggi.

220285: Display a business identification sign located at 278-280 White Road, North Wonthaggi.

220312: Subdivision of land (boundary realignment) located at 18 Lindsey Close, Inverloch.

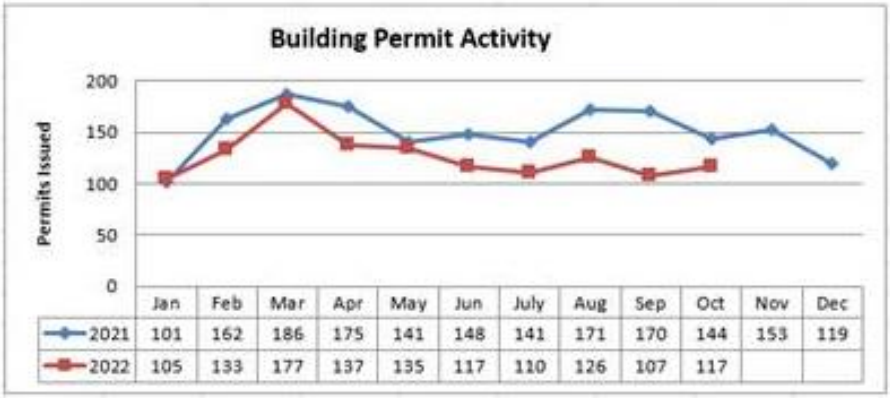
220345: Additions and alterations to an existing dwelling in Bushfire Management Overlay (BMO1) located at 5 Foam Street, Cape Paterson.

PLANNING AND BUILDING ACTIVITY REPORT FOR OCTOBER 2022

Statutory Planning	This month (October)	Last month	Year to date (financial year)
% of applications determined within statutory timeframe	70.7	79.5	78.5

Average Gross Days (Responsible Authority determination)	126	150	135
(new) Average Gross Days to final outcome	172	175	153
Average Statutory Days (Responsible Authority)	43.4	35	
Number of live applications	204	204	-
Number of applications received for the month	46	48	191
Number of Responsible Authority outcomes	55	46	200

Municipal Building Services & Enforcement	**This month (October)**	**Last month**	**Year to date (financial year)**
Essential Safety Measure inspections	0	0	0
Report and Consent applications	32	25	125
POPE and Siting consents issued for temporary structures	3	2	5
Complaints received requiring investigation	15	24	50
New building enforcement cases	1	2	9
Number of open building enforcement cases	36	37	n/a
Building permits issued by Council	0	0	0



Planning Enforcement	**This month (October)**	**Last month**	**Year to date (financial year)**
New complaints/case files opened	7	7	**27**
Complaints/case files closed	4	14	**44**
Current open complaints/case files	34	32	**-**

STATUTORY PLANNING DEFINITION:

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

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

Recommendation

That Council:

1. **Receives and notes the Planning Permits issued under delegation report for October 2022; and**
2. **Receives and notes the Planning and Building Activity Report for October 2022.**

Attachments

There are no attachments for this report.

I.3 Contracts Award Report

File No:	**CM22/695**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Leading for our Community** Demonstrating leadership through good governance, transparency and accountability

Declaration

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

Summary

Contracts Awarded

For the period from 1 October 2022 to 31 October 2022, no contracts have been awarded under the Chief Executive Officer's Instrument of Delegation.

Contracts Extended

For the period from 1 October 2022 to 31 October 2022, the following contracts were extended under the Procurement Policy 2021 Financial Delegations.

Contract No.	Description	Contractor	Contract Sum
20009	Bituminous Surfacing of Roads	Fulton Hogan Industries Pty Ltd	Schedule of Rates Contract Estimate $500K 1 Year Extension
20014	Annual Supply of Asphalt (20010)	A1 Asphalt Supplies	Schedule of Rates Contract Estimate $350K 3 Year Extension
20015	Annual Supply of Asphalt (20010)	South East Asphalt Pty Ltd	Schedule of Rates Contract Estimate $350K 3 Year Extension
19015	Landfill Environmental Monitoring	Minehardt	$132K 1 Year Extension

Recommendation

That Council notes the above contracts were awarded in accordance with the Delegated Procurement Authority during October 2022.

Attachments

There are no attachments for this report.

I.4 Councillor Expenses for the Council Term - 9 November 2020 to 30 September 2022

File No:	**CM22/676**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Leading for our Community** Demonstrating leadership through good governance, transparency and accountability

Declaration

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

Summary

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

Background

The Mayor and Councillors Expense Register includes:

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

Strategic Basis

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

Council Plan Strategic Objective:

Leading for our Community - *Demonstrating leadership through good governance, transparency and accountability*

Governing Documents

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

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

Sustainability Implications

There are no sustainability implications associated with this report.

Finances

The Attachment sets out details of Councillor Expenditure for the Council term between the dates 9 November 2020 to 30 September 2022.

Stakeholders

Stakeholders include the ratepayers of the municipality and Council.

Recommendation

That Council receive the report on Councillor Expenditure for the Council term between 9 November 2020 and 30 September 2022.

Attachments

AT-1 Councillor Expenses Report 9 Nov 2020 to 30 Sep 2022 1 Page

I.5 Receipt of Audit and Risk Committee Minutes - 7 September 2022

File No:	**CM22/702**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Leading for our Community** Demonstrating leadership through good governance, transparency and accountability

Declaration

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

Summary

Attached are the minutes of the Audit and Risk Committee Meeting held on Wednesday 7 September 2022. Items discussed at this Meeting were:

Confirmation of Minutes

- Confirmation of Audit and Risk Committee Meeting Minutes from 25 May 2022

Matters Arising from Previous Minutes

- Actions Arising from Previous Minutes
- Review of the 2021/22 Annual Financial Report and Performance Statement

Internal Audits

- Status report on action items identified through the audit program
- Internal Audits - Child Safe Standards and Procurement and Accounts Payable

Financial Reports

- Councillor Expenses for the Council Term - 9 November 2020 to 30 June 2022
- Capital Works Status Report – Month Ending June 2022

Risk Management

- Risk Management Report

Compliance

- Non-compliance and legal counsel engagement report for the period 1 April 2022 to 30 June 2022
- Legislative Compliance
- Research reports from other agencies

Governance Matters

- Economic Development Framework Presentation

General Business

- Internal Audit Plan

Recommendation

That the minutes of the Audit and Risk Committee meeting held on 7 September 2022 be received and the recommendations therein adopted.

Attachments

AT-1	***CONFIDENTIAL*** - Audit and Risk Committee Minutes 7 September 2022	27 Pages

I.6 Audit & Risk Committee Reports

File No:	**CM22/703**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Leading for our Community** Demonstrating leadership through good governance, transparency and accountability

Declaration

The reporting officer has no direct or indirect interest in this matter.

Summary

The purpose of this report is for Council to receive the:

- Audit and Risk Committee Charter annual assessment for 2021/2022 and;
- Audit and Risk Committee biannual report 2021/2022

Introduction

Council established the Audit and Risk Committee and adopted its Charter on 19 August 2020. The Charter is available on Council's website.

The Charter requires that:

- The Committee prepare an annual assessment of its performance against the Audit and Risk Committee Charter and provide a copy to the Chief Executive Officer for tabling at the next available Council meeting.
- Twice a year the Committee prepare a report to Council, through the Chief Executive Officer, describing the activities of the Audit and Risk Committee including its findings and recommendations.

Council Plan Strategic Objective:

Leading for our Community - *Demonstrating leadership through good governance, transparency and accountability*

Recommendation

That Council receive the attached:

- **Audit and Risk Committee Charter annual assessment for 2021/2022 and;**
- **Audit and Risk Committee 2021/2022 biannual report**

Attachments

AT-1	Audit and Risk Committee Charter annual assessment 2021/2022	10 Pages
AT-2	Audit and Risk Committee biannual report 2021/2022	5 Pages

I.7 Delegated Committee Meeting Minutes - 24 November 2022

File No:	**CM22/705**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Leading for our Community** Demonstrating leadership through good governance, transparency and accountability

Declaration

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

Summary

The purpose of this report is to present the minutes of the Delegated Committee meeting held on Thursday 24 November 2022 for noting.

Item dealt with as part of the Delegated Committee Meeting agenda:

- Short Stay Rental Accommodation – Proposed registration fee; and amendments to Fees and Charges 2022/2023

Recommendation

That Council note the minutes of the Delegated Committee meeting held on 24 November 2022.

Attachments

AT-1 Delegated Committee Meeting 24 November 2022 11 Pages

I.8 PIITS Community Reference Group Quarterly Meeting

File No:	**CM22/677**
Division:	**Place Making**
Council Plan Strategic Objective:	**Our Places**
	Strengthening the connection between people and the public places they share

Declaration

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

Summary

The purpose of this report is to provide an overview of the Phillip Island Integrated Transport Study (PIITS) Community Reference Group (CRG) meeting held on 24 October 2022.

The CRG's purpose is to support the implementation of PIITS and, in so doing, offer input concerning PIITS priorities and seek to maintain effective community interaction for PIITS initiatives.

Strategic Basis

Council Plan Strategic Objective:

Our Places - *Strengthening the connection between people and the public places they share*

Discussion

The CRG meeting was held in person at the Newhaven Visitor Information Centre and virtually via TEAMS. Four Council Officers and eleven CRG representatives attended with Cr David Rooks chairing the meeting.

Several important updates on strategic transport initiatives were provided including:

- Engagement on the Cowes Streetscape Master Plan which has been informed by the Cowes Access and Movement Study
- The Phillip Island Safer Speeds Project
- Feedback provided and an update on the draft Tracks and Trails Strategy
- Engagement update for Surf Beach / Sunderland Bay Road and Drainage upgrade project and feedback received in response to concept road designs
- Strategic principles developed to inform future planning work along the Phillip Island Road Corridor

The CRG also discussed their advocacy and recent efforts to encourage and support cycling on Phillip Island.

The adopted Terms of Reference require the CRG membership to be reviewed every two years and is a review is now due. The group were provided an outline of the expression of interest process to invite interested community members (including current members) to join the CRG moving forward.

Minutes of the meeting are attached to this report.

Recommendation

That the report be received.

Attachments

AT-1 ***CONFIDENTIAL*** - Meeting Minutes 13 Pages

J Urgent Business

Mayoral Announcement Of Next Meeting Of Council

The next **Council Meeting** will be held virtually on 15 February 2023 in the Bass Coast Civic Centre Council Chamber, Baillieu Street East, Wonthaggi commencing at 1.00pm.

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

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

Meeting adjourned

That the meeting be adjourned

Meeting resumed

That the meeting be resumed

Items Closed to the Public

Excerpt of Section 66 of the Local Government Act 2020.

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

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

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

confidential information means the following information—

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

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

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

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

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

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

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

(i) relates to trade secrets; or

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

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

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

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

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

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

K Confirmation of Closed Minutes

K.1 Closed Council Meeting held on 21 September 2022.

Recommendation

That the minutes of the Closed Council Meeting held on 21 September 2022 be confirmed.

L Reports Requiring Council Decision Closed to the Public

L.1 Chief Executive Officer Employment Matters Committee Meeting 12 October 2022

It is recommended that the meeting be closed to members of the public pursuant to Section 66 (f) of the Local Government Act 2020, to consider this item as it deals with personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

Meeting closed

That the meeting be closed