Bass Coast Shire Council
Minutes for Council Meeting
Wednesday, 16 December 2020
Virtual Meeting
1.00pm

1. **These minutes are due to be confirmed on 17 February 2021**
2. **Any decision included in these minutes is subject to change resulting from a rescission motion passed by Council.**

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Meeting commenced

The meeting commenced at 1.00pm

Cr Brett Tessari read the Livestreaming Statement.

Livestreaming Statement

As the Meeting Chair, I give my consent for this Open Council Meeting to be streamed live, recorded and published online, in accordance with Council's Livestreaming Policy and Governance Rules.

The Chair and/or the CEO have the discretion and authority at any time to direct the termination or interruption of livestreaming.

Such direction will only be given in exceptional circumstances where deemed relevant. Circumstances may include instances where the content of debate is considered misleading, defamatory or potentially inappropriate to be published.

Attendees are advised that they may be subject to legal action if their actions result in inappropriate and/or unacceptable behaviour and/or comments. Thank you.

Cr Brett Tessari read the Virtual Meeting Statement.

Virtual Meeting Statement

The COVID-19 Omnibus Bill 2020 provision allows Council meeting attendance by electronic means.

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

In the event of technical issues with the livestream the meeting will be adjourned.

Councillors are deemed as being in attendance if:

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

Cr Brett Tessari read the Mobile Telephone Reminder.

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.

Cr David Rooks read the Statement of Acknowledgement.

Statement of Acknowledgement

Bass Coast Shire Council acknowledges Aboriginal and Torres Strait Islander people as the first Australians and recognises that they have a unique relationship with the land and water.

Council further recognises that we are situated on the lands of the traditional owners, the Bunurong, Boon wurrung members of the Kulin Nation who have lived here for thousands of years.

We offer our respect to their elders past and present and through them, all Aboriginal and Torres Strait Islander people where ever they are.

Cr Ron Bauer read the Councillor Statement.

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.

A Present and Apologies

Councillors:

Cr Brett Tessari, Bunurong Ward (Mayor)

Cr Michael Whelan, Island Ward (Deputy Mayor)

Cr Leticia Laing, Bunurong Ward

Cr Les Larke, Bunurong Ward

Cr Ron Bauer, Island Ward

Cr David Rooks, Island Ward

Cr Rochelle Halstead, Western Port Ward

Cr Bruce Kent, Western Port Ward

Cr Clare Le Serve, Western Port Ward

Officers in Attendance:

Ms Ali Wastie, Chief Executive Officer

Mr Wayne Mack, Executive Manager, Business Transformation

Mr David Filmalter, General Manager Finance and Governance

Mr Christian Stefani, Executive Manager Partnerships, Advocacy & Economy

Mr James Stirton, General Manager Place Making

Ms Jodi Kennedy, General Manager Resilient Communities

Ms Robyn Borley, Manager Governance and Property

Apologies: Nil

B Declarations of Interest

Cr David Rooks declared a Conflict of Interest in agenda item H.2 and agenda item H.9 under section 127 and 128 of the Local Government Act 2020

Cr Brett Tessari declared a Conflict of Interest in agenda item K.2 under section 127 of the Local Government Act 2020

C Confirmation of Minutes

C.1 Council Meeting held on 25 November 2020

Council Decision

Moved: Cr. Bruce Kent / Seconded: Cr. Ron Bauer

That the minutes of the Council Meeting held on 25 November 2020 be confirmed.

CARRIED

D Public Question Time

D.1 Kevin Griffin, Inverloch Jetty

Alcohol induced violence and dangerous behaviour at the Inverloch jetty poses a serious risk to community safety and amenity. Will this Council make urgent resolution to declare the Inverloch jetty precinct an Alcohol Free Area as is allowed under Bass Coast Shire Council Local Law No. 1, "Neighbourhood Amenity 2012"?

Response:

Victoria Police has absolute authority to protect the health and safety of the general public and use powers at their disposal to address anti-social behaviour regardless of whether it occurs at a place that prohibits the consumption of alcohol or not.

As you are no doubt aware, alcohol is often a contributing factor to anti-social behaviour, however, it is often not the only factor and active vigilance and police presence is required if a public place is experiencing issues.

Any change to a local law requires significant engagement with the community so people can have an opportunity to express their views. We will continue to monitor the situation and we are pleased that there is a strong police presence at Inverloch, San Remo, Cowes and other tourist hotspots across the Shire over holiday season.

D.2 Kevin Griffin, Receipt Acknowledgement

Why is it that some Councillors and some Council Officers do not offer the basic civil courtesy of a receipt acknowledgement to community members who write to them?

Response:

We have a customer centric approach and at all times we endeavour to meet the timeframes for response that are outlined in our customer service charter. Should a community member believe that we have fallen short in this regard, they can contact our complaints handling officer or lodge a complaint with the Ombudsman.

D.3 Graham Jolly, Black Spot Assessment

1. Life Saving Victoria published the ' Black Spot Risk Assessment for the Bass Coast 2019 ' report, of which council was named as a land manager/ stakeholder. Please provided the total listing of recommendation listed in the report for all stakeholders.
2. The Black Spot Risk Assessment for the Bass Coast 2019 report identified actions council is to consider for ongoing public safety. List all council actions including completed actions as of 14/12/2020 ?

Response:

1. **The report provides high level recommendations across a number of areas including education and information, providing warnings/signage and activity management, lifesaving services and increasing survival skills.**

   Life Saving Victoria take the lead on water safety and drowning prevention initiatives that foster resilience in communities and encourage active participation in aquatic recreation.

2. **Council meets regularly with Life Saving Victoria, Victoria Police, Phillip Island Nature Parks and Parks Victoria, in relation to coastal risk mitigation activities and how to provide consistent messages to the community about beach safety.**

   Council Beach Safety Signage is consistent with AS/NZS 2416 and Council recently reviewed and improved signage in Kilcunda taking in to consideration feedback provided in the report.

   The key message from Life Saving Victoria is to plan your trip to the beach this summer. All beaches, even can be dangerous and have hidden dangers such as rips. Make sure to check the weather and conditions, use the beachsafe.org.au website to find patrolled beaches, read safety signs and always go swimming with a friend.

D.4 Gay Jolly, Cowes Community and Cultural Centre

Would you please provide a status update report on the staged progress for the new Cowes Community and Cultural Centre, time lines, companies involved, tenders, expenditure and councils in house part in the multi-year project.

Response:

Council appointed Jackson Clements Burrows Architects (JCBA) in June 2020 to undertake the Design of the new Cowes Cultural and Community Centre. JCBA are currently in the Detailed Design Stage of the project and are anticipated to complete this stage early March 2021. On completion of the Detailed Design stage Council will be in a position to go to tender for the Principal construction company.

Council has also engaged Slattery a Quantity Surveyor to work in parallel with the design team to provide independent cost plans at each stage of the design process. As the designs for the Cowes Cultural and Community Centre are further progressed, the cost plans will be updated to reflect the more comprehensive specifications. When the completed drawing package is finalised, a final cost plan will be procured to reflect the project construction and fitout budget as allocated by Council.

D.5 Gay Jolly, Cowes Carnival Site

Would you please provide a status update report for the Cowes Carnival site purchase and master plan.

Response:

Council successfully had a public acquisition overlay applied to the land on the corner of Phillip Island Road and Ventnor Road in 2020. The purposes of this overlay was for the establishment of a recreation precinct. Once the site is in the ownership of Council a master planning process will be undertaken with the community and sporting groups and associations to ensure the site meets the growing needs of the shire.

D.6 Keith Godridge, Surf Parade Shared Path

1. What further information was requested by DWLEP in relation to Councils planning permit application for Option 2 of the design proposal for the Surf Parade shared path?
2. Last month Council advised in response to Question D 6 that Officers are finalizing their response to DWLEP's request for additional information. Will Council publish its response to DWLEP?

Response:

1. **The Department of Environment, Land Water and Planning has requested that Council provides significant additional details on the forecasted rates of erosion and has demonstrated that it has exercised all avoid and minimise options for native vegetation removal on the proposed path alignment.**
2. **It is envisaged that the requested information will be submitted to the Department by the end of December. A statement will be loaded on our website with a status update of the project which will include a summary of the response made to DELWP.**

D.7 Andrew Masrton - Bass Coast Ratepayers & Residents Association, Community Connection Sessions

Council now has experience in the running of virtual meetings, so when will Community Connection Sessions recommence in a virtual environment, and if there is currently no plan to do this, will Council please detail to the community the reasons why not?

Response:

Council will review its approach to Community Connection Sessions in early 2021 as part of a broader discussion around community engagement.

D.8 Andrew Masrton - Bass Coast Ratepayers & Residents Association, Red Bin Collection

At last month's meeting, mention was made of a briefing by officers to councillors with advice given that issues around weekly red bin collection are "complex". Would Council kindly provide the community a short bullet-point list of all factors that hinder delivery of such a service throughout peak holiday periods?

Response:

The current fleet of vehicles is fully utilised servicing the current collection schedule.

Whilst the peak holiday period is short several months lead time to procure and add significant costs to the general waste service. These additional costs would ultimately be funded by ratepayers that is not currently factored into the waste charge.

Households with surplus waste are able to:

a) **Pay for a second 120L red bin or a larger (240L) red bin,**

b) **Engage private contractors to provide an alternate week service for their red bin, or**

c) **Take their additional waste to a transfer station or landfill and pay the appropriate fee.**

An increase to the frequency of waste (landfill) collections across the municipality is counter Council's Waste Management Strategy. Any change to current practice would require a decision of Council.

E Petitions, Joint Letters, Deputations and Correspondence

E.1 Petition - Amendments to Speed Limits on Archies Creek Road

File No:	**CM20/664**
Division:	**Finance and Governance**
Council Plan Strategic Objective:	**Governance**
	We are responsive, open, transparent and financially sustainable

A petition containing 14 signatures has been received. The petition reads:

Since occupying the above property located on Archies Creek Road we have been very aware of the danger of accessing the said road in and out of the township due to the excessive speeds of vehicles travelling in both directions. These concerns are echoed by fellow residents of Archies Creek and are outlined below along with their signatures, attached to support this request for action.

Currently, on approaching Archies Creek from Dalyston the speed limit is 100kph. It then drops to 60kph at the western end of the town, and then resumes 100kph at the eastern end. As the distance from one end to the other is short (only about 10 properties either side once past the hall), many drivers do not reduce their speed to the required 60kph. On exiting the 60kph speed restrictions, particularly on the eastern end, drivers seem to treat the road like a race track, and aim to resume 100kph or more travelling up the hill towards the Loch-Wonthaggi Road intersection. This intersection is dangerous when traffic is moving at 100kph.

Children travel by bus to and from school and are at serious risk as the bus stop is located at the 100k road sign. Residents complain of being woken during the night by speeding trucks and vehicles. In addition, rural and residential properties accessing Archies Creek Road are at exposed to the risk of a collision, as vision from driveways onto the road is limited, especially when vehicles approach at 100kpm+. I have witnessed three incidents where vehicles have lost control coming out of Archies Creek, mount the verge and crash into farm fencing due to excessive speed frequently coupled with inebriation.

Our request is for the law determining the current speed limit of 100kph be amended to 80kph when travelling from Dalyston in to Archies Creek (residential/commercial zone), 60kph through the township then to resume 80kph through to the Loch-Wonthaggi Rd to Abrahamson and West Creek Roads. When the Bass Highway was closed at Dalsyton, traffic was diverted through Archies Creek and the speed limit was then reduced to 80kph. This needs to be permanent. A road death should not be the catalyst for the change.

This amendment could assist and improve safety for residents of Archies Creek Road – both rural and residential properties – by enabling residents to walk with an increased sense of safety in and out of the town, and improve access for vehicles entering and exiting properties on to Archies Creek Road.

Officers Comments

Officers will commence an investigation to review the speed limit in this area. This will involve the installation of traffic counters to determine speed and traffic volume on Archies Creek Road. Once the preliminary analysis is complete, officers will contact the Head Petitioner to inform them of the outcome.

Council receives many requests from across the Shire to change speed limits. Speed limits are a Major Traffic Control device that Council is not authorised to change or install. All speed limits in Victoria must be approved by Regional Roads Victoria (RRV).

Timing wise a request to review a speed limit takes over eighteen months to process. The process includes the investigation, resourcing, data collection, design, public consultation, submission of an application to DoT, approval, ordering, delivery and installation of speed signage. Council is required to refer to VicRoads Traffic Engineering Manual – Speed Zoning Guidelines which are used to set speed limits consistently and credibly across Victoria.

Section 54.1 of the Bass Coast Shire Council Governance Rules states that:

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

Recommendation

That:

1. **The petition, Amendments to Speed Limits on Archie's Creek Road, be received.**
2. **Council resolves to deal with the petition at this meeting.**
3. **Council officers conduct a preliminary investigation to determine whether a speed limit review will be supported.**
4. **The head petitioner be notified of Council's decision.**
5. **Council officers contact the head petitioner by 1 April 2021 with the outcome of the investigation.**

Attachments

AT-1	***CONFIDENTIAL*** - Petition - Amendments to Speed Limits on Archies Creek Road	2 Pages

Council Decision

Moved: Cr. Rochelle Halstead / Seconded: Cr. Bruce Kent

That the recommendation be adopted.

CARRIED

Notices of Motion

F Notices of Motion

F.1 228/20 Planning Application Permit 120388

I, Cr *Leticia Laing*, hereby give notice that I intend to move a motion at the Ordinary Meeting on 16 December 2020, which reads as follows:

PLANNING APPLICATION PERMIT 120388

Motion

That:

1. **The Minister for Planning has called in the Planning Application Permit for Dandy Pre-mix quarries and notes there is community concern about existing sand mines and request council officers investigate and confirm that the original Council planning permit conditions are fulfilled in regard to Dandy Pre-mix Quarries 2013 Permit Application.**
2. **Council recognises that the proposal is at odds with Council's Biodiversity Biolinks Strategy 2018 and the Minister for Planning's declaration of the Bass Coast Shire as a Distinctive Area Landscape.**
3. **Council acknowledges there are 73 community objections to the planning application.**
4. **Council acknowledges that the strip of land that is currently under application for vegetation removal is the only piece of contiguous woodland available to fauna to move north-south between The Gurdies Nature Conservation Reserve and the Grantville Bushland Reserve.**
5. **Council develop a submission to the Standing Advisory Panel which will review the plan for extracting the sand to address the significant community concerns which include the impacts on noise amenity, traffic amenity, community character, environmental degradation and rehabilitation of the area.**
6. **Council request that the State Government indemnify the shire for any liabilities arising as a result of insufficient mining rehabilitation bonds being held by the Earth Resources Regulator for the Dandy Pre-mix site.**
7. **Council requests the Minister for Planning accept a Councillor and Council officer present its submission in person to the Standing Advisory Panel.**

Background by Councillor

Dandy Pre-Mix Quarries Pty Ltd

In 2013 the Bass Coast Shire approved the original application for Dandy Pre-mix Quarries at 1381 Bass Highway Grantville and associated properties under section 173 agreement to undertake sand quarry activities at the current site.

At the time the council had regarded the decision as one of the most difficult it had to make and worked with the applicant to achieve land rehabilitation outcomes that have not eventuated.

When council originally approved the application, the commitment was for the quarry not to go close to the water table, need dewatering of washing of sand, etc.

The Minister for Planning has called in the application for a decision which means that council cannot determine the conditions of the application, however council is able to make a submission to the Standing Advisory Panel for the Minister who will decide if and how the mine proceeds.

Noise and Health Impacts

Among the 73 objections from community, a significant number of objectors referred to the enjoyment and mental health advantages from living near either the Gurdies Conservation Reserve or the Grantville Bushland Reserve.

The increase of truck traffic was also a significant concern where currently 120 trucks exit the quarry daily, the new application will see up to 250 trucks exiting the quarry until 10pm.

The extension of operating hours for the applicant was also a major concern for a number of objectors who identified the potential for disrupted sleep as a result of mining operations continuing until 2am under the new application.

Some objectors felt that the truck movements and living near to a mine would significantly disrupt their mental health.

Environmental Impacts

This current application proposes to undertake all these mining practices adjoining Deep Creek and within five kilometers from the RAMSAR listed Westernport wetland biosphere.

The strip of land that is currently under application for vegetation removal is the only piece of contiguous woodland available to fauna to move north-south between The Gurdies Nature Conservation Reserve and the Grantville Bushland Reserve.

This strip of woodland is about two kilometers wide and is on the eastern half of the proposed works area. Part of the original section 173 agreement with council was for Dandy Premix to secure a triangle of land further east and south east from the newly proposed pit area for "immediate" time scale protection and revegetation which has never been undertaken.

According to "Fauna of the Grantville Gravel Reserve, with Reference to Vegetation and Conservation Significance" by AS Kutt and JY Yugovic in 1994 these reserves present the southernmost remnant of native vegetation in a chain of partially connected remnants which collectively comprise most of the remaining native vegetation of West Gippsland.

Council's own Biodiversity Biolinks Plan 2018 prioritises the linking of remnant patches of vegetation as part of its strategic direction in order to secure important connectivity in the Bass Coast landscape.

Officers Comments

Nil

……..
Cr Leticia Laing, Bunurong Ward
Dated: **16 December 2020**

Attachments

There are no attachments for this report.

Cr Ron Bauer left the meeting at 1:17pm and returned to the meeting at 1:18pm.

Council Decision

Moved: Cr. Leticia Laing / Seconded: Cr. Rochelle Halstead

That the motion be adopted.

CARRIED

F.2 229/20 Extractive Mining Industries in the Bass Coast Shire Council

I, Cr *Leticia Laing*, hereby give notice that I intend to move a motion at the Ordinary Meeting on 16 December 2020, which reads as follows:

EXTRACTIVE MINING INDUSTRIES IN THE BASS COAST SHIRE COUNCIL

Motion

That:

1. **Council acknowledges the Minister for Planning's statement that the availability of sand will contribute to the development of land within Metropolitan Melbourne, including the delivery of key public infrastructure projects.**
2. **Council develop in partnership with the State Government and the community an extractive mining strategy for the Bass Coast Shire which takes into account the Minister's declaration of the municipality as a Distinctive Area Landscape, the community's noise amenity and the intrinsic environment and tourism values of the Bass Coast Shire.**
3. **Council request the Earth Resources Regulator undertake an evaluation of the current estimates for all rehabilitation bonds being held for all extractive mining projects and work authorities in the Bass Coast Shire and report those findings to Council as soon as practicable.**
4. **Consistent with the Victorian Auditor General's Report on Rehabilitating Mines recognising systemic failures in the Earth Resources Regulator, Council request the State Government indemnify it for current and future liabilities on extractive mining projects in the shire.**

Background by Councillor

<u>Extractive Mining on The Bass Coast</u>

A number of areas have been earmarked by the State Government for sand mining quarries in the Bass Coast and until recently, one of these was the former Holden Proving Ground bushland in Lang Lang.

It is understood that a number of areas that have been natural reserves and viable agricultural land are potential sites for sand extraction.

Furthermore it is understood a number of these sites exist along the Inverloch-Leongatha road.

Council does not currently have a strategy to identify and in some occasions protect these portions of land from extractive mining activities and how this aligns with the Bass Coast's vision.

Last year Minister for Planning Richard Wynne declared the Bass Coast Shire a Distinctive Area and Landscape that would be subject to a Statement of Planning Policy to protect and enhance significant attributes and specify long-term settlement boundaries.

In the Bass Coast Towards 2030 vision Bass Coast is a showcase and recognised as a food bowl for Victoria, a window of history of Victoria, a celebration of natural assets and a village in a technology world.

Currently Work Authorities for extractive mining in the Bass Coast Shire issued by the State Government give little or any control to council and therefore local communities for how extractive mining activities can unfold sustainably.

Furthermore a damning report by the Victorian Auditor General's Office in 2018 identified major structural problems and potential legal liabilities within the Earth Resources Regulator whose role is to oversee and maintain rehabilitation bonds with mining extraction companies.

Up to $361 million is the estimated shortfall in the bonds held by ERR leading to increased State Government liability for mine rehabilitation at the end of the mine's life.

This means that not only do communities have to wait until the end of a mine's life for rehabilitation to occur, but that the bonds held by the State Government may not cover the cost of rehabilitation to the land.

Some of the mines, including Dandy Pre-mix may not have enough money held in bonds for their rehabilitation and council is not aware of how many mines may be included in the bond shortfall.

Officers Comments

Nil

……..
Cr Leticia Laing
Dated: **16 December 2020**

Attachments

There are no attachments for this report.

Council Decision

Moved: Cr. Leticia Laing / Seconded: Cr. Rochelle Halstead

That the motion be adopted.

Cr. Les Larke proposed an amendment

Moved: Cr. Les Larke / Seconded: Cr. Bruce Kent

To include additional wording to dot point 2 of the motion.

2. **Council develop in partnership with the State Government and the community an extractive mining strategy for the Bass Coast Shire which takes into account the Minister's declaration of the municipality as a Distinctive Area Landscape, the community's noise amenity, transport impacts and the intrinsic environment and tourism values of the Bass Coast Shire.**

CARRIED

The motion before Council

That:

1. **Council acknowledges the Minister for Planning's statement that the availability of sand will contribute to the development of land within Metropolitan Melbourne, including the delivery of key public infrastructure projects.**
2. **Council develop in partnership with the State Government and the community an extractive mining strategy for the Bass Coast Shire which takes into account the Minister's declaration of the municipality as a Distinctive Area Landscape, the community's noise amenity, transport impacts and the intrinsic environment and tourism values of the Bass Coast Shire.**
3. **Council request the Earth Resources Regulator undertake an evaluation of the current estimates for all rehabilitation bonds being held for all extractive mining projects and work authorities in the Bass Coast Shire and report those findings to Council as soon as practicable.**
4. **Consistent with the Victorian Auditor General's Report on Rehabilitating Mines recognising systemic failures in the Earth Resources Regulator, Council request the State Government indemnify it for current and future liabilities on extractive mining projects in the shire.**

CARRIED

Mayor and Councillors Reports

G Mayor and Councillors Reports

G.1 Mayoral Report - Cr Brett Tessari

Activities

- Remembrance Day
- Start Up Gippsland Pitch Showcase
- 16 Days of Activism Against Gender-Based Violence collaborative e-launch
- Phillip Island Landcare Group

Meetings

Attended Council Workshops and Briefings

Chaired Councillor Only Meetings

Weekly meetings with CEO, Council Support and Communications

Additional Meetings:

- Meeting with Kristen Nuske
- Community Grants Meeting
- Waste Services: Red bins meeting
- Outdoor dining meeting
- Council Meeting agenda discussion
- Mayor, Deputy Mayor & Committee Discussions
- Ordinary Meeting of Council
- Discover our Secrets: Pre-event briefing
- Meeting with Coldon Homes: Keith Donohue
- Implementation Matters for CEO, Mayors and Councillors
- PINP Meeting with Liz Stinson
- Audit & Risk Committee Meeting
- PUGRC: Meeting with Department of Education
- Bunurong Ward Regular Meeting
- PUGRC Bi Monthly Meeting
- Phillip Island Community Hospital Meeting

Other

Media Enquiries/Interviews

Phone calls, emails and letters

Photo opportunity – Local newspapers

G.2 Councillor Report - Cr Michael Whelan

- 19 December Attended GTK session with Phillip Island Business Network
- 3 December Attended the Wonthaggi: Discover Our Secrets Campaign Launch
- 10 December SECCCA Quarterly Councillor Advisory Group elected Chair of that group for another year
- 15 December Audit and Risk Committee meeting

G.3 Councillor Report - Cr Leticia Laing

Events

- Joyous Christmas Tree Exhibition at the State Coal Mine Rescue Station Arts
- Wonthaggi: Discover Our Secrets campaign launch

Board Meetings

- West Gippsland Regional Library Corporation Board briefing - Warragul
- West Gippsland Regional Library Corporation Board Meeting – Warragul
- Destination Phillip Island Regional Tourism Board annual dinner - Cowes

Council Briefings

- Council Occupational Health and Safety Training
- Various council briefings
- Meetings with residents in Cape Paterson
- Followed up resident inquiries via email and phone
- Met with Save Westernport Woodlands community group - Wonthaggi
- Meeting with Australian EcoSystems managing director Brendan Condon

G.4 Councillor Report - Cr Les Larke

- Rescue Station Arts Inc. – The Joyous Christmas Tree Art Exhibition
- Municipal Association Victoria – Councillor induction Day 1 & 2
- Amazon 1863 Shipwreck – Book Launch
- Occupational Health & Safety Training
- Local Government Victoria – Implementation Matters For CEOs, Mayors and Councillors
- Bass Coast Health 2020 Annual General Meeting
- Councillor/Staff Workshops and Briefings

G.5 Councillor Report - Cr Rochelle Halstead

The past few weeks have consisted of many Councillor Workshops:

- Values and Behaviours
- How do we want to work together
- Aspirations for the next four years
- Expectations of Mayor and Deputy Mayor
- Ongoing Development of individual Councillors/Councillor group
- Overview of LTFP, Community Vision, Council Plan, LGA Requirements- Broad Outline
- Discussion on Community Engagement approach
- Community Engagement Policy Development Proposed approach
- Budget discussion timelines 21/22
- Media training
- Request Management System training
- OHS policy and goal for zero harm
- Employer, employee and councillor obligations
- Common risks to councillors
- Looking after psychological health
- Working Together Policy and workplace bullying
- Opportunity to meet the managers
- Discuss current key projects
- Celebrate achievements
- Share Councillor key projects

Community Meetings:

- Coronet Bay Residents and Ratepayers Group
- Onsite meeting concerning planning
- Bass Coast Landcare Network AGM
- Newhaven Residents Group

G.6 Councillor Report - Cr Bruce Kent

- Normal council meetings each Wednesday.
- 02/12/2020 WPW Planning Meeting
- 04/12/2020 Meeting with Coronet Bay Community Group
- 06/12/2020 Dinner Phillip Island Regional Tourism Board
- 14/12/2020 Meeting with Vietnam Committee

G.7 Councillor Report - Cr Clare Le Serve

- Grantville Ambulance Axillary – Christmas Breakup invitation
- Coronet Bay Residents & Ratepayers Ass – Ward Catchup Briefing
- Women 4 Change – Planning Meeting, International Women's Day
- Grantville Business & Community Ass – Meeting and Christmas Breakup invitation
- Tenby Point Resident & Ratepayers Ass – Christmas Breakup invitation
- Coronet Bay, Community Asset Committee - AGM

G.8 Councillor Report - Cr Ron Bauer

- Attended the Cowes Yacht Club with Jordan Grugnale MP for the presentation of 2 x boats for the nippers training program on the 6th December
- Attended the Destination Phillip Island dinner at Beach Headquarters Cowes on the 6th December
- Attended various induction sessions run by BCSC
- Attended a briefing by PICAL on the 15th December on the requirements for moving PICAL to the Warley Hospital site.

G.9 Councillor Report - Cr David Rooks

Meetings

- Meet with Greg from PICAL

Briefings

- Cowes Primary School Pool
- Cowes Cultural Centre,
- Meet the teams – Council Staff
- 89 Silverleaves Ave
- Community engagement policy
- Budget discussion timelines

Training

- Media
- OH&S
- Local Government Act / Behaviour training

Functions

- Attended DPI Board dinner

Other

- Investigated potential opportunities for shared space for Art and Craft Group
- Prepared PIITS Community Reference Group strategy for 2021 and beyond.

Ongoing

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

Reports Requiring Council Decision

H Reports Requiring Council Decision

H.1 Annual Report 2019/20

File No:	**CM20/673**
Department:	**Finance and Governance**
Council Plan Strategic Objective:	**Governance**
	We are responsive, open, transparent and financially sustainable

Declaration

The Council officer has no direct or indirect interests in this matter.

Summary

The purpose of this report is to present the 2019/20 Annual Report to Council for consideration. Annually Council adopts a Budget that identifies the services to be provided and the Capital Works Program and other major initiatives and initiatives that it will be delivered during the year. These achievements are highlighted within Council's Annual Report.

The 2019/20 Budget identified 31 Major Initiatives and Initiatives, 20 of these projects were delivered within the financial year.

The 2019/20 Budget approved a Capital Works Program (the CWP) which comprised 76 projects with a total value of $21.163 million. In addition to projects identified within the 2019/20 CWP, 37 projects from the 2018/19 financial year required budget carry over. These carryovers resulted in the net addition of $12.938 million to the CWP making a total of 113 projects.

Background

Council's 2019/20 Annual Report has been prepared and submitted to the Minister for Local Government on 27 November 2020. A copy of the 2019/20 Annual Report will be available on our website at Council Offices following this Meeting in a number of accessible formats.

Council's finances are audited by the Victorian Auditor General's office (VAGO) annually. Council received an unqualified audit opinion from VAGO on 27 October 2020 which has been incorporated into the Annual Report.

Strategic Basis

The 2019/20 Annual Report is one of the many accountability and performance measurement documents which Council produces. It documents Council's performance against its own Council Plan.

Council Plan Objective:

Governance – *We are responsive, open, transparent and financially sustainable*

Statutory Requirements/Codes/Standards/Policies

The *Local Government Act 1989* requires Council to consider the Annual Report and to submit a copy to the Minister by 30 November. A copy of the 2019/20 Annual Report was sent to the Minister on 27 November 2020.

The Act also requires Council to consider the Annual Report at a Meeting within one month of providing the Annual Report to the Minister.

Discussion

The Annual Report demonstrates Council's achievements against the objectives and activities set out in the Council Plan 2017-21. The 2019/20 Budget identified 31 Major Initiatives and Initiatives. Details of many of Council's highlights and achievements through the financial year can be found in the 2019/20 Annual Report, (AT-1). The 20 Initiatives that were completed included:

- Continue to implement the Advocacy Strategy
- Seek Victoria Government funding to progress the car ferry business case **(Major)**
- Implement relevant Year 2-5 actions in the Phillip Island and San Remo Visitor Economy Strategy 2035 Growing Tourism **(Major)**
- Implement year four actions from Council's Economic Development Strategy 2016-2021
- Implement high priority projects from waste infrastructure gap analysis
- Facilitate the Rhyll Jetty activity area precinct plan **(Major)**
- Take action against foreshore encroachment and vegetation removal
- Implement Council's Biodiversity Biolinks Plan **(Major)**
- Continue implementation of the One Council Solution
- Continue work on business transformation within the organisation **(Major)**
- Implement year three of the Municipal Public Health and Wellbeing Plan 2017-2021
- Implement decisions to cease provision of Aged and Disability Services **(Major)**
- Continue project implementation and operational management planning of the Highball Stadium in partnership with the Wonthaggi Secondary College **(Major)**
- Develop and implementation of Project Management Framework
- Implement the Wonthaggi North East Precinct Structure Plan **(Major)**
- Implement year one of the Arts and Culture Plan 2019-2029
- Participate in the Distinctive Areas and Landscapes Project in partnership with the State Government **(Major)**
- Implement an improved service delivery model for Development Services **(Major)**

- Commence the review of the Drainage Services Asset Management Plan
- Continue the Heritage Gaps project

During the year, by agreement with the Council, one of the Major Initiatives was discontinued and one Initiative was delayed:
Discontinued Major Initiative

- Review Council's Rating Strategy **(Major)**

Delayed Initiative

- Commence development of a master plan for Wonthaggi Secondary campus

The 2019/20 Capital Works Program included a significant number of projects. Some of the remarkable projects achieved as part of the program during 2019/20 include:

- Finalisation of the new Transit Centre, Cowes.
- Design of the new Cultural and Community Centre, Cowes
- Land purchase and concept design of the new Transfer Station and Depot, Phillip Island
- Surf Life Saving Club Pavilion, Cape Paterson
- Tennis and Netball Courts (including the Pavilion at Inverloch), Wonthaggi and Inverloch
- Loch – Wonthaggi Road Upgrade, Wonthaggi
- Sheepways Road Renewal, Krowera
- Landfill – Cell 7, Grantville
- Emergency Works at Glen Alvie Road, Glen Alvie
- Blackspot Program – Cowes – Rhyll Road Safety Upgrade
- White Road Footpath Renewal, Wonthaggi
- Unsealed and sealed road renewal programs

One of the largest projects was the completion of the Transit Centre at Cowes ($858,000). The multi-year project commenced in 2019 with completion achieved at the end of June 2020. Council also delivered major renewal works at the tennis and netball courts in Inverloch ($1.603 million) and Wonthaggi ($1.149 million). These works also include a new netball pavilion at Inverloch.

Finances

Council delivered a pleasing financial result in 2019/20 which was underpinned by the following key performance indicators:

- Operating result - $20.81 million surplus compared to $2.634 million budgeted surplus. This has been favourably impacted by unbudgeted developer contributions of $15.3 million.
- Underlying Result - $2.53 million surplus
- Liquidity (current ratio) of 1.76. This places us in the low VAGO risk level, exceeding the minimum low risk requirement of 1.00.

- Indebtedness measure of 21.78 %. This places us in the low VAGO risk level, that has a maximum low risk allowance for this measure of 40%

Council's 2019/20 financial results have been favourably impacted by the receipt of developer contributed infrastructure assets. These asset contributions have had an impact of $15.3 million on the income statement surplus of $20.81 million. It has reported an underlying surplus, which excludes non-recurrent grants and contributions, of $2.53 million. Council is in a sound financial position as evidenced by its key balance sheet metrics, including liquid cash and term deposits of $54.18 million and financial reserves of $46 million. Its borrowings of $15.5 million are approximately 25% of rates.

Funds are made available through Council's Budget process for the preparation of the Annual Report. The costs of producing the Report have been minimised with publication now in electronic format and designed internally.

All of the projects that were delivered during 2019/20 period were incorporated and funded through the 2019/20 annual budget.

Stakeholders

The 2019/20 Annual Report is a significant reporting document for all stakeholders including:

- Ratepayers
- The Community
- Council
- Department of Land, Water, Environment, Planning.
- Victoria Auditor General

Other Options

The *Local Government Act 1989* requires Council to consider the Annual Report within one month of it being presented to the Minister. It would be a breach of the *Act* if Council did not consider and note the Annual Report.

Conclusion

Bass Coast Shire Council's 2019/20 Annual Report represents Council's commitment to be fair, honest, open and accountable to its community and to meet its regulatory and legislative obligations.

This Report summarises Council's achievements against the objectives and activities set out in the Council Plan 2017-21. This is the third year of reporting against this Council Plan.

The Report contains audited Financial Statements, an audited Performance Statement and all information required under the *Local Government Act 1989* and other relevant legislation.

The Annual Report 2019/20 illustrates to our community members, ratepayers, businesses and agencies how what we heard when developing the Council Plan 2017-21 is being implemented. The purpose of the report is to focus on the highlights of the past year rather than the day-to-day operations of Council.

Recommendation

That Council considers and notes the Bass Coast Shire Council Annual Report for 2019/20.

Attachments

AT-1 Bass Coast Shire Council Annual Report 2019-20 160 Pages

Council Decision

Moved: Cr. Michael Whelan / Seconded: Cr. Ron Bauer

That the recommendation be adopted.

CARRIED

H.2 Planning Application 190239 - 164-188 Church Street, Cowes

File No:	**CM20/367**
Division:	**Place Making**
Council Plan Strategic Objective:	**Our Character**
	Celebrating the uniqueness of our townships

Application Details

Use/Development Sought:	**Buildings and works associated with an existing camping and caravan park**
The Land:	**164-188 Church Street, Cowes VIC 3922**
Planning Scheme:	**Bass Coast Planning Scheme**
Zoning:	**Clause 36.02 – Public Park and Recreation Zone (PPRZ)**
Overlays:	**Nil**

Conflict of Interest

Cr David Rooks declared a Conflict of Interest in agenda item H.2 under section 128 of the Local Government Act 2020. He left the meeting at 1.41pm and took no part in the debate or decision.

Declaration

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

Executive Summary

This application proposes to undertake buildings and works to the existing caravan and camping park at 164-188 Church Street, Cowes VIC 3922.

The proposal triggers the need for a planning permit under Clause 36.02-2 (PPRZ) of the Bass Coast Planning Scheme as a permit is required to construct a building or construct or carry out works.

The application was advertised under Section 52 of the *Planning and Environment Act 1987* (the Act) and received 14 submissions. As the application was notified during the first COVID-19 lockdown and attracted significant interest, the decision was made to place the proposal on advertising again for a further 14- day period. The second round of notice included two signs on the site and a further extent of notice by mail. As a result of the second round of notice, the application attracted an additional 8 submissions. Therefore, the total amount of submissions for the application is 22.

On 8 September 2020, the application was appealed to the Victorian Civil and Administrative Tribunal (VCAT) by the applicant under Section 79 of the Act for a failure to decide within the prescribed statutory timeframe.

However, Council is required to inform the Tribunal on their position on this application and this report addresses the planning merits of the proposal and the issues raised by submitters.

This report recommends Council advise the Tribunal that if it has the power to determine the application it would recommend it be approved.

Reason a Council Decision is required

Council's delegations require applications that attract five or more objections to be determined by Council. This application attracted a total of 22 objections.

Application Details

This application proposes to construct the following:

- Twelve (12) Ensuites which adjoin camping sites;
- Four (4) Permanent glamping tents which include kitchenette and ensuite;
- Eight (8) 1-bedroom studio cabins with ensuite, kitchenette and front deck;
- Extension and internal alterations to the existing reception office/ site residence;
- Car parking area with 17 car parks to the front of the site;
- Black tubular fencing along the Church Street frontage;
- Jumping pillow (124.20 square metres); and
- Swimming pool with 3m x 4m shed adjoining.

If approved, the proposed buildings and works would be constructed in accordance with the Proposed Development Plans prepared by Green Hill Design dated 9 January 2020 (pp. 1-15).

A copy of the proposed site plan, individual development plans, and elevation plans are shown below at Figure 1 – Figure 10.

A copy of the development plans are provided as Attachment One.



Figure 1. Proposed site plan of the buildings and works on the site at 164- 188 Church Street, Cowes.

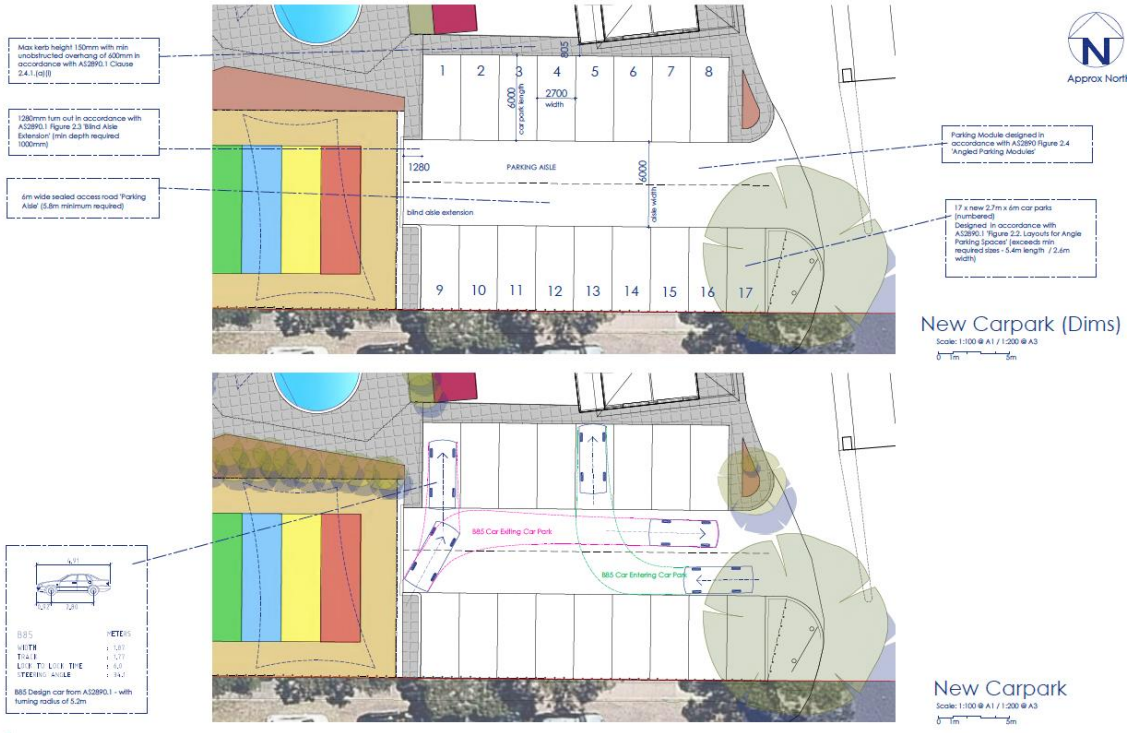


Figure 2. Proposed 17-car space parking area along the frontage of the subject site.

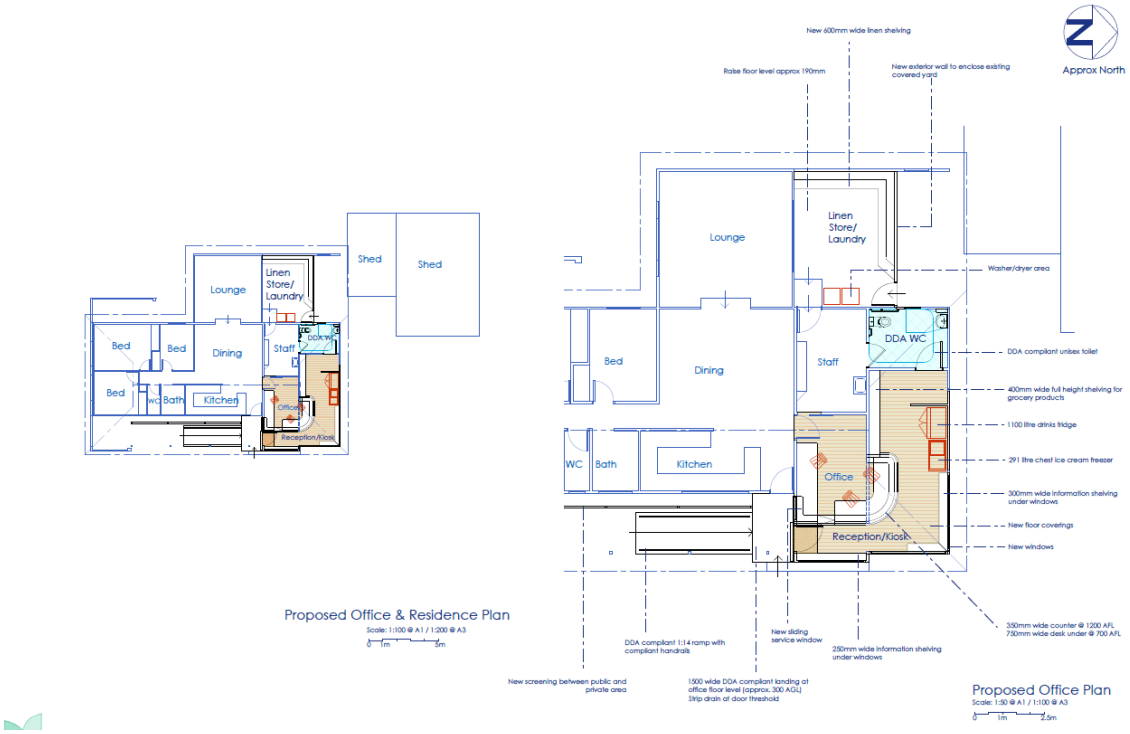


Figure 3. Proposed alterations and additions to the reception/ office and residence building on the subject site.

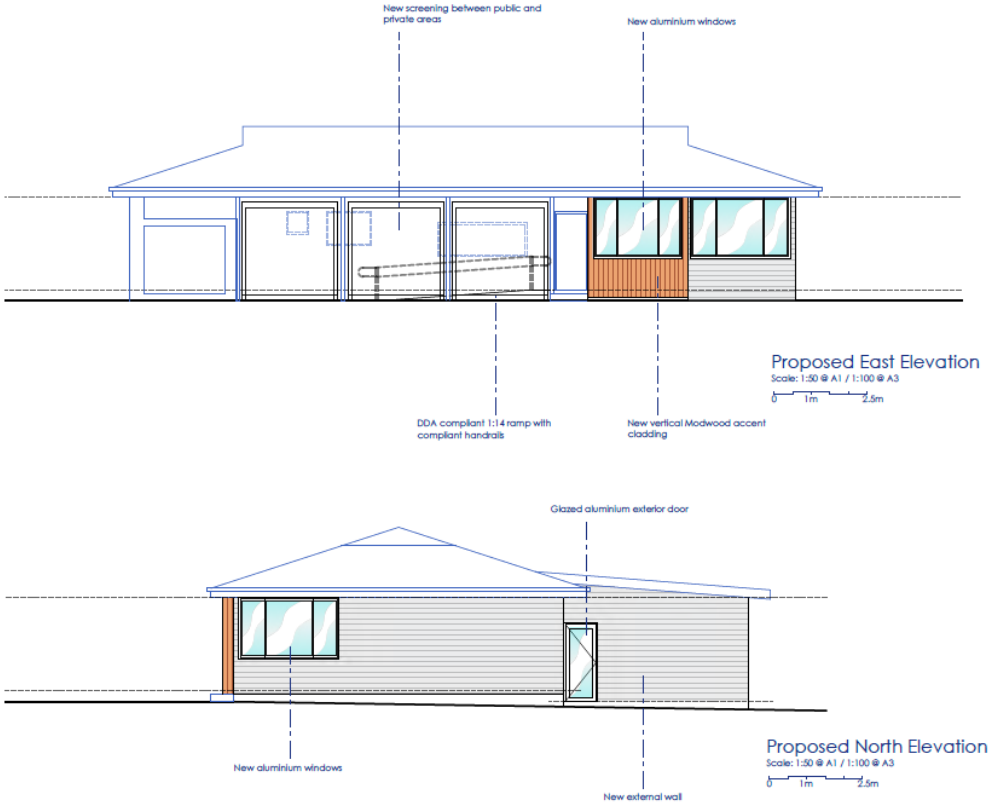


Figure 4. Proposed east and north elevations for the office and residence building on the subject site.



Figure 5. Existing site plan and proposed site plan showing the location of the glamping tents on the subject site.

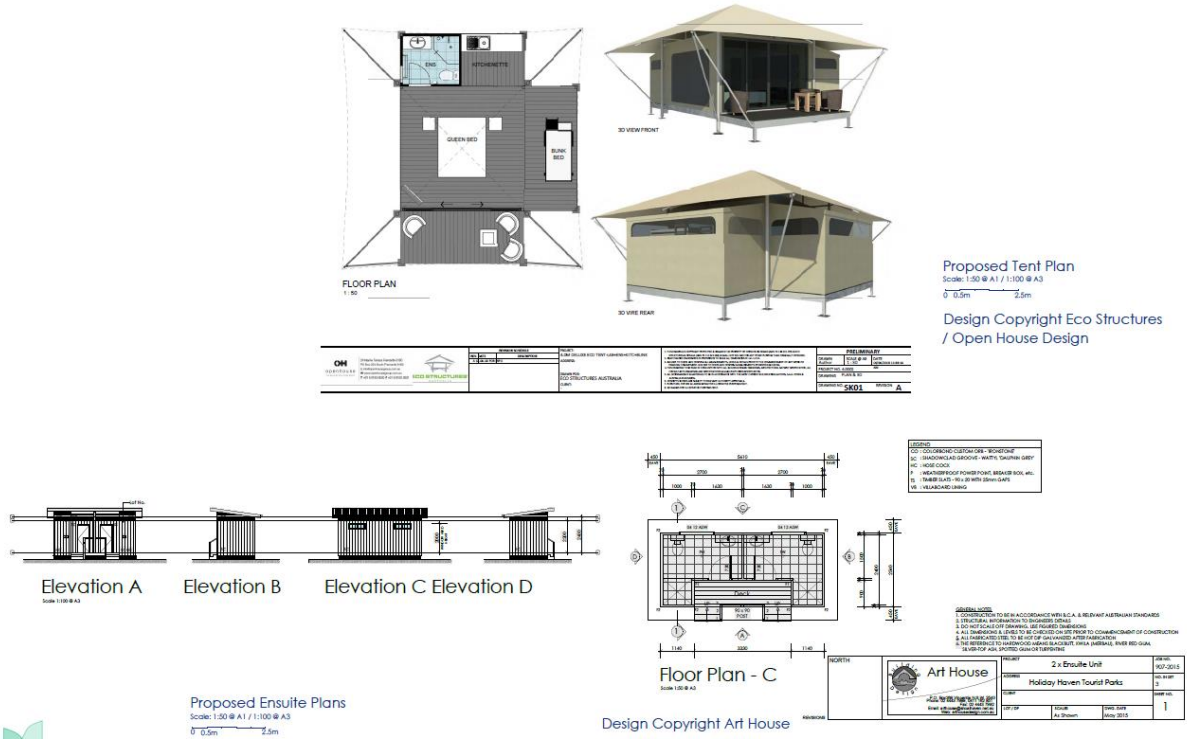


Figure 6. Elevation plans, floor plans and artist's impression of the proposed glamping tents and ensuite buildings on the subject site.

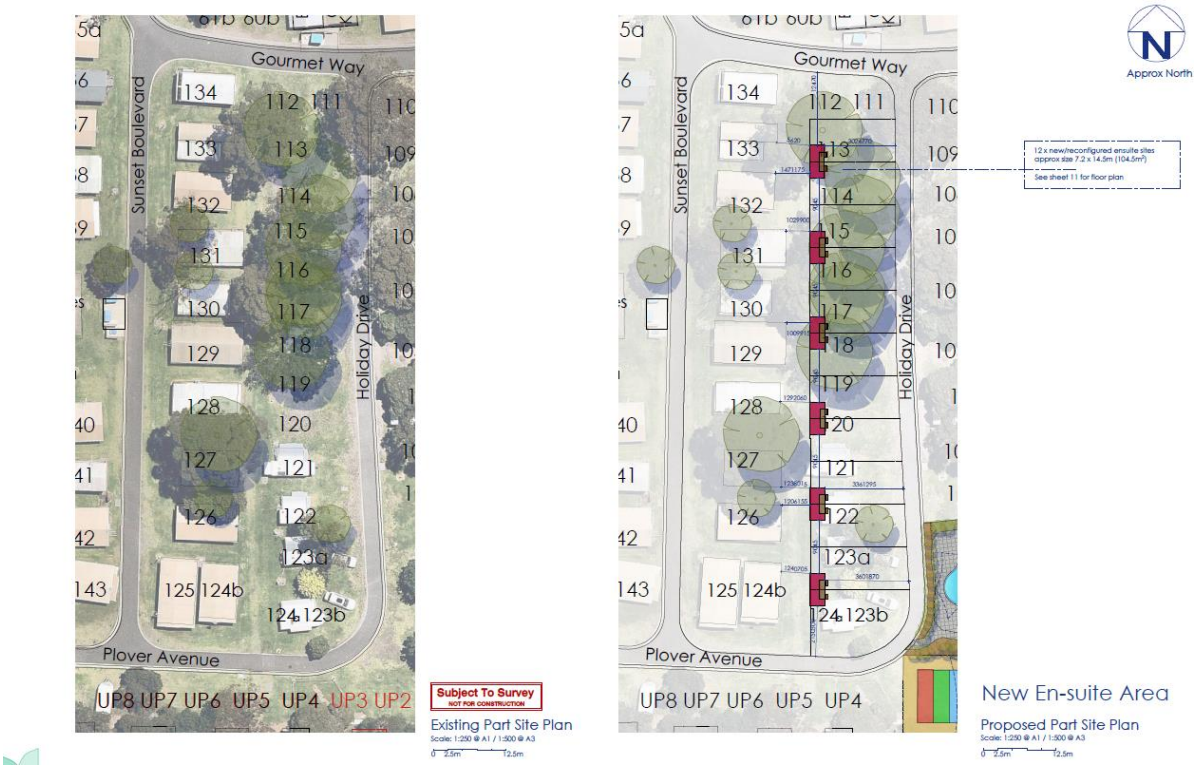


Figure 7. Existing site plan and proposed site plan showing the location of the ensuite facilities proposed for camping sites on the subject site.



Figure 8. Existing site plan and proposed site plan showing the location of the cabins on the subject site.

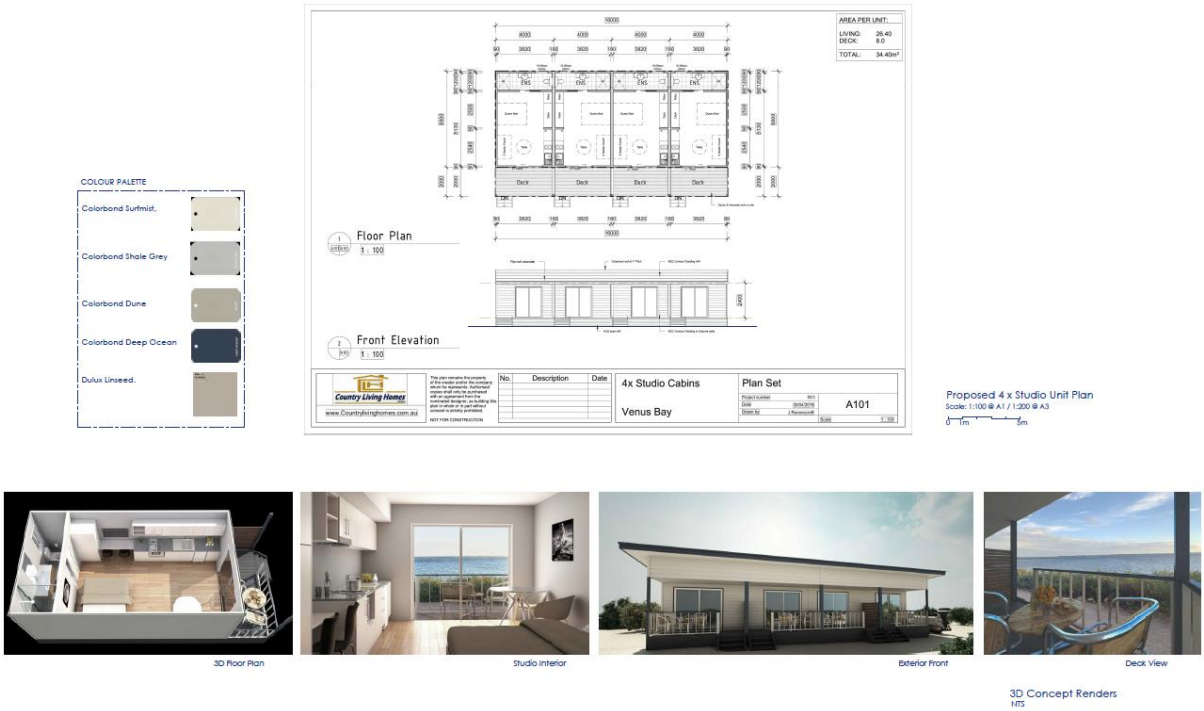


Figure 9. Floor plans, artist's impression and colour schedule for the proposed cabin buildings on the subject site.

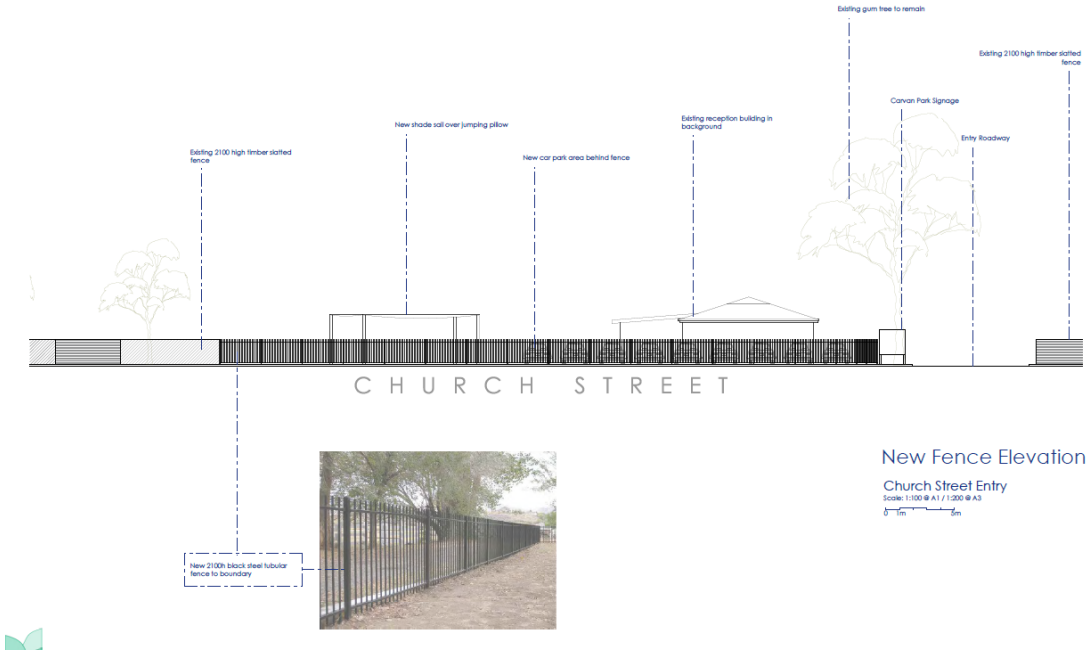


Figure 10. Elevation plans and photograph of the proposed fencing along the frontage of Church Street.

Supporting documentation for the application includes the amended Arboricultural Impact Assessment Report prepared by ArborSafe Tree Consultancy and Management Systems dated 5 May 2020 (AT-2).

Background

Following is a description of the subject site and other relevant information pertaining to the allotment.

Site Dimensions	Site dimensions of both allotments. Approximately: • 182m south • 162m east • 183m north • 186m west
Site Area	Approximately 3.16ha (31 600 square metres).
Site Frontage	Approximately 182m to Church Street with interface along the northern boundary to the foreshore of Western Port.
Topography	Mostly flat along the frontage of the site at 3.5m AHD and then rises in the north-eastern and north-western corners of the site along the dune areas to 5 and 6m AHD.
Vegetation Cover	Scattered large native and non-native vegetation throughout the site.

Current Use	Camping and Caravan Park, operated at the Cowes Foreshore Caravan Park. The use of the land is not to change as a result of this application.
Easements	n/a
Restrictive Covenants	n/a
Aboriginal Cultural Heritage Sensitivity	Yes, the land is within an area of Aboriginal Cultural Heritage significance. An approved Cultural Heritage Management Plan (CHMP) was provided for the proposal and is discussed below.
Planning Permit History	• Planning Permit 02872 – for the removal of trees issued on 5 December 2002. • Planning Permit 981129 – for the use and development of three outdoor kitchen shelters issued on 26 March 1998.

The subject site includes two Titles:

- Crown Allotment 73A Cowes, Parish of Phillip Island – larger Title area/ main site.
- Crown Allotment 37D Cowes, Parish of Phillip Island – foreshore area.

The subject site is located in the township of Cowes and is set amongst a residential area and the coastline of Western Port. The subject site is currently used and developed as the Cowes Foreshore Caravan Park and contains the following development:

- A mixture of camping/ caravan sites and cabins;
- Reception/ office building;
- Toilet/ laundry facilities;
- A playground;
- A recreation room; and
- Camper's kitchen.

Surrounding the subject site is:

- North: foreshore interface with the coastline of Western Port.
- West: residential development zoned as General Residential.
- East: residential development zoned as General Residential.
- South: street frontage with Church Street, the Cowes General Store and further south, residential areas of Cowes in which are zoned as General Residential.

A site inspection was undertaken for the application on 5 September 2019.



Figure 11. Aerial photograph of the subject site at 164-188 Church Street, Cowes and surrounds.



Figure 12. Zoning map of the subject site at 164-188 Church Street, Cowes and surrounds.

Cultural Heritage Management Plan (CHMP)

A Cultural Heritage Management Plan (CHMP) was required for the proposal given the subject site has aspects of aboriginal cultural heritage significance, the CHMP was submitted with the application on 13 January 2020.

The CHMP was approved with reference to section 63(1)(a)(i) of the *Aboriginal Heritage Act 2006* by the Registered Aboriginal Party (RAP) of the Bunurong Land Council Aboriginal Corporation on 17 October 2019.

A copy of the Cultural Heritage Management Plan (CHMP) is at Attachment Three.

Notice

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

Originally, the applicant was instructed to give notice in the following manner:

- Send copies of the Notice by mail to 93 land owners and occupiers.

As a result of notice of the application, there were 14 objections received.

Council undertook a second round of notice on behalf of the applicant in which notice was given in the following manner:

- Sent copies of the Notice by mail to 506 land owners and occupiers; and
- Two signs on the site, one along the street frontage of Church Street and one on the foreshore interface.

It was found that one of the signs (along Church Street) was torn down the following day. The site manager of the caravan and camping park re-installed the signage on the frontage of the site by attaching the sign to the front fencing.

The signage was maintained on site until 16 July 2020 and it is considered the notice requirements have been satisfactorily fulfilled.

As part of the second round of advertising, the application attracted an additional eight (8) submissions.

Submissions

In response to notification and then re-notification the application attracted 22 submissions in total.

A summary of the remaining objections is listed in the following table and a copy of each objection is included in Attachment Four (AT-4).

Table one: Summary of Concerns raised in each objection

Submission	Summary of Concerns
1	• Removal of mature vegetation from the site. • The intensification of the caravan park at the expense of vegetation on the site and impacts on the character and landscape of the area. • The additional infrastructure proposed on the site (ensuite cabins, glamping and 1 bedroom cabins) appears as an

	overdevelopment of the site rather than respond to the informal character and vegetation value.
2	• The parking for the caravan park, especially in peak periods. Cars park along the nature strips and streets of Kedah Road and surrounds. • Believes that the proposed works under the application will further impact this issue.
3	• Degradation of the foreshore area on the northern boundary of the site. • Land and vegetation management of the foreshore area. • The vegetation removal which has been undertaken on the site. • Overflow drainage from the caravan park flowing onto the beach and then out into the Bay. • Overflow parking issues around the site and road congestion and impacts on residents, pedestrians and road users.
4	• Encroachment of the development onto the foreshore area (i.e. Glamping area). • Inadequate car parking especially for peak periods, given that overflow car parking for the caravan park utilise the nature strips and adjacent streets which causes damage on frontages of properties. • Additional noise on the area leading to amenity impacts on residents.
5	• Concerns with the amount of car parking proposed on site given the proposed upgrades to infrastructure in which would increase visitor numbers. • The location of the glamping tents adjoining the foreshore area in which services required to service the tents will impact the natural environment. • Removal of vegetation on site which has been undertaken already.
6	• The proposed car parking area does not address the current parking issues and the proposed development as well. • Issues with the use of the public foreshore for commercial purposes. • The pool and jumping pillow which will be in flood zone. • Nature vegetation to be removed.
7	• The vegetation to be removed from the site and the foreshore area to be disturbed. • The issue of a permit would result in increased visitors which would create greater traffic congestion on Church Street.

8	• The additional car parking area is insufficient and there are existing issues with car parking. • Safety concerns regarding the nature strip and on street car parking and upgrade of this area not being considered in the application. • The noise from the caravan park at night time is an existing issue in which it would worsen given the proposed development. • That a designated track should be constructed through the caravan park for beach access for the public given that the land is Crown land.
9	• Objection regarding the proposed glamping tents due to the visual impact on the foreshore and coastal vegetation and the permanent nature of the tents. • The glamping tents set a precedence for development on the foreshore.
10	• Inappropriate development of the foreshore area for the glamping tents which are larger than a general camping tent and would impact the environment. • Insufficient consultation of the application to the public and the short time frame (14 days) for the application was advertised for, there was no sign placed on the site nor a notice placed in the local newspaper which was not operating at the time. • Incomplete and misleading application information (Title documentation, town planning report, and design documentation). • Mismanagement of the Crown Land and foreshore area by Council in regards to removal of vegetation on site and lack of foreshore maintenance.
11	• Concerns regarding the lack of respect for the existing surrounding residents and the environment. • Does not consider Clause 12.02-2S for safe and equitable public access and benefit. • The development will impact the surrounding residential area and the amenity of residents. • The timing of the notice of the application given to adjacent landowners/ occupiers. • Impacts of noise and the possible relocation of the swimming pool and jumping pillow. • Lack of car parking for visitors to the site and people staying on the site. • No provision of disabled and boat parking.
12	• The visual impact (amenity and landscape of the area) of the glamping tents on the foreshore.

	• The impacts on the vegetation of the foreshore as a result of increased development on the site.
13	• Lack of car parking on the site. • Impacts of car parking on adjacent streets during peak periods.
14	• The safety in regards to traffic along Church Street. • Inadequate amount of car parking on the site which will cause Church Street to become more congested.
15	• The number of car spaces in the proposed car parking area is inadequate. • Issues of congestion and on street car parking within peak periods.
16	• Concerned about the low number of car spaces proposed for additional vehicles. • The swimming pool and jumping pillow will cause additional noise and should be relocated towards the coastline and away from residential development.
17	• The building on the original foreshore area with permanent camping tents. • Impacts felt by the objector due to their beach use and access.
18	• The location of the proposed playground will create more noise which is throughout the day. • The proposed car parking insufficient and given that car parking is already taken up along the street, surrounding streets and nature strips. • Safety for pedestrians and local residents as a result of increased traffic and car parking.
19	• Parking outside the caravan park has become a problem over the years with cars parking along the northern side of Church Street and surrounding streets. • The proposed car parking area under the application is insufficient and all visitor car parking should be accommodated within the site boundaries. • The construction of the glamping tents on the foreshore area. The tents will cause visual amenity impacts from the coast and disregard vegetation on the site.
20	• Removal of the mature vegetation from the site to construct additional works which will encroach into the foreshore. • Erosion issues width the coastline and degradation of the costal vegetation. • Application is contradictory to Marine and Coastal Policy (March 2020) and the Victorian Coastal Strategy (2014).

21	• The construction of the glamping tents adjacent to the foreshore area which will increase car parking and foot traffic to the beach. • The appearance of the glamping tents from the coast. • The removal of vegetation. • Insufficient car parking for the existing caravan park but additional works will increase the demand for car parking.
22	• The permanent dwellings proposed on the foreshore creates a precedence. • The proposed 17 space car park is insufficient and will create a risk due to increased traffic flows. • Safety of pedestrians from walking or cycling and inappropriate use of the foreshore and footpaths.

The concerns raised by the submissions are addressed further in this report.

Referrals

The following table outlines the referral requirements of this application.

Table two: Referral requirements and their comments

Referral Authority	Comments
External (Section 55 of the *Planning and Environment Act 1987*)	
N/A	N/A
Internal (Section 52 of the *Planning and Environment Act 1987*)	
Department of Environment, Land, Water and Planning (DELWP)	The application was referred to DELWP under Section 52 of the Act for their information as they are the public land manager of the site (Crown Land) and the land adjacent to the site along the coastline. DELWP provided conditional consent for the application on 4 June 2020. In relation to DELWP's conditional consent, they provided *Marine and Coastal Act 2018* consent for the application on behalf of the Minister on 30 September 2020.
Development Services	Development Services provided conditional consent for the application.
Property	The application was referred to Council's Property team regarding the Crown land allotment and Council lease requirements.
Environmental Health	Referred to Council's Environment Health team for review and comments on waste water treatments for the proposed works on site. Environmental Health responded to the referral on 7 October 2019 with consent. Environmental Health comment:

	No wastewater concerns as site is connected to sewer. No objection to the proposed alterations/additions to site.

Officer's Considerations

State and Local Planning Policy Framework Assessment

- Clause 11 Settlement
  - Clause 11.03 Planning for places
    - Clause 11.03-4S Coastal Settlement
- Clause 12 Environmental and Landscape Values
  - Clause 12.02 Coastal areas
    - Clause 12.02-1S Protection of coastal areas
    - Clause 12.02-2S Coastal Crown land
    - Clause 12.02-3S Bays
- Clause 15 Built Environment and Heritage
  - Clause 15.01 Built Environment
    - Clause 15.01-1S Urban design
  - Clause 15.03 Heritage
    - Clause 15.03-2S Aboriginal cultural heritage
- Clause 17 Economic Development
  - Clause 17.02 Commercial
    - Clause 17.02-1S Business
  - Clause 17.04 Tourism
    - Clause 17.04-1S Facilitating tourism
    - Clause 17.04-1R Tourism – Gippsland
- Clause 18 Transport
  - Clause 18.02 Movement networks
    - Clause 18.02-4S Car parking
- Clause 21.03 Economic Development
  - Clause 21.03-2 Commercial
  - Clause 21.03-4 Tourism
- Clause 21.05 Landscape and Built Form
  - Clause 21.05-4 Design and Built Form
  - Clause 21.05-7 Cultural Heritage

- Clause 21.06 Infrastructure
  - Clause 21.06-3 Transport
- Clause 21.08 Moderate Growth Settlements
  - Clause 21.08-5 Cowes and Silverleaves
- Clause 22.01 Stormwater Management Policy
- Clause 22.03 Cultural Heritage Policy

The following provides a discussion of where the proposal has satisfactorily addresses the relevant Planning Policy Framework (PPF) and Local Planning Policy Framework (LPPF) under the themes of coastline, development and cultural heritage, economic development and tourism, and car parking and infrastructure.

Coastline

The application responds to Clause 11.03-4S *Coastal Settlement* in that the proposal is not considered to detrimentally impact upon the coastal foreshore area. The location of the camping and caravan park within Cowes ensures that there is no further linear growth along the coastline (Clause 21.08-5 *Cowes and Silverleaves*).

Although the siting of the proposed glamping tents will result in them being seen from the coast, the provision for landscaping on the site will ensure that the development enhances the coastal biodiversity and ecological values of the place (Clause 12.02-1S *Protection of coastal areas* and Clause 12.02-2S *Coastal Crown land*).

The objective of Clause 12.02-3S *Bays* is to improve the environmental health of Port Phillip Bay and Western Port and their catchments. The application will not result in a more extensive land use than what already exists on site, but rather improves upon the current development.

Development and Cultural Heritage

The design of the ensuites, 1 bedroom cabins, alterations and additions to the existing reception/ office building and the glamping tents respond to the context of the site in terms of the cultural identity, natural features, surrounding landscape and climate (Clause 15.01-1S *Urban design* and Clause 21.05-4 *Design and Built Form*).

The subject site required a Cultural Heritage Management Plan (CHMP) to be prepared for the proposal in order to address the potential of aboriginal cultural heritage on the land. Clause 15.03-2S *Aboriginal cultural heritage* ensures that there is ongoing protection and conservation of places of Aboriginal cultural heritage significance throughout the State of Victoria. The applicant undertook the correct steps in terms of notifying the Responsible Authority, preparing the CHMP and seeking authority and consent from the Bunurong Land Council (Registered Aboriginal Party (RAP) for the area).

Economic Development and Tourism

The proposal seeks to contribute to the overall tourism aspects in which Bass Coast and particularly Phillip Island is known for. Clause 17.04-1S *Facilitating tourism and* Clause 21.03-4 *Tourism* are both relevant to the proposal in that, the application provides for well-designed and improved tourist accommodation and facilities, and encourages investment and employment in tourism in the area. Given that the subject site is within the Cowes township currently where it is well-serviced and accessible

for visitors, there is minimal exposure to natural hazards nor does it negatively impact on sensitive environments (Clause 17.04-1R *Tourism – Gippsland*).

The proposed development will provide for the ability for local employment to be utilised during the construction stage (Clause 21.03-2 *Commercial*).

Car Parking and Infrastructure

The objective of Clause 18.02-4S *Car parking* is *to ensure an adequate supply of car parking that is appropriately designed and located.* The provision of car parking on site is consistent with the relevant policy given that there is no statutory requirement for parking as per the land use. The proposed car parking responds to existing issues with car parking provision on the site and within the local surrounding area. The applicant has addressed this by means of providing additional car parking on site, and which also responds to the requirements of the Council lease agreement for the site.

The drainage on the site has been assessed against local Clause 22.01 *Stormwater Management Policy by* Council's Development Services team. The subject site will require the provision of improved drainage infrastructure which responds to the proposed development on site.

Zone Assessment

Clause 36.02 – Public Park and Recreation Zone (PPRZ)

The purpose of the Public Park and Recreation Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To recognise areas for public recreation and open space.*
- *To protect and conserve areas of significance where appropriate.*
- *To provide for commercial uses where appropriate.*

The proposal triggers a planning permit under Clause 36.02-2 as a permit is required to construct a building or construct or carry out works.

An application made on land in the PPRZ which is not for or on behalf of the public land manager (PLM) must address Clause 36.02-3. In this case, the public land manager is considered to be the State (Department of Environment, Land, Water and Planning (DELWP)). Consent was provided on behalf of DELWP by Council through the lease agreement for the site.

There are no changes in terms of the use of the land at the site, and therefore, the existing use as defined as caravan and camping park remains as per the planning scheme, and no permit is required for use of the land under this application.

The application was referred to the DELWP under Section 52 of the Act. DELWP provided conditional consent to the application on 4 June 2020.

Under section 61(a) of the *Planning and Environment Act* 1987, the responsible authority must not grant a permit to use or develop marine and coastal Crown land unless the Minister administering the *Marine and Coastal Act 2018* has consented under that Act. DELWP have provided consent under section 70 of the *Marine and Coastal Act 2018* in correspondence dated 30/09/2020.

Each aspect of the development has been designed and sited so as to blend in with the natural environment, respond to the land and its current conditions and respect the potential impacts from the coast or adjoining private land. The following provides a discussion of each part of the proposed development:

Glamping tents
The glamping tents are located along the frontage with the foreshore area to Western Port. The colour of the tents is a beige - sandy colour which, if approved, will blend in with the dunes and not stand out inappropriately.

Ensuite cabins
The ensuites are set within the site and are 2.4m to the wall height. The ensuites will be mostly hidden from view lines when the camping sites are being utilised due to cars, tents or caravans being parked or set up in front of the cabins.

The cabins will be constructed out of timber which will also ensure they blend into the surrounding environment.

1 bedroom cabins
The 1 bedroom cabins will be constructed of cladding in beige, sandy and off-white colours. The roof will be Colorbond Deep Ocean which is a dark, navy blue colour. The cabins are 2.4m in wall height with a flat verandah roof along the frontage and a 7 degree pitch roof.

The colour and the siting of the cabins within the site will ensure they are not seen from the foreshore area nor private allotments which abut the subject site.

Reception/office building
The proposed alterations and additions to the front reception/ office building will see the park be more inviting from the main entrance and frontage and will be timber clad. The overall building footprint of the office building will not be increased or re-located but rather improved upon and includes internal alterations to the current building.

The landscaping for the site which is to be assessed and endorsed should a planning permit issue, will ensure screening and assist in softening the impacts of the built form.

The application is consistent with the objectives of the PPRZ which ensures consistency with the local and State policy, consent from the PLM has been provided and the proposed development is considered to be appropriate for the site and the context of the land.

Overlays

There are no overlays on the site.

Particular Provisions

Clause 52.06 – Car Parking

The application does not trigger a planning permit pursuant to Clause 52.06 as there is no statutory car parking requirement for a camping and caravan park. Therefore, the assessment of car parking is determined to the satisfaction of the Responsible Authority.

The proposal will result in each component of the development having one car parking space allocated. One car parking space per camping site or cabin on site is considered to be consistent with this type of land use and this allocation of car parking throughout the site an appropriate response. The proposal does not impact on any existing car parking that would ordinarily be available throughout the park.

The proposed 17 space car parking area to the frontage of the site is a requirement of the Council lease. As a result of the provision of these additional car spaces, the proposal is considered to essentially be providing a surplus of car parking spaces.

Clause 52.17 – Native Vegetation

The application does not trigger a planning permit pursuant to Clause 52.17 as the vegetation is considered to be planted on the land and therefore exempt under Clause 52.17-7.

The planted vegetation exemption reads as follows:

Native vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding.

This exemption does not apply to native vegetation planted or managed with public funding for the purpose of land protection or enhancing biodiversity unless the removal, destruction or lopping of the native vegetation is in accordance with written permission of the agency (or its successor) that provided the funding.

An Arboricultural Impact Assessment Report prepared by ArborSafe Tree Consultancy and Management Systems dated 5 May 2020 (pp. 1-34) was submitted as part of the application. The Arboricultural Impact Assessment Report is supplied at Attachment Two (AT-2).

Whilst the trees are exempt from permit requirements for removal, the trees identified in the Arboricultural Impact Assessment Report to have high-medium retention value should be retained where possible. Any vegetation to be retained will be required to be consistent with the tree retention measures and Tree Protection Zones (TPZ) provided in the submitted arborist report should a permit issue.

Concerns raised by Submitters

Coastal impacts

Some points as raised in the objections received in relation to the coastal impacts:

- *Degradation of the foreshore area on the northern boundary of the site.*
- *Land and vegetation management of the foreshore area.*
- *Encroachment of the development onto the foreshore area (i.e. Glamping area).*
- *The location of the glamping tents adjoining the foreshore area in which services required to service the tents will impact the natural environment.*
- *Issues with the use of the public foreshore for commercial purposes.*
- *Mismanagement of the Crown Land and foreshore area by Council in regards to removal of vegetation on site and lack of foreshore maintenance.*
- *The visual impact (amenity and landscape of the area) of the glamping tents on the foreshore.*
- *The permanent dwellings proposed on the foreshore creates a precedence.*

The development of the glamping tents along the northern boundary of the subject site adjacent to the coast line is not considered to have a negative impact on the coastal assets of the area. The location and provision of the glamping tents should seek to improve the arrangement and appearance of the camping and caravan park from the coastline in terms of landscaping and car parking. The area of the proposed glamping tents is already used for ordinary camping tents and the formalisation of the glamping style tents is not considered to be drastically outside of what normally is carried out on this portion of the site.

Any future applications of development within the PPRZ for similar structures would require a planning permit and require assessment on its own merits.

Vegetation removal

Some points as raised in the objections received in relation to the vegetation removal:

- *Removal of mature vegetation from the site.*
- *The intensification of the caravan park at the expense of vegetation on the site and impacts on the character and landscape of the area.*
- *The vegetation removal which has been undertaken on the site.*
- *Mismanagement of the Crown Land and foreshore area by Council in regards to removal of vegetation on site and lack of foreshore maintenance.*
- *Removal of the mature vegetation from the site to construct additional works which will encroach into the foreshore.*

As previously discussed the removal of vegetation on site does not require planning permission.

Council has investigated the previous removal of vegetation on site and concluded that this vegetation was exempt from planning permit requirements.

Should a permit issue, the permit holder will be required to submit a landscaping plan to be endorsed under any planning permit that is issued.

Amenity impacts (safety, noise and traffic)

Some points as raised in the objections received in relation to the noise and traffic:

- *The issue of a permit would result in increased visitors which would create greater traffic congestion on Church Street.*
- *Safety concerns regarding the nature strip and on street car parking and upgrade of this area not being considered in the application.*
- *The noise from the caravan park at night time is an existing issue in which it would worsen given the proposed development.*
- *Impacts of noise and the possible relocation of the swimming pool and jumping pillow.*
- *The safety in regards to traffic along Church Street.*
- *Impacts felt by the objector due to their beach use and access.*
- *The location of the proposed playground will create more noise which is throughout the day.*

- *Safety for pedestrians and local residents as a result of increased traffic and car parking.*

The noise from the caravan and camping park will be likely from children playing in the swimming pool and jumping pillow area. This noise is not considered to have a detrimental impact on the amenity of the surrounding area and the area will have time restrictions for use to avoid noise in the night.

Should a permit issue, conditions controlling the operating hours of the swimming pool and jumping pillow would be placed on the permit.

Car parking

Some points as raised in the objections received in relation to the car parking:

- *The parking for the caravan park, especially in peak periods. Cars park along the nature strips and streets of Kedah Road and surrounds.*
- *Overflow parking issues around the site and road congestion and impacts on residents, pedestrians and road users.*
- *Concerns with the amount of car parking proposed on site given the proposed upgrades to infrastructure in which would increase visitor numbers.*
- *The proposed car parking area does not address the current parking issues and the proposed development.*
- *The additional car parking area is insufficient and there are existing issues with car parking.*
- *No provision of disabled and boat parking.*
- *Inadequate amount of car parking on the site which will cause Church Street to become more congested.*

The applicant has proposed a 17-car space parking area within the frontage of the subject site for overflow and visitor parking. The car park was a requirement of the recently signed Council lease agreement in order to address and alleviate car parking issues where possible. Given that it has been determined that there is no statutory requirement for car parking which relates to the land use, the proposal of 17 car spaces makes an effort to reduce car parking issues. There is no planning scheme requirement for the provision of boat or disabled car space parking on site.

Conclusion

The application has been assessed against the Bass Coast Planning Scheme and is considered to be consistent with the relevant policy and the Public Park and Recreation Zone.

The application underwent extensive notification and as a result there were 22 submissions received. The wide range of concerns which were raised by submitters have been considered in the assessment of this application. Although there have been 22 submissions received, the scope of works is generally minor in nature and essentially improves upon existing infrastructure and responds to the Council lease agreement for the site.

It is recommended that Council inform the Tribunal of their support of the application and if it had the opportunity to determine the application, a notice of decision (NOD) to grant a planning permit for application 190239, subject to following list of planning permit conditions would have been issued:

Recommendation

That in relation to planning permit application 190239 for buildings and works to the existing caravan and camping park located at 164-188 Church Street, Cowes VIC 3922, Council advises the Tribunal that the proposal be supported subject to the following conditions:

Title Details

164-188 Church Street, Cowes VIC 3922

Crown Allotment 73A Cowes, Parish of Phillip Island and Crown Allotment 37D Cowes, Parish of Phillip Island

General Conditions

1. **The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
2. **No buildings or works shall be constructed on any existing easement (including implied sewer, drainage, telephone, gas, power and water easement) or proposed easement without the further approval in writing of the Responsible Authority and/or the relevant service provider.**

Swimming Pool, Jumping Pillow and Car Parking area

3. **Except with the written consent of the Responsible Authority the swimming pool and jumping pillow area may operate only between the following hours:**
   a) **Monday to Sunday 9am to 8pm inclusive from 1 October until 1 April for the summer period.**
   b) **Monday to Sunday 9am to 6pm inclusive from 1 April until 1 October for the winter period.**
4. **Except with the further written consent of the Responsible Authority, the lights for the swimming pool and jumping pillow area may only be used at night and must not be operated after**
   a) **9pm from 1 October until 1 April for the summer period.**
   b) **7pm from 1 April until 1 October for the winter period.**
5. **Except with the further written consent of the Responsible Authority, the lights for the visitor car parking area may only be used at night and must not be operated after 11pm from Monday to Sunday inclusive throughout the year.**

Landscaping

6. **Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must be drawn to scale and must show:**

   a) **A survey (including botanical names) of all existing vegetation to be retained and removed;**

   b) **The location of any buildings on the subject site and existing vegetation;**

   c) **The location of any buildings and existing vegetation which 3m from the Title boundary of the subject site;**

   d) **Details of surface finishes of pathways and access ways;**

   e) **Tree protection measures demonstrated with reference to the arborist report prepared by Arboricultural Impact Assessment Report prepared by ArborSafe dated 5 May 2020.**

   f) **A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant to be planted on the subject site;**

   and

   g) **The landscaping to occur within all available open areas of the subject site.**

All species selected must be to the satisfaction of the Responsible Authority.

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

7. **The landscaping shown on the endorsed landscape plan must be completed within three months of the occupation of the development hereby permitted the site.**

8. **The landscaping shown on the endorsed plans must be thereafter maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.**

Compliance with Arborist's report

9. **The removal and retention of vegetation must be in accordance with the Arboricultural Impact Assessment Report prepared by ArborSafe dated 5 May 2020, unless otherwise agreed in writing by the Responsible Authority.**

DELWP Condition

10. **Before works commence the applicant is required to make application to obtain a Marine and Coast Act consent, pursuant of the Marine and Coastal Act 2018.**

Site Civil Design Plans

11. Before the issue of a Building Permit by the relevant registered Building Surveyor, detailed civil construction plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. All construction plans submitted for approval must be consistent with this permit and must conform with the requirements of all relevant servicing and road authorities, and in particular water, sewerage, drainage, telephone, gas and power authorities, and Council. The plans must be drawn to scale with dimensions. An A3 plan 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:

b) 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;

c) 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;

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

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

f) 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; and

g) Any above ground detention tanks to be deferred via a Section 173 Agreement must be noted on the plans.

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

i) A vehicle access to be designed in accordance with IDM standards (SD250). 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;

j) Service authority assets on site, all easements and other building, drainage and access restrictions/ obstructions as applicable;

k) 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; and

l) 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.

Construction

12. Prior to the issue of a Certificate of Occupancy, or by such later date as its approved by the Responsible Authority in writing, the following works must be completed to the satisfaction of the Responsible Authority including all necessary permits being obtained and inspections undertaken:

13. 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;

14. All drainage works in accordance with the endorsed civil plans;

15. 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;

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

17. All proposed vehicle crossings must be constructed in accordance with the endorsed plans and IDM standards; and

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

Protection of Vegetation - Construction

19. During construction works:

a) The areas within the fenced off tree protection zones must not be used for any other purpose, including vehicle or pedestrian access, trenching or soil excavation, storage or dumping of tools, equipment, materials, machinery or waste;

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

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

Aboriginal Cultural Heritage

20. The development of the land must be undertaken in accordance with the recommended conditions of the Cultural Heritage Management Plan (CHMP) 16525 prepared by Biosis dated 17 October 2019, and approved by the Bunurong Land Council Aboriginal Corporation as the Registered Aboriginal Party (RAP) on 17 October 2019.

Amenity

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

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

b) appearance of any building, works or materials;

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

d) presence of vermin or animals.

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.

Maintenance

23. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

Permit Expiry - Development

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

a) The development is not started within two years of the date of this permit;

b) The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the time if a request is made in writing before the permit expires or within six months afterwards.

Where the development or stage started lawfully before the permit expired, the Responsible Authority may extend the period in which the development or stage must be completed if a request is made in writing before the permit expires or within twelve months afterwards.

PERMIT NOTES

Asset Protection Permit

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

Road Occupation Permit

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

Stormwater Discharge Point

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

Attachments

AT-1	Plans	15 Pages
AT-2	Arboricultural Impact Assessment Report	34 Pages
AT-3	Cultural Heritage Management Plan	106 Pages
AT-4	***CONFIDENTIAL*** - Submissions	49 Pages
AT-5	Policy	25 Pages

Council Decision

Moved: Cr. Michael Whelan / Seconded: Cr. Bruce Kent

It is recommended that Council inform the Tribunal of their support of the application and resolve to issue a notice of decision (NOD) to grant a planning permit for application 190239, subject to following list of planning permit conditions.

Title Details

164-88 Church Street, Cowes VIC 3922

Crown Allotment 73A Cowes, Parish of Phillip Island and Crown Allotment 37D Cowes, Parish of Phillip Island

Amended Plans

1. **Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application prepared by Green Hill Design dated 9 January 2020 (pp. 1-15) but modified to show:**
   a. **The removal of the glamping tents along the foreshore interface.**
   b. **The proposed swimming pool and jumping pillow be relocated to the rear recreation area.**

General Conditions

2. **The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
3. **No buildings or works shall be constructed on any existing easement (including implied sewer, drainage, telephone, gas, power and water easement) or proposed easement without the further approval in writing of the Responsible Authority and/or the relevant service provider.**

Swimming Pool, Jumping Pillow and Car Parking area

4. **Except with the written consent of the Responsible Authority the swimming pool and jumping pillow area may operate only between the following hours:**
   a) **Monday to Sunday 9am to 8pm inclusive from 1 October until 1 April for the summer period.**
   b) **Monday to Sunday 9am to 6pm inclusive from 1 April until 1 October for the winter period.**
5. **Except with the further written consent of the Responsible Authority, the lights for the swimming pool and jumping pillow area may only be used at night and must not be operated after**
   a) **9pm from 1 October until 1 April for the summer period.**
   b) **7pm from 1 April until 1 October for the winter period.**
6. **Except with the further written consent of the Responsible Authority, the lights for the visitor car parking area may only be used at night and must not be operated after 11pm from Monday to Sunday inclusive throughout the year.**

Landscaping

7. **Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must be drawn to scale and must show:**
   a) **A survey (including botanical names) of all existing vegetation to be retained;**
   b) **The location of any buildings on the subject site and existing vegetation;**
   c) **The location of any buildings and existing vegetation which 3m from the Title boundary of the subject site;**
   d) **Details of surface finishes of pathways and access ways;**
   e) **Tree protection measures demonstrated with reference to arb report prepared by Arboricultural Impact Assessment Report prepared by ArborSafe dated 5 May 2020.**
   f) **A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant to be planted on the subject site;**
   g) **100% use of plant species which are indigenous to the locality; and**
   h) **The landscaping to occur within all available open areas of the subject site.**
      i) **All species selected must be to the satisfaction of the Responsible Authority.**
      ii) **When approved, the plan will be endorsed and will then form part of the permit.**
8. **The landscaping shown on the endorsed landscape plan must be completed within three months of the occupation of the development hereby permitted the site.**
9. **The landscaping shown on the endorsed plans must be thereafter maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.**

Compliance with Arborist's report

10. **The removal and retention of vegetation must be in accordance with the Arboricultural Impact Assessment Report prepared by ArborSafe dated 5 May 2020.**

DELWP Condition

11. **Before works commence the applicant is required to make application to obtain a Marine and Coast Act consent, pursuant of the Marine and Coastal Act 2018.**

Site Civil Design Plans

12. Before the issue of a Building Permit by the relevant registered Building Surveyor, detailed civil construction plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. All construction plans submitted for approval must be consistent with this permit and must conform with the requirements of all relevant servicing and road authorities, and in particular water, sewerage, drainage, telephone, gas and power authorities, and Council. The plans must be drawn to scale with dimensions. An A3 plan 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. The rate of pre-development stormwater discharge shall be calculated using an allowable discharge rate for the site 37 l/sec/ha;

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

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

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

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

i) **A vehicle access to be designed in accordance with IDM standards (SD250). 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) **Service authority assets on site, all easements and other building, drainage and access restrictions/ obstructions as applicable;**

iii) **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; and**

iv) **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.**

Construction

13. Prior to the issue of a Certificate of Occupancy, or by such later date as its approved by the Responsible Authority in writing, 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 civil plans;**

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

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

e) **All proposed vehicle crossings must be constructed in accordance with the endorsed plans and IDM standards; and**

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

Protection of Vegetation - Construction

14. During construction works:

a) **The areas within the fenced off tree protection zones must not be used for any other purpose, including vehicle or pedestrian access, trenching or soil excavation, storage or dumping of tools,**

equipment, materials, machinery or waste;

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

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

Aboriginal Cultural Heritage

15. The development of the land must be undertaken in accordance with the recommended conditions of the Cultural Heritage Management Plan (CHMP) 16525 prepared by Biosis dated 17 October 2019, and approved by the Bunurong Land Council Aboriginal Corporation as the Registered Aboriginal Party (RAP) on 17 October 2019.

Amenity

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

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

b) **appearance of any building, works or materials;**

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

d) **presence of vermin or animals.**

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

Maintenance

18. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

Permit Expiry - Development

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

a) **The development is not started within two years of the date of this permit;**

b) **The development is not completed within four years of the date of this permit.**

The Responsible Authority may extend the time if a request is made in writing before the permit expires or within six months afterwards.

Where the development or stage started lawfully before the permit expired, the Responsible Authority may extend the period in which the development or stage must be completed if a request is made in writing before the permit expires or within twelve months afterwards.

PERMIT NOTES

Asset Protection Permit

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

Road Occupation Permit

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

Stormwater Discharge Point

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

CARRIED

Cr David Rooks returned to the meeting at 1.49pm

H.3 Planning Application 190293 - 58 Bruce Road, Silverleaves

File No:	**CM20/568**
Division:	**Place Making**
Council Plan Strategic Objective:	**Our Character** Celebrating the uniqueness of our townships

Application Details

Use/Development Sought:	**Development of the land for a dwelling and removal of vegetation**
The Land:	**58 Bruce Road, Silverleaves VIC 3922** **Lot 241 on LP63263**
Planning Scheme:	**Bass Coast Planning Scheme**
Zoning:	**Clause 32.05 - Township Zone (TZ)**
Overlays:	**Clause 42.02 – Vegetation Protection Overlay – Schedule 2 (VPO2)** **Clause 43.02 – Design and Development Overlay – Schedule 1 (DDO1)** **Clause 44.06 – Bushfire Management Overlay (BMO)** **Clause 44.04 – Land Subject to Inundation Overlay (LSIO)**

Declaration

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

Executive Summary

This application proposes to develop the land for a double storey dwelling and to remove vegetation at 58 Bruce Road, Silverleaves Victoria.

The proposal triggers the need for a planning permit in the Bass Coast Planning Scheme under:

- Clause 44.04-2 (Land Subject to Inundation Overlay) as a permit is required to construct a building or construct or carry out works for a dwelling;
- Clause 42.02-2 (Vegetation Protection Overlay) as a permit is required to remove, destroy or lop vegetation with a girth greater than 30cm (when measured 30 centimetres above ground level) or a height of at least two metres;
- Clause 44.06-2 (Bushfire Management Overlay) as a permit is required to construct a building or construct or carry out works in association with accommodation (dwelling); and
- Clause 43.02-2 (Design and Development Overlay) as a permit is required to construct a building or construct or carry out works for development which exceeds seven metres in height.

The application was advertised and received eight (8) submissions.

This application has been presented to Council at it's Ordinary meetings of 19 August, 2020 and 16 September, 2020. At each meeting Council resolved to defer consideration of the application to a future meeting.

This report addresses the planning merits of the proposal and the issues raised by submitters. It concludes that the proposal accords with the relevant provisions of the Planning Scheme. It concludes that the proposal is considered to be consistent with the relevant policies, objectives and strategies of the Bass Coast Planning Scheme.

On this basis, it is recommended that Council resolve to issue a notice of decision to grant a planning permit for application 190293.

Reason a Council Decision is required

Council's delegations require applications that attract five or more objections to be determined by Council. This application attracted eight (8) objections.

Application Details

This application proposes to develop the land for a dwelling and remove vegetation.

The plans for the application were amended following the September Ordinary Council Meeting in which they are reference as amended development plans prepared by LRW Design dated October 2020 (pp. 1-12) (see Attachment One. – AT1).

Amended plans were requested to ensure compliance with Melbourne Water referral conditional requirements and show floor levels to AHD. The amendments have not resulted in changes to the overall height of the dwelling.

Copies of the site plan, floor plans and elevation plans are shown below from Figure 1 to Figure 4.

Further reports which were submitted for the application include:

- Bushfire Management Assessment prepared by Treed Environs dated 20 August 2019 (pp. 1-17)
- Indicative Landscape Plan prepared by Morris Outside dated 11 December 2019 (pp.1)
- Arborist Report prepared by Treed Environs dated February 2020 (pp. 1-23)
- Coastal Hazard Vulnerability Assessment prepared by Water Technology version 01 dated 5 February 2020 (pp. 1-32)

These supporting documents for the application are supplied at Attachment 2. (AT-2).

Following the advertising period, amended plans were received on 25 May 2020 and substituted under Section 57(A) of the *Planning and Environment Act 1987* (the Act).

The amended design was provided to address submitter concerns and the following changes were made:

- Added notation for gravel driveway;
- Removal of the proposed workshop at the frontage of the site; and
- Amendment of the finished floor level for the ground floor.

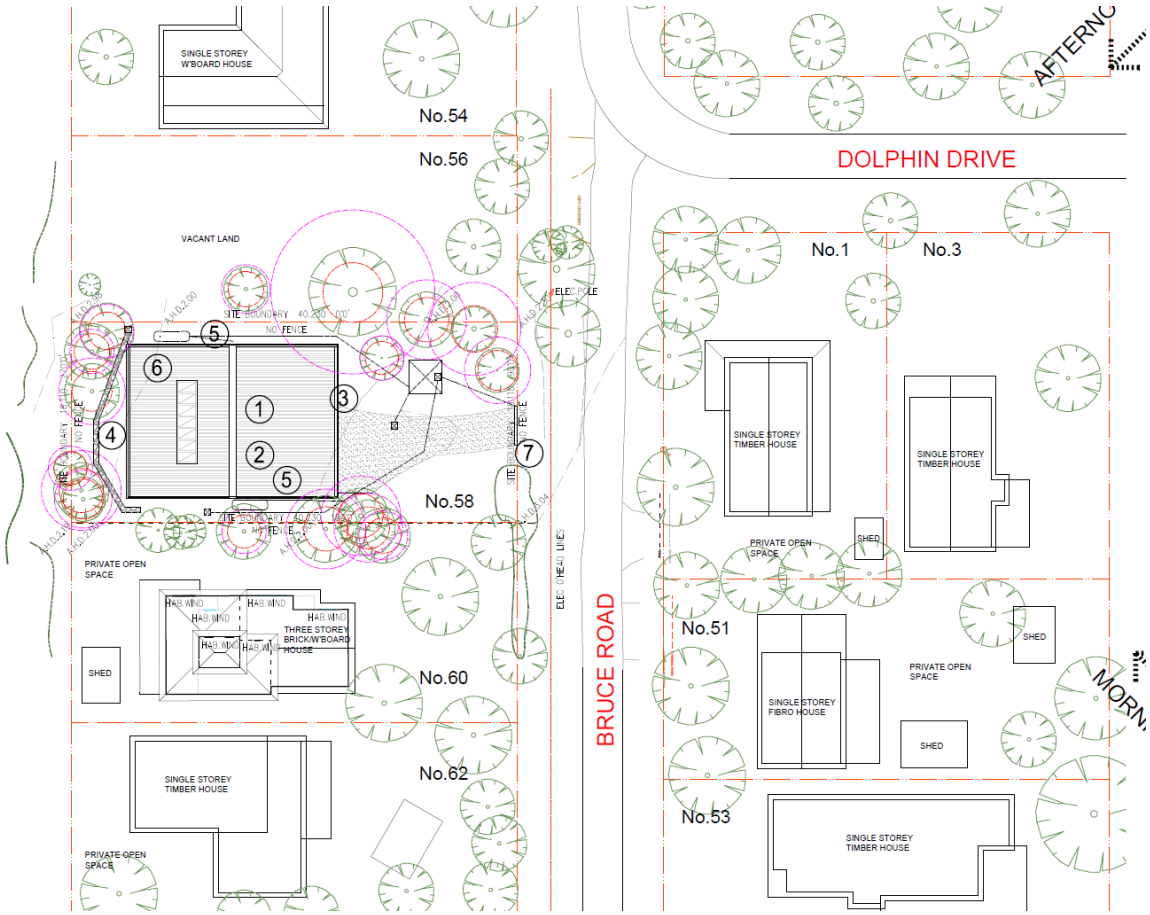


Figure 1. *Site plan of the proposed development and vegetation removal on the land at 58 Bruce Road, Silverleaves.*

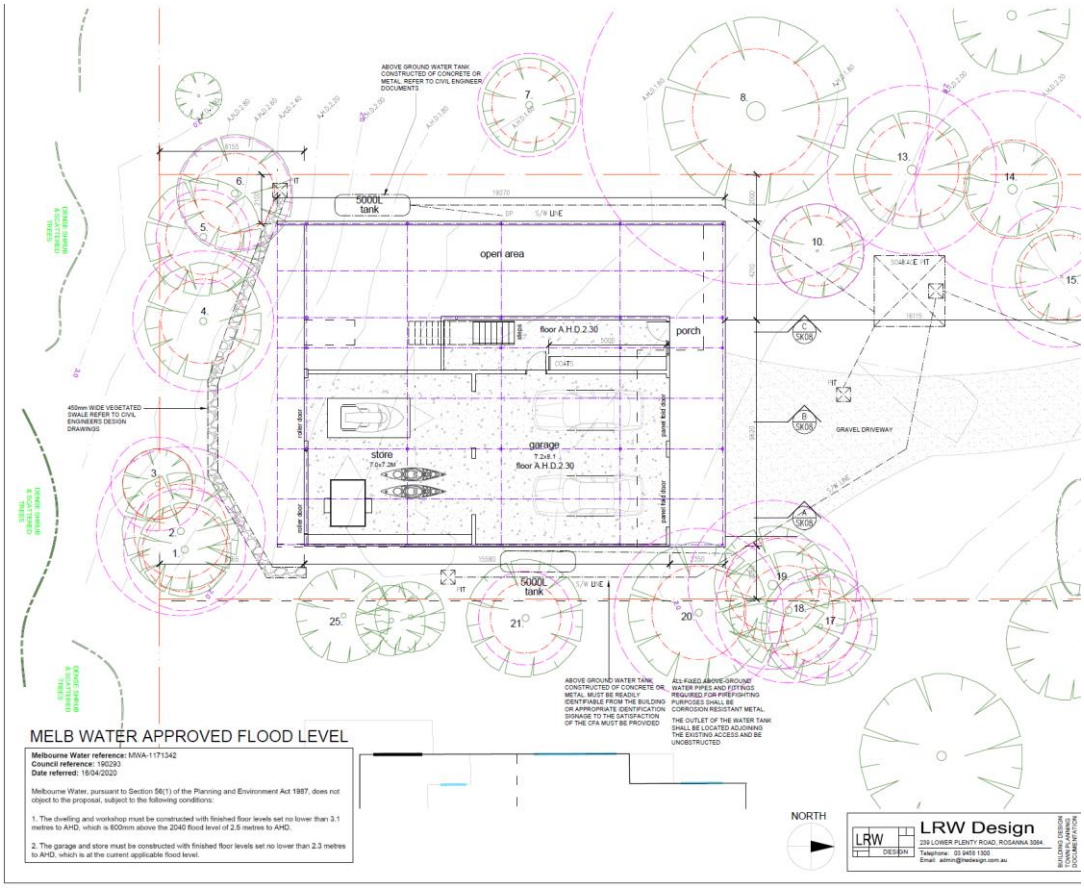


Figure 2. *Ground floor plan of the proposed development on the land at 58 Bruce Road, Silverleaves.*

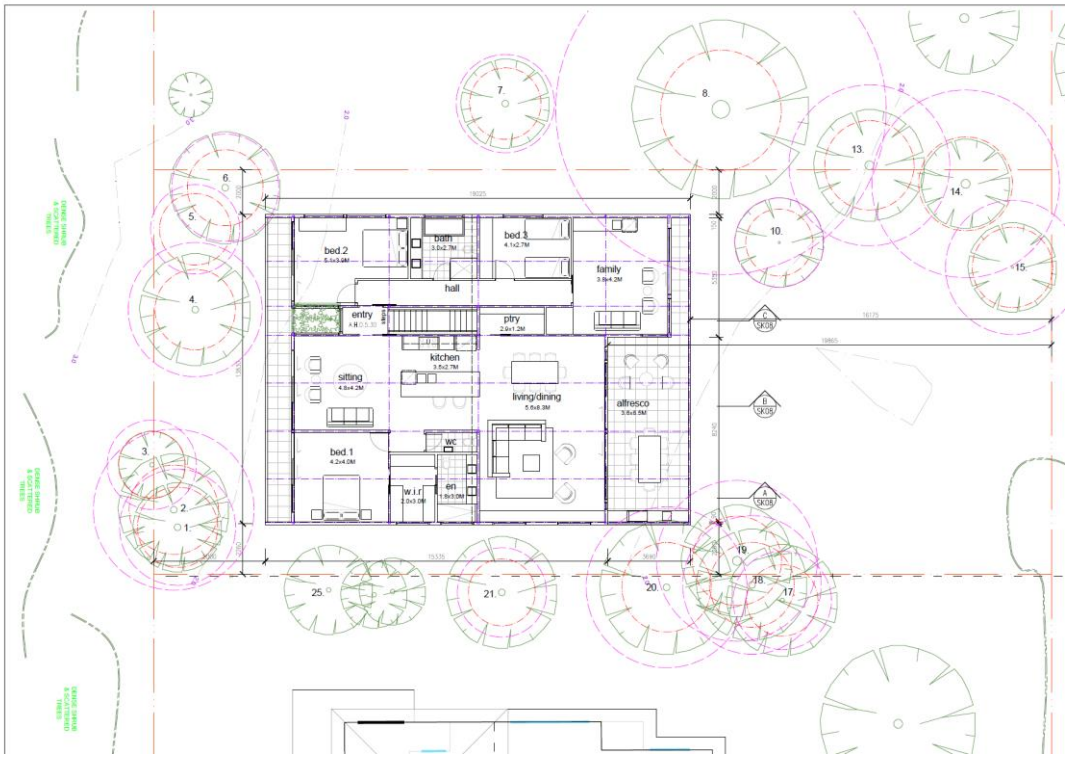


Figure 3*. First floor plan of the proposed development on the land at 58 Bruce Road, Silverleaves.*

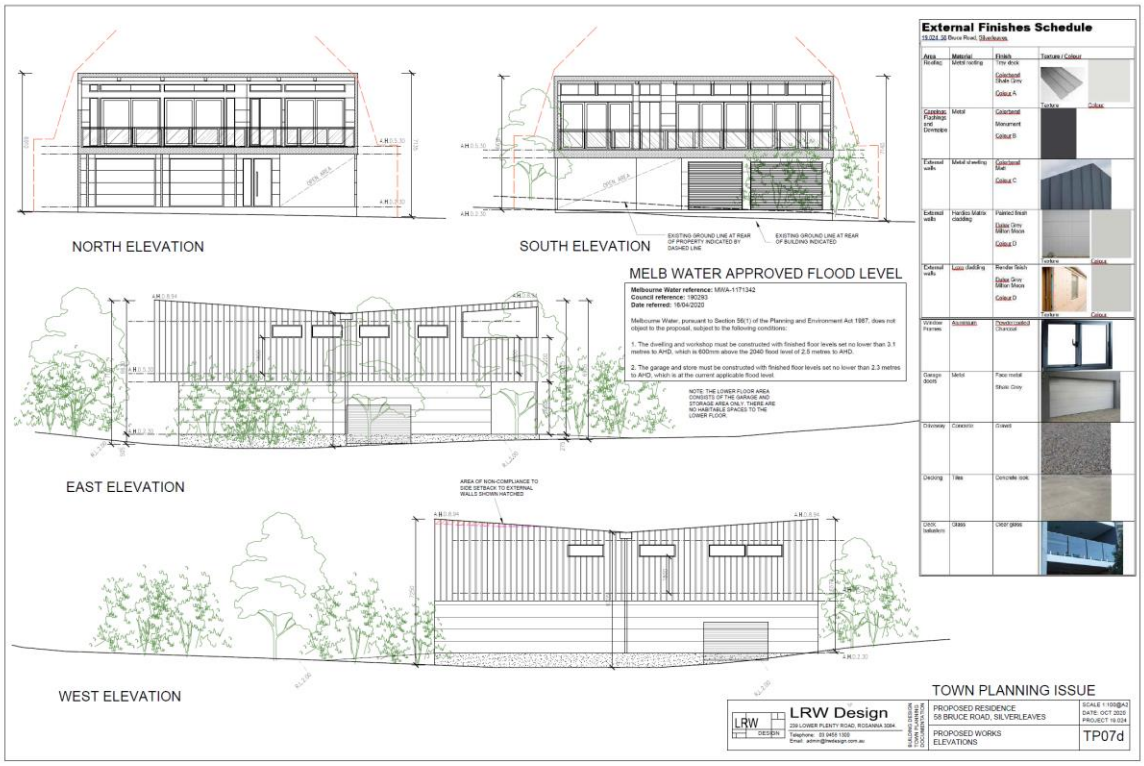


Figure 4. *Elevations of the proposed development and material and colour schedule for the external finishes.*

Background

Following is a description of the subject site and other relevant information pertaining to the allotment.

Site Dimensions	Rectangular allotment which measures 18.11m x 40.23m with an area of 728.5 square metres.
Site Frontage	18.11 metres to Bruce Road
Topography	Mostly flat and low lying at 2-2.5m AHD
Vegetation Cover	Site covered with vegetation ranging in small scrubs to larger trees.
Current Use	Vacant
Easements	n/a
Restrictive Covenants	n/a
Aboriginal Cultural Heritage Sensitivity	Yes, site is within an area which is considered to have Aboriginal Cultural Heritage significance. However, there is no requirement for a Cultural Heritage Management Plan (CHMP) as the development of the land for one dwelling is exempt under the Aboriginal Heritage Regulations 2018.
Planning Permit History	n/a

The subject site is located in Silverleaves and adjoins the Rhyll Inlet to the south.

Bruce Road is mostly developed with single and double storey dwellings with vegetation surrounding with unmade vehicle access to these lots.

The street is lined with vegetation on both sides which provides habitat for a range of flora and fauna species in the area. As well, the vegetation adds the environmental character of Silverleaves more generally and provides screening from the built form of dwellings throughout.

Surrounding the subject site is:

- North: the street frontage onto Bruce Road.
- South: Rhyll Inlet and wetland area.
- West: vacant allotment at 56 Bruce Road.
- East: single storey detached dwelling with a flat roof and attached car port.

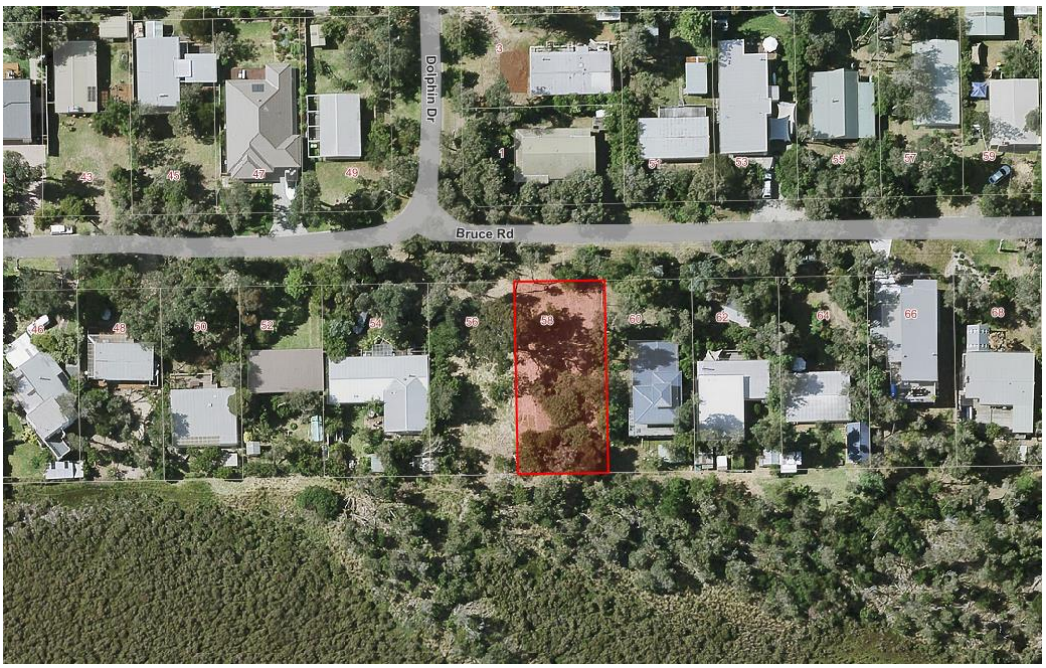


Figure 5. Aerial photograph of the subject site at 58 Bruce Road, Silverleaves and surrounds.

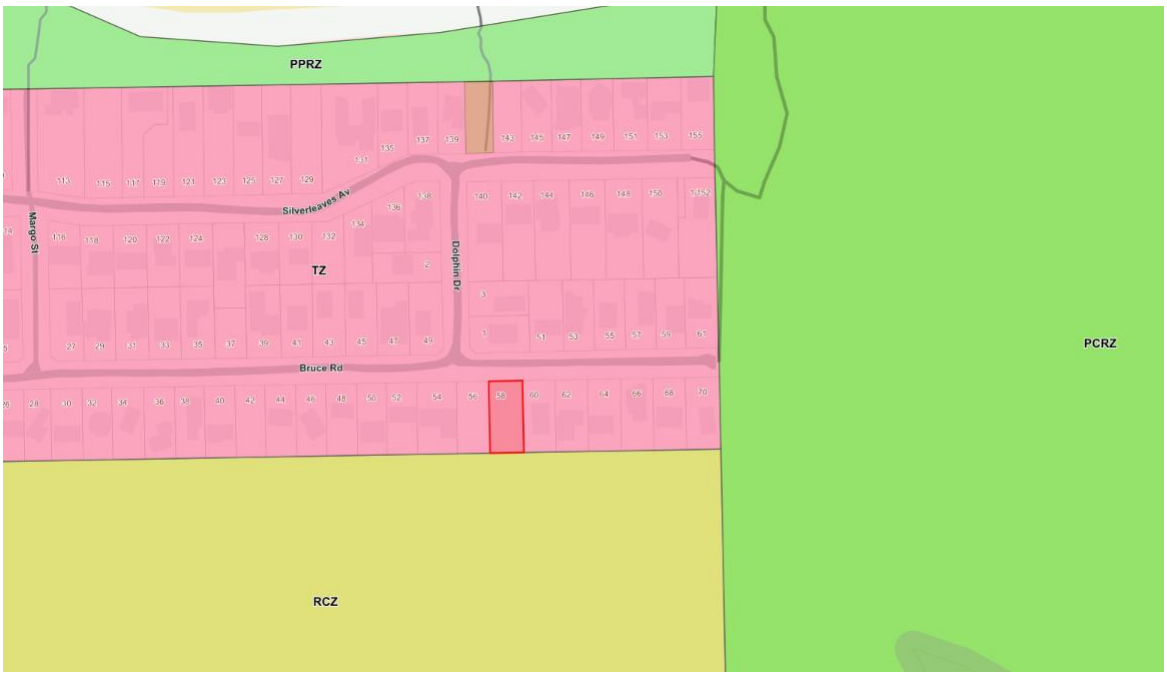


Figure 6. Zoning map showing the subject site at 58 Bruce Road, Silverleaves and surrounding area.

Notice

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 mail to 53 land owners and occupiers.

Following the advertising period, seven objections were received for the application and as a result the plans were amended under Section 57(A) of the Planning and Environment Act 1987 (the Act).

The amended design was provided to address submitter concerns and the following changes were made:

- Added notation for gravel driveway;
- Removal of the proposed workshop at the frontage of the site; and
- Amendment of the finished floor level for the ground floor.

Following notice, the plans were amended under Section 57(A) of the Act and were circulated via email to the objectors of the application. To date, none of the objections have been withdrawn.

Submissions

In response to notification the application attracted eight (8) submissions.

A summary of the objections is listed in the following table and a copy of each objection is included in Attachment 3 (AT-3).

Table one: Summary of Concerns raised in each objection

Submission	Summary of Concerns
1	• The proposed workshop which appears as a dwelling at the frontage of the site and impacts on existing vegetation in this area, specifically Tea Trees. • Impacts on the neighbourhood character which is low-scale and site amongst the surrounding environment. • Questioned the 'uses' to be carried out within the proposed dwelling. • Re-consideration of the location of septic treatments to protect existing vegetation on site. • Impacts of vegetation removal on the biodiversity of the area, particularly native bird species and echidnas. • Questioned the arborist report provided as part of the application in which the vegetation is ranked on condition. • The concrete paving proposed on site and impacts on drainage and amenity of the area.
2	• The development of the proposed workshop within close proximity to the front boundary (front setback not consistent with the street). • Visual bulk and height of the proposed dwelling not consistent with the character of the area. • Land coverage of the site. • Upper floor setback of the proposed dwelling.
3	• Removal of native vegetation species from the site and the impacts on the biodiversity of the area. • The impacts of vegetation removal on the character of Silverleaves. • The proposed workshop along the frontage of the site which appears to be a separate dwelling. • Impacts that the proposed dwelling will have on the low-scale character of Silverleaves. • A concrete driveway which can impact upon the drainage of the land and exacerbates climate change and inundation issues from the Rhyll Inlet.
4	• The proposed workshop on the front boundary and impacts on the character and streetscape of Bruce Road. • The excessive amount of concrete paving proposed on site and impacts on drainage and overall aesthetic of the area.
5	• The proposed workshop which appears to be a second dwelling on the site and potential to be occupied separately. • Impacts of the location and construction of the workshop on existing vegetation on the site and the street amenity.

	• The vegetation removal on site which impacts the biodiversity and habitat values. • The hard-surfacing of the proposal and its impacts on the nature and neighbourhood character of Silverleaves.
6	• The location and size of the proposed workshop at the site frontage and setback consistency with the street. • Impacts on the streetscape given the hard driveway and vegetation removal proposed.
7	• Questioned the use of the land for commercial activity given the extent of workshop spaces proposed. • Questioned the suitability of 'higher density' living and population growth in Silverleaves from a planning point of view. • The proposed workshop which is not consistent with the street setbacks or landscape of Bruce Road. • Any noise created from the proposed workshop/ dwelling. • The impacts on the biodiversity of the area and site coverage. • The extent of vegetation removal on site which does not maintain the streetscape or tree canopy. • Finished floor levels (FFLs) and level of the site given drainage and inundation issues in the area. • No stormwater drainage arrangements described. • Questioned the arborist report provided with the application in terms of assessment of vegetation on adjoining land and extent of vegetation to be removed. • Questioned the bushfire management assessment provided for the application. • The overall height of the proposed dwelling and the removal of vegetation screening from street and adjoining land. • Does not consider the proposal to be consistent in terms of development of the area, neighbourhood character, landscape or amenity. • Questioned the timing of Notice given in relation to the submission of the application and the lack of correspondence from the applicant prior to Notice. • Questioned aspects of Clause 54 – ResCode for the proposed dwelling on site.
8	• Raised issues in relation to the extent of vegetation removal proposed.

Referrals

The following table outlines the referral requirements of this application.

Table two: Referral requirements and their comments

Referral Authority	Comments
External (Section 55 of the *Planning and Environment Act 1987*)	
Melbourne Water	Referred as per Clause 44.04-7 (LSIO) and Clause 66.03 – determining referral authority. Melbourne Water provided Conditional Consent to the application under the LSIO on 14 May 2020. Amended plans were received on 27 August 2020 that demonstrate compliance with Melbourne Water conditions. Melbourne Water responded to Council on 28 August 2020 with amended planning permit conditions.
Country Fire Authority (CFA)	Referred as per Clause 44.06-6 (BMO) and Clause 66.03 – recommending referral authority. CFA provided Conditional Consent to the application under the BMO on 4 May 2020.
Internal (Section 52 of the *Planning and Environment Act 1987*)	
Building	Referred to Building for the workshop to be located within the front setback. Building responded with that the proposed workshop along the site frontage would not be supported.
Development Services	Referred to Development Services for comments on the vehicles movements and drainage. Conditional consent given for the application on 20 March 2020.
Environmental Health	Referred to Environmental Health for comment on septic and effluent implications. Environmental Health responded with conditional consent for the application.

Officer's Considerations

State and Local Planning Policy Framework Assessment

- Clause 11 Settlement
  - Clause 11.01-1S Settlement
  - Clause 11.01-1R Settlement – Gippsland
  - Clause 11.03-4S Coastal Settlement
  - Clause 11.03-6S Regional and local places
- Clause 13 Environment Risks and Amenity
  - Clause 13.01-1S Natural Hazards and climate change
  - Clause 13.01-2S Coastal Inundation and erosion
  - Clause 13.02-1S Bushfire Planning
  - Clause 15 Built Environment and Heritage

- Clause 15.01-2S Building Design
- Clause 16 Housing
  - Clause 16.01 Residential development
  - Clause 16.01-2S Location of residential development
  - Clause 16.01-3S Housing diversity

- Clause 21.02 Settlement
  - 21.02-2 Housing
- Clause 21.04 Environment
  - Clause 21.04-3 Biodiversity Conservation and Habitat Protection
  - Clause 21.04-5 Environmental Hazards
  - Clause 21.04-6 Climate Change
- Clause 21.05 Landscape and Built Form
  - Clause 21.05-4 Design and Built Form
  - Clause 21.05-6 Landscape Architecture
- Clause 21.08 Moderate Growth Settlements
  - Clause 21.08-5 Cowes and Silverleaves
- Clause 22.01 Stormwater Management Policy

The objective of Clause 11.01-1S Settlement is to allow for sustainable growth and development of Victoria through a range of settlements. In addition, Clause 11.03-4S Coastal settlement aims to consider development within coastal settlements in Victoria and how the location adjacent to the coast could be impacted.

The proposed development contributes to the existing settlement of Silverleaves and aims to construct a contemporary dwelling which is in keeping with the area and more broadly, Phillip Island. The proposed development is to be constructed on a vacant residential allotment within the settlement boundaries of Silverleaves. This location aims to avoid further urban sprawl and takes advantage of existing urban land for an infill development opportunity.

If approved, the proposed development will contribute to the local area in that it will provide a high level of building design but also aim to respond to the context and character of Silverleaves. Clause 15.01-2S Building design promotes development which does not impact the surrounding area or public realm and has been designed in a way to respect existing landmarks, views and vistas. The proposed development finds a good balance in developing the land for residential purposes (for a dwelling) with quality urban design elements all the while considering the context of the subject site, surrounding area.

The location of the proposed development is consistent with Clause 16.01-2S Location of residential development in that the further use of greenfield land is avoided. However, the development does not seek to increase density within Silverleaves as it is not a township which is designed to accommodate for an increase in density.

Further from the points discussed under Settlement, the proposed development provides for a mix in the housing stock and diversity within Bass Coast. In addition, the application has also considered the drainage of the land as per the local Clause 22.01 Stormwater Management Policy. Council's Development Services team have provided conditional consent to ensure that drainage for the development is captured and is suitable for the building and the context of the land.

Clause 21.05-6 Landscape Architecture discusses the need for landscape architecture within the Shire which enhances the urban environments and contributes to the local character. If approved, a condition of permit will require the land owner to revegetate the site and provide a landscaping plan to be submitted and assessed by Council. The site is able to be landscaped in a way which would enhance and protect the existing vegetation, blend in with the surrounding character and screen the built form of the proposed development. It will be a requirement that the landscaping on the site utilise native species of plants only.

Zone Assessment

Clause 32.05 – Township Zone (TZ)

The purpose of the Township Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for residential development and a range of commercial, industrial and other uses in small towns.
- To encourage development that respects the neighbourhood character of the area.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

The application is consistent with the objectives of the Township Zone (TZ) as there is no planning permit trigger under the zone, the aspects of Clause 54 – ResCode, do not need to be assessed through the planning permit application process. However, the application has ensured that the proposed development is consistent with the relevant sections of Clause 54.

No planning permit is required for the use of the land for a dwelling, as it is a Section 1 Use at Clause 32.05-2 and further, the development of the land for a dwelling is not required to be assessed through planning where the site exceeds 300 square metres at Clause 32.05-6.

Overlays

Clause 44.06 - Bushfire Management Overlay (BMO)

The application triggers the need for a planning permit under the Bushfire Management Overlay (BMO) at Clause 44.06-2 as a permit is required to construct a building or construct or carry out works in association with accommodation (dwelling).

The intent of the BMO is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

As a result of the planning permit trigger under the BMO, the application was required to be referred externally to the CFA for review and comment under Clause 44.06-6 and Clause 66.03. As a recommending referral authority, the CFA provided conditional consent for the application.

The application is assessed against the provisions of Clause 53.02 below.

Clause 43.02 - Design and Development Overlay – Schedule 1 (DDO1)

The application triggers the need for a planning permit under Schedule 1 of the Design and Development Overlay at Clause 43.02-2 as a permit is required to construct a building or construct or carry out works for development which exceeds 7m in height from Natural Ground Level (NGL).

The highest point of the dwelling measures 7.640 metres from the natural ground level (along the southern elevation).

The DDO1 relates to residential areas near the coast. The intent of the DDO1 is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify areas which are affected by specific requirements relating to the design and built form of new development.*

The relevant 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; and*
- *To protect and enhance the visual amenity and landscape of the coastal area.*

The application is consistent with the objectives of the Clause 3.0 of the DDO1 as follows.

The proposed development is consistent with the Design and Siting Guidelines for Coastal Areas and Rural Hinterland (1999) in that the development aims to minimise any impacts felt on the streetscape or surrounding area in regards to the overall height of the building. Further, the proposed development does not aim to construct a dwelling with excessive height in comparison to neighbouring dwellings nor will it exceed adjacent buildings by more than a storey in height. The design, colours and materials of the proposed dwelling will not impact upon on adjacent dwelling's views to the coast. The proposed development aims to retain as much vegetation on site as possible.

- The subject site is prone to inundation from both the coastline and potentially the Rhyll Inlet to the rear of the site.
- The subject site does not immediately abut the coastline of Western Port Bay and is set back approximately 163m south from the edge of the coastal foreshore. Therefore, it is not likely that the proposed dwelling will be seen from the coast nor will it benefit from views to the coast.
- The development will not impact views from any adjacent coastal roads to or from the coastline given the location of the subject site, the vegetation surrounding Silverleaves and the low-lying nature of the area.
- The subject site is zoned as Township Zone with the purpose to be developed for residential purposes, in which will impact the landscape and natural environment in some way. It is understood that the area of Silverleaves has changed over the years in terms of vegetation removal, building design and the neighbourhood character. However, the development overall is required to remove some vegetation to make way for a dwelling which exceeds 7m in height but should not impact on view sharing opportunities to and from the coast.
- The dwelling is proposed to be constructed out of cladding with metal roofing and aluminium window features. The colours include black, charcoal, greys, dark beige and concrete finishes which is used to break up the built form and articulate the design.
- The vegetation proposed to be removed from the site has been planned to ensure the minimal extent to avoid further impacting the natural environment, vegetation assets on the site and biodiversity of the area. The aspects of vegetation removal are explained further in more detail in the next section of this report.
- It is common practice for applications which require vegetation removal under the VPO2 that an indicative landscaping plan be provided. As well, applications under the DDO1 benefit from the demonstration of how the land is to be further landscaped to screen the development as best as possible.
- If approved, the proposed access way (drive way and cross over from Bruce Road) will be constructed of gravel finishes and will aim to ensure that the land can drain effectively. In terms of the overall drainage of the land, the application will be controlled via permit conditions.

<u>Clause 42.02 - Vegetation Protection Overlay – Schedule 2 (VPO2)</u>

The application triggers the need for a planning permit under Schedule 2 of the Vegetation Protection Overlay at Clause 42.02-2 as a permit is required to remove, destroy or lop vegetation with a girth greater than 30 centimetres (when measured 30 centimetres above ground level) or a height of at least two metres.

The application proposes to remove five (5) trees from the site.

The VPO2 applies to Phillip Island, and the vegetation protection objective 'to protect and enhance existing indigenous and larger native species within the urban area of Phillip Island'. The intent of the VPO2 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 application is consistent with the objectives of the VPO2 as the application strikes an appropriate balance between the as of right use of the land for a dwelling and the retention of onsite vegetation.

The application is consistent with the objectives of the Clause 5.0 of the VPO2 as follows:

- The proposal seeks to remove five trees out of a total of 25 on the land and along boundaries.
- The subject site is not specifically within a recognised wildlife corridor, although, it does provide habitat for various species of fauna within the area.
- The development has aimed to retain as much vegetation as possible on the site whilst only clearing vegetation to make way for the proposed building footprint.
- It is expected that any form of vegetation removal is likely to impact upon the groundwater recharge and discharge areas on the site. However, the drainage design proposed for the development as well as landscaping will help to manage soil quality and salinity and to avoid ongoing issues.
- The land is within the Township Zone in which the purpose of the zone is to be used and developed for residential purposes, particularly when considering that the proposal is for a single dwelling on the site.

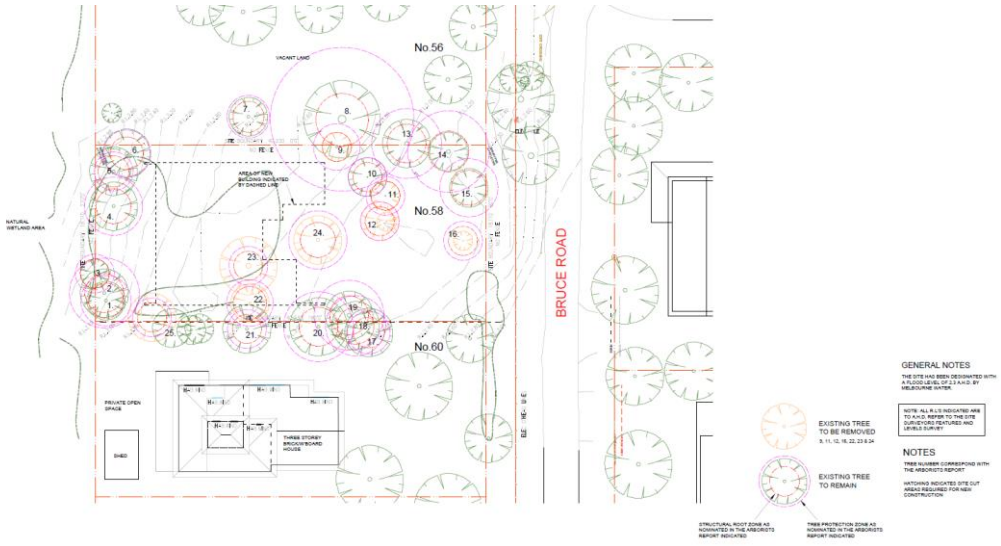


Figure 7. *Proposed extent of vegetation removal under the VPO2 from the subject site at 58 Bruce Road, Silverleaves*

Clause 44.04 - Land Subject to Inundation Overlay (LSIO)

The application triggers the need for a planning permit the Land Subject to Inundation at Clause 44.04-2 as a permit is required to construct a building or construct or carry out works for a dwelling.

The intent of the LSIO is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.
- To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

Melbourne Water provided conditional consent to the application on 14 May 2020. The conditions provided by Melbourne Water will be included on any permit issued. The Melbourne Water conditions refer to the previous 'workshop' building that has now been removed from the proposed plans. Although the conditions provided by Melbourne Water do refer to the workshop, this is considered to be inconsequential to the issue of a permit if granted as the development plans only show the single dwelling.

The applicant provided plans to Council on 27 August 2020 which address the Melbourne Water conditions raised as part of their referral response. As part of this set of amended plans (the decision plans) the ground floor arrangement of the proposed dwelling was changed to ensure consistency with the LSIO and predicted future inundation or flood risk.

Particular Provisions

Clause 53.02 – Bushfire Planning

The purpose of Clause 53.02 is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure that the development of land prioritises the protection of human life and strengthen community resilience to bushfire.
- To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.

- To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.
- To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.

The application triggers a planning permit under Clause 44.06 (BMO) and therefore, the proposal must be assessed under the provisions of Clause 53.02 for Bushfire Planning.

The proposal is considered to have satisfied the requirements of this clause achieving compliance with matters related to siting, bushfire construction and defendable space, vehicle access and water supply.

The application has been reviewed by the CFA who have provided conditional consent. The conditions provided by the CFA will be included in any permit if issued.

Concerns raised by Submitters

Proposed workshop at site frontage

The applicant and their client amended the plans under Section 57(A) of the Act and removed the workshop from the plans (proposal) altogether.

Vegetation removal and biodiversity

Objectors were concerned about the impacts of vegetation removal on the biodiversity of the area, particularly native bird species and echidnas.

It is assessed that the application is consistent with the intent of the Vegetation Protection Overlay. The trees to be removed, if approved, will facilitate the creation of a building envelope for a dwelling. Conditions of any permit issued will require landscaping with locally indigenous species.

Proposed dwelling development and neighbourhood character

Objectors were concerned about the impact of the proposed dwelling on neighbourhood character.

In response to objectors concerns, the access way for the development has been amended on the plans to ensure there is a notation specifying that the driveway will be of crushed rock (gravel) and not a sealed material. The gravel drive way will help alleviate any issues or concerns regarding drainage of the land.

Many of the concerns raised related to compliance with the ResCode provisions at Clause 54 of the Scheme. As the use of the land for a dwelling is as of right an assessment of the application with regard to Clause 54 is not completed at this stage.

<u>Stormwater and effluent treatment</u>

Objectors raised concerns with the treatment of both stormwater and effluent on site. The application was referred to Council's Development Services and Environmental Health teams for an assessment of these matters. Both responded with consent to the issue of a planning permit subject to standard conditions.

Conclusion

The application has been assessed against the Bass Coast Planning Scheme and is considered to be generally in accordance with the Planning Policy Framework, Local Planning Policy Framework and decision guidelines of the DDO1, VPO2, BMO and LSIO as well as Clause 53.02 Bushfire Planning.

The application underwent notification and as a result there were seven (7) submissions received. Concerns raised by submitters were considered in the assessment of the application.

It is recommended that Council resolve to issue a notice of decision to grant a planning permit for application 190293, subject to conditions.

It is recommended that Council resolve to issue a notice of decision to grant a planning permit for application 190293, subject to conditions.

Recommendation

That in relation to planning permit application 190293 for the development of the land for a dwelling and removal of vegetation located at 58 Bruce Road, Silverleaves VIC 3922, Council resolves to issue a Notice of Decision to Grant a Permit subject to the following conditions:

Melbourne Water Conditions

1. **Prior to the endorsement of plans, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must be modified to show:**
   a) **The dwelling and workshop must be constructed with finished floor levels set no lower than 3.1 metres to AHD, which is 600mm above the 2040 flood level of 2.5 metres to AHD.**
   b) **The garage and store must be constructed with finished floor levels set no lower than 2.3 metres to AHD, which is at the current applicable flood level.**
   c) **The 'store' area must be maintained connected to the garage and must not be converted into a separate, habitable room.**
   d) **The 'open' area shown on the lower floor plan must be maintained open on a minimum of two sides with no provision for a roller/ tilt door.**
   e) **Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels of the dwelling and garage (as constructed) must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.**

General Conditions

2. **The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**

3. **No buildings or works shall be constructed on any existing easement (including implied sewer, drainage, telephone, gas, power and water easement) or proposed easement without the further approval in writing of the Responsible Authority and/or the relevant service provider.**

Bushfire Management Plan endorsed

4. **The Bushfire Management Plan including the schedule, *prepared by Treed Environs, drawing no. Map 2, 24072018,* must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.**

Mandatory Bushfire Management Overlay Condition

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

Vegetation Removal Conditions

6. **The layout of the site and the proposed extent of vegetation to be removed as shown on the plan submitted with the application, must not be altered or modified without the written consent of the Responsible Authority.**

Landscaping Plan

7. **Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan be drawn to scale with dimension and must show:**
   a) **Details of surface finishes of pathways and driveways;**
   b) **A planting schedule which includes the scientific name and common names, pot sizes, sizes at maturity, and quantities of each plant of all proposed vegetation to be planted on the site;**
   c) **Landscaping and planting within all open areas of the site;**
   d) **Only the use of plant species indigenous to the locality;**
8. **All species selected must be to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit.**
9. **Before the development is occupied or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.**

Landscaping Maintenance

10. **The landscaping shown on the endorsed plans must be thereafter maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.**

Wastewater Conditions *(Environmental Protection Act 1970)*

11. **Sewage, sullage and other liquid wastes to arise from the development shall be treated and retained on site by a septic tank system in accordance with the requirements of the *Environment Protection Act* 1970, the *Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891.4 (2016)* and the Responsible Authority.**

12. **No buildings or works shall occur over any part of the approved waste disposal system including the septic tank in accordance with the requirements of the *Environment Protection Act* 1970, the *Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891.4 (2016)* and the Responsible Authority.**

13. **Stormwater from the proposed dwelling/outbuilding must not be permitted to enter the septic tank system, sand filter and disposal field.**

14. **Prior to the commencement of the development, a Land Capability Assessment for all allotment of land smaller than 4050m2 must be undertaken by a suitably qualified engineer and submitted as part of any permit application to Council to install a septic tank wastewater system.**

15. **Naturally occurring stormwater must be diverted away from effluent disposal fields to the satisfaction of the responsible authority.**

16. **Prior to the commencement of construction of the dwelling or shed, an *Application for a Permit to Install* a septic tank system must be submitted and approved by Council prior to any installation.**

Drainage

17. **Prior to the issue of the Certificate of Occupancy, all stormwater discharging from the site, buildings, vehicle access ways and works must be discharged to a water tank, soak well or otherwise discharged so as not to cause erosion, flooding or nuisance to the subject or surrounding land to the satisfaction of the Responsible Authority.**

Construction

18. **Before the issue of the Certificate of Occupancy, the following works must be completed to the satisfaction of the Responsible Authority including all necessary permits being obtained and inspections undertaken:**

19. **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;**

20. **All drainage works (excluding any above ground detention tanks deferred via a Section 173 agreement) in accordance with the endorsed civil plans; and**
21. **All proposed vehicle crossings and footpaths must be constructed in accordance with the endorsed plans and IDM standards.**

Amenity

22. **The development must be managed during construction so that the amenity of the area is not detrimentally affected through the:**
    a) **Transport of materials, goods or commodities to or from the land;**
    b) **Appearance of any building, works or materials;**
    c) **Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, litter, dust, waste water, waste products, grit or oil; and**
    d) **Presence of vermin or animals.**
23. **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.**

Permit Expiry - Development

24. **This permit will expire if one of the following circumstances applies:**
    a) **The development is not started within two years of the date of this permit;**
    b) **The development is not completed within four years of the date of this permit.**

    The Responsible Authority may extend the time if a request is made in writing before the permit expires or within six months afterwards.

    Where the development or stage started lawfully before the permit expired, the Responsible Authority may extend the period in which the development or stage must be completed if a request is made in writing before the permit expires or within twelve months afterwards.

Permit Expiry – Vegetation Removal

25. **This permit will expire if one of the following circumstances applies:**
    a) **The vegetation removal works have not started within two years of the date of this permit.**
    b) **The vegetation removal works have not been completed within four years of the date of this permit.**

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards.

PERMIT NOTES:

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 seven (7) days prior to the building works commencing or prior to the delivery of materials/equipment to the site.

Road Occupation Permit

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

Stormwater Discharge Point

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

Attachments

AT-1	Amended Plans	11 Pages
AT-2	Bushfire Management Assessment, Coastal Hazard Report, Landscape Plan and Amended	73 Pages
AT-3	***CONFIDENTIAL*** - Submissions	17 Pages

Council Decision

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

That the recommendation be adopted.

CARRIED

H.4 Planning Application 200080 - 21 Highview Crescent, Surf Beach

File No:	**CM20/586**
Division:	**Place Making**
Council Plan Strategic Objective:	**Our Character**
	Celebrating the uniqueness of our townships

Application Details

Use/Development Sought:	**Development of a second dwelling**
The Land:	**21 Highview Crescent, Surf Beach**
Planning Scheme:	**Bass Coast Planning Scheme**
Zoning:	**Clause 32.08 – General Residential Zone – Schedule 1 (GRZ1)**
Overlays:	**Clause 42.02 – Vegetation Protection Overlay – Schedule 2 (VPO2)** **Clause 43.02 – Design and Development Overlay – Schedule 1 (DDO1)**

Declaration

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

Executive Summary

This application proposes to develop the land for a second dwelling (two dwellings) at 21 Highview Crescent, Surf Beach.

The proposal triggers the need for a planning permit under Clause 32.08-6 (GRZ1) of the Bass Coast Planning Scheme. The application was advertised and attracted five (5) submissions.

The application was presented to a Council Meeting on 21 October 2020 where a resolution was made to defer the decision to the next available Council Meeting. The application is to be decided at the Ordinary Council Meeting on 16 December 2020.

This report addresses the planning merits of the proposal and the issues raised by submitters. It concludes that the proposal accords with the relevant provisions of the Planning Scheme.

On this basis, it is recommended that Council resolve to issue a notice of decision to grant a planning permit for application 200080.

Reason a Council Decision is required

Council's delegations require applications that attract five or more objections to be determined by Council. This application attracted five (5) objections.

Application Details

This application proposes to construct a single storey dwelling to the rear of an existing two storey dwelling in accordance with the development plans prepared by arch idea group dated 10 Sept 2020 pp.1-9. A copy of the plan is provided at Attachment 1 (AT-1).

The particulars of the development are as follows:

Existing dwelling

- Double storey with tandem carport suitable to accommodate two cars.
- Secluded private open space is provided to the north and north east of the dwelling.
- Access is via a single crushed gravel cross over.
- The site is fenced to a maximum height of 1.8 metres with timber palings to boundaries and there is a 1.2 metre high post and wire fence to the front.
- It has limited landscaping and no significant vegetation.

Proposed second dwelling

- It is proposed to construct a second three bedroom single storey dwelling using weatherboard cladding in grey colour to match the existing dwelling.
- Access will be via the existing cross over and parking for two cars is proposed.
- Directly accessed from the living area is 38.5 square metres of secluded private open space.
- Boundary setbacks are: 1.3 metres to rear, 1 metre to north and 2.6 metres to the south offering opportunities for landscaping.
- The application proposes removal of a shipping container that is used for storage.

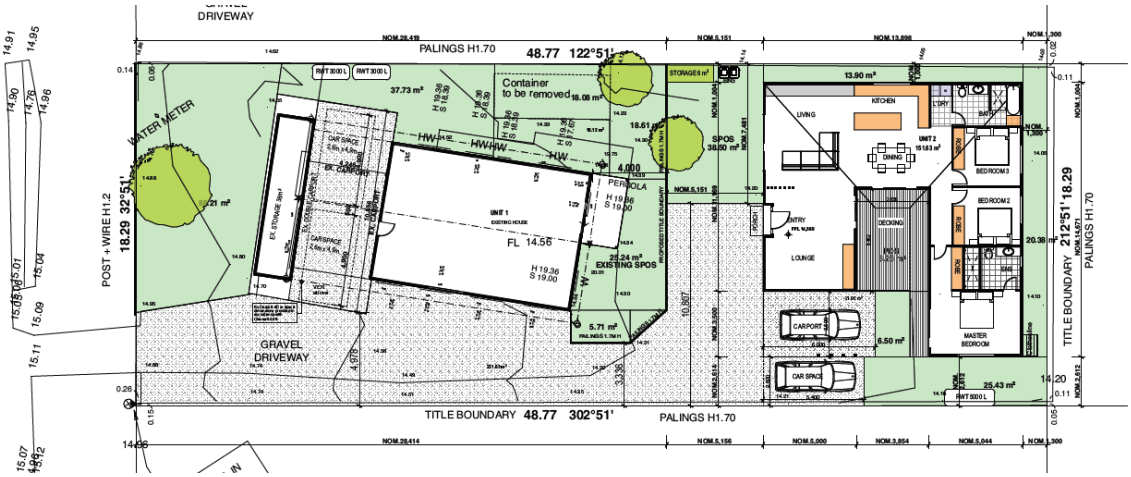


***Figure 1**. Ground floor plan of the existing and proposed dwellings.*

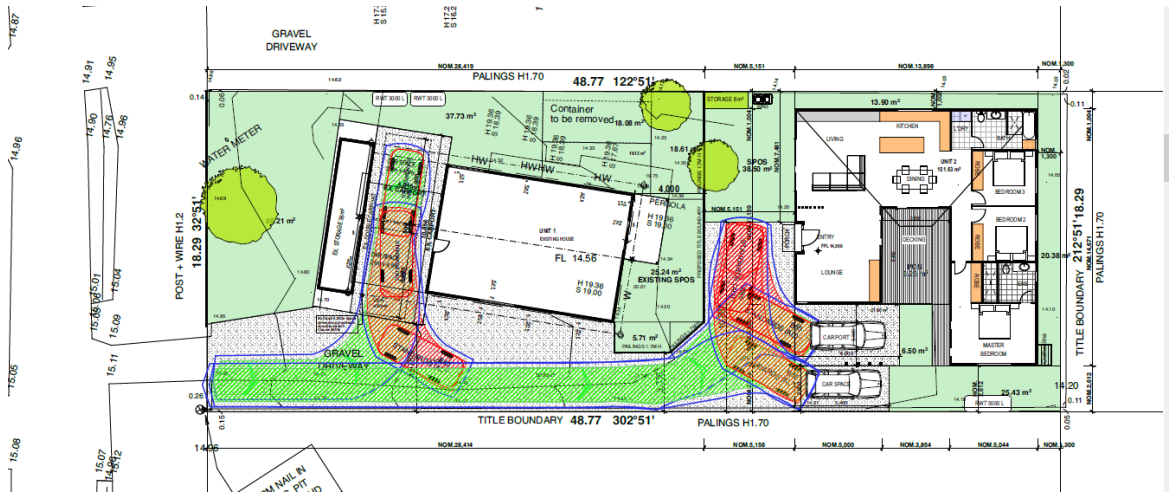


***Figure 2**. Vehicle access plan for existing and proposed dwelling.*

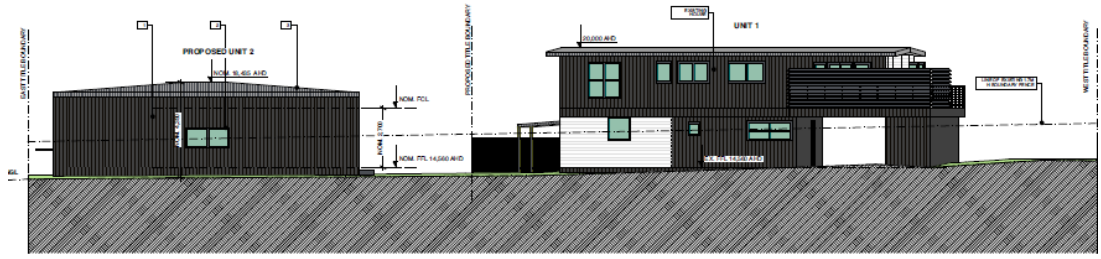


***Figure 3**. North Elevations for existing and proposed dwelling.*

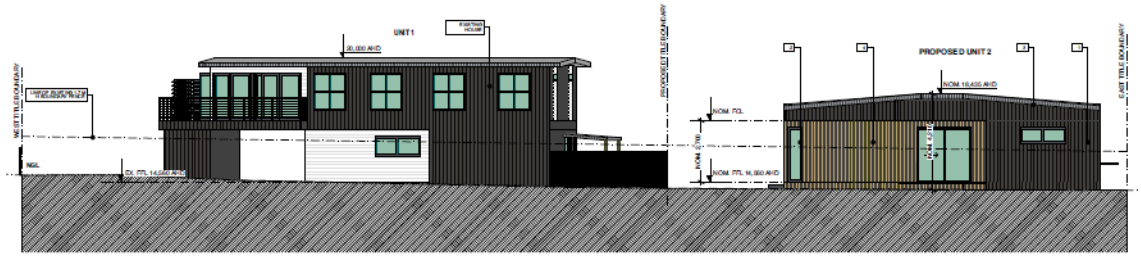


***Figure 4**. South Elevations for existing and proposed dwelling.*

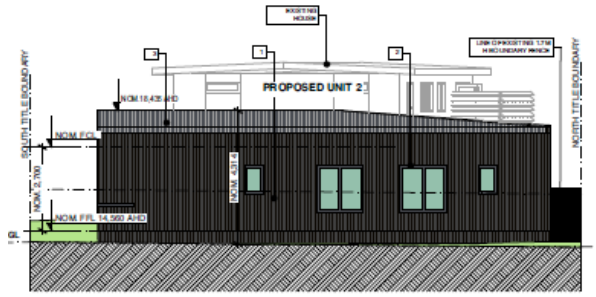


***Figure 5**. East Elevation (unit 2) for proposed dwelling.*

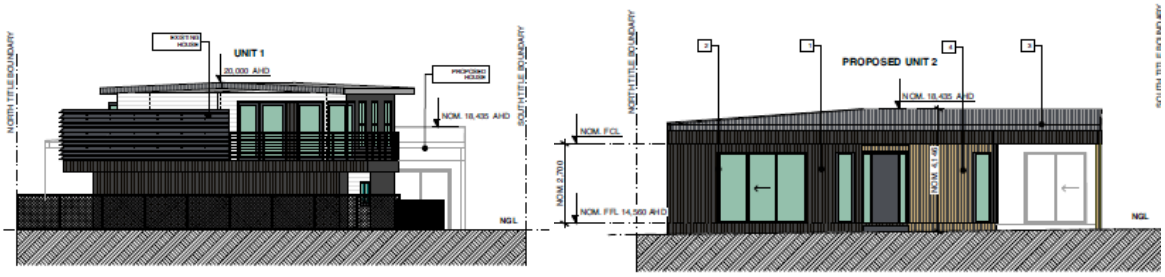


***Figure 6**. West Elevation for existing and proposed dwelling.*

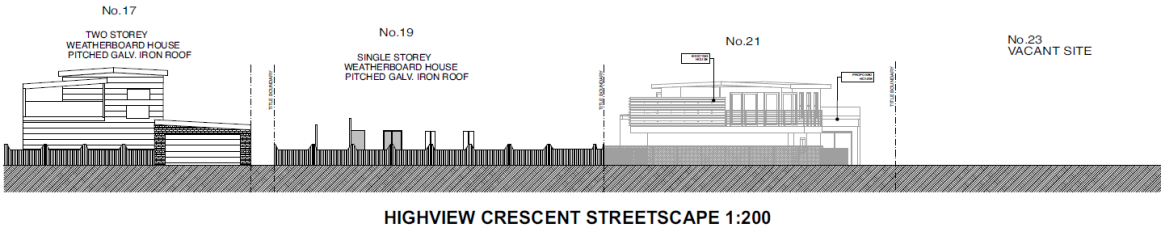


***Figure 7**. Street Elevation for Highview Crescent.*

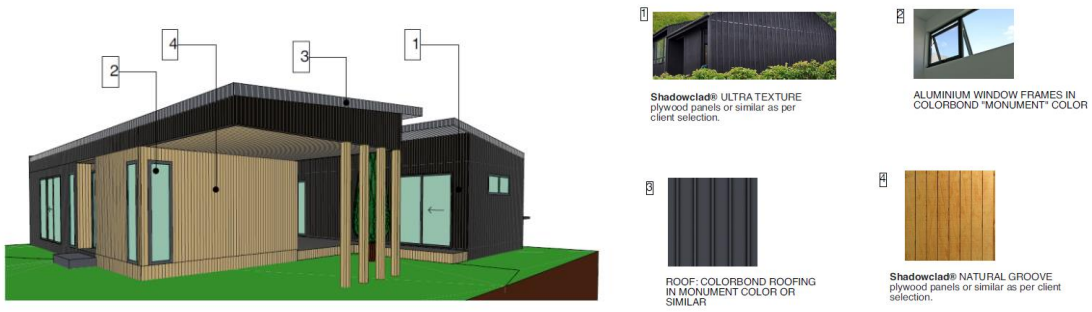


***Figure 8**. Perspective View and Materials for proposed dwelling.*

Background

Following is a description of the subject site and other relevant information pertaining to the allotment.

Site Dimensions	The site is rectangular with dimensions of: • 48.77 metres lengthwise • 18.29 metres wide
Site Area	892 square metres
Site Frontage	18.29 metres
Topography	Land slopes downwards north-east to south-west from 15 metres AHD to14 metres AHD
Vegetation Cover	There is no significant vegetation on the subject site or within the road reserve
Current Use	Residential – currently developed with a double storey dwelling and attached tandem car port and separate shipping container storage
Easements	None

Restrictive Covenants	None registered on title
Aboriginal Cultural Heritage Sensitivity	The land is in an area of Cultural Heritage Sensitivity A Cultural Heritage Management Plan (CHMP) is not required as two dwellings on a site are proposed and this is an exempt activity under *Regulation 9 of the Aboriginal Heritage Regulations 2018*

The subject site is located in Surf Beach, a township which consists of a mixture of detached single and double storey dwellings on similar sized residential allotments. The character of the area can be described as informal and relaxed with environmental aspects such as scattered vegetation throughout and coastal assets.

Adjoining properties are identified as follows:

North: 19 Highview Crescent is developed with a single storey detached dwelling.

South: 23 Highview Crescent is vacant land.

East: 24 Surf Crescent is developed with detached double storey dwelling.

26 Surf Crescent is located to the rear and is developed with a single dwelling

22 Surf Crescent is vacant land.

West: 20 Highview Crescent is opposite the site and is developed with a detached double storey dwelling



***Figure 10**. Planning zone map of the subject site at 21 Highview Crescent Surf Beach and surrounds.*



Figure 11. *Aerial photograph of the subject site at 21 Highview Crescent Surf Beach and surrounds.*

Notice

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 mail to 15 land owners and occupiers; and
- Placed a Notice on the land to face Highview Crescent.

Following the notice period, there were five (5) submissions received for the application. To date, there has been no resolution to concerns raised by objectors and therefore, there have been no objections withdrawn.

Following the notification period, the Applicant under Section 57A of the *Planning and Environment Act 1987* had amended the proposed drawings to show the existing dwelling internal layout. The changes were intended to assist with ensuring compliance of the existing dwelling under Clause 55 of the Planning Scheme.

The plans were not formally re-advertised as it was considered that the proposed changes would not result in an increase in material detriment.

Submissions

In response to notification the application attracted 5 submissions.

A summary of the remaining objections is listed in the following table and a copy of each objection is included in Attachment two (AT-2).

Table one: Summary of Concerns raised in each objection

Submission	Summary of Concerns
1.	• The proposal does not meet the neighbourhood character of the area. • Insufficient drainage infrastructure in Highview Crescent will not support the increased stormwater runoff from the proposed development. • The proposal is not in keeping with the requirements of Design and Development Overlay Decision Guidelines 43.02-6 in regards to the height, bulk and character.
2.	• The proposal will impact fragility of the area, being close to the eroding foreshore and cliffs to the beach. • The road infrastructure is poor and incapable to take load of additional development. • The environmental threat from new development to the local flora and fauna. • The poor drainage infrastructure and flooding on road will be increased with the proposed development. • The area is already overdeveloped. • Lack of infrastructure (drainage and roads).
3.	• Existing drainage system is ineffective and insufficient due to unmade roads, the inadequate drains create constant flooding issues in Highview Crescent. A second dwelling on any block increases the stormwater out on the road. • There is availability of vacant land and properties in surf beach. Therefore, there is no requirement for new development and the proposal for a second dwelling is not required in this area. • Poor road infrastructure in surf beach which is used as a secondary road for diverting traffic from the Phillip Island tourist road and will not be able to cope with the new development. • There is need to protect the wildlife and uniqueness of the Surf Beach area by not allowing further subdivision and development. • Developments in the past have been rejected in the Surf Beach area.
4.	• The proposed second dwelling causes invasion of privacy due to overlooking into the private open space for 24 Surf Crescent as the rear setback is only 1.3 meters to the fence. • The proposed second dwelling will increase the water logging issues to the rear property (24 Surf Crescent) due to the existing slope of the land. • No subdivision should be permitted in the Surf Beach area and should be totally discouraged by Council like not be encouraged within the pristine beach area of Surf Beach.

5.	• The drainage in and around the area is insufficient. The roadside drains frequently overflow and often cause flooding at the bottom of the street. • The unmade roads cannot take any more traffic and will not cope with new development. They are not maintained very well and there are no plans to upgrade those roads. • There is sufficient vacant land available for new buildings and several established properties for sale in the area. • The native flora and fauna of the area needs to be protected from an expanding population on the narrowest stretch of the island. • This area is fortunate to have large blocks providing a measure of privacy and the proposed development would be detrimental to the area to increase the population and encourage a higher density of living.

The applicant provided a written response to address objectors concerns in relation to:

- Drainage of the area.
- Flora and fauna impact of the development.
- Road Infrastructure and road management of the area.

The applicant's response including the updated drainage plan and landscape plan that was sent to all the five objectors.

No objections have been withdrawn.

Referrals

The following table outlines the referral requirements of this application.

Table two: Referral requirements and their comments

Referral Authority	Comments
External (Section 55 of the *Planning and Environment Act 1987*)	
External referrals were not required	
Internal (Section 52 of the *Planning and Environment Act 1987*)	
Development Services	Conditional consent received from Development Services on 15 July 2020.

Officer's Considerations

State and Local Planning Policy Framework Assessment

- Clause 11 Settlement
  - Clause 11.01-1S Settlement
  - Clause 11.01-1R Settlement – Gippsland
  - Clause 11.03-4S Coastal Settlement
  - Clause 11.03-6S Regional and local places

- Clause 15 Built Environment and Heritage
  - Clause 15.01-1S Urban Design
  - Clause 15.01-2S Building Design
  - Clause 15.01-5S Neighbourhood Character
- Clause 16 Housing
  - Clause 16.01-1S Integrated housing
  - Clause 16.01-2S Location of residential development
  - Clause 16.01-3S Housing diversity
- Clause 18 Transport
  - Clause 18.02-4S Car parking
- Clause 21 Municipal Strategic Statement
  - Clause 21.01 Municipal Profile
  - Clause 21.02 Settlement
  - Clause 21.02-2 Housing
  - Clause 21.05 Landscape and Built Form
  - Clause 21.05-4 Design and Built Form
  - Clause 21.09 Low Growth Settlements
  - Clause 21.09-4 Surf Beach
- Clause 22 Local planning policies
  - Clause 22.01 Storm water Management Policy

The following provides a discussion of where the proposal has satisfactorily addressed the relevant Planning Policy Framework (PPF) and Local Planning Policy Framework. It is considered that the proposal is consistent with relevant state and local planning policy.

Clauses 11, 15 and 16 of the Planning Policy Framework place emphasis through stated objectives on diversity of housing, affordable housing, urban consolidation and promotion of in-fill development for more efficient use of existing infrastructure.

Local planning policy furthers state policy and Surf Beach is identified as a low growth settlement at within the defined settlement boundary. There is strong strategic support for the site to be used for an additional dwelling given proximity to commercial and community facilities.

The proposal is consistent with the objectives related to neighbourhood character and building design and it is considered that the development achieves a satisfactory level of compliance with the existing and preferred neighbourhood character. The use of a variety of materials externally provides interest and the articulation and detailing to roof lines reflects the character of the surrounding neighbourhood.

Settlement

State and local planning policies encourage infill development and urban renewal opportunities within settlement boundaries. Clause 11.01-1S Settlement promotes development within settlement boundaries.

Clause 11.01-1R Settlement – Gippsland aims to maintain the relationship of small towns with their districts by providing services commensurate with population densities. There is strong demand for residential land to provide for increased seasonal demand on towns which have high holiday home ownership. Local planning policy Clause 21.02 Settlement, identifies Surf Beach as a small hamlet town (identified as a low growth settlement) with a seasonal population and no spatial growth capacity. Therefore, any further urban growth of Surf Beach must be primarily by means of infill development within defined settlement boundaries.

Other state policies relevant to this application are Clause 11.02-1S Supply of urban land, Clause 11.03-4S Coastal Settlement and Clause 11.03-6S Regional and local places. The objective of Clause 11.02-1S Supply of urban land is to ensure a sufficient supply of land is available for sustainable development and planning to consider opportunities for consolidation, redevelopment and intensification of existing urban areas. The proposal provides for the urban intensification of a site which is already developed and also allows for redevelopment opportunities within the settlement.

In addition, Clause 11.03-4S Coastal settlement aims to consider development within coastal settlements in Victoria and how the location adjacent to the coast could be impacted. More specifically, development should be directed within existing settlement boundaries and that growth is planned to ensure coastal values are protected. The proposed development takes advantage of an infill development opportunity in an existing settlement and is considered respectful of the adjacent coastal assets in the local area.

Built Environment and Landscape

The objective of Clause 15.01-1S Urban Design is to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place. The proposed development is considered to address the strategies outlined in Clause 15.01-1S as it responses to the design form, landscape character and creates safe and attractive spaces with respect to the neighbouring dwellings and public realm of the area.

Clause 15.01-5S Neighbourhood character seek to ensure the development recognise, support and protect neighbourhood character, cultural identity, and sense of place. The proposed development responds to the policy by:

Providing development to respect the preferred character of the area.

Responding to characteristics of the local environment and place by emphasising the:

- Pattern of local urban structure and subdivision.
- Underlying natural landscape character and significant vegetation.
- Heritage values and built form that reflect community identity.

Similar to the PPF, the LPPF Clause 21.05-4 Design and built form sets out the objectives and strategies for new development, to protect the valued aspects of local landscape and built form for an established area. The proposed development is considered to fulfil the strategic requirement of Clause 21.05-4 by giving consideration to the following strategies in the design:

- The proposed second dwelling is modest single storey structure with weatherboard cladding similar to existing and neighbouring dwellings and is consistent with existing site context.
- Setbacks to boundaries provide opportunity for landscaping that will contribute positively to the public realm and character of the area.
- All visible facades for the proposed building have windows and open courtyards which are considered to interact positively with the neighbourhood.
- The proposed dwelling is built from lightweight cladding, with design features used in entry and car port similar to existing dwellings reflecting coastal character of the Surf Beach area.
- The proposed development is considered to have achieved a site design response that responds to Clause 21.05 Landscape and Built Form that will ensure that the development will limit the impact on the natural, visual and environmental landscape character of the township.

Housing

The PPF and LPPF both encourage diversity of housing outcomes that will not compromise existing environmental and neighbourhood character. The proposed development responds positively to Clause 16.01-1S integrated housing in term of providing increased residential development within an existing settlement, integrated with available infrastructure on the subject site.

Furthermore, the development justifies Clause 16.01-2S Location of residential development, as the new development is located within existing established area and reducing the pressure of green field developments.

The proposed development responds to the above objective as it creates a diversity of housing type in the neighbourhood which respects the neighbourhood character and is located within the existing settlement of Surf Beach.

Infrastructure

Clause 22.01 Stormwater Management Policy relates to the urban areas of Bass Coast Shire. The objective of this policy is to ensure drainage is adequate and manage risks associated with flooding. A drainage plan has been submitted that has been assessed by Council's Development Services team who are satisfied with the drainage response. Standard conditions are proposed should a permit issue.

The proposed development is considered to be consistent with Clause 22.01 Stormwater Management Policy of the Bass Coast Planning Scheme.

Zone Assessment

Clause 32.08 General Residential Zone – Schedule 1 (GRZ1)

The purpose of the General Residential Zone is:

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

The application triggers the need for a planning permit under Clause 32.06-8 as a permit is required to construct a dwelling if there is at least one dwelling existing on the lot.

As per Clause 32.08-4, the subject site is required to provide 35% of garden area. The proposal sets aside 36.01% of the site for garden area and therefore, the application is consistent with the minimum garden area requirement under the zone.

Clause 55 for Two Or More Dwellings On A Lot and Residential Buildings must be assessed and considered in the decision making process. Clause 55 (ResCode) is and discussed further in the next section of this report.

Overlays

Clause 42.02 Vegetation Protection Overlay – Schedule 2 (VPO2)

The application does not trigger the need for a planning permit under Clause 42.02-2 as there is no existing vegetation on the site, surrounding allotments or in the road reserve that require removal, destruction or lopping.

Clause 43.02 Design and Development Overlay – Schedule 1 (DDO1)

The application does not trigger the need for a planning permit under Clause 43.02-2 as the maximum height of both of the dwellings does not exceed 7m from natural ground level (NGL).

Particular Provisions

Clause 55 Two or more dwellings on a lot and residential buildings

Neighbourhood character and infrastructure

The development meets the objectives and is consistent with standards that aim to respect existing and preferred neighbourhood character. The proposed second dwelling is single storey and located behind an existing two storey dwelling. It will have very limited impact in terms of scale and bulk that would be detrimental to the character of the area. It will not be highly visible from the street.

Utility services and infrastructure can be provided. The applicant has provided a drainage strategy and vehicle access plans to respond to these requirements.

Site layout and building massing

The development is consistent with the standards and objective in regards to setback from the street, building height and site coverage. The development is to comprise a single storey dwelling located behind the existing double storey dwelling. This arrangement is considered to be a suitable response to the site and surrounds.

Amenity Impacts

The development is consistent with the setback requirements so as not to unreasonably impact on the adjoining properties. The proposed development should have minimal impacts on adjacent and adjoining dwellings in terms of overshadowing or overlooking due to the single storey nature of the new dwelling. However, to further minimise the impact of overlooking, should a permit issue, additional screening will be required to reduce the opportunity of overlooking from the new dwelling into rear adjoining property.

On-Site Amenity

The development complies with requirements to provide private open space for the existing and proposed dwellings.

Detailed design

The proposed second dwelling is considered to have limited impact on the existing or adjoining dwellings and will have minimal impact on streetscape. The proposed second dwelling is modest in scale and design and responds positivity to site and surrounds opportunities and constraints.

Clause 52.06 Car Parking

The required number of car spaces for each of the dwellings is met and are considered to meet the relevant design standards as per Clause 52.06-5.

Swept path diagrams indicate that the vehicles will be able to access and egress the site safely and efficiently.

Clause 53.18 Stormwater Management In Urban Development

The proposal has been assessed against clause 53.18-5 Stormwater management objectives for buildings and works. The site drainage plans provided by the applicant have been assessed by Council's Development Services Engineering Team and are considered to have complied with clause 53.18-7 for the following reasons:

- The site drainage plans demonstrate the provision of stormwater detention within the site and prior to the point of discharge.
- The proposed plans are considered to meet the requirements of the Infrastructure Design Manual (IDM) and therefore meet the current best practice performance objectives for stormwater quality.
- The site drainage plans demonstrate that the capacity of the drainage network can accommodate the additional stormwater from the development
- A condition to enter into a section 173 agreement to contribute to off-site stormwater management has been recommended by Council's Development Services Engineering Team and this will be included on any permit if issued.

Concerns raised by Submitters

Neighbourhood character and Density

- The proposed second dwelling is not consistent with the character of the area in relation to lot size and density
- The proposal does not comply with clause 43.02 Design and Development Overlay.
- Impacts that the proposed dwelling will have on the low-scale character of Surf Beach.
- Questioned the suitability of 'higher density' living and population growth in Surf Beach from a planning point of view.
- Inconsistence in terms of development of the area, neighbourhood character, landscape or amenity.
- Questioned aspects of Clause 55 – ResCode for the proposed in relation to overlooking into the private open space for rear property.
- Developments in the past have been rejected in the Surf Beach area.

The addition of a single storey dwelling to the rear of an existing double storey dwelling is considered to achieve a suitable design response to the neighbourhood character of Surf Beach and will not unreasonably impact streetscape character of Highview Crescent.

The proposed height of the second dwelling has a maximum height of 4.35 metres which does not trigger a planning permit under the Design and Development Overlay, Schedule 1.

This proposal should be supported on the basis it is consistent with the DDO1, Clause 55 and GRZ1 in terms of building height and neighbourhood character.

Furthermore, the design response for the proposal has provided for a sympathetic front, side and rear setbacks that will ensure landscaping opportunities are available to lessen the impact of the built form.

The dwelling is single storey and there will be no overlooking impact into the property at the rear.

Setbacks meet relevant objectives and standards.

Each planning application is assessed on the merits of the proposal and whether relevant provisions are met.

Poor Site drainage and Road Infrastructure

- Existing drainage system is insufficient, due to unmade roads and inadequate drains.
- A second dwelling will increase the storm water runoff on the road.
- Drainage impact on rear property.
- The road infrastructure is poor and incapable to take load of additional development and traffic.

One additional dwelling will not have an unreasonable impact on local traffic conditions or stormwater infrastructure.

Stormwater management plans submitted with the application have been reviewed by Council's Development Services team and are considered to satisfy current best practice performance objectives for stormwater quality as contained in the *Urban* Stormwater - *Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999).

Reticulated services are available to the site and can accommodate the proposed development.

No additional crossover is proposed.
Permeable area of 36% is identified within the development.

Environmental impacts

- The native flora and fauna of the area needs to be protected from an expanding population
- The pristine character of surf beach area should be protected.
- There is need to protect the wildlife and uniqueness of surf beach area by not allowing further subdivision and development.
- The proposal will impact fragility of the area, being close to the eroding foreshore & cliffs to the beach.

There is no vegetation removal proposed and adequate landscaping opportunities are provided for both dwellings.

The site is not in an area subject to coastal inundation and therefore is considered not to exacerbate coastal erosion issues.

Conclusion

The application has been assessed against the Bass Coast Planning Scheme and is considered to be consistent with the relevant Planning Policy Framework, Local Planning Policy Framework and the decision guidelines of the General Residential Zone 1 including Clause 55 (ResCode).

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

It is recommended that Council resolve to issue a notice of decision to grant a planning permit for application 200080 subject to conditions.

Recommendation

That in relation to planning permit application 200080 for Development of Second Dwelling located at 21 Highview Crescent Surf Beach, Council resolves to issue a Notice of Decision to Grant a Permit, subject to the following conditions:

General Conditions:

1. **Before the development commences, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application being those prepared by arch idea group (dated 10 Sept 2020, Pages 1-9) but modified to show.**
   a) **The floor plan for the existing dwelling shown on the site development plan.**
   b) **Increased landscaping opportunities to the driveway areas and along the southern boundary.**
   c) **Appropriate screening measures indicated on the elevation plans for the new single storey dwellings bedroom 2 and 3 windows (eastern) to achieve compliance with standard B22 (Overlooking).**
   d) **The new single storey dwellings bathroom and ensuite eastern windows shown and notated to be obscured/frosted windows.**
2. **The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
3. **No buildings or works shall be constructed on any existing easement (including implied sewer, drainage, telephone, gas, power and water easement) or proposed easement without the further approval in writing of the Responsible Authority and/or the relevant service provider.**

Landscape Plan

4. **Prior to the commencement of the development, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The landscaping plan must be generally in accordance with the landscape concept plan dated 12/05/2020 prepared by *unknown territory* (Job No: 2023) except that the plan must:**
   a) **a survey (including botanical names) of all existing vegetation to be retained and/or removed;**
   b) **buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary;**
   c) **details of surface finishes of pathways and driveways;**
   d) **a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at**

maturity, and quantities of each plant;

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

f) The provision of canopy trees as follows:

i. One canopy tree to the front setback of the existing dwelling

ii. One canopy tree to the northern opens space area of the existing dwelling

iii. One canopy tree to the SPOS area for the new dwelling

g) Increased landscaping areas and opportunities to the driveway areas and southern boundary.

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

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

5. The landscaping shown on the endorsed plans must be thereafter maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

6. Prior to the issue of a Certificate of Occupancy or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.

Engineering Drainage

Construction

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

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

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

e) All proposed vehicle crossings 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.

Vehicle access constructed & maintained

8. **Vehicle access to the subject land must be located, constructed and maintained to the satisfaction of the Responsible Authority.**

Maintenance Of Onsite Drainage System

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

10. **Prior to the issue of a Certificate of Occupancy, or by such later date as is approved by the Responsible Authority in writing, the following works must be completed in accordance with the endorsed plans and to the satisfaction of the Responsible Authority:**

    a) **All drainage works must be constructed in accordance with a site drainage plan for the property as endorsed by the Responsible Authority pursuant to this planning permit,**

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

    c) **All proposed vehicle crossings must be constructed in accordance with the endorsed plans.**

11. **Prior to the issue of a Certificate of Occupancy, the owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 and provide evidence to the Responsible Authority that the agreement has been registered on the certificate of title for the land. The agreement will stipulate that:**

    a) **The Owner will maintain and not modify the on-site storm water detention system as shown on the endorsed Stormwater Plan without prior Council written approval**

    b) **The Owner will allow the system to be inspected by a duly appointed officer of the Council at mutually agreed times;**

    c) **The capacity of the on-site stormwater detention system, as shown on the endorsed plans, cannot be reduced and must be maintained to the satisfaction of the Responsible Authority; and**

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

    The cost of preparation, lodgement and registration of the agreement and any subsequent amendment, enforcement, removal or other dealing associated with the agreement shall be borne totally by the owner of the land.

12. **Prior to the issue of a Certificate of Occupancy, all stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge by underground pipe drains to the satisfaction of the responsible authority. No effluent or polluted water of any type may be allowed to enter the Council's stormwater**

drainage system.

Car parking areas

13. **Areas for vehicle access and car parking within the land must be surfaced with concrete, reinforced concrete, brick paving or hot mix asphalt.**
14. **The vehicle crossings to each dwelling must be constructed to the relevant Infrastructure Design Manual requirements, to the satisfaction of the Responsible Authority.**
15. **Car spaces, vehicle access lanes and driveways must be kept available for these purposes at all times.**
16. **The areas set aside for car parking and vehicle access lanes must be maintained in a continuously useable condition to the satisfaction of the Responsible Authority.**

Amenity

17. **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.**
18. **The development must be managed during construction so that the amenity of the area is not detrimentally affected through the:**
    a) **transport of materials, goods or commodities to or from the land;**
    b) **appearance of any building, works or materials;**
    c) **emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, litter, dust, waste water, waste products, grit or oil; and**
    d) **presence of vermin or animals.**

Permit Expiry - Development

19. **This permit will expire if one of the following circumstances applies:**
    a) **The development is not started within two years of the date of this permit;**
    b) **The development is not completed within four years of the date of this permit.**

The Responsible Authority may extend the time if a request is made in writing before the permit expires or within six months afterwards.

Where the development or stage started lawfully before the permit expired, the Responsible Authority may extend the period in which the development or stage must be completed if a request is made in writing before the permit expires or within twelve months afterwards.

PERMIT NOTES:

Asset Protection Permit

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

Road Occupation Permit

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

Stormwater Discharge Point

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

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.

Attachments

AT-1	Proposed plans	9 Pages
AT-2	Planning Schemes	23 Pages
AT-3	***CONFIDENTIAL*** - Submissions	11 Pages

Council Decision

Moved: Cr. Rochelle Halstead / Seconded: Cr. Bruce Kent

That the recommendation be adopted

CARRIED

H.5 Amendment C150Basc - Consideration of Planning Panel Recommendations

File No:	**CM20/636**
Division:	**Place Making**
Council Plan Strategic Objective:	**Our Character** Celebrating the uniqueness of our townships

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:

- The recommendations of the Independent Planning Panel for Amendment C150Basc to the Bass Coast Planning Scheme;
- Adopting Amendment C150Basc with the changes recommended by the Independent Planning Panel; and
- Requesting the Minister for Planning approve Amendment C150Basc.

Amendment C150Basc is a proponent-led amendment that proposes to change the zoning controls affecting land on which 46 apartments reside at 126 Shetland Heights Road, San Remo from a Low Density Residential Zone to a General Residential Zone.

The Amendment seeks to provide clear strategic direction for the future land use and development of the land by recognising the existing conditions of the site and legitimising the way it is currently being used. The Amendment seeks to allow for a more appropriate ownership and management structure to be created on the land in the efforts of ensuring a pleasant, efficient and safe living environment for current and future residents of the apartments.

The rationale for the changes proposed by Amendment C150Basc and the submissions received in response to exhibition of the Amendment were presented to an Independent Planning Panel in September 2020.

The Panel has since provided its Report which recommends Council adopt Amendment C150Basc as exhibited with the following change:

a) Retain the Significant Landscape Overlay on the site.

In accordance with Section 27 of the *Planning and Environment Act 1987*, Council must consider the Panel's report in its entirety before deciding whether or not to adopt Amendment C150Basc.

Background

Amendment C150Basc applies to part of 126 Shetland Heights Road, San Remo, more particularly described as part of Lot 30 on Plan of Subdivision 509910X and shown in Figure 1 below.



Figure 1 Subject area highlighted in red

The land originally formed part of a larger golf course and resort proposal, with a planning permit applying to this parcel of land that would have allowed for the development of 103 resort suites (group accommodation and an associated administration building).

Development under this permit was only partially completed, resulting in 46 'resort suites' and associated car parking being constructed.

The golf course and associated resort facilities allowed under a myriad of other planning permits have never fully come to fruition. In the absence of these facilities, Bass Resort has defaulted to a land use that can be more appropriately aligned with the planning scheme land use description 'dwelling', rather than 'group accommodation' as originally intended. This is because the accommodation offered is a mixture of owner occupier, owner leases and holiday letting, enabled through 399 year leases.

In terms of the current planning scheme provisions, the use of land for more than two dwellings is prohibited in the Low Density Residential Zone (current zoning) and the subdivision of land so that each apartment 'dwelling' is on its own allotment cannot occur as the Low Density Residential Zone sets a minimum subdivision area of 2000 square metres.

In essence, the planning controls currently applying to the site result in the development being a non-conforming land use, and there are no mechanisms under the current planning controls to remedy this.

This has resulted in the land staying in a single ownership with a leasing structure that has proven to be problematic for managing the business, encouraging investment and securing bank funding.

The Amendment Process

Exhibition

In order to facilitate a future subdivision of the apartments so as to allow for individual titling and for the creation of an owner's corporation, Amendment C150Basc initially proposed the following:

- Rezone part of the land from Low Density Residential Zone (LDRZ) to the General Residential Zone Schedule 1 (GRZ1); and
- Remove the Significant Landscape Overlay Schedule 1 (SLO1) from the land to be rezoned.

The Amendment was placed on public exhibition in this form for one month between Thursday 16 April and Saturday 16 May 2020 which included:

- Notice in the Victorian Government Gazette on 16 April 2020;
- Notice in the Phillip Island and San Remo Advertiser on 16 April 2020;
- Referral to relevant Ministers;
- Notice to relevant authorities;
- Notice to adjoining Municipalities; and
- Letter to 93 impacted landowners and occupiers.

Submissions

The Amendment attracted a total of 27 submissions in response to Exhibition. This included 19 letters of support, three neutral responses from referral authorities and five letters of concern/objections.

These submissions were formally considered at Council's 15 July 2020 Ordinary Meeting and were referred to a Planning Panel for independent review and resolution.

Outstanding issues considered by the Panel included:

- Whether the proposed rezoning was strategically justified;
- Whether the removal of the SLO was strategically justified;
- Bushfire risk and inconsistency with bushfire policy;
- Drainage concerns;
- Concerns in relation to the previous development of the resort:
    - suggestion part of the pavilion structures had been constructed over the property boundary.
    - suggestion that upgrades to Shetland Heights Road were required.
- Concern regarding the lack of footpaths provided in the broader area.

Panel Hearing and Report

A multi-day Panel Hearing for the Amendment was held virtually from Monday 14 September to Wednesday 16 September 2020.

The Panel provided an opportunity for independent consideration of all 27 submissions received during exhibition and for Council and the Proponent to present their positions on the various matters of the Amendment. There were also appearances from four community members/groups and one referral authority.

The Panel has since provided a report of its recommendations to Council for consideration. The Panel has recommended that Amendment C150Basc be approved subject to the retention of the Significant Landscape Overlay on the site.

Current Status

Following receipt of a Panel Report, Council must make a decision on whether to adopt the Amendment (with or without changes) and refer it to the Minister for Planning for approval or to abandon the Amendment. The below flowchart shows where we are currently sitting in the amendment process.



Figure 2: The Planning Scheme Amendment Process

Strategic Basis

Council Plan Objective:

Our Character – *Celebrating the uniqueness of our townships*

Strategies / Policies

The purpose of the Bass Coast Planning Scheme is:

- *To* provide *a clear and consistent framework within which decisions about the use and development of land can be made.*
- *To* express *state, regional, local and community expectations for areas and land uses.*
- *To* provide *for the implementation of State, regional and local policies affecting land use and development.*

Amendment C150Basc is expected to support the following State, regional and local policies:

- Clause *11.01-1S Settlement - To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.*
- Clause *11.01-1R Settlement – Gippsland - Recognises the Gippsland Regional Growth Plan 2014 and identifies San Remo has a small town able to support growth*
- Clause *11.03-4S Coastal Settlement - To plan for sustainable coastal development*
- Clause *13.02-1S Bushfire Planning - To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.*
- Clause *16.01-1S Integrated Housing - To promote a housing market that meets community needs.*

- Clause *16.01-3S Housing Diversity - To provide for a range of housing types to meet diverse needs.*
- *Clause 21.02 Settlement - Identifies San Remo as a district town with a large and* diverse *population. All essential services are provided to surrounding settlements. Variety of housing and moderate employment base. Popular visitor destination. Population retirement destination. Expansion and infill capacity is moderate spatial growth capacity. Encourage some growth beyond urban zoned land and infill development within township boundary.*
- Clause *21.02-1 Growth of Towns - To ensure that residential development and related urban uses are restricted to existing or identified settlements.*
- *Clause 21.05-2 Character Areas - Recognises Anderson Peninsula (between San Remo and Kilcunda) as one of six ecologically distinct Character Areas in the Shire (See section on Coastal Spaces and Amendment C98).*
- *Clause 21.08-3 Moderate Growth Settlements – San Remo - Sets out a framework for* future *use and development within San Remo and includes the subject land within the settlement boundary for San Remo.*

Statutory Requirements/Codes/Standards/Policies

As an amendment requires Council to begin a process to change the law, the *Planning and Environment Act 1987* requires Council to have regard to certain matters in preparing and progressing an amendment.

Amendment C150Basc is subject to the provisions in Part 3 of the *Planning and Environment Act 1987* which stipulate the process Council must follow when preparing an amendment.

Council must consider all Ministerial directions when preparing an amendment to a planning scheme. The following directions are relevant to the Amendment:

- Minister Direction *The Form and Content of Planning Schemes;*
- Ministerial Direction No. 11 *Strategic Assessments of Amendments*; and
- Ministerial Direction No. 15 *The Planning Scheme Amendment Process.*

Council must also consider planning practice notes which provide advice about the operation of planning schemes. The following practice notes are relevant to the Amendment:

- Planning Practice Note 46 *Strategic Assessment Guidelines for preparing and evaluating planning scheme amendments*; and
- Planning Practice Note 74: *Availability of planning documents*.

Discussion

The Panel report acknowledges that Amendment C150Basc will resolve the long-running issues associated with the ownership structure of Bass Resort and the inability for owners to subdivide and create separate titles for the apartments and the common property.

The Panel has suggested that the Amendment is well founded and strategically justified. There is acceptance that the site is within the settlement boundary of San Remo, a district town capable of accommodating moderate levels of growth, and that legitimising the apartments will deliver on the housing diversity and affordability objectives outlined in the Bass Coast Planning Scheme.

The Panel has recommended that the Amendment be adopted as exhibited, however, suggests that the Significant Landscape Overlay be retained on the site.

The following discussion provides an overview of the key issues raised in the submission to Amendment C150Basc which were put to the Panel and the Panel's response.

Issue: *Whether the proposed rezoning was strategically justified*

Through submissions, concern was raised that the Amendment is effectively supporting a 'spot rezoning' in a location that is some distance from the town centre, community services and areas where higher residential densities are preferred.

Panel Discussion

The Panel acknowledged that the site is within the settlement boundary of San Remo, is a relatively short distance to the town centre and is appropriately serviced.

It accepted that the General Residential Zone would appropriately reflect the current use and development of the land, and provides a solution to the current restrictions on subdivision that apply under the current zoning.

Although the Panel recognised that alternate planning overlays exist that could provide a resolution to the long-standing issues associated with the site without a change in the underlying zone, it did acknowledge that Council was directed to modify the form of the Amendment through conditions of Ministerial Authorisation. It suggested that it would not be fair on the apartment owners or proponent to abandon the Amendment in its current form in favour of a different site specific overlay.

The Panel concludes that:

- While *the Panel considers that the application of a site specific control allowing the subdivision of the site would have been a more strategically sound approach, on balance it accepts that the application of the GRZ to the site is appropriate.*

Officers are supportive of the Panel recommendation.

Issue*: whether the removal of the SLO was strategically justified:*

Concern was raised through submissions about the proposed removal of the Significant Landscape Overlay being in conflict with broader strategic planning policy and the National Trust classified landscape along this part of the coast.

Panel Response:

The Panel expressed caution around the removal of the Significant Landscape Overlay until such a time that a detailed assessment of landscape values has been undertaken for the area and found to no longer warrant protection through the Planning Scheme.

The Panel agreed with submitters that that any future development of the site should address landscape character and demonstrate that the objectives of the Significant Landscape Overlay can be met.

The Panel concludes that:

- *There is no justification for removing the SLO from the site.*

Officers are supportive of the Panel recommendation to retain the Significant Landscape Overlay. The Overlay will not hinder efforts to subdivide the apartments to create separate titles and therefore it is suitable that the Amendment be changed to retain it.

Issue*: bushfire risk and inconsistency with bushfire policy:*

Concern was raised in the submissions about whether the Amendment adequately responds to bushfire policy and whether it is increasing bushfire risk.

Panel Response:

The Panel acknowledged that the Planning Scheme requires consideration to be given to whether an amendment would increase bushfire risk, rather than whether an existing development on the land meets current bushfire construction standards and defendable space requirements.

The Panel was satisfied that the Amendment will not allow for the intensification of development or population on the site.

The Panel accepted that should the site be redeveloped in the future; it would be suitable from a bushfire policy perspective given:

- The site is in a low risk location;
- The site has safe access to areas where human life can be protected; and
- New development would be required to meet current bushfire construction standards.

The Panel concludes that:

- *The* Amendment *is not inconsistent with bushfire policy.*
- Modifications *to the Amendment to address bushfire risk are not justified.*

Officers are supportive of the Panel recommendation.

Issue*: drainage:*

Through submissions concern was raised regarding the adverse impacts of stormwater discharge onto land to the south.

Panel Response:

The Panel acknowledged that the collapse of the original golf resort development has resulted in legacy drainage issues for the area.

While it doesn't consider it appropriate for stormwater to discharge onto privately owned property in the absence of drainage easements, the Panel did state that this Amendment is not an appropriate forum to resolve the issue. The reason for this is that the Amendment is seeking to regularise the use of an existing development and with that, there will be no alteration to existing stormwater discharges.

The Panel acknowledged that any future permit application would need to be assessed against the stormwater management provisions of the Planning Scheme in place at the time, with consideration given to appropriate conditions that meet current standards and policy requirements in the Planning Scheme.

The Panel concludes that:

- *The* Amendment *is not inconsistent with policy objectives in the Planning Scheme around stormwater management.*
- *It is not appropriate to include requirements in the Amendment to upgrade or revisit the* design *of the existing drainage system approved some years ago as part of the resort development.*
- *It is not appropriate to tie the rezoning of the site to compliance with conditions in the 4* lot *subdivision permit, as there is no nexus between the 4 lot subdivision and the Amendment.*
- *Any* future *permit application will need to be assessed against the provisions of the Planning Scheme in place at the time, with consideration given to appropriate conditions that meet current standards and policy requirements in the Scheme relating to drainage and stormwater discharge.*
- *In the meantime, the Panel encourages Council to work constructively with Westernport Pastoral to resolve the legacy drainage issues under the Water Act.*

Officers are supportive of the Panel recommendation.

Issue*: road upgrades, footpaths and pedestrian connections:*

Through submissions there was question raised as to whether the Amendment should require a contribution to upgrades to Shetland Heights Road or the construction of footpaths along Shetland Heights Road or Potters Hill Road.

Panel Response:

The Panel suggested that as the Amendment is not seeking to facilitate new development, there is no nexus for requesting contributions for road upgrades or new footpath connections.

The Panel concludes that:

- *There is no justification for requiring the construction of or contributions to Shetland Heights Road upgrades, new footpaths or new pedestrian links as part of the Amendment.*

Officers are supportive of the Panel recommendation.

Finances

This is a proponent led planning scheme amendment that requires statutory fees to be paid to Council to progress the Amendment.

Costs to Council have principally involved officer time. Budget for assessing the Amendment and presenting Council's position on the Amendment at the Planning Panel was included in the 2019/2020 and 2020/2021 budget as part of core business.

Stakeholders

Stakeholders were identified prior to exhibition of the amendment and a communications plan was developed to ensure that requirements of the *Planning and Environment Act 1987* could be met.

Relevant stakeholders for this amendment included:

- Bass Coast Shire Council;
- Bass Resort owners and occupiers;
- Adjacent landowners and managers;
- San Remo residents; and
- Referral authorities.

Options

As Council is now in receipt of the recommendations of the Independent Planning Panel, a decision is required on how to proceed with Amendment C150Basc.

Council has three options, which have been detailed below.

Option 1

The first option is for Council to resolve to adopt Amendment C150Basc with the changes recommended by the Independent Planning Panel and to send the Amendment to the Minister for Planning for approval.

Implications

This is the preferred position as Council will be able to demonstrate to the community and to the Minister for Planning that the issues raised during exhibition and at the Panel Hearing have been considered and where appropriate, addressed through the Amendment.

This option presents a clear way forward for the current and future landowners and occupiers of the site in that it will resolve issues around legitimacy and ownership structure.

Option 2

The second option is for Council to resolve to adopt Amendment C150Basc with changes that vary from the recommendations of the Independent Planning Panel and to send the Amendment to the Minister for Planning for approval.

Implications

Should Council resolve to make significant changes to the Amendment at this stage in the process outside of the advice of the Independent Planning Panel, there is a risk that they may be considered a transformation of the Amendment. If considered a transformation, the changes would require strategic justification as well as re-exhibition, which would result in significant resourcing, timing and financial implications.

Option 3

The third option is for Council to resolve to abandon Amendment C150Basc.

Implications

Abandoning the Amendment at this stage in the process presents significant uncertainty for land owners and occupiers.

This option is not recommended as the Amendment has been seriously considered through both the exhibition and panel hearing processes, and has the support of an Independent Planning Panel.

Conclusion

Amendment C150Basc has been prepared for the purpose of rectifying the consequences of a failed golf course development on land at Shetland Heights Road, San Remo.

The amendment was exhibited in accordance with the requirements of the *Planning and Environment Act 1987*, and in response 27 submissions were received. These submissions have all now been considered by both Council and an Independent Planning Panel.

The Amendment is underpinned by significant strategic justification, is consistent with the objectives of the Planning Policy Framework, and has been supported by an Independent Planning Panel.

For these reasons, it is recommended that Amendment C150Basc to the Bass Coast Planning Scheme be adopted in accordance with the Panel's recommendations and submitted to the Minister for Planning for approval.

Recommendation

That Council:

1. Adopt Planning Scheme Amendment C150Basc in accordance with Section 29(1) of the *Planning and Environment Act 1987* with the changes recommended in the Panel Report dated 14 October 2020; and

2. Submit the adopted amendment to the Minister for Planning for approval in accordance with Section 31(1) of the *Planning and Environment Act 1987*.

Attachments

AT-1 Planning Scheme Amendment C150basc Panel Report 43 Pages

Council Decision

Moved: Cr. Rochelle Halstead / Seconded: Cr. Bruce Kent

That the recommendation be adopted.

CARRIED

H.6 Proposed Development Plan Endorsement (DPO3) - Grantville Mixed Use Zone Precinct

File No:	**CM20/658**
Division:	**Place Making**
Council Plan Strategic Objective:	**Our Character** Celebrating the uniqueness of our townships

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 the endorsement of a development plan under the Development Plan Overlay Schedule 3 (DPO3) for the land at 1531 & 1545 Bass Highway, Grantville. The proposed development plan shows the location and general footprint of various land uses and infrastructure.

In summary, the proposed development plan includes:

- A new service road accessed just south of the V/line bus stop and continuing the length of the site.
- New commercial uses in central Grantville comprising
  - A supermarket including loading bay, mall access and drive-through area
  - A café (food and drink premises)
  - Retail space
  - Medical Centre and Pharmacy
  - Service Station
- Approximately 17 new residential lots at 600sqm each
- Approximately 160 Car parking spaces to service the commercial uses

The endorsement of a development plan enables the land to be developed in accordance with the provisions of the Mixed Use Zone (MUZ) and Development Plan Overlay (DPO3) which apply to the land.

In response to informing surrounding landowners of the proposal, 10 submissions were received and eight provided unconditional support to the proposal. Two raised concern with the proposal.

This report provides an assessment of how the proposed development plan responds to the relevant provisions of the Bass Coast Planning Scheme. It is recommended that the proposed development plan be approved conditional of an amended development plan being produced that includes the recommended bushfire management measures set by the Country Fire Authority.

Subject site and surrounding area

The subject site is known as 1531 & 1545 Bass Highway, Grantville or alternatively as Lot 1 on PS609409 and Lot 1 on PS626838. The proposed development plan applies to the land highlighted in Figure 1. The two parcels combined are approximately 2.77 Hectares (27 700 Square metres) with an approximate frontage to Bass Highway of 275 metres. The site is bound to the north by a Council reserve which provides pedestrian access between Bass Highway and Brazier Street. It is bound to the east by residential properties fronting Brazier Street (part of the "Grantville Rise Estate"). To the south of the site it is bound by grazing land at 1565 Bass Highway. To the west the site is bound by Bass Hwy and beyond this, land in the Commercial 1 Zone and the Industrial 1 Zone.

The site itself is largely undeveloped and has been used for grazing.



Figure 1: Satellite Image with Subject Site highlighted in yellow

The development plan overlay schedule 3 applies to various land generally to the south east of the Bass Highway and Grantville-Glen Alvie Road intersection as shown in red in Figure 2. Historically, development plans under this overlay have been piecemeal largely due to the fragmented ownership and market forces. Areas with endorsed development plans are shown as green in Figure 2.



Figure 2: Satellite Image with DPO3 area highlighted in Red and approved development plans in green

Details of Proposal

The purpose of the proposal is to request Council endorse a development plan for the subject site to enable the land to be developed in accordance with the requirements of the Mixed Use Zone.

In summary, the proposed development plan includes:

- A new service road accessed just south of the V/line bus stop and continuing the length of the site.
- New commercial uses in central Grantville comprising
  - A supermarket including loading bay, mall access and drive-through area
  - A café (food and drink premises)
  - Retail space
  - Medical Centre and Pharmacy
  - Service Station
- Approximately 17 new residential lots at 600sqm each
- Approximately 160 Car parking spaces to service the commercial uses

The proposed development plan does not show the floor area of the proposed land-uses because the development plan is 'indicative' in nature and shows a road, drainage and land-use layout. A future planning application will be required to consider the process in which the access road, drainage infrastructure and land-uses are constructed.

Attachment 1 (AT-1) shows the proposed development plan

Strategic Basis

Council Plan Objective:

Economic Development – *Expanding, attracting and retaining business and investment*

Liveability – *Enjoying the place we live*

Our Character – *Celebrating the uniqueness of our townships*

Strategies / Policies

Within the Bass Coast Planning Scheme, the Planning Policy Framework provides for a range of state policies that are relevant to the proposal such as settlement – Gippsland, economic development, environmental risks and amenity, built environment and heritage, housing, transport and infrastructure.

The Local Planning Policy Framework builds on the above policies specific to the areas of Bass Coast.

Clause 21.02 Settlement, establishes the settlement hierarchy and sets out strategic directions and development opportunities within the Shire. Council has prepared design frameworks and structure plans for all towns that subsequently informs the local areas section in Clause 21.07, 21.08 and 21.09.

Clause 21.03 Economic Development, establishes the business centres in Bass Coast Shire including their role and function.

Clause 21.08 Moderate Growth Settlement, provides a Strategic Framework plan which provides a clear direction for the future physical form of Grantville and it defines a settlement boundary for development.

The current zone and overlay controls that apply to the land under the provisions of the Bass Coast Planning Scheme are *Clause 32.04* (Mixed Use Zone) *and Clause 43.04 (*Development Plan Overlay Schedule 3)

Statutory Requirements/Codes/Standards/Policies

A development plan endorsement is subject to the provisions of the *Planning & Environment Act 1987,* which stipulates the requirements of the act that must be followed in addition to the requirements of the Bass Coast Planning Scheme and associated strategies and structure plans.

Development Plan Assessment Process

Notification

The provisions of the *Planning & Environment Act 1987* 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 permit 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 26 October 2020 the land owners and occupiers of the existing allotments within the development plan area were advised in writing of the proposed Development Plan. The submissions are discussed later in this report.

It is noted that since the commencement of notification, the Applicant has provided an updated Development Plan which clarifies an inconsistency between the indicative access layout and the development plan where the supermarket drive-through access direction went in the opposite direction.

Referrals

Similar to notification, the provisions of the *Planning & Environment 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 to internally to Development Services, and to the following external agencies: Telstra, Ausnet, Westernport Water, Melbourne Water, APA Group, Department of Transport and the CFA.

Responses were received from the following agencies:

Department of Transport

The site fronts Bass Highway which is a Road Zone Category 1. As this is not a Council managed road, the application was referred to the Department of Transport who, on 1 October 2020, advised the access arrangements via a service road shown on the proposed development which:

- provides entry to the proposed service road positioned south of the existing bus stop.
- is contiguous along the entire length of the development area fronting the Bass Highway with only one entry and exit to the Bass Highway; and
- has no mid-block access

CFA

The Country Fire Authority provided advice on 18 November 2020. The advice recommends that additional information is prepared which:

- *Identifies the surrounding bushfire hazards at both the local and landscape scale.* This *should be in the form of landscape bushfire hazard site assessment and a bushfire hazard site assessment within 150m of the subject land.*
- Demonstrates *how the design of the development plan responds to policy contained at Clause 13.02-1S and Clause 71.02-3.*
- Considers *whether radiant heat exposure benchmarks have been met (Clause 13.02-1S) and can be achieved given the layout and design of the proposed development plan.*
- *Considers whether a development plan that largely meets the proposed design is* capable *of providing adequate bushfire protection measures to reduce bushfire risk once a planning permit has been sought. Further consideration of appropriate bushfire protection measures is also therefore recommended such as landscaping and vegetation management, road design (perimeter roads) and access, setbacks from bushfire hazards, building development to an appropriate construction standard, etc.*

The CFA recommended the development plan not be endorsed without these deficiencies resolved.

In response to this submission, the applicant has provided a Bushfire Assessment prepared by Eco Vision Australia Land Management Consultants (and dated 30 November 2020) addressing the above points and recommending strategies for bushfire hazard mitigation. To ensure that bushfire risk is properly and robustly considered, it is recommended that should Council resolve to endorse the Development Plan, this not be completed until a revised bushfire hazard response considered acceptable by Council officers and the Country Fire Authority.

The following internal referrals were made:

Internal referral	Response
Development Services	Council's development services team provided advice that the proposed conceptual drainage strategy and indicative road layout is acceptable on 2 October 2020.

Submissions

Ten (10) submissions were received and eight (8) provided unconditional support to the proposal. Two (2) raised concern with the proposal.

The table below contains a summary and response of the key issues and recommendations. The submissions are included in Attachment 2 (AT-2).

Issue	Response
Traffic Concerns at Bass Highway Intersection	Submission 5 raised concern regarding safety at the intersection at Bass Highway and Grantville-Glen Alvie Road. This intersection is outside the subject site and forms part of Regional Road Victoria's declared road network. Council's Traffic Officer will continue to work with Regional Roads Victoria to resolve traffic conflicts along the Bass Highway.
Future Residential Amenity	Submission 9 raised concern regarding the amenity of the future residential component, specifically in regard to noise and fumes associated with the proposed service station and Bass Highway. The report associated with the development plan suggests the erection of acoustic walls which will assist in noise attenuation. Clause 32.04-3 specifies a requirement that use of land for a service station must not adversely affect the amenity of the neighbourhood, including through: • The transport of materials or goods to or from the land. • The appearance of any stored materials or goods. • Traffic generated by the use. • Emissions from the land. This detail will be determined at the planning permit stage.

Car Parking and Residential Land Use	Submitter 9 also raised concern that the proposed residential component prevented any future expansion of the car park and commercial development In response, Council officers note the assessment against the requirements of Clause 52.06 of the Victorian Planning Provisions later in this report. Council officers further consider that the subject site will remain in the Mixed Use Zone which allows both residential and commercial land uses and it is the responsibility of future land-uses to provide their own on-site parking.

Discussion

The subject land is located within the Mixed Use Zone and is well placed as the next spatial growth opportunity for commercial land in Grantville. The proposed development, if approved, will provide much needed commercial services including a supermarket as well as diversity in commercial choice through a new medical centre, pharmacy and service station. The proposal also provides additional residential housing choice and supply in the township.

In summary, the proposed development plan includes:

- A new service road accessed just south of the V/line bus stop and continuing the length of the site.
- New commercial uses in central Grantville comprising
  - A supermarket including loading bay, mall access and drive-through area
  - A café (food and drink premises)
  - Retail space
  - Medical Centre and Pharmacy
  - Service Station
- Approximately 17 new residential lots at 600sqm each
- Approximately 160 Car parking spaces to service the commercial uses

Planning Policy Framework (PPF)

All Development Plans must be consistent with the state-level planning policy framework which applies to all planning schemes in Victoria.

Clause 11.03-1S (Activity Centres) includes the following strategy:

> *Support the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies.*

The proposal is considered to meet this strategy given the proposed development includes a large commercial component. The proposal is also consistent with a number of other strategies including providing housing in proximity to activity centres and expanding activity centres in proximity to public transport.

The entirety of the Bass Coast Shire area has been identified as a "Distinctive Area and Landscape" under the Planning and Environment Act. Clause 11.03-5S has the objective to protect and enhance the valued attributes of identified distinctive areas and landscapes. The proposal is not considered to negatively impact the valued attributes of the area.

The proposed development plan is consistent with Clause 17.02-1S (Business) as it increases the supply of commercial land in the shire and does so within an established centre and in line with local policy.

The proposed development plan achieves the strategies and objectives of the planning policy framework for the following reasons:

- It enacts the strategy at Clause 11.03-1S (Activity Centres) by facilitating the continued growth and diversification of the Grantville Activity Centre
- The proposed development plan does not negatively impact the valued attributes of Bass Coast as a distinctive area and landscape (Clause 11.03-5S)
- It increases the supply of commercial land within an established business centre in accordance with Clause 17.02-1S (Business)

Local Planning Policy Framework (LPPF)

The local planning policy framework includes objectives and strategies specific to the Bass Coast Planning Scheme and all development plans must also be consistent with this policy.

Clause 21.02 (Settlement) sets out a settlement hierarchy which identifies Grantville as a "Town", and further describes it as a settlement with a population level in line with the general services available in the town as well as potential for infill development within the township boundary. The proposed level of development is consistent with the other "town" level settlement in the shire, including the likes of Inverloch which is serviced by a supermarket.

Clause 21.03 (Economic Development) further identifies Grantville's role as a business centre providing retailing and community facilities for the local and wider population. It goes on to note that the role and function of these centres is set to evolve with the increase of local population as well as visitation rates. Beyond the local services it provides to the waterline townships and the rural hinterland (including Kernot and Krowera), Grantville is the first commercial centre encountered when entering the shire from the North-west, forming a gateway to the shire and an appropriate road-stop on the journey to Phillip Island/San Remo, the Bunurong coast townships and the rest of the shire.

The development plan specifically responds to Strategy 2.2 under Clause 21.03-2 which encourages the establishment of commercial uses on undeveloped commercially zoned land in the smaller townships of the municipality.

In this way, the proposed development plan is consistent with the evolving role of Grantville in the shire.

The Grantville Strategic Framework Plan (Clause 21.08) establishes a clear direction for growth and development in the town by defining a settlement boundary for residential and commercial development. Furthermore, the plan and its associated strategies aim to encourage the development of Grantville as an emerging district service centre and to facilitate the provision of a diversity of housing choice and types.

It is considered that the proposed development plan amendment is consistent with planning policy for the following reasons:

- The proposed development plan is consistent with the Settlement (Clause 21.02) and Growth (Clause 21.08) directions for the township of Grantville
- The proposed development clause is specifically encouraged by Council's Economic Development Planning Policy at Clause 21.03.

Mixed Use Zone

The purpose of the Mixed Use Zone is to provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality as well as implement the Municipal Planning Strategy and the Planning Policy Framework.

The following land use considerations are made:

Land Use	Consideration
Dwellings	No permit required under the Mixed Use Zone
Supermarket, retail and pharmacy (Shops)	Supermarket, retail premises and pharmacy fall under the parent land-use category of shop. A permit is required for any shop with a footprint greater than 150sqm. Therefore a permit will be required at the statutory planning stage for these uses. Pursuant to Clause 71.03-2, through this process, Council must decide whether the proposal will produce acceptable outcomes in terms of the Municipal Planning Strategy, the Planning Policy Framework, the purpose and decision guidelines of the zone and any of the other decision guidelines in Clause 65. Having general regard to the state, regional and local planning policy framework, the proposed land uses are considered to support the development of Grantville as an emerging district service centre. Detailed assessment can take place at the planning permit stage.
Medical Centre	A permit is required for a medical centre with a gross floor area exceeding 250 square metres. No floor area for the proposed medical centre is nominated. As noted above, detailed assessment can take place at the planning permit stage but a medical centre is generally consistent with Grantville's role as an emerging district service centre and complementary to the other proposed landuses. Detailed assessment can take place at the planning permit stage.
Food and Drink Premises	A permit is required for a food and drink premises with a gross floor area exceeding 150 square metres. No floor area for the proposed café is nominated. As noted above, detailed assessment can take place at the planning permit stage but a café is generally consistent with Grantville's role as an emerging district service centre and complementary to the other proposed landuses. Detailed assessment can take place at the planning permit stage.
Service Station	Service Station is not specifically nominated in the Mixed Use Zone and therefore a permit is required pursuant to the requirement of the mixed use zone.

	Clause 32.04-3 sets a further requirement that use of land for a service station must not adversely affect the amenity of the neighbourhood, including through: • The transport of materials or goods to or from the land. • The appearance of any stored materials or goods. • Traffic generated by the use. • Emissions from the land. This level of detail will be managed at the planning permit stage.

Development Plan Overlay Schedule 3 (DPO3)

Clause 4.0 of Schedule 3 to the Development Plan Overlay includes the following requirements:

Requirement	**Consideration**
A site analysis plan and design response, identifying and responding to the site's opportunities and constraints.	The report provided with the proposed development plan identifies the context of the proposed development and how the proposed design responds. Given the required footprint and loading bay for the supermarket, limited alternative design responses are possible.
The location of vehicle access and egress to the site.	This is included in the development plan
Areas set aside for car parking and loading bays.	This is included in the development plan
Areas set aside for bicycle parking.	This is included in the development plan
Turning circles for cars and delivery vehicles, demonstrating that all accessways are capable of handling vehicles expected to use them.	A traffic assessment prepared by TTM consulting and received by Council 16 June 2020 demonstrates turning circles for the proposed loading area and the residential court bowl. Despite some changes to the conceptual access plan since this assessment, no changes have been made to the court bowl and loading bay. This demonstrates a potential configuration of the loading bay following the indicative layout in the proposed development plan and is considered to accomplish the intended purpose of this requirement to ensure access is possible.
A conceptual drainage strategy for the site.	This is included in the development plan and has been approved by Council's Development Services team.

Pedestrian and bicycle paths, accessways and linkages to surrounding areas.	The proposed development plan provides linkages with the existing east-west pedestrian/cycle access between Brazier Street and Bass Highway
Landscaping opportunities and treatment for the site.	Landscaped setbacks and sideages are indicated on the development plan
The stages for the development (if any), and the treatment of land not immediately required for development.	The proposed development plan is to be developed in a single stage.
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.	A notation is included along the north-western corner requiring this be met as part of the planning permit process as it relates to design detail.

The proposed development plan is considered to satisfy the requirements of the DPO5 as the current planning policies and zone support the proposal and increased residential lots.

Clause 52.06 – Car Parking

As noted above, the proposed development includes approximately 160 car spaces to service the supermarkets, café, retail and medical centre uses. Under the Bass Coast Planning Scheme, the car parking demand for supermarket, cafe and retail uses is based on land area and the demand for medical centres is based on number of medical practitioners. While the proposed development plan does not include specific land area figures or practitioner numbers for each land-use, the following were estimated and the minimum requirement under Clause 52.06 of the Bass Coast Planning Scheme:

Land Use	**Estimated Area/Extent**	**Parking Demand Formula**	**Minimum Spaces Provided**
Supermarket	2600sqm	5 per 100sqm Leasable Floor Area	130 Spaces
General Commercial (Café and Retail)	500sqm	4 per 100sqm Leasable Floor Area	20
Medical Centre	2 Medical Practitioners	5 for a single practitioner center and 3 spaces for each practitioner thereafter	8
		Total	158

Given that the indicative road layout includes approximately 160 car spaces and the above potential allocation of the proposed land uses creates a demand of 158 spaces, it is considered that the proposal has the ability to meet the requirements of Clause 52.06 as part of the detailed assessment that forms part of the planning application.

Drainage

TTM Consulting provided a conceptual drainage strategy that shows a possible configuration of drainage including several drainage treatment and detention basins which is shown on the development plan. The proposed site is within the Melbourne Water drainage scheme.

Furthermore, any future development permit application lodged with Council is required to be referred to the relevant water and catchment management authorities for further assessment and subsequent conditions.

Traffic and Movement

Clause 3.0 of Schedule 3 to the Development Plan Overlay requires the provision of a service road along the sites fronting Bass Road and covered by DPO3. Both the conceptual access plan and development plan show a service road to the satisfaction of VicRoads. The detailed design and construction process will be determined through the planning permit process.

The proposed development plan shows seven (7) separate access points off the service road and more will be included for 1517 Bass Highway when a Development Plan is endorsed.

The conceptual access plan show a possible configuration of the access ways on the site including car parking areas. This plan has been considered acceptable by both Council's Development Services team and the Department of Transport's Gippsland Regional Office

Biodiversity and Arboricultural Assessment

The subject site area is considered to be highly modified through previous land use. A number of large trees still exist along the southern boundary of 1545 Bass Highway. Given the proposed residential density, these trees will be considered lost and a native vegetation removal assessment will need to be undertaken at the planning permit stage,

Bushfire

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)*

As previously noted the proposed development plan was referred to the CFA who recommended the preparation of documentation to address Clause 13.02. In response to this the Applicant provided a Bushfire Assessment prepared by Eco Vision Australia Land Management Consultants (and dated 30 November 2020).

The Bushfire Assessment, offers a level of certainty that the proposed layout of the development plan has the ability to address the bushfire risk. However, it is recommended that should Council resolve to endorse the proposed Development Plan, it be conditional of a revised bushfire assessment being submitted to the satisfaction of Council officers and the Country Fire Authority. Any revised bushfire response will (as a minimum):

- Nominate the classify the vegetation on the land to the south (known as 1565 Bass Highway, Grantville) as "grassland";
- Nominate the future development with the land affected by the DPO3 to be constructed to a Bushfire Attack Level of 12.5;
- Nominate the defendable space distance and the defendable space management measures (including vegetation and fence type management);
- Outline the water supply and access arrangements for emergency vehicles.

Conclusion of assessment

As stated above, the subject land is located within the Mixed Use Zone and is well placed as the next spatial growth opportunity for commercial land in Grantville. The modest residential component is also consistent with the aspiration for a mixed-use precinct. The proposed development will provide in–demand commercial services including a supermarket as well as diversity in commercial choice through a new medical centre, pharmacy and service station. This is demonstrated by the level of support in the submissions. The proposal also provides additional residential housing choice and supply in the township in close proximity to commercial services as well as the V/line bus stop, delivering on Council's commitment to providing 20 minute neighbourhoods where all daily needs are provided within a 20 minute travel radius.

The indicative development should be conditionally supported subject to a supplementary bushfire assessment.

Finances

The cost to Council involves the officer time for the review of the development plan application. All costs have been accommodated within the 2019/2020 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.

Recommendation and options

There are four options available to Council as follows:

Option One:

Approve the proposed development plan conditional of a supplementary assessment of the proposal against Clause 13.02-1S by Council Officers and the Country Fire Authority.

Implications for Council – Conditional approval of the development plan will provide clear direction regarding how the land is to be developed and ensure consistency under the provisions of the Mixed Use Zone and the requirements of the Development Plan Overlay Schedule 3.

Option Two:

Refuse to approve the development plan amendment.

Implications for Council – If Council decides to refuse the approval of the development plan, the strategic objectives for Grantville as highlighted above would not be achieved.

The Development Plan Overlay Schedule 3 requires that a development plan must be approved before a permit can be issued for the development or subdivision of the subject site.

In the absence of an approved development plan, the DPO3 area cannot be further developed.

Option Three:

Approve the proposed development plan (which has been revised following notification to correct directional arrows) unconditionally.

Implications for Council – If Council approves the development plan unconditionally, there is a risk that the development will not adequately respond to bushfire risk. As a public authority, the Country Fire Authority also have the ability to appeal Council's decision on this development plan endorsement proposal.

Option Four:

Defer decision of the development plan to the February Ordinary Meeting.

Implications for Council – Deferral of this proposal instead of conditional endorsement will delay the progress of this development by approximately two months which impacts the landowner, the viability of the development and the community more generally.

Conclusion

The proposed amended 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.

A supplementary assessment of bushfire hazard to the satisfaction of officers and the Country Fire Authority will ensure the proposed development is compliant with the planning policy framework at Clause 13.02-1S

Detailed assessment of use and development within a Development Plan Overlay should be undertaken at the planning permit stage. Consequently, the proposed plan represents the level of detail expected at the development plan stage to demonstrate compliance with the requirements of Schedule 3 to the Development Plan Overlay.

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

Recommendation

That Council:

Resolves to endorse the proposed Development Plan referenced as "Grantville Development G1844 SD02" (dated 6 November 2020) under Schedule 3 of the Development Plan Overlay (Clause 43.04 of the Bass Coast Planning Scheme) subject to the following conditions:

1) **Approval of an amended Bushfire Assessment. The Bushfire Assessment prepared by Eco Vision Australia Land Management Consultants (and dated 30 November 2020) must be amended to the satisfaction of Responsible Authority and the Country Fire Authority, as a minimum it must include:**
   a) **Response to Clause 13.02, bushfire planning**
   b) **include vegetation classifications that are consistent with AS3959:2009**
   c) **include the landscape type**
   d) **Nominate the Bushfire Attack Level for future development with the land affected by the DPO3:**
   e) **Nominate the defendable space distance and the defendable space management measures (including vegetation and fence type management);**
   f) **Outline the water supply and access arrangements for emergency vehicles within the development and future residential allotments.**

Once the Bushfire Assessment is approved it will inform the details of the Development Plan and future planning permit application.

2) **Before the proposed development plan is endorsed by Council Officers, it must be amended to include any relevant recommendations of the approved Bushfire Fire Assessment.**

Attachments

AT-1	Proposed Development Plan	1 Page
AT-2	***CONFIDENTIAL*** - Combined Submissions DPO3 Grantville	10 Pages

Council Decision

Moved: Cr. Clare Le Serve / Seconded: Cr. Bruce Kent

That the recommendation be adopted.

CARRIED

H.7 Draft Community Engagement Policy 2021

File No:	**CM20/662**
Division:	**Partnerships, Advocacy & Economy**
Council Plan Strategic Objective:	**Governance** We are responsive, open, transparent and financially sustainable

Declaration

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

Summary

The new Victorian *Local Government Act 2020* requires councils to develop and adopt a Community Engagement Policy by March 2021 (attachment 1). The Policy must include the principles of deliberative engagement and be developed in consultation with the community. The Community Engagement Policy is Council's most important opportunity to set out how we will work with our community.

This report recommends that Council receive the Draft Community Engagement Policy 2021 and release it to the community for a period of community engagement until 17 January 2021. The report recommends that Council consider the feedback obtained and present Council with a final Policy at its Ordinary Meeting in February 2021.

Background

Council's existing Policy was developed in conjunction with the development of the Communication and Engagement Strategy in 2015 and later revised in 2018.

The Strategy and Policy were developed following extensive community engagement and led to Council's successful development and implementation of many community engagement activities including the Council Plan 2017-21.

Input into both the Strategy and Policy incorporated changes from community input that was received and seven key themes emerged:

1. Improve information flow and access between the community and Council
2. Take a whole of Council approach to community engagement using best practice with clear guidelines to support staff
3. Build the capacity of Council staff to engage effectively at the local level
4. Ensure the diversity of community needs and voices is reflected in engagement processes, and that diverse opportunities are created for people to be informed about and have input into issues that impact their quality of life
5. Provide clarity and transparency about how community input has influenced decisions
6. Integrate local knowledge and experience in decision making and solution building

7. Ensure that Council has a 'face' across the community and actively engages with its constituency

The aim of the Draft Policy is to continue the key themes of the Strategy, provide guidance in the way Council communicates and engages with our community and that the community has greater opportunity to participate in Council's decision-making process.

Strategic Basis

Council Plan Objective:

Governance – *We are responsive, open, transparent and financially sustainable*

Major Initiative / Initiative

- The development of a Community Engagement Policy is required to meet the obligations of the *Local Government Act 2020*.

Strategies / Policies

- Bass Coast Shire Council's Community Engagement Policy 2015
- Bass Coast Shire Council's Communication and Engagement Strategy 2018

Statutory Requirements/Codes/Standards/Policies

- *Local* Government *Act 2020*
- *Planning and Environment Act 1987*
- *Public Health and Wellbeing Act 2008*
- *Road Management Act 2004*
- *Equal Opportunity Act 2010*
- *Charter of Human Rights and Responsibilities Act 2006*
- International Association for Public Participation (IAP2) Spectrum

Discussion

Council is committed to actively encouraging individuals, groups and communities to be involved in local government through community engagement. Our recent move to a place-based approach to community planning is evidence our commitment to building strong and sustainable relationships with our community.

Bass Coast Shire residents and ratepayers have diverse needs and opinions, innovative ideas, and a wealth of local knowledge. Council is able to make better decisions on behalf of the community it serves when it draws on those resources.

Officers have considered the existing Community Engagement Policy 2015 to still be largely relevant today and have introduced the new requirements from the *Local Government Act 2020*, including Deliberative Engagement Principles as well as reference to our place-based community planning approach into the Draft Policy for Council's consideration.

Council has an opportunity to seek community input and feedback into the Policy prior to adopting the Policy at its Ordinary Meeting in February 2021. The Policy must be adopted by Council by 1 March 2021.

Council will also consult Mosaic Labs' 'Deliberative Engagement for Victorian Councils' as a guide for developing and implementing deliberative engagement principles.

Deliberative Engagement

The new Victorian *Local Government Act 2020* places a high importance on including and using the principles of Deliberative Engagement.

Deliberative Engagement has a unique approach which places greater emphasis on involving people in decision-making. Compared to other forms of engagement, it affords participants more opportunity and time to discuss and consider an issue in greater detail, which helps community members to reach a more measured, informed view. (See Table 1.)

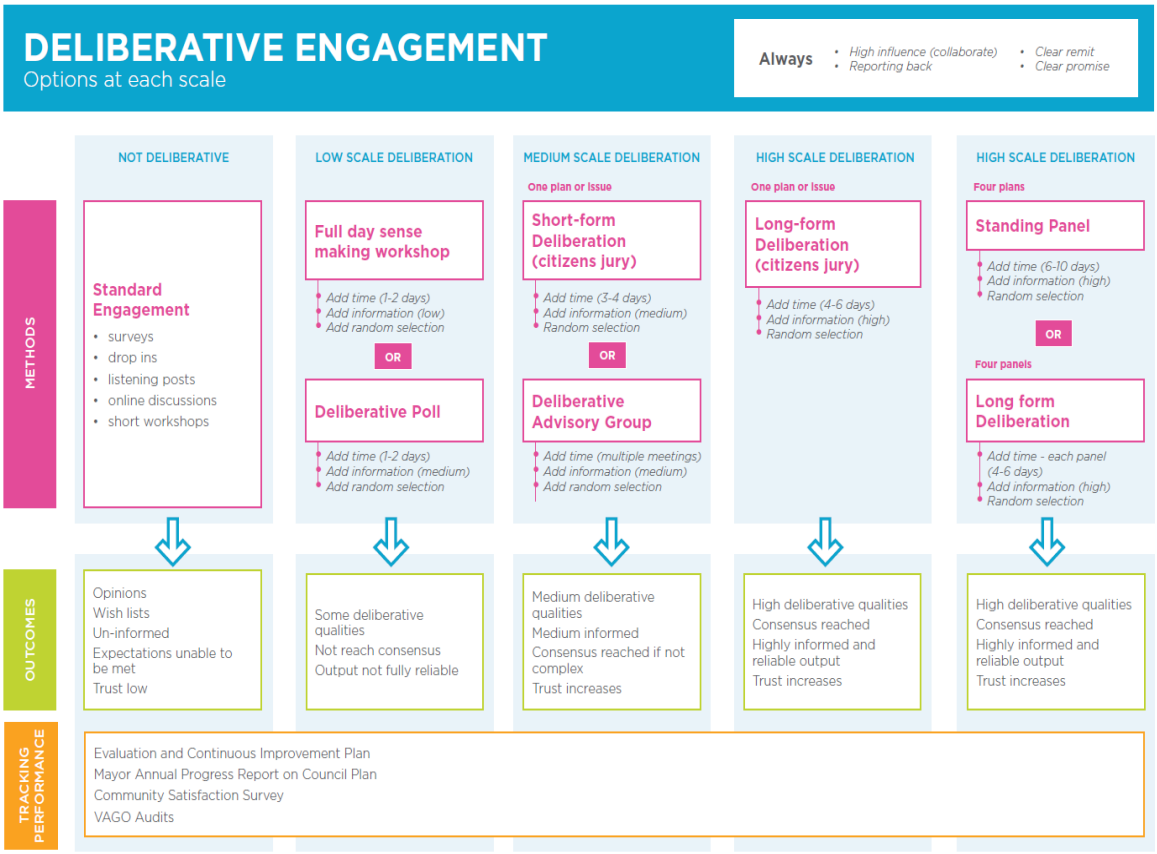
Deliberative Engagement principles are considered to be:

- authentic engagement with the community, with a clearly defined objective and scope
- good representation of the community in engagement activities
- clear demonstration of how all views have been considered will influence Council decision-making
- community access to accessible, objective and relevant information and a reasonable level of support
- and the community's level of influence is clear in each instance and that participants are fully informed

Council must apply the principles of Deliberative Engagement in the development of the following documents:

- Community Vision
- Council Plan
- Financial Plan – Ten Year
- Asset Plan

Table 1. Mosaic Labs Deliberative Engagement Guide



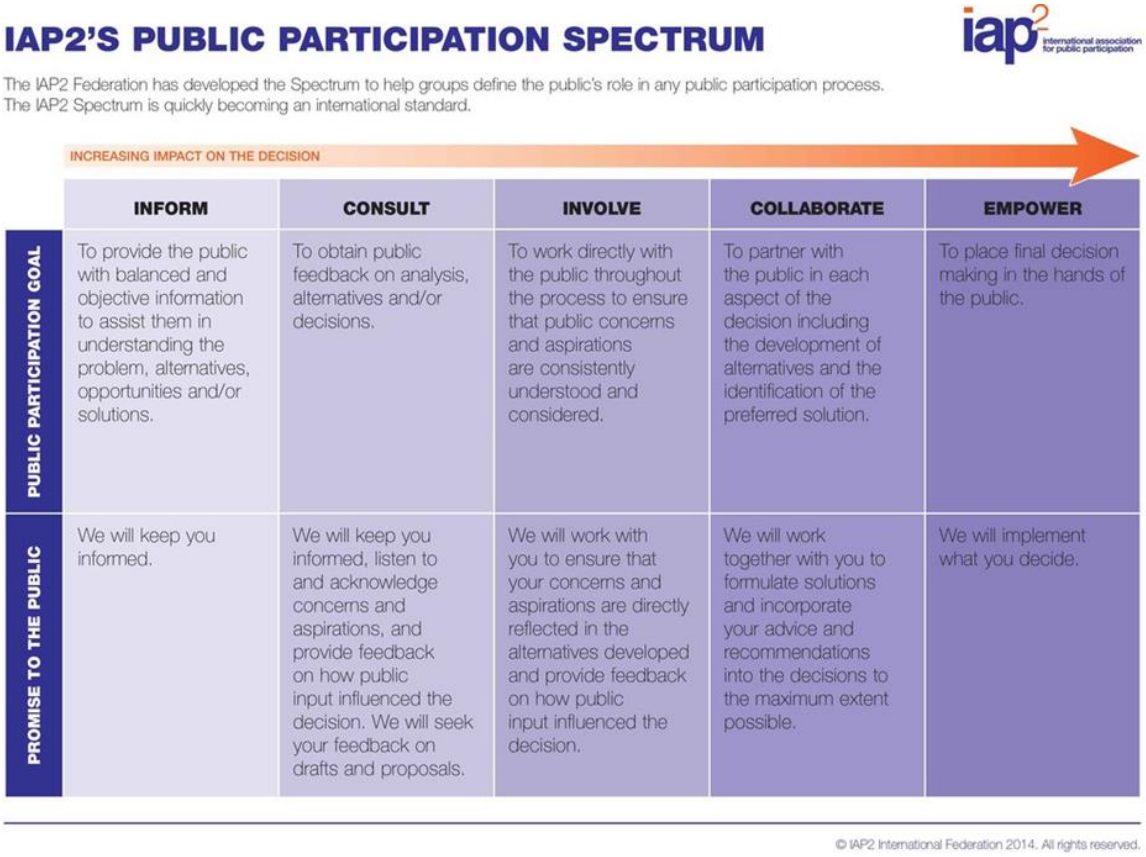
<u>International Association for Public Participation (IAP2)</u>

Council has adopted the International Association for Public Participation (IAP2) Spectrum as the foundation to our approach to community engagement.

The IAP2 is recognised as an international leader in the field of public participation and community engagement. The IAP2 is to be utilised to guide Council's community engagement activities and ensure the IAP2 principles are embedded in the framework.

This gives Council and the community a best practice guide to define our community's role in any public participation process.

Incorporating the IAP2 guiding principles is necessary for there to be a consistent approach from Council.



IAP2'S PUBLIC PARTICIPATION SPECTRUM

The IAP2 Federation has developed the Spectrum to help groups define the public's role in any public participation process. The IAP2 Spectrum is quickly becoming an international standard.

INCREASING IMPACT ON THE DECISION

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision. We will seek your feedback on drafts and proposals.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will work together with you to formulate solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

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Proposed Community Engagement Program

To engage the Bass Coast community on the Draft Policy and meet the requirements and timeframes of the Local Government Act 2020, Officers propose the following engagement methods:

- Present the Draft Policy on Council's website including a submission form to capture community feedback and suggestions
- Implement a range of engagement opportunities to raise awareness of the Draft Policy and encourage submissions through:
  - Social media posts on Facebook, Twitter and LinkedIn
  - Videos featuring the Mayor and Councillors inviting feedback
  - Advertisements and media releases in local media publications and digital channels
  - Radio show broadcasts
  - Conversations between Council's Community Planning Team and the Bass Coast community.
  - Broad and targeted email invitations to provide feedback on Draft Policy to Bass Coast Community and Business networks

Due to the timeframes required in developing a deliberative engagement program for Council's new Community Vision, Council Plan and Financial Plan, it is proposed that face-to-face engagements such as pop-ups, group meetings, Q&A's and virtual meetings be included for consideration during that process, rather than this Draft Policy engagement.

Finances

The development of the Draft Policy is being funded through internal resources.

Stakeholders

Council will make the engagement process available to the entire Bass Coast community.

Other Options

Option 1: Council can release the Draft Community Engagement Policy 2021 for community feedback prior to finalising the Policy and adopting it in February 2021. This will meet the requirements of the *Local Government Act 2020*.

Option 2: Council can defer releasing the Draft Community Engagement Policy 2021 for community feedback to a later date, but it may compromise its ability to meet the requirements of the *Local Government Act 2020* to adopt the Policy prior to 1 March 2021.

Option 3: Council may not release the Draft Policy for community feedback and consider it for adoption without community feedback. This would not be consistent with the existing principles of the Community Engagement Policy 2015, nor the principles proposed in the Draft Policy.

Conclusion

The Community Engagement Policy is Council's most important opportunity to set out how it will work with our community. Council encourages individuals, groups and communities to be involved in local government. It recognises the value in a diversity of opinions, innovative ideas and life experience – this information allows Council to better understand issues and provide services that are tailored to community needs.

Officers have considered the existing Community Engagement Policy 2015 to still be relevant today and have introduced the new requirements from the Local Government Act 2020, including Deliberative Engagement Principles and reference to our place-based approach to community planning into the Draft Policy for Council's consideration.

Council has an opportunity to seek community input and feedback into the Policy prior to adopting the Policy at its Ordinary Meeting in February 2021. The Policy must be adopted by Council by 1 March 2021.

The development of this Draft Policy intends to replace the Community Engagement Policy 2015 and help guide Council in the development of Council's Community Vision, Council Plan and Financial Plan in 2021.

Recommendation

That Council:

1. **Releases the Draft Community Engagement Policy 2021 for the purpose of community engagement until 17 January 2021; and**
2. **Receives a Council Report to adopt the final Community Engagement Policy 2021, including a summary of feedback and recommended changes, at its Ordinary Meeting in February 2021.**

Attachments

AT-1 Draft Community Engagement Policy 2021 5 Pages

Council Decision

Moved: Cr. Leticia Laing / Seconded: Cr. Michael Whelan

That the recommendation be adopted.

CARRIED

H.8 Council Meeting Livestreaming Trial Report

File No:	**CM20/596**
Division:	**Partnerships, Advocacy & Economy**
Council Plan Strategic Objective:	**Governance**
	We are responsive, open, transparent and financially sustainable

Declaration

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

Summary

The purpose of this report is to present Council with the results of the six month livestreaming trial.

Livestreaming provides members of the community access to observe Council meetings without physically attending them and provides an alternative for community members who cannot attend due to current State and Federal Government advice on social distancing to help slow the spread of the COVID-19 virus.

Analysis of data shows that on average, 46 individuals tuned in for at least part of each livestream for Ordinary Council Meetings, while on average, approximately 118 viewed at least part of each video once the livestream was complete. Due to the limitations of the analytic software, it is not possible to determine who is tuning in, for example members of the public, Council staff or the media.

This report recommends that Livestreaming Council Meetings to Council's website continues, including the use of voice-to-text closed captions (transcript).

Background

Livestreaming Council Meetings has previously been considered by Council. At its Ordinary Council Meeting on 15 April 2020, Council resolved the following:

That Council:

1. Adopt the Bass Coast Shire Council Meeting Livestreaming Policy 2020;
2. Commences livestreaming of Council Meetings using free voice-to text closed captions (transcript) as a six-month trial from the Wonthaggi Civic Centre Council Chamber from 20 May 2020; and
3. Receives a report on the effectiveness of livestreaming following the six-month trial period.

Officers have considered the access and inclusion and security issues that were posed by Councillors. This raised potential concerns around appropriate voice-to-text video transcripts, which must be provided with each video published on Council's website, and that access to the published video to be managed on a secure video sharing website, for example YouTube or Vimeo.

Strategic Basis

Council Plan Objective:

Governance – *We are responsive, open, transparent and financially sustainable*

Major Initiative / Initiative

Livestreaming Council meetings is not a major initiative or initiative.

Strategies / Policies

- Governance Rules 2020
- Councillor Code of Conduct
- Employee Code of Conduct

Council's Communication and Engagement Strategy 2018 - Revised Version, does not specifically refer to 'livestreaming'; however, this Strategy does guide Council's communication and engagement objectives, which encourage diverse methods of engagement to be delivered to our community.

Statutory Requirements/Codes/Standards/Policies

- *Local Government Act 2020*
- *Privacy and Data Protection Act 2014*
- *Freedom of Information Act 1982*
- *Public Health and Wellbeing Act 2008*

Discussion

Engagement and Viewers

On average, each livestream of Ordinary Council meetings attracted 46 viewers, while on average approximately 118 viewed each stream once published. The 19 August 2020 Ordinary Council Meeting attracted the most concurrent views during the livestream, with 64, while the 17 June Ordinary Council Meeting has been viewed 328 times since it was published.

Meeting Date	Peak Concurrent Viewers (during livestream)	Total Views Once Published	Average View Time (min:sec)
20 May (OCM)	49	100	24:53
17 June (OCM)	43	328	25:37
15 July (OCM)	41	22	12:54
29 July (SCM)	25	33	8:00
19 August (SCM)	23	27	3:07
19 August (OCM)	64	94	12:55
16 September (OCM)	48	127	11:15
21 October (OCM)	35	41	6.32

OCM = Ordinary Council Meeting
SCM = Special Council Meeting

During the trial period, technical difficulties beyond Council's control did not have an identifiable impact on livestreaming or audio capabilities. Some Councillors experienced minor connectivity issues during the trial period.

Livestreaming and recording of Council Meetings provides an accurate record of what has been said, which can be beneficial for reporting purposes.

COVID-19 and Meeting Rotation

Due to Government directions on social distancing to slow the spread of the COVID-19 virus, Council meetings are also affected by these requirements.

Livestreaming has ensured that the business of Council can continue, during the COVID-19 pandemic. However, restrictions have meant that during the six month trial period, Council meetings were not rotated around the Shire, as would have occurred in normal circumstances. This means that the livestreaming capability of Council venues used for meetings outside of Wonthaggi has not been tested.

The impacts of this will need to be considered and reviewed once restrictions lift, if Council resolves to continue rotating meetings around the Shire.

Further testing could also be required for meetings held with both physical and virtual attendees.

Captioning

Services such as YouTube can produce captions automatically at no cost, by using voice-to-text technology. At the May 2020 Ordinary Council Meeting, Council resolved to use free voice-to-text technology to caption meeting videos.

Automatically-generated captions typically include many inaccuracies that need manual correction, which was done for each meeting before the captions were published. During the trial, these corrected captions were published within 1-2 weeks of the meeting.

For each Council meeting held during the trial period (with the exception of the September meeting) captioning has been completed using existing resources.

YouTube's free voice-to-text function is limited to videos that are under four hours long. In the instance of the September meeting, which ran for four hours and eight minutes, transcribing of this meeting for the purposes of captioning was outsourced to rev.com at a cost of $311.

Council may wish to consider providing live captioning in the future. To add captions in real-time (as the meeting is broadcast) to a two-hour meeting is anticipated to cost around $1,900-$2,000 per meeting.

Based on the duration of Ordinary and Special meetings over the last 12 months, the cost for live captioning and adding captions to the recording is estimated to be around $20,000 annually.

Impacts on Resourcing

Depending on travel requirements, number of meetings (including additional Special meetings in a month) and venue set up and pack up requirements, it is estimated that an additional eight hours per month in staffing dedicated to the tasks is required; which would be approximately $5,000 per year. For the trial, this cost was accommodated through existing resources.

Officers from the Communications, IT and Governance Teams were involved in the provision of the livestreaming trial.

Earlier in the year, Council received $99,932 through the State Government's Rural Councils ICT Infrastructure Support Program. This Grant will be used to make the Council Chamber suitable for livestreaming as well as enhancing our capability to deliver livestreamed Council meetings overall.

The equipment that will be purchased includes:

- Video Distribution Equipment
- Cameras (ceiling mounted)
- Audio Distribution Equipment & Microphones
- High performing PC and Rack
- Control Panel (touch screen style user friend interface)
- Acoustic treatments for the Council Chamber to treat echo

The equipment will allow for higher quality audio visual livestreaming due to the video and sound mixing capability (much of it automated). It will be set up to meet Governance requirements such as being able to see everyone in the room.

Council may need to consider further resourcing to support the provision of livestreaming in the future.

Risks

Council meetings are public forums that include people making statements, asking and answering questions.

In terms of securing the video, while it can be marked as Copyright material, officers cannot prevent anyone from recording the livestream from their screen and reposting it elsewhere.

At the time of writing this report, Council officers were not aware of any inappropriate uses of livestreaming videos.

By default, comments are disabled on Council's YouTube channel.

Finances

Over recent times, officers have enabled improved audio for meetings with a sound mixer, microphones and speakers now being used to improve the acoustics at the Council meeting venues. An appropriate digital camera, supporting software and a dedicated mobile data device is also required for filming in-person meetings.

The camera equipment required for in-person meetings will be accommodated within the funding secured through the State Government's Rural Councils ICT Infrastructure Support Program.

For the duration of the six month trial, existing Council staff managed the logistics of setting up the location/s, attended Council meetings to manage the operation and ensure any post meeting publishing and editing requirements were completed. Depending on travel requirements, number of meetings (including additional Special meetings in a month) and venue set up and pack up requirements, it was estimated that an additional eight hours per month in staffing dedicated to the tasks was

required; which would be approximately $5,000 per year. For the trial, this was accommodated through existing resources.

Stakeholders

- Bass Coast Shire community, non-residents and visitors
- Bass Coast Shire Councillors and Staff
- Municipal Association of Victoria
- Other Local Government Authorities

Other Options

1. Continue livestreaming using free voice-to-text closed captions (transcript).
2. Extend the livestreaming trial for a further six months, to enable Officers to carry out necessary testing, in order to broadcast from locations other than Wonthaggi.
3. Discontinue livestream broadcasts. By doing this, Council acknowledges that due to the current coronavirus restrictions, this means the public would not be able to view Council Meetings.

Conclusion

Due to social distancing, Council meetings are not currently able to be attended by the public. Many Councils across Australia are using livestreaming services to broadcast Council meetings and are therefore not impacted by the COVID-19 restrictions.

By continuing livestreaming, Council will provide members of the community access to observe Council meetings without physically attending. This provides an alternative for community members who cannot attend due to accessibility issues and State and Federal Government advice on social distancing to slow the spread of the COVID-19 virus.

Based on the data presented in this Report, Council Officers recommend that Council continues livestreaming with the use of free voice-to-text closed captions (transcript).

Recommendation

That Council:

1. **Receives and notes this report; and**
2. **Continues livestreaming of Council Meetings using free voice-to-text closed captions (transcript) from this meeting forward.**

Attachments

There are no attachments for this report.

Council Decision

Moved: Cr. Ron Bauer / Seconded: Cr. Rochelle Halstead

That the recommendation be adopted.

CARRIED

H.9 Community Grants 2020 Round 2 Funding Recommendations

File No:	**CM20/503**
Division:	**Resilient Communities**
Council Plan Strategic Objective:	**Health and Wellbeing**
	We are a healthy and active community

Conflict of Interest

Cr David Rooks declared a Conflict of Interest in agenda item H.9 under section 127 of the Local Government Act 2020. He left the meeting at 2.19pm and took no part in the debate or decision.

Declaration

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

Council Officers involved in this Community Grants assessment process were asked to declare conflicts of interest prior to assessing the applications. One officer declared a conflict of interest, so was removed from discussion of that assessment.

Summary

This Report seeks Council endorsement of the Round 2 2020 Community Grants recommendations as presented by Council officers.

All categories were offered in the round, being:

- General Community Grant – Equipment; Other Projects
- Festivals, Celebrations and Events Grant
- Minor Capital Works Grant

The recommendations are based on the funding criteria adopted by Council at its Ordinary Meeting on 21 October 2015 and following a Council officer assessment panel process.

In total, 59 applications were submitted for Round 2 2020 Community Grants with an overall request of $307,098.11 in grant funding.

43 projects totalling $127,000 (ex GST) has been recommended, which is within Council's allocated budget for the Program.

Background

Round 2 2020 Community Grants opened on Saturday, 7 March 2020 and closed at midnight on Friday, 11 September 2020.

Community Grant Guidelines (AT-1) were available for prospective applicants on Council's website. Due to COVID restrictions, an online information session was held on Monday, 3 August 2020. Throughout the application period, advice was provided by phone and email to prospective applicants.

Applications have been reviewed and funding recommendations made by an assessment panel of Council Officers.

Strategic Basis

Council Plan Objective:

Liveability – *Enjoying the place we live*

Major Initiative / Initiative

Strategies / Policies

This report is consistent with the Community Grants Program Policy (March 2018).

Statutory Requirements/Codes/Standards/Policies

Not applicable

Discussion

$254,000 has been allocated in the 2020/21 financial year for the Community Grants Program, which was evenly split between two rounds. $127,000 was made available for Round 2 2020 Community Grants.

Grant applications have a funding threshold of up to $5,000 with one application per round being recommended for Major Project funding from $5,000 up to $10,000.

Assessment Process

As a result of COVID-19 physical distancing regulations, two assessment meetings, consisting of Council officers, were held virtually to determine eligibility and to individually assess all applications. Information regarding all applications was forwarded to each assessor prior to each meeting.

Members of the assessment panel were assigned individual applications to assess. They were also encouraged to contact the applicants to determine the viability of the project given the potential impacts COVID-19 has had for the applicant and their capacity to undertake the project, should it be with full funding or part funding support of Council. The assessment panel then reviewed each application as a group and made their final assessment recommendations.

Assessment recommendations were made in accordance with the Community Grant Guidelines 2019 and ranked against the Community Grants Assessment Criteria (AT-2).

Subject to the resolution of Council, all groups who were not recommended for funding in this round will be contacted and provided feedback. Due to the nature of the competitive application process, there were some applications with merit that did not score well. Each of these applicants will be offered assistance and encouraged to apply to a future round.

Funding recommendations providing a breakdown by electoral ward is attached (AT-3 2020 Round 2 Funding Recommendations).

In summary, of the 59 applications received:

- two applications were ineligible: one already received funds from Council's Annual Event Grants, the other was a business / sole trader

- one application was withdrawn after it was submitted, due to the applicant being successful obtaining funding through another grant source
- 13 applications were declined:
  - five applications required further information for assessment. Each of these applicants will be offered assistance and encouraged to apply to future round.
  - eight applications scored below 66, which has been deemed a cut off score, given this round was oversubscribed. This allowed a suitable funding amount to support those who have been recommended, to ensure they could deliver their initiative and within Council's budget allocation. Each of these applicants will be offered assistance and encouraged to apply to future round.
- 27 applications are recommended for full funding. Seven of these applications sought major project funding. Whilst they were not recommended for the major project funding ($10,000), they have been recommended full funding of $5,000 and have confirmed they can deliver their respective projects with this lower level of grant funding.
- 16 applications are recommended for part funding. Where part funding is recommended, it has been determined (through information provided in the application and/or consultation with the applicant) that the project is still viable for the group to deliver with a reduced grant amount.
- 12 applications applied for major project funding, with eight being assessed. Of the four not assessed for major funding:
  - one application was ineligible as the applicant is a sole trader business
  - one application was declined as insufficient information was provided
  - one application was withdrawn as the applicant received funding via another grant, and;
  - one applicant requested major project funding for equipment, which is not eligible for major project funding

The projects recommended cover a diverse range of activities including sport and recreation, arts, cultural and heritage groups, youth activities, the environment, and projects of benefit to the broader community.

Support for organisations to purchase equipment or make capital improvements to community facilities remains an essential role for Council's Community Grants.

As a result of the impact of COVID-19 on our community, requests for events were limited in this round. The following table shows the grant categories and recommended financial allocations.

Note: the Ex GST column shows the actual cost to Council.

Community Grants 2020 Round 2 Grant Category	Funding requested	Funding to Applications			Recommended Funding		
		Full	Part	Dec	Ex GST	GST	Inc GST
General Community Grant: • Equipment • Other Project	$115,772.08 $36,446.17	9 4	11 3	4 1	**$47,070.82** **$27,736.00**	$1,364.18 -	$48,435 $27,736
Festivals, Celebrations and Events	$13,014.70	4	1	1	**$5,668.28**	$296.72	$5,965
Minor Capital Works	$141,865.16	10	1	10	**$46,525.43**	$2,652.57	$49,178
Major Project	*$148,905.50	*1	0	*(11)	***$8,700.00**		
Total	$307,098.11	27	16	16	**$127,000.53**	$4,313.47	$131,314

**Note that these numbers have been included in the figures above*

Recommended funding amounts are considered within the context of the 30/70 funding ratio set out in the Community Grant Guidelines. The ratio outlines a 30% contribution from the applicant in cash, in-kind or a combination of both, and a contribution of 70% by Council. In applying this ratio, assessors take into account the capacity of an applicant to make an in-kind or financial contribution to the project.

With each round of Community Grant assessment, the evaluation process includes feedback from applicants regarding the application process. Feedback has been very positive as groups are becoming more familiar with the Community Grants program and with SmartyGrants software, which is used to apply for the Grant.

A 2020/21 financial year Community Grants Summary Report is attached (AT-4).

Finances

The total funding pool for the 2020/21 Community Grants Program is $254,000.00 exclusive of GST. An amount of $127,000.00 is allocated to each round.

A total of $127,000 (GST excluded) has been recommended for funding in this round, which will fully expend the funding allocation available.

Allocations for both full and part funding of applications in this round have been made in accordance with the Community Grant Guidelines.

Stakeholders

- Councillors
- Community Organisations
- Residents and visitors to Bass Coast

Other Options

Council could:

- Request changes to the Assessment Panel's recommendations for grant funding; or
- Resolve not to endorse the Assessment Panel's recommendation report and defer the $127,000 grant funding to the next round.

Conclusion

The Community Grants Program continues to be well received by the community with 59 applications being submitted.

The applications represent a wide range of activities and highlights the importance of the Community Grants Program in supporting the Bass Coast community to enhance services and facilities.

The applications have been assessed in accordance with the Community Grants Assessment Criteria and it is recommended that Council endorse the allocation of $127,000 outlined in attachment three (AT-3).

Recommendation

That Council:

1. **Endorses the Round 2 2020 Community Grants Funding Recommendations; and**
2. **Approves the public release of the Round 2 2020 Community Grants Funding Recommendations after endorsement.**

Attachments

AT-1	Community Grants Guidelines	13 Pages
AT-2	Community Grants Assessment Scoring Guide	1 Page
AT-3	***CONFIDENTIAL*** - 2020 Round 2 Funding Recommendation Report	5 Pages
AT-4	Community Grants Summary Report	1 Page

Council Decision

Moved: Cr. Clare Le Serve / Seconded: Cr. Bruce Kent

That the recommendation be adopted.

CARRIED

Cr. David Rooks returned to the meeting at 2.25pm

H.10 Proposed Lease to Cape Paterson Surf Life Saving Club

File No:	**CM20/637**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Governance**
	We are responsive, open, transparent and financially sustainable

Declaration

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

Summary

The purpose of this report is to commence the statutory procedures under the Local Government Act 1989 for a lease to help support the Cape Paterson Surf Life Saving Club (CPSLSC).

CPSLSC demolished its clubrooms and recently built a new fit for purpose building at the site in Legge Way, Cape Paterson. A previous lease between CPSLSC and the State Government expired. It is proposed that a lease of 20 years be granted to enable the club through security of tenure to benefit from its considerable investment in the property.

A lease of 20 years invokes the statutory procedures under the Local Government Act 1989. The procedures require the proposal to be advertised calling for submissions and for submissions to be considered before a final decision on the proposed lease can be made.

Background

CPSLSC was formed on 22 March 1960. The club patrols the First Surf Beach at Cape Paterson. It provides aquatic safety, training and competition.

CPSLSC demolished and then recently completed the construction of a new facility at the same site funded by Life Saving Victoria and State Government ($3.3M) Bass Coast ($600K) Federal Government ($1.0M) and the club's own fundraising. The total project had a budget of approximately $5.5 million.

The site in LeggeWay, Cape Paterson, is Crown land permanently reserved for the protection of the coastline. DELWP has provided in principle approval for a lease. Council is the Committee of Management for the Crown land and therefore may enter into a lease as landlord.

Strategic Basis

Council Plan Objective:

Governance – *We are responsive, open, transparent and financially sustainable*

Health and Wellbeing – *We are a healthy and active community*

Major Initiative / Initiative

This is not a major initiate or initiative in the budget. The works undertaken by CPSLSC were partially funded by Council.

Strategies / Policies

Bass Coast Leasing and Licensing Policy.

Statutory Requirements/Codes/Standards/Policies

Local Government Act 1989 sections 190 and 223

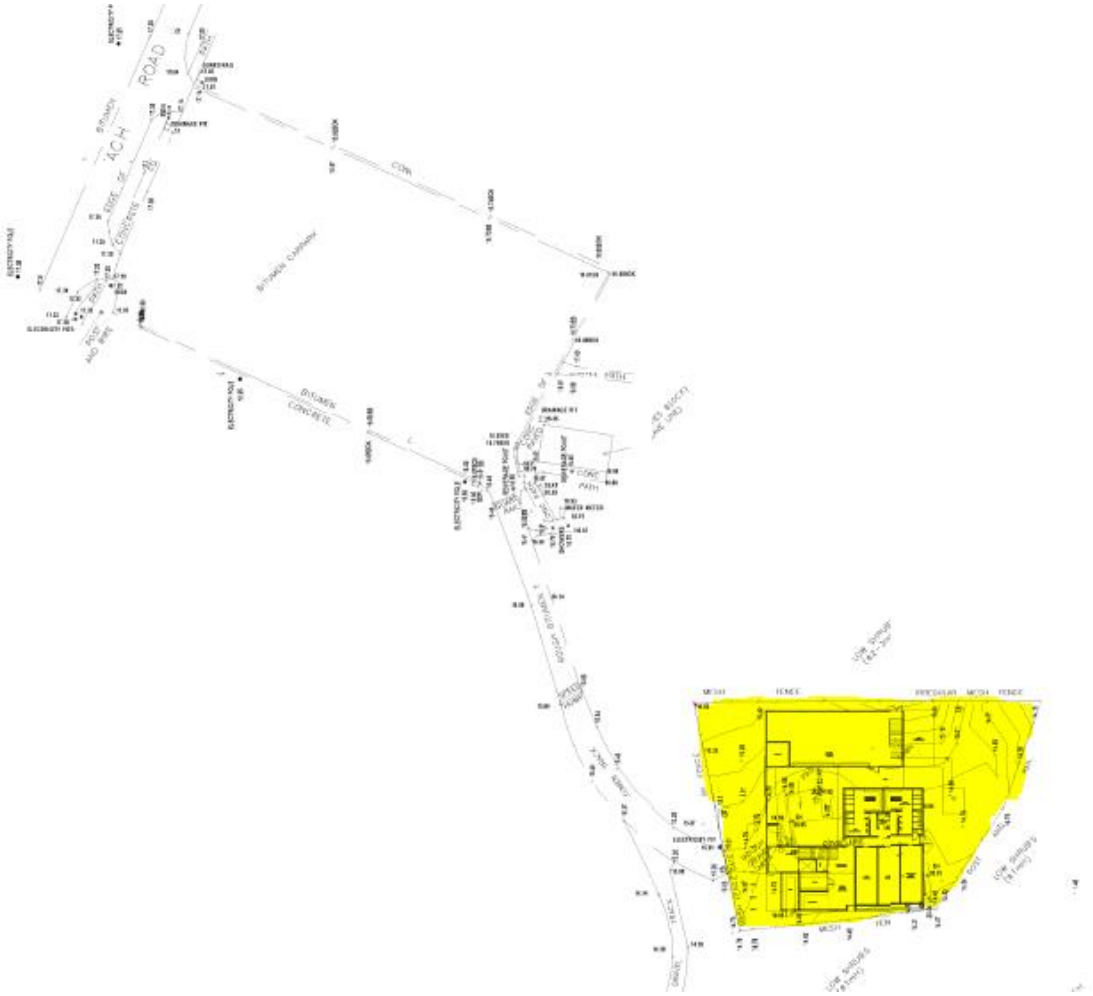
Crown Land (Reserves) Act 1978

Discussion

Details of the proposed lease are as follows;

- Tenant – Cape Paterson Surf Life Saving Club Inc.
- Premises – Part Crown Allotment 2018, Legge Way, Cape Paterson
- Term – 20 years
- Rent - $310 per annum increasing annually by CPI
- Permitted Use – Surf life Saving Club

The land proposed to be leased is shown highlighted in yellow on the plan below. Access to the site is from Beach Road through the Council car park and along Legge Way.



The proposed lease is intended to support CPSLSC in its endeavours to;

- Provide an essential service in life saving, patrols and rescue,
- Provide education and training in first aid and the use of plant and equipment,
- Provide training opportunities in fitness, swimming and competitions
- Provide the infrastructure and environment for like-minded people to come together to socialise and share in healthy active pursuits

Significant community benefit is derived from the use of public land for this purpose.

Finances

The lease provides for nominal rent which is consistent with Council's Leasing and Licensing policy for community groups.

CPSLSC will be responsible for maintenance and renewal of its facility as well as all outgoings.

Stakeholders

Council as landlord.

CPSLSC as tenant.

DELWP in respect to Crown land management.

Those interested in participation and lifesaving activities including club members.

Cape Paterson beachgoers.

The general community.

Other Options

Council could decide not to lease the land. Given that a new building has been constructed this would not be a prudent or responsible way to manage the property.

Council could decide to change some of the terms of the proposed lease. The proposed terms are consistent with Council's Leasing and Licensing policy and support for an essential service.

Conclusion

Council has contributed to the funding for the construction of a new, fit for purpose, life saving clubrooms at Cape Paterson.

There is no current lease in place. A proposed lease of the premises is considered to be a responsible and prudent way to manage the obligations of the parties over the term of the lease.

The proposed lease conditions are consistent with Council's Leasing and Licensing Policy.

As the term of the lease is greater than 10 years, Council must follow the procedures set out in the Local Government Act 1989 before making a decision to grant or not to grant a lease. The procedures specify a community consultation process to be undertaken before making the decision.

Recommendation

That Council:

1. **Resolves that the statutory procedures be commenced under Section 190 of the Local Government Act 1989 (the Act) for a new lease with Cape Paterson Surf Life Saving Club Inc by publishing a notice in the local newspaper inviting interested persons to make a submission under Section 223 of the Act for the proposed lease of premises being part of Crown Allotment 2018, Legge Way, Cape Paterson, on the following key terms:**

   1.1 Tenant – Cape Paterson Surf Life Saving Club Inc

   1.2 Premises – Part Crown Allotment 2018, Legge Way, Cape Paterson

   1.3 Term – 20 years

   1.4 Rent - $310 per annum increasing annually by CPI

   1.5 Permitted Use – Surf Life Saving Club

2. **Authorises the Chief Executive Officer to undertake the administrative procedures necessary to enable Council to carry out its functions under Section 223 of the Act.**
3. **Resolves to hear and consider any submissions received pursuant to Section 223 of the Act at the Council meeting in February 2021.**

Attachments

There are no attachments for this report.

Council Decision

Moved: Cr. Leticia Laing / Seconded: Cr. Les Larke

That the recommendation be adopted.

CARRIED

H.11 Proposed lease for a Regional University Centre in Wonthaggi

File No:	**CM20/638**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Governance**
	We are responsive, open, transparent and financially sustainable

Declaration

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

Summary

The purpose of this report is to commence the statutory procedures under the Local Government Act 1989 for a lease to help support the establishment of a new Regional University Centre in Wonthaggi.

In June 2020 the Federal Government announced that Country Universities Centre Bass Coast Council was successful in securing funding to establish a new Regional University Centre in Wonthaggi. This funding application was led by Council.

It is proposed that the Regional University Centre be located at 21-23 Baillieu Street East. A lease having a term of 20 years will provide the necessary security of tenure to provide confidence in longevity and support investment.

A lease of 20 years invokes the statutory procedures under the Local Government Act 1989. The procedures require the proposal to be advertised calling for submissions and fore submissions to be considered before a final decision on the proposed lease can be made.

Background

On 11 December 2019 Council endorsed a list of advocacy priorities. One of those priorities was to seek $2 million funding for the establishment and operation of Regional University Centre in Wonthaggi.

In the Council supported application for funding, the vacant office building at 21-23 Baillieu Street East, Wonthaggi, was identified as a site for the Centre. Council office staff were relocated from the building and into the McBride Avenue office around the commencement of 2020. The building has since been used as temporary office accommodation for Bass Coast Health administrative staff as a Covid-19 precautionary measure.

On 1 June 2020, the Federal Government announced that Country Universities Centre Bass Coast was successful in securing the funding.

Strategic Basis

Council Plan Objective:

Advocacy - *Representing the community*

Economic Development – *Expanding, attracting and retaining business and investment*

Governance – *We are responsive, open, transparent and financially sustainable*

Major Initiative / Initiative

Delivering the actions of the Bass Coast Advocacy Strategy 2018-21 and Advocacy Priorities is a major initiative. The project is also a current capital works project in collaboration with Bass Coast University Centre.

Strategies / Policies

Bass Coast Leasing and Licensing Policy

Council's endorsed advocacy priorities

Statutory Requirements/Codes/Standards/Policies

Local Government Act 1989 - sections 190 and 223.

Discussion

Details of the proposed lease are as follows;

- Tenant – Bass Coast UC Ltd
- Premises – 21-23 Baillieu Street East Wonthaggi
- Term – 20 years
- Rent - $310 per annum increasing annually by CPI
- Permitted Use - As a university centre, being a facility that regional students can use to study tertiary courses locally delivered by distance from any Australian institution, including the provision of study spaces, break-out areas, video conferencing, computing facilities and high-speed internet access.

The land and improvements at 21-23 Bailiieu Street East are owned by Council.

Diagram of the proposed leased area (red outline).



The establishment of the Country Universities Centre Bass Coast is a significant achievement. It will help overcome challenges associated with young people living in the region;

- Fifty per cent of Bass Coast students who achieve their first preference university offer, do not accept. This can be related to limitations around travel, re-location, finances and an unwillingness to leave their community.
- The closest university providers are in Churchill and Frankston. These are 90 minutes drive away and there is no feasible public transport. Students must either have a car and their license to commute, or relocate.
- Bass Coast experiences a shortfall in skilled workers. This shortfall will be amplified by forecast industry growth particularly in the areas of health and education. For example, Bass Coast Health's $115 million expansion in Wonthaggi, and the new Community Hospital on Phillip Island, is expected to generate 700 new jobs for Bass Coast over the next three years. This will include hundreds of jobs requiring skilled and trained staff.
- The Country Universities Centre Bass Coast will provide local opportunities for people to pathway from training to employment.
- Bass Coast students are less likely to complete year 12, less likely to go to university, and less likely to start at university compared to metropolitan students. Providing a local education pathway would improve retention and participation, supporting students at risk of poor learning outcomes to reach their full potential and stay in education for better life opportunities.

The Country Universities Centre Bass Coast is expected to open early in 2021.

Finances

The lease proposes a nominal rental which means that Council forgoes a commercial rental ($60K pa estimate) or a sale of the asset. A nominal rent is Council's contribution to support the centre and was proposed as a key element of the funding application.

The lease reduces Council's operational costs such as maintenance, insurance and other outgoings.

Stakeholders

- Council as landlord.
- Bass Coast University Centre Ltd trading as Country Universities Bass Coast as tenant.
- Local and regional students who will use the Centre to gain access to tertiary studies.
- Regional businesses who will benefit from local students gaining training as potential employees.
- Those people directly employed at the Centre.

Other Options

Council could decide not to lease the property. This would put the whole undertaking at risk.

Council could decide to change some of the terms of the proposed lease. The proposed terms are consistent with Council's Leasing and Licensing policy and the application for funding.

Conclusion

Council successfully applied for Federal Government funding to establish a new Regional University Centre in Wonthaggi. Council owned, vacant premises at 21-23 Baillieu Street East, Wonthaggi was submitted as a suitable site for the Centre.

It is proposed to lease the premises for the purpose to Country Universities Bass Coast. This is considered to be a responsible and prudent way to manage the obligations of the parties over the term of the lease.

The proposed lease conditions are consistent with Council's Leasing and Licensing Policy.

As the term of the lease is greater than 10 years, Council must follow the procedures set out in the Local Government Act 1989 before making a decision to grant or not to grant a lease. The procedures specify a community consultation process to be undertaken before making the decision.

Recommendation

That Council:

1. **Resolves that the statutory procedures be commenced under Section 190 of the Local Government Act 1989 (the Act) for a new lease with Bass Coast UC Ltd trading as Country Universities Centre Bass Coast by publishing a notice in the local newspaper inviting interested persons to make a submission under Section 223 of the Act for the proposed lease of premises 21-23 Baillieu Street East, Wonthaggi, on the following key terms:**

1.1 Tenant – Bass Coast UC Ltd trading as Country Universities Centre Bass Coast

1.2 Premises – 21-23 Baillieu Street East Wonthaggi

1.3 Term – 20 years

1.4 Rent - $310 per annum increasing annually by CPI

1.5 Permitted Use - As a university centre, being a facility that regional students can use to study tertiary courses locally delivered by distance from any Australian institution, including the provision of study spaces, break-out areas, video conferencing, computing facilities and high-speed internet access.

2. **Authorises the Chief Executive Officer to undertake the administrative procedures necessary to enable Council to carry out its functions under Section 223 of the Act.**
3. **Resolves to hear and consider any submissions received pursuant to Section 223 of the Act at the Council meeting in February 2021.**

Attachments

There are no attachments for this report.

Council Decision

Moved: Cr. Michael Whelan / Seconded: Cr. Clare Le Serve

That the recommendation be adopted.

CARRIED

H.12 Appointments to Council Committees and External Committees

File No:	**CM20/652**
Division:	**Finance and Governance**
Council Plan Strategic Objective:	**Governance**
	We are responsive, open, transparent and financially sustainable

Declaration

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

Summary

This report recommends that Council appoints Mayor or Councillor Representatives to Council Committees and External Committees.

Council appoints representatives to a number of Council Committees and External Committees in order to meet its legislative obligations and to enhance its involvement in community activities and to advocate on behalf of the community.

Background

A number of Council Committees and External Committees exist where the Mayor or Councillors are invited to participate across a broad interest area. Some of these committees have legislative requirements, but most committees operate in an advisory capacity.

It is important for the Mayor and/or Councillors to be represented on committees and networks for a number of reasons including:

- Some committees are legislated to provide input into strategic plans
- Committees provide opportunities for Councillors and the organisation to stay connected to advocacy groups and understand emerging issues
- Provide advice to Council on a variety of issues
- Help Council achieve its Council Plan objectives

Strategic Basis

Council Plan Objective:

Governance – *We are responsive, open, transparent and financially sustainable*

Discussion

The Council Committees and External Committees being tabled for Councillor appointments as part of this report are listed below. These appointments are for a minimum one year term.

Council Committees:

Access & Inclusion Advisory Committee	One Councillor (Chair)
Arts & Culture Advisory Committee	One Councillor (Chair)
Bass Coast Community Road Safety Committee	One Councillor (Chair)
Bass Coast Events Advisory Committee	Two Councillors (one Councillor is the Chair)
Bass Coast Natural Environment Advisory Working Group	One Councillor (Chair)
Community Tourism Reference Group	One Councillor (Chair)
Phillip Island Integrated Transport Study Reference Group	One Councillor (Chair)
Rural Engagement Group	One Councillor (Chair)

External Committees:

Australian Coastal Councils Association Inc.	Mayor & Councillor substitute
Bass Coast South Gippsland Reconciliation Committee	One Councillor & Councillor substitute
Emergency Management Planning Committee	One Councillor
Gippsland Local Government Waste Forum	One Councillor & Councillor substitute
Gippsland Waste and Resource Recovery Group Board	TBA (appointed by the Minister)
Municipal Association of Victoria (MAV)	Mayor, Deputy Mayor (sub)
One Gippsland	Mayor
Peri Urban Group of Councils	Mayor, Deputy Mayor (sub)
Phillip Island Nature Park Community Advisory Committee	One Councillor & Councillor substitute
Phillip Island Wildlife Plan Steering Committee	One Councillor & Councillor substitute
South Coast Inclusion Network	One Councillor
South East Australian Transport Study	One Councillor
South East Council's Climate Change Alliance	One Councillor & Councillor substitute
Westernport Biosphere Reserve	One Councillor

Victorian Local Governance Association.

Following a review of Council memberships, officers are recommending that Council withdraw its membership for the Victorian Local Governance Association (VLGA).

The service offering of the VLGA is similar to that provided by the Municipal Association of Victoria (MAV) – advocacy and networks, events and training, a number of resources targeted at Councillors, various external and policy and stakeholder working groups.

The MAV provides all of these services as well as a centralised procurement model for insurance and WorkCare and operates a Procurement panel (aggregator) that can be accessed by councils for other goods and services without the need to go to public tender.

The MAV has driven a number of significant sector wide initiatives in recent years, including the Local Government Funding Vehicle (municipal bond), the STEP Asset Management and Financial Management Program and the Local Government Digital Transformation Taskforce. The MAV has a more sophisticated model for making submissions to other tiers of government through its State Council process and is recognised by the State as the leading municipal peak body in Victoria. This is also reflected in the MAV's membership base which includes all 79 Victorian councils compared to the VLGA which has 47 member councils.

Ongoing membership of the VLGA is not recommended as their service offering, while complementary to the MAV, is not as comprehensive and they do not fill any gaps in the service provided by the MAV. Discontinuing the VLGA membership will save Council $10,000 per annum.

Finances

Councillors participation in these committees is covered by their general reimbursement as outlined in the Council Support and Resources to Councillors Policy. These costs are contained within Council's operating budget.

Not renewing Council's VLGA membership will save $10,000 per annum.

Stakeholders

- Councillors
- Community members
- Council Officers

Other Options

Council could choose not to appoint representation to these committees and networks. This may result in non-compliance of legislation and or, limit the level of interaction and ability to influence key outcomes for the community. It could also contribute to difficulty for Council to achieve its strategic direction articulated in the Council Plan.

Conclusion

A list of Council Committees and External Committees is presented for the Mayor and or Councillors to be appointed to. If a Councillor is not appointed to any of these committees, a Council Officer may be appointed in their place by agreement.

Recommendation

That Council:

1. **Appoints Councillor representatives to the following Council Committees:**

Access & Inclusion Advisory Committee	One Councillor (Chair)
Arts & Culture Advisory Committee	One Councillor (Chair)
Bass Coast Community Road Safety Committee	One Councillor (Chair)
Bass Coast Events Advisory Committee	Two Councillors (one Councillor is the Chair)
Bass Coast Natural Environment Advisory Working Group	One Councillor (Chair)
Community Tourism Reference Group	One Councillor (Chair)
Phillip Island Integrated Transport Study Reference Group	One Councillor (Chair)
Rural Engagement Group	One Councillor (Chair)

2. **Appoints Councillor representatives to the following External Committees:**

Australian Coastal Councils Association Inc.	Mayor & Councillor substitute
Bass Coast South Gippsland Reconciliation Committee	One Councillor & Councillor substitute
Emergency Management Planning Committee	One Councillor
Gippsland Local Government Waste Forum	One Councillor & Councillor substitute
Gippsland Waste and Resource Recovery Group Board	TBA (appointed by the Minister)
Municipal Association of Victoria (MAV)	Mayor, Deputy Mayor (sub)
One Gippsland	Mayor
Peri Urban Group of Councils	Mayor, Deputy Mayor (sub)
Phillip Island Nature Park Community Advisory Committee	One Councillor & Councillor substitute
Phillip Island Wildlife Plan Steering Committee	One Councillor & Councillor substitute
South Coast Inclusion Network	One Councillor
South East Australian Transport Study	One Councillor
South East Council's Climate Change Alliance	One Councillor & Councillor substitute

Western Port Biosphere Reserve	One Councillor

3. **Formally resigns its membership from the Victorian Local Governance Association (VLGA).**

Attachments

AT-1 Council Committees List 4 Pages

AT-2 External Committee List 6 Pages

Council Decision

Moved: Cr. Rochelle Halstead / Seconded: Cr. Bruce Kent

That Council:

1. **Appoints Councillor representatives to the following Council Committees:**

Access & Inclusion Advisory Committee	Cr Les Larke (Chair)
Arts & Culture Advisory Committee	Cr Rochelle Halstead & Cr Leticia Laing (sub)
Bass Coast Community Road Safety Committee	Cr Bruce Kent (Chair)
Bass Coast Events Advisory Committee	Cr David Rooks, Cr Clare Le Serve (one Councillor is the Chair)
Bass Coast Natural Environment Advisory Working Group	Cr David Rooks (Chair)
Community Tourism Reference Group	Cr David Rooks (Chair)
Phillip Island Integrated Transport Study Reference Group	Cr David Rooks, Cr Michael Whelan (sub)
Rural Engagement Group	Cr Clare Le Serve (Chair)

2. **Appoints Councillor representatives to the following External Committees:**

Australian Coastal Councils Association Inc.	Mayor & Cr Michael Whelan (sub)
Bass Coast South Gippsland Reconciliation Committee	Cr Leticia Laing & Cr Rochelle Halstead (sub)
Emergency Management Planning Committee	Cr Bruce Kent
Gippsland Local Government Waste Forum	Cr Clare Le Serve & Cr Bruce Kent (sub)

Gippsland Waste and Resource Recovery Group Board	TBA (appointed by the Minister)
Municipal Association of Victoria (MAV)	Mayor, Deputy Mayor (sub)
One Gippsland	Mayor
Peri Urban Group of Councils	Mayor, Deputy Mayor (sub)
Phillip Island Nature Park Community Advisory Committee	Cr Rochelle Halstead & Cr Ron Bauer (sub)
Phillip Island Wildlife Plan Steering Committee	Mayor & Cr David Rooks (sub)
South Coast Inclusion Network	Cr Leticia Laing & Cr Ron Bauer (sub)
South East Australian Transport Study	Cr Michael Whelan
South East Council's Climate Change Alliance	Cr Michael Whelan & Cr Leticia Laing (sub)
Western Port Biosphere Reserve	Cr Clare Le Serve

3. **Formally resigns its membership from the Victorian Local Governance Association (VLGA).**

CARRIED

H.13 Council Meeting Schedule 2021

File No:	**CM20/653**
Division:	**Finance and Governance**
Council Plan Strategic Objective:	**Governance**
	We are responsive, open, transparent and financially sustainable

Declaration

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

Summary

The purpose of this report is to recommend the Council meeting schedule for 2021.

Background

Part C, Section 9 of Council's Governance Rules requires that "*Council must from time to time fix the date, time and place of all Council Meetings*". The rules provide for Council to set an annual schedule of meetings and set out criteria for ensuring that the public are notified of the criteria.

Strategic Basis

Council Plan Objective:

Governance – *We are responsive, open, transparent and financially sustainable*

Major Initiative / Initiative

This is not a major initiative or imitative of Council.

Strategies / Policies

Governance Rules 2020

Statutory Requirements/Codes/Standards/Policies

Local Government Act 2020

Discussion

Council Meetings are scheduled for the 3rd Wednesday of each month.

The virtual meeting provisions afforded through the COVID-19 Omnibus (Emergency Measures) Act 2020 have been extended to 26 April 2021. Council will continue to facilitate Council Meetings virtually during this time.

The requirement for meetings being open to the public is satisfied by the meetings being streamed lived to Councils internet.

Subject to consideration of a live streaming report which is also presented to Council at this meeting, officers are recommending that all Council meetings be held in Wonthaggi at the Civic Centre. This recommendation is made on the basis that Council wishes to continue live streaming of its meetings following the conclusion of the virtual meeting provisions in April.

The technology that allows Councillors to meet in person and effectively live stream the meeting will be set up in the Wonthaggi Civic Centre, this technology is not something that can easily, or cost effectively, be moved between venues. By livestreaming the meeting, Council is removing the need for members of the public to travel to attend a meeting where they may only have an interest in a single item.

Finances

There are no financial implications associated with the officer recommendations. Should Council wish to change the location or venue of the Council meetings at the conclusion of the virtual meting provisions, and continue live streaming its meetings, there will be a cost impact.

Stakeholders

- Councillors
- Community members
- Council Officers

Other Options

There is no other option as it is a requirement under Council's Governance Rules:

9 Dates and Times of Meetings Fixed by Council

Subject to Rule 11, Council must from time to time fix the date, time and place of all Council meetings.

10 Council May Alter Meeting Dates

Council may change the date, time and place of any Council meeting which has been fixed by it and must provide reasonable notice of the change to the public.

11 Meetings Not Fixed by Council

11.1 The Mayor or at least 3 Councillors may by a written notice call a Council meeting.

11.2 The notice must specify the date and time of the Council meeting and the business to be transacted.

11.3 The Chief Executive Officer must convene the Council meeting as specified in the notice.

11.4 Unless all Councillors are present and unanimously agree to deal with any other matter, only the business specified in the written notice can be transacted at the Council meeting.

Conclusion

It is recommended that Council adopt the proposed 2021 meeting schedule.

Recommendation

That Council:

1. **Adopt the meeting schedule for 2021 as follows:**

Date	Venue	Time
17 February 2021	Civic Centre, Virtual	1.00pm
17 March 2021	Civic Centre, Virtual	1.00pm
21 April 2021	Civic Centre, Virtual	1.00pm
19 May 2021	To be confirmed	1.00pm
16 June 2021	To be confirmed	1.00pm
21 July 2021	To be confirmed	1.00pm
18 August 2021	To be confirmed	1.00pm
15 September 2021	To be confirmed	1.00pm
20 October 2021	To be confirmed	1.00pm
17 November 2021	To be confirmed	1.00pm
15 December 2021	To be confirmed	1.00pm

2. **Advocate to the Minister for Local Government seeking ongoing options for Council to meet in a virtual environment or a hybrid virtual/physical environment.**

Attachments

There are no attachments for this report

Council Decision

Moved: Cr. Bruce Kent / Seconded: Cr. Michael Whelan

That the recommendation be adopted.

CARRIED

H.14 COVID-19 Financial Hardship Policy

File No:	**CM20/589**
Division:	**Finance and Governance**
Council Plan Strategic Objective:	**Governance**
	We are responsive, open, transparent and financially sustainable

Declaration

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

Summary

The updated COVID-19 Financial Hardship Policy will provide financial assistance to impacted businesses, including those who are leasing their premises, and residential ratepayers. The policy provides for the deferral of rates interest-free on application up to 30 June 2021.

The policy has been informed by comprehensive benchmarking across the sector. Ratepayers will be able to apply for extended payment plans at the end of the deferral period to assist them in paying back rates arrears.

Background

The current COVID-19 Pandemic resulted in an unprecedented shut down of a significant proportion of the economy, particularly in the tourism and hospitality sectors that are significant in Bass Coast. This led to increases in unemployment and underemployment across the state with adverse impacts on household income.

As municipal rates are one of the largest bills that households receive during the year, Council has developed an enhanced Financial Hardship Policy that will help impacted ratepayers cope with the financial impact of the Pandemic.

Strategic Basis

Council Plan Objective:

Governance – *We are responsive, open, transparent and financially sustainable*

Strategies / Policies

Council adopted a COVID-19 Financial Hardship Policy in May 2020. The policy provided for an interest free deferral of the fourth instalment of the 2019/20 and the first instalment of the 2020/21 until 30 June 2021, upon application. There was also provision made for the deferment of Special Charge Scheme instalments interest free until 30 June 2021, upon application.

Statutory Requirements/Codes/Standards/Policies

There are a number of restrictions or requirements that Councils need to satisfy under the *Local Government Act 1989* before granting rate waivers or rate deferrals. These are:

Under Section 171 of the Local *Government Act 1989*, "*The Council may waive the whole or part of any rate or charge or interest in relation to –*

(a) An eligible recipient under subsection (4), or

(b) Any other class of persons determined by the Council for the purpose of waiving rates or charges on the grounds of financial hardship"

A waiver of rates other than rates of eligible recipients under the State Concessions Act 2004, can therefore only be given to classes of persons based on financial hardship and not to ratepayers generally.

Under Section 170 of the *Local Government Act 1989*, "*A Council may defer in whole or in part the* payment *by a person of any rate or charge which is due and payable for a specified period and subject to any conditions determined by the Council if it considers that an application by that person shows that the payment would cause hardship to the person.*"

Victorian Councils are bound by a rate cap that is set in line with projected inflation at the beginning of each calendar year. Requests for rate rises in excess of the rate cap need to be informed by community consultation and provided to the Essential Services Commission for assessment.

Discussion

Council adopted a COVID-19 Financial Hardship Policy at its meeting on 20 May 2020. The policy adopted enhanced the current hardship policy through the provision of arrangements for rate deferral of the fourth instalment of the 2019/20 rates and the first instalment of the 2020/21 rates to 30 June 2021. This was targeted at helping ratepayers who had lost their job due to the COVID-19 pandemic.

Unemployment is expected to increase substantially due to the COVID-19 financial crisis with initial estimates of up to three million Australians being out of work. The sheer scale of this requires Councils, as one of the three tiers of Government, to make a contribution to the recovery and support effort. This is being led by the fiscal approach of the Commonwealth and State Governments to provide a range of targeted stimulus and support measures. These have been complemented by appropriate monetary policies from the RBA including reductions in the official interest rate to 0.10%, and quantitative easing measures that will result in additional liquidity of circa $200 billion being pumped into the economy.

Commonwealth support for individuals is summarised in Table 1 below.

Table 1 – Commonwealth Coronavirus Support to Individuals

Support Package	**Nature of Support**
Job Keeper	Impacted businesses and not-for–profits can access wage supplements of between $750 or $1,200 per fortnight for their employees, depending on the hours worked earlier in the year. These payments will commence 28 September 2020 until 3 January 2021. From 4 January 2021 onwards the rate is lowered to $650 or $1,000.
Early Superannuation	Eligible individuals can access $10,000 of their superannuation between 1 July 2020 and 31 December 2020.

Commonwealth measures to support businesses during the COVID-19 crisis are summarised in Table 2 below.

Table 2 – Commonwealth Coronavirus Support to Businesses	
Commonwealth Support Measure	**Nature of Support**
Job Keeper	Impacted businesses and not-for–profits can access wage supplements of between $750 or $1,200 per fortnight for their employees, depending on the hours worked earlier in the year. These payments will commence 28 September 2020 until 3 January 2021. From 4 January 2021 onwards the rate is lowered to $650 or $1,000.
Cash flow support for small and medium businesses	Temporary cash flow support between $20,000 and $100,000 for eligible small and medium sized businesses and not-for-profits that employ staff to help with their cash flow.
Temporary relief for financially stressed businesses	Temporary increases in the threshold at which creditors can issue a statutory demand on a company, initiate bankruptcy proceedings and temporary relief for directors from any personal liability for insolvent trading.
Increasing the instant asset write off	Increasing the instant asset write off from $30,000 to $150,000 and expanding access to include businesses with turnover of less than $500 million (previously $50 million).
Backing business investment	Accelerated depreciation allowance of 50% for businesses with turnovers of less than $500 million.
Supporting apprentices and trainees	Wage subsidies of 50% of an apprentice or trainee's wage during the nine months ending 31 March 2021
Support for severely affected regions and sectors	Funding of $1 billion to provide additional assistance to help businesses identify alternative export markets or supply chains. Targeted measures will also be developed to promote tourism. A $715 million support package has also been provided to the airline industry.
Income support for sole traders	Eligibility for the JobKeeper payment subject to certain qualifying criteria including a reduction of 30% in turnover.

Measures taken by the Victorian State Government to support businesses during the COVID-19 crisis are summarised on Table 3 below.

Table 3 – Victorian Coronavirus Support to Business	
Victorian Government Measure	**Nature of Support**
Economic Survival and Jobs Package	$1.7 billion Business Support Fund to assist small to medium sized businesses impacted by COVID-19.
Commercial Tenancies Relief Scheme	A commercial tenancies relief scheme to alleviate the financial hardship faced by tenants and landlords as a result of COVID-19. This includes discounts on land tax for landlords and financial support for residential tenants (up to $2,000) to enable them to meet their rental commitments. Grants of up to $3,000 per tenancy to eligible landlords.
Working for Victoria Fund	A $500 million fund to enable people who have lost their jobs due to COVID-19 to find new work opportunities.

Table 4 below summarises the measures that have been incorporated into the BCSC COVID-19 Financial Hardship Policy which complement the support that is being provided by other tiers of government. The use of deferrals rather than waivers or write offs is consistent with the practice of the banks (who still charge interest), utilities, and health insurers in dealing with financial support requests during this crisis. Initial benchmarking with other Councils confirms that rate deferrals as well as the use of payment plans to enable ratepayers to better manage their obligations is the preferred coronavirus support measure in the sector.

Table 4 – Updated BCSC COVID-19 Financial Hardship Policy Measures	
Rate Relief Measure	**Qualifying criteria**
Interest free deferral of 20/21 November, February and May rates instalment and 15 February full payment to 30 June 2021.	**Residential Properties** Loss of employment, self or partner Significant business impairment, revenue loss of at least 30%
Interest free deferral of 20/21 November, February and May rates instalment and 15 February full payment to 30 June 2021.	**Business premises owned by ratepayer** Significant business impairment, revenue loss of at least 30% Qualification for other government support (payroll tax reduction, withholding tax adjustment, Job Keeper allowance)

Interest free deferral of 20/21 November, February and May rates instalment and 15 February full payment to 30 June 2021. This deferral is conditional on the landlord passing the benefit through to the lessee (the business or effective ratepayer).	**Business premises leased by effective ratepayer** Significant business impairment, revenue loss of at least 30% Qualification for other government support (payroll tax reduction, withholding tax adjustment, Job Keeper allowance)
Interest free deferral of 20/21 November, February and May rates instalment and 15 February full payment to 30 June 2021.	**Residential properties** For persons experiencing severe financial hardship including all Government pensioners.

Officers are not recommending the provision of Council support to landlords who own investment properties (apart from where they are being used for business purposes as outlined in Table 4). The rationale for these measures being excluded from the proposed financial hardship policy are set out in Table 5 below.

Table 5 – Rate Relief Measures Excluded	
Rate Relief Measure	**Reasons for Not Being Recommended**
Rate waivers (Nil to $250K)	Affordability – e.g. up to 10% waiver on an instalment will cost $800K per instalment. Inequity and where do you draw the line. Open to abuse. Waivers could be considered where extreme hardship can be demonstrated, provided this is capped per ratepayer and restricted to an overall budget allocation.

Officers have also carried out benchmarking with other Victorian Councils on measures that they are taking to help ratepayers in the wake of this crisis. Initial indications are that Councils are generally providing the following support to impacted ratepayers:

- Deferrals on rate instalments for periods of 6 to 15 months
- No interest on rate deferrals
- Providing payment plans to help ratepayers manage their rate commitments.

Finances

The proposal to provide for interest free deferrals of Council rate instalments is expected to have an adverse impact of $15,000 on Council's revenue. This includes a projected penalty rates interest reduction of $10,000 and a reduction of $5,000 in Council's interest revenue. These projections are based on the preliminary figures of 1% of ratepayers taking up the deferment option offered in the current COVID-19 Hardship policy.

Other Options

No Change to Existing Financial Hardship Policy

Council could apply its current financial hardship policy to impacted ratepayers and businesses. This will result in these ratepayers incurring a 5% interest rate on their rate deferrals and will not provide them with meaningful financial support especially when they have to repay a larger rates debt.

Freezing Council Rate Increases

Council did not elect to maintain rates at their existing levels through 2020/21.

This would have had a significant cost impact of $960K in 20/21 and in the context of the current rate cap environment have an ongoing structural impact on the LTFP of over $10 million in the next 10 years due to the erosion of the rate base. Benchmarking with other Victorian Councils has confirmed that three quarters of municipalities are proceeding with a rate increase that is in line with the 2% cap.

A freeze on a rate increase would have provided all ratepayers with modest relief ($30 for an average residential ratepayer). This would have been at the expense of targeted support that will provide meaningful relief for the vulnerable and severely impacted businesses.

Conclusion

The development of a COVID-19 Financial Hardship Policy is linked to the Bass Coast Business and Community Response and Recovery Package that Council adopted on 15 April 2020. It is also naturally very relevant in the context of the Budget 2020/21 which was adopted on 19 August 2020. Which included fee waivers or reduced fees as well as rental reductions or waivers and an across the board freeze on other fees and charges.

Recommendation

That Council endorse the COVID-19 Financial Hardship Policy.

Attachments

AT-1 Pandemic - Financial Hardship Policy 2020 3 Pages

Council Decision

Moved: Cr. Michael Whelan / Seconded: Cr. Clare Le Serve

That the recommendation be adopted.

CARRIED

H.15 Award of Tender No. 20016 - Fincher Street Renewal, Wonthaggi.

File No:	**CM20/648**
Division:	**Finance and Governance**
Council Plan Strategic Objective:	**Governance**
	We are responsive, open, transparent and financially sustainable

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 20016 – Fincher Street Renewal, Wonthaggi.

A Panel, consisting of 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 SR Excavations Pty Ltd will satisfy the requirements of the works and will provide Council with best value for money.

This report recommends Council to accept the tender submission and award Contract No 20016 to SR Excavations Pty Ltd.

This report contains an attachment which is declared to be confidential in accordance with Bass Coast Shire Council's Tender & Contract Confidentiality Procedure.

Background

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

Following Commonwealth Local Roads and Community Infrastructure (LRCI) Program funding allocation, Council invited tenders from suitably qualified contractors for the renewal of two sections of Fincher Street in Wonthaggi.

The two sections of work proposed under the project are from the McKenzie St/Fincher St intersection to 33 Fincher St, and from 61 Fincher St to Graham St (Bass Highway).

The works incorporate road widening, minor drainage, kerb & gutter and footpath construction together with ancillary works outlined in the construction plans, and the specification.

Council released the tender to the open market at 9.00am on 30 September 2020.

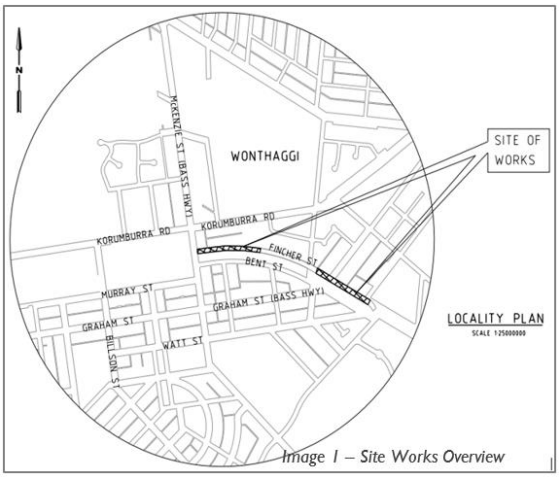


Image 1 – Site Works Overview

Strategic Basis

Council Plan Objective:

Governance – *We are responsive, open, transparent and financially sustainable*

Statutory Requirements/Codes/Standards/Policies

The entire tender process, including the evaluation of tenders, was carried out in accordance with:

- 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 1989*.

Tenders closed at 2.00pm AEDT on Wednesday 25 October 2020 and Council received three conforming tender submissions.

Evaluation Process

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

CRITERION	WEIGHTING
MANDATORY	
Risk, Insurance and Registration	Pass/Fail
Integrated Management System	Pass/Fail
WEIGHTED	
Price	30%
Construction Methodology and Approach	20%
Capacity – Proposed Staff, Plant & Equipment	20%
Previous Related Experience & Referees	15%
Environmental Management	5%

CRITERION	WEIGHTING
Benefit to Bass Coast Shire Economy	5%
Social Procurement Outcomes	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 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 issues for further review, clarified issues with tenderers and sought additional information.

Further information was also requested to seek clarification and to assist the Panel in its understanding and assessment of their tender. The Panel did not believe that it was necessary to obtain external reference checks as SR Excavations Pty Ltd are a current, annual supply contractor to Council and have performed these works for a number of years to a high standard.

The final weighted scores are set out in Table 2.

TABLE 2 – FINAL WEIGHTED SCORES

NO.	NAME	PRICE SCORE %*	NON-PRICE SCORE %#	TOTAL SCORE %
1	SR Excavations Pty Ltd	30%	57%	87%
2	Tender B	28%	46%	74%
3	Tender C	25%	40%	65%

** The higher price score % represents lower tendered pricing.*
 # The higher non-price score % represents the better capability and capacity to undertake the service.

SR Excavations Pty Ltd presented the lowest cost of the conforming tenders, and in accordance with the selection criteria present the best value to Council in terms of price.

SR Excavations Pty Ltd demonstrated they have not only the capacity and capabilities to undertake the works in the required timeframes and in accordance with the requirements of the specification, the company also demonstrates strong benefit to the Bass Coast Shire including local sourcing, and social equity; elements that achieve Quadruple Bottom Line (QBL) outcomes for Council.

A financial assessment was undertaken and finalised on 10 November 2020 by independent organisation Corporate Scorecard (Equifax Australasia) - **refer to the attached Evaluation Report for its findings.**

In accordance with the selection criteria the Evaluation Panel concluded SR Excavations Pty Ltd presents the best value for money to Council.

Contract Management

The Senior Capital Project Engineer will act as Contract Superintendent for the contract and the Capital Project Officer and Acting Coordinator Civil Design will act as the Contract Superintendent's Representative. Authorisations of variations will be in accordance with the Procurement Delegations Frameworks adopted by Council on 17 June 2020.

- Contract Commencement: 11 January 2021
- Anticipated Contract Completion: 2 April 2021

Finances

This project is in the 2020/21 capital program.

Council received $923,666 from Commonwealth's LRCI Program, which was allocated to this Fincher Street renewal project.

The total value of the contract is $917,326.55 (GST exclusive).

COST COMPONENT	GST EXCLUSIVE
Construction including permits and approvals (lump sum components)	$749,977.10
Provisional Sums to be completed by Contractor	$97,350.70
Best and Final Offer (BAFO) reduction of original price offer	-$4,236.64
TOTAL CONTRACT SUM	**$843,091.16**
Internal Project Management costs	$15,218.98
Contingency (7%) *	$59,016.41
TOTAL	**$917,326.55**

** Normal practice for a capital project is to allow for a contingency sum of 10% of the contract value; however, the Budget Officer for this project authorised a reduction to 7% given that SR Excavations Pty Ltd pose low risk in terms of unforeseen issues, and works have already been conducted in the middle section of this road and have likely already identified any issues.*

This proposed contract amount is in line with the project estimate.

The total budget available for the Fincher Street Renewal Wonthaggi project is $923,666 (GST exclusive), which includes contingency and project management fees.

Stakeholders

The stakeholders for this tender include, but is not limited to:

- Bass Coast Shire Council;
- Residents and visitors to Wonthaggi, including local not-for-profit organisation ArtSpace; and
- Users of the Fincher Street Reserve.

Other Options

1. Not award a contract at this time and re-tender for the works associated with this Fincher Street Renewal Wonthaggi project; however, it is highly likely Council would receive insignificant benefit by taking this action. Importantly, this project is on a strict deadline driven timeline and to re-tender would delay the start of project works for at least twelve weeks.

2. Award the contract to an alternative tenderer; however, as evident in the Evaluation outcome, SR Excavations Pty Ltd scored the highest and to opt for such a decision will appear inconsistent with the published evaluation criteria.

Conclusion

The Tender Evaluation Report is attached.

For the following key reasons, this report concludes that the tender submitted by SR Excavations Pty Ltd will provide Council with best value for money because the offer:

- Achieves the highest score based on the method of evaluation;
- Demonstrates specific, relevant experience and capability to undertake the works in accordance with the specification;
- Demonstrates a strong understanding of the challenges associated with these works and provided confidence that they have the ability to manage the site in conjunction with the contractor; and
- Includes numerous elements that achieve Quadruple Bottom Line (QBL) outcomes for Council.

Recommendation

That Council:

1. **Accept the tender from SR Excavations Pty Ltd and award Contract No 20016 – Fincher Street Renewal Wonthaggi for the contract sum of $843,091.16 plus GST of $84,309.12 which includes lump sum and provisional amounts.**
2. **Authorises the Chief Executive Officer to execute Contract No. 20016 between Council and SR Excavations Pty Ltd.**

Attachments

AT-1	***CONFIDENTIAL*** - Evaluation Report - Tender No. 20016 Fincher Street Renewal, Wonthaggi	10 Pages

Council Decision

Moved: Cr. Les Larke / Seconded: Cr. Leticia Laing

That the recommendation be adopted.

CARRIED

H.16 2020/21 Major Initiatives, Finance and Capital Works First Quarter Report

File No:	**CM20/641**
Division:	**Finance and Governance**
Council Plan Strategic Objective:	**Governance**
	We are responsive, open, transparent and financially sustainable

Declaration

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

Summary

The purpose of this report is to provide a progress report on the first quarter's performance for our Major Initiatives and Initiatives, adopted Capital Works Program and operating finances.

Background

The Council Plan articulates Council's Vision for the future of Bass Coast and outlines strategies to be used by Council in fulfilling the Vision. It is an important tool for measuring the performance of Council and its Officers. The 2020/21 Budget funds the objectives within the Council Plan and this year identified five Major Initiatives and six Initiatives. Council also adopted the Capital Works Program within the 2020/21 Budget. These Initiatives, the Capital Works Program and Council's financial performance will be reported on quarterly throughout the year.

Strategic Basis

Council Plan Objective:

Advocacy - *Representing the community*

Economic Development – *Expanding, attracting and retaining business and investment*

Environment – *Maintain and protect the natural environment*

Governance – *We are responsive, open, transparent and financially sustainable*

Health and Wellbeing – *We are a healthy and active community*

Liveability – *Enjoying the place we live*

Our Character – *Celebrating the uniqueness of our townships*

Stakeholders

Council, ratepayers, external funding bodies, residents and visitors are all affected by the delivery of the services, key initiatives and the capital program.

Statutory Requirements/Codes/Standards/Policies

Section 97 of the *Local Government Act 2020* (Act) requires that each quarter Council (and the community) is provided with a statement comparing the adopted budget with the actual results for the year to date.

The Major Initiatives and Capital Works are allocated in the 2020/21 Budget. All of Council's expenditure is approved and spent in accordance with the Act and the Procurement Policy.

The Act states that the primary objective of Council is to endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions.

Major Initiative / Initiative

Attached to this report is a detailed progress summary of the five Major Initiatives and six Initiatives which were identified in the 2020/21 Budget.

Strategic Objective	Initiative	Status
Advocacy	Continue to implement the Advocacy Strategy	On Track
Economic Development	Implement relevant Year 2-5 actions in the Phillip Island and San Remo Visitor Economy Strategy 2035 Growing Tourism - Major Initiative	On Track
Environment	Climate Change Action Plan 2020-2030 (Major)	On Track
Governance	Implement the Local Government Act 2020 (Major)	On Track
Governance	Develop the Council Plan 2021-2025 (Major)	On Track
Governance	Continue Implementation of the Business Transformation program including the OneCouncil Solution	On Track
Health and Wellbeing	Continue the development of the Reconciliation Action Plan	On Track
Liveability	Commence the Municipal Affordable Housing Feasibility Study	On Track
Our Character	Commence design and construction of the Cowes Cultural and Community Centre (Major)	On Track
Our Character	Commence implementation of the Wonthaggi North East Precinct Structure Plan and Developer Contributions Plan (Major)	On Track
Our Character	Commence feasibility and design of the Bass Coast Aquatics facility and Phillip Island Aquatics facility	On Track

Finances

The 2020/21 budget was delayed to allow Council time to revise budget assumptions to determine the best community support required as a result of the COVID19 pandemic. The quarter one Forecast for 2020/21 is largely aligned to budget. These adjustments included a $2.8 million COVID response and recovery package for our community, with the provision of direct support through direct support programs and economic stimulus.

Material variances seen in the quarter one forecast are largely as a result of Council's success in securing the receipt of additional grant funding for delivery of capital projects and grant funding to help provide employment to those in Victoria whose substantive employment was adversely impacted by the pandemic.

The below key metrics highlight Council's strong forecast financial position for 2020/21.

Indicator	Budget	Forecast
Net Result ($'000s)	3,105	6,038
Adjusted Underlying Result	0.22%	-0.72%
Funding Surplus ($'000s)	0	112
Renewal Gap	1.05	1.08
Liquidity	1.93	1.80

Net Result has been favourably impacted by the confirmation of funds to be received from Better Boating Australia ($4.5 million) for works on the Rhyll boat ramp and Growing Suburbs ($2.5 million) for application on the planned works for the Cowes Cultural Centre. Of this additional $7 million of confirmed funding, $2 million is forecast to be recognised during the 2020/21 financial year. In addition, recognition of cash contributions from the Pioneer Special Charge scheme of $2.2 million are expected during the 2020/21 financial year as the works on this drainage project accelerate.

Additional funding of $4 million was secured at the start of the 2020/21 year, through the Working for Victoria initiative. This funding which is provided by the State Government supports Council in providing short term employment opportunities to over 100 Victorians whose substantive roles were adversely impacted by the pandemic. In addition, this funding has contributed to the additional service levels required for public amenities and business support and recovery as a result of the pandemic. This funding has no overall impact on our financial results, as the increased revenue is directly offset through increased labour costs.

Continued works on projects which were not complete within the 2019/20 financial year have an adverse impact on both our net result and adjusted underlying result. These projects include the allocation of $0.7 million in COVID19 community grants which were expected to be paid late June 2020 but instead were paid in early July 2021. These projects were fully funded through the 2019/20 budget and therefore the delayed financial completion has no impact on Council's cash position.

Our cash position, as shown in our funding statement is forecast to be largely in line with budget, with a forecast surplus of $0.1 million expected at the end of the financial year. Council's balance sheet was unfavourably impacted by the required recognition of deferred income (AASB15) and lease liabilities (AASB16) during 2019/20. Regardless of this, Council's liquidity ratio remains within VAGO's low risk category, meaning that Council continues to have the ability to be able to pay debts as they fall due.

Council has forecast a record-high capital works program totalling $41.6 million for 2020/21 which is $13.7 million higher than budget. This increase is largely due to the forecast completion of works originally budgeted in 2019/20 and the commencement of works as a result of securing the above mentioned unbudgeted funding for Rhyll

Boat ramp. As we continue through the financial year, the delivery of this record capital works program will continue to be monitored.

Capital Works Program

Forecast Capital Program

In August 2020 Council approved its 2020/21 budget, which included a Capital Works Program (CWP) comprising of 88 projects with a total value of $27.9 million.

Forecasting of the CWP as at 30 September 2020 (Quarter 1) has now been completed. Forecasting has identified a number of adjustments to the CWP in order to include new projects resulting from additional grant funding secured and to reflect the most up to date forecast project expenditure as projects progress through the delivery cycle.

At the end of the 2019/20 financial year, 35 capital projects were identified as financially incomplete and therefore required a carryover of funds to the 2020/21 financial year in order to complete planned works. This resulted in $15.7 million of funding being carried over from the 2019/20 financial year.

During 2020/21, Council has been successful in securing two grants (totalling $7.0 million) which were not known at the time of budget adoption. The funding provided by the Growing Suburbs Fund ($2.5 million) and Better Boating Victoria ($4.5 million) directly impact the planned CWP with delivery of these projects.

Detailed adjustments and associated explanatory comments per project may be seen within the attached CWP Report (AT-3).

A summary of proposed Quarter 1 adjustments to the CWP is provided within the table below.

Program Element	Projects	$Million
Adopted Budget 2020/21	88	27.9
Projects Carried over from 2019/20	35	15.7
Adopted Budget 2020/21 + 2019/20 Carry overs	**123**	**43.6**
Forecast Q1 Adjustments		-2.0
Total Q1 Forecast and Active Projects	**143**	**41.6**

As noted in Table 1 above the 2020/21 forecast CWP has been updated to include the successful allocation of additional grant income, updated knowledge around timing of project completion and any forecast changes in project expenditure as each project progresses through the delivery plan.

A full listing of all 2020/21 capital projects has been provided in attachment to this report. This detail provides financial forecasts and associated explanatory comments per project. A summary of the major forecast changes in the CWP are as follows:

During Quarter 1 Council was successful in securing approximately $7.0 million in additional capital grants. Council has partnered with Better Boating Victoria (BBV) to deliver the Rhyll Boating Facility, resulting in funding of $4.5 million being provided to Council for the delivery of an upgraded facility. It is forecast that $0.9 of this funding

will be expended in the 2020/21 financial year with the balance of funds to be carried forward for spend in 2021/22 as construction works continue. The $2.5 million in funding secured from the Growing Suburbs Fund will be required to be allocated to new projects to increase value of the 2020/21 CWP by the value of the grant. This adjustment will be reflected in the Q2 forecast when projects have been confirmed and works commence.

Other increases seen in the Quarter 1 forecast include $150K allocation to municipal art, $220K increase in forecast expenditure for fleet renewal (to support WFV), $159K overspend on Wonthaggi tennis courts, $100K increase in forecast expenditure for street decorations, $67K in additional funding secured for spend at Wonthaggi historical society, and $300K in completion of 2019/20 projects which were not identified for carryover.

To offset this increase, the following project expenditure is forecast to be delayed to future financial years, therefore reducing the forecast spend in 2020/21:

Regional Skate and Play Space. Due to Council deferring the Regional Skate and Play Space the forecast spend in the 2020/21 financial year has been reduced by $1.7 million. It is intended that these funds will be held in a reserve for spend in future financial years.

PBN Surf Parade Inverloch – Veronica Street to Goroke Street. Council is currently working through the consent process with all relevant authorities and due to the time required to gain the appropriate approvals and conduct a procurement process, it is currently forecast that this project will start during the 2021/22 year. The forecast spend for 2020/21 has been accordingly adjusted down by $1.5 million. It is intended that these funds will be held in a reserve for spend on progressing the project in future financial years.

Pioneer Bay Special Charge Scheme. As this project progresses, it is forecast that $0.9 million of spend (20% of full forecast project spend) will fall in the 2021/22 financial year.

Progress of the Capital Program

Delivery of the 2020/21 CWP is in progress. $1.8 million has been spent as at 30 September 2020, with a further $9.1 million committed to contractors as project work continues to progress. This spend represents a 4.3% financial completion of the full year CWP forecast.

COVID-19 has impacted our capital delivery program as delays in delivery result from associated Victorian restrictions and the late adoption of the 2020/21 budget. Additional limitations on tenders and community consultations have been experienced as local government elections took place. Our aggregate program completion for full year forecast currently sits at 44%.

Opportunities to enhance the delivery of the CWP are currently being implemented. This includes recruiting additional resources, developing standard templates and reports, establishing a project management framework and portal, and improvements to the scoping process.

Of the 152 active projects currently listed within the CWP:

- 17 are yet to commence (12%)
- 85 are currently in progress (59%)

- 26 have been completed (18%)
- 10 projects have been staged to be delivered over multi-years (7%)
- 5 projects has been either removed, amalgamated or deferred (3%)

Details regarding the delivery status of each project contained within the CWP is provided within AT-3.

Recommendation

1. **Receives the Finance, Major Initiatives and Capital Works Progress Report for the quarter ended 30 September 2020.**
2. **Authorises adjustment of Capital Works Program project forecasts in accordance with the figures listed within attachment AT-3.**

Attachments

AT-1	Bass Coast Shire Council Major Initiatives and Intiatives Quarterly Report 30 September 2020	9 Pages
AT-2	Bass Coast Shire Council Quarterly Financial Report September 2020	19 Pages
AT-3	Bass Coast Shire Council Capital Works Program Quarterly Report September 2020	8 Pages

Council Decision

Moved: Cr. Michael Whelan / Seconded: Cr. Rochelle Halstead

That the recommendation be adopted.

CARRIED

Statutory Reports

Council Decision

Moved: Cr. Michael Whelan / Seconded: Cr. Clare Le Serve

That agenda items 1.1 1.2, 1.3 and 1.4 be considered as a block.

CARRIED

I Statutory Reports

I.1 Informal Meeting of Councillors Records

File No:	**CM20/621**
Division:	**Finance and Governance**
Council Plan Strategic Objective:	**Governance**
	We are responsive, open, transparent and financially sustainable

Declaration

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

Summary

The *Bass Coast Shire Council Governance Rules 2020,* requires all Informal Meetings of Councillors records (formerly Assembly of Councillor records) to be reported on at the next practicable ordinary meeting of Council 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 Objective:

Governance – *We are responsive, open, transparent and financially sustainable*

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

Recommendation

That the attached Informal Meeting of Councillors Records be received.

Attachments

AT-1	Assembly of Councillors Form Community Leadership Recovery Group COVID-19 14 May 2020	1 Page
AT-2	Assembly of Councillors Form Community Leadership Recovery Group COVID-19 21 May 2020	1 Page
AT-3	Assembly of Councillors Form Community Leadership Recovery Group COVID-19 28 May 2020	1 Page
AT-4	Assembly of Councillors Form Community Wellbeing Subgroup Meeting 27 April 2020	1 Page
AT-5	Assembly of Councillors Form Community Wellbeing Subgroup Meeting 4 May 2020	1 Page
AT-6	Assembly of Councillors Form Community Wellbeing Subgroup Meeting 11 May 2020	1 Page
AT-7	Assembly of Councillors Form Community Wellbeing Subgroup Meeting 18 May 2020	1 Page
AT-8	Assembly of Councillors Form Community Wellbeing Subgroup Meeting 25 May 2020	1 Page
AT-9	Assembly of Councillors Form Community Wellbeing Subgroup Meeting 9 June 2020	1 Page
AT-10	Assembly of Councillors Form Environment Subgroup Meeting 27 April 2020	1 Page
AT-11	Assembly of Councillors Form Environment Subgroup Meeting 4 May 2020	1 Page
AT-12	Assembly of Councillors Form Environment Subgroup Meeting 11 May 2020	1 Page
AT-13	Assembly of Councillors Form Environment Subgroup Meeting 25 May 2020	1 Page
AT-14	Assembly of Councillors Form Environment Subgroup Meeting 9 June 2020	1 Page
AT-15	Informal Meeting of Councillors Form Policy Workshop 14 October 2020	1 Page
AT-16	Informal Meeting of Councillors Maddocks Lawyers Session 17 November 2020	1 Page
AT-17	Informal Meeting of Councillors Briefing Sessions 18 November 2020	1 Page

I.2 Planning and Building Statistics - October 2020

File No:	**CM20/620**
Division:	**Place Making**
Council Plan Strategic Objective:	**Our Character**
	Celebrating the uniqueness of our townships

PERMITS REFUSED:

Nil.

PERMITS ISSUED:

Island Ward

200017: Use and development of land for a Host farm; development of land for a dwelling located at 170 Harbison Road, Rhyll.

200164: Buildings and works for a croquet pavilion located at Lot 1 TP173336 Dunsmore Road, Cowes.

200200: Development of land for a dwelling in excess of 7 metres in DDO1 and BMO located at 6-8 Appley Avenue, Cowes.

200232: Subdivide the land into two (2) lots located at 3 Leslie Avenue, Cowes.

200265: Development of land for a dwelling in the BMO located at 8 Blossom Road, Cowes.

200335: Removal of one tree in VPO2 located at 41 and 43 Pall Mall, Ventnor.

200336: Removal of one tree in ESO1 and SLO2 located at 303 Watts Road, Ventnor.

200340: Buildings and works for a verandah to existing golf club building in the FZ located at 34-44 Settlement Road, Cowes.

200341: Removal of a tree in VPO2 located at 41 and 43 Pall Mall, Ventnor.

Western Port Ward

190254: Development of an office in C1Z and BMO1 located at 1505 Bass Highway, Grantville.

200031: Subdivision of land into two lots and removal of native vegetation located at 494 Lynnes Road, Wattle Bank.

200036: Use and development of land for a dwelling in a FZ, EMO1 and SLO1 located at 362 Anderson Hill Road, Loch.

200108: Alteration of an access to a Road Zone Category 1 located at 12 Balcombe Street, Corinella.

200119: Detached extension to existing dwelling and construction of farm shed in FZ and BMO located at 70 Dunbabbin Road, The Gurdies.

200121: Development of Farm Shed in SLO1 and FZ located at 6430b South Gippsland Highway, Loch.

200151: Buildings and works associated with Group accommodation in FZ, SLO1 and EMO1 located at 547 Densley Road, Woolamai.

200156: Development of the land for dwelling and associated works in BMO located at 22 June Street, Adams Estate.

200172: Development of land for farm Shed in SLO1 located at 270 Phillip Island Road, San Remo.

200180: Development of land for two agricultural outbuildings (sheds) in FZ and SLO1 located at 194 Phillip Island Road, San Remo.

200228: Development of land for two dwellings in GRZ1 and BMO located at 2 Orchid Drive, Grantville.

200241: Subdivide the land into two (2) lots located at 42 Potters Hill Road, San Remo.

200271: Subdivide land into two (2) lots in the GRZ1 and DDO1 located at 30 Elevation Crescent, San Remo.

200273: Subdivide land into two (2) lots in the GRZ1 and DDO1 located at 8 Elevation Crescent, San Remo.

200275: Subdivide land into two (2) lots in the GRZ1 and DDO1 located at 6 Elevation Crescent, San Remo.

200280: Subdivide the land into two (2) lots in the GRZ1 and DDO1 located at 15 Elevation Crescent, San Remo.

200294: Development of the land for verandah in association with dwelling located at 8 Tampa Road, Cape Woolamai.

200297: Building and works for outbuilding in FZ located at 5 McCraws Road, Lance Creek.

200298: Removal of one tree in VPO2 located at 29 School Avenue, Newhaven.

200326: Development of land for an outbuilding in association with hotel in TZ located at 89-91 Archies Creek Road, Archies Creek.

200338: Development of the land for an agricultural shed in FZ located at 975 Bass Highway, The Gurdies.

Bunurong Ward

190292: Development of land for additional dwelling (retention of existing dwelling and one new dwelling) located at 29 A`Beckett Street, Inverloch.

190407: Development of land for a dwelling with construction of a new crossover to a RZ1 and removal of vegetation in DDO1 and VPO3 located at 12 Ramsey Boulevard, Inverloch.

200041: Subdivision of land into two lots, alteration and additions to the existing dwelling and alteration of an existing access to a Road Zone Category 1 located at 94 McKenzie Street, Wonthaggi.

200057: Development of land for a single dwelling in BMO and variation to the building envelope located at 83-89 Viminaria Road, Harmers Haven.

200073: Subdivision of land into two lots and development of second dwelling in DDO9 located at 1a Waterview Avenue, Inverloch.

200076: Display of Art work and removal of Native vegetation in PCRZ located at Cape Paterson-Inverloch Road (Reserve 1 PS344894), Inverloch.

200079: Development of the land for dwelling in BMO located at 118 Surf Beach Road, Cape Paterson.

200096: Development of the land for a Warehouse in C2Z and ESO4 and alter access to a road in a road zone category 1 located at 327 White Road, South Dudley.

200125: Use of land for Medical centre, waiver of car parking requirement, display a business identification signage located at 281 White Road, North Wonthaggi.

200126: Subdivision of land into two lots located at 23 Bird Street, Inverloch.

200131: Subdivision of land into two lots in GRZ1 located at 8 Matthew Street, Wonthaggi.

200134: Subdivision of land into two lots located at 4 Matthew Street, Wonthaggi.

200147: Subdivision of land into two lots in GRZ1 located at 21 Oates Road, North Wonthaggi.

200161: Develop and use a dwelling and ancillary outbuilding located at CA 41C Wilsons Road, Cape Paterson.

200166: Development of land for second dwelling in GRZ1 located at 14 Griffiths Street, North Wonthaggi.

200186: Development of land for a dwelling in excess of 7 metres in DDO1 located at 9 Sandy Mount Avenue, Inverloch.

200195: Development of land for dwelling in BMO located at 27 Cuttlers Circuit, Wonthaggi.

200205: Development of land for a dwelling in the DDO9 located at 11 Short Street, Inverloch.

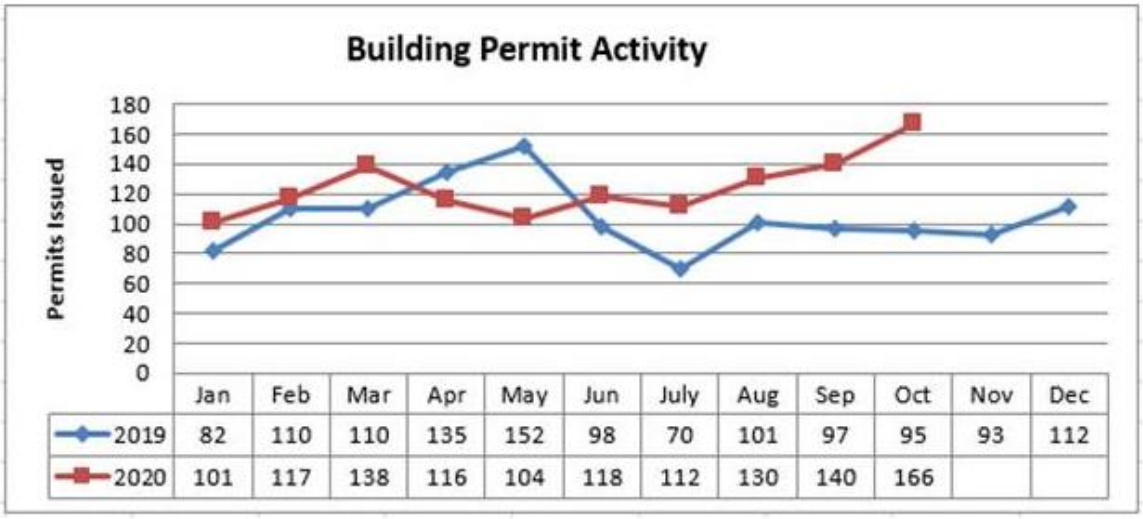
200282: Development of land for dwelling located at 39 Nardoo Street, Cape Paterson.

200350: Removal of one tree from VPO3 located at 3 Victoria Street, Inverloch.

PLANNING AND BUILDING ACTIVITY REPORT FOR OCTOBER 2020

Statutory Planning	This month (October)	Last month	Year to date (financial year)
% of applications determined within statutory timeframe	51	60	55
Average Gross Days (Responsible Authority determination)	121	126	132
(new) Average Gross Days to final outcome	133	112	138
Number of live applications	227	245	-
Number of applications received for the month	44	48	197
Number of Responsible Authority outcomes	62	33	168

Municipal Building Services & Enforcement	This month (October)	Last month	Year to date (financial year)
Essential Safety Measure inspections	0	0	0
Swimming Pool & Spa safety barrier inspections	0	0	2
Report and Consent applications	32	16	93
Siting consents issued for temporary structures	0	0	0
Complaints received requiring investigation	4	2	13
New building enforcement cases	0	0	1
Number of open building enforcement cases	37	37	n/a
Building permits issued by Council	0	0	0



Planning Enforcement	This month (October)	Last month	Year to date (financial year)
Complaints received requiring investigation	9	9	48
New planning enforcement cases	0	2	6
Open enforcement cases	100	101	-
Pre commencement meetings	0	0	0
Official warnings issued	0	0	0
Number of planning infringement notices issued	0	0	0
Total infringements received ($)	0	$1652.20	$1652.20

Recommendation

That Council:

1. **Receives and notes the Planning Permits issued under delegation report for October 2020; and**
2. **Receives and notes the Planning and Building Activity Report for October 2020.**

Attachments

There are no attachments for this report.

I.3 Contract Award Report

File No: **CM20/626**
Division: **Finance and Governance**
Council Plan Strategic Objective: **Governance**

We are responsive, open, transparent and financially sustainable

Declaration

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

Summary

Contracts Awarded

For the period from 1 October 2020 to 31 October 2020, the following contracts have been awarded under the Chief Executive Officer's Instrument of Delegation.

Contract No.	Description	Contractor	Contract Sum (incl. GST)
20012	Dalyston Netball Court Reconstruction	A.S. Lodge (VIC) Pty Ltd	$605,748.50
20013	Construction of a New Change Pavilion for Dalyston Netball Courts	TS Constructions Pty Ltd	$731,250.00

Contracts Extended

For the period from 1 October 2020 to 31 October 2020, the following contracts were extended under the Procurement Delegation Framework.

Contract No.	Description	Contractor	Contract Sum
18024	Annual Supply of Asphalting Works	A1 Asphalting Pty Ltd	S.O.R*
18027	Annual Supply of Stabilisation Works	Sure Constructions (VIC) Pty Ltd	S.O.R*
18028	Annual Supply of Stabilisation Works	Downer Edi Works Pty Ltd	S.O.R*
18029	Annual Supply of Stabilisation Works	Stabilised Pavements of Australia Pty Ltd	S.O.R*
18030	Annual Supply of Concreting, Paving & Associated Works	Super Paving Pty Ltd	S.O.R*
18031	Annual Supply of Concreting, Paving & Associated Works	SR Excavations Pty Ltd	S.O.R*
18032	Annual Supply of Concreting, Paving & Associated Works	Steve Wheatley Concreting Pty Ltd	S.O.R*

*SOR = Schedule of Rates Contract, no guarantee of the value or quantity of work to be issued

Recommendation

That Council receive this report.

Attachments

There are no attachments for this report.

I.4 Councillor Expenses for the Council Term - 4 November 2016 to 30 September 2020

File No:	**CM20/651**
Division:	**Finance and Governance**
Council Plan Strategic Objective:	**Governance**
	We are responsive, open, transparent and financially sustainable

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

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 Objective:

Governance – *We are responsive, open, transparent and financially sustainable*

Statutory Requirements/Codes/Standards/Policies

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 Resources to Councillors Policy.

Finances

Attachment 1 sets out details of Councillor Expenditure for the Council term between the dates 4 November 2016 to 30 September 2020.

Stakeholders

Stakeholders include the ratepayers of the municipality and Council.

Recommendation

That Council receive the report on Councillor Expenditure for the Council term to 30 September 2020.

Attachments

AT-1 Councillor Expenses Report 4 Nov 2016 to 30 Sep 2020 1 Page

Council Decision

Moved: Cr. Clare Le Serve / Seconded: Cr. Michael Whelan

That the recommendations attached to agenda items I.1, 1.2, I.3 and I.4 be adopted.

CARRIED

J Urgent Business

There was no Urgent Business.

Mayoral Announcement Of Next Meeting Of Council

Council is monitoring and implementing the COVID-19 pandemic response and restrictions set out by the State and Federal Governments.

Council will be pausing Community Connection Sessions.

The next **Council Meeting** will be held virtually 17 February 2021 commencing at 1.00pm. It will be open to the public via livestream.

Council Decision

Moved: Cr. Ron Bauer / Seconded: Cr. Michael Whelan

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:

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

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

CARRIED

Thank you for watching the livestream of Councils Meeting.

The meeting will now be closed to the public and will end todays livestream.

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 Reports Requiring Council Decision Closed to the Public

K.1 Acquisition of Strategic Recreational Land

It is recommended that the meeting be closed to members of the public pursuant to Section 66 (a) of the Local Government Act 2020, to consider this item as it deals with Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

K.2 2021 Bass Coast Australia Day Awards winners

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

The meeting closed at 3.06pm