
























BASS COAST

Council Meeting Agenda

Shaping a better Bass Coast

Wednesday, 18 August 2021

Commencing at 1.00pm

Note: This Meeting of Council will be held virtually.

Open to the public via livestream.

Vision, Mission and Values



Vision

Bass Coast will be known as a region that supports a sustainable and healthy community, and values and protects its natural assets.

Mission

We will engage with and advocate for our community to ensure equity and balance between liveability and environmental protection and be accountable for our financial management in realising the community's vision.

Values

Customer Focus

We will continue to develop effective relationships with customers

Continuous Improvement

We are committed to improving our processes and service delivery

Pride

We take pride in and promote our achievements, our staff and our organisation

Integrity

We act and make decisions that are fair, honest, open and accountable

Respect

We treat people with dignity and respect

Commitment

We value and recognise contributions towards achieving the Bass Coast Vision. We listen, understand, consult and respond to our community and staff. We provide accurate, timely and relevant information.

Notice of Meeting

Notice is hereby given that the next **Council Meeting** of the Bass Coast Shire Council will be held virtually on 18 August 2021 at **1.00pm**

Date of Notice - 12 August 2021
Ali Wastie
CEO

Agenda

Livestreaming

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

Mobile Telephone Reminder

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

Statement of Acknowledgement

Bass Coast Shire Council 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, Boonwurrung 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.

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.

Council Plan Themes

Advocacy
Representing the community

H.10 Australian First Peoples Advisory Committee, page 135

Economic Development
Expanding, attracting and retaining business and investment

Nil Reports

Environment
Maintain and protect the natural environment

H.6 Memorandum of Understanding between Bass Coast Landcare Network and Bass Coast Shire Council, 2021, page 116

Governance
We are responsive, open, transparent and financially sustainable

H.7 Guide Park Redevelopment Project and Thompson Reserve Vehicle Access Driveway Project, page 120

H.8 Wonthaggi Recreation Reserve Power Upgrade and Consolidation Project, page 127

H.9 Memorandum of Understanding Bass Coast Community Foundation, page 131

H.11 Review Community Grants Program, page 139

H.12 Reappointment of Audit and Risk Committee Chair, page 144

H.13 Review of Instrument of Delegation – Council to Staff, page 147

H.14 Instrument of Appointment and Authorisation - Planning and Environment Act 1987, page 149

H.15 Instrument of Appointment and Authorisation - Environment Protection Act 2017, page 151

H.16 Review of Instrument of Sub-Delegation Environment Protection Act 2017 – Council to Staff, page 155

Health and Wellbeing
We are a healthy and active community

Nil Reports

Liveability *Enjoying the place we live*

Nil Reports

Our Character *Celebrating the uniqueness of our townships*

H.1 Planning Application 200133 - 334-336 White Rd North Wonthaggi use and development of land for restricted retail premises, removal of native vegetation, alteration of an access to a Road Zone Category 1, reduction in car parking and to construct and display business identification signage, page 19

H.2 Planning Application 200437 34 Bayview Avenue Inverloch Development of a dwelling in the Design and Development Overlay Schedule 1, page 50

H.3 Planning Application 210021 119 Silverleaves Avenue, Silverleaves Development of the land for a dwelling and removal of vegetation, page 61

H.4 Planning Application 210118 1 The Anchorage Corinella Development of a dwelling exceeding 7 metres in the DDO1, page 82

H.5 Planning Application 210204 45 Penniwells Drive San Remo Development of a dwelling exceeding 7 metres in the DDO1, page 100

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A Present and Apologies

B Declarations of Interest

C Confirmation of Minutes

C.1 Council Meeting held on 21 July 2021

Recommendation

That the minutes of the Council Meeting held on 21 July 2021 be confirmed.

D Public Question Time

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

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

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

Governance Rules

Part C – Meetings Procedure

Division 8 – Public Question Time

53. Question Time

53.1 There must be a public question time at every *Council meeting* fixed under Rule 9 to enable members of the public to submit questions to *Council*.

53.2 Sub-Rule 53.1 does not apply during any period when a meeting is closed to members of the public in accordance with section 66(2) of the *Act*.

53.3 Questions submitted to Council must be:

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

53.3.2 be lodged 48 hours prior to the *Council meeting*.

53.4 No person may submit more than two questions at any one meeting.

53.5 The *Chair* or a member of Council staff nominated by the *Chair* may read at the meeting a question which has been submitted in accordance with this Rule.

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

53.6.1 relates to a matter outside the duties, functions and powers of *Council*;

53.6.2 is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;

53.6.3 deals with a subject matter already answered;

53.6.4 is aimed at embarrassing a Councillor or a member of Council staff;

53.6.5 relates to personnel matters;

53.6.6 relates to the personal hardship of any resident or ratepayer;

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

53.6.8 relates to matters affecting the security of *Council* property; or

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

53.7 Any question which has been disallowed by the *Chair* must be made available to any other Councillor upon request.

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

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

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

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

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

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

E Petitions, Joint Letters, Deputations and Correspondence

E.1 Petition - 41 Zelma Drive, Rhyll

File No:	**CM21/453**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Governance**
	We are responsive, open, transparent and financially sustainable

A Petition containing 7 signatures has been received. The petition reads:

We, The undersigned, hereby petition the Bass Coast Council to uphold the 173 Agreement on 4a Zelma Drive, Rhyll.

We state or believe:

1. *That the petitioners are owners of property in Rhyll*
2. *We are all in agreeance that it is of the utmost importance to retain the Section 173 Agreement registered on Certificate of Title Volume 10955 Folio 253 in dealing number AE063447U*
3. *The 173 Agreement stipulates a Building Envelope which has been implemented to protect the local amenity of our area.*
4. *The 173 Agreement minimises the impact on the surrounding properties*
5. *That without the 173 Agreement, all owners surrounding and adjoining 4a Zelma Drive would:*
    a. *Be severely impacted by impinging privacy to their private open spaces; and*
    b. *Significantly impact property values*

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, 4a Zelma Drive, Rhyll, be received.**
2. **Council resolves to deal with the petition at this meeting.**
3. **This matter has already been considered by Council and is now at VCAT, Council are unable to influence the outcome in the way that is requested.**
4. **The head petitioner be notified of Council's decision.**

Attachments

AT-1	***CONFIDENTIAL*** - Petition 41 Velma Drive Rhyll	2 Pages
AT-2	***CONFIDENTIAL*** - Delegated Planning Committee 23 September 2011	11 Pages
AT-3	***CONFIDENTIAL*** - Petition 41 Velma Drive Rhyll Bass Coast objection letter	3 Pages
AT-4	***CONFIDENTIAL*** - Petition 41 Velma Drive Rhyll Letter to Building Surveyor	3 Pages

Notices of Motion

F Notices of Motion

Mayor and Councillor Reports

G Mayor and Councillor Reports

Reports Requiring Council Decision

H Reports Requiring Council Decision

H.1 Planning Application 200133 - 334-336 White Rd North Wonthaggi use and development of land for restricted retail premises, removal of native vegetation, alteration of an access to a Road Zone Category 1, reduction in car parking and to construct and display business identification signage

File No: **CM21/365**
Division: **Place Making**
Council Plan Strategic Objective: **Liveability**

Enjoying the place we live

Declaration

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

Executive Summary

Application number:	200133
Applicant:	DB Design Pty Ltd
Land:	334-336 White Road, North Wonthaggi - Lot 1 PS633695 340 White Road, North Wonthaggi - Lot 1 TP 013502Q Lot 3 PS827847C (previously known as 362 White Road, North Wonthaggi)
Proposal	Use and development of land for restricted retail premises, removal of native vegetation, alteration of an access to a Road Zone Category 1, reduction in car parking and to construct and display business identification signage.
Planning controls:	Clause 32.04 Mixed Use Zone Clause 42.01 Environmental Significance Overlay - Schedule 4 Clause 52.05 Signs Clause 52.06 Car Parking Clause 52.17 Native Vegetation Clause 52.29 Land Adjacent to a Road in a Road Zone Category 1
Planning permit triggers:	Clause 32.04-2 Use the land for restricted retail premises (Section 2 use) Clause 32.04-9 Building and works associated with a Section 2 use

	Clause 42.01-2 To Construct a building or carry out works and for vegetation removal Clause 52.05-2 To construct and display signs Clause 52.06-3 To reduce the statutory car parking supply Clause 52.17-1 To remove native vegetation Clause 52.29-2 To create or alter access to a road in a Road Zone Category 1 Clause 52.34 Bicycle facilities
Notification and submissions:	Yes. No submissions.
Key planning considerations:	Site responsiveness, storm water management, access, parking and amenity impacts.
Recommendation:	That Council resolve to issue a planning permit for Application 200133.

Reason a Council Decision is required

Council's delegations require that applications for developments of more than $3 million be received by Council for determination.

The Proposal

This application proposes the use and development of land for restricted retail premises, removal of native vegetation, alteration to access a Road Zone Category 1, reduction in car parking and to construct and display business identification signage in accordance with the development plans prepared by DB Design, project number D19104, revision PD6 and dated 29 May 2021. The following decision plans are provided as Attachment one:

- Site Response Plans, Sheet 2 of 5, Version PD6, dated 29-05-2021
- Floor Plan, Sheet 3 of 5, Version PD6, dated 29-05-2021
- Elevations, Sheet 4 of 5, Version PD6, dated 29-05-2021
- Landscape Plan, Sheet 5 of 5, Version PD6, dated 29-05-2021
- Site Context Plan, Sheet 1 of 5, Version PD6, dated 29-05-2021
- Proposed Plan of Consolidation

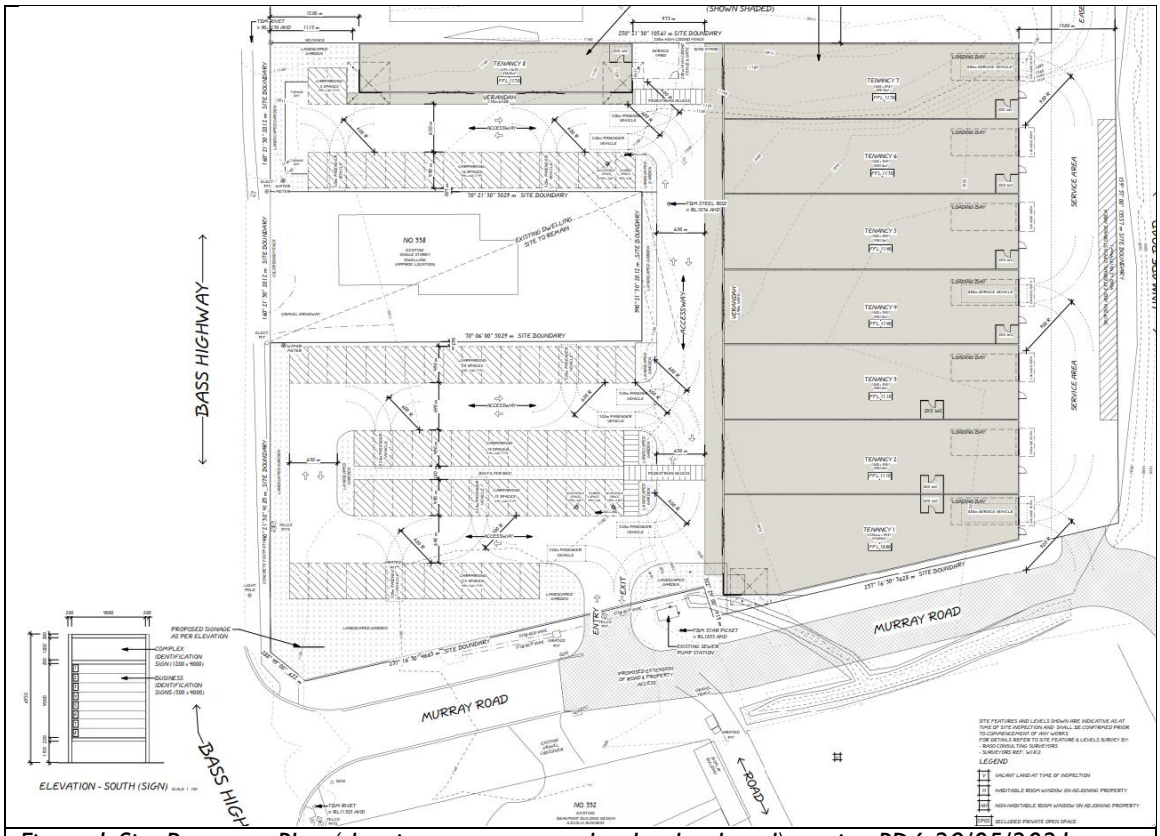


Figure 1 Site Response Plan (showing area proposed to be developed) version PD6 29/05/2021

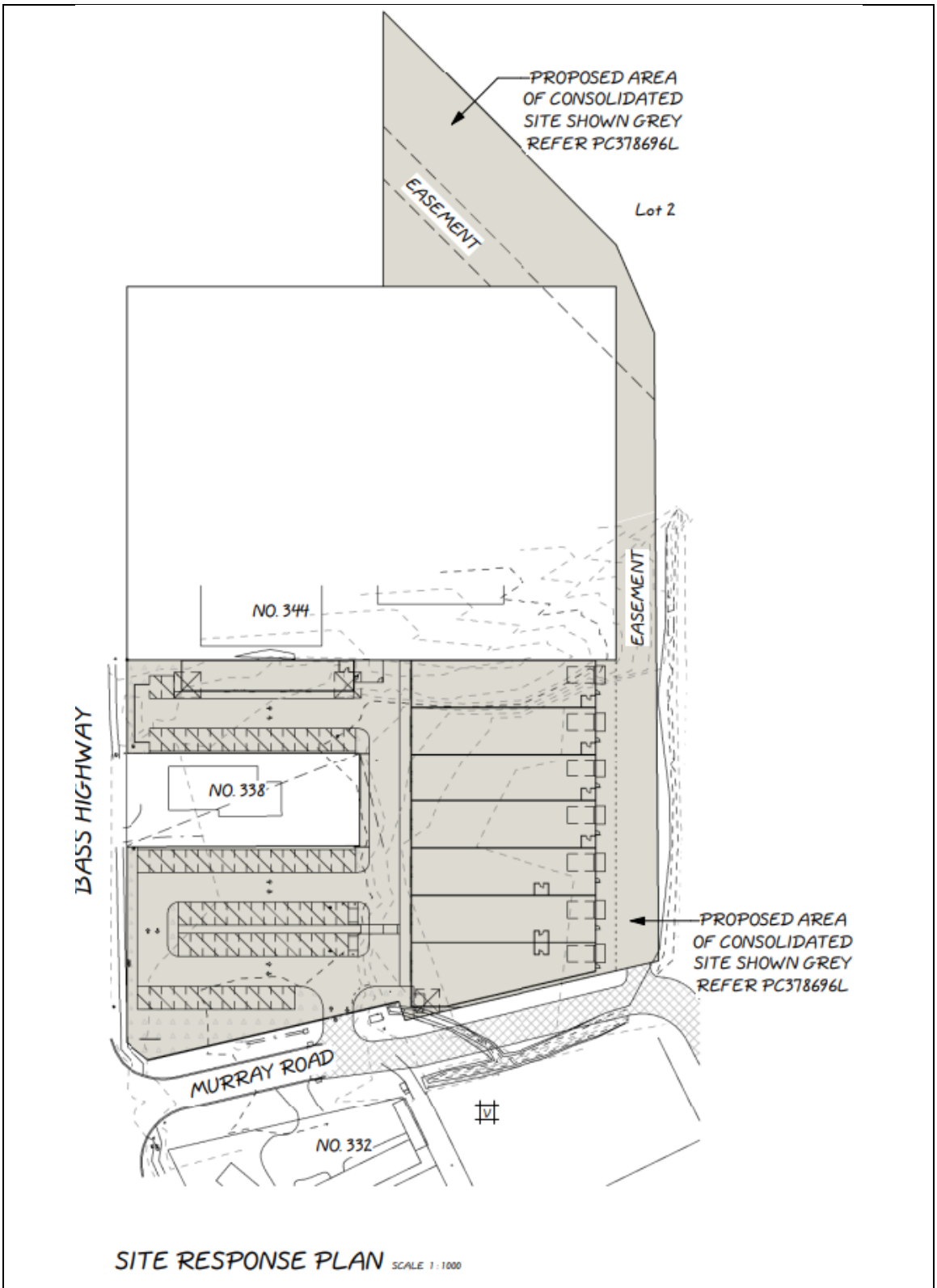


Figure 2 Site Response Plan (showing whole site area proposed to be consolidated) version PD6 29/05/2021

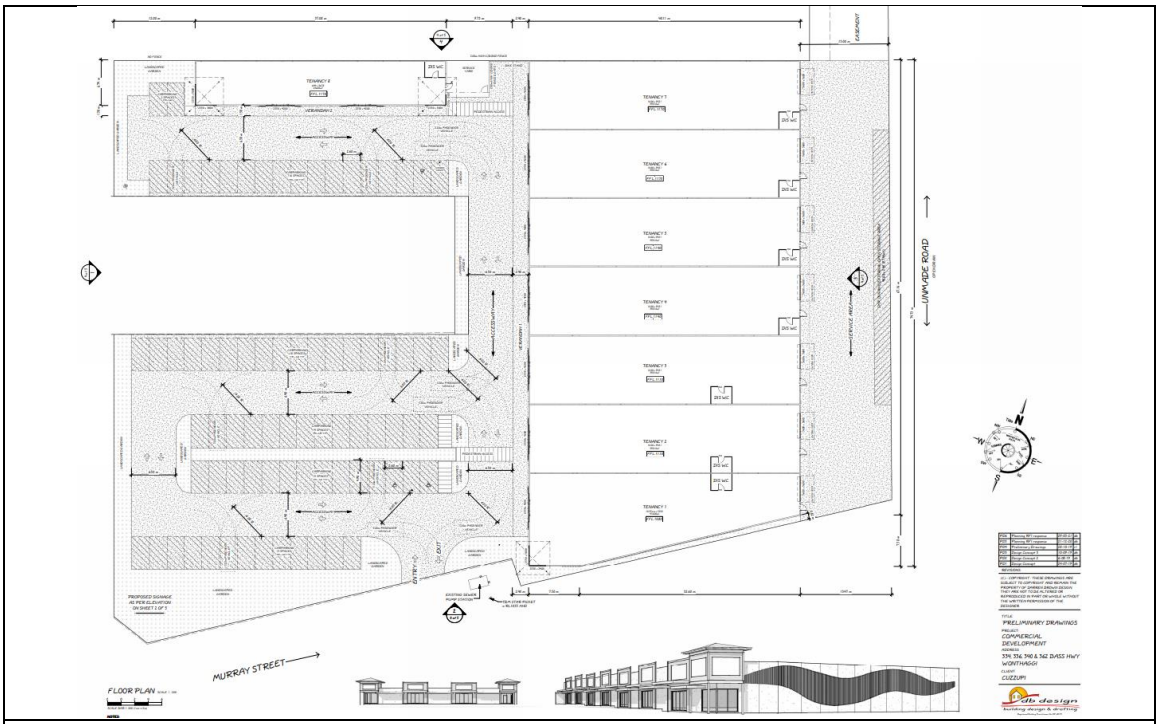


Figure 3 Floor Plan Version PD6 29/05/2021

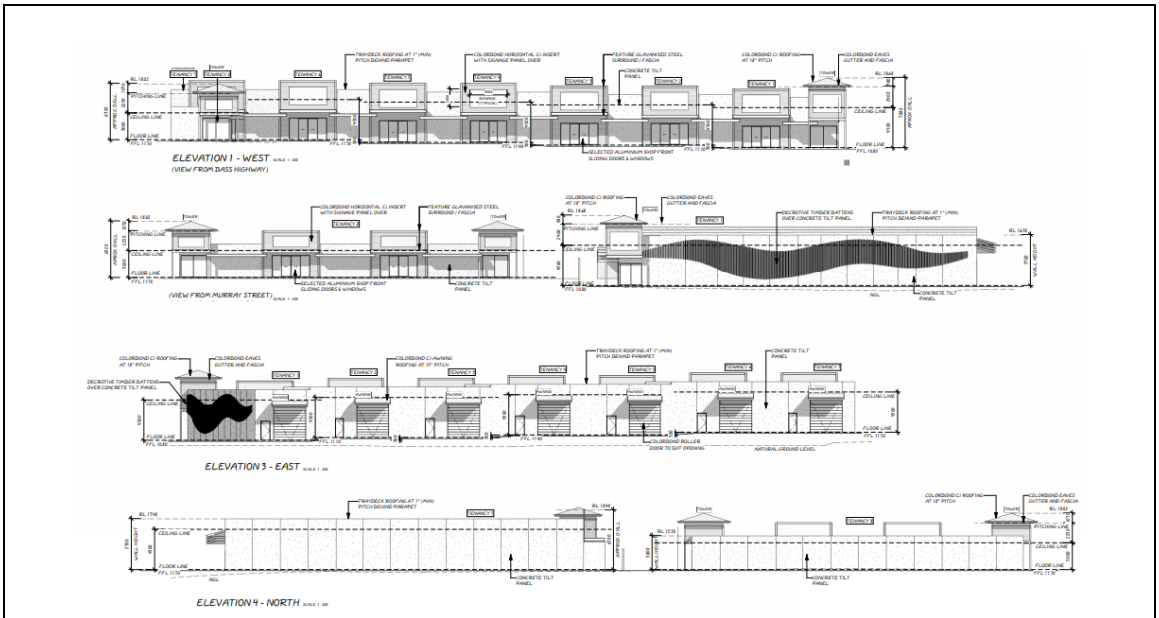


Figure 4 West Elevation (White Road 'Bass Highway' frontage), South Elevation (Murray Street frontage), East Elevation (Rear of building to proposed Service Access Land) and North Elevation (side adjoining commercial land) version PD6 29/05/2021

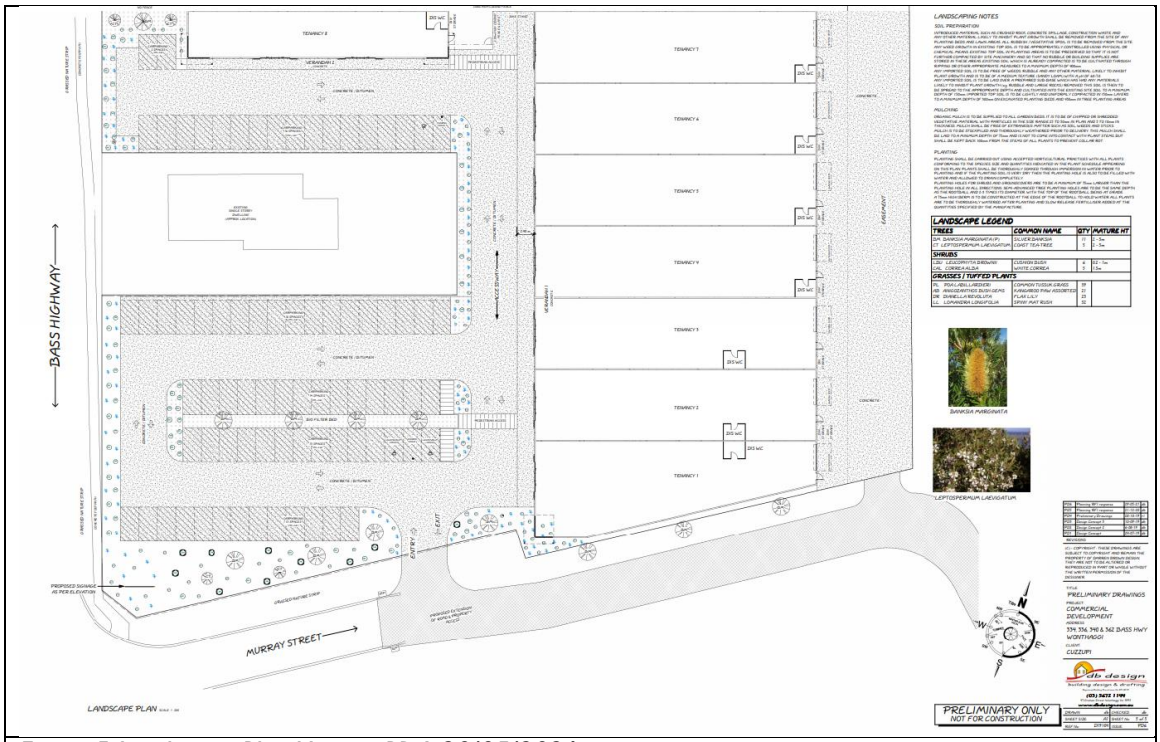


Figure 5 Landscape Plan Version PD6 29/05/2021



Figure 6 Site Context Plan Version PD6 29/05/2021

Native Vegetation Removal

The application proposes to remove three patches of Swamp Scrub with a total of 0.272 hectares proposed to be removed to facilitate the development of the subject site and Murray Road extension refer to figure 7.



Figure 7 Native vegetation patches 1 2 and 3 Native Vegetation Removal Report 24 July 2021.

Background

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

Site Area and Dimensions	The land subject to the application comprises three titles and a road reserve title with a total area of approximately 10,070sqm
Site Frontage	41.84 metres and 20.12 metres, double frontage, to west site boundary fronting White Road. 44.63 metres south to Murray Street and 56.28 metres south to Jersey Road (unmade).
Topography	Generally flat, with a slight fall of approximately 2 metres over a distance of 105 metres from the west front boundary to south-east rear boundary. A 1 metre deep by 8 metre wide drainage line is aligned north-south along the east rear boundary.

Vegetation Cover	3 patches of Swamp Scrub native vegetation, with a total of 0.272 hectares located across the eastern section of the subject site and within the area of Jersey Road (unmade) abutting the south property boundary of Lot 3 PS827847C.
Current Use and Development	Car dealership building (vacant) at 334-336 White Road, North Wonthaggi - Lot 1 PS633695. A dwelling and small outbuilding at 340 White Road, North Wonthaggi – Lot 1 TP 013502Q. Vacant land at Lot 3 PS827847C.
Easements	334-336 White Road, North Wonthaggi - Lot 1 PS633695 ROAD R1, 'transfer of land' enacted under Dealing Number AJ135191M. 340 White Road, North Wonthaggi – Lot 1 TP 013502Q ROAD Abuttal (Internal Unmade Road), modification made to the Title Plan for 'Road Discontinuance' enacted under Dealing Number AC97613P. Lot 3 PS827847C E1 – DRAINAGE in favour of Bass Coast Shire Council
Restrictive Covenants and/or Section 173 Agreements	Lot 3 PS827847C Section 173 Agreement No. AS693617J. The specific obligations of the Agreement do not affect Lot 3.
Aboriginal Cultural Heritage Sensitivity	The site is not located in an area of identified Aboriginal Cultural Heritage Sensitivity.
Planning Permit History	Planning Permit number 03359 was issued on 21 May 2004 for 'the development of a car yard'.

The subject site is located at the northern entry to Wonthaggi on the eastern side of White Road (Bass Highway) and opposite the existing bulky goods precinct, figure 12 – Wonthaggi Strategic Framework Plan. The main characteristics of the surrounding area are:

- North – Mixed Use Zone and the adjoining lot contains an existing car dealership.
- South – Murray Street / Jersey Road 'unmade' road abutting site, further south includes Mixed Use Zone comprising residential development on the east side of White Road and existing bulky goods retail on the west side of White Road
- East – Farming Zone comprising grazing land.
- West – Commercial 2 Zone undeveloped land used for agricultural purposes as grazing land.



Figure 10 Site and surrounds

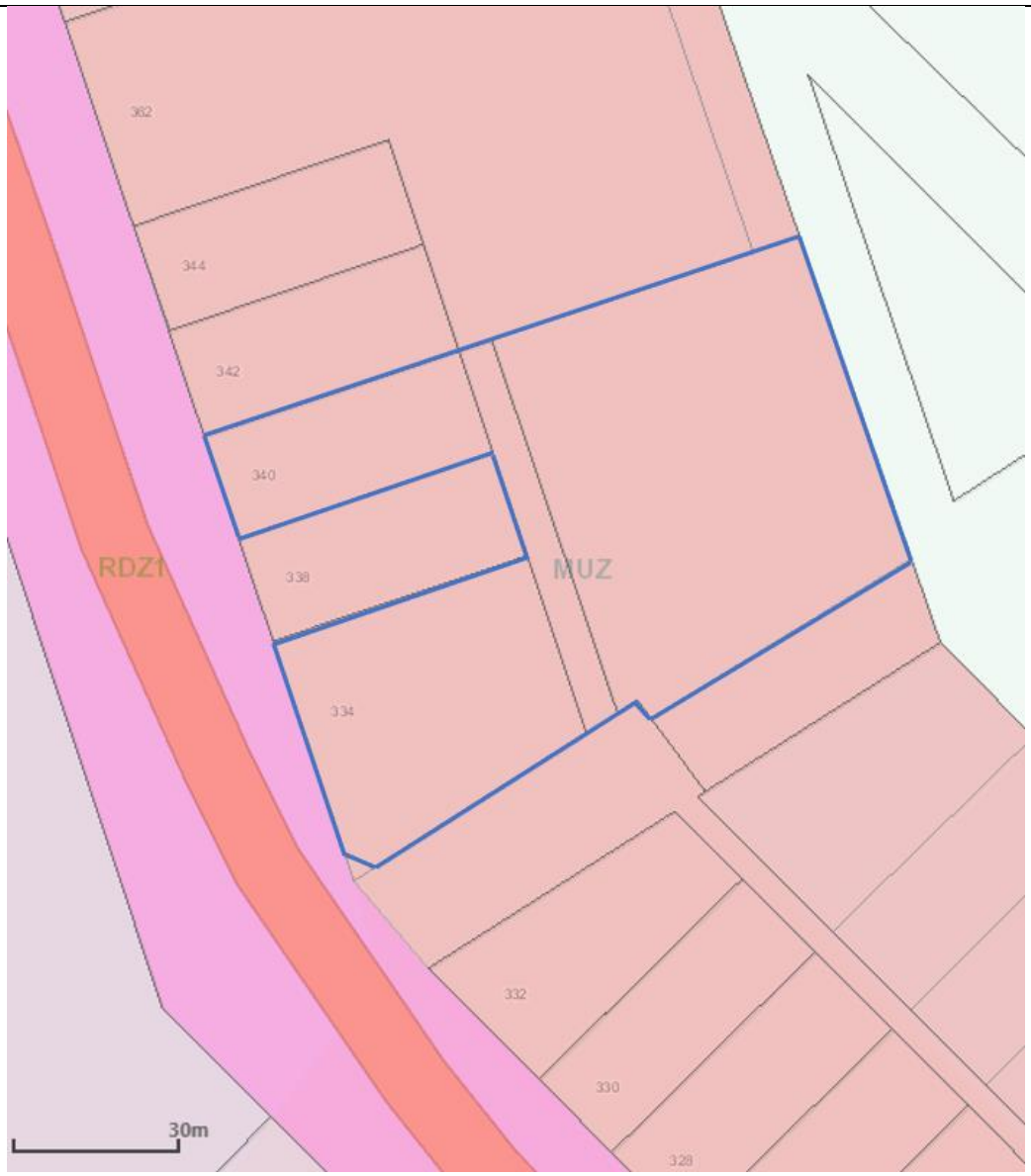


Figure 11 Zoning Map (Blue line identifies area of subject site proposed to be developed)

Consultation

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

The Applicant gave notice in the following manner:

- Sent copies of the Notice by registered mail to 29 land owners and occupiers; and
- Placed a Notice on the land in the form of four signs.

In response to notification the application attracted no submissions.

Referrals

The following table outlines the referral requirements of this application.

Table two: Referral Authorities and their comments

Referral Authority	Comments
External (Section 55 of the *Planning and Environment Act 1987*)	
Head, Transport for Victoria	No objection subject to conditions.
Internal (Section 52 of the *Planning and Environment Act 1987*)	
Property	The road that from the rear of 334 to 340 White Road is in the process of being discontinued and sold. A condition of permit is requested to rename Murray Street to Murray Road as this road name is a duplicate.
Development Services	The stormwater management plan submitted contained insufficient detail and requires further investigation to allow the applicant to build over the existing drainage easement. A number of permit conditions will also be required due to the lack of an adequate Waste Management Plan and inadequate swept path diagrams for service vehicles. Concern was raised that heavy vehicles will be reversing from Murray Street to service this development.

The relevant Planning Policy Framework clauses are as follows:

- Clause 11 Settlement
  - Clause 11.01-1S Settlement
  - Clause 11.01-1R Settlement – Gippsland
  - Clause 11.01-1L-01 Wonthaggi
  - Clause 11.02 Managing Growth
    - Clause 11.02-1S Supply of urban land
  - Clause 11.03 Planning for places
    - Clause 11.03-6S Regional and local places
- Clause 13 Environmental Risks and Amenity
  - Clause 13.02 Bushfire
    - Clause 13.02-1S Bushfire planning
  - Clause 13.05 Noise
    - Clause 13.05-1S Noise abatement
  - Clause 13.07 Amenity, Human Health and Safety
    - Clause 13.07-1S Land use compatibility

- Clause 15 Built Environment and Heritage
  - Clause 15.01 Built Environment
    - Clause 15.01-1S Urban design
    - Clause 15.01-2S Building design
    - Clause 15.01-2L Building design
    - Clause 15.01-6S Design for rural areas
  - Clause 15.02 Sustainable Development
    - Clause 15.02-1S Energy and resource efficiency
- Clause 17 Economic Development
  - Clause 17.02 Commercial
    - Clause 17.02-1S Business
    - Clause 17.02-1R Commercial centres – Gippsland
- Clause 18 Transport
  - Clause 18.01 Integrated Transport
    - Clause 18.01-1S Land use and transport planning
    - Clause 18.01-21 Transport system
    - Clause 18.01-2R Transport system – Gippsland
  - Clause 18.02 Movement Networks
    - Clause 18.02-3S Road system
    - Clause 18.02-4S Car parking

The following provides an assessment of the application against the relevant Planning Policy Framework under the themes of Settlement, Environmental Risks and Amenity, Built Environment and Heritage, Economic Development and Transport.

Settlement

The proposed location of the development of a Homemaker Centre comprising eight tenancies setback from the Bass Highway behind a car park that is accessible from Murray Road which is proposed to be extended. This responds to Clause 11.01-1S *Settlement* in that sustainable development should be directed into regional centres in which Wonthaggi is identified as. The subject site is an appropriate location for the proposal where goods can be easily delivered and access is available for a wide customer and employee demographic.

As well, strategies under Clause 11.01-1S, encourage new industrial or commercial development along major transport links and where development is within existing township boundaries to avoid further unnecessary urban sprawl, often into rural or sensitive environmental areas. Further, the subject site for the proposal capitalises on opportunities for urban renewal in Wonthaggi.

Clause 11.01-1L-02 seeks to reinforce Wonthaggi's role as the regional centre for south west Gippsland, the major service centre for Bass Coast Shire and the township where major development should occur. The proposal is considered to achieve the settlement strategies identified which includes accommodating employment opportunities. In fact, policy seeks to encourage the consolidation of lots within the Mixed Use area at the western entrance of Wonthaggi, north of White Road to facilitate development that fronts White Road rather than Murray Road.

The proposal is also considered to satisfy the objective of Clause 11.02-1S which seeks to ensure a sufficient supply of land is available for commercial and retail uses.

Environmental risks and amenity

Due to the site being located within a designated bushfire prone area, the proposal must be assessed against the objective of Clause 13.02-1S *Bushfire planning* which seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. It is not considered that the proposal will create an increased risk to people, property or community infrastructure by virtue of being located within an established area with easy access to a highway.

Management of potential off-site amenity impacts is a key consideration of this application. Clause 13.05-1S *Noise abatement* has the objective to ensure that any noise produced as a result of the development on the land does not reduce the amenity of the community. The proposal has been designed so as to minimise the impacts of noise on third parties and upon adjacent and adjoining land. It achieves this by maximising the physical separation of the development from residential development and by directing potential noise sources towards White Road and away from the residential properties further to the south-east.

The overarching objective of Clause 13.07-1S *Land use compatibility* is to protect the community's amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts. The development of a Homemaker Centre is considered to be compatible with adjoining and nearby land uses noting the car dealer to the north of the site.

Built environment and heritage

Clause 15.01-1S *Urban Design* has the objective to create unique urban environments which allow safe and functional places which contribute to the sense of cultural identity.

The development proposes a design comprising concrete tilt slab. However, the use of raised parapets and towers create vertical articulation as does the use of corrugated galvanised steel fascia panels and curved timber battens along Murray Street. This integrates with the surrounding area and is considered an appropriate response noting its location along a major highway. The use of colours, signage, materials and articulation of the building facades will invite the customer in and contribute to the surrounding urban environment. A condition of permit will be required to require the installation of water tanks to be plumbed into the toilets to each tenancy particularly noting the scale of the development and impermeable surface created by the car parking. This will assist to ensure the development is consistent with Clause 15.02-1S *Energy and resource efficiency*.

The proposal also provides a considered approach to ensuring car parking is of a high standard which creates a safe environment for users by virtue of dedicated and clearly delineated pedestrian access. A 2.40 metre wide verandah is also proposed along the frontage of each tenancy that will protect visitors from the weather. The development meets the strategy of providing landscaping that supports the amenity, attractiveness and safety of the public realm through the provision of 11 Silver Banksia trees which are capable of growing between 2 and 5 metres in height, as well as five Coastal Tea trees.

Economic Development

The proposal is located at the western entrance of Wonthaggi on a suitably available site which will be adequately provide for on-site car parking for the customer (Clause 17.02-1S *Business* and Clause 17.02-1R *Commercial centres – Gippsland*). The proposal will meet the community's needs for retail and provides an adequate supply of commercial land.

Transport

The objective of Clause 18.01-1S *Land use and transport planning* is to *create a safe and sustainable transport system by integrating land use and transport.* The location of the subject site is accessed via major arterial road (White Road/Bass Highway), and pedestrian paths (Clause 21.06-3 *Transport*). Whilst the site is not located in an area well serviced by public transport, it is considered that the proposed car parking is appropriate having regard to the proposed use of the land and local characteristics of private vehicle usage.

Overall, the application will provide local jobs, significantly contribute in terms of investment in Wonthaggi and the Bass Coast Shire area more broadly and will in turn support and strengthen the regional economy. With this in mind it is considered appropriate to provide a three year expiration time for the development to commence in lieu of the standard two year period having regard to the economic benefit the proposal will provide and the ongoing COVID-19 pandemic.

Zone Assessment

Clause 32.04 Mixed Use Zone

The application triggers the need for a planning permit under Clause 32.04-1 to use the land for 'restricted retail premises' and Clause 32.04-9 for building and works in association with a Section 2 use.

The purpose of the zone is to:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.
- To provide for housing at higher densities.
- To encourage development that responds to the existing or preferred neighbourhood character of the area.
- To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

The application is consistent with the objectives and decision guidelines of the Mixed Use Zone because:

- It is consistent with the purpose of the zone in so far as it implements the Municipal Planning Strategy and the Planning Policy Framework.
- It is a development that complements the mixed-use function of the locality.
- It responds positively to existing and preferred neighbourhood character of the area.
- The use will not adversely affect the amenity of the area.

It should be noted that although it is recommended that the development be approved, a number of conditional changes will be required to address the numerous inconsistencies across the submitted material.

Overlay Assessments

Clause 42.01 Environmental Significance Overlay (ESO4)

A planning permit is required under Schedule 4 to Clause 42.01 due to the construction of buildings and works.

The objective is:

To encourage development that is responsive to the constraints of land subsidence.

The application is consistent with the overlay objective. The applicant submitted a report prepared by a Senior Geotechnical Engineer, *Civil Test Pty Ltd* who conducted soil testing on the site. The assessment noted that crushed rock was the predominant near surface material and that the upper surfaced consisted of soft wet soils. The site walk-over survey failed to identify any obvious signs of subsidence as a result of previous mine activities in the area. The review concluded that the site is classified as having a low risk with regards to mine subsidence.

A number of recommendations were made in relation to load bearing pad and/or strip footing foundations that will consequently form a condition of a permit should one issue.

Particular Provisions

Clause 52.05 Signs

In accordance with Clause 32.04-15 of the Mixed Use Zone, this site is in Category 3 high amenity area as outlined in the sign requirements at Clause 52.05. A business identification sign is a Section 2 use and a planning permit is required.

The proposal seeks to construct a 6.95 metre high and 4.40 metre wide sign with eight individual business identification signs on the panel for each tenancy. The sign will be located at the entrance to the site, on the corner of White Road and Murray Street.

Further to this, each tenancy will include business identification signage above the verandah which will measure 4.2 metres in width and 2 metres in height, located approximately 4 metres above the ground and facing White Road.

The applicant has not indicated on the application form or within the planning report what type of signage is being proposed and thus a condition of permit will be required to make this clear that the sign will not be illuminated.

Having regard to the decision guidelines of Clause 52.05-8 the proposed signs are considered compatible with the existing and future character of the area by virtue of being located along a major road. The eight tenancy signs are well setback from White Road and not considered disproportionate in terms of scale and form relative to the streetscape. Whilst eight signs are proposed this is commensurate with the number of tenancies proposed and will not create an unacceptable cumulative impact. The signage is in keeping with that for the car dealerships further to the north. Furthermore, the signs will not obstruct a driver's line of sight at an intersection, nor dazzle or distract.

Clause 52.06 Car Parking

Pursuant to Clause 52.06-2 prior to a new use commencing, the car spaces required under Clause 52.06-5 must be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the Responsible Authority. Given the site is not located within the Principal Public Transport Network, the car parking rates within Column A would apply to the site pursuant to Clause 52.06-5.

According to the Table 1 of Clause 52.06-2, a restricted retail premises generates a requirement of 3 car spaces to each 100 square metres of leasable floor area. The proposal has a gross leasable floor area of 3,041 square metres which results in a statutory requirement of 91 car parking spaces. The application proposes to provide 76 car spaces on site, which results in a shortfall of 15 car parking spaces thereby a planning permit is required to reduce the statutory requirement.

A reduction in the car parking requirement can be considered appropriate having regard to the decision guidelines outlined in Clause 52.06-7 and 52.06-10. It is anticipated that customer parking demand is likely to be for short stays of approximately one hour, assisting in the turnover of parking spaces.

The applicant has indicated in their application documents that bicycle parking will be provided on site. The submitted plans do not indicate any bicycle facilities such as hoops and will be required to be shown as a condition of permit.

It is not considered that a shortfall of parking at this site will have any adverse impact on the economic viability of any nearby activity centre due to the relative distance and size of the site which is generally self-contained.

Due to the constraints of the irregular shaped site, to require additional car parking would result in the deletion of Tenancy 8 and be at the expense of landscaping provided throughout the site. It is considered that the proposal in its current form will provide a net benefit by providing increased commercial and employment opportunities.

Clause 52.17 Native vegetation

The purpose of Clause 52.17 is *to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):*

1. *Avoid the removal, destruction or lopping of native vegetation.*
2. *Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*

3. *Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.*

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

In accordance with Clause 52.17-1 a permit is required to remove, destroy or lop native vegetation, including dead native vegetation.

The native vegetation on site is primarily comprised of Swamp Paperbark, with an understorey of a variety of weed species.

The biodiversity values of the native vegetation identified for removal area are overall low as follows:

- Extent of all mapped native vegetation: 0.191 hectares
- Condition score of all mapped vegetation: 0.312 is in the low range.
- Strategic Biodiversity value 0.210 which is in the low range.

It is considered that the proposal can be supported for the following reasons:

- The site is not appropriate for conservation purposes and due to its low-lying and isolated nature contains a range of weed species which may spread to surrounding areas.
- Providing an appropriate offset will assist in securing a managed site which will provide ongoing and more secure ecological gains compared to the currently unmanaged site.
- The applicant has identified that the offset meets the offset requirements for the native vegetation to be removed and can be secured in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Guidelines). In accordance with Clause 52.17-5 a condition on the permit for removal will include the offset requirement and the time to secure the offset.

Clause 52.29 – Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay (PAO) for a Category 1 Road

The purpose of Clause 52.29 is:

- *To ensure appropriate access to identified roads.*
- *To ensure appropriate subdivision of land adjacent to identified roads.*

The application triggers a planning permit pursuant to Clause 52.29-2 as a permit is required to alter or access a Road Zone Category 1 (RDZ1) to White Road (Bass Highway).

Transport for Victoria provided a response of no objection subject to conditions.

Overall, the application can be supported by the decision guidelines at Clause 52.29-6 as it is not considered the proposal will have a detrimental impact on the operation of the road or on public safety.

Clause 52.34 Bicycle Facilities

Pursuant to Clause 52.34 a new use must not commence until the required bicycle facilities and associated signage have been provided. A 'Shop' requires:

- 1 bicycle space to each 300sqm of leasable floor area for employees; and
- 1 to each 500sqm of leasable floor area for visitors/shoppers.

Based on a leasable floor area of 3,041sqm 10 bicycle spaces are required for employees and 6.08 for visitors/shoppers.

The permit applicant has not applied for a waiver in the bicycle requirement and has advised in the Car Parking Assessment Report submitted that the "*provision for bicycle parking will be provided on the site and encouraged*". A condition of permit will be required to show dedicated bicycle parking. However, due to the proposed use of the site it is not considered practical to require shower and change room facilities to be provided and a variation to the requirement to provide these facilities is considered acceptable.

Clause 53.18 Stormwater Management in Urban Development

An application to construct a building or construct or carry out works:

- Must meet all of the objectives of Clauses 53.18-5 and 53.18-6.
- Should meet all of the standards of Clauses 53.18-5 and 53.18-6.

An application must be accompanied by details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system.

The application requirements have not been fully met. It is considered that the objectives and standards can be satisfied. Council Officers and the applicant resolved to include relevant conditions on any permit that issues.

Conclusion

The application has been assessed against the Bass Coast Planning Scheme and is considered to satisfy the provisions of the relevant policy and zones.

The application underwent notification and as a result there were no submissions received.

It is recommended that Council resolve to issue a Planning Permit for planning application 200133, subject to conditions.

Recommendation

That in relation to planning permit application 200133 for use and development of land for a 'restricted retail premises', removal of native vegetation, alteration of access to a Road Zone, Category 1, construct and display business identification signage and a reduction in the car parking requirement located at 334-336 and 340 White Street, North Wonthaggi, Council resolves to grant a Permit, subject to the following conditions:

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 and correctly dimensioned. The plans must be generally in accordance with the amended plans submitted with the application but modified to show:**
    a. **Murray Street renamed to Murray Road on the Landscape Plan.**
    b. **16 bicycle parking spaces to be dimensioned and shown in accordance with the design requirements of Clause 52.34-6 (Bicycle facilities) of the Bass Coast Planning Scheme.**
    c. **A minimum 10,000 litre rainwater tank is to be installed and notated to be connected to all toilets for flushing.**
    d. **A 20 metre wide turning area for commercial vehicles at the rear of the proposed 'service area'.**
    e. **Any changes required to the building footprints or skip bin storage area as recommended by a waste management plan prepared by a qualified waste consultant. This may include changes to the layout for accessibility.**

General Conditions

2. **The use and development as shown on the endorsed plans must not be altered without the written consent of the responsible authority. External lighting proposed on the site must be designed, baffled and located so as to prevent any adverse effect on adjoining land or roads to the satisfaction of the responsible authority.**
3. **All loading and unloading of goods and deliveries must occur within the boundaries of the land.**
4. **All pipes, fixtures, fittings and vents servicing the building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.**
5. **All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.**
6. **Before the development is occupied all rain water tanks must be provided on the land to the satisfaction of the responsible authority.**

7. **The development must be carried out in accordance with the recommendations outlined in the geotechnical report prepared by Civil Test Pty Ltd (Report No. 1201329-1).**

Waste Management Plan

8. **Before the commencement of the development, a detailed Waste Management Plan (WMP) must be prepared by a professionally qualified waste services consultant. The WMP must be prepared to the satisfaction of the responsible authority and once endorsed with form part of the permit. The WMP is to address the following matters, but not limited to:**
   a) **Estimated waste generation rates.**
   b) **Consideration of both Council's waste collection service and private contactor pickup.**
   c) **Bin sizes and quantities, types (organics, recycling, etc.); separation of waste streams.**
   d) **Collection frequency.**
   e) **Design of drop-off points and bin areas. This is to include wash-down area and measures for stormwater pollution prevention.**
   f) **scaled waste management drawings, including swept path diagrams for collection vehicles.**
   g) **Details of proposed waste collection contractors and their capacity to facilitate the proposed WMP.**
   h) **Educational signage.**

Stormwater Management Plan

9. **Before the commencement of the development, an amended stormwater management strategy (SWMS) must be submitted to the satisfaction of the responsible authority for endorsement by the responsible authority. The plan must be generally be in accordance with the SWMS submitted but amended to show, as a minimum:**
   a) **Conveyance, stormwater quality treatment and detention of the development site for a 10 % AEP storm event in accordance with IDM standards.**
   b) **Minimise hydraulic losses between the existing GPT and the proposed Murray Road / Jersey Road culvert.**
   c) **Detailed catchment plan, delineating (contrasting hatching) road reserves, residential lots and farm land.**
   d) **Design of 1 % AEP Council pipe drain around the site discharging to the waterway downstream.**
   e) **Proposed outfall works, including location & design of junction between proposed works and the existing waterway.**
   f) **Works required downstream of the site to cater for the proposed deepening of the waterway.**

g) **Consideration for maintenance vehicle access to drainage assets.**

h) **Take into consideration the future residential development within the external catchment.**

Civil Design Plans

10. **Before the commencement of the development, detailed civil construction plans must be prepared to the satisfaction of the responsible authority for endorsement by the responsible authority. All construction plans submitted for approval must be consistent with this permit and must conform with the requirements of all relevant servicing and road authorities, and in particular water, sewerage, drainage, telephone, gas and power authorities, Department of Transport and Council. The plans must be drawn to scale with dimensions. An electronic copy (PDF) must be provided. The plans must show:**

a) **Drainage of the subject land and Murray Road, 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 10% AEP storm event to the legal point of discharge.**

ii. **Murray Road / Jersey Road drainage for a 10 % AEP storm event.**

iii. **An underground pipe drainage system conveying stormwater from the subject land to the legal point of discharge and connecting into Bass Coast Shire Council's stormwater drainage system.**

iv. **The provision of a drainage retardation system within the site and prior to the point of discharge into Bass Coast Shire Council's drainage system. The stormwater retardation system must be designed to ensure that stormwater discharges arising from the proposed development of the land are restricted to pre-development flow rates for the 10% AEP storm event.**

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

vi. **Compliance with the Best Practice Environmental Management Guidelines for Urban Stormwater including any quality treatments proposed in accordance with these Guidelines.**

vii. **Upgrade of the adjacent Council drainage system around the site for a 1 % AEP storm event. This is to include piping the existing open channel flows on Murray Road / Jersey Road and around the site. Detailed design of this drainage system is to take into account potential future road construction to the north-east of the site.**

b) **Public road construction, vehicle access, pedestrian access and car parking in accordance with IDM standards and to the satisfaction of the Responsible Authority, including:**

i. **Engineering plans and specifications of the proposed works including Murray Road / Jersey Road construction, intersections, traffic calming, traffic circulation, signage, footpaths and pedestrian linkages.**

ii. **All public road construction to have asphalt wearing course pavement with kerb and channel.**

iii. **Turning for emergency service vehicles and garbage trucks must be provided at the end of Murray Road / Jersey Road.**

iv. **Murray Road / Jersey Road to have a carriageway width in accordance with the road hierarchy in the IDM (7.3 metre wide carriageway).**

v. **Concrete driveway crossovers serving the property in accordance with IDM standard drawings for industrial crossovers (i.e. SD 250)**

vi. **A concrete footpath on the full frontage of Murray Road / Jersey Road including all path linkages to existing network on Bass Highway.**

vii. **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.**

viii. **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.**

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

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

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

All works must be constructed or carried out in accordance with those plans before the commencement of use.

Construction Management Plan

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

r) Locations of cut and fill stockpiles.

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

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

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

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

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

ii. Best Practice Environmental Management Guidelines for Urban Stormwater.

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

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

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

Public landscaping

12. **Before the issue of a Building Permit, a landscape plan must be prepared by a landscape architect or suitably qualified person/company and must be submitted to and approved by the Responsible Authority. The plans must be prepared to the satisfaction of the Responsible Authority. When approved, the plans will be endorsed and form part of the permit. The plans must be drawn to scale with dimensions. An electronic copy (PDF) must be provided. The plans must show:**

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

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

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

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

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

c) **The incorporation of locally indigenous species.**

d) **Quantities of all species to be planted on site including their size when mature.**

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

f) **The type of species to be used for street tree planting. All proposed street-tree planting to use semi-advanced trees, with minimum container size of 45 litres.**

g) **Property access on Murray Street / Jersey Road.**

13. **Before the Certificate of Occupancy is issued, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.**
14. **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.**

Construction

15. **Before the issue of an Occupancy Permit and commencement of use, all civil works must be completed in accordance with IDM standard drawings to the satisfaction of the Responsible Authority including:**
    a) **All public roads, internal roads and accessways, paths, drainage, parking areas and other civil infrastructure in accordance with the endorsed civil design plans.**
    b) **Redundant infrastructure must be removed and the area reinstated to the satisfaction of the Responsible Authority including appropriate kerbing and channelling, footpath and landscaping.**
    c) **Standard street lighting must be provided in accordance with the IDM and the endorsed civil design plans.**
    d) **All landscaping works in accordance with the endorsed landscape plan.**
    e) **A Permanent Mark sketch plan, including RLs, as approved under the Survey Co-ordination Act 1958 and/or Surveying Act 2004 shall be completed and registered with Land Victoria. Such registration shall be deemed not to have taken place until notarised advice has been forwarded to Bass Coast Shire Council.**

As constructed plans

16. **Before commencement of use, the following must be provided to the responsible authority:**
    a) **CCTV footage of the Council drainage assets in accordance with the IDM.**
    b) **Copies of the "as constructed" engineering roads, drainage, lighting, water reticulation and landscaping drawings as follows:**
        - **One A1 film tracing per drawing.**
        - **Collated electronic PDF format.**
    c) **"As constructed" digital data measurements of the drainage works in a GIS ready format. The format required is:**
        - **ESRI Shapefile format complying with Council's template (subset of A-Spec Digital Data Specification).**
        - **Horizontal Datum: GDA94 on MGA94 Zone 55.**
        - **Vertical Datum: AHD.**

Location of any permanent survey marks.

Civil works fees

17. **Before the commencement of use of the development, the developer must pay:**
    a) **A refundable bond of 5% of the total estimated cost of the public civil works of the project for the purposes of ensuring any works defects are rectified during the 12 month defects liability period.**
    b) **A refundable bond of 35% of the total cost of the public landscaping works for the purposes of ensuring soft engineering (e.g. plantings) are maintained including weeding and replacement of missing plants during the 12 month defect liability period.**

Mud on roads

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

Maintenance of onsite drainage system

19. **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.**

Department of Transport Conditions

20. **Prior to the plans being endorsed, a traffic impact assessment must be submitted and approved by the Head of Transport for Victoria.**
21. **Any mitigating measures as a result of the approved report must be included in the plan set. Once amended the plans can be endorsed.**
22. **Any mitigating measures at the intersection of the Bass Highway and Murray Road must be approved by the Head Transport for Victoria.**
23. **Prior to the use of the development, the required measures must be completed at no cost and to the satisfaction of the Head Transport for Victoria.**

Consolidation of property titles

24. **Prior to the commencement of any buildings and works, 334-336 White Road, North Wonthaggi - Lot 1 PS633695, 340 White Road, North Wonthaggi - Lot 1 TP 013502Q and Lot 3 PS827847C (previously known as 362 White Road, North Wonthaggi), must be consolidated to form one lot under the *Subdivision Act 1988*.**
25. **The Plan of Consolidation amended to rename Murray Street to Murray Road or otherwise to the satisfaction of the Responsible Authority.**
26. **The proposed business identification signs are not to be illuminated.**

Notification of permit conditions

27. **Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.**

Native vegetation offsets

28. **To offset the removal of 0.191 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) as specified below:**

    A general offset of 0.054 general habitat units:

    - **located within the West Gippsland Catchment Management Authority (CMA) or Bass Cast Shire Council municipal district**
    - **with a minimum strategic biodiversity score of at least 0.168.**

Offset evidence

29. **A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to 'Planning and Approvals' at the Department of Environment, Land, Water and Planning Gippsland regional office via Gippsland.Planning@delwp.vic.gov.au.**

Signage

30. **The location of the signs (including the size, nature, panels, position and construction) shown on the endorsed plan must not be altered without the prior written consent of the Responsible Authority. Note: This does not obviate the need for a permit where one is required.**
31. **The location and details of the supporting structure shown on the endorsed plan must not be altered without the prior written consent of the Responsible Authority. Note: This does not obviate the need for a permit where one is required.**
32. **The signs must not contain any flashing, illuminated, intermittent or changing colour light.**
33. **The signs must be constructed and maintained to the satisfaction of the Responsible Authority.**
34. **The signs must be located wholly within the boundary of the land.**
35. **This Permit will expire if the advertising sign is not displayed within three (3) years from the date of this Permit. The Responsible Authority may extend the time referred to if a request is made in writing before the Permit expires or within the six (6) months after the expiry date.**

36. **On expiry of the permit the sign and structures built specifically to support and illuminate it must be removed.**

Amenity

37. **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.**
38. **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.**
39. **All outdoor lighting must be baffled and/or located to prevent light from the site causing detriment to the locality to the satisfaction of the Responsible Authority.**
40. **Prior to the occupation of the development, the walls on the boundary of adjoining properties must be cleaned and finished in a manner to the satisfaction of the Responsible Authority. Painted or bagged walls must be finished to a uniform standard and unpainted or unrendered walls must have all excess mortar removed.**

Permit Expiry – Use and Development

41. **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 use has not started within two years of completion of the development;**
    c) **The development is not completed within four years of the date of this permit;**
    d) **The use is discontinued for a period of more than two years.**

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.

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.

This Planning Permit represents the Planning approval for the use and development of the land. This Planning Permit does not represent the approval of other departments of Bass Coast Shire Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

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

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

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

Attachments

AT-1	Planning Report revised, version 2, June 2021 (2nd RFI response) - Application 20133	27 Pages
AT-2	Waste Management Plan, revised, dated June 2021 (2nd RFI response) - Application 200133	4 Pages
AT-3	Car Parking Assessment, Version 2, dated June 2021 (2nd RFI response) - Application 200133	24 Pages
AT-4	Sight Distance Plans, Revision C, dated 30 05 2021 (2nd RFI response) - Application No.200133	2 Pages
AT-5	Drainage Plan, rev C, 30 05 2021, & Traffic Movement Plan, Rev C, 30 05 2021 (2nd RFI response) - Application 200133	2 Pages
AT-6	Proposed Plan of Consolidation (2nd RFI response) - Application 200133	2 Pages

H.2 Planning Application 200437 34 Bayview Avenue Inverloch Development of a dwelling in the Design and Development Overlay Schedule 1

File No: **CM21/409**
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.

Executive Summary

Application number:	200437
Applicant:	Brian Brown C/- Adapt Design Group
Land:	34 Bayview Avenue Inverloch
Proposal	Develop a single dwelling with a height of 8.25m above the nature ground level
Planning controls:	General Residential Zone Schedule 1 Design and Development Overlay Schedule 1 Vegetation Protection Overlay Schedule 2
Planning permit triggers:	Clause 43.02-2 Buildings and works
Notification and submissions:	Five objections and one submission received
Key planning considerations:	Neighbourhood character Acceptable impact on views to and from the coast. Building design
Recommendation:	Notice of Decision to Grant a Planning Permit

Reason a Council Decision is required

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

The Proposal

This application proposes to construct a two storey dwelling with an apex height of 8.25m at 34 Bayview Avenue Inverloch in accordance with proposed dwelling plans TP.012 prepared by Adapt Design Group. The decision plans are prepared by Adapt design group and are provided as Attachment one as detailed below:

- TP.012 Site plan

- TP.100 internal layout plans
- TP.200 elevation plans
- TP300 streetscape plan



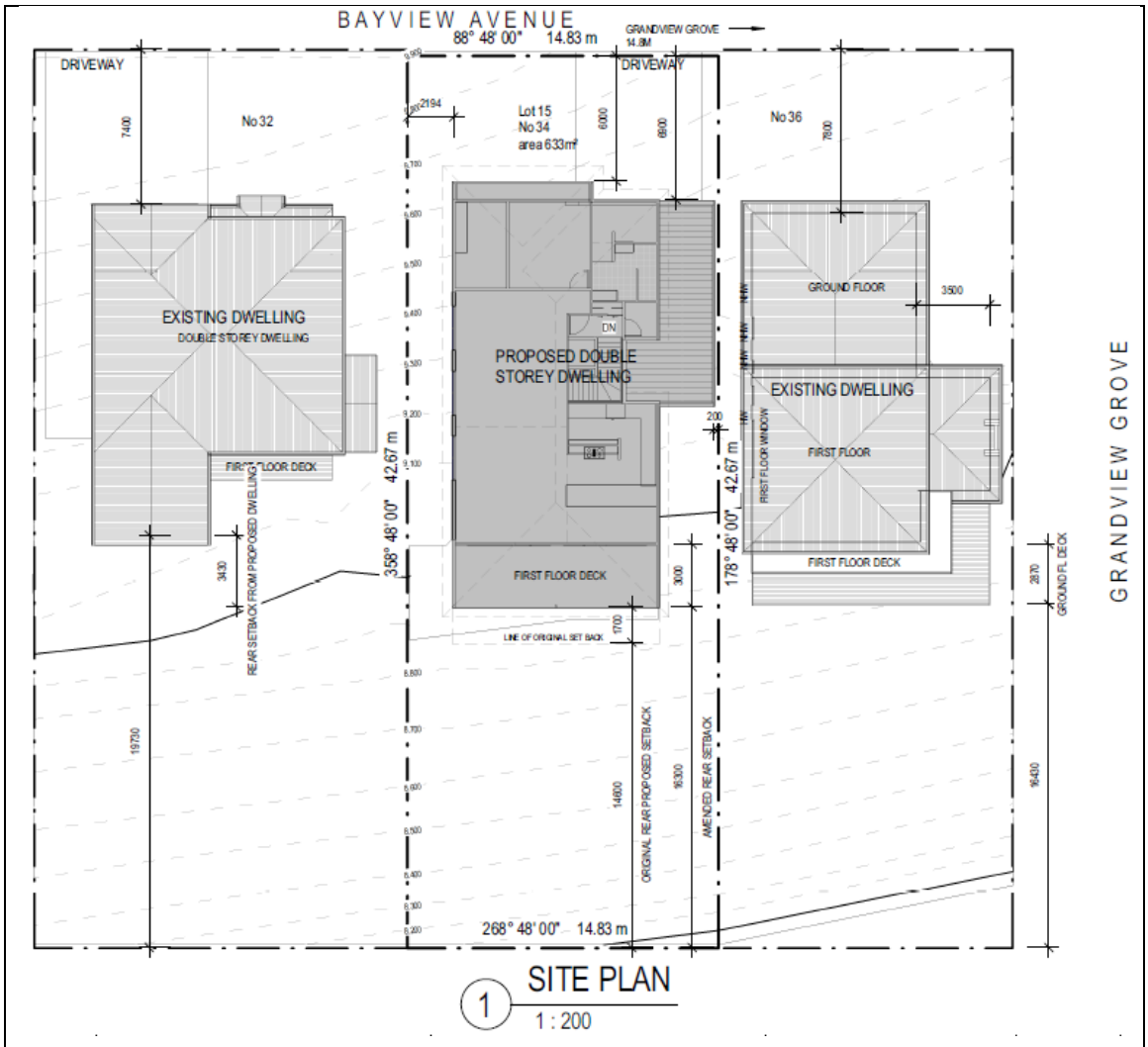


Figure 1 - Proposed Plans

Background

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

Site Dimensions and Area	14.87m × 42.67m = 633m2
Site Frontage	Bayview Avenue (North facing frontage)
Topography	The site features a gentle slope to the south with Bayview Avenue median approximately 14m above sea level and the lowest point of the property approximately 11 metres above sea level (AHD).
Vegetation Cover	The property is currently devoid of vegetation and features well maintained lawn.
Current Use and Development	A single storey brick veneer dwelling associated outbuildings presently occupies the land. It is proposed to demolish the existing structures on the land.
Easements	No easements on title.

Restrictive Covenants and/or Section 173 Agreements	No covenants on title.
Aboriginal Cultural Heritage Sensitivity	A single dwelling is exempt from the requirement of a CHMP.
Planning Permit History	Permit 100481 expired in 2016 and allowed for the construction of two dwellings.

The subject site is located at 34 Bayview Avenue, Inverloch. The main characteristics of the surrounding area are:

- North – Contemporary dwellings featuring flat or skillion roofing, substantial glazing on south facing facades, pronounced first floor decking, vegetation on Bayview frontages, low or no fencing and no street trees.
- South – Back Lane Bayview Avenue abuts 32 to 36 Bayview Avenue. The laneway is narrow (approximately 3 metres) and is owned by Council. Abutting the southern boundary of the lane way is 15 Grandview Grove containing a two storey dwelling. With the exception of 9 and 35 Grandview Grove the dwellings on the west side of the Grove are two storey.
- East – 36 Bayview avenue is a corner allotment containing a two storey dwelling. The second storey is set back from Bayview and Grandview Grove which transitions well to the dominant single storey built form on the east side of Grandview Grove.
- West – 32 Bayview Avenue is a tall two storey dwelling with hip and gable roof form. This dwelling is visually prominent and is close to, if not the tallest building on Bayview Avenue. It abuts a paper laneway, and neighbours two single storey dwellings. The dominant housing form on Bayview are two storey dwellings



Figure 2- Site and Surrounds



Figure 3 - Zoning Map

Consultation

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

The Applicant gave notice in the following manner:

- Sent copies of the Notice by registered mail to 8 land owners and occupiers; and
- Placed a Notice on the land to front Bayview Avenue.

In response to notification the application attracted five objections.

A copy of each objection is included in Attachment two.

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

Referrals

The following table outlines the referral requirements of this application.

Table two: Referral Authorities and their comments

Referral Authority	Comments
No referrals were required for this application.	

Planning Scheme Provisions

Planning Policy Framework Assessment

- 11.03-5 Distinctive areas and landscapes
- 11.01-1L-08 Inverloch
- 15.01-1S Urban Design
  - 15.01-1L-01 Urban design in Bass Coast
  - 15.01-1L-02 Landscape design
- 15.01-2S Building Design
  - 15.01-2L Building Design
- 15.01-5S Neighbourhood Character
  - 15.01-5L Neighbourhood character
- 19.03-3S Integrated water management
- Design *and Siting Guidelines for Coastal and Hinterland Areas (Bass Clause 02.03 Coast Shire Council, 1999)*

The intent of the relevant policies is to 'to plan for sustainable coastal development' and this is to be achieved in the Bass Coast by supporting:

- a network of diverse coastal settlements which provides for a broad range of housing types;
- encouraging urban renewal and redevelopment opportunities within existing settlements to reduce the demand for urban sprawl; and
- avoiding development on ridgelines, primary coastal dune systems and low lying coastal areas.

The policy framework seeks to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity. To achieve this, it is policy to ensure sensitive landscape areas such as the bays and coastlines are protected and that new development does not detract from their natural quality.

Its recognised in the Planning Policy Framework that it is important that the valued aspects of the municipality's character are not lost through redevelopment. It is policy 'to achieve a high standard of architecture and urban design for built form and public spaces throughout the municipality' and the strategies to achieve this include 'design and site development to complement the context in which it sits' and 'ensure the siting of buildings contributes positively to the public realm and respects the character of the area'.

Clause 11.01-1L-08 Inverloch has the objective:

"To support the development of Inverloch as a consolidated and sustainable coastal village that optimises existing natural assets and character, and services the lifestyle and recreational needs of residents and visitors."

This is reinforced by Clause 15.01-5S 'neighbourhood character' which has the objective "To recognise, support and protect neighbourhood character, cultural identity, and sense of place."

Inverloch is divided into character areas which define the anticipated and preferred character for each area. 34 Bayview Avenue is located within the extended medium density area identified in the Strategic Framework Plan and different forms of development are anticipated within this area including:

- 2-3 storey townhouse development;
- Strong orientation towards the foreshore; and
- Taking advantage of rising topography to capture and share views of the foreshore.

It is policy that development is designed to reflect the coastal setting and coastal architecture through built form and materiality and ensure that view lines and vistas are protected and shared between the public and private realm, while providing for buildings up to three storeys within the character area.

The proposed development of 34 Bayview Avenue is considered to be consistent with the planning policy framework as this application:

- Responds and contributes to the strategic and cultural context of its location.
- Minimises the detrimental impact of development on neighbouring properties, the public realm and the natural environment.
- Is a form, scale, and appearance that enhances the function and amenity of the public realm.
- Interfaces well with the public realm enhancing safety.
- Will provide landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.
- Incorporates design elements and a variety of materials that add visual interest and articulation to all visible facades;

- Absorbs all roof elements within the overall built form or roof design.
- Avoids long expanses of solid walls.

Zone Assessment

The site is included in the general residential zone which has the relevant purpose:

A single dwelling does not require a planning permit under the zone provisions however in accordance with Clause 32.08-4 at least 35% of the lot is to be set aside as garden area at ground level.

The proposed dwelling is compliant with the garden area requirements and the development is therefore consistent with the purpose of the zone.

This application does not trigger a planning permit under the zone.

Overlay Assessments

Design and Development Overlay

The site is included in the Design and Development Overlay Schedule 1, the relevant purpose of which 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.

Schedule 1 of this overlay is relevant to the subject site. It applies to 'residential areas near the coast' and contains the following objectives.

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

The application triggers a planning permit under schedule 1 pursuant to clause 43.02-1 where a building is proposed that has an apex height of seven metres or more from the natural ground level.

The building considered by this report is proposed to reach an apex height of 8.25m

The application has been considered against the decision guidelines of Clause 43.02-6 and can be supported for the following reasons:

- The land is suitable for new and taller forms of development consistent with the Planning Policy Framework and specifically the neighbourhood character directions for Character area 1 of Inverloch.
- The bulk and appearance of the dwelling is consistent with the prevailing streetscape, adjacent buildings and the area;
- The design, form and layout of the dwelling on the lot is consistent with the form, period, proportion and scale of adjacent dwelling and the streetscape.

- The proposal is consistent with the relevant background documents:
  - Design and Siting Guidelines for Coastal Areas and Rural Hinterland 1999, and
  - Siting and Design Guidelines for Structures on the Victorian Coast (Victorian Coastal Council 1998).
- The dwelling is not considered to detrimentally impact the views available from public spaces, roads and scenic viewpoints to the coast and it is considered that the building would settle within the established built form of Inverloch when viewed from the foreshore and coastal waters.
- Appropriate landscaping can be implemented improving the integration of the development with the coastal environment and vegetated character of Inverloch's residential areas

Vegetation Protection Overlay 'Inverloch'

The site is included within the Vegetation Protection Overlay – Schedule 3 which has the objective *"To protect and enhance existing indigenous vegetation in Inverloch."*

There is no vegetation being removed. The proposal therefore did not trigger a permit under the vegetation protection overlay.

Particular Provisions

No particular provisions or performance standards apply to this proposal

Concerns raised by Objectors

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

Objector Theme	Council Officer Response
Impact of coastal views enjoyed by existing properties	Given the urban context of the area, infill development or redevelopment of established lots is expected and the obtrusion of available view lines is considered unavoidable. Therefore, because the proposal retains a reasonable sharing of the views it is considered that the material detriment caused by the proposal is limited and therefore acceptable. It is considered that the proposed double-storey dwelling is consistent with the existing character of the area, such development should be expected.
Overshadowing impact	The impacts from overlooking do not fall within the scope of the Design and Development Overlay and are not considered in this planning assessment.
Proximity of dwelling to the fence boundary	The existing dwelling at 34 Bayview Ave currently abuts a property boundary. Though the design of the dwelling has changed, the proposed proximity to property boundaries is considered acceptable in the context of the site and the neighbourhood. Impacts on existing structures and fencing are considered through the building process and managed during construction.

Conclusion

The application has been assessed against the Bass Coast Planning Scheme and is considered appropriate.

The application underwent notification and as a result there were 5 objections and 1 submission received. Concerns raised were considered in the assessment of the application.

It is recommended that Council resolve to issue a notice of decision to grant a planning permit for planning application 200437, subject to conditions.

Recommendation

That in relation to planning permit application 200437 for the development of a dwelling exceeding 7m in the DD01 located at 34 Bayview Avenue Inverloch Council resolves to issue a Notice of Decision to Grant a Permit subject to the following conditions:

Amended Plans

1. **Before the plans by Adapt Design group job 19-031dated 17.06.2021 are endorsed for the hereby approved development, 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 with dimensions. The landscaping plan must be generally in accordance with the landscape concept plan prepared by Adapt Design Group reference TP.500 and dated 09/03/2021, except that the plan must show:**
   a. **details of surface finishes of pathways and driveways;**
   b. **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;**
   c. **A medium storey tree must be located in the front setback selected from the list contained in schedule 3 'Inverloch' of the Vegetation protection overlay.**
   d. **Trees must be selected from the list contained in Schedule 3 of the vegetation protection overlay 'Inverloch.'**
   e. **All other species are to be indigenous to the locality selected from Heathy Woodland EVC 48 of the Indigenous Plants of Bass Coast Shire Brochure.**

   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.
2. **Before the occupation of the dwelling or an occupancy permit is issued, the landscaping works shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority.**

3. **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.**
4. **The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
5. **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.**
6. **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

7. **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.

Attachments

AT-1 Proposed dwelling plans 34 Bayview Ave Inverloch - 200437 5 Pages

AT-2 ***CONFIDENTIAL*** – Submissions 10 Pages

H.3 Planning Application 210021 119 Silverleaves Avenue, Silverleaves Development of the land for a dwelling and removal of vegetation

File No: **CM21/440**
Division: **Place Making**
Council Plan Strategic Objective: **Our Character**

Celebrating the uniqueness of our townships

Executive Summary

Application number:	210021
Applicant:	Trent Young C/- Michael Hales - Millar Merrigan
Land:	119 Silverleaves Avenue, Silverleaves VIC 3922 Lot 2 PS819594
Proposal	Development of the land for a dwelling and removal of vegetation
Planning controls:	Clause 32.05 - Township Zone (TZ) Clause 42.02 - Vegetation Protection Overlay, Schedule 2 Clause 43.02 - Design and Development Overlay, Schedule 1 Clause 44.04 - Land Subject to Inundation Overlay, Schedule
Planning permit triggers:	Clause 43.03-2 – Design and Development Overlay Schedule 1 – A permit is required to construct a building with a height of more than 7 metres. Clause 42.02 – Vegetation Protection Overlay Schedule 2 – A permit is required to remove, destroy or lop vegetation Clause 44.04-2 – Land Subject to Inundation: • A permit is required to construct a building or to construct or carry out works (dwelling)
Notification and submissions:	Application was notified and received 5 submissions as objections
Key planning considerations:	• Views to the coast • Views from the coast • Development height • Development bulk • Vegetation removal

Recommendation:	Notice of Decision to Grant a Planning Permit

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 5 objections.

The Proposal

This application proposes to develop the land with a double storey dwelling and garage in accordance with the following submitted plans and reports.

The decision plans are provided as Attachment one and are detailed below prepared by:

- Archimedium Australia Pty. Ltd. dated September 2020 including:
  - Ground Floor and Site Plan dated June 21 Rev. C
  - First Floor and Site Plan, Elevation plans and Shadow Diagrams dated June 2021 Rev B
- Landscape plan prepared by Millar Merrigan, dated July 2021.

Reports prepared by:

- Arborist report DB Horticulture, dated 03/10/2020.
- Coastal Hazard Vulnerability Assessment prepared by OMCN Pty. Ltd., dated 14/06/2021.
- Land Capability Assessment prepared by EWS Environmental Water and Soil Consultants, dated 07/06/2021

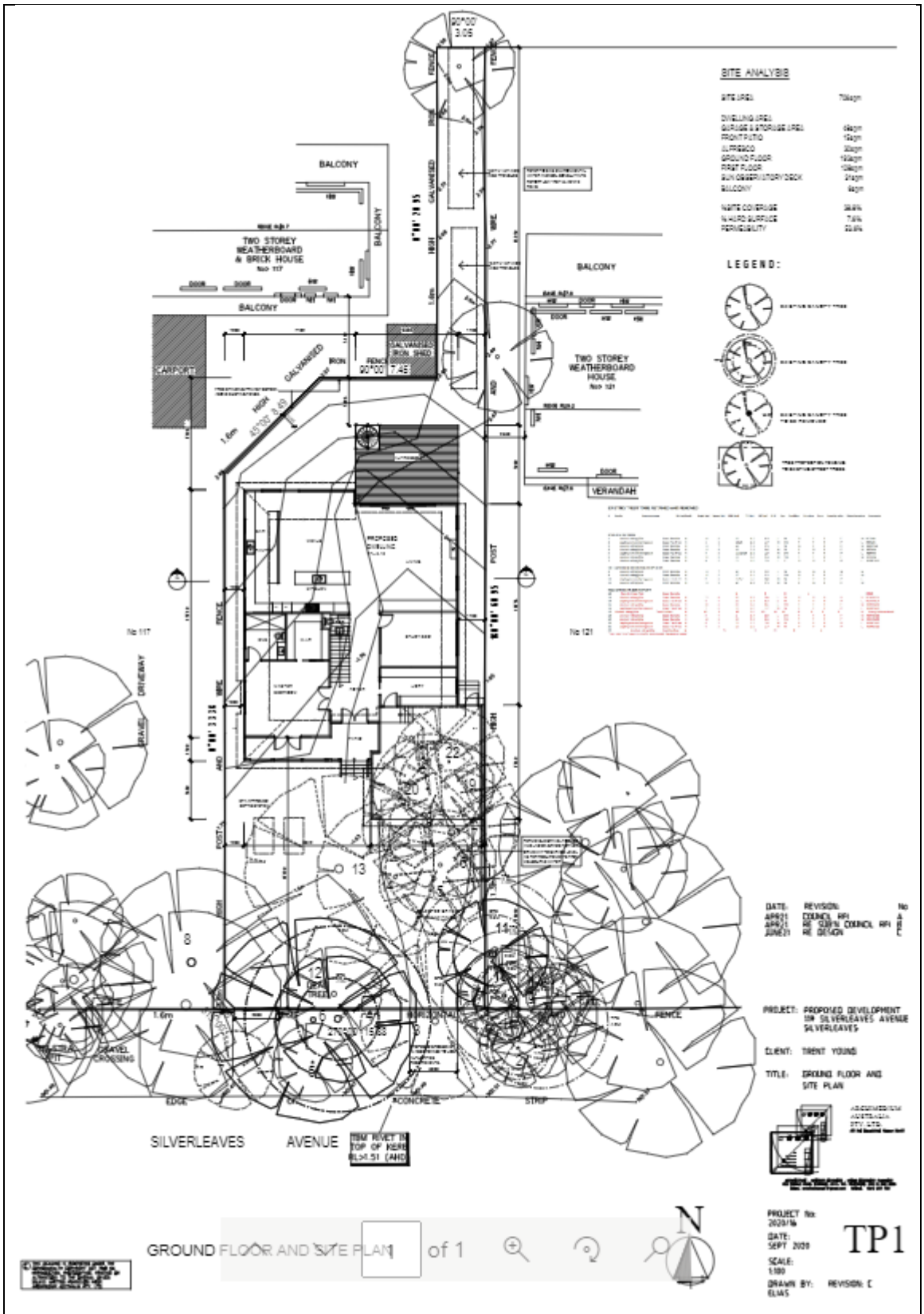


Figure 1 - Proposed Plans – Site plan ground floor

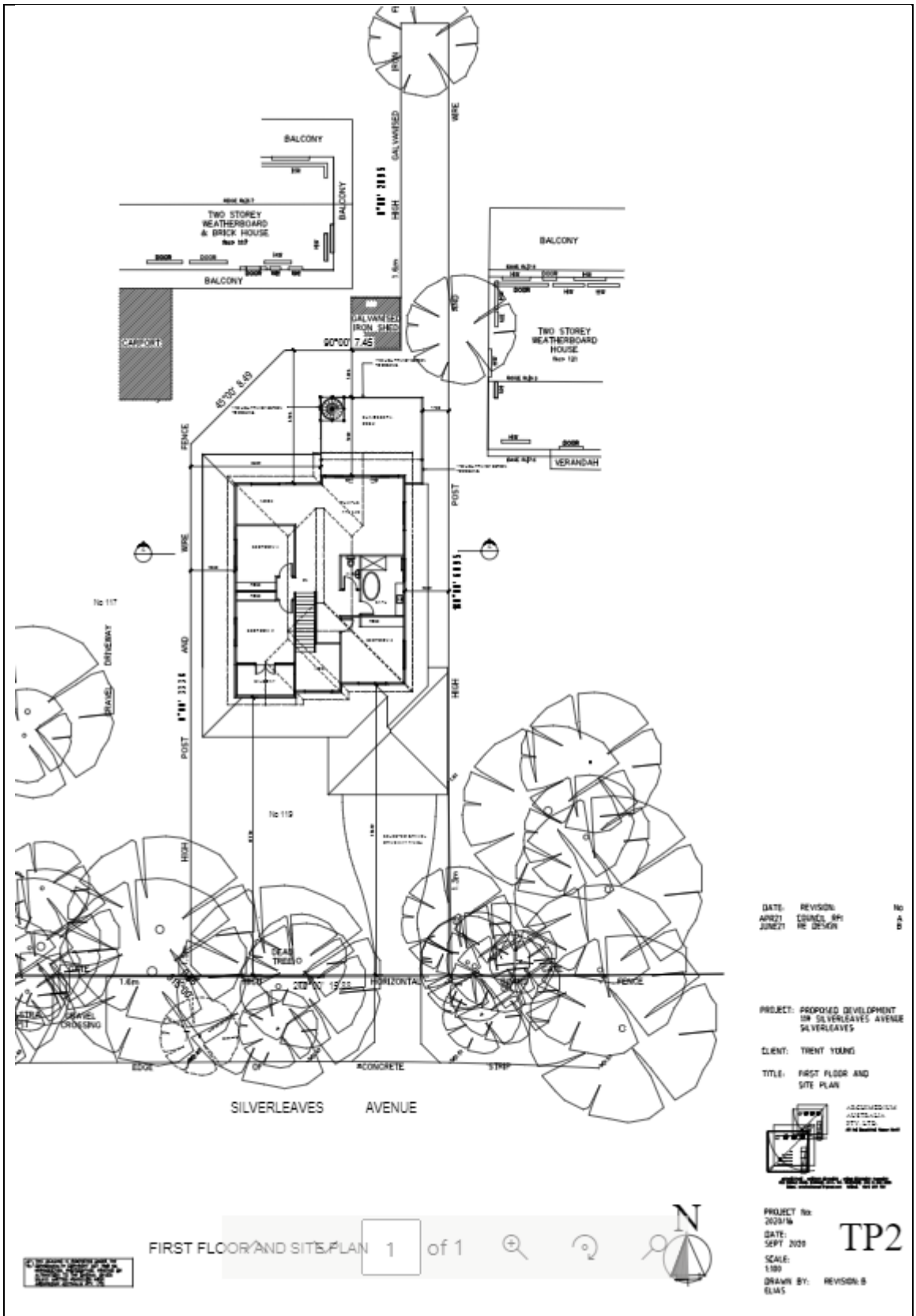


Figure 2 - Proposed Plans – Site plan first floor

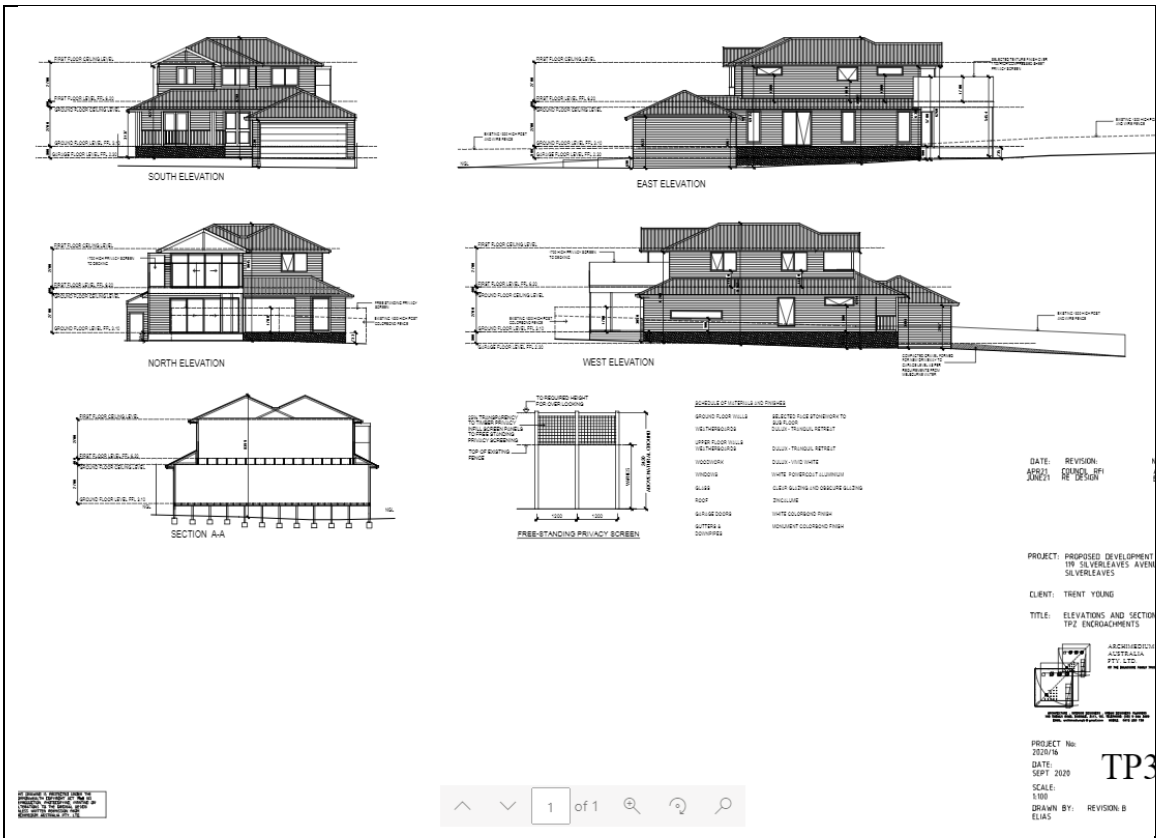
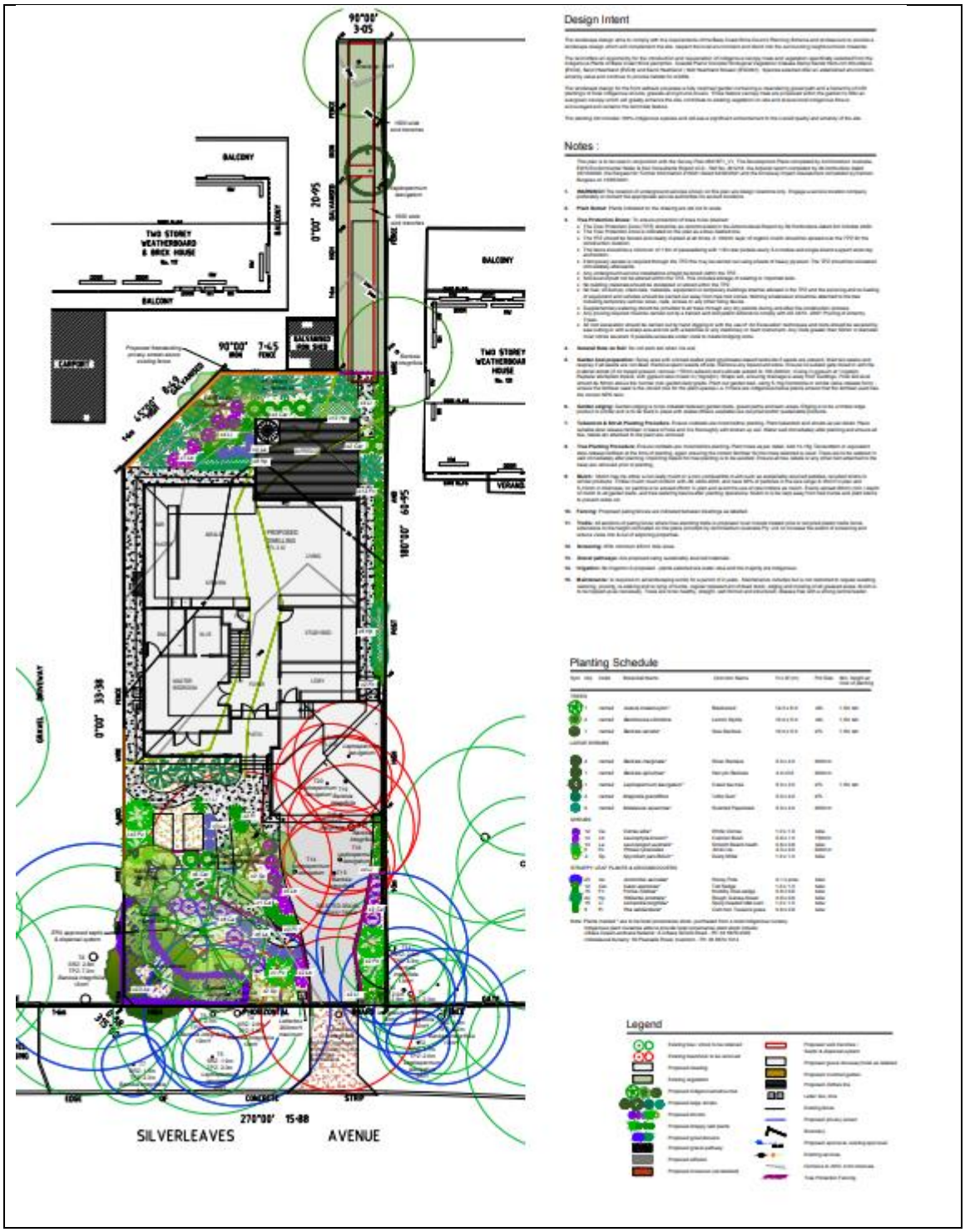


Figure 3 - Proposed Plans - Elevations


Design Intent
Notes :
Planting Schedule
Legend
BALCONY
TWO STOREY WEATHERBOARD & BRICK HOUSE
TWO STOREY WEATHERBOARD HOUSE
SILVERLEAVES
AVENUE

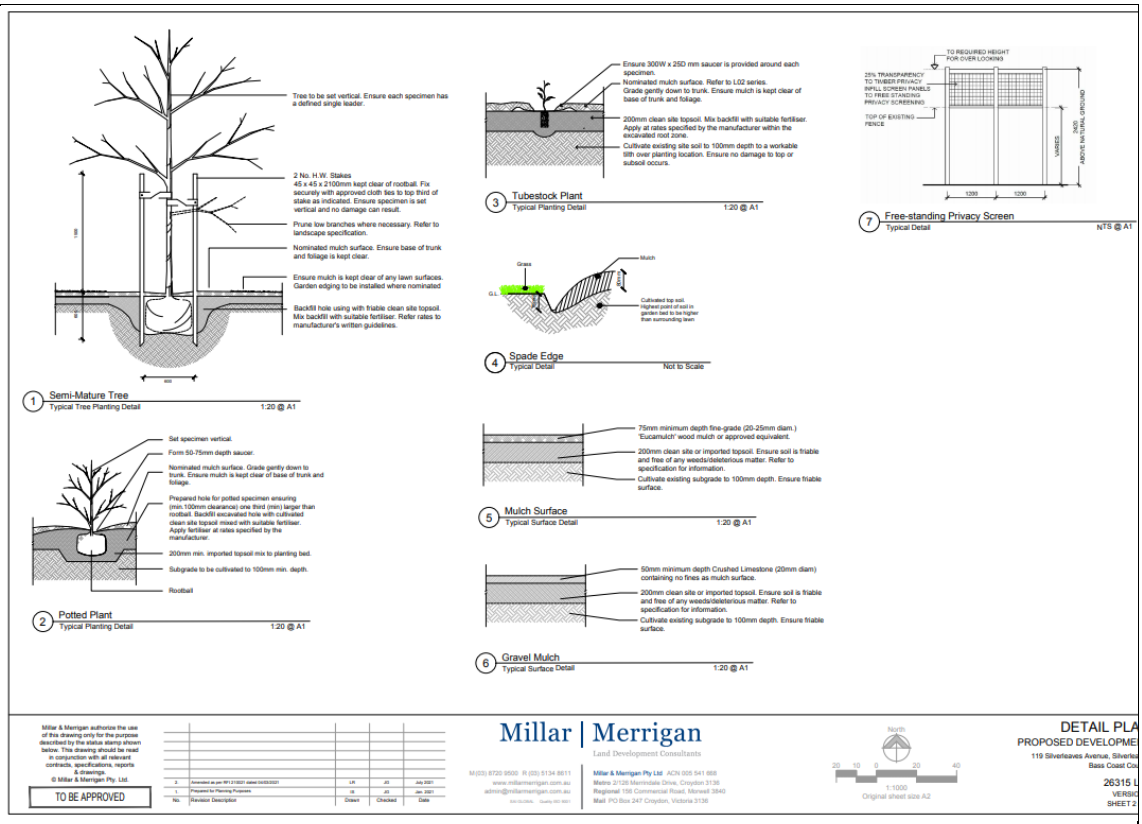


Figure 4 - Proposed Plans – Landscape plan

The application was amended on 11 June 2021, through Section 50A of the *Planning and Environment Act 1987* to amend the development design in response to the initial concerns with the proposal and to be more in line with the current developments in the area and the planning controls of the planning scheme.

Background

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

Site Dimensions and Area	Front - 15.88m x sides 33.38m – 60.95 x rear 15.88m (not a regular shape block)
Site Frontage	15.88m
Topography	The site is sloping from north to south with a fall of 1m
Vegetation Cover	The site contains a moderate amount of vegetation primarily located at the front of the property
Current Use and Development	Site is currently vacant
Easements	The site has no easements
Restrictive Covenants and/or Section 173 Agreements	The property has no restrictive covenants on the current copy of title.
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	A Plan of Subdivision 819594B was issued on 04 April 2018 to allow subdivision of land into 2 lots. It is to be noted that no access way/crossover or vegetation removal was proposed for the created lot at 119 Silverleaves Avenue, Silverleaves at that time.

Surrounding the subject site is:

- North: The property backs onto the Westernport Bay
- South: The property fronts onto Silverleaves Avenue
- West: 117 Silverleaves Avenue is the original block that was subdivided to create 119 Silverleaves Avenue. The site is developed with an existing double storey dwelling with no outbuildings. The site contains minimal vegetation throughout the site.
- East: 121 Silverleaves Avenue, which is developed with a single storey dwelling with no outbuildings. The site contains some vegetation that is located primarily located towards the front of the property.



Figure 6- Site and Surrounds

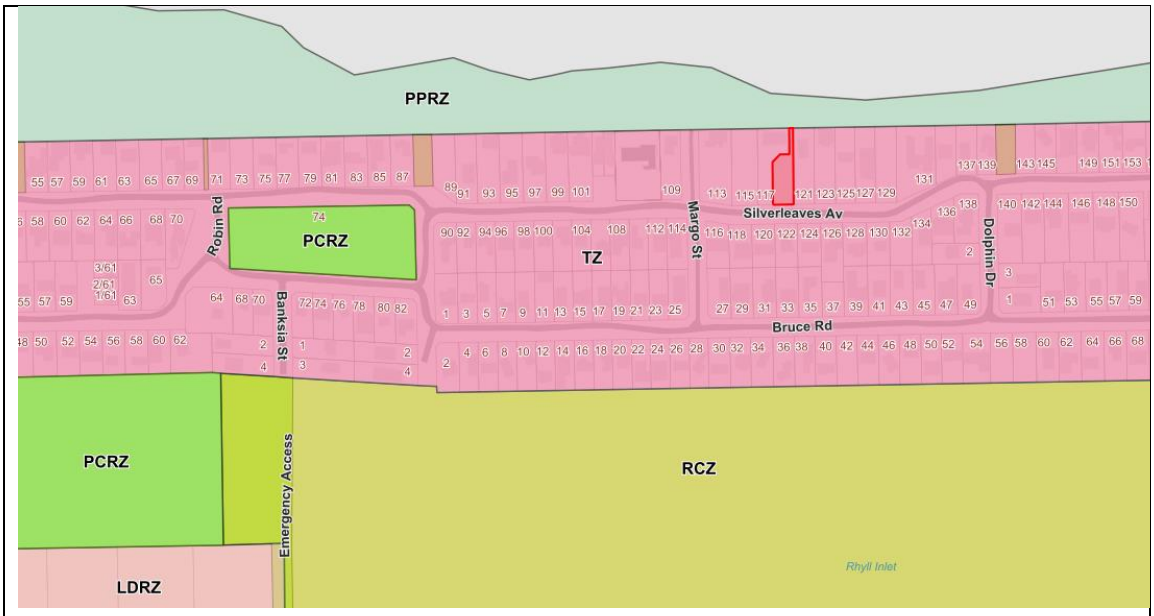


Figure 7 - Zoning Map

Consultation

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

The Applicant gave notice in the following manner:

- Sent copies of the Notice by mail to 8 land owners and occupiers.
- Place a sign on the land for the specified duration of 14 days.

In response to notification the application attracted 5 submissions.

A copy of each submission is included in Attachment two.

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

To date, no objections have been withdrawn.

Referrals

The following table outlines the referral requirements of this application.

Table two: Referral Authorities and their comments

Referral Authority	Comments
External (Section 55 of the *Planning and Environment Act 1987*)	
Melbourne Water	No objection to the application subject to conditions
Internal (Section 52 of the *Planning and Environment Act 1987*)	
Revenue Services	N/A
Asset Management	No objection to the application subject to conditions.
Environmental Health	No objection to the application subject to conditions.

Planning Scheme Provisions

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 11.01-1L-03 Cowes and Silverleaves
- Clause 12 Environmental and Landscape Values
  - Clause 12.02 – Coastal Areas
    - Clause 12.02-1S – Protection of Coastal Areas
  - Clause 12.05-2S – Landscapes
    - Clause 12.05-2L – 01 - Landscapes
- Clause 13 Environment Risks and Amenity
  - Clause 13.01-1S Natural Hazards and climate change
  - Clause 13.01-2S Coastal Inundation and erosion
- Clause 15 Built Environment and Heritage
  - Clause 15.01-2S Building Design
  - Clause 15.01-1L Building Design
- Clause 16 Housing
  - Clause 16.01 Residential development
  - Clause 16.01-S Housing supply
  - Clause 16.01-1L Housing supply
  - Clause 16.01-2S Housing affordability
- Clause 12 Environmental and Landscape Values
  - Clause 12.01 Biodiversity
  - Clause 12.01-1S Protection of biodiversity
  - Clause 12.01-1L Protection of biodiversity
  - Clause 12.01-2 Coastal areas
- Clause 19.03-3L Integrated water management

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 recently subdivided 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 will utilise the vacant block and establish a double storey dwelling that is considered to maximise an infil development opportunity within the Silverleaves estate. Although the proposed dwelling is larger than the older dwellings within the area, it still provides a good balance of modern design for residential purposes with quality urban design elements. Given the context of the subject site and surrounding area, the dwelling will add to the housing diversity and visual amenity of the streetscape within the area as well as compliment other modern developments along the coastline of Silverleaves. The location of the proposed development is considered to be consistent with Clause 16.01-IL.

In addition, the application has also considered the drainage of the land as per the local Clause 19.03 Integrated Water 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.

Zone Assessment

Clause 32.05 – Township Zone (TZ)

There is no planning permit trigger under the zone as the land is greater than 300 square metres with reference to Clause 32.05-6 of the Township Zone.

Overlay Assessments

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 Ground Level.

The highest point of the dwelling measures 8.3 metres from the natural ground level (along the southern elevation).

The DDO1 relates to residential areas near the coast.

The application is considered to be 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. The design, colours and materials of the proposed dwelling are considered to be a sympathetic design response to adjoining and nearby built, and landscape character.
- It is assessed that the proposed dwelling is unlikely to be seen from the coast and will only benefit partially from views to the coast. The subject site immediately abuts the coastline of Western Port Bay to the north and is set back approximately 60m south from the edge of the coastal foreshore. The proposed development's location will benefit from significant screening by the existing double storey dwelling that is located at 117 Silverleaves Avenue.
- The development will not impact views from any adjacent coastal roads to or from the coastline as the subject site is a subdivision of an existing block that essentially utilises the front of the property. Additionally, given the location of the subject site, the vegetation surrounding Silverleaves and the low-lying nature of the area, the development will not impact the area in this respect
- 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.
- The dwelling is proposed to be constructed out of cladding with zincalume roofing and aluminium window features. The colours include Tranquil retreat weatherboards, Vivid white wood work, White Powercoat for the windows and Monument Colorbond 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 necessary 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 as it relates to the Vegetation Protection Overlay.
- 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. The proposed development is considered to be provided with suitable space and tree retention to allow for meaningful landscaping opportunities.

- If approved, the proposed access way (drive way and cross over from Silverleaves Avenue) 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 has been reviewed by Council's engineers and will be controlled via permit conditions.

Clause 42.02 - Vegetation Protection Overlay – Schedule 2 (VPO2)

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 eleven (11) 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 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 eleven (11) trees out of a total of 22 on the land and along boundaries. The landscape plan prepared by Millar Merrigan Version 2 and dated July 2021 provides for a tree retention and removal plan and is also included in Attachment 1 of the Council Report.
- 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. However, tree 7 has been identified for removal on the site plan table. This tree will not be impacted by the proposed development and will be conditioned to be retained. Additionally, tree three (3) is located within the road reserve and has been proposed for removal. The removal of this tree is appropriate as this would allow for the creation of the crossover and driveway with minimal vegetation impact of the property.
- 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.

It to be noted that the arborist report has not been updated to reflect the updated and amended plans. As such, a condition will be included in the permit to update the arborist report to reflect the updated development plans.

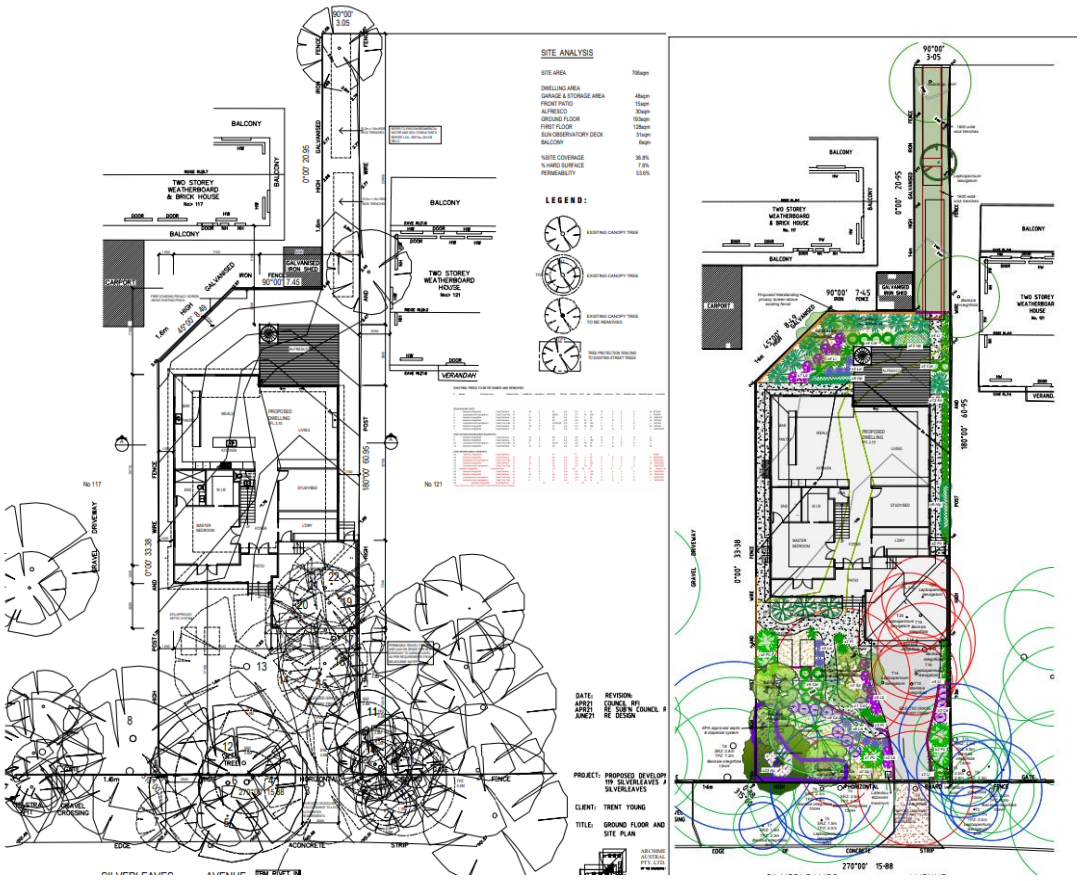


Figure 8 – Updated site and landscape plans showing proposed vegetation removal on the land at 119 Silverleaves Avenue, Silverleaves





Figure 9 –Current vegetation on the land at 119 Silverleaves Avenue, 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 08 April 2021. The conditions provided by Melbourne Water will be included on any permit issued. The Melbourne Water conditions refer to the Australian Height Datum and fill (earthworks) as well as a few other restrictions for the development.

The updated plans submitted to Council comply with the conditions set out by Melbourne Water.

Particular Provisions

Clause 52.06 Car Parking

The proposal has been provided with the required number of car spaces in accordance with the planning scheme requirements.

Concerns raised by Submitters

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

Submitter Theme	Council Officer Response
Vegetation and biodiversity	Submitters were concerned about the impacts of vegetation removal on the biodiversity of the area, particularly native bird and bee species. 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 footprint for a dwelling. Conditions of any permit issued will require landscaping with locally indigenous species.
Proposed dwelling development and neighbourhood character	In response to submitters concerns, regarding the vegetation removal a condition will be included in the permit to ensure the retention of trees of those trees that have been indicated to be retained. Additionally, conditions on the permit will also include sensitive construction methods, tree protection fencing and a gravel driveway to ensure the protection and retention, which will help alleviate some issues or concerns regarding excessive vegetation removal. Some of the concerns raised related to compliance with the ResCode provisions at Clause 54 of the Scheme. As the development of the land for a dwelling is not a trigger under the General Residential Zone, an assessment of the application is not required under Clause 54 (ResCode).
Size, scale and bulk	The original plans submitted for the proposed development site coverage was 47.4% with 12% hard surface coverage and 40.6% permeability. The amended plans submitted to Council have a significantly reduced built form and site coverage with 38.8% site coverage, 7.6% hard surface coverage and a 53.6% permeability. This significant reduction in built form along with the retention of existing vegetation and the additional landscape planting will help further reduce the visual bulk and scale of the proposed dwelling.
Missing plans (Landscape plan)	There was no landscape plan included in the advertised material. One was subsequently provided to Council on 15/07/2021.

Conclusion

The application has been assessed against the Bass Coast Planning Scheme and is considered with the objectives of the local and state policies, the DDO1, VPO2 & LSIO.

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

It is recommended that Council resolve to issue a notice of decision to grant a planning permit for planning application 210021, subject to conditions.

Recommendation

That in relation to planning permit application 210021 for the development of the land for a dwelling and removal of vegetation located at 119 Silverleaves Avenue, Silverleaves VIC 3922, Council resolves to issue a Notice of Decision to Grant a Permit subject to the following conditions:

Condition 1

1. **Before the plans are endorsed, 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 three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:**
    a) **An updated arborist report to reflect the updated development plans and proposed vegetation removal.**
    b) **Arborist report to identify and comment on the health and longevity of the tree located in the proposed effluent field at the most northern boundary.**
    c) **Site plan and landscape plan to be consistent and show the same proposed vegetation removal/retained. Additionally, show the retention of tree 7 in the road reserve.**
    d) **Response to Melbourne Water conditions referenced under condition 11.**

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.**

Vegetation Removal Conditions

4. **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 Maintenance

5. **Before the development is started/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.**
6. **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.**
7. **The tree retention and protection measures provided by the Arborist Report prepared by DB Horticulture and dated 03/10/2020 and the separate correspondence dated 10 May 202 must be undertaken, to the satisfaction of the Responsible Authority.**

Melbourne Water Conditions

8. **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 must be constructed with finished floor levels set no lower than 3.1metres to Australian Height Datum (AHD).

   b) The garage must be constructed with finished floor levels set no lower than the applicable flood level of 2.3m to AHD.

   c) No fill is permitted outside of the development envelope with the exception of minimal ramping into proposed garage.

   d) Any new verandahs /decking must be constructed with unenclosed foundations to allow for the passage of overland flows.

   e) All open space within the property must be set at existing natural surface level so as not to obstruct the passage of overland flows.

   f) Any new fencing/gates must be of an open style of construction (minimum 50% open) to allow for the passage of overland flows.

Wastewater Conditions (Environmental Protection Act 1970)

9. **LCA request -The proposed development is located within the Land Subject to Inundation Overlay/high risk site there for the council requests a land capability assessment to be completed. The land capability assessment must address design and maintenance for the wastewater disposal system. Address present features and setbacks located on the site as well as sizing and location of disposal and reserve field.**

10. **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.**

11. **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.**

12. **An EPA approved secondary wastewater treatment system that provides a 20/30 standard of effluent must be installed to the satisfaction of the responsible authority.**

13. **All waste water and liquid is to be contained and treated on site by a septic tank system or equivalent. The system must be at least 60 metres (Primary Treatment) or 30 metres (Secondary Treatment) from any watercourse and/or dam on the subject or neighbouring properties, and must meet the *Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891.4 (2016)*.**

14. **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

15. **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

16. **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:**

17. **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;**
18. **All drainage works (excluding any above ground detention tanks deferred via a Section 173 agreement) in accordance with the endorsed civil plans; and**
19. **All proposed vehicle crossings and footpaths must be constructed in accordance with the endorsed plans and IDM standards.**

Amenity

20. **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.**
21. **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

22. **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

23. 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	Copy of plans	5 Pages
AT-2	***CONFIDENTIAL*** - Submissions	9 Pages
AT-3	Arborist Report	9 Pages

H.4 Planning Application 210118 1 The Anchorage Corinella Development of a dwelling exceeding 7 metres in the DDO1

File No: **CM21/413**
Division: **Place Making**
Council Plan Strategic Objective: **Our Character**

Celebrating the uniqueness of our townships

Executive Summary

Application number:	210118
Applicant:	Matthew Law Taylors Development Strategists P/L
Land:	1 The Anchorage, Corinella VIC 3984
Proposal	Development of a dwelling exceeding 7 metres in the DDO1
Planning controls:	Clause 32.08 - General Residential Zone (GRZ) Clause 43.02 - Design and Development Overlay, Schedule 1
Planning permit triggers:	Clause 43.02 - Design and Development Overlay, Schedule 1 – A planning permit is required to construct a building with a height exceeding 7 metres above finished ground level
Notification and submissions:	Application was notified and received 9 submissions comprising 8 objections and 1 submission of support
Key planning considerations:	Views to the coast Views from the coast Impact of development on character
Recommendation:	Notice of Decision to Grant a Planning Permit

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 nine (9) submissions.

The Proposal

This application proposes to construct a double storey dwelling in accordance with the plans prepared by Boutique Homes, Revision 05 dated 31 March 2021. The decision plans are provided as Attachment one and are detailed below:

- Site Plan
- Ground Floor Plan

- First Floor Plan
- Elevation A & B
- Elevation C & D

The proposed dwelling presents a front setback of 8.44 metres from The Anchorage (southern boundary), side setbacks of 3.11metres to the western boundary and 5.64 metres to the eastern boundary – with the exception of a wall on boundary measuring 6.47 metres for the garage – and a rear setback to the north of 10.7 metres.

The ground floor is to include a triple garage, open plan kitchen, living and dining area with laundry and separate powder room, guest bedroom with ensuite and walk in robe, as well as a separate lounge/rumpus room area. The first floor is to include a total of four bedrooms, three of which contain an ensuite and walk in robe, and the master to include a larger dressing room and private balcony on the northern elevation. A separate retreat and study area is also incorporated on the first floor.

Access to the dwelling will be from a proposed single crossover measuring 3 metres in width on the southern boundary of the property, with a driveway splay to provide off street parking to the three car garage.

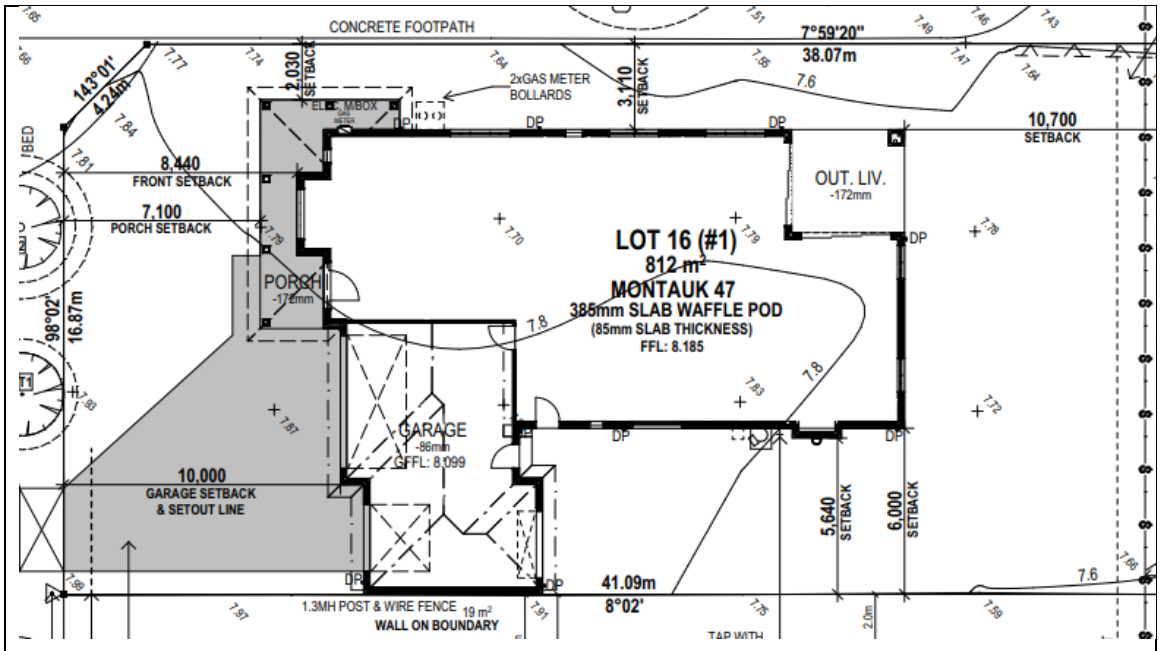


Figure 1 - Proposed Site Plan

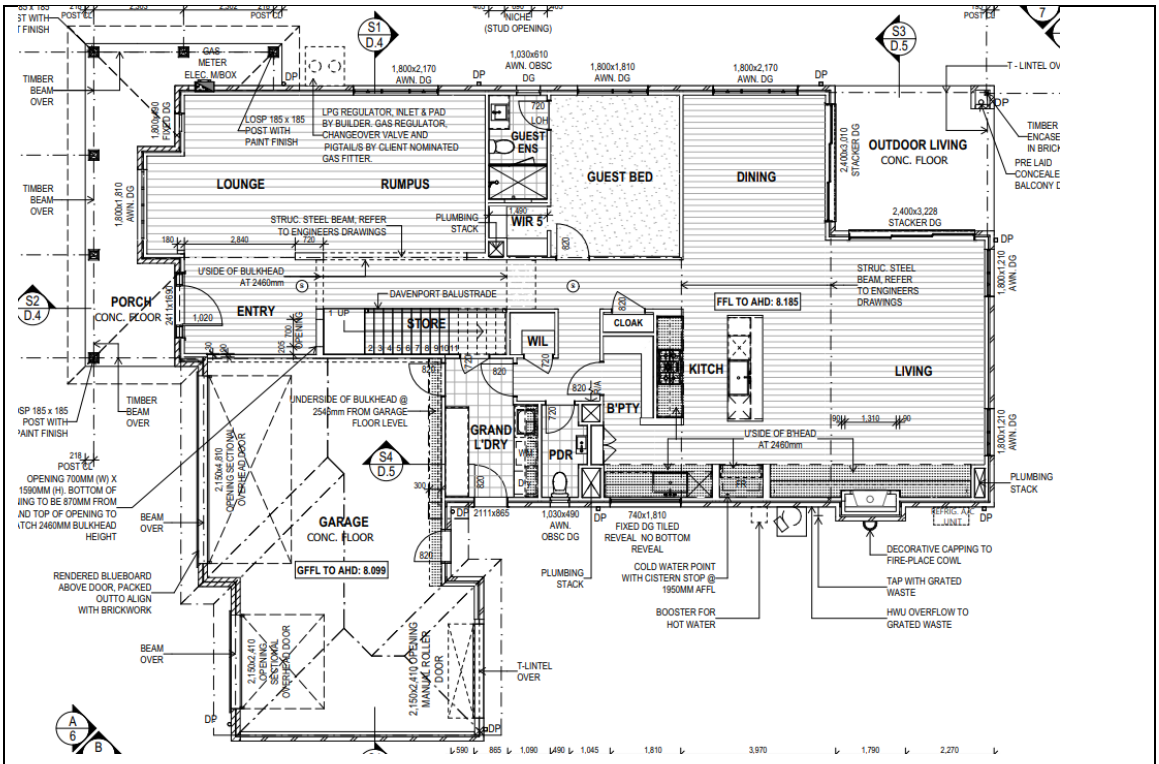


Figure 2 – Proposed Lower Floor Plan

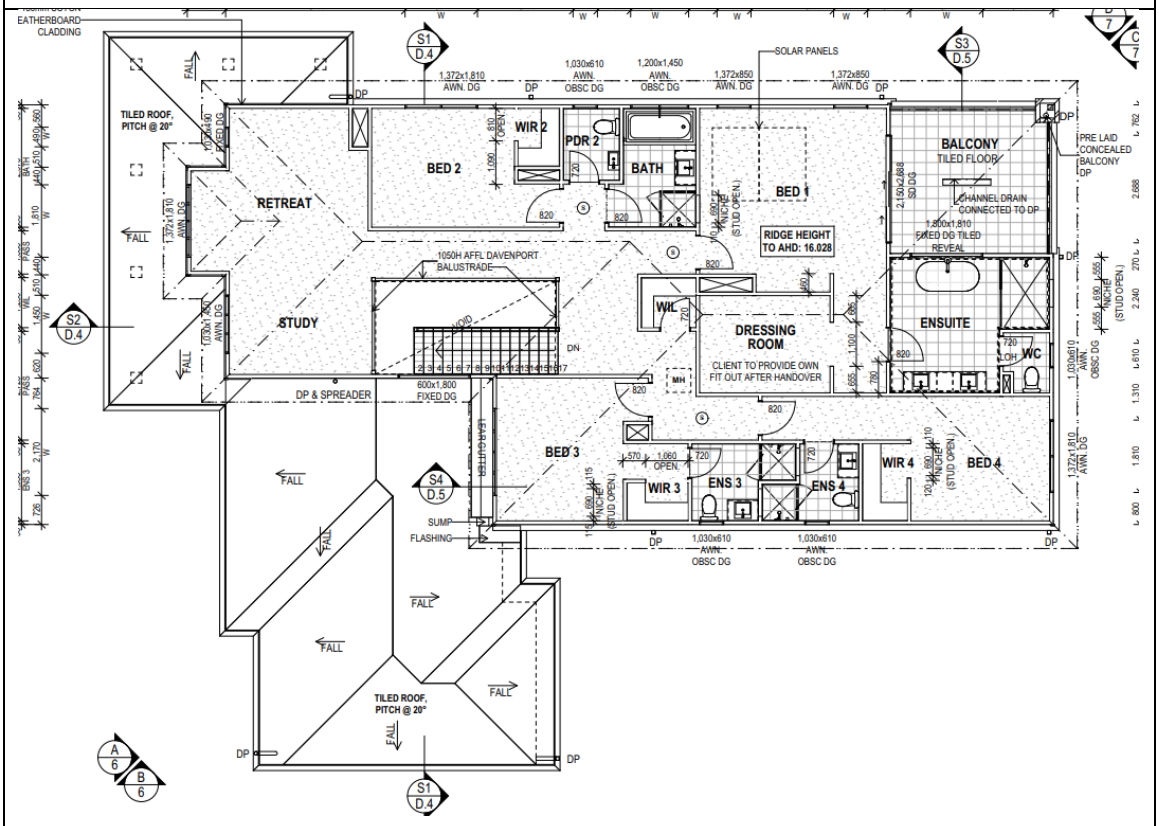


Figure 3 – Proposed Upper Floor Plan

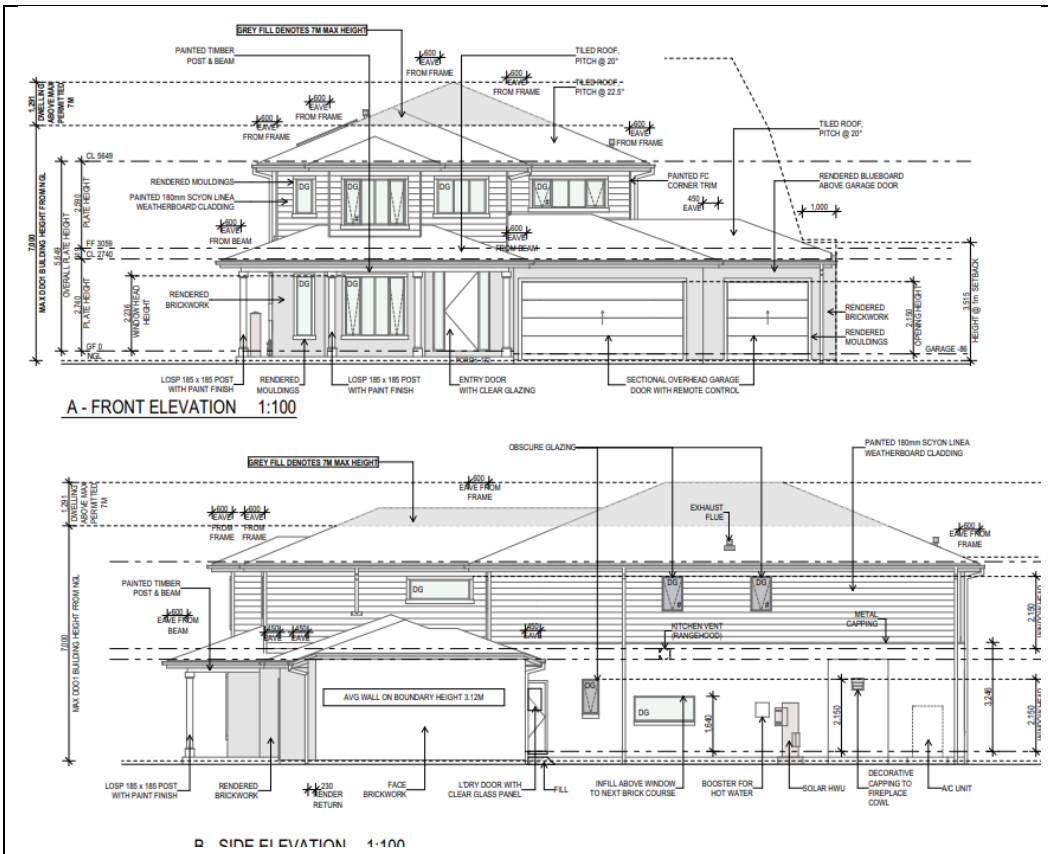


Figure 4 – Proposed South (front) and East (side) elevations

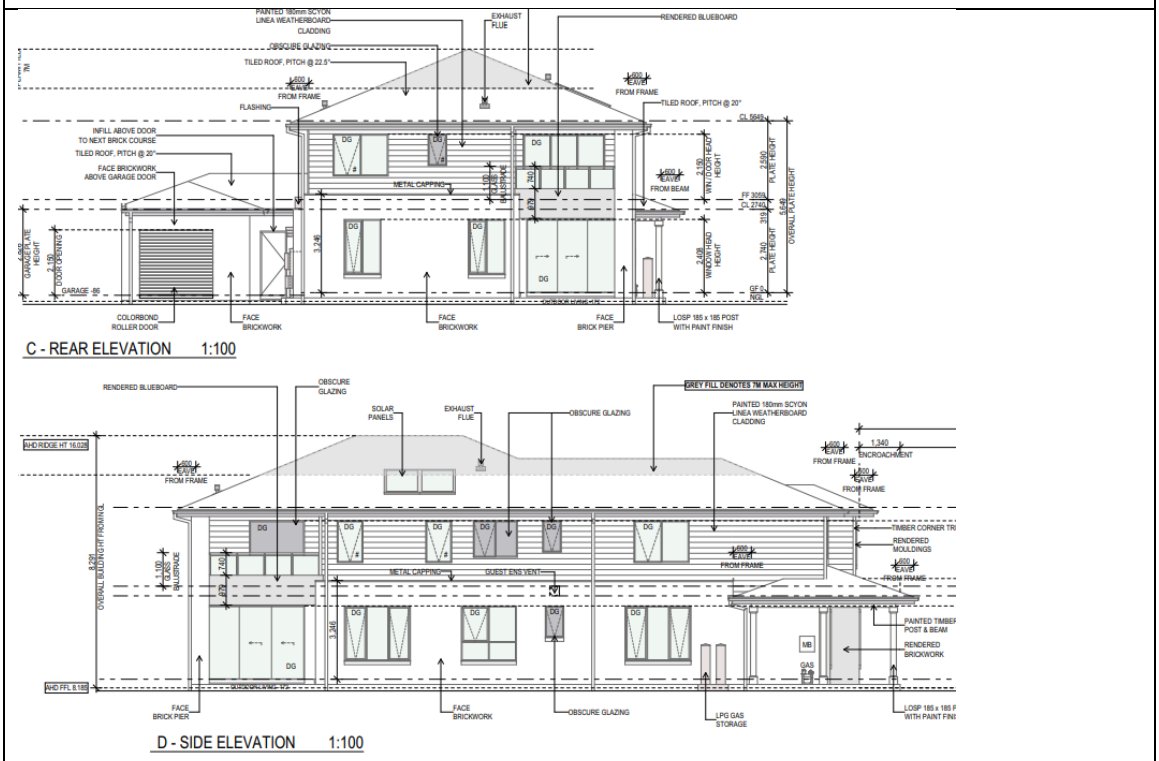


Figure 5 – Proposed North (rear) and West (side) elevations

Background

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

Site Dimensions and Area	Rectangular allotment measuring 41.09m by 19.90m, presenting a total area of 812 square metres
Site Frontage	16.87m to The Anchorage (southern boundary)
Topography	The site can generally be described as flat
Vegetation Cover	Nil
Current Use and Development	Vacant residential land
Easements	There is a 3m wide easement that runs along the northern boundary for the purposes of providing drainage infrastructure.
Restrictive Covenants and/or Section 173 Agreements	The subject site is affected by Restrictive Covenant AS220711Q which requires that the landowner must not: *"erect, cause or permit to be erected or remain on the lot a dwelling (excluding garages and balconies) other than a minimum size as follows: 13 squares".* The proposed dwelling is considered to comply with the restriction.
Aboriginal Cultural Heritage Sensitivity	This property is within an area of Aboriginal Cultural Heritage Sensitivity. However, the proposed development is exempt from obtaining a Cultural Heritage Management Plan pursuant to the Aboriginal Heritage Regulations 2018.
Planning Permit History	Planning Permit 060436 was issued on 04 October 2007 at the direction of VCAT authorising the development of the land for two dwellings. Multiple Extension of Time requests were made in 2009, 2011 and 2013 and Council ultimately refused the third extension on 25 October 2013. The decision to refuse an Extension of Time was appealed at VCAT, with VCAT determining to uphold Councils' refusal. Planning Permit 060436 therefore is expired and no longer valid.

The subject site is located within an established residential area, approximately 100 metres south of the Western Port Coastal Reserve. The main characteristics of the surrounding area are:

- To the north of the site is Coraness Lane, which services three allotments. One allotment contains an established dwelling whilst the other two remain vacant.

- To the east of the site at 3 The Anchorage is a double storey weatherboard dwelling with a pitched corrugated roof. This property features a gravel driveway in its south-eastern corner that leads into a detached garage.
- To the south of the subject site at 2 The Anchorage is a double storey weatherboard dwelling with a pitched roof. The property features an existing crossover to The Anchorage in its north-eastern corner with a large, paved area leading into an attached garage.
- To the west of the property at 39-41 Balcombe Street is a larger sized lot with a small dwelling located towards the rear of the site. The site features moderate vegetation along the northern boundary

The emerging character of the surrounding area consists of a variety of built forms and generally defined by a mix of single and double storey dwellings with a range of roof styles and front facades. There is an emerging character of large double storey dwellings within the vicinity of the subject site, as well as a number of dual occupancy developments.



Figure 6 - Site and Surrounds

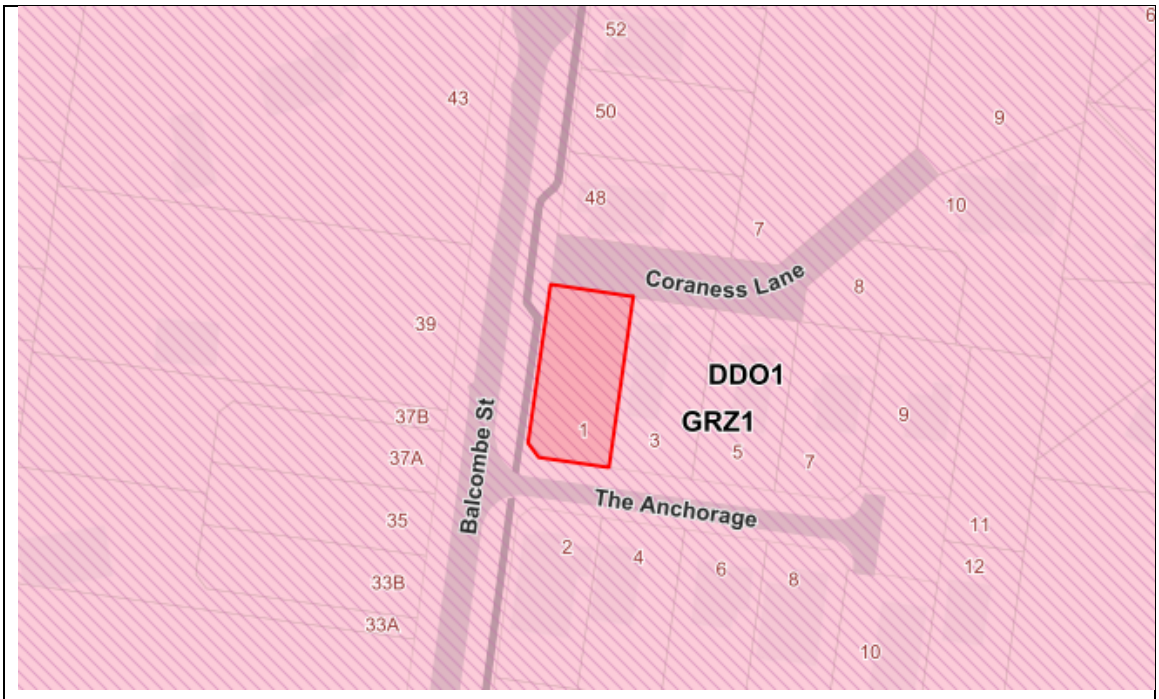


Figure 7 - Zoning Map

Consultation

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

The applicant gave notice in the following manner:

- Sent copies of Notice by registered mail to 28 nearby and adjoining landowners and occupiers;

In *response* to notification the application attracted nine (9) submissions.

A *copy* of each submission is included in Attachment two.

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

Amended Plans

Following the advertising period and in response to the concerns of the objectors, *amended* plans were supplied for discussion purposes (prepared by Boutique Homes, revision 06 dated 13 July 2021) on 15 July 2021, which proposed the following changes to the proposal:

- *A reduction in the proposed roof pitch from 22.5 degrees to 18 degrees*
- *A reduction in the proposed maximum building height from 8.288m to 7.817m*

As these plans have not been formally amended, for the purposes of this report, the plans referenced are the advertised plans and now the decision plans.

Figure 8 below provides an indication of the amended built form outcome should the submitted plans without prejudice be endorsed. Further discussion of the proposed changes are discussed further in the report.

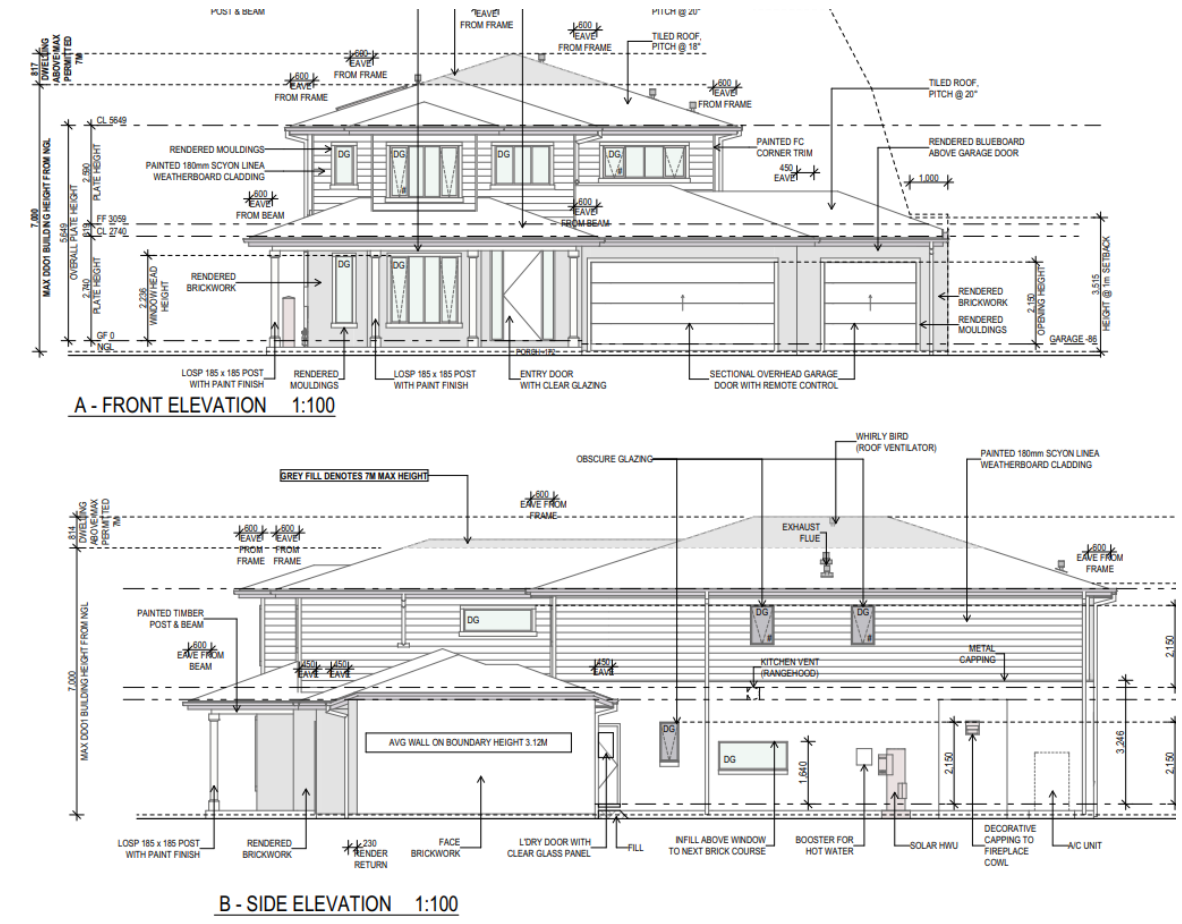


Figure 8 – South (front) and East (side) elevations of Amended Plans without prejudice

Referrals

The following table outlines the referral requirements of this application.

Table two: Referral Authorities and their comments

Referral Authority	Comments
External (Section 55 of the *Planning and Environment Act 1987*)	
This application does not require referral to any external authorities pursuant to Section 55.	
Internal (Section 52 of the *Planning and Environment Act 1987*)	
This application does not require referral to any internal authorities.	

Planning Scheme Provisions

Planning Policy Framework Assessment

The relevant Planning Policy Framework clauses are as follows:

- Clause 11 – Settlement
  - Clause 11.01-1R – Gippsland
  - Clause 11.01-1L-11 – Corinella
  - Clause 11.03-4S – Coastal Settlement
- Clause 12.02 – Coastal Areas
  - Clause 12.02-1S – Protection of Coastal Areas
- Clause 15 – Built Environment and Heritage
  - Clause15.01-1S – Urban Design
  - Clause 15.01-1L-01 – Urban Design in Bass Coast
  - Clause 15.01-1L-02 – Landscape design
  - Clause 15.01-2S – Building Design
  - Clause 15.01-2L – Building Design
  - Clause15.01-5S – Neighbourhood Character
- Clause 16 – Housing
  - Clause 16.01-2S – Housing Affordability
- Clause 19 – Infrastructure
  - Clause 19.03-2L – Infrastructure design and provision
  - Clause 19-03-3L – Integrated Water Management

The following provides an assessment of the proposal against the relevant Planning Policy Framework (PPF) under the themes of Settlement, Coastal Areas, Built Environment and Heritage, Housing and Infrastructure.

The PPF recognise the importance of accommodating development within established settlement boundaries in order to limit the impact on the character of the area and coastal areas.

The proposed additional dwelling within the existing township of Corinella is considered to have merit when consideration is given to the broader state and local policies related to residential development.

Corinella is defined at Clause 02.03 (Strategic Direction – Settlement) as a Town with low spatial growth capacity and an identified potential for limited growth within the existing urban area.

Clause 11.01-1R (Gippsland) of the Planning Scheme includes a strategy to support the continuing role of towns and small settlements in providing services to their districts, recognising their relationships and dependencies within larger towns and Clause 16.01-2S (Housing Affordability) provides further objectives and strategies that are to be considered for residential development. The proposed single dwelling on the subject site is considered to be consistent with the intent of these objectives and strategies related to residential development. It is considered that the proposal is consistent with the Bass Coast Planning Scheme where it directs development and growth within existing settlement boundaries to reduce pressure on the settlement boundaries and maintain open breaks between townships.

Clause 15.01-1S (Urban Design) and Clause 15.01-2S (Building Design) seeks to ensure that proposed developments present a building design outcome that positively contributes to the local context, and is congruent with the existing and/or emerging character of the immediately surrounding area. In this context it is considered that the proposal presents a satisfactory design response through the provision of a modern double storey built form consistent with surrounding development, and inclusive of substantial setbacks to property boundaries to reduce adverse built form impacts to the neighbourhood character. The development is therefore considered to further result in a satisfactory design response consistent with the objectives of Clause 15.01-5S (Neighbourhood Character).

Clause 15.01-1L-01 (Urban Design in Bass Coast) seeks to build on state policy and ensure that new development reflects the coastal setting and coastal architecture of the Shire through built form and materiality, and it is considered that the proposal provides an architectural response consistent with the coastal themes of Corinella. Whilst the proposal has not been accompanied by a concept landscape plan, it is considered that the development affords sufficient opportunities within the site to provide for landscaping consistent with the objectives and strategies of Clause 15.01-1L-02 (Landscape Design) as they seek to ensure that development creates and maintains a high-quality landscape setting.

The application is therefore considered to meet the relevant policy objectives of the Bass Coast Planning Scheme.

Zone Assessment

Clause 32.08 – General Residential Zone – Schedule 1

The relevant 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.*

It is noted that a planning permit is not required pursuant to the provisions of the zone as the subject site has an area greater than 300 square metres.

Irrespective of whether a planning permit is required, a development is still required to comply with the provisions of Clause 32.08-4, wherein a single dwelling on a lot of over 650 square metres must provide a minimum of 35% garden area. The proposed development will result in the provision of 54.56% of the total site area as garden area and therefore complies with this requirement.

Overlay Assessments

Clause 43.02 – Design and Development Overlay – Schedule 1

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 Finished Ground Level (FGL).

The highest point of the dwelling measures 8.28 metres from the finished 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 proposed development is considered to be 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. It is also assessed that the proposed development has not proposed 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.

In considering the recommendation of an approval for the proposed dwelling against the Design and Development Overlay Schedule 1, the following points are highlighted:

- The subject site is located within an existing residential settlement and well setback from the coast, and it is therefore considered that the proposal will not present a substantial built form when viewed from the coast given the existing built form to the north of the site.
- Further to this, the location of the development within an existing settlement will be of minimal impact to views from nearby coastal roads with outlook to or from the coastline.

- The proposal follows section 3.1.3 of the *Siting and Design Guidelines for Structures on the Victorian Coast (Victorian Coastal Council 1988)* by proposing a new dwelling in a residential setting, therefore 'grouping structures' as encouraged by the guideline.
- The subject site is located within the General Residential Zone, whereby the intended purpose is to provide for low-moderate scale residential development on generously sized lots.
- Furthermore, the site is within the existing township boundaries and therefore will not result in an increase in human activity within the natural landscape.
- The proposal will result in a dwelling which is comparable in size and scale to other double storey built form in the surrounding area.
- Whilst the development presents a large double storey built form, only a small portion of the roof exceeds the 7 metre height trigger within the Design and Development Overlay, where the bulk of the dwelling and roof is under 7 metres in height.
- The proposed dwelling presents a maximum wall height of 5.65 metres, substantially below the 7 metre permit trigger, and combined with the upper floor articulation it is considered the proposal will result in a majority of the building mass being consistent with the intent of the design objectives.
- The dwelling is proposed to be constructed from rendered brick work on the ground floor and horizontal cladding on the upper floor, presenting a tiled roof and a well recessed and articulated upper floor. A formal colour schedule has not been provided with the application however it is considered that a colour schedule can be included as a condition to any permit issued. This will allow the Responsible Authority to ensure that a suitable coastal themed colours and materials palette is endorsed with the proposal should a permit be issued.
- The proposal presents generous setbacks to all boundaries consistent with the existing surrounding neighbourhood character of single dwellings on a lot, and provides a sufficient amount of secluded private open space to the rear of the dwelling to accommodate substantial landscape planting.
- Should Council determine to issue a Notice of Decision, a conditional requirement of approval is recommended to be included which reduces the built form height from 8.28m to 7.82m prior to the endorsement of plans.

- The proposal does not require the removal of any vegetation on the subject site, and will not have an impact on any vegetation within the road reserve. The application has not been accompanied by a landscape plan, and it is therefore recommended that should Council direct to issue a permit, that a condition be included requiring the submission of a landscape plan prior to endorsement. It should be noted that the proposal has been afforded landscaping opportunities within the subject site.

Particular Provisions

Clause 52.06 Car Parking

The proposal has been provided with the required number of car spaces in accordance with the planning scheme requirements.

Concerns raised by Submitters

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

Submitter Theme	Council Officer Response
Building Height exceeding 7 metres	Whilst it is acknowledged that the proposed dwelling will present a maximum building height of 8.29m and most – if not all – submissions called for the height to be reduced below 7 metres. Although Schedule 1 to the Design and Development Overlay sets a permit trigger height of 7 metres, an application can be made – such as this one – to allow a development in excess of 7 metres. The proposed maximum building height exceeds the DDO1 preference by 1.29 metres; however, the extent of the building exceeding this height preference is entirely the ridgeline of the proposed roof truss. As outlined in previous sections of this report, the majority bulk of the dwelling (i.e. the maximum wall height) sits below 5.65m and presents a multi-faceted and well-articulated design. It is furthermore noted that the applicant has submitted amended plans without prejudice — which propose a reduced maximum building height of 7.82. If Council moves to approve the proposal a condition will be included requiring a reduction in height of the dwelling to 7.82m in accordance with these plans.

Outlooks/Views	Whilst two of the key objectives of the DDO1 are to protect views from the coast to adjacent residential areas, and to protect views to the coast from adjacent residential areas, the development in its proposed form is still considered to present a satisfactory design response with respect to existing view lines. The subject site is located in an existing residential area that has generally been developed with single and double storey dwellings, wherein double storey development is generally perceived as being an appropriate design response. With respect to views being blocked from adjoining properties, consideration is given to the surrounding built form character on The Anchorage and Balcombe Street wherein land is developed with single and double storey dwellings, and the topography is generally considered to be flat. The proposal has been designed to reduce impacts to views as much as practicable through the utilisation of generous setbacks to all boundaries, therein limiting the impact of the development on views to and from the coast.
Overshadowing	Given that the application does not trigger a planning permit under the provisions of the General Residential Zone (Clause 32.08), formal assessment of the proposal is not required against the Residential Development Code of Clause 54. It is therein noted that overshadowing is not a formal consideration of the assessment for this development.
Setting a Negative Precedent	Several of the submissions made to the proposal raised concern that the allowance of the development in excess of 7 metres sets a 'dangerous precedent' for the remainder of development in the surrounding area, and may result in the remaining lots seeking to develop land with dwellings in excess of 7 metres. Whilst the DDO1 sets a planning permit trigger related to building height, it is not intended to be the 'absolute' maximum height, and provision is made within the planning scheme to allow development to exceed this height at the discretion of the Responsible Authority. Previous discussion in this report has provided justification as to why the proposed development is considered to be a satisfactory response to the DDO1 in particular.

	Further development in the area proposed to be over a building height of 7 metres would require a planning permit and would be independently assessed in accordance with the requirements of the Bass Coast Planning Scheme, and any decision would be at the discretion of the Responsible Authority as to whether that future development is considered to be appropriate at that time.
The submission of support can generally be summarized as follows: - Well designed home - No impact on neighbouring properties - Impact on views likely to happen regardless of if double storey or single storey dwelling - Increase in property value	The majority of items raised by the submission of support are consistent with Council Officer recommendations. The exception to this is the submission relating to property values. This is not considered a planning matter and has no weight to the assessment of the application.

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 Schedule 1 to the Design and Development Overlay.

The application underwent notification and as a result there were nine (9) submissions received against the proposal. Concerns raised by the 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 210118, subject to conditions.

Recommendation

That in relation to planning permit application 210118 for the development of the land for a dwelling exceeding seven (7) metres in height under the DDO1 located at 1 The Anchorage, Corinella VIC 3984, Council resolved to issue a Notice of Decision to Grant a Permit subject to the following conditions.

Amended Plans

1. **Before the use and/or 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 three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:**
    a. **The roof pitch to be reduced to 18 degrees resulting in a maximum building height of 7.82 metres, generally in accordance with the without prejudice plans prepared by Boutique Homes, Version 6 dated 13 July 2021;**
    b. **A colours and materials palette concurrent with the coastal themes of the surrounding neighbourhood character;**
    c. **A landscape plan in accordance with the requirements of Condition 4 of this permit.**

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.**
4. **Before the development starts are endorsed for the hereby approved development, 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 with dimensions and must show:**
    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. **a minimum of three (3) canopy trees in the following areas:**

i. **one (1) tree capable of reaching six (6) metres in height in the front setback;**

ii. **two (2) trees capable of reaching a minimum height of eight (8) metres in the rear setback;**

g. **only the use of plant species indigenous to the locality;**

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

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

5. **Within three (3) months of completion of the development hereby permitted, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.**

6. **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.**

Amenity

7. **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.**

8. **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

9. **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.

Notes

- **The granting of this permit does not obviate the necessity for compliance with the requirements of any other authority under any act, regulation or local law.**
- **Building works approved under this planning permit shall not be commenced until a building permit has also been obtained under the Building Act 1993 and the Building Regulations 2018.**
- **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.**
- **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	Set of Plans	6 Pages
AT-2	***CONFIDENTIAL*** - Submissions	18 Pages
AT-3	***CONFIDENTIAL*** - Amended Plans Without Prejudice	6 Pages

H.5 Planning Application 210204 45 Penniwells Drive San Remo Development of a dwelling exceeding 7 metres in the DDO1

File No: **CM21/414**
Division: **Place Making**
Council Plan Strategic Objective: **Our Character**

Celebrating the uniqueness of our townships

Executive Summary

Application number:	210204
Applicant:	Mrs Olivia Wilson C/- Adrian Wilson - Beyond Design Group
Land:	45 Penniwells Drive, San Remo VIC 3925
Proposal	Development of land for a dwelling exceeding 7 metres in DDO1
Planning controls:	Clause 32.08 – General Residential Zone – Schedule 1 Clause 42.03 – Design and Development Overlay – Schedule 1
Planning permit triggers:	Clause 43.02-2 – A permit is required to construct a building with a height of more than 7 metres.
Notification and submissions:	Application was notified and received 6 submissions as objections
Key planning considerations:	Views to the Coast Views from the Coast Impact of the development on character
Recommendation:	Notice of Decision to Grant a Permit

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 six (6) objections.

The Proposal

This application proposes to construct a double storey dwelling in accordance with the plans prepared by Beyond Design Group, Ref. No. 20-1745, dated 30 November 2020. The decision plans are provided as Attachment one and are detailed below:

- Floor and Site Plans
- Elevations
- Site Analysis Plan
- Landscape Plan

This application proposes to construct a double storey residential dwelling on the land in accordance with the plans prepared by Beyond Design Group, reference no. 20-1745 dated 30 November 2020.

The proposed dwelling presents a front setback of 5.2m on the ground floor, and 4m on the first floor from Penniwells Drive (south-western boundary), side setbacks of 3.9m to the north-western boundary and 2m to the south-eastern boundary, and a rear setback to the north-east of approximately 10m.

The proposed dwelling will present a maximum height of 7.8m on the north-east and north-west elevations, whilst presenting a maximum height of 6.1m on the south-east and south-west elevations due to the slope of the land.

The ground floor is to include a double garage, two bedrooms with built in robes and a shared bathroom, separate study, laundry, sitting room and private cinema room. The first floor is to include the master bedroom with ensuite and walk-in-robe, an open plan kitchen, dining and living area with views across the large balcony to the north-west, as well as a sitting area and power room.

Access to the dwelling will be from an existing single crossover measuring 3m in width on the south-western boundary of the lot, with a driveway splay to provide off street parking to the double garage, as well as access to the rear of the lot through additional driveway length along the northern aspect of the dwelling.

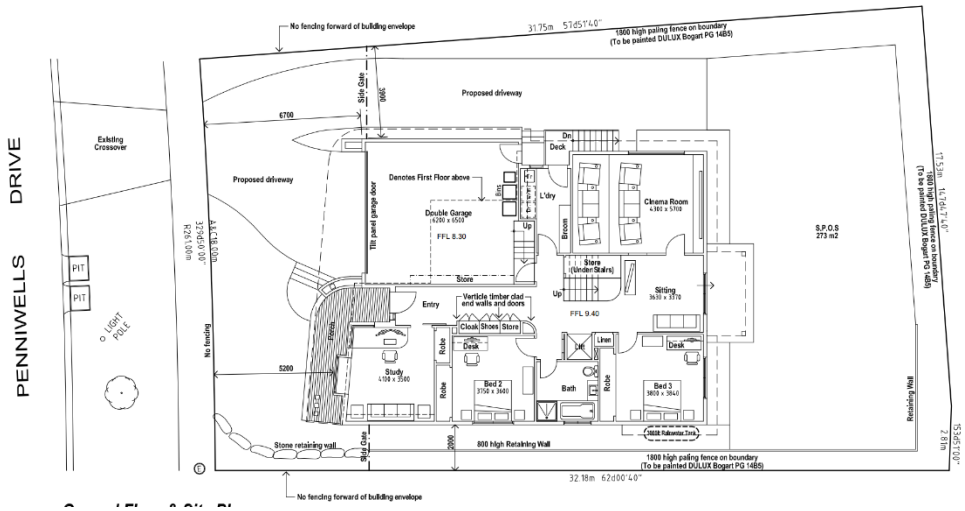


Figure 1 - Proposed Site and Ground Floor Plan

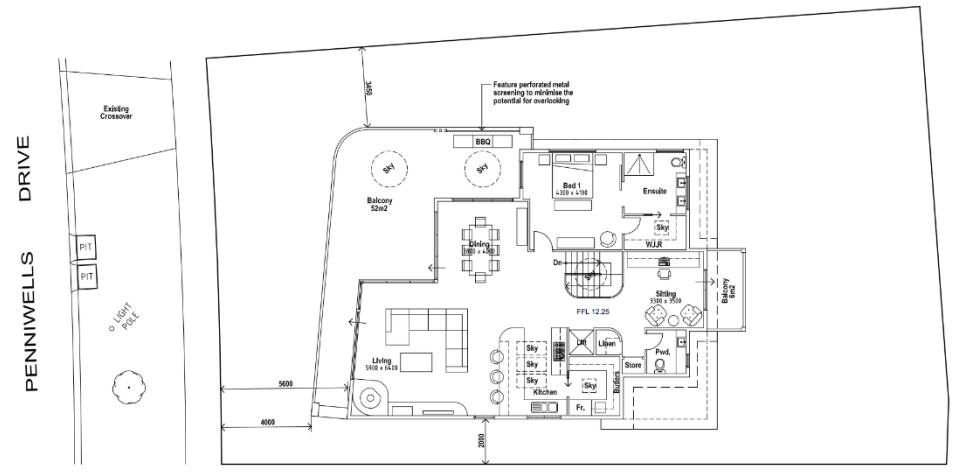


Figure 2 – Propsoed Upper Floor Plan

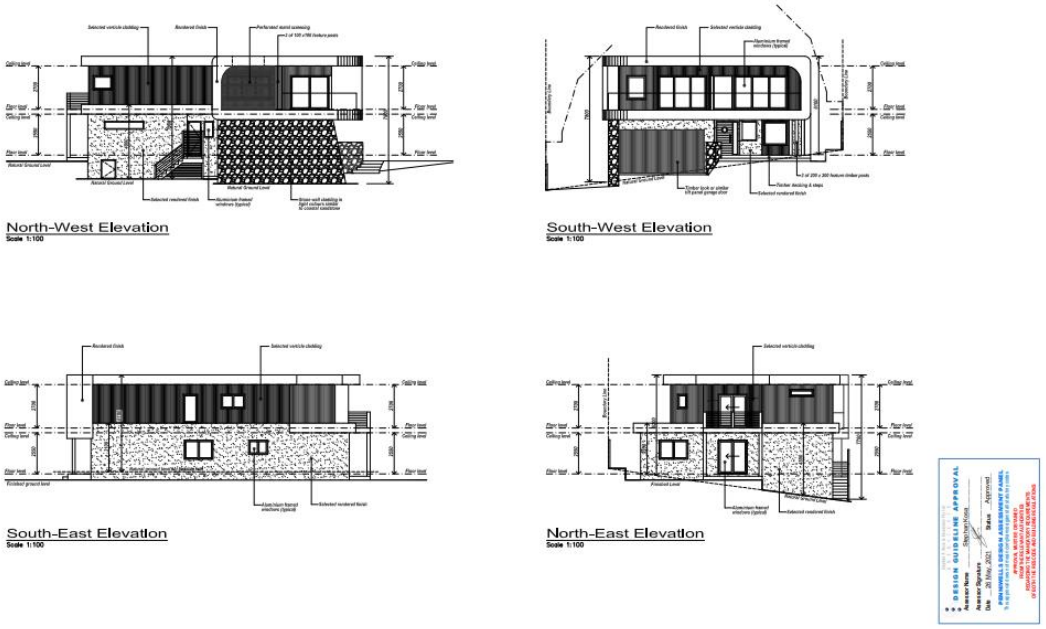


Figure 3 – Proposed Elevations

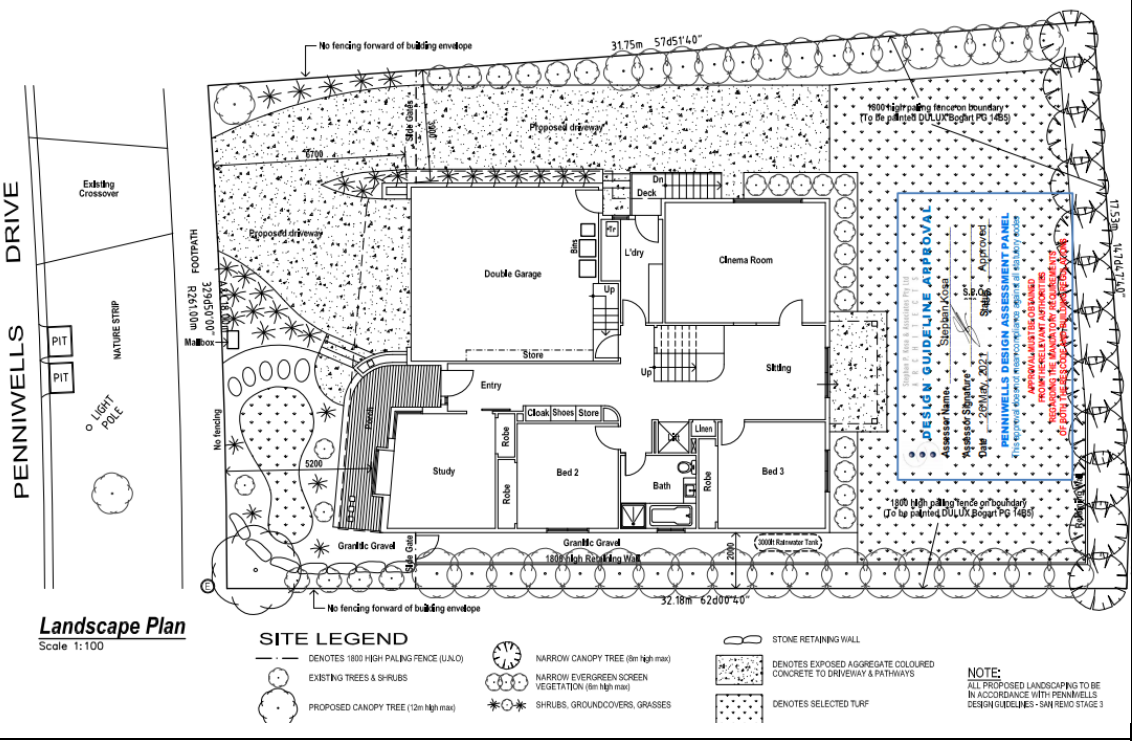


Figure 4 – Concept Landscape Plan

Background

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

Site Dimensions and Area	Rectangular allotment generally measuring 32m in depth and 17.53m in width, presenting a total area of 613 square metres.
Site Frontage	18m to Penniwells Drive (south-western boundary)
Topography	The site is generally sloping, with a fall of 2.8m from the south to the north.
Vegetation Cover	Nil
Current Use and Development	Vacant residential land
Easements	The subject site is not affected by any easements.
Restrictive Covenants and/or Section 173 Agreements	The subject site is affected by Restrictive Covenant AR893480D which requires that the landowner complies with the Memorandum of Common Provisions AA4788 and the related Penniwells Design Guidelines for San Remo – Stage 3, dated June 2017. The proposed dwelling is considered to comply with the restriction given that approval has been granted for the development from the Penniwells Design Assessor Panel. The subject site is affected by registered agreement under Section 173 of the *Planning & Environment Act 1987* number S857163T, which relates to landscaping requirements set out for the developer of the land. The agreement is of no impact to the proposal.
Aboriginal Cultural Heritage Sensitivity	The property is not located within an area of Aboriginal Heritage Cultural Sensitivity.
Planning Permit History	Nil

The subject site is located within a recent residential subdivision currently experiencing consistent development relating to single dwellings on a lot. A majority of the surrounding lots are yet to be developed, with adjoining lots in all directions either undeveloped or under construction at the time of this application.

The emerging character of the surrounding area is being guided by the Penniwells Design Guidelines, encouraging site sensitive design with the intention of a variety of single and double storey built form, allowing views to the south-west towards Cape Woolamai. New development is required to gain design assessor approval from the developer of the land. It should be noted that the proposed development has been approved by the design assessor panel.

The Design Guidelines seek to provide for the following:

"The Design Guidelines set out specific design controls to ensure the built form of the development reflect the characteristics of a Victorian coastal development.

An important role of these Guidelines is also to assist in the protection of property values by avoiding adverse impacts upon adjoining allotments.

*These guidelines will help to ensure a high level of amenity, and address a series of design issues such as siting, form and composition of buildings, textures, materials and colours and the relationship of buildings to the coastal landscape." – (*Penniwells Design Guidelines, Page 4)



Figure 5 - Site and Surrounds

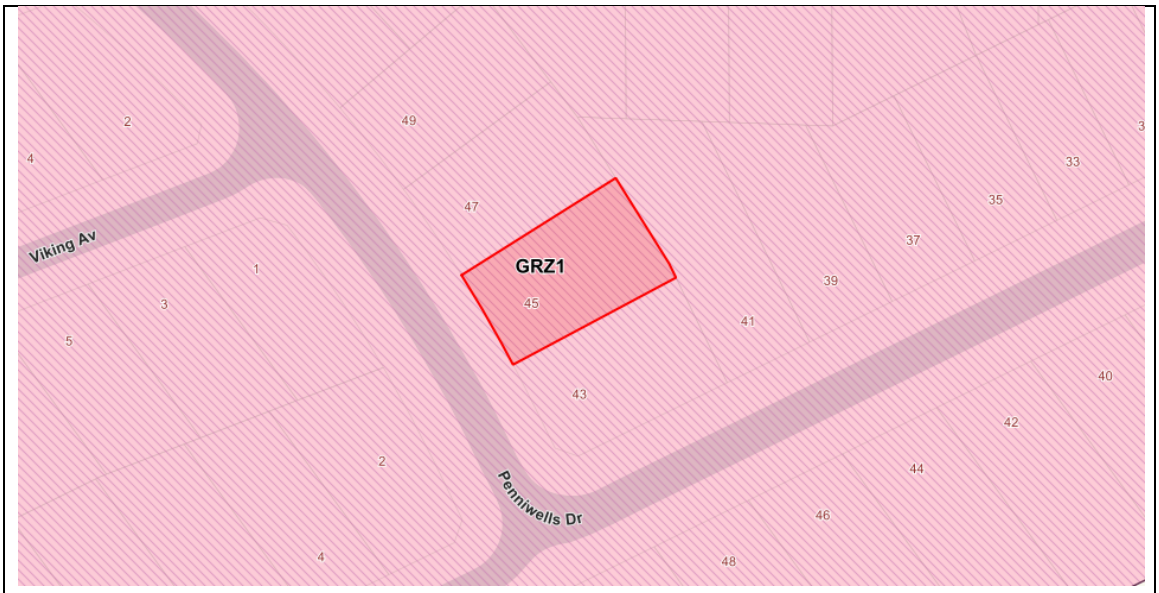


Figure 6 - Zoning Map

Consultation

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

The applicant gave notice in the following manner:

- Sent copies of Notice by registered mail to 11 nearby and adjoining landowners and occupiers;

In response to notification the application attracted six (6) submissions.

A copy of each submission is included in Attachment two.

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

In response to the objectors concerns, a written response was provided by the applicant on 21 July 2021 and forwarded on to each objector via email for consideration on 22 July 2021.

The response aimed to justify how the development complied with the Penniwells Design Guidelines and the objectives to Schedule 1 of the Design and Development Overlay, and included an elevation plan highlighting the area of the building under 7m in height.

No objections were withdrawn from the application as a result of the attempted mediation.

Referrals

The following table outlines the referral requirements of this application.

Table two: Referral Authorities and their comments

Referral Authority	Comments
External (Section 55 of the *Planning and Environment Act 1987*)	
This application does not require referral to any external authorities pursuant to Section 55.	
Internal (Section 52 of the *Planning and Environment Act 1987*)	
This application does not require referral to any internal authorities.	

Planning Scheme Provisions

Planning Policy Framework Assessment

- Clause 11 – Settlement
  - Clause 11.01-1R – Gippsland
  - Clause 11.01-1L-05 – San Remo
  - Clause 11.03-4S – Coastal Settlement
- Clause 12.02 – Coastal Areas
  - Clause 12.02-1S – Protection of Coastal Areas
- Clause 15 – Built Environment and Heritage
  - Clause15.01-1S – Urban Design
  - Clause 15.01-1L-01 – Urban Design in Bass Coast
  - Clause 15.01-1L-02 – Landscape Design
  - Clause 15.01-2S – Building Design
  - Clause 15.01-2L – Building Design
  - Clause15.01-5S – Neighbourhood Character
- Clause 16 – Housing
  - Clause 16.01-2S – Housing Affordability
- Clause 19 – Infrastructure
  - Clause 19.03-2L – Infrastructure Design and Provision
  - Clause 19-03-3L – Integrated Water Management

The following provides an assessment of the proposal against the relevant Planning Policy Framework (PPF) under the themes of Settlement, Coastal Areas, Built Environment and Heritage, Housing and Infrastructure.

The PPF recognise the importance of accommodating development within established settlement boundaries in order to limit the impact on the character of the area and coastal areas.

The proposed additional dwelling within a new subdivision to the south of the existing San Remo commercial precinct, and is considered to have merit when consideration is given to the broader state and local policies related to residential development.

San Remo is defined at Clause 02.03 (Strategic Direction – Settlement) as a District Town with moderate spatial growth capacity and an identified potential for some growth beyond urban zoned land and infill development provided it is within defined settlement boundaries.

Clause 11.01-1R (Gippsland) of the Bass Coast Planning Scheme includes a strategy to support the continuing role of towns and small settlements in providing services to their districts, recognising their relationships and dependencies within larger towns and Clause 16.01-2S (Housing Affordability) provides further objectives and strategies that are to be considered for residential development. The proposed single dwelling on the subject site is considered to be consistent with the intent of these objectives and strategies related to residential development. It is considered that the proposal is consistent with the Bass Coast Planning Scheme where it directs development and growth within existing settlement boundaries to reduce pressure on the settlement boundaries and maintain open breaks between townships.

Clause 15.01-1S (Urban Design) and Clause 15.01-2S (Building Design) seeks to ensure that proposed developments present a building design outcome that positively contributes to the local context, and is congruent with the existing and/or emerging character of the immediately surrounding area. In this context it is considered that the proposal presents a satisfactory design response through the provision of a modern double storey built form consistent with surrounding development, and inclusive of sufficient setbacks to property boundaries to reduce adverse built form impacts to the neighbourhood character. The development is therefore considered to further result in a satisfactory design response consistent with the objectives of Clause 15.01-5S (Neighbourhood Character).

Clause 15.01-1L-01 (Urban Design in Bass Coast) seeks to build on state policy and ensure that new development reflects the coastal setting and coastal architecture of the Shire through built form and materiality, and it is considered that the proposal provides an architectural response consistent with the coastal themes of San Remo and the emerging character of the neighbourhood. The proposal has been accompanied by a concept landscape plan, and it is therein considered that the development affords sufficient opportunities within the site to provide for landscaping consistent with the objectives and strategies of Clause 15.01-1L-02 (Landscape Design) as they seek to ensure that development creates and maintains a high-quality landscape setting.

The application is therefore considered to meet the relevant policy objectives of the Bass Coast Planning Scheme.

Zone Assessment

Clause 32.08 – General Residential Zone – Schedule 1

The relevant 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.*

It is noted that a planning permit is not required pursuant to the provisions of the zone as the subject site has an area greater than 300 square metres.

Irrespective of whether a planning permit is required, a development is still required to comply with the provisions of Clause 32.08-4, wherein a single dwelling on a lot of between 500 and 650 square metres must provide a minimum of 30% garden area. The proposed development will result in the provision of 46.8% of the total site area as garden area and therefore complies with this requirement.

Overlay Assessments

Clause 43.02 – Design and Development Overlay – Schedule 1

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 ground level.

The highest point of the dwelling measures 7.8 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 proposed development is considered to be 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. It is also assessed that the proposed development has not proposed 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 following assessment comments are provided in relation to the objectives, purpose and decision guidelines of the Design and Development Overlay Schedule 1:

- The subject site is located within an emerging residential settlement and well setback from the coast, and it is therefore considered that the proposal will not present a substantial built form when viewed from the coast given the existing built form to the north of the site.
- Further to this, the location of the development within an existing settlement will be of minimal impact to views from nearby coastal roads with outlook to or from the coastline.
- Views from the coast to the site will be distant and consistent with the general view to this part of San Remo, which features single dwelling developments on graduated slopes, built to take advantage of coastal views. The dwelling is located in an area featuring new dwellings of similar scale to that proposed.
- The visual amenity and landscape character of the coastal area will be retained, as the proposed dwelling will be confined to an existing allotment in an established residential area. The character of development in this area is demonstrated by evolving development which is prominent, and clearly visible from public areas and the coast.
- The proposal follows section 3.1.3 of the *Siting and Design Guidelines for Structures on the* Victorian *Coast (Victorian Coastal Council 1988)* by proposing a new dwelling in a residential setting, therefore 'grouping structures' as encouraged by the guideline.
- The subject site is located within the General Residential Zone, whereby the intended purpose is to provide for low-moderate scale residential development on generously sized lots.
- Furthermore, the site is within the existing township boundaries and therefore will not result in an increase in human activity within the natural landscape.
- The proposal will result in a dwelling which is comparable in size and scale to other double storey built form in the surrounding area.

- Whilst the development presents a large double storey built form, this is limited to north-west elevation that exceeds the 7 metre height trigger within the Design and Development Overlay Schedule 1, where the majority of the dwelling and roof is under 7m in height as it presents to this interface.
- The proposed dwelling presents a maximum wall height of 7.8m on the north-western elevation, but includes a well-articulated and architecturally intrinsic design.
- The dwelling is proposed to be constructed from a variety of vertical cladding, selected rendered finishes, stone feature walls and timber paneling.
- The proposal presents generous setbacks to all boundaries consistent with the existing surrounding neighbourhood character of single dwellings on a lot, and provides a sufficient amount of secluded private open space to the rear of the dwelling to accommodate substantial landscape planting.
- The proposal does not require the removal of any vegetation on the subject site, and will not have an impact on any vegetation within the road reserve. The proposal has been accompanied by a sufficient landscape plan that has also gained developer approval prior to lodgment of this application. Conditions on any permit that would be issued would ensure the landscaping works indicated are to be carried out on the site post development completion.



Figure 7 – Artists Render of Proposal viewed from the north-west corner (frontage)

The application is therefore considered to be consistent with the objectives of the Design and Development Overlay Schedule 1.

Particular Provisions

Clause 52.06 Car Parking

The proposal has been provided with the required number of car spaces in accordance with the planning scheme requirements.

Concerns raised by Submitters

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

Submitter Theme	Council Officer Response
Inconsistency with Penniwells Design Guidelines 1.3 and 1.4	Several of the objections submitted draw attention to the Penniwells Design Guidelines and suggest that the dwelling is inconsistent with these guidelines – in particular Section 1.3 and Section 1.4 as they relate to Building Design and Height and Size, respectively. The proposal is considered to comply with Guideline 1.3 through the use of natural materials, minimisation of uninterrupted expanses of wall to the streetscape, emphasis on the dwelling in a landscape setting and an informal relationship with external spaces through the use of decks. The proposal is considered to comply with Guideline 1.4 by providing a dwelling with a height of less than 8m above natural ground level – noting that this permit is required for buildings over 7m pursuant to the DDO1. It is further noted that the design has already obtained developer approval and is therein independently considered to comply with the design guidelines stipulated by the developer.
Outlooks/Views	Whilst two of the key objectives of the DDO1 are to protect views from the coast to adjacent residential areas, and to protect views to the coast from adjacent residential areas, the development in its proposed form is still considered to present a satisfactory design response with respect to existing view lines. The subject site is located in an existing residential area that has generally been developed with single and double storey dwellings, wherein double storey development is generally perceived as being an appropriate design response. Given that primary outlook for the estate is to the south-west, it is considered that the proposal limits the potential for a reduction in views to properties set further south and south east by presenting a wall and roof height of only 6.1m. Given the slope of the land it is considered that future double storey development in accordance with the design guidelines will allow for adjoining lots to take advantage of views over the roofline of the proposed dwelling.

Setting a Negative Precedent	Several of the submissions made to the proposal raised concern that the allowance of the development in excess of 7 metres sets a 'dangerous precedent' for the remainder of development in the surrounding area, and may result in the remaining lots seeking to develop land with dwellings in excess of 7 metres. Whilst the DDO1 sets a planning permit trigger, this is not intended to be the 'absolute' maximum height, and provision is made within the scheme to allow development to exceed this height at the discretion of the Responsible Authority. Irrespective of this, any further development in the area proposed to be over a building height of 7m would require a planning permit and would be independently assessed in accordance with the requirements of the Bass Coast Planning Scheme, and any decision would be at the discretion of the Responsible Authority as to whether that future development is considered to be appropriate.
Construction of 1m retaining wall limiting landscaping	The construction of a retaining wall within the site is considered necessary in order to facilitate the development on the land due to the existing slope. It is noted that a planning permit is not required for the construction of a retaining wall. Furthermore, the proposal includes a suitable landscape plan which provides for a variety of native plantings on the site, including a native canopy tree capable of reaching a height up to 12m to soften the built form of the proposal to the streetscape.

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 Schedule 1 to the Design and Development Overlay.

The application underwent notification and as a result there were six (6) submissions received against the proposal. Concerns raised by the 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 210204, subject to conditions.

Recommendation

That in relation to planning permit application 210204 for the development of the land for a dwelling exceeding seven (7) metres in height under the DDO1 located at 45 Penniwells Drive, San Remo VIC 3925, Council resolved to issue a Notice of Decision to Grant a Permit subject to the following conditions.

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.**
3. **Within three (3) months of completion of the development hereby permitted, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.**
4. **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.**

Amenity

5. **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.**
6. **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

7. **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.

Notes

- **The granting of this permit does not obviate the necessity for compliance with the requirements of any other authority under any act, regulation or local law.**
- **Building works approved under this planning permit shall not be commenced until a building permit has also been obtained under the Building Act 1993 and the Building Regulations 2018.**
- **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.**
- **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	Set of Plans	5 Pages
AT-2	***CONFIDENTIAL*** - Submissions	7 Pages

H.6 Memorandum of Understanding between Bass Coast Landcare Network and Bass Coast Shire Council, 2021

File No:	**CM21/378**
Division:	**Resilient Communities**
Council Plan Strategic Objective:	**Environment**
	Maintain and protect the natural environment

Declaration

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

Summary

The purpose of this report is to renew the partnership between Bass Coast Landcare Network (BCLN) and the Bass Coast Shire Council. These two organisations have operated under a Memorandum of Understanding (MOU) since 2006. The current MOU expired in June 2021, and a new MOU has been drawn up for Council's consideration (AT-1).

The new MOU reflects the strong partnership and shared goals of both organisations, with many beneficial outcomes for the community and environment of Bass Coast Shire.

Shared goals of both organisations include:

- Protect the natural resource base of the Bass Coast Shire.
- Promote and implement activities that protect biodiversity and encourage sustainable agriculture.
- Create training opportunities based on environmental best management practices.
- Provide incentive programs for land managers based on environmental best management practices.
- Establish a strong and vibrant rural agricultural community comprising a range of diversified enterprises that is efficiently managed and ecologically sustainable.
- BCLN aims to be carbon neutral by 2022, whilst BCSC has a target of net zero emissions by 2030 for both Council operations and for the community.

Background

The Bass Coast Landcare Network was formed in 2003 as an affiliation of ten Landcare groups within the catchment area. The formation of the Bass Coast Landcare Network enabled these Landcare Groups to better position themselves for investment from local, state and federal government as well as corporate programs. This is a unique model for Landcare in Victoria and is considered the benchmark for collaboration by the federal government.

Bass Coast Landcare and the Bass Coast Shire Council have enjoyed a strong partnership spanning two decades. Council and BCLN have operated under MOU's signed in 2006, 2014 and 2017 with the partnership growing from strength to strength with each passing year. The MOU's have seen Council provide significant financial and in-kind support to the Bass Coast Landcare Network in return for delivery of on ground works and building social capital in land stewardship and revegetation across Bass Coast.

The partnership is also delivering great value for the community. The core funding provided by Council, year in and year out, has enabled BCLN to build their capacity and attract significant state, federal and philanthropic grants. This in turn leads to a far greater value of works delivered on-ground than Council or BCLN could have achieved alone. In the last financial year alone, BCLN has leveraged Council's investment of $91,500 to deliver a total of $2,538,645 worth of environmental works, including over 200,000 indigenous plants planted and 58 hectares of remnant vegetation protected.

All funds are spent on the delivery of local community owned projects. It has been estimated that for every dollar spent by Landcare on a farm, the landholder contributes four of their own. With sixty percent of the 1,400 rural properties in the Network area involved in the Bass Coast Landcare Network, this network is clearly making a significant contribution to the local economy.

Bass Coast Landcare and the Bass Coast Shire Council aim to encourage sustainable land use practice and promote the conservation and enhancement of biodiversity across the region. Both organisations support the adoption of environmental best management practices to reverse land and water quality decline through community action, knowledge and skills.

Strategic Basis

Council Plan Objective:

Environment – *Maintain and protect the natural environment*

Major Initiative / Initiative

- Implementation of Biolinks Plan
- Climate Change Action Plan deliverables

Strategies / Policies

- *Natural Environment Strategy 2016-26*
- *Visitor Economy Strategy 2035*
- *Climate Change Action Plan 2020-2030*

Statutory Requirements/Codes/Standards/Policies

Not Applicable

Discussion

The mutual commitment to this partnership has helped deliver a vast improvement in the natural environment in Bass Coast over the past 27 years, along with a strong connection with the rural landowners.

The renewing of the MOU provides continued support for the Bass Coast Landcare Network to deliver on-ground outcomes and an avenue for Council to contribute to an improved rural landscape in a changing climate.

The main changes from the previous MOU are:

- It is proposed under the new MOU, that Council's contribution to BCLN be increased to $92,500 in 2021/2022 year and be indexed by CPI annually (June index) for the following three financial years until 2024/25.

Bass Coast Landcare Network will respond to the climate emergency in Bass Coast:

- In response to the Climate Change Action Plan 2020-2030, BCLN will actively develop programs and seek external funding for actions identified in the Plan to support both Council and the farming and agriculture community to implement actions in response to the climate emergency declaration.

Finances

Council committed $91,500 to BCLN in 2020/2021.

It is proposed under the new MOU, that Council's contribution be increased to $92,500 in the 2021/2022 year and be indexed by CPI annually (June index) until 2024/25.

Stakeholders

- Landowners
- Council
- Landcare groups
- Residents
- Visitors
- Community groups
- Bass Coast Landcare Network

Other Options

1. In recognition of the strong environmental outcomes and high quality works provided by BCLN, Council could increase the annual contribution which would provide more opportunities for the group to leverage funding and grants and develop programs to improve the environment. This increase could be achieved by nominating a higher starting sum for year one of the MOU, and/or by raising the contribution by more than CPI each year.
2. Council could reduce the funding commitment or not endorse the MOU with BCLN. This would lead to a reduction in the amount of on-ground works Landcare are able to achieve as they would need to apply for additional grants to keep their core staff employed. The implication of this decision is that BCLN will not be able to undertake its operations as effectively. The loss of Council support may impact on the environmental programs in our community and greatly diminish that quality and quantity of works delivered.

Conclusion

An ongoing and effective working partnership with the Bass Coast Landcare Network is of enormous benefit to Council, and will continue improving our rural landscapes and waterways across the municipality.

The new MoU describes the relationships, responsibilities and funding commitment that supports the collaborative working arrangements between Council and BCLN.

It is recommended that Council endorses the Memorandum of Understanding between Bass Coast Shire Council and Bass Coast Landcare Network, with funding of $92,500 per year (indexed by CPI annually) until 2024/25.

Recommendation

That Council endorses the Memorandum of Understanding between Bass Coast Shire Council and Bass Coast Landcare Network, with funding of $92,500 per year (indexed by CPI annually) until 2024/25.

Attachments

AT-1 BCSC and BCLN Memorandum of Understanding - Final 5 Pages

H.7 Guide Park Redevelopment Project and Thompson Reserve Vehicle Access Driveway Project

File No:	**CM21/344**
Division:	**Resilient Communities**
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 seek Council endorsement to increase the Guide Park Redevelopment Project Budget to $1.75m to complete further civil works identified through detailed designs and to endorse Cuttriss Street in Inverloch as the main vehicle access driveway to Thompson Reserve, Inverloch, allocating $120k to deliver the Thompson Reserve Vehicle Access Driveway Project.

Background

Guide Park Redevelopment Project

The Guide Park Redevelopment Project will create Council's first regional playspace, that is accessible and caters for all. The Project will see the removal of the existing playground, with it being replaced by new play and exercise equipment, a sensory garden, feature play pieces and better pathways, roadways and parking which will cater to the many more people who will use the facility. In addition, Council, through its Asset Renewal Program is currently delivering a new toilet facility, inclusive of a fully accessible changing places space.



The Guide Park Redevelopment Project was estimated at $1.4m, following the development of detailed designs and the outsourcing of two independent opinion of probable cost reports. The costs include contingency and project management.

To assist in funding this project, Council successfully originally obtained $700k through Sport and Recreation Victoria's Local Sports Infrastructure Fund, Strategic Facilities Category and more recently $350k through Round Two of the Growing Suburbs Fund to further support its delivery.

The below outlines the original budget plan to deliver this project, which was endorsed by Council at its December 2019 Council Meeting and prior to the Growing Suburbs Fund announcement. Note, the additional $350k though Round Two of the Growing Suburbs Fund had not been realised at this point.

Guide Park Redevelopment Project Original Budget Plan:

Funding Source	**Amount**
BCSC Resort and Recreation Fund - Wonthaggi	$385,515
BCSC Renewal Guide Park	$275,000
BCSC Capital	$39,485
SRV Major Facilities Fund	$700,000
Total	**$1,400,000**

Following the external funding announcement of $700k and development of the original budget plan, officers commenced the development of tender documentation, whilst undertaking further design reviews. It was acknowledged that whilst the original design provided a significant improvement to the Park, further civil works should be considered. The inclusion of curb and channel guttering to roadways, widening of the entry/exit way onto Dudley Road and the provision of better and improved drainage and irrigation would deliver the best outcome for Council and the community.

Whilst overall project costs will be determined following an open tender process, the costs provided and reviewed, provide a best estimate of the value of the Project.

Understanding the costs associated with the above variations and improvements would impact on the original budget plan, the additional $350k secured through Round Two of the Growing Suburbs Fund is timely.

As the increased budget being sought to deliver this project exceeds the original project budget, it requires Council approval.

Thompson Reserve Vehicle Access Driveway

Throughout the development of the Thompson Reserve Master Plan 2013 (Review August 2019) (AT-1), community and user groups highlighted a priority to relocate the main vehicle access driveway, as the experience of users noted the current driveway being less safe, than a preferred driveway off Cuttriss Street.



The existing vehicle access driveway is provided from the Inverloch–Venus Bay Road and the proposed new driveway is to come from Cuttriss Street, which is where an existing entry is in place and currently used for maintenance vehicles.

The Master Plan outlines a preference to move the main vehicle entrance driveway to Cuttriss Street.

With funding now secured to deliver the new Cricket Net Training Facility at the Reserve, it is timely to also deliver the new vehicle access driveway off Cuttriss Street, which will enable traffic flow and optimise parking at the Reserve.

At the time of consultation, officers received feedback from one local resident regarding their concerns for relocating the main vehicle access driveway to Cuttriss Street.

As outlined in the Master Plan, an external traffic consultant was engaged to assist in the development of the Thompson Reserve Traffic Management Plan (AT-2). The Traffic Management Plan has been reviewed by Council's traffic and design officers and outlines there to be an expected slight increase in traffic flow (90+ vehicles) along Cuttriss Street on certain game days and training nights, held at the Reserve. The Plan did not highlight any concerns for the relocation of the vehicle access driveway, noting good sight lines along Cuttriss Street.

The new vehicle access driveway will make use of an existing driveway from Cuttriss Street (50 km/h) and replace the current main access driveway from Inverloch-Venus Bay Road (80 km/h), retaining this as a secondary access driveway only.

The Traffic Management Plan also recommends Council commence investigations into improved traffic solutions for the intersection of Inverloch-Venus Bay Road and Cuttriss Street, regardless of where the main vehicle access driveway is located.

The cost estimates derived from Council's Civil Design Team for the upgrade of the existing driveway off Cuttriss Street to a compliant, accessible main vehicle access driveway is $120k. The design includes a sealed and secured car park and driveway which leads from Cuttriss Street, across the BMX Track area to the main parking space at the Reserve.

There is currently no budget allocated to this Project, with the delivery of the funded Cricket Net Training Facility reliant on the new vehicle access driveway being completed, providing access and parking for the future use of the Reserve.

Thompson Reserve Cricket Net Training Facility Original Budget Plan:

Funding Source	**Amount**
BCSC Resort and Recreation Fund - Inverloch	$110,000
SRV Grant	$100,000
BCSC Capital	$40,000
Inverloch Cricket Club in-kind ($20,000)	$0
Total	**$250,000**

A further $30k has been sourced through the 2020/21 Australian Cricket Infrastructure Fund Program to assist in delivering the Cricket Net Training Facility, reducing Council's committed contribution. This saving is proposed to contribute to the Vehicle Access Driveway Project.

Strategic Basis

Bass Coast Playspace Strategy 2016

Thompson Reserve Master Plan 2019

Active Bass Coast 2018

Council Plan Objective:

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

Strategies / Policies

- Active Bass Coast
- Guide Park Detailed Design
- Thompson Reserve Inverloch Master Plan

Discussion

Guide Park Redevelopment Project

The Guide Park Redevelopment Project is a funded project of Council. The variations to the final detailed design have resulted in additional costs to Council, but are expected to deliver a significantly improved outcome for Council and the community.

The additional budget required (approx. $350k) has been externally sourced through Round Two of the Growing Suburbs Fund for the Guide Park Redevelopment Project and does not impact Council's budget commitment to the project, which was authorised in December 2019.

The proposed variations included in the final detailed design include the widening of the entry/exit way off Dudley Road, which will improve traffic flow and visibility, meaning a safer vehicular movement to and from the Park. It also includes improved irrigation and drainage and the completion of curb and channel works in the driveway and car park areas, which is expected to significantly reduce Council's ongoing maintenance and service costs for the Park.

Thompson Reserve, Inverloch Access Driveway Project

The Thompson Reserve Master Plan sets out the priorities for the Reserve. The Plan outlined the need to undertake a Traffic Management Plan, prior to considering the relocation of the main vehicle access driveway to the Reserve.

The Thompson Reserve Traffic Management Plan was completed and addresses key issues, which will be met through the design and delivery of the new main vehicle access driveway, along with the recommendation to investigate improvements for the intersection of Inverloch-Venus Bay Road and Cuttriss Street.

Throughout consultation, one local resident expressed concerns for additional traffic along Cuttriss Street when events and activities take place at the Reserve.

Council officers, following the review of the Traffic Management Plan, consider relocating the current vehicle access driveway form Inverloch-Venus Bay Road to Cuttriss Street will provide a safer option of access. It will change access into the Reserve from an 80km/h road entry to 50km/h and will remove the need for vehicles to park on Cuttriss Street when accessing the facilities at the Reserve.

It will create a better flow of traffic internally, providing greater pedestrian access and safety and is required to be completed in line with the funded and programmed Cricket Net Training Facility.

Finances

Guide Park Redevelopment Project

Additional funds to deliver the Guide Park Redevelopment Project have been sourced externally through the Round Two of the Growing Suburbs Fund ($350k). These funds have been added to the overall project budget and it is recommended that Councils agreed contribution, as outlined in the original budget plan remains, in order to deliver this project.

Guide Park Redevelopment Project Revised Budget Plan:

Funding Source	Amount
BCSC Resort and Recreation Fund - Wonthaggi	$385,515
BCSC Renewal Guide Park	$275,000
BCSC Capital	$39,485
SRV Major Facilities Fund	$700,000
Growing Suburbs Fund	$350,000
Total	**$1,750,000**

Thompson Reserve, Inverloch Vehicle Access Driveway Project

Council's Civil Design Team estimate the Vehicle Access Driveway Project to cost $120k. This Project is not included within Council's current budget plans, but required to be delivered in line with the Cricket Net Training Facility Project.

Funds to complete this project are proposed to be sourced through savings to the Cricket Net Training Facility Project (estimated $30k) and through reallocating funds ($90k) authorised by Council in November 2018 and currently in reserve ($158,159) for the future delivery of the Rainbow Park Redevelopment Project. The Rainbow Park Redevelopment Project is currently in design and will be reliant on a significant external grant contribution. The balance of funds in reserve for Rainbow Park will remain available for the future delivery of this project.

Thompson Reserve Inverloch, Vehicle Access Driveway Budget Plan:

Funding Source	Amount
BCSC Resort and Recreation Fund – Inverloch • $30k reallocated from the Cricket Net Training Facility Budget Plan, sourced through Resort and Recreation Funds for Inverloch • $90k reallocated from the future Rainbow Park Redevelopment Project, sourced through Resort and Recreation Funds for Inverloch	$120,000
Total	**$120,000**

Stakeholders

- Councillors
- Inverloch residents
- Inverloch Stars Soccer Club
- Inverloch Stingrays Cricket Club
- Sport and Recreation Victoria
- Wonthaggi and Bass Coast community

Other Options

Council may choose not to allocate additional funds to the Guide Park Redevelopment Project and attempt to negotiate a reduction in scope for this project with each of the external funding bodies.

Council may choose not to fund the Vehicle Access Driveway from Cuttriss Street at Thompson Reserve, Inverloch, which will impact traffic flow and parking, once the Cricket Net Training Facility is delivered.

Conclusion

Further funds ($350k) successfully sourced through Round Two of the Growing Suburbs Fund to deliver the Guide Park Redevelopment Project will assist Council in managing the proposed variation to this project. Council's original financial commitment from December 2019 to this project remains unchanged from the original budget plan. The variation will deliver an improved outcome to the Park and reduce ongoing maintenance and service costs to Council.

The Thompson Reserve, Inverloch Vehicle Access Driveway Project will provide a safer and compliant new vehicle access driveway for visitors to the Reserve. Council officers completed the Thompson Reserve Traffic Management Plan in line with the adopted Master Plan for the Reserve and have undertaken an internal review. Further work to investigate the intersection of Inverloch-Venus Bay Road and Cuttriss Street will need to be undertaken in partnership with Regional Roads Victoria over future years to consider intersection improvements. Allocating $120k towards the development of the Cuttriss Street Vehicle Access Driveway Project in the 2021/22 year, will coincide with the delivery of the Cricket Net Training Facility and complete two key priorities at the Reserve as outlined in the Master Plan.

Recommendation

That Council:

1. **Authorises the variations to the Guide Park Redevelopment Project to complete further civil works and approves the revised budget to $1.75m.**
2. **Authorises Cuttriss Street as the main vehicle access driveway to Thompson Reserve, Inverloch and commits $120k to deliver this project.**

Attachments

AT-1	Thompson Reserve Master Plan	1 Page
AT-2	Thompson Reserve Traffic Management Plan	20 Pages

H.8 Wonthaggi Recreation Reserve Power Upgrade and Consolidation Project

File No:	**CM21/368**
Division:	**Resilient Communities**
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 seek Council authorisation to commit $565k in the 2021/2022 financial year to complete the Wonthaggi Recreation Reserve Power Upgrade and Consolidation Project. Funds from within the Resort and Recreation Reserve for Wonthaggi and realised savings from within Council's Capital Works Program 2020/2021 are proposed to fund this project.

Background

The Wonthaggi Recreation Reserve Master Plan (Updated 2019) (AT-1) was adopted by Council in May 2019 with an aim to develop:

- A reserve that creates more effective use of all of the spaces within the reserve;
- A clear vision and framework that addresses social outcomes and asset management;
- Guidelines, financial consideration, and long-term sustainability; and
- An integrated plan with consideration of the positions and issues presented by Council, tenant clubs, potential users, and the community.

Wonthaggi Recreation Reserve Masterplan 2018 (Update May 2019)



The Wonthaggi Recreation Reserve Power Upgrade and Consolidation Project is new and has not been identified within Council's Capital Works Program.

Council has undertaken several power upgrade projects in recent years at various recreation reserves including Bass Recreation Reserve, Cowes Recreation Reserve, Inverloch Recreation Reserve, Newhaven Recreation Reserve and Thompson Reserve in Inverloch.

The Project was first identified following the development of the tender documentation in preparedness for delivering the Wonthaggi Soccer Club Lighting and Pavilion Project which was endorsed by Council at the December 2019 Council Meeting.

Following the submission of a power connection application to Ausnet Services (power supplier) to progress the Soccer Club Project, Council was advised that in order to meet new requirements, it would need to prepare a plan for the entire Wonthaggi Recreation Reserve, that would comply with the Victorian Service and Installation Rules as required by Ausnet Services.

Due to the ad-hoc nature of electrical works at the Reserve over many years, the opportunity to consolidate these will further enhance Council's ability to deliver upon the adopted Master Plan.

The Wonthaggi Recreation Reserve is Crown Land and managed by Council. All assets on the Reserve are Council owned, including the power source and distribution. Lessees (clubs) are responsible for the costs of 'usage' and not the infrastructure to 'supply' the power.

The Reserve is split across three titles and has multiple power sources. Through the Victorian Service and Installation Rules as required by Ausnet Services, the main power source and distribution is to be consolidated into one single source.

The Bass Coast Aquatics and Leisure Centre, which sits on the most northern of the three titles along with the tennis courts, is not included within the scope of this immediate planning and will be considered for future power upgrades when required and once a final decision is made on the future site of this facility. Given the significant power requirements for leisure facilities, an independent power source is commonly provided, following extensive design planning.

The advice provided by Ausnet prompted Council officers to undertake an internal review of existing assets at the Reserve, resulting in the contracting of Plan B Services to complete the Plan B Pricing Report Wonthaggi Recreation Reserve (AT-2).

The scope of works within the Plan are summarised as:

- *Plan B Services made recommendations on an appropriate two step rectification program to bring the electrical infrastructure in to alignment complying with the Victorian Service and Installation Rules as required by AusNet Services.*
- *Plan B Services, were then awarded the electrical design rectification works to be undertaken to comply with the requirements as set out by AusNet Services, together with designing an electrical system that can be expanded to meet the future plans for the Wonthaggi Recreational Reserve, including the proposed soccer club pavilion and the provision of supply for oval 2 lighting.*

By delivering on this Plan, it is expected to unpack many years of less coordinated and known upgrades to the Reserve, delivering a compliant, safe and future focused outcome.

Since progressing the Wonthaggi Soccer Club Lighting and Pavilion Project, Council has also received funding through the Community Sports Infrastructure Stimulus Program Round Two to deliver the Wonthaggi Croquet Club Pavilion Project and the Wonthaggi Tennis Club Pavilion Project. These projects were endorsed at the February 2021 Council Meeting.

The delivery of these further projects is also reliant upon the proposed Wonthaggi Recreation Reserve Power Upgrade and Consolidation Project, as advised by Ausnet Services and outlined in the Plan B Report.

Plan B provided a two stage approach to meet Ausnet Services requirements, with the first stage to complete the majority of the Reserve's needs. The area inclusive of the Wonthaggi Croquet Club was planned for a second stage of works. Given the progress and expectations within funding agreements of the Wonthaggi Croquet Club Pavilion Project, the power upgrade and consolidation works are proposed to be considered as a single stage project.

Strategic Basis

Wonthaggi Recreation Reserve Master Plan 2019

Active Bass Coast 2018

Council Plan Objective:

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

Major Initiative / Initiative

Not applicable

Strategies / Policies

- Ausnet Services - the Victorian Service and Installation Rules
- Active Bass Coast
- Wonthaggi Recreation Reserve Master Plan

Statutory Requirements/Codes/Standards/Policies

Victorian Service and Installation Rules

Discussion

The Wonthaggi Recreation Reserve Power Upgrade and Consolidation Project provides the opportunity for Council to unpack years of power upgrades, maintenance and alterations, into a consolidated and compliant power source which will future proof the needs of the Reserve.

It will make available a single source of power which will compliment and cater for any future renewable energy options for the Reserve.

The proposed works are a requirement of Ausnet Services, through the Victorian Service and Installation Rules and must be undertaken prior to progressing any of the three projects at the Reserve, which Council has committed to undertake.

The identification of Ausnet Services new requirements will assist Council with planning for future infrastructure projects across the Shire.

Finances

The costs estimated from the Plan B Pricing Report Wonthaggi Recreation Reserve, plus project management and contingency is $565k. This budget is not included within Council's current and future budgets. These funds are required in order to progress three immediate projects at the Reserve and to meet the Victorian Service and Installation Rules.

Funds are required within the 2021/22 financial year, and are proposed to be sourced through Resort and Recreation Reserves for Wonthaggi and savings realised through Council's Capital Works Program 2020/2021.

As of 30 June 2020, the balance of Resort and Recreation Funds for Wonthaggi was $203,828.

Funding Source	**Amount**
BCSC Resort and Recreation Reserves Wonthaggi (balance 30/06/2021)	$200,000
Realised savings from BCSC Capital Works Program 2020/2021	$365,000
Total	**$565,000**

Stakeholders

- Ausnet Services
- Councillors
- Sport and Recreation Victoria
- Wonthaggi Croquet Club – pavilion project
- Wonthaggi Tennis Club – pavilion project
- Wonthaggi United Soccer Club – lighting and pavilion project
- Wonthaggi Recreation Reserve User Groups – benefit through safer consolidation of power source and sub meter installations to directly identify facility costs
- Bass Coast Community

Other Options

Council may choose not to allocate the required funds to deliver the Wonthaggi Recreation Reserve Power Upgrade and Consolidation Project as per the advice from Ausnet Services and Plan B Services. This will result in Council's inability to deliver the Wonthaggi Croquet Club Pavilion Project, the Wonthaggi Tennis Club Pavilion Project and the Wonthaggi Soccer Club Lighting and Pavilion Project.

Conclusion

Allocating $565k toward the Wonthaggi Recreation Reserve Power Upgrade and Consolidation Project will ensure the Reserve's power supply will safely accommodate four committed projects (approx. value $2.5m) that are currently funded and designed, as well as providing a consolidated, compliant, future proof power supply to the Reserve.

It is intended that should funding be allocated to this project, all projects funded and programmed for the Reserve will be tendered concurrently.

Recommendation

That Council:

1. **Authorises $200,000 from Resort and Recreation Reserves for Wonthaggi to the Wonthaggi Recreation Reserve Power Upgrade and Consolidation Project.**
2. **Authorises up to $365,000 of savings realised within Council's 2020/2021 Capital Works Program, to the Wonthaggi Recreation Reserve Power Upgrade and Consolidation Project.**

Attachments

AT-1	Wonthaggi Recreation Reserve Master Plan Update 2019	56 Pages
AT-2	Plan B Pricing Report Wonthaggi Recreation Reserve	5 Pages

H.9 Memorandum of Understanding Bass Coast Community Foundation

File No:	**CM21/381**
Division:	**Resilient Communities**
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 seek endorsement from Council for the Memorandum of Understanding (MOU) between Bass Coast Shire Council and Bass Coast Community Foundation (BCCF) for an additional three years.

The Memorandum of Understanding 2021 – 2024 between Bass Coast Shire Council and BCCF (AT-1) was developed to describe the relationships, responsibilities and funding commitment that supports the collaborative working arrangements between Bass Coast Shire Council and BCCF.

It is recommended that Council endorse the Memorandum of Understanding 2021 – 2024 between Bass Coast Shire Council and BCCF and allocate $35,000 in the 2021/2022 year, indexed by CPI annually, over the lifetime of the agreement.

Background

The Bass Coast Community Foundation is a local charitable organisation, independent of religious or political persuasion. It was established in 2002 in response to a growing need for a sustainable source of funds for community projects. The Foundation operates exclusively within the boundaries of the Bass Coast Shire and is governed by a voluntary Board of Directors.

The Foundation gained Deductible Gift Recipient (DGR2) status in 2004, which paved the way for applications to other philanthropic funds to partner the Bass Coast Community Foundation in funding specific community projects. As well as receiving and investing donations from individuals and organisations the Foundation sources funds from outside of the region to fund projects within the region.

100% of funds distributed are done so within the Bass Coast region.

Since 2002 over one million dollars has been distributed by the Foundation to Bass Coast charitable projects, individuals and organisations.

The Foundation's many achievements include but are not limited to Back to School Vouchers, Tertiary and Performance Awards, TAC Learner Driver Program L2P, Energy Innovation Co-Operative, Bass Coast Health Response, Wonthaggi Secondary College Student Welfare Program, Wonthaggi and District Historical Society and Open Doors Plus Phillip Island.

Council has an MOU with the Bass Coast Community Foundation, which was formalised in 2019. The MOU was valid until 30 June 2021, so has recently expired.

Council's financial commitment to the Foundation commenced at $25,000, increasing by CPI annually.

Council was instrumental in assisting in the establishment of the Foundation in 2002 and has been a major supporter of the Foundation since its inception. One of the major challenges for the Foundation's Board has been to source, fund and manage the Foundation's operations. The Foundation is unable to use tax deductible donations provided for its charitable work for operational purposes. Council's direct financial contribution has provided an ability for the Foundation to fund its operations.

Strategic Basis

Council Plan Objective:

Advocacy - *Representing the community*

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

Major Initiative / Initiative

Not applicable

Strategies / Policies

Bass Coast Living Young Plan 2021

Statutory Requirements/Codes/Standards/Policies

Not applicable

Discussion

Council support for BCCF is an essential part of the organisations operations.

Funds generated through donations and grants are unable to be expended on the Foundation's operational needs.

The Foundation continues to grow and deliver, providing creative initiatives and much needed welfare supports to our community. As such, the Foundation's ongoing operational costs have increased due to the need for greater administration support.

The initial three year MOU between Council and BCCF expired on 30 June 2021.

The updated Memorandum of Understanding 2021 – 2024 between Bass Coast Shire Council and Bass Coast Community Foundation will continue to provide a formalised partnership agreement about roles, responsibilities and financial commitments for the term of the MOU. It provides an opportunity for Council to have direct input into the strategic direction of BCCF.

Finances

Council contributed $25,806 to BCCF in the 2020/21 financial year.

It is proposed under the new Memorandum of Understanding 2021 – 2024 between Bass Coast Shire Council and BCCF, that Council's contribution to BCCF be increased to $35,000 in the 2021/2022 year and be indexed by CPI annually (June index) for the following two financial years 2022/23 and 2023/24.

Stakeholders

- Council
- Bass Coast Community Foundation
- Bass Coast Community

Other Options

Council has three options:

1. Council endorse the Memorandum of Understanding 2021 – 2024 between Bass Coast Shire Council and BCCF which describes the relationships, responsibilities and funding commitment that supports the collaborative working arrangements between Council and BCCF and does not increase Council's annual contribution to BCCF to $35,000, rather continues to increase Council's contribution by CPI from 2020/21.
2. Council does not endorse the Memorandum of Understanding 2021 – 2024 between Bass Coast Shire Council and BCCF. The implication of this decision is that BCCF will not be able to undertake its operations as effectively. The loss of Council support may impact on the funding contributions and initiatives to our community.
3. Council can defer endorsing the Memorandum of Understanding 2021 – 2024 between Bass Coast Shire Council and BCCF.

Conclusion

It is important that Council continues to maintain effective working relationships with organisations such as BCCF, understanding the tremendous resource it provides the community.

The new Memorandum of Understanding 2021 – 2024 between Bass Coast Shire Council and BCCF describes the relationships, responsibilities and funding commitment that supports the collaborative working arrangements between Council and BCCF.

It is recommended that Council endorse the Memorandum of Understanding 2021 – 2024 between Bass Coast Shire Council and BCCF, which includes an increase Council contribution in the 2021/22 year of $35,000, indexed by CPI annually.

Recommendation

That Council endorses the Memorandum of Understanding 2021-2024 between Bass Coast Shire Council and Bass Coast Community Foundation and sets the 2021/22 contribution at $35,000 to be indexed by CPI annually throughout the lifetime of the MOU.

Attachments

AT-1	Memorandum of Understanding 2021-2024 between Bass Coast Shire Council and Bass Coast Community Foundation	4 Pages

H.10 Australian First Peoples Advisory Committee

File No:	**CM21/416**
Division:	**Resilient Communities**
Council Plan Strategic Objective:	**Advocacy**
	Representing the community

Declaration

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

Summary

The purpose of this report is to present to Council the process undertaken to establish the Australian First Peoples Advisory Committee, and to endorse the nominated Councillor to join and Co-Chair the Committee, which will commence in September 2021.

Background

Council is proud to acknowledge the people of the Boon Wurrung/Bunurong Nation as the traditional owners and custodians of this land and as part of the world's oldest living culture. We recognise the unique diversity of the Indigenous community here in Bass Coast. We are committed to an ongoing process of reconciliation and Community strengthening, through building strong organisational and community relationships between Indigenous and non-Indigenous communities.

Council is committed to reconciliation and has commenced its reconciliation journey through the development of the first stage of its Reconciliation Action Plan (RAP) and the establishment of the Australian First Peoples Advisory Committee (AFPAC), which will provide a formalised bond between Community and Council.

Over the past twelve months Councillors and Council Officers have undertaken Cultural Capability Training and Council has appointed its first Aboriginal Development Officer. Council has also continued to advocate for our Aboriginal and Torres Strait Islander Community through events, initiatives and representation at the Bass Coast Reconciliation Network and South Gippsland Bass Coast Reconciliation Group.

The Bass Coast Shire Council Australian First People Advisory Committee's objectives will be to provide advice to Council on:

- Supporting initiatives to reduce Australian First Peoples disadvantage.
- Improving social justice opportunities with the Community within the municipality.
- Supporting events that acknowledge significant occasions for the Community, in particular National Sorry Day, National Reconciliation Week and NAIDOC Week.
- Working with Council to promote the spirit and practice of reconciliation within the Council structure and throughout the wider community.

- Making recommendations to Council on a range of community issues that may affect the Community in Bass Coast.
- Supporting the development of appropriate Council policies in response to the Statement of Commitment to Indigenous Australians.
- Supporting increased cross cultural awareness within the Bass Coast and at all levels of the Council.
- Assisting the Community in its pursuit of self-determination, economic development and community sustainability.

An open Expression of Interest process calling for Aboriginal and/or Torres Strait Islander Community Representatives for the AFPAC was opened on Monday 21 June and closed on Sunday 11 July. It was intended upon opening the EOI, for up to six (6) Community Representatives to be included on the Committee and for a term of two (2) years.

The EOI called for Community Representatives of the Committee to reflect:

- That they are an Aboriginal or Torres Strait Islander Community Member living in Bass Coast.
- That they have a diverse range of interests and expertise.
- That they demonstrate capacity to consider the direction of cultural opportunities in a fair and equitable manner.
- That they are able to work as part of a team.

Council received six (6) Community Representative nominations from Aunty Bev Munro, Aunty Doseena Fergie OAM, Bon Quin, Safina Stewart, Shani Blyth, Uncle Anthony Egan. Upon commencement, one Community Representative will be nominated to Co-Chair the Committee.

Each of the Community Representative nominations outlined their experience and interest and are suitable members for this Committee.

A Councillor nominated for the Committee will also be appointed for a period of two (2) years and will undertake the role as Co-Chair.

The Bunurong Land Council Aboriginal Corporation (BLCAC) will have two (2) representatives nominated to the Committee, also for a two (2) year period.

Agency/organisations will join the Committee, following an initial period. Those who are asked to join will be determined by the forming Committee which includes Community Representatives, BLCAC and one Councillor. This will be agreed at the first meeting of the Committee and an invitation to join the AFPAC will be forwarded to the relevant agencies/organisations. Agency/Organisation representatives will nominated for a term of two (2) years.

Strategic Basis

Council Plan Objective:

Advocacy - *Representing the community*

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

Major Initiative / Initiative

The Reconciliation Action Plan is an initiative of Council and establishing the AFPAC is a key step in the continued development of this Plan.

Strategies / Policies

Draft Bass Coast Reconciliation Action Plan

Statutory Requirements/Codes/Standards/Policies

Not applicable

Discussion

The Committee has been selected following an open Expression of Interest process, which was advertised in local media, on Councils communication platforms and through sharing amongst local networks.

The first meeting of the Committee will take place in early September.

The Committee will be governed by an agreed Terms of Reference, which will be endorsed by the Committee upon commencement.

The AFPAC will not have authority to expend funds on behalf of Council, nor be a decision making body, but will be responsible for providing recommendations to Council.

Council's Aboriginal Development Officer will act as administration support for the Committee.

Finances

Council's current operational budgets caters for reconciliation activities and will support the establishment and ongoing management of the Committee in 2021/2022.

Stakeholders

- Councillors
- Bass Coast Aboriginal and Torres Strait Islander Community
- Bass Coast Reconciliation Network
- Bunurong Land Council Aboriginal Corporation
- South Gippsland Bass Coast Reconciliation Group
- Bass Coast residents and visitors

Other Options

Option 1 – Council may choose to endorse the process undertaken to establish the Australian First Peoples Advisory Committee, and to endorse the nominated Councillor to join and Co-Chair the Committee, which will commence in September 2021.

Option 2 - Council may choose not to endorse the process taken to develop the Committee and seek further consultation prior to it be endorsed.

Option 3 - Council may want to defer this report and review the proposed membership of the Committee, Councillor representative and request further time to establish the Committee.

Conclusion

The implementation of the AFPAC will provide a platform for ongoing engagement between the Aboriginal and Torres Strait Islander Community and Council across a broad range of issues. It supports reconciliation and access to culturally appropriate services by raising awareness of Community issues, history and culture and the development of Council policies to support its reconciliation journey.

The Committee will drive Council's Reconciliation Action Plan which is currently under development and be a leading advocacy group for Aboriginal and Torres Strait Islander Community affairs across Bass Coast.

Membership of the AFPAC will consist of one Councillor, Community Representatives, the Bunurong Land Council Aboriginal Corporation and agencies/organisation representatives involved in the delivery of Indigenous related services. The Community Representatives on the Committee were nominated through an open Expression of Interest process.

A first action of the Committee will be to invite relevant agencies/organisations to join the Committee.

The first meeting of the AFPAC is expected to be held in early September and there is no further financial implication to Council.

Council must nominate one Councillor who will Co-Chair the Committee

Upon commencement, one Community Representative will be nominated through a transparent voting process, as Co-Chair with the nominated Councillor.

Recommendation

That Council endorses Cr X as the Councillor Representative and Co-Chair to the Australian First Peoples Advisory Committee and the process undertaken to establish the Committee.

Attachments

There are no attachments for this report.

H.11 Review Community Grants Program

File No:	**CM21/387**
Division:	**Resilient Communities**
Council Plan Strategic Objective:	**Health and Wellbeing**
	We are a healthy and active community

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 proposed amendments to the Community Grants Program, following a detailed review process and to seek endorsement of the Community Grants Policy 2021 and Community Grants Assessment Criteria 2021.

Background

The Community Grants Program provides funding to support not-for-profit organisations based in Bass Coast, who wish to deliver projects and initiatives that benefit the Bass Coast community.

The Community Grants Program Policy (AT-1) was first developed in 2011 and sets a framework for the Community Grants Program. It ensures that the Program operates within assigned resources and provides support to the community through the allocation of community grants.

Officers have recently undertaken a thorough review of the Program, including direct community consultation and benchmarking against other councils, of the current Community Grants Program.

The proposed amendments are reflective of the feedback received throughout the review from community groups, clubs, Councillors, Council Officers and the benchmarking undertaken with other councils.

It is proposed to amend the current Program through the following areas:

- Scope of the Grants Program
- Funding levels
- Grant categories
- Assessment criteria and process

The changes within the Policy and Assessment Criteria are proposed to be incorporated into the Grant Guidelines prior to the first round of Community Grants 2021/22 being opened in September 2021.

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

Not applicable

Strategies / Policies

Community Grants Program Policy 2018

Statutory Requirements/Codes/Standards/Policies

Not applicable

Discussion

The following consultation process was undertaken as part of the Community Grants Review:

- Online survey forwarded to 345 community groups previously successful and unsuccessful through the Community Grant Program (120 responses received).
- Online survey forwarded to Council Officers involved with assessments (11 responses received).
- Benchmarking against local and metropolitan councils (7) comparing grant categories, frequency of rounds, amounts of funding and assessment criteria.
- The Summary of Survey Responses and Council Benchmarking (AT-2) provides an overview of the consultation feedback.

The feedback included the following key themes:

- Strong community support for the current grants program and its implementation.
- 92% of survey respondents acknowledged community grants as a vital source of funding for the community.
- Grant writing training would add value.
- Consideration of how private business (artists, musicians) can be auspiced by not for profit organisations through the program.
- Access to funds in between funding rounds for emergency and/or small funding amounts with a quicker and simpler application process.
- Many other councils include a quick response, or small grants funding stream.
- Consider fully funding applications (funding for ineligible items will not be approved) and increasing funding thresholds.
- Review assessment criteria.

It is proposed to make the following amendments to the Program:

- **Retain** two rounds of grants per year, including the following categories:
  - Equipment;

- Other Projects;
- Festivals, Events and Celebrations;
- Minor Capital Works; and
- Climate Action.

- **Amend** funding limits to include a minimum request of $1,000 up to $5,000. Retain 30/70 cash and in-kind funding contribution threshold.
- **Retain** current funding levels in the new Climate Action stream - $20,000 per round available as one project up to $10,000, and remaining projects up to$5,000.
- **Retain** current assessment and reporting process for all grant streams.
- **Include** a Quick Response Category (up to $40,000 of allocation of Community Grants budget) open all year round from July to the end of May and assessed and processed at the end of each month. Applications will be assessed and approved for funding by Council Officers. Any unspent funds (from within the $40,000 allocated to Quick Response Grants) will be rolled into Community Grants Program Round 2. This will address the frequent request for more funding opportunities, quicker decision making, and easier applications for groups requesting small amounts of funding. Applications will be limited to one per group per year, up to $1,000 per application.
- **Limit** applications to the Community Grants Program to one per group per round (excluding an application funded through the Quick Response stream).
- **Include** a question in the application to address a project's sustainability.
- **Commence** fully funding successful applications.
- **Increase** the number of major projects grants ($10,000) up to three per round.

Assessment Criteria

Feedback from Council Officers involved in the assessment process included the option to amend the assessment criteria to 1) better understand how the project will assist in the development and/or sustainability of the applicant, and 2) reduce the scoring for an application's alignment with the Council Plan and other strategic documents, as the majority of applications align with Council's plans, and therefore shouldn't attract a high weighting. The existing criteria, and the proposed new criteria, are listed below:

Existing assessment criteria

The application addresses a community need and describes how the community will benefit from the project / activity.	30%
The applicant is able to successfully manage the described project, and meet its proposed outcomes.	30%
The application is consistent with the Council's Plan and other strategic documents.	25%
The application demonstrates other contributions eg monetary, voluntary services or in-kind support as part of the proposal.	15%

Proposed assessment criteria

The application addresses a community need and describes how the community will benefit from the project / activity.	30%
The applicant is able to successfully manage the described project, and meet its proposed outcomes.	20%
The applicant details how the funding will assist in the development and/or viability of the group.	20%
The applicant demonstrates that consideration has been given to sustainability principles and recognises the role community can play in mitigating risks caused by climate change	15%
The application aligns with Council's Plan and or / other strategic documents.	15%

The Community Grants Program Policy 2021 (AT-3) has been amended to include the proposed recommendations for Council. An attachment to the Policy, Community Grants Assessment Criteria 2021 (AT-4), reflects the above improvements to the assessment criteria and weighting for Council.

Upon endorsement by Council, amendments will be incorporated into the Community Grant Guidelines and application forms, ahead of promoting for the first round of 2021/22 Community Grants, available from September 2021.

Finances

Council has allocated $254,000 in its 2021/22 budget to fund the Community Grants Program. A further $40,000 has been added to include the Climate Action Grants resulting in a total pool of $294,000.

There are no financial implications to Council from amending the Community Grants Program above those set within the current budget.

Stakeholders

- Bass Coast Community
- Councillors
- Bass Coast Clubs, Organisations, Associations and Volunteers

Other Options

Council has three options:

1. Council adopts all proposed amendments to the program and the changes will be included in the future grant rounds. This will ensure a grants program that is based on best-practice and meets the needs of our local community
2. Council adopts some of the proposed amendments to the program to be included in future rounds of grants and defers any change to the program, until further consultation is undertaken.

3. Council may choose not to approve any amendments to the Community Grants Program and it will continue in its current form. This option doesn't consider the feedback from the community or the benchmarking activity and is not recommended.

Conclusion

It is recommended that Council adopt all of the amendments to the Community Grants Program, and endorse the Community Grants Program Policy 2021 and Community Grants Assessment Criteria 2021.

The current Program is highly valued by the community. The amendments to the Program will further add to its community value, by simplifying the funding streams and providing a Quick Response Grant, catering all year round, in addition to the two current rounds. By increasing the number of major funding applications to up to three, the community will be able to forward plan for major projects.

The community will see that Council took their comments onboard, following the recent consultation and have adjusted the program to better support their needs.

Each of the recommended amendments are included within the Community Grants Program Policy 2021 and the Community Grants Assessment Criteria 2021.

Recommendation

That Council:

1. **Endorse the amended Community Grants Program Policy 2021.**
2. **Endorse the amended Community Grants Assessment Criteria 2021.**

Attachments

AT-1	Community Grants Program Policy 2018	2 Pages
AT-2	Summary of Survey Responses and Council Benchmarking	5 Pages
AT-3	Community Grants Program Policy 2021	2 Pages
AT-4	Community Grants Assessment Criteria 2021	1 Page

H.12 Reappointment of Audit and Risk Committee Chair

File No:	**CM21/433**
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 recommend the reappointment of Mr Vincent Philpott as the independent Chair of the Audit and Risk Committee for a further two years.

Background

In August 2020 Council established the Audit and Risk Committee and adopted the Audit and Risk Committee Charter (the Charter) as required under the *Local Government Act 2020* (the Act).

The Charter sets out the required membership of the Audit and Risk Committee which includes three independent members and two Councillor members. The Act requires that Council appoints the Chair of the Committee.

In order to facilitate a seamless transition to the new Audit and Risk Committee Council chose to retain the existing three independent members including Mr Philpott.

To support the retention of knowledge and maintain a sense of continuity, Council staggers the appointment of independent members. Council maintained that practice when establishing the Audit and Risk Committee with independent Committee members appointed for a period of time equal to the remainder of their tenure on the former Audit Committee, including any options for extension.

At the 18 April 2018 Council meeting, Mr Philpott was appointed as the Chair of the former Audit Committee until 31 May 2021. This appointment was re-confirmed when Council established the Audit and Risk Committee on 20 August 2020.

Strategic Basis

Council Plan Objective:

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

Major Initiative / Initiative

This is not an initiative or major initiative in the budget.

Strategies / Policies

Audit and Risk Committee Charter 2020

Statutory Requirements/Codes/Standards/Policies

Local Government Act 2020

Discussion

Mr Philpott's current tenure with the Audit and Risk Committee expired on 31 May 2021. In line with Council's Audit and Risk Committee Charter, Mr Philpott can be appointed for a further two-year term without Council being required to advertise the position.

The Audit and Risk Committee Charter requires the Chair to lead the development of the annual work plan, the annual assessment report and the biannual reports to Council describing the activities of the Committee including its findings and recommendations. The Committee is about to commence the development of the annual work program for the 2021/22 financial year. In addition, Council is currently in the process of appointing a new internal auditor. These two activities are critical to the success of the Audit and Risk Committee.

Mr Philpott has provided strong leadership and valuable insight throughout his tenure as Chair of the former Audit Committee and current Audit and Risk Committee. Mr Philpott recently wrote to the CEO expressing his desire to take up the final two year extension offered under his current appointment to the Audit and Risk Committee.

Council is at pivotal point in setting the Committee up for ongoing success and it is recommended that Council maintain a sense of continuity through the ongoing leadership of Mr Philpott.

Finances

The Chair of the Audit and Risk Committee receives a sitting fee of $1500 per meeting inclusive of any out of pocket expenses. Council anticipates a minimum of four meetings per financial year. This activity is included within the Governance and Property operational budget.

Stakeholders

- Council
- Councillors
- Members of the Audit and Risk Committee
- Council's external auditors.

Other Options

Council could choose not to reappoint Mr Philpott to the Audit and Risk Committee. This option is not recommended. Should Council choose not to re-appoint Mr Philpott, Council would need to commence an advertising process to recruitment an additional independent member.

Conclusion

Mr Philpott has made a significant positive contribution to the Committee as an independent member and most recently over the past four years as the Chairman. The appointment of Mr Philpott to this role for a further two years provides strong continuity and leadership to the Committee and advice to Council.

Recommendation

That Council appoint Mr Vince Philpott as the Chair of the Audit and Risk Committee until 31 May 2023.

Attachments

There are no attachments for this report.

H.13 Review of Instrument of Delegation – Council to Staff

File No:	**CM21/439**
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 recommend that Council adopts the Instrument of Delegation from Council to staff and revoke the previously adopted Instrument of Delegation from Council to staff.

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

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

Background

Council currently exercises its powers to delegate to positions.

Council subscribes to a suite of Instruments prepared by Maddocks Lawyers, which are then adapted and completed to meet the requirements of Bass Coast Shire Council.

Strategic Basis

Council Plan Objective:

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

Major Initiative / Initiative

This is not a major initiative or initiative of Council.

Strategies / Policies

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

Statutory Requirements/Codes/Standards/Policies

- *Cemeteries and Crematoria Act 2003*
- *Domestic Animals Act 1994*
- *Food Act 1984*
- *Heritage Act 2017*

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

Discussion

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

The previous Instrument of Delegation from Council to Staff was adopted 16 June 2021 and updates from Maddocks have identified changes to the following Acts/Regulations:

- ss 15(1) and (2) of the Cemeteries and Crematoria Act 2003 have been removed.
- the Environment Protection Act 1970 has been removed.
- ss 36A, 36B and 40F of the Food Act 1984 are now in force.
- ss 4H, 4I, 18, 21(2), 26(1), 26(2), 28(1), 28(2), 28(4),41(1), 41(2), 42(2), 49(2), 51, 57(5), 70, 97G(6), 179(2) of the Planning and Environment Act 1987 have been amended to reflect the changes made under the Planning and Environment Amendment Act 2021, in particular the new requirement to make certain information/documents available in accordance with the public availability requirements.
- ss 91ZU(1), 91ZZC(1), 91ZZE(1), 91ZZE(3), 206AZA(2), 207ZE(2) of the Residential Tenancies Act 1997 are now in force.
- the Residential Tenancies Regulations 2021 has been inserted and is in force.

Position titles have also been updated accordingly.

Finances

There are no financial implications associated with this report.

Stakeholders

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

Staff – ensuring the ability to undertake their roles.

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

Other Options

1. Endorse the Instrument of Delegation from Council to staff as attached.
2. Council could request amendments to the Instrument of Delegation from Council to staff.
3. Council could choose not to delegate positions, however if this were to occur Council would be responsible for making all decisions and acting on all powers, duties and functions as outlined in each relevant section of each piece of legislation. This would not allow for timely decision making, nor effective governance.

Conclusion

It is recommended that Council adopt the Instrument of Delegation from Council to staff for the powers, duties and functions under the relevant legislation as outlined in the attachment.

Recommendation

In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Bass Coast Shire Council (Council) Resolves that:

1. **There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.**
2. **The instrument comes into force immediately when the common seal of Council is affixed to the instrument.**
3. **On the coming into force of the instrument, all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.**
4. **The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

Attachments

AT-1	Draft S6 Instrument of Delegation Council to Members of Council Staff	177 Pages

H.14 Instrument of Appointment and Authorisation - Planning and Environment Act 1987

File No:	**CM21/438**
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 recommend that Council resolve to appoint the named officers as an Authorised Officer under the *Planning and Environment Act 1987* and approve the execution of the attached Instrument of Appointment and Authorisations.

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

Background

Council currently exercises its powers to appoint Authorised Officers.

Strategic Basis

Council Plan Objective:

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

Discussion

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

Finances

There are no financial implications associated with this report.

Stakeholders

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

Staff – ensuring the ability to undertake their roles.

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

Statutory Requirements/Codes/Standards/Policies

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

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

Other Options

Council could choose not to authorise officers, however if this were to occur Council would be responsible for making all decisions and acting on all powers, duties and functions as outlined in each relevant section of each piece of legislation. This would not allow for timely decision making, nor effective governance.

Conclusion

It is recommended that Council adopt the attached Instrument of Appointment and Authorisations to the named officers as an Authorised Officer under the *Planning and Environment Act 1987* and approve the execution of the Instrument of Appointment and Authorisations.

Recommendation

That Council in the exercise of the powers conferred by s 147(4) of the Planning and Environment Act 1987, resolves that:

1. **The members of Council staff referred to in the attached Instruments be appointed and authorised as set out in the Instrument.**
2. **The Instrument comes into force immediately when it is signed by Council's Chief Executive Officer, and remains in force until Council determines to vary or revoke it.**

Attachments

AT-1	Sophie McMillan S11A Instrument of Appointment and Authorisation Planning and Environment Act 1987	1 Page
AT-2	Ramsay Jurdi S11A Instrument of Appointment and Authorisation Planning and Environment Act 1987	1 Page

H.15 Instrument of Appointment and Authorisation - Environment Protection Act 2017

File No:	**CM21/443**
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 recommend that Council resolve to appoint the named officers as an Authorised Officer under the *Environment Protection Act* 2017 and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021 and approve the execution of the attached Instrument of Appointment and Authorisations.

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

Background

Council currently exercises its powers to appoint Authorised Officers.

Strategic Basis

Council Plan Objective:

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

Discussion

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

Finances

There are no financial implications associated with this report.

Stakeholders

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

Staff – ensuring the ability to undertake their roles.

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

Statutory Requirements/Codes/Standards/Policies

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

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

Other Options

Council could choose not to authorise officers, however if this were to occur Council would be responsible for making all decisions and acting on all powers, duties and functions as outlined in each relevant section of each piece of legislation. This would not allow for timely decision making, nor effective governance.

Conclusion

It is recommended that Council adopt the attached Instrument of Appointment and Authorisations to the named officers as an Authorised Officer under the *Environment Protection Act 2017* and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021 and approve the execution of the Instrument of Appointment and Authorisations.

Recommendation

That Council in the exercise of the power conferred by s 242(2) of the *Environment Protection Act 2017* and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, resolves that:

1. **The members of Council staff referred to in the attached instruments be appointed and authorised as set out in the instrument.**
2. **The instrument comes into force immediately it is signed by Council's Chief Executive Officer, and remains in force until Council determines to vary or revoke it.**

Attachments

AT-1	Cyleste Athanassas S11B Instrument of Appointment and Authorisation under the EPA 2017	1 Page
AT-2	Mitch Fievez S11B Instrument of Appointment and Authorisation under the EPA 2017	1 Page
AT-3	Anthony Ball S11B Instrument of Appointment and Authorisation under the EPA 2017	1 Page
AT-4	Molly Watchorn S11B Instrument of Appointment and Authorisation under the EPA 2017	1 Page
AT-5	Rhiannon Grinham S11B Instrument of Appointment and Authorisation under the EPA 2017	1 Page

AT-6	Nicolaos Haviaridis S11B Instrument of Appointment and Authorisation under the EPA 2017	1 Page
AT-7	Norm Fraser S11B Instrument of Appointment and Authorisation under the EPA 2017	1 Page
AT-8	Nina Barry-Macaulay S11B Instrument of Appointment and Authorisation under the EPA 2017	1 Page
AT-9	Sarah Male S11B Instrument of Appointment and Authorisation under the EPA 2017	1 Page
AT-10	Mark Lindsay S11B Instrument of Appointment and Authorisation under the EPA 2017	1 Page

H.16 Review of Instrument of Sub-Delegation Environment Protection Act 2017 – Council to Staff

File No:	**CM21/454**
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 recommend that Council adopts the Instrument of Sub-Delegation Environment Protection Act 2017 from Council to staff.

This report is presented to Council to ensure the staffs delegations are updated to reflect changes and requirements to the Environment Protection Act 2017.

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

Background

Council currently exercises its powers to delegate to positions.

Council subscribes to a suite of Instruments prepared by Maddocks Lawyers, which are then adapted and completed to meet the requirements of Bass Coast Shire Council.

Strategic Basis

Council Plan Objective:

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

Major Initiative / Initiative

This is not a major initiative or initiative of Council.

Strategies / Policies

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

Statutory Requirements/Codes/Standards/Policies

- *Environment Protection Act 2017*

Discussion

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

New delegations of powers to Local Governments came into effect on 1 July 2021 under the *Environment Protection Act 2017* and the Environment Protection Regulations 2021.

Finances

There are no financial implications associated with this report.

Stakeholders

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

Staff – ensuring the ability to undertake their roles.

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

Other Options

1. Endorse the Instrument of Sub-Delegation Environment Protection Act from Council to staff as attached.
2. Council could request amendments to the Instrument of Sub-Delegation Environment Protection Act from Council to staff.
3. Council could choose not to delegate positions, however if this were to occur Council would be responsible for making all decisions and acting on all powers, duties and functions as outlined in each relevant section of each piece of legislation. This would not allow for timely decision making, nor effective governance.

Conclusion

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

Recommendation

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

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

Attachments

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

Statutory Reports

1 Statutory Reports

1.1 Informal Meeting of Councillors Records

File No:	**CM21/338**
Division:	**Business Transformation**
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 to be reported at the next practicable Council Meeting and to be recorded in the minutes of that meeting. The purpose of this report is to meet this requirement.

Introduction

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

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

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

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

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

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

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

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

Council Plan 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 Council Meeting.

Recommendation

That the attached Informal Meeting of Councillors Records be received.

Attachments

AT-1	Project Control Group Cowes Cultural & Community Centre 28 June 2021 Informal Meeting of Councillors	1 Page
AT-2	Policy Workshop 30 June 2021 Informal Meeting of Councillors	1 Page
AT-3	Policy Workshop 7 July 2021 Informal Meeting of Councillors	2 Pages
AT-4	Policy Workshop 14 July 2021 morning session Informal Meeting of Councillors	1 Page
AT-5	Coronavirus Update 16 July 2021 Informal Meeting of Councillors	2 Pages
AT-6	Council Meeting Discussion 21 July 2021 Informal Meeting of Councillors	2 Pages
AT-7	Policy Workshop 28 July 2021 Informal Meeting of Councillors record	2 Pages

I.2 Planning and Building Statistics - June 2021

File No:	**CM21/366**
Division:	**Place Making**
Council Plan Strategic Objective:	**Our Character**
	Celebrating the uniqueness of our townships

Summary

PERMITS REFUSED:

Nil.

PERMITS ISSUED:

Island Ward

210013: Development of land for a dwelling in LSIO located at 37 Silverleaves Avenue, Silverleaves.

210064: Removal of native vegetation located at Crown Land, Beach Road, Rhyll.

210068: Removal of native vegetation in VPO2 located at 225 Settlement Road, Cowes.

210078: Removal of vegetation in VPO2 located at 15 Holiday Court, Cowes.

210213: Removal of one tree in the GRZ1 and VPO2 located at 64a Walton Street, Cowes.

Western Port Ward

200374: Use of land to sell and consume liquor located at Shop 4-6/157-159 Marine Parade, San Remo.

200413: Extension to existing dwelling in EMO1 and SLO1 located at 30 Railway Road, Anderson.

210051: Subdivision of land into 2 lots located at 2-4 Wright Street, Corinella.

210097: Storage shed in association with existing funeral parlour and a place of assembly in the FZ and ESO4 located at 3085 Loch-Wonthaggi Road, North Wonthaggi.

210106: Development of an outbuilding in FZ, SLO, EMO located at 46 Clematis Road, Woolamai.

210139: Construction of an inground pool in the SLO and EMO located at 487 Sheepways Road, Krowera.

210140: Extension to existing dwelling in the EMO and SLO located at Lot 1 TP857819 Almurta-Glen Forbes Road, Almurta.

210150: The construction of an outbuilding associated with agriculture in the Farming Zone located at 1826 Bass Highway, Grantville.

210165: Development of land for a dwelling in the HO30 located at 21 Gaudi Boulevard, Corinella.

210192: Buildings and works for outbuilding in association with existing dwelling in FZ located at 9 Llewellyn Close, Corinella.

210212: Building and works in the FZ within 20m from a road located at 160 Hawkins Road, Woolamai.

210223: Additions and alterations to a dwelling in the SLO1 located at 160 Watson Road, Glen Forbes.

Bunurong Ward

200218: Subdivision of land into two lots it GRZ1 located at 51 Wishart Street, Wonthaggi.

200239: Alter a restriction on title and develop a dwelling in the DDO9 located at 16A Surf Parade, Inverloch.

200353: Subdivision of land into 2 lots and removal of native vegetation located at 3 Shandley Street, Wonthaggi.

200438: Subdivision of land into 25 lots located at 48 Meanderri Drive, Inverloch.

210009: Development of land for a dwelling in BMO1 located at 59 Nardoo Street, Cape Paterson.

210066: Development of land for dwelling in DDO9 located at 13 Park Street, Inverloch.

210090: Development of Hothouses in FZ located at 25 Wilsons Road, Cape Paterson.

210148: Development of land for a dwelling in the BMO located at 7 Bennison Way, Inverloch.

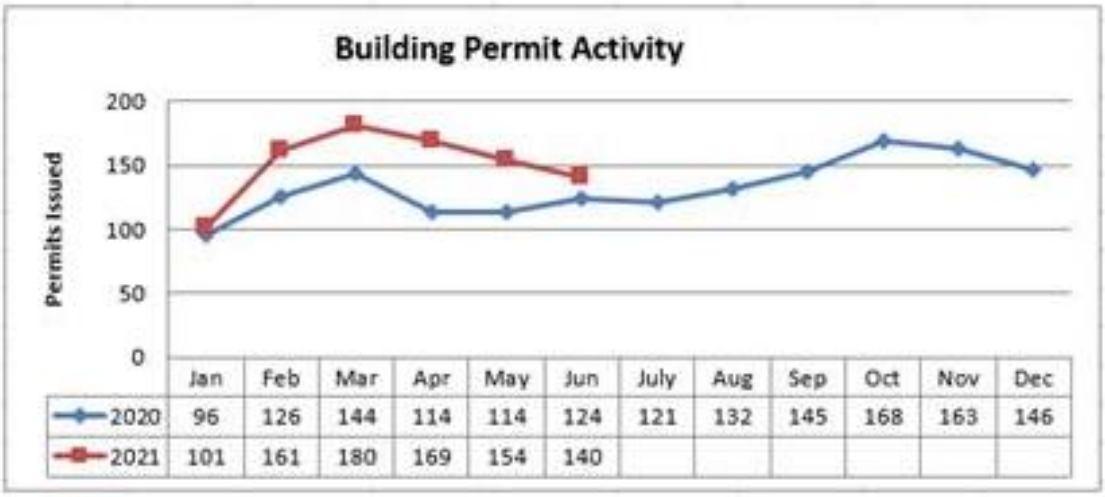
210168: Buildings and works for an ancillary outbuilding to existing dwelling in the HO188 located at 15 Broome Crescent, Wonthaggi.

210170: Buildings and works for an outbuilding in association with existing dwelling in the DDO9 located at 22 Victoria Street, Inverloch.

PLANNING AND BUILDING ACTIVITY REPORT FOR JUNE 2021

Statutory Planning	This month (June)	Last month	Year to date (financial year)
% of applications determined within statutory timeframe	60	58.8	51.3
Average Gross Days (Responsible Authority determination)	126	175	178
(new) Average Gross Days to final outcome	151	148	179
Number of live applications	238	217	-
Number of applications received for the month	53	46	526
Number of Responsible Authority outcomes	34	40	489

Municipal Building Services & Enforcement	This month (June)	Last month	Year to date (financial year)
Essential Safety Measure inspections	0	0	0
Report and Consent applications	23	26	322
Siting consents issued for temporary structures	0	0	2
Complaints received requiring investigation	10	13	159
New building enforcement cases	1	2	16
Number of open building enforcement cases	27	28	n/a
Building permits issued by Council	0	0	0



Planning Enforcement	This month (June)	Last month	Year to date (financial year)
Complaints received requiring investigation	8	9	145
New planning enforcement cases	0	1	8
Open enforcement cases	91	95	-
Pre commencement meetings	0	0	0
Official warnings issued	0	0	0
Number of planning infringement notices issued	0	2	0
Total infringements received ($)	0	0	$1652.20

Recommendation

That Council:

1. **Receives and notes the Planning Permits issued under delegation report for June 2021; and**
2. **Receives and notes the Planning and Building Activity Report for June 2021.**

Attachments

There are no attachments for this report.

I.3 Contracts Award Report

File No: **CM21/412**
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

Contracts Awarded

For the period from 1 June 2021 to 30 June 2021, the following contracts have been awarded under the Chief Executive Officer's Instrument of Delegation.

Contract No.	Description	Contractor	Contract Sum
21015	Environmental Health Services Shared Services	Kernow Environmental Health	$2,187,945.10 incl. GST over a three year term
21019	Annual Supply of Tree Maintenance	ArborCraft Tree Services	Schedule of Rates Contract. Annual tree maintenance budget of $330,000 incl. GST.
21020	Annual Supply of Tree Maintenance	Arborzone	Schedule of Rates Contract. Annual tree maintenance budget of $330,000 incl. GST.
21021	Annual Supply of Tree Maintenance	McFee (Aust) Pty Ltd	Schedule of Rates Contract. Annual tree maintenance budget of $330,000 incl. GST.
21022	Annual Supply of Tree Maintenance	Trimmer Tree	Schedule of Rates Contract. Annual tree maintenance budget of $330,000 incl. GST.

Contracts Extended

For the period from 1 June 2021 to 30 June 2021, the were no contracts extended under the Procurement Delegation Framework.

Recommendation

That Council accepts this report.

Attachments

There are no attachments for this report.

I.4 Councillor Expenses for the Council Term - 9 November 2020 to 30 June 2021

File No:	**CM21/442**
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 *Local Government Act 2020* provides for the Mayor and Councillors to be paid an allowance and be provided with appropriate tools and support to enable them to properly fulfill their roles as Councillors.

Background

The Mayor and Councillors Expense Register includes:

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

Strategic Basis

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

Council Plan 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, 41 and 42 of the *Local Government Act 2020*.
- The provisions of Council Support and Resources Policy.

Finances

Attachment 1 sets out details of Councillor Expenditure for the Council term between the dates 9 November 2020 to 30 June 2021.

Attachment 2 sets out details of all Councillor Expenditure for the 2020/21 financial year. This includes expenditure from both the current and previous Council terms.

Attachment 3 sets out details of Councillor Expenditure for the Council term 4 November 2016 to 24 October 2020. This report was previously provided to Council in the February 2021 Council Meeting. Following the finalisation of the end of financial year, a discrepancy in calculations conducted by officers has been recognised within the Mayors vehicle costs as presented within this report. This has now been rectified.

Councillor Allowances – Correction of Term 2016-2020 Councillor Fleet Expenses		
Mayor Brett Tessari	Previous Disclosure	Amended Disclosure
Fleet Expenses	$ 27,954.17	$ 24,996.08

The 2020/21 Budget allocated funds to cover the Provision of Resources to Councillors and reimbursement of Councillors expenses. Actual expenditure of $68,186 for the 2020/21 financial year on Councillor expenses and resources is within the budget allocation.

Stakeholders

Stakeholders include the ratepayers of the municipality and Council.

Recommendation

That Council:

1. **Receive the report on Councillor Expenditure for the current Council term between 9 November 2020 and 30 June 2021.**
2. **Receive the report on Councillor Expenditure for the financial year ending 30 June 2021.**
3. **Receive the amended report on Councillor Expenditure for the Council term between 4 November 2016 and 24 October 2021.**

Attachments

AT-1	Councillor Expenses Report 9 Nov 2020 to 30 Jun 2021	1 Page
AT-2	Councillor Expenses Report for the year ended 30 Jun 2021	2 Pages
AT-3	Revised Councillor Expenses Report 4 Nov 2016 to 24 Oct 2020	1 Page

J Urgent Business

Mayoral Announcement Of Next Meeting Of Council

The next **Council Meeting** will be held virtually on 15 September 2021 commencing at 5.00pm.

Meeting closed

That the meeting be closed